The Wirth Chair in Environmental and Community Development Policy
UNIVERSITY OF COLORADO AT DENVER & HEALTH SCIENCES CENTER
The Graduate School of Public Affairs

Colorado: The Problems, Challenges and Opportunities Concerning Growth

December 2002

A Plenary Leadership Group and Task Forces Summary Report

The Wirth Chair in Environmental and Community Development Policy
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Colorado: The Problems, Challenges and Opportunities Concerning Growth

Summary Report of The Plenary Leadership Group and Task Forces

Convened by
The Wirth Chair, University of Colorado at Denver

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December 18, 2002

Dear Colleague:

I am pleased to provide you with the summary report of the Smart Growth Leadership Group and Task Forces. The report titled **Colorado: The Problems, Challenges and Opportunities Concerning Growth** resulted from a unique year-long series of discussions involving nearly l00 leaders from the public, private, non profit and community sectors in Colorado.

The smart growth policy options defined in the report emerged from the, sometimes intense, always serious, dialogue in the three plenary meetings of the Leadership Group and in the four working sessions of each of the four Task Forces. Participants, given their diversity and numbers, agreed that they would not necessarily have to concur on the details of every specific proposal in the report. Rather, they agreed that to be included in the report, participants, in effect, would have to provide a "yes" answer to a number of questions concerning the key policy options that evolved from the discussions. Among them: Is the specific policy option important enough to help stimulate a needed statewide leadership and citizen dialogue on growth? Would the proposed policy option constitute a significant response to an important growth problem facing the state and many of its jurisdictions? Would a statewide discussion of the policy option help increase leadership and citizen understanding of the causes and characteristics of the growth problems facing Colorado? Would statewide discussions of the policy option help facilitate development of leadership and citizen consensus concerning smart growth objectives and policies?

At this juncture, the precise policy outcomes of the proposed statewide leadership and citizen dialogue, perhaps, are less important than the reaffirmation through the dialogue concerning the report's proposals of the need for a coherent coordinated set of strategic smart growth policies in Colorado. Given the slowdown in the economy, we have an opportunity to increase the capacity of the state, its regions, and jurisdictions to respond to projected future growth in an effective and equitable manner. Put another way, we have a chance now to convert our commitments to help preserve Colorado's quality of life and the life enhancing choices of its residents to reality.

I was privileged to facilitate the Task Force meetings and the plenary meetings of the Leadership Group. The report transcribes to the best of my ability the substance of the discussions. I would like to thank several members of the Leadership Group and Task Forces for their willingness to read draft reports and to suggest possible gaps between the discussions and the text. They are Ginny Brannon, Attorney General's Office, State of Colorado; Dr. Tom Clark, University of Colorado at Denver; Robert Moody, National Association of Industrial and Office Properties; Elise Jones, Colorado Environmental Coalition;

and Frank Gray, City Planning Department, City of Lakewood, Colorado. I also would like to commend Dr. Karl Wunderlich of the Wirth Chair for his provision of staff support to each of the Task Forces and Tom McCoy of the Wirth Chair for his editorial comments on early drafts of the report.

Each of the participants in this past year's effort, including myself, would welcome your comments on the report and your commitment to now get involved in a needed state wide dialogue based on the report concerning smart growth policies.

Sincerely yours,

Marshall Kaplan
Executive Director
Wirth Chair

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Colorado: The Problems, Challenges and Opportunities Concerning Growth

Over l00 business, government, non profit and community leaders (The Leadership Group) met last spring to discuss policies to enhance Colorado's ability to respond to the multiple and often complex challenges of growth. The group, convened by the Wirth Chair, agreed that despite the economic downturn; indeed, because of the economic down turn, it was the right time to foster a statewide dialogue concerning needed strategic smart growth policies and programs to protect Colorado's quality of life. "We should take advantage of the slow down and the lack of the intense growth pressures to think through ways to increase the ability of the state-meaning all of us-to reduce or rein in sprawl…We can and must develop sound initiatives that balance concerns for economic growth, social welfare, and the environment…We can do a better job at balancing community and private sector objectives as well as expectations in a fair and effective manner. We have a great opportunity now. Let's not let it go by." [1]

The Leadership Group agreed to break into four working task forces, each one focused on a major area of concern-the adequacy of planning, the impact of taxes on land use, the need to preserve valued open space including agricultural land, and the expansion of affordable housing. Members of the Leadership Group indicated that, for the most part, existing studies of growth in the state provided sufficient background information and analyses to begin to define strategic policy concepts for review by leaders and citizens of the state.

The Leadership Group met in the early spring, in mid summer, and in early fall. Each of the Task Forces met at least four times between early spring and late summer. The Task Force dialogue and conclusions were presented to and discussed at the Leadership Group meetings. This report summarizes key findings and policy options discussed during the six-month process. The first part of the report focuses on defining consensus concerning growth problems, the second part on stating growth objectives and the third part on describing policies considered by the Leadership Group and Task Forces.

1. Consensus Concerning Growth Problems:

Recent growth surveys and studies developed by organizations including the University of Colorado have indicated that:

- Most Colorado residents consider that the way we are growing is a significant problem. They link how we are growing or developing to their perceptions and definition of sprawl. To a majority of residents, sprawl is a negative term[2]

[1] Comments made by participants at first plenary meeting of Leadership Group.

[2] Residents in Colorado and the nation define sprawl in terms of results and or symptoms. They do not define the term in a global or general way. They, understandably, do not define sprawl in scholarly language. Sprawl has defied an easily acceptable operational definition. The term over the years has come to mean many things….and to include many negative easy to visualize descriptors. For example,

reflecting increased congestion, longer time spent in their trips[3] to and from work, deteriorating air quality, water shortages, the absence of needed public facilities and services, the reduction of community identity, the lack of open space and environmental degradation.[4]

• While data related to the impact of growth on the agricultural economy in the state do not bear out (at least in the aggregate) gloom and doom scenarios, significant amounts of strategically located agricultural land are being lost to non-agricultural uses.[5] Planning initiatives as well as land use and tax regulations in many areas of the state do raise questions of fairness with respect to treatment of individual farmers who depend on their land for their "40lk."[6]

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according to the literature, sprawl suggests…scattered fragmented and low density land development…development that skips over built up, generally higher density areas within metropolitan regions…unplanned, architecturally bland single family housing developments…serviced by spatially separated strip commercial facilities and new expensive infrastructure...mostly white…middle class developments that eat up ecologically fragile lands and productive agricultural lands on fringe of urban areas…development patterns that contribute to the decline of central cities, particularly older parts of central cities.

Definitions in the literature concerning sprawl often differ as to density thresholds. They do not define what is meant by fragmentation and skipped over land. They neglect to place their comments in a temporal or historical context or respond to questions regarding whether sprawl or leap frog development are permanent facts of life or can become something else over time because of infill, etc. (For a discussion of sprawl and its benefits as well as costs, see **Sprawl and Growth Management, A Summary Report of the April l9-20, l999 Forum** sponsored by the Wirth Chair and Graduate School of Public Affairs, University of Colorado, pages 1-4.)

[3] The data suggests that congestion is indeed increasing, particularly on main arteries in growing areas. On average people are spending more time in their cars getting from place to place. Moreover the percentage of vehicle miles traveled (VMT) in congested conditions, for example, in the Denver Metro Area, has grown significantly. Finally, there are more roads now in the state classified as congested than there were ten years ago.

[4] Refer to **Growth Survey** by Wells Fargo Public Opinion Research Program for Gates Foundation in Feb 2000; also **The Mind of Colorado Survey** by Wells Fargo Public Opinion Research Program University of Colorado in Spring 200l. Assumed linkages between sprawl and congestion, air quality, public services, community identity, open space, water were also articulated by citizens participating in Wirth Chair-Denver Post Growth Forums in 2000 and by homebuilders in the meetings of the Homebuilder Association of Metropolitan Denver on growth facilitated by Wirth Chair in l999.

[5] The Federal Census of Agriculture indicates that Colorado lost l40,000 acres of agricultural land per year between l987 and l997. The decline in agriculture land grew to 270,000 acres per year between l992 and l997. These figures need careful interpretation. While comments of the Colorado Department of Agricultural staff indicate that many acres were lost to development, agricultural land was also converted to other non development uses including public open space, etc. Although conversion of agricultural land has not appeared to have had a significant effect on the overall agricultural economy, it has affected the viability of certain special kinds of agricultural producers in some areas of the state (Denver Post-Wirth Chair Forum in Western Slope). In terms of impact on smart growth issues, conversion has removed strategic agricultural lands functioning as buffers between communities and exacerbated community identity problems (comments of city planners from Denver and Colorado Springs Metropolitan areas during Denver Post-Wirth Chair Forums and during Task Force meetings). It has also reduced wildlife habitat and harmed some fragile environmentally sensitive areas, e.g., wetlands.

[6] Agricultural representatives and individual farmers frequently raise "the land is my 40lk" issue during conversations. Their observation is compelling, if complex. Farmers, at times, receive the benefits of federal, state and local assistance in order, assumedly, to increase their fiscal viability and to encourage

• Relatively low density growth in and outside metropolitan areas has significantly increased infrastructure costs and, at times, led to duplicative and underutilized infrastructure systems.[7] Relatively low density growth has consumed open spaces, including agricultural land, that once defined communities, and reduced the supply of valued open space lands internal to several metropolitan areas and jurisdictions in the state.

The views of citizens about growth are often stated in an understandably ambivalent and personal way. "My neighborhood is great. I am worried about what's happening in the community and outside the community…I am in the automobile too much…the traffic has grown tremendously since I moved here. I used to be able to see the mountains…I know pollution is supposed to have improved, but the brown cloud and other pollutants appear to still be there…I know the state has to grow…but we have our fair share…Why here?…I realize development is essential but can't we do a better planning, design and development job?[8]"

Citizens' views of growth are not all negative. Indeed, a majority of residents, while complaining about how we are growing and sprawl, understand the benefits of economic and population growth. They realize that their counties or cities fiscal viability is related to healthy growth. They acknowledge the need to create jobs and increase income. They like where they are living. Most see their own lives as improving and the state as "on the right track.[9]"

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their remaining in agriculture (e.g., tax benefits, price supports, zoning, etc). The pattern is uneven; not all farmers benefit equally; some may not benefit at all. Many farmers, understandably, argue for the freedom to stay in farming and pass on their lands to their children without heavy costs. They also argue for the ability to sell land if they desire too to reap the benefits of growth. Zoning and other land use regulations sometimes prevent or impede farmers from converting their land to sales reflecting urban or urbanizing values.

Determining how best to preserve a farmers "401k," while acknowledging a range of public interest objectives concerning agricultural and open space preservation, may take a magician. The effort will require weighing public benefits received by farmers over the years to remain in farming; the benefits and costs associated with changing land values resulting from changing land use regulations; the ability of the public to acquire land and or conservation easements based on agricultural versus more urban zoning etc. TDRs, as noted on pages ll-14, are perceived nationally and in the state by their advocates as an effective way to provide farmers with a fairly determined income stream based on lost development opportunities and the public with a fairly determined set of costs associated with preserving land in agriculture and open space.

[7] Dr. Robert Burchell, one of the nation's leading experts on sprawl, estimates that the infrastructure costs associated with dispersed development of the type occurring in some of the state's larger growing metropolitan areas are significantly larger than would occur with modestly more compact development. According to Burchell, the difference may be as high as l5-20 percent for state and local roads and 8-l5 percent for water and sewer facilities (Dr. Robert Burchell, "The Impact of Growth Patterns on Local Development Costs," April l999). DRCOG in its relatively recent Metro 2020 planning effort noted that dispersed growth will be almost five times more expensive than non dispersed growth.

[8] Comments from Coloradans attending Wirth Chair-Denver Post Forums

[9] Citizen viewpoints in Colorado are not dissimilar from citizen viewpoints across the nation. Different surveys initiated by the Federal government suggest most people like where they live, their neighborhood and their house. FNMA's recent survey quoted in the publication **Sprawl and Growth Management, A**

2. Smart Growth Objectives:

Participants in the meetings of the Leadership Group and in the Task Forces concurred in the need for the State and local jurisdictions to play a much more effective and aggressive role in shaping and influencing the direction of growth. Neither the number of in-migrants moving into the state from other states and other nations or the movement of people in the state were seen as the culprits causing the ills ascribed to sprawl. The real problem impeding smart growth is the unwillingness of public sector leaders and institutions to effectively use the tools they have and or the tools they could secure, based on the experience of other states, to foster more efficient, equitable and environmentally sensitive development.

The public sector, working with the private sector and community groups, has the ability to influence how growth plays itself out in terms of development patterns. But it has lacked the political will to define and enact a comprehensive set of effective state, regional and local policies that would result in more efficient and equitable land use patterns as well as land use and housing relationships.

The public sector, collectively, has the capacity to be better stewards of the environment. It can and must do a better job with respect to managing and balancing growth with key environmental and social objectives. To achieve lower infrastructure costs, and preserve valued open space and agricultural lands, it can and must strive to achieve more compact land development reflecting modestly higher densities. It needs to do a better job in assuring employees a chance to live nearer their jobs. It needs to find increased ways to assure well designed communities and neighborhoods in each region of the state. Other states have responded and are responding to growth pressures in more innovative and strategic ways than Colorado. Hawaii, Vermont, Oregon, Florida, and Minnesota were among the states that lead the way in the sixties and seventies. Recently, Maryland, Tennessee, New Jersey, Georgia and Rhode Island are among the growing number of states that have stepped to the forefront in developing smart growth policies.[10]

Summary Report of the April l9-20, l999 Forum sponsored by the Wirth Chair and Graduate School of Public Affairs (page 2-3) indicates that home ownership is a priority for most Americans. For example, according to FNMA, "given arguments for and against sprawl, survey data indicate that nearly 75% of all would be homeowners desire a single family detached house with a yard on all sides. Most Americans including citizens of Colorado seem to like the suburbs and the less dense exurbs beyond them. They apparently like their houses and their environment." Yet visual preference surveys indicate that large numbers of citizens, if given the opportunity, would prefer more compact, somewhat higher density residential development than obtained in most suburban areas. They like the pictures suggesting more contiguous open space and recreational areas. They seem positive about mixing retail centers and schools within walking distance of their homes. Regrettably, most of the national or Colorado surveys-no matter what the results- do not ask respondents to weigh public and private costs associated with alternative development patterns and housing choices. Nor do they ask respondents to think about trade offs involving life style, transportation, public service and housing costs. etc.

[10] According to the American Planning Association (APA), approximately one quarter of all states are now implementing moderate to substantial statewide comprehensive planning reforms. One fifth of the states are pursuing additional statewide amendments strengthening local planning requirements.

3. Smart Growth Policies: We Can Do Better

Recently, the State has taken several steps to improve its ability to influence how we grow and to encourage smart growth. For example, the legislature required the development of comprehensive plans in larger jurisdictions.[11] It sanctioned the provision of facilitative services to reduce growth conflicts between and among jurisdictions. It created an Office of Smart Growth, which, despite minimal resources, has provided solid and sometimes very innovative, technical assistance to many jurisdictions with respect to smart growth strategies. It created tax incentives for developers who participate in brownfields related infill development[12] and or who build low income housing. Proposed annexations, including flagpole annexations, now have to meet stricter tests regarding coordination between cities and counties. Until recent budget shortfalls, increased resources have been made available for affordable housing.[13]

According to the Leadership Group and Task Forces, much more needs to be done. What follows are a number of critical policy/legislative proposals that evolved from the plenary and task force meetings. Some of the proposals have been discussed by Colorado leaders and citizens before; some are new in terms of content to Colorado. Hopefully, they will help stimulate a sustained necessary dialogue among leaders and citizens concerning smart growth initiatives.

· The Need for More Effective Planning

As noted above, the state now mandates that larger jurisdictions in Colorado develop comprehensive plans. But, the comprehensive plans need only be advisory (C.R.S. 31-23-206). Put another way, there is no legal requirement that local comprehensive plans guide the development and implementation of local land use regulations, capital budgets and capital improvement programs. While, as indicated by Emerson, foolish consistency may be the hobgoblin of foolish minds, inconsistency and or a disconnect between comprehensive planning and enforcement could be costly both in terms of hard dollars and citizen as well as community objectives.[14]

Common sense dictates that comprehensive plans should guide a jurisdiction's regulatory and budgetary framework with respect to development. Yet, zoning ordinances, subdivision regulations, capital budgets and capital improvement programs are not formally linked to the comprehensive plan in most Colorado jurisdictions. In other

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[11] The legislature refused to require that localities enforce their comprehensive plans through implementation of consistent land use regulations, capital budgets, and capital improvement programs.

[12] According to business leaders who participated in the year long effort, enactment of the federal law limiting liability complemented Colorado's willingness to provide tax incentives in increasing developer interest in brownfields.

[13] The state's budget difficulties have led to recent budget cuts. Until these cuts, the housing budgets have increased in a steady manner.

[14] Interviews with officials at the APA office in Chicago and comments in **Growing Smart**, the APA's Legislative Guidebook for 2002. The guidebook ranks Colorado low in terms of providing a planning framework for jurisdictions (see table 7-5, Chapter 7, **Growing Smart**, APA's Legislative Guidebook, 2002 Edition).

words, comprehensive plans are not legally enforceable through land use regulations and capital budgets. Public sector initiatives influencing growth and or development are not explicitly tied to the comprehensive plan. The plan is often irrelevant to growth, revitalization projects, or the approval of new development proposals. It may be of interest to scholars but its value as an effective development guide, often, is absent.[15]

Lack of enforceability is not the only weakness associated with state laws governing planning. Currently, under Colorado law, the only required content of local comprehensive plans is recreation and tourism. It, apparently, was added to the planning statute at the request of the National Rife Association (NRA) to assure gun clubs and people who own guns sufficient galleries and shooting ranges.[16] While perhaps a legitimate concern, limiting required plan components to only recreation and tourism does little to assure sound planning in Colorado jurisdictions.

Colorado should get serious about comprehensive planning. The legislature should view comprehensive planning and enforceability as two sides of the same effective smart growth policy coin.

The present planning law should be amended to require that jurisdictions, over a minimum size, initiate and approve comprehensive plans.[17] The legislature should require that comprehensive plans should be legally enforceable and implemented through a set of consistent land use regulations, capital budgets and capital improvement programs. [18] At a minimum, smaller resource constrained jurisdictions should be asked to prepare growth and development related objectives and policies to guide their land use regulations, capital budgets and capital improvement programs.

Local comprehensive plans should include the key planning elements found in all respected planning text and handbooks. They should, at a minimum, map the location and describe the dimensions as well as the relationships of residential, commercial/industrial, recreation and open space land uses to one another.[19] Because of their importance to efficient and equitable growth and revitalization initiatives, comprehensive plans should also contain sections concerning transportation, water supply and quality, affordable housing and environmental problems as well as objectives.

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[15] As one city official in the Denver metropolitan area indicated, " Comprehensive planning is a useful exercise. It gets citizens involved and it provides material for groups opposed to city actions re. filings, zoning etc. But most times, the plan, in our community and other communities, does not specifically guide city actions on particular growth or revitalization initiatives. The plan rarely provides a strategic framework for land use regulations, capital budgeting, capital improvement programs and impact fees. It is advisory only."

[16] Interviews with a diverse group of individuals lobbying for one or more legislative options concerning comprehensive planning as well as legislators and their staffs involved in the legislative process concerning smart growth initiatives.

[17] Formal approvals of comprehensive plans should result from a formal process involving public hearings and County Commission or City Council approval.

[18] Both the one year capital budget and the multi year capital improvement program should be used to assure implementation of the jurisdiction's comprehensive plan.

[19] According to the APA, 48 states have this requirement.

Incorporation of urban service/urban growth boundaries within approved and enforceable comprehensive plans should also be sought by the legislature.[20] Many Colorado communities are already setting either de facto or de jure growth boundaries and service areas by requiring new development to come on line no earlier than the presence of basic infrastructure, a practice known as concurrency.[21] But concurrency practices are not uniform and sometimes not sufficient to insure the presence of needed infrastructure simultaneous with or preceding development.

The marriage between planning, infrastructure availability and development should not rest on common law and common sense commitments. The marriage should be statutorily defined, pervasive and a sustainable one in all jurisdictions.

Legislative requirements concerning the coverage of comprehensive plans and urban service areas/growth boundaries will not weaken cherished home rule requirements. The content of each required section or component of the plan and the definition of urban service areas/growth boundaries would be developed by each jurisdiction based on their own respective analyses, objectives, priorities and approval processes. Specifying key comprehensive plan components (not content) and adding urban service/growth boundaries will strengthen a community's planning process and a community's ability to manage growth. Both will facilitate community efforts to achieve locally agreed upon growth objectives. The planning and land use regulatory process will be more effective and efficient. It will be understandable by residents and in many communities far more transparent than it is now. The publicly approved comprehensive plan will better enable jurisdictions to strategically interact with other jurisdictions on growth issues. Enforceable comprehensive plans will help to reduce the negative impacts of unplanned or poorly planned development in one community on other communities.[22]

[20] During previous discussions of smart growth options (e.g., 1999, 2000), many homebuilders were willing to support urban service boundaries or areas if they reflected a presumption of buildability concerning development or building proposals. At the time, however, agreement could not be reached on the definition of and ground rules associated with a presumption of buildability. Most participants in the plenary and task force meetings felt that the need for enforceable comprehensive plans with urban service boundaries or areas was important and should be put forward as an option in this report on its own for discussion by the legislature and citizens of Colorado.

[21] The term, generally, includes transportation, wastewater and storm drainage. It can include a variety of public facilities and utilities. Transportation, sometimes, is accorded a separate section of the comprehensive plan by some jurisdictions.

[22] Most members of the Leadership Group and Task Forces did not view enforceable comprehensive plans as a smart growth panacea . They did agree that non-enforceable comprehensive plans will not provide an effective framework for development within jurisdictions. Further, approved enforceable plans, because of their public nature and relevance, will facilitate regional dialogue and clarify issues between and among contiguous jurisdictions concerning growth intentions. However, the Leadership Group and Task Forces acknowledged that comprehensive plans in and of themselves will not significantly affect inter-jurisdictional competition for tax base or significantly lessen jurisdictional desires to limit housing, particularly affordable housing. Similarly, enforceable comprehensive plans likely will not immediately expand parochial visions of planning to incorporate regional visions. Dependence on the sales tax combined with the absence of a regional culture in most regions of the state suggests that more will be needed to respond to both inter-jurisdictional conflicts and agreed upon regional smart growth objectives re. environment, social welfare, and economic development (for further discussion, see footnote 29 on page

· **The Need to Improve Understanding and Decision Making Concerning Major Public and Private Investments that Stimulate Growth Beyond the Borders of One Jurisdiction**

Problems caused and issues raised by recent growth patterns in the state do not stop at county or city lines. Given growth pressures and different growth trends in different parts of the state, development of more effective regional planning institutions should be a priority. Stronger regional planning organizations are needed to provide a planning framework for localities. Regional planning organizations should be able to review local plans. Indeed, a double green light or reciprocal jurisdiction/regional organization approvals should exist concerning regional and local planning policies that significantly affect the quality of regional life and the well being of citizens in each region. Problems with traffic, air quality, water supply, water quality and affordable housing, for example, are not cordoned off by local jurisdictional boundaries. They must be responded to in a coordinated manner at a regional and local level.

Political, institutional and resource constraints, likely, will make it difficult in the near future to strengthen Councils of Government or other regional organizations in Colorado. However, at a minimum, the legislature should require development of a neutral, independent and public analysis of major or significant investments in jurisdictions-investments that will impact growth in the region and in contiguous communities.

This "baby step" forward should not be controversial. We need to increase public awareness and dialogue concerning investments in one community that could well have a major effect on other nearby communities and indeed the whole region. Right now, the level of analyses and public understanding as well as involvement in decisions concerning major developments, whether public or private, is uneven. What passes for public analyses are sometimes "captive studies" prepared by consultants or staff of the jurisdiction generally favoring the investment. They are prepared as part of the approval process or if a contiguous jurisdiction raises objections.

While the impact studies, generally, are interesting and some are very good, because of their origin, they, at times, are questioned by citizens and by critics of the proposed projects. They do not qualify as independent neutral analyses. As a result, the review processes are not always perceived as transparent or able to raise public consciousness as well as dialogue concerning the likely positive and negative effects of large investments-e.g., regional shopping centers, transportation systems, etc.

Regional planning organizations in each region should maintain a list of qualified experienced analysts. If a major development or investment is in dispute or deemed to have significant regional impacts, contiguous jurisdictions or the regional planning entity should be able to ask the jurisdiction desiring the development or investment to pick an analyst from the list to prepare an independent analysis. The proposed studies would be

15. Clearly, continuous state, regional and local jurisdiction leadership will be required to move a regional smart growth agenda.

required to be finished within a relatively short time period and for a “to not exceed” reasonable budget.

Subsequent to the conclusion of the impact analysis, the client jurisdiction should be required to broadly disseminate it to community groups, the media, contiguous jurisdictions and the regional planning entity. The study should be subject to commentary from interested parties and public hearings. This proposal, if adopted, will help open up the decision making process associated with major public or private investments affecting land use. It will provide better data as well as public understanding and positive involvement in project decision making. Final decisions on the development would continue to rest with the client jurisdiction.

· The Need to Assure Consistency between State, Regional and Local Plans and Development Initiatives

The State of Colorado has responsibility for many critical growth shaping plans and projects (e.g., transportation, recreation facilities etc). Other public institutions such as school districts, functional entities (e.g., transit, culture and arts, sewer, water, etc.) and special districts (e.g., infrastructure, water, etc.) have similar responsibilities.

Currently, coordination between relevant state, regional and local government departments (e.g., State Department of Transportation, regional planning organizations, and local planning and public works departments), functional agencies, and special districts with respect to planning and development is at best uneven and at worst cursory or non-existent. Consistency among plans and smart growth objectives is essential to make efficient and effective use of scarce public resources and to assure maximum benefits and minimum costs result from smart growth initiatives. Reciprocal reviews of and collaborative planning concerning major growth inducing or shaping plans and projects initiated by public organizations should be required by the legislature.

· The Need to Provide Incentives to Encourage Regional and Inter-jurisdictional Collaboration Concerning Smart Growth

Inter-jurisdictional planning and collaboration concerning land use and the provision of services remains a mixed bag in the state. Some regions have initiated functional agencies to provide selective area wide services and have taken steps through their Councils of Government to make regional planning more than a paper exercise. Cooperation between two or more jurisdictions with respect to comprehensive planning as well as planning for projects on their border and joint or contract provision of services, while growing, remains uneven. Tax base sharing and cooperation with respect to affordable housing as well as provision of services related to affordable housing is identified as an exception to the rule when it occurs among jurisdictions.

Growth and its benefits are not spread evenly around the state. Because of their desire for increased sales tax revenue, areas that successfully compete to attract significant commercial developments are wary about sharing revenues. Indeed, the dependence of jurisdictions on the sales tax for a large share of their respective revenues has created a class of growth winners and losers. The winners want to import jobs and, in effect, export job related housing. It makes economic sense, given how the state tax system is structured and the reliance of local jurisdictions on the sales tax.

Competition for sales tax revenue often skews local development decisions. It sometimes results in development approvals that are inconsistent with local comprehensive plans and the plans of nearby communities. Changes in zoning and increased infrastructure expenditures in advance of and to entice development, at times, appear more the result of "dreams related to tax riches" from commercial development than solid community planning and economic analysis. Guessing right may create positive revenue flow for the involved jurisdiction and negative social, economic and environmental impacts in other jurisdictions in the area. Guessing wrong may lead to significant wasted resources.

At this juncture, state wide tax base sharing and or prescriptive legislation concerning regional tax base sharing is not on the horizon, despite its potential benefits.[23] There are too many political and institutional obstacles.

Instead, the legislature should be asked to enact a statute enabling regions, based on the votes of their jurisdictions to initiate regional tax base sharing plans.[24] Let us get started in those regions of the state that want to begin to provide incentives to collaborate among jurisdictions or between jurisdictions and the regional planning entity. The law should not force tax base sharing on regions. But in the spirit of home rule, it should facilitate the ability of regions to move forward on tax base sharing, if jurisdictions within them want to do so.

The proposed sales tax increase would be modest.[25] Enabling tax base sharing legislation should permit local jurisdictions within a region to create a regional tax sharing fund.

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[23] Tax base sharing formulas vary considerably around the country. The most accepted definition of comprehensive or regional tax base sharing is as follows: "each community in a region designates some part of its assessed value base, or part of a stream of tax revenues, for inclusion in a regional pool of assessed values or tax revenues that is then divided among all localities in the pool by some formula….The assessed values or revenue streams to be included in the base from which the shared pool is derived are only those added to each community subsequent to the date at which the arrangement is adopted by the state legislature. The basic objectives of sharing tax bases are: l. to reduce competition among communities for non residential properties….2. to create a fairer distribution of tax benefits from properties created in each community that also impose costs upon surrounding communities….3.to reduce disparities in assessed values per capita….4.to permit regional land use planning ….that contains parts of several municipalities each of which would not receive equal shares of future developments if rational plans were adopted for the region as a whole. (TCRP Report 74, **Cost of Sprawl**, Federal Transit Administration, p. 507)

[24] Colorado municipalities and counties currently can pursue revenue sharing under Section 29-20-l05-2(h). The statue does not define: specific objectives nor revenue that can be subject to sharing…the method of sharing …or local governments allowed to participate in sharing…Generally, if incremental revenues, not tax increases, are used to fund revenue-sharing pool, voter approval is not required. The most common form of revenue sharing occurs between counties and municipalities in Colorado. Inter-municipal revenue sharing has been limited so far to two party agreements. There are only a handful of examples (see **Local Revenue Sharing Methodologies,** BBC Research and Consulting, October 30, 200l).

[25] As such, it would not be directed at reducing fiscal disparities or at significantly reducing competition for sales tax revenue. It would be directed at encouraging state, inter-jurisdictional and regional collaboration.

Participating jurisdictions would agree to an increase of the state sales tax within their boundaries of up to 20 cents per l00 dollars of purchases (up to two tenths of one percent). To ensure consistency and equity among participating jurisdictions, the tax base used for sales tax purposes would be identical to the state's defined tax base.

All home rule as well as statutory municipalities and counties choosing to participate in the tax sharing plan would be included in the tax base sharing region. Acknowledging TABOR, each participating jurisdiction would be required to vote to raise the state sales tax and to enter into the tax share as well as to create and participate in a new tax district. Establishment of a tax district would exempt revenues received from the tax sharing pool from the TABOR revenue retention limit and would permit involved jurisdictions to exceed their statutory sales tax limit of 7 percent for the state and local sales tax.

Funds generated by the regional tax base sharing initiative could be collected by the State Department of Revenue and provided to as well as distributed by the Tax District to the participating jurisdictions according to a statutorily defined formula. Funds could also be collected by the jurisdictions, themselves, and provided to the Tax District for its distribution. The formula would be:

- 40 percent of the funds would be distributed to jurisdictions originating the sales tax revenue after certification by the jurisdiction that it had an enforceable comprehensive plan.

- 50 percent of the funds would be distributed to jurisdictions as a result of competitive applications from two or more contiguous jurisdictions proposing collaborative development and implementation of smart growth initiatives (e.g., cooperation concerning land use planning and development of land use regulations; collaboration concerning provision of needed facilities, infrastructure and services; collaboration concerning development of employee housing nearer to jobs; collaboration on strategies to protect and enhance the environment, etc.).

- l0 percent of the funds would be distributed to the involved regional planning organizations for regional initiatives directed at facilitating smart growth. Priority would be granted to initiatives that increase consistency between state, regional and local plans impacting regional growth.

The pooled fund would be administered by the new Tax District. Its staff would be small. It could contract with the appropriate regional planning entity to review and rank applications concerning initiation of smart growth initiatives by jurisdictions.

· **The Need to Balance the Interests of Private Property Owners, including Farmers, and the Public Interest in Preserving Open Space and Natural Resources: Development of an Effective Transfer of Development Rights (TDR) Program**

Colorado has made strides in developing and initiating programs to preserve open space, including open space used for agriculture.[26] Land use regulations, open space acquisition, conservation easements, tax incentives and clustering of development have all been used in the state to protect and preserve agricultural land and open spaces. But the sum of all the parts do not yet add up to a coherent whole with respect to the gap between land preservation needs and current initiatives. Clearly, the state and local jurisdictions in partnership with non profit and private sector groups must define and put in place a more cohesive strategy if we are to lay claim to the title "steward" of Colorado's still vacant but diminishing valued open spaces and still working viable farms and ranches.

Resource constraints limit the purchase of land that should be retained as open spaces to impede sprawl, sustain valued agricultural uses, protect important scenic views, preserve environmentally sensitive lands and provide necessary recreation options. Accordingly, the legislature should consider adopting enabling legislation to encourage counties and cities to adopt comprehensive TDR programs and to create a companion statewide TDR bank to facilitate the use of TDRs.

Encourage TDRs: A TDR is a marketable asset that offers property owners in defined "sending areas" an incentive to sell their right to develop all or a portion of their property. In return for forgoing the right to develop, property owners would receive revenue equal to the difference between the existing use of land and its potential use for development as permitted by law. The development rights typically would be purchased by developers who desire to develop in "receiving areas" at densities above and beyond zoning restrictions (see appendix for background on TDRs).

TDRs have been used on a relatively small scale in Colorado. Enabling legislation would grant legal certainty and encourage their increased use. The law, if enacted by the legislature, would establish a process for the selling and buying of TDRs and the approximation of TDR values. The proposed law would also set guidelines for and encourage inter-jurisdictional cooperation concerning development of TDR programs and provide incentives for clustered development in sending areas.

Enabling legislation would authorize payment to property owners in sending areas for development rights. The legislation would require that the rights be used for developments reflecting higher densities than presently exist in receiving areas. The trade off would be a fair one. Property owners in sending areas would gain revenue equal to the value of forgone development rights. The public would gain increased open space and or agricultural land preservation as well as the benefits of higher density development and housing diversity in receiving areas. The costs involved in buying development rights generally would be borne by the private sector. As a result, the

[26] GOCO provides a model for other states to follow with respect to open space acquisition.

public sector could strategically maximize land purchases from limited open space acquisition moneys.

The legislation should require that receiving areas are located within an existing developed area or lands adjacent to an existing developed area. Put another way, receiving areas would be located in areas that are already developed and in need of revitalization or in areas subject to immediate growth pressures and identified to receive development by the jurisdiction. Receiving areas would include adequate basic infrastructure capable of serving present and future population. They would reflect a jurisdiction's willingness to approve and the market demand for higher densities than permitted by and in current land use regulations.

Sending areas would include locally defined prime agricultural and open space lands. They could include environmentally important areas and historically important landmarks.

Both sending and receiving areas should be consistent with approved enforceable comprehensive plans in larger jurisdictions or locally defined growth policies in smaller jurisdictions.

Making the Market: Creation by the legislature of a new statewide TDR Bank would help "make the market" with respect to TDRs. The proposed Bank would have the ability to buy and sell TDRs. It would be capable of acquiring a limited amount of TDRs each year and, if necessary, warehousing them for a specified period of time.

The Bank would reduce transaction costs by bringing buyers and sellers together. It would help assure that adequate information concerning the market valuation of rights is available in the market place. The Bank could maintain a registry of TDRs and could facilitate document preparation. Its activities would increase confidence among potential private sector TDR sellers and buyers.

Bank involvement would be premised on: the lack of market activity in the area for TDRs; statutory objectives concerning open space, historical land protection and agricultural land preservation; consistency between defined sending and receiving areas; and locally approved enforceable comprehensive plans, and, in smaller communities, locally defined growth policies.

The Bank and Demonstrations: The Bank would be able to foster a small number of TDR demonstration projects, particularly projects that entail cooperation between jurisdictions and or between jurisdictions and the regional planning entity.

Jurisdictions and or regional groups desiring to secure demonstration status would apply to the Bank. The Bank would select from among the applications based on criteria concerning the replicability of the proposed demonstration in other jurisdictions and regions as well as the relevance of the proposal to the area's smart growth objectives and priorities.

Demonstrations approved by the Bank would receive technical assistance concerning: defining receiving and sending areas; developing desired smart growth objectives in receiving and sending areas; developing coordinated plans with respect to matching TDRs from receiving to sending areas; developing a realistic price for TDRs; and developing workable strategies to convert TDR value to density (i.e., transfer value). Additionally, demonstrations selected by the Bank would receive a relatively small TDR planning and development grant.

The Direction and Financing of the TDR Bank: The Bank would be governed by a Board of from five to seven members selected to reflect representatives from agricultural, environment, financial, consumer, county and municipal leaders. The Board would be advised by a larger advisory board illustrating the same kinds of representative membership.

The Bank would have a small core staff. It would be able to contract with consultants concerning technical assistance and with local banks with respect to provision of services.

The Bank would be funded through general appropriations for both operating costs and for the acquisition of TDRs. It is anticipated that after a five-year period the Bank would be financed through transaction fees and fees for consultation services.

· **The Need to Extend Housing Opportunities for Low and Moderate Income Households and Expand Opportunities to Acquire Open Space Lands Critical to the Quality of Life in Colorado (e.g., the Crown Jewel Legacy Program[27])**

Up to now, the nexus between affordable housing, reducing sprawl and open space preservation has been blurred by lack of data and competing advocacy positions. For example, some affordable housing supporters have found it difficult to endorse smart growth policies related to urban growth or service boundaries and significant open space acquisition in areas subject to growth pressures. They have felt that rationing land to prevent sprawl and or taking developable land off the market for open space will in tight housing markets make it more difficult to provide housing for many low and moderate income families. They didn't see a commitment on the part of open space advocates to policies and programs related to affordable housing. Similarly, some open space supporters suggested that, while affordable housing was a concern, their prime concern was sprawl and protection of open space. Without proper land use or growth policies in place, policies to expand housing supplies could lead to more sprawl and loss of valued agriculture or open space lands.

[27] The Attorney General of the State of Colorado suggested consideration of an amendment to the Constitution that would permit acquisition of irreplaceable strategic open space land-land (the Crown Jewels Legacy Program) so valuable to the quality of life in Colorado that it should be protected as a legacy for future citizens of the state. If established, funds from the multipurpose Trust Fund, as proposed in this section, could be used to acquire defined Crown Jewel land.

The two groups-affordable housing advocates, and open space advocates-have not yet joined in a sustained dialogue. They should. Their interests are complementary.

The way Colorado is growing at the present time has limited the supply of affordable housing and has restricted the ability of employees to locate near jobs. It also has constrained the housing choices and residential locations of poorer families. According to the 2000 Census data, at least one in five homeowners and two in five renters in Colorado pay over 30 percent of their income for housing[28]. Relatively large numbers of Coloradans, particularly minorities, remain locked in deteriorating neighborhoods with poorer public services.[29]

As indicated earlier, because of their often disproportionate reliance on the sales tax, many suburban jurisdictions in Colorado, often, try to minimize development of all but relatively expensive housing through use of restrictive land use regulations, extended review processes and high impact fees. Simultaneously they focus their best efforts on securing commercial development and "clean" industry. The mismatch between housing availability for workers and the location of jobs extends sprawl, threatens open space, increases congestion and adds to air pollution. Employees often must seek housing at relatively long distances from their place of employment.

Certainly, fragmented land use patterns in Colorado have resulted, in part, from the desires and needs of low, moderate and even middle income households to find housing within their incomes. Generally, land costs tend to be cheaper in most fringe areas or exurban areas. But the increases in the median and average cost of housing in rapidly growing areas of the state often have been larger than the reductions in the land costs borne by consumers. Further, studies suggesting ostensible housing benefits accruing from fringe or exurban developments, most times, do not factor in the higher costs of

[28] Nearly 44 percent of all renters in Colorado according to the U.S. Census allocate over 30 percent of their income for housing in l999. The State Department of Local Affairs indicates that in 2002, well over 70 percent of all renter households earning under $20,000 annually pay more than 30 percent of their income for housing. Many low income homeowners do not fare well either. Nearly 60 percent of all homeowners earning under $20,000 paid more than 30 percent of their income for housing. Nearly 4l percent of all homeowners earning between $20,000 and $50,000 allocated over 30 percent of their income for housing in l999.

[29] As noted on page l7 in the publication **Sprawl and Growth Management; A Summary Report of the April l9-20, l999 Forum** sponsored by Wirth Chair in Environmental and Community Development Policy, "the development process (in Colorado) involves many different private sector stakeholders and many different governmental jurisdictions. While overt discrimination has probably lessened in most metro areas, evidence of differential and less favorable treatment of minorities in the housing market is still readily documentable. The fragmentation of the development process, combined with its pluralistic nature, often makes it difficult for the public sector to advance social welfare objectives. Euclidean zoning, still in vogue in most areas, also plays a role, impeding ability to use mixed-use or higher density to offer varied housing types and prices. Private sector participants in the development process are driven by the market place and legitimate profit motives. Both of these factors are for most part blind to social issues and social welfare objectives. In turn, reliance on property and sales taxes often limits the willingness of jurisdictions to foster developer-builder actions that might expand housing choices and provide housing for low income citizens. Counties and cities often favor middle and upper income developments because they have tax and budget incentives to do so. There is a dissonance between local government strategies to attract industry and commerce and strategies to restrict the inventory of affordable housing units."

delivering household related public and private services[30] and or the higher costs related to transportation affecting some families.[31] The benefits in terms of initial housing costs accorded to households moving to fringe or exurban areas are minimized over time as costs catch up with the new owners (e.g., increases in taxes to cover services, unanticipated costs of the commute to and from work, etc.)

If smart growth strategies concerning open space and agricultural land protection were dovetailed and coordinated with affordable housing commitments and policies, a win/win situation would be reflected in the state. There would be less pressure to find lower cost housing in fringe and exurban areas. It would be easier to protect valued open spaces. There would be extended housing choices for low and moderate income households.

Creation of a Smart Growth and Affordable Housing Trust Fund: Colorado has several important programs to expand the supply of affordable housing; however, the available assistance does not come close to meeting needs. The State Division of Housing estimates that 36,000 affordable housing units are needed each year.

Thirty four states have housing trust funds[32] and one state has moved to combine housing and smart growth related priorities to establish a multipurpose trust fund encompassing affordable housing, open space acquisition and farm preservation as objectives.[33] A recent survey completed by the Wells Fargo Public Opinion Research Program for the Wirth Chair and Colorado Affordable Housing[34] indicated that an overwhelming percentage of people in Colorado support use of state tax dollars for a housing trust fund. The number, however, diminishes as choices and amounts concerning specific taxes are identified to voters.

Trust Fund Support[35]

Support Use of Tax Dollars for	Good Idea	Strong Support	Somewhat Support	Total Support
• Affordable Housing		26%	55%	81%
• Protection of Open Space		50%	35%	85%
• Keeping Land in Agriculture Use		43%	37%	80%
Support Housing Trust Fund	71%			
• With Sales Tax 5 cents on $100 Purchases ($35 million)				54%

[30] Absence of a full range of "urban" services or services near development is a problem facing some affordable housing units located in fringe areas.
[31] Comments of Dr. Robert Burchell at the fall 2002 Task Force meeting.
[32] Fannie Mae Foundation, Affordable Housing Trust Funds, November 200l, page l.
[33] A trust fund is developed through an on going dedicated source (or sources) of public revenue.
[34] The Wirth Chair and The Enterprise Foundation funded the survey. It was completed in November 2002.
[35] From November 2002 survey(s) by Wells Fargo Public Opinion Research Program (see appendix for full survey).

Support Multi Purpose Trust Fund[36]				
• With Sales Tax 15 cents on $100 purchases ($100 million)				48%
• Sales Tax 10 cents on $100 purchases ($75 million)				58%

A combined housing, open space and agricultural protection trust fund seems to increase voter support. For example, a trust fund using a modest increase in the sales tax to secure approximately $75,000,000 would secure support of close to 60 percent of Colorado voters at the present time.[37] While the margin is not overwhelming, it suggests that, if the economy of the state improves and if the electoral campaign required to secure tax and trust fund approval[38] generates understanding among voters of need, a multipurpose trust fund could win voter endorsement. Its chances would clearly be improved by a strong first time partnership or coalition between affordable housing supporters and open space as well as agricultural preservation supporters.

The trust fund, once created, could be administered by an existing state agency, an existing quasi-public agency, or a non-profit group. Most voters appear to favor a non profit group and to a lesser extent a quasi public agency. Funds from the trust would be distributed based on the worthiness of proposed affordable rental and homeownership housing opportunities and the importance of land acquisition, conservation easement, or even TDR initiatives. Voters favor consideration of an allocation formula that grants each region a fair share of the funds (e.g., based on population and need, etc.). The resources secured by the fund could be divided based on a predefined formula between affordable housing, open space enhancement, and, if included, agricultural preservation objectives.

· The Need to Minimize the Negative Impact of Land Use Regulations, Impact Fees and Review Times on Affordable Housing and Related Smart Growth Objectives

Studies of affordable housing constraints and land development patterns in the state of Colorado have called attention to the negative effect of current land use regulations, impact fees and review times associated with filings in many communities. Many jurisdictions are aware of this fact. Some have tried to streamline review and approval procedures and or have considered putting affordable housing projects on a separate faster track. Similarly, some have initiated regulatory reviews to first highlight and subsequently consider options to minimize the negative impact of zoning, subdivision codes, architectural/planning rules, review times, and impact fees on housing costs and community development and design options.

But regulatory reform is not a pervasive fact of life in the state. Put another way, despite laudable attempts at reform in some jurisdictions, most jurisdictions have not made

[36] Affordable Housing, Open Space, Preservation of Agriculture Land.
[37] See full survey results in appendix.
[38] Because of the Tabor amendment.

affordable housing a discrete objective in administering or structuring land use regulations, impact fees and related review and approval processes. The pattern among jurisdictions-even contiguous jurisdictions-with respect to the content and administration of land use/design regulations, review procedures and impact fees does not yet suggest shared objectives or commitments with respect, generally, to affordable housing and, specifically, to the increased availability of affordable housing units to house workers near their jobs.

A strategic six month analysis, initiated either by the state itself, the legislature or regional planning organizations, should be undertaken to define the impact of the current regulations, review times and impact fees[39] on smart growth and related affordable housing objectives. The state, each of its regions and each of its diverse jurisdictions, have an abiding or compelling interest to collaborate in developing guidelines to assure:[40]

• uniform methodologies to set impact fees;

• land use regulations and review processes that help capture positive growth benefits and that limit growth related land development costs extending beyond individual boundaries of cities and counties;

• land use regulations and review processes that encourage good community design simultaneous with expanded affordable housing choices.

The results of the study should help create publicly understood norms and standards-a set of growth related performance criteria-to help measure the distance between current regulations, approval processes and impact fees and a range of alternative state, regional and local smart growth as well as affordable housing objectives. The study would guide future legislative, regional, county and city regulatory and impact fee reforms.

[39] Impact fees in Colorado range from well under $l0,000 to over $30,000. Variations seem to be based on size of jurisdiction , growth pressures, coverage of fees, methodologies used to determine fee structure.

[40] An impact fee is generally considered to be a one time charge assessed against new development by jurisdictions. According to a 2002 Colorado Municipal League (CML) report, the fee attempts to recover the cost incurred by a local government in providing the public facilities required to serve the new development. Impact fees have been around for a long time. Critics have indicated that they often do not reflect a fair share distribution of costs between consumer, public and private sector; that they reflect cost shifting by local governments; that they penalize newer residents and charge them costs not absorbed by existing or older residents; that they are an attempt to limit the development of low income housing. Supporters indicate that impact fees permit local governments to pay for growth and place the burden of growth on those who benefit most from it-developers and new homeowners; that impact fees foster concurrency with respect to assuring infrastructure is in place simultaneous with new growth; that impact fees are less arbitrary (and some times capricious) than a negotiated cost process. Senate Bill l5 enacted in October 200l does not define impact fees. Senate Bill l5 provides that a local government may impose an impact fee or other similar development charge to fund expenditures by such local government on capital facilities needed to serve new development. (CML, **Paying for Growth: Impact Fees under SB l5**).

· **The Need to Assure Adequate Water and Water Quality:**

The current drought has only highlighted the weaknesses inherent in Colorado's historical and current approach to water. Put two or more water experts in a room and you will get three or more-often many more-water policies or strategies responsive to the state's long and short term water needs. Put advocates for western slope, Front Range and eastern slope water interests with cities, counties, agricultural and environmentalists in the same room and the number of water policy combinations and permutations escalates in a quantum manner.

Clearly, water will be one of the most important smart growth issues facing the state of Colorado in the next few years and for a long time into the future. Yet, the subject is often placed off limits in terms of sustained collaborative discussions aimed at developing a fair and effective statewide water policy. The common refrains are: "You don't want to really get into it. You cannot bring up the water rights issue except in court….its fragile…and politically incendiary…it affects ground water distribution and use of the underground aquifers. Jurisdictions compete over water rights…The winners of this competition don't really want to talk to the losers…Everyone pays a higher price…Issues related to implicit subsidies for water…and the distribution of water to agriculture and urban users are difficult to discuss…Stay clear of water."[41]

Absolute wisdom among proponents of one water interest or another substitutes for fact finding and neutral analysis-analysis governed by legitimate compelling state wide interests in economic, environmental and social welfare objectives. Yet, fact finding and neutral analysis is just what is needed now before drought conditions worsen and uneven patterns of water supply, distribution and prices significantly affect the ability of the state to grow in a healthy manner.

The state, working with rural and urban leaders as well as consumer, business and community groups, should move to develop a fair effective comprehensive water policy related to smart growth objectives. It will not be an easy task. But, if it is not attempted, in future years our children, regrettably, will be required to conclude that we, as leaders and citizens, failed the test of leadership. Failure to define and institute a fair effective comprehensive state water policy-a policy responsive to supply, storage, distribution, conservation and, yes, water rights issues-will heighten problems concerning water scarcity, result in increased competition for water and generate increased water costs, reduce water quality, and ultimately negatively affect the economy of and quality of life in the state.

Moving Ahead: Dialogue, Consensus and Action

Colorado, despite an economic slowdown, will continue to grow in terms of population. Further, households in the state will continue to move based on their desire to improve their lives. Colorado has sufficient land to accommodate both growth from outside the

[41] Quotations from discussion at Leadership Group and Task Force meetings. Similar comments appear in most state and local smart growth forums, irrespective of sponsor.

state and growth from movers within the state. What Colorado doesn't have, however, is the luxury to respond to growth in the future without effective coordinated smart growth policies in place at the state, regional and local level.

Hopefully, policy options presented in this report will gain a thoughtful response among the state's leadership and its citizens. They are not meant to provide an exclusive list or an exhaustive menu. They are directed at helping the state's public, private, and non-profit sector leaders develop smart growth policies that balance environmental, economic, and social welfare objectives. They, also, are aimed at enabling Colorado residents to live in decent well designed and amply serviced neighborhoods and communities.

The report should encourage the leaders and the citizens of the state to initiate a sustained smart growth dialogue. The report's options should be considered and, if necessary, amended and changed as part of an open and continuous discussion to forge consensus concerning needed legislative and administrative smart growth initiatives. Paraphrasing the scholar Hillel's admonition, **if not now when, if not here where, if not us who.**

Technical Components to TDR Program: TDR Valuation and the Mechanics of the TDR transaction[1]

TDR Valuation

The market will ultimately determine the price of a development right. Nevertheless, the local jurisdiction must determine the number of development rights (or credits) allotted to sending areas. The location and preservation value of a sending area determines the number of development credits that transfer into a receiving area. There must be uniform standards for what constitutes a development right based on quantifiable measures.[2]

For example, with 1 to 35 zoning, an owner of 350 acres could subdivide into 10 lots. If the local jurisdiction determined that two development rights (depending on their classification scheme for sending areas and uniform standards) could be certified for each 35 acre lot, then the land owner would have a TDR market value of 20 * X where X = the market value of the development right determined by the difference between the land's use for development and its use for agriculture (if applicable). Assuming X = $10,000, the landowner has a total TDR market value of $200,000.

The local jurisdiction must also determine the transfer ratio, e.g. how many units a developer in a receiving area can build with one TDR. If the ratio is 2:1, the developer could build 40 units above current zoning for $200,000. If, based on market analysis, the developer is willing to pay $5,000/unit, this transaction will occur since 40 times $5,000 = $200,000. If this price is not in concert with market demand, the local jurisdiction would adjust TDR allotments and transfer ratios accordingly.

Development credits and transfer ratios cannot be established in a vacuum by the State and must be decided on a local level as dictated by market forces.

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[1] This technical memo was prepared by Attorney Ginny Brannon, State of Colorado's Attorney General's Office.

[2] For example, in New Jersey, farmlands receive 2 credits per 39 acres, preservation/woodland areas receive one credit per 39 acres, and wetlands are awarded only .2 credits per 39 acres. Each credit allows the building of 4 dwelling units in designated regional growth districts.

In Boulder, Development rights are given by acreage. For example, land owners have the right to build one per 35 and get two development rights for parcels between 35 and 52.49 acres, three development rights for parcels between 52.5 and 69.9 acres, etc.. Boulder integrates water rights by giving an additional unit of density for each 35 acres irrigated where the site has deliverable agricultural water rights in an annual average amount of 1 1/2 acre feet per acre.

1. Estimating demand

An analysis of recent sales data as well as consultations with local developers will determine if the market will support greater densities in the receiving area and the price that developers would be willing to pay for a TDR.

2. Estimating supply

Ignoring other variables that may influence a landowner's decision to sell a TDR, they generally only have an incentive if the value of the right is equal to or greater than the property's value for development less, for example, its value for agriculture. Properties in the sending area could be inventoried in conjunction with some sample appraisals to get a general idea of development values.

TDR Transactions

Although market analysis and overall implementation of the program is complex, the actual process for issuing and utilizing TDRs is straightforward. The landowner in a sending area merely submits an application to the relevant local authority (city or county) with proof of title and a legal description of the land proposed for enrollment in the program. For properties that meet the requirements of the program, the city or county will issue a TDR certificate. Before the owner of the sending parcel may sell or transfer the certificate, they must record a conservation easement against the property. Once the buyer and seller agree on the terms of the transaction, the seller must execute a deed memorializing the transfer of the development right.

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Mindy Klowden
Executive Director
Colorado Affordable Housing Partnership
Denver, Colorado

November 19, 2002

Dear Mindy:

I am pleased to present you with the results of the recent survey on trust fund options completed by the Wells Fargo Public Opinion Research Program.

The survey provides many insights into possible public support of an affordable housing trust fund and a smart growth multiple purpose trust fund that could support affordable housing, open space acquisition and possibly agricultural preservation.

The survey suggests that the state's registered voters overwhelmingly support the use of state tax dollars to expand housing opportunities for low and moderate income Coloradans. The survey also suggests significant support for the idea of a tax supported affordable housing trust fund. If such a fund were established by the legislature, most respondents would prefer a regional allocation of available resources based on need before awarding grants for specific housing construction or rehabilitation projects. Furthermore, most respondents would opt for administration of the fund by either a non-profit organization or quasi-governmental entity rather than a state agency.

Interestingly, despite public support for an affordable housing trust fund supported by state tax dollars, a majority of registered voters appear to find fault with the use of the sales tax, real estate transfer tax, and/or document recording fee as sources of revenue. Only a small majority would approve a five cent sales tax increase on l00 dollars worth of purchases.

A multiple purpose trust fund proposal, including open space and agricultural preservation, as well as affordable housing, would pick up additional voter support both in concept and likely voter willingness to accept small increases in sales taxes. However, the survey suggests that a proposal to increase sales taxes to secure a trust fund approaching l00 million dollars would be met with significant resistance. Clearly, there is a breaking point at a level above 35 million dollars or between a 5 and l5 cent per hundred dollar tax where voter response would drop below a majority, even if the trust fund served multiple purposes. In this context, a multiple purpose fund aimed at securing 75 million dollars annually receives close to 58% support. It would require a ten cent sales tax increase on l00 dollars.

There are no easy answers to questions relative to the wisdom of an electoral initiative to secure an affordable housing or multiple purpose trust fund. Although the level of support for the ideas appears quite strong, the reduction in support for specific taxes and, perhaps more important, for a sales tax level above l0 cents per 100 dollars suggests a difficult campaign, particularly given the uneven state of the economy. Clearly, based on the survey, a multiple purpose trust fund would have a better chance of securing a majority vote at any given dollar level. But, to win voter endorsement, such a Fund likely could not exceed 75 million dollars annually.

The decision to move forward with a multiple purpose trust fund next year should probably be based on considerations related to the state of the economy as well as the resources available and the strength of what would be a first time unique coalition involving open space and housing advocates. Securing a multiple purpose trust fund would require considerable public education concerning needs. Clearly, the survey's majority for such a fund would have to be sustained over the campaign. While it seems to be a solid majority, it is not an overly large pre-election one.

I want to thank Dr. Peggy Cuciti and her colleagues, Dr. Laura Appelbaum and Tom McCoy, for undertaking this survey. I also want to express appreciation for the support of Wells Fargo Bank and the Enterprise Foundation. Finally, we appreciate the involvement of your Board. Their comments and your own were helpful in drafting the survey.

Sincerely yours,

Marshall Kaplan
Executive Director

Is There Support for Doing More to Secure Affordable Housing and Address Other Growth-Related Issues?

Based on a Statewide Survey of Colorado Registered Voters

Conducted by:
The Wells Fargo Public Opinion Research Program
University of Colorado at Denver

Conducted for:
The Colorado Housing Trust Fund Coalition
and The Wirth Chair on Sustainable Development

November 15, 2002

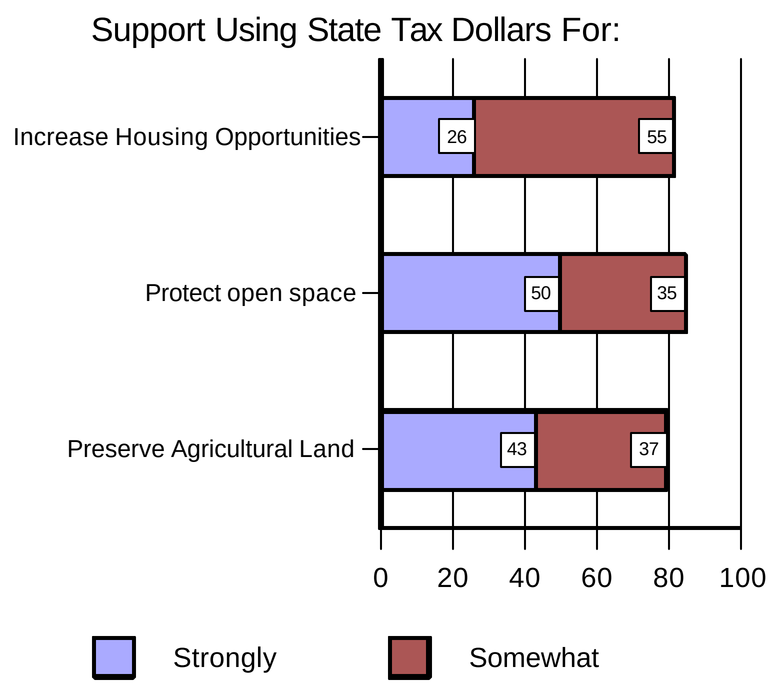
Is There Support for Doing More to Secure Affordable Housing and Address Other Growth Related Issues?

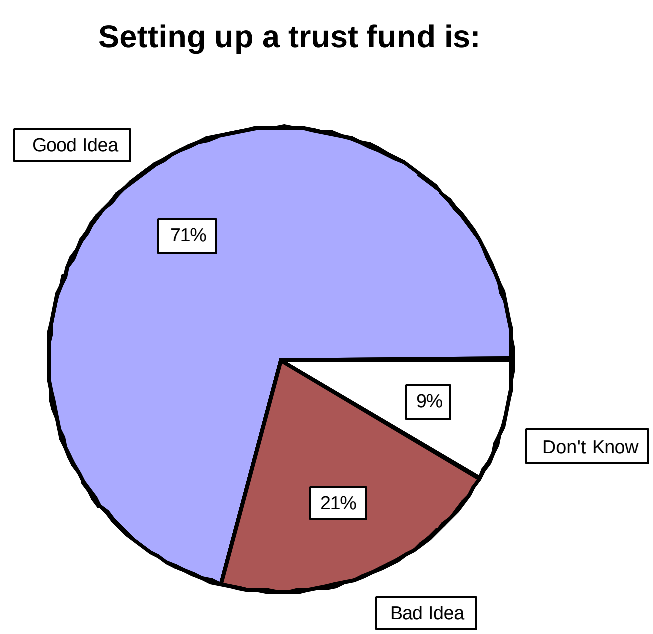
During the month of October, a statewide survey was conducted with a random sample of registered voters to determine the public's interest in establishing a trust fund dedicated to the support of affordable housing and other purposes related to growth. Four hundred interviews were completed. For a sample this size, the margin of error due to sampling is +/-5%.

There is considerable support among the state's registered voters for state action regarding affordable housing.

Eighty-one percent (81%) of Coloradans support the use of state tax dollars to increase housing opportunities for low and moderate-income families. Roughly equivalent proportions support spending for protection of open space (85%) and keeping land in agricultural use (79%). Support for housing appears to be somewhat "softer" than support for the latter two programs inasmuch as fewer indicate that they "strongly" support state government action.

Seven in ten Coloradans think setting up a tax-supported trust fund to finance the construction and rehabilitation of housing is a good idea.





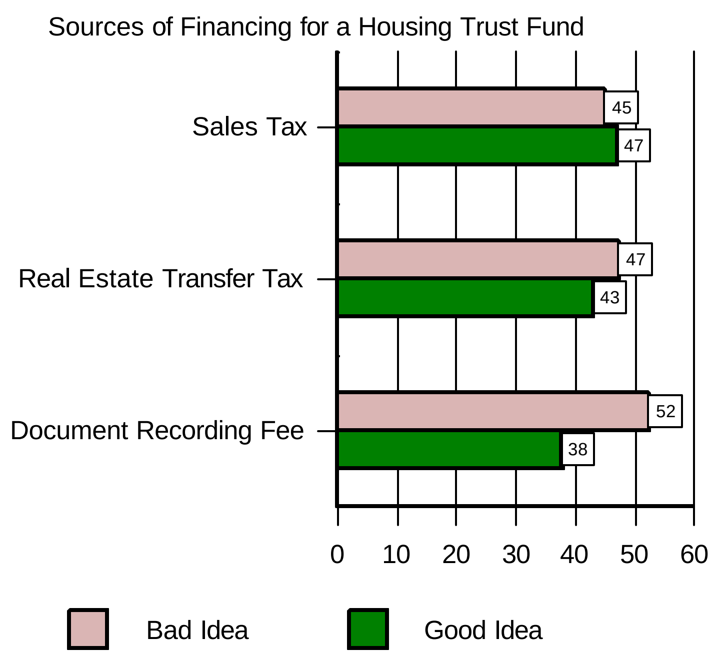
Approaches to Trust Fund Structure and Administration

Input was solicited regarding the operation of the trust fund.

> **Apportion funds by region based on housing need**: Respondents were told that proposals would be submitted to the housing trust fund by local housing authorities, non-profit organizations and private developments who need support to construct or rehabilitate housing that would be rented or purchased by low or moderate income families. They were asked if the fund should simply select the proposals in a statewide competition or whether regions should be guaranteed a share of the fund. Two-thirds of respondents want some kind of regional allocation prior to project review and selection. (Question 3) Almost three-quarters believe that the regional set-asides should be based on the level of need for affordable housing rather than the amount paid into the fund by the regions' taxpayers. (Question 4)
>
> **Contract with a non-profit organization to administer the fund**: Respondents were asked to choose among three options for fund administration. Relatively few (14%) wanted a state agency to administer the fund. The preferred choice, selected by 47%, is a non-profit organization working under contract to the state. However, almost one-third liked the idea of using a quasi-governmental agency. See Question 5.

None of the Financing Options is Very Popular

Trust funds usually have a specific source of revenues dedicated to them that is defined by law. Respondents were asked to consider three options for financing a housing trust fund in Colorado. None of the financing options was considered a "good" idea by a majority. A sales tax, however, received the highest level of support with 47% of respondents saying it would be a good idea. Asked specifically which of the three options would be best, 37% chose the sales tax, 26% the real estate transfer tax and 15% a document recording fee.



A Trust Funded with the Sales Tax is the Preferred Proposal. Due to Tabor Limitations, creation of a housing trust fund would require a ballot issue. Survey respondents were asked how they would vote on three specific proposals being considered by the Colorado Housing Trust Fund Coalition. In each case the question included information on the size of the fund and the increase in tax or fee that would be required.

The preferred option is a $35 million housing trust fund financed by a sales tax increase equal to five cents on every $100 worth of purchases (not including food or prescription drugs). Fifty-four percent (54%) said they would vote for this option, while 40% would vote against.

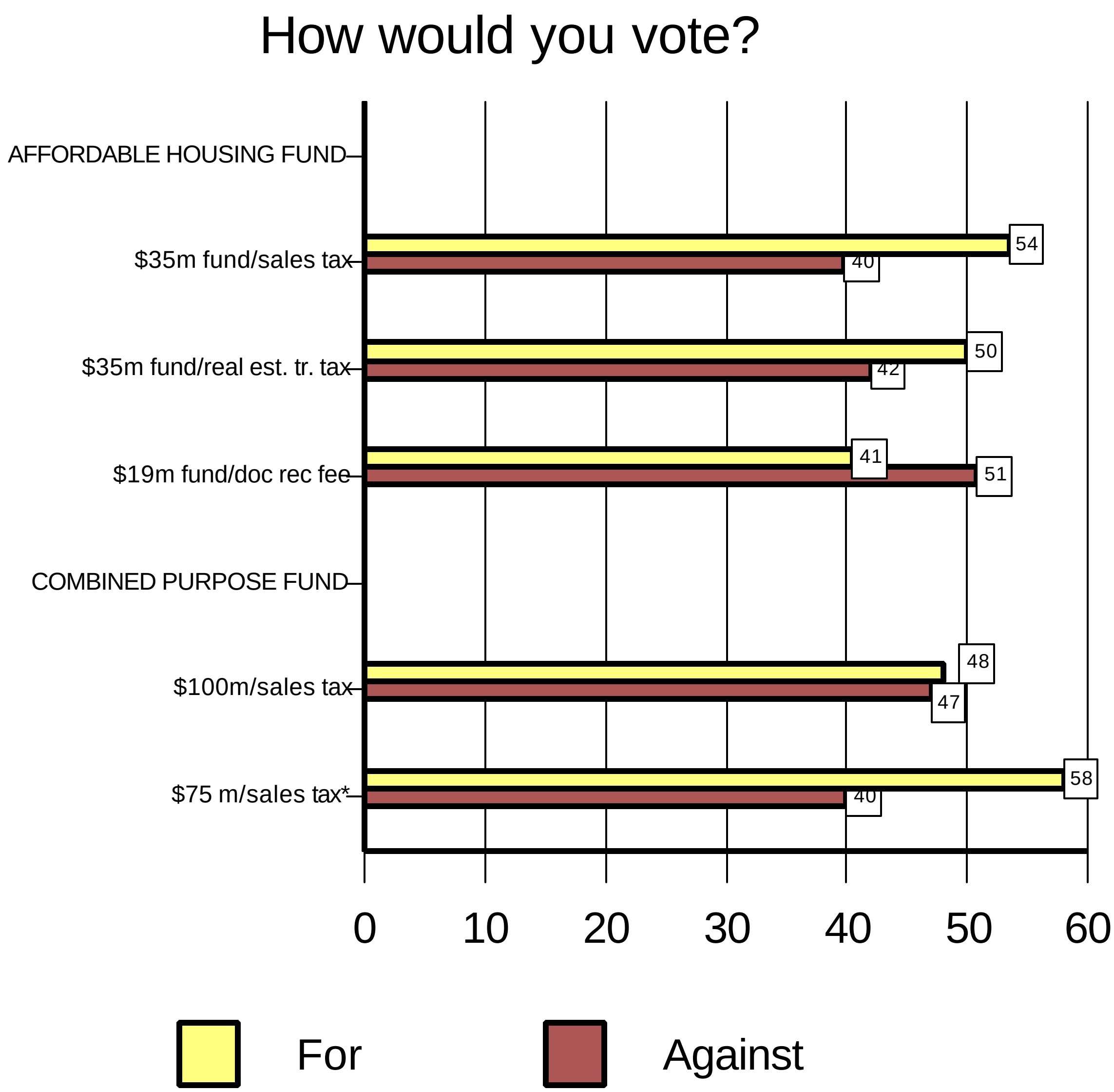
A trust fund based on the real estate transfer tax might also pass based on survey respondents' assessment of their likely vote. Exactly half said they would vote for such a fund if it were on the ballot, while 42% said they would vote against it. The proposal would likely pick up some additional support if the first $100,000 of the purchase price of a home were exempted from the tax. Presented with this option, 53% said they would vote in favor and 39% would vote against the trust fund.

Voters would likely reject a ballot proposal setting up a $19 million trust fund based on a document recording fee of approximately $15 per document filed. Forty-one percent (41%) of respondents indicated they would vote in favor of this option, while 51% said they would oppose it.

In general, the idea of a trust fund is more appealing if it could also be used for open space and agricultural land preservation. When asked: "Would you be more or less likely to support a state trust fund if in addition to affordable housing, it also were to be used for protecting open space areas near cities, scenic vistas, wildlife habitat, river corridors and wetlands?" 63% said they were more likely and 28% said they would be less likely. Somewhat fewer, but still a majority (56%) said they would be more likely to vote in favor of a trust fund if it could be used to keep land in agricultural use.

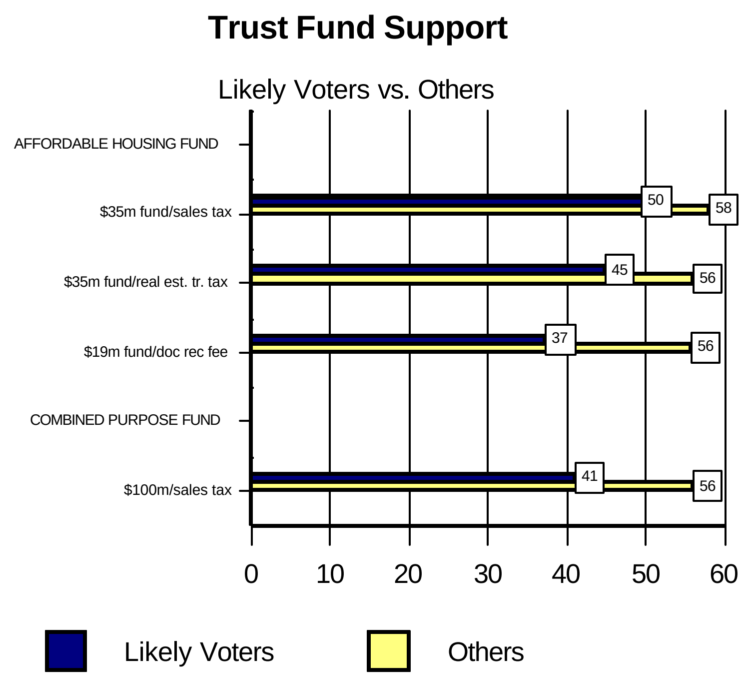
Despite the appeal of a broader-purpose fund, a ballot proposal creating a $100 million fund is not likely to pass. To provide sufficient funding to accomplish the goals set by affordable housing and open space advocates, about $100 million would be needed per year. The survey asked whether respondents would support a trust fund of this size if it were financed by an increase in the sales tax, costing approximately 15 cents on every $100 worth of purchases, not including food and prescription drugs. Respondents were almost evenly split on this option, with 48% saying they would vote in favor and 47% would vote against.

A majority of registered voters statewide would support a $75 million multi-use fund: In a survey fielded in November on another topic, the Wells Fargo Program decided to further explore levels of support for a multi-purpose trust fund requiring a smaller sales tax increase. To make the question work in a different survey, somewhat different wording was required. The new question read: "A citizen task force is studying the impacts of growth in Colorado. They are considering a proposal to create a trust fund which would protect open space, preserve land used for agriculture, and help finance affordable housing. Creating a trust fund requires voters to approve a sales tax increase. Would you support a $75 million dollar trust fund financed by an increase in the tax costing approximately 10 cents on every $100 of purchases, not including food and prescription drugs?" Response to this question was more positive than on the $100 million



* This option was tested in a single question in a different survey conducted by the Wells Fargo program and results may not be directly comparable.

option in the housing survey: fifty-eight percent (58%) indicated they would support the required tax increase, while 40% said they would oppose it.



Turnout is critical to the success of any of the ballot proposals. About half of the respondents to the housing survey said they always vote. These respondents are older, more affluent and are more likely to be Republican.

High-probability voters are much less likely to support any of the trust fund options than are lower-probability voters. Based on the survey and assuming only likely voters actually cast a ballot, only one of the trust fund options tested in the base survey has a plurality – a $35 million housing-only trust fund financed by a sales tax. It is favored by 50% of likely voters and opposed by 45%. Among those less likely to vote, the margin is much higher – 58% support while only 34% oppose.

Including likely voters only, results on the real estate transfer tax financed housing fund are negative but within the margin of error. (See the attached cross-tabulation table which shows 45% of likely voters supporting the option and 49% opposing it.) The negative margins are considerably larger on the proposal for a housing fund financed by a document recording fee and on the larger multi-purpose fund. On the latter combined fund, 41% of likely voters favor it and 57% oppose it.

Response to Various Trust Fund Alternatives: Cross-Tabulations by Gender, Party Affiliation, Age, Income and Likelihood of Voting								
	Housing Trust Funded by Sales Tax		Housing Trust Funded by Real Estate Transfer Tax		Housing Trust Funded by Document Recording Fee		Combined Trust Funded by Sales Tax	
	Favor	Oppose	Favor	Oppose	Favor	Oppose	Favor	Oppose
Total	53.5	39.8	50.0	42.0	40.5	50.8	47.8	46.8
Gender								
Men	53.6	40.8	49.5	44.9	41.3	54.1	43.1	53.3
Women	53.4	38.7	50.5	39.2	39.7	47.5	52.7	40.9
Party								
Republicans	44.4	50.3	41.8	51.6	37.9	58.2	37.5	59.2
Democrats	57.2	31.7	59.3	30.3	42.8	43.4	54.9	38.9
Unaffiliated	62.6	34.3	48.5	44.4	40.4	50.5	54.5	40.4
Likelihood of Voting								
Vote Always	49.5	45.3	44.8	48.6	37.3	55.7	41.0	56.6
Other	58.0	33.5	55.9	34.6	44.1	45.2	55.9	36.0
Age								
Under 35	63.9	26.2	60.7	31.1	41.0	47.5	63.9	29.5
35-49	57.5	38.4	52.7	42.5	45.9	47.9	49.3	47.9
50-64	46.6	45.1	44.4	46.6	33.8	59.4	45.9	48.1
65 plus	48.3	45.0	45.0	41.7	41.7	41.7	33.3	60.0
Income								
Below $40,000	57.9	37.6	57.9	32.3	46.6	44.4	50.0	42.4
$40 - 60,000	53.5	36.4	48.5	40.4	37.4	50.5	49.5	47.5
Over $60,000	51.1	42.1	45.9	51.1	37.6	58.6	47.4	49.6

Hello, my name is ---- and I am calling on behalf of the University of Colorado. We are doing a study of the public's views on some questions that the state government may consider in the near future concerning affordable housing and growth. The survey should take about six minutes. May I begin?

1. Do you strongly support, somewhat support, somewhat oppose or strongly oppose the state government using tax dollars to					
(REPEAT QUESTION FOR EACH ITEM BELOW)	Strongly support	Somewhat support	Somewhat oppose	Strongly oppose	DK
a. to increase housing opportunities for low and moderate income families	26.0%	55.3%	10.8%	6.5%	1.5%
b. to protect open space near cities, scenic vistas,, wildlife habitat, river corridors and wetlands.	49.5%	35.0%	8.8%	5.5%	1.3%
c. to keep land in agricultural use.	42.8%	36.5%	12.0%	5.8%	3.0%

2. To help low and moderate income families afford housing, many states and local governments have set up tax-supported trust funds to finance the construction and rehabilitation of affordable housing. Do you think it is a good or a bad idea for Colorado to set up a housing trust fund?

1	Good idea	71.0%
2	Bad idea	20.5%
3	Don't Know (DON'T PROMPT)	8.5%

3. A Housing trust fund would review proposals submitted by local housing authorities, non-profit organizations or private developers ,who need support to be able to construct or rehabilitate housing that will be rented or purchased by low or moderate-income families. Should the fund simply select the best proposals in a statewide competition or should every region of the state be guaranteed a share of the funds?

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1	Best proposals regardless of location	26.3%
2	Regions guaranteed a share	65.0%
9	Don't Know DON'T PROMPT	8.8%

4. If funds were set aside by region, is it more important to consider the level of need for affordable housing or the amount their citizens have contributed to the trust fund?

1	level of need for affordable housing	73.5%
2	Amount citizens have contributed to the fund	18.8%
3	Both equally DON'T PROMPT	1.5%
4	Neither	1.0%
9	Don't Know	5.3%

5. Would you prefer to see a housing trust fund administered:

1	by a state government agency,	14.0%
2	by a non-profit organization working under contract to the state	47.3%
3	by an agency whose board is appointed by the Governor or other elected officials but which is able to operate more independently than regular state agencies.	31.0%
4	Something else (DON'T PROMPT)	.8%
5	None, Don't want a fund to operate	2.5%
9	Don' Know (DON'T PROMPT)	4.5%

6. Trust funds usually have a specific source of revenue dedicated to them that is defined by law. Would it be a good or a bad idea to finance a housing trust fund using (ROTATE)

REPEAT QUESTION FOR EACH ITEM BELOW	Good Idea	Bad Idea	DK
A. a real estate transfer tax that is charged whenever a home, a building or land is sold, with the amount of tax based on the value of the property.	42.8%	47.0%	10.3%
B. a fee paid whenever legal documents, such as property deeds, liens, or birth certificates, are filed for public recording	37.5%	52.0%	10.5%
C. the state sales tax, which is charged on purchases other than food and prescription drugs	47.0%	44.8%	8.3%

7. Which one of these financing options do you think is best (READ RESPONSES):
(ROTATE IN SAME ORDER USED IN 6)

1	A real estate transfer tax		25.5%
2	A document recording fee		15.3%
3	the state sales tax		37.0%
4	All equally good	(DON'T PROMPT)	4.8%
5	None are any good	(DON'T PROMPT)	12.5%
9	Don't Know	(DON'T PROMPT)	5.0%

8. Would you vote for or against a proposal to create a state housing trust fund financed by an increase in the state sales tax, that would raise about $35 million per year, and cost taxpayers an additional 5 cents on every $100 of purchases other than food and drugs?

1	For	53.5%
2	Against	39.8%
9	Don't Know (DON'T PROMPT)	6.8%

9. Would you vote for or against a ballot proposal to create a state housing trust fund financed by a real estate transfer tax, that would raise approximately $35 million per year and cost approximately $100, for example, on the sale of a $200,000 home?

1	For	50.0%
2	Against	42.0%
9	Don't Know (DON'T PROMPT)	8.0%

10. To reduce the burden on low and moderate-income people buying homes, the first $100,000 of the purchase price could be exempted, that is, no tax would be paid on that portion of the sale. In this case, the real estate transfer tax would raise less money and would cost $50 rather than $100 on the sale of a $200,000 home. Do you think you would vote for or against a ballot proposal to create a state housing trust fund if it were financed this way?

1	For	52.5%
2	Against	38.5%
9	Don't Know (DON'T PROMPT)	9.0%

11. Would you vote for or against a ballot proposal to create a state housing trust fund financed by a document recording fee, that would raise about $19 million per year and would cost up to $15 per document filed?

1	For	40.5%
2	Against	50.8%
9	Don't Know (DON'T PROMPT)	8.8%

12. In general would you be more or less likely to support a state trust fund if in addition to affordable housing, it also were to be used for

REPEAT QUESTION FOR EACH ITEM BELOW	More Likely	Less Likely	Neither (DON'T PROMPT	DK
a. Protecting open space areas near cities, scenic vistas, wildlife habitat, river corridors and wetlands.	63.3%	28%	6.3%	2.5%
b. Keeping land in agricultural use	55.8%	29%	10.8%	4.3%

13. To support affordable housing, open space and preservation of agricultural lands, advocates believe a trust fund would need about $100 million per year. Would you vote for or against a ballot proposal creating this type of trust fund if it were financed by an increase in the state sales tax, costing approximately 15 cents on every $100 worth of purchases, not including food and prescription drugs?

1	For	47.8%
2	Against	46.8%
9	Don't Know	5.5%

14. How often would you say you vote: always, nearly always, some of the time, seldom or never?

1	Always	53.0%
2	Nearly always	30.0%
3	Some of the time	13.8%
4	Seldom or never	2.5%
7	Refused (DON'T PROMPT)	.5%
9	Don't Know (DON'T PROMPT)	.3%

15. And finally, for statistical purposes only and remembering that all information will be kept confidential, would you say that your annual income is (READ RESPONSES)

1	Below $40,000	33.3%
2	$40,000 to $60,000	24.8%
3	$60,000 to $80,000	15.5%
4	Above $80,000	17.8%
7	Refused	7.8%
9	Don't Know	1.1%

Thank you very much for helping us with this study.

RECORD FROM SAMPLE SHEET INFO FROM REGISTERED VOTER FILE ON:

Age:	Under 35	15.3%
	35-49	36.5%
	50-64	33.3%
	Over 65	15.0%
Party Affiliation:		
	Democrat	36.3%
	Republican	38.3%
	Unaffiliated and Other	25.3%
Gender:	Female	51.0%
	Male	49.0%
Region:	Denver	14.0%
	Other Metro	42.3%
	Other Front Range	22.8%
	Out State	21.0%

LastName	FirstName	Organization
Baker	Matt	CoPIRG
Basye	Rachel	Colorado Housing and Finance Authority
Beardsley	George	Inverness Properties
Bergman	Eric	Colorado Department of Local Affairs
Billingsley	Graham	Boulder County Department of Land Use Planning
Boulton	Jen	Audubon Society
Brannon	Ginny	Colorado Attorney General's Office
Bridges	Rutt	Bighorn Center
Broadwell	David	City and County of Denver, Office of City Attorney
Burchell	Robert	Rutgers University
Bye	Jim	Holme Roberts & Owen
Callison	Bill	Faegre and Benson, LLP
Carlson	David	Colorado Department of Agriculture
Castellano	John	Holland and Hart
Christensen	Ray	Colorado Farm Bureau
Christopher	William	Former City Manager, City of Westminster
Ciruli	Floyd	Ciruli and Associates, Inc.
Clark	Tom	University of Colorado at Denver
Clark	Tom	Jefferson Economic Council
Coleman	Bob	Melody Homes, Inc.
Coney	Rob	Adams County
Covert	John	Colorado Working Landscapes
Cuciti	Peggy	University of Colorado at Denver
Davies	Miles	Colorado Cattlemen's Association
Delpapa	Dominic	IKON Public Affairs
Egitto	Rick	National Association of Industrial and Office Properties
Elfenbein	Sharon	City and County of Denver
Esposito	Joe	Coors Brewing Co.
Frickey	Jeani	Colorado Farm Bureau
Gidez	Greg	Fentress Bradburn Architects
Gray	Frank	City of Lakewood
Greenwood	Daphne	University of Colorado at Colorado Springs
Haynes	Happy	Council Member, City & County of Denver
Hoagland	Don	Davis, Graham, & Stubbs
Hoagland	Ken	Community Capital Corporation
Horle	Kate	Southeast Business Partnership
Hupfeld	Kelly	Bighorn Center
Ingvoldstad	Scott	Environmental Defense
Ittelson	Ellen	City and County of Denver
Jessen	Polly	Akin, Gump, Strauss, Hauer & Feld
Jones	Elise	Colorado Environmental Coalition
Kaesemeyer	Tom	Gates Family Foundation
Kaplan	Marshall	Wirth Chair, University of Colorado at Denver
Kefalas	John	Catholic Charities
Kenney	Peter	Community Resource Neighborhood Association
Kirk	Susan	Regent, University of Colorado
Klapper	Gail	Colorado Forum
Klausing	Steve	KB Homes
Klowden	Mindy	Colorado Affordable Housing Partnership
Koelbel	Walter	Koelbel and Co.
Lado	Karen	Enterprise Foundation

Lamm	Richard	University of Denver
Leaderstorf	Heather	Wirth Chair, University of Colorado at Denver
Levy	Marvin	Miller International, Inc.
Lewis, Jr.	Harry	Lewis Investments
Livingston	Ann	CoPIRG
Lucero	Gene	Metro Brokers, E. Lucero and Co.
Marinelli	Catherine	Metro Mayors' Caucas
Marquez	Ron	Developmental Disabilities Resource Center
Martinez	J.J.	Home Builders Association
McClintock	Rich	Livable Communities Support Center
Messenbaugh	Mark	Arnold & Porter
Moody	Bob	National Association of Industrial & Office Properties
Moore	Michael	National Renewable Energy Lab
Morton	Tom	Carma Colorado
Mugler	Larry	Denver Regional Council of Governments
Mulligan	James	Fairfield and Woods, PC
Myers	Lynn	Commissioner, Arapahoe County
Noel	Edmond	Sherman & Howard
Osborn	John	Village Homes of Colorado
Parr	John	Center for Regional & Neighborhood Action
Parsons	Ron	City of Northglenn
Pascoe	Patricia	Former Colorado State Senator
Plakorus	John	Colorado Housing and Finance Authority
Reidhead	Jim	Larimer County Rural Land Use Center
Rennels	Kathay	Commissioner, Larimer County
Resnick	Phyllis	CPEC Center for Tax Policy
Rock	Michael	City of Lakewood
Roth	Herrick	Colorado Forum
Schroeder	Bill	Intermountain Rural Electric Association
Scully	Betsy	Colorado Association of Realtors
Sheehan	Richard	Jefferson County Commissioner
Sheesley	Tim	Xcel Energy
Sherman	Harris	Arnold & Porter
Singer	David	Wirth Chair, University of Colorado at Denver
Sissel	George	Former Chairman and CEO, Ball Corporation
Sullivan	Jim	Commissioner, Douglas County
Telfora	Liz	American Planning Association
Thomas	Sandy	Castlerock Development
Toor	Will	Mayor, City of Boulder
Truly	Richard	National Renewable Energy Lab
Unseld	Charles	Colorado Dept. of Local Affairs
VanGenderen	Heidi	Wirth Chair, University of Colorado at Denver
Vaughn	Pat	Terrabrook
Vidal	Bill	Denver Regional Council of Governments
Wallis	Alan	University of Colorado at Denver
Way	Ben	American Farmland and Trust
Wedding-Scott	Jacqueline	City of Lakewood
White	Carolynne	Colorado Municipal League
Whitsitt	Jacque	Town of Basalt
Wilson	Steve	Melody Homes
Writer	George	Writer Corporation
Wunderlich	Karl	Wirth Chair, University of Colorado at Denver

Yao	Yanming	University of Colorado at Denver
Zemler	Stan	Boulder Chamber of Commerce