

MEMORANDUM

TO: Don Spann, Chair
Planning Board Members
FROM: Andrew H. Deci, Assistant Town Planner
DATE: March 12, 2020
RE: Habitat Mitigation Fee Examples

A component of the proposed Solar Energy Conversion Systems ordinance project is the implementation of a ‘Habitat Mitigation Fee. The fee is intended to *dis-incentivize* commercial development and/or *partially* offset the impacts of commercial development within the most sensitive areas of the community and to *encourage* development in less sensitive areas.

If a project is partially within a sensitivity area, only those portions of the project within the sensitivity area would be assessed a fee.

Calculation of the fee is based on a percentage of the Average Value Per Acre (average per acre assessed value of single family residential land values within the Town). Currently, the Average Value Per Acre is \$38,359.

There are two proposed tiers of mitigation, predicated on the level of sensitivity of the land. Areas that are ‘yellow’ on the referenced map are the lower tier and are assessed at a 15% rate; areas that are ‘red’ on the referenced map are the higher tier and are assessed at a 25% rate:

- Low Tier – 15% \$5,753.85/acre or \$0.13/sf
- High Tier – 25% \$9,589.75/acre or \$0.22/sf

Fees are based on the area of disturbance located within each of the sensitivity areas. Disturbed Area is a defined term. For Solar Energy Conversion Systems, the fee also considers Facility Size (described in the definition for Solar Energy Conversion Systems), mandating the applicant pay based on the higher amount. Solar Energy Conversion Systems can have minimal disturbed areas, but have large areal impacts on sensitive tracts—necessitating this approach.

Here are some hypothetical projects and their corresponding mitigation fees (assumes entire project is entirely within a sensitivity area):

Use	Tier	Disturbed Area	Facility Size	Mitigation Fee
Small-scale Solar	High	10,000 sf	38,000 sf	\$8,360
Large-scale Solar	Low	90,000 sf	200,000 sf	\$26,000
Tractor Dealership	Low	40,000 sf	N/A	\$5,200
Convenience Store	High	28,750 sf	N/A	\$6,325
Utility-scale Solar (min)	Low	125,000 sf	400,000 sf	\$52,000
Disc Golf Course	High	10,000 sf	N/A	\$2,200