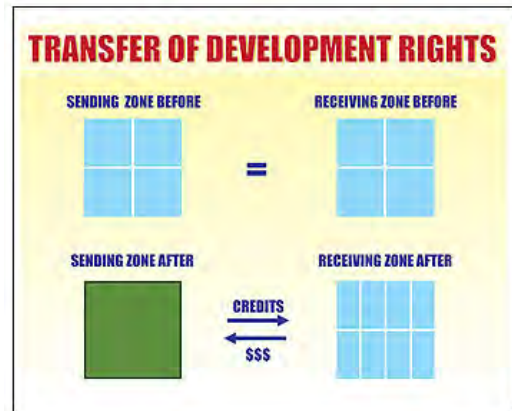


LIMITED TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

DESCRIPTION

To further the town’s farmland preservation goals, limited transfers of density units between different June 6, 1978 farm units that are currently held in single ownership may be permitted subject to the following conditions, standards, and criteria. The town, at its sole discretion, may expand the TDR program to achieve the town’s farmland preservation goals and objectives. For example, the town may choose to allow transfers of density units between properties owned by different parties, may identify specific receiving areas, or may institute density bonuses designed to incentivize participation in the TDR program. Any such expansion shall be subject to the town’s land use review procedures. All of the following policies, criteria and standards must be met for favorable consideration of a proposed transfer under this policy.



GOAL:

Preserve productive agricultural land by permitting limited transfers of density units to less productive lands.

OBJECTIVES:

1. Promote the clustering of eligible density units on less productive agricultural land and/or land more suitable for development.
2. Provide opportunities for farmers and landowners to maintain large, continuous tracts of productive farmland by enabling the use of eligible density units on other lands under their ownership.

POLICIES:

1. To be eligible to transfer a density unit, the sending and receiving June 6, 1978 farm units must be held in single ownership. Parcels under single/common ownership cannot be added together to yield an additional density unit. For the purposes of this policy, single (aka “common”) ownership is defined as: “Contiguous parcels owned by one individual or by a family, partnership, corporation, or other legal entity, which family or entity includes that individual.”
2. Transfers of density units under this policy shall be at a one-to-one ratio (i.e., one developable/buildable lot for each split transferred), and any such transfer must further the goal of preserving large tracts of quality agricultural land.
3. The town may consider, on a case-by-case basis, transfers of density units between different property owners, provided the sending property is located in the agricultural preservation area and the receiving property is located outside of the agricultural preservation area, or in an area adjacent to an existing rural subdivision.
4. Interested owners should notify the town clerk of their proposal.
5. Applicants under this provision will be required to attend a pre-application meeting between the owner and town and county representatives to discuss the proposal prior to consideration by the Town Plan Commission or Board.
6. Only properties within the town’s Agricultural Preservation Area are eligible to transfer density units under this policy.
7. Lands annexed to a city or village, or lands within the future growth area of a city or village, are not eligible to transfer density units under this provision.
8. Parcels less than 35 acres as of June 6, 1978 cannot transfer a density unit under this policy. Such properties may be suitable receiving areas, provided the town plan commission and board make a finding that a proposal would fit with the character of the neighborhood and satisfies the town’s standards and criteria for siting new development.
9. Land previously deed restricted to no further residential development can receive a density unit under this policy if the following criteria are satisfied:

- a. The deed restriction is removed as part of a rezoning petition.
 - b. The land is of poorer agricultural quality than the sending parcel.
 - c. The receiving parcel is not in the Transitional Agricultural Area.
 - d. The proposed transfer would further the town's overall goals for agricultural preservation.
10. The proposed transferring parcel must have a split available under the Town's Agricultural Preservation Area density policy based on contiguous ownership as of 6/7/78.
 11. Transfers under this policy that would result in a subdivision shall not be permitted.
 12. The proposed transferring (i.e., "sending") parcel must be able to minimally satisfy the Town's development siting criteria. The purpose of this policy is to ensure that only useable density units / splits are transferred – i.e., if a split can't be used due to environmental or other constraints, it does not forward the goals/objectives of the TDR program.
 13. The Town shall only consider proposed transfers that would protect productive agricultural land.
 14. Landowners proposing limited transfers under this policy shall be required to first obtain a density analysis from the Dane County Department of Planning and Development for both sending and receiving June 6, 1978 farm units.
 15. Approval shall be contingent upon documentation being recorded on all of the affected parcels to track the transfer of density units. Such documentation may include notices indicating the sending and receiving properties involved, or deed restrictions prohibiting further residential development, if appropriate, to ensure compliance with the Town's density limitation. Applicants may be responsible for providing legal descriptions of the parcel(s) to be deed restricted.

LIMITED TRANSFER OF DEVELOPMENT RIGHTS STANDARDS AND CRITERIA

1. The receiving parcel must be less agriculturally productive than the transferring parcel, and suitable for residential development. The proposed building site(s) on the receiving parcel must not be comprised entirely of Class I soils (as defined by the Dane County Soil Survey).
2. The soils of the transferring parcel must be Class I, II or III (as defined by the Dane County Soil Survey), and/or clearly have a history of past farming activity that would be negatively impacted by any proposed development.
3. The receiving parcel must have adequate road access and a suitable building site that would not result in a "flag lot" with a long driveway bisecting agricultural land. The proposed building site must conform to the Town's Development Siting Standards and Criteria within the Agricultural Preservation Area.
4. The proposed transfer must not pose a potential conflict with existing agricultural activities on neighboring properties.