

**MEMORANDUM**

TO: Michael McGovern, Town Manager  
FROM: Maureen O’Meara, Town Planner  
DATE: August 2, 2011  
SUBJECT: Open Space Impact Fee

Deleted: April 1, 2002

In 1995, the Cape Elizabeth Town Council adopted an Open Space Impact Fee to replace an existing requirement for preservation of open space as part of new development. The open space impact fee is a legally defensible method of maintaining the Town’s current standard of open space where the actual preservation of land will not occur as part of the development.

Deleted: A copy of the current open space impact fee calculation is attached.

While the Planning Board has never collected the fee because land in excess the minimum requirement has offered as part of the development approval, the fee should be kept up-to-date in the event that a developer does not wish to incorporate open space in a development. Because the legality of the impact fee is based in part on its accurate reflection of community standard, the impact fee should be periodically updated with current data. The release of the 2000 U.S. Census population data is a good opportunity to recalculate the fee using new population and updated open space acreage numbers.

The current open space requires the set aside of .208 acres per lot / unit or the payment of a fee equaling \$2,080 per lot / unit.

Below is an updated calculation:

Total open space available for public access (town records): 1191 acres  
Cape Elizabeth population (2010 U.S. Census): 9015  
Average household size (2000 U.S. Census): 2.57  
Average value of 1 acre undeveloped land (Town Assessor): \$15,000

Deleted: 1,013.04

Deleted: 2000

Deleted: 9,068

Deleted: 2.65

1,013.14 acres / 9,068 persons = .112 acres per person  
.112 acres per person x 2.65 persons per household = .297 acres per household (lot)

1191 acres/9015 persons = .132 acres per person  
.132 acres per person x 2.57 persons per household = .339 acres per household (lot)

Note: .297 acres = 12,937 sq. ft. .339 acres = 14,767 sq. ft.

.297 acres per lot / unit x 15,000 per acre = \$4,455 dollars per lot / unit  
.339 acres per lot/unit x per acre = \$ dollars per lot/unit

Recommendation

Update the Town of Cape Elizabeth Fee Schedule as follows:

| Open Space Impact Fee (See Sec. 16-3-1(q))

~~14,767~~ sq. ft. per lot / unit  
\$4,455 dollars per lot / unit

Deleted: 12,937