

**DRAFT  
MEMORANDUM**

TO: Cape Elizabeth Town Council  
FROM: Planning Board  
DATE: August 17, 2011  
SUBJECT: Open Space Impact Fee

The Cape Elizabeth Town Council adopted an Open Space Impact Fee in 1995 to replace an existing requirement for preservation of open space as part of new development. The impact fee was revised in 2002 to reflect the new U.S. Census population numbers for the town. The Planning Board is recommending that the open space impact fee be updated again to reflect the most current 2010 U.S. Census numbers and the town's 2011 updated property valuation based on the recently completed revaluation by the Town Assessor.

The open space impact fee is a legally permissible method of maintaining the Town's current standard of open space. In order to comply with U.S. Supreme Court decisions regarding impact fees, the fee must be based on a community standard and proportional to the burden placed on town services by new development. The fee calculation must also be kept up-to date. The Town Council can set a fee that is less than the recommended amount, but could be legally vulnerable if the fee is set at a higher amount than that calculated below.

The Planning Board is recommending that the Open Space Impact Fee in the Town Fee Schedule be updated as follows:

14,767 sq. ft. per lot/unit  
\$6,729 dollars 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): \$ 19,850

Deleted: 1,013.04

Deleted: 2000

Deleted: 9,068

Deleted: 2.65

Deleted: 15,000

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 19,850 per acre = \$ \$6,729 dollars per lot/unit