

RESOLUTION 2020-94

A resolution approving Boulder County Community Planning & Permitting Docket DC-20-0002: Accessory Meat or Poultry Processing

Recitals

A. The Board of County Commissioners of Boulder County (the “Board”) is authorized to amend the text of the County's Zoning Regulations according to the procedures in the regulations and C.R.S. § 30-28-112, -116 and -133.

B. Under other statutory authority, the Board is empowered to adopt regulations related to the control of land use, including but not limited to Article 65.1 of Title 24 (Areas and Activities of State Interest); Articles 67 and 68 of Title 24 (Planned Unit Developments and Vested Rights); Article 20 of Title 29 (Local Land Use Enabling Act); Articles 11 and 15 of Title 30 (County Powers and Police Power); Article 1 of Title 32 (Special District Control); and Article 2 of Title 43 (County Highways), C.R.S.

C. By Resolution 94-185, adopted October 18, 1994, the Board approved a unified Boulder County Land Use Code (the “Code”), which the Board has amended on subsequent occasions.

D. In the present Docket, DC-20-0002 (the “Docket”), authorized by the Board at a public meeting on August 11, 2020, Boulder County Community Planning & Permitting staff propose text amendments to the Code (the “Proposed Amendments”), as set forth in the Boulder County Community Planning & Permitting Department’s memorandum and recommendation dated November 10, 2020, with its attachments (the “Staff Recommendation”).

E. As outlined in **Exhibit A**, the Proposed Amendments will add language creating an accessory agricultural use that currently does not exist in the Code. The Code does not permit animal operations to slaughter, butcher, cut, dress, and package meat and poultry. This has been identified as a barrier to supporting a more sustainable local food system and the local agricultural economy. The Proposed Amendments will permit, in a limited capacity, farmers who raise animals in Boulder County to slaughter, butcher, cut, dress, and package those animals on site. This Proposed Amendments differentiate this accessory level of use intensity from the existing Custom Meat or Poultry Processing Facility use. The existing use, which requires an extensive planning review, is a principal use and contemplates a much larger, potentially industrial, facility.

F. The Proposed Amendments do not address or impact the fact that farmers engaging in this activity must comply with various other food safety-related regulations. Federal regulations

from the United States Department of Agriculture exempt custom meat processing from licensing and inspection requirements, allowing for the owners of the animal(s) to consume them when they are produced in an unregulated facility. Additionally, the Colorado Department of Agriculture's Custom Processing of Meat Animals and Sale of Meats Act allows for the processing "of meat or meat products of an animal not owned by the person performing the slaughter or processing and not intended for sale by the owner of the animal." Thus, under these Federal and State regulations, only owners or shareholders of the animals may consume animal products produced in the manner anticipated by these Proposed Amendments, and these products may not be sold to the general public.

G. The Proposed Amendments make a discreet change to the Code to support the local agricultural community by expanding options for processing meat and poultry products. Staff anticipates the Proposed Amendments to be reflected under Article 4-516: Accessory Uses. The Proposed Amendments allow farmers to slaughter, butcher, cut, dress, and package a limited quantity of animal units on a 30-day basis. The zoning districts in which this accessory use will be allowed are the more rural districts that permit Open Agricultural Uses, defined in Article 4-502 as "Agricultural uses which predominantly occur outside including but not limited to the grazing, keeping and use of livestock, the production, harvesting, and selling of agricultural or horticultural products, and accessory storage." The districts in which the proposed accessory use will be allowed are in Forestry (F) unsubdivided, Agriculture (A), Rural Residential (RR) unsubdivided, Estate Residential (ER) unsubdivided, Light Industrial (LI), General Industrial (GI), and Mountain Institutional (MI).

H. The Proposed Amendments define the accessory use as "[t]he processing of meat and poultry, of up to 10 animal units per each 30-day period, including but not limited to the slaughtering, butchering, dressing, and packaging of meat and poultry products." The limitation on the number of animal units processed per month both limits the potential negative impacts of the use, maintains the use at a level appropriate for an accessory use allowed by right, and provides farmers with an allowance that reflects the needs of smaller farming operations. Ten animal units will allow for 10 livestock, 2 swine and/or goats, and 500 chickens to be slaughtered on a 30-calendar day basis. The units are collective and cannot exceed the total amount regardless of the combination of animals slaughtered (e.g., a farmer can butcher 1 pig, 100 chickens, and 3 cows in one month). In small and organic farming practices, seasonality and animal biology play a factor in determining the lifespan and availability of meat products due to reliance on pasture, open air, and environmental factors. Likewise, butchering best practices encourage slaughtering animals at specific times of an animal's life to obtain the best quality of meat product. Therefore, the animal unit maximum was set at a timeframe similar to a month, rather than daily or weekly, with a clear 30-day denomination to control the intensity of this activity.

I. This use has the potential to create nuisances such as odor, noise, and the potential to attract pests to a site; therefore, the regulations propose several limitations on the use to address these concerns and limit the scale of the activity. All zoning districts in which the accessory use will be permitted allow open agricultural uses by right, but the use will be restricted in Forestry (F), Rural Residential (RR), and Estate Residential (ER) districts to only those areas that are considered unsubdivided, mitigating potential nuisances to neighboring residential properties in areas where smaller parcels are prevalent. The provided minimum setback of 150 feet from all property lines is intended to further reduce the potential negative impacts on adjacent neighbors while the activities are taking place. This buffer between the activity and boundaries limits the size of the parcels in which this use will be allowed, mitigating nuisances to neighboring properties in proximity. Only animals raised “on-site” as defined in Article 4-502 can be processed under this use. A refrigeration or freezing unit of no more than 150 square feet is allowed for this accessory use; a designated butchering area must meet the accessory uses’ setbacks and cannot be larger than 200 square feet.

J. As proposed, the regulations encourage waste reduction strategies and permit the on-site composting of waste materials; composting animal by-products such as blood and carcasses are allowed as part of this accessory use. If composting occurs on the property, the limitations outlined in Article 4-506.A.5.a related to exemptions from the definition of an Industrial Composting Facility and defining composting incidental to a farming operation are applicable. Backyard composting and composting incidental to farming operations must comply with the following:

- i. None of the materials to be composted are collected on site from the general public;
- ii. Materials to be composted are limited to agricultural and yard by-products such as plant material and manure;
- iii. Composted material is not sold retail from the site;
- iv. The location of the composting is at least 300 feet from any property line if more than 50 cubic yards of material is being composted at any one time; and
- v. The total amount of active composting material does not exceed 1,000 cubic yards at any one time.
- vi. No more than 1,500 cubic yards of composted material may be removed from the site in any 36-month period.

K. The Boulder County Planning Commission (the “Planning Commission”) held a duly noticed public hearing on the Proposed Amendments on October 21, 2020. The Planning Commission recommended approval of the Proposed Amendments as presented with the following direction to Community Planning & Permitting Department staff:

- Explore different scenarios for setbacks; evaluate feasibility of implementing setbacks from structures or more conservative provisions that would limit the activity and avoid nuisance to neighboring properties as much as possible.
- Clarify the language provided for time periods regarding the maximum allowable number of animal units. Utilize concise language that outlines a 30-day period limit instead of month.
- Evaluate the proposed number of animal units with considerations for further amendment in the future. Determine whether the current number is enough to meet the agricultural community's needs.

L. On November 10, 2020, the Board held a duly noticed online public hearing on the Docket (the "Public Hearing") and considered the Staff Recommendation, documents and testimony presented by County Community Planning & Permitting Department staff. Three members of the public spoke at the Public Hearing.

M. Based on the Public Hearing, the Board finds that the Proposed Amendments included in **Exhibit A** meet the criteria for text amendments contained in Article 4-516 of the Code, in that the existing text is in need of amendment; the Proposed Amendments are not contrary to the intent and purpose of the Code; and the Proposed Amendments are in accordance with the Boulder County Comprehensive Plan.

Therefore, the Board resolves:

1. The Proposed Amendments in **Exhibit A** are approved, effective as of November 10, 2020.
2. Under §30-28-125, C.R.S., the Board authorizes the Clerk to the Board to transmit this Resolution, with its **Exhibit A**, to the County Clerk and Recorder for filing and appropriate indexing. This transmittal should state recording Reference **No. 2735571**, the recording of the Boulder County Land Use Code on November 4, 2005, which this transmittal amends.

[Signature Page to Follow]

A motion to approve the Docket was made by Commissioner Matt Jones, seconded by Commissioner Elise Jones, and passed by a 3-0 vote.

ADOPTED as a final decision of the Board on this 8th day of December 2020.

**BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY:**



Deb Gardner, Chair



Matt Jones, Vice Chair



Elise Jones, Commissioner

ATTEST:



Clerk to the Board

Exhibit A

Proposed Amendments to be inserted into Article 4-516. All subsequent uses will be relettered accordingly.

- I. Accessory Meat or Poultry Processing
 1. Definition: The processing of meat and poultry, of up to 10 animal units per 30-day period, including but not limited to the slaughtering, butchering, dressing, and packaging of meat and poultry products
 2. Districts Permitted: By right in F unsubdivided, A, RR unsubdivided, ER unsubdivided, LI, GI, and MI
 3. Parking Requirements: none
 4. Loading Requirements: none
 5. Additional Provisions:
 - a. All outdoor activities associated with this use shall be setback a minimum of 150 feet from all property lines
 - b. Animals must be raised on-site as defined in 4-502
 - c. The facilities associated with the use can be mobile or permanent
 - d. The use shall comply with all regulatory requirements of other applicable agencies
 - e. Waste reduction measures are encouraged, including composting. As part of this Accessory Use and in addition to the materials listed in 4-506, waste products resulting from this use may be composted
 - f. Structures or area permissible for the use:
 - (i) Refrigeration or Freezing unit of no more than 150 square feet
 - (ii) Butchering area of no more than 200 square feet