

Second Extraordinary Session  
Sixty-third General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 01S2-3013.01 Bob Lackner

**SENATE BILL 01S2-003**

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**SENATE SPONSORSHIP**

**Pascoe**

**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.)*

No later than July 1, 2003, requires the commission formed for the region comprised of the municipalities and counties that were members of the Denver regional council of governments on January 1, 2001, or that become members at any point thereafter, (commission) to prepare a regional plan or to ensure that a plan in effect as of that date complies with specified requirements. Requires the commission to develop a list of regional goals for the orderly and efficient development of the region to be addressed in the plan as well as a list of elements that the regional plan shall set forth in order to achieve such goals or to amend its existing

**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.*

plan to achieve such goals. Specifies certain elements that each plan shall contain. Directs the commission to make a determination concerning the allocation of responsibility to be assumed by the local governments within the region in achieving the goals.

Requires the 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 commission to approve the regional plan in accordance with its regular procedures within a specified time after the preparation of the plan. Directs that a regional plan shall not be effective unless it is approved by at least  $\frac{2}{3}$  of the municipalities within the region, at least  $\frac{2}{3}$  of the counties within the region, and at least  $\frac{2}{3}$  of the members of the commission representing at least  $\frac{2}{3}$  of the population of the region, which population shall be determined by the department of local affairs.

Specifies that the 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 the regional plan at least once every 5 years, but no more frequently than once every 3 years except in the case of an emergency.

Requires every local government within the region either to adopt a comprehensive or master plan or to conform an existing plan to the regional plan. Specifies that such comprehensive or master plan that is adopted or amended by a local government shall be mandatory, binding, and consistent with the regional plan, address each of the elements regional plans are required to contain, allocate responsibilities for the achievement of goals, designate an urban growth area consistent with such allocation of responsibility, and incorporate the urban growth area into the land use element of the local plan.

In order to provide for transportation planning supportive of the regional plan, and to the extent allowed by law, requires the commission, the regional transportation district, and the department of transportation to reach agreement concerning the:

- Distribution of estimated future transportation revenues;
- Rules governing the process for allocating such revenues among the member governments; and
- Range of certainty regarding estimated funding allocations.

Requires the commission, the regional transportation district, and the department of transportation to establish rules and criteria for

determining transportation project selection, including without limitation, maintenance projects, as well as immediate and future transportation priorities based upon the regional plan.

Provides that any dispute arising in connection with the process for allocating transportation revenues or for determining transportation project selection may be referred to the dispute resolution process created under this act.

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 January 1, 2002, 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 the commission and its member governments have entered into an intergovernmental agreement for such purposes.

Provides a process for the resolution of disputes that may arise under the act between the region and any jurisdiction outside of the region, between the region and any local government or special district, and between the region and any agency of state government. Where the dispute resolution process does not resolve the dispute, permits the parties to the proceeding to apply to any district court with jurisdiction to hear the dispute.

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

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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,  
3 is 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  
7 ASSEMBLY FINDS AND DECLARES THAT THE PROTECTION OF COLORADO'S  
8 UNIQUE QUALITY OF LIFE, OPEN SPACES, ECONOMIC BASE, AGRICULTURAL  
9 LANDS, AND NATURAL RESOURCES IS A MATTER OF STATEWIDE CONCERN.  
10 THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT EFFECTIVE

1 PRESERVATION OF THESE CRITICAL RESOURCES REQUIRES COORDINATED  
2 ACTION AND PLANNING AT THE REGIONAL LEVEL IN THE DENVER  
3 METROPOLITAN REGION. SUCH COORDINATED ACTION AND PLANNING  
4 WOULD RESULT IN:

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

7 (b) BETTER SOLUTIONS TO STATE AND REGIONAL PROBLEMS SUCH  
8 AS ENVIRONMENTAL POLLUTION, LACK OF AFFORDABLE HOUSING, AND  
9 INADEQUATE TRANSPORTATION SYSTEMS;

10 (c) ECONOMIC DEVELOPMENT WITH GREATER PRESERVATION OF  
11 OPEN SPACE AND AGRICULTURAL LANDS;

12 (d) MORE EFFICIENT USE OF LAND THAT IS ALREADY URBANIZED  
13 AND LAND TO BE DEVELOPED IN THE FUTURE; AND

14 (e) MORE EFFICIENT USE OF CENTRAL SERVICES.

15 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY IN ENACTING THIS  
16 PART 5 TO GRANT THE REGIONAL PLANNING COMMISSION FOR THE DENVER  
17 METROPOLITAN REGION SUFFICIENT POWERS AND RESOURCES NECESSARY  
18 FOR COORDINATED ACTION AND PLANNING ESSENTIAL TO MORE  
19 EFFECTIVELY ANTICIPATE AND ADDRESS THE CONSEQUENCES OF GROWTH.

20 **30-28-502. Definitions.** AS USED IN THIS PART 5, UNLESS THE  
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "COMMISSION" MEANS THE REGIONAL PLANNING COMMISSION  
23 CREATED BY SECTION 30-28-105 FOR THE DENVER METROPOLITAN  
24 REGION.

25 (2) "DENVER METROPOLITAN REGION" MEANS THE REGION  
26 COMPRISED OF THE MUNICIPALITIES AND COUNTIES THAT WERE MEMBERS  
27 OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS ON JANUARY 1,

1     2002, OR THAT MAY BECOME MEMBERS AT ANY TIME THEREAFTER.

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

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

5             (5) "MEMBER GOVERNMENTS" MEANS ALL OF THE LOCAL  
6     GOVERNMENTS WITHIN THE DENVER METROPOLITAN REGION.

7             (6) "REGION" MEANS THE DENVER METROPOLITAN REGION.

8             (7) "REGIONAL PLAN" MEANS THE PLAN CREATED BY THE  
9     REGIONAL PLANNING COMMISSION FOR THE DENVER METROPOLITAN  
10    REGION IN ACCORDANCE WITH, AND THAT SATISFIES, THE REQUIREMENTS  
11    OF THIS PART 5.

12            (8) "SUBREGION" MEANS ANY TWO OR MORE LOCAL GOVERNMENTS  
13    IN THE DENVER METROPOLITAN REGION.

14            (9) (a) "URBAN GROWTH AREA" MEANS AN AREA IN WHICH URBAN  
15    GROWTH SHALL BE ENCOURAGED AND OUTSIDE OF WHICH GROWTH CAN  
16    OCCUR ONLY IF IT IS NOT URBAN IN NATURE.

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

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

21            (II) REQUIRES URBAN SERVICES AS DEFINED IN SUBSECTION (10) OF  
22    THIS SECTION.

23            (c) "URBAN GROWTH AREA" MEANS AN AREA WITHIN WHICH  
24    GROWTH SHALL BE CONTAINED FOR A PERIOD OF AT LEAST TWENTY YEARS.

25            (10) "URBAN SERVICES" MEANS SERVICES AND FACILITIES THAT  
26    ARE TYPICALLY PROVIDED IN AN URBAN AREA, SUCH AS STORM AND  
27    SANITARY SEWER SYSTEMS; CENTRALIZED WATER SYSTEMS;

1 TRANSPORTATION SERVICES; PUBLIC TRANSPORTATION; ROADS,  
2 HIGHWAYS, OR BRIDGES; POWER; OR FIRE AND POLICE PROTECTION  
3 SERVICES.

4 **30-28-503. Creation of regional plan - contents of regional plan**  
5 **- binding effects - public notice.** (1) NO LATER THAN JULY 1, 2003, THE  
6 COMMISSION SHALL EITHER PREPARE A REGIONAL PLAN IN ACCORDANCE  
7 WITH THE REQUIREMENTS OF THIS PART 5 OR ENSURE THAT A PLAN IN  
8 EFFECT AS OF THAT DATE COMPLIES WITH THE REQUIREMENTS OF THIS  
9 PART 5.

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

14 (3) IN CONNECTION WITH THE PREPARATION OF THE REGIONAL  
15 PLAN REQUIRED BY SUBSECTION (1) OF THIS SECTION, NO LATER THAN JULY  
16 1, 2003, THE COMMISSION SHALL DEVELOP A LIST OF:

17 (a) REGIONAL GOALS TO BE PURSUED IN CONNECTION WITH THE  
18 ORDERLY AND EFFICIENT DEVELOPMENT OF THE REGION; AND

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

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

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

3 (A) AN IDENTIFICATION BY THE COMMISSION OF THE EXTENT OF  
4 URBAN DEVELOPMENT, WHICH IDENTIFICATION SHALL BE NO GREATER  
5 THAN THE AMOUNT OF LAND NEEDED FOR DEVELOPMENT WITHIN THE  
6 REGION GIVEN POPULATION PROJECTIONS AND PROJECTED DENSITY AS  
7 DETERMINED BY THE COMMISSION IN CONSULTATION WITH THE MEMBER  
8 GOVERNMENTS;

9 (B) AN ALLOCATION BY THE COMMISSION OF A PORTION OF THE  
10 EXTENT OF DEVELOPMENT TO BE ASSIGNED TO EACH LOCAL GOVERNMENT  
11 WITHIN THE REGION. THE ALLOCATION REQUIRED BY THIS  
12 SUB-SUBPARAGRAPH (B) SHALL BE ADOPTED BY THE COMMISSION AS PART  
13 OF THE REGIONAL PLAN.

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

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

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

21 (III) A HOUSING ELEMENT THAT SHALL SHOW, WITHOUT  
22 LIMITATION:

23 (A) POLICIES FOR THE AVAILABILITY OF A VARIETY OF HOUSING  
24 CHOICES, INCLUDING AFFORDABLE HOUSING FOR FUTURE POPULATION  
25 GROWTH WITHIN THE REGION WITHIN REASONABLE PROXIMITY TO JOB  
26 LOCATIONS. THE HOUSING ELEMENT SHALL PROVIDE A RANGE OF HOUSING  
27 CHOICES SUFFICIENT TO MEET THE NEEDS OF PERSONS OF VARIOUS INCOME

1 LEVELS AND AGE GROUPS, INCLUDING PERSONS NEWLY EMPLOYED IN THE  
2 REGION.

3 (B) THE RATIO WITHIN THE REGION OF PRIMARY JOBS TO HOUSING  
4 OPTIONS APPROPRIATE FOR PERSONS WITH SUCH JOBS AND POLICIES FOR  
5 BRINGING ANY SIGNIFICANT DISPARITY IN SUCH RATIO INTO REASONABLE  
6 BALANCE;

7 (IV) AN ENVIRONMENTAL QUALITY ELEMENT THAT SHALL  
8 ADDRESS POLICIES TO PROMOTE AIR AND WATER QUALITY WITHIN THE  
9 REGION; AND

10 (V) A UTILITY FACILITIES ELEMENT DESIGNED TO PROVIDE  
11 ADEQUATE AND RELIABLE UTILITY SERVICE TO THE REGION AND THE  
12 MEMBER GOVERNMENTS. IN ADDRESSING THE UTILITY FACILITIES  
13 ELEMENT, THE REGION AND ANY OF ITS MEMBER GOVERNMENTS MAY RELY  
14 UPON INFORMATION PROVIDED BY THE OWNERS OF UTILITY FACILITIES IN  
15 THE REGION; AND

16 (VI) AN EMERGENCY PREPAREDNESS ELEMENT PURSUANT TO  
17 WHICH THE REGION, IN CONSULTATION WITH APPROPRIATE OFFICES OF THE  
18 FEDERAL GOVERNMENT, MEMBER GOVERNMENTS, AND THE OFFICE OF  
19 EMERGENCY MANAGEMENT CREATED BY SECTION 24-32-2105 (1), C.R.S.,  
20 SHALL SHOW HOW IT INTENDS TO PROVIDE FOR THE SAFETY AND SECURITY  
21 OF THE RESIDENTS OF THE REGION IN THE EVENT OF A DISASTER. FOR  
22 PURPOSES OF THIS SUBPARAGRAPH (VI), "DISASTER" SHALL HAVE THE  
23 SAME MEANING AS SET FORTH IN SECTION 24-32-2103 (1.5), C.R.S.

24 (4) CONTEMPORANEOUSLY WITH THE DEVELOPMENT OF GOALS TO  
25 BE PURSUED BY THE REGION AS REQUIRED BY SUBSECTION (3) OF THIS  
26 SECTION, THE COMMISSION SHALL MAKE A DETERMINATION OF THE  
27 ALLOCATION OF RESPONSIBILITY TO BE ASSUMED BY THE LOCAL



1 GOVERNMENTS WITHIN THE REGION IN ACHIEVING THE GOALS REQUIRED  
2 TO BE DEVELOPED UNDER PARAGRAPH (a) OF SUBSECTION (3) OF THIS  
3 SECTION AND IN SATISFYING THE ELEMENTS REQUIRED BY PARAGRAPH (b)  
4 OF SUBSECTION (3) OF THIS SECTION.

5 (5) TO THE GREATEST EXTENT POSSIBLE, THE REGIONAL PLAN  
6 SHALL BE COORDINATED WITH THE REGIONAL, MASTER, OR  
7 COMPREHENSIVE PLAN OF ANY JURISDICTION ADJACENT TO THE REGION, AS  
8 THE CASE MAY BE, TO ELIMINATE CONFLICTS OR INCONSISTENCIES AND TO  
9 ENSURE THE COMPATIBILITY OF SUCH PLANS AND THEIR IMPLEMENTATION  
10 TO FURTHER THE PURPOSES OF THIS PART 5.

11 (6) (a) THE REGIONAL PLAN REQUIRED TO BE ADOPTED PURSUANT  
12 TO SUBSECTION (1) OF THIS SECTION SHALL BE ADOPTED BY THE  
13 COMMISSION IN ACCORDANCE WITH ITS REGULAR PROCEDURES WITHIN ONE  
14 HUNDRED EIGHTY DAYS AFTER THE PREPARATION OF THE PLAN, AS  
15 REQUIRED BY SUBSECTION (1) OF THIS SECTION. NO ADOPTION OF A  
16 REGIONAL PLAN SHALL BE EFFECTIVE UNLESS APPROVED BY AT LEAST  
17 TWO-THIRDS OF THE MUNICIPALITIES WITHIN THE REGION, AT LEAST  
18 TWO-THIRDS OF THE COUNTIES WITHIN THE REGION, AND AT LEAST  
19 TWO-THIRDS OF THE MEMBERS OF THE COMMISSION REPRESENTING AT  
20 LEAST TWO-THIRDS OF THE POPULATION OF THE REGION, WHICH  
21 POPULATION SHALL BE DETERMINED BY THE DEPARTMENT. TO ENSURE  
22 THAT RESIDENTS OF THE INCORPORATED AREAS OF A COUNTY ARE NOT  
23 COUNTED TWICE, FOR PURPOSES OF THIS SECTION, THE POPULATION OF A  
24 COUNTY SHALL ONLY CONSIST OF THE POPULATION THAT RESIDES:

25 (I) IN THE UNINCORPORATED AREAS OF THE COUNTY; AND

26 (II) WITHIN ANY SUCH PORTION OF THE COUNTY THAT IS LOCATED  
27 WITHIN THE REGION.

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

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

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

1           **30-28-504. Local government compliance.** (1) NO LATER THAN  
2 TWO YEARS AFTER THE ADOPTION OF THE REGIONAL PLAN IN ACCORDANCE  
3 WITH THE REQUIREMENTS OF SECTION 30-28-503 (6) (a), EVERY LOCAL  
4 GOVERNMENT WITHIN THE REGION SHALL ADOPT EITHER A  
5 COMPREHENSIVE OR MASTER PLAN COVERING THE AREA WITHIN ITS OWN  
6 TERRITORIAL BOUNDARIES OR, IF IT HAS ALREADY ADOPTED A  
7 COMPREHENSIVE OR MASTER PLAN AS OF THE DATE OF THE ADOPTION OF  
8 THE REGIONAL PLAN, CONFORM ITS COMPREHENSIVE OR MASTER PLAN TO  
9 THE REGIONAL PLAN. EACH COMPREHENSIVE OR MASTER PLAN ADOPTED  
10 OR AMENDED BY A LOCAL GOVERNMENT PURSUANT TO THIS SUBSECTION  
11 (1) SHALL:

12           (a) BE MANDATORY AND BINDING;

13           (b) BE CONSISTENT WITH THE GOALS REQUIRED TO BE DEVELOPED  
14 IN THE REGIONAL PLAN PURSUANT TO SECTION 30-28-503 (3) (a);

15           (c) ADDRESS, AT A MINIMUM, EACH OF THE ELEMENTS REQUIRED  
16 TO BE LISTED IN THE REGIONAL PLAN PURSUANT TO SECTION 30-28-503 (3)  
17 (b);

18           (d) SPECIFY THE ALLOCATION OF RESPONSIBILITY TO BE ASSUMED  
19 BY THE LOCAL GOVERNMENT TO ACHIEVE THE GOALS REQUIRED TO BE  
20 DEVELOPED UNDER SECTION 30-28-503 (3) (a) AND TO SATISFY THE  
21 ELEMENTS REQUIRED BY SECTION 30-28-503 (3) (b);

22           (e) DESIGNATE URBAN GROWTH AREAS CONSISTENT WITH THE  
23 ALLOCATION SET FORTH IN THE REGIONAL PLAN PURSUANT TO SECTION  
24 30-28-503 (3) (b) (I) (B), WHICH DESIGNATIONS SHALL BE SUBMITTED TO  
25 THE COMMISSION; AND

26           (f) INCORPORATE THE URBAN GROWTH AREA REQUIRED TO BE  
27 DESIGNATED PURSUANT TO PARAGRAPH (e) OF THIS SUBSECTION (1) INTO

1 THE LAND USE ELEMENT OF THE LOCAL COMPREHENSIVE OR MASTER PLAN.

2 (2) NO LATER THAN JULY 1, 2003, THE GOVERNING BODY OF THE  
3 COMMISSION SHALL ADOPT A PROCESS TO DETERMINE WHETHER THE  
4 COMPREHENSIVE OR MASTER PLAN OF A LOCAL GOVERNMENT IS  
5 CONSISTENT WITH THE REGIONAL PLAN.

6 (3) (a) IN ORDER TO PROVIDE FOR TRANSPORTATION PLANNING  
7 SUPPORTIVE OF THE REGIONAL PLAN REQUIRED BY SECTION 30-28-503 (1),  
8 AND TO THE EXTENT ALLOWED BY LAW, THE COMMISSION, THE REGIONAL  
9 TRANSPORTATION DISTRICT CREATED IN ARTICLE 9 OF TITLE 32, C.R.S.,  
10 AND THE DEPARTMENT OF TRANSPORTATION CREATED IN SECTION  
11 43-1-103, C.R.S., SHALL AGREE UPON THE:

12 (I) DISTRIBUTION OF ESTIMATED FUTURE REGIONAL  
13 TRANSPORTATION REVENUES;

14 (II) RULES GOVERNING THE PROCESS FOR ALLOCATING SUCH  
15 REVENUES AMONG THE MEMBER GOVERNMENTS; AND

16 (III) RANGE OF CERTAINTY REGARDING ESTIMATED FUNDING  
17 ALLOCATIONS.

18 (b) THE COMMISSION, THE REGIONAL TRANSPORTATION DISTRICT,  
19 AND THE DEPARTMENT OF TRANSPORTATION SHALL ESTABLISH RULES AND  
20 CRITERIA FOR DETERMINING REGIONAL TRANSPORTATION PROJECT  
21 SELECTION, INCLUDING WITHOUT LIMITATION, MAINTENANCE PROJECTS, AS  
22 WELL AS IMMEDIATE AND FUTURE TRANSPORTATION PRIORITIES BASED  
23 UPON THE REGIONAL PLAN.

24 (c) ANY DISPUTE ARISING IN CONNECTION WITH THE  
25 REQUIREMENTS OF THIS SUBSECTION (3), INCLUDING WITHOUT LIMITATION,  
26 THE AMOUNT OF REGIONAL REVENUE ESTIMATES, PRIORITIES, NEEDS, OR  
27 PROJECT SELECTION, MAY BE REFERRED TO THE DISPUTE RESOLUTION

1 PROCESS CREATED UNDER SECTION 30-28-506.

2 **30-28-505. Revenue sharing.** (1) WITH RESPECT TO ANY  
3 REVENUES FROM SALES, PROPERTY, OR OTHER APPLICABLE TAXES THAT  
4 MAY BE LEVIED BY A LOCAL GOVERNMENT WITHIN A PARTICULAR REGION  
5 ON NEW COMMERCIAL OR INDUSTRIAL DEVELOPMENT THAT IS COMMENCED  
6 AND COMPLETED ON OR AFTER JANUARY 1, 2002, THE COMMISSION SHALL  
7 HAVE THE AUTHORITY TO ESTABLISH A SYSTEM THAT MAY BE VOLUNTARY  
8 ON THE PART OF MEMBER GOVERNMENTS TO ALLOCATE SOME PORTION OF  
9 THE TAX REVENUES FROM SUCH DEVELOPMENT ON A PER CAPITA BASIS TO  
10 THE MEMBER GOVERNMENTS WITHIN THE REGION OR SUBREGION, WITH A  
11 PERCENTAGE OF SUCH REVENUES RESERVED FOR THE LOCAL GOVERNMENT  
12 WITHIN WHICH THE DEVELOPMENT TAKES PLACE, REGARDLESS OF  
13 WHETHER THE COMMISSION AND ITS MEMBER GOVERNMENTS HAVE  
14 ENTERED INTO AN INTERGOVERNMENTAL AGREEMENT FOR SUCH PURPOSES  
15 PURSUANT TO SECTION 29-20-105, C.R.S. NOTHING IN THIS SECTION  
16 SHALL BE CONSTRUED TO HAVE ANY EFFECT UPON ANY  
17 INTERGOVERNMENTAL AGREEMENT IN EXISTENCE AS OF THE EFFECTIVE  
18 DATE OF THIS ACT.

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

22 **30-28-506. Dispute resolution process.** (1) THE REGION SHALL  
23 FOLLOW THE DISPUTE RESOLUTION PROCESS DESCRIBED IN SUBSECTION (2)  
24 OF THIS SECTION TO RESOLVE DIFFERENCES BETWEEN THE REGION AND:

25 (a) ANY JURISDICTION OUTSIDE OF THE REGION THAT MAY ARISE  
26 UNDER THIS PART 5, INCLUDING BUT NOT LIMITED TO DIFFERENCES  
27 CONCERNING WHETHER URBAN GROWTH AREAS SET FORTH IN THE

1 REGIONAL PLAN CONFLICT OR ARE INCONSISTENT WITH ANY URBAN  
2 GROWTH AREA SET FORTH IN A PLAN OR OTHER DOCUMENT ADOPTED BY  
3 SUCH JURISDICTION;

4 (b) ANY LOCAL GOVERNMENT OR SPECIAL DISTRICT; OR

5 (c) ANY AGENCY OF STATE GOVERNMENT.

6 (2) (a) THE PROCESS FOR RESOLVING A DISPUTE ARISING UNDER  
7 THIS PART 5 INVOLVING THE REGION AND ONE OF THE OTHER ENTITIES  
8 SPECIFIED IN SUBSECTION (1) OF THIS SECTION SHALL BE AS SET FORTH IN  
9 THIS SECTION.

10 (b) (I) THE REGION AND ANY OTHER PARTY TO THE DISPUTE THAT  
11 IS SPECIFIED IN SUBSECTION (1) OF THIS SECTION SHALL BE CONSIDERED  
12 THE PARTIES TO THE PROCEEDING, AND THE REGION AND ANY OTHER  
13 PARTY TO THE PROCEEDING SHALL MEDIATE THE DISPUTE IN ACCORDANCE  
14 WITH THE REQUIREMENTS OF THIS PARAGRAPH (b).

15 (II) THE PARTIES TO THE PROCEEDING MAY SEEK MEDIATION  
16 SERVICES FROM EITHER THE DEPARTMENT, THE OFFICE OF DISPUTE  
17 RESOLUTION UNDER PART 3 OF ARTICLE 22 OF TITLE 13, C.R.S., OR  
18 ANOTHER QUALIFIED MEDIATOR AS AGREED UPON BY BOTH PARTIES TO THE  
19 DISPUTE.

20 (c) IF MEDIATION DOES NOT RESOLVE THE DISPUTE, THE PARTIES TO  
21 THE PROCEEDING MAY APPLY TO ANY DISTRICT COURT WITH JURISDICTION  
22 TO HEAR THE DISPUTE.

23 **30-28-507. Supplements existing law.** THE PROVISIONS OF THIS  
24 PART 5 SUPPLEMENT, BUT DO NOT REPLACE, THE PROVISIONS GRANTING  
25 PLANNING AND REGULATORY POWERS TO COUNTIES OR MUNICIPALITIES AS  
26 SPECIFIED IN ARTICLE 20 OF TITLE 29, C.R.S.; PART 1 OF THIS ARTICLE;  
27 PART 2 OF ARTICLE 23 OF TITLE 31, C.R.S.; AND ANY OTHER STATUTES

1 GRANTING SAID POWERS. IN THE EVENT OF A CONFLICT BETWEEN THE  
2 PROVISIONS OF ANY SUCH LAW AND THIS PART 5, THE PROVISIONS OF THIS  
3 PART 5 SHALL GOVERN.

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