

# "What Is the Dane County Water Body Classification Project?"

The Water Body Classification Project is an effort by Dane County to create local shoreland zoning regulations and standards intended to protect water quality, wildlife habitat and natural scenic beauty. As part of Phase I of the Project, the County classified more than 160 lakes, ponds, rivers and streams as either rural, developing or urban. For each class of water, Phase II of the Project recommends imposing highly prescriptive zoning standards based upon minimum lot sizes, building setbacks and vegetative buffer areas. For example, the zoning regulations proposed for properties in the developing waters classification would require a two acre minimum lot, 150 foot building setback and 75 foot vegetative buffer. As an alternative to meeting such prescriptive zoning standards, the County's plan contemplates offering affected landowners and developers the option of complying with performance standards based upon development design measures meeting objective engineering criteria.

The proposed regulations contemplated under the Water Body Classification Project would apply to all Dane County properties located within 300 feet of the ordinary high water mark of navigable rivers and streams and within 1,000 feet of the ordinary high water mark of navigable lakes and ponds. Up to 45% of the County's 124,000 property owners could be affected.

One of the major concerns with the Water Body Classification Project is its effect on existing developed properties that do not currently conform with either the prescriptive zoning or performance-based standards. Such properties would be considered legally non-conforming under the proposed regulations (it is estimated that more than 44,000 properties in Dane County would become classified as legally non-conforming). While the proposed regulations would not require such property owners to immediately comply with the standards, they would require compliance upon any expansion, replacement, reconstruction or other substantial changes to the exterior of non-conforming buildings. Owners of non-conforming properties would also have the option of implementing mitigation practices, such as a restored vegetative buffer or engineered infiltration techniques, to satisfy the requirements of the proposed regulations.

The extent of the economic impact resulting from the Water Body Classification Project is still unknown. There will undoubtedly be an increased financial burden

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placed upon landowners and developers in complying with the proposed zoning and performance-based standards and on owners of non-conforming property in implementing mitigation measures. In addition, the values of non-conforming properties will most likely decline, leading to a decreased tax base for municipalities and negatively affecting the ability of lenders to provide financing. At this point in time, [Phase II of the Water Body Classification Project](#) is in its planning stages. It is anticipated that the Dane County Lakes and Watershed Commission will make its formal recommendation to the County Board by the end of this year. The project director handling questions and comments relating to the Water Body Classification Project on behalf of Dane County is Brian Standing, Senior Planner with Dane County Planning. He can be reached at 608-267-4115 or [standing@co.dane.wi.us](mailto:standing@co.dane.wi.us).

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