

# APPLICATION FOR TRANSFER OF DEVELOPMENT RIGHTS



## Waseca County Planning and Zoning Office

300 North State Street  
Waseca, Minnesota, 56093

Phone: 507-835-0650 Fax: 507-837-5310

Website: [www.co.waseca.mn.us](http://www.co.waseca.mn.us)

Form no. PZ081009

Application fee: **\$100.00** (Check made out to Waseca County)

Recording Fee: **\$46.00** (Check made out to Waseca County Recorder)

### **RETURN TO:**

Planning and Zoning Administrator  
Waseca County  
300 North State Street  
Waseca, MN 56093

### **FOR COUNTY USE ONLY:**

Date Application was received:  
\_\_\_\_\_

## **I. SENDING SITE INFORMATION**

Name \_\_\_\_\_ Phone \_\_\_\_\_

Name (other owner) \_\_\_\_\_ Name (other owner) \_\_\_\_\_

Mailing Address \_\_\_\_\_ Cell (Alternate) Phone \_\_\_\_\_

City and State \_\_\_\_\_ Zip Code \_\_\_\_\_

Email \_\_\_\_\_

Applicant's Interest in Property: Fee owner(s) \_\_\_\_\_  
(For corporations, partnerships and Limited Liability Company, provide formation documentation)

Tax Parcel Number(s) \_\_\_\_\_

Quarter- Quarter \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

Property Address or Nearest Street or Road: \_\_\_\_\_

## **II. SENDING SITE PROPERTY OWNER CERTIFICATION**

I/we hereby certify the information furnished on this application and the attachments are true, that I (we) am (are) the legal owner (s) of the property described above, that I (we) have marketable title to the property, and that I (we) have the legal right to restrict the use of the property. I/we understand an Easement Agreement Transferring Development Right and Extinguishing the Right to Develop a Residential Home will be required and must be recorded on the title of the above property to transfer a residential building site.

\_\_\_\_\_  
*Signature of Owner (Sending Site Applicant)*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Co-Owner (Co-Applicant)*

\_\_\_\_\_  
*Date*

**III. RECEIVING SITE HOLDER INFORMATION**

Name \_\_\_\_\_ Phone \_\_\_\_\_  
Name (other owner) \_\_\_\_\_ Name (other owner) \_\_\_\_\_  
Mailing Address \_\_\_\_\_ Cell (Alternate) Phone \_\_\_\_\_  
City and State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Email \_\_\_\_\_

**IV. WILL THE RECEIVING SITE HOLDER BE RECEIVING BY CERTIFICATE ONLY**

\_\_\_ Yes \_\_\_ No

If no Please provide the Following:

**V. RECEIVING SITE INFORMATION**

Applicant's Interest in Property: Fee owner \_\_\_\_\_ Other Owner(s) \_\_\_\_\_  
(For and Limited Liability Company, provide formation documentation)

Tax Parcel Number(s) \_\_\_\_\_

Quarter- Quarter \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

Property Address or Nearest Street or Road: \_\_\_\_\_

**VI. PROPERTY OWNER CERTIFICATION**

I/we hereby certify the information furnished on this application and the attachments are true, that I (we) am (are) the legal owner (s) of the property described above, and I (we) have marketable title to the property. I/we understand an Easement Agreement Transferring Development Right and Extinguishing the Right to Develop a Residential Home will be required and must be recorded on the title of the above sending site property to transfer a residential building site.

\_\_\_\_\_  
*Signature of Owner (Receiving Site Applicant)*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Co-Owner (Co-Applicant)*

\_\_\_\_\_  
*Date*

**VII. APPLICATION CHECKLIST** *Is the following information attached?*

- Legal Descriptions of the Sending Site and Receiving Site (if known)
- If transferring from one township to another, Conditional Use Permit (if needed)
- Ownership Information for both the Sending Site and Receiving Site (if known)
- Entity Formation Documentation

**UNIFIED DEVELOPMENT CODE**

**§6.09 TRANSFER OF DEVELOPMENT RIGHTS (TDR).**

(A) *Transfer of development rights (TDR) program; purpose.* The purpose of the transfer of development rights program is to transfer residential density from eligible sending sites to eligible receiving sites through a voluntary process for permanently preserving rural resources and lands that provide a public benefit; the TDR provisions are intended to supplement land use regulations, resource protection efforts and open space acquisition programs and to encourage increased residential development density where it can best be accommodated with the least impact on the natural environment and public services by:

(1) Providing an effective and predictable incentive process for property owners with rural resources to preserve lands with a public benefit; and

(2) Providing an efficient and streamlined administrative review system to ensure that transfers of development rights to receiving sites are evaluated in a timely way and balanced with other county goals and policies, and are adjusted to the specific conditions of each receiving site.

(B) *Transfer of development rights (TDR) program; sending sites.* For the purpose of this chapter, a sending site means a parcel or parcels of land of at least a quarter-quarter section located within the A-1, Agricultural Protection District or, under certain restrictions, into the UE, Urban Expansion District. The parcel or parcels shall be under ownership by one person, a married couple or one corporation, a partnership or limited liability company or there must be a written agreement between all owners of a quarter-quarter section agreeing to the sale of a TDR. In addition, the sending quarter-quarter sections must not already be improved with a residence or residences.

(C) *Transfer of development rights (TDR) program; receiving sites.*

(1) Receiving sites located within the A-1 Agricultural Protection District must not:

(a) Adversely impact any significant environmental resource or environmentally sensitive areas; or

(b) Require public services and facilities to be extended to allow the development of the receiving site.

(2) When presented for approval, TDRs proposed within receiving sites located within the UE, Urban Expansion District, must include a covenant agreeing to allow an adjacent and abutting municipality to annex a subdivision when utilities can be made available. The covenant must be approved by the County Planning and Zoning Administrator and recorded with the County Recorder or the Registrar of Titles for the county. A notice provision by the annexing municipality to impacted property owners and public hearing by the municipality shall be required as part of the covenant.

(3) Except as provided herein, development of a receiving site shall comply with dimensional standards and minimum lot standards of the underlying A-1, Agricultural Protection District or the UE, Urban Expansion District.

(4) If an owner intends to occupy a residence, a TDR may be transferred to a location adjacent to a feedlot by the owner and operator of the feedlot.

(5) TDR may be transferred within a township or between a common owner anywhere within the county. A transfer between two owners and into another township shall be completed only by completing a conditional use permit and by following the requirements of this section.

*(D) Transfer of development rights (TDR) program; calculations.*

(1) The number of residential development rights that a sending site is eligible to send to a receiving site shall be determined by applying the TDR ratio of one TDR (unit) to a receiving site per quarter-quarter section from a sending site.

(2) The maximum number of development rights transferred to any receiving area shall not exceed eight TDRs per 40 acres if a traditional subdivision is used or 16 TDRs per 40 acres if an approved conservation subdivision is utilized.

(3) The TDR must come from a complete quarter-quarter section and sending quarter-quarter sections must not be improved with a residence, feedlot or commercial or industrial building(s). Any fractions of development rights that result from the calculation of a TDR shall not be included in the final determination of total development rights available for transfer.

*(E) Transfer of development rights (TDR) program; documentation of restrictions.*

(1) Following the approval of the transfer of development rights from a sending site, a permanent easement documenting the development rights transfer shall be recorded in the office of the County Recorder or the Registrar of Titles against the title of the sending site parcel.

(2) The form of the restriction shall be approved by the County Attorney and the County Planning and Zoning Administrator.

(3) The planning and zoning office shall establish and maintain an internal tracking system that identifies all certified transfer of developments rights including the sending and receiving sites.

(4) When a transfer of development rights has occurred, the TDR restriction shall be documented on a map of the county. The approved TDR restriction shall take the form of an easement and identify limitations on future residential development consistent with this code.

*(F) Transfer of development rights (TDR) program; transfer process.*

(1) Following review and approval of the sending site application by the County Planning and Zoning Administrator, a TDR certificate letter of intent, agreeing to issue a TDR certificate shall be prepared authorizing an exchange for the proposed sending site transfer of development rights easement. The sending site owner may then market the TDR sending site development rights to potential purchasers. If the TDR sending site that has been reviewed and approved by the County Planning and Zoning Administrator changes ownership, the TDR certificate letter of intent may be transferred to the new owner if requested in writing to the Planning and Zoning Administrator by the person or persons that owned the property when the TDR certificate letter of intent was issued. Documentation evidencing the transfer of ownership must also be provided to the County Planning and Zoning Department with the letter request.

(2) In applying for receiving site approval, the applicant shall provide the County Planning and Zoning Department with the following:

(a) A TDR certificate letter of intent issued in the name of the applicant, and a copy of a signed option to purchase the TDR sending site development rights; and

(b) An application for a preliminary plat to subdivide the property through the process described in this code. The public hearing for the preliminary plat shall also function as the hearing authorizing the use the TDR sending certificates.

(3) All receiving sites must be located within a platted subdivision. Following preliminary plat approval, but before final plat recording of a receiving site development proposal which includes the use of TDR development rights, the receiving site applicant shall deliver the TDR certificate issued in the applicant's name for the number of TDR development rights being used and the TDR extinguishment document in the form of a permanent easement to the County Planning and Zoning Administrator. Both the TDR certificate issued and the extinguishment document in the form of a permanent easement shall be recorded with the office of the County Recorder or the Registrar of Titles with or prior to the recording of a deed to transfer title.

(4) When the receiving site development proposal requires a public hearing under this title or its successor, that public hearing shall also serve as the hearing on the TDR proposal. The reviewing authority shall make a consolidated decision on the proposed development and use of TDR development rights and consider any appeals of the TDR proposal under the same appeal procedures set forth for the development proposal.

(5) When the development proposal does not require a public hearing under this title, the TDR proposal shall be considered along with the development proposal, and any appeals of the TDR proposal shall be considered under the same appeal procedures set forth for the development proposal.

(6) Development rights from a sending site shall be considered transferred to a receiving site when a final decision is made on the TDR receiving area development proposal, the sending site is permanently protected by a completed and recorded land dedication easement and notification has been provided to the County Planning and Zoning Administrator of the recording of the documents.

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**EASEMENT AGREEMENT TRANSFERRING DEVELOPMENT RIGHTS**

**THIS EASEMENT AGREEMENT** is made this \_\_\_\_ day of \_\_\_\_\_, 202\_\_, by and between \_\_\_\_\_, hereinafter referred to as “Grantors,” and Waseca County, a political subdivision of the State of Minnesota, as Grantee, hereinafter referred to as “Waseca County.”

**WHEREAS**, the Grantors are the present owners of the lands located in Waseca County, Minnesota, depicted in Exhibit “A” and described as follows:

*The \_\_\_\_\_ Quarter (\_\_\_ 1/4) of the \_\_\_\_\_ Quarter (\_\_\_ 1/4) of Section \_\_\_\_\_,  
Township \_\_\_\_\_, North Range \_\_\_\_\_ West, Waseca County, Minnesota*

*Part of Parcel Identification Number: \_\_\_\_\_*

The Grantors have made application and received approval from the Waseca County Planning and Zoning Office to transfer the Residential Development Rights as such rights are defined in Waseca County Unified Development Code, subject to the obligation of the Grantors to encumber the Land according to the terms of this easement. The Development Rights being transferred are the interest in and the right to use and subdivide Land for any residential purposes (including agricultural homestead use) and activities which are not incident to agricultural use and open space use, on the terms and conditions and for the purposes hereinafter set forth; and

**WHEREAS**, Waseca County has determined that the easement restricting residential uses by Waseca County of farmland and open space land will benefit the public through the preservation of property devoted to agricultural and open space uses.

**NOW, THEREFORE**, in and for the consideration of allowing the development right to be transferred to Buyer as specified, the Grantors do by these presents forever encumber the lands described above with this easement to confirm that all Residential Development Rights now existing with respect to the Land have been transferred and the Land is hereby perpetually subject to the restrictions limiting permitted activities to agricultural and open space uses. However, this easement and encumbrance shall not prohibit the Grantors from acquiring Residential Development Rights for the Land from some other parcel in accordance with the provisions of the Waseca County Unified Development Code at some future date.





**EXHIBIT "A"**

PARCEL MAP AND DESCRIPTION TO EASEMENT AGREEMENT TRANSFERING  
DEVELOPMENT RIGHTS

**Sending Site – \_\_\_\_\_ :**

THE \_\_\_\_\_ QUARTER (\_\_\_ ¼) OF THE \_\_\_\_\_ QUARTER (\_\_\_ ¼) OF SECTION \_\_\_\_\_,  
TOWNSHIP \_\_\_\_\_ NORTH, RANGE \_\_\_\_\_ WEST, WASECA COUNTY, MINNESOTA

**EXHIBIT "B"**

**Receiving Site – \_\_\_\_\_ :**