

**CITY OF CENTENNIAL,  
COLORADO**

**ORDINANCE NO. 2022-O-16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, DESIGNATING THE SITE SELECTION AND CONSTRUCTION OF MAJOR NEW DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS AND MAJOR EXTENSION OF EXISTING DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS, SITE SELECTION AND CONSTRUCTION OF MAJOR FACILITIES OF A PUBLIC UTILITY, SITE SELECTION OF RAPID OR MASS TRANSIT TERMINALS, STATIONS, AND FIXED GUIDEWAYS, SITE SELECTION OF AIRPORTS, AND SITE SELECTION AND DEVELOPMENT OF SOLID WASTE DISPOSAL SITES AS MATTERS OF STATE AND LOCAL INTEREST, ADOPTING ADDITIONAL GUIDELINES, REGULATIONS, AND REQUIREMENTS RELATED TO SUCH MATTERS OF STATE AND LOCAL INTEREST, AND REPEALING AND REPLACING THE CITY OF CENTENNIAL REGULATIONS FOR AREAS AND ACTIVITIES DESIGNATED AS MATTERS OF STATE AND LOCAL INTEREST BY REFERENCE**

WHEREAS, the City of Centennial is a home rule municipality of the State of Colorado and is authorized by the Colorado Constitution to regulate and control matters of local interest and matters of mixed state and local interest; and

WHEREAS, in addition to powers reserved to the City of Centennial as a home rule municipality, the City is specifically authorized pursuant to §§ 24-65.1-101 et. seq., C.R.S., to designate certain areas and activities of state and local interest and to adopt guidelines and regulations pertaining thereto; and

WHEREAS, the City adopted its Regulations for Areas and Activities Designated as Matters of State and Local Interest (the “Centennial 1041 Regulations”) pursuant to Ordinance No. 2009-O-26; and

WHEREAS, City Council, through Ordinance No. 2010-O-15, designated the site selection of arterial highways, interchanges and collector highways a matter of state and local interest with the City, and added regulations and guidelines pertaining thereto through adoption of a new Chapter 7 to the 1041 Regulations, and

WHEREAS, the 1041 Regulations have not been amended since 2010 even though it contains provisions that are no longer applicable or in need of revision; and

WHEREAS, Chapter 2 of the 1041 Regulations establishes the process by which City Council may designate areas and activities of state and local interest; and

WHEREAS, the Planning & Zoning Commission of the City of Centennial, following completion of a public hearing held on March 23, 2022, has formally recommended that City Council consider the designation of the site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems, site selection and construction of major facilities of a public utility, site selection of rapid or mass transit terminals, stations, and fixed guideways, site selection of airports, and site selection and development of solid waste disposal sites as matters of state and local interest matters of state interest; and

WHEREAS, by Resolution No. 2022-R-18 dated April 4, 2022, City Council scheduled a public hearing regarding the potential designation of said matters of state and local interest for May 16, 2022; and

WHEREAS, notice of such hearing has been properly given; and

WHEREAS, City Council conducted a public hearing on May 16, 2022 as noticed; and

WHEREAS, during the public hearing, City Council considered all relevant evidence, including, but not limited to, those matters required to be considered pursuant to Chapter 2, Section G. of the 1041 Regulations, regarding the proposed designation of the site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems, site selection and construction of major facilities of a public utility, site selection of rapid or mass transit terminals, stations, and fixed guideways, site selection of airports, and site selection and development of solid waste disposal sites as matters of state and local interest; and

WHEREAS, based on the evidence presented at the public hearing and the matters included in the record, the City Council desires to designate new activities of state and local interest, adopt regulations pertaining thereto, and repeal and replace the 1041 Regulations with the April 2022 version attached to this Ordinance as **Exhibit A**.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, ORDAINS:**

**Section 1.** **Incorporation of Recitals.** The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

**Section 2.** **Additional City Council Findings.** Considering all relevant evidence at the public hearing as required by the 1041 Regulations and state law, the City Council of the City of Centennial, Colorado **FINDS AS FOLLOWS:**

1. That the present and foreseeable intensity of growth and development within the City supports the designation of the site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems, site selection and construction of major facilities of a public utility, site selection of rapid or mass transit terminals, stations, and fixed

guideways, site selection of airports, and site selection and development of solid waste disposal sites as matters of state and local interest and the adoption of guidelines and regulations specific to such matters of state and local interest.

2. That the designation of the site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems, site selection and construction of major facilities of a public utility, site selection of rapid or mass transit terminals, stations, and fixed guideways, site selection of airports, and site selection and development of solid waste disposal sites as matters of state and local interest is intended to:
  - a. Enable and facilitate the local administration of site selection related to those designations by establishing requirements that must be met before a site may be selected, to the end that any such site selected will conform to the permit approval criteria set forth in the 1041 Regulations as amended including the new regulations and guidelines adopted pursuant to this Ordinance;
  - b. Provide for the continuation of desirable local and regional community patterns in the face of regional development pressures;
  - c. Discourage expansion of demand for government services beyond the reasonable capacity of the community or region to provide such services as determined by the City of Centennial;
  - d. Facilitate the planned and orderly use of land within the City;
  - e. Encourage entities charged with site selection of the newly designated activities to coordinate planning thereof with the City of Centennial to avoid major disruptions and ensure local community needs are adequately addressed;
  - f. Ensure that noise, air, and water pollution remain at acceptable levels; and
  - g. Protect residential and commercial property values to the extent possible.

**Section 3. Designation of Matters of State Interest.** The City Council hereby designates the following as matters of state and local interest:

1. Site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems;
2. Site selection and construction of major facilities of a public utility;
3. Site selection of rapid or mass transit terminals, stations, and fixed guideways;

4. Site selection of airports; and
5. Site selection and development of solid waste disposal sites.

**Section 4. Boundaries of Area Covered By Designations.** The site selection and construction of any major new domestic water and sewage treatment system or major extension of existing domestic water and sewage treatment system, the site selection and construction of a major facility of a public utility, the site selection of any rapid or mass transit terminals, stations, and fixed guideways, the site selection of any airport, and the site selection and development of any solid waste disposal site within the incorporated boundaries of the City of Centennial, as those boundaries may change from time to time, shall be subject to these designations.

**Section 5. Repeal and Replace the 1041 Regulations including New Regulations.** The City Council hereby repeals and replaces the City of Centennial "Areas and Activities of State and Local Interest" with the version dated April 2022 attached to this Ordinance as Exhibit A which is incorporated herein by this reference. The regulations and guidelines contained within those provisions includes revisions to the existing regulations as well as regulations and guidelines pertaining to the new matters of state and local interest designated by this Ordinance. The regulations pertaining to the new designations are in new Chapters 7 through 11. These regulations are adopted in furtherance of the authority set forth in Title 24, Article 65.1 of the Colorado Revised Statutes, the existing 1041 Regulations, and the City's home rule powers as authorized pursuant to Article XX of the Constitution of the State of Colorado. To the extent the provisions in the April 2022 City of Centennial "Areas and Activities of State and Local Interest" contain requirements that are more stringent than the requirements of the criteria listed in Section 24-65.1-204, C.R.S., those provisions are authorized by Section 24-65.1-402(3), C.R.S.

**Section 6. Severability.** If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

**Section 7. Effective Date.** Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective thirty (30) days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE \_\_ DAY OF \_\_\_\_\_, 2022.

CITY OF CENTENNIAL

By: \_\_\_\_\_  
Stephanie Piko, Mayor

Approved as to Form:

\_\_\_\_\_  
For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of \_\_\_\_\_, 2022, and ordered published one time by title only in the Centennial Citizen newspaper on \_\_\_\_\_, 2022, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

[SEAL]

ATTEST:

By: \_\_\_\_\_  
City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED AND ORDERED PUBLISHED BY TITLE AND WITH ANY AMENDMENTS IN THE CENTENNIAL CITIZEN NEWSPAPER, AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE, BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BY A VOTE OF \_\_\_\_\_ IN FAVOR AND \_\_\_\_\_ AGAINST.

CITY OF CENTENNIAL

By: \_\_\_\_\_  
Stephanie Piko, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of \_\_\_\_\_, 2022, and ordered published by title only, with amendments if any, one time by the Centennial Citizen newspaper on \_\_\_\_\_, 2022 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

ATTEST:

[SEAL]

By: \_\_\_\_\_  
City Clerk or Deputy City Clerk

*Published in full on the City's website at: [www.centennialco.gov](http://www.centennialco.gov) on April 14, 2022 by Christina Lovelace, Deputy City Clerk.*