

TDR RULES AND PROCEDURES

TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM



DANE COUNTY, WISCONSIN

ADOPTED BY TOWN BOARD: 11/7/17
AMENDED BY TOWN BOARD: 6/19/18
AMENDED BY TOWN BOARD: 6/17/25

TOWN OF SPRINGFIELD TDR PROGRAM SUMMARY

GOALS: (1) Preserve farmland and farming; (2) Redirect housing to areas of existing residential development, parcels too small for most farming, and poorest soils; (3) Provide voluntary, market-driven, criteria-based alternative to 1-per-35 splits.

SENDING AREAS (areas from which development rights may be transferred): (1) Created through Conservation Restrictions (see below); (2) Located in planned Agriculture Preservation Area and zoned Exclusive Agriculture; (3) Have unused splits remaining; (4) Not in Middleton growth area by intergovernmental agreement; (5) Meet criteria based on soils, proximity to livestock operations, existing development restrictions, parks and conservancy lands, etc. Strong performance against criteria can result in *Super Sending Area* designation, which can result in higher than 1:1 transfer ratios in certain types and quality of receiving areas to which development rights are transferred—see below.

CONSERVATION RESTRICTIONS: (1) Deed restriction (deed notice) or conservation easement recorded against Sending Area property; (2) Possibility of future removal very limited; (3) Need not use up all remaining splits/development rights; (4) Conservation easement option may be required by the Town in certain circumstances.

RECEIVING AREAS (areas to which development rights are transferred): (1) Support wastewater treatment systems; (2) Meet lot size standards; (3) Rezoned to residential zoning district; and (4) Meet Town Plan neighborhood design or home siting standards. A high ranking against criteria can result in *Super Receiving Area* designation in two of the three types of Receiving Areas, which can result in higher than 1:1 transfer ratios. Three types of Receiving Areas with different development right transfer ratios are as follows:

- **Type 1 *Neighborhood Development*:** 1:1 development rights-to-homes ratio, unless it is Super Receiving Area or transfers are from a Super Sending Area (2:1 ratio), transaction involves both Super Sending Area and Super Receiving Area (4:1), or both SSA/SRA plus <2 acre average lot size (5:1). Must be planned accordingly on Future Land Use map in Town plan.
- **Type 2 *Small Parcel Development*:** 1:1 development rights-to-homes ratio, unless transaction involves both a Super Sending Area and Super Receiving Area (in which case ratio becomes 2:1).
- **Type 3 *Preservation Area Splits*:** 1:1 development rights-to-homes only (no density bonus), within maximum 2 per 35 acre density in receiving area.

PROCESS OVERVIEW: (1) Developer and development rights seller work with Town to determine available splits on Sending Area and complete preliminary criteria worksheets; (2) Concept Plan review from Town Plan Commission; (3) Developer secures option to purchase development rights; (4) Normal rezoning and land division approval processes augmented with TDR analysis; (5) Complete development rights transaction and record Conservation Restrictions against Sending Area property; (6) record CSM or plat.

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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.

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 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 reserves all future legislative authority to regulate the use of land under its zoning and other powers.

PROGRAM GOALS: WHY THE TOWN IS DOING TDR

To advance the Town's farmland preservation and growth management objectives, the Town Comprehensive Plan and Town Land Division Ordinance authorize and 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 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 remain eligible for limited housing development at a density of one Dwelling Unit per every 35 acres, regardless of the future use for which 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 higher density only through use of development rights that were transferred from one or more properties somewhere else in the Town.

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 may be transferred away (or retired) through the recording of Conservation Restrictions against such lands. Such action would restrict housing and certain other non-farm development below levels normally allowed under the Town's 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. No part of a TDR Sending Area from which Development Rights are specifically indicated in the Conservation Restrictions as being transferred may later receive Development Rights, except as may be explicitly allowed under these *TDR Rules and Procedures*.

Minimum Criteria for TDR Sending Areas: The following minimum criteria will be required for an area to qualify as a TDR Sending Area:

1. The Acreage must be located within an "Agricultural Preservation Area" or an adjacent "Conservancy Area" on Map 7: Future Land Use of the Town of Springfield Comprehensive Plan.
2. At the time of transfer, the Acreage must be and remain zoned Exclusive Agriculture, except for any part of the Acreage that is not zoned Exclusive Agriculture at such time.
3. The Acreage must have one or more available Development Rights under the Town's standards expressed in its Comprehensive Plan, which the Town may verify through requiring or completing a Density Study. 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 contiguous 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 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 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. 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.” Such designation may enable higher development densities within certain types and quality of TDR Receiving Areas than would otherwise be allowed, once Conservation Restrictions are applied to the TDR Super Sending Area Acreage:

6. The Restricted Sending Parcel(s) of the Acreage, as these terms are defined in the Glossary, has a weighted average soil rating of 2.5 or less, using Natural Resources Conservation Service soil groupings per:
<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm> (worth 20 points if this criterion is met).
7. The Restricted Sending Parcel(s) of 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).
8. At least 50% of the Restricted Sending Parcel(s) of the Acreage is within either the Pheasant Branch or Upper Black Earth Creek Watersheds as shown on [DCIMap](#) or a 10+ inch Groundwater Infiltration Area shown on the “Town of Springfield Estimated Groundwater Infiltration Rates” map produced by CARPC and available from the Town (15 points).
9. The Restricted Sending Parcel(s) of the Acreage is within 1,320 feet of property where Conservation Restrictions recorded as a result of the Town’s TDR program are already recorded (10 points).
10. 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).
11. At least 5% of the Restricted Sending Parcel(s) of the Acreage is designated as “Conservancy Area” on Map 7: Future Land Use of the Town’s Comprehensive Plan (5 points).
12. The Restricted Sending Parcel(s) of the Acreage is within 1,320 feet of the centerline of Highway 12 (5 points).
13. The Restricted Sending Parcel(s) of 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).
14. The Sending Area land owner elects to place all of his or her Contiguous parcels zoned Exclusive Agriculture into a TDR Agricultural Conservation Easement—as opposed to a Deed Notice (5 points).
 15. The Restricted Sending Parcel(s) of the Acreage is within 2,640 feet of a municipality that is incorporated or contains over 3,500 persons, but not within a mutually agreed expansion area for that municipality (5 points).
 16. At least 95% of the Restricted Sending Parcel(s) of the Acreage, except for farmstead and farm structure areas, was farmed per the latest aerial photography on DCIMap (5 points).

Conservation Restrictions: Conservation Restrictions must be recorded against 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 Conservation Restrictions may take the form of a TDR Agricultural Conservation Easement or a Deed Notice. The TDR Sending Area property owner shall propose the form of the Conservation Restriction from these two options, which shall be subject to Town Board approval. Board approval of the form of Conservation Restrictions shall be based on criteria such as whether there are other adjacent lands that are similarly restricted, the length of time the Town expects or desires the subject property and surrounding area to remain in agricultural production, whether the TDR Sending Area is being restricted to allow the associated TDR Receiving Area to build residences at greater than a 1:1 ratio, and outside funding opportunities or restrictions.
2. The Conservation Restrictions will cover the entire Sending Area Acreage and will be permanent, except by future amendment by the Town Board (see #7 below) or termination by law.
3. The Conservation Restrictions 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 Conservation Restrictions shall indicate how many Development Rights remain in the TDR Sending Area and shall specify the Restricted Sending Parcel(s) where none of the remaining Dwelling Units may be built. The Town may also specify on the remainder of the TDR Sending Area Acreage where the remaining Dwelling Unit sites may be located and the maximum Lot size, where important to achieve TDR program goals.
4. 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 or another outside source 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.

5. The Town will be holder of each TDR Agricultural Conservation Easement and will have enforcement rights for each Deed Notice. Another government or non-profit party that provides funding or regulatory support may also be another holder of the TDR Agricultural Conservation Easement, when that form of Conservation Restrictions is used.
6. Except by Intergovernmental Agreement involving the Town of Springfield, all Conservation Restrictions under the Town's program may be applied only to Acreage within the Town of Springfield.
7. 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 Conservation Restrictions may be removed 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 within the Town has been identified for the transfer of the Conservation Restrictions. "Comparable" shall be determined by the Town Board. [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 a Development Right/TDR Agricultural Conservation Easement has been donated, IRS rules require the conservation easement to be permanent.]

The Town has a model TDR Deed Notice document. The Town requires use of this model by each interested TDR Sending Area property owner as the basis for the actual Deed Notice to be recorded against the Acreage, with any requested adjustments to the model subject to Town approval. This model is available upon request from the Town Clerk or TDR Administrator. The Sending Area property owner alternatively may propose, and the Town may accept or require, an Agricultural Conservation Easement as the Conservation Restriction, with the form to be approved by the Town.

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 Conservation Restrictions. 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—nicknamed “Neighborhood Development,” Type 2 Receiving Areas—nicknamed “Small Parcel Development,” and Type 3 Receiving Areas—nicknamed “Preservation Area Splits.”

In defining TDR Receiving Areas and the extent to which the transfer of Development Rights is required, the following apply:

- No transferred Development Rights shall be required for division and development of parcels intended and restricted for non-residential purposes, except where in the Town Comprehensive Plan the use of a Development Right for such division or development is required.
- No transferred Development Rights shall be required for the residential development and/or legal division of a Lot within a Subdivision Plat:
 - That was recorded as of January 1, 1995; and
 - That would be permitted to be divided without variance as it was zoned on January 1, 2018; and
 - Where the Town did not intend at the time of Subdivision Plat approval to limit further division of the Lot.
- 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, unless otherwise approved by the boards of both applicable towns.
- The Town does not want 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.
- No Development Right has any value except when attached to a particular piece of real estate.
- In cases where a Town property owner, with the transfer of land, has retained one or more Development Rights by sales agreement or other legal tool verified by the Town, such Development Rights may be transferred to a TDR Receiving Area with an appropriate Conservation Restriction recorded against on the Town property owner's land.

- Once a Development Right has been transferred to facilitate a particular development proposal in a TDR Receiving Area, such Development Right may not later be transferred to another Receiving Area, such as in the case where a transfer has occurred, but the first development proposal is not realized through actual development.
- A single Development Right may be used to develop land in more than one Receiving Area, provided that each Receiving Area is eligible for a density bonus and the development proposals in the Receiving Areas are considered by the Town in tandem to the extent the Town determines possible.

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 future land use category under which the Lot(s) is mapped on Map 7: Future Land Use of the Town's Comprehensive Plan.
3. The maximum size for each new Lot is five acres, except that any remainder parcel that constitutes the balance of the TDR Receiving Area land holding may be larger (see below for more restrictive maximum Lot size requirement that apply to Type 1 receiving areas).
4. The proposed Lot(s) must, as part of the Development Rights transfer process, be rezoned into an appropriate zoning district allowing residential development, as specified under the Town Zoning Ordinance, and may be restricted from further division at the time of rezoning or land division approval.
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 Middleton-Springfield Intergovernmental Agreement, except if that Agreement is amended or a new Agreement is adopted to render this criterion obsolete.
6. The Town's "right-to-farm" notice, listed as a "Rural Neighborhood Area" 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).
7. In the determination of the Town Board following a recommendation from the Town Plan Commission, each proposed development:
 - (a) With 10 or more Lots must meet at least 12 of the "Conservation Neighborhood Design Standards" standards in Figure 17 of the Town Comprehensive Plan.
 - (b) With fewer than 10 Lots must meet at least 7 of the "Residential Development Siting Standards" in Figure 15 of the Town Comprehensive Plan.

8. An adequate number of Development Rights must be acquired for the number of new Lot(s) anticipated in the TDR Receiving Area.
9. 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 after conditional final plat or Certified Survey Map approval is secured for land in the TDR Receiving Area and before the Town Clerk will sign the approved Subdivision Plat or Certified Survey Map. Prior to final 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 after final Subdivision Plat or Certified Survey Map approval has been obtained. The Town will apply appropriate conditions to its approval of the rezoning, Subdivision Plat, and/or Certified Survey Map to assure that the acquisition of Development Rights is finalized before the Plat or Certified Survey Map may be signed and recorded and before housing may be constructed in the TDR Receiving Area.
10. 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 the Town determines possible. The Town may delay the approval or recording of a Subdivision Plat or Certified Survey Map for one of the TDR Receiving Area properties until all of the TDR Receiving Area properties are ready for development approvals.
11. One TDR Receiving Area property owner may acquire Development Rights from more than one TDR Sending Area property owner.

Type 1 Receiving Areas—“Neighborhood Development”: Type 1 Receiving Areas may be in places specifically identified for future residential (subdivision) development on Map 7: Future Land Use of the Town Comprehensive Plan. Map 7 and the Town Comprehensive Plan may, in the future, be amended to so designate additional areas.

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:

12. The proposed Lot(s) is located in a “Town Activity Center”, “Rural Neighborhood Area” or “Agricultural Transition Area” on Map 7: Future Land Use of Town’s Comprehensive Plan, as may be amended from time to time.
13. If the proposed Lot(s) is in the “Agricultural Transition Area” (from Map 7: Future Land Use of Town’s Comprehensive Plan) that is adjacent to the City of Middleton, Middleton’s written approval is required.
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. The maximum size for each new Lot is three acres, except a larger Lot size will be allowed for any remainder parcel that constitutes the balance of the Receiving Area land holding and as otherwise provided in Figure 17 of the Town Comprehensive Plan.

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 “Agricultural Preservation Area” 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 Area” would normally allow if applied to that parcel, if the Development Rights are 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:

17. The average (mean) proposed Lot size will be two acres or less (20 points).
18. 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).
19. 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).
20. At least 75% of the proposed Lot(s) are outside of the Lake Mendota-Yahara River Watershed as shown on Map 4: Natural Features and Building Constraints of the Town Comprehensive Plan, or outside a 10+ inch Groundwater Infiltration Area shown on the “Town of Springfield Estimated Groundwater Infiltration Rates” map produced by CARPC and available from the Town (10 points).
21. No more than 10% of the land area of the proposed Lot(s) is indicated as “Conservancy Area” on Map 7: Future Land Use in the Town’s Comprehensive Plan, unless any such land area is clearly restricted from disturbance by recorded restriction on or with the Certified Survey Map or Subdivision Plat (5 points).
22. 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 Natural Resources Conservation Service and as generally shown on Map 2: Soil Suitability for Agriculture in the Town’s Comprehensive Plan (10 points).
23. 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 Area” 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 17 through 23 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 17 through 23 above, **and** where criterion 17 is met in all cases.

Type 2 Receiving Areas—“Small Parcel Development”: Type 2 Receiving Areas may be designated over parcels of 40 acres or fewer that meet the minimum criteria listed below. Most of these parcels have been commonly understood as “substandard” because they did not meet the 35-acre minimum parcel size required in the County’s A-1 Exclusive Agriculture zoning district at the time that zoning district was first mapped in the Town and many are difficult to farm. Each TAX parcel of 40 acres or fewer usually does not qualify as a Type 2 Receiving Area. Instead, each Type 2 Receiving Area must have been a separately owned and titled legal parcel as of April 16, 1979 (e.g., not included in the same deed as other contiguous tax parcels).

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:

12. The Receiving Area Lot is in the “Agricultural Preservation Area” as shown on Map 7: Future Land Use of the Town’s Comprehensive Plan.
13. The Receiving Area Lot was lawfully created at 40 acres or fewer before April 16, 1979, subject to Town verification.
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 TDR 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 Area” on Map 7: Future Land Use in the Town’s Comprehensive Plan, unless any such land area is clearly restricted from disturbance by recorded restriction on or with the Certified Survey Map.

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 to that parcel under the “Small Lots in Agricultural Preservation Area” policy in Figure 15 of the Town Comprehensive Plan, provided that the average (mean) size for newly

created Lots intended as residential building sites does not exceed three acres not including any remainder parcel that constitutes the balance of the Receiving Area land holding. Where such average (mean) size for newly created Lots exceeds this standard, 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. 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 to that parcel under the “Small Lots in Agricultural Preservation Area” policy in Figure 15 of the 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:

17. The Development Right(s) is transferred from a Super Sending Area.
18. The average (mean) proposed size for newly created Lots intended as residential building sites does not exceed three acres, not including any remainder parcel that constitutes the balance of the Receiving Area land holding.
19. 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 Natural Resources Conservation Service and as generally shown on Map 2: Soil Suitability for Agriculture in the Town’s Comprehensive Plan.
20. 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 and traffic flow 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—“Preservation Area Splits”: Type 3 Receiving Areas may be parcels of greater than 40 acres that are shown within the “Agricultural Preservation Area” or adjacent “Conservancy Area” on Map 7: Future Land Use of the Town’s Comprehensive Plan. The maximum density of the TDR Receiving Area following the transfer may not be more than double the “1 per 35” development density that is normally allowed in the “Agricultural Preservation Area” to preserve the agricultural integrity of the general area.

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:

12. The parcel is greater than 40 acres and is located in the “Agricultural Preservation Area” or an adjacent “Conservancy Area” on Map 7: Future Land Use of the Town’s Comprehensive Plan.
13. 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.

14. 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.
15. No more than 5% of the land area of the proposed Lot(s) is indicated as "Conservancy Area" on Map 7: Future Land Use in the Town's Comprehensive Plan, unless any such land area is clearly restricted from disturbance by recorded restriction on or with the Certified Survey Map.

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

16. The proposed Lot(s) is less suitable for agricultural use than the Restricted Sending Parcel(s) of the Acreage from which the Development Rights are to be transferred, based on Natural Resources Conservation Service soil capability groups as generally shown on Map 2: Soil Suitability for Agriculture in the Town Comprehensive Plan, or more detailed sources where available (20 points).
17. No developable portion of any proposed Lot(s) will be on Group I or II Agricultural Soils, per the Natural Resources Conservation Service and as generally shown on Map 2: Soil Suitability for Agriculture in the Town's Comprehensive Plan (20 points).
18. The proposed Lot(s) will use shared driveways (10 points).
19. The TDR Sending Area Acreage is within 1,320 feet of property where a Conservation Restriction required under the Town's TDR program 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 specified within Figure 15 of the Town Comprehensive Plan, provided that:

1. Where more than three acres of a proposed buildable Lot is a Field, the Type 3 Receiving Area land owner will be required to acquire two Development Rights.
2. The maximum density, following all transfers to the TDR Receiving Area may not exceed two Dwelling Units per 35 acres of land, utilizing the rounding policy in Figure 15 of the Town Comprehensive Plan.

There is no density bonus possible in Type 3 Receiving Areas—a 1:1 transfer ratio is the maximum.

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 procedure for executing a TDR Transaction generally follows the normal process for rezoning and land division approval. However, there is a minor expansion to this normal process to assure that proper legal tools have been recorded, particularly the Conservation Restrictions over the Sending Area Acreage, 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 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. The order of steps 1-4 may vary.

1. ***Seek Town Staff/Consultant Concept Plan Review, Density Study, and Completion of Criteria Worksheets.*** Individual who wishes to transfer Development Rights and/or utilize Development Rights to develop land (i.e., a Developer) approaches Town staff/consultant to determine the number of remaining Development Rights (Splits) on the Sending Area property and discuss the development idea in concept. Town staff/consultant completes preliminary Criteria Worksheets for the TDR Sending Area and for the appropriate type of TDR Receiving Area (type 1, 2, or 3) with the Land Owner(s) or Developer. The Criteria Worksheet forms are included at the end of this *TDR Rules and Procedures* document, but may be amended in form and for clarity from time-to-time without having to amend this document. The Town may charge a fee for these services, and for its consultant assistance through the remainder of the TDR transaction procedure.
2. ***Seek Town Plan Commission Concept Plan Review.*** In advance of any formal development approval application (e.g., rezoning, plat or Certified Survey Map--CSM), the Developer brings a Concept Plan, a completed Density Study, and preliminary TDR Sending and Receiving Area Criteria Worksheets to the Town Plan Commission for its review. The Town's TDR Administrator or Clerk may instead provide the preliminary Criteria Worksheets.
3. ***Hear Initial Evaluation of Concept Plan.*** Town Plan Commission compares the Developer's Concept Plan and Criteria Worksheets to these TDR program rules, the Town's Comprehensive Plan, and its Land Division and Zoning Ordinances. Town advises Developer accordingly, both during and after the Town Plan Commission meeting described in step #2 above.
4. ***Finalize TDR Sending Area Property Owner for Option to Purchase Sufficient Development Rights.*** The Developer identifies one or more TDR Sending Area property owner(s) (including those from the Town's "interested property owners list") and secures an Option to Purchase (or another legally recognized tool) to enable the future purchase of Development Rights from that owner(s). The Developer is encouraged not to complete the final transaction to acquire Development Rights at this time (instead see step #7 below), in the event

that not all required development approvals can be secured after this step for whatever reason.

5. ***Submit Rezoning and Land Division Approval Applications.*** Developer submits applications for rezoning and preliminary Subdivision Plat or Certified Survey Map (CSM) approvals to the Town. The requirement for either a Subdivision Plat or CSM depends on the number of Lots within the proposed development. Lands within the TDR Receiving Area will generally require rezoning to a residential zoning district.
6. ***Work through Town Rezoning and Land Division Approval Processes.*** The Town's TDR Administrator or Clerk provides the final TDR Criteria Worksheets to the Plan Commission and Board. Town approves the rezoning of the TDR Receiving Area, and the associated 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 approves the final plat.
7. ***Complete Purchase of Development Rights, Record Documents, and Secure Zoning/Building Permits.*** Town building permits for new housing within the TDR Receiving Area will be issued after evidence is provided to the Town that the required Conservation Restrictions are recorded against the TDR Sending Area Acreage. Such Conservation Restrictions shall meet all requirements of the Town's TDR program. Any Development Rights that were acquired from the TDR Sending Area Acreage but for whatever reason were 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 has established a TDR Sending Area interested property owners list.

To be included on the list, an interested property owner needs to express an interest in selling Development Rights and believe that he or she has one or more Development Rights to sell. To actually include the property on the list, the Town may choose to determine that such interested property owners actually have Development Rights to transfer under the Town's TDR program and Comprehensive Plan, such as by completing a Density Study. A combination of the results of such a Density Study, TDR Sending Area Criteria Worksheet, and property owner preference would ultimately determine the maximum number of Development Rights that are available for transfer away from the Sending Area property.

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

AMENDMENT, WAIVER, AND MODIFICATION

The rules and procedures within this document are subject to amendment from time to time by the Town of Springfield Board, typically following a recommendation from the Town Plan Commission. The Town intends to conduct a formal review of the goals and progress of its TDR program no later than July 1, 2023, and every five years thereafter, and may alter, augment, or repeal the program based on such reviews.

In its review of a proposed TDR transaction, following receipt of a recommendation by the Plan Commission, the Town Board may waive or modify one or more rules and procedures in this document. The Board shall grant such waiver or modification only upon its finding that it meets all of the following criteria:

1. Is consistent with the TDR program goals and with the Town's vision expressed in the Comprehensive Plan.
2. Results from unique land, property ownership, or contextual characteristics not properly anticipated by the rule or procedure.
3. Will not be detrimental to the public good or to the desired land preservation and development pattern as described in the Comprehensive Plan.
4. Will not violate any law.

As part of any grant of waiver or modification, the Town Board:

1. Will make a finding that all of the above criteria are met, and state the reasons which justified its finding, which shall be included in the official minutes.
2. May apply additional or compensatory requirements on the proposed TDR transaction, including on the TDR Sending Area and/or TDR Receiving Area.

Neither the grant nor denial of a waiver or modification shall constitute a precedent which in any way restricts the discretion of the Town Board to grant or deny a similar waiver or modification in the future.

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 as capitalized terms, 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 plans, ordinances, or other documents.

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. The “Acreage” also includes the Restricted Sending Parcel(s), as defined below.

Agricultural Preservation Area: A future land use category depicted (on Map 7) 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, support farms of various sizes and characteristics, and maintain farmer eligibility for incentive programs. Absent the decision to utilize planned Agricultural Preservation Area 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 Area are zoned Exclusive Agriculture.

Agricultural Soils: The Natural Resources Conservation Service 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 Area: A future land use category depicted (on Map 7) 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 Receiving Area 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 Area: A future land use category depicted (on Map 7) 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, wetlands, shoreland and wetland setback areas, floodplains, slopes exceeding 20%, and public park and open space areas are included within this future land use category. Also, per the density policy in the Town's Comprehensive Plan, where land included within the Conservancy Area is adjacent to land in the Agricultural Preservation Area or Agricultural Transition Area, such land in the Conservancy Area counts towards calculating the number of Dwelling Units allowed on the overall ownership parcel.

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 residential subdivisions of 10 or more Lots, are articulated in the Town of Springfield Comprehensive Plan (Land Use chapter, Figure 17).

Conservation Restrictions: Either a Deed Notice or TDR Conservation Easement as defined elsewhere in this section.

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 Area 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, but contact the Town Clerk or TDR Administrator for the most recent copies.

Deed Notice: A document, recorded against the deed to a property, which limits future uses to agricultural production and other uses that are consistent with agricultural production, and applies in perpetuity unless released at a later date by the Town. 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. Also, one of two types of Conservation Restrictions. Also called a “Deed Restriction.”

Density Study: An analysis completed or approved by the Town that indicates the number of remaining Development Rights on a prospective TDR Sending Area Acreage. Such analysis is guided by the “1 per 35” density policy in the Town of Springfield Comprehensive Plan.

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 Area, 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.

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

Exclusive Agriculture: A zoning district mapped over large sections of the Town of Springfield, specifying among other regulations permitted uses of land so zoned. The purpose of the 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 as Agricultural Preservation Area under the Town’s Comprehensive Plan are zoned Exclusive Agriculture.

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 the Field on a farm property.

Field: That portion of the Acreage, defined above, that was in agricultural production in the most recent aerial photograph on DCIMap, the aerial photograph before that, or both.

Groundwater Infiltration 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 Infiltration Areas of special significance are shown on Map 4 of the Town

Comprehensive Plan and on other map(s) available at the Town Hall or from the Capital Area Regional Planning Commission.

Intergovernmental Agreement: A contractual agreement between government entities to achieve coordinated and cooperative planning. As of May 1, 2018, the Town of Springfield had an Intergovernmental Agreement with the City of Middleton, which affects 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.

Residential 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 Residential Development Siting Standards, intended for new land divisions with fewer than 10 Lots, are articulated in the Town of Springfield Comprehensive Plan (Land Use chapter, Figure 15). Many of these standards are also illustrated in Appendix A: Rural Development Guidelines of the Town Comprehensive Plan.

Restricted Sending Parcel(s): That portion of the Acreage of a TDR Sending Area where the Conservation Restrictions prohibit the construction of any future Dwelling Units in conjunction with a Development Rights transfer. For example, the Town would require Conservation Restrictions over a 160 acre TDR Sending Area Acreage, when one of its four remaining Development Rights is transferred to a Receiving Area. Those Restrictions would indicate that three Development Rights remain on the Acreage in total and would also specify a Restricted Sending Parcel portion of the Acreage. Such Restricted Sending Parcel(s) is the area from which the one Development Right is transferred and where no future Dwelling Units may be constructed in this example.

Rural Neighborhood Area: A future land use category depicted (on Map 7) 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 Neighborhood Area is intended for lower density residential development served by private waste treatment systems, with the potential for limited neighborhood-serving, small-scale commercial and institutional uses. Parcels within the Rural Neighborhood Area 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?”

Subdivision Plat: A legal tool generally used to divide a parcel of land into five or more Lots, which is subject to local 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 Conservation Restrictions. 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 (i.e., “density bonus”).

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 if the Sending Area property owner elects to not transfer away all remaining Development Rights. Also, one of two types of Conservation Restrictions.

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 Conservation Restrictions. 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—“Small Parcel Development,” and Type 3 Receiving Areas—“Preservation Area Splits.”

TDR Sending Area: Those areas from which Development Rights may be transferred (or retired) through the recording of Conservation Restrictions against such land, which would restrict housing and certain other types of non-farm development below levels normally allowed under the Town's Comprehensive Plan.

TDR Transaction: The process of transferring Development Rights from a TDR Sending Area to a TDR Receiving Area, resulting in Conservation Restrictions 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.

Town Activity Center: A future land use category depicted (on Map 7) and described within the Comprehensive Plan, representing the Town's desired use of lands so mapped over the 20-year comprehensive planning period. The "Town Activity Center" is intended for new rural subdivision development, often adjacent to existing subdivisions, for residential and commercial uses served by private waste treatment systems, providing opportunities for a range of housing choices, including estate and affordable single family housing and senior, duplex, and small-scale multiple family housing. Land marked as "Town Activity Centers" also enables a range of commercial, storage, light assembly, institutional, and recreational development serving the entire Town. Parcels within the "Town Activity Center" may be appropriate Type 1 TDR Receiving Areas.

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 Area. 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**

ATTACHED IN PDF VERSIONS OF DOCUMENT

Please refer to the Town’s adopted TDR Rules and Procedures document for the full explanation of each criterion and definitions of capitalized terms.

Minimum Criteria for TDR Sending Areas (all answers to 1-5 must be "YES"):

1	YES/NO	The Acreage is located within an "Agricultural Preservation Area" or an adjacent "Conservancy Area" on Map 7: Future Land Use in Town Comprehensive Plan.
2	YES/NO	The Acreage is and will remain zoned Exclusive Agriculture, except for any piece not so zoned at the time of request.
3	YES/NO	The Acreage has one or more available Development Rights under the density policy in Figure 15 of the Town Comprehensive Plan and the "Minimum Criteria for TDR Sending Areas" in the TDR Rules and Procedures.
4	YES/NO	The Acreage is <u>not</u> within the "Potential 20-Year Annexation and Urban Service Area" from the Middleton-Springfield intergovernmental agreement, or has been approved as a Sending Area in writing by the City of Middleton.
5	YES/NO	A Farm Conservation Plan is in effect for the Field(s) on the Acreage.

YES/NO The Acreage qualifies as a TDR Sending Area.

To qualify as "Super Sending Area," 50+ points must be earned from among the following:		<i>point value</i>	<i>enter yes or no</i>	<i>points awarded</i>
6	The Restricted Sending Parcel(s) (i.e., part of Sending Area where no future Dwelling Units will be permitted) has a weighted average soil rating of 2.5 or less, using Natural Resources Conservation Service soil groupings per: http://websoilsurvey.sc.egov.usda.gov/ .	20		
7	The Restricted Sending Parcel(s) contains or is within 1,320 feet (1/4 mile) of a Livestock Structure within an existing large livestock operation, an existing or mineral extraction operation, or both.	15		
8	At least 50% of the Restricted Sending Parcel(s) of the Acreage is within either the Pheasant Branch or Upper Black Earth Creek Watersheds as shown on DCIMap or a 10+ inch Groundwater Infiltration Area shown on the “Town of Springfield Estimated Groundwater Infiltration Rates” map produced by CARPC and available from the Town (15 points).	15		
9	The Restricted Sending Parcel(s) is within 1,320 feet (1/4 mile) of property where Conservation Restrictions have already been recorded under the Town's TDR program.	10		
10	Two or fewer Dwelling Units have been built since 4/16/1979 on the Contiguous single ownership parcel that includes the proposed Sending Area Acreage, as that parcel existed on 4/16/1979.	10		
11	At least 5% of the Restricted Sending Parcel(s) is designated as "Conservancy Area" on Map 7 of the Town Comprehensive Plan.	5		
12	The Restricted Sendng Parcel(s) is within 1,320 feet (1/4 mile) of the centerline of Highway 12.	5		
13	The Restricted Sending Parcel(s) is adjacent to, or is 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		
14	The landowner elects to place all of his or her contiguously owned parcels zoned Exclusive Agriculture into a TDR Agricultural Conservation Easement--as opposed to a Deed Notice.	5		
15	The Restricted Sending Parcel(s) is within 2,640 feet of a municipality that is incorporated or contains over 3,500 persons, but not within a mutually agreed expansion area for that municipality.	5		
16	At least 95% of the Restricted Sending Parcel(s), except for farmstead/farm structure areas, was farmed per the latest aerial photography on DCIMap.	5		
Total Points:				

YES/NO The Acreage qualifies as a Super Sending Area.

Worksheet for Type 1 TDR Receiving Areas: "Neighborhood Development"

Town of Springfield, WI Transfer of Development Rights (TDR) Program

Preparation Date: _____

Property Owner: _____

Parcel #: _____

Acreage: _____

Please refer to the Town's adopted TDR Rules and Procedures document for the full explanation of each criterion and definitions of capitalized terms.

Minimum Criteria for all TDR Receiving Areas (all answers to 1-11 must be "yes", except answers to 10 and 11 may instead be "NA"):

1	Yes / No	The proposed Lot(s) is capable of supporting conventional, mound, or alternative waste water treatment systems (i.e., no holding tanks).
2	Yes / No	The proposed Lot(s) must use the minimum new lot size standards in the Town Comprehensive Plan and Land Division Ordinance applicable to the future land use category under which the Lot(s) are mapped on Map 7-Future Land Use of the Town Comprehensive Plan.
3	Yes / No	The <u>maximum</u> size for each new Lot is five acres, except for any remainder parcel that constitutes the balance of the TDR Receiving Area land holding.
4	Yes / No	The proposed Lot(s) will be, as part of the Development Rights transfer process, rezoned into an appropriate zoning district allowing residential development, and may be restricted from further division at the time of rezoning or land division approval.
5	Yes / No	The proposed Lot(s) is located outside of Area A ("Potential 20-year Annexation and Urban Service Area") of the Middleton-Springfield intergovernmental agreement, or if inside Area A written approval from the City of Middleton has been obtained.
6	Yes / No	The Town's "right-to-farm" notice, listed as a "Rural Development Area" policy in the Land Use chapter of the Town's Comprehensive Plan, will be placed on the recorded final plat or CSM covering the proposed Lot(s).
7	Yes / No	If the proposed development contains 10 or more Lots, it meets at least 12 of the "Conservation Neighborhood Design" standards in Figure 17 of the Town Comprehensive Plan. If the proposed development contains fewer than 10 Lots, it meets at least 7 of the "Residential Development Siting Standards" in Figure 15 of the Town Plan.
8	Yes / No	An adequate number of Development Rights have been identified for acquisition for number of new Lot(s) anticipated in the TDR Receiving Area. Indicate name of TDR Sending Area property owner and Sending Area parcel numbers here:
9	Yes / No	Developer is aware that 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 <u>after</u> conditional final plat or Certified Survey Map approval is secured for land in the TDR Receiving Area.
10	Yes / No / NA	Two or more TDR Receiving Area property owners, in combination and tandem, will be purchasing development rights from a single property owner in a TDR Sending Area. Indicate other Receiving Area owner name and parcel #s here:
11	Yes / No / NA	One TDR Receiving Area property owner may acquire Development Rights from more than one TDR Sending Area property owner.

In addition, to qualify as a Type 1 Receiving Area, beginning with a 1:1 transfer ratio, all of the following criteria must also be met:

12	Yes / No	The proposed Lot(s) is located in a "Town Activity Center", "Rural Neighborhood Area", or an "Agricultural Transition Area" on Map 7 of Town Comprehensive Plan.
13	Yes / No	The proposed Lot(s) is outside of the "Agricultural Transition Area" from Map 7 that is adjacent to City of Middleton, or if within such "Agricultural Preservation Area", City of Middleton written approval has been obtained.
14	Yes / No	The proposed Lot(s) must be at least 1,320 feet (1/4 mile) 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	Yes / No	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	Yes / No	The <u>maximum</u> size for each new Lot is three acres, except for any remainder parcel that constitutes the balance of the Receiving Area land holding and as otherwise provided in Figure 17 of the Town Comprehensive Plan.

Yes / No The property/project qualifies as a Type 1 Receiving Area (with a standard 1:1 transfer ratio)**To qualify as a Type 1 Receiving Area with a 2:1 transfer ratio, EITHER:**

Yes / No	The Development Rights will be transferred from a "Super Sending Area."				
OR					
Yes / No	The property/project qualifies as a "Super Receiving Area", meaning that 50+ points are earned from among the following criteria 17-23:		point value	enter yes or no	points awarded
17	The average (mean) proposed Lot size is two acres or less.		20		
18	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		
19	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		
20	At least 75% of the proposed Lot(s) are outside of the Pheasant Branch Recharge Area and a 10+ "Groundwater Infiltration Area" shown on the "Town of Springfield Estimated Groundwater Infiltration Rates" map produced by CARPC and available from the Town.		10		
21	No more than 5% of the land area of the proposed Lot(s) is indicated as "Conservancy Area" on Map 7 of Town Comprehensive Plan, unless any such land will be restricted from disturbance by recorded restriction.		5		
22	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 Natural Resources Conservation Service and as generally shown on Map 2 in the Town Comprehensive Plan.		10		
23	None of the proposed Lot(s) is within 1,320 feet (1/4 mile) of the centerline of the nearest state, US, or county highway.		5		
			Total Points:	0	

Yes / No The property/project qualifies as a Type 1 Receiving Area with a 2:1 transfer ratio**To qualify as a Type 1 Receiving Area with a 4:1 transfer ratio, BOTH:**

Yes / No	The Development Rights will be transferred from a "Super Sending Area".
AND	
Yes / No	The property/project qualifies as a "Super Receiving Area", meaning that 50+ points are earned from among criteria 17 through 23 above.

Yes / No The property/project qualifies as a Type 1 Receiving Area with a 4:1 transfer ratio**To qualify as a Type 1 Receiving Area with a 5:1 transfer ratio:**

Yes / No	The Development Rights will be transferred from a "Super Sending Area".
AND	
Yes / No	The property/project qualifies as a "Super Receiving Area", meaning that 50+ points are earned from among criteria 17 through 23 above.
AND	
Yes / No	Criterion 17 is met.

Yes / No The property qualifies as a Type 1 Receiving Area with a 5:1 transfer ratio

Worksheet for Type 2 TDR Receiving Areas: "Small Parcel Development" (i.e., sub-40 acres in 1979)

Town of Springfield, WI Transfer of Development Rights (TDR) Program Preparation Date: _____

Property Owner: _____ Parcel #s: _____ Acreage: _____

Please refer to the Town 's adopted TDR Rules and Procedures document for the full explanation of each criterion and definitions of capitalized terms.

Minimum Criteria for all TDR Receiving Areas (all answers to 1-11 must be "yes," except answers to 10 and 11 may be "NA"):

1	Yes / No	The proposed Lot(s) is capable of supporting conventional, mound, or alternative waste water treatment systems (i.e., no holding tanks).
2	Yes / No	The proposed Lot(s) must use the minimum new lot size standards in the Town Comprehensive Plan and Land Division Ordinance applicable to the future land use category under which the Lot(s) are mapped on Map 7-Future Land Use of the Town Comprehensive Plan.
3	Yes / No	The <u>maximum</u> size for each new Lot is five acres, except for any remainder parcel that constitutes the balance of the TDR Receiving Area land holding.
4	Yes / No	The proposed Lot(s) will be, as part of the Development Rights transfer process, rezoned into an appropriate zoning district allowing residential development, and may be restricted from further division at the time of rezoning or land division approval.
5	Yes / No	The proposed Lot(s) is located outside of Area A ("Potential 20-year Annexation and Urban Service Area") of the Middleton-Springfield intergovernmental agreement, or if inside Area A written approval from the City of Middleton has been obtained.
6	Yes / No	The Town's "right-to-farm" notice, listed as a "Rural Development Area" policy in the Land Use chapter of the Town's Comprehensive Plan, will be placed on the recorded final plat or CSM covering the proposed Lot(s).
7	Yes / No	Proposed development meets at least 7 of the "Residential Development Siting Standards" in Figure 15 of the Town Plan.
8	Yes / No	An adequate number of Development Rights have been identified for acquisition for number of new Lot(s) anticipated in the TDR Receiving Area. Indicate name of TDR Sending Area property owner and Sending Area parcel numbers here:
9	Yes / No	Owner is aware that 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 <u>after</u> conditional final plat or Certified Survey Map approval is secured for land in the TDR Receiving Area.
10	Yes / No / NA	Two or more TDR Receiving Area property owners, in combination and tandem, will be purchasing development rights from a single property owner in a TDR Sending Area. Indicate other Receiving Area owner name and parcel #s here:
11	Yes / No / NA	One TDR Receiving Area property owner may acquire Development Rights from more than one TDR Sending Area property owner.

In addition, to qualify as a Type 2 Receiving Area, beginning with a 1:1 transfer ratio, all of the following criteria must also be met:

12	Yes / No	The Receiving Area Lot is in the "Agricultural Preservation Area" shown on Map 7-Future Land Use in the Town Comprehensive Plan.
13	Yes / No	The Receiving Area Lot was lawfully created at 40 acres or fewer before April 16, 1979, without contiguous lands bringing the total to over 40 acres in single ownership.
14	Yes / No	The proposed Lot(s) is at least 1,320 feet (1/4 mile) from any existing mineral extraction operation, a Livestock Structure of an existing Large-scale Livestock Operation (500+ animal units), or both, except if such operation(s) is on property owned by the Receiving Area applicant.
15	Yes / No	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	Yes / No	No more than 5% of the land area of the proposed Lot(s) is indicated as "Conservancy District" on Map 6 of the Town Comprehensive Plan, unless any such land will be restricted from disturbance by recorded restriction.
	Yes / No	The average (mean) size for newly created Lots intended as residential building sites does not exceed three acres (not including any remainder parcel that constitutes the balance), OR where the average (mean) size for newly created Lot(s) intended as residential building sites exceeds three acres, two Development Rights for each additional new Dwelling Unit will be required over the normal allocation.

Yes / No The property/project qualifies as a Type 2 Receiving Area with a standard 1:1 transfer ratio

The Type 2 TDR Receiving Area may be a "Super Receiving Area" and qualify for a 2:1 transfer ratio if it meets all of the following criteria 17-20:

17	Yes / No	The Development Right(s) will be transferred from a Super Sending Area.
18	Yes / No	The average (mean) proposed size for the newly created Lot(s) intended as residential building sites does not exceed three acres, not including any remainder parcel that constitutes the balance of the Receiving Area land holding.
19	Yes / No	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 Natural Resources Conservation Service and as generally shown on Map 2 of the Town Comprehensive Plan.
20	Yes / No	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.

Yes / No The property/project qualifies as a Type 2 Receiving Area with a 2:1 transfer ratio

Form modified: 7/2/18

Worksheet for TDR Type 3 Receiving Area: "Preservation Area Splits"

Town of Springfield, WI Transfer of Development Rights (TDR) Program

Preparation Date: _____

Property Owner: _____

Parcel #: _____

Acreage: _____

Please refer to the Town 's adopted TDR Rules and Procedures document for the full explanation of each criterion and definitions of capitalized terms.

Minimum Criteria for all TDR Receiving Areas (all answers to 1-11 must be "yes," except answers to 10 and 11 may be "NA"):

1	Yes / No	The proposed Lot(s) is capable of supporting conventional, mound, or alternative waste water treatment systems (i.e., no holding tanks).
2	Yes / No	The proposed Lot(s) must use the minimum new lot size standards in the Town Comprehensive Plan and Land Division Ordinance applicable to the future land use category under which the Lot(s) are mapped on Map 7-Future Land Use of the Town Comprehensive Plan.
3	Yes / No	The <u>maximum</u> size for each new Lot is five acres, except for any remainder parcel that constitutes the balance of the TDR Receiving Area land holding.
4	Yes / No	The proposed Lot(s) will be, as part of the Development Rights transfer process, rezoned into an appropriate zoning district allowing residential development, and may be restricted from further division at the time of rezoning or land division approval.
5	Yes / No	The proposed Lot(s) is located outside of Area A ("Potential 20-year Annexation and Urban Service Area") of the Middleton-Springfield intergovernmental agreement, or if inside Area A written approval from the City of Middleton has been obtained.
6	Yes / No	The Town's "right-to-farm" notice, listed as a "Rural Development Area" policy in the Land Use chapter of the Town's Comprehensive Plan, will be placed on the recorded final plat or CSM covering the proposed Lot(s).
7	Yes / No	Development meets at least 7 of the "Residential Development Siting Standards" in Figure 15 of the Town Plan.
8	Yes / No	An adequate number of Development Rights have been identified for acquisition for number of new Lot(s) anticipated in the TDR Receiving Area. Indicate name of TDR Sending Area property owner and Sending Area parcel numbers here:
9	Yes / No	Owner is aware that 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 <u>only after</u> conditional final plat or Certified Survey Map approval is secured for land in the TDR Receiving Area.
10	Yes / No / NA	Two or more TDR Receiving Area property owners, in combination and tandem, will be purchasing development rights from a single property owner in a TDR Sending Area. Indicate other Receiving Area owner name and parcel #s here:
11	Yes / No / NA	One TDR Receiving Area property owner may acquire Development Rights from more than one TDR Sending Area property owner.

In addition, to qualify as a Type 3 Receiving Area, all of the following criteria 12-15 must be met:

12	Yes / No	The parcel in contiguous ownership as of April 16, 1979 was greater than 40 acres and is located in the "Agricultural Preservation Area" or an adjacent "Conservancy Area" on Map 7-Future Land Use of the Town Comprehensive Plan.
13	Yes / No	The proposed Lot(s) must be at least 1,320 feet (1/4 mile) 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.
14	Yes / No	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.
15	Yes / No	No more than 5% of the land area of the proposed Lot(s) is indicated as "Conservancy Area" on Map 7 of the Town Comprehensive Plan, unless any such land will be restricted from disturbance by recorded restriction.

AND at least 40 points must be earned from among the following criteria 16-19:

		point value	enter yes or no	points awarded
16	The proposed Lot(s) is less suitable for agricultural use than the Restricted Sending Parcel(s) on the Acreage from which the Development Rights are to be transferred, based on soil capability groups shown on Map 2 of the Town Comprehensive Plan, or more detailed sources where	20		
17	The proposed Lot(s) is not on Groups I or II soils, per the Natural Resources Conservation Service, and as generally shown on Map 2 in the Town Comprehensive Plan.	20		
18	The proposed Lot(s) will use shared driveways.	10		
19	The TDR Sending Area Acreage is within 1,320 feet of property where a Conservation Restriction under the Town TDR program is already recorded.	10		
Total Points:				0

Yes / No The property qualifies as a Type 3 Receiving Area with a standard 1:1 transfer ratio, provided that:

- Where more than three acres of a proposed buildable Lot is a Field (tilled area), the Type 3 Receiving Area land owner will be required to acquire two Development Rights.
- The maximum density, following all transfers to the property and housing units built via other means on the 1979 ownership parcel since 4/16/1979, may not exceed two Dwelling Units per 35 acres of land under contiguous single ownership as of 4/16/1979.

Form modified: 7/2/18