

Town of Pownal Impact Fee Ordinance

Adopted at Town Meeting June 16, 2008

Amended June 17, 2019

SECTION 1. PURPOSE

The purpose of this impact fee ordinance is to ensure that new development in Pownal will be accomplished in a safe and healthful manner. Such development should bear a proportional or reasonably related share of the cost of new, expanded, or modified infrastructure necessary to service the development through the payment of impact fees. Impact fees shall be dedicated to the needed improvements or the constructions of appropriate improvements as provided for in the individual Impact Fee and Calculation Methodologies.

SECTION 2. AUTHORITY

The Town of Pownal, under the authority of 30A M.R.S.A. section 4354 and its statutory and constitutional home rule provisions adopts the impact fee ordinance. This impact fee ordinance is a growth management tool that supports some of the goals of the Pownal Comprehensive Plan and the most recent update.

SECTION 3. ADMINISTRATION

The Select Board of the Town of Pownal or its agent shall administer the provisions of this ordinance. A written decision regarding the fees will be provided within thirty (30) days of a completed application. A copy of this decision and proof of impact fee payment resolution shall be placed in the appropriate tax file in the town office.

SECTION 4. ACTIVITIES SUBJECT TO THE FEES

Any construction or development that involves the creation of a new dwelling unit or business, as defined by the zoning ordinance, including, but not limited to, single family homes, apartment units, manufactured housing units, mobile homes, as well as additional bedroom units added to existing homes or square footage added to existing businesses, shall be subject to the payment of an impact fee for this project except as provided below:

- a. 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.
- b. No impact fee shall be paid if the dwelling unit is moved from one lot within the Town to another lot within the Town.

SECTION 5. PAYMENT OF IMPACT FEES

Impact fees shall be paid to the Town of Pownal in care of the Select Board of the Town of Pownal or their agent. Fees will be paid when receiving an approved building permit and before construction commences. A form detailing the payment of the fee will be completed, with a copy of the form placed in the appropriate tax file in the Town Office.

SECTION 6. IMPACT FEE ACCOUNTS

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

SECTION 7. 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 improvement specifically associated with the fee. No portion of the shall be used for routine maintenance or operational activities. The following costs may be included in the capital cost of the infrastructure improvement:

- a. Acquisition of land or easements including conservation easements.
- b. Engineering, surveying and environmental assessment services directly related to the design, construction and oversight of the construction of the improvement.
- c. The actual construction of the improvement including, without limitation, demolition costs, clearing and grading of the land, and necessary capital equipment.

- d. Mitigation costs.
- e. Legal and administrative costs associated with construction of the improvement including any borrowing necessary to finance the project,
- f. Debt service costs if the Town borrows for the improvement.
- g. Relocation costs.
- h. Similar costs that are directly related to the project.

Impact fees collected shall be expended as approved by the Legislative Body of the Town of Pownal.

SECTION 8. WAIVER, VARIANCE, REFUND, OR OTHER MODIFICATION OF IMPACT FEES

Impact fees shall be refunded in the following cases:

- a. 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, less a 2% administration fee, and without interest, of any impact fee paid in conjunction with that project. A request for a refund shall be made in writing to the Select Board of the Town of Pownal and shall occur within ninety (90) days of the lapse of the approval or the expiration of the permit.
- b. Any fees collected that are not spent or obligated by contract for an improvement 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.
- c. Additionally, the Select Board of the Town of Pownal may, by formal vote following a public hearing, refund some or the entire required impact fee if the Board 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 Select Board of the Town of Pownal, or
 - 2. The developer or property owner is required, as part of a development approval by the Town or 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 Select Board of the Town of Pownal may refund only the portion of the fee attributed to the affordable units, or
 - 4. The project involves the construction of elderly congregate housing, assisted living housing, or other eldercare facilities.

SECTION 9 CALCULATION OF THE FEE:

The Legislative Body of the Town of Pownal will determine fees after a public hearing. The fee will be based upon the Town’s Impact Fee and Calculation Methodology for each fee. See the individual Town of Pownal Impact Fee and Calculation Methodologies for details.

SECTION 10. REVIEW AND REVISION:

The Select Board of the Town of Pownal, or its designee, shall periodically review each impact fee based on the Town of Pownal Impact Fee and Calculation Methodologies. If the Select Board of the Town of Pownal finds that the anticipated cost of an improvement has changed or that the identification of developments subject to a fee is no longer appropriate, the Legislative Body of the Town of Pownal may adopt changes to the Town of Pownal Impact Fee Ordinance and to the appropriate Town of Pownal Impact Fee and Calculation Methodology.

SECTION 11. APPEALS

The Board of Appeals of the Town of Pownal may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by the Select Board of the Town of Pownal, or their designee, in the administration or enforcement of the provisions of this ordinance.

SECTION 12. ADMINISTRATIVE PROVISIONS, VALIDITY, SEVERABILITY AND EFFECTIVE DATE

Should any section or provision of this ordinance be declared by the courts invalid, such decision shall not invalidate any other section or provision of this ordinance. Whenever the specific requirements within this ordinance are inconsistent with the specific requirements within any other ordinance, code, or statute, the more restrictive specific requirement will apply. This ordinance shall take effect immediately upon adoption of the same by the Legislative Body of the Town of Pownal.

Town of Pownal – Recreation Impact Fee and Calculation Methodology

Adopted at Town Meeting, June 16, 2008

SECTION 1. PURPOSE

The Recreation Impact Fee is to be administered in accordance with the Town of Pownal Impact Fee Ordinance and according to the methodology described below.

SECTION 2. AUTHORITY

The Recreation methodology establishes the fees that should be paid by developers of new residential development in the Town of Pownal in accordance with the statutory requirements for impact fees as set out in Title 30-A MRSA, Section 4345. The Impact Fee Ordinance is a growth management tool that supports some of the goals of the most recent Pownal Comprehensive Plan.

SECTION 3. CALCULATION OF THE FEE

Based upon national studies of occupancy levels or various types of housing in the northeast, *a single family home (s.f.h.) contains 3.2 people. Thus a single family home can be considered to have two bedrooms. The Recreation Impact Fee is assessed on a per bedroom basis and the fee is based on a Pownal population of 1,500 residents.*

The Recreation fee is based on the most recent State Comprehensive Outdoor Recreational Plan (SCORP) which reports that the typical Maine community has approximately 14 acres of municipal recreational acres per 1,000 residents. The calculation is:

$$14 \text{ acres} / 1000 \text{ residents} \times \$15,000 / \text{acre to buy \& develop} \times 3.2 = \$672.00 \text{ per s.f.h.}$$
$$\$672.00 \text{ per s.f.h.} / 2 \text{ bedrooms per s.f.h.} = \$336. \text{ per bedroom.}$$

SECTION 4. EXCEPTIONS

The public recreational facilities portion of the impact fee may be refunded if the unit is located in a residential subdivision or other residential development that has provided public recreational facilities in accordance with the requirements of the Town's Subdivision Regulations.

Town of Pownal – Open Space Impact Fee and Calculation Methodology

Adopted at Town Meeting, June 16, 2008

SECTION 1. PURPOSE

The Open Space Impact Fee is to be administered in accordance with the Town of Pownal Impact Fee Ordinance and according to the methodology described below.

SECTION 2. AUTHORITY

The Open Space methodology establishes the fees that should be paid by developers of new residential development in the Town of Pownal in accordance with the statutory requirements for impact fees as set out in Title 30-A MRSA, Section 4345. The Impact Fee Ordinance is a growth management tool that supports some of the goals of the most recent Pownal Comprehensive Plan.

SECTION 3. DEFINITIONS

Open Space: Land, water, wetlands, ravines, forests, fields, or other land with no structures, streets, right of ways, parking lots of development on the land.

Public Open Space: Land owned by the Town or by state or federal government to be shared by all people. Fees for entrance and parking are permitted. Outbuildings and other structures are permitted.

SECTION 4. CALCULATION OF THE FEE

Based upon national studies of occupancy levels or various types of housing in the northeast, *a single family home (s.f.h.) contains 3.2 people. Thus a single family home can be considered to have two bedrooms.* The Open Space Impact Fee is assessed on a per bedroom basis and the fee is based on a Pownal population of 1,500 residents.

The Open Space fee is based on current town owned open space, town population, and the current assessed value of raw land in Pownal. The calculation is:

$$480 \text{ acres Town owned land} / 1,500 \times 3.2 \times \$248 / \text{acre} = \$254 \text{ per s.f.h}$$
$$\$254.00 \text{ per s.f.h} / 2 \text{ bedrooms per s.f.h} = \$127.00 \text{ per bedroom.}$$

SECTION 5. EXCEPTIONS

The Open Space Impact Fee may be refunded if the unit is located in a residential subdivision in accordance with the requirements of the Town's Subdivision Regulations.

Town of Pownal – Public Works Impact Fee and Calculation Methodology

Adopted at Town Meeting, June 16, 2008

SECTION 1. PURPOSE

The Public Works Impact Fee is to be administered in accordance with the Town of Pownal Impact Fee Ordinance and according to the methodology described below.

SECTION 2. AUTHORITY

The Public Works Impact Fee Calculation Methodology established the fees that should be paid by developers of new residential development in the town of Pownal in accordance with the statutory requirements for impact fees as set out in Title 30-A MRSA, Section 4345. The Impact Fee ordinance is a growth management tool that supports some of the goals of the most recent Pownal Comprehensive Plan.

SECTION 3. CALCULATION OF THE FEE

Based upon national studies of occupancy levels of various types of housing in the northeast, *a single family home (s.f.h.) contains 3.2 people. Thus a single family home can be considered to have two bedrooms.* The Public Works Impact Fee is assessed on a per bedroom basis and the fee is based on a Pownal population of 1,500.

The Public Works impact fee is based upon costs associated with the replacement of existing infrastructure as determined by the Capital Project Committee spreadsheet, which projects anticipated costs over a fifteen-year period. The calculation is:

$$\text{Public Works needs } (\$2,082,500) / 1,500 \text{ residents} \times 3.2 \text{ occupants} / 15 \text{ yrs.} = \$296.00 \text{ per s.f.h.}$$
$$\$296.00 \text{ per s.f.h.} / 2 \text{ bedrooms per s.f.h.} = \$148.00 \text{ per bedroom.}$$

Town of Pownal – Public Safety Impact Fee and Calculation Methodology

SECTION 1. PURPOSE

The Public Safety Impact Fee is to be administered in accordance with the Town of Pownal Impact Fee Ordinance and calculated according to the method described below.

SECTION 2. AUTHORITY

The Public Safety methodology establishes the fees that will be paid by developers of new residential development in the town of Pownal in accordance with the statutory requirements for impact fees as set out in Title 30-A MRSA, Section 4345. The Impact Fee ordinance is a growth management tool that supports some of the goals of the most recent Pownal Comprehensive Plan.

SECTION 3. CALCULATION OF THE FEE

Based upon national studies of occupancy levels of various types of housing in the northeast, *a single family home (s.f.h.) contains 3.2 people. Thus, a single family home can be considered to have two bedrooms.* The Public Safety Impact Fee is assessed on a per bedroom basis and the fee is based on a Pownal population of 1,500. The Public Safety impact fee is based upon costs associated with the replacement or upgrading of existing infrastructure as determined by the Capital Project Committee spreadsheet, which projects anticipated costs over a fifteen-year period. The calculation is:

$$\begin{aligned} \text{Public Safety needs } (\$1,196,000) / 1,500 \times 3.2 / 15 \text{ yrs.} &= \$170.00 \text{ per s.f.h.} \\ \$170.00 \text{ per s.f.h.} / 2 \text{ bedrooms per s.f.h.} &= \$85.00 \text{ per bedroom} \end{aligned}$$