

**Article 16**  
**Impact Fees**  
(Amend 9/17/02)

**Section 1601. General Provisions for Impact Fees**

1601-1. PURPOSE

The purpose of these impact fee provisions is to ensure that new development in Saco will be accomplished in a safe and healthful manner and that such development will bear a proportional or reasonably related share of the cost of new, expanded or modified infrastructure necessary to service the development through: 1) the payment of impact fees that shall be dedicated to paying for the needed improvements, or 2) the construction of appropriate improvements as provided for herein.

1601-2. AUTHORITY

These impact fee provisions are adopted by the City under the authority of 30A M.R.S.A. § 4354 and its statutory and constitutional home rule provisions.

1601-3. PAYMENT OF IMPACT FEES

The impact fees provided for under this article shall be paid to the City of Saco in care of the Code Enforcement Department.

1601-4. IMPACT FEE ACCOUNTS

All impact fees collected under the provisions of this article shall be segregated and accounted for in separate impact fee accounts designated for the particular improvements in question. The impact fee accounts are as follows.

1. Recreational Facilities Impact Fee Account
2. Open Space Facilities Impact Fee Account

1601-5. USE OF IMPACT FEES

Impact fees collected under the provisions of this article shall be used only to pay for the capital cost of the infrastructure improvements specifically associated with the fee as identified below. No portion of the fee shall be used for routine maintenance or operational activities.

The following costs may be included in the capital cost of the infrastructure improvement:

1. acquisition of land or easements including conservation easements,

2. engineering, surveying and environmental assessment services directly related to the design, construction and oversight of the construction of the improvement,
3. the actual construction of the improvement including, without limitation, demolition costs, clearing and grading of the land, and necessary capital equipment,
4. mitigation costs,
5. legal and administrative costs associated with construction of the improvement including any borrowing necessary to finance the project,
6. debt service costs including interest if the City borrows for the construction of the improvement,
7. relocation costs, and
8. similar costs that are directly related to the project.

#### 1601-6. REFUND OF IMPACT FEES

Impact fees shall be refunded in the following cases:

1. If a building permit is surrendered or if a subdivision or site plan approval lapses without commencement of construction, the permit holder or developer shall be entitled to a refund, without interest, of any impact fee paid in conjunction with that project. A request for a refund shall be made in writing to the City Planner and shall occur within ninety (90) days of the lapse of the approval or the expiration of the permit.
2. Any fees collected that are not spent or obligated by contract for the specified improvements by the end of the calendar quarter immediately following ten (10) years from the date the fee was paid shall be returned to the current owner of the property for which the fee was paid together with interest calculated at three (3) percent per year from the date of the payment of the fee.

#### 1601-7. MODIFICATION OF IMPACT FEES

The City Council may, by formal vote following a public hearing, reduce or eliminate the payment of a required impact fee if it finds that:

1. The developer or property owner who would otherwise be responsible for the payment of the impact fee voluntarily agrees to construct the improvement for which the impact fee would be collected or an equivalent improvement approved by the City Council, or

2. The developer or property owner is required, as part of a development approval by the City or a state or federal agency, to make or to pay for infrastructure improvements that are of the same nature as the improvement to be funded by the impact fee, or
3. The project subject to the impact fee involves the construction of affordable housing as defined by the U.S. Department of Housing and Urban Development or the Maine State Housing Authority. If only part of the project is affordable housing, the Council may waive only the portion of the fee attributable to the affordable units, or
4. The project involves the construction of elderly congregate housing assisted living, or other eldercare facilities.

#### 1601-8. REVIEW AND REVISION

The City Council shall periodically review each impact fee established under this chapter. If the Council finds that the anticipated cost of the improvement has changed or that the identification of developments subject to the fee is no longer appropriate, the Council may adopt changes in the impact fee.

### **Section 1602. Recreational Facilities and Open Space Impact Fee**

#### 1602-1. DESCRIPTION OF THE IMPROVEMENTS

This project involves the acquisition of land for and the development of new community-wide recreational facilities and the acquisition of land or conservation easements for use as substantially undeveloped open space and the related development of these parcels to facilitate their role and use as open space. The recreational facilities portion of this impact fee may be used for the following improvements.

1. The development of the City's former landfill on the Foss Road into a multi-purpose community recreational complex.
2. The development of a skating area at Pepperell Park or another location.
3. The construction of a baseball field at the Middle School Recreational Area.
4. The construction of pedestrian and bicycle trails including the City's share of the cost of the development of the Eastern Trail.
5. The acquisition of land for the future development of community recreation facilities, and/or

6. The development of other community recreational facilities that expand the City's supply of recreational areas or facilities.

The open space facilities portion of this impact fee may be used for the following improvements:

1. The acquisition of land or conservation easements for use as substantially undeveloped open space and the related development of these parcels to facilitate their role and use as open space.

#### 1602-2. NEED FOR THE IMPROVEMENTS

The need for community recreation facilities and open space is a function of the size of the community's population. As the community grows, it needs more recreation land, fields, playgrounds, natural areas, and open spaces. The City's adopted Comprehensive Plan identifies the need to expand the supply of recreational facilities and open space to serve a growing population. The need for the specific improvements is set out in the City of Saco's Recreational Facilities and Open Space Impact Fee Methodology.

#### 1602-3. ACTIVITIES SUBJECT TO THE FEE

Any construction or development that involves the creation of a new dwelling unit as defined by the zoning ordinance including single family homes, apartment units, manufactured housing units, and mobile homes shall be subject to the payment of an impact fee for this project except as provided below:

1. No impact fee shall be paid if the dwelling unit is located in a subdivision that was approved by the Saco Planning Board prior to the date of adoption of this Article.
2. No impact fee shall be paid if the dwelling unit is located in a subdivision which is a complete application under review by the Saco Planning Board prior to the date of adoption of this Article.
3. The recreational facilities portion of the impact fee shall not be paid if the unit is located in a residential subdivision or other residential development that has provided recreational facilities in accordance with the requirements of the City's Subdivision Regulations.
4. The open space portion of the impact fee shall not be paid if the unit is located in a residential subdivision or other residential development that has provided open space in accordance with the requirements of the City's Subdivision Regulations.
5. No impact fee shall be paid if the new dwelling unit is to be constructed on a lot where a dwelling unit has been demolished or permanently removed from use

within the last twelve months. The fee shall be charged for any unit beyond the number demolished or permanently removed from use.

6. No impact fee shall be paid if the dwelling unit is moved from one lot within the city to another lot within the city.

7. Downsizing Provisions for Elderly Homeowners (Amended 7/2/02)

Persons building new single-family dwelling units which meet the requirements of subparagraphs A through D of this subsection are not required to pay the recreation and open space impact fee.

However the transfer of the property by any means during the five years following the issuance of a building permit shall require that the impact fee be paid. Likewise the property shall not be leased or rented during the five years after the issuance of a building permit unless the impact fee is paid. An agreement outlining the limitations on the waiver shall be recorded at the York County Registry. Evidence of the recording shall be presented to the code enforcement officer before the building permit is issued.

- A. The person or persons proposing to build the new single-family dwelling unit have previously owned and occupied an existing permanent residence in Saco and paid property taxes on it continuously for at least 20 years.
- B. The owner(s) is/are selling or transferring their existing permanent residence in Saco and are planning to make the new house their permanent residence.
- C. At least one owner of the proposed house is 62 years old or older.
- D. The proposed house is a single-family dwelling unit with one or two bedrooms.

1602-4. CALCULATION OF THE FEE

The recreational facilities and open space impact fee is a per capita fee and is based upon the City's Impact Fee Calculation Methodology. The per capita fee consists of a recreational facilities component and an open space component. The amount of the fee paid by a development project shall be determined by multiplying the per capita fee by the number of people expected to reside in the project. The following occupancy ratios shall be used in determining the fee unless the applicant provides verifiable written documentation from an independent, objective source demonstrating other occupancy levels:

Single family dwellings and mobile homes	3.2 people/unit
Dwelling unit in a two-family or multi-family dwelling with:	
a. one bedroom	1.2 people/unit
b. two bedrooms	2.0 people/unit
c. three or more bedrooms	3.0 people/unit

Dwelling unit in elderly housing, assisted living facility, or other eldercare facility limited to occupancy by households sixty-five years of age or older

1.2 people/unit

**1602-5. IMPACT FEE**

Fees shall be determined by Council after a public hearing.

**1602-6. COLLECTION OF THE FEE**

The Code Enforcement Officer shall collect the impact fee prior to the issuance of any building, plumbing or other permit for residential construction that is subject to the fee. The amount of the fee shall be based upon the procedure set out in subsection 1602-4 above. The City Administrator may approve the payment of impact fees over time in accordance with an approved payment schedule provided that appropriate arrangements are in place to guarantee collection of the fees.

**1602-7. EFFECTIVE DATES**

This impact fee shall be applicable to activities subject to the impact fee 30 (thirty) days after the date of adoption of this Article.

Article 16 - Impact Fees

Appendix, Impact Fees

<b><u>Section of Code</u></b>	<b><u>Fee Name</u></b>	<b><u>Description</u></b>	<b><u>Fee</u></b>
Zoning Ordinance, Article 16, §1602-5	Impact Fees	Per Capita Impact Fee	\$531.00
		Recreational Facilities Per Capita	\$375.00
		Open Space Component Per Capita	\$156.00

**Editor's Note:**

For ease in record keeping, contract zoning actions by the City Council will be recorded here with the Map and Lot number of the property, street address, the owner's name at that time, and the date of City Council action.

1. Map 87, Lot 7, 64 New County Road, Jacqueline and Donald Mercier, January 3, 1994
2. Map 31, Lot 44, 45, 47, 49, 50, 53, 54, 56, 57, 58, 59, Wardwell
3. Map 32, Lot 179, Phil Hatch
4. Map 40, Lot 21, Map 53, Lot 170 German Auto Services
5. Map 39, Lots 218 & 218-1, Care-Matrix Alzheimer's Facility
6. Map 33, Lot 24-1, Volunteers of America
7. Map 33, Lot 17, South Port Properties Realty Trust
8. Map 62, Lot 21-0-1, Saco Tower Operators Inc., Portland Road
9. Map 92, Lot 21, Tower Ventures Inc., Flag Pond Road
10. Map 32, Lot 131 First Parish Church, Main Street and North Street, May 6, 2002
11. Map 33, Lot 17, Senior Living Inc., June 17, 2002