

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

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# **OPEN SPACE PROTECTION ALLIANCE ORDERS EVIDENCE PRESERVATION AND SERVES BOULDER COUNTY NOTICE OF INTENT TO FILE SUIT**

*Boulder County attempting massive industrial development on taxpayer-funded Open Space lands in violation of conservation easement*

**Boulder, CO November 24, 2020** — Newly formed Boulder non-profit, Open Space Protection Alliance (OSPA) informed Boulder County today of its intent to file a lawsuit against the Board of County Commissioners seeking declaratory judgement, to quiet title, to impose a constructive trust and for other relief related to the County's unlawful plans to build an industrial-scale waste processing and compost facility on Open Space lands, purchased with dedicated funds and protected by legally-binding conservation easements.

OSPA's letter also demanded that Boulder County comply with the Federal and Colorado Rules of Civil Procedure regarding their duty to preserve evidence related to the forthcoming claims. On October 21, November 12, and November 17, OSPA filed Colorado Open Records Act requests with the County seeking disclosure of public records related to the County's unusually secretive and unprecedentedly fast-tracked application to itself to authorize construction on protected Open Space.

Boulder County has not been adequately forthcoming in its production of public records requested by OSPA, as required under the Colorado Open Records Act. It has attempted to discourage public inquiry through exorbitant fees for records access and has provided glaringly incomplete responses.

Paradoxically, while Boulder County is blaming the pandemic for its delays and non-responsiveness, the County has rejected OSPA's written request to provide a corresponding delay in its deadline for community and stakeholder input to Boulder County's application to itself.

Plaintiff, OSPA co-founder, and Boulder County resident Lisa Battan notes, "it is offensive for Boulder County – which is at once the land-owner, developer, applicant, reviewer, and future operator of this highly controversial project – to deny the community their lawful right to review the details of this project and to understand its far reaching and long lasting impact on the community." Battan added,

“the County is rushing to finalize this project without adequate transparency. The County’s unprecedented action to destroy taxpayer funded conservation easements which existed on the property for more than 25 years, as well as to convert Open Space and important agricultural lands into industrial and commercial uses, should not be lightly or hurriedly undertaken. The County is preventing residents from understanding what a small group of people are doing to develop lands which belong to the public.”

Underlying OSPA’s concern is the fact that despite having pro-actively expanded the notification radius on other recent Land Use Review matters to as far as 2-miles, on its own application to develop a high-intensity, industrial-scale facility on 40-acres of Open Space, Boulder County instead chose to only notify 12 individual property owners. The County asserts this satisfies its legal minimum obligation to notice only property owners within 1,500’ of the proposed commercial development. Dawson School, the Town of Erie, and hundreds more homeowners would be made aware of the true nature of the County’s plans if it applied the same 2-mile standard to itself that it forced Boulder Rifle Club’s to adopt in its recent expansion application process.

Former local government attorney and OSPA member, Jeffrey Davis adds, “Boulder County’s plan to accept 60,500 tons of animal manure, rotting food and human sewage bio-solids is an industrial-scale commercial operation on lands that were purchased with Sales Tax money for Open Space. This is wrong and poses serious contamination threats to groundwater, onsite wetlands, and the adjacent Leggett Ditch. Under the feel-good banner of Zero-Waste, the County is proposing to clear-cut a forested conservation easement and transform Open Space into a toxic source of life-altering air and odor pollutants just two miles upwind from downtown Erie.”

Davis framed the full scale of Boulder’s proposal by adding, “for perspective, Boulder County’s projected 60,500 tons per year of waste at this property is equal to the weight of 40,000 Toyota Prius cars...all being trucked from around the region, along already congested Highway 287, to be dumped in the heart of Boulder County on irreplaceable USDA-certified agricultural lands of national significance that we taxpayers paid more than a million dollars to protect. This is a horribly ill-conceived proposal that does not survive any reasonable scrutiny.”

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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.

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