

Final Minutes of the  
Town of Cross Plains Joint Plan Commission/Board **Public Hearing Meeting**  
on TDRs (Transfer of Development Rights) October 9, 2012

Present: Board: Greg Hyer (Chair), Jeff Baylis, Greg Haack, Tom Anderson, Vera Riley  
Plan Commission: Wayne Parrell (acting Chair); Sherry Krantz; Greg Hyer  
Amelia Williams (Secretary)

9 interested citizens

7:35 PM – 8:15 PM

Wayne Parrell called the meeting to order, announcing that it was an official joint meeting; a Public Hearing for the purpose of considering a TDR plan for the town. The topic had been discussed previously at a public meeting and several questions and comments arose. In the following discussion, the terms “residential development rights” and “splits” are the same.

**Real Estate Transfer Tax:** At the previous meeting the question came up of whether or not this tax would apply to the selling of a development right. When Hyer inquired, Jim Welsh, of the National Heritage Land Trust, stated that such transfers are not subject to the tax, since a TDR was more like an easement. The seller would, however, be responsible for a capital gains tax.

**Substandard Parcel Transfers** were discussed at length with the following conclusions: The wording has been changed to clarify the development rights on legal substandard parcels. The owner of a legal substandard parcel between 4 and 35 acres is entitled to two development rights. These rights must be used on the parcel itself. The “split” cannot be moved to another location, even if the two locations are owned by the same person. This applies both to parcels which already have one residence and those that do not.

**Stockpiling Development Rights:** An owner cannot “stockpile” development rights. The owner must have both a source and destination for the development right when he brings a proposal to rezone before the Town. The siting criteria will be taken into consideration for all such proposals.

**Subdivisions:** Hyer mentioned several ways to limit the spread of subdivisions, none of which seemed practical or better than the present rule. This rule states that you cannot build more than 5 houses on a property in less than 5 years.

Louise Klopp spoke to address the general concept of TDRs. She felt it might be a layer of bureaucracy, which might not really accomplish anything. She mentioned that the 1981 legislation (1/35 acres) was a “taking” of our property rights, and that this might be another taking. She asked if anyone in the Township had asked for the program, and Parrell answered that one landowner in the southwest corner of the town, plus the Fessels, would have an interest in it. To protect valuable farmland, Louise mentioned the strategy of the Town of Dunn, which sets aside tax money to buy farm property. Others felt that the Town did not have the resources to do this, but Baylis thought that the program was at least a way to move development away from good farmland to other areas. Klopp is particularly concerned to protect the Black Earth Creek valley, so Hyer projected Plan Map 5.5, which shows the areas which would be protected in this plan. They include the ice age corridor and the Black Earth Creek, up to the northwestern border of the Township.

Arnold Harris spoke, and entered formal written comments proposing that the Town use more than the 1981 Land Use Atlas and Plat Book to determine original farm ownership. He has found that the tax records also contain a township map, which shows greater detail than the other. He felt that some of the recent problems encountered could have been avoided if the tax documents had been used.

Stefi Harris also contributed a paper outlining thoughts on several issues. First, she felt that definitions should be spelled out concretely. She mentioned the possible misunderstandings of such terms as “nonfarm development”, “substandard parcels”, and “redevelopment”. Second, she felt the terms for some of

the local places were undefined; Pine Bluff, Deer Run Heights, and Oak Valley Estates, for example. Using the tax records rather than the Plan maps would solve this problem. Third, she felt that the 20,000 sq. ft. lot size was too small and would cause ground water deterioration. The watchdog agency, CARPC (Capital Area Regional Planning Commission) should not be counted upon, since it cannot monitor or test for ground water contamination. She felt that more emphasis should be put on protection of some unique natural resource areas – Sugar River headwaters, sandstone bluff recharge areas, and woodlands.

In response to these comments, Baylis reiterated the purposes of the TDR plan, noting that the definitions of most of the terms are included in the Dane County Codes, and that the idea of taking a split from farmland to put it on non-farmland was a step in trying to preserve what we have. He also felt that the Town should use the County definitions for terms in the Land Use Plan.

Mike Plesha wondered why neighbors were not informed of changes. He felt there should be input from adjacent landowners. The County sends a letter to adjacent landowners when there is a rezone request, and the Town publishes its agendas, including rezone requests, in the local papers. The board and commission members felt this was sufficient publication of information.

After asking for any further comments, Parrell concluded the discussion by suggesting that any definitions not in Dane County documents be added and clarified, and that the boundaries of such areas as Pine Bluff be defined by their zoning descriptions. Parrell thanked the public for attending and concluded the public hearing. No votes were taken at this meeting.

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Submitted by Amelia Williams, Secretary of the TCP Plan Commission, October 14, 2012