

City of Fitchburg Planning Department

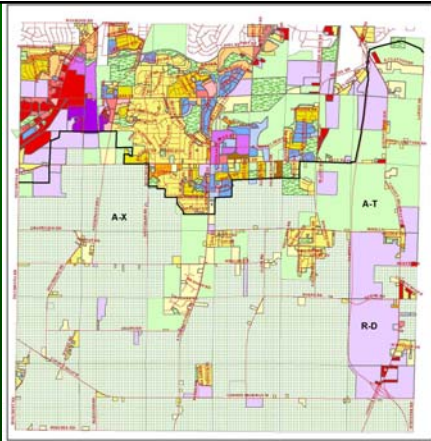
Transfer of Development Rights / Purchase of Development Rights

January 16 / 17, 2008



Farmland Protection Programs

- 1995 Land Use Plan (Comprehensive Plan - 2009)
- Use Value Assessment
- Right-to-Farm Ordinances
- Agricultural Zoning (1/35 rule)
- Rural Residential Criteria
- Urban Growth Boundaries
- TDR / PDR ???

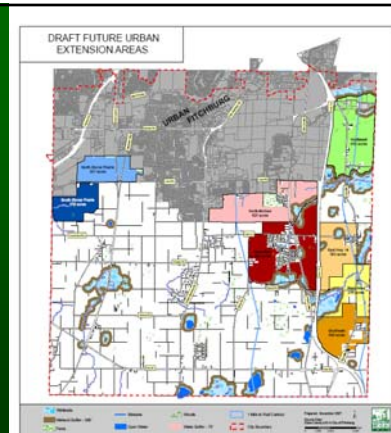


1 per 35 acre Rule

- A landowner may be permitted to create one lot for every 35 acres, utilizing 1979 as the base year as long as the house is sited in accordance with the rural residential criteria and developed in accord with City policies.

Rural Residential Criteria

- The purpose of the Rural Residential criteria is to manage rural residential development in a manner that is appropriate in regard to community standards, preservation of agricultural land and limiting sprawl.
- Based on Farm Related Criteria, Land Use Criteria, and Environmental Criteria with a total potential for 15 points.



3800 acres / 75 acres per year = 50.6 years

Table: Neighborhood Staging Example

Neighborhood	Acreage	2010-2029	2015-2034	2020-2039	2025-2044	2030-2049	2035-2054
Northeast	612	500	112				
North McGaw	525	388	137				
North Stoner Prairie	307	200	107				
Greenfield	596		19	200	274	103	
South Stoner Prairie	276			175	101		
East Hwy 14	353					272	81
Southeast	344						344
2010 available land in USA*	787	787					
Total	3,800	1,875	375	375	375	375	425

* Based on 2005 land use inventory of 1,087 available acres and deducting an average development rate of 75 acres per year for 4 years to 2010.
Source: City of Fitchburg Planning

TDR / PDR

Programs to help landowners and communities meet goals

Sets up a legal agreement that separates development rights from property (conservation easement)

Transfer of Development Rights

- Allows the development rights to be purchased and transferred to a designated receiving area.

Purchase of Development Rights

- Development Rights are purchased by a local agency, non-profit land trust or a historic preservation organization.
- These organizations hold only the development rights into the future.

TDR/PDR Programs

- Voluntary
- Permanent
- Flexible
- Compensate
- Landowner Rights

Voluntary

- A landowner is not forced to sell their development rights, only willing landowners.
- Comprehensive Plans and the Urban Growth Boundaries inform citizens on where future development will be extended.

Permanent

- Once development rights are sold, the deed for that parcel will be recorded to state that all of its development rights have been purchased or transferred.
- Future owners would abide by the same terms and would only be buying the land for the remaining rights that are tied to the property.

Flexible

Rights and restrictions are tailored to meet various goals.

- Protect farm land and natural areas
- Reduce land use conflicts
- Provide additional wildlife habitat
- Provide additional environmental benefits
- Community separation

Why this program for rural owners

- Land remains in private ownership
- Doesn't interfere with accepted farming practices
- Excludes current and future structures, roads and future right-of-way
- City or contracted agency will monitor/enforce the program

Who Pays

- PDR – public and private money
- TDR – market transaction (developer)

How much money will I be paid for my development rights? - PDR

- An appraiser determines the fair market value of the conservation easement.
- The first appraisal is a traditional appraisal of the land as it would sell on the open market.
- The second is an appraisal of the land value with the restrictions placed on the land with the conservation easement.
- The difference between the two appraisals is the value of the conservation easement.

How much money will I be paid for my development rights? - TDR

- This value could be calculated the same way as PDR, however the Conservation Easement Market would also play into the effect.

If I sell my development rights, do I have to allow public access on my land?

- No. Public access is not a requirement of a TDR/PDR program. However, an owner can provide some level of public access, such as fishing, hunting, or hiking if they wish.

What happens when I want to sell the land?

- You are free to sell the land in the same manner as you would sell any other land. Disclosing the existence and terms of the conservation easement to prospective buyers is required.

Why have farmers around the country sold their conservation easements?

- Among the many personal and financial reasons are:
 - Permanently protecting the land as farmland for the future,
 - Raising capital to expand farm operations,
 - Diversifying investment portfolios,
 - Transferring the farm without dividing or selling the farm,
 - Taking cash out of the farm without selling title to the land, and
 - Numerous other reasons.

Next Steps

- Review Public Comments & Questions for the next Public Meeting on January 29
- Hold the next Public Meeting on February 11
- Tabulate the survey results regarding a Conservation Program (TDR or PDR).
- AGR reviews results and formulates a report to be sent to the Common Council regarding which program, if any, should be further studied.
- Common Council will determine the course of action based on the report.

Stay Informed

Website:

www.city.fitchburg.wi.us/planning_zoning/PDRTDR.php

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Public Questions & Comments