

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

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 01-0494.01 Bob Lackner

**SENATE BILL 01-097**

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**SENATE SPONSORSHIP**

**Pascoe,** and Matsunaka

**HOUSE SPONSORSHIP**

**Plant,**

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**Senate Committees**

Public Policy and Planning

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING REGIONAL PLANNING FOR GROWTH MANAGEMENT.**

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**Bill Summary**

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

Requires the regional planning commission formed for any region of the state with a population in excess of one million to prepare a regional plan. Requires the commission to develop a list of goals for the effective and orderly development of the region to be addressed in the plan as well as a list of elements that the regional plan shall contain in order to achieve the goals required by the plan. Specifies certain elements that each plan shall contain.

Specifies that, in connection with the preparation of the regional plan, the designation by the commission of urban growth boundaries or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

SENATE  
Amended 2nd Reading  
February 27, 2001

urban growth areas specified in the regional plan shall correspond to the greatest extent possible with any previous designation of urban growth boundaries or urban growth areas in a comprehensive or master plan by a local government that has been enacted into law through a local ordinance where the designation is consistent with the purposes of the act.

Requires each regional plan to be coordinated with the regional, master, or comprehensive plan of any adjacent jurisdiction or region to the greatest extent possible.

Requires the regional planning commission to approve the regional plan in accordance with its regular procedures within a specified time after the preparation of the plan. Specifies that a regional plan shall be binding upon the region and all local governments within the region upon its adoption by the commission. Provides that an adopted plan shall be binding upon state agencies, regional entities, and special districts, but specifies that no utility or special district shall be obligated to provide any services within the region it has not previously agreed to provide as of the date of the adoption of the regional plan without a vote of its governing body to provide such services.

Requires the commission to update and amend its regional plan once every 5 years but no more frequently than once every 5 years.

Requires every local government within a region that has adopted a regional plan to either adopt within a specified time a comprehensive or master plan that shall be mandatory, binding, and consistent with the regional plan or conform within a specified time its existing comprehensive or master plan to the regional plan. Provides that, in connection with the expansion, provision, or funding of any transportation services or infrastructure within the boundaries of the area covered by the regional plan, the commission shall have the authority to review, approve, or disapprove any such expansion, provision, or funding based upon the conformance of the transportation or infrastructure project to the regional plan.

Provides that no regional plan shall be created, updated, or amended unless the commission has complied with public notice and hearing requirements.

Authorizes the commission to establish a system that may be voluntary on the part of member governments for the allocation of some portion of the tax revenues collected from new commercial or industrial development commenced and completed on or after the effective date of the act on a per capita basis to the member governments within the region or subregion with a percentage of such revenues reserved for the local government within which the development takes place, regardless of whether or not the commission and its member governments have entered into an intergovernmental agreement for such purposes.

Provides a process for the resolution of disputes between regions that may arise under the act, including disputes over conflicting or

inconsistent urban growth boundaries contained within regional plans, as well as for the resolution of disputes between a region and a state agency, local government, or special district that may arise under the act.

Provides that the provisions of the act supplement but do not replace other statutory provisions granting planning and regulatory powers to local governments.

Defines terms.

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

2 **SECTION 1.** Article 28 of title 30, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW PART to read:

4 PART 5

5 REGIONAL PLANNING

6 **30-28-501. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
7 FINDS AND DECLARES THAT THE PROTECTION OF COLORADO'S UNIQUE  
8 QUALITY OF LIFE, OPEN SPACES, ECONOMIC BASE, AGRICULTURAL LANDS,  
9 AND NATURAL RESOURCES IS A MATTER OF STATEWIDE CONCERN. THE  
10 GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT EFFECTIVE  
11 PRESERVATION OF THESE CRITICAL RESOURCES REQUIRES COORDINATED  
12 ACTION AND PLANNING AT THE REGIONAL LEVEL IN THE LARGER  
13 METROPOLITAN AREAS OF THE STATE. SUCH COORDINATED ACTION AND  
14 PLANNING WOULD RESULT IN:

15 (a) MORE EFFICIENT USE OF PUBLIC FUNDS, INCLUDING STATE  
16 FUNDS, TO PROVIDE PUBLIC SERVICES AND INFRASTRUCTURE NEEDS;

17 (b) BETTER SOLUTIONS TO STATE AND REGIONAL PROBLEMS SUCH  
18 AS ENVIRONMENTAL POLLUTION, LACK OF AFFORDABLE HOUSING, AND  
19 INADEQUATE TRANSPORTATION SYSTEMS;

20 (c) ECONOMIC DEVELOPMENT WITH GREATER PRESERVATION OF  
21 OPEN SPACE AND AGRICULTURAL LANDS;

22 (d) MORE EFFICIENT USE OF LAND THAT IS ALREADY URBANIZED

1 AND LAND TO BE DEVELOPED IN THE FUTURE; AND

2 (e) MORE EFFICIENT USE OF CENTRAL SERVICES.

3 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING THIS  
4 PART 5 TO EMPOWER REGIONAL PLANNING COMMISSIONS IN LARGE  
5 POPULATION COUNTIES WITH THE POWERS AND RESOURCES NECESSARY FOR  
6 COORDINATED ACTION AND PLANNING ESSENTIAL TO MORE EFFECTIVELY  
7 ANTICIPATE AND ADDRESS THE CONSEQUENCES OF GROWTH.

8 **30-28-502. Definitions.** AS USED IN THIS PART 5, UNLESS THE  
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "COMMISSION" MEANS A REGIONAL PLANNING COMMISSION  
11 CREATED BY SECTION 30-28-105.

12 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

13 (3) "LOCAL GOVERNMENT" MEANS A COUNTY, HOME RULE OR  
14 STATUTORY CITY, TERRITORIAL CHARTER CITY, OR CITY AND COUNTY.

15 (4) "MEMBER GOVERNMENTS" MEANS ALL OF THE LOCAL  
16 GOVERNMENTS WITHIN A PARTICULAR REGION FOR PURPOSES OF THIS PART  
17 5.

18 (5) "REGION" MEANS ANY LAND AREA WITHIN THE JURISDICTION OF  
19 TWO OR MORE LOCAL GOVERNMENTS THAT MAY COOPERATE IN THE  
20 CREATION OF A COMMISSION PURSUANT TO SECTION 30-28-105 (1).

21 (6) "REGIONAL PLAN" MEANS A PLAN CREATED BY A COMMISSION  
22 FOR A REGION OF THE STATE, PURSUANT TO SECTION 30-28-106.

23 (7) "SUBREGION" MEANS ANY PORTION OF A REGION.

24 (8) (a) "URBAN GROWTH AREA" MEANS AN AREA IN WHICH URBAN  
25 GROWTH SHALL BE ENCOURAGED AND OUTSIDE OF WHICH GROWTH CAN  
26 OCCUR ONLY IF IT IS NOT URBAN IN NATURE.

27 (b) "URBAN GROWTH AREA" INCLUDES AN AREA THAT:

1 (I) MAKES INTENSIVE USE OF LAND, INCLUDING BUT NOT LIMITED  
2 TO ANY RESIDENTIAL AREA THAT CONTAINS LOTS WITH AN AVERAGE SIZE  
3 OF ONE ACRE OR LESS; OR

4 (II) REQUIRES URBAN SERVICES AS DEFINED IN SUBSECTION (10) OF  
5 THIS SECTION.

6 (9) "URBAN GROWTH BOUNDARY" MEANS A BOUNDARY THAT  
7 MARKS THE SEPARATION OF URBAN LAND OR LAND TO BE DEVELOPED INTO  
8 URBAN LAND FROM UNDEVELOPED LAND AND WITHIN WHICH URBAN  
9 GROWTH SHOULD BE CONTAINED FOR A PERIOD OF AT LEAST TWENTY  
10 YEARS.

11 (10) "URBAN SERVICES" MEANS SERVICES AND FACILITIES THAT  
12 ARE TYPICALLY PROVIDED IN AN URBAN AREA SUCH AS STORM AND  
13 SANITARY SEWER SYSTEMS; CENTRALIZED WATER SYSTEMS;  
14 TRANSPORTATION SERVICES; PUBLIC TRANSPORTATION; ROADS, HIGHWAYS,  
15 OR BRIDGES; POWER; OR FIRE AND POLICE PROTECTION SERVICES.

16 **30-28-503. Creation of regional plans - contents of regional**  
17 **plans - binding effects - local government compliance - public notice.**

18 (1) (a) NO LATER THAN JULY 1, 2003, THE COMMISSION FORMED FOR THE  
19 REGION COMPRISED OF THE MUNICIPALITIES AND COUNTIES THAT WERE  
20 MEMBERS OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS ON  
21 JANUARY 1, 2001, SHALL EITHER PREPARE A REGIONAL PLAN IN  
22 ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 5 OR ENSURE THAT  
23 A PLAN IN EFFECT AS OF THAT DATE COMPLIES WITH THE REQUIREMENTS OF  
24 THIS PART 5.

25 (b) (I) REGIONAL PLANS SUBJECT TO THIS PART 5 MAY BE CREATED  
26 IN ANY OTHER REGION COMPRISED OF COUNTIES AND MUNICIPALITIES THAT  
27 ARE MEMBERS OF:

1           (A) A REGIONAL COUNCIL OF GOVERNMENTS OR COMMISSION; OR

2           (B) A METROPOLITAN PLANNING ORGANIZATION, AS DEFINED  
3 PURSUANT TO SECTION 43-1-1102 (4), C.R.S., AND 23 U.S.C. SEC. 134.

4           (II) THE DECISION TO CREATE A REGIONAL PLAN PURSUANT TO THIS  
5 PARAGRAPH (b) SHALL ONLY BE EFFECTIVE UPON A UNANIMOUS VOTE OF  
6 ALL OF THE COUNTIES AND MUNICIPALITIES COMPRISING THE PARTICULAR  
7 REGION.

8           (2) IN CREATING, UPDATING, OR AMENDING A REGIONAL PLAN  
9 PURSUANT TO THE REQUIREMENTS OF THIS PART 5, THE COMMISSION SHALL  
10 COMPLY WITH THE PUBLIC HEARING AND NOTICE REQUIREMENTS SET FORTH  
11 IN SECTION 30-28-106 (2) (a).

12           (3) IN CONNECTION WITH THE PREPARATION OF THE REGIONAL PLAN  
13 REQUIRED BY SUBSECTION (1) OF THIS SECTION, NO LATER THAN JULY 1,  
14 2002, THE COMMISSION SHALL DEVELOP A LIST OF:

15           (a) GOALS TO BE PURSUED IN CONNECTION WITH THE ORDERLY AND  
16 EFFICIENT DEVELOPMENT OF THE REGION; AND

17           (b) ELEMENTS THAT THE REGIONAL PLAN SHALL CONTAIN IN ORDER  
18 TO ACHIEVE THE GOALS REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION

19 (3). IN DEVELOPING A REGIONAL PLAN IN ACCORDANCE WITH THE  
20 PROVISIONS OF THIS PART 5, THE COMMISSION SHALL CONSIDER AND  
21 ADDRESS GROWTH LIKELY TO OCCUR OVER THE COURSE OF A  
22 TWENTY-YEAR PERIOD COMMENCING WITH THE ADOPTION OF THE PLAN.  
23 AT A MINIMUM, A PLAN ADOPTED IN ACCORDANCE WITH THE  
24 REQUIREMENTS OF THIS PART 5 SHALL CONTAIN THE FOLLOWING  
25 ELEMENTS:

26           (I) A LAND USE ELEMENT THAT SHALL SHOW, WITHOUT LIMITATION:

27           (A) AN IDENTIFICATION BY THE COMMISSION OF THE EXTENT OF

1 URBAN DEVELOPMENT, WHICH IDENTIFICATION SHALL BE NO GREATER  
2 THAN THE AMOUNT OF LAND NEEDED FOR DEVELOPMENT WITHIN THE  
3 REGION GIVEN POPULATION PROJECTIONS AND PROJECTED DENSITY;

4 (B) AN ALLOCATION BY THE COMMISSION OF A PORTION OF THE  
5 EXTENT OF DEVELOPMENT TO BE ASSIGNED TO EACH LOCAL GOVERNMENT  
6 WITHIN THE REGION. THE ALLOCATION REQUIRED BY THIS  
7 SUB-SUBPARAGRAPH (B) SHALL BE ADOPTED BY THE COMMISSION AS PART  
8 OF THE REGIONAL PLAN.

9 (C) BUFFER AREAS SEPARATING URBAN FROM UNDEVELOPED AREAS  
10 WITHIN THE REGION AS MAY BE DESIGNATED IN ONE OR MORE PLANS BY  
11 ONE OR MORE LOCAL GOVERNMENTS WITHIN THE REGION; AND

12 (D) POLICIES FOR THE DESIGNATION OF OPEN SPACE;

13 (II) A TRANSPORTATION ELEMENT THAT SHALL SHOW, WITHOUT  
14 LIMITATION, POLICIES FOR THE DEVELOPMENT AND USE OF MULTI-MODAL  
15 TRANSPORTATION SYSTEMS WITHIN THE REGION;

16 (III) A HOUSING ELEMENT THAT SHALL SHOW, WITHOUT  
17 LIMITATION:

18 (A) POLICIES FOR THE AVAILABILITY OF A VARIETY OF HOUSING  
19 CHOICES, INCLUDING AFFORDABLE HOUSING FOR FUTURE POPULATION  
20 GROWTH WITHIN THE REGION WITHIN REASONABLE PROXIMITY TO JOB  
21 LOCATION. THE HOUSING ELEMENT SHALL PROVIDE A RANGE OF HOUSING  
22 CHOICES SUFFICIENT TO MEET THE NEEDS OF PERSONS OF VARIOUS INCOME  
23 LEVELS AND AGE GROUPS, INCLUDING PERSONS NEWLY EMPLOYED IN THE  
24 REGION; AND

25 (B) THE RATIO WITHIN THE REGION OF PRIMARY JOBS TO HOUSING  
26 OPTIONS APPROPRIATE FOR PERSONS WITH SUCH JOBS AND POLICIES FOR  
27 BRINGING ANY SIGNIFICANT DISPARITY IN SUCH RATIO INTO REASONABLE

1 BALANCE;

2 (IV) AN ENVIRONMENTAL QUALITY ELEMENT THAT SHALL  
3 ADDRESS POLICIES TO PROMOTE AIR AND WATER QUALITY WITHIN THE  
4 REGION; AND

5 (V) ANY ADDITIONAL ELEMENTS THAT, IN THE DISCRETION OF THE  
6 COMMISSION, WILL FURTHER SERVE THE PURPOSES OF THIS PART 5.

7 (4) CONTEMPORANEOUSLY WITH THE DEVELOPMENT OF GOALS TO  
8 BE PURSUED BY THE REGION AS REQUIRED BY SUBSECTION (1) OF THIS  
9 SECTION, THE COMMISSION SHALL MAKE A DETERMINATION OF THE  
10 ALLOCATION OF RESPONSIBILITY TO BE ASSUMED BY THE LOCAL  
11 GOVERNMENTS WITHIN THE REGION IN ACHIEVING THE GOALS REQUIRED TO  
12 BE DEVELOPED UNDER PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION  
13 AND IN SATISFYING THE ELEMENTS REQUIRED BY PARAGRAPH (b) OF  
14 SUBSECTION (3) OF THIS SECTION.

15 (5) TO THE GREATEST EXTENT POSSIBLE, EACH REGIONAL PLAN  
16 ADOPTED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 5 SHALL  
17 BE COORDINATED WITH THE REGIONAL, MASTER, OR COMPREHENSIVE PLAN  
18 OF ANY ADJACENT JURISDICTION OR REGION, AS THE CASE MAY BE, TO  
19 ELIMINATE CONFLICTS OR INCONSISTENCIES AND TO ENSURE THE  
20 COMPATIBILITY OF SUCH PLANS AND THEIR IMPLEMENTATION TO FURTHER  
21 THE PURPOSES OF THIS PART 5.

22 (6) (a) EACH REGIONAL PLAN REQUIRED TO BE ADOPTED PURSUANT  
23 TO SUBSECTION (1) OF THIS SECTION SHALL BE ADOPTED BY THE  
24 COMMISSION IN ACCORDANCE WITH ITS REGULAR PROCEDURES WITHIN ONE  
25 HUNDRED EIGHTY DAYS AFTER THE PREPARATION OF THE PLAN AS  
26 REQUIRED BY SUBSECTION (1) OF THIS SECTION. NO ADOPTION OF A  
27 REGIONAL PLAN SHALL BE EFFECTIVE UNLESS APPROVED BY TWO-THIRDS



1 OF THE MEMBERS OF THE COMMISSION REPRESENTING AT LEAST  
2 TWO-THIRDS OF THE POPULATION OF THE REGION.

3 (b) THE REGIONAL PLAN SHALL BE BINDING UPON THE REGION AND  
4 ALL LOCAL GOVERNMENTS WITHIN THE REGION UPON ITS ADOPTION BY THE  
5 COMMISSION.

6 (7) ONCE ADOPTED IN ACCORDANCE WITH THE REQUIREMENTS OF  
7 THIS PART 5, THE COMMISSION SHALL UPDATE AND AMEND ITS REGIONAL  
8 PLAN AT LEAST ONCE EVERY FIVE YEARS BUT NO MORE FREQUENTLY THAN  
9 ONCE EVERY THREE YEARS; EXCEPT THAT, A REGIONAL PLAN MAY BE  
10 AMENDED AT ANY TIME TO ADDRESS AN EMERGENCY THREATENING THE  
11 HEALTH, SAFETY, OR WELFARE OF THE RESIDENTS OF THE REGION. NO  
12 AMENDMENT TO A REGIONAL PLAN SHALL BE EFFECTIVE UNLESS APPROVED  
13 BY TWO-THIRDS OF THE MEMBERS OF THE COMMISSION REPRESENTING AT  
14 LEAST TWO-THIRDS OF THE POPULATION OF THE REGION. ANY UPDATE OR  
15 AMENDMENT TO A REGIONAL PLAN SHALL FOLLOW THE SAME PROCESS  
16 REQUIRED UNDER THIS SECTION FOR THE ADOPTION OF THE REGIONAL PLAN.

17 (8) A REGIONAL PLAN ADOPTED IN ACCORDANCE WITH THE  
18 PROVISIONS OF THIS PART 5 SHALL BE BINDING ON ANY AGENCY OF THE  
19 STATE, ANY REGIONAL ENTITY CREATED PURSUANT TO STATE LAW THE  
20 JURISDICTION OF WHICH INCLUDES ANY PORTION OF THE REGION THAT HAS  
21 ADOPTED THE PLAN, AND ANY SPECIAL DISTRICT CREATED BY STATE LAW  
22 THAT IS OPERATING WITHIN THE REGION; EXCEPT THAT NO UTILITY OR  
23 SPECIAL DISTRICT SHALL BE OBLIGATED TO PROVIDE ANY SERVICES WITHIN  
24 THE REGION IT HAS NOT AGREED TO PROVIDE AS OF THE DATE OF THE  
25 ADOPTION OF THE REGIONAL PLAN WITHOUT A VOTE OF ITS GOVERNING  
26 BODY TO PROVIDE SUCH SERVICES.

27 (9) NO LATER THAN TWO YEARS AFTER THE ADOPTION OF A

1 REGIONAL PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH  
2 (a) OF SUBSECTION (6) OF THIS SECTION, EVERY LOCAL GOVERNMENT  
3 WITHIN A REGION THAT HAS ADOPTED A REGIONAL PLAN PURSUANT TO THIS  
4 PART 5 SHALL EITHER ADOPT A COMPREHENSIVE OR MASTER PLAN  
5 COVERING THE AREA WITHIN ITS OWN TERRITORIAL BOUNDARIES OR, IF IT  
6 HAS ALREADY ADOPTED A COMPREHENSIVE OR MASTER PLAN AS OF THE  
7 DATE OF THE ADOPTION OF THE REGIONAL PLAN, CONFORM ITS  
8 COMPREHENSIVE OR MASTER PLAN TO THE REGIONAL PLAN. EACH  
9 COMPREHENSIVE OR MASTER PLAN ADOPTED OR AMENDED BY A LOCAL  
10 GOVERNMENT PURSUANT TO THIS SUBSECTION (9) SHALL:

11 (a) BE MANDATORY AND BINDING;

12 (b) BE CONSISTENT WITH THE GOALS CONTAINED IN THE REGIONAL  
13 PLAN OF THE REGION WITHIN WHICH IT IS LOCATED; AND

14 (c) ADDRESS AT A MINIMUM EACH OF THE ELEMENTS REQUIRED TO  
15 BE LISTED IN THE REGIONAL PLAN PURSUANT TO PARAGRAPH (b) OF  
16 SUBSECTION (3) OF THIS SECTION.

17 (d) SPECIFY THE ALLOCATION OF RESPONSIBILITY TO BE ASSUMED  
18 BY THE LOCAL GOVERNMENT IN ACHIEVING THE GOALS REQUIRED TO BE  
19 DEVELOPED UNDER PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION  
20 AND IN SATISFYING THE ELEMENTS REQUIRED BY PARAGRAPH (b) OF  
21 SUBSECTION (3) OF THIS SECTION;

22 (e) DESIGNATE AN URBAN GROWTH BOUNDARY OR URBAN GROWTH  
23 AREA CONSISTENT WITH THE ALLOCATION SET FORTH IN THE REGIONAL  
24 PLAN PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (I) OF  
25 PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION, WHICH DESIGNATION  
26 SHALL BE SUBMITTED TO THE COMMISSION; AND

27 (f) INCORPORATE THE URBAN GROWTH BOUNDARY OR URBAN

1 GROWTH AREA REQUIRED TO BE DESIGNATED PURSUANT TO PARAGRAPH (e)  
2 OF THIS SUBSECTION (9) INTO THE LAND USE ELEMENT OF THE LOCAL  
3 COMPREHENSIVE OR MASTER PLAN.

4 (10) IN ANY REGIONAL PLAN ADOPTED IN ACCORDANCE WITH THE  
5 REQUIREMENTS OF SECTION 30-28-503 (1) (a), NO LATER THAN JULY 1,  
6 2003, THE COMMISSION SHALL ESTABLISH A PROCESS TO DETERMINE  
7 WHETHER THE COMPREHENSIVE OR MASTER PLAN OF A LOCAL  
8 GOVERNMENT IS CONSISTENT WITH THE REGIONAL PLAN.

9 (11) IN CONNECTION WITH THE EXPANSION, PROVISION, OR  
10 FUNDING OF ANY TRANSPORTATION SERVICES OR INFRASTRUCTURE WITHIN  
11 THE BOUNDARIES OF THE AREA COVERED BY THE REGIONAL PLAN ADOPTED  
12 IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART 5, THE  
13 COMMISSION SHALL HAVE THE AUTHORITY TO REVIEW, APPROVE, OR  
14 DISAPPROVE ANY SUCH EXPANSION, PROVISION, OR FUNDING BASED UPON  
15 THE CONFORMANCE OF THE TRANSPORTATION OR INFRASTRUCTURE  
16 PROJECT TO THE REGIONAL PLAN.

17 **30-28-504. Revenue sharing.** (1) WITH RESPECT TO ANY  
18 REVENUES FROM SALES, PROPERTY, OR OTHER APPLICABLE TAXES THAT  
19 MAY BE LEVIED BY A LOCAL GOVERNMENT WITHIN A PARTICULAR REGION  
20 ON NEW COMMERCIAL OR INDUSTRIAL DEVELOPMENT THAT IS COMMENCED  
21 AND COMPLETED ON OR AFTER JULY 1, 2001, THE COMMISSION SHALL HAVE  
22 THE AUTHORITY TO ESTABLISH A SYSTEM THAT MAY BE VOLUNTARY ON THE  
23 PART OF MEMBER GOVERNMENTS TO ALLOCATE SOME PORTION OF THE TAX  
24 REVENUES FROM SUCH DEVELOPMENT ON A PER CAPITA BASIS TO THE  
25 MEMBER GOVERNMENTS WITHIN THE REGION OR SUBREGION WITH A  
26 PERCENTAGE OF SUCH REVENUES RESERVED FOR THE LOCAL GOVERNMENT  
27 WITHIN WHICH THE DEVELOPMENT TAKES PLACE, WHETHER OR NOT THE

1 COMMISSION AND ITS MEMBER GOVERNMENTS HAVE ENTERED INTO AN  
2 INTERGOVERNMENTAL AGREEMENT FOR SUCH PURPOSES PURSUANT TO  
3 SECTION 29-20-105, C.R.S.

4 (2) THE COMMISSION MAY DEVELOP A SET OF POLICIES TO GUIDE IT  
5 IN DETERMINING HOW REVENUES SHOULD BE ALLOCATED IN ACCORDANCE  
6 WITH SUBSECTION (1) OF THIS SECTION.

7 **30-28-505. Interregional - interagency - intergovernmental**  
8 **dispute resolution process.** (1) EACH REGION THAT ADOPTS A REGIONAL  
9 PLAN PURSUANT TO THE REQUIREMENTS OF SECTION 30-28-503 SHALL  
10 FOLLOW THE DISPUTE RESOLUTION PROCESS DESCRIBED IN THIS  
11 SUBSECTION (1) TO RESOLVE DIFFERENCES BETWEEN THE REGION AND:

12 (A) ANY OTHER REGION THAT MAY ARISE UNDER THIS PART 5,  
13 INCLUDING BUT NOT LIMITED TO DIFFERENCES CONCERNING WHETHER AN  
14 URBAN GROWTH BOUNDARY CONTAINED IN ONE REGIONAL PLAN CONFLICTS  
15 OR IS INCONSISTENT WITH AN URBAN GROWTH BOUNDARY CONTAINED IN  
16 THE REGIONAL PLAN ADOPTED BY AN ADJACENT REGION;

17 (b) ANY AGENCY OF STATE GOVERNMENT, INCLUDING, WITHOUT  
18 LIMITATION, A PRINCIPAL DEPARTMENT, INSTITUTION, AGENCY, OR OFFICE  
19 OF THE EXECUTIVE BRANCH OF THE STATE GOVERNMENT; OR

20 (c) ANY LOCAL GOVERNMENT OR SPECIAL DISTRICT.

21 (2) THE PROCESS FOR RESOLVING A DISPUTE ARISING UNDER THIS  
22 PART 5 INVOLVING A REGION AND ONE OF THE OTHER ENTITIES SPECIFIED  
23 IN THIS SUBSECTION (1) OF THIS SECTION SHALL BE AS FOLLOWS:

24 (a) THE REGION AND ANY OTHER PARTY TO THE DISPUTE THAT IS  
25 SPECIFIED IN SUBSECTION (1) OF THIS SECTION SHALL BE CONSIDERED THE  
26 PARTIES TO THE PROCEEDING, AND THE REGION AND ANY OTHER PARTY TO  
27 THE PROCEEDING SHALL MEDIATE THE DISPUTE IN ACCORDANCE WITH THE

1 REQUIREMENTS OF THIS PARAGRAPH.

2 (b) IF THE PARTIES TO ANY TYPE OF PROCEEDING ELECT TO MEDIATE  
3 THE DISPUTE, THE PARTIES TO THE PROCEEDING MAY SEEK MEDIATION  
4 SERVICES FROM EITHER THE DEPARTMENT, THE OFFICE OF DISPUTE  
5 RESOLUTION UNDER PART 3 OF ARTICLE 22 OF TITLE 13, C.R.S., OR  
6 ANOTHER QUALIFIED MEDIATOR AS AGREED UPON BY BOTH PARTIES TO THE  
7 DISPUTE.

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9 (c) IF MEDIATION DOES NOT RESOLVE THE DISPUTE, THE PARTIES TO  
10 THE PROCEEDING MAY ESTABLISH AN ARBITRATION COMMITTEE. TO  
11 ESTABLISH THE COMMITTEE, EACH PARTY TO THE PROCEEDING SELECT AN  
12 ARBITRATOR FROM THE LIST OF QUALIFIED PROFESSIONALS MAINTAINED BY  
13 THE DEPARTMENT TO ASSIST IN RESOLVING LAND USE DISPUTES PURSUANT  
14 TO SECTION 24-32-3209, C.R.S. IN ADDITION, THE PARTIES SHALL  
15 MUTUALLY AGREE ON A THIRD ARBITRATOR FROM THE LIST MAINTAINED BY  
16 THE DEPARTMENT.

17 (d) IN RESOLVING DISPUTES BETWEEN A REGION AND ANY OTHER  
18 PARTY TO A PROCEEDING BROUGHT UNDER THIS SECTION, THE ARBITRATION  
19 COMMITTEE SHALL BE GUIDED BY THE INTENT OF THIS PART 5 AS  
20 EXPRESSED IN SECTION 30-28-501. THE COMMITTEE SHALL ADOPT  
21 WRITTEN FINDINGS, BASED ON APPROPRIATE DOCUMENTATION,  
22 CONCERNING EACH ISSUE IN A PROCEEDING. IN THE CASE OF A PROCEEDING  
23 BROUGHT UNDER PARAGRAPH (a) OF SUBSECTION (1) INVOLVING A  
24 DISPUTED URBAN GROWTH BOUNDARY, THE COMMITTEE SHALL REMAND AN  
25 ISSUE BACK TO THE REGION THAT ADOPTED THE DISPUTED URBAN GROWTH  
26 BOUNDARY FOR RECONSIDERATION IF THE COMMITTEE FINDS THAT THE  
27 CONCERNS RAISED BY A DISPUTING PARTY ARE VALID. IN MAKING ITS

1 DECISION, THE COMMITTEE SHALL STRIVE TO ACHIEVE CONSENSUS ON ITS  
2 FINDINGS AND DECISION, BUT A DECISION AND FINDING BY A MAJORITY OF  
3 THE COMMITTEE SHALL BE CONSIDERED THE FINAL DECISION OF THE  
4 COMMITTEE.

5 (V) FOR EACH DAY ACTUALLY ENGAGED IN THE DUTIES OF THE  
6 ARBITRATION COMMITTEE, MEMBERS OF THE COMMITTEE SHALL BE  
7 ENTITLED TO BE COMPENSATED FOR THEIR TIME, AS WELL AS THEIR ACTUAL  
8 AND NECESSARY TRAVEL AND SUBSISTENCE EXPENSES, WHICH  
9 COMPENSATION AND EXPENSES SHALL BE PAID BY THE PARTIES TO THE  
10 PROCEEDING AFTER THE SAME ARE INCURRED. MILEAGE RATES SHALL BE  
11 AS PROVIDED IN SECTION 24-9-104, C.R.S.

12 (c) A PARTY TO THE PROCEEDING MAY APPEAL THE DECISION OF  
13 THE ARBITRATION COMMITTEE TO ANY DISTRICT COURT WITH JURISDICTION  
14 TO HEAR THE DISPUTE UNDER THE COLORADO RULES OF CIVIL PROCEDURE.

15 **30-28-506. Supplements existing law.** THE PROVISIONS OF THIS  
16 PART 5 SUPPLEMENT, BUT DO NOT REPLACE, THOSE PROVISIONS OF ARTICLE  
17 20 OF TITLE 29, C.R.S.; PART 1 OF THIS ARTICLE; PART 2 OF ARTICLE 23 OF  
18 TITLE 31, C.R.S.; AND ANY OTHER STATUTES GRANTING PLANNING AND  
19 REGULATORY POWERS TO COUNTIES OR MUNICIPALITIES. IN THE EVENT OF  
20 A CONFLICT BETWEEN THE PROVISIONS OF ANY SUCH LAW AND THIS PART  
21 5, THE PROVISIONS OF THIS PART 5 SHALL GOVERN.

22 **SECTION 2. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, and safety.