



# Geneva Lake Conservancy

TO: Town of Walworth Plan Commission, Town of Walworth Board, Village of Walworth, Village of Fontana, Walworth County Planning and Zoning Commission, Walworth County Board of Supervisors, DNR, Southeast Wisconsin Regional Plan Commission,

FROM: Geneva Lake Conservancy Board of Directors

Subject: Proposed Big Foot Ranch development, Town of Walworth

DATE: April 20, 2023

This is the Geneva Lake Conservancy's (GLC's) position regarding the proposed Big Foot Ranch Development in the Town of Walworth. It is based on the proposal itself and on information gathered during a tour of the property given by a Shodeen representative on April 12, 2023.

The proponent of this development is The Shodeen Family Property Company, LLC. The LLC asserts that its proposal meets Walworth County's zoning standards for Planned Residential Conservation Design Developments, and on that basis seeks to rezone this 707 acre parcel as a residential subdivision, plus a 90-room hotel.

The goals of a conservation development are to allow limited sustainable development while protecting the land's natural environmental features in perpetuity, including preserving open space and vistas, protecting natural habitat for wildlife and maintaining the character of rural communities. These goals are enforced and advanced by Walworth County's Conservation Design Review Standards, formalized in Walworth County Ordinance 11.9-A, et seq.

The LLC's proposed development fails to meet these goals for the following reasons:

--It includes 427 unsewered lots that will each have an individual septic system and a well. The U.S. EPA has identified septic systems as one of the top 5 sources of pollutants of surface waters. Only 20 to 30 percent of phosphorus is removed from sewerage if it is processed through septic tanks. With so many septic systems, unprocessed phosphorus will infiltrate the wetlands and the lake on the property, producing algae blooms, destroying healthy aquatic habitat and creating noxious smells and unsightly green water.

**This development should not be approved unless it is modified to eliminate the individual septic systems and to provide community-wide sewage treatment.**

--The beautiful oak savannas on this land are one of the rarest ecosystems on earth. These savannas are one of the major natural features of this land. While the LLC has said it will preserve 90 percent of these oak trees, many will be damaged and may die due to construction traffic, changes in the water table, and by the fertilizers and chemicals used to create lawns for the 427 homes. Each oak tree is habitat for more than 500 species and this habitat will be damaged and lost over the years required to complete this development. The oak trees will not all die right away, but 50 years from now many will



be gone and the savannas' ability to regenerate their oak canopies will be compromised by this development.

--The 427 proposed homes will require a substantial amount of groundwater. The availability of this quantity of clean, safe drinking water has not been studied. The developer should complete and publish a study of groundwater quality impacts before any rezoning is approved.

--The proposal does not meet the needs of wildlife. It does not provide the contiguous expanses of undeveloped land that wildlife require and does not provide the corridors between non-contiguous areas that wildlife need. These environmental needs are a priority consideration under Walworth County's ordinance, Section 11.9-A b.2.

--The proposed development will require new town and county services, including increased police and fire protection, schools, garbage pick-up, and stormwater management. Prior to any plan approval, the development's impact on transportation, fire protection and emergency medical services must be evaluated in cooperation with the municipalities providing those services.

---The density of the development will destroy the rural character of the area, requiring more roads, increasing night lighting, and adding electrical poles and stormwater sewers. It will create years of construction traffic with its attendant dust and noise.

--The developer proposes an entrance called Gate 8 that will include a road directly through an oak savanna. The developer concedes that the road will run over the root systems of many oak trees. It proposes ameliorative steps that it claims will protect the trees. But southern Wisconsin oak trees have been severely stressed in recent years by oak wilt and by spongy moth infestations. Combining those challenges with the proposed disruption of the root systems of these trees is likely to kill many of them.

The entrance road can easily be routed through an adjacent area between savannas if the developer gives up a few homesites to save these trees. Because Ordinance 11.9-A requires that this significant natural area must be preserved "to the greatest extent possible," Gate 8 and the access road must be relocated outside the savanna.

--The LLC has, over the past 15 years, demonstrated a commitment to keeping its oak savannas free of invasive species, and has made the effort necessary to achieve that goal. However, as this development proceeds, control and management of the open spaces will fall to the owners of the homes in the subdivision. Centuries of experience demonstrate that when a diverse group of owners own and control a common asset, such as these open spaces, neither individual owners nor the group as a whole have sufficient incentive to properly conserve and maintain the common area. This phenomenon was studied and described by a British economist in 1833, and has come to be called "the Tragedy of the Commons."

To avoid this outcome, the LLC's Master Declarations provide, at §1.24, for a Master Association that will administer a Property Maintenance Fund (§1.38). Section 6.06 of the Declarations establishes assessments that will contribute to the maintenance fund. The maintenance fund is to be used, among other things, to maintain greenbelt areas and open spaces.

The Declarations further establish a Conservation Committee that will be responsible for assuring that Open Space is maintained and enhanced in accordance with a Conservation & Land Stewardship

Management Plan. However, that plan is not yet in evidence, so the GLC cannot comment on its adequacy.

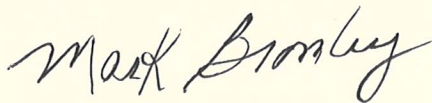
**This development plan does not meet the goals of conservation development. It is designed to make the most money for the developer without considering the cost to the human and wildlife communities that have existed in the community for decades.** With 427 homes and a 90-room hotel and business center, more than 1,000 people will be living and working on this site daily, which also does not meet the definition of low density, sustainable conservation development.

**The LLC must revise its proposal to:**

- 1. Reduce the number of residences;**
- 2. Include a community wastewater collection system, with off-site sewage treatment by Walcomet or another qualified operator;**
- 3. Re-route all roadways out of savannas; and**
- 4. Includes a comprehensive Conservation & Land Stewardship Management Plan that will ensure that the eventual owners of this land preserve the oak savannas as the present owner has maintained them during its ownership.**

We urge you to implement all of the above to ensure that the Big Foot Ranch development does not have a negative impact on the quality of life and ecological health of the residents of the Town of Walworth and Walworth County.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Bromley", written in a cursive style.

Mark Bromley  
Conservancy Advocacy Chair