

9. Access. Legal access shall be established for the operation pursuant to Section 4-620.9. Where required, an access permit may be necessary for the proposed operation. Road Impact Fees may apply pursuant to Section 4-710. A plan for employees accessing the property and delivery of any materials onto the property must be included, including maximum number of deliveries allowed per month, time of deliveries, and vehicles making such deliveries to the subject property.

10. Performance Standards. The landscaping storage yard shall comply with Article 4, Division 4-5, Commercial and Industrial Performance Standards of these land use regulations and shall not operate in such a manner as to create a public nuisance. Hours of operation shall be restricted to daylight only, and may be further restricted if necessary. Vehicles equipped with backup alarms shall incorporate new technology backup alarm systems.

11. Special Use Permit Renewal Process. The Special Use Permit for landscape storage yard shall be valid for a period of five years after its issuance. The Director of Community Development shall review the Special Use upon request by the applicant. If conformance with the above-referenced performance standards is demonstrated, the Special Use may be renewed for a period of five years.

Ff. Marijuana Cultivation, Manufacturing or Testing (orig. 12/31/13)

1. Separation Requirements. Marijuana cultivation, manufacturing or testing in the Resource, Resource Limited and Agricultural Residential zone districts shall meet the following separation requirements at time of their establishment:

a. Marijuana cultivation, manufacturing or testing are prohibited from locating within 200 feet of:

- (1) Any residence located on adjacent properties, but excluding residential units that are located within the subject property;
- (2) Any drug or alcohol rehabilitation facility;
- (3) Any public community center or publicly owned or maintained building or facility open for use to the general public;
- (4) Any public school or private school;
- (5) Any public park, playground, boat ramp, or other similar recreational amenity open to the public; or
- (6) Any licensed child care facility.

b. The 200 foot separation is measured in a direct line between the closest point of the agricultural building or customary accessory agricultural building within which the marijuana cultivation, manufacturing or testing use is located, and the closest point on the lot or parcel of land upon which any of the above itemized uses are located.

In the instance where 50% or more of a freestanding agricultural building or customary accessory agricultural building is located outside of the 200 foot separation area then the entire building shall be deemed compliant with the 200 foot separation requirement.

c. Marijuana cultivation, manufacturing or testing shall not be allowed as a home occupation or

home business as defined within Chapter 2, Article 2, Definitions of these Land Use Regulations.

d. A marijuana cultivation, manufacturing or testing use lawfully operating is not rendered in violation of these Land Use Regulations by the subsequent location of any sensitive use as delineated in Section 3-310.I.a., above.

2. Minimum Lot Size. Each lot proposed for use in the cultivation, manufacturing or testing of marijuana products shall contain the minimum acreage required for the zone district in which the use is proposed.

3. Parking and Storage. Any application for marijuana cultivation, manufacturing or testing shall include demonstration of adequate parking for employees working from the site. Employee parking shall be effectively screened. One parking space shall be required for each employee unless the applicant successfully demonstrates that shared parking and/or other parking mitigation measures are appropriate for the site and proposed use(s). Any heavy equipment, work vehicles, or machinery stored on the property may require demonstrated storage space inside a garage, shed, or other enclosure. Additional parking may be required and shall be addressed within the special use permit on a case-by-case basis at the discretion of the Planning Director.

4. Signs and Illumination. No signs advertising the special use shall be permitted on the property. Residential property identification signs shall comply with the provisions of Division 4-3, Sign Regulations, Eagle County Land Use Regulations.

5. Sales. Retail sales of supplies, services, or products shall not be permitted on the premises.

6. Visual Screening. A fencing and/or landscaping plan may be required depending on the proximity of the proposed cultivation, manufacturing or testing uses to neighboring properties or public rights of way. Such plan shall demonstrate adequate visual screening of outdoor storage areas, cultivation, manufacturing or testing operations, from adjacent properties, applicable view corridors, and/or public roads and rights of way.

7. Scale. The use and layout of the subject property shall be at a scale that retains a rural character of the immediate vicinity, and which maximizes open space on the subject property. This shall be clearly reflected in the amount and size of structures proposed on the subject property, as well as the number of employees accessing the property.

8. Adequate Water. Demonstration that the subject property and use(s) proposed will be provided legal, physical, adequate and dependable water shall be provided at the time of application.

9. Wildfire Hazard. In applicable wildfire hazard areas, building materials and plans, storage of materials, and/or landscaping plans shall be in compliance with Section 4-430 Development in Areas Subject to Wildfire Hazard Areas.

10. Access. Legal access shall be established for the cultivation, manufacturing or testing operation pursuant to Section 4-620.9. Where required, an access permit may be necessary for the proposed special use(s). Road Impact Fees may apply pursuant to Section 4-710. A plan for employees accessing the property and delivery of any materials onto the property must be included, including maximum number of

deliveries allowed per month, time of deliveries, and vehicles making such deliveries to the subject property.

11. Odor Mitigation Plan. The applicant shall demonstrate compliance with Eagle County Marijuana Business license, as may be amended from time to time. Specifically, the applicant may be required to provide an Odor Mitigation Plan and/or report detailing the effective mitigation of any odors of the proposed use(s) or the mitigation and rectification of any past odors reported from cultivation, manufacturing or testing activities on the subject property. Such report shall include proof that the design for the purification of air and odor shall have been either prepared or approved by a professional licensed mechanical engineer to the standards contained in the Local Regulations requiring proper ventilation systems so that odors are filtered and do not materially interfere with adjoining properties.

12. Security. The special use permit shall comply with any and all applicable State rules and regulations for on-site security.

Gg. Telecommunication Facilities

1. These regulations implement Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 [“Spectrum Act”], as interpreted by the Federal Communications Commission’s [“FCC” or “Commission”] Acceleration of Broadband Deployment Report & Order, adopted October 17, 2014, which requires a state or local government to approve any Eligible Facilities Request for a modification of an existing Tower or Base Station that does not substantially change the physical dimensions of such Tower or Base Station.

2. Definitions unique to Telecommunication Facilities:

Base Station. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base Station includes, without limitation:

- a. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration [including Distributed Antenna Systems [“DAS”] and small-cell networks].
- c. Any structure other than a tower that, at the time the relevant application is filed with Eagle County under this section, supports or houses equipment described in G.2.a and b, above, that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.

Collocation. The mounting or installation of Transmission Equipment on an Eligible Support Structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Eligible Facilities Request. Any request for modification of an Existing Tower or Base Station that does not Substantially Change the physical dimensions of such Tower or Base Station, involving:

- a. Collocation of new Transmission Equipment;