

# **TDR RULES AND PROCEDURES**

**TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM**

**TOWN OF SPRINGFIELD, DANE COUNTY, WISCONSIN  
RECOMMENDED BY TOWN PLAN COMMISSION: 7/12/10**

## DOCUMENT OVERVIEW

This document describes the Town of Springfield's Transfer of Development Rights (TDR) program in detail. It is intended as a complete user's guide to the program, containing all applicable rules and procedures. The Town's TDR program is authorized and outlined by the Town's Comprehensive Plan and Land Division Ordinance, and supplemented by the County's TDR authorizing ordinance contained within the Dane County Zoning Ordinance.

No transfer of development rights shall occur without the approval of the Town Board (including any proposed transfer out of the Town), following a recommendation of the Town Plan Commission. Further, it shall be the Town Board's right and responsibility to interpret the Town's TDR program, as expressed within the Town Comprehensive Plan, Town Land Division Ordinance, and this *TDR Rules and Procedures* document.

The rules and procedures within this document are subject to amendment from time to time by the Town of Springfield Board, following a recommendation from the Town Plan Commission. The Town will conduct a formal review of the goals and progress of its TDR program no later than [insert date five years after Town Board adoption of the comprehensive plan and ordinance changes that implement TDR program], and every five years thereafter, and may alter, augment, or repeal the program based on such reviews.

The program described in this document involves exchange of development opportunities which are permitted by zoning and other police power ordinances. The use of the term "development rights" does not imply that these rights are a form of property, nor does approval of this program constitute the creation of any private property rights. The Town and County reserve all future legislative authority to regulate the use of land under their zoning and other powers.

The remainder of this *TDR Rules and Procedures* document is divided into six sections, as follows:

1. Program Goals: Why the Town is Doing TDR
2. TDR Sending Area Parameters: How Someone Can Sell Development Rights
3. TDR Receiving Area Parameters: What Buying Development Rights Allows
4. Transaction Procedures: How to do a Development Rights Transfer
5. Glossary: What do Different Terms and Phrases Mean [NOTE: Capitalized terms within the remainder of this document generally are terms that are defined in this Glossary.]
6. Attachments: TDR Sending and Receiving Area Criteria Worksheets

## **PROGRAM GOALS: WHY THE TOWN IS DOING TDR**

To advance the Town's farmland preservation and growth management objectives, the Town's Comprehensive Plan and Land Division Ordinance direct the implementation of a Transfer of Development Rights (TDR) program. The program shifts some permitted housing development from areas that the Town has planned for long-term agricultural use to limited areas planned for more intensive development by and in the Town.

The Town of Springfield's TDR program goals include:

1. Preserve large viable areas of farmland with a minimum of non-farm divisions, and help keep farming economically viable.
2. Redirect development to land within and close to areas that already contain concentrations of residential development, and to parcels that are too small for most types of farming.
3. Design the TDR program as voluntary for Town property owners. Specifically, without TDR, most properties within the Town would remain eligible for limited housing development at a density of one Dwelling Unit per every 35 acres, regardless of how the land is designated in the Town's Comprehensive Plan. Through use of the Town's TDR program, certain properties anticipated under the Town's Comprehensive Plan for denser development could accomplish such added density only through use of development rights that were transferred from one or more properties somewhere else in the Town.
4. Adopt, maintain, and update the necessary legal framework, rules, and procedures for a successful TDR program. This will include participating in the Dane County transfer of development rights system that is established under Chapter 10 of the Dane County Code of Ordinances (i.e., the Dane County Zoning Ordinance).

## **TDR SENDING AREA PARAMETERS: HOW SOMEONE CAN SELL DEVELOPMENT RIGHTS**

**TDR Sending Areas Defined:** TDR Sending Areas are defined as areas from which development rights could be transferred away (or retired) through (a) the rezoning of such lands to the County's TDR-S Overlay Zoning District, (b) the recording of a TDR Agricultural Conservation Easement against such lands. Both actions combined would restrict housing and other non-farm development below levels normally allowed under the Town Comprehensive Plan. No transfers of development rights will be allowed without property owner consent and approval of the Town Board, following a recommendation from the Town Plan Commission. No person or other legal entity may transfer Development Rights in the Town without owning the underlying land from which the Development Rights originated.

**Minimum Criteria for TDR Sending Areas:** The following minimum criteria will be required for an area to qualify as a TDR Sending Area, thereby allowing the transfer of Development Rights away from that area as provided under the Town's Comprehensive Plan.

1. The Acreage must be located within an "Agricultural Preservation District" or an adjacent "Conservancy District" on Map 6: Planned Land Use of the Town of Springfield Comprehensive Plan.
2. At the time of transfer, the Acreage must be and remain zoned A-1 Exclusive Agriculture, or any replacement or additional certified agricultural/farmland preservation district that Dane County may adopt under State law. The Acreage must, as part of the Development Rights transfer process, also be zoned into Dane County's TDR-S Overlay Zoning District, which will not alter the underlying zoning (usually A-1 Exclusive Agriculture).
3. The Acreage must have one or more available Development Rights under the Town's standards expressed in its Comprehensive Plan. In cases where a property owner agrees to transfer one or more Development Rights to a TDR Receiving Area, the maximum number of Development Rights that may be transferred from the Acreage will be determined by the following:
  - a) For parcels that contain 35 acres or greater, first divide the number of gross acres owned within the Town of Springfield as of April 16, 1979 by 35, then reduce that total by the number of new housing units that have been built on the 1979 ownership parcel since April 16, 1979 (through "Splits" or otherwise), then round the total up for fractions equal to  $\frac{1}{2}$  or greater if the property owner agrees to transfer all remaining Development Rights away from the Acreage, thereby allowing no additional Dwelling Units to be built on the Acreage.
  - b) For Sub-35 Acre Lots (i.e., substandard parcels in the A-1 Exclusive Agriculture zoning district) that do not contain an existing Dwelling Unit, a total of one Development Right may be transferred from the Acreage, provided that the Sub-35 Acre Lot would otherwise be buildable under applicable policies within the Town's Comprehensive Plan. The Town normally allows for the construction of

a total of one new Dwelling Unit on Sub-35 Acre Lots that do not already contain an existing Dwelling Unit. In the event that such a Sub-35 Acre Lot owner instead transfers one Development Right, he or she is no longer allowed to build a new Dwelling Unit on that Lot.

4. The Acreage must not be within the “Potential 20-year Annexation and Urban Service Area,” as mapped in the 2004 Middleton-Springfield Intergovernmental Agreement, except if first approved in writing by the City of Middleton, or unless that Agreement is subsequently amended or a new Agreement is adopted to render this criterion obsolete.
5. Per the 2007 Waunakee-Springfield Intergovernmental Agreement, if the Acreage is within the Village of Waunakee’s extraterritorial jurisdiction, it can qualify as a TDR Sending Area only if first approved in writing by Waunakee, unless that Agreement is subsequently amended or a new Agreement is adopted to render this criterion obsolete. [NOTE: Within this TDR Rules and Procedures document, provisions related to lands near Middleton and Waunakee are somewhat different from each other because the respective Intergovernmental Agreements between Springfield and these two municipalities are also somewhat different from each other in how they address TDR and development within the respective extraterritorial jurisdictions.]
6. A Farm Conservation Plan must be in effect for the Field(s) on the Acreage.

**TDR “Super Sending Area” Criteria:** To best accomplish the goals of the Town’s TDR program, the Town values the preservation of TDR Sending Area lands with certain additional qualities. Where at least 50 points are accumulated by applying the following additional criteria, the TDR Sending Area will be designated as a “Super Sending Area,” which may enable higher development densities within a TDR Receiving Area than would otherwise be allowed if a TDR Agricultural Conservation Easement and TDR-S Overlay Zoning District are applied to the TDR Super Sending Area Acreage:

7. The Fields are at least 75% underlain by Group I or II Agricultural Soils, per Dane County Land Conservation Department’s Land Evaluation System and as generally shown on Map 2: Soil Suitability for Agriculture in the Comprehensive Plan (worth 20 points if this criterion is met).
8. The Acreage contains or is within 1,320 feet of a Livestock Structure within an existing large livestock operation, an existing mineral extraction operation, or both (15 points).
9. At least 75% of the Acreage is within the 5+ inch Groundwater Recharge Area shown on Map 3a: Groundwater Recharge Rates of the Town’s Comprehensive Plan or the Pheasant Branch Springs Recharge Area map (15 points).
10. The Acreage is within 1,320 feet of property where a TDR Agricultural Conservation Easement is already recorded (10 points).
11. Two or fewer Dwelling Units have been built since April 16, 1979 on the contiguous single ownership parcel that includes the proposed Sending Area Acreage, as the parcel existed on April 16, 1979 (10 points).

12. At least 5% of the Acreage is designated as having “Soils with Building Limitations” on Map 6: Planned Land Use of the Town’s Comprehensive Plan (5 points).
13. At least 5% of the Acreage is designated as “Conservancy District” on Map 6: Planned Land Use of the Town’s Comprehensive Plan (5 points).
14. The Acreage is within 1,320 feet of the centerline of Highway 12 (5 points).
15. The Acreage is adjacent to, or at least partially included within, a Dane County Parks and Open Space Plan conservation area (e.g., natural resource area, stream protection area, prairie and oak savanna site) or the DNR’s Waunakee Marsh project boundary (5 points).
16. The land owner elects to place all of his or her contiguously owned parcels zoned A-1 Exclusive Agriculture into a TDR Agricultural Conservation Easement (5 points).
17. The Acreage is within an Agricultural Enterprise Area approved by the State Department of Agriculture, Trade and Consumer Protection under Chapter 91 of Wisconsin Statutes (5 points).

**TDR Agricultural Conservation Easements:** A TDR Agricultural Conservation Easement must be placed on the TDR Sending Area Acreage, limiting future non-farm development, before the transferred Development Rights may be exercised in a TDR Receiving Area (i.e., before additional housing density gets authorized there), per the following standards:

1. The TDR Agricultural Conservation Easement must be permanent (see also #6 below).
2. The TDR Agricultural Conservation Easement need not remove all future Development Rights from the Acreage. The TDR Sending Area landowner may choose to retain some Development Rights within the Sending Area Acreage. When not all of the Development Rights are transferred, the Town will specify on the TDR Sending Area Acreage where the remaining Dwelling Unit sites may be located and the maximum Lot size, based on the TDR program goals. The TDR Agricultural Conservation Easement will cover the entire Sending Area Acreage, but may allow a specified area(s) where any remaining Dwelling Unit sites that are allowable after the transfer per the Town’s density policy (i.e., Development Rights the property owner elects not to transfer) may be located, and in such case will indicate the number of remaining Dwelling Unit sites allowable on that portion of the Acreage.
3. Funding for acquisition of TDR Agricultural Conservation Easements may come from multiple sources, including from a Developer purchasing Development Rights and from grant funding for farmland and/or natural resource preservation. Grant funding may reduce the cost to Receiving Area property owners of purchasing Development Rights, increase funding for Sending Area owners, stimulate TDR program activity, and/or better achieve program goals by preserving more land.
4. The Town and County will be the co-holders of the TDR Agricultural Conservation Easement. Other government or non-profit parties that provide funding or regulatory support may also be another holder of the TDR Agricultural Conservation Easement.

5. Except by Intergovernmental Agreement involving the Town of Springfield, all TDR Agricultural Conservation Easements under the Town's program may be applied only to Acreage within the Town of Springfield.
6. To deal with uncertainty in future planning (for example, some of today's planned "preservation areas" might be planned "development areas" in ensuing decades), if approved by all proposed holders, the TDR Agricultural Conservation Easement may include a provision allowing its removal if (a) the Town later agrees that land is more appropriate for development by amending the Town Comprehensive Plan and (b) at least twice as much comparable land of comparable value, with "comparable" being determined by the Town Board, within the Town has been identified for the transfer of the TDR Agricultural Conservation Easement. [NOTE: Most county, state, and federal grant programs that could be used for supplemental funding support would not allow this type of provision over lands they help protect. Further, if the applicant wishes to claim that some of the value of the Development Right/TDR Agricultural Conservation Easement has been donated, IRS rules require the conservation easement to be permanent.]
7. The TDR Agricultural Conservation Easement must meet all the criteria within Section 10.01(75m) of the Dane County Zoning Ordinance.

The Town has a model TDR Agricultural Conservation Easement document, which it requires to be used and recorded by interested TDR Sending Area property owners and which also meets Dane County requirements. That model is available upon request at the Town Hall or on the Town's Web site.

## **TDR RECEIVING AREA PARAMETERS: WHAT BUYING DEVELOPMENT RIGHTS ALLOWS**

**TDR Receiving Areas Defined:** TDR Receiving Areas are defined as those areas to which Development Rights may be transferred, enabling greater development density than would otherwise be allowed there in exchange for the permanent protection of Acreage within a TDR Sending Area through a TDR Agricultural Conservation Easement. There are three types of TDR Receiving Areas in the Town, to account for different geographic areas, pre-existing land parcel sizes, and development policies per the Town's Comprehensive Plan. These include Type 1 Receiving Areas—"Neighborhood Development," Type 2 Receiving Areas—"Sub-35 Acre Lot Development," and Type 3 Receiving Areas—"Farm-to-Farm Transfer."

No transferred Development Rights shall be required for division and development of parcels intended and restricted for non-residential purposes. No transfers of Development Rights will be allowed without approval of the Town Board, following a recommendation from the Town Plan Commission. All Development Rights intended for use in a TDR Receiving Area must be obtained from a person or other legal entity owning land within a TDR Sending Area in the Town, and such development rights must have been derived from Acreage in the Town. The Town does not wish to see speculation in transferred Development Rights, and requires the immediate or near-immediate transfers of Development Rights from one or more TDR Sending Area properties to one or more TDR Receiving Area properties where they will be used.

**Minimum Criteria for All TDR Receiving Areas:** The following minimum criteria will be required for any area to qualify as a TDR Receiving Area, thereby allowing additional development density as provided later in this section and under the Town's Comprehensive Plan.

1. The proposed Lot(s) must be capable of supporting conventional, mound, or alternative wastewater treatment systems. The Town will not allow TDR Receiving Areas to develop using holding tanks.
2. The proposed Lot(s) must use the minimum new lot size standards in the Town Comprehensive Plan and Land Division Ordinance applicable to the planned land use district under which the Lot(s) are mapped on Map 6: Planned Land Use of the Town's Comprehensive Plan.
3. The maximum size for each new Lot is five acres, except for any remainder parcel that constitutes the balance of the TDR Receiving Area land holding (see below for more restrictive maximum Lot size requirement that apply to Type 1 receiving areas only).
4. The proposed Lot(s) must, as part of the Development Rights transfer process, be rezoned into an appropriate rural homes or residential zoning district, coupled with the TDR-R Overlay Zoning District, as specified under the Dane County Zoning Ordinance.

5. City of Middleton written approval is required if the proposed Lot(s) is located within Area A (“Potential 20-year Annexation and Urban Service Area”) of the 2004 Middleton-Springfield Intergovernmental Agreement, except if that Agreement is amended or a new Agreement is adopted to render this criterion obsolete.
6. Per the 2007 Waunakee-Springfield Intergovernmental Agreement, if the proposed Lot(s) is within the Village of Waunakee’s extraterritorial jurisdiction, it can be a TDR Receiving Area only if it is located within a “Rural Development District” (shown on Map 6: Planned Land Use of Town’s Comprehensive Plan) or if otherwise approved in writing by Waunakee, except if that Agreement is amended or a new Agreement is adopted to render this criterion obsolete.
7. The Town’s “right-to-farm” notice, listed as a “Rural Development District” policy in the Land Use chapter of the Town’s Comprehensive Plan, must be placed on the recorded final plat or CSM covering the proposed Lot(s).
8. In the determination of the Town Board following a recommendation from the Town Plan Commission, the proposed development must meet at least 80% of those “Conservation Neighborhood Design” standards (for developments of 10 or more Lots) or those “Development Siting Standards” (for developments of fewer than 10 Lots) that the Town Board determines are applicable to the particular development being proposed. These design and siting standards are listed in the Town Comprehensive Plan as Policy h and Policy i within the Housing and Neighborhood Development chapter. Some of these are applicable only to developments with certain characteristics that are not present on all development sites, such as a location next to a highway a surface water feature). Only those standards that are applicable to the particular development site under consideration figure into the 80% calculation.
9. An adequate number of Development Rights must be acquired for the number of new Lot(s) anticipated in the TDR Receiving Area.
10. The Town requires each TDR Receiving Area property owner to complete the final transaction to acquire Development Rights from a TDR Sending Area property owner only after conditional final plat or Certified Survey Map approval is secured for land in the TDR Receiving Area. Prior to such plat or Certified Survey Map approval, the Town encourages each interested TDR Receiving Area property owner to obtain an Option to Purchase (or another legally recognized tool) to purchase such Development Rights in the future, after Subdivision Plat or Certified Survey Map approval has been obtained. The Town will apply appropriate conditions to its approval of the Subdivision Plat or Certified Survey Map to assure that the acquisition of Development Rights is finalized before the Plat or Certified Survey Map may be recorded and housing may be constructed in the TDR Receiving Area.
11. Two or more TDR Receiving Area property owners may, in combination, purchase development rights from a single property owner in a TDR Sending Area. In such cases, development approvals (e.g., rezonings, certified survey maps) should proceed in tandem for both TDR Receiving Areas, to the extent possible. The Town may delay the approval or recording of a certified survey map for one of the TDR

Receiving Area properties until all of the TDR Receiving Area properties are also ready for development approvals.

12. One TDR Receiving Area property owner may acquire development rights from more than one TDR Sending Area property owner, but only if there are insufficient Development Rights available from one TDR Sending Area property owner to fully achieve the development proposal in the TDR Receiving Area.

**Type 1 Receiving Areas—“Neighborhood Development”**: Type 1 Receiving Areas may be in areas shown as either a “Rural Development District” or “Agricultural Transition District” on Map 6: Planned Land Use of Town Comprehensive Plan. Map 6 may, in the future, be amended to designate additional areas as “Rural Development District” or “Agricultural Transition District,” provided that the required procedure for amending the Town’s Comprehensive Plan is followed.

In addition to the above “Minimum Criteria for All TDR Receiving Areas,” for a property to qualify as a Type 1 Receiving Area, all of the following is also required:

13. The proposed Lot(s) is located in either a “Rural Development District” or an “Agricultural Transition District” on Map 6: Planned Land Use of Town’s Comprehensive Plan, as may be amended from time to time.
14. If the proposed Lot(s) is in the “Agricultural Transition District” (from Map 6: Planned Land Use of Town’s Comprehensive Plan) that is adjacent to the City of Middleton, Middleton’s written approval is required.
15. The proposed Lot(s) must be at least 1,320 feet from any existing mineral extraction operation, a Livestock Structure of an existing Large-scale Livestock Operation, or both, except if such operation(s) is on property owned by the Receiving Area applicant.
16. No portion of the proposed Lot(s) is within a current Dane County Parks and Open Space Plan conservation area (e.g., natural resource area, stream protection area, prairie and oak savanna site) or the DNR’s Waunakee Marsh project boundary.
17. The maximum size for each new Lot is three acres, except for any remainder parcel that constitutes the balance of the Receiving Area land holding.

***Standard 1:1 Transfer Ratio—Type 1***. For every Development Right acquired from a standard (non-Super) TDR Sending Area, the Developer will as a baseline be allowed to create one new buildable Lot in the Type 1 TDR Receiving Area parcel in addition to what the Town’s “1 per 35” density standard in the planned “Agricultural Preservation District” would normally allow if applied to the TDR Receiving Area parcel.

***2:1 Transfer Ratio Opportunity—Type 1***. The Developer will be allowed to create two new buildable Lots for every Development Right transferred to the TDR Receiving Area parcel, in addition to what the “1 per 35” density standard in the planned “Agricultural Preservation District” would normally allow if applied to that parcel, if the Development Rights were transferred from a “Super Sending Area” **or** if the TDR Receiving Area is designated as a “Super Receiving Area” by virtue of a Town-verified determination that at least 50 points are earned by the TDR Receiving Area from among the following criteria:

18. The average (mean) proposed Lot size will be two acres or less (20 points).
19. At least 90% of the proposed Lot(s) will be served by conventional on-site waste treatment systems or a community waste treatment system (10 points).
20. The proposed land division that includes the proposed Lot(s) is contiguous with, or across the street from, land that has been previously included in a Subdivision Plat (10 points).
21. At least 75% of the proposed Lot(s) are outside of the “5+ inch” Groundwater Recharge Area as shown on Map 3a: Groundwater Recharge Rates in Town Comprehensive Plan or the Pheasant Branch Springs Recharge Area map (10 points).
22. No more than 5% of the land area of the proposed Lot(s) is indicated as having “Soils with Building Limitations” on Map 6: Planned Land Use of the Town’s Comprehensive Plan, and any such land area will be restricted from disturbance (5 points).
23. No more than 5% of the land area of the proposed Lot(s) is indicated as “Conservancy District” on Map 6: Planned Land Use in the Town’s Comprehensive Plan, and any such land area will be restricted from disturbance (5 points).
24. No more than 20% of the land area of the proposed Lot(s) will be located on Group I or II Agricultural Soils, per the Dane County Land Conservation Department’s Land Evaluation System and as generally shown on Map 2: Soil Suitability for Agriculture in the Town’s Comprehensive Plan (5 points).
25. None of the proposed Lot(s) is within 1,320 feet of the centerline of the nearest state, U.S., or county highway (5 points).

***4:1 Transfer Ratio Opportunity—Type 1:*** The Developer will be allowed to create four new buildable Lots in a Type 1 TDR Receiving Area for every Development Right transferred to the TDR Receiving Area parcel, in addition to what the “1 per 35” density standard in the planned “Agricultural Preservation District” would normally allow if applied to that parcel, if the Development Rights were transferred from a “Super Sending Area” **and** if the TDR Receiving Area is designated as a “Super Receiving Area” by virtue of a Town-verified determination that at least 50 points are earned by the TDR Receiving Area from among the above criteria 18 through 25 above.

***5:1 Transfer Ratio Opportunity—Type 1:*** The Developer will be allowed to create five new buildable Lots in a Type 1 TDR Receiving Area for every Development Right transferred to the TDR Receiving Area parcel, in addition to what the “1 per 35” density standard would normally allow on that parcel, if the Development Rights were transferred from a “Super Sending Area,” **and** if the TDR Receiving Area is designated as a “Super Receiving Area” by virtue of a Town-verified determination that at least 50 points are earned by the TDR Receiving Area from among the above criteria 18 through 25 above, **and** where criterion 18 is met in all cases.

**Type 2 Receiving Areas—“Sub-35 Acre Lot Development”:** Type 2 Receiving Areas may be designated over parcels of fewer than 35 acres that are shown within the “Agricultural Preservation District” or adjacent “Conservancy District” on Map 6: Planned Land Use of the Town’s Comprehensive Plan and are zoned A-1 Exclusive Agriculture. These are commonly understood as substandard parcels in A-1 Exclusive Agriculture zoning district, because they do not meet the 35-acre minimum parcel size normally required in that zoning district.

In addition to the above “Minimum Criteria for All TDR Receiving Areas,” for a property to qualify as a Type 2 Receiving Area, all of the following is also required:

13. The proposed Lot(s) is a lawfully created substandard parcel (fewer than 35 acres) in the “Agricultural Preservation District” as shown on Map 6: Planned Land Use of the Town’s Comprehensive Plan, with a determination of whether it was lawfully created assisted by a “parcel status determination” requested of and completed by Dane County Planning and Development Department staff.
14. The proposed Lot(s) must be at least 1,320 feet from any existing mineral extraction operation, a Livestock Structure of an existing Large-scale Livestock Operation, or both, except if such operation(s) is on property owned by the Receiving Area applicant.
15. No portion of the proposed Lot(s) is within a current Dane County Parks and Open Space Plan conservation area (e.g., natural resource area, stream protection area, prairie and oak savanna site) or the DNR’s Waunakee Marsh project boundary.
16. No more than 5% of the land area of the proposed Lot(s) is indicated as having “Soils with Building Limitations” on Map 6: Planned Land Use of the Town’s Comprehensive Plan, and any such land area will be restricted from disturbance.
17. No more than 5% of the land area of the proposed Lot(s) is indicated as “Conservancy District” on Map 6: Planned Land Use in the Town’s Comprehensive Plan, and any such land area will be restricted from disturbance.

**Standard 1:1 Transfer Ratio—Type 2.** For every Development Right acquired from a standard (non-super) TDR Sending Area, the Developer will be allowed to build one new Dwelling Unit in the Type 2 Receiving Area parcel in addition to the normal allocation of Lots that are allocated to that parcel under the “Agricultural Preservation District” Policy d, Land Use chapter, Town Comprehensive Plan, provided that the average (mean) size for newly created Lots intended as residential building sites does not exceed three acres. Where the average (mean) size for newly created Lots intended as residential building sites exceeds three acres, transfers will still be allowed, but in such cases, the Developer will be required to obtain two Development Rights for each additional new Dwelling Unit over the normal allocation in the Type 2 Receiving Area.

**2:1 Transfer Ratio Opportunity—Type 2.** For every Development Right acquired from a Super Sending Area, the Developer will be allowed to build two new Dwelling Units in the Type 2 Receiving Area parcel in addition to the normal allocation of Lots that are allocated to that parcel under the “Agricultural Preservation District” Policy d, Land Use chapter, Town Comprehensive Plan, if the TDR Receiving Area is designated as a “Super Receiving Area” by virtue of a Town-verified determination that all of the following criteria are met:

18. The Development Right(s) was transferred from a Super Sending Area.
19. The average (mean) proposed size for newly created Lots intended as residential building sites does not exceed three acres.
20. No more than 20% of the land area of the proposed Lot(s) will be located on Group I or II Agricultural Soils, per the Dane County Land Conservation Department's Land Evaluation System and as generally shown on Map 2: Soil Suitability for Agriculture in the Town's Comprehensive Plan.
21. The development will use shared driveways, with not more than five Dwelling Units on any one shared driveway, or individual driveways will be located to minimize conflict with farm operations in the judgment of the Town Plan Commission.

***Type 2 Receiving Areas as Possible Sending Areas:*** Each parcel designated as a Type 2 Receiving Area may, alternatively, serve as a TDR Sending Area under the requirements for TDR Sending Areas described above.

**Type 3 Receiving Areas—“Farm-to-Farm Transfer”:** Type 3 Receiving Areas may be parcels of greater than 35 acres that are shown within the “Agricultural Preservation District” or adjacent “Conservancy District” on Map 6: Planned Land Use of the Town's Comprehensive Plan, subject to overall density limits designed to preserve the agricultural integrity of the general area. Specifically, the maximum density may not be more than double the “1 per 35” development density that is normally allowed in the “Agricultural Preservation District.”

In addition to the above “Minimum Criteria for All TDR Receiving Areas,” for a parcel to qualify as a Type 3 Receiving Area, all of the following is also required:

13. The parcel is greater than 35 acres and is located in the “Agricultural Preservation District” or an adjacent “Conservancy District” on Map 6: Planned Land Use of the Town's Comprehensive Plan.
14. The proposed Lot(s) must be at least 1,320 feet from any existing mineral extraction operation, Livestock Structure of an existing Large-scale Livestock Operation, or both, except if such operation(s) is on property owned by the Receiving Area applicant.
15. No portion of the proposed Lot(s) is within a current Dane County Parks and Open Space Plan conservation area (e.g., natural resource area, stream protection area, prairie and oak savanna site) or the DNR's Waunakee Marsh project boundary.
16. No more than 5% of the land area of the proposed Lot(s) is indicated as “Conservancy District” on Map 6: Planned Land Use in the Town's Comprehensive Plan, and any such land area will be restricted from disturbance.

And, at least 40 points must be earned from among the following criteria:

17. The proposed Lot(s) is less suitable for agricultural use than the Acreage from which the Development Rights are to be transferred, based on soil capability groups shown on Map 6: Soil Suitability for Agriculture in the Comprehensive Plan, or more detailed sources where available (20 points).

18. The proposed Lot(s) is not on Group I or II Agricultural Soils, per the Dane County Land Conservation Department's Land Evaluation System and as generally shown on Map 2: Soil Suitability for Agriculture in the Town's Comprehensive Plan (20 points).
19. The proposed Lot(s) will use shared driveways (10 points).
20. No more than 5% of the land area of the proposed Lot(s) is indicated as having "Soils with Building Limitations" on Map 6: Planned Land Use of the Town's Comprehensive Plan, and any such land area will be restricted from disturbance (10 points).
21. The TDR Sending Area Acreage is within 1,320 feet of property where a TDR Agricultural Conservation Easement is already recorded (10 points).

***Standard 1:1 Transfer Ratio—Type 3:*** For every Development Right acquired, the land owner in a Type 3 Receiving Area will be allowed to create one new buildable Lot in addition to the normal "1 per 35" density allocation under "Agricultural Preservation District" Policy c, Land Use chapter, Comprehensive Plan, except that:

1. For each new buildable Lot over three acres in area, the Type 3 Receiving Area land owner will be required to acquire two Development Rights.
2. The maximum density, following all transfers to the property and housing units built via other means on the 1979 ownership parcel since April 16, 1979, may not exceed two Dwelling Units per 35 acres of land under Contiguous single ownership as of April 16, 1979.

***Type 3 Receiving Areas as Possible Sending Areas:*** Areas designated as Type 3 Receiving Areas may, alternatively or in addition, serve as TDR Sending Areas under the requirements for TDR Sending Areas described above.

## **TRANSACTION PROCEDURES: HOW TO DO A DEVELOPMENT RIGHTS TRANSFER**

**TDR Transaction Procedure Overview:** The procedures for executing a TDR Transaction generally follow normal development approval processes. These processes require rezoning and land division approval from both the Town and Dane County. However, there would be some expansions to these normal processes to assure that proper legal tools have been recorded, particularly the TDR Agricultural Conservation Easement over the Sending Area Acreage and the finalization of TDR Overlay Zoning Districts, before final authorization for additional residential Lots and Dwelling Units is provided to the TDR Receiving Area property.

### **Steps for TDR Transaction:**

Except as otherwise approved by the Town in a manner consistent with applicable Town and County ordinances, the following shall be the process to complete a transaction of one or more Development Rights from a TDR Sending Area to a TDR Receiving Area:

1. ***Seek Town Staff/Consultant Concept Plan Review and Complete Criteria Worksheet.*** Individual who wishes to utilize Development Rights to develop land (i.e., a Developer) approaches Town staff/consultant to discuss the idea in concept. Town staff/consultant advises the Developer on the preparation of a Criteria Worksheet for the appropriate type of TDR Receiving Area (type 1, 2, or 3), with the criteria worksheet forms included at the end of this *TDR Rules and Procedures* document.
2. ***Seek Town Plan Commission/County Staff Concept Plan Review.*** In advance of any formal development application (e.g., rezoning, plat or Certified Survey Map-CSM), the Developer brings a Concept Plan and a completed Criteria Worksheet to the Town Plan Commission for its review. Also, the Developer is advised to share the Concept Plan with staff from County Planning and Development Department during this step to understand County issues and compatibility with County TDR ordinance requirements.
3. ***Hear Initial Evaluation of Concept Plan.*** Town compares the developer's Concept Plan and Criteria Worksheet to these TDR program rules, the Town's Comprehensive Plan, its Land Division Ordinance, and its Growth Management Allocation Plan and advises Developer accordingly, both during and after the Town Plan Commission meeting described in #2 above. Proposed development may be subject to competition provisions per the Growth Management Allocation Plan specifications, particularly if within a Type 1 Receiving Area.
4. ***Identify TDR Sending Area Property Owner for Option to Purchase Sufficient Development Rights.*** The Developer seeks out potential TDR Sending Area property owner(s) (including from the Town's "interested property owners list" if desired—see below), and secures an Option to Purchase (or another legally recognized tool) to enable the future purchase Development Rights from that owner(s). The Developer is encouraged to not complete final transaction to acquire Development Rights at this time (see step #8 below), in the event that not all required development approvals can be secured after this time for whatever reason.

5. ***Submit Rezoning and Land Division Approval Applications.*** Developer submits applications for rezoning with Dane County, and preliminary Subdivision Plat or a Certified Survey Map (CSM) application with County and Town, with the requirement for either a Subdivision Plat or CSM generally depending on the number of Lots within the proposed development. Lands within the TDR Receiving Area will generally require rezoning to a rural homes or residential underlying zoning district, along with a TDR-R Overlay Zoning District. Acreage within the TDR Sending Area will have to be zoned into the TDR-S Overlay Zoning District.
6. ***Work through Town and County Rezoning and Land Division Approval Processes.*** Town and County approve the rezoning of the TDR Receiving Area to a rural homes or residential zoning district, TDR Overlay Zoning districts over both the Sending and Receiving Areas, and the land division via a preliminary plat or CSM. These approvals proceed under normal processes that apply whether or not a Development Rights transfer is involved. Following a preliminary plat process, if required, the Developer then submits a final plat, and Town and County approve the final plat.
7. ***Complete Purchase of Development Rights, Record Documents, and Secure Zoning/Building Permits.*** County zoning and Town building permits for new housing within the TDR Receiving Area issued only after evidence is provided to the Town and the Dane County Zoning Administrator that the required TDR Agricultural Conservation Easement is recorded against the TDR Sending Area Acreage and an associated TDR Notice Document is recorded against the TDR Receiving Area property. Both recorded documents shall meet all requirements of the Town's TDR program, the definitions in the Glossary below, models available from the Town, and Dane County's TDR ordinance. In addition, before issuing a zoning permit, Dane County requires a letter from the Town indicating that the TDR transaction is consistent with transfer ratios, siting/design criteria, and all other applicable policies of the Town's Comprehensive Plan and TDR program. Any development rights that were acquired from the TDR Sending Area Acreage but were for whatever reason not transferred to or utilized in the associated TDR Receiving Area property(ies) shall be considered null and void and not available for use elsewhere.

**Interested Property Owners List:** To facilitate the identification of willing Sending Area participants in the TDR program, the Town intends to establish a TDR Sending Area interested property owners list.

To be included on that list, an interested property owner will need to submit a completed TDR Sending Area Criteria Worksheet, expressing interest in selling Development Rights. To actually include the property on the list, the Town will first determine that such interested property owners actually have Development Rights to transfer under the Town's TDR program and Comprehensive Plan. Town staff or consultants are available to assist property owners in completing the worksheet as requested.

Also, as part of the request to be included on the list, the interested property owner will also need to indicate the number of Development Rights he/she would potentially be interested in selling/transferring from the property, subject to confirmation by the Town staff or consultant. A combination of the results of a "1 per 35" density study and property owner

preference as expressed in the interested property owner's request (or follow-up) would determine the maximum number of Development Rights that are available for transfer away from the Sending Area property. If property owner agrees to make available for sale all remaining Development Rights on the property, and actually transfers all remaining Development Rights under the Town's TDR program, that property owner may "round up" fractional amounts over 1/2 when calculating allowable Development Rights on the property under the Town's "1 per 35" density policy. Parcels of fewer than 35 acres as of April 16, 1979 that are shown within the "Agricultural Preservation District" or adjacent "Conservancy District" on Map 6: Planned Land Use of the Town's Comprehensive Plan may serve as Sending Areas, if a Development Right still exists with the property per Town Comprehensive Plan policies (i.e., a Dwelling Unit has not been built).

Landowners included on the "interested property owner list" may petition the Town and County to rezone all or a portion of their Acreage to the TDR-S Overlay Zoning District, whether or not a specific TDR transaction including that Acreage is imminent. Doing so may facilitate the subsequent Development Rights transfer process and/or provide a broader signal to other preservation-focused organizations that the owner may be interested in selling development rights.

The interested property owners list does not include asking or recommended prices for Development Rights; it would be up to each individual buyer and seller to negotiate a price through a private transaction. The Town is not involved in setting or advising prices for Development Rights.

## **GLOSSARY:**

### **WHAT DO DIFFERENT TERMS AND PHRASES MEAN**

The following terms and phrases are used in different parts of this *TDR Rules and Procedures* document, but may not have commonly understood definitions. The definitions of these terms and phrases are applicable as they apply to understanding this document only. It is possible that the same terms or phrases may have different definitions in other Town or County plans, ordinances, or other documents.

**A-1 Exclusive Agriculture:** A Dane County zoning district mapped over large sections of the Town of Springfield, specifying among other regulations permitted uses of land so zoned. Per Section 10.123 of the Dane County Zoning Ordinance, the purpose of the A-1 Exclusive Agricultural zoning district is, in part, to preserve productive agricultural land for food and fiber production and prevent land use conflicts between incompatible uses. Most of the lands that are planned in the Agricultural Preservation District under the Town's Comprehensive Plan are zoned A-1 Exclusive Agriculture. (Note: State law requires Dane County, prior to December 1, 2012, to revisit and likely revise the A-1 Exclusive Agriculture zoning district, potentially even including a name change. For purposes of the Town's TDR program, any such revised or replacement district will have the same effect as the A-1 Exclusive Agriculture district in place at time of TDR program adoption.)

**Acreage:** The total extent and amount of land within the Town of Springfield, owned by one property owner or group of owners, from which Development Rights are to be transferred as part of a TDR Transaction (i.e., a TDR Sending Area). The "Acreage" includes any land that remains available for the construction of new Dwelling Units following such a TDR Transaction, if the property owner elects not to transfer all remaining Development Rights.

**Agricultural Preservation District:** A planned land use designation depicted (on Map 6) and described within the Town of Springfield Comprehensive Plan, representing the Town's desired use of lands that are so mapped over the 20 year comprehensive planning period, at a minimum. Intended to preserve productive agricultural lands in the long-term, protect existing farm operations from encroachment by incompatible uses, promote further investments in farming, and maintain farmer eligibility for incentive programs. Absent the decision to utilize planned Agricultural Preservation District lands as a TDR Receiving Area, housing is generally allowed as a density not exceeding one residential Dwelling Unit per 35 acres held in single ownership as of April 16, 1979, per the Town of Springfield Comprehensive Plan. Most, but not all, lands planned in the Agricultural Preservation District are zoned A-1 Exclusive Agriculture.

**Agricultural Soils:** The Dane County Land Conservation Department (LCD) groups soils into classes based on their capability to produce common cultivated crops and pasture plants without deteriorating over a long period of time. These capability classifications are based on numerous criteria that include, but are not limited to, the soil's salinity, capacity to hold moisture, potential for erosion, depth, texture, and structure, as well as local climatic limitations (e.g. temperature and rainfall). Under this system of classification, soils are separated into eight classes. Generally, Class I and Class II soils are the best suited for the cultivation of crops.

**Agricultural Transition District:** A planned land use designation depicted (on Map 6) and described within the Town of Springfield Comprehensive Plan, representing the Town's desired use of lands so mapped over the 20 year comprehensive planning period. Intended to identify certain lands in proximity to developed areas, to be preserved in mainly agricultural and open space uses until such time as more intensive development may be appropriate. Except where otherwise specified by Intergovernmental Agreement, may be appropriate Type 1 TDR Receiving Areas.

**Certified Survey Map:** A legal tool generally used to divide a parcel of land into four or fewer Lots, and subject to local and county government approval prior to recording. Also referred to as a CSM.

**Comprehensive Plan:** The Town of Springfield Comprehensive Plan, prepared, adopted, and amended from time to time by the Town under Section 66.1001 of Wisconsin Statutes. Intended as a long-range planning document, with a 20+ year time horizon, which provides the Town's vision, goals, objectives, and policies related to the growth and preservation of the Town and which guides future planning, zoning, land division, and other Town decisions. The applicable version of the Town of Springfield Comprehensive Plan shall be the most recent version legally adopted by the Town Board.

**Concept Plan:** A preliminary plan, prepared by a Developer, indicating on a map a proposal for development of land in a TDR Receiving Area, prepared with sufficient detail to enable the Developer and Town staff/consultant to complete a Criteria Worksheet and allow the Town's staff, consultant, and Plan Commission to evaluate the conceptual development proposal before the more formal rezoning and land division approval process begins.

**Conservancy District:** A planned land use designation depicted (on Map 6) and described within the Town of Springfield Comprehensive Plan, representing the Town's desired use of lands so mapped over the 20 year comprehensive planning period, at a minimum. Per the Town's Comprehensive Plan, environmentally sensitive areas, including wetlands, floodplains, public park and open space areas, and other lands zoned Conservancy under Dane County zoning are included within this planned land use designation. Also per the Town's Comprehensive Plan, where land included within the Conservancy District is adjacent to land in the Agricultural Preservation District or Agricultural Transition District, such land in the Conservancy District counts towards calculating the number of Dwelling Units allowed on the overall ownership parcel, per the Town's density policy.

**Conservation Neighborhood Design:** A technique of neighborhood/subdivision design intended to minimize the impact of the subdivision on the rural landscape, often by preserving significant parts of the land that might otherwise be used for Dwelling Unit sites. The Town's Conservation Neighborhood Design standards, intended for new subdivisions of 10 or more Lots, are articulated in the Town of Springfield Comprehensive Plan (Housing and Neighborhood Development chapter, policy h).

**Contiguous:** Part of the same parcel of land, or where one parcel of land touches another parcel(s) of land. A public road, navigable waterway, connection at only one point, or intervening lands designated in the Conservancy District in the Town Comprehensive Plan shall not be considered to break up contiguity.

**Criteria Worksheets:** Town-created forms which, once completed, allow Town officials, land owners, and Developers to determine the eligibility of TDR Sending Area Acreage and TDR Receiving Area properties for the transfer of Development Rights under the Town's TDR program. Criteria Worksheets are included as attachments to this document.

**Developer:** Anyone who elects to develop one or more Lots for residential purposes on his or her land, regardless of whether developing land is a regular or primary profession of that person or person(s).

**Development Rights:** The expected ability to develop property by a landowner, as described and allocated in the Town's Comprehensive Plan, and as generally measured by number of Dwelling Units allocated to that property. The number of Development Rights afforded to a property can vary depending on how that property is designated within the Comprehensive Plan. For example, within the planned Agricultural Preservation District, Development Rights are afforded within the Town's Comprehensive Plan at a density not exceeding one residential Dwelling Unit per 35 acres held in single ownership as of April 16, 1979, usually subject to the rezoning of property to achieve that development density. Under the Town's TDR program, Development Rights may be transferred between properties meeting certain criteria.

**Development Siting Standards:** A set of new Dwelling Unit and new Lot siting and design standards intended to minimize the impact of the new Dwelling Unit(s) and Lot(s) on farmland and the rural landscape. The Town's Development Siting Standards, intended for new land divisions with fewer than 10 Lots, are articulated in the Town of Springfield Comprehensive Plan (Housing and Neighborhood Development chapter, policy i). Many of these standards are also illustrated in Appendix A: Rural Development Guidelines of the Town Comprehensive Plan.

**Dwelling Unit:** A building designed for and occupied exclusively as a residence for one family.

**Farm Conservation Plan:** A plan, prepared by a farm owner and usually approved by a county or state official with jurisdiction, designed to minimize soil loss and otherwise protect the natural environment in and around a farm property.

**Farm-to-Farm Transfer:** A type of transfer of Development Rights whereby Development Rights are transferred from a larger farm parcel designated in an Agricultural Preservation District in the Town's Comprehensive Plan to another larger farm parcel also designated in an Agricultural Preservation District (and within a Type 3 Receiving Area).

**Field:** That portion of the Acreage, defined above, that is mapped as "field" on U.S. Department of Agriculture Farm Service Agency (FSA) maps, indicating land in agricultural production.

**Groundwater Recharge Area:** An area in which water is absorbed that eventually reaches the zone of saturation in one or more aquifers. Within the Town of Springfield, Groundwater Recharge Areas are shown on Map 3a: Groundwater Recharge Rates of the Town's Comprehensive Plan or the Pheasant Branch Springs Recharge Area map, also available at the Town Hall.

**Intergovernmental Agreement:** A contractual agreement between government entities to achieve coordinated and cooperative planning. The Town of Springfield has Intergovernmental Agreements with the City of Middleton and Village of Waunakee, which affect land use planning in areas of mutual concern near common municipal boundaries.

**Large-scale Livestock Operation:** A new or expanded livestock facility that will have 500 or more animal units, with each animal unit generally consisting of 1,000 pounds of animal weight. The rules of the State Department of Agriculture, Trade, and Consumer Protection will be consulted in the event an interpretation needs to be made.

**Livestock Structure:** A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. A Livestock Structure includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. The rules of the State Department of Agriculture, Trade, and Consumer Protection will be consulted in the event an interpretation needs to be made.

**Lot:** For the purposes of the TDR program only, a single legally defined parcel of land proposed for construction of a single residence.

**Option to Purchase:** A legal agreement entered between two parties providing an option for the first party to purchase the second party's real property, or an interest in real property, at a specified future date, or upon a specified future occurrence, for a pre-determined price. In the case of the Town's TDR program, such interest in real property would be a TDR Sending Area property's associated Development Rights, and such specified future occurrence may be when the first party obtains governmental approvals of a Subdivision Plat or CSM that would enable application of those Development Rights to a TDR Receiving Area property under the first party's control. A standard Wisconsin Option to Purchase Contract may be utilized or modified for this purpose.

**Overlay Zoning District:** A zoning district that includes a uniform set of opportunities and/or restrictions over all parcels where it is mapped, which are in addition to the opportunities and/or restrictions specific to the underlying or standard zoning district that also applies to those parcels. Dane County has two Overlay Zoning Districts that are particularly applicable to the Town's TDR program. These include the TDR-S Transfer of Development Rights Sending Area Overlay District and the TDR-R Transfer of Development Rights Receiving Area Overlay District, both of which are described further in Section 10.158 of the Dane County Zoning Ordinance.

**Rural Development District:** A planned land use designation depicted (on Map 6) and described within the Town of Springfield Comprehensive Plan, representing the Town's desired use of lands so mapped over the 20 year comprehensive planning period. The Rural Development District is intended for lower density residential development served by on-site waste disposal systems, with the potential for limited neighborhood-serving, small-scale commercial and institutional uses. Parcels within the Rural Development District may be appropriate Type 1 TDR Receiving Areas.

**Split:** An informal term used to describe the process of dividing a smaller Lot, usually intended for a new Dwelling Unit, from a larger parcel. Also, used interchangeably with the

term “Development Right”—as in “how many Splits (Development Rights) are left on that property?”

**Sub-35 Acre Lot:** A parcel of fewer than 35 acres that is shown within the Agricultural Preservation District or adjacent Conservancy District on Map 6: Planned Land Use of the Town’s Comprehensive Plan and is zoned A-1 Exclusive Agriculture. The A-1 Exclusive Agriculture zoning district requires a minimum parcel size of 35 acres; therefore, these parcels are considered “legal nonconforming” under Dane County zoning rules, which limits their development potential under that zoning designation. The Town Comprehensive Plan has policies regarding their potential future development. Sub-35 Acre Lots may be appropriate Type 2 Receiving Areas or TDR Sending Areas under the Town’s TDR program. Also referred to as “substandard parcels in A-1 Exclusive Agriculture zoning district.”

**Subdivision Plat:** A legal tool generally used to divide a parcel of land into five or more Lots, which is subject to local and county government approval prior to recording. Regulations generally require submittal and approval of a preliminary Subdivision Plat in advance of submittal and approval of a final Subdivision Plat.

**Super Receiving Area:** A type of TDR Receiving Area that is so designated based on the characteristics of the property and/or the development that is proposed on the property which may make it eligible for greater levels of residential development under the Town’s TDR program than standard TDR Receiving Areas.

**Super Sending Area:** A type of TDR Sending Area that is so designated based on the characteristics of the property that make it particularly desirable for preservation and the application of a TDR Agricultural Conservation Easement. When paired with Type 1 or Type 2 Receiving Area, Development Rights transferred from a TDR Super Sending Area can yield greater development density in the TDR Receiving Area than otherwise would be allowed under the Town’s Comprehensive Plan.

**TDR Agricultural Conservation Easement:** A document, recorded against the deed to a property, which indicates the easement holder’s non-possessory interest in real property, generally limits future uses to agricultural production and other uses that are consistent with agricultural production, and generally applies in perpetuity. Recorded with the Dane County Register of Deeds against TDR Sending Area Acreage once Development Rights are transferred. May allow a limited and specified number of Dwelling Unit sites in areas designated by the Town if the Sending Area property owner elects to not transfer away all remaining Development Rights.

**TDR Receiving Area:** Those areas to which Development Rights may be transferred under the Town’s TDR program, enabling greater development density than would otherwise be allowed there under the Town’s Comprehensive Plan in exchange for the permanent protection of Acreage within a TDR Sending Area through a TDR Agricultural Conservation Easement. There are three types of TDR Receiving Areas in the Town, to account for different geographic areas, pre-existing land parcel sizes, and development policies per the Town’s Comprehensive Plan. These include Type 1 Receiving Areas—“Neighborhood Development,” Type 2 Receiving Areas—“Sub-35 Acre Lot Development,” and Type 3 Receiving Areas—“Farm-to-Farm Transfer.”

**TDR Sending Area:** Those areas from which Development Rights may be transferred (or retired) through the application of TDR Agricultural Conservation Easements, which would restrict housing development below levels normally allowed under the Town's Comprehensive Plan.

**TDR Notice Document:** An instrument recorded against each new residential Lot within a TDR Receiving Area where a TDR Transaction has taken place that enables residential development of that Lot. Each TDR Notice Document must detail the number of Development Rights transferred, describe the associated TDR Sending Area Acreage, and reference the recorded document number of the required TDR Agricultural Conservation Easement recorded against the TDR Sending Area Acreage.

**TDR Transaction:** The process of transferring Development Rights from a TDR Sending Area to a TDR Receiving Area, resulting in a TDR Agricultural Conservation Easement recorded against the TDR Sending Area Acreage, more Lots for residential purposes than would normally be allowed under the Town's Comprehensive Plan on the TDR Receiving Area property, and a TDR Notice Document recorded against all residential Lots on the TDR Receiving Area property.

**Transfer of Development Rights (TDR):** A Town of Springfield program that requires a Developer of land in certain areas identified for development in the Town's Comprehensive Plan to contribute to the conservation of land in other areas identified in the plan for long-term preservation, but only if such Developer elects to develop at a density that exceeds policies normally applicable in the Agricultural Preservation District. The TDR program is part of the Town's overall farmland preservation, rural character preservation, and growth management strategy.

**ATTACHMENTS:  
TDR SENDING AND RECEIVING AREA CRITERIA  
WORKSHEETS**

ATTACH FINAL WORKSHEETS ONCE THIS TDR RULES AND PROCEDURES DOCUMENT IS ADOPTED. WORKSHEETS WILL REFLECT THE CRITERIA LAID OUT EARLIER IN THIS TDR PROGRAM RULES DOCUMENT.