



Community Planning & Permitting

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**BOULDER COUNTY
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING**

**November 10, 2020
Hearing to be Held Virtually due to COVID-19**

Docket DC-20-0002: Accessory Meat and Poultry Processing

Description: Text amendments to the Boulder County Land Use Code to create an accessory agricultural use to permit animal operations to slaughter, butcher, cut, dress, and package meat and poultry on site.

Staff: Alberto De Los Rios, Planner I; Hannah Hippely, Long Range Planning Manager.

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DISCUSSION

The purpose of this Land Use Code (the Code) text amendment is to add language which will create 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 text amendment would permit, in a limited capacity, farmers who raise animals in Boulder County to slaughter, butcher, cut, dress, and package those animals on site. This Code update differentiates 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.

This text amendment does 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 (USDA) 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 this text amendment and these products may not be sold to the general public.

In sum, this Code text amendment makes a discreet change to the Code that supports the local agricultural community by expanding options for processing meat and poultry products.

SUMMARY OF PROPOSED TEXT AMENDMENT

The proposed amendment is anticipated to be reflected under Article 4-516: Accessory Uses. The language allows farmers to butcher, cut, dress, and package a limited quantity of animal units on a 30-day basis. The zoning districts in which this accessory use would 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 would 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).

The proposed Code text amendment (Attachment A) defines 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 provided farmers with an allowance that reflects the needs of smaller farming operations. Ten animal units would 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 could butcher 1 pig, 100 chickens, and 3 cows in one month [see Attachment D1]). 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 monthly-like timeframe rather than daily or weekly, with a clear 30-day denomination to control the intensity of this activity.

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 would be permitted allow open agricultural uses by right, but the use would be restricted in Forestry (F), Rural Residential (RR), and Estate Residential (ER) districts to only those which areas are considered unsubdivided, mitigating potential nuisances to neighboring residential properties in areas where smaller parcels are prevalent. The provided minimum setback of 150 ft 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 would 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.

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.

PLANNING COMISSION

This docket was presented to the Boulder County Planning Commission on October 21, 2020 at a public hearing. After a staff presentation of the proposed amendment and discussion by the Planning Commission passed a motion that recommended approval of the text amendment with the following direction:

- 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.

RESPONSE TO PLANNING COMMISSION DIRECTION

Staff understood the concerns of Planning Commission regarding the adjacency of the proposed activities of this use to other users and uses, it was expressed that a 25-foot setback for these activities may not be sufficient buffer from incompatible uses. Staff considered different scenarios for buffering and applied those to six different parcels (Attachment E). After further evaluation and with Planning Commission's concerns in mind the proposed text amendment now includes a 150-foot setback for all activities associated with this use. This setback will provide a more significant buffer between the activities of this use and adjacent uses.

Staff made the recommended change to the time provision in the proposed text amendment. Moreover, as part of the drafting the regulations staff did reach out to members of the farming community to determine the necessary level of this activity from their perspective. Also, staff considered the need to keep the proposed use small enough to fit within the scale of an accessory use requiring no additional land use review (by right use). The proposed and recommended 10 animal units is thought to balance these two interests; this use may be evaluated in the future whenever it is deemed necessary.

The direction from Planning Commission and the resulting staff changes to the proposed text amendment have been reflected in Attachment A, it is this language which is under consideration by the Board at this time.

REFERRAL AGENCY AND PUBLIC COMMENT

The following agencies provided comments:

Boulder County’s Department of Public Health: Require language for United States Department of Agriculture (USDA)’s provisions on meat processing and limitations. Adequate composting language to USDA, Environmental Protection Agency (EPA), and state requirements.

CO Department of Agriculture: No conflict; requested explicit language to outline USDA’s requirements for custom meat processing.

Parks and Open Space: Language for review requirements if facilities are in a conservation easement; Composting requirements; Public Health to determine setbacks; isolation or barricading compost piles – fire and other agencies requirements.

Building: No conflict; buildings associated with this use will be reviewed through IBC as a commercial building. BP required for ag structures along with building code requirements.

State of Colorado Division of Natural Resources: No conflict; if water is required, review for suitability will be on a case-by-case basis. A well permitted for livestock watering only would not be an acceptable water supply for meat or poultry processing. An exempt residential well may be acceptable water supply if the uses can comply with the requirements of State Engineer’s Policy 2011-3, Concerning Commercial Activities on Properties Served by Residential Exempt and Small Capacity Wells.

No comment or No response: County Attorney, Office of Sustainability, Climate Action, and Resiliency (OSCAR), neighboring Counties (Larimer, Adams, Jefferson, Gilpin, Grand), County cities (Louisville, Boulder, Longmont, Erie, Ward, Lafayette, Nederland, Lyons, Broomfield, Jamestown...), Colorado Department of Public Health and Environment (CDPHE), Colorado Department of Natural Resources.

No written comments were provided by the public. All comments and feedback received from members of the were provided via “Virtual Meeting with a Planner” And were used to inform the proposed text amendment. See Attachment C for the staff notes of these conversations.

CRITERIA REVIEW

In accordance with Article 16-100.B of the Land Use Code, the criteria for text Amendments are:

No text amendment shall be adopted by the Board of County Commissioners unless the Board has determined that:

1. the existing text is in need of the amendment;
2. the amendment is not contrary to the intent and purpose of this Code; and
3. the amendment is in accordance with the Boulder County Comprehensive Plan

The existing Land Use Code is in need of amendment to create a use which does not currently exist in the Code. The purpose of the Code is to promote the health, safety, and welfare of the present and future inhabitants of Boulder County. Adopting regulations which support agricultural activities within Boulder County by allowing this use in the limited manner proposed is not contrary to the purposes of this code. Lastly, this Code text amendment is in accordance with the County Comprehensive Plan (BCCP) and is supported by the following goal and policies:

Goal M1. Agricultural enterprises and activities are an important sector of the Boulder County economy and the county shall foster and promote a diverse and sustainable agricultural economy as an integral part of its activities to conserve and preserve agricultural lands in the county.

Policy AG 1.02 The county shall foster and encourage varied activities and strategies which encourage a diverse and sustainable agricultural economy and utilization of agricultural resources.

Policy AG 1.05 It shall be the policy of Boulder County to keep the regulatory burden on various agricultural activities to the minimum necessary for identifying, addressing, and mitigating potential impacts in the areas of health, safety, and welfare.

Policy AG 1.13 The county shall continue to monitor the application of these policies and attendant Boulder County Land Use Codes, as to their effectiveness in preserving agricultural land and perpetuating agricultural uses in Boulder County while maintaining a reasonable use to the individual owner.

RECOMMENDATION

Community Planning & Permitting recommends that the Board of County Commissioners approve Land Use Code text amendment docket DC-20-0002: Accessory Meat and Poultry Processing

ATTACHMENT A: PROPOSED TEXT AMENDMENT

XX. 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

ATTACHMENT B: SUMMARY OF PUBLIC ENGAGEMENT AND FEEDBACK

The conception of this Land Use Code text amendment was identified as a follow-up step from the 2018 Agriculture Outreach Project, where a countywide community survey, open house, and online comment forms were provided for stakeholders to share their thoughts and ideas. Among the comments and feedback, enabling flexibility on products sold such as meats was suggested as a mechanism to bolster local economic stability and resilience. Moreover, 75 percent of survey respondents that take products offsite indicated that meat was the main product that needed to be processed in an external facility.

During the public engagement process, which took place from August 24 until September 18, interested parties and individuals were able to submit comments through the docket's website and connect with a planner through a virtual meeting, discussing the proposed amendments and sharing any questions or ideas they had. Farmers or individuals in the field of agriculture accounted for most participants, with only two residents engaging in virtual one-on-one meetings. Some of the farms and organizations represented include the Colorado Department of Agriculture, agricultural and butchering consultants, local newspapers, farms associated with the 4H program managed by the Colorado State University (CSU) extension, the Boulder County Farmers Market (BCFM), the Flat Irons Young Farmers Coalition, and independent farms.

In general, farmers and ranchers commented that the proposed number of animals (Attachment B1) was too small and did not accommodate seasonal practices. They suggested making the limits of animal units by month instead of a daily/weekly basis. They also requested a slightly larger permissible area for processing than originally proposed in order to accommodate a prep table, sink, and other needed tools and surfaces. Their feedback also provided clarification to composting provisions and what would be allowed, given that current regulations do not include animal by-products.

The residents that reached out for conversation shared concerns about affecting the rural and residential character of neighboring properties and disapproved of the number of animals, mentioning that it could attract predators and critters in addition to unpleasant odor and sights. However, they approved of promoting local agriculture and were in support of small farms but would prefer if they were far from their residences.

The community engagement component of this update allowed for any individuals or interested parties to communicate with a planner and ask questions, share concerns, and provide feedback. Overall, most individuals and parties provided positive feedback, highlighting that this update is necessary to foster sustainable, economical, agricultural practices throughout Boulder County. County residents that participated in community engagement sessions were generally in favor of the proposal, but shared concerns that this Code update could create negative externalities in residential areas such as an accumulation of animal by-products, unpleasant sights and smells, and increased attraction of wildlife. On the other hand, individuals that work in the agricultural sector indicated that this update is a starting point to address current barriers to conducting farm operations in Boulder County. Several comments indicated that adjusting the frequency and intensity of animals allowed would best suit seasonal operations and work better with the "farming

cycles.” Likewise, additional clarification on composting guidelines and allowable space were requested, which is reflected in the draft proposal for the Code language (Attachment A).

Most referral agencies contacted did not respond. However, Parks and Open Space, Community Planning & Permitting, and Public Health provided substantial feedback that guided the drafting process after the referral period ended. Overall, comments suggested that this update does not conflict with the requirements of other agencies such as the United States Department of Agriculture (USDA) and the Colorado Department of Agriculture (DAG) for any provisions that pertain to the slaughtering, processing, disposal, and sale of animals.

XX . Accessory Meat or Poultry Processing

1. Definition: The processing of meat and poultry, including but not limited to the butchering, cutting, dressing, and packaging of meat and poultry products. Accessory includes:
 - a. Poultry or rabbits up to 50 per day
 - b. Sheep or goats up to four per day
 - c. Pigs up to two per day
 - d. Cows or equivalent up to two per week
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 animals allowed for this accessory use must be raised on-site as defined in 4-502¹.
 - b. The facilities associated with the use can be mobile or permanent
 - c. Must meet regulatory requirements of other agencies
 - d. Must also meet all applicable Additional Provisions for backyard composting and composting incidental to farming operations contained in 4-506².
 - i. Materials to be composted for this accessory use also include animal carcasses, blood, and other animal by-products
 - e. Structures or area permissible for the use:
 - i. Cooler – no more than 100 square feet
 - ii. Butchering area no more than 120 square feet

¹ On-site means agricultural and horticultural products that are grown on parcels under the same ownership, lease or contract as the parcel on which the accessory structure is located.

² Backyard composting and composting incidental to farming operations are exempt from these requirements when:

(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.

ATTACHMENT C: PUBLIC COMMENT NOTES & REFERRAL AGENCY RESPONSE

PUBLIC COMMENT NOTES FROM STAFF

Robert Grant - directly affects my new small business that I just started. Been a chef for over 20 years with an emphasis on food and its sourcing; animal husbandry. Worked in restaurants all over Europe. Was laid off in March. Started helping farms slaughter their own animals.

Limit on number of animals; that's not a lot of animals. For sheep or goats, he can process 6-8 on his own. Two pigs a day seems small. A daily maximum number of animals does not make sense.

Would like to make his business a custom exempt, usda inspected business. This update would also allow animals suffering to be able to be slaughtered on site. Would like to see a local processing facility, either a co-op, to help small farmers.

Composting and processing: farms have comprehensive composting programs, gets buried under piles, odorless. Some other farms when processing lamb or steer, the viscera from sheep and goat are inedible for humans goes for pig food. Consumed immediately.

working with Golden Hoof

Number of animals is a debate - did not see anything else that should be different; baby steps.

What are the biggest threats the county sees in implementing things like these?

Robert would like to see more people in this business, booked until the end of the year.

Dan Martin, feels that these regulations are still very restrictive to what he is trying to achieve. He likes that it is moving forward, but he would like to see something bigger.

John Fryar, Longmont Times-Call

Amy Trombly, Fat Dog Farm, hog raiser, 4H, small herd of sheep and lambs for food, 4H kids raise them here. Steer are raised with neighbor, with help of her daughter. Usually 6-8 a year, 4-5 lamb/steer, only if they find a processor will they raise poultry. One of the processors caught on fire. Had to get a processor 7 months in advance. Raising hogs for an extra month is a loss of any profit. 5 acres zoned AG. Planning to do lambs themselves because they have no choice. Daughter is animal science major.

One concern: humane kill, no shock; have to do a bullet. USDA is 99% humane kill. For normal there has to be some regulation on humane kill.

Poultry: not many poultry processors around. On-site is not always a reality, not always efficient. What are the considerations for "Group up?"

Same for steer and lamb.

Selling animals to hog barn is a small sale.

Co-op idea: necessary because processors are not taking dates. Big market in the community for home ag. Farmers cannot afford to not do other jobs aside from farming. Could not do turkeys this year because there is no processing

This LU amendment will help, have to process lambs after 6 months, will home process them. Same for poultry and hogs. They are thinking of getting equipment for faster processing Suggesting for increasing: a litter of hogs, 10-15 week; chickens, could do 100 a day, the more the merrier; hogs for table are around 280lbs. High-speed commercial processors cannot handle hogs over 300lbs. Some get too big for equipment.

Mountain State Rosin (JBS bought it) used to be a lamb processing Co-op
Composting: dig a hole and bury blood to keep predators away. Reutilize it for crop farming. In Amy's experience, she has never had noise / smell complaints.

Suburban Development: south pointe

4H: Brenda Q - reach out for farming contacts
Meals on Wheels through livestock sale: how it is influenced by

Cody and Monique, CMT Ag.

- Puzzled
 - We raise reddings, beef cattle
 - Sell per package, with usda approved meat
 - Innovative caught on fire and cancelled all
 - Composting practices: rendering truck hauls off the waste
 - Butchering classes for extension ?
- Recurrent theme: heavy backlog for meat processing across the County. No current meat processing units in Boulder County. Innovative butcher closed for the rest of the year.

John Icabone, found a good location that meets city and county criteria, but has 1000 ft private property.

- Positive feedback.
- Would like it to be a little larger scale. Increase number of animals per day, but less days /week.
- Less regulations for birds; match state regulations?
- Dependent upon zoning; sliding scale. If it is a larger property, allow for state-like regulations
Idea: processing farm as a carbon sequestration facility, too.
- Carbon farm (?)
- According to John, Blake Cooper: not have a co-op, private business instead.
- Designing Master Plans for the Fairgrounds; Talk to Joe LaFollette
- MMPPF; having the modular unit come to certain spots and then bring it back to a main facility.
- Custom meat processing:
- Composting: Joel Salatin: Concrete slab for depositing animal waste.
- Custom Meat processing code: variances?

Brian Coppom, BCFM exec director, 5 markets, 4 in boco, 1 in Denver. Support local ag and connect growers with consumers, creating community. Working with over 70 growers. Growers do well in a year, they generated 5 million sales in the market.

Interested because some of these issues affect growers. Include land, water, and public opinion. Not just land use issues.

Some neighbors see rural land as simple sheds

CO Food systems advisory council - Issue brief on meat processing.

Processing capacity is beyond six months. Having capacity is different than having access. Most growers, it is difficult to process animals and includes a lot of travel. It is hard to take small volume. Stress placed on animals during transportation; impact on the output and quality of meat. Smaller processing units are safer; clearer guidelines. Food borne illnesses occur in larger facilities

- Likes that animals must be raised on-site
- Mobile operator in BoCo; conducting meat processing in the front of farm
- Composting: takes a big amount of heat to break down proteins; concerns about odor and sights
- **CSU Meat science program**; professional training and continuing education for community.
- What can we do to support this?
- Initiative where BOCO could give some Ag Land: Latinx farmers / interested and give them the opportunity to farm; give them a marketplace to farm with capacity for sales technique, build a brand, and customer loyalty. Mentor support. County has land, CSU has education. Raise money to pay a stipend to new farmers. 80% of farmers have off-farming jobs to support ag program.
- Issue: finding Latino farmers. 2021 moving forward. The program should be shaped by their community.
- El comite Longmont: two men that were shot and killed by the police; formed to address crisis and connect with community. Have grown to represent Latinx community in Longmont -

Ken Platt, I support this idea. However, what safety standards will be followed and how will they be enforced? Are there enough inspectors and will they have enough regulatory power? Will the number of farmers seeking Administrative or judicial appeal flood agencies or courts? Can farmers afford attorneys, if needed? How will this affect our current workforce at the plants? Will farmers require new equipment? Would a plant change their paradigm and partner with farmers so much of the work could be done outside or by small groups? Will workers have workers compensation insurance? Who will pay for it? Are there lobbyists to counter Lucky Gallagher and other corporate interests? If you need someone to serve on a task force, etc., I would be happy to volunteer.

Michael Moss, Kilt Farm, Organic Vegetable production on BCPOS land tenant

8 acres of vegetable around 35 acres of leased land. Looking to expand farm in Niwot; exploring options.

Organic farming: having animals would be great for organic production and diversification. Helps with

Concern: numbers are fine, *area permissible for the use*. 120 sq ft won't allow much space for a sink, cooler, and processing table. For cooler, you need to slaughter, dress, and then when you look at the cooler, it is more limiting than number of animals. A reduced overhead process would be helpful.

If: approved to get a pole barn compliant to code.

Composting: need to have a lot of carbon sources, farm would be rich in Nitrogen. Dry matter, wood chips, necessary to bring for active or static composting. If it is not done well, odor issues might arise.

500 birds for composting; would not like to see someone getting in the crosshairs and be considered as industrial composting.

- Caveat in the code to allow for the importation of adequate composting materials to safely develop appropriate compost?
- If neighbors wanted to bring leafy yard waste to help composting, and they're co-owners of animals, could they do it?

Need to make sure that this complies with Public Health. For instance, a 10x20 tent, processing is already beyond the maximum size.

Andy Breiter, farmer for cattle in Boulder County. Have raised many animals in the past. Processing animals is a big issue for small and medium farmers. Very scarce locations for processing. Lucky to have the 1 hour away processors. The wait time for processing is up to 2 years. Need other pathways to turn animals into product. President of Flat Irons young farmers coalition. Accessory uses overall to agriculture coded land is an important topic for farmers within our network.

- Black Cat Farm; they have employed many Latinx farmers
- Xavier, Puerto Rican / African American 626-485-6836
Comments: simple and straightforward. It seems like a good start to allow for the process to go through.
- Infrastructure: Mobile processor
- Disappointed by the number of cattle per week. When looking at gov info, 5 sheep = 1 cow. The equivalency of numbers; the separation of labor through the year increases labor costs. Numbers seem to be pulled out in the air. The animal on-site provision already sets restrictions that are counterproductive to the overall number cap of animals per day/week.
- Larger quantities cannot be held on-site.
- Cattle, sheep, and goats eat grass, they are seasonal. September, October, and November is prime time to slaughter animals. It would work better to process these animals in a shorter time frame such as 1 month.
Composting: two good options:
- Produce a lot of byproduct for dog food; tripe, blood, and other parts as dog food. Legal as USDA
- Composting: mix of plants with animal product. Carbon and nitrogen ratio
- Byproducts: human food
- Water: if you're using water to clean animals and the area. You are not going to be able to pull that water off. Concerned that it would get into the ecosystem and have negative effects.
- **Flat Irons Young Farmers Coalition:** interested in seeing butchery and what it is.
- flatironsyfc.org
- Land use code will continue to be a practical way that people are interested in for effecting change.

Building Safety & Inspection Services Team

MEMO

TO: Alberto De Los Rios
FROM: Michelle Huebner, Plans Examiner Supervisor
DATE: August 27, 2020

RE: Referral Response, Docket DC-20-0002: Proposed Boulder County Land Use Code Text Amendments to Article 4-516 Accessory Meat or Poultry Processing

Request: Proposed Boulder County Land Use Code Amendments to Article 4-516 to address an update regarding provisions for Accessory Meat and Poultry Processing on agricultural uses

Thank you for the referral. We have no conflicts with the proposal, but have the following information for the staff and applicants:

Buildings with this use will be reviewed through the International Building Code (IBC) as a commercial building. A code analysis from a Colorado licensed design professional, an architect, is required. The building occupancy must be classified by each space. These buildings are not an agricultural use under the International Building Code (IBC), but rather factory and possible storage uses, see chapter 3 of the IBC. The electrical, mechanical and plumbing design is required to be prepared by a Colorado licensed design professional, an engineer.

For a complete list of when building permits are required, please refer to the county's adopted 2015 editions of the International Codes and code amendments, which can be found via the internet under the link:

2015 Building Code Adoption & Amendments, at the following URL:

<https://assets.bouldercounty.org/wp-content/uploads/2017/03/building-code-2015.pdf>

The Commercial Plan Submittal Checklist: <https://assets.bouldercounty.org/wp-content/uploads/2017/03/b70-commercial-plan-submittal-checklist.pdf>

- 1. Building Permits.** Building permits, plan review and inspection approvals and a Certificate of Occupancy ("C.O.") are required for the **new buildings** or **change of use**.

Referral Agencies Responses

- 2. Minimum Plumbing Fixtures.** The plumbing fixtures count needs to meet or exceed the requirements of IBC Chapter 29, including the need for accessible restrooms and fixtures.
- 3. Accessibility.** Chapter 11 of the IBC and referenced standard ICC A117.1-09 provide for accessibility for persons with disabilities. Any building permit submittals are to include any applicable accessibility requirements, including accessible parking, signage, accessible routes and accessible fixtures and features.
- 4. Fire Department.** A separate referral response from the fire departments should be requested. The fire department may have additional requirements in accordance with their International Fire Code (“IFC”) adoption. Also, the Fire Protection District must provide written documentation to Boulder County Building Safety and Inspection Services approving the building permit plans and specifications of projects before the building permit can be issued.
- 5. Plan Review.** The items listed above are a general summary of some of the county’s building code requirements. A much more detailed plan review will be performed at the time of building permit(s) application, when full details are available for review, to assure that all applicable minimum building codes requirements are to be met.
- 6. Meeting.** When you are ready to review construction drawings with the plan review team. Please make an appointment with our Plans Examiner Supervisor Michelle Huebner. mhuebner@bouldercounty.org 720-564-2616.

September 28, 2020

To: Alberto De Los Rios, Community Planning & Permitting
From: Jeff Moline, POS Planning Manager
RE: DC-20-0002, Proposed Boulder County Land Use Code Text Amendments to Article 4-516 Accessory Meat or Poultry Processing

The Boulder County Parks & Open Space Department (POS) has reviewed this proposal and provides the following comments. Our department has a multifaceted mission that supports both agricultural and natural resource values. Therefore, the department generally supports this effort to provide regulatory relief for small-scale operations conducting meat processing activities on properties as proposed in this amendment. However, the department does have concerns based on how the use could impact natural resources and, if the use would require structures, how those could impact compliance with the county's conservation easement program. In addition, while the department understands that backyard composting is not currently restricted to exclude animal products in the county, there is concern that the level of composting allowed by this proposal could create an attractive nuisance for wildlife that could cause conflicts.

1. If processing facilities require new structures (even those less than 120 sq. ft. in size or classified as temporary or mobile), they will still need to be reviewed if there is a county conservation easement on the property. So, as in other recent code updates, there will need to be an allowance in the code that makes it clear that operators on properties with county conservation easements would not be exempt from that review if they are proposing a structure that otherwise does not need codereview.
2. Staff recommends that Public Health confirm that backyard compost facilities can function properly to breakdown these products into beneficial materials and not create undesirable waste material.
3. Staff recommends that Public Health determine appropriate setbacks to water features for compost facilities to protect water quality and to minimize environmental impacts.
4. Staff recommends that the appropriate county departments determine if there is a need to barricade or isolate large compost piles with animal products in them in order to limit attractive nuisances to and conflicts with wildlife.

Referral Agencies Responses

From: [Martino, Susan](#)
To: [De Los Rios, Alberto](#)
Cc: [Hayes, Bill](#)
Subject: FW: DC-20-0002 Inquiries
Date: Thursday, October 8, 2020 12:04:21 PM
Attachments: [CDPHE_Solid_Waste_Regulations.pdf](#)
[Solid Waste - Admin - Reg Docs - Solid Waste Sites and Facilities \(1\).pdf](#)

Hi,

Here is some additional information provided by Erin Dodge -

<https://www.colorado.gov/pacific/aginspection/processing-faqs> some more Department of Agriculture information.

Per Erin there could potentially be septic system implications depending on how often they plan to do this activity and manage the waste.

Susan

From: Martino, Susan
Sent: Thursday, October 8, 2020 11:46 AM
To: De Los Rios, Alberto <adelosrios@bouldercounty.org>
Cc: Hayes, Bill <bhayes@bouldercounty.org>
Subject: DC-20-0002 Inquiries

Alberto,

Thank you for speaking with me today about animal processing composting.

I have attached the Colorado Department of Public Health and Environment (CDPHE) *REGULATIONS PERTAINING TO SOLID WASTE SITES AND FACILITIES* and CDPHE *Guide to Colorado's Composting Regulations*.

For your information, I have highlighted Section 2 *Minimum Standards* and Section 14 *Composting* of the state solid waste regulation.

The example setbacks I'm providing here are derived from the Boulder County *Onsite Wastewater Treatment Systems (OWTS) Regulations*. This is not inclusive of all of the prescribed OWTS setbacks as they vary according to the type of system being used.

We use the setbacks below as guidance for human burial on private property to protect water quality:

1. The site should be 10' to all property lines.
2. The site should be 25' to waterlines.
3. The site should be 50' to waterways.
4. The site should be 100' to all wells.
5. The site should not be located in a flood plain or flood way.

Also, I should be getting some additional water quality protection information from Erin Dodge with

Referral Agencies Responses

our Water Quality program which I will provide to you.

CDPHE SOLID WASTE and MATERIALS MANAGEMENT PROGRAM Contacts

Customer Technical Assistance Line: 303-692-3320

Email: comments.hmwm@state.co.us

Website: www.colorado.gov/cdphe/hm

Program staff contacts:

1. Caren Johannes
720.644.6356
caren.johannes@state.co.us

2. Monte Stroud
303-692-3342
monte.stroud@state.co.us

Please contact me if you have additional questions or concerns.

Best regards,

Susan

Susan M. Martino, MLA

Environmental Health Specialist II

Boulder County Public Health

Referral Agencies Responses

From: [Blunt - CDA, Steve](#)
To: [De Los Rios, Alberto](#)
Subject: Proposed Land Use Code Docket DC-20-0002
Date: Tuesday, August 25, 2020 1:44:10 PM

Hi Alberto,

My name is Steve Blunt, I am the Custom Exempt Meat Program Manager at the Colorado Department of Agriculture. I believe that we spoke several weeks ago about the proposed land use code change.

The Colorado Department of Agriculture is neutral regarding the change in land use. However, I would like to speak with you so that we can discuss state and federal meat processing regulations. Please call me at 720-672-5326 at your convenience.

Thank you for your consideration.

Steve

--

Steven Blunt
Regulatory Specialist



Phone: 303.869.9098
Cell: 720-672-5326
305 Interlocken Parkway
Broomfield, CO 80021
Meat Program Manager | Egg Program Manager | Measurement Standards Program Manager

Referral Agencies Responses

From: [Brucker - DNR, Sarah](#)
To: [De Los Rios, Alberto](#)
Subject: Re: Referral packet for Docket DC-20-0002: Proposed Boulder County Land Use Code Text Amendments to Article 4-516 Accessory Meat or Poultry Processing
Date: Thursday, September 24, 2020 11:05:22 AM
Attachments: [image001.png](#)
[DC_20_0002_Referral_Form.pdf](#)

The Division of Water Resources does not have any conflicts with the proposed revisions. If water is required for processing, this office will determine the suitability of the proposed water supply on a case-by-case basis. A well permitted for livestock watering only would not be an acceptable water supply for meat or poultry processing. An exempt residential well may be acceptable water supply if the uses can comply with the requirements of State Engineer's Policy 2011-3, *Concerning Commercial Activities on Properties Served by Residential Exempt and Small Capacity Wells*.

Sarah Brucker
Water Resources Engineer



P 303.866.3581 x 8249 (voicemail)
1313 Sherman St., Suite 821 Denver CO 80203
sarah.brucker@state.co.us | <https://dwr.colorado.gov>

On Mon, Aug 24, 2020 at 4:07 PM Milner, Anna <amilner@bouldercounty.org> wrote:

Please find attached the electronic Referral packet for *Docket DC-20-0002: Proposed Boulder County Land Use Code Text Amendments to Article 4-516 Accessory Meat or Poultry Processing*.

Please return responses and direct any questions to [Alberto De Los Rios](#) by *September 28, 2020*.
(Boulder County internal departments and agencies: Please attach the referral comments in Accela.)

Thank you,

Anna

Anna Milner | Admin. Lead Tech.

Boulder County Community Planning & Permitting (*formerly Land Use and Transportation*) – [We've become a new department!](#)

Pronouns: she/her/hers

Physical address: 2045 13th St., Boulder CO 80302

Referral Agencies Responses

Mailing address: PO Box 471, Boulder, CO 80306

(720) 564-2638 (Direct) | (303) 441-4856 (Fax)

amilner@bouldercounty.org

www.bouldercounty.org



PLEASE NOTE: In an effort to mitigate the spread of COVID-19, the Boulder County Community Planning & Permitting physical office at 2045 13th St. in Boulder is CLOSED to the public until further notice. We will continue to operate remotely, including the online acceptance of building permits and planning applications. Please visit our webpage at www.boco.org/cpp for more detailed information and contact emails for groups in our department. You may also leave a message on our main line at 303-441-3930 and the appropriate team member will return your call. *Thank you for your adaptability and understanding in this extraordinary time!*

ATTACHMENT D: RESEARCH SOURCES

[21 U.S.C. §623](#) of the Federal Meat Inspection Act (FMIA)

C.R.S. 35-33-103(4)

CME Group (2015), [Seasonality in Livestock Markets](#); See also USDA (2017) for [discussion on seasonality of cattle weight and yields](#)

FAO (1999) Guidelines for slaughtering, meat cutting and further processing: [Variations in the Sensoric Quality of Meat](#); See also USDA (2013) [Goat from Farm to Table](#)

8 CCR 1202-4 [Fertilizers and Soil Conditioners Law](#)

[CDPHE Animal Carcass Disposal Guidelines](#)



**Boulder County
Land Use Department
Publications**

Keeping Animals in Boulder County

Land Use Department
Courthouse Annex Building
2045 13th Street
PO Box 471
Boulder, CO 80302

Planning Division:
Phone: 303-441-3930
Fax: 303-441-4856

Email: planner@bouldercounty.org
Website: www.bouldercounty.org/lu

Office Hours:

Keeping Animals in Boulder County

Animal Unit Calculations

The different zoning districts in unincorporated Boulder County allow a specific number of animal units per acre. One simply needs to do a calculation based on the animal unit ratios in order to find out how many animals of a specific type are allowed on a particular piece of land depending on the parcel's size.

For example, if a property owner has 10 acres of land zoned Agricultural (A), they would be allowed a total of 40 animal units on this parcel. This means they could keep 8 horses, 24 head of cattle, 400 chickens, and still be within allowed limitations of the zoning regulations.

Zoning District Limits

Zone	Animal Units Per Acre
A = Agricultural	4
F = Forestry	2
RR = Rural Residential	2
ER = Estate Residential	2
SR = Suburban Residential	0 [^]
MF = Multifamily	0 [*]
LI = Light Industrial	4
GI = General industrial	4
MI = Mountain Industrial	2

* Residents may have riding horses for their own use, if one-half acre of pasture is available for each horse (Article 4-516).

[^] Residents in the SR zone may keep up to 8 hens and 2 bee colonies for their own use.

Animal Units

Per Article 18-108, animal units establish an equivalent density for various species of livestock. See the Animal Units table and calculation example below.

Animal Type	Animal Per Animal Unit
Cattle, Buffalo, & Other Livestock	1
Horse, Mule, Donkey	1
Horse (34 inches or less at withers)	5
Swine, Ostrich	5
Goat, Sheep, Llama	5
Poultry	50
Mink and other similar fur-bearing animals	50






Attachment D1: Animal Units Publication

Household Pets

Household pets are domestic animals kept for pleasure, exclusive of livestock. Dogs and cats are the two obvious examples. No more than four weaned animals are allowed on one property in the **RR, ER, SR** and **MF** zoning districts. No more than seven weaned animals are allowed in all other zoning districts. Small birds, small reptiles, fish and small mammals like gerbils, rabbits, mice and similar animals are not limited in number (see Article 4-516).

Kennels

A kennel is defined as any place or premises, other than a pet shop or veterinary clinic, used in whole or part for the keeping of eight or more dogs or cats in any combination, whether the animals are boarded or household pets. Kennels are allowed use by either Special Review or Limited Impact Special Review in the **A, F** and **MI** zoning districts. This type of use is not allowed in Boulder County's other zoning districts (see Article 4-503).

Limited Impact Special Review is required for kennels with eight to twelve dogs or cats. The animals must be kept a minimum of 100 feet from any property line unless other mitigating circumstances exist or circumstances which have the same or better mitigation effect are created (for example, if a hill or berm mitigates the sound of the animals).

Special Review is required for kennels in **A** and for all kennels with more than twelve dogs or cats in **A** and for all kennels in **F** and **MI**. The animals must be kept a minimum of 300 feet from any property line unless other mitigation circumstances exist, or circumstances which have the same or better mitigating effect are created.

Please refer to Article 4-513 (F) of the Land Use Code for additional requirements.

Chickens and Bees

While they are generally considered an Open Agricultural use, residents in the **SR** zoning district may keep up to 8 chickens (hens only - no roosters) and 2 honeybee colonies for their own personal use. In zoning districts where Open Agricultural Uses are allowed, the number of chickens permitted is determined by the parcel size and other livestock on the parcel. The number of bee colonies is not limited in zoning districts where Open Agricultural Uses are allowed. For more information about Accessory Beekeeping and Accessory Chicken Keeping, please refer to Article 4-516(C) and (D) of the Land Use Code.

Keeping Horses

Accessory Horse Keeping is the keeping of horses (including mules and donkeys) on a parcel where this use is not the principal use of the parcel. This is a common accessory use in Boulder County where a homeowner will have a few horses on his or her property for the individuals own use. Accessory Horse Keeping is allowed by right in the **F, A, RR, ER, SR, MR,** and **MI** zoning districts.

This use is permitted in combination with keeping of other livestock so long as the maximum number of allowed animal units (horses and other types of animals) in the relevant zoning district is not exceeded.

In the **SR** and **MF** districts, residents may have riding horses for their own use, if one-half acre of pasture is available for each horse (see Article 4-516).

Boarding Horses

Horse boarding is considered an Open Agricultural use and is allowed as a use-by-right in the majority of the county's unincorporated land area. The **F, A, RR, LI, GI,** and **MI** zoning districts all allow Open Agricultural Uses by right. Please be aware that once the boarding facility is used by 15 different people per month, other than the owner or manager of the property, the use is considered an Equestrian Center (see below for definition).

Please refer to Article 4-502 (D) of the Land Use Code for further information about the requirements of an Open Agricultural Use.

Equestrian Centers

Equestrian Centers are establishments where 15 or more different people per month, other than the owner or manager of the property, are, for a fee, trained or instructed in riding, driving, or showing their horses.

Equestrian Centers are allowed as a use-by-right in the Agricultural zoning district and are allowed as a use by Special Review in the Forestry and Rural Residential zoning districts. Limited Impact Special Review is required for equestrian centers with amplified sound and/or lighted outdoor riding, driving, or showing their horses. Special Review is required for a facility to host competitive events open to participants outside of those who board or train at the facility. Unlighted outdoor equestrian arenas must be set back 300 feet from existing schools, churches, and dwellings on other lots.

Article 4-502(B) of the Land Use Code lists further requirements for Equestrian Centers.

Non-Domestic Animals

Keeping of any species not listed by the Colorado Division of Wildlife as a domestic animal requires the Board of County Commissioners' approval through a Special Review process, although specific wildlife rehabilitation may be permitted by right. All applicable local, state, and federal permits must be maintained (see Article 4-501).

Wildlife Rehabilitation

Wildlife rehabilitation licensed by the Colorado Division of Wildlife is permitted by right or by Special Review. Wildlife rehabilitation that includes 20 or fewer animals at any time for small mammal species (such as rabbits, squirrels, raccoons, fox, and bats), 1 bird species (except raptors), non-venomous reptiles or amphibians with indoor caging is permitted by right.

Wildlife rehabilitation of small mammal species that includes more than 20 animals at any time is permitted by Site Plan Review. Wildlife rehabilitation of any number of large animal species (such as coyote, bobcat, mountain lion, bear, deer, and elk), birds of prey species (raptors), or venomous reptiles and amphibians is permitted by Special Review.

Restrictive Covenants

If you live in a subdivision, please check your covenants. Covenants are privately enforced, meaning that Boulder County does not enforce their restrictions. Often, private covenants are more restrictive in allowing animals than Boulder County's zoning regulations. Covenants are usually recorded with the Boulder County Clerk and Recorder's office.



Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

DC-20-0002 - Setback Study, Pearl St Reference



Approx. 1 inch = 50 feet



Community Planning & Permitting

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Ag Setback Study

Bateman Farms
1819 N 119th St

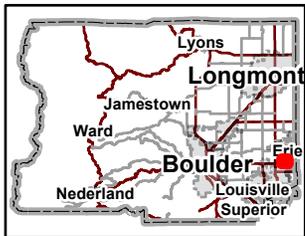
- 25ft Buffer
- Parcels

Parcel Size: 57.99 ac

With Setbacks: 53.27 ac



Area of Detail Date: 10/28/2020



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Ag Setback Study

Roberts Farm Property
2536 95th St

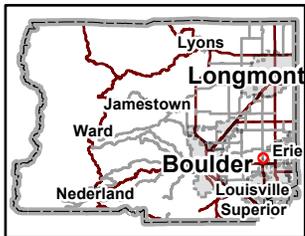
-  25ft Buffer
-  Parcels

Parcel Size: 4.55 ac

With Setbacks: 3.55 ac

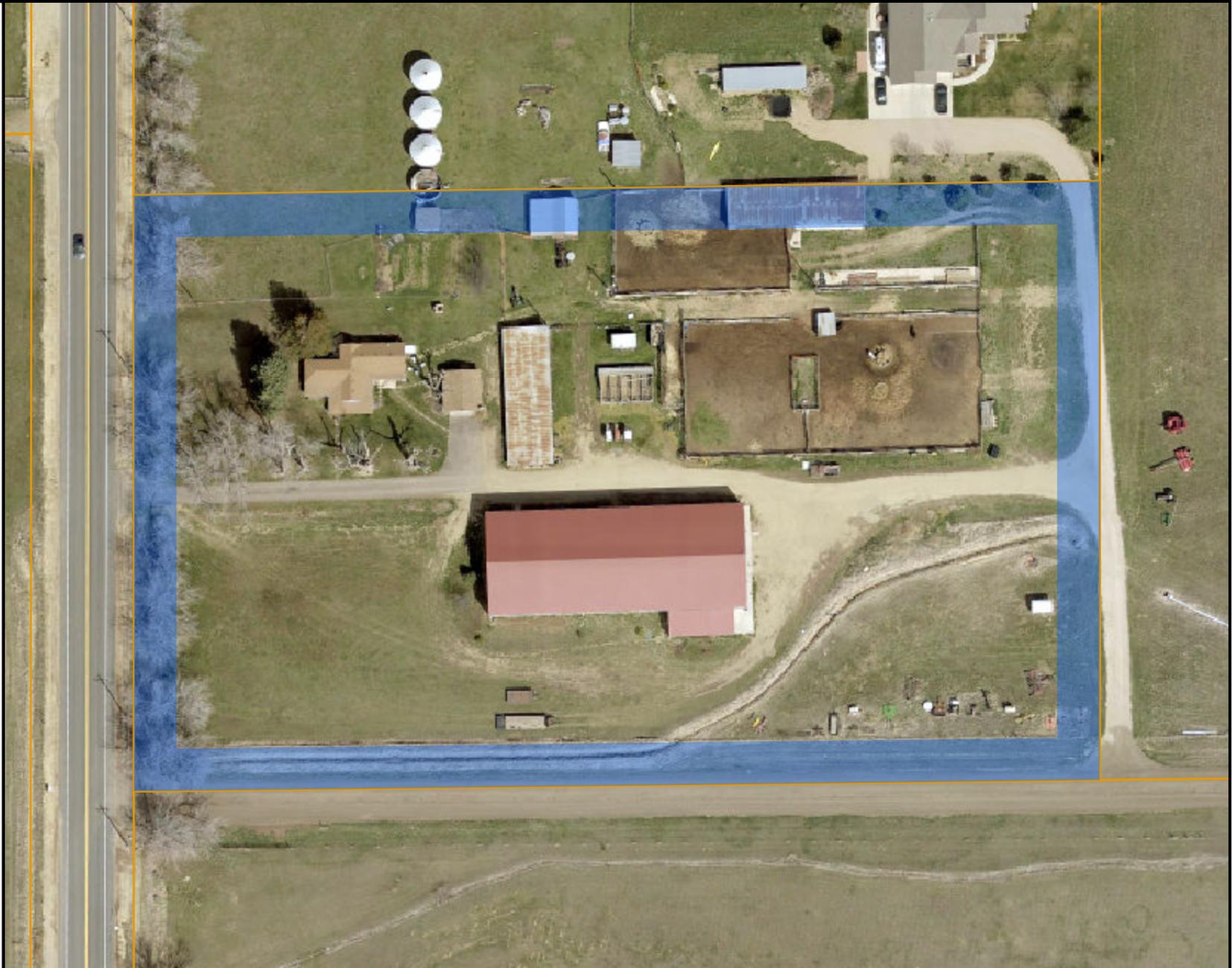


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Ag Setback Study

Cash Farms Harvesting
7042 N 107th St

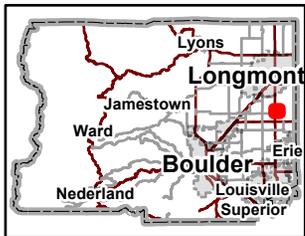
- 25ft Buffer
- Parcels

Parcel Size: 143.96 ac

With Setbacks: 138.25 ac



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Ag Setback Study

Cure Organic Farm
7416 Valmont Rd

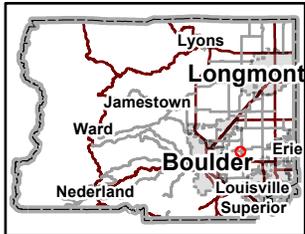
-  25ft Buffer
-  Parcels

Parcel Size: 6.96 ac

With Setbacks: 5.7 ac



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Ag Setback Study

Aspen Moon Farm
8020 Hygiene Rd

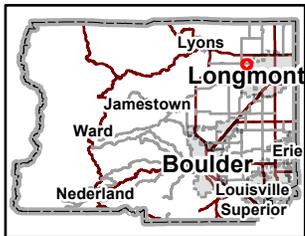
-  25ft Buffer
-  Parcels

Parcel Size: 2.5 ac

With Setbacks: 1.49 ac



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Ag Setback Study

Kilt Farms
8140 Oxford Rd

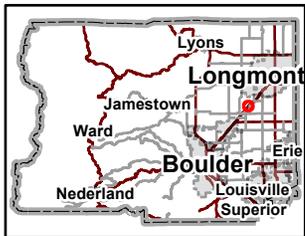
-  25ft Buffer
-  Parcels

Parcel Size: 7.22 ac

With Setbacks: 5.75 ac

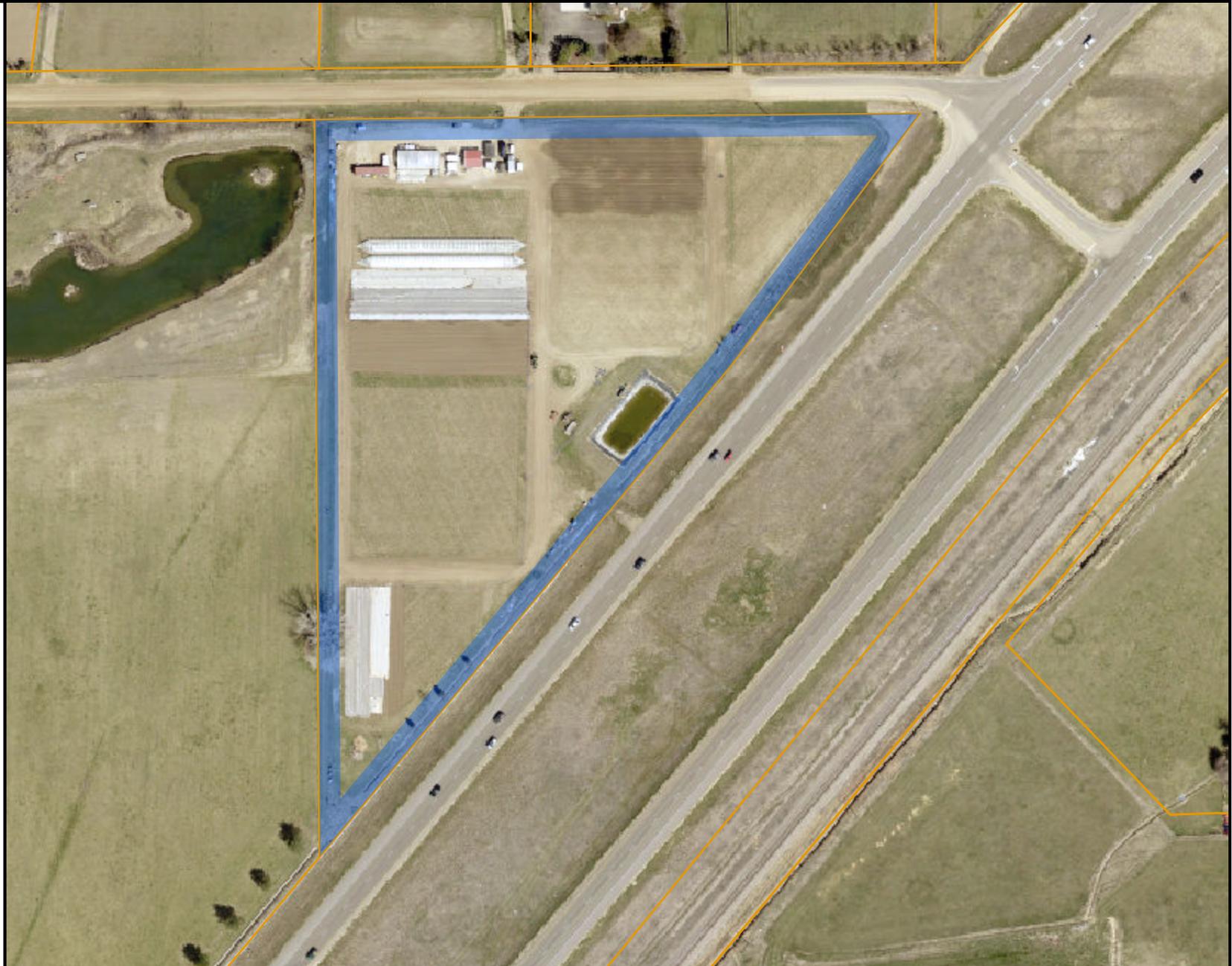


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Bateman Farms
1819 N 119th St

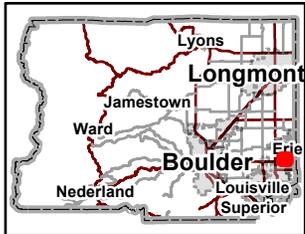
-  75ft Buffer
-  Parcels

Parcel Size: 57.99 ac

With Setbacks: 44.7 ac



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Ag Setback Study

Roberts Farm Property
2536 95th St

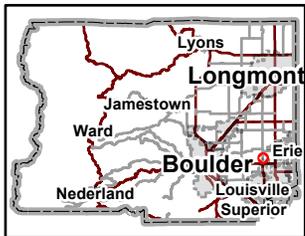
- 75ft Buffer
- Parcels

Parcel Size: 4.55 ac

With Setbacks: 1.91 ac



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Cash Farms Harvesting
7042 N 107th St

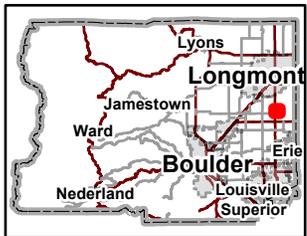
- 75ft Buffer
- Parcels

Parcel Size: 143.96 ac

With Setbacks: 127.17 ac



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Cure Organic Farm
7416 Valmont Rd

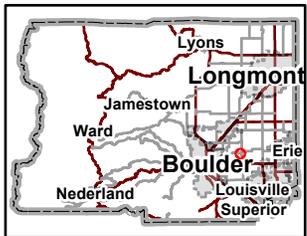
- 75ft Buffer
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Parcel Size: 6.96 ac

With Setbacks: 3.54 ac



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Aspen Moon Farm
8020 Hygiene Rd

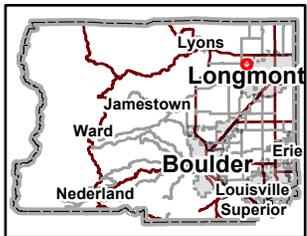
- 75ft Buffer
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Parcel Size: 2.5 ac

With Setbacks: 0 ac



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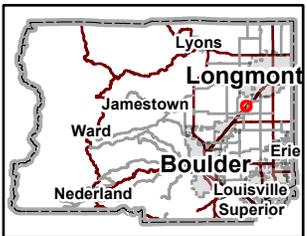
- 75ft Buffer
- Parcels

Parcel Size: 7.22 ac

With Setbacks: 3.32 ac



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Bateman Farms
1819 N 119th St

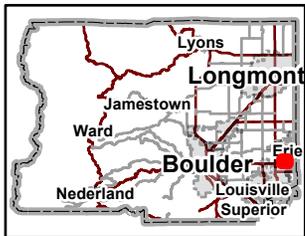
- 150ft Setback
- Parcels

Parcel Size: 57.99 ac

With Setbacks: 32.86 ac



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Ag Setback Study

Roberts Farm Property
2536 95th St

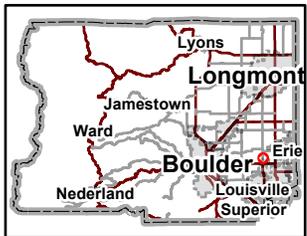
-  150ft Setback
-  Parcels

Parcel Size: 4.55 ac

With Setbacks: 0.31 ac

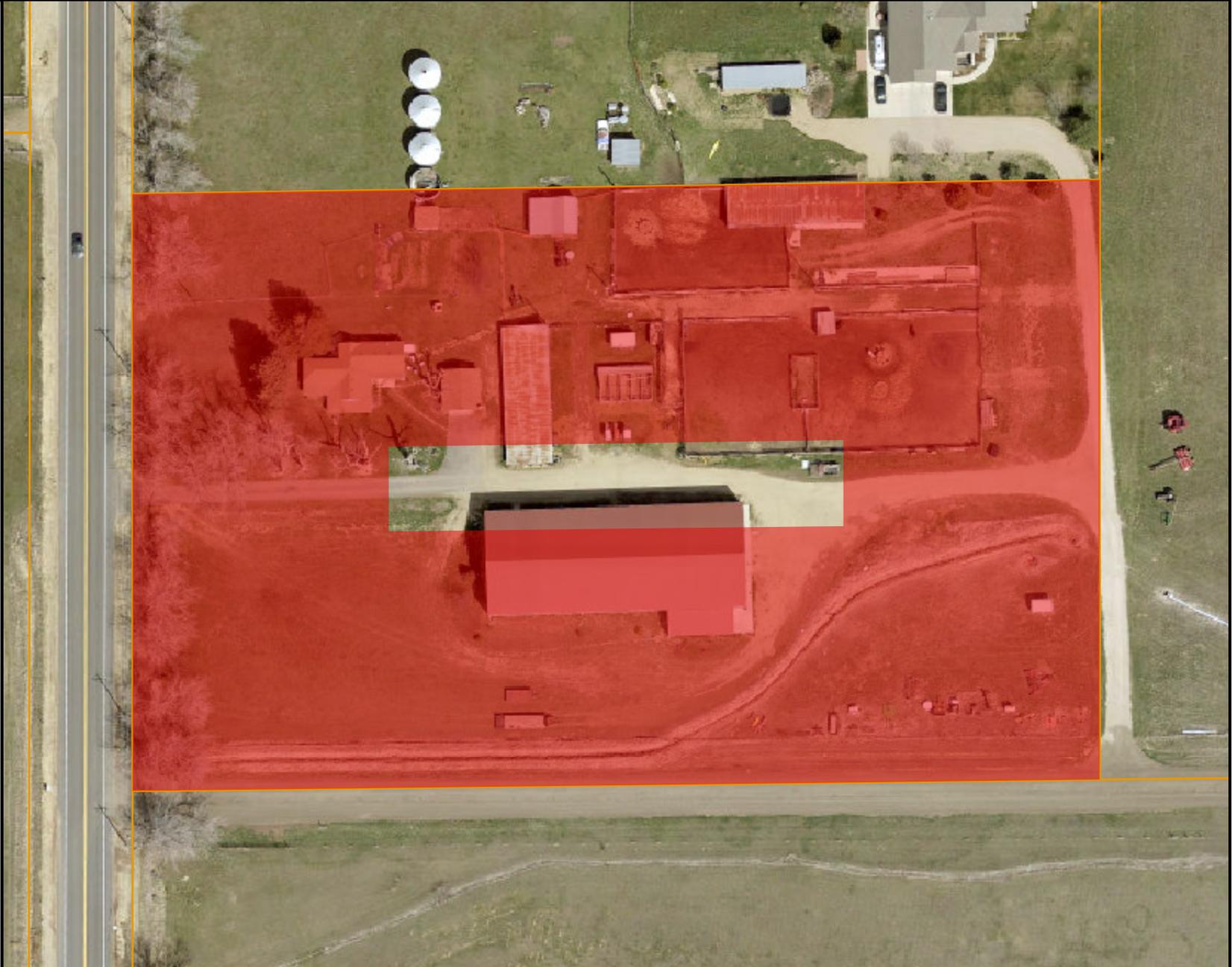


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Ag Setback Study

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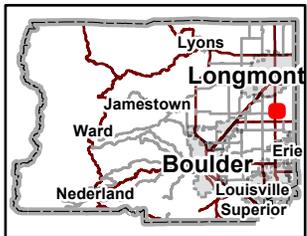
-  150ft Setback
-  Parcels

Parcel Size: 143.96 ac

With Setbacks: 111.45 ac

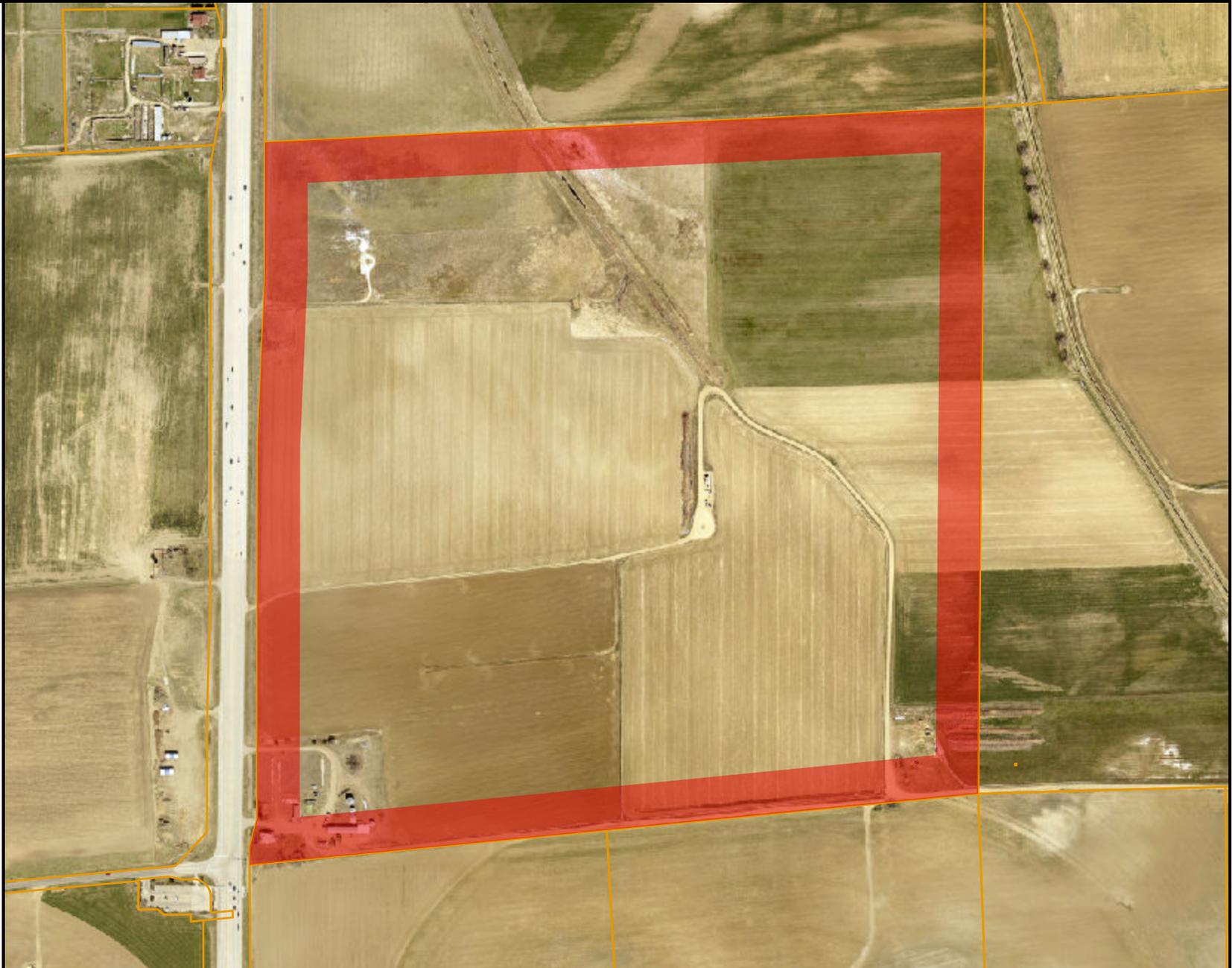


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Ag Setback Study

Cure Organic Farm
7416 Valmont Rd

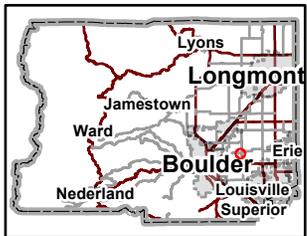
-  150ft Setback
-  Parcels

Parcel Size: 6.96 ac

With Setbacks: 1.16 ac



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Community Planning & Permitting

2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

Ag Setback Study

Aspen Moon Farm
8020 Hygiene Rd

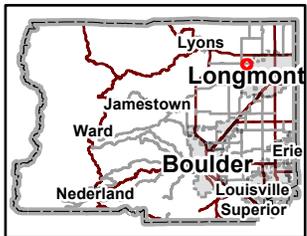
- 150ft Setback
- Parcels

Parcel Size: 2.5 ac

With Setbacks: 0 ac



Area of Detail Date: 10/27/2020



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2045 13th Street, Boulder, CO 80302 303-441-3930 www.bouldercounty.org

Ag Setback Study

Kilt Farms
8140 Oxford Rd

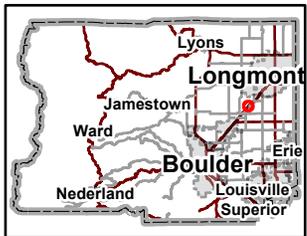
-  150ft Setback
-  Parcels

Parcel Size: 7.22 ac

With Setbacks: 0.92 ac



Area of Detail Date: 10/27/2020



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