

Board of Trustees Regular Meeting Agenda

May 16, 2023 ~ 6:30 pm

Remote Meeting using the Zoom Platform Meeting ID: 837 7930 8695 Passcode: 055200
<https://us02web.zoom.us/j/83779308695?pwd=djg1YlQwVFpkYmw4aHZERDUvb3BEQT09>

If you would like to address The Board of Trustees at this meeting, please place your name on the sign-up sheet or indicate that through the chat function on the online Meeting Platform. You will be recognized to speak during the "Public Comment" portion of the agenda. Discussion is limited to 5 minutes and please state your name and address your comments to the Board. Thank you for your cooperation.

Also, please silence your phones and do not use them during the meeting out of consideration for your Board Members and Staff who are presenting information during the meeting.

1. **Call Meeting to Order**
2. **Roll Call** – The Empire Board of Trustees requires a simple majority of four trustees present at the meeting for a quorum.
3. **Approval of Agenda**
4. **Approval of Consent Agenda:**
 - a. Minutes April Supplemental Meeting
 - b. Minutes April Regular Meeting
5. **Convene as Liquor Licensing Board:**
 - a. **Renewal for Guanella Pass Brewing Company, LLC**
 - i. Report from Chief Lorenz
 - ii. Report from Clerk Piel
6. **Annexation for Harmony Domes Public Hearing:**
 - a. Annexation Process and Documentation from Clerk Piel
 - b. Harmony Domes Presentation from Vasyi Kostiuk
 - c. Planning Commission Recommendation on Eligibility from Chair Sally Rush
 - d. Staff Report from Clerk Piel
 - e. Discussion by Board of Trustees
 - f. PUBLIC HEARING
 - g. Resolution 23-04: A Resolution of The Town of Empire, Colorado Making Findings of Facts and Conclusions Upon the Petition for Annexation of Harmony Domes to The Town of Empire
 - h. Next Steps from Clerk Piel
7. **Letters of Intent for the Board of Trustees:**
 - a. **Jacob Belcher**
 - b. **Randy Horning**
8. **Letter of Intent for the Planning Commission:**
 - a. **Lon Fulton**
9. **Reports:**
10. **Public Comment:** Public comment is limited to 5 minutes per person. The Board does not respond to questions during this time. For operational questions, please email the clerk.
11. **New Business from Board of Trustee Members:**
12. **The Next Board of Trustees Supplemental Meeting and Training Workshop is May 30th, 2023, at 6:30 pm. In-person with remote access.**
13. **The Next Board of Trustees Regular Meeting is June 20th, 2023, at 6:30 pm. In-person with remote access.**

14. Adjourn Meeting

Wendy Koch
(Mayor Wendy Koch)

J Piel
(Town Clerk Jeannette Piel)

TOWN OF EMPIRE
30 East Park Avenue –P.O. Box 100 Empire CO 80438-0100
303/569-2978 – 303/569-2282 fax

Board of Trustees Regular Meeting
May 16, 2023

1. Call to Order

The meeting was called to order at 6:32 PM.
The meeting was held in person and through Zoom.

2. Roll Call

Present: Mayor Wendy Koch, Mayor Pro-Tem Linda Robertson, Trustee Denise Tennant, Trustee Susan Owen, Trustee Lorrain Singmaster, Police Chief Andrew Lorenz, Attorney Brandon Dittman, Town Clerk Jeannette Piel.
A quorum was present at the meeting.

3. Approval of Agenda

TRUSTEE ROBERTSON MOTIONED TO APPROVE THE AGENDA FOR MAY 16, 2023, TRUSTEE OWEN PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

4. Approval of Consent Agenda:

- a. Minutes April Supplemental Meeting
- b. Minutes April Regular Meeting

TRUSTEE OWEN MOTIONED TO APPROVE THE APRIL 4TH AND APRIL 18TH 2023, MEETING MINUTES, TRUSTEE TENNANT PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

5. The Board adjourned as the Board of Trustees and convened as the Liquor Licensing Board.

TRUSTEE TENNANT MOTIONED TO ADJOURN AS THE BOARD OF TRUSTEES AND CONVENE AS THE LIQUOR LICENSING BOARD, TRUSTEE ROBERTSON PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

Liquor Licensing Board:

- a. **Vote to approve the Renewal of the Local Liquor License for Guanella Pass Brewing Company.**

Chief Lorenz informed the board he had no findings. Clerk Piel reported Town Invoices were current. Public Hearing was open and closed with no comment.
TRUSTEE ROBERTSON MOTIONED TO APPROVE THE RENEWAL OF THE LOCAL LIQUOR LICENSE FOR GUANELLA PASS BREWING COMPANY, TRUSTEE TENNANT PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The Board adjourned as the Liquor Licensing Board and reconvened as the Board of Trustees.

TRUSTEE TENNANT MOTIONED TO ADJOURN AS THE LIQUOR LICENSING BOARD AND RECONVENE AS THE BOARD OF TRUSTEES, TRUSTEE OWEN PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

6. Annexation for Harmony Domes Public Hearing:

- a. Annexation Process and Documentation from Clerk Piel
- b. Harmony Domes Presentation from Vasyl Kostiuk
- c. Planning Commission Recommendation on Eligibility from Chair Sally Rush.
Chair Sally Rush read the recommendation from December 12, 2022. See Attachment.
- d. Staff Report from Clerk Piel
Clerk Piel read the staff report. See Attachment.
- e. Discussion by Board of Trustees:
 - Linda Robertson – Who are the compliance officials of the Town’s water? (Clerk Piel: Ramey Environmental.)
- f. PUBLIC HEARING
 - Frank Mauracher – How did we produce the calculation for water and sewer usage of three residential homes for all ten domes? (Clerk Piel: Ramey took vacation behaviors for flow expectations.)
 - Year-round vacation flow? (Clerk Piel: Yes) (Trustee Tennant: In the end the water will be metered, and they will pay by usage.)
 - They will be paying for three residential water and sewers? (Attorney Brandon Dittman: This is an estimate and yes, this is a common practice for this type of facility.)
 - Who tells the Town when usage is higher? (Trustee Tennant: The developers engineer.) (Attorney Brandon Dittman: The Town will verify this.)
 - Will this affect our water? (Attorney Brandon Dittman: Relevant question you are asking. Our professionals have determined the Town can manage this addition.)
 - How will I see this information? (Clerk Piel: Online and at Town Hall once in public record.)
 - Sally Rush – What is the zoning classification and is it in the ordinance? (Clerk Piel: It will be a separate ordinance for zoning.)
 - Is the Town responsible for the C-DOT permit? (Mayer Wendy and Trustee Tennant: It is an access permit.)
 - Robin Raulf-Sager – Have you done a study on the staffing challenges? (Vas: We will look at options for employment. I have family members that will stay there and assist if I cannot find employees.)
 - Eileen Wheelock – If we annex land and Vas changes his plans, is the property still annexed? (Attorney Brandon Dittman: Yes, they are still responsible for it.)
 - Are there ten domes and twenty parking spots? (Vas: Yes. Clerk Piel: They have twenty-two parking spaces on their own property.)
 - C-DOT needs to look at the access egress, it is a dangerous spot.

- Andre Suissa - Does the Town have lodging tax? (Clerk Piel: No. The county does and we do receive some benefit from this.)
 - This additional tax will help cover water and sewer expenses.
 - Randy Horning – Is there ADA unit and parking? (Eric Burtzlaff: Yes, there will be one.)
- g. **Resolution 23-04: A Resolution of The Town of Empire, Colorado Making Findings of Facts and Conclusions Upon the Petition for Annexation of Harmony Domes to The Town of Empire.**

TRUSTEE LINDA ROERTSON MOTIONED TO APPROVE A RESOLUTION OF THE TOWN OF EMPIRE, COLORADO MAKING FINDINGS OF FACTS AND CONCLUSIONS UPON THE PETITION FOR ANNEXATION OF HARMONY DOMES TO THE TOWN OF EMPIRE, TRUSTEE OWEN PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

Resolution 23-04 is effective immediately.

h. **Next Steps from Clerk Piel**

The next step for Harmony Domes is to submit building plans to the Planning Commission.

7. Letters of Intent for the Board of Trustees:

a. **Jacob Belcher**

Mr. Belcher read his letter of intent.

A roll call vote for Jacob Belcher was completed. Mr. Belcher was welcomed to the Board of Trustees.

b. **Randy Horning**

Mr. Horning read their letters of intent.

A roll call vote for Randy Horning was completed. Mr. Horning was welcomed to the Board of Trustees.

MR. BELCHER AND MR. HORNING STOOD AND RECITED THE OATH OF OFFICE.

8. Letter of Intent for the Planning Commission:

a. **Lon Fulton**

Mr. Fulton read his letter of intent.

Mayor Wendy Koch appointed Lon Fulton to the Empire Planning Commission. Mr. Fulton was welcomed to the Empire Planning Commission.

9. Reports:

a. Mayor: (CCEDC, CDOT, CCFA)

- i. Mayor Wendy explained that the discoloration in the water is not hazardous to the health of the residents and to flush out all faucets for five minutes to clear pipes.

b. Police:

- i. Code Enforcement and Town Clean-Up activities will start this Month, with a clean-up day scheduled this summer (Saturday, June 17th) with dumpsters to help residents get rid of unwanted items that are too large for your regular trash service. **WE WILL BE ISSUING CODE VIOLATION WARNINGS STARTING NEXT WEEK.** If you receive one, you will have one month to comply before citations are issued.
 - ii. You can always pick up a Voluntary Statement Form at any Town meeting if you have a complaint to pass along to the Police Department.
- c. Events:
 - iii. May 17th, Lyle Wohler's Law Enforcement Awards and Luncheon. The Administrative Office will be closed on Wednesday, May 17th, as Empire is hosting this event for the County this year.
 - iv. **DATE CHANGE** June 10th, "Well Done" Picnic for the Town of Empire. This is a thank you to all the people who helped our Town last year during the water emergency, and a celebration of the new Well that was completed this Spring. **EVERYONE IN TOWN IS INVITED!** Save the date in your calendar and plan to join us in Minton Park that Saturday. We will have more details to come.
 - v. June 17th, Town Clean-Up Day. We will have four roll-off dumpsters in the parking lot by Minton Park on Saturday morning from 9 am till noon, or until the dumpsters are full so plan to come early! No mattresses, tires, or large electronics. This is a great opportunity to get rid of large items that do not fit in your residential trash container or debris from your yard clean up.
- d. Admin:
 - vi. May 1st through May 25th – The Dog Park is closed for maintenance. We close the Dog Park every year for the month of May to add soil amendments to keep the area healthy. Thank you to all our Dog Park regulars who keep the area clean all throughout the year. We will open the park on the Thursday before Memorial Day Weekend.
 - vii. Military Flag Tribute – the Military Flags will be going up on the Visitor Center in time for Memorial Day Weekend.
 - viii. Street of Flags – The International Flags will be installed in early June, and this year we will be using metal flag poles.
 - ix. Flower Program – The flowers will be planted and hung in mid-June. We will be adding more planter barrels this year along Park Avenue. We are eager to see the colorful display again this Spring.
- e. Planning Commission:
 - x. All Planning Commission meetings are in-person with remote access.
 - xi. The Subdivision Workshop Meeting will be held on Wednesday, May 24th, 2023, at 6:30 pm.
 - xii. The Regular Meeting and Variance Public Hearing will be held on Wednesday, May 31st, 2023, at 6:30 pm.

10. Public Comment:

- Frank Mauracher – What are the plans to fix the road due to the water main break on Freeman Street?
 - When is the Welcome Park getting cleaned up?
 - Are the concrete barriers ours?
 - Alley by Jane's – can the Town dig so that the water drains into the creek?
 - When will I get answers to these questions?
- Robin Raulf-Sager – Remind Town employees to respect the speed limit on North Main. It is 15 MPH.

11. New Business from Board of Trustee Members:

No New Business

12. The Next Board of Trustees Regular Meeting is June 20th, 2023, at 6:30 pm. In-person with remote access.

13. Adjourn Meeting

TRUSTEE TENNANT MOTIONED TO ADJOURN THE MEETING, TRUSTEE ROBERTSON PROVIDED THE SECOND, CLERK PIEL CONDUCTED A ROLL CALL VOTE, ALL WERE IN FAVOR, MOTION PASSED.

The meeting was adjourned at 8:14 PM.

Wendy Koch
(mayor)

J Piel
(town clerk)

Annexation Documents

01 Annexation Petition & Affidavit of Circulator

02 Letter to Adjoining Property Owners

03 Pre-Annexation Checklist for PC for Findings of Eligibility

04 Annexation Impact Report

05 Staff Evaluation

06 Pre-Annexation Checklist for Board of Trustees to Determine Fees

07 Annexation Fee Agreement

08 Impact Fee Agreement

09 PC Recommendation for Findings of Eligibility to Present to BOT

10 Pre-Annexation Agreement Completed and Signed

11 Resolution of Intent to Annex: Initiate Annexation Proceedings,
Petition in Substantial Compliance, Set Public Hearing

12 Notice to BOCC

13 Public Hearing

14 Resolution of Eligibility (Optional)

15 Resolution of Findings of Fact & Conclusion

16 Annexation Agreement Completed and Signed

17 Annexation Ordinance

18 Zoning Ordinance

Empire Planning Commission recommendation to Town Board - Harmony Domes Pre-Annexation

December 12, 2022

Empire Board of Trustees
ATTN: Wendy Koch, Mayor
Empire, CO 80438

CC: Town Clerk, members of the Empire Planning Commission and Zoning Officer

RE: Recommendation to the Board of Trustees
Empire Planning Commission attests completion of
pre-annexation application
Harmony Domes 433 Park Avenue, Empire CO (4.36 Acres)

Mayor Koch:

Please forward this recommendation to the Empire Board of Trustees to continue the Petition for Annexation from Vasyl Kostiuik, property owner, of 4.36 Acres adjacent to Empire property 433 Park Avenue, Empire, CO. The Empire Planning Commission recommends that the Empire Board of Trustees accepts the Pre-Annexation Findings of Eligibility on the above referenced parcel including the pre-annexation checklist, petition, maps, and documents. The Planning Commission attests that the application is complete and accurate.

The Empire Planning Commission recommends to the Empire Board of Trustees that the area of Highway 40 accesses and intersections from Highway 40 at the easterly Town boundary going west through the intersection of Ball Street and Highway 40 (E. Park Avenue) is an area of concern. The Planning Commission recommends that traffic flow, visibility, and parking issues in this area be addressed.

The Planning Commission recommends to move parking back from the intersections in this area to ensure safety and visibility.

Respectfully Submitted,
Sally Rush, Planning Chair
Empire Planning Commission
tel 720-361-9725

TOWN OF EMPIRE
30 East Park Avenue –P.O. Box 100 Empire CO 80438-0100
303/569-2978 – 303/569-2282 fax

Annexation Staff Evaluation for Harmony Domes
(Article X, Section 5, Page 91)
(for parcels larger than ten acres)

Petitioner

Vasyl Kostiuk – Harmony Domes
Mailing Address: 5020 Acoma St. Denver, CO 80216
Phone: 720-702-3663
Email: CustomerService@HarmonyDomes.com

Property Location

The subject property currently consists of multiple mining claims addressed at 433 East Park Ave, Empire CO 80438. The subject property consists of Heckla, Emma, Gold Dust, Butte, and Cambrian mining claims as well as a portion of tract with section 28. A full legal description is included in the Petitioners Impact Report.

Physical Impact Report

What are the existing and proposed land use patterns in the areas to be annexed?

The proposed development for Harmony Domes will be at the East edge of the Town. There is one commercial property adjacent to the West, a mixed-use complex across the Hwy to the South, and the remaining land to the East and North are vacant. This development's proposed land use is in line with the existing land use patterns.

What are the existing districts within the area to be annexed?

The buildable area of the land to be annexed is adjacent to and across from Residential Commercial (RC) zoning. This development's proposed zoning is in line with the existing zoning. The zoning classification will be recommended within the Annexation Ordinance. (or) The zoning classification will be recommended within a separate Zoning Ordinance concurrent with the Annexation Ordinance.

What are the impacts of annexation on the local school district systems?

This development is intended to be short-term vacation rentals. There may be a permanent on-site employee. This development will have little to no impact on the local school district system.

What is the impact on the Town of Empire's municipal services within the area to be annexed?

The 10 proposed domes will have an estimated water/sewer usage equal to three residential single-family homes. We have determined appropriate impact fees for our infrastructure of either \$30,000 if no additional taps are required, or \$42,000 to cover additional commercial taps. Tap fees were locked in 2022 for this project. The determination for an additional commercial tap will be recommended within the development process.

Attach a map of the Town of Empire and adjacent area showing boundaries and utilities:

See maps in the Petitioners Impact Report.

The project will also comply with the current Town of Empire Comprehensive Master Plan: Lighting will comply with Dark Sky recommendations for minimal lighting which is hooded to only shine down in the intended direction. The developer is asking the Town Board for recommendations on the color of the Domes to compliment the surrounding area. Beyond Town limits, this property is surrounded by Town of Empire Public Use Land, and Clear Creek County Sheep Keep, therefore the area is in keeping with the Three-Mile directive to maintain a significant amount of open space bordering the Town.

The current plans have been evaluated and conditionally approved by Ramey Environmental Compliance for water/sewer system capacity, JVA Consulting Engineers for conformance with typical municipal engineering standards and best practices, and CCFA for roadway and emergency services access. Further details will be evaluated in the Development Process and all additional recommendations must be met at that time.

Land Dedication

The shared entryway off of Hwy 40 will be dedicated to the Town of Empire, and the Town will assume responsibility for maintenance for the shared entry to Harmony Domes and a Town Welcome Park. The Town will grant an easement to Harmony Domes for ingress/egress through the shared entryway.

The unattached segment of Gold Dust (Eastern end of segment) will be dedicated to the Town of Empire. A survey must be completed to identify these parcels appropriately and deed them to the Town of Empire. The unattached segment to the North of the main parcel will be dedicated to Clear Creek County, to be included in the surrounding Sheep Keep, and will not be part of this Annexation Agreement with the Town of Empire but will be an administrative subdivision with Clear Creek County. See attached maps.

The Town has received all the proper documentation:

Annexation Petition & Affidavit of Circulator
Letters to Adjoining Property Owners
Pre-Annexation Checklist for PC for Findings of Eligibility
Annexation Impact Report from petitioner
Staff Evaluation
Pre-Annexation Checklist for Board of Trustees to Determine Fees
Annexation Fee Agreement and Payment
Impact Fee Agreement
PC Recommendation for Findings of Eligibility to Present to BOT
Pre-Annexation Agreement Completed and Signed
Resolution of Intent to Annex: Initiate Annexation Proceedings,
Petition in Substantial Compliance, Set Public Hearing
Notice to BOCC
Notice of Public Hearing for Four Consecutive Weeks
Public Comments from all Planning Commission and Board of Trustees meetings since the introduction of the Petition

Pursuant to Ordinance 170, Town Staff will testify as to:

- 12.2.1 The validity of the surveys and legal descriptions of annexation maps;
- 12.2.2 The 1/6 boundary contiguity requirement;
- 12.2.3 No land held in identical ownership divided except with the consent of the land owners;
- 12.2.4 No tract, twenty acres or more without consent of land owners;
- 12.2.5 The entire width of perimeter streets or alleys will be annexed;
- 12.2.6 No proceedings are pending to annex the land to another municipality;

Town of Empire
30 East Park Avenue – P.O. Box 100 Empire CO 80438-0100
303/569-2978 – 303/569-2282 fax

Annexation Fee Agreement
(Article X, Page 93)

To: Harmony Domes – Vasyl Kostiuk
From: Town of Empire
Re: Annexation Fees

November 22, 2022

Concerning the property described as: The Emma, Butte, & Heckla Lodes, M.S. No. 15847; the Cambrian Lode, M.S. No. 12083; the Gold Dust Lode, M.S. No. 1699A; and Various Government Lots Within Section 28, T3S, R74W, 6th P.M., County of Clear Creek, State of Colorado.

The Empire Board of Trustees has evaluated the Annexation Petition from Harmony Domes and all the supplementary documents to determine the Annexation Fees to be included in the Pre-Annexation Agreement, with the requirement that the Annexation Fees be paid prior to final approval of the Pre-Annexation Agreement.

The Town of Empire requests a deposit of \$10,000.00 to cover the following evaluation cost estimates:

\$500	Set Annexation Fee
\$250	Set Zoning Change Fee
\$2500	Attorney
\$6250	Consultants (Engineer, Surveyor, Water/Sewer Operator, Fire/EMS, Road & Bridge)
\$100	Staff
\$250	Publication
\$50	Filings & Mailings
\$100	Miscellaneous

The Town of Empire reserves the right to charge additional Annexation Fees if the total cost exceeds the deposit amount. If the total cost is less than the deposit amount, the unused funds will be returned to Harmony Domes after execution of the Annexation Agreement, or the withdrawal of the Annexation Request.

This Annexation Fee Agreement will be listed as one of the requirements in the Harmony Domes Pre-Annexation Agreement. Please sign and return a copy of this letter as written confirmation that you agree to the amount of the deposit.

Thank you and we look forward to the next step in the Annexation Process.



Mayor Wendy Koch



Attest: Town Clerk Jeannette Piel



Vasyl Kostiuk, Harmony Domes

Town of Empire
30 East Park Avenue – P.O. Box 100 Empire CO 80438-0100
303/569-2978 – 303/569-2282 fax

Impact Fee Agreement
(Article X, Page 93)

To: Harmony Domes – Vasyl Kostiuk
From: Town of Empire
Re: Impact Fees

November 22, 2022

Concerning the property described as: The Emma, Butte, & Heckla Lodes, M.S. No. 15847; the Cambrian Lode, M.S. No. 12083; the Gold Dust Lode, M.S. No. 1699A; and Various Government Lots Within Section 28, T3S, R74W, 6th P.M., County of Clear Creek, State of Colorado.

The Empire Board of Trustees has evaluated the Annexation Petition from Harmony Domes and all the supplementary documents to determine the Impact Fees to be included in the Pre-Annexation Agreement and the Final Annexation Agreement, with the requirement that the Impact Fees be paid after execution of the Final Annexation Agreement at the same time as any Development, Building, and/or Infrastructure Fees as required by the construction process.

The impact from increased traffic will be mitigated by the land dedication/donation from Harmony Domes to the Town of Empire for the shared ingress/egress onto Hwy 40. The details of this land dedication/donation are still being negotiated.

The impact to Emergency Services from Clear Creek Fire Authority, Clear Creek EMS, Clear Creek Sheriff's Department, and the Empire Police Department will be mitigated by Harmony Domes adhering to the road construction and parking guidelines given by Chief Kelly Babeon with CCFA.

The impact to road construction, maintenance, and plowing on the future North Avery Street will be mitigated by Harmony Domes adhering to the CCC Road & Bridge guidelines during road construction.

The impact to storm drainage will be mitigated by the appropriate engineering designs that must be approved with the Final Annexation Agreement.

The impact to the Town's Water & Sewer Facilities will be mitigated in one of two ways. 1) If the engineering designs conclude that an additional water/sewer tap is not required, the impact fee will be \$30,000.00 to go toward future improvements of the water/sewer infrastructure. Or 2) If a commercial water/sewer tap is required, the total tap fee will be \$42,000.00 (\$21,000.00 Water Tap, \$21,000.00 Sewer Tap), and no additional Impact Fee will be required. Taps fees automatically go toward future improvements of the water/sewer infrastructure. Water meters and inspection fees are separate and will be included in the construction phase.

This Impact Fee Agreement will be listed as one of the requirements in the Harmony Domes Pre-Annexation Agreement, and the Harmony Domes Final Annexation Agreement. Please sign and return a copy of this letter as written confirmation that you agree to the amount of the Impact Fees.

Thank you and we look forward to the next step in the Annexation Process.



Mayor Wendy Koch



Attest: Town Clerk Jeannette Piel

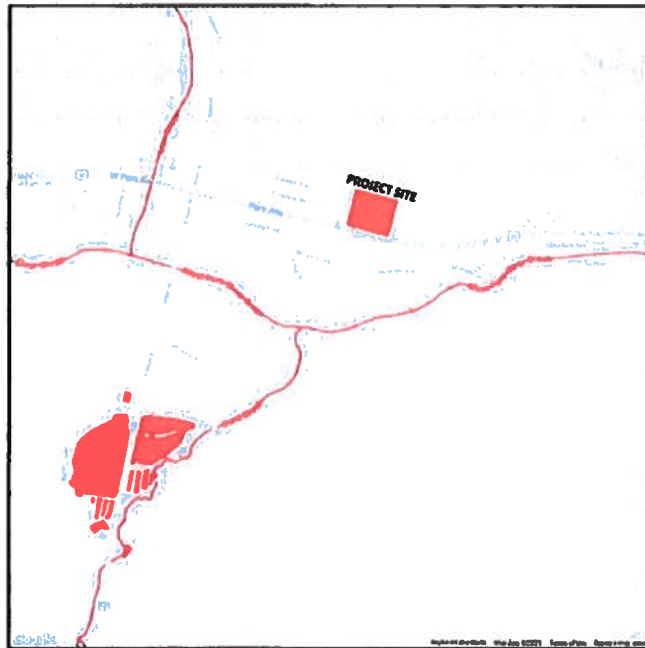


Vasyl Kostiuk, Harmony Domes



ANNEXATION IMPACT REPORT

HARMONY DOMES
433 PARK AVE, EMPIRE, CO



PREPARED BY
ERICA ENGELHARD, EI
SENIOR PROJECT ENGINEER
RAPTOR CIVIL ENGINEERING

REVIEWED BY
ERIC BURTZLAFF, PE
PRINCIPAL
RAPTOR CIVIL ENGINEERING

DATE: 8/16/2021
JOB: 21-36

Westminster, CO 80031
720.774.7736
www.raptor-civil.com



1. INTRODUCTION

RCE has prepared the following Annexation Impact Report for Harmony Domes located at 433 Park Ave, Empire, Colorado.

This report will demonstrate that Harmony Domes is meeting the Town's Annexation requirements prior to the project's hearing date.

A. LOCATION

The subject property currently consists of multiple mining claims addressed at 433 Park Ave, Empire, Colorado. The subject property consists of the Heckla, Emma, Gold Dust, Butte, and Cambrian mining claims as well as a portion of tract within section 28 which is a total of 683,148 square feet or 15.68 acres. A portion of the property and the claims listed above are currently located within unincorporated Clear Creek County.

The property is largely undeveloped except for an existing commercial building which is to remain.

The subject site is bordered to the West by Downstream Adventure Rafting, and the South by Park Avenue (US Highway 40).

The subject site is located within the Section 28, Township 3 South, Range 74 West of the 6th Principal Meridian within the Town of Empire, Colorado.

B. DESCRIPTION OF PROPERTY

Existing Land Use Pattern

The subject site, which is 15.68 acres, has an existing land use pattern of Residential – Commercial (R-C). Please refer to the Zoning Map in **Appendix A**. The existing commercial building on site shall remain with this development.

Proposed Land Use Pattern

This development proposes to keep the existing land use pattern of Residential - Commercial since its proposed use of short-term lodging is consistent with this land use's definitions.

The project proposes to construct 10 domes on raised steel platforms which will serve as short-term housing. The existing building will be used as an amenity space. A 12-foot emergency access drive will also be provided off A Street. Please refer to the Site Plan in **Appendix B**.



APPENDIX A: EMPIRE ZONING MAP



APPENDIX B: SITE PLAN



APPENDIX C: DEDICATION EXHIBIT

Fiscal Impact Report Empire City
HD Stays

New Residential	Average Value per Unit	Incremental Units	Estimated New Valuation
Property Cost	\$ 400,000.00		\$ 600,000.00
Standard Stay	\$ 87,500.00	5.00	\$ 437,500.00
Premium Stay	\$ 122,500.00	5.00	\$ 612,500.00
Total New Property Value			\$ 1,650,000.00

Avg Value per unit \$ 165,000.00

New Non-Residential Square Foot and Value

Retail	\$350	100	\$ 35,000.00
Office	\$125	275	\$ 34,375.00
Industrial	\$85	375	\$ 31,875.00
Total Non-Residential Value			\$ 101,250.00

TOTAL NEW Valuation

New Residential	\$ 1,650,000.00
New Non-Residential	\$ 101,250.00
TOTAL NEW VALUATION	\$ 1,751,250.00

Estimated New Property Tax

1% Property Tax Levy of New Valuation \$ 17,512.50

Average City Allocation of 1% Property Tax times 18%
Estimated New City Property Tax \$ 3,152.25

Estimated New Property Tax in Lisu VLF

New Assessed Valuation in Millions \$ 1,751.20

Increase in Property Tax VLF per Million Dollars

Estimated New Property Tax in VLF

Incremental Taxable Sales

	Taxable Sales per Square Foot	
Residential	\$210	\$ 1,050,000.00
Retail (America's Finest)	\$325	\$ 32,500.00
Recreation	\$133	\$ 49,875.00
General Visitor / Merch	\$54.55	\$ 15,001.25
TOTAL Retail Taxable Sales		\$ 1,147,376.25
Industrial	\$85	\$ 31,875.00
TOTAL Taxable Sales		\$ 1,179,251.25

Onsite Sales and Use Tax

Sales Tax (@5% of taxable sales) \$ 58,962.56
Road Maintenance and Snow Removal for North Avery and Pioneer \$ 5,000.00
Use Tax (@ 12.0% of sales tax) \$ 7,075.51

TOTAL Onsite Sales and Use Tax \$ 71,038.07

RESOLUTION 23-04

A RESOLUTION OF THE TOWN OF EMPIRE, COLORADO MAKING FINDINGS OF FACTS AND CONCLUSIONS UPON THE PETITION FOR ANNEXATION OF HARMONY DOMES TO THE TOWN OF EMPIRE

WHEREAS, on May 12, 2021, a petition for annexation was filed with the Town Clerk of the Town of Empire, Colorado, and a request was made that the Board of Trustees of the Town of Empire, Colorado commence proceedings to annex to the Town a certain unincorporated parcel of land located in Clear Creek County, Colorado and described in **Exhibit A**; and

WHEREAS, on April 4, 2023, the petition for annexation was determined to be in substantial compliance with the requirements of C.R.S. § 31-12-107(1), with approval of Resolution 23-03; and

WHEREAS, on April 4, 2023, the Board by Resolution 23-03 found the petition for annexation to be in substantial compliance with the requirements of the Municipal Annexation Act of 1965, C.R.S. § 31-12-101 et seq.; and

WHEREAS, by Resolution 23-03 the Board set May 16th, 2023 at 7:00 PM in Town Hall, as the time and place for holding a hearing upon the annexation petition, for the purpose of determining and finding whether the parcel of land proposed to be annexed meets the applicable requirements of C.R.S. § 31-12-104 and 31-12-105 and is considered eligible for annexation; and

WHEREAS, the Town Clerk gave notice of the hearing to be held upon the petition for annexation by causing notice thereof to be published on April 13th, April 20th, April 27th, and May 4th, 2023 in the Clear Creek Courant, a newspaper of general circulation in the area proposed to be annexed; and

WHEREAS, a hearing was held on May 16th, 2023, where evidence and testimony were heard pertaining to the purpose of this annexation, at the conclusion of which the Board considered the evidence and testimony so introduced, and by the Resolution sets forth its findings of fact and conclusions based thereon.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF EMPIRE, COLORADO THAT:

Section 1. The finding of fact and conclusions based upon the evidence and testimony received at the hearing held upon the petition for annexation as set forth above are as follows:

1. The requirements of C.R.S. § 31-12-104 exist or have been met, including without limitation, the following:

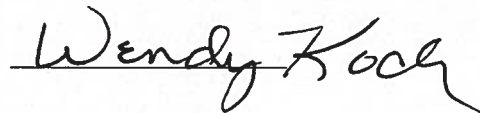
- a. Not less than 1/6th of the perimeter of the parcel of land proposed to be annexed are contiguous with the Town of Empire, Colorado.
 - b. A community of interest exists between the parcel of land described in Exhibit A hereof and the Town of Empire, Colorado.
 - c. The area proposed to be annexed is urban or will be urbanized in the near future.
 - d. The area proposed to be annexed is integrated with or is capable of being integrated with the Town of Empire, Colorado.
 - e. No election for annexation of the parcel of land to the Town of Empire, Colorado has been held in the preceding twelve months.
2. The requirements of C.R.S. § 31-12-105 exist or have been met, including without limitation, the following:
- a. In establishing the boundaries of the parcel of land proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts of real estate:
 - i. Has been divided into separate parts or parcels without the written consent of the landowner or landowners thereof unless such tracts or parcels are separated by a dedicated street, roadway, or other public way; or
 - ii. Comprises twenty acres or more together with buildings and improvements situated thereon having a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the year preceding the proposed annexation.
 - b. No annexation proceedings have been commenced for the annexation to a municipality other than the Town of Empire, Colorado of all or part of the parcel of land proposed to be annexed.
 - c. The annexation proposed in the petition will not result in the detachment of the parcel of land from any school district and the attachment of the same in another school district.
 - d. The annexation proposed in the petition will not have the effect of extending the municipal boundary of the Town of Empire, Colorado more than three miles in any direction from any point on the current municipal boundary of the Town.
3. The signers of the petition for annexation are the owners of one hundred percent of the parcel of land proposed to be annexed, exclusive of public streets and alleys.
4. The annexation to the Town of Empire, Colorado of the parcel of land proposed to be annexed will not result in a change of county boundaries.
5. The parcel of land proposed to be annexed is not presently a part of any incorporated city, city and county, or town and is not contiguous to any other incorporated city, city and county, or town.
6. An election to determine whether or not the parcel of land proposed to be annexed should be annexed to the Town of Empire, Colorado, is not required by C.R.S. § 31-12-107(2).
7. No additional terms or conditions shall be imposed upon the parcel of land proposed to be annexed by the annexation thereof to the Town of Empire, Colorado.

Section 2. The parcel of land described in **Exhibit A** meets the requirements of C.R.S. §§ 31-12-104 and 31-12-105 and is eligible for annexation to the Town of Empire, Colorado.

Section 3. The parcel of land described in Exhibit A shall be annexed to the Town of Empire, Colorado, by ordinance.

ADOPTED THIS 16TH DAY OF MAY 2023.

TOWN OF EMPIRE, COLORADO



Mayor Wendy Koch

ATTEST:



Town Clerk Jeannette Piel

COPY

EXHIBIT A

EMMA, BUTTE & HECKLA LODES M.S. NO. 15847
THE CAMBRIAN LODE, M.S. NO. 12083,
AND THE GOLD DUST LODE, M.S. NO.1699A
AND VARIOUS GOVERNMENT LOTS WITHIN SECTION 28, T3S, R74W, 6TH P.M.
COUNTY OF CLEAR CREEK, STATE OF COLORADO
Located east of 433 East Park, on the north side of U.S. 40.

Attached to and forming a part of Deed from Larry E. Romine Trust dated November 1, 1989
and Laura D. Romine Trust dated November 1, 1989 to Vasyl Kostiuk in Severalty

Parcel A:

Lot 7, Block 43, and that unnumbered portion of Block 43 lying Easterly of said Lot 7, Block 43,
Town of Empire, and that portion of the Gold Dust Lode Mining Claim, U.S. Mineral Survey
No. 1699A, Shown as Gold Dust Addition on Monumented Land Survey Plat recorded August
25, 1987, in Book 456, Page 741, County of Clear Creek, State of Colorado.

Parcel B:

The Emma Lode Mining Claim, U.S. Mineral Survey No. 15847, as described in U.S. Patent
dated December 29, 1904, and recorded April 6, 2021, in Book 1009, Page 413,
Excepting therefrom any portion embraced in Survey Nos. 1088A, 1262, 1699A, 11584, 11879,
and 12088, and the Dimericus and Harrison Lode Claims, unsurveyed, and the Empire Townsite,
as excepted in said Patent,
Together with Government Lots 29, 33, and 34, Section 28, Township 3 South, Range 74 West of
the 6th P.M.,
Together with a tract of land located in Section 28, Township 3 South, Range 74 West of the 6th
P.M., more particularly described as follows:
Beginning at the point of intersection of Line 4-3 of the Paymaster Lode Mining Claim, U.S.
Mineral Survey No. 1088A with Line 3-4 of said Emma Lode; thence Northwesterly along Line
3-4 of said Emma Lode to the point of intersection with Line 1-2 of the Harrison Lode Mining
Claim, U.S. Mineral Survey No. 18187; thence Northeasterly along Line 1-2 of said Harrison
Lode to the point of intersection with Line 3-2 of the unlotted Golden Eagle Lode Mining Claim,
U.S. Mineral Survey No. 15847; thence Southeasterly along Line 3-2 of said unlotted Golden
Eagle Lode to the point of intersection with Line 3-4 of said Paymaster Lode; thence
Southwesterly along Line 3-4 of said Paymaster Lode to the point of intersection with Line 3-4
of said Emma Lode, the Point of Beginning,
Combined into a single parcel by Combination of Lots Agreement recorded October 8, 2013, in
Book 877, Page 482, County of Clear Creek, State of Colorado.

5-3-23

To whom it may concern,

My name is Jacob Aaron Belcher and I would like to officially write a letter of intent to fill the vacant seat on the Town of Empires Board of Trustees.

I am an Eagle Scout, served on my local church's board of deacons, worked from the ages of 16-26 as a part-time maintenance worker for the town low income and affordable housing units, and passionate outdoorsman (hunting, fishing, hiking, camping, skiing, and whitewater sports). My wife and I purchased a house in Empire in May of 2021 and instantly felt at home. With such easy access to our favorite activities and also being less than an hour from Denver I have discovered why so many people love it here.

I have always felt that real change is made at the local government level and now that I have had more exposure to Empire's local government I believe that my unique experiences would benefit the town by serving on the Board of Trustees.

Please let me know if the town requires any further information.

Explore More,

Jacob Belcher

TOWN OF EMPIRE
30 East Park Avenue –P.O. Box 100 Empire CO 80438-0100
303/569-2978 – 303/569-2282 fax

May 16, 2023

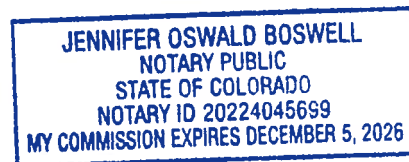
I Jacob Belcher, do affirm, by the everliving God, that I will support the constitution of the United States, the constitution of the State of Colorado, and the laws of the State of Colorado, and will faithfully perform the duties of the office of the Empire Board of Trustees upon which I am about to enter to the best of my ability.




Signature of Trustee

State of Colorado
County of Clear Creek

The foregoing instrument was acknowledged before me
this 16th day of May 2023,
by Jacob Belcher





Signature of Notary



Sent: Thursday, May 4, 2023 5:56 AM

To: Mayor@empirecolorado.us



Subject: Open Board Position

Hello Mayor Koch,

Please accept this email as my intent to fill the Town Board vacancy.

Thank You,

Randy Horning
970-409-2199
61 N Dailey St

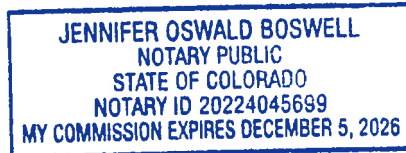


TOWN OF EMPIRE
30 East Park Avenue - P.O. Box 100 Empire CO 80438-0100
303/569-2978 - 303/569-2282 fax

May 16, 2023

I Randy A. Horning, do affirm, by the everliving God, that I will support the constitution of the United States, the constitution of the State of Colorado, and the laws of the State of Colorado, and will faithfully perform the duties of the office of the Empire Board of Trustees upon which I am about to enter to the best of my ability.

Randy A. Horning
Signature of Trustee



State of Colorado
County of Clear Creek

The foregoing instrument was acknowledged before me
this 16th day of May 2023,

by Randy A. Horning

Jennifer Oswald Boswell
Signature of Notary

221 N. Main St.
Empire, CO 80438
309 696-2474
Lojefu@gmail.com

Lon Fulton

To Whom It May Concern:

My name is Lon Fulton and since 07/2016 my family and I have lived at 221 N. Main Street here in Empire.

It has come to my attention that there is a need for at least one seat on the Town of Empire Planning Commission to be filled. It is my intention to voluntarily fill this seat for the remainder of the term.

Prior to moving to Empire, I practiced as a Landscape Designer/Contractor for approximately 30 years after studying Landscape Architecture at Iowa State University. My focus was primarily high-end residential design and build with budgets ranging from a few thousand to a few hundred thousand dollars. Since moving to Empire, I have worked with an expert framing carpenter on a framing crew of three. It is my contention that both of these vocations will provide some insight for the performance of the duties entrusted to a member of the planning commission.

I appreciate your consideration and hope that I may be of service to this community that I have become very fond of.

Sincerely,

Lon J. Fulton
05/02/23

