



AGENDA - Revised
WOODLAND PARK PLANNING COMMISSION
Thursday, February 27, 2025, 6:30 P.M.
Council Chambers – 220 W. South Avenue

Zoom link from the calendar at the bottom of the front page of the City website (www.woodlandpark.gov).

- 1. CALL TO ORDER & ROLL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. WORK SESSION –**
 - A. Review & Discussion of Draft Regulations for Natural Medicine Healing Centers and Businesses
 - B. Review & Discussion of Draft Regulation Concerning Water Availability for Future Development and Expansion of Uses and Impact
- 4. REPORTS**
- 5. ADJOURN**

For more information, please contact the Planning Department 719.687.5202



City of Woodland Park Planning Commission

Work Session: February 27, 2025

AGENDA ITEM 3.B.: An Ordinance of the Woodland Park City Council Amending Title 18 of the City's Municipal Code by Adopting a New Chapter 18.80 Regarding Local Regulation of Natural Medicine and Amending Chapter 18.09.090 Regarding Table of Permitted Uses (Legislative)

BACKGROUND:

Attached for your consideration is the proposed ordinance as specified above. There is also additional detailed information from City Attorney, Betsy Stewart.

City Council had a work session on this topic on January 16, 2025. Planning Commission members are welcome to view that recording. A link to the recording can be found on the City's website or here:

[City Council Work Session | January 16, 2025](#)

At Thursday's work session, the Planning Commission is being asked for revisions (if any) it would like to see is the version of the ordinance that is brought forward for public hearings.

ATTACHMENTS:

Memo regarding natural medicine and healing centers
Draft Ordinance
Map

MEMORANDUM

To: Planning Commission
From: City Attorney's Office – Betsy L. Stewart
Date: 02/20/2025
Re: Planning Commission - Work Session - Local Regulation of Natural Medicine

A. Introduction

This memo contains an overview of the laws and regulations surrounding natural medicine as well as the proposed draft of Woodland Park's Ordinance *Amending Title 18 of the City's Municipal Code by Adopting a New Chapter 18.80 Regarding Local Regulation of Natural Medicine and Amending Chapter 18.09.090 Regarding Table of Permitted Uses*.

B. Historical Background of the Natural Medicine Act

In 2022 Colorado voters adopted Proposition 122 which is now codified as the Natural Medicine Act (NMA) in C.R.S. § 12-170-101, *et seq.* In 2023, the legislature adopted the Natural Medicine Code (Regulatory Act) which sets forth additional guidelines for the use and cultivation of natural medicine in C.R.S. § 44-50-101, *et seq.*¹

In short, Colorado voters determined that natural medicine should be utilized as an additional tool to address mental health issues in the state.² As a result, the purpose of the NMA is to establish a “new, compassionate, and effective approach to natural medicine” by (1) removing criminal penalties for personal use of natural medicine for adults 21 years of age and older; (2) developing and promoting public education regarding the use of natural medicine and appropriate training for first responders; and (3) establishing regulated access by adults 21 years of age and older to natural medicines that show promise in improving well-being, life satisfaction, and overall health.³ The legislature also recognized that the NMA and its regulations must balance the health and safety risks to consumers and the cultural harms it could cause to American tribes and Indigenous and traditional communities with connections to natural medicine.⁴

The Department of Regulatory Agencies (DORA) issued licensure and training regulations for natural medicine facilitators.⁵ Meanwhile, the Colorado Department of Revenue's (DOR) regulations address all regulated natural medicine and natural medicine product businesses for the purposes of the cultivation, manufacturing, testing, storage, distribution, transport, transfer, dispensation, and fees.⁶

¹ See <https://www.cpr.org/2023/06/21/colorado-psychedelic-law-for-psilocybin-mushrooms/> for a Colorado Public Radio News Article re: the historical background of Proposition 122.

² C.R.S. § 12-170-102(1).

³ C.R.S. § 12-170-102(1)(j).

⁴ C.R.S. § 12-170-102(2)(d).

⁵ 4 CCR 755-1.

⁶ 1 CCR 213-1.

C. Analysis of the NMA, the Regulatory Act, and Regulations

1. What is natural medicine?

The term “natural medicine” currently applies to the hallucinogenic compounds of psilocybin and psilocin found in psychedelic mushrooms.⁷

2. How can natural medicine be used?

a. Personal Cultivation and Personal Possession

Personal cultivation of natural medicine is permitted on private property in an enclosed and locked space in an area of no more than 12 x 12 feet. Such cultivation area can be non-contiguous, i.e. in one 12 x 12 plot or twelve 1 x 1 plots, etc. Municipalities are permitted to exceed the space limitation by ordinance or resolution.

Unlike the state’s personal possession limit of 2 ounces for marijuana, there is no limit on personal possession of natural medicine in the state for adults 21 years of age and older (21+). 21+ adults can share natural medicine with other 21+ adults in the context of counseling, spiritual guidance, community based use, supported use, or related services so long as no remuneration is received except in bona fide harm reduction or support services used concurrently with sharing. It is important to note that the open and public display or consumption is prohibited as is the unlawful distribution and possession of natural medicine by or to individuals under the age of 21.⁸

b. Natural Medicine Healing Centers

A Natural Medicine Healing Center is a state licensed facility in which a facilitator can provide and supervise natural medicine services to a participant. Participants must be 21+ to receive natural medicine services by and under a facilitator’s services and a facilitator is a 21+ licensed individual with necessary qualifications, training, experience, and knowledge required by law to perform and supervise natural medicine services for a participant.⁹ The administration of natural medicine in a Healing Center consists of the following three phases:

- A “preparation session” meeting between a participant and facilitator that occurs before an administration session;
- An “administration session” at a healing center or other permitted location where a participant consumes and experiences the effects of regulated natural medicine under the supervision of a facilitator; and
- An “integration session” between a participant and a facilitator after the administration session is completed.

⁷ C.R.S. § 12-170-104(12)(a)(I)-(II). However, C.R.S. §§ 12-170-104(12)(b)(I)-(III) and (d) permit the state licensing authority to extend this definition to include dimethyltryptamine (DMT) and mescaline (excluding peyote) on or after June 1, 2026 and ibogaine at any time.

⁸ See C.R.S. § 18-18-434 regarding *Offenses relating to natural medicine and natural medicine products*.

⁹ C.R.S. §§ 12-170-104 and 44-50-103 and 4 CCR 755-1-1.4

DORA's regulations establish time frames that a participant must remain in an administration session under a facilitator's care based on dosage administered as a way to prevent impaired driving.¹⁰ Natural medicine product is not permitted to leave a licensed Healing Center except in narrow circumstances when a facilitator is traveling to another location for an administrative session and any unconsumed product must be returned to a Natural Medicine business.¹¹ Finally, as a general rule, Healing Centers must be at least 1,000 feet from a child care center, preschool, elementary, middle, junior, or high school, or a residential child care facility.¹²

3. What does the NMA mean for municipalities?

a. What is prohibited?

The most controversial aspect of the NMA is that, unlike marijuana, a municipality **cannot prohibit** a properly licensed facilitator from providing natural medicine services in a Healing Center within the boundaries of Woodland Park.¹³ Likewise, the City **cannot prohibit** the establishment or operation of a natural medicine business with the purpose of cultivating, manufacturing, testing, storing, distributing, transporting, transferring, or dispensing regulated natural medicine within its boundaries.¹⁴ Furthermore, the City **cannot prohibit** the transportation of natural medicine or natural medicine product within its boundaries on public roads by a person licensed to exercise such privileges nor can it adopt ordinances or regulations that are unreasonable or conflict with the NMA or the Regulatory Act.¹⁵ However, it is important to note that state laws and regulations do not allow natural medicine dispensaries where an individual can purchase natural medicine over the counter (as they can do with recreational marijuana in a marijuana dispensary) and take it home for personal use.

b. What is permitted?

The City may enact ordinances or regulations governing the time, place, and manner of the operation of natural medicine related licenses within its boundaries.¹⁶ Practically speaking, this means the City can restrict hours of operation, enact zoning ordinances to locate the area where cultivation, manufacturing, testing, storage, distribution, transfer, and dispensation of natural medicine and natural medicine product occurs, and set distance requirements within the vicinity of a child care center, preschool, elementary, middle, junior, or high school, and a residential child care facility.

¹⁰ 4 CCR 755-1 § 6.17(F).

¹¹ 4 CCR 755-1 § 6.18.

¹² 1 CCR 213-1 § 2125(A)(2).

¹³ C.R.S. § 12-170-112; C.R.S. § 44-50-104(5)(b).

¹⁴ C.R.S. § 44-50-104(1) and (5).

¹⁵ C.R.S. § 44-50-104(5)(c)-(d).

¹⁶ C.R.S. § 44-50-104(5)(a); C.R.S. § 12-170-112; 4 CCR 755-1; 1 CCR 213-1.

c. State Licensure Timeline and Notification to Municipalities

The DOR was required to begin accepting licensure applications no later than 12/31/2024 and anticipated that it would begin issuing licenses in February or March of 2025 with operations beginning in April or May of 2025. The DOR intends to notify a municipality when it receives a licensure application in its jurisdiction in order to ensure that the license application conforms with locally enacted ordinances regarding natural medicine. Meanwhile, DORA's applications for facilitator licenses became available at the end of 2024.

d. What are the effects of decriminalization?

Natural medicine actions and conduct permitted pursuant to a license, registration, permit, or certificate, or those who allow property to be used for such items, are lawful and not an offense under state or local law. Also, as stated in more detail above, personal cultivation and possession for adults 21+ is now legal in Colorado, subject to a few restriction.

Chief Deisler and the Woodland Park Police Department are aware and well-informed regarding these laws and the manner in which they may enforcement C.R.S. § 18-18-434. It is clear that local law enforcement has the authority to make arrests or issue citations within the parameters of this statute.

4. What can the City do?

As stated above, the City can implement time, place, and manner restrictions in the form of ordinances that do not conflict with state law or regulations in its Municipal Code. I attached the current draft Ordinance *Amending Title 18 of the City's Municipal Code by Adopting a New Chapter 18.80 Regarding Local Regulation of Natural Medicine and Amending Chapter 18.09.090 Regarding Table of Permitted Uses* that was prepared following guidance from City Council.

CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. ____
(Series 2025)

AN ORDINANCE OF THE WOODLAND PARK CITY COUNCIL
AMENDING TITLE 18 OF THE CITY’S MUNICIPAL CODE BY
ADOPTING A NEW CHAPTER 18.80 REGARDING
LOCAL REGULATION OF NATURAL MEDICINE AND
AMENDING CHAPTER 18.09.090 REGARDING TABLE OF PERMITTED USES

WHEREAS, the City of Woodland Park, Colorado (City) is duly organized and validly exists as a Home Rule City under Article XX, Section 6 of the Colorado Constitution and the City Charter; and

WHEREAS, pursuant to Section 7.2 of the City Charter, the City Council (Council) shall act by ordinance, resolution, or motion and all legislative enactments of a permanent nature shall be in the form of ordinances; and

WHEREAS, pursuant to the City Charter and C.R.S. § 31-16-101, *et seq.* Council has the authority to adopt and enforce all ordinances and enact laws to govern and regulate the use of land within its territory; and

WHEREAS, pursuant to C.R.S. § 31-23-301, *et seq.* the Council has authority to adopt and enforce zoning regulations; and

WHEREAS, Colorado voters adopted citizen initiated Proposition 122 which amended Title 12 of the Colorado Revised Statutes to include Article 170, which is titled the “Natural Medicine Health Act of 2022” (NMHA); and

WHEREAS, the Colorado Natural Medicine Code (Regulatory Act), codified in C.R.S. §§ 44-50-101 through 904 authorizes Council to enact ordinances regulating the time, place, and manner of the operation of licenses issued pursuant to the Regulatory Act; and

WHEREAS, C.R.S. §§ 12-170-115 and 44-50-104 establish that the City shall not adopt, enact, or enforce any ordinance, rule, regulation, or resolution that is otherwise in conflict with the provisions of the NMHA or the Regulatory Act.; and

WHEREAS, C.R.S. §§ 12-170-104(8) and 44-50-103(6) define “healing center” as a facility licensed by the state licensing authority that permits a facilitator to provide and supervise natural medicine services for a participant; and

WHEREAS, C.R.S. § 44-50-103(14) defines “natural medicine business” as “a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, a natural medicine testing facility, or another licensed entity created by the state licensing authority;” and

WHEREAS, the Regulatory Act authorizes Council to enact zoning ordinances identifying the area where cultivation, manufacturing, testing, storage, distribution, transfer, and dispensation of natural medicine and natural medicine product as defined by the Regulatory Act may be permitted in the City; and

WHEREAS, the Regulatory Act authorizes Council to enact ordinances to establish the distance restrictions for buildings where natural medicine services are provided within the vicinity of a child care center, preschool, elementary school, middle school, junior high school, or high school, and a residential child care facility; and

WHEREAS, the City's Municipal Code (Code) contains land use and development standards enacted to protect the health, safety, and welfare of residents of the City; and

WHEREAS, under the City's current land use and development standards, the operation of natural medicine healing centers and natural medicine businesses are not permitted land uses and the City has not approved any such land use; and

WHEREAS, the City does not currently have any zoning regulations addressing natural medicine healing centers and natural medicine businesses; and

WHEREAS, Title 18 of the City's Municipal Code addresses zoning regulations and Council finds it is appropriate to implement amendments to Title 18 through the addition of Chapter 18.80, which shall be titled Local Regulation of Natural Medicine; and

WHEREAS, the Council finds that it is in the best interest of the health, safety, and welfare of the City and its residents to adopt Chapter 18.80 for incorporation in the City's Municipal Code; and

WHEREAS, on December 7, 2024, Council adopted Ordinance No.1484, Series 2024, *An Ordinance of the Woodland Park City Council Imposing a Temporary Moratorium on the Submission, Acceptance, Processing, and Approval of Applications for the Establishment of a Business that Cultivates, Processes, or Dispenses Natural Medicine and the Establishment of any Business, Occupation, or Operation for Healing Centers* ("Temporary Moratorium"); and

WHEREAS, Section 2(b) of the Temporary Moratorium established that it shall terminate on the 7th day of May, 2025 unless terminated at an earlier date or extended by further Ordinance by the Woodland Park City Council and the Temporary Moratorium shall expire upon the effective date of the adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations, and findings by City Council.

Section 2. The Woodland Park Municipal Code is hereby amended by adopting a new Chapter 18.80 titled Local Regulation of Natural Medicine within Title 18 concerning Zoning to read in its entirety as follows:

CHAPTER 18.80 – LOCAL REGULATION OF NATURAL MEDICINE

18.80.010 Definitions.

For purposes of this Chapter, the following words, terms, and phrases shall have the following meanings:

- (a) *Natural Medicine* means psilocybin or psilocyn and other substances described in the Regulatory Act as "natural medicine."
- (b) *Natural Medicine Business* means any of the following entities licensed under the Regulatory Act and includes a natural medicine healing center, a natural medicine cultivation facility, a natural medicine products manufacturer, or a natural medicine testing facility, or another licensed entity created by the state licensing authority.
- (c) *Natural medicine healing center* means a facility where an entity is licensed by the state licensing authority that permits a facilitator as defined by the Regulatory Act, to provide and supervise natural medicine services for a participant as defined by the Regulatory Act, which includes a participant consuming and experiencing the effects of regulated natural medicine or regulated natural medicine product under the supervision of a facilitator.
- (d) *Natural medicine product* means a product infused with natural medicine that is intended for consumption, as provided by the Regulatory Act.
- (e) *Natural medicine services* mean a preparation session, administrative session, and integration session, as provided by the Regulatory Act.
- (f) *Participant* means an individual who is twenty-one (21) years of age or older who receives natural medicine services prescribed by and under the supervision of a facilitator, as provided by the Regulatory Act.
- (g) *Regulated natural medicine* means natural medicine that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.
- (h) *Regulated natural medicine product* means a natural medicine product that is cultivated, manufactured, tested, stored, distributed, transported, or dispensed, as provided by the Regulatory Act.
- (i) *Regulatory Act* means the Colorado Natural Medicine Code codified in Colorado Revised Statutes.

- (j) *State licensing authority* means the authority created under the Regulatory Act for the purpose of regulating and controlling the licensing of the cultivation, manufacturing, testing, storing, distribution, transfer, and dispensation of regulated natural medicine and regulated natural medicine product, as provided by the Regulatory Act.

18.80.020 Permitted location for natural medicine healing centers.

Natural medicine healing centers are a use permitted by right in the Community Commercial District (CC), the Service Commercial District (SC), and the Neighborhood Commercial District (NC) subject to the distance, time, manner, and place requirements contained in this Chapter 18.80. Natural medicine healing centers are prohibited in all other zoning districts in the City, including the PD-Planned Development District.

18.80.030 Permitted location for natural medicine businesses.

Natural medicine businesses - other than natural medicine healing centers - including, but not limited to, cultivation facilities, natural medicine products manufacturers, natural medicine testing facilities, and other licensed natural medicine business entities created by the state licensing authority are uses permitted by right in the Heavy Service Commercial Light Industrial District (HSC/LI) subject to the distance, time, manner, and place requirements contained in this Chapter 18.80. Such natural medicine businesses are prohibited in all other zoning districts of the City, including the PD-Planned Development District.

18.80.040 Distance from schools.

- (a) No natural medicine healing center or natural medicine business shall operate out of a building that is within one thousand (1,000) feet of a child care center, preschool, elementary, middle, junior, or high school, or a residential child care facility (collectively “school”).
- (b) Subsection (a) does not apply to a licensed facility located on land owned by the City or the state of Colorado or apply to a licensed facility that was actively doing business under a valid license issued by the state licensing authority before the school was constructed.
- (c) The distances referred to in this Section shall be computed by direct measurement from the nearest property line of the land used for a school to the nearest portion of the building in which the natural medicine healing center or natural medicine business exists or services are provided using a route of direct pedestrian access.

18.80.050 Hours of operation – Natural Medicine Services.

Natural medicine healing centers and natural medicine businesses that provide natural medicine services shall only operate between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

18.80.060 Public view of natural medicine businesses and natural medicine services.

All doorways, windows, and other openings of natural medicine business buildings shall be located, covered, or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area, subject to applicable City design standards. All activities of natural medicine businesses and natural medicine services shall occur indoors.

18.80.070 Lighting of natural medicine businesses.

Primary entrances, parking lots, and exterior walkways of natural medicine businesses shall be clearly illuminated with downward facing security lights to provide after-dark visibility for facilitators, participants, and employees, subject to all applicable City lighting standards.

18.80.080 Storage of natural medicine businesses.

All storage for natural medicine businesses shall be located within a permanent building and may not be located within a trailer, tent, or motor vehicle.

18.80.090 Odor from natural medicine businesses.

Natural medicine businesses shall use an air filtration and ventilation system designed to ensure that the odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located.

18.80.100 Natural medicine businesses secure disposal.

Natural medicine businesses shall provide secure disposal of natural medicine and natural medicine product remnants or by-products. Natural medicine and natural medicine product remnants or by-products shall not be placed within the facilities' exterior refuse container.

18.80.110 Processing of natural medicine.

- (a) The processing of natural medicine that includes the use of hazardous materials, including, without limitation, and by way of example, flammable and combustible liquids, carbon dioxide, and liquified petroleum gases, such as butane, is prohibited.
- (b) Nonhazardous materials used to process natural medicine shall be stored in a manner so as to mitigate and ensure odors are not detectable beyond the property boundaries on which the processing facility is located or the exterior walls of the processing facility associated with the processing of natural medicine.
- (c) The processing of natural medicine shall meet the requirements of all adopted City building and life/safety codes.
- (d) The processing of natural medicine shall meet all of the requirements of all adopted water and sewer regulations promulgated by the applicable water and sewer provider.

18.80.120 Nuisance.

(a) It is unlawful and deemed a nuisance to:

- (1) Operate a natural medicine business in violation of any of the requirements set forth in state law or regulation or this Chapter 18.80.
- (2) Dispose of, discharge out of or from, or permit to flow from any facility associated with natural medicine any foul or noxious liquid or substance of any kind whatsoever including, without limitation, by-products of the natural medicine process into or upon any adjacent ground or lot, into any street, alley, or public place or into any municipal storm sewer and/or system in the City.

(b) Any such violation of this Chapter is punished by a fine or imprisonment or both pursuant to Section 1.12.110 of the Woodland Park Municipal Code.

Section 3. Section 18.09.090 of the Woodland Park Municipal Code contains the table of permitted uses for businesses, industrial, and residential districts and is hereby amended to read as follows:

[illegible]

Section 4. Termination of Temporary Moratorium. Ordinance No. 1484, Series 2024, titled *An Ordinance of the Woodland Park City Council Imposing a Temporary Moratorium on the Submission, Acceptance, Processing, and Approval of Applications for the Establishment of a Business that Cultivates, Processes, or Dispenses Natural Medicine and the Establishment of any Business, Occupation, or Operation for Healing Centers* shall terminate upon the effective date of this Ordinance.

Section 5. Severability. The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause, or portion of the Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect upon its publication as required by law.

**PASSED BY CITY COUNIL ON SECOND AND FINAL READING FOLLOWING
PUBLIC HEARING THIS -- DAY OF -----, 2025.**

City of Woodland Park

Mayor Kellie Case

ATTEST:

City Clerk, Suzanne Leclercq

CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. _____, SERIES 2025

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK, COLORADO AMENDING TITLE 17 AND TITLE 18 OF THE WOODLAND PARK MUNICIPAL CODE, CONCERNING SUBDIVISIONS AND ZONING, TO ADDRESS WATER AVAILABILITY NECESSARY FOR FUTURE DEVELOPMENT AND EXPANSION OF USES AND IMPACT

WHEREAS, the City of Woodland Park, Colorado (the “City”) has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter; and

WHEREAS, pursuant to Section 7.2 of the City Charter, the City Council (“Council”) shall act by ordinance, resolution, or motion and all legislative enactments of a permanent nature shall be in the form of ordinances; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. § 31-23-301 the City also possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, pursuant to such authority, the City has previously adopted certain regulations within Title 17 and Title 18, concerning zoning, of the Woodland Park Municipal Code (“Code”); and

WHEREAS, City staff, consultants and the City’s Utilities Director have researched, analyzed, and studied the current water resources within Woodland Park, as well as the future needs and anticipated development of the community, which is resulting in the adoption of several plans and recommended processes; and

WHEREAS, as a result of this work, due to increasing demands on the City’s water supply, and to ensure that water rights will meet existing and anticipated water service obligations, the City finds it is necessary for the health, safety, and welfare of its citizens to adopt certain water availability requirements throughout the development process to ensure sufficient and adequate water supply to appropriately service the needs of future developments and expansions of uses and impact within the City; and

WHEREAS, in order to protect integrity and character of the City while ensuring the sustainability of future commerce and development, the Council finds and determines it is necessary to amend certain provisions of Title 17 and Title 18 of the Code to adopt such water requirements and to ensure sufficient and adequate water supply to service the needs of future developments and expansions in use and impact within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK, COLORADO as follows:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations and findings by the City Council.

Section 2. Section 17.04.050 of the Woodland Park Municipal Code, regarding approval requirements, within Chapter 17.04 regarding general subdivision provisions, is hereby amended to read as follows:

17.04.050 – Approval Requirements.

- A. Whoever divides, or participates in the combining or division of lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or building development, whether residential, commercial, industrial, or any other use shall make the transaction subject to the provisions of these regulations and a plat therefore must be submitted to and approved by the city with such approval entered in writing on the plat and signed by the mayor and attested by the city clerk.
- B. No building shall be erected on any lot, nor shall a building permit be issued for a building unless the street giving access to the lot upon which such building is proposed to be placed shall have been dedicated and approved by the city as a part of an official subdivision.
- C. **No building shall be erected on any lot, nor shall a building permit be issued for a building unless the owner has established, to approval and acceptance of the City Utility Director or their designee, that connection and availability of water exists, sufficient to service the needs of the intended uses and structures of such lot(s).**

Section 3. Section 17.20.080 of the Woodland Park Municipal Code, regarding Supplemental material, within Chapter 17.20 regarding preliminary plat, is hereby amended by the addition of new subsection A.10 as follows:

17.20.080 – Supplemental material.

The preliminary plat shall be accompanied by the following supplemental material:

- A. A letter of intent addressed to the city council and planning commission containing the following:

...

10. Detailed, verifiable and authenticated documentation of the availability to connect to water sufficient and adequate to service the needs of the proposed lots, uses and structures.

Section 4. Section 17.24.090 of the Woodland Park Municipal Code, regarding Supplemental material, within Chapter 17.24 regarding final plat, is hereby amended by the addition of a new subsection C to read as follows:

17.24.090 – Supplemental material.

The final plat shall be accompanied by the following supplemental material:

...

C. The final plat application for both a Major Subdivision and a Minor Subdivision

must include a detailed, verifiable and authenticated documentation of the availability to connect to water sufficient and adequate to service the needs of the proposed lots, uses and structures.

Section 5. Section 17.36.045 of the Woodland Park Municipal Code, regarding zone changes and conditional use permits which increase density, within Chapter 17.36 regarding subdivision dedications, is hereby amended to read as follows:

17.36.045 – Zone changes and conditional use permits which increase density.

Every parcel of land for which the owner applies and receives a change in either a zoning classification or a conditional use permit which results in increased density as a result of subdivision or site plan approval shall pay to the city clerk upon the granting of such rezoning, site plan or conditional use permit a park capital fee established per resolution per increased residential dwelling unit. Increased residential dwelling unit shall mean the increased number of residential dwelling units authorized for the parcel of land solely because of the change in zoning classification or the granting of the conditional use permit as compared to the number previously authorized. Any park capital fee paid pursuant to this section shall be credited toward any requirements of Sections 17.36.020, and conversely any land dedication, or park fees paid pursuant to the said sections shall be credited toward the requirements of this section. **Such change in either a zoning classification or a conditional use permit which results in increased density shall also trigger the water connection and availability requirements of Section 17.04.050 and 18.72.021.**

Section 6. A new section 18.09.085 of the Woodland Park Municipal Code, entitled Zone change or modification, within Chapter 18.09 – Districts established, is hereby adopted to read as follows:

18.09.085 – Zone change or modification.

Change in a zoning classification which results in increased density shall not be approved unless the owner (applicant/developer) has established, to the approval and acceptance of the City Utility Director or their designee, that connection and availability of water exists, sufficient to service the needs of the intended uses and structures of such lot(s).

Section 7. Section 18.30.030 of the Woodland Park Municipal Code, regarding requirements for approval, within Chapter 18.30 regarding Planned Unit Development (PUD) District, is hereby amended to read as follows:

18.30.030 – Requirements for approval.

A planned unit development district shall be approved only on a tract of land proposed to be developed under the PUD concept and may be approved by the planning commission; provided, that **the proponents have established, to approval and acceptance of the City Utility Director or their designee, that connection and availability of water exists, sufficient to service the needs of the proposed uses and structures, and that** one or more of the following conditions exist:

A. Because of unusual physical features of the property itself or of the neighborhood in which it is located, a substantial deviation from the regulations otherwise applicable is necessary

or appropriate in order to conserve a physical or topographic feature of importance to the city;

B. The property or its neighborhood has an historical character or economic or cultural importance to the community that will be protected by use of a PUD;

C. The property is adjacent to or across a street from property which has been developed or redeveloped under a PUD and it is determined that a PUD will contribute to the maintenance of the amenities and values of the neighboring property;

D. The design of the PUD illustrates a unique urban design concept that properly relates to adjoining properties;

E. Planned business development proposal shall meet one or more of the above conditions, in addition to the following:

1. That the planned business development shall maintain or enhance the environmental integrity of the city and the vicinity in which it is to be located,

2. That the planned business development shall be determined to be compatible with vicinity existing and proposed uses,

3. That the planned business development shall provide identified economic development opportunities, while successfully mitigating impacts.

Section 8. Section 18.30.040 of the Woodland Park Municipal Code, regarding preliminary development plan, within Chapter 18.30 regarding Planned Unit Development (PUD) District, is hereby amended to read as follows:

18.30.040 - Application—Preliminary development plan.

The proponents of a planned unit development district shall make written application in accordance with the provisions of this chapter to the planning commission for the rezoning of property for a planned unit development district. The request of a PUD zone change shall be accompanied by a preliminary development plan and a detailed statement of the type of development proposed for the property in question, said statement to include but not to be limited to the following:

A. The character of the residential development proposed, to include the type of dwelling units, approximate dwelling unit density per tract, general height of buildings, building lot coverage, etc;

B. The type of open space and recreational facilities proposed;

C. A statement as to whether or not a homeowners association is intended;

D. Nonresidential uses proposed; detailed description of said use must be included in the statement;

E. For planned business developments: a detailed description of proposed uses, the proposed character of the development, the approximate number of buildings, the extent of parking, a statement of compatibility with vicinity existing and proposed uses, and proposed methods to mitigate impacts.

F. Detailed, verifiable and authenticated documentation of the availability to connect to water sufficient and adequate to service the needs of the proposed uses and structures.

Section 9. Section 18.30.140 of the Woodland Park Municipal Code, regarding plan changes, within Chapter 18.30 regarding Planned Unit Development (PUD) District, is hereby amended to read as follows:

18.30.140 – Plan changes.

No changes in a plan for a PUD shall be made, nor shall there be any deviation from the plan, without first obtaining approval as follows:

A. Changes in general character or land use shall require approval of the planning commission and such approval may be granted only after a publication of notice of public hearing, and after the public hearing has been conducted as advertised.

B. Changes in location of buildings, structures, or exceeding ten feet in lineal distance or changes in the angle of location exceeding fifteen degrees shall require approval of the planning commission to be granted at any regular or special meeting for which the item in question has first appeared on the published agenda for the meeting.

C. Changes in location not exceeding ten feet or changes in angle of location not exceeding fifteen degrees may be approved or denied by the city manager. A denial of change may be appealed to the planning commission. The city manager may refer any change to the planning commission for decision, if he deems it in the best interest of the city; provided, that all changes granted by the city manager shall be reported in writing to the planning commission within fifteen days of the decision rendered by the city manager.

D. Changes in general character or land use shall require approval of the City Utility Director or their designee, that connection and availability of water exists, sufficient to service the needs of the intended uses and structures of such lot(s).

Section 10. A new section 18.72.021 of the Woodland Park Municipal Code, entitled Zoning development permit – Water availability, within Chapter 18.72 – Administration and Permit Issuance, is hereby adopted to read as follows:

18.72.021 – Zoning development permit – Water availability.

A. No building shall be erected on any lot, nor shall a building permit be issued for a building unless the owner has established, to approval and acceptance of the City Utility Director or their designee, that connection and availability of water exists, sufficient to service the needs of the intended uses and structures of such lot(s).

B. Change in either a zoning classification or a conditional use permit which results in increased density shall trigger the water connection and availability requirements of Section 18.72.021.A.

Section 11. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 12. *Effective Date.* This Ordinance shall be in full force and effect from and after its publication as required.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS ____ DAY OF _____, 2025.

City of Woodland Park

Kellie Case, Mayor

ATTEST:

City Clerk, Suzanne Leclercq



City of Woodland Park Planning Commission

Work Session: February 27, 2025

AGENDA ITEM 3.B.: An Ordinance of the City Council for the City Of Woodland Park, Colorado Amending Title 17 and Title 18 of the Woodland Park Municipal Code, Concerning Subdivisions and Zoning, to Address Water Availability Necessary for Future Development and Expansion of Uses and Impact (Legislative)

BACKGROUND:

The attached draft ordinance was reviewed and recommended by the City's Utility Advisory Committee, the purpose of which is ensure water availability is a factor/criteria/requirement for certain land use applications which propose new development or expand a use or impact.

Within the current Code, there is already language within the Site Plan, Conditional Use Permit, and Special Use Permit sections that includes water supply as a review criteria. The proposal is to keep that language in its current form:

*"The proposed development shall be designed, constructed, and **maintained with adequate water supply, wastewater disposal, solid waste disposal, air quality protection methods, and surface water drainage.**"*

These sections do not appear in the attached ordinance since no changes are proposed. The specific code sections where this language can be found are:

Chapter 18.34 – Site Plan, (18.34.070 E.)

Chapter 18.57 – Conditional Use Permits, (18.57.040 B.9.)

Chapter 18.61 – Special Use Permits, (18.61.040 I.)

The attached ordinance proposes amendments to sections:

- **17.04.050 – Approval requirements** (part of Subdivision General Provisions). **Add subsection C.**
- **17.20.080 – Supplemental material** (part of Subdivision Preliminary Plat). **Add subsection A.10.**
- **17.24.090 – Supplemental material** (part of Subdivision Final Plat). **Add subsection C.**
- **17.36.045 – Zone changes and conditional use permits which increase density** (part of Subdivision Dedications). **Add sentence at end of section.** *Side note: This code section was originally drafted as part of establishing park capital fees.*
- **18.30.030 – Requirements for approval** (part of Planned Unit Development District). **Additions at the end of the first paragraph.**
- **18.30.040 – Application – Preliminary development Plan** (part of Planned Unit Development District). **Add subsection F.**
- **18.30.140 – Plan changes** (part of Planned Unit Development District). **Add subsection D.**

And it proposes the following new sections:

- **18.09.085 – Zone change or modification**
- **18.72.021 – Zoning development permit – Water availability**

At Thursday's work session, the Planning Commission is being asked for revisions (if any) it would like to see is the version of the ordinance that is brought forward for public hearings.

ATTACHMENT:

Draft Ordinance