

Open Space Protection Alliance | [www.ProtectRainbowOpenSpace.org](http://www.ProtectRainbowOpenSpace.org)

## PRESS RELEASE

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### **NON-PROFIT FORMED TO EDUCATE BOULDER COUNTY RESIDENTS ABOUT IMMINENT THREAT TO OPEN SPACE**

*Boulder County attempting massive industrial development on taxpayer-funded  
Open Space lands protected with conservation easement*

**Boulder, CO November 13, 2020** — Dismayed by Boulder County’s recent special use application — submitted to itself for approval — seeking approval for the development on a 40-acre Open Space parcel encompassing a former tree farm into the Rocky Mountain region’s largest industrial-scale facility for processing human sewage bio-solids, animal manure and rotting food waste into compost, a group of concerned Boulder County residents has formed a non-profit, Open Space Protection Alliance (OSPA), and launched [www.ProtectRainbowOpenspace.org](http://www.ProtectRainbowOpenspace.org)

In December 1993, using taxpayer funds, Boulder County took one of the first self-described “rare” actions of purchasing a conservation easement on the 40-acre Rainbow Nursery located on US 287 between Lookout Road and Highway 52. More than twenty years later when Rainbow Nursery was listed for sale, the County reaffirmed the land’s exceptional preservation values and exercised its purchased right of first refusal to purchase the land with Open Space funds. It added the parcel to Boulder County’s Open Space inventory on April 17, 2018.

On October 6, 2020, Andrew Barth, a spokesman for Boulder County, told neighbors in a limited, invitation-only public meeting at Rainbow Open Space that Boulder County was only in the early consideration phase of developing a future composting facility at Rainbow Open Space. In a discussion that was video-taped, Barth assured approximately 30 neighbors the project was “not a done deal” and still “very early in the process”, and that his only interest was to gain neighbor feedback. Yet, only five days later, on October 11, 2020, the County submitted a 235-page Special Use Review Application to Boulder County, seeking to clear-cut the 40-acre Rainbow Open Space

parcel and develop it into a massive industrial-scale waste processing facility covered with industrial processing buildings and significant paving.

The County's application illuminated a highly unorthodox land transfer within the County's various departments wherein the Open Space land was stripped of its protected status, was stripped from the Open Space inventory, was stripped of its perpetual conservation easement, and was unilaterally transferred to Public Works for development. According to Barth, Boulder County has spent close to \$1,000,000 on contractors for this clandestine effort. This is in addition to the \$935,000 Boulder County spent to purchase the Rainbow property in 2018 and the \$169,000 Boulder County spent to purchase the conversation easement in 1993. To gain more transparency, OSPA was required to submit a Colorado Open Records Act (CORA) request on October 22, 2020. As of today, and despite having pre-paid a staggering \$2,000 in fees, Boulder County has yet to make any public records available. Thus, OSPA is unable to confirm the origins of this effort, the full extent of future expansion plans, how much taxpayer money has already been spent, and how much more has been approved beyond the more than approximately \$2,000,000 Boulder County has already spent.

OSPA is determined to raise community awareness of the proposed abuse of Open Space, the troubling precedent set by the County's never-before seen dismissal of legally binding conservation easements and the manipulation of public trust through an inexplicably rushed and unilateral review process, particularly at a time when Boulder County's "Safer at Home Level Orange: High Risk" precludes in-person public hearings. Boulder County's application to itself is particularly problematic for community members who are concerned about the extreme incompatibility of the proposed facility's industrial-scale with its original Open Space designation and agricultural surroundings, and the related noise from the expected 6-acre paved open-air wood grinding plant, numerous industrial vehicles and the nearly constant back-up beepers.

Health, safety and environmental impact concerns tied to the impact of Boulder County's anticipated 40-50 heavy truck trips each day in and out of the Rainbow Open Space on an already exceptionally dangerous stretch of US-287 also remain unaddressed in Boulder County's application to itself. This unprecedented abuse of Open Space calls into question Boulder County's commitment to preserving other Open Space it owns or on which it holds a conservation easement. Boulder County residents have long relied on the protection of Open Space to provide outdoor and recreation opportunities and enhance their quality of life. Citizens should not suddenly have to start worrying about where Boulder County will next choose to abandon the values it espoused in acquiring Open Space and instead subject residents to an entirely inconsistent industrial use of the land.

Notably, there is no private landowner option to do what Boulder County is attempting to do for itself in erasing taxpayer-funded conservation easements or developing Open Space to the detriment of the entire resident community. Boulder County's callous and hypocritical posture in pursuing an industrial-scale waste processing facility on Open Space undermines its own recent District Court petition to prevent Extraction Oil & Gas from drilling in Weld County on land where

Boulder County owns a conservation easement “to protect the high-quality agricultural and open-space qualities of the land.” Commissioner Gardner noted in a recent press release, “If Extraction proceeds, it will cause harm to the property that could never be fully repaired. We will do everything we can to stop them.”

“The double-standard applied by the County in its pursuit of a pet project, at the expense of the entire community, is alarming. Wrapping the County’s own development in a feel-good, green-washed wrapper does not lessen its impact or the outrageousness of clearcutting and paving Open Space for a highly intensive industrial project of this scale,” remarked OSPA founding member and Boulder attorney, Lisa Battan. She continued, “the adverse impacts of the County’s plan are completely at odds with the County’s own justification for protecting the lands in the first place. The taxpayers who purchased these lands for preservation deserve better and they need to know what’s at stake.”

Attorney for the new organization, Karl Kumli, added, “We have asked Boulder County for publicly available information on this matter in order to determine our next steps. However, the County is delaying delivery of any information sought by our Open Records Act requests. At the same time, the County is hurtling forward with unprecedented speed to make its final determinations in this case where it is the industrial applicant, the proponent of termination of the Rainbow Open Space and the entity which will decide the fate of that Open Space. This process cannot be a railroad job. The integrity of the County’s Open Space program is clearly in issue. So, we are forced to examine all our legal options.”

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**Open Space Protection Alliance** is a not for profit organization founded by a diverse and highly committed community of conservationists, environmentalists, farmers and concerned citizens who are raising awareness and protecting taxpayer-purchased high-quality agricultural and open space lands from self-interested parties and exploitive special interest groups that threaten the public trust and jeopardize the inviolable commitment of open space preservation for future generations.

We exist to educate the community about open space abuse and the immediate need to **Protect Rainbow Open Space** from Boulder County's incompatible industrial-scale development plans.