

“Access to the Waterfront – Issues and Solutions Across the Nation”

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Share local, state, and national-level initiatives that are addressing water access



Questions?

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Working Waterways
and Waterfronts
2007

A National Symposium
on Water Access

May 9-11, 2007

Sheraton Norfolk Waterside
Norfolk, VA



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Water Access **2007**

**A National Symposium on
Working Waterways & Waterfronts**

**May 9 - 11, 2007
Norfolk, Virginia**





National Marine Manufacturers Association



NATIONAL FISHERIES INSTITUTE



RECREATIONAL BOATING & FISHING FOUNDATION



About the Symposium

- This symposium educated attendees about local, state, and national-level initiatives that address water access and develop management approaches to the access dilemma.



Working Waterways & Waterfronts 2007

Symposium

May 9-11, 2007

Audience Norfolk, Virginia

180 Coastal managers and planners, public officials, resource agency staff, water-dependent industries (fishing, marinas, boat yards, etc.), non-government organizations, the legal profession, and national, state, and local government legislative staff.



Coalition Solutions to address Problem

- A nationwide commitment has been struck to act together and to make public access a high priority;
- A national agenda for action, including legislative initiatives, as well as ideas for state policy is being finalized;



A coalition that will shepherd the strategic goals and actions was created at summit on water access held in Norfolk

- Tools, or a set of approaches to specific situations are being shared and built upon;
- A structure for communicating among these diverse constituencies about these issues has been developed;



Learn More

- Stay tuned as the program continues to take shape.
- <http://www.wateraccess2007.com>



Other local tools being used

- Working Waterfront Retention Measures Many and varied
- but can be summarized as:
 1. Legislative
 2. Regulatory
 3. Comprehensive Measures



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Legislative Measures

- ***Tax Deferrals*** -agree if certain conditions met; i.e. use and ownership don't change.
- Survey in Florida suggest not popular with contingent tax liability accruing on property

Legislative Measures

- ***Exactions***-conditions on developers that must be met to receive local approvals.

Complicated, in general such must compare to the impact of the new development. Ex. New development hinders waterfront access condition may require public access to water.

Legislative Measures

- ***No Net Loss***
- As it relates to marinas and waterfront access, for each public access site removed from use another comparable must be built.
- Limited success in Florida.

Legislative Measures

- ***Liability Waivers***- Designed to give incentive to property owners by mitigating liability exposure for accidents on property.
- Doesn't really create new access but rather encourages owners to keep access open.

Legislative Measures

- ***Concurrency*** – adequate public access facilities must be in place before development can occur.
- Basis is level of standard for services, for example could be number of boat slips open to public or number of slips for commercial vessels, etc.

Regulatory Measures

- ***Development Moratoria*** -allows local gov't time to formulate and implement retention measures by effectively freezing permitting for specific type of development for specific time period.
- Most downside on developers and stakeholders in proposed property.

Regulatory Measures

- ***Land Use and Zoning Restrictions***
- Zoning divides into “use districts” for limitations on possible use of given property.
- Many areas have such marine industrial zoning.
- Probably need discretionary review process for conditional uses, etc.

Regulatory Measures

- Transferable Slip Rights
- Allow developers/owners to transfer slip rights to another waterfront property
- Preserves slip numbers and encourages density in certain areas.

Regulatory Measures

- Concurrency-requirements state that adequate public facilities must be in place before development occurs.

Regulatory Measures

- Rights of Way
- ROW are public property usually walkways to waterfronts.

Regulatory Measures

- Transferable Rights
- Slip Rights, Development Rights, Density Transfers, etc.
- Generally allow buying and selling of development rights, separate from sale of property.

Comprehensive Measures

- Incentive Strategies (such as density bonuses, fee waivers, expedited approvals) encourage developers to provide public benefit and build in preferred areas.
- Land Acquisition:
- Counties and Land Trusts

Comprehensive Measures

- Design Standards usually architectural, but in terms of marinas and the like, standards can include rights-of-way to water and other requirements for public access.

Maine Working Waterfronts Coalition

- currently actively implementing the Working Waterfront Access Protection Program a \$2 million public bond funded program to protect significant commercial fishing related working waterfront properties.
- six active projects in the program a little funding left in the current funds and another \$3M earmarked for the program in a public bond request going to the voters in November.
- six projects include projects with private fishing business, fishing co-ops, a new community foundation, a town, and a land trust.
-

Maine Working Waterfronts

- Permanent fishing access is secured by the creation of a working waterfront covenant (WWC), which basically limits the property to fishing use. The WWC is held by the State (Department of Marine Resources) and the price paid is based on appraised values.
- This is a pilot program and they are learning many lessons along the way, but it is a tool that seems to be working so

North Carolina

- State budget passed and was signed by the governor. It included a new \$20 million waterfronts fund.
- the legislative action did not address all the recommendations presented by WASC, it does show a start to the process.

Passing legislation (Senate Bill 646, Session Law 2007-485) that, among other actions:

- Makes commercial fishing-oriented and recreational fishing pier waterfronts eligible for deferred real estate tax assessments known as “present use value” taxation.

Keep from being “taxed out of business”

- In short, such properties, like actively farmed and forested lands in the state, can be assessed at their current use value, and not at their potential value as residential or other property.

Directs the NCDOT

- to work with agencies and other entities “to ensure that public access to coastal waters is expanded along the roadways (and) bridges ... owned or maintained by the department.”

Creates new and expanded funding

- Increases boat registration fees so as to generate, by formula, millions of dollars more in additional funding for the state's boating facilities infrastructure program.

Waterfronts Florida Program

- The Waterfronts Florida Program was launched by the Florida Coastal Management Program in 1997. The program is now an interagency initiative with the Department of Community Affairs acting as lead agency.

Waterfronts Florida Program

- The Waterfronts Florida Program was created to assist local communities experiencing economic and social changes at their traditional working waterfronts.

Waterfronts Florida

- The program designates three communities every two years. To date 13 communities have benefited from the program. During the last application cycle of 2005-2007 five communities were selected.

Major Study

- outlined the various state agencies and grant programs available to local governments for the provision of public access facilities.
- strategies described to increase access include tax relief for uses providing public access conditional permitting or rezoning for redevelopment that preserves or increases public access.
- The report also suggests expanding existing grant programs and funding for state programs that increase public access.

Working Waterfront Legislation

- House Bill 955 of the 2005 legislative session was passed in large part as a response to the interim summary report outlined above. The bill as adopted into law provides a number of incentives and directives aimed at increasing public access to the state's waterways.

Florida Working Waterfronts Leg.

Section 6. Section 342.07, Florida Statutes, is amended to read:

342.07 Recreational and commercial working waterfronts; legislative findings; definitions.—

(1) The Legislature recognizes that there is an important state interest in facilitating boating and other recreational access to the state's navigable waters. This access is vital to tourists and recreational users and the marine industry in the state, to maintaining or enhancing the \$57 billion economic impact of tourism and the \$14 billion economic impact of boating in the state annually, and to ensuring continued access to all residents and visitors to the navigable waters of the state. The Legislature recognizes that there is an important state interest in maintaining viable water-dependent support facilities, such as public lodging establishments and boat hauling and repairing and commercial fishing facilities, and in maintaining the availability of public access to the navigable waters of the state. The Legislature further recognizes that the waterways of the state are important for engaging in commerce and the transportation of goods and people upon such waterways and that such commerce and transportation is not feasible unless there is access to and from the navigable waters of the state through recreational and commercial working waterfronts.

(2) As used in this section, the term "recreational and commercial working waterfront" means a parcel or parcels of real property that provide

Summary of Other Major State Programs Providing Public Access

- Florida Department of Environmental Protection Recreation and Development Assistance Program (FRADAP):
Provides financial assistance to local governments for outdoor recreation projects per Statewide Comprehensive Outdoor Recreation Plan (SCORP)
- Analyze outdoor recreation facility and resource needs and establish goals and strategies to guide a statewide planning process Provide grants for projects designed to serve the needs of boaters and boating related activities

State Lands Land Acquisition programs

- such as Conservation and Recreation Lands Trust Fund (CARL) Acquire environmentally sensitive or high quality lands for conservation and public use Boating and Fishing Access Program Provide public access to freshwater lakes and rivers Florida Boating Improvement Program (FBIP)

Florida Fish and Wildlife Conservation Commission

- Division of Law Enforcement Boating and Waterways Section Ensure that the opportunity exists for the public to have safe and adequate access to the water

Florida Coastal Program

- requires that coastal counties now include in their future land use elements regulatory incentives and criteria that encourage the preservation of recreational and commercial working waterfronts.
- act further requires that the coastal management element contain a shoreline use component that includes strategies to preserve recreational and commercial working waterfronts