

# Transfer of Development Rights

## Questions and Answers

**Q:** How would a TDR program be run?

**A:** Interested towns would need to develop and adopt their own TDR programs as part of their comprehensive plans, which in turn would be proposed as amendments to the town component of the Dane County comprehensive plan. County staff would administer proposed transfers through the normal rezone petition and zoning permit process.

**Q:** Why do we need a county ordinance?

**A:** The county ordinance would provide a voluntary zoning framework to implement town-level TDR programs. There are several benefits to having a county TDR ordinance. First, it will allow county planning staff to help with the paper work and administer town programs. Second, by tying it to county zoning, it strengthens the legal basis for TDR and allows county legal staff to answer questions and respond to any legal challenges. Third, State and Federal grant funding programs require evidence of dedicated staff hours and enforcement capabilities and the county has that ability.

**Q:** How would town TDR programs be handled at the county level?

**A:** Once a town adopts a TDR program, county Planning and Development staff would assist with administration and implementation as part of their current workload and program review structures. DCTA and/or county staff can also provide towns with more detailed planning assistance to develop custom TDR programs on a fee-for-service basis.

**Q:** Do towns need intergovernmental agreements for sending/receiving areas or both?

**A:** There are no requirements for formal intergovernmental agreements in either receiving or sending areas. For receiving areas, if a city or village objects, the county board will delay action on rezoning to a TDR-R overlay district until municipalities have exhausted their adopted dispute resolution procedures in their comprehensive plans. *NOTE: This was modified in Sub. 1 OA 26, 05-06 at the request of the DCTA.*

**Q:** Is there language in the county ordinance so future Town Boards cannot undo transfers?

**A:** Yes, the ordinance requires a conservation easement (document of legal agreement) detailing each transfer deal be recorded at the register of deeds. The agreement then becomes a permanent part of the property record. Approval of the County Board, Town Board and landowner would be needed to change an agreement.

**Q:** Who owns the receiving area? Is the receiving area set aside by the Township? Or is it an individual who has special permission to be a receiving area?

**A:** Receiving area land will be in private ownership. The Town Comprehensive Plan will determine what lands are appropriate for receiving areas. The Town can decide to use mapping to designate lands appropriate for receiving areas or use criteria to evaluate each request.