

**First Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 09-0290.01 Bob Lackner

**HOUSE BILL 09-1070**

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**HOUSE SPONSORSHIP**

**Fischer**, Hullinghorst

**SENATE SPONSORSHIP**

**(None)**,

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**House Committees**  
Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE PROHIBITION OF CERTAIN TYPES OF LANDS FROM**  
102             **INCLUSION IN URBAN RENEWAL AREAS, AND, IN CONNECTION**  
103             **THEREWITH, REQUIRING THE PARTICIPATION IN URBAN**  
104             **RENEWAL AREAS OF GOVERNMENTAL ENTITIES THAT IMPOSE**  
105             **PROPERTY TAXES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Specifies that no area that has been designated as an urban renewal area (area) shall contain any agricultural or vacant land unless:

!       The area is a brownfield site as designated by the United

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

- States environmental protection agency;
- ! Each public body that levies ad valorem property taxes on the area agrees to the inclusion of the area within the urban renewal area;
- ! The area was included in an approved urban renewal plan prior to the effective date of the act; or
- ! The area was previously developed and became vacant as a result of demolition, destruction, or acts of nature.

Expands existing statutory provisions governing the submission of an urban renewal plan or modification to the plan to require a municipality to submit the plan or modification and, under specified circumstances, the urban renewal impact report to the governing body of a taxing entity.

Deletes existing statutory provisions stating that the inadvertent failure of a governing body or an authority to submit an urban renewal plan (plan), substantial modification to the plan, or an urban renewal impact report, as applicable, to a board of county commissioners neither creates a cause of action in favor of any party nor invalidates any urban renewal plan or modification to the plan.

Expands existing statutory provisions requiring each county that is entitled to receive a copy of the plan to provide data and projections to assist the governing body or the authority in preparing the urban renewal impact report to impose such duty on all taxing entities.

Expands existing statutory provisions authorizing the governing body of a municipality to approve a plan if it finds that the authority or the municipality will adequately finance, or that agreements are in place to finance, any additional county infrastructure and services required to serve development within the urban renewal area for the specified period to include any additional taxing entity infrastructure and services required to serve such development.

In the case of an irrevocable pledge by an authority of specified tax revenues for the payment of certain indebtedness in connection with tax increment financing, expands existing statutory provisions restricting the pledge from extending to taxes placed in a reserve fund to be returned to the county to include taxes placed in a reserve fund to be returned to any taxing entity.

Expands existing statutory provisions authorizing the governing body or the authority to enter into an agreement with a county for the allocation of property taxes to include a taxing entity as among the parties to the agreement. Expands the subject of the proposed agreement to include payment of the costs of any additional taxing entity infrastructure or services necessary to offset the impacts of an urban renewal project and for the sharing of revenues.

Expands existing statutory provisions giving counties the authority to challenge impacts relating to an urban renewal project as part of a

dispute resolution process to give such authority to any entity levying ad valorem property taxes on any portion of the real property constituting an urban renewal area. Expands the grounds by which such taxing entities may object to actions of the municipality that has created the urban renewal plan.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** 31-25-102, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4           **31-25-102. Legislative declaration.** (4) THE GENERAL  
5 ASSEMBLY FURTHER FINDS AND DECLARES THAT URBAN RENEWAL AREAS  
6 CREATED FOR THE PURPOSES DESCRIBED IN SUBSECTIONS (1) AND (2) OF  
7 THIS SECTION SHALL NOT INCLUDE AGRICULTURAL OR VACANT LAND  
8 EXCEPT IN CONNECTION WITH THE LIMITED CIRCUMSTANCES DESCRIBED IN  
9 THIS PART 1.

10           **SECTION 2.** 31-25-103 (1) and (2), Colorado Revised Statutes,  
11 are amended, and the said 31-25-103 is further amended BY THE  
12 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

13           **31-25-103. Definitions.** As used in this part 1, unless the context  
14 otherwise requires:

15           (1) ~~"Authority" or "urban renewal authority" means a corporate~~  
16 ~~body organized pursuant to the provisions of this part 1 for the purposes,~~  
17 ~~with the powers, and subject to the restrictions set forth in this part 1~~  
18 "AGRICULTURAL LAND" MEANS ANY ONE PARCEL OF LAND OR ANY TWO OR  
19 MORE CONTIGUOUS PARCELS OF LAND THAT, REGARDLESS OF THE USES  
20 FOR WHICH THE LAND HAS BEEN ZONED, HAS BEEN CLASSIFIED BY THE  
21 COUNTY ASSESSOR AS AGRICULTURAL LAND FOR PURPOSES OF THE  
22 LEVYING AND COLLECTION OF PROPERTY TAX PURSUANT TO SECTION  
23 39-1-103, C.R.S., AT ANY TIME DURING THE FIVE-YEAR PERIOD PRIOR TO

1 THE DATE OF ADOPTION OF THE URBAN RENEWAL PLAN OR ANY  
2 MODIFICATION OF SUCH PLAN.

3 (1.5) "AUTHORITY" OR "URBAN RENEWAL AUTHORITY" MEANS A  
4 CORPORATE BODY ORGANIZED PURSUANT TO THIS PART 1 FOR THE  
5 PURPOSES, WITH THE POWERS, AND SUBJECT TO THE RESTRICTIONS SET  
6 FORTH IN THIS PART 1.

7 (2) "Blighted area" means ~~an~~ A PREDOMINANTLY URBANIZED area  
8 that, in its present condition and use and, by reason of the presence of at  
9 least four of the following factors, substantially impairs or arrests the  
10 sound growth of the municipality, retards the provision of housing  
11 accommodations, or constitutes an economic or social liability, and is a  
12 menace to the public health, safety, morals, or welfare:

- 13 (a) Slum, deteriorated, or deteriorating structures;
- 14 (b) ~~Predominance of defective or inadequate street layout;~~
- 15 (c) ~~Faulty lot layout in relation to size, adequacy, accessibility, or~~  
16 ~~usefulness;~~
- 17 (d) Unsanitary or unsafe conditions;
- 18 (e) Deterioration of site or other improvements;
- 19 (f) ~~Unusual topography or~~ Inadequate public improvements or  
20 utilities FOR THE PRESENT USE OF THE AREA;
- 21 (g) Defective or unusual conditions of title rendering the title  
22 nonmarketable;
- 23 (h) The existence of conditions that endanger life or property by  
24 fire or other causes;
- 25 (i) Buildings ~~that are~~ IN WHICH IT IS unsafe or unhealthy for  
26 persons to live or work ~~in~~ because of building code violations,  
27 dilapidation, deterioration, defective design, physical construction, or

1 faulty or inadequate facilities;

2 (j) Environmental contamination of buildings or property; OR

3 (k) (Deleted by amendment, L. 2004, p. 1745, § 3, effective June  
4 4, 2004.)

5 (k.5) The existence of health, safety, or welfare factors requiring  
6 high levels of municipal services or substantial physical underutilization  
7 or vacancy of sites, buildings, or other improvements. ~~or~~

8 ~~(l) If there is no objection by the property owner or owners and~~  
9 ~~the tenant or tenants of such owner or owners, if any, to the inclusion of~~  
10 ~~such property in an urban renewal area, "blighted area" also means an~~  
11 ~~area that, in its present condition and use and, by reason of the presence~~  
12 ~~of any one of the factors specified in paragraphs (a) to (k.5) of this~~  
13 ~~subsection (2), substantially impairs or arrests the sound growth of the~~  
14 ~~municipality, retards the provision of housing accommodations, or~~  
15 ~~constitutes an economic or social liability, and is a menace to the public~~  
16 ~~health, safety, morals, or welfare. For purposes of this paragraph (l), the~~  
17 ~~fact that an owner of an interest in such property does not object to the~~  
18 ~~inclusion of such property in the urban renewal area does not mean that~~  
19 ~~the owner has waived any rights of such owner in connection with laws~~  
20 ~~governing condemnation.~~

21 (7.5) "TAXING ENTITY" MEANS A PUBLIC BODY THAT IS LEVYING  
22 AD VALOREM PROPERTY TAXES ON ANY PORTION OF THE REAL PROPERTY  
23 CONSTITUTING AN URBAN RENEWAL AREA; EXCEPT THAT "TAXING ENTITY"  
24 SHALL NOT INCLUDE THE MUNICIPALITY IN WHICH AN AUTHORITY HAS  
25 BEEN ESTABLISHED.

26 (11) "VACANT LAND" MEANS THOSE PORTIONS OF ANY LOT,  
27 PARCEL OR LAND AREA, RECLAIMED MINED LANDS, SITE, NONPRODUCING

1 MINES, FLOOD PLAINS AS DESIGNATED BY THE FEDERAL EMERGENCY  
2 MANAGEMENT AGENCY IN CONNECTION WITH A ONE-HUNDRED YEAR  
3 FLOODPLAIN IDENTIFICATION, OR OTHER TRACTS OF LAND UPON WHICH NO  
4 BUILDINGS OR FIXTURES, OTHER THAN MINOR STRUCTURES, ARE LOCATED;  
5 EXCEPT THAT "VACANT LAND" DOES NOT INCLUDE AGRICULTURAL LAND,  
6 PRODUCING OIL AND GAS PROPERTIES, SEVERED MINERAL INTERESTS, AND  
7 ALL PRODUCING MINES. FOR PURPOSES OF THIS SUBSECTION (11), "MINOR  
8 STRUCTURES" MEANS IMPROVEMENTS THAT DO NOT ADD VALUE TO THE  
9 LAND ON WHICH THEY ARE LOCATED AND ARE NEITHER SUITABLE FOR USE  
10 NOR ACTUALLY BEING USED FOR ANY COMMERCIAL OR RESIDENTIAL  
11 PURPOSE.

12 **SECTION 3.** 31-25-107 (1) (c), the introductory portion to  
13 31-25-107 (3.5) (a), 31-25-107 (3.5) (a) (III), (3.5) (a) (IV), (3.5) (a) (V),  
14 (3.5) (b), (3.7), (4) (h), and (9) (b), the introductory portion to 31-25-107  
15 (10), and 31-25-107 (11) and (12), Colorado Revised Statutes, are  
16 amended to read:

17 **31-25-107. Approval of urban renewal plans by local**  
18 **governing body.** (1) (c) (I) ~~Except for urban renewal plans subject to~~  
19 ~~section 31-25-103 (2) (f);~~ The boundaries of an area that the governing  
20 body determines to be a blighted area shall be drawn as narrowly as the  
21 governing body determines feasible to accomplish the planning and  
22 development objectives of the proposed urban renewal area. The  
23 governing body shall not approve an urban renewal plan until a general  
24 plan for the municipality has been prepared. An authority shall not  
25 acquire real property for an urban renewal project unless the local  
26 governing body has approved the urban renewal plan in accordance with  
27 subsection (4) of this section. In making the determination as to whether

1 a particular area is blighted pursuant to the provisions of this part 1, any  
2 particular condition found to be present may satisfy as many of the factors  
3 referenced in section 31-25-103 (2) as are applicable to such condition.

4 (II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 1, NO  
5 AREA THAT HAS BEEN DESIGNATED AS AN URBAN RENEWAL AREA SHALL  
6 CONTAIN ANY AGRICULTURAL OR VACANT LAND UNLESS:

7 (A) THE AREA IS A BROWNFIELD SITE AS DESIGNATED BY THE  
8 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY;

9 (B) EACH PUBLIC BODY THAT LEVIES AN AD VALOREM PROPERTY  
10 TAX ON THE AREA AGREES TO THE INCLUSION OF THE AREA WITHIN THE  
11 URBAN RENEWAL AREA;

12 (C) THE AREA WAS INCLUDED IN AN APPROVED URBAN RENEWAL  
13 PLAN PRIOR TO THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (II); OR

14 (D) THE AREA WAS PREVIOUSLY DEVELOPED AND BECAME VACANT  
15 AS A RESULT OF DEMOLITION, DESTRUCTION, OR ACTS OF NATURE.

16 (3.5) (a) At least thirty days prior to the hearing on an urban  
17 renewal plan or a substantial modification to ~~such~~ THE plan, the governing  
18 body or the authority shall submit ~~such~~ THE plan or modification to the  
19 ~~board of county commissioners~~ GOVERNING BODY OF THE TAXING ENTITY,  
20 and, if property taxes collected as a result of the ~~county~~ TAXING ENTITY  
21 levy will be utilized, the governing body or the authority shall also submit  
22 an urban renewal impact report, which shall include, at a minimum, the  
23 following information concerning the impact of ~~such~~ THE plan:

24 (III) An estimate of the impact of the urban renewal project on  
25 ~~county~~ TAXING ENTITY revenues and on the cost and extent of additional  
26 ~~county~~ TAXING ENTITY infrastructure and services required to serve  
27 development within the proposed urban renewal area, and the benefit of

1 improvements within the urban renewal area to existing county TAXING  
2 ENTITY infrastructure;

3 (IV) A statement setting forth the method under which the  
4 authority or the municipality will finance, or that agreements are in place  
5 to finance, any additional county TAXING ENTITY infrastructure and  
6 services required to serve development in the urban renewal area for the  
7 period in which all or any portion of the property taxes described in  
8 subparagraph (II) of paragraph (a) of subsection (9) of this section and  
9 levied by a county TAXING ENTITY are paid to the authority; and

10 (V) Any other estimated impacts of the urban renewal project on  
11 county TAXING ENTITY services or revenues.

12 (b) ~~The inadvertent failure of a governing body or an authority to~~  
13 ~~submit an urban renewal plan, substantial modification to the plan, or an~~  
14 ~~urban renewal impact report, as applicable, to a board of county~~  
15 ~~commissioners in accordance with the requirements of paragraph (a) of~~  
16 ~~this subsection (3.5) shall neither create a cause of action in favor of any~~  
17 ~~party nor invalidate any urban renewal plan or modification to the plan.~~

18 (3.7) Upon request of the governing body or the authority, each  
19 county TAXING ENTITY that is entitled to receive a copy of the plan shall  
20 provide available county TAXING ENTITY data and projections to assist the  
21 governing body or the authority in preparing the urban renewal impact  
22 report required pursuant to subsection (3.5) of this section.

23 (4) Following such hearing, the governing body may approve an  
24 urban renewal plan if it finds that:

25 (h) The authority or the municipality will adequately finance, or  
26 that agreements are in place to finance, any additional county TAXING  
27 ENTITY infrastructure and services required to serve development within

1 the urban renewal area for the period in which all or any portion of the  
2 property taxes described in subparagraph (II) of paragraph (a) of  
3 subsection (9) of this section and levied by a ~~county~~ TAXING ENTITY are  
4 paid to the authority.

5 (9) (b) The portion of taxes described in subparagraph (II) of  
6 paragraph (a) of this subsection (9) may be irrevocably pledged by the  
7 authority for the payment of the principal of, the interest on, and any  
8 premiums due in connection with such bonds, loans, advances, and  
9 indebtedness. This irrevocable pledge shall not extend to any taxes that  
10 are placed in a reserve fund to be returned to the ~~county~~ TAXING ENTITY  
11 for refunds of overpayments by taxpayers; except that this limitation on  
12 the extension of the irrevocable pledge shall not apply to a city and  
13 county.

14 (10) The municipality in which an urban renewal authority has  
15 been established pursuant to the provisions of this part 1 shall timely  
16 notify the ~~assessor of the county~~ GOVERNING BODY OF THE TAXING ENTITY  
17 in which ~~such~~ THE authority has been established when:

18 (11) The governing body or the authority may enter into an  
19 agreement with any ~~county~~ TAXING ENTITY within the boundaries of  
20 which property taxes collected as a result of the ~~county~~ TAXING ENTITY  
21 levy, or any portion of the levy, will be subject to allocation pursuant to  
22 subsection (9) of this section. The agreement may provide for the  
23 allocation of responsibility among the parties to the agreement for  
24 payment of the costs of any additional ~~county~~ TAXING ENTITY  
25 infrastructure or services necessary to offset the impacts of an urban  
26 renewal project and for the sharing of revenues. Except with the consent  
27 of the governing body or the authority, any such shared revenues shall be

1 limited to all or any portion of the taxes levied upon taxable property  
2 within the urban renewal area by the ~~county~~ TAXING ENTITY.

3 (12) (a) ~~Except as provided in paragraph (e) of this subsection~~  
4 ~~(12), the county~~ A TAXING ENTITY may enforce the requirements of  
5 subparagraphs (III) and (IV) of paragraph (a) of subsection (3.5) and  
6 paragraph (h) of subsection (4) of this section by means of the arbitration  
7 process established by this subsection (12) where:

8 (I) Property located within ~~such county~~ THE TAXING ENTITY is  
9 included within an urban renewal plan;

10 (II) The ~~county~~ TAXING ENTITY has provided information  
11 requested pursuant to subsection (3.7) of this section; and

12 (III) The ~~county~~ TAXING ENTITY has appeared at a public hearing  
13 held pursuant to paragraph (a) of subsection (3) of this section and  
14 presented ~~evidence at such hearing that development within the urban~~  
15 ~~renewal area will create a need for additional county infrastructure and~~  
16 ~~services~~ ITS OBJECTIONS OR OTHER ALLEGATIONS OF STATUTORY  
17 NON-COMPLIANCE; except that the requirements of this subparagraph (III)  
18 shall not apply in the case of a ~~county~~ TAXING ENTITY that did not receive  
19 an urban renewal plan, a substantial modification to the plan, or an urban  
20 renewal impact report, as applicable, pursuant to paragraph (a) of  
21 subsection (3.5) of this section.

22 (b) (I) A ~~county~~ TAXING ENTITY objecting under ~~the provisions of~~  
23 this section to an urban renewal plan approved under subsection (4) of  
24 this section that received on a timely basis an urban renewal plan, a  
25 substantial modification to the plan, or an urban renewal impact report,  
26 as applicable, pursuant to paragraph (a) of subsection (3.5) of this section  
27 shall file written notice of the objection with the authority as well as the

1 governing body that has approved the plan within fifteen days of the date  
2 of the approval of the plan. A ~~county~~ TAXING ENTITY objecting under ~~the~~  
3 ~~provisions of~~ this section to an urban renewal plan approved under  
4 subsection (4) of this section that did not receive on a timely basis an  
5 urban renewal plan, a substantial modification to the plan, or an urban  
6 renewal impact report, as applicable, pursuant to paragraph (a) of  
7 subsection (3.5) of this section shall file written notice of the objection  
8 with the authority as well as the governing body that has approved the  
9 plan within thirty days of the date of the approval of the plan or within  
10 five days of the date of the ~~county's~~ TAXING ENTITY'S receipt of the plan,  
11 whichever date is later. The notice of objection shall include a statement  
12 of the grounds upon which the ~~county~~ TAXING ENTITY asserts that the  
13 authority or the governing body has failed to comply with the  
14 requirements of ~~subparagraphs (III) and (IV) of paragraph (a) of~~  
15 ~~subsection (3.5) and paragraph (h) of subsection (4) of this section.~~ The  
16 notice of objection shall also include the name of one attorney who has  
17 been licensed for a minimum of ten years in the state of Colorado, who  
18 is experienced in administrative and land use law, and who the ~~board of~~  
19 ~~county commissioners of the county~~ GOVERNING BODY OF THE TAXING  
20 ENTITY believes to be qualified to serve as a member of the panel of  
21 arbitrators charged with resolving the county's objections in accordance  
22 with the requirements of this subsection (12).

23 (II) Within twenty days of receipt of the notice of objection, the  
24 governing body THAT HAS APPROVED THE PLAN shall submit to the ~~county~~  
25 TAXING ENTITY the name of one additional person to serve as a member  
26 of the panel of arbitrators, which person shall also satisfy the  
27 requirements specified in subparagraph (I) of this paragraph (b). Within

1 twenty days of such submission, the two members of the arbitration panel  
2 selected by the ~~county~~ TAXING ENTITY and the governing body THAT HAS  
3 APPROVED THE PLAN shall jointly select an additional person to serve as  
4 the third and final member of the panel of arbitrators, which person shall  
5 also satisfy the requirements specified in subparagraph (I) of this  
6 paragraph (b). The panel of three arbitrators selected pursuant to this  
7 paragraph (b) shall be charged with resolving the ~~county's~~ TAXING  
8 ENTITY'S objections in accordance with the requirements of this  
9 subsection (12). Notwithstanding ~~the provisions of this paragraph (b), the~~  
10 ~~county~~ TAXING ENTITY, governing body THAT HAS APPROVED THE PLAN,  
11 and authority may agree upon a single arbitrator to resolve the ~~county's~~  
12 TAXING ENTITY'S objections.

13 (III) If the ~~county~~ TAXING ENTITY, governing body THAT HAS  
14 APPROVED THE PLAN, and authority have not reached a written agreement  
15 resolving the ~~county's~~ TAXING ENTITY'S objections within thirty days after  
16 the receipt by the governing body of the notice specified in subparagraph  
17 (I) of this paragraph (b), the objections specified in the notice shall be  
18 submitted to arbitration in accordance with the requirements of this  
19 subsection (12).

20 (c) The arbitration hearing, if any, shall commence within sixty  
21 days after the receipt by the governing body of the notice of objection.  
22 The parties to the arbitration shall be ~~the county~~ ANY ONE OR MORE  
23 TAXING ENTITIES THAT HAVE FILED A NOTICE OF OBJECTION PURSUANT TO  
24 SUBPARAGRAPH (I) OF PARAGRAPH (b) OF THIS SUBSECTION (12), THE  
25 governing body THAT HAS APPROVED THE PLAN, and THE authority. At the  
26 arbitration hearing, the governing body THAT HAS APPROVED THE PLAN or  
27 the authority, as applicable, shall have the burden of proving by a

1 preponderance of the evidence that it submitted the urban renewal plan,  
2 a substantial modification to the plan, and an urban renewal impact  
3 report, as applicable, to ~~the county~~ ONE OR MORE TAXING ENTITIES  
4 pursuant to paragraph (a) of subsection (3.5) of this section and that it did  
5 not abuse its discretion in ~~preparing the estimate or statement provided to~~  
6 ~~the county pursuant to subparagraphs (III) and (IV) of paragraph (a) of~~  
7 ~~subsection (3.5) of this section and that the governing body did not abuse~~  
8 ~~its discretion in connection with the findings it has made under paragraph~~  
9 ~~(h) of subsection (4)~~ COMPLYING WITH THE REQUIREMENTS of this section.  
10 The decision of the arbitrators shall be based upon the objections  
11 contained in the notice filed pursuant to subparagraph (I) of paragraph (b)  
12 of this subsection (12) and upon the record of the hearing held pursuant  
13 to subsection (3) of this section. In rendering a decision, the arbitrators  
14 shall take into consideration the goals and objectives of the urban renewal  
15 plan, information that has been submitted by ~~the county~~ ANY SUCH  
16 TAXING ENTITY as contained in the record of the hearing on the urban  
17 renewal plan and the impact report provided to the ~~county~~ TAXING ENTITY  
18 pursuant to subsection (3.5) of this section, the reasonableness of the  
19 ~~county's~~ objections OF THE TAXING ENTITY contained in the notice, the  
20 extent to which the urban renewal project will improve existing ~~county~~  
21 infrastructure, the extent to which tax increment revenues, if any, to be  
22 generated by development within the urban renewal area and collected by  
23 the authority pursuant to paragraph (a) of subsection (9) of this section  
24 may reasonably be expected to defray the cost of the additional  
25 infrastructure and services requested by the ~~county~~ TAXING ENTITY, and  
26 the debt service requirements of the authority. The arbitration hearing  
27 shall be concluded not later than seven days after its commencement, and

1 the decision of the arbitrators shall be rendered not later than thirty days  
2 after the conclusion of the hearing. The order of the arbitrators shall be  
3 limited to either approving the urban renewal plan or, upon a finding of  
4 abuse of discretion, remanding the plan to the governing body THAT HAS  
5 APPROVED THE PLAN for reconsideration of the county's objections. The  
6 order shall be final and binding on the parties and shall not be subject to  
7 judicial review except to enforce the order or to determine whether the  
8 order was procured by corruption, fraud, or other similar wrongdoing.  
9 FURTHER PROCEEDINGS IN ACCORDANCE WITH THIS SECTION.

10 (d) Fifty percent of the necessary fees and necessary expenses of  
11 any arbitration conducted pursuant to this subsection (12), excluding all  
12 fees and expenses incurred by either party in the preparation or  
13 presentation of its case, shall be borne EQUALLY by the county ANY  
14 TAXING ENTITY THAT IS A PARTY TO THE ARBITRATION, and fifty percent  
15 of such fees and expenses shall be borne by the governing body THAT HAS  
16 APPROVED THE PLAN or the authority.

17 (e) ~~Notwithstanding any other provision of this section, the~~  
18 ~~provisions of this subsection (12) shall not apply to any urban renewal~~  
19 ~~plan in which less than ten percent of the area identified in such plan:~~

20 (I) ~~Has been classified as agricultural land for purposes of the~~  
21 ~~levying and collection of property tax pursuant to section 39-1-103,~~  
22 ~~C.R.S., at any time during the three-year period prior to the date of~~  
23 ~~adoption of the plan; and~~

24 (H) ~~Is currently identified for agricultural uses in a master plan~~  
25 ~~adopted by the municipality pursuant to section 31-23-206 and has been~~  
26 ~~so identified for more than one year prior to the date of adoption of the~~  
27 ~~plan.~~

1 (f) Notwithstanding any other provision of law, the arbitration  
2 process established in this subsection (12) shall be the exclusive remedy  
3 available to a ~~county~~ TAXING ENTITY for contesting the sufficiency of  
4 compliance by a governing body THAT HAS APPROVED THE PLAN or an  
5 authority with the requirements of this section.

6 (g) IN THE EVENT THAT MORE THAN ONE TAXING ENTITY FILES A  
7 NOTICE OF OBJECTION PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH  
8 (b) OF THIS SUBSECTION (12), ANY HEARINGS ON SUCH NOTICES  
9 CONDUCTED PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (12)  
10 SHALL BE CONSOLIDATED AT THE REQUEST OF ANY ONE PARTY TO THE  
11 ARBITRATION.

12 **SECTION 4. Applicability.** This act shall apply to urban  
13 renewal plans approved on or after the effective date of this act.

14 **SECTION 5. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, and safety.