



CITY OF CENTENNIAL

**REGULATIONS FOR AREAS AND ACTIVITIES
DESIGNATED AS MATTERS OF STATE
AND LOCAL INTEREST**

COMMUNITY DEVELOPMENT DEPARTMENT

April 2022

**CITY OF CENTENNIAL, COLORADO
REGULATIONS FOR AREAS AND ACTIVITIES
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**CITY OF CENTENNIAL, COLORADO
REGULATIONS FOR AREAS AND ACTIVITIES
DESIGNATED AS MATTERS OF STATE INTEREST**

CHAPTER 1. ADMINISTRATIVE PROVISIONS AND DEFINITIONS.

A. TITLE AND CITATION.

These “*Regulations for Areas and Activities Designated as Matters of State and Local Interest*,” as the same may be amended from time to time (the “Regulations”) may be cited as the “City of Centennial 1041 Regulations.”

B. PURPOSE AND FINDINGS.

1. The general purpose of these Regulations is to facilitate identification, designation and administration of matters of state interest consistent with the home rule power and authority of the City of Centennial (the “City”), as authorized pursuant to Article XX of the Constitution of the State of Colorado, and the statutory powers and criteria set forth in Section 24-65.1-101, et seq., C.R.S.
2. The goals of these Regulations are:
 - a. To promote the health, safety and general welfare of the citizens of and to protect the environment of the City of Centennial.
 - b. To protect the beauty of the landscape and natural scenic characteristics, to protect and enhance wildlife habitat, air and water quality, and to conserve natural resources.
 - c. To promote safe, efficient and economic use of public resources in developing and providing needed community infrastructure, facilities and services.
 - d. To ensure that new development will pay for itself to the maximum extent practicable, and to ensure that present residents of the City will not have to subsidize new development through increased cost of public services and/or degradation of the quality of life.
 - e. To plan for and regulate the site selection, construction, expansion, and operation of matters of state interest and to facilitate the planned and orderly use of land in accordance with the nature and character of matters of state interest.
 - f. To ensure, to the maximum extent practicable, that matters of state and local interest comply with applicable provisions of the City’s Land Development Code (the “LDC”), the Comprehensive Plan of the City of

Centennial (the “Comprehensive Plan”), the City’s Stormwater Management Manual, the City’s Grading, Erosion, and Sediment Control Manual, the Centennial Public Works Department Right-of-Way Regulations, and the City of Centennial Road Design and Construction Standards Manual, as any or all of the same may be amended from time to time.

- g. To address the intensity of current and foreseeable development pressures on and within the City.
- h. To set forth a procedure by which the City Council may designate matters of state interest and, following such designation, administer the matters of state interest so designated.

C. APPLICABILITY.

- 1. These Regulations shall apply to all proceedings concerning identification, designation and regulation of projects in any area of state interest of any activity of state interest, located wholly or partially within the boundaries of the City, whether on public or private land, that may hereafter be designated by the City Council.
- 2. Exemptions.

The portions of these Regulations authorized exclusively under §24-65.1-101, *et seq.*, C.R.S., shall not apply to any development in an area of state interest or any activity of state interest if:

- a. The specific development or activity is covered by a current, valid, and effective building permit issued by the City prior to the effective date of these Regulations; or
- b. The specific development or activity has been approved by the electorate of the City of Centennial.

D. INTERPRETATION WITH OTHER ENACTMENTS AND PLANS.

1. Whenever the provisions of these Regulations are found to be inconsistent with or less stringent than any other resolution, ordinance, code, regulation, including but not limited to the LDC or the Comprehensive Plan, the enactment imposing the more restrictive standards or requirements shall control.
2. If these Regulations are found to be less stringent than the statutory criteria for administration of matters of state interest as set forth in §24-65.1-202 - §24-65.1-204, et. seq., C.R.S., the statutory criteria shall control.
3. Nothing in these Regulations shall be construed as exempting an applicant from any other applicable City requirements or other applicable federal, state or local requirements.
4. No federal, state or local approval to carry out a project within an area of state interest or activity shall preempt or otherwise obviate the need to comply with these Regulations.

E. MAPS.

1. Each map referred to in a designation of any matter of state interest shall be deemed incorporated into these Regulations by reference as if set out in full.
2. Maps referred to in the designation of any matter of state interest shall be filed with and be available for inspection in the City's Planning and Development Department.

F. DUTIES OF THE CITY COUNCIL.

Unless otherwise specifically provided, it shall be the duty of the City Council to perform all functions set forth in these Regulations.

G. DUTIES OF THE DIRECTOR OF THE COMMUNITY DEVELOPMENT DEPARTMENT.

The Director of the Community Development Department or his or her designee (the "Administrator") shall exercise all powers and duties granted to the Administrator by these Regulations.

H. PERMIT AUTHORITY ESTABLISHED.

1. The City Council shall serve as the Permit Authority.
2. The City Council shall exercise all powers and duties granted to it by these Regulations.

I. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, provision, or portion of these Regulations should be found to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of these Regulations as a whole or any part other than the part declared invalid.

CHAPTER 2. DESIGNATION OF AREAS AND ACTIVITIES OF STATE AND LOCAL INTEREST.

A. AREAS AND ACTIVITIES DESIGNATED.

The designation process set forth in this Chapter 2 shall apply to the designation of any matter of state interest after the effective date of these Regulations. The designation process shall not apply to those matters of state interest designated by the City Council before the effective date of these Regulations, which designations shall remain in effect.

B. DESIGNATIONS OF AREAS AND ACTIVITIES OF STATE AND LOCAL INTEREST.

Designations of matters of state interest, including amendments or revocations of designations, may be initiated in two ways:

1. By the City Council proposing, on its own initiative, with or without participation of the City's Planning and Zoning Commission (the "P&Z").
2. By written recommendation of P&Z to City Council.

C. MORATORIUM PENDING DESIGNATION.

After a recommendation from the P&Z for the designation or amendment of a designation of a matter of state interest, or after the City Council initiates the process for designation or amendment of a designation of a matter of state interest, no person shall engage in development in the area or conduct the activity described in the proposal until the City Council has held a public hearing with respect to the designation and issued its order relating thereto.

D. MORATORIUM FOLLOWING DESIGNATION.

After a matter of state interest has been designated, no person shall engage in development in the designated area of state interest or conduct the designated activity of state interest until the guidelines and regulations for such area or activity are finally determined.

E. PLANNING AND ZONING COMMISSION PUBLIC HEARING.

1. If the P&Z initiates consideration of a recommendation for the designation, amendment or revocation of the designation of a matter of state interest, it shall hold a public hearing thereon prior to making a formal written recommendation to the City Council. Within thirty (30) days following completion of the public hearing, the P&Z shall make a formal written recommendation to the City Council.

2. The City Clerk or Deputy City Clerk shall publish notice of the P&Z hearing which shall include, at a minimum, the time and place of the public hearing, the place at which materials relating to the area or activity to be designated may be reviewed, and a description of the matter of state interest proposed to be designated in sufficient detail to provide reasonable notice as to the property to be included in the designation or the type of activity to be designated. Such notice shall be published once in a newspaper of general circulation in the City not less than fourteen (14) days before the date set for the P&Z hearing.

F. CITY COUNCIL PUBLIC HEARING - PUBLIC NOTICE.

1. The City Council shall hold a public hearing before designating and adopting regulations for any matter of state interest or amending or revoking said designation or regulations.
2. The City Council shall set a date for the public hearing.
3. The City Clerk or Deputy City Clerk shall prepare a notice of the designation hearing, which shall include, at a minimum, the time and place of the hearing, the place at which materials relating to the matter to be designated and any guidelines and regulations for the administration thereof may be examined, and a description of the area or activity proposed to be designated in sufficient detail to provide reasonable notice as to the property to be included in the designation or the type of activity to be designated. The notice should include, when practicable, the legal description of the property to be subject to the designation or a general boundary description utilizing common roads or other boundaries, as well as any general or popular names of the property. If the designation is applicable to the entire City of Centennial, the notice shall so state and no other description of the property included in the designation shall be required.
4. At least thirty (30) days, but not more than sixty (60) days before the date set for the public hearing, the City Clerk or Deputy City Clerk shall publish the notice once in a newspaper of general circulation in the City and shall mail the notice by first class mail to each of the following:
 - a. The Colorado Land Use Commission.
 - b. The Department of Local Affairs.
 - c. All persons who have requested that their names and addresses be placed on the City of Centennial mailing list which shall be maintained by the City Clerk as authorized pursuant to Section 24-65.1-404(2)(b), C.R.S., and which persons have paid the required annual fee imposed by the City Clerk to maintain such list.

- d. Other state agencies or other local governments, as deemed appropriate in the discretion of the Administrator.

G. MATTERS TO BE CONSIDERED AT DESIGNATION HEARING.

1. At the designation hearing, the City Council shall consider all relevant evidence regarding the designation of a matter of state interest, including but not limited to:
 - a. The intensity of current and foreseeable development pressures;
 - b. The matters and considerations set forth in any applicable guidelines for identification and designation;
 - c. Recommendations from state agencies and other referral agencies, if appropriate;
 - d. The boundaries of the proposed area or the activity;
 - e. Reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner;
 - f. The Comprehensive Plan or other applicable subarea plan pertaining to or affected by the matter;
 - g. Recommendations of City Staff and consultants retained by the City, if applicable; and
 - h. The written recommendation of the P&Z, if applicable.
2. The City Council shall hear testimony and receive evidence, including relevant testimony and documentary evidence presented.
3. The City Council may impose reasonable time limitations on testimony.
4. The City Council may continue the hearing for a period not to exceed sixty (60) days. If the hearing is continued, no further notice of the public hearing shall be required.
5. No additional public input, either oral or written, shall be accepted for the record by the City Council after the hearing is closed, except as specifically permitted by the City Council.

H. RECORD OF DESIGNATION PROCEEDINGS.

1. The City Clerk or Deputy City Clerk will collect and preserve the following record of the public hearing, at a minimum:
 - a. Notice of the hearing;
 - b. Certificate of publication of the notice and certificate of mailing of the notice;
 - c. Names and addresses of persons who presented written or oral statements;
 - d. Evidence of the identification of the matter of state interest proposed to be designated;
 - e. Final approved minutes of the City Council meeting at which the public hearing occurred; and
 - f. An electronic recording of the public hearing, provided that the City is under no obligation to transcribe such recording unless the transcription is paid for by the requesting party.
2. Any person may, at his or her own expense, provide for the recording and transcription of the public hearing and, if transcribed by such person, such person shall provide a copy of the recording and transcript to the City Clerk at no charge, and any such transcript shall thereafter be considered part of the record following the date on which the City Clerk receives the same.

I. ADOPTION OF DESIGNATION AND REGULATIONS.

1. At the conclusion of the public hearing, or within thirty (30) days after completion of the public hearing, the City Council may adopt, adopt with modification, or reject the proposed designation. If the designation of any matter of state interest is adopted or adopted with modification, City Council shall, within thirty (30) days after completion of the public hearing, proceed to adopt guidelines and regulations for administration of the matter of state interest designated.
2. The City Council shall adopt, adopt with modification, or reject the designation and any guidelines or regulations pertaining to such designation by Ordinance.
3. Each Ordinance designating an area or activity of state interest adopted by the City Council shall, at a minimum:
 - a. Specify the boundaries of the designated area or the boundary of the area in which an area or activity of state interest has been designated.

- b. State reasons why the particular area or activity is of state interest, the dangers that would result from uncontrolled development of any such area or uncontrolled conduct of such activity, and the advantages of development of such area or conduct of such activity in a coordinated manner.
 - c. Specify the guidelines and regulations applicable to the designated matter of state interest.
- 4. The City Council shall retain authority to amend any regulations applicable to any designated matter of state interest, or to adopt new regulations interpreting and applying its adopted guidelines in relation to specific development occurring in designated areas of state interest or to specific activities of state interest.

CHAPTER 3. PERMIT APPLICATION FOR AREAS AND ACTIVITIES OF STATE AND LOCAL INTEREST.

A. PERMITS REQUIRED.

No person may engage in a development in a designated area of state interest or conduct a designated activity of state interest designated pursuant to these Regulations without first obtaining a 1041 permit (“1041 Permit” or “Permit”) from the City Council.

B. PRE-APPLICATION PROCEDURE.

1. A pre-application conference is required of all applicants. The pre-application conference shall be held between the applicant, the Administrator, and other members of City staff and consultants that the Administrator determines should attend the pre-application conference. The main purposes of the pre-application conference are to: (a) provide the applicant with an understanding of the permit application process; (b) to review applicable requirements and standards of these Regulations specific to the matter of state interest proposed; and (c) to provide the Administrator with an initial overview of the proposed project.
2. At or before the pre-application conference, the applicant shall provide the Administrator with a written summary of the project including:
 - a. The applicant’s name, address, and phone number; and
 - b. A map prepared at a scale determined appropriate by the Administrator and showing: the boundary of the proposed activity, the relationship of the proposed activity to surrounding topographic features such as roads, streams and existing structures, proposed buildings, improvements and infrastructure, and information that is sufficient for determining the nature of the proposal and the degree of impacts associated with it.

C. FEES.

1. Any application for a 1041 Permit shall be accompanied by an initial deposit of twenty-five thousand dollars (\$25,000.00) toward the application processing fee, or such other deposit as the Administrator deems reasonable under the circumstances but not less than five thousand dollars (\$5,000), which initial deposit shall be in the form of cash or a cashier’s check made payable to “City of Centennial.” The Administrator, in consultation with the City Council, will establish the application fee applicable to each specific application, which fee shall be reasonably related to the estimated cost of reviewing and processing the application, including costs of copying, mailings, publications, labor, and

overhead, all hearings and meetings on the application, and the retention of such consultants, experts, and attorneys as the City deems advisable. The Administrator shall determine a schedule for the payment of subsequent installments of the application processing fee, if the total application fee is expected to exceed the initial deposit of \$25,000.00, which installments shall be structured so that, throughout the application process, the City shall retain a balance of at least five thousand dollars (\$5,000.00) in the designated account. The City may cease processing the application pending receipt of additional installments bringing the balance in said account to at least five thousand dollars (\$5,000.00).

2. The City will deposit that portion of the application fee, which is not necessary to cover current costs and expenses in a separate account. The City will obligate, encumber or use such funds, from time to time, at its discretion, when necessary to cover the cost of processing the application. Interest will not be paid on such funds, unless approved in advance by the City's Finance Director.
3. The City will maintain accurate records of the manner in which the application fee is used and will make such records available for inspection by the applicant and the public at reasonable times as determined by the City.
4. Any portion of the application processing fee submitted by the applicant, including any interest earned on such fee pursuant to paragraph 2 of this Section, which is not necessary to cover the cost of processing the application will be returned to the applicant within one hundred and twenty (120) days following the date on which the City Council has made a final determination regarding the 1041 Permit application.
5. The City Council will take no action on the application until all fees and expenses related to the application review process have been paid.

D. APPLICATION SUBMITTAL REQUIREMENTS.

Each application shall contain, at minimum, the items required below. If requested by the applicant in writing including detailed reasons for the request, the Administrator may waive any of the required application materials deemed by the Administrator as not relevant to the City Council's review of the 1041 Permit application. Any such waiver shall be set forth in writing, and executed by the Administrator.

Additional materials may be required pursuant to guidelines and regulations adopted by the City Council following the designation of particular matters of state interest by the City Council.

The application shall include the following information:

1. Information regarding the applicant:
 - a. The names, addresses, organizational form, and business, of the applicant and, if different, the owner of the proposed project.
 - b. The names, addresses, and qualifications of individuals who are or will be responsible for constructing and operating the project, including those areas of expertise and experience of said individuals with projects directly related or similar to that proposed in the application.
 - c. Authorization of the application package by the project owner, if different than the applicant.
2. Information regarding the proposed project:
 - a. Detailed plans and specifications of the proposed project and a summary of alternatives.
 - b. Schedules for designing, permitting, constructing and operating the project, including the estimated life of the project.
 - c. A list of all other federal, state, and local permits and approvals that will be required for the proposed project, together with any proposal for coordinating these approvals with the City review process.
 - d. Copies of all official federal and state consultation correspondence prepared for the project, a list of all mitigation required by federal, state, and local authorities, and copies of any draft or final environmental assessments or impact statements required for the proposed project.
 - e. A description of all hazardous, toxic, and explosive substances to be used, stored, transported, disturbed or produced in connection with the proposed project, including the type and amount of such substances, their location, and the practices and procedures to be implemented to avoid accidental release and exposure.
 - f. All contracts or agreements that applicant or owner has entered into prior to the date of application for the 1041 Permit which relate directly or indirectly to the proposed project, or a summary of agreements which the applicant or owner expects to enter into in order to complete the project, including intergovernmental agreements, if applicable.

3. The need for the proposed project in the City, particularly in relation to existing and/or permitted facilities, which perform a function similar or identical to that of the proposed project.
4. A description of the technical and financial feasibility of the proposed project, including:
 - a. The estimated construction costs and period of construction for each component of the project and the total mitigation costs for the proposed project and alternatives.
 - b. Revenues and operating expenses for the proposed project and alternatives.
 - c. The amount of and security for any proposed debt and the method and estimated cost of debt service.
 - d. Details of any contract or agreement for services in connection with the proposed project.
 - e. A description of the persons or entity(ies) who will pay for or use the project and/or service produced by the development and those who will benefit from any and all revenues generated by it.
 - f. Documentation of financial and technical capabilities of the applicant / owner, to demonstrate that the project will be completed in a reasonable length of time and will comply with all applicable City requirements.
5. A report completed by one or more qualified professional(s) summarizing the environmental impacts of the project on air quality, threatened or endangered species, visual quality, noise, and vibrations and odors, within the area to be impacted by the project. The report required by this Section shall include reference to all sources of data used in compiling the report and shall also include the professional qualifications of the professional(s) completing the report.
6. A report completed by a qualified traffic engineer summarizing the impact of the proposed project on the City's existing and planned transportation network, including at minimum the following:
 - a. A map and description of the transportation network to be affected by the proposed project, including current and projected road locations, conditions and capacities, and maintenance provisions and costs.
 - b. A map and description of current commuting patterns, traffic volumes and types of vehicle use.

- c. Descriptions of the impact and net effect of the proposed project on the transportation network, including the cost of any necessary improvements required in order for the project to proceed, or necessitated after expected completion of the project.
7. A description of the existing levels, demand for, adequacy, and the operational and maintenance costs of public services and facilities affected by the project, including services and facilities of the City, and other affected local governments including but not limited to Arapahoe County, the Arapahoe County Public Airport Authority, school districts, and special districts.
8. A report summarizing the socio-economic impacts of the proposed project.
9. A report summarizing the anticipated impact of the project on existing land uses within the City and other existing property rights, including but not limited to:
 - a. A description of all property rights, including water rights, surface rights, mineral rights, rights-of-way and easements, which must be obtained, or will be affected, in order to construct and operate the projects; the identity of the owners of these rights; and the anticipated method(s) of acquiring these rights.
 - b. An assessment of whether the proposed project is consistent with the City's land use policies as set forth in the Comprehensive Plan and the LDC.
 - c. A map and description of existing land uses within the area to be affected by and adjacent to the proposed project.
 - d. A description of the impacts and net effect of the proposed project on property rights, including water rights, surface rights, mineral rights, rights-of-way and easements.
 - e. Descriptions of the impacts and net effect of the proposed project on existing and proposed land uses.
10. A report summarizing all mitigation that is proposed to avoid, minimize, rectify, compensate for or eliminate adverse impacts and to maximize positive impacts resulting from the proposed project for each impact category to be affected by the proposed project, including but not limited to:
 - a. A description of the impacts and net effects resulting from the proposed project, which are irreversible and irretrievable.

- b. A description of the methodology, including mathematical equations, to be used to project and measure the effectiveness of mitigation measures proposed over both the short and long term.
- c. A description and location of any monitoring devices to be used to measure impacts of the project and effectiveness of mitigation measures.
- d. A description of how and when the proposed mitigation measures will be implemented and financed.

E. APPLICATION REVIEW.

- 1. An application for a 1041 Permit shall not be accepted unless it is complete, is in the form required by these Regulations, contains all materials and reports required by these Regulations, and the initial application fee deposit has been paid in full. If an application is determined to be incomplete by the Administrator, the Administrator shall specify what additional or supplemental information is required in order to accept the application as complete.
- 2. Once the Administrator has determined that the application is complete, the applicant shall be required to submit twenty (20) copies of the complete application to the City Clerk, which copies shall include all of the reports and other materials required by these Regulations. The Administrator shall retain discretion to request such other number of the complete application as is deemed necessary. When the Administrator has received the twenty (20) copies of the complete application, or the number of complete applications requested, the application shall be considered complete and the Administrator shall note upon the application the date it is considered complete.

F. AGENCY REFERRALS -- NOTICE OF FILING.

When an application has been determined to be complete by the Administrator, the City may send a copy of the complete application to and seek review comments from any local, state or federal governmental entity or agency that may have expertise in or an interest in any potential impacts that may be associated with the project proposed in the application, or from any referral agency or group that the City would normally seek input from in the context of a land use hearing, including but not limited to Centennial Council of Neighborhoods (CenCON) and registered homeowners' associations. Any referral responses received by the City shall be provided to the City Council for consideration at the 1041 Permit hearing.

G. PUBLIC NOTICE REQUIREMENTS.

1. Not later than thirty (30) days following the date on which the Administrator has determined that the application is complete, the City Council shall, by resolution, set a date for the public hearing on the application. The hearing shall be held not less than sixty (60) days nor more than one hundred and twenty days (120) after the effective date of the resolution setting the hearing.
2. The City Clerk or Deputy City Clerk shall publish a notice of the date, time and place for the City Council hearing. Such notice shall be published once in a newspaper of general circulation in the City, not less than thirty (30) days or more than sixty (60) days prior to the date set for the hearing.
3. Not less than seven (7) days before the hearing on the 1041 Permit, City staff selected by the Administrator shall prepare a report that summarizes the proposed project's compliance with all applicable guidelines and regulations contained in these Regulations and other applicable City regulations and summarizes the comments that the City obtains from referral agencies, if any. A copy of the City staff report shall be provided to the applicant prior to the public hearing upon written request made to the Administrator.
4. If an applicant proposes to engage in development in an area of state interest or to conduct an activity of state interest not previously designated by the City Council, and for which specific guidelines and regulations have not been adopted, the City Council may hold one hearing for determination of designation and guidelines and granting or denying the permit.

H. CONDUCT OF PERMIT HEARING.

1. The City Council shall conduct the hearing in a manner to afford procedural due process to the applicant and to any person who opposes the issuance of the 1041 Permit.
2. The City Council shall hear relevant testimony, receive relevant evidence and may impose reasonable time limits on presenters and witnesses.
3. The hearing shall be conducted substantially in accordance with a land use hearing held by the City Council: open public hearing, presentation by applicant, presentation by staff, public comment, close public hearing. At any point during the hearing, members of the City Council may ask questions of the applicant or City staff.

I. APPROVAL OR DENIAL OF THE PERMIT APPLICATION BY THE CITY COUNCIL.

1. The burden of proof shall be on the applicant to show compliance with these Regulations, including any specific guidelines or regulations pertaining to the application.
2. If information presented at the hearing leads the City Council to find that additional information is necessary for it to determine whether the applicable guidelines or regulations have been met, the City Council may continue the public hearing until the additional information has been received. No such continuance shall exceed sixty (60) days unless a longer period is agreed to by the applicant either in writing or on the record of the hearing.
3. Following the conclusion of the public hearing, the City Council may approve the application for the 1041 Permit, or may approve the application with reasonable conditions, if it determines that the applicant has proven that the project complies with all applicable guidelines and regulations. If the application does not comply with the applicable guidelines and regulations, the 1041 Permit shall be denied by City Council.
4. The City Council shall set forth, in writing, reasons for its decision and its findings and conclusions related to the approval of the 1041 Permit, the conditional approval of the 1041 Permit, or the denial of the 1041 Permit.
5. The City Clerk shall collect and preserve the following record of the public hearing:
 - a. The Permit application;
 - b. Notice of the hearing;
 - c. Certificate of publication of the notice and certificate of mailing of the notice;
 - d. The names and addresses of all persons making oral or written statements, appearing as witnesses, or offering documentary evidence;
 - e. All documentary evidence and written statements or testimony presented in support of or in opposition to the Permit application;
 - f. An electronic recording of the public hearing, provided that the City is under no obligation to transcribe such recording unless the transcription is paid for by the requesting party;

- g. Final approved minutes of the City Council meeting at which the public hearing on the matter of the 1041 Permit application occurred, which minutes shall include a copy of the written findings of City Council as required by Section I.4., above, if contained in a document other than the Ordinance approving or denying the 1041 Permit;
- h. The Ordinance approving or denying the Permit, or approving with conditions; and
- i. The Permit, if issued.

J. ISSUANCE OF THE PERMIT.

- 1. The Permit shall be issued in writing by the City Council.
- 2. The Permit may be issued for an indefinite period or for a term of years, depending on the nature of the project. For most projects, the Permit will be valid for a period of three (3) years (if issued), subject to the applicable provisions of Chapter 5 of these Regulations.
- 3. The Permit is valid only for the construction and operation of the project described in the application, together with conditions of approval, if any, imposed by the City Council.
- 4. No Permit shall be issued or valid unless and until the applicable provisions of Chapter 4 of these Regulations (“Financial Assurance”) have been complied with.

K. PUBLIC HEARINGS ON OTHER LAND USE MATTERS.

In cases in which the proposed project must also comply with other provisions of the LDC or other applicable City regulations, the 1041 Permit hearing may be coordinated with any other public hearing required by the LDC or other applicable City regulations, if approved in advance and in writing by the Administrator.

CHAPTER 4. FINANCIAL ASSURANCE.

A. FINANCIAL GUARANTEE.

Before any Permit is issued, the City Council may, at its discretion, require the applicant to file a guarantee of financial security deemed adequate by the City Council and payable to the City. The purpose of the financial guarantee is to assure the following:

1. Faithful performance of the conditions of the Permit, if any, and other applicable regulations.
2. That the project or activity is completed and, if applicable, that the development area is properly reclaimed.
3. That the applicant performs all mitigation requirements and Permit conditions in connection with the construction, operation and termination of the project.
4. That increases in public facilities and services costs necessitated by the construction, operation and termination of the project are borne by the permittee.

B. AMOUNT OF GUARANTEE.

In determining the amount of the financial guarantee, the City Council shall consider the following factors:

1. The estimated cost of completing the project or activity and, if applicable, of returning the development area to substantially its original condition or to a condition otherwise acceptable to the City.
2. Project phasing, if applicable.
3. Whether the applicant is a governmental entity, whether funds have been appropriated for completion of the project by the applicant, and what revenue stream(s) the applicant will be relying on to fund project completion.
4. The estimated cost of performing all mitigation requirements and Permit conditions in connection with the construction, operation, and termination of the project.
5. Whether the project is located fully or partially within the City of Centennial.

C. ESTIMATE.

1. Estimated cost shall be based on the applicant's submitted cost estimate plus the City Council's estimate of the additional cost to the City of bringing personnel and equipment to accomplish any unperformed purpose of the financial guarantee. The City Council shall consider the duration of the development or activity and compute a reasonable projection of increases due to inflation. The City Council may require, as a condition of the Permit, that the financial security be adjusted upon receipt of bids related to satisfying any other conditions of the Permit.
2. Revisions to the estimate may be required based on information available to the City.

D. FORM OF GUARANTEE.

1. The guarantee shall be in the form of cash or an irrevocable letter of credit issued by a bank acceptable to the City or any other form, or combination of forms, approved by the City Council.
2. The surety issuing an irrevocable letter of credit must maintain an office or corresponding bank within fifty (50) miles of Centennial, and shall be approved in advance by the City's Finance Director.
3. The applicant shall not have greater than a twenty percent (20%) ownership or managerial control over the surety issuing any financial guarantee.

E. RELEASE OF GUARANTEE.

The financial guarantee may be released only when:

1. The Permit has been surrendered to the City Council before commencement of any physical activity on the site on which the matter of state interest was to occur;
2. The development or activity has been abandoned and the site has been returned to substantially its original condition or to a condition otherwise acceptable to the City in accordance with criteria adopted by the City Council;
3. The project has been satisfactorily completed;
4. A phase or phases of the project have been satisfactorily completed allowing for partial release of the financial guarantee consistent with project phasing and as determined appropriate by the City Council; or
5. The applicable guaranteed conditions have been satisfied.

F. CANCELLATION OF GUARANTEE.

Any security may be canceled only upon receipt of the City Council’s written consent, which may be granted only when such cancellation will not detract from the purposes of the security.

G. FORFEITURE OF GUARANTEE.

1. If the City Council determines that the financial guarantee should be forfeited because of any violation of the Permit, mitigation requirements, conditions or any applicable guidelines or regulations adopted by the City Council, it shall provide written notice to the surety and the applicant that the financial guarantee will be forfeited unless the applicant makes written demand to the City Council within thirty (30) days after the applicant’s receipt of notice, requesting a hearing before the City Council. If no demand is made by the applicant within said period, then the City Council shall order the financial guarantee forfeited.
2. The City Council shall hold a hearing within thirty (30) days after the receipt of the demand by the applicant. At the hearing, the applicant may present for the consideration of the City Council statements, documents, and other information with respect to the alleged violation. At the conclusion of the hearing, the City Council shall either withdraw the notice of violation or enter an order forfeiting the financial guarantee.
3. A financial guarantee shall be deemed forfeited if it is not renewed in a form acceptable to the City Council not later than fifteen (15) business days before its expiration date.
4. If any forfeiture results in inadequate revenue to cover the costs of accomplishing the purposes of the financial guarantee, the City Attorney shall take such steps as deemed proper to recover such costs where recovery is deemed.

H. SUBSTITUTE GUARANTEE.

If the license to do business in Colorado of any surety upon a security filed pursuant to this Chapter 4 is suspended or revoked by any state authority, then the applicant shall substitute a good and sufficient surety licensed to do business in Colorado within thirty (30) days on the date on which the existing surety’s license is suspended or revoked. Upon failure of the applicant to make substitution within the time allowed, the City Council shall indefinitely suspend the Permit until proper substitution has been made.

CHAPTER 5. PERMIT ADMINISTRATION AND ENFORCEMENT.

A. ANNUAL REVIEW.

1. On or before March 1 in each calendar year following the year in which a Permit has been granted by City Council, the applicant or owner of the project (“Permittee”) shall submit a written report to the City Council, via the Administrator, detailing all past activities conducted by the applicant pursuant to the Permit including a satisfactory showing that the Permittee is in compliance with all conditions of the Permit and applicable regulations.
2. The City Council shall review the report within thirty (30) days from the date of submittal. If the City Council determines, based upon its review, that the Permittee is likely to have violated the provisions of the Permit or other applicable regulations, it shall schedule a public hearing to be held not less than thirty (30) days nor more than sixty (60) days from the date on which the City Council determined that the Permittee is likely to have violated the provisions of the Permit or other applicable regulations and which public hearing the Permittee shall be required to attend. Notice of the public hearing shall be published once in a newspaper of general circulation in the City not less than fourteen (14) days before the date set for the hearing. If the City Council determines at the public hearing that the Permittee has violated the provisions of the Permit or other applicable regulations, the City Council may suspend or revoke the Permit in accordance with these Regulations.
3. Upon notice to the City Council of the fulfillment of all Permit conditions, and the City Council’s concurrence therein, the City Council may terminate any annual review requirements.
4. The City Council may waive or modify the annual review requirements on its own initiative and discretion or upon petition of the applicant and upon a showing of good cause therefore.

B. PERMIT SUSPENSION OR REVOCATION.

1. When the City Council is considering the suspension or revocation of a Permit, it shall consider evidence and statements in mitigation and in aggravation of the violation or failure to act before determining the appropriate penalty.
2. Following the conclusion of a public hearing at which the City Council reviews a potential violation of a Permit condition or other applicable regulation, and has determined that a violation has occurred, the City Council may temporarily suspend the Permit for a period of sixty (60) days, may impose additional conditions on the Permit in order to ensure that adequate measures to cure the violation are undertaken in a timely fashion, or may revoke the Permit.

2. The City Council may revoke a Permit granted pursuant to these Regulations, if the City Council finds:
 - a. That a violation of any condition of the Permit or other applicable regulation has occurred following the conclusion of the public hearing required by this Chapter 5; or
 - b. That Permittee has failed to take substantial steps to initiate the permitted development or activity within twenty-four (24) months from the date on which the Permit was originally issued, or, if such steps have been taken, the applicant has failed to complete the development or activity with reasonable diligence. “Substantial steps” do not require construction activity and may include, among other things, legal or administrative proceedings and activities directly associated with the project. An extension of the time within which substantial steps to initiated the permitted development or activity need be taken may be granted by the City Council upon the request of the applicant and a showing of good cause therefore.
3. Upon good cause shown by the Permittee, any revoked or suspended Permit may be reinstated, effective immediately upon such reinstatement, within twelve (12) months after revocation or suspension.

C. ENFORCEMENT AND PENALTIES.

1. Any person engaging in a development in the designated area of state interest or conducting a designated activity of state interest who does not obtain a Permit pursuant to these Regulations, who does not comply with Permit conditions, or who does not comply with other applicable guidelines or regulations of the City may be enjoined by the City from engaging in such development or conducting such activities and may be subject to such other criminal or civil liability as may be proscribed by law.
2. If the City determines at any time that there are material changes in the construction or operation of the project from that approved by the City, the Permit shall be immediately suspended and a public hearing shall be scheduled and held in accordance with the procedures set forth in this Chapter 5 to determine whether new conditions are necessary to ensure compliance with the Permit, as issued, or other applicable guidelines or regulations, or if the Permit should be revoked.

D. TRANSFER OF PERMITS.

A Permit may not be transferred without the advance written approval of the City Council. The City Council shall require, as a condition to approving any such requested transfer, that the proposed transferor and transferee demonstrate to the satisfaction of the

City Council that the proposed transferee can and will comply with all requirements, terms and conditions set forth in the Permit and these Regulations; that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public; and that an adequate guarantee of financial security can be made.

E. INSPECTION.

1. The City and its employees, agents and consultants are hereby empowered to enter and inspect the use, occupation or development of or activity in each and every matter of state interest subject to these Regulations for the purpose of determining, from time to time, whether or not any use, occupation, development or activity is in violation of any of the provisions of these Regulations or of any other applicable regulations.
2. If a violation shall be found to exist, the City Council or the Administrator may by written order direct that remedial action be taken forthwith as will result in full compliance with the applicable regulations. The written order shall set forth a timeframe in which the remedial action(s) must be completed. If the remedial action(s) specified in such written order is not undertaken by the Permittee in the time period prescribed, the Permit may be temporarily suspended or revoked following the notice and public hearing procedure set forth in this Chapter 5. The issuance of a written order as described above shall not be deemed a prerequisite to scheduling a public hearing on the matter of suspending or revoking a Permit, and shall not be deemed a prerequisite to any other enforcement mechanism or proceeding available to the City at law or in equity.

F. PERMIT RENEWAL.

In accordance with Chapter 3.J.2. of these regulations, the 1041 Permit, if issued, is valid for an indefinite period or a term of years, with the default period of validity to be three (3) years. The term of any 1041 Permit issued pursuant to these Regulations may be extended by administrative approval of the Administrator if the applicant can demonstrate that there have been no changed circumstances, or that the design of the project has not materially changed.

G. JUDICIAL REVIEW.

Any action seeking judicial review of a final decision of the City Council made pursuant to these Regulations, including but not limited to the designation of a matter of state interest, the issuance of a 1041 Permit, or the suspension or revocation of a 1041 Permit, shall be initiated within thirty (30) days after the applicable decision is made, in the District Court in and for the County in which the project is predominately located, pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

CHAPTER 6. ADDITIONAL PROVISIONS APPLICABLE TO SITE SELECTION OF ARTERIAL HIGHWAYS, INTERCHANGES AND COLLECTOR HIGHWAYS.

A. DESIGNATION.

The City Council, having considered the intensity of current and foreseeable development pressures at a duly noticed public hearing held in accordance with the City's 1041 Regulations, hereby designates site selection of arterial highways and interchanges and collector highways as a matter of state interest.

B. BOUNDARIES OF AREA COVERED BY DESIGNATION.

The site selection of any arterial highway or interchange or collector highway within the boundaries of the City of Centennial, as the same may change from time to time, shall be subject to this designation and the regulations set forth in this Chapter 6.

C. PURPOSE AND REASON FOR DESIGNATION.

1. The purpose and intent of the designation and regulations contained in this Chapter 6 shall be to:
 - a. Enable and facilitate the local administration of site selection of arterial highways and interchanges and collector highways 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 Chapter 3 of the Regulations and this Chapter 6;
 - b. Ensure that community traffic capacity, flow and safety needs are adequately met;
 - c. Provide for the continuation of desirable local and regional community patterns in the face of regional development pressures;
 - d. 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;
 - e. Prevent direct conflicts with local, regional, and state master plans;
 - f. Ensure that the site selection of any arterial highway or interchange or collector highway is compatible with surrounding land uses;

- g. Encourage the coordination of highway planning with the Comprehensive Plan, including the Transportation Plan component of the Comprehensive Plan, and avoid highway construction which divides existing communities;
 - h. Discourage traffic hazards and congestion;
 - i. Ensure that traffic noise, air, and water pollution remain at acceptable levels; and
 - j. Protect property values.
2. These regulations and the guidelines and requirements contained herein are adopted in furtherance of the authority set forth in Title 24, Article 65.1 of the Colorado Revised Statutes, and the City's home rule powers as authorized pursuant to Article XX of the Constitution of the State of Colorado. To the extent that these guidelines and regulations contain requirements that are more stringent than the requirements of the criteria listed in Section 24-65.1-204, C.R.S., reference is made to the authority set forth in Section 24-65.1-402(3), C.R.S.

D. APPLICABILITY.

- 1. The regulations set forth in this Chapter 6 shall apply to the site selection of all arterial highways and interchanges and collector highways within the City of Centennial.
- 2. Any person proposing to undertake site selection of an arterial highway or interchange or collector highway in the City of Centennial, whether such highway project is wholly or partially located within the City, shall be required to apply for a 1041 Permit in accordance with the procedures set forth in the Regulations prior to seeking any other permit or other action by the City. If issued, the 1041 Permit shall be effective only for the period of time specified by the Permit.

E. DEFINITIONS.

The following definitions shall apply to this Chapter 6:

"Alternative mode of transportation" means any mode of transportation other than a single occupancy vehicle.

"Applicant" means any person, including a local, metropolitan, state or federal entity, proposing to locate, construct, modify or expand an arterial highway or interchange or collector highway within the City of Centennial.

"Arterial highway" means any limited-access highway which is part of the federal-aid interstate system or any limited-access highway constructed under the supervision of the Colorado Department of Transportation, including any substantial modification or expansion thereof that involves a site selection or corridor location process.

"Collector highway" means a major thoroughfare serving as a corridor or link between municipalities, unincorporated population centers or recreation areas, or industrial centers that is constructed under guidelines and standards established by, or under the supervision of, the Colorado Department of Transportation, and shall include, but not be limited to any portion of any of South University Boulevard (CO-177), Parker Road (CO-83) or East Arapahoe Road (CO-88) lying within the boundaries of the City of Centennial, as those boundaries may change from time to time. "Collector highway" does not include a city street or local service road or a county road designed for local service and constructed under the supervision of local government.

"Constructed under guidelines and standards established by" or "constructed under the supervision of" the Colorado Department of Transportation each shall include, without limitation, any of the below listed forms of participation by the Colorado Department of Transportation:

1. The Colorado Department of Transportation or any entity formed directly or indirectly by, or by contract or agreement with (including, without limitation, any enterprise formed under Article 4 of Title 43 of the Colorado Revised Statutes or non-profit entity formed by such enterprise), the Colorado Department of Transportation or the Colorado Transportation Commission:
 - a. is an applicant;
 - b.
 - c. (ii) sells, leases, loans, donates, grants, conveys, assigns, transfers or otherwise provides any real or personal property or interests therein used or to be used in the proposed construction, modification or expansion of the arterial highway or interchange or collector highway including transfer or assignment of any contract to the applicant that may have been awarded for the proposed construction, modification or expansion of the arterial highway or interchange or collector highway;
 - d. delegates authority to the applicant or is a signatory to any intergovernmental agreement or other form of contract, agreement, conveyance, delegation or authorization required for the applicant to construct, modify or expand the arterial highway or interchange or collector highway; or
 - e. performs or funds any planning, design, study, construction, supervision or maintenance functions associated with all or any

portion of the construction, modification or expansion of the arterial highway or interchange or collector highway.

2. A state highway access permit from the Colorado Department of Transportation is necessary for access from the proposed construction, modification or expansion of the arterial highway or interchange or collector highway to a state highway either within or outside the City of Centennial.

"Construction, modification, or expansion" means any activity involved in constructing, reconstructing, modifying, or expanding an existing or proposed arterial highway or interchange or collector highway, or the completed construction, reconstruction, modification, or expansion of the arterial highway or interchange or collector highway, or both.

"Corridor" means any area, measured both horizontally and vertically, within which highway facilities may be located and which the applicant proposes to recommend to the Federal Highway Administration or Colorado Department of Transportation for approval under the corridor location phase related to the arterial highway or interchange or collector highway.

"Development" means any construction or modification or expansion which changes the basic character or use of the land on which the construction or activity occurs.

"Impact area" means that area within the region and the City of Centennial which is served or potentially could be served by the existing or proposed arterial highway or interchange or collector highway.

"Interchange" means the intersection of two or more highways, roads, or streets at least one of which is an arterial highway, and shall include, but not be limited to any portion of any of the interchanges of: (1) Interstate-25 ("I-25") and East Arapahoe Road; (2) I-25 and East Dry Creek Road; (3) I-25 and East County Line Road; or (4) any future interchange of I-25 and any highway, road or street lying within the boundaries of the City of Centennial, as those boundaries may change from time to time. At such intersection there must be direct access to and from the arterial highway.

"Limited-access highway" means a highway which gives preference to through traffic by providing access connection with selected roads only. A highway may be considered a "limited access highway" even though it has some crossings at grade and private driveway connections.

"Locate" or "location" (as used in this Chapter 6) is synonymous with *select a site for* or *site selection* of an arterial highway, interchange or collector highway.

"Site selection" means the identification of a specific corridor or facility location located entirely or partially within the City of Centennial in which:

1. Construction of an arterial highway or interchange or collector highway is proposed; or
2. Expansion or modification of an existing arterial highway or collector highway is proposed that would result in:
 - a. an increase in highway capacity by at least one lane through widening or alternative lane configurations, or an equivalent increase in capacity produced by access controls, technological or other types of highway improvements; or
 - b. the elimination of direct, at grade access from a public road or street within the City of Centennial to such existing arterial or collector highway; or
 - c. Expansion or modification of an existing highway is proposed which would result in a change in classification to "collector highway" or "arterial highway" as defined in this Chapter 6.

The term "site selection" shall, in all contexts, be construed to require a 1041 Permit before any grading, earth moving, or other work is done which shall physically affect a specific corridor or facility location.

F. RELATIONSHIP OF REGULATIONS TO OTHER STATE AND FEDERAL REGULATIONS.

1. Nothing in this Chapter 6 shall be construed as exempting an applicant for a 1041 Permit from any other requirements of the City of Centennial, or other applicable state or federal laws and regulations. In no event shall the approval of a 1041 Permit under this Chapter 6 be considered a representation by the City of Centennial, its staff members or consultants or City Council that the proposed construction, modification or expansion complies with other applicable federal, state or local requirements, nor shall such approval otherwise give rise to any claim against the City of Centennial, its staff members or consultants or City Council members related to the failure of an applicant to comply therewith.
2. To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

G. PROHIBITION ON SITE SELECTION OF AN ARTERIAL HIGHWAY, INTERCHANGE OR COLLECTOR HIGHWAY WITHOUT A PERMIT.

No person may undertake site selection of an arterial highway or interchange or collector highway within the boundaries of the City of Centennial without first applying for a 1041 Permit in accordance with the procedures set forth in Chapter 3 of these Regulations. The 1041 Permit, if issued, shall be effective only for the period of time specified by the Permit and shall be subject to Chapter 5 of these Regulations.

H. PERMIT APPLICATION PROCEDURE.

Permit applications, notice and conduct of permit hearings, review of City Council decisions, and the issuance of 1041 Permits to engage in the site selection of arterial highways and interchanges and collector highways shall comply with the procedures set forth in Chapters 3 and 5 of the Regulations.

I. SUBMISSION REQUIREMENTS.

In addition to the application materials required by Chapter 3 of these Regulations, an application for a 1041 Permit for site selection of an arterial highway or interchange or collector highway shall contain the items listed below, in order to be considered complete by the Administrator.

1. A list of all reasonable alternative corridor locations for the proposed construction, expansion, or modification of the arterial highway or collector highway or a list of all reasonable interchange locations or design alternatives;
2. For the proposed and all reasonable alternative corridor locations or all reasonable alternative interchange locations or designs, the information specified below:
 - a. A general description of the proposed corridor location or interchange location or design, with a discussion of the advantages and disadvantages of this alternative;
 - b. A location map showing the corridor or interchange location and general area;
 - c. Any proposal, study, or other documentation which includes:
 - i. type, scale and appearance of the improvement;
 - ii. cost estimate; and
 - iii. approximate timetable for construction and right-of-way acquisition;

- d. Demographic information in the regional impact area and within the City of Centennial, including:
 - i. estimated current population and density;
 - ii. total employment, occupation types, and major employer locations;
 - iii. average family income; and
 - iv. population projections in five-year increments over the next twenty (20) years
3. The need for the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway;
4. Major traffic generators in the regional impact area and the City of Centennial;
5. The planned level of service in relationship to projected user demand, both regionally and within the City of Centennial;
6. A map(s) and description of existing land use in the impact area, both regionally and within the City of Centennial, in relationship to the existing circulation system and the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway;
7. A map(s) of the regional impact area and the impact area within the City of Centennial showing planned, proposed, or expected land use at each year of population projection provided pursuant to subsection 2.d. above, with and without the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway;
8. The approximate number of users of the proposed corridor or interchange location in terms of existing City residents, new City residents, and non-City residents;
9. Plans for promoting the use of alternative modes of transportation;
10. Anticipated noise levels resulting from the new or modified arterial highway or interchange or collector highway including noise levels expressed through 8-hour and 24-hour Equivalent Sound Level metrics, as well as single event noise metrics;
11. The local and regional air quality impacts of the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway including attainment of federal and state ambient air quality standards and risks to human health and the environment posed by air pollutants including, but not limited to nitrogen oxides (NO_x), ozone, PM-10, benzene, 1,3-butadiene, diesel particulates and other fuel combustion by-products;

12. The impacts of the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway on accessibility to and from existing public facilities, commercial and industrial facilities, and residential areas, both regionally and within the City of Centennial;
13. Any health and safety hazards, including exposure to hazardous materials, which may result from the siting of the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway;
14. How the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway and its impacts will conform to the Comprehensive Plan goals, objectives and policies;
15. How the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway and its impacts will conform to any applicable regional and state plans, goals, objectives, and policies;
16. The development potential that would result in the regional impact area and within the City of Centennial with and without the completion of the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway, measured in terms of: land values, land availability, land use controls, vacancy rates and indices of accessibility to school/education, utility service, other public and quasi-public services, local and regional amenities and employment opportunities and the demographic indices identified in subsection 2.d. above;
17. The increased demand that the potential development described in subsection 16 above will place on the following public services both regionally and within the City of Centennial: other roadways, mass transit, trails, bike paths and other transportation, housing, employment, schools, commercial services, health services, police and fire protection, solid waste disposal, water supply systems, wastewater collection and disposal systems, storm water collection and release systems, power, communications, parks, open-space and recreation, other public and quasi-public utilities, and other planned public services;
18. The costs and benefits to the region and to the City of Centennial resulting from the land use commitment necessitated or facilitated by the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway compared to alternative projected land uses in terms of land suitability, transportation, community services, utilities, and revenues;
19. Alternatives which may be utilized by the City of Centennial in planning for and controlling adjacent land use;
20. Local and regional impacts of the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway on water

quality and water resources, including effects on floodplains and wetland values and functions;

21. Impacts of the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway on sensitive, endangered or threatened species and scenic, parks, recreational, or other natural resources;
22. Impacts of the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway on the character of adjacent or nearby neighborhoods or development, as well as the impacts of increased division or separation of neighborhoods caused by the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway; and
23. All feasible alternatives for mitigating adverse effects of the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway described above including, but not limited to, effects on the level of public services, access to public services, division of existing communities, water quality, air quality, noise levels, and scenic, historical, recreational, archeological or natural resources. Mitigation alternatives to be considered include, but are not limited to:
 - a. alternative locations, configurations, and access for the highway or interchange, including, but not limited to, grade separated interchanges and complete or partial construction below grade with cover and landscaping suitable for recreational use or for construction of city streets, bike paths or pedestrian walkways;
 - b. alternative pavement types;
 - c. alternative highway maintenance and snow removal methods;
 - d. sound walls and other sound mitigating structures, such as transparent noise barriers;
 - e. berms;
 - f. landscaping;
 - g. speed limits;
 - h. speed control devices;
 - i. limits on the use of compression brakes; and
 - j. pedestrian bridges.

24. Evidence that the applicant has provided written notice via certified mail to all property owners within or adjacent to the impact area that the applicant or other entity involved in the construction, modification or expansion of the arterial highway or interchange or collector highway anticipates may have a real property interest acquired by the applicant or other such entity through arms' length negotiation or through the exercise of the power of eminent domain.

J. WAIVER OF SUBMISSION REQUIREMENTS.

The Administrator may waive any part but not all of the submission requirements imposed by this regulation upon written petition of the applicant. In considering the requested waiver, the Administrator shall consider:

1. The scope of the site selection proposal;
2. Whether providing the information requested to be waived would be unduly burdensome to the applicant; and
3. Whether, without the information requested to be waived, the application contains sufficient information to allow the City Council to reach a decision on all criteria necessary to issue a permit.

Any waiver granted by the Administrator shall not preclude the City Council from requiring the submission of any additional information or materials related to the site selection proposal that City Council determines is necessary to its review of the 1041 Permit application.

K. ADMINISTRATOR REVIEW.

1. Upon receipt of an application for a permit, the Administrator shall prepare a written report addressing at minimum the following:
 - a. Identification of adverse effects and advantages of each of the alternative locations identified in the application;
 - b. Evaluation of the character and degree of the adverse effects identified above;
 - c. Recommendation of measures that might mitigate the adverse effects identified in a. and b., above.
2. The Administrator's report shall be included among the materials presented to City Council at the Permit hearing.

L. APPROVAL OF PERMIT APPLICATION.

The City Council shall approve an application for a 1041 Permit for site selection of an arterial highway or interchange or collector highway in the City of Centennial only if the proposed construction, modification, or expansion complies with the Regulations, other applicable federal, state, and local guidelines and regulations, and meets all the following guidelines and requirements:

1. All of the provisions of the 1041 Permit application procedures set forth in Chapter 3 of these Regulations and this Chapter 6 have been complied with;
2. The proposed construction, expansion, or modification of the arterial highway or interchange or collector highway will be located so that community traffic needs are met and will preserve at grade access from City streets to the extent necessary to meet community traffic needs and to avoid unacceptable division of existing communities;
3. The proposed construction, expansion, or modification of the arterial highway or interchange or collector highway will be located only in a corridor for which a clear and reasonable local and regional need for such highway facilities has been demonstrated;
4. Reasonable alternative modes of transportation will be incorporated into the highway proposal;
5. Desirable local and regional community land use patterns will not be disrupted due to the location of the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway;
6. The location of the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway will not impede the delivery of essential community services and goods;
7. The proposed location and access limitations for the new or modified arterial highway or interchange or collector highway will not isolate community neighborhoods from, and, where practicable, will enhance access from community neighborhoods to public facilities including schools, hospitals, mass transit, pedestrian walkways, and bikeways, recreational areas and open spaces;
8. The proposed location and access limitations for the new or modified arterial highway or interchange or collector highway will not restrict access via other roadways, mass transit facilities, pedestrian walkways, or bikeways to local commercial services including retailers, business and employment centers, and public facilities including schools, hospitals, recreational areas and open spaces;

9. The proposed location and access limitations for the new or modified arterial highway or interchange or collector highway will not create safety hazards to motorists, pedestrians, or bicyclists by causing or contributing to overuse, improper use, or congestion, or cause unnecessary diversion of regional traffic onto other city roadways;
10. The proposed construction, expansion, or modification of the arterial highway or interchange or collector highway will not directly conflict with applicable local, regional, and state master plans, including, but not limited to transportation plans, storm drainage and flood control plans and storm water quality plans and programs;
11. The proposed construction, expansion, or modification of the arterial highway or interchange or collector highway will not directly conflict with the Comprehensive Plan;
12. The location of the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway will not contribute to the expansion of demand for public services beyond the reasonable capacity of the City of Centennial or the region to provide such services;
13. The location of the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway will not contribute to the expansion of regional or local demand for public utilities beyond the reasonable capacity of the utility companies, existing special districts, or authorities to provide such services;
14. The site selection for the arterial highway or interchange or collector highway will adhere to the plan, process, procedure, and requirements of the State of Colorado and the Federal Highway Administration and such construction, expansion, or modification will be included in the Denver Regional Council of Governments (DRCOG) Regional Transportation Plan, or any then-current regional transportation plan completed by DRCOG or any successor metropolitan planning organization (MPO);
15. The proposed construction, expansion, or modification of the arterial highway or interchange or collector highway will not increase water pollution levels in violation of applicable federal, state, and local water quality control standards and will result in no net loss of wetland values and functions;
16. The maximum anticipated use over the next twenty (20) years of the new or modified arterial highway or interchange or collector highway will not increase air pollution levels beyond applicable federal or state ambient air standards or to levels that pose unacceptable risks to human health and the environment;

17. Noise levels caused by the new or modified arterial highway or interchange or collector highway will not exceed 55 decibels as measured by a 24-hour Equivalent Sound Level metric at any residence, school, church, or other noise-sensitive location, unless the City Council determines that meeting such sound level is infeasible, that all feasible avoidance or mitigation measures will be incorporated, and the public benefit of any new or modified arterial highway or interchange or collector highway necessitates the proposed construction, expansion or modification of the arterial highway or interchange or collector highway;
18. The proposed construction, expansion, or modification of the arterial highway or interchange or collector highway will be designed to blend into its surrounding and shall be designed to avoid or minimize visual impacts, including views of the highway or interchange from residential areas, and, to the extent practicable, will incorporate attractive landscaping features to mitigate visual impacts;
19. The proposed construction, expansion, or modification of the arterial highway or interchange or collector highway will not result in a design speed of greater than fifty-five (55) miles per hour, or such other design speed recommended by the City Traffic Engineer in accordance with applicable American Association of State Highway and Transportation Officials (AASHTO) criteria, unless the City Council finds that achieving such design speed is infeasible and all feasible mitigation of the adverse effects of higher speeds (including, without limitation, noise levels, air quality and safety) will be incorporated, and the public benefit of any new or modified arterial highway or interchange or collector highway necessitates the proposed construction, expansion or modification of the arterial highway or interchange or collector highway; and
20. If the proposed arterial highway, interchange or collector highway includes the imposition of any tolls, any existing state roads which have historically provided free access within the City limits will continue to provide free and non-tolled access.

M. DENIAL OF PERMIT APPLICATION.

The City Council shall deny the permit if the proposed construction, expansion, or modification of the arterial highway or interchange or collector highway does not meet all of the criteria set out in Section L of this Chapter 6.

N. SUPPLEMENTAL ENFORCEMENT REMEDY.

In addition to any other remedies available to the City, the City shall be entitled to injunctive and other relief to enjoin or restrain any person who has not obtained a Permit under these Regulations from constructing, installing, or locating any facilities or improvements of any kind associated with an arterial highway, interchange or collector

highway on any site located wholly or partially within the corporate limits of the City of Centennial without a Permit or in violation of the terms of any Permit required pursuant to this Chapter 6.

O. EXEMPTION FROM CHAPTER 6 REQUIREMENTS.

Notwithstanding any other provision of this Chapter 6 to the contrary, City Council may, on its own initiative or upon written request by an applicant, exempt any construction, modification or expansion of any arterial highway, interchange or collector highway, or any project involving the site selection of the same, from all the applicable requirements of this Chapter 6 or any other applicable provisions of these Regulations. An exemption may be granted by resolution approved by a majority of the members of the City Council upon a finding that:

1. The project, if constructed as proposed, will directly achieve or accomplish an established plan or policy of the City;
2. The project will result in significant and substantial benefits to the City;
3. The application of this Chapter 6 will result in nominal or minimal benefit to the City; and
4. The application of this Chapter 6 will likely result in undue delay, undue expense, or unwarranted burden to the City.

An exemption may also be granted through an agreement between the City and the applicant for certain or all the project(s) otherwise requiring a Permit.

CHAPTER 7. ADDITIONAL PROVISIONS APPLICABLE TO SITE SELECTION AND CONSTRUCTION OF MAJOR NEW DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS AND MAJOR EXTENSION OF EXISTING DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS

A. DESIGNATION.

The City Council, having considered the intensity of current and foreseeable development pressures at a duly noticed public hearing held in accordance with the City's 1041 Regulations, hereby designates site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems as a matter of state interest.

B. BOUNDARIES OF AREA COVERED BY DESIGNATION.

The site selection and construction of any major new domestic water and sewage treatment system and major extension of any existing domestic water and sewage treatment system within the boundaries of the City of Centennial, as the same may change from time to time, shall be subject to this designation and the regulations set forth in the Chapter 3 and this Chapter 7.

C. PURPOSE AND REASON FOR DESIGNATION.

1. The purpose and intent of the designation and regulations contained in this Chapter 7 shall be to:
 - a. Enable and facilitate the local administration of site selection and construction of major new domestic water and sewage treatment systems, replacement of major domestic water and sewage treatment systems, and major extension of existing domestic water and sewage treatment systems 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 Chapter 3 of the Regulations and this Chapter 7;
 - 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. Ensure that 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 is compatible with surrounding land uses;

- e. Encourage the coordination of electric transmission facilities planning with are in the best interest of the residents of the City;
 - f. Ensure that traffic noise, air, and water pollution remain at acceptable levels; and
 - g. Protect property values.
2. These regulations and the guidelines and requirements contained herein are adopted in furtherance of the authority set forth in Title 24, Article 65.1 of the Colorado Revised Statutes, and the City's home rule powers as authorized pursuant to Article XX of the Constitution of the State of Colorado. To the extent that these guidelines and regulations contain requirements that are more stringent than the requirements of the criteria listed in Section 24-65.1-204, C.R.S., reference is made to the authority set forth in Section 24-65.1-402(3), C.R.S.

D. APPLICABILITY.

- 1. The regulations set forth in this Chapter 7 shall apply to 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 within the City of Centennial.
- 2. Any person proposing to undertake site selection and construction of major new domestic water and sewage treatment systems or the major extension of existing domestic water and sewage treatment systems in the City of Centennial, whether such project is wholly or partially located within the City, shall be required to apply for a 1041 Permit in accordance with the procedures set forth in the Regulations prior to seeking any other permit or other action by the City. If issued, the 1041 Permit shall be effective only for the period of time specified by the Permit.

E. DEFINITIONS.

The following definitions shall apply to this Chapter 7:

"Applicant" means any person, including a local government, metropolitan entity, state or federal entity, proposing to locate, construct, modify or expand a major new domestic water and sewage treatment system or conduct a major expansion of an existing domestic water and sewage treat system within the City of Centennial.

"Construction, modification, or expansion" means any activity involved in constructing major new domestic water and sewage treatment system, or a major extension of existing domestic water and sewage treatment systems.

"Development" means any construction or modification or expansion which changes the basic character or use of the land on which the construction or activity occurs.

"Collector sewer line" means a sewage treatment system's pipe, conduit, ditch, natural water course, or combination thereof which is designed to accept and transport wastewater from privately owned service lines from individual structures and properties to the system's treatment plant. A collector sewer line for the purpose of this regulation includes common lateral sewers and interceptor sewers. Not included in this definition are privately owned individual on-site sewage disposal system lines and privately owned service lines.

"Domestic water and sewage treatment system" means, a wastewater treatment plant, water treatment plant, or water supply system, including systems whose service area is, or will be, primarily outside the City.

"Locate" or "location" (as used in this Chapter 7) is synonymous with *select a site for or site selection and construction of* a major new domestic water and sewage treatment systems or a major extension of existing domestic water and sewage treatment systems.

"Major extension of a domestic sewage treatment system" means any modification to an existing wastewater treatment plant to increase hydraulic capacity or upgrade treatment capacity, any increase in capacity of existing main sewer lines, or any extension of existing main collector lines running a linear distance of five thousand two hundred eighty feet (5,280') or greater, or the replacement of portions of existing collector sewer lines wherein the replacement lines run a distance of five thousand two hundred eighty feet (5,280'), or greater.

"Major extension of domestic water treatment system" means the expansion of a water treatment plant to increase capacity or storage, or the extension of a water supply system, that includes the installation of new water transmission lines or water distribution lines running a linear distance of five thousand two hundred eighty feet (5,280') or greater, or the replacement of portions of existing water transmission lines or water distribution lines wherein the replacement lines run a linear distance of five thousand two hundred eighty feet (5,280') or greater.

"Major new domestic sewage treatment system" means a new wastewater treatment plant or that includes installation of any collector sewer lines and return flow lines.

"Major new domestic water treatment systems" means a new water treatment plant, water storage facility or water supply system includes the installation of new water transmission lines, and the installation of water distribution lines running a linear distance of five thousand two hundred eighty feet (5,280') or greater.

"Return flow" means a sewage treatment system's pipe, conduit, ditch, natural water course, or combination thereof, which is designed to transport wastewater, commonly known as effluent, from the system's treatment plant to a point of discharge. A point of

discharge includes a natural water course, ditch, groundwater recharge area, injection well, evaporation basin, or water supply system's transmission line.

"Site selection" means the identification of a specific location located entirely or partially within the City in which construction of a major new domestic water system or sewerage system, or major extension of a domestic water system or sewerage system facility is proposed.

The term "site selection" shall, in all contexts, be construed to require a 1041 Permit before any grading, earth moving, or other work is done which shall physically affect a specific location.

"Wastewater treatment plant" means the facility or group of units used for treatment of wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes.

"Water distribution line" means a water supply system's pipe, conduit, ditch, natural water course, or combination thereof which is designed to transport water of a potable or non-potable quality, commonly referred to as treated or raw water, and having the characteristic that it allows customer service taps. A water distribution line for the purpose of this regulation is a line having a vertical cross-section equal to or greater than a twelve (12) inch diameter pipe or its equivalent.

"Water supply system" means the system of pipes, structures and facilities through which a water supply is obtained, treated and sold or distributed for human consumption or use, including systems whose service area is, or will be, primarily outside the City. Water supply system for purpose of this Chapter 7 does not include wells or wellsite.

"Water transmission line" means a water supply system's pipe, conduit, ditch, natural water course, or combination thereof which is designed to transport water of a potable or non-potable quality, commonly referred to as treated or raw water, and having the characteristic that it does not allow customer service tap. A water transmission line for the purpose of this regulation is a line having a vertical cross-section area equal to or greater than a twelve (12) inch diameter pipe or its equivalent.

"Water treatment plant" means the facility or facilities within the water supply system, which can alter the physical, chemical or bacteriological quality of the water.

F. RELATIONSHIP OF REGULATIONS TO OTHER STATE AND FEDERAL REGULATIONS.

1. Nothing in this Chapter 7 shall be construed as exempting an applicant for a 1041 Permit from any other requirements of the City of Centennial, or other applicable state or federal laws and regulations. In no event shall the approval of a 1041 Permit under this Chapter 7 be considered a representation by the City of Centennial, its staff members or consultants or City Council that the proposed

construction, modification or expansion complies with other applicable federal, state or local requirements, nor shall such approval otherwise give rise to any claim against the City, its staff members or consultants or City Council members related to the failure of an applicant to comply therewith.

2. To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

G. PROHIBITION ON SITE SELECTION AND CONSTRUCTION OF MAJOR NEW DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS OR A MAJOR EXTENSION OF EXISTING DOMESTIC WATER AND SEWAGE TREATMENT SYSTEMS WITHOUT A PERMIT.

No person may undertake site selection and construction of major new domestic water and sewage treatment systems or major extension of existing domestic water and sewage treatment systems within the boundaries of the City of Centennial without first applying for a 1041 Permit in accordance with the procedures set forth in Chapter 3 of these Regulations. The 1041 Permit, if issued, shall be effective only for the period of time specified by the Permit and shall be subject to Chapter 5 of these Regulations.

H. PERMIT APPLICATION PROCEDURE.

Permit applications, notice and conduct of permit hearings, review of City Council decisions, and the issuance of 1041 Permits to engage in the site selection and construction of major new domestic water and sewage treatment systems or major extension of existing domestic water and sewage treatment systems shall comply with the procedures set forth in Chapters 3 and 5 of the Regulations.

I. SUBMISSION REQUIREMENTS.

In addition to the application materials required by Chapter 3 of these Regulations, an application for a 1041 Permit for site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems shall contain the items listed below to be considered complete by the Administrator.

1. Description of demands the project expects to meet and basis for projections of that demand.
2. Description of efficient water use, recycling, and reuse technology that will be incorporated into the project.
3. Description of how the project may affect adjacent communities and users on well water.
4. Map and description of other municipal and industrial water projects in the vicinity of the project, including their:
 - a. Capacity and existing service levels,
 - b. Location of intake and discharge points,

- c. Service fees and rates,
- d. Debt structure and service plan boundaries, and
- e. Reasons for and against consolidating with those facilities.

J. WAIVER OF SUBMISSION REQUIREMENTS.

The Administrator may waive any part but not all of the submission requirements imposed by this Chapter 7 upon written petition of the applicant. In considering the requested waiver, the Administrator shall consider:

- 1. The scope of the site selection proposal;
- 2. Whether providing the information requested to be waived would be unduly burdensome to the applicant; and
- 3. Whether, without the information requested to be waived, the application contains sufficient information to allow the City Council to reach a decision on all criteria necessary to issue a permit.

Any waiver granted by the Administrator shall not preclude the City Council from requiring the submission of any additional information or materials related to the site selection proposal that City Council determines is necessary to its review of the 1041 Permit application.

K. ADMINISTRATOR REVIEW.

- 1. Upon receipt of an application for a permit, the Administrator shall prepare a written report addressing at minimum the following:
 - a. Identification of adverse effects and advantages of each of the alternative locations identified in the application;
 - b. Evaluation of the character and degree of the adverse effects identified above;
 - c. Recommendation of measures that might mitigate the adverse effects identified in a. and b., above.
- 2. The Administrator's report shall be included among the materials presented to City Council at the Permit hearing.

L. APPROVAL OF PERMIT APPLICATION.

The City Council shall approve an application for a 1041 Permit for site selection and construction of major new domestic water and sewage treatment systems and major extension of existing domestic water and sewage treatment systems in the City of Centennial only if the proposed construction, modification, or expansion complies with

the Regulations, other applicable federal, state, and local guidelines and regulations, and meets the following guidelines and requirements as applicable to the specific project:

1. All of the provisions of the 1041 Permit application procedures set forth in Chapter 3 of these Regulations and this Chapter 7 have been complied with;
2. To the extent practicable, domestic water and wastewater treatment systems shall be consolidated with existing facilities within the area.
3. The determination of whether consolidation is practicable shall include but not be limited to the following considerations:
 - a. Distance to and capacity of nearest domestic water or wastewater treatment system.
 - b. Technical, legal, managerial, and financial feasibility of connecting to existing domestic water or wastewater treatment system.
 - c. Scope of the service area for existing domestic water or wastewater treatment system.
 - d. Projected growth and development in the service area of existing domestic water or wastewater treatment system.
4. The project will be constructed in areas that will result in the proper utilization of existing treatment plants and the orderly development of domestic water and sewage treatment systems of adjacent communities.
5. The project emphasizes the most efficient use of water, including, to the extent permissible under existing law, the recycling, reuse, and conservation of water and will be consistent with any applicable water conservation plan.
6. The applicant shall demonstrate sufficient managerial expertise and capacity to operate the facility and complete the project in a timely fashion.
7. Major extensions of domestic water and sewage treatment systems will be completed and constructed:
 - a. In the most efficient manner to avoid open trenches for significant periods of time;
 - b. To avoid substantial disruption of the residential and commercial property owners use of the surface;
 - c. Following best practices for the installation of new or extended water and sewage treatment systems; and
 - d. Includes repairs or replacement of existing systems within an existing easement.

M. DENIAL OF PERMIT APPLICATION.

The City Council shall deny the permit if the site selection and construction of any major new domestic water and sewage treatment system and major extension of any existing domestic water and sewage treatment system does not meet all of the criteria set out in Section L of this Chapter 7 to the extent not waived.

N. SUPPLEMENTAL ENFORCEMENT REMEDY.

In addition to any other remedies available to the City, the City shall be entitled to injunctive and other relief to enjoin or restrain any person who has not obtained a Permit under these Regulations as required or who fails to comply with the terms of any Permit issued hereunder.

O. EXEMPTION FROM CHAPTER 7 REQUIREMENTS.

Notwithstanding any other provision of this Chapter 7 to the contrary, City Council may, on its own initiative or upon written request by an applicant, exempt any project(s) otherwise requiring a Permit, from all of the applicable requirements of the Regulations. An exemption may be granted by resolution approved by a majority of the members of the City Council upon a finding that:

5. The project, if constructed as proposed, will directly achieve or accomplish an established plan or policy of the City;
6. The project will result in significant and substantial benefits to the City;
7. The application of this Chapter 7 will result in nominal or minimal benefit to the City; and
8. The application of this Chapter 7 will likely result in undue delay, undue expense, or unwarranted burden to the City.

An exemption may also be granted through an agreement between the City and the applicant for certain or all of the project(s) otherwise requiring a Permit.

**CHAPTER 8. ADDITIONAL PROVISIONS APPLICABLE TO SITE SELECTION
AND CONSTRUCTION OF MAJOR FACILITIES OF A PUBLIC
UTILITY**

A. DESIGNATION.

The City Council, having considered the intensity of current and foreseeable development pressures at a duly noticed public hearing held in accordance with the City's 1041 Regulations, hereby designates site selection and construction of major facilities of a public utility as a matter of state interest.

B. BOUNDARIES OF AREA COVERED BY DESIGNATION.

The site selection and construction of any major facility of a public utility within the boundaries of the City of Centennial, as the same may change from time to time, shall be subject to this designation and the regulations set forth in the Chapter 3 and this Chapter 8.

C. PURPOSE AND REASON FOR DESIGNATION.

1. The purpose and intent of the designation and regulations contained in this Chapter 8 shall be to:
 - a. Enable and facilitate the local administration of site selection and construction of major facilities of a public utility 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 Chapter 3 of the Regulations and this Chapter 8;
 - 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. Ensure that the site selection and construction of any major facility of a public utility is compatible with surrounding land uses;

- e. Encourage the coordination of public utility facilities planning that are in the best interest of the residents of the City;
 - f. Ensure that traffic noise, air, and water pollution remain at acceptable levels; and
 - g. Protect property values.
2. These regulations and the guidelines and requirements contained herein are adopted in furtherance of the authority set forth in Title 24, Article 65.1 of the Colorado Revised Statutes, and the City's home rule powers as authorized pursuant to Article XX of the Constitution of the State of Colorado. To the extent that these guidelines and regulations contain requirements that are more stringent than the requirements of the criteria listed in Section 24-65.1-204, C.R.S., reference is made to the authority set forth in Section 24-65.1-402(3), C.R.S.

D. APPLICABILITY.

- 1. The regulations set forth in this Chapter 8 shall apply to the site selection and construction of all major facilities of a public utility within the City of Centennial.
- 2. Any person proposing to undertake site selection and construction of a major facility of a public utility in the City of Centennial, whether such project is wholly or partially located within the City, shall be required to apply for a 1041 Permit in accordance with the procedures set forth in the Regulations prior to seeking any other permit or other action by the City. If issued, the 1041 Permit shall be effective only for the period of time specified by the Permit.

E. DEFINITIONS.

The following definitions shall apply to this Chapter 8:

"Applicant" means any person, including a local, metropolitan, state or federal entity, proposing to locate, construct, modify or expand a major facility of a public utility within the City of Centennial.

"Appurtenant facilities" means any building, structure or other property which is incidental to, and customarily found in connection with, major facilities of public utilities and are operated and maintained for the benefit or convenience of the occupants, employees, customers or visitors of such major facilities.

"Construction, modification, or expansion" means any activity involved in constructing or reconstructing, or modifying or expanding an existing or proposed major facility of a public utility.

"Development" means any construction or modification or expansion which changes the basic character or use of the land on which the construction or activity occurs.

"Impact area" means that area within City of Centennial which is served or potentially could be served by the existing or proposed major facility of a public utility.

"Locate" or "location" (as used in this Chapter 8) is synonymous with *select a site for or site selection and construction of* a major facility of a public utility.

"Major facilities of a public utility" means central office buildings of telephone utilities; transmission lines, power plants, and substations of electrical utilities; and pipelines and storage areas of utilities providing natural gas or other petroleum derivatives.

"Pipelines" mean any pipeline and appurtenant facilities thereto, designed for, or capable of, transporting natural gas, manufactured gas, or other petroleum derivatives of ten (10) inches or more in diameter.

"Power plant" means any of the following:

1. Any fossil fuel, biofuel, or similar electrical energy generating facility and any appurtenant facilities thereto, or any addition or series of additions thereto increasing the existing design capacity of the facility to seventy-three (73) megawatts or more.
2. Any solar or wind electrical energy generating facility with a generating capacity more than two (2) megawatts, and any appurtenant facilities thereto, or any addition or series of additions thereto increasing the existing design capacity of the facility in excess of two (2) megawatts. It does not include any solar or wind energy generation for on-site consumption by a consumer regardless of size.
3. Any nuclear or hydropower electrical generating facility.

"Public utility" means a public utility or power authority as those entities are defined by state law, and any local governments, cooperative, or other entity that owns and operates a power plant, electrical transmission lines, or natural gas for delivery to off-site consumers.

"Site selection" means the identification of a specific location located entirely or partially within the City of Centennial in which:

1. Construction of a new major facility of a public utility is proposed; or
2. Expansion or modification of an existing major facility of a public utility would result in increased pole height, reactivation of a deactivated facility, or increase in transmission capacity (e.g., moving from 115 kilovolt to 230 kilovolt).

The term "site selection" shall, in all contexts, be construed to require a 1041 Permit before any grading, earth moving, or other work is done which shall physically affect a specific corridor or facility location.

"Storage area" means any facility, including appurtenant facilities, designed to store eighty million (80,000,000) cubic feet or more of natural or manufactured gas, or thirty-five thousand (35,000) barrels or more of petroleum derivatives, or any expansion or series of expansions of an existing storage facility to accommodate eighty million (80,000,000) cubic feet or more of natural or manufactured gas, or thirty-five thousand (35,000) barrels or more of petroleum derivatives.

"Substation" means any facility designed to provide switching, voltage transmission, or voltage control required for the transmission of electricity at one hundred fifteen (115) kilovolts or more, but does not have as a primary purpose the transformation of voltage to fifty (50) kilovolts or less for distribution purposes.

"Transmission lines" mean any electric transmission line and appurtenant facilities, which transmit electricity at one hundred fifteen (115) kilovolts or more.

F. RELATIONSHIP OF REGULATIONS TO OTHER STATE AND FEDERAL REGULATIONS.

1. Nothing in this Chapter 8 shall be construed as exempting an applicant for a 1041 Permit from any other requirements of the City of Centennial, or other applicable state or federal laws and regulations. In no event shall the approval of a 1041 Permit under this Chapter 8 be considered a representation by the City of Centennial, its staff members or consultants or City Council that the proposed construction, modification or expansion complies with other applicable federal, state or local requirements, nor shall such approval otherwise give rise to any claim against the City of Centennial, its staff members or consultants or City Council members related to the failure of an applicant to comply therewith.
2. To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

G. PROHIBITION ON SITE SELECTION AND CONSTRUCTION OF A MAJOR FACILITY OF A PUBLIC UTILITY WITHOUT A PERMIT.

No person may undertake site selection and construction of a major facility of a public utility within the boundaries of the City of Centennial without first applying for a 1041 Permit in accordance with the procedures set forth in Chapter 3 of these Regulations. The 1041 Permit, if issued, shall be effective only for the period of time specified by the Permit and shall be subject to Chapter 5 of these Regulations.

H. PERMIT APPLICATION PROCEDURE.

Permit applications, notice and conduct of permit hearings, review of City Council decisions, and the issuance of 1041 Permits to engage in the site selection and construction of major facilities of a public utility shall comply with the procedures set forth in Chapters 3 and 5 of the Regulations.

I. SUBMISSION REQUIREMENTS.

In addition to the application materials required by Chapter 3 of these Regulations, an application for a 1041 Permit for site selection and construction of a major facility of a public utility shall contain the items listed below to be considered complete by the Administrator.

1. A sketch or map showing the following:
 - a. If a power plant is proposed, the area within 10 miles from the site.
 - b. For transmission lines or pipelines, provide a map showing all existing transmission lines or pipelines for a distance of two miles beyond any reasonable alternative studied.
2. For upgrades of existing transmission lines, provide a sketch showing all existing transmission lines and pipelines within one mile on either side of the proposed alignment.
3. For all other major facilities of a public utility, provide a sketch showing the area within five miles of the site if another major facility is proposed.
4. Type of facility - specify where applicable:
 - a. The voltages and lengths of transmission lines.
 - b. Power source and generating capacity.
 - c. The functions and sizes of substations.
 - d. For pipeline projects, the diameters and lengths of pipelines.
 - e. The capacities of the storage tanks and types of petroleum derivative to be stored.
 - f. Corridor locations.
 - g. Service area.
 - h. Resource area (e.g., source of power being generated or transmitted, source of petroleum derivative being transported).
 - i. Describe applicable support facilities (e.g., pollution control, parking areas, landscaping, etc.) to be provided.
5. Analysis of nonstructural alternatives to the project such as conservation of energy use, no development or management (different scheduling, conservation programs, facility design, land trades, etc.), if applicable.
6. Analysis of reasonable structural alternatives to the project such as alternate locations and routes, alternative types of facilities, use of existing rights-of-way, joint use of rights- of-way with other utilities and upgrading of existing facilities.

J. WAIVER OF SUBMISSION REQUIREMENTS.

The Administrator may waive any part but not all of the submission requirements imposed by this Chapter 8 upon written petition of the applicant. In considering the requested waiver, the Administrator shall consider:

1. The scope of the site selection proposal;
2. Whether providing the information requested to be waived would be unduly burdensome to the applicant; and
3. Whether, without the information requested to be waived, the application contains sufficient information to allow the City Council to reach a decision on all criteria necessary to issue a permit.

Any waiver granted by the Administrator shall not preclude the City Council from requiring the submission of any additional information or materials related to the site selection proposal that City Council determines is necessary to its review of the 1041 Permit application.

K. ADMINISTRATOR REVIEW.

1. Upon receipt of an application for a permit, the Administrator shall prepare a written report addressing at minimum the following:
 - a. Identification of adverse effects and advantages of each of the alternative locations identified in the application;
 - b. Evaluation of the character and degree of the adverse effects identified above;
 - c. Recommendation of measures that might mitigate the adverse effects identified in a. and b., above.
2. The Administrator's report shall be included among the materials presented to City Council at the Permit hearing.

L. APPROVAL OF PERMIT APPLICATION.

The City Council shall approve an application for a 1041 Permit for site selection and construction of a major facility of a public utility in the City of Centennial only if the proposed construction, modification, or expansion complies with the Regulations, other applicable federal, state, and local guidelines and regulations, and meets all the following guidelines and requirements:

1. All of the provisions of the 1041 Permit application procedures set forth in Chapter 3 of these Regulations and this Chapter 8 have been complied with;
2. If for a power plant project, the proposed natural gas and electric transmission facilities have been identified and included.
3. The facility site or expansion area is not in an area with general meteorological and climatological conditions which would unreasonably interfere with or obstruct normal operations and maintenance.
4. The proposed project will not present an unreasonable risk of exposure to or release of toxic or hazardous substances within the impact area. The determination of effects of the project shall include the following considerations:
 - a. The means by which outdoor storage facilities for fuel, raw materials, equipment, and related items are adequately enclosed by a fence or wall.
 - b. The likelihood of hazardous materials or wastes being moved off the site by natural causes and forces.
 - c. Containment of inflammable or explosive liquids, solids, or gases.
5. The nature and location of the facility or expansion will not unduly interfere with existing easements, rights-of-way, other utilities, canals, mineral claims, or roads.
6. Adequate electric, gas, telephone, water, sewage, and other utilities exist or shall be developed to service the site.
7. The scope and nature of the proposed project will not unnecessarily duplicate existing services within the City.
8. If the purpose and need for the proposed project are to meet the needs of an increasing population within the City, the area and community development plans and population trends clearly demonstrate a need for such development.
9. Wind power plants must meet the following standards.
 - a. All towers must be set back at least 750 feet from property lines and public rights-of-way.
 - b. The wind generator turbines and towers must be painted or coated a non-reflective white, grey, or other neutral color.
 - c. Facilities must not be artificially illuminated unless required by the FAA.
 - d. Facilities must not be used in violation of the City's sign code provisions in the Land Development Code.

- e. Electrical controls must be wireless or underground and power lines must be underground except where the electrical collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.
 - f. Noise generated from the wind power plant must meet the requirements for noise in the Land Development Code.
 - g. The operator of the plant must minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by the plant.
 - h. Towers for wind generators must be constructed of a tubular design and include anti-climb features.
 - i. The facility design must use best practices available to protect wildlife.
10. The siting and design of the proposed location for electrical transmission lines addresses potential levels of electrical and magnetic fields (EMFs) through reasonable efforts. The siting and design of the proposal addresses potential levels of electrical and magnetic fields (EMFs) by exercising "prudent avoidance" to limit exposure.

M. DENIAL OF PERMIT APPLICATION.

The City Council shall deny the permit if the site selection and construction of a major facility of a public utility does not meet all of the criteria set out in Section L of this Chapter 8 to the extent not waived.

N. SUPPLEMENTAL ENFORCEMENT REMEDY.

In addition to any other remedies available to the City, the City shall be entitled to injunctive and other relief to enjoin or restrain any person who has not obtained a Permit under these Regulations as required or who fails to comply with the terms of any Permit issued hereunder.

O. EXEMPTION FROM CHAPTER 8 REQUIREMENTS.

Notwithstanding any other provision of this Chapter 8 to the contrary, City Council may, on its own initiative or upon written request by an applicant, exempt any project(s) otherwise requiring a Permit, from all of the applicable requirements of the Regulations. An exemption may be granted by resolution approved by a majority of the members of the City Council upon a finding that:

- 1. The project, if constructed as proposed, will directly achieve or accomplish an established plan or policy of the City;

2. The project will result in significant and substantial benefits to the City;
3. The application of this Chapter 8 will result in nominal or minimal benefit to the City; and
4. The application of this Chapter 8 will likely result in undue delay, undue expense, or unwarranted burden to the City.

An exemption may also be granted through an agreement between the City and the applicant for certain or all the project(s) otherwise requiring a Permit.

CHAPTER 9. ADDITIONAL PROVISIONS APPLICABLE TO SITE SELECTION OF RAPID OR MASS TRANSIT TERMINALS, STATIONS, AND FIXED GUIDEWAYS

A. DESIGNATION.

The City Council, having considered the intensity of current and foreseeable development pressures at a duly noticed public hearing held in accordance with the City’s 1041 Regulations, hereby designates site selection of rapid or mass transit terminals, stations, and fixed guideways as a matter of state interest.

B. BOUNDARIES OF AREA COVERED BY DESIGNATION.

The site selection of a rapid or mass transit terminal, station, or fixed guideway within the boundaries of the City of Centennial, as the same may change from time to time, shall be subject to this designation and the regulations set forth in the Chapter 3 and this Chapter 9.

C. PURPOSE AND REASON FOR DESIGNATION.

1. The purpose and intent of the designation and regulations contained in this Chapter 9 shall be to:
 - a. Enable and facilitate the local administration of site selection of rapid or mass transit terminals, stations, and fixed guideways 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 Chapter 3 of the Regulations and this Chapter 9;
 - 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. Ensure that the site selection of a rapid or mass transit terminal, station, or fixed guideway is compatible with surrounding land uses;
 - e. Encourage the coordination of electric transmission facilities planning that are in the best interest of the residents of the City;
 - f. Ensure that traffic noise, air, and water pollution remain at acceptable levels; and
 - g. Protect property values.

2. These regulations and the guidelines and requirements contained herein are adopted in furtherance of the authority set forth in Title 24, Article 65.1 of the Colorado Revised Statutes, and the City's home rule powers as authorized pursuant to Article XX of the Constitution of the State of Colorado. To the extent that these guidelines and regulations contain requirements that are more stringent than the requirements of the criteria listed in Section 24-65.1-204, C.R.S., reference is made to the authority set forth in Section 24-65.1-402(3), C.R.S.

D. APPLICABILITY.

1. The regulations set forth in this Chapter 9 shall apply to the site selection of any rapid or mass transit terminal, station, or fixed guideway within the City of Centennial.
2. Any person proposing to undertake site selection of a rapid or mass transit terminal, station, or fixed guideway in the City of Centennial, whether such project is wholly or partially located within the City, shall be required to apply for a 1041 Permit in accordance with the procedures set forth in the Regulations prior to seeking any other permit or other action by the City. If issued, the 1041 Permit shall be effective only for the period of time specified by the Permit.

E. DEFINITIONS.

The following definitions shall apply to this Chapter 9:

"Applicant" means any person, including a local, metropolitan, state or federal entity, proposing to locate, construct, modify or expand a rapid or mass transit terminal, station, or fixed guideway within the City of Centennial.

"Appurtenant facilities" means any building, structure or other property which is incidental to, and customarily found in connection with, a rapid or mass transit terminal, station, or fixed guideway and are operated and maintained for the benefit or convenience of the occupants, employees, customers or visitors of such major facilities.

"Construction, modification, or expansion" means any activity involved in constructing, reconstructing, modifying, or expanding an existing or proposed rapid or mass transit terminal, station, or fixed guideway.

"Facility" means a rapid or mass transit terminal, station, or fixed guideway.

"Fixed guideway" means a transportation facility that uses and occupies a separate right-of-way or rail line for the exclusive use of rapid or mass transit facilities. This includes, but is not limited to, commuter rail, light rail, automated guideway transit, people movers, bus rapid transit and other high occupancy vehicles.

"Impact area" means that area within the region and the City of Centennial which is served or potentially could be served by the proposed rapid or mass transit terminal, station, or fixed guideway.

"Locate" or "location" (as used in this Chapter 9) is synonymous with *select a site for or site selection of a rapid or mass transit terminal, station, or fixed guideway.*

"Mass transit" means a coordinated system of transit modes providing regular transportation for use by the public.

"Rapid Transit" means an element of a mass transit system involving a mechanical conveyance on an exclusive lane or guideway, even temporarily, built or striped for that purpose.

"Shelter" means a building or structure designed primarily to provide a waiting area for mass or rapid transit passengers.

"Site selection" means the identification of a specific location located entirely or partially within the City of Centennial in which:

1. Construction of a rapid or mass transit terminal, station, or fixed guideway is proposed; or
2. Expansion or modification of a rapid or mass transit terminal, station, or fixed guideway.

The term "site selection" shall, in all contexts, be construed to require a 1041 Permit before any grading, earth moving, or other work is done which shall physically affect a specific corridor or facility location.

"Station" and "Terminal" mean a structure or location built to provide and facilitate passenger access to and from a rapid or mass transit system including areas necessary for vehicle operations, and parking areas for commuters and roadways connecting to the adjacent general road and street system. The terms also include any proposed regularly scheduled stop or planned optional or seasonal boarding point on a rapid transit system. Any location serving a mass or rapid transit system with fifty or more parking spaces shall be deemed "stations" for the purposes of these Regulations, with or without a shelter facility. A shelter alone, or as part of traditional bus stop and pull-outs lacking fifty dedicated spaces are not considered "Stations" or "Terminals" for the purposes of these Regulations.

F. RELATIONSHIP OF REGULATIONS TO OTHER STATE AND FEDERAL REGULATIONS.

1. Nothing in this Chapter 9 shall be construed as exempting an applicant for a 1041 Permit from any other requirements of the City of Centennial, or other applicable

state or federal laws and regulations. In no event shall the approval of a 1041 Permit under this Chapter 9 be considered a representation by the City of Centennial, its staff members or consultants or City Council that the proposed construction, modification or expansion complies with other applicable federal, state or local requirements, nor shall such approval otherwise give rise to any claim against the City of Centennial, its staff members or consultants or City Council members related to the failure of an applicant to comply therewith.

2. To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

G. PROHIBITION ON SITE SELECTION OF A RAPID OR MASS TRANSIT TERMINAL, STATION, OR FIXED GUIDEWAY WITHOUT A PERMIT.

No person may undertake site selection of a rapid or mass transit terminal, station, or fixed guideway within the boundaries of the City of Centennial without first applying for a 1041 Permit in accordance with the procedures set forth in Chapter 3 of these Regulations. The 1041 Permit, if issued, shall be effective only for the period of time specified by the Permit and shall be subject to Chapter 5 of these Regulations.

H. PERMIT APPLICATION PROCEDURE.

Permit applications, notice and conduct of permit hearings, review of City Council decisions, and the issuance of 1041 Permits to engage in the site selection of rapid or mass transit terminals, stations, and fixed guideways shall comply with the procedures set forth in Chapters 3 and 5 of the Regulations.

I. SUBMISSION REQUIREMENTS.

In addition to the application materials required by Chapter 3 of these Regulations, an application for a 1041 Permit for site selection of a rapid or mass transit terminal, station, or fixed guideway shall contain the items listed below to be considered complete by the Administrator.

1. A list of alternative corridor locations considered for the facilities. For each alternative corridor location being considered by the applicant, including the preferred alternative, provide the information specified below:
 - a. A general description of the alternatives, with the advantages and disadvantages of the alternatives.
 - b. Location map showing the corridor and general area.
 - c. Corridor location study showing:
 - i. Type and scale of the improvement.
 - ii. Cost estimate.
 - iii. Approximate timetable for construction and right-of-way acquisition.

- d. Demographic information in the impact area:
 - i. Estimated current population number and density.
 - ii. Total employment, occupation types, and major employer locations.
 - iii. Family incomes.
 - iv. Population projections in increments as determined by the applicant and approved by the permit authority, not to exceed a 20-year increment.
 - v. Boundaries of neighborhoods in the impact area.
 - vi. Economic sectors in the service area that will use the facility for shipping materials.
- e. A description of the current and projected need for the alternative.
- f. A description of the impacts of the Proposed Project on accessibility to and from existing public facilities, commercial and industrial facilities and residential areas.
- g. A description of safety hazards which may result from the location of the Proposed Project.
- h. A map(s) of the impact area showing planned, proposed, or expected land use with and without the proposed project.
- i. A discussion of the development potential that would result in the impact area with and without the completion of the Proposed Project. Measure the development potential in terms of: land values, land availability, land-use controls, vacancy rates and indices of accessibility to school/education, utility service, other public and quasi-public services, local and regional amenities and employment opportunities.
- j. A description of the projected number of users of the Proposed Project.
- k. A description of plans for complementing and integrating with other modes of transportation.
- l. A description of plans for relocation of and compensation for homes and businesses.
- m. A map and description of the existing and planned circulation system in the proposed service area, indicating the modes, level of service and any functional problems.

J. WAIVER OF SUBMISSION REQUIREMENTS.

The Administrator may waive any part but not all of the submission requirements imposed by this Chapter 9 upon written petition of the applicant. In considering the requested waiver, the Administrator shall consider:

- 1. The scope of the site selection proposal;

2. Whether providing the information requested to be waived would be unduly burdensome to the applicant; and
3. Whether, without the information requested to be waived, the application contains sufficient information to allow the City Council to reach a decision on all criteria necessary to issue a permit.

Any waiver granted by the Administrator shall not preclude the City Council from requiring the submission of any additional information or materials related to the site selection proposal that City Council determines is necessary to its review of the 1041 Permit application.

K. ADMINISTRATOR REVIEW.

1. Upon receipt of an application for a permit, the Administrator shall prepare a written report addressing at minimum the following:
 - a. Identification of adverse effects and advantages of each of the alternative locations identified in the application;
 - b. Evaluation of the character and degree of the adverse effects identified above;
 - c. Recommendation of measures that might mitigate the adverse effects identified in a. and b., above.
2. The Administrator's report shall be included among the materials presented to City Council at the Permit hearing.

L. APPROVAL OF PERMIT APPLICATION.

The City Council shall approve an application for a 1041 Permit for site selection of a rapid or mass transit terminal, station, or fixed guideway in the City of Centennial only if the proposed construction, modification, or expansion complies with the Regulations, other applicable federal, state, and local guidelines and regulations, and meets all the following guidelines and requirements:

1. All provisions of the 1041 Permit application procedures set forth in Chapter 3 of these Regulations and this Chapter 9 have been complied with;
2. The location is compatible with the City's transportation management plan and other long-range plans;
3. The areas around rapid or mass transit facilities will be administered to:
 - a. Promote the efficient utilization of the rapid or mass transit facility.

- b. Facilitate traffic circulation patterns of roadways serving the mass transit facility.
 - c. Promote development that will include bike and pedestrian paths providing access to the rapid or mass transit facility.
4. Facilities will be appropriately located to attract maximum ridership to the extent feasible and to meet transit needs.
 5. Facilities shall have adequate and safe ingress and egress for all transit modes and to maintenance and transit vehicle operations.
 6. The location of fixed guideways shall maximize joint use of rights-of-way for trails and bikeways and other transportation alternatives.
 7. Facilities shall be designed and located in a manner that will reduce traffic congestion.
 8. The parking areas associated with a terminal or station shall be capable of holding a number of automobiles that equals the number of passengers expected to park at the terminal or station during peak periods.
 9. Access roads to a station or terminal shall be designed and located to accommodate, the maximum number of automobiles anticipated to arrive before the scheduled departure of the mass transit conveyance without causing cars to back up onto the public road serving the facility.
 10. The Manual on Uniform Traffic Control Devices shall apply to safety devices at intersections of a fixed guideway and other transportation corridors.
 11. Facilities shall minimize the effects of noise and vibration on neighboring residential property owners.
 12. Mass transit or rapid transit terminals, stations and fixed guideways shall be located in a coordinated manner with other transportation systems existing or planned.
 13. The location of an exclusive bus lane must be justified by a sufficient ridership level, an effective enforcement plan and no significant increase in traffic congestion.

M. DENIAL OF PERMIT APPLICATION.

The City Council shall deny the permit if the rapid or mass transit terminal, station, or fixed guideway does not meet all of the criteria set out in Section L of this Chapter 9 to the extent not waived.

N. SUPPLEMENTAL ENFORCEMENT REMEDY.

In addition to any other remedies available to the City, the City shall be entitled to injunctive and other relief to enjoin or restrain any person who has not obtained a Permit under these Regulations as required or who fails to comply with the terms of any Permit issued hereunder.

O. EXEMPTION FROM CHAPTER 9 REQUIREMENTS.

Notwithstanding any other provision of this Chapter 9 to the contrary, City Council may, on its own initiative or upon written request by an applicant, exempt any project(s) otherwise requiring a Permit, from all of the applicable requirements of the Regulations. An exemption may be granted by resolution approved by a majority of the members of the City Council upon a finding that:

1. The project, if constructed as proposed, will directly achieve or accomplish an established plan or policy of the City;
2. The project will result in significant and substantial benefits to the City;
3. The application of this Chapter 9 will result in nominal or minimal benefit to the City; and
4. The application of this Chapter 9 will likely result in undue delay, undue expense, or unwarranted burden to the City.

An exemption may also be granted through an agreement between the City and the applicant for certain or all the project(s) otherwise requiring a Permit.

CHAPTER 10. ADDITIONAL PROVISIONS APPLICABLE TO SITE SELECTION OF AIRPORTS

A. DESIGNATION.

The City Council, having considered the intensity of current and foreseeable development pressures at a duly noticed public hearing held in accordance with the City's 1041 Regulations, hereby designates site selection of airports as a matter of state interest.

B. BOUNDARIES OF AREA COVERED BY DESIGNATION.

The site selection of an airport within the boundaries of the City of Centennial, as the same may change from time to time, shall be subject to this designation and the regulations set forth in the Chapter 3 and this Chapter 10.

C. PURPOSE AND REASON FOR DESIGNATION.

1. The purpose and intent of the designation and regulations contained in this Chapter 10 shall be to:
 - a. Enable and facilitate the local administration of site selection of airports 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 Chapter 3 of the Regulations and this Chapter 10;
 - 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. Ensure that the site selection of an airport is compatible with surrounding land uses;
 - e. Encourage the coordination of airport site selection and expansion planning that are in the best interest of the residents of the City;
 - f. Ensure that traffic noise, air, and water pollution remain at acceptable levels; and
 - g. Protect property values.
2. These regulations and the guidelines and requirements contained herein are adopted in furtherance of the authority set forth in Title 24, Article 65.1 of the

Colorado Revised Statutes, and the City's home rule powers as authorized pursuant to Article XX of the Constitution of the State of Colorado. To the extent that these guidelines and regulations contain requirements that are more stringent than the requirements of the criteria listed in Section 24-65.1-204, C.R.S., reference is made to the authority set forth in Section 24-65.1-402(3), C.R.S.

D. APPLICABILITY.

1. The regulations set forth in this Chapter 10 shall apply to the site selection and development of any airport within the City of Centennial.
2. Any person proposing to undertake site selection of an airport in the City of Centennial, whether such project is wholly or partially located within the City, shall be required to apply for a 1041 Permit in accordance with the procedures set forth in the Regulations prior to seeking any other permit or other action by the City. If issued, the 1041 Permit shall be effective only for the period of time specified by the Permit.

E. DEFINITIONS.

The following definitions shall apply to this Chapter 10:

"Applicant" means any person, including a local, metropolitan, state or federal entity, proposing to locate, construct, modify or expand an airport within the City of Centennial.

"Airport" means an area of land used or intended for landing or takeoff of aircraft or helicopters, together with all adjacent land and facilities used or intended for use in connection with aircraft, helicopters, or flight operations, including by way of example, runways, landing pads, storage facilities, fuel storage, operations buildings, and related facilities. The term "Airport" does not include helistops which are limited to specific users or purposes (e.g., a hospital trauma center).

"Construction, modification, or expansion" means any activity involved in constructing, reconstructing, modifying, or expanding an existing or proposed airport.

"FAA" means the Federal Aviation Administration.

"Locate" or "location" (as used in this Chapter 10) is synonymous with *select a site for or site selection of an airport*.

"Site selection" means the identification of a specific location located entirely or partially within the City of Centennial in which:

1. Construction of an airport is proposed; or
2. Expansion or modification of an airport.

The term "site selection" shall, in all contexts, be construed to require a 1041 Permit before any grading, earth moving, or other work is done which shall physically affect a specific corridor or facility location.

F. RELATIONSHIP OF REGULATIONS TO OTHER STATE AND FEDERAL REGULATIONS.

1. Nothing in this Chapter 10 shall be construed as exempting an applicant for a 1041 Permit from any other requirements of the City of Centennial, or other applicable state or federal laws and regulations. In no event shall the approval of a 1041 Permit under this Chapter 10 be considered a representation by the City of Centennial, its staff members or consultants or City Council that the proposed construction, modification or expansion complies with other applicable federal, state or local requirements, nor shall such approval otherwise give rise to any claim against the City of Centennial, its staff members or consultants or City Council members related to the failure of an applicant to comply therewith.
2. To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

G. PROHIBITION ON SITE SELECTION OF AN AIRPORT WITHOUT A PERMIT.

No person may undertake site selection of an airport within the boundaries of the City of Centennial without first applying for a 1041 Permit in accordance with the procedures set forth in Chapter 3 of these Regulations. The 1041 Permit, if issued, shall be effective only for the period of time specified by the Permit and shall be subject to Chapter 5 of these Regulations.

H. PERMIT APPLICATION PROCEDURE.

Permit applications, notice and conduct of permit hearings, review of City Council decisions, and the issuance of 1041 Permits to engage in the site selection of airports shall comply with the procedures set forth in Chapters 3 and 5 of the Regulations.

I. SUBMISSION REQUIREMENTS.

In addition to the application materials required by Chapter 3 of these Regulations, an application for a 1041 Permit for site selection of an airport shall contain the items listed below to be considered complete by the Administrator.

1. A map of the airport and proposed expansion areas. The map should include the location of any appurtenant areas with a key identifying the uses within those areas.
2. A noise contour map.

3. A map and description of land uses within the noise contour map.
4. Map and description of flight patterns.
5. Map of regional airports.
6. Description of the need for the airport, including new facilities for any airport expansion.
7. Description of potential public safety and property issues related to the airport and plane crashes.
8. Description of how the airport will affect existing communities, the environment and existing community services including potential impacts to air and water quality.
9. Description of the expected level of exhaust odor and proposed mitigation.
10. Description of how the airport will affect economic and transportation needs of the City and region.
11. Description of applicable adopted airport plans and whether proposed facilities comply with these provisions.
12. Description of applicable FAA permits and regulations.
13. Copies of applicable FAA permits.

J. WAIVER OF SUBMISSION REQUIREMENTS.

The Administrator may waive any part but not all of the submission requirements imposed by this Chapter 10 upon written petition of the applicant. In considering the requested waiver, the Administrator shall consider:

1. The scope of the site selection proposal;
2. Whether providing the information requested to be waived would be unduly burdensome to the applicant; and
3. Whether, without the information requested to be waived, the application contains sufficient information to allow the City Council to reach a decision on all criteria necessary to issue a permit.

Any waiver granted by the Administrator shall not preclude the City Council from requiring the submission of any additional information or materials related to the site selection proposal that City Council determines is necessary to its review of the 1041 Permit application.

K. ADMINISTRATOR REVIEW.

1. Upon receipt of an application for a permit, the Administrator shall prepare a written report addressing at minimum the following:
 - a. Identification of adverse effects and advantages of each of the alternative locations identified in the application;

- b. Evaluation of the character and degree of the adverse effects identified above;
 - c. Recommendation of measures that might mitigate the adverse effects identified in a. and b., above.
2. The Administrator's report shall be included among the materials presented to City Council at the Permit hearing.

L. APPROVAL OF PERMIT APPLICATION.

The City Council shall approve an application for a 1041 Permit for site selection of an airport in the City of Centennial only if the proposed construction, modification, or expansion complies with the Regulations, other applicable federal, state, and local guidelines and regulations, and meets all the following guidelines and requirements:

1. All provisions of the 1041 Permit application procedures set forth in Chapter 3 of these Regulations and this Chapter 10 have been complied with;
2. The airport will be administered to encourage land use patterns that will limit controllable noise sources from residential and other noise-sensitive areas.
3. The airport will be administered to separate uncontrollable noise sources from residential and other noise-sensitive areas.
4. The airport will not cause the loss of additional development area due to FAA approved flight paths.
5. The airport will be administered to avoid danger to public safety and health, the environment, or to property due to aircraft crashes.
6. The airport will be administered to mitigate negative air quality and odor from aircraft and airport operations.

M. DENIAL OF PERMIT APPLICATION.

The City Council shall deny the permit if the airport does not meet all of the criteria set out in Section L of this Chapter 10 to the extent not waived.

N. SUPPLEMENTAL ENFORCEMENT REMEDY.

In addition to any other remedies available to the City, the City shall be entitled to injunctive and other relief to enjoin or restrain any person who has not obtained a Permit under these Regulations as required or who fails to comply with the terms of any Permit issued hereunder.

O. EXEMPTION FROM CHAPTER 10 REQUIREMENTS.

Notwithstanding any other provision of this Chapter 10 to the contrary, City Council may, on its own initiative or upon written request by an applicant, exempt any project(s) otherwise requiring a Permit, from all of the applicable requirements of the Regulations. An exemption may be granted by resolution approved by a majority of the members of the City Council upon a finding that:

1. The project, if constructed as proposed, will directly achieve or accomplish an established plan or policy of the City;
2. The project will result in significant and substantial benefits to the City;
3. The application of this Chapter 10 will result in nominal or minimal benefit to the City; and
4. The application of this Chapter 10 will likely result in undue delay, undue expense, or unwarranted burden to the City.

An exemption may also be granted through an agreement between the City and the applicant for certain or all the project(s) otherwise requiring a Permit.

CHAPTER 11. ADDITIONAL PROVISIONS APPLICABLE TO SITE SELECTION AND DEVELOPMENT OF SOLID WASTE DISPOSAL SITES

A. DESIGNATION.

The City Council, having considered the intensity of current and foreseeable development pressures at a duly noticed public hearing held in accordance with the City's 1041 Regulations, hereby designates site selection and development of solid waste disposal sites as a matter of state interest.

B. BOUNDARIES OF AREA COVERED BY DESIGNATION.

The site selection and development of a solid waste disposal site within the boundaries of the City of Centennial, as the same may change from time to time, shall be subject to this designation and the regulations set forth in the Chapter 3 and this Chapter 11.

C. PURPOSE AND REASON FOR DESIGNATION.

1. The purpose and intent of the designation and regulations contained in this Chapter 11 shall be to:
 - a. Enable and facilitate the local administration of site selection and development of solid waste disposal sites 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 Chapter 3 of the Regulations and this Chapter 11;
 - 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. Ensure that the site selection and development of a solid waste disposal site is compatible with surrounding land uses;
 - e. Encourage the coordination of planning for site selection and development of solid waste disposal sites that are in the best interest of the residents of the City;
 - f. Ensure that traffic noise, air, and water pollution remain at acceptable levels; and
 - g. Protect property values.

2. These regulations and the guidelines and requirements contained herein are adopted in furtherance of the authority set forth in Title 24, Article 65.1 of the Colorado Revised Statutes, and the City's home rule powers as authorized pursuant to Article XX of the Constitution of the State of Colorado. To the extent that these guidelines and regulations contain requirements that are more stringent than the requirements of the criteria listed in Section 24-65.1-204, C.R.S., reference is made to the authority set forth in Section 24-65.1-402(3), C.R.S.

D. APPLICABILITY.

1. The regulations set forth in this Chapter 11 shall apply to the site selection and development of any solid waste disposal site within the City of Centennial.
2. Any person proposing to undertake site selection of a solid waste disposal site in the City of Centennial, whether such project is wholly or partially located within the City, shall be required to apply for a 1041 Permit in accordance with the procedures set forth in the Regulations prior to seeking any other permit or other action by the City. If issued, the 1041 Permit shall be effective only for the period of time specified by the Permit.

E. DEFINITIONS.

The following definitions shall apply to this Chapter 11:

"Applicant" means any person, including a local, metropolitan, state or federal entity, proposing to locate, construct, modify or expand a solid waste disposal site within the City of Centennial.

"Appurtenant facilities" means any building, structure or other property which is incidental to, and customarily found in connection with, a solid waste disposal site and are operated and maintained for the benefit or convenience of the occupants, employees, customers or visitors of such major facilities.

"Construction, modification, or expansion" means any activity involved in constructing, reconstructing, modifying, or expanding an existing or proposed solid waste disposal site.

"Development" means any construction or modification or expansion which changes the basic character or use of the land on which the construction or activity occurs.

"Impact area" means that area within the region and the City of Centennial which is served or potentially could be served by the proposed solid waste disposal site.

"Locate" or "location" (as used in this Chapter 11) is synonymous with *select a site for or site selection of a solid waste disposal site*.

"Site selection" means the identification of a specific location located entirely or partially within the City of Centennial in which:

- (a) Construction of a solid waste disposal site is proposed; or
- (b) Expansion or modification of a solid waste disposal site.

The term "site selection" shall, in all contexts, be construed to require a 1041 Permit before any grading, earth moving, or other work is done which shall physically affect a specific corridor or facility location.

"Solid waste disposal site" means a site for the disposal of any garbage, refuse, sludge from a waste treatment plant, and any other discarded material including solid, liquid, semisolid, or contained gaseous materials resulting from domestic, industrial, commercial, mining, and agricultural activities.

F. RELATIONSHIP OF REGULATIONS TO OTHER STATE AND FEDERAL REGULATIONS.

1. Nothing in this Chapter 11 shall be construed as exempting an applicant for a 1041 Permit from any other requirements of the City of Centennial, or other applicable state or federal laws and regulations. In no event shall the approval of a 1041 Permit under this Chapter 11 be considered a representation by the City of Centennial, its staff members or consultants or City Council that the proposed construction, modification or expansion complies with other applicable federal, state or local requirements, nor shall such approval otherwise give rise to any claim against the City of Centennial, its staff members or consultants or City Council members related to the failure of an applicant to comply therewith.
2. To the extent that the requirements of these regulations differ from any other applicable requirements, the more restrictive requirements shall apply.

G. PROHIBITION ON SITE SELECTION OF AN SOLID WASTE DISPOSAL SITE WITHOUT A PERMIT.

No person may undertake site selection of a solid waste disposal site within the boundaries of the City of Centennial without first applying for a 1041 Permit in accordance with the procedures set forth in Chapter 3 of these Regulations. The 1041 Permit, if issued, shall be effective only for the period of time specified by the Permit and shall be subject to Chapter 5 of these Regulations.

H. PERMIT APPLICATION PROCEDURE.

Permit applications, notice and conduct of permit hearings, review of City Council decisions, and the issuance of 1041 Permits to engage in the site selection and

development of solid waste disposal sites shall comply with the procedures set forth in Chapters 3 and 5 of the Regulations.

I. SUBMISSION REQUIREMENTS.

In addition to the application materials required by Chapter 3 of these Regulations, an application for a 1041 Permit for site selection of an solid waste disposal site shall contain the items listed below to be considered complete by the Administrator.

1. Identification of the type of solid waste accepted at the proposed site.
2. Identification of all disposal sites accepting similar types of waste within twenty miles of the proposed site.
3. Analysis of capacity of those existing solid waste disposal sites, their remaining life, and the need for a new solid waste disposal site.
4. Report analyzing the wind conditions for the proposed site.
5. Description of potential pollution problems related to the site and how those problems will be mitigated.
6. Description of efforts to recycle waste and conservation practices to be employed at the site.
7. Expected effect and impact on nearby property owners and on current land uses, compared with alternate locations.

J. WAIVER OF SUBMISSION REQUIREMENTS.

The Administrator may waive any part but not all of the submission requirements imposed by this Chapter 11 upon written petition of the applicant. In considering the requested waiver, the Administrator shall consider:

1. The scope of the site selection proposal;
2. Whether providing the information requested to be waived would be unduly burdensome to the applicant; and
3. Whether, without the information requested to be waived, the application contains sufficient information to allow the City Council to reach a decision on all criteria necessary to issue a permit.

Any waiver granted by the Administrator shall not preclude the City Council from requiring the submission of any additional information or materials related to the site selection proposal that City Council determines is necessary to its review of the 1041 Permit application.

K. ADMINISTRATOR REVIEW.

1. Upon receipt of an application for a permit, the Administrator shall prepare a written report addressing at minimum the following:

- a. Identification of adverse effects and advantages of each of the alternative locations identified in the application;
 - b. Evaluation of the character and degree of the adverse effects identified above;
 - c. Recommendation of measures that might mitigate the adverse effects identified in a. and b., above.
2. The Administrator's report shall be included among the materials presented to City Council at the Permit hearing.

L. APPROVAL OF PERMIT APPLICATION.

The City Council shall approve an application for a 1041 Permit for site selection of a solid waste disposal site in the City of Centennial only if the proposed construction, modification, or expansion complies with the Regulations, other applicable federal, state, and local guidelines and regulations, and meets all the following guidelines and requirements:

1. All provisions of the 1041 Permit application procedures set forth in Chapter 3 of these Regulations and this Chapter 11 have been complied with;
2. The site will be developed in accordance with sound conservation practices and emphasizes, where feasible, the recycling of waste materials. Consideration of this criteria shall include, but not be limited to the following:
 - a. Longevity and subsequent use of waste disposal sites.
 - b. Wind conditions.
 - c. The potential problems of pollution inherent in the proposed site.
 - d. The impact on adjacent property owners, compared with alternate locations and alternative land uses.
 - e. Proximity to surface water, groundwater, and groundwater recharge areas.
 - f. Proximity to wildlife habitats and local, state, and federal parks and open space.

M. DENIAL OF PERMIT APPLICATION.

The City Council shall deny the permit if the solid waste disposal site does not meet all of the criteria set out in Section L of this Chapter 11 to the extent not waived.

N. SUPPLEMENTAL ENFORCEMENT REMEDY.

In addition to any other remedies available to the City, the City shall be entitled to injunctive and other relief to enjoin or restrain any person who has not obtained a Permit

under these Regulations as required or who fails to comply with the terms of any Permit issued hereunder.

O. EXEMPTION FROM CHAPTER 11 REQUIREMENTS.

Notwithstanding any other provision of this Chapter 11 to the contrary, City Council may, on its own initiative or upon written request by an applicant, exempt any project(s) otherwise requiring a Permit, from all of the applicable requirements of the Regulations. An exemption may be granted by resolution approved by a majority of the members of the City Council upon a finding that:

1. The project, if constructed as proposed, will directly achieve or accomplish an established plan or policy of the City;
2. The project will result in significant and substantial benefits to the City;
3. The application of this Chapter 11 will result in nominal or minimal benefit to the City; and
4. The application of this Chapter 11 will likely result in undue delay, undue expense, or unwarranted burden to the City.

An exemption may also be granted through an agreement between the City and the applicant for certain or all the project(s) otherwise requiring a Permit.