

# **Deep Creek Lake Watershed Economic Growth and Planning Analysis Study**

## **Case Studies of Lakes and Resorts**

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## ***INTRODUCTION***

Garrett County is interested in the experience of at least five other resort communities similar to Deep Creek Lake with respect to their development trends, growth issues and market conditions, and the techniques they have used to manage growth. A list of 20 potential lakes and resorts was generated by the consultants, the project Task Force, and the public. Five lakes/resorts selected by the Task Force were studied as case studies:

- Lake Arrowhead, California
- Lake Dillon, Colorado
- Lake Tahoe, California /Nevada
- Lake Wallenpaupack, Pennsylvania
- Lake Winnepesaukee, New Hampshire

A summary description of “lessons learnt” from the five case studies begins on page 2 of this report.

A summary table with lake and demographic data for the five lakes and Deep Creek Lake is on page 4.

The detailed case studies begin on page 5. Each study summarizes responses to a list of questions regarding setting, vision, growth management, aesthetics, parking, roads, and resident representation that formed the basis of interviews with local representatives such as planners, economic development officials, chambers of commerce, and real estate professionals.

The questions that were asked are listed in the Questionnaire section of this report.

## ***SUMMARY OF LESSONS LEARNED***

Our study of five lakes that are undergoing growth and development identified some experiences with problems and solutions that might be transferable in some form to deal with issues at Deep Creek Lake.

**Expectations for the Lake Experience:** The natural qualities of the lake settings and water are important to recreational users at each of the lakes, but development amenities and services are less widely valued.

- Water quality is an issue in all the lakes. Lowered or fluctuating water levels that make boating and swimming less enjoyable are also important issues. Forested mountain settings are highly valued.
- The presence on or near the lakeside of convenient and attractive commercial areas appears to be valued differently at each lake. Lake Dillon and Lake Arrowhead have established convenient and attractive lakeside community centers that provide a focus for lakeside activities. The City of South Lake Tahoe provides a multi-use recreational and service center for this large lake. Centers at other lakes are so-so affairs, often neither convenient nor attractive.
- Vision statements to guide future development usually express expectations for the type of lake experience desired by most residents. Lacking such statements, lake areas are left to drift in the current of whatever happens. At this point, only Lake Tahoe has crafted a vision statement for lake-area development.
- Master plans provide a more specific means of establishing goals and policies to guide development toward desired ends, but are not effective unless they pertain to the entire lake and surrounding area and are implemented through specific action programs. Lake Tahoe has and is updating such a plan, San Bernardino County is updating its plan for the Lake Arrowhead area, and Dillon Lake is preparing one, but Lakes Winnepesaukee and Wallenpaupack have no unified master plans.
- Efforts to optimize the qualities of the lake experience appear to depend on the alternatives available – the degree to which the lake serves a unique purpose in the marketplace or is one of many lakes or similar recreational attractions. Lakes Winnepesaukee and Wallenpaupack, for example, are in areas having many lakes, while lakes Dillon and Tahoe are rare in their areas. Lake Arrowhead is one of several lakes in the area but they serve a very large metropolitan population.

**Use of Public Regulatory Powers:** In general, except for Lake Tahoe, public regulation of development in the lake areas is not very restrictive except for specific health-and-safety reasons such as sewage disposal and water supply. The exception to this generalization, Lake Tahoe, is recognized nationwide as a special case due to the need to preserve its pristine water quality.

- While some lake-area jurisdictions impose some requirements for tree conservation and limits on development on steep slopes and ridgetops, regulations in general are minimal compared to best practices in some jurisdictions. (Lake Dillon is preparing more stringent tree conservation and slope regulations.)
- Three lakes (Winnepesaukee, Arrowhead, Wallenpaupack) are located in rural areas unaccustomed to strong growth management and are reluctant to discourage lake-oriented economic development.

- Unwanted forms of development (such as on hillsides) may be forestalled by informal civic pressures in slow-growing areas with a history of respect for the lake setting. (Lake Winnepesaukee)
- A local agency or jurisdiction with control over the entire lake area and a stake in maintaining a desirable lake environment can strongly influence the quality of development. (Lake Arrowhead, Lake Tahoe)
- Conversely, lake-based controls split between several local jurisdictions or between local jurisdictions and state agencies have more difficulty agreeing on and enforcing controls. (Lake Winnepesaukee, Lake Wallenpaupack)
- Adopting major restrictions on development without a supportive constituency can stir major political conflicts and litigation and complicate the planning processes. (Lake Tahoe)
- Restrictive regulations to protect sensitive lands (hillsides, scenic areas, stream valleys, etc.) have been okayed by the courts in most areas, given their importance for protecting environmental qualities and achieving other community goals.

**Control of Lake Use:** Lake access and structures are viewed as important factors in controlling development and maintaining pleasant recreational use of lakes:

- Access and in-water structures are controlled by a lakewide ownership entity in lakes Wallenpaupack, Dillon, and Arrowhead, and by public regulation in lakes Winnepesaukee and Tahoe.
- Local control of lakefront access appears to provide the most certain control over use of the lake. (Lake Arrowhead, Lake Dillon)

**Reducing Seasonal Impacts:** The very qualities that draw year-round residents to a lake area also attract seasonal visitors – good news on the economic front but sometimes unpleasant for day-to-day living conditions. Noisy renters, traffic and parking congestion, unruly power-boat jockeys, and errant trash disposal are only some of the problems that arise when the crowds arrive for summer or winter fun.

- All the regulations in the world cannot be effective without routine enforcement of rules and requirements – pleasantly perhaps, but firmly and consistently.
- Like most policing activities, management of seasonal activities appears to work best if enforced “on the ground” by local people based at the lake who know the territory and can become familiar with the types and locales of problems that arise. (Lakes Arrowhead and Dillon)

**TABLE 1 SUMMARY DATA**

Population and housing data are for “lake influence market areas” as shown on the figures for each lake.

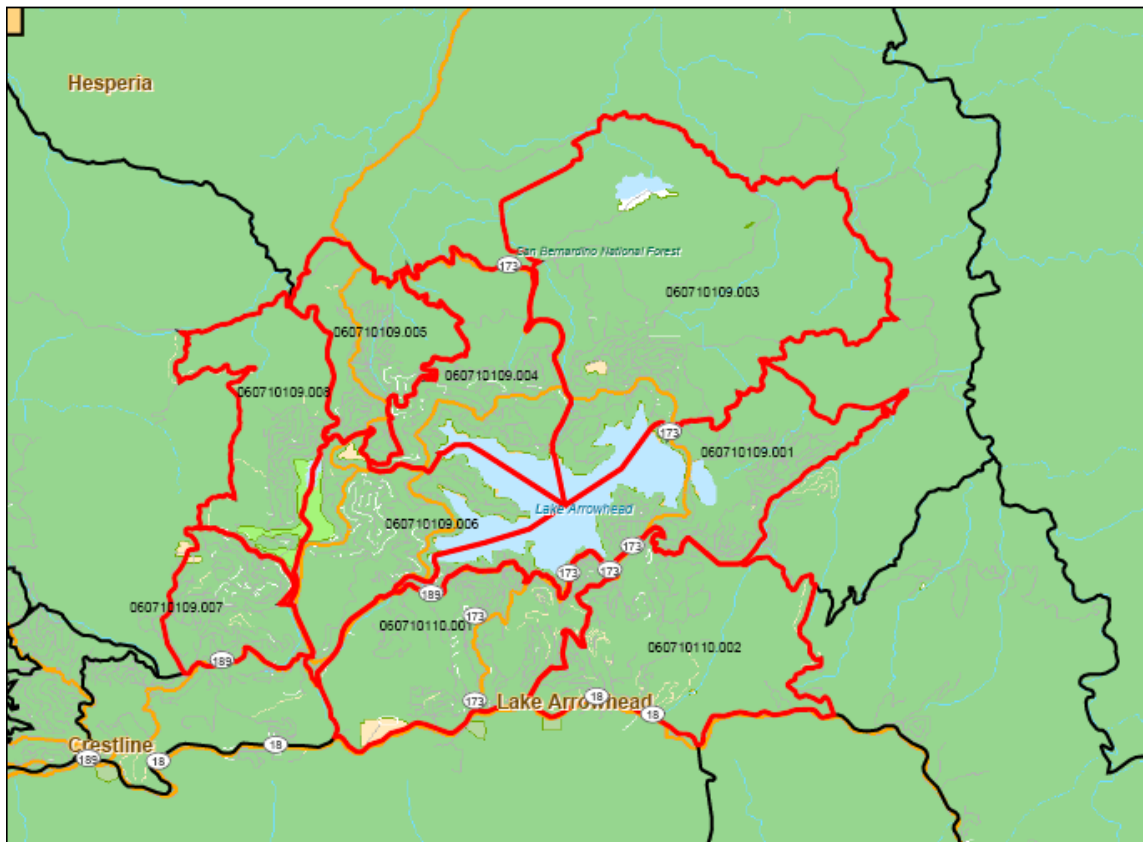
			1990	2000	Change	
					Number	Percent
<b>Deep Creek Lake, MD</b>						
Size (acres)	3,600	Total Population	3,174	3,8450	671	21.1%
Shoreline (miles)	65	Total Housing Units	3,940	5,009	1,039	26.2%
		Housing Units Held For Seasonal Use	2,394	3,007	613	25.6%
<b>Lake Arrowhead, CA</b>						
Size (acres)	780	Total Population	8,108	11,396	3,288	40.6%
Shoreline (miles)	14	Total Housing Units	9,352	10,494	1,142	12.2%
		Housing Units Held For Seasonal Use	5,980	5,988	8	0.1%
<b>Lake Dillon, CO</b>						
Size (acres)	3,233	Total Population	6,875	16,691	9,816	142.8%
Shoreline (miles)	25	Total Housing Units	6,036	16,663	10,627	176.1%
		Housing Units Held For Seasonal Use	2,175	9,317	7,142	328.4%
<b>Lake Tahoe, CA/NV</b>						
Size (acres)	122,240	Total Population	23,510	30,914	7,404	31.5%
Shoreline (miles)	72	Total Housing Units	19,321	24,049	4,728	24.5%
		Total Housing Units for use of seasonal use	6,138	9,905	3,767	61.4%
<b>Lake Wallenpaupack, PA</b>						
Size (acres)	5,760	Total Population	3,430	9,221	5,791	168.8%
Shoreline (miles)	52	Total Housing Units	4,013	9,719	5,706	142.2%
		Housing Units Held For Seasonal Use	2,424	5,579	3,155	130.2%
<b>Lake Winnepesaukee, NH</b>						
Size (acres)	46,000	Total Population	19,735	31,126	11,391	57.7%
Shoreline (miles)	182	Total Housing Units	14,172	20,668	6,496	45.8%
		Housing Units Held For Seasonal Use	5,331	7,112	1,781	33.4%



Woods around the lake and up the forested mountainsides. The lake remains privately owned by the Arrowhead Lake Association, the community association of Arrowhead Woods. Set 5,100 feet up in the San Bernardino National Forest, and located near the city of San Bernardino in the eastern reaches of the Los Angeles metropolitan area, the lake has been a favorite recreational mecca of Southern California residents for generations.

The Arrowhead Lake Association also owns beach clubs, another nearby lake, facilities at the North Shore Marina, and a strip and lake access points around the lake.

**Demographics:** The Lake Influence Market Area primarily consists of nine block groups within tracts 109 and 110, both contained in San Bernardino County (see map below). Total population from 1990 to 2000 increased by 41 percent to 11,396 in 2000; the total housing units increased by 12 percent, at a much lower rate than that of population, to 10,494 units. The seasonal units rose negligibly at 0.1 percent.



**Buffer strip situation:** The Lake Arrowhead Association owns a strip of varying width around the lake, allowing the Association to retain control over lake access. The reserve strips are based on contour lines for stated distances above sea level (e.g, 5,122 feet to 5,132 feet).

**Number of slips permitted:** Boat slips require purchase of boat slip rights, obtained from the Association, which also requires notification and payment of fee for transfers of slips and rights, which may be severable from the lot.

## Vision

The 1989 general plan contains language that could be regarded as a vision statement, but it is



very general and now outdated.

Vision implementation: The general plan has many policies that remain to be fully implemented. An example is consolidation of side-by-side special districts to provide better planning and administration of key services. The head of the commission charged with promoting such collaboration reports little progress, with districts refusing to consider consolidation even in the face of demonstrated inefficiencies. The general plan is currently being updated.

## **Growth Management**

**Growth concerns:** The 2003 fires demonstrated the difficulties of coordinating actions among the many entities responsible for providing services. A problem of rising concern has been the drop of over 20 feet in the lake water level due to several years of drought in the area (and the West in general). The drop means that lake access is far more difficult and unsightly and lake recreational use has been affected. Of immediate concern is a recent court decision that declared the lake water usable *only* for recreational purposes; taken literally, this puts the Lake Arrowhead Community Services District (providing water and sewer service to the Lake Arrowhead area) out of business. The Association and the CSD are attempting to work out a compromise solution.

Other growth concerns are due to the rise in use of new and once-seasonal homes for permanent residence, frequently by families needing affordable housing. Pressures on schools, roads, and other facilities have increased without clear-cut ways to build and/or finance additional facilities. (Many local roads, for example, have widths, turns and grades wholly unsuitable for improvement to standard residential use. Impact fees to fund facility improvements are not collectable on existing homes.)

One lesson is that an asset such as Lake Arrowhead is not an island unto itself. The Association tightly controls land use immediately near the lake but the county is responsible for the roadside environment of access roads and the development and public service quality of the clusters of development in surrounding areas. At present it provides little assistance in maintaining the quality of the Lake Arrowhead experience. Like many formerly rural counties caught in a growth spurt, San Bernardino county is only partway up the learning curve for planning to accommodate development and resolve growth issues. Another lesson is that issues can arise from the failure to look ahead to potential long-term problems. Lake Arrowhead opted out of the statewide program to allocate water resources about 40 years ago and now is without a fallback position for addressing the decline in the lake water level due to drought.

**Area management:** The community association managing the Lake Arrowhead Woods development is responsible for managing services and mitigating nuisances. As might be expected, it runs a tight ship.

**Environmental criteria to manage growth:** Existing lots, of which there are a fair number, are grandfathered for development. Hillside and ridgeline protection will be improved by a fire safety ordinance just adopted that reduces development densities based on slopes (30percent and above requires 3 acres per du, 15-30percent can be developed at 2 d.u./acre) but there is no hillside grading ordinance. The tree protection ordinance does not prohibit removal but preservation can be negotiated during subdivision reviews. (Tightening up tree preservation regulations is being considered.) Development within 200 feet of designated scenic corridors is subject to special review.

**Management of vacation rentals:** The Association office provides a central point for receiving and responding to complaints.

**Rental ordinance:** none

**Problems with large residences, including rentals:** At this point, rental units are not viewed as a major problem. Most homes around Lake Arrowhead were built as modest second-home cabins decades ago. The steep terrain and concern for preserving large trees tends to restrain home sizes, although some large lakeside homes are now replacing the older ones.

**Adequate public facilities ordinance:** None except for county areas outside the immediate lake environment.

**Non-residential uses:** The Association tightly controls land use around the lake. Most commercial uses on the lake shore are located in one center, which was expanded a few years ago. Other commercial uses are in crossroads locations outside the area.

**Enforcement effort:** Association enforces rules quite strictly

## **Aesthetics**

**Limits on slope development:** See environmental criteria.

**Forest/tree conservation requirements:** Same

**Architectural or scenic controls:** Same

**Other aesthetic regulations:** None

**Signage problems/controls:** Controls through review process within scenic corridors

## **Roads and Parking**

**Traffic problems and solutions:** No major traffic problems

**Parking problems and solutions:** Parking controls for properties

## **Representation**

**Property taxes vs. representation:** not a problem

**Special empowerment of lake residents:** done

**Current issues:** Decline in water level due to drought and facility capacity shortages as year-round occupancy increases.

## Lake Dillon

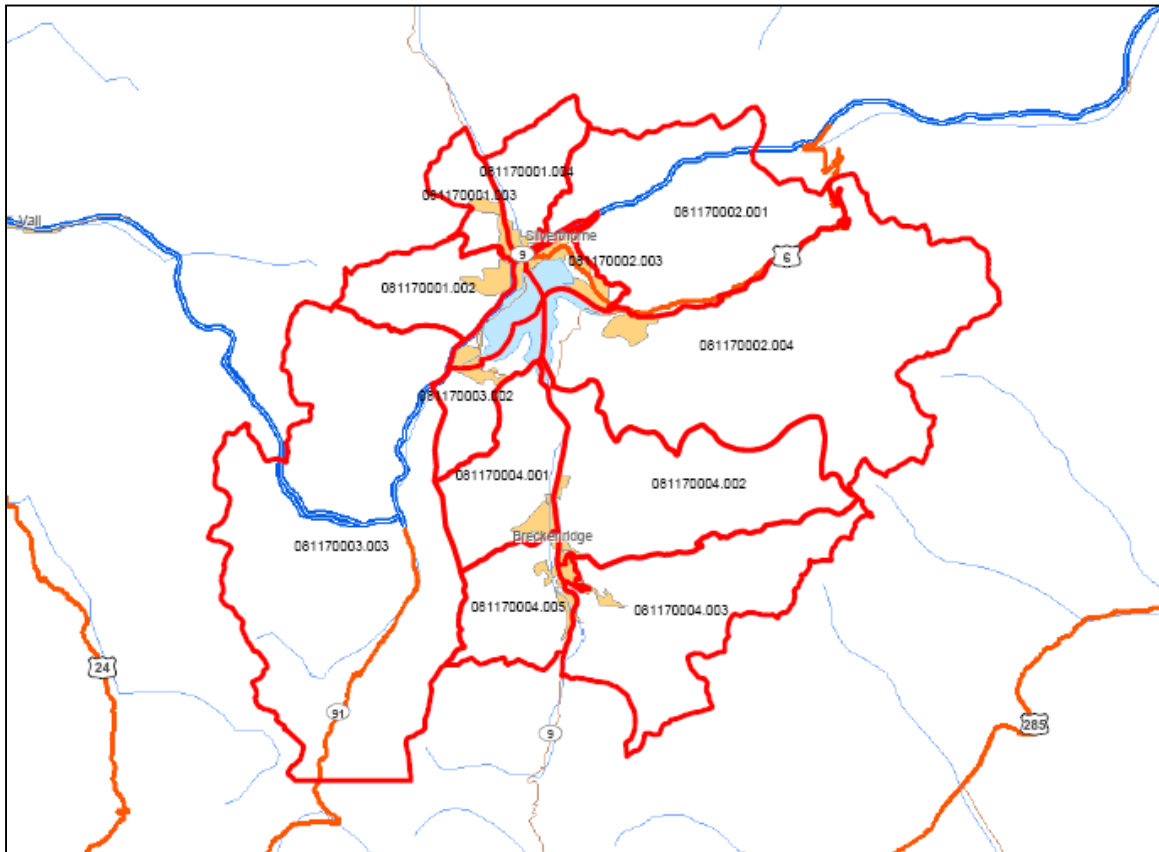
### Setting

Dillon Reservoir commonly referred as Lake Dillon, is located in Summit County Colorado, 70 miles west of Denver at 9,100 feet in elevation. Lake Dillon 3,233-acres created to supply water to Denver area residents. Two towns are located on the lake, Dillon and Frisco. The town of Dillon is the fourth largest town in the County (out of five) and is a predominantly residential community. The town encompasses approximately 45 percent of the lakefront. While larger in population than Dillon, Frisco encompasses a much smaller portion of lakefront. Lake Dillon is surrounded by U.S. Forest Service lands which make up approximately 91percent of Summit County land. Lake Dillon is centrally located between four major ski resorts (Breckenridge, Keystone, Arapahoe Basin, and Copper Mountain ski areas). High seasons are summer and winter, with a heavy emphasis on winter tourism because of the ski areas. Because of their locations, en route to major ski resorts, both towns have had their most rapid growth in commercial real estate. The Dillon Yacht Club is the highest club in North America.

- Lake surface area: 3,233 acres
- Shoreline: 25 miles



**Demographics:** The “Lake Influence Market Area” consists of ten block groups within tracts 1, 2, 3 and 4, all contained in Summit County (see map on next page). Population from 1990 to 2000 increased by 143 percent to 16,691; the total housing units correspondingly increased by 176 percent to 16,663 permanent units. In comparison, the seasonal units rose at a much higher rate by 328 percent to 9,317 units in 2000.



**Buffer strip situation:** Adjoining property owners to Dillon Reservoir own to the water, but on each parcel is a restricted easement to which Denver Water (the owner of the reservoir) has restricted building or development from occurring within the easement. Essentially, there is a “high water line” which is related to the maximum capacity of the reservoir and land owners are not permitted to build at or below the high water line.

**Number of slips permitted:** Lake Dillon has common docks only. No private slips are permitted without permission of Denver Water. Two short docks extend from private condominium complexes. The only other docks on the reservoir are the Dillon Marina and Frisco Marina, which are both publicly owned. Private slips would unlikely be permitted due to the seasonal fluctuations of the reservoir render docks unusable during low water times unless they are located in deep water areas (such as the two Marinas).

## Vision

The Town is currently master planning the lakefront area which will include a 10-year vision and capital improvement plan for the marina facilities. Initially, it includes plans for a lakefront restaurant and conference facility (5,000 square feet), upgrades to marina buildings and docks, event planning for an existing lakefront amphitheatre, and improved pedestrian linkages along the lakefront. The master plan will complement the Town’s Economic Sustainability Plan, which has strategies to promote the lakefront area.

## Growth Management

**Growth concerns:** As of 2003, the Town of Dillon is approximately 80 percent built out. There are concerns about too much growth, due to the limited amount of privately held lands within

Summit County. The steep topography of the area further limits the amount of buildable land, putting land at a premium and increasing the value of property beyond the means of those that work in the area. Currently, the only growth controls exist in the Town's master plan, which dictates and limits specific land uses to certain areas.

**Area management:** The former Town of Dillon was located at what is now the bottom of the lake. When Denver Water built the reservoir in 1965, the Town was moved to its current site. At the time the new town was planned, a new town center was built about two blocks from the lake's edge. The Town owns parking within the town center. Noise is regulated by a noise ordinance, which places limits on decibel levels after 10 pm. Dillon planning officials feel that in hindsight, the town center probably should have been developed with less areas owned by the Town and larger lots privately held (instead of only building footprints). Growth management here does not so much involve alleviating traffic or curbing residential development, as it does making sure that as these towns grow in popularity, and that they are able to balance the need for service facilities with the desire to maintain the atmosphere of small, successful villages who are taking advantage of their prime locations.

**Environmental criteria to manage growth:** The Town of Dillon has enacted wetland regulations, which limit development within 150 feet of a wetland. The Town has other environmental regulations such as water quality protection standards and air quality regulations, but these are performance standards and are not used as a growth management tool.

**Management of vacation rentals:** Dillon has enacted a lodging tax, which requires homeowners to register with the Town, in order to capture a tax on nightly rentals. Rentals are limited to short-term renting, meaning 30 days or less. The Northwest Colorado Council of Governments (NWCCOG), a regional group, has completed a study of second homes for the region (5 counties, 43 municipalities) which is heavily used by the Town to respond to the needs and impacts of second homeowners. The study recognizes that second homes are having an impact on housing for local workers and is predicted to exacerbate an already difficult housing problem. Currently, the Town of Dillon does not limit the number of vacation rentals.

**Rental ordinance:** The current ordinances addresses only the lodging tax mentioned above. Parking and occupancy limits within the code pertain to permanent homes and do not address rental circumstances.

**Problems with large residences, including rentals:** Dillon has problems with "starter mansions". "Starter mansion" is a regional term used to describe a large vacation home (usually larger than 5,000 sf) occupied only a few weeks during the year. They limit the amount of land and housing available to lower income workers, but also use town resources such as water and sewer without paying a higher premium for number of bedrooms. Large homes are limited under the zoning code, through regulations such as maximum lot coverages, setbacks, and building heights.

**Adequate public facilities ordinance:** The Town has recently enacted ordinances stating that vacant properties must have adequate public utilities in order to receive density and be rezoned. Properties must be served by town water, town sewer, and be accessible by the electric, gas, phone, and cable companies. Areas that do not have this access must provide it to the area in order to be considered for development. The Town is researching "impact fees" to have future growth pay for the expansion of public facilities and utilities.

**Non-residential uses:** Commercial uses of the lake are limited to the two public marinas (Dillon and Frisco) and commercial outfitters that use it (boat rentals, fishing guides, scenic tours, etc.) Commercial businesses are required to be reviewed and approved by the Dillon Reservoir Recreation Committee (DRREC) before they are allowed to perform business on the reservoir. The Committee controls boat speed limits and, regulations prohibiting swimming, sail boarding,

and personal watercraft.

**Enforcement effort:** Land uses and zoning are strictly enforced through the town's planning review process. Recreation regulations are enforced through the DRREC, a sheriff's boat patrol on the reservoir, or through the towns' police departments.

## **Aesthetics**

**Limits on slope development:** Development is not allowed on slopes over 20percent, has limitations on slopes above 15percent, and is not allowed at all on ridgelines or community backdrops (steep hillside). The Town is considering limiting development within newly established view corridors.

**Forest/tree conservation requirements:** New development is required to preserve as many existing trees as possible. Trees are required to screen new buildings and parking areas, owners have a responsibility to maintain their approved landscaping plan, and Dillon has a tree replacement policy for removed or diseased trees. Dillon is also a member of "Tree City USA".

**Architectural or scenic controls:** Dillon has general guidelines for "mountain architecture" which includes a preference for certain materials over others. Sloped roofs, natural materials and variable building elements (vertical or horizontal wall plane changes, changes in materials) are commonly required. The Town is currently creating architectural design guidelines for the town center. According to Mark Gage of the Frisco Planning Commission, "Residents are not really concerned with growth in terms of quantity, but rather in terms of quality." What Gage means by this is that the town(s) have had little problem absorbing the growth that has come their way in the past ten plus years, but it is now reaching the point where residents are trying to preserve the feel of their small mountain towns.

**Other aesthetic regulations:** There are many aesthetic regulation outlined in the Dillon's zoning ordinance, with the intent to promote the highest quality development. Dillon recognizes that the exterior design of structures impact the surrounding properties and the character of the community. The ordinance sets design guidelines on such things as, building materials, colors, service areas, retaining walls, and storage areas.

**Signage problems/controls:** The Town of Dillon has detailed sign requirements. Town's planning staff feel they are a bit stricter than other areas of the U.S. (i.e. A McDonald's would not have the great big golden arches, but rather a more subdued sign in keeping with the architecture of the area.) The regulations include design criteria intended to achieve high quality signage. Most sign permits are reviewed by the Town Planning Commission.

## **Roads and Parking**

**Traffic problems and solutions:** Traffic is not perceived to be an issue in Dillon. The town did a study in 2000 to address public parking issues and traffic concerns with regards to town events. Generally, there is only a parking issue during special events.

## **Representation**

**Property taxes vs. representation:** Dillon is unlike the norm, property taxes are low and do not cover the cost of Town services or infrastructure. There are not many complaints for the lack of representation. Colorado in general is a low-property tax state. Most of the Town's revenues come from commercial business and sales tax revenue. A large home valued at \$800,000 would yield only about \$400 per year for the Town (the remainder of the tax bill, about \$3600, goes to schools and the fire department.)

**Special empowerment of lake residents:** When Dillon needs to hear from non-resident property owners (or second homeowners), it usually hold public “forums” or meetings in the summer months or high season when this population tends to be in town. These “forums” are held once every three years, or more frequently when updating the Town’s master plan. Reportedly, turnout by second homeowners is low.

**Current issues:** Most of Dillon’s reservoir issues relate to the fluctuating level of the reservoir due to the drinking water needs. Because fluctuations are unpredictable (due to drought, needs of Denver residents, water trading, political pressures, etc.) marinas have to be flexible to move their dock & slips farther out into the reservoir.

## Lake Tahoe

### Setting

Lake Tahoe lies two-thirds in California and one-third in Nevada, between the Sierra Nevada mountains on the west and the Carson Range on the east. The highest peak visible from the lake is 10,891 feet. The lake surface is at an elevation of 6,225 feet. Many streams flow into the lake, but it is drained only by the Truckee River. The water is famously clear, to a depth of about 100 feet, but water clarity has declined in the past and maintaining and even improving its clarity is a major purpose for the stringent regulation of development around the lake.

- Surface area: 122,240 acres
- Shoreline: 72 miles
- Deepest part: 1,645 feet

General: The combination of a beautiful lake in a mountain setting, with famous ski resorts nearby and a gambling haven on the Nevada side, made Lake Tahoe a national destination for tourists and a recreation mecca for the San Francisco metropolitan area.

Development around Lake Tahoe, however, has threatened the lake's unique clarity and has led to perhaps the most stringent regulation of any lake area in the United States.

Located in two states and four counties, and among extensive national forest lands, the lake has been subject to intergovernmental attention for several decades.

Proactive public restrictions on development by the Tahoe Regional Planning Agency (TRPA) in the 1980s generated major controversies and long-lasting court actions. TRPA prohibited development on lands sensitive to degradation and established

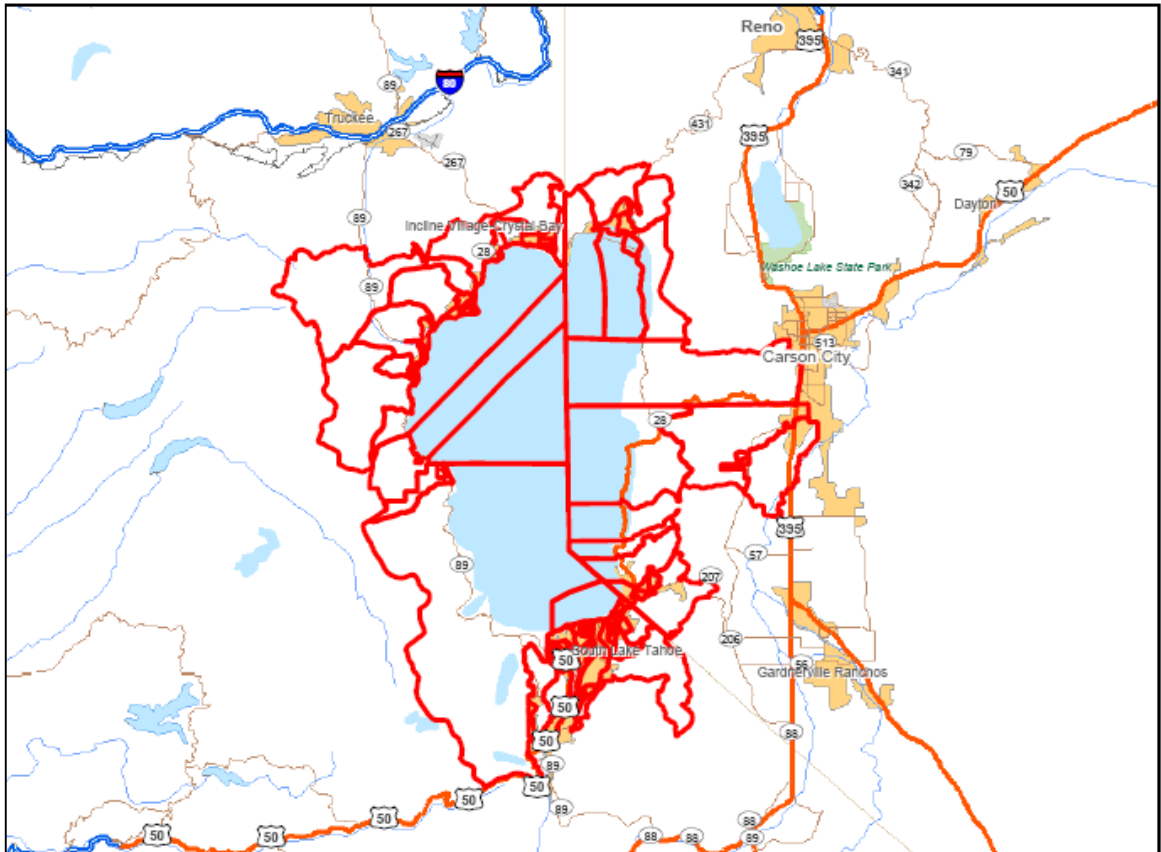
a series of environmental thresholds as a measure of developability. TRPA, with the help of state and federal agencies, is focusing on assisting property owners in developing and redeveloping areas to adopt best management practices that would promote achievement of the thresholds. With the restrictions, little land is left for new development, numbers of building permits are





declining, and buildout is approaching.

**Demographics:** The Lake Influence Market Area consists of forty-three block groups in tracts within Placer and El Dorado Counties in CA as well as Douglas and Washoe County in NV (see map below). Total population from 1990 to 2000 increased by 32percent to 30,914 in 2000; the total housing units increased by 25percent to 24,049, at a similar rate as the population growth. The seasonal units rose significantly by 61percent to 9,905 units in 2000.



**Buffer strip situation:** A movement to purchase the Lake Tahoe area as a national park in the early part of the 20<sup>th</sup> Century did not succeed. As a result, the lakefront is mainly privately owned and access is controlled by private owners. TRPA regulations, however, control use of the water surface, so that boat slips, docks, and similar structures are rigorously regulated to protect water quality.

**Number of slips permitted:** See above

## Vision

The TRPA has adopted strategic positions over the years in its two compacts, the adoption of environmental thresholds, the 1987 regional plan, and the 1997 Presidential Executive Order establishing a federal interagency partnership for coordinated action. The essence of the vision is maintaining and even improving water quality in the Alpine lake through careful development and redevelopment.

Vision implementation: A general plan and implementing regulations are administered by the

Tahoe Regional Planning Agency, an intergovernmental organization established in 1969 by state and federal decrees. A new federal/state compact adopted in 1980 established environmental thresholds as the basis for approving development and required formulation of a regional plan to implement them. Threshold targets were established for water quality, air quality, soil conservation, vegetation, fisheries, wildlife, scenic resources, recreation, and noise.

To protect the lake while the plan was prepared, TRPA adopted a temporary moratorium on development of “sensitive lands.” In addition, the TRPA often required costly mitigation measures for development of properties in non-sensitive areas, using the thresholds as goals. Especially in the early years, decisions on developability relied on Forest Service maps of dubious reliability. Major controversies over these restrictions and conditions led to numerous court cases filed by angry owners of lake-area properties. The latest three cases, decided within the past year, reaffirmed the responsibility of the TRPA to take the actions it had adopted.

In recent years, TRPA’s regulatory posture has been modulated to focus on proactive approaches to promoting adherence to the thresholds in developing and redeveloping areas. The Presidential Executive Order of 1997 required greater coordination among federal agencies. Also the regional plan is being updated and is expected to be completed by 2007. The TRPA has moved away from imposing hard-nosed regulatory requirements to assisting property owners (the “BMP Retrofit Program”) to employ best practices in developing or redeveloping properties. To guide this process, the TRPA prepared an Environmental Improvement Program, listing projects, programs, schedules, and budgets for implementation actions needed to achieve the thresholds. Federal funding is available to assist private owners and public agencies in applying BMPs. Also, property values in existing urbanized areas have risen to make redevelopment profitable (redevelopment of rundown low-density development has been a long-term TRPA policy priority), so that infill and redevelopment is absorbing substantial amounts of current market demand.

TRPA staff say that development in the basin is approaching build-out and annual permitting has fallen off, in part due to the retrofit process, which requires a professional evaluation and recommendations for applications of best practices on every building site.

## **Growth Management**

**Growth concerns:** With the latest court decisions, TRPA appears to believe that growth is being adequately managed through the threshold and BMP processes. No doubt some private property owners are still opposed to the TRPA’s strict regulatory regime.

Strict regulations imposed by the TRPA have protected lands sensitive to erosion, loss of vegetation, and loss of scenic values to limit harmful runoff and maintain the lake’s clarity. Broad nationwide concerns for protecting the lake made possible the adoption of such regulations. But TRPA regulations stirred major political and court battles that have complicated and drawn out planning and development in the region for decades. Land deemed suitable for development has become increasingly scarce, escalating land values and promoting redevelopment of old and under-utilized areas.

**Area management:** The City of South Lake Tahoe is the primary local jurisdiction providing services on the lakeshore. It has the usual problems of curbing rowdiness, noise, and crime in the commercial area along the lake, which is complicated by its bisection by the state line, with gambling casinos on one side and tourist facilities on the other. Many of the motels and restaurants in the city are one- or two-story old mom-and-pop places and poorly laid out, which has stirred interest for decades in redeveloping properties for more efficient and attractive use of land.

**Environmental criteria to manage growth:** See above

**Management of vacation rentals:** Rental housing is available at various places around the lake but not in major concentrations.

**Rental ordinance:** None

**Problems with large residences, including rentals:** Not a problem

**Adequate public facilities ordinance:** Always a factor in reviewing development applications

**Non-residential uses:** Proportion, prevention of conversion to residential use. If anything, the opposite is the case – pressure for greater commercial use of residential properties.

**Enforcement effort:** Not relevant

## **Aesthetics**

**Limits on slope development:** See discussion of thresholds

**Forest/tree conservation requirements:** Same

**Architectural or scenic controls:** Same

**Other aesthetic regulations:** Always a factor in development reviews

**Signage problems/controls:** Strictly controlled

## **Roads and Parking**

**Traffic problems and solutions:** Traffic a major problem but air quality concerns prohibit major capacity improvements. Traffic management to reduce use of cars is an ongoing concern.

**Parking problems and solutions:** A major problem but actions are difficult due to air quality concerns.

## **Representation**

**Property taxes vs. representation:** Not a major concern

**Special empowerment of lake residents:** Not a major concern except for the overwhelming regulatory presence of TRPA, which is viewed by some residents as a major contribution for protecting the lake environment and by others as an infringement on property rights.

**Current issues:** Tension continues to exist between regulation property rights, even in little things like getting a permit for providing a few more boat slips. One continuing issue is the slowness of the public agencies in completing plans and approving development, which has been complicated by intergovernmental conflicts (between the states, within the states, between state and federal agencies, between federal agencies), inadequate funding, and what some people believe is poor administration and the motivation of slowing development.

## Lake Wallenpaupack

### Setting

Lake Wallenpaupack is located in northeastern Pennsylvania, in Wayne and Pike Counties. Located in the Pocono Mountains, Lake Wallenpaupack is within vacationing distance of millions of residents of the Mid-Atlantic States. Philadelphia, New York, Trenton, and Scranton are all within 100 miles within driving distance. Lake Wallenpaupack from the other four lakes in the study, in that there are several other lakes and ski resorts in the Poconos for visitors to choose from. The tourism to the lake has driven commercial growth, stimulating millions of dollars in business. Two townships front the lake, Paupack Township in Wayne County and Palmyra Township in Pike County.



The lake is owned by Pennsylvania Power and Light (PP&L), who built the lake in 1927 for hydroelectric power. Today, the plant has a small generating capacity of up to 44,000 kilowatts of electricity per day, which is used to provide power during high times of demand.

The lake has a surface area of 5,760 acres and has approximately 52 miles of shoreline split evenly between Wayne and Pike counties. Lake Wallenpaupack is used extensively for swimming, fishing, boating, and snowmobiling. It is one of the few lakes in the Poconos large enough to allow water-skiing. The lake area offers six recreation areas featuring forestland, campsites, and walking trails.

Tanglewood ski resort is only minutes from the south end of the lake. The area also plays host to the annual “Winterfest”, now six years old, a community-wide holiday party, this Victorian festival sees visitors from all over the Northeast who participate in activities that include parades, book signings by local and famous authors, and special programming by local merchants, who

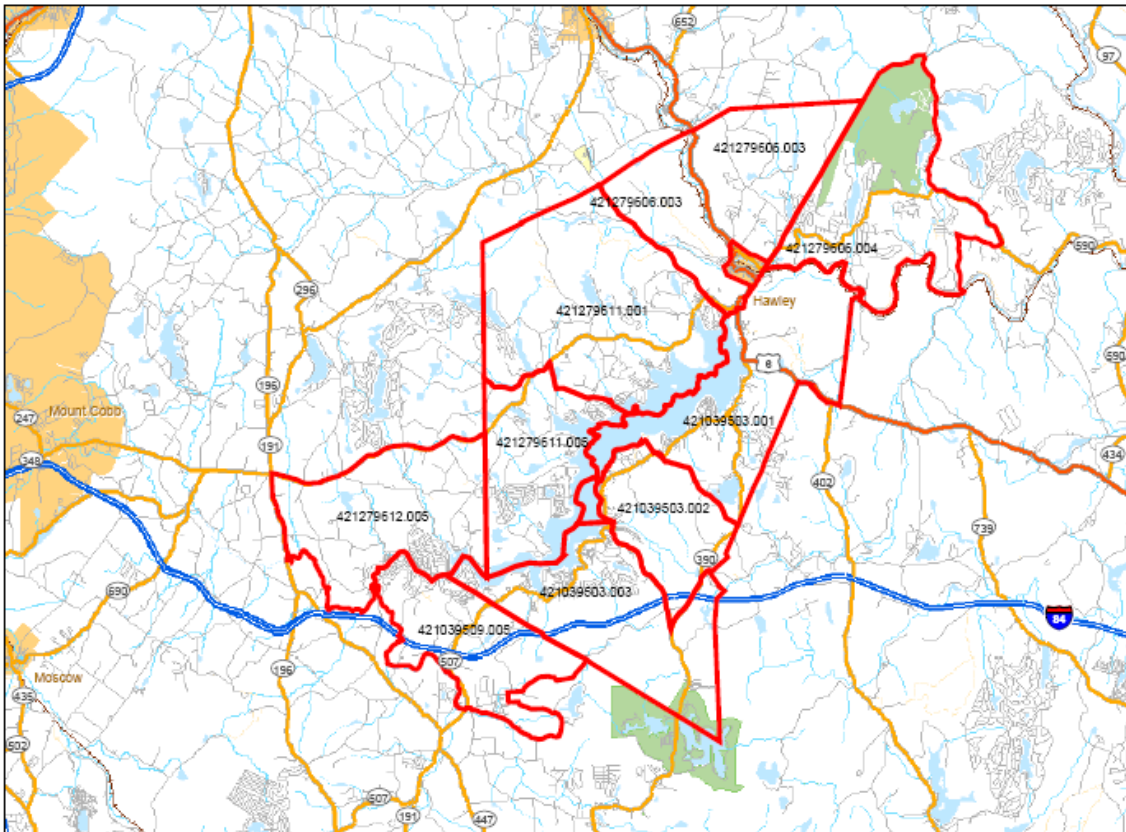
organize the event.

Jurisdictional responsibilities for developing areas in both Wayne and Pike Counties are handled at the township level, following each township's Zoning and Subdivision & Land Development ordinances. PP&L has ownership and authority over the lake up to the high water mark.

- Lake surface area: 5,760
- Shoreline: 52 miles

### Demographics:

The Lake Influence Market Area consists of eight block groups within tracts 9503 and 9509, contained in Pike County, as well as 9606, 9611 and 9612, contained in Wayne County (see map below). Total population from 1990 to 2000 increased by 169 percent to 9,221 in 2000; the total housing units correspondingly increased by 142 percent to 9,719 units. The seasonal units rose at a similar rate by 130 percent to 5,579 units in 2000.



**Buffer strip situation:** PP&L owns the lake to the high water mark. Construction is not permitted within the high water mark without the approval of PP&L.

**Number of slips permitted:** To obtain a boat slip, property owners must go through a permitting process with the Lake Wallenpaupack office of PP&L. The number of slips permitted varies based on type of boat slip requested, lot size, and zoning district.

### Vision

Even with rapid expansion in population and new home construction, there has not been much

apparent pressure to limit growth. With all of the development in the past decade, there are still a good number of vacant lots along the lake, a sign that the area still has the capacity to grow.

## **Growth Management**

**Growth concerns:** There are few concerns regarding growth.

**Area management:** Jurisdictional responsibilities are handled at the township level, following each township's Zoning and Subdivision & Land Development ordinances.

**Environmental criteria to manage growth:** Environmental criteria are not used to manage growth. Both Counties are concerned with the implications of growth on the ecosystem of the lake and watershed, especially water quality. Environmental issues are addressed and managed through cooperation of both Counties with assistance from Lake Wallenpaupack Watershed Management District (LWWMD). The LWWMD is a multi-governmental, nonprofit corporation formed in 1979 to address water quality problems in the lake.

**Management of vacation rentals:** No

**Rental ordinance:** None

**Problems with large residences, including rentals:** No issues have arisen regarding large residences.

**Adequate public facilities ordinance:** Palmyra Township utilizes planning for sewage facilities. A central sewage and water is being considered by Palmyra Township, but most residents rely on on-lot sewage and water.

**Non-residential uses:** There are very few waterfront businesses; some restaurants, but mostly marinas are found at the waterfront.

**Enforcement effort:** Enforcement of regulations and programs is not perceived as an important management issue.

## **Aesthetics**

**Limits on slope development:** None

**Forest/tree conservation requirements:** None

**Architectural or scenic controls:** None

**Other aesthetic regulations:** None

**Signage problems/controls:** There are minimal signage problems

## **Roads and Parking**

**Traffic problems and solutions:** The increased traffic during the peak season does not severely impact residents or the traveling public. Traffic is not an issue, just seen as a part of life. Residents appear to have accepted traffic congestion during the peak season.

**Parking problems and solutions:** There are minimal parking problems

## **Representation**

**Property taxes vs. representation:** Residents have not expressed concerns regarding the lack of

representation. Property taxes are seen as being very affordable when compared to the taxes that the New York City and New Jersey residents that own most of the homes pay for their primary residence. The school taxes are rising at an alarming rate while local and County taxes remain pretty flat with the goal of government keeping a tight leash on taxes.

**Special empowerment of lake residents:** There doesn't seem to be a need by government officials for special empowerment.

**Current issues:** The main issue concerning the lake is the excessive speed of Jet Ski and powerboat operators, causing the lake to seem crowded.

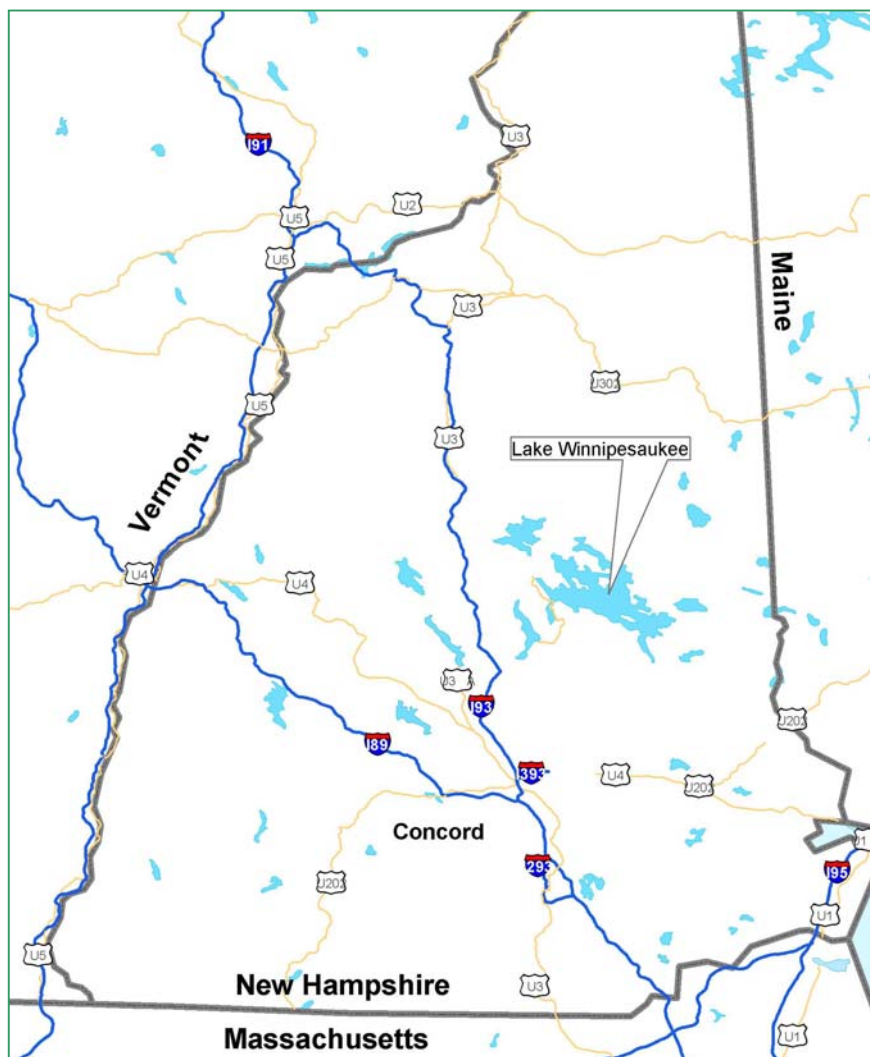
## *Lake Winnepesaukee*

### **Setting**

In central New Hampshire, surrounded by low mountains.

- Water surface –46,000 acres
- Shoreline – 182 miles
- Height above sea level – 504 feet
- Islands – 251

This area was settled in the 1700's with several historic villages dotted around the lake. The extensive Lake Winnepesaukee shoreline was developed with small cottages mostly owned by residents of central New Hampshire plus a strong contingent from Boston. It was and is very family oriented and a relatively small proportion of housing units are rented on a seasonal basis. In addition to the strong summer season focused on the lake, ski resorts at Gunstock Mountain on the south side are popular during the winter. The short summer season and distance from major urban centers tends to limit "high-roller" types of lakeside development. Lake access in most areas except the historic villages is hundreds of yards off state highways, along winding and mostly unpaved roads through wooded areas strewn with large rocks and boulders.





New Hampshire residents still tend to pursue public policies by talking issues out rather than adopting regulations. While some towns have zoning, the state Department of Environmental Services is responsible for protecting water quality in the lake, but regulations are not strict and are variably enforced.

The lake surface is smaller than it seems because the shoreline winds around numerous peninsulas and coves. The winding shoreline allows for extensive development but lakefront lots are approaching buildout after relatively rapid development over the past 20 years or so.

A number of lakefront towns established 200 to 250 years ago prosper as recreation centers during the summer and year-round residential and service centers. A number of recreation developments provide lake access, as do many camps. Some year-round development has taken place in off-lakefront lots.

After the economic downturn in New England beginning in the late 1980s, development and property values slumped. A turnaround began in the mid-1990s as the economy, particularly the Boston economy, began to recover. Small seasonal cottages are being replaced by large, expensive single-family homes on the lakefront, few of which are rented. Islands, as well, are being developed. Some condominium projects have been developed.

Jurisdictions around the lake consist of eight New England towns, which are about the size of Midwestern townships. Most are quite rural except for crossroads village centers (some, like Meredith, really small towns). The start-and-stop growth spurts over the years have generated few pressures for restrictive regulations. There is no central public authority for the lake except the regional planning commission, which has only advisory powers, and the state Department of Environmental Services, which has regulatory jurisdiction over all lakes and streams. The Department's primary regulatory device for managing development is the Shoreline Protection Act.

**Demographics** The Lake Influence Market Area consists of twenty-eight block groups within tracts 9651, 9652, 9659, 9660, 9661, 9662, 9664 and 9665, contained in Belknap County, as well as 9561, 9563 and 9564, contained in Carroll County (see map next page). Total population from 1990 to 2000 increased by 58 percent to 31,126 in 2000; the total housing units correspondingly increased by 46 percent to 20,668 units. The seasonal units rose at a lower rate, increased 33 percent to 1,781 units in 2000.

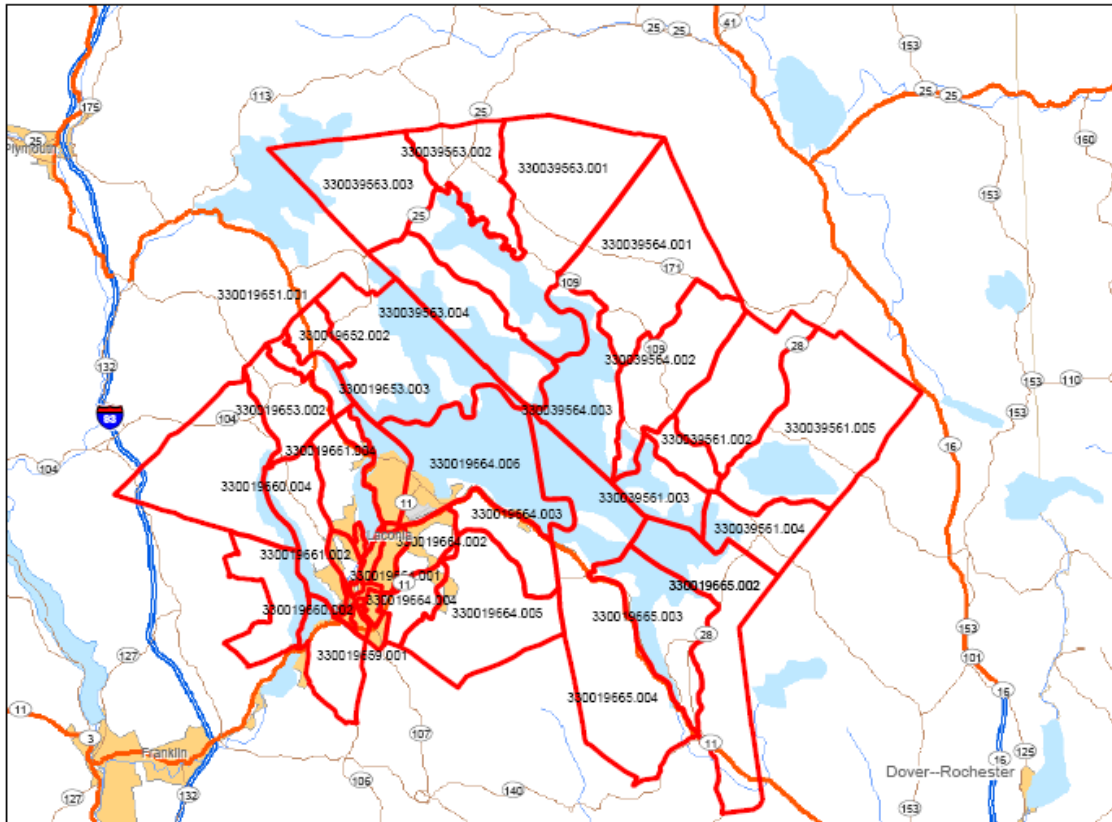
**Buffer strip situation:** No jurisdiction owns shoreline rights except for a few small lakeside recreation areas or parks mostly in the villages.

**Number of slips permitted:** "water-dependent" structures such as docks and wharfs are subject to rules promulgated by the state DES. As a practical matter, there seems to be little control over the amount of dockage allowed per lot.

## **Vision**

Some towns have prepared general plans but there is no lakewide vision statement.

Vision implementation: None



## Growth Management

**Growth concerns:** Some town residents are concerned about the lack of control over redevelopment of existing buildings and lots and have formed a committee to urge adoption of local shoreline acts that they feel would allow better control. Prominent concerns include the visual impacts of larger houses being built on lakeshore lots and the automatic grandfathering of setbacks established by earlier developments. Some town zoning can control visual impacts but most such control is now done by jawboning rather than by ordinance.

According to the Moultonboro town office (Moultonboro has more shoreline than any other town), the DES “has 700 people who all give you different answers to any question you ask.” Townspeople believe that DES enforcement of the Shoreline Protection Act is pretty haphazard and inconsistent. It is apparent that grandfathering of setbacks and other land controls prevents correction of what are now understood as poor practices

**Area management:** Various towns/villages control nuisances by police and zoning but since most seasonal homes are single-family on wooded individual lots rather than clustered in noisy enclaves nuisances are generally not a problem. This is mostly a family environment.

Lake Winnebago demonstrates the problems of adopting and enforcing anything but basic development standards in an area of highly fragmented, small local governments. It is also an area where (like Deep Creek) residents are suspicious of public regulations, which worked when lakeside lots were plentiful and many of the small cottages were owned by local residents. But complaints are rising as development absorbs available lots and, together with redevelopment, is increasingly impacting the terrain, scene, water quality, and infrastructure. Lacking an intergovernmental mechanism (the regional planning commission is strictly advisory), towns are scrambling to respond to voter concerns.

**Environmental criteria to manage growth:** The SPA includes environmental criteria and regulations for water and sewer facilities, including septic tanks and wells, woodland protection, erosion and siltation, and minimum lot sizes in the protected shoreland (within 250 feet of the high water mark). Generally, property owners must get DES permits pertaining to these features. Aside from septic perc provisions, the regulations do include several requirements for tree preservation, including preservation of half the “basal area” of trees within 150 feet of the high water mark, excluding the building footprint and dead or diseased trees. No replanting is required.

**Management of vacation rentals:** None

**Rental ordinance:** None

**Problems with large residences, including rentals:** No regulation of these to my knowledge

**Adequate public facilities ordinance:** None, except through informal negotiations during subdivision approvals

**Non-residential uses:** Proportion, prevention of conversion to residential use. Not a problem here. Except in villages, where local zoning applies, the shoreline is backed by hundreds of feet of forest cover over to the main access highways, effectively discouraging shoreline commercial development except for marinas. Displacement of residential uses for commercial uses is not an issue.

**Enforcement effort:** State enforcement is apparently haphazard and inconsistent. Local enforcement occurs based on complaints. In these backwoods areas, lots of things slip through the cracks.

## **Aesthetics**

**Limits on slope development:** None except by personal pressure and in general none is occurring.

**Forest/tree conservation requirements:** See environmental above

**Architectural or scenic controls:** None

**Other aesthetic regulations:** None

**Signage problems/controls:** Possibly in some village commercial areas but not otherwise. This is a very seasonal place.

## **Roads and Parking**

**Traffic problems and solutions:** No major traffic problems

**Parking problems and solutions:** No parking problems

## **Representation**

**Property taxes vs. representation:** Not a problem

**Special empowerment of lake residents:** The committee concerned with enacting local controls on shoreline development is considering some sort of lakewide organization but nothing firm has occurred as yet.

**Current issues:** No major issues for the lake as a whole except for a drop in the water level that has lowered swimming and boating depths to uncomfortable levels in some areas, especially the small coves.

## ***QUESTIONNAIRE***

The following is a list of questions/research areas asked of the selected lakes/resorts:

### Setting

1. Setting; location, jurisdictional responsibilities, size of lake, recreational amenities, use of lake, seasons, basic use mix: residential, forest, ag, state/federal, any towns/villages, industry? Provide a simple location map and area map.
2. Basic demographics: # units, year round population, peak day population.
3. Describe the market conditions and pressures Bill Owens, ERA, will do this
4. How much growth is occurring (bldg permits/year)? Bill Owens, ERA, will do this
5. What is the buffer strip situation? Do adjoining property owners own to the water, or do they have some kind of use rights over an easement or buffer strip to the water.
6. How/how many slips are permitted. (Deep Creek is one per 100 linear feet of w'front for new lots, one per 50 linear feet for common docks).

### Vision

7. Is there an articulated vision for the lake/resort area/immediately adjacent area? What is it?
8. Is it actively pursued through plans/policies/regulations/? How?

### Growth Management

9. Are there concerns about too much growth? How are you addressing these concerns? Do you have growth controls? What form?
10. How closely/carefully is the area managed, especially by government? Trash, noise, parking? Was it always closely/carefully is the area managed? At what point/population level did such management begin? (First zoning in Deep Creek was 1975).
11. Apart from standard environmental compliance requirements, do you use environmental conditions in any way to manage growth (e.g. a carrying capacity based on environmental parameters such as, nutrient loadings?)
12. Is there any attempt to monitor/limit/manage vacation rentals, versus second homes that are not rented? How?
13. Do you have a rental ordinance? (e.g., occupancy, taxes, parking)
14. Do you have problems/issues with large dwelling units (mini-mansions), much larger than older homes in established communities? Designed for rentals? How do you address this?
15. Do you have an adequate public facilities ordinance? What does it cover ?
16. How strong a presence are non residential uses at the lake? Do you regulate waterfront businesses in any way to prevent conversion to residential use? (In Deep Creek, residential is outbidding commercial resulting in loss of waterfront business).
17. How much importance is given to the enforcement aspect of the management effort? DCL is generally acknowledged to be very limited.

#### Aesthetics

18. Do you limit development on slopes? Ridge tops?
19. Do you have forest conservation/tree preservation/tree replanting requirements?
20. Do you have architectural/appearance standards or guidelines?
21. Are there any other aesthetics regulations?
22. Is there a problem with excessive signage? How strict is the sign code? Can you send it?

#### Roads, Parking

23. Do you have traffic problems? How do you address them? Do have an adequate public facilities ordinance?
24. Are there parking problems? Can you send us your parking standards/regulations?

#### Representation

25. Do you have any issues comparable to DCL where non-resident property owners pay high taxes but complain of lack of representation and getting few services in return?
26. Any attempts to “empower” these non-resident property owners? (e.g. by providing some form of representation). In DCL there are calls for a Planning Commission for the Watershed.

#### Other

27. What current lake and lake area management problems/issues are you facing (comparable to recent jet ski issue in Deep Creek, that was unanticipated). What issues might be coming down the road to DCL?