Dane County Board of Supervisors
Committee of the Whole

Transfer of Development Rights
Thursday, March 9, 2006

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Planning in Dane County:
1982 Dane County Farmland Preservation Plan

Components:

1. General county guidelines
2. Detailed town land use plans
3. Links to county ordinance
“The zoning committee shall use plans and maps developed by individual towns and approved by the county board as criteria for zoning recommendations to the county board.”

[S. 10.255(1)(c), Dane County Code]
“The density of non-farm development is limited to one lot or non-farm use per 35 contiguous acres held in single ownership as of May 3, 1979.”

* Adopted by the Dane County Board as part of the *Dane County Farmland Preservation Plan*
Actual Example
Initial Rezone Request

Rezone Petition 8158: Town of Christiana

2.1 acres to RH-1
Actual Example: Density Study Report

Step 1: Determine original farm in 1979 (101.8 acres)

Step 2: Divide by 35 (101.8 / 35 = 2.9 = 2 splits);

Step 3: Subtract lots created to date (0)
Actual Example: Rezone & CSM Complete

2.23 acres zoned for residential use

99.5 acres remains zoned for agricultural use only

Rezone Petition 8158: Town of Christiana
Hypothetical Example: Last Split

First RH-1 lot: Petition 8158

Second RH-1 lot:

97.3 acres in A-1(ex)zoning. Deed restricted against further division or rezone.

Town of Christiana
Hypothetical Example: Transfer of Development Rights

2.23 acre RH-1 lot: Petition 8158

1 development right sent to receiving area

99.5 acres under conservation easement

Town of Christiana

Would amend County Zoning Ordinance (Ch. 10, D.C.C.)

- Establishes policies for TDR conservation easements.
- Creates TDR-S (sending area) & TDR-R (receiving area) overlay zoning districts.
- Towns can choose whether or not to adopt, how to implement.
- Requires consistency with adopted town/county plans.
- County tracks, administers TDRs through zoning permits.
1) TDR-S Overlay District

- a) Applies to A-1(ex) or CO-1 zoning districts only;
- b) Towns must “opt-in” by resolution, as with A-1(ex);
- c) Does not limit uses in underlying zoning districts;
- d) Adds permitted use for TDR, with easement;
- e) Transfers must comply with town/county plans;
- f) Receiving areas may be in town, city or village;
- g) DRs may also be extinguished (PDR);
- h) TDR-S parcels w/o easement could be rezoned;
- i) A-1(ex) (TDR-S) eligible for tax credits.
2) TDR-R Overlay District

- a) Applies to all districts allowing residential >= 1 unit / 2 acres
- b) Towns must “opt-in” by resolution
- c) Within city/village ETJ requires intergov. agreement.
- d) Any increase in density requires TDR from TDR-S district
- e) TDRs must have deed notice to track.
- f) TDRs must comply with town/county plans.
TDR Implementation Options

“Blanket” rezone

- Town could plan, map and rezone areas to TDR-S & TDR-R districts all at once.
- Overlay districts zoned before development occurs.
- Similar to way A-1(ex) was adopted.
TDR Implementation Options
Petition by petition

- Towns could adopt text policies guiding rezones to TDR-S & TDR-R.
- Overlay districts zoned as development occurs.
- Similar to way rezones from A-1(ex) are handled.
TDR Implementation Options
Protecting productive farmland

- Town could develop policies (LESA, etc) to discourage development on productive ag lands.
- Help redirect development to more suitable sites.
- Provides opportunity to “share the wealth.”
TDR Implementation Options

Inter-town TDR

- With appropriate planning, two or more towns could cooperate.
- One town could serve as sending area, another could serve as receiving area.
For more information:

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