

**Draft**  
**Open Space Definition**

Step 5 of the charge from the Town Council to the FOSP Committee is:

5. FOSP shall develop “rural areas” and “open space” definitions for the Town of Cape Elizabeth. The committee shall consider (1) state law, (2) farmers’ flexibility in using land on a long term basis, (3) the impact on other significant land owners, and (4) residents’ priority in protecting rural areas.

In preparation for developing definition for “rural areas” and “open space,” the committee reviewed 9 sample definitions of rural areas and 26 definitions of open space.

The committee first developed a definition of open space. Their goal was to develop a definition that is broad enough to encompass a range of open space types and follows:

**Open space:** Land and water areas, whether public or private, maintained in an essentially undeveloped state for use as active or passive recreation areas, resource protection, agriculture, or preservation.

The committee also discussed a definition of rural areas. The review included the definition of rural areas in the state comprehensive plan rule. Most rural definitions relate to federal programs for rural economic development, rural health, and the U.S. Census. These definitions include a numerical density calculation that is incompatible with Cape Elizabeth’s “rural character.” After review and discussion, the committee questioned the need for a rural areas definition and recommended to the Town Council that no rural areas definition be established in their July 26, 2011 Status Report to the Town Council. Their recommendation was accepted.

**Recommendation:** FOSP recommends that the open space definition be referenced, when appropriate, as part of the open space preservation process.

Appendix: Sample Open space definitions(?)  
Sample Rural definitions(?)