

TOWN OF EMPIRE
30 East Park Avenue –P.O. Box 100 Empire CO 80438-0100
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Annexation Staff Evaluation for Harmony Domes
(Article X, Section 5, Page 91)
(for parcels larger than ten acres)

Petitioner

Vasyl Kostiuk – Harmony Domes
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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.

Fiscal Impact Report

Describe the fiscal costs and benefits of the proposed annexation over a multi-year period. Include water, wastewater, police services, snow removal, street maintenance, emergency services, etc.

There are already water and sewer service lines to the property, so all utility infrastructure will take place on private property and be the financial responsibility of the developer. The Town will benefit financially from an additional water/sewer paying customer that is the equivalent of three residential water/sewer customers. There will be no negative impact on the Town's water/sewer system. The developer will pay for commercial taps (\$42,000) or an impact fee (\$30,000.)

A short segment of road will be required for emergency services to reach the Domes. The construction of this road (North Avery Street) is the financial responsibility of the developer but will be a Town road with very little additional maintenance. The Town is responsible for providing the permit with CDOT at no cost. This road and right-of-way will increase available street parking to Harmony Domes and Downstream Adventures, and give emergency services access to the Domes property, both of which are benefits to the Town. Additional maintenance and plowing will be minimal.

Harmony Domes has 22 estimated parking spots on their property for their customers. As stated above, the construction of North Avery Street will create additional side street parking, and the Welcome Park will provide even more additional parking. We do not anticipate parking volume to be an issue.

The entrance to the Domes property off HWY 40 will be shared with the Town of Empire Welcome Park. CDOT will aid in construction of the ingress/egress from HWY 40 onto Town property, which is the Welcome Park. There are no known additional costs to the Town for this shared ingress/egress. The Town is responsible for providing the permit with CDOT at no cost.

We anticipate an increase in traffic and are evaluating ways to handle that increase. The East edge of Town is a frequent spot for the Police Department to monitor traffic, so the increase in traffic to and from the Domes should not significantly impact police services. Also, there may be live-in staff at the current house at 433 East Park Avenue, which will become the office for Harmony Domes. Having someone live on the premises will greatly increase security and mitigate the impact on police services.

The Town will benefit from Property Tax (\$3,152.25) and Sales Tax (\$71,038.07) and the other Town businesses will benefit from additional people in Town to spend money. The unique nature of the Domes will also increase interest in the Town and may encourage people to come just to see this new development.

The developer paid an Annexation Fee deposit of \$10,000 to cover the following evaluation costs: Annexation, Zoning, Attorney, Consultants, Staff, Publication, Filing & Mailing, and Miscellaneous Fees. To date we have spent \$6,711.10. We anticipate using the entire deposit.

Site Development Plan

Describe the proposed use of the property after Annexation. Include survey markers, satisfaction of lot requirements, local utilities, sewer lines, water lines and mains, fire hydrants, storm drainage, streets and traffic patterns, street signs, streetlights, curbs and gutters, etc.

Private property with Domes used for short-term vacation rentals: "glamping." Fire hydrants, storm drainage, and road accessibility for Emergency Services have all been evaluated by contracted engineers. They have all met our development requirements. They must continue to meet the development requirements at every stage of the development and building process.

The developer has already been in contact with the Clear Creek County Building Department. This project will comply with the current Town of Empire Code requirements: 2015 International Building Code Series, and 2018 International Fire Code. The current house at 433 East Park Avenue has been inspected and approved as a Short-Term Rental and has received a Certificate of Occupancy.

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;

12.2.7 This annexation will not result in extending the Town of Empire's boundaries more than three miles in any direction in any one year; and

12.2.8 Any person may appear at the hearing and present evidence on any matter related to the annexation petition as determined by the Board of Trustees. All proceedings are being recorded.

The Annexation process and documentation for Harmony Domes has met all the Staff requirements for the Town of Empire.

J Piel

5-12-23

Attest by Town Clerk Jeannette Piel

Date