

Shoreland Development and Wisconsin's Future: Balancing a Healthy Economy with a Healthy Environment

Conference Summary

presented by Wisconsin Environmental Initiative

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Rhineland, Wisconsin

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Greetings,

"The little cabin on the lake." It's a powerful image, one of Wisconsin's most appealing.

It's a shared ideal of tranquillity, enjoyment of the natural environment, and a high quality

of life. Along with being a treasured ideal, that little cabin is also a vital part of our economy -

it's a positive force that drives a good portion of Wisconsin's construction, real estate and

tourism industries.

However, as more people have built their own "little cabins," shoreland development has

become a source of conflict. In the past 30 years the development of lake shorelands

has equaled that of the previous 100 years. In 15 years development is likely to double.

People are logically asking, "How much is too much?"

In response to that question Wisconsin Environmental Initiative convened "Shoreland Development in Wisconsin: Balancing a Healthy Economy with a Healthy Environment" on October 7, 1998, in Rhineland, Wisconsin. With the support of our conference sponsors the Wisconsin Timber Associates, Wisconsin Association of Lakes, Wisconsin County Code Administrators, the Wisconsin

Builders Association, the Wisconsin Department of Natural Resources, and the Wisconsin Out-of-State Land Owners Association, we engaged developers and conservationists in meaningful and productive dialogue on shoreland development issues and developed plans for further action and cooperation.

The conference began with an informative keynote address by Robert Korth, Lake Specialist with the University of Wisconsin Stevens Point Extension, that underscored the urgent need for orderly development. Korth provided a thought-provoking historical framework from which to view development and then provided current data on the rate of development and the corresponding deterioration in the condition of vegetation and wildlife on many Wisconsin lakes. Panel discussions and roundtables helped participants to understand the interrelated economic and environmental aspects of shoreland development and formed the consensus-based recommendations presented here.

As the day progressed a vision of what orderly development looks like began to take shape. More education, sensitivity to urgent environmental concerns and openness to change were cited as vital factors to realize that vision. A few of the suggestions offered by participants for orderly development were: a system of trade-offs where non-conforming additions are mitigated by preserve areas, developer imposed restrictions and/or condo restrictions enforced by owners - not government, vegetative removal restrictions, and minimal or no visual impact on the shoreland.

WEI is grateful for the leadership and support of the conference sponsors, speakers and participants. Working together we hope that the recommendations and case studies in this Conference Report will provide the tools to "do well by doing good" as you interact with our beautiful shorelands.

John Imes
Executive Director
Wisconsin Environmental Initiative

Conference Summary

Shoreland Development in Wisconsin: Balancing a Healthy Economy with a Healthy Environment brought together over a hundred fifty conservationists, developers, representatives from lake and other associations, and local, county and state government personnel. The goals of the conference were to engage participants in dialogue on shoreland development issues and develop plans for further examination and cooperation. We were joined by Lake Specialist Robert Korth who delivered the keynote address.

LIFE ON THE EDGE

A Summary of Robert Korth's remarks

Across this nation people are endeavoring to find a balance between enjoying their lives and preserving those things that make their lives enjoyable. After spending twenty-five years in the private sector I have worked the past nine at the University of Wisconsin Stevens Point working with the University of Wisconsin Extension, the Wisconsin Department of Natural Resources and lake organizations in a thing we call the Wisconsin Lakes Partnership. I travel from one end of the state to the other working with folks on the types of issues we will be discussing here today. These are consequential issues not just in Wisconsin but across this nation.

In talking to folks ? conflicting things?are most often expressed?things aren't like they used to be and if we would have known we would have?and life is good! How many of you have seen change in the landscape in the places you were born and raised? How many of you feel that you are better off economically than your parents. Low unemployment, extra money to invest, \$30,000 for a new car, second homes? yes life is good. Maybe something is missing here?As the old saying goes?it seems that money is not everything. Throughout the USA in places like the Carolinas, Montana, Michigan, Minnesota and Wisconsin, we are escaping the cities, searching for something we feel is missing from our lives. The reasons vary but there is a basic core of things we seem to be looking for; a sense of community, peace, comfort, and security. In some cases the computer is allowing us to bring our jobs with us. In some instances the folks moving in are bringing a different pedigree from those people born and raised in these rural areas. Different values, different needs, different economics.

I was passing through Hayward population 1800) this summer and I waited 10 minutes to get into traffic. In small Wisconsin tourist towns like Eagle River and Minocqua business is booming. Weekends find long lines and bumper to bumper traffic. In many small tourist towns, growth is unprecedented. Mom and Pop restaurants, and motels are being replaced with, Mc Donald's, Country Kitchens and chain hotels. Across our nation the uniqueness of communities is disappearing for an amalgamation of know quantities. Some folks claim that the very things that draw us here are beginning to vanish. In some places, the three "R's", relaxation, retirement and recreation, are being replaced with frustration and conflict. Folks that have owned the properties for generations and bought it at 1940 or 1950 prices are being forced to sell or split up property to pay the taxes. On Lake Mendota in southern Wisconsin a gentleman bought a \$1.5 million home then tore it down to build the home he wanted for \$7million. These are fascinating times and we have some decisions to make that may have long-term implications.

THE WATER AND LAND BELONG TO A LARGE FAMILY

Who here wants to see the health and quality of our lakes deteriorate? The critters disappear or the time you spend on our lakes being filled with frustration and disappointment? No one. If that is the case and we all are in agreement on that than the rest is easy. We focus on that goal, we sit together? like today, we talk, we listen, we work through the side issues and we will succeed.

I was asked to speak to you today about finding common ground - balancing environmental, economical and social needs on and around our lakes. Is there a right and wrong. Are we being too cautious about environmental protection at the cost of our economy? Will our spiraling desire for water front property bring frustration and ruin to our lakes? The issues we are discussing here today raise some huge philosophical questions. Are we accountable to anyone but our selves for our actions? Today we are talking about land use but we could be talking about anything that we do that has an impact on others. Think about the notion of accountability and obligation to others. Especially those people we will never meet because of time or place. It is easy to dismiss them because they will never pester us about doing the right thing. We will never have to look them in the eye and say I'm sorry, I enjoyed my life I didn't think what I did would matter.

WE WILL BE REMEMBERED FOR WHAT WE DID, NOT WHAT WE HAD

Predictions of population growth in this country show a minimum population of 420 million by 2053 and a high of a half billion. In the 1990's we are running out of places to hide. Can we continue to sweep our problems into the future and look to short-term fixes? The main pressure points have not changed: ever increasing populations and material gain. Nations base their economies on "consumers"; if we don't buy more, our economies may collapse. A fellow from California by the name of Garitt Hardin spoke on a global perspective about the idea that as the population increases the free use of natural resources will bring ruin to all. Hardin suggests that the only way to escape this cycle of resource abuse and lack of stewardship would be mutual restraint. The society would vote to regulate their behavior and set up enforcement procedures. Which is exactly where we find ourselves. Some folks think laws are crucial to preserving and protecting our natural eco-systems others feel they are an infringement on our private rights. You have taken upon yourselves the task of balancing the freedoms of today's society against the possibilities of tomorrow. You are at the balancing point between short-term gains and long term visions. Tugged by the private economic realities of land ownership and business needs, pushed by the politics of growth management.

THE CORNERSTONE OF OUR SUCCESS IS BASED ON THE IDEA OF UNLIMITED GROWTH...SOME OF US ARE STARTING TO BECOME UNEASY WITH THE WISDOM OF THAT. WE ARE OPEN TO A NEW VISION

We have moved through the industrial age. The cornerstone of our success has been based on the idea of unlimited growth. We were driven to leave a life for our children that is better materialistically than our own. This is perceived by many to be our greatest legacy. But some of us are starting to become uneasy with the wisdom of that very creed. We are open to a new vision.

We have made incredible gains in the quantity of our life but what about the quality? Despite a wide- spread and growing recognition of environmental imperatives in recent years, in some cases the attention given to the economy and development still far out weigh the attention given environmental and personal well-being. Here's where you come in. To take the options the past has left us and set a course for an unsure future while meeting the needs of today. What an interesting job!

In America, ownership of land means freedom from meddling government, the right to dispose of land by sale at a profit and the ability to move from one place to another. In America, we think of land as a civil liberty instead of as a social resource. In surveys the majority of us? if we had to choose, would rather have the right to own property than the right to vote There are major questions to address regarding our desire to own waterfront property. I invite you to discuss them with the other folks her as the day proceeds: Will stricter rules on building near the water harm local economies? Will the day come when only the rich can afford to live near the water? Is there a limit to how many homes we can build on our shores and still ensure a healthy and functional lake eco-system? If we disturb shore areas less by requiring bigger lots, set backs and less vegetation removal, will we prevent harm to lake eco-systems? How do we find a balance between human enjoyment and preserving a healthy lake environment? Will the north woods experience change? Over crowding? Will more people mean less freedom to do as we please on your own property? Does everyone have the right to own water front property?

WHAT IS WISCONSIN DOING?

Classifying lakes

Over 25 counties have started or completed a grassroots process of classifying their lakes according to their sensitivity to human impact. Sensitive lakes are

required to have increased set backs and less removable vegetation. In some counties lake use is also being classified.

Certifying Realtors

We are developing a national certification program to give Realtors more information about water front property and lakes and assist them in selling and answering customer questions. Working with the Wisconsin Realtors Association, the University of Wisconsin Extension and the Environmental Protection Agency, the certification program has launched in Wisconsin and will expand to the Northeast and Southwest United States.

Building broader and stronger partnerships with non-traditional partners such as Realtors, builders, tourism, churches, business. Increasing funding and positions for zoning administrators and water regulators. And developing planning and protection grants with the Wisconsin Department of Natural Resources for non-profits to provide education and technical assistance.

Increasing education and developing planning

Most of the educational work done by Wisconsin Department of Natural Resources and Zoning personnel has been on permitting and understanding regulations. Little time has been available to emphasize the "why." Other tools including the Living Shore video and the 5th edition Life on the Edge, Through the Looking Glass are now available to fill that need.

Focusing on the positive

None of us likes to be hollered at. We react better to positive reinforcement. We work with many Realtors, builders and developers that are good stewards of the land. Most riparians do a great job of keeping habitat intact and living lightly on the land. We should point out and celebrating good efforts.

Developing creative way to build and negotiate near the water

Cluster developments, conservation easements, bonuses for certain types of building, tax breaks, open space development and mitigation are all being use to enhance and preserve life on our shoreland.

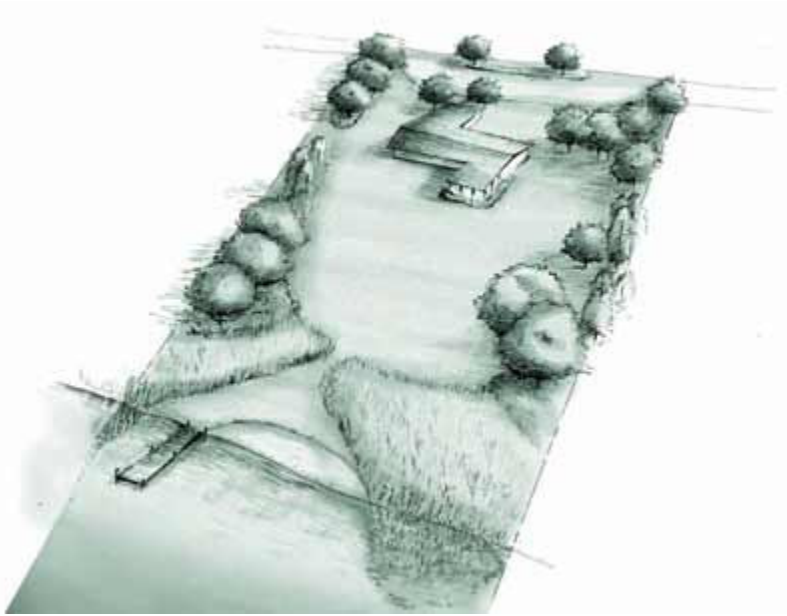
Research

Ground-breaking work on understanding our ties to the natural environment and the economy is being done in Wisconsin by Dave Marcouiller, University of Wisconsin Urban & Regional Planning. Mike Meyer, Dave Garrison and Tim Asplun, Wisconsin's Department of Natural Resources, are also conducting important research on human impact on habitats.

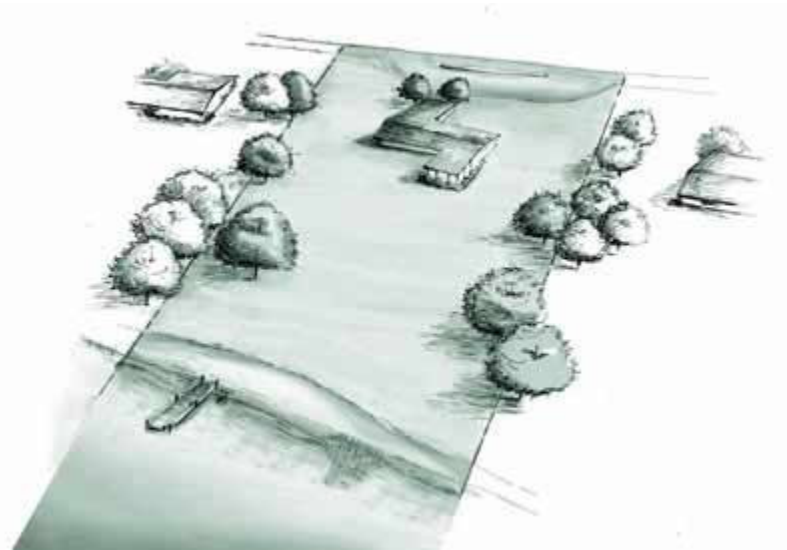
The proposal we will discuss today represents a belief that rehabilitated environment and ecosystems are compatible with and essential for long-term economic stability and a good quality of life. No one can pretend that this is easy. Attempting to envision all the implications of such proposals can easily lead to paralysis rather than sensible action. Nevertheless, the attempt should be made. Sometimes it's easy to forget that although our communities, agencies, local government and business have somewhat different missions, we are all members of the same community with they same common goals. Unfortunately, we often get wrapped up in the details and forget the big picture or become frustrated by how complex our world has become. Ours is a difficult task and sometimes the hardest part is working with each other. I propose that you continue to develop a strong partnership between the citizens of this region, business and the agencies entrusted with its stewardship. My personal hope is that we collectively develop a sense of who we are and rediscover a sense of community. We must decide on the best ways to achieve our goals while leaving options open for those that will follow. I propose a journey of discovery. Not a long arduous journey but an inner journey of rediscovery of our community and friends, a journey of reevaluation of our personal needs. Defining what's really important in your life and what it is that brings you peace. A spiritual journey, humbling and joyful, by which we arrive at the ground at our feet and learn to be at home.

Lakescaping for Water Quality

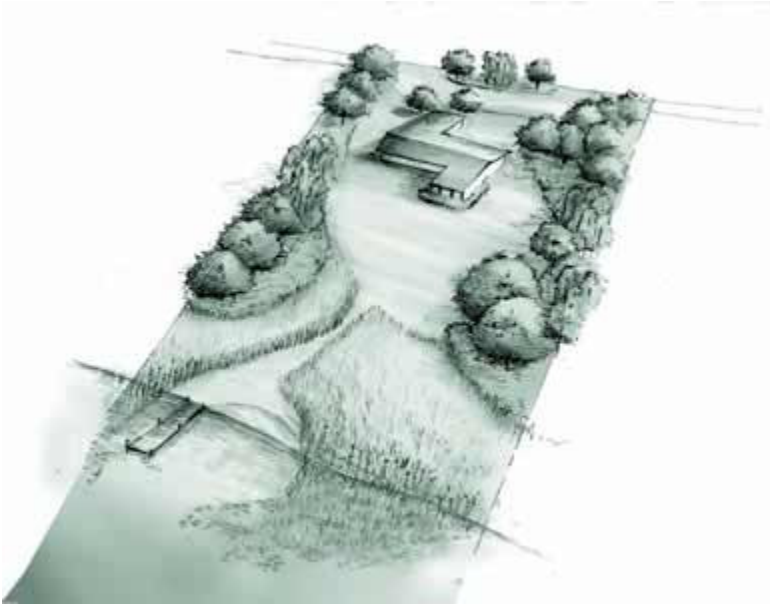
Excerpt from the book by the same title by Fred Rozumalski. For more information, call (800)657-3757



In an open prairie landscape mowed lawn is the standard landscape treatment. Few wildlife species are able to make this their home because of the lack of food and cover. Water quality declines as debris and fertilizers wash into the lake.



Lakescaping can begin by planting a buffer zone along the lake, both in and out of the water. Planting the native grasses and wildflowers that grow best in this environment create a "filter" that catches blowing debris and that also provides habitat for birds, butterflies, mammals and fish.



Eventually additional native vegetation can be planted to maximize habitat and concentrate lawn to those areas actively used. The beach can be reduced in size and lake vegetation planned to protect soil from washing into the lake due to wave action.

Panel Discussions & Roundtable's

Panel discussions on the economic and environmental impacts of development were lead by Ruth Goetz, Dept. of Tourism, Mary Thompson, Northwoods Realtors Assoc., Dave Marcouiller, UW Dept. of Urban & Regional Planning, Mike Meyer, WI DNR, Fred Rozumolski, Barr Engineering, Dean Premo, White Water Associates, Jim Wise, Wisconsin Stewardship Network, Jerry Deschane, Wisconsin Builders Assoc., Karen Pavilcek, Edina Realty, Becky Frisch, Langlade County Land Records and Regulations, Peter Peshek, DeWitt, Ross & Stevens and Bill Smith, WI DNR - Northern Region.

Roundtable discussions provided the opportunity to discuss these interrelated economic and environmental issues in-depth and share different perspectives. Despite differences, there was considerable agreement on many points including the need for a balance between the economic importance of tourism and development and the environmental impact of developing finite resources. Participants also agreed that more research and information is needed to determine what that balance is and how development impacts lakes and communities in the short and long run.

Many ideas to encourage responsible development were offered including demonstration projects, joint efforts between conservation and zoning, creating incentives for undeveloped property such as conservation easements, deed

restrictions, purchase of development rights and supporting the development and activities of lake associations. Participants agreed that more education is needed to communicate why environmentally responsible development is important and learn how "to do it." Peer-to-peer education and role modeling by lake associations and other organizations was suggested as an effective way to share that information and further understanding of the link between development and environmental degradation.

Attendees also discussed the need for builders and Realtors to be proactive in educating customers about responsible development and promoting the benefits of lower impact development, noting that this approach would not undercut profitability. Selling an entire lake ecosystem as an asset of property, conservation subdivisions, cluster development and increasing green space and set backs, were suggested as realistic low impact ideas developers could use to continue profitable development.

For the most part the group agreed that regulation is not the best way to encourage these practices, although new regulations along with better enforcement would be an improvement over the existing process. Current regulatory activity was criticized as outdated, weak and poorly enforced, costly and the permitting process) difficult. There is also the perception that compliance is costly. See "Abolish Chapter 30!) Participants thought positive recognition of alternate development practices, peer education and advocacy, increased local decision-making and economic incentives were superior ways to promote orderly development.

There are three steps to orderly development.

1. Local government should develop a comprehensive plan. Once that plan has been agreed to, create the zoning to get there and stick to it.
2. Enforce current regulations.
3. Let the marketplace work towards your plan. If local plans are reasonable and realistic, property owners will follow it. We should not be swayed by "NIMBY's" who built their homes five years ago, and now want to pull the ladder out from others.

Jerry Deschane, Wisconsin Builders Association

Case Studies

The Preserve at Hunters Lake: Environmental and Profitable Residential Development

In 1997, Developer Jim Siepmann, won the National Wetland Award sponsored by the Environmental Law Institute and the United States Environmental Protection Agency. The award honored "The Preserve at Hunters Lake" in Ottawa, WI, a cluster development consisting of 275 acres of land with three quarters of a mile of frontage on a small, spring-fed lake. More than 180 acres of shoreland, forest, and wetlands are protected by an open space conservation easement.

Siepmann had the option to divide the lake into separate lots but chose instead to keep it whole and "cluster" the 41 lots close together on the street side. An elevated boardwalk provides lake access and protects native wetland and shoreland environments. Prices for the 1-2 acre lots (without buildings) range from \$80,000 to \$125,000. Buyers are encouraged to let their landscape naturalize and enhance it with native plantings thus minimizing the area devoted to manicured lawns. Siepmann maintains that "the configuration of the land sells itself; once we get a potential buyer out on the property walking around, we are almost guaranteed a sale." For more information call (414)781-9700

Green Bass Lake

Green Bass Lake represents a local approach to orderly development through voluntary restrictions adhered to by property owners. For thirty years, landowners around Green Bass Lake in the Town of Crescent have voluntarily lived with deed restrictions more stringent than those proposed by Oneida County. The entire lake has trees growing to the water's edge. Eighteen of our 20 landowners have signed a pledge not to cut any trees within 75 feet of the water. All deed restrictions travel with the deed to bind future owners and prohibit any subdivision of lots.

Restrictions at Green Bass Lake have produced highly desirable results including: an outstanding habitat for fish, wildlife and plants (their diversity of plant and animal life is approximately the same as an undeveloped lake), an aesthetically pleasing natural 2.1 miles of shoreline (with only boats, one boathouse and a few docks) cited by residents as the most attractive feature of the lake, and strong property values, making Green Bass Lake one of the most desirable lakes in Oneida County from a real estate value perspective. The experience at Green Bass Lake has shown that in spite of restrictive deeds property values have increased, fish and wildlife habitats sustain outstanding diversity, and their natural beauty is second to none.

Eagle Deer Reserve

Eagle Deer Reserve is a cluster development in Burnett County that minimized its environmental impact with its design. Developers began with approximately 100 acres of wooded land, 1500 feet of which was lakeshore on Big Sand Lake. The developers could have chosen to break up the shoreland into several small lots; instead, they kept most of the shoreline natural and unbroken, and set the 31 lots of 1-3 acres each back in the woods. A single beach and a single marina service all the homes in the development. Property owners enjoy the privacy of living in the woods with the benefits of a lakeshore cabin. Each lot owner has an undivided easement to use all of the common areas i.e. beach, trails, private roads and 16.5 acres of park land.

The future of shoreland is assured by recorded covenants and restrictions. They maintain that the shoreland will remain natural and unbroken in perpetuity, regardless of changing ownership. Owners are also banking on the fact that maintaining a natural shoreland will increase property values on the lake. For more information call (715)635-2000.

"Abolish Chapter 30!"

Peter Peshek, Attorney, DeWitt Ross & Stevens, Former Public Intervenor.

The DNR regulates various activities in and near navigable waters under Wisconsin State Statutes Chapter 30. Among the shoreland development activities subject to Chapter 30 permits are; grading or removing topsoil, beach development, construction of sea walls, boat shelters and boathouses. As water management issues are becoming more prominent, the outdated regulatory framework of Chapter 30 is becoming cumbersome and unworkable. Major problems with the law and its implementation are: ambiguities over jurisdictional reach, overlap with other DNR programs, ambiguous standards, unpromulgated rules, lack of consideration of privatized permitting options, and inflexible design standards.

Chapter 30 should undergo a major rewrite with a focus on these problem areas. In overhauling the law, stakeholders should evaluate alternative regulatory options such as general permits and a more privatized system, and should evaluate how Michigan and Minnesota address water regulation issues.

Aesthetic Values of Wisconsin Lakes: Hopelessly Subjective?

Richard Chenoweth, Ph. D. ,Department of Urban and Regional Planning,
University of Wisconsin-Madison

It is difficult, if not impossible, to speak of Wisconsin's lakes without making some reference to beauty. Indeed, the enjoyment of beauty on navigable waters of

the state is a legal right to which all Wisconsin citizens are entitled under the Public Trust Doctrine (*Muench v. PSC*). Unfortunately, it is equally easy to conclude that nothing can be done to stop the erosion of aesthetic values since beauty is "subjective". Subjective or not, the extent of consensus about the visual consequences can be established using well-established tools and techniques from the social sciences. Moreover, public preferences for the appearance of lakeshores can be linked to specific attributes of the environment; attributes that can be managed through educational programs or regulated by policies. There are tools that can answer questions of what should be built where and what should development look like in relation to its surroundings in order to maintain the aesthetic integrity of the whole.

The methods commonly reported in the literature to gather information about aesthetic matters can be categorized in the following ways:

Descriptive Inventories: presumed experts, such as landscape architects, create rating systems or other inventory methods that purport to capture aesthetically relevant aspects of the environment. For example, the USDA Forest Service and the Bureau of Land Management both have developed descriptive inventory systems in order to comply with the "aesthetically and culturally pleasing" language of the National Environmental Policy Act. Generally, descriptive inventories have the advantage of being relatively efficient and inexpensive, but they may not reflect the aesthetic preferences of the public and may not communicate in terms clear to the public.

Public Evaluations: researchers show representations of environments to different publics or interest groups and attempt to find relationships between physical attributes of the scenes and people's preferences for those scenes.

Economic methods: researchers attempt to show the relationship between aesthetically relevant attributes of the environment and the economic value of property using a market comparable approach, or where there is no operative market, contingent evaluation techniques.

The beauty of Wisconsin's lakes need not be sacrificed on the alter of tired, ambiguous clichés such as "beauty is in the eye of the beholder." Rather, it is possible to determine consensus for desired visual conditions and link preferences to specific attributes of lakeshore development that can be managed through education, policy initiatives, or both.

"If you don't build it - they will come"

Jim Wise, Stewardship Network

Ideas and Resources for Balancing a Healthy Economy with a Healthy Environment

The following ideas and suggestions for steps toward responsible shoreland development were developed by participants at a conference presented by the Wisconsin Environmental Initiative on shoreland development in Wisconsin. They represent a variety of perspectives and approaches to orderly development and can be the starting point as you interact with our beautiful shorelands.

THE WAY TO ORDERLY DEVELOPMENT

- Create incentives for undeveloped property such as conservation easements, deed restrictions and purchase of development rights.
- Support the development and activities of lake associations.
- Promote environmentally responsible development and education to achieve it.
- Encourage peer-to-peer education and role modeling by lake associations and other organizations to further information sharing and understanding the link between development and environmental degradation.
- Encourage builders and Realtors to be proactive in educating customers about responsible development and promoting the benefits of lower impact development.
- Enlist builders and Realtors to distribute rules and best practices to property owners.
- Encourage conservation subdivisions, cluster development and increased green space and set backs to protect shorelands while continuing profitable development.
- Develop a system of trade-offs where non-conforming additions are mitigated by preserve areas.
- Create developer imposed restrictions and/or condo restrictions enforced by owners - not government.
- Implement vegetative removal restrictions with minimal or no visual impact on the shoreland.
- Strive for better enforcement of existing shoreland regulations.
- Recognize alternative development practices which protect shoreland resources.
- Create economic incentives such as tax breaks for environmentally responsible development.
- Encourage responsible landscape management such as not mowing near shoreland areas and reducing or avoiding fertilizer and pesticide use.
- Change regulation/zoning rules to promote/allow more responsible development.

- Inventory and prioritize lake/shoreland resources.
- Increase local decision-making for lake classification and zoning requirements.
- Develop local comprehensive land use plans.