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3-28-1979

### Colorado Land Use Commission v. Board of County Com'rs of Larimer County

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NO. 79SA47  
IN THE  
SUPREME COURT  
OF THE  
STATE OF COLORADO

FILED IN THE  
SUPREME COURT  
OF THE STATE OF COLORADO  
MAR 2 1979  
*David W. Begia*

COLORADO LAND USE COMMISSION, )  
 )  
Appellee, )  
 )  
vs. )  
 )  
THE BOARD OF COUNTY COMMIS- )  
SIONERS OF THE COUNTY OF )  
LARIMER, and in their official )  
capactiy, WILLIAM LOPEZ, )  
Chairman, DAVID WEITZEL, and )  
NONA THAYER, the individual )  
members of said Board, and )  
THE CITY OF FT. COLLINS, THE )  
CITY OF LOVELAND, THE CITY )  
OF LONGMONT, THE TOWN OF ESTES )  
PARK, and THE PLATTE RIVER )  
POWER AUTHORITY, a political )  
corporation and a political )  
subdivision of the State of )  
Colorado. )  
Appellants. )

APPEAL FROM THE  
DISTRICT COURT OF  
LARIMER COUNTY

HONORABLE  
CONRAD L. BALL,  
DISTRICT JUDGE

-----  
BRIEF OF AMICUS CURIAE  
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#### STATEMENT OF THE CASE

For the sake of brevity, the Board of County Commissioners of Weld County, Colorado and the Board of County Commissioners of Grand County, Colorado, hereby adopt by reference the "Statement of the Case" as set forth in the Brief filed on behalf of the Colorado Land Use Commission in this matter. The Board of County Commissioners of Weld County, Colorado, did, on the 21st day of February, 1979 adopt a Resolution directing the Weld County Attorney to file a Motion for Leave to File a Brief of An Amicus Curiae in support of the position of the Colorado Land Use Commission in the matter before the Court. On the 27th day of March, 1979, the Board of County Commissioners of Grand County, Colorado authorized and directed Richard P. Doucette, Grand County Attorney, to jointly file, with the Weld County Attorney, a Motion for Leave to File a Brief of An Amicus Curiae in support of the position of the Colorado Land Use Commission in the cause before the Court.

#### ARGUMENT

For the sake of brevity, the Board of County Commissioners of Weld County, Colorado and the Board of County Commissioners of Grand County, Colorado, hereby adopt by reference the argument as set forth in the Brief filed herein on behalf of the Colorado Land Use Commission, Appellee.

### CONCLUSION

The Board of County Commissioners of Weld County, Colorado and the Board of County Commissioners of Grand County, Colorado, having adopted all authorities cited and the argument proffered in the Brief filed herein on behalf of the Colorado Land Use Commission, Appellee herein, respectfully pray that this Court rule as follows:


1. Make a finding that the "Trial De Novo" requirement of 24-65.1-407 (c), C.R.S., is not repugnant to the Constitution of the State of Colorado.

2. Make a finding that the action of the Colorado Land Use Commission and the statutory provisions under which the Commission acted does not violate Article V, Section 35 of the Constitution of the State of Colorado to the extent that they affect municipally-owned facilities located outside the boundaries of the municipalities.

3. Make a finding that the intergovernmental agreement between Larimer County and PRPA is invalid, ultra vires, void and unenforceable.

Respectfully submitted this 28th day of March, 1979.

NORMAN CALRSON, JUNE K. STEIN-  
MARK, LEONARD L. ROE, LYDIA  
DUNBAR, and C. W. KIRBY AS THE  
BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF WELD AND STATE  
OF COLORADO; and ELWIN CRABTREE,  
JOHN E. MARTLING, HEREBERT A.  
RITSCHARD, AS THE BOARD OF  
COUNTY COMMISSIONERS OF THE  
COUNTY OF FRAND AND STATE OF  
COLORADO



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AND:

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Hot Sulphur Springs, CO 80451  
(303) 725-3334

Attorneys for Applicants

CERTIFICATE OF MAILING

I, Thomas O. David, do hereby certify that I mailed a true and correct copy of the above and foregoing Motion to the following named attorneys by depositing a copy of said Motion in the United States mail, postage prepaid, on the 28th day of March, 1979:

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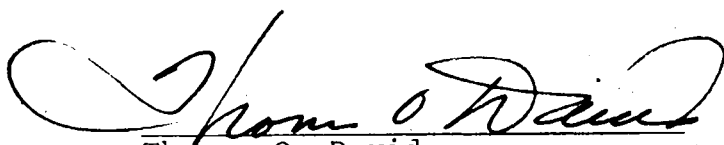
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