



Parks & Open Space

5201 St. Vrain Road • Longmont, CO 80503
303-678-6200 • POSinfo@bouldercounty.org
www.BoulderCountyOpenSpace.org

Rainbow Nursery Property

Acquisition History

In 1994, Boulder County purchased a conservation easement over the Rainbow Nursery property using open space sales and use tax funds. The conservation easement helped preserve the rural character of the area, protected the property's agricultural land and water rights, prevented subdivision, preserved scenic views along Highway 287, and helped create a community buffer south of Longmont and northwest of Erie. In 2018, the county purchased the property and its water rights, again using open space sales and use tax funds.

With the 2018 purchase, the county's conservation easement interest automatically merged with the county's fee title ownership, so the county now owns the property unencumbered by a conservation easement. (Per common law, when a landowner holds a conservation easement restricting a property and then acquires ownership of the property, the property interests merge together and the conservation easement ceases to exist because a single owner cannot both own the property and hold an encumbrance over it.)

Potential Composting Facility

When the county commissioners approved purchasing the property in 2018, the county stated in transaction documents and the public record that the county was considering using the property to further the county's zero waste goals. The county commissioners acknowledged that if the county approves a composting facility (a non-open space use) on this property, a future public process would be required to consider disposition of the property as open space. This process would include giving notice to neighbors, publishing notices in the paper, a presentation to the Parks and Open Space Advisory (POSAC) Committee, a Board of County Commissioners (BOCC) public hearing, and waiting 60 days after any BOCC approval before beginning to use the property for a composting facility. More detail about the disposition process can be obtained by contacting the Real Estate Division Manager of Parks & Open Space.

In 2019, a contractor for Boulder County analyzed sites for the potential development of zero waste infrastructure, which included construction and demolition debris and composting management facilities. The study reviewed three potential locations, and the Rainbow Nursery property was recommended by the study team as the most suitable site for a composting facility for several reasons, including location, development costs, proximity to potential facility users, distance from neighboring dwellings, and because it offered the largest potential reduction in greenhouse gas emissions.

Until any such approvals occur, the property continues to be open space. If the BOCC agrees to dispose of the property as open space, the county will reimburse the open space sales and use tax fund for the entire amount of land and conservation easement value. Those funds (about \$750,000) will be used to purchase new open space, so there will be no net loss of open space. The county will keep the water rights for agricultural use on other agricultural open space properties.