

## RESOLUTION 2023-096

### **A resolution approving Boulder County Land Use Docket DC-23-0002: Land Use Code Text Amendment to 4-506.A Composting Incidental to Farming Operations**

#### 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. The present Docket, DC-23-0002 (the “Docket”), is intended to reduce local barriers to composting as an implement for regenerative agricultural practice, close the loop on the circular economy, and clarify Code language. The proposed text amendments to Article 4-506.A of the Code (the “Proposed Amendments”) are set forth in the Boulder County Community Planning & Permitting Department’s memorandum and recommendation dated October 12, 2023, with its attachments (the “Staff Recommendation”).

E. The Boulder County Planning Commission (the “Planning Commission”) held a duly noticed public hearing on the Proposed Amendments on June 21, 2023. The Planning Commission recommended approval of the Proposed Amendments with modifications and certified the Docket for action to the Board.

F. On October 12, 2023, the Board held a duly noticed public hearing on the Docket (the “Public Hearing”) and considered the Staff Recommendation, documents, and testimony presented by county Community Planning & Permitting Department staff. Five members of the public spoke at the Public Hearing.

G. Based on the information presented at the Public Hearing, the Board finds that the Proposed Amendments included in **Exhibit A** meet the criteria for text amendments contained in Article 16-100.B 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:

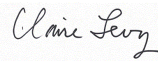
1. The Proposed Amendments in **Exhibit A** are approved, effective as of October 12, 2023.
2. Under § 30-28-125, C.R.S., the Board authorizes the Clerk to the Board to transmit this Resolution, with its Exhibit A, to the County Clerk and Recorder for filing and appropriate indexing.

**[Signature Page to Follow]**

A motion to approve the Proposed Amendments, was made at the Public Hearing by Commissioner Claire Levy, seconded by Commissioner Ashley Stolzmann, and passed by a 3-0 vote.

**ADOPTED** as a final decision of the Board on this 14th day of November 2023.

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



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Claire Levy, Chair



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Ashley Stolzmann, Vice Chair

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*Excused on Nov. 14, 2023*

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Marta Loachamin, Commissioner

ATTEST:



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Clerk to the Board

**Exhibit A**

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DOCKET DC-23-0002: PROPOSED TEXT AMENDMENTS TO ARTICLE 4 Related to Composting Incidental to Farming-  
Text amendments to the Boulder County Land Use Code related to composting incidental to farming found in the  
Composting Facility use section 4-506.A and other related Articles and provisions necessary to integrate these  
changes.

#### 4-506 Industrial Uses

##### A . Composting Facility

- 1 . Definition: A facility where organic materials are converted into a humus-like material under a process of managed biological decomposition.
- 2 . Districts Permitted: By special review in A and GI.
- 3 . Parking Requirements: One space per 1000 square feet of floor area.
- 4 . Loading Requirements: One space per 10,000 square feet of floor area.
- 5 . Additional Provisions:
  - ~~a . 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.~~
  - a b. In the General Industrial District, composting and composting incidental to operations are exempt from special use when:
    - (i) Materials to be composted are limited to organic materials;
    - (ii) 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;
    - (iii) The total amount of active composting material does not exceed 1,000 cubic yards at any one time; and
    - (iv) ~~€.~~ Organic materials include but are not limited to leaves, tree trimmings, untreated wood, and shrubbery cuttings, ~~or urea.~~

#### 4-516 Accessory Uses

##### A. Accessory Agricultural Composting

1. Definition: The conversion of organic materials, collected in a pile or windrow, through a process of managed biological decomposition to produce finished compost, in a manner customary and incidental to a principal agricultural use.

2. Districts permitted: By right in F, A, RR, ER, T, B, C, LI, GI, and MI zone districts.

3. Parking Requirements: None.

4. Loading requirements: None.

5. Additional provisions:

- a. Composting incidental to agricultural operations is exempt from the location requirements in part c below when under 50 cubic yards of material is being processed.
- b. Materials which may be collected from off-site are limited to wood and vegetative debris, yard by-products, food discards and agricultural by-products.
- c. The location of the composting must be at least 150 feet from the perimeter of the parcel(s) under the same ownership, lease or control where the agricultural operation is occurring, if more than 50 cubic yards of material is being composted at any one time.
- d. The total amount of active composting material shall not exceed 1,000 cubic yards at any one time.
- e. No more than 1,500 cubic yards of composted material shall be removed from the site in any 36-month period.
- f. Any required state and federal licenses and permits shall be obtained from the appropriate regulatory agencies and shall be maintained in good standing.
- g. The location of composting activities must be outside the 100-year floodplain and at least 100 feet from wells and at least 50 feet from streams or other water features.
- h. Measures to protect storm water quality shall be implemented. Runoff from composting shall not leave the property or enter a water body.

*Ensuing subsections will be renumbered, accordingly.*

#### N. Backyard Composting

1. Definition: The conversion of organic material into a humus-like material (compost) under a process of managed biological decomposition, in a manner customary and incidental to principal residential uses.

2. Districts Permitted: Permitted by right in all zone districts.

3. Parking Requirements: None.

4. Loading Requirements: None.

5. Additional Provisions:

- a. Materials to be composted are limited to materials incidental to residential uses typically generated on site.
- b. Composted material shall not be sold retail from the site.
- c. The total amount of compost material shall not exceed 5 cubic yards at any one time.
- d. The location of composting activities must meet the zone district setbacks if more than one cubic yard of material is being composted at any one time.

*Ensuing subsections will be renumbered, accordingly.*

#### Article 18 Definitions

18-105 Agricultural Products: Products intended for direct human or animal use derived by the cultivation of plants, the rearing of animals, and other activities related to farming, ranching, and agricultural production such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, flowers, herbs, and wool, and finished compost.