BEST PRACTICES FOR WORKING WATERFRONT PRESERVATION: LESSONS LEARNED FROM THE FIELD

MAINE SEA GRANT

MARCH 2013

I.   Overview

The *Sustainable Working Waterfronts Toolkit* seeks to engage and educate working waterfront stakeholders by helping to draw connections between abstract tools and concrete on-the-ground examples of successful implementation. The Tools in Action Work Group compiled a collection of 19 case studies of communities and states from around the country that demonstrate the implementation of a variety of tools for sustaining working waterfronts. Providing models of how tools have been used previously can be extremely helpful, especially as successful initiatives often utilize multiple tools.

II.   Toolkit Case Studies by Region

A.   Northeast

1.   Gloucester, Massachusetts (Gloucester, MA)

2.   Outreach and Education as Tools to Address Working Waterfront Issues in Maine (Outreach and Education in Maine)

3.   Portland, Maine: Balancing Maritime Uses and Waterfront Diversification Through Municipal Zoning (Portland, ME)

B.   Mid-Atlantic

4.   Enabling Legislation in Virginia Establishes The Middle Peninsula Chesapeake Bay Public Access Authority (Public Access Authority)

5.   York River/Gloucester County, VA: Balancing Conflicting Uses Through Stakeholder Engagement (York River, VA)

C.   Southeast

6.   Collaborative Efforts to Retain Port Salerno's Diverse Maritime Heritage (Port Salerno, FL)

7.   High and Dry Boats & Residents in Ponce Inlet: A Waterfront Property Owner Goes to Court to Enforce Florida's Growth Management Act and Invalidate a Municipal Referendum Prohibiting a Dry Stack (Ponce Inlet, FL)

8.   Mayport Village Case Study: Using Litigation to Protect a Historic Florida Fishing Village from a Proposed Cruise Ship Terminal (Mayport Village)

9.   North Carolina Water Access Study Committee Yields Major Results in Water Access Protection (NC Water Access Study)

10.   Port of the Miami River Water Dependent Land Use Litigation Case Study (Port of Miami River)

D.   *Gulf of Mexico*

11.   Alabama Waterfront Access Study Committee Launches Waterfront Protection Effort (AL Waterfront Access Study).

12.   Stan Mayfield Working Waterfronts Florida Forever Grant Program (Working Waterfronts Florida Forever Grant Program)

13.   Waterfronts Florida Program (Waterfronts Florida)

E.   *Great Lakes*

14.   A Community-Led Endeavor to Preserve Historic Fishtown (Fishtown)

15.   Transforming Marquette, Michigan's Waterfront with Form-Based Code (Marquette, MI)

F.   *Pacific*

16.   Balancing Fishing, Tourism, and Research in Newport, Oregon (Newport, OR)

17.   Evolution of a working waterfront: A case study of Tacoma, Washington's Thea Foss Waterway (Thea Foss Waterway)

18.   Gig Harbor's Historic Working Waterfront (Gig Harbor, WA)

19.   Planning for Both Environmental Protection and Economic Development in Trinidad Harbor, California (Trinidad Harbor, CA)

The following is a brief synthesis of common themes that emerged during development of the case studies. These themes were collected into a set of "best practices" that refer specifically to the 19 case studies. Practices have been sorted by tool category, which are represented by the bold, italicized headings. Additional information about these categories is available in Section V of the Final Report. Within each category, key themes are followed by a bulleted list of best practices identified by the Work Group and the title of the case study content that informed its selection as a best practice.

III. Community Engagement

A. *Build partnerships across sectors to strengthen the links between thriving working waterfronts and thriving communities.*

- The importance of building a coalition. (Gig Harbor, WA)

- Generate public support. (Gig Harbor, WA)

- Start the process by increasing the understanding of issues working waterfront communities face. (Outreach and Education in Maine)

- Build national partnerships. (Outreach and Education in Maine)

- Partner across sectors: build community consensus and link working waterfront issues to the environment, the economy, and equity. (Trinidad Harbor, CA)

- Develop partnerships among diverse interests. (Thea Foss Waterway)

- Sustain the vision: The persistence of a vision is contingent on the persistence of participation, mobilization, and resources. (Thea Foss Waterway)

- Develop a community vision plan for the waterfront. (Port Salerno, FL)

- Engage the community: Pier owners and the fishing community were involved in establishing baseline information on current pier and building uses and vacancies. This involvement made the information credible and helped build buy-in for the process. (Portland, ME)

- Engage stakeholders and help them understand others' perspectives and interests. (York River, VA)

- Build a broad base of support. (Trinidad Harbor, CA)

- Involve stakeholders from the beginning. (Trinidad Harbor, CA)

- Clarify priorities. (Public Access Authority)

- Engage the community and gather citizens and professionals together to create an effective visioning process. (Marquette, MI)

- Engage in preliminary planning exercises to remove some biases from the development process. This allows for a conversation focused on economic development tools, Brownfield abatement credits, etc., rather than focusing solely on the appropriateness of a proposed project. (Marquette, MI)

- Stakeholder engagement helps people understand their role in working waterfronts and how changes may impact them. (AL Water Access Study)

- A community-wide visioning process created community values used to guide the city's approach to harbor development. (Gloucester, MA)

- Build capacity of both professional and community-based practitioners to address working waterfront issues. (Outreach and Education in Maine)

B. *Consider putting collaboration ahead of self-interest, toward meeting mutually beneficial goals.*

- Consider valuing collaboration over self-interest. (Trinidad Harbor, CA)

C. *Foster community leadership.*

- Encourage leadership by industry families and city leaders. (Gig Harbor, WA)

- Build the capacity of both professional and community-based practitioners to address working waterfront issues. (Outreach and Education in Maine)

- A community-driven approach and community engagement were very effective in preserving a historic commercial fishery. (Fishtown)

- A community-driven approach was an effective method to preserve historic Fishtown. Using a variety of tools to generate attention and support for waterfront protection helped the community raise adequate funds to purchase the property. (Fishtown)

- Create advisory committees: the Port Salerno Neighborhood Advisory Committee was formed. (Port Salerno, FL)

- The mayor established a nine-member Community Panel that held five listening posts around the city and distilled public comment into core community values. (Gloucester, MA)

D. *Identify the skills of your leaders and key supporters; there are "big picture" people, and there are "get it done" people.*

- Use a practical, problem-solving approach to makes the issue's relevance clear to stakeholders. (Public Access Authority)

E.   *Promote networking and mentoring.*

- Opportunities for mentoring and networking exist and entities that can provide assistance in these processes should be identified. (Waterfronts Florida)

- Enlist the expertise of outside resources, such as state agencies. (Port Salerno, FL)

- Constant coordination and communication between government agencies has been critical to Newport's success as a working waterfront community. "Cross-pollination" between groups helped ensure continued coordination and communication. For example, City representatives attend Port meetings to open dialogue between various groups. These "strategic partnerships" initiate progress and have proven to be efficient. (Newport, OR)

F.   *Use a variety of approaches to engagement; not everyone can make a 7 p.m. meeting.*

- Communicate accomplishments to stakeholders. (Public Access Authority)

- Convey information by establishing a web presence as well as using photography. These tools are effective in increasing awareness and building support around the preservation of working waterfronts. (Fishtown)

G.   *Manage the process, balancing the both big picture and small details.*

- "The main method utilized by the Port Salerno community was simply getting organized." Teresa Lamar-Sarno, (Port Salerno, FL)

- The publication of best management practices and community case studies generates interest among a wider community.

- Communities that want to apply for designation as a Waterfronts Florida Partnership Community are encouraged to take part in a two-day training event. (Waterfronts Florida)

- Host a designation ceremony: The Waterfronts Florida Partnership Coordinator and other program staff visit the community following designation to promote the local Waterfronts Florida Partnership. (Waterfronts Florida)

- The location of The Waterfronts Florida Program meetings for managers rotates among designated communities. (Waterfronts Florida)

H.   *Take action to meet specific needs that have been identified.*

I.   *Celebrate working waterfronts.*

- Local commercial fishermen initiated an annual seafood festival to benefit the community. (Port Salerno, FL)

J.   *Mapping, Inventory, Study*

- A legislative study can lead to concrete recommendations and public engagement. (AL Water Access Study)

- Inventories of economic and working waterfront uses are important to inform decisions. (AL Water Access Study)

- Economic and working waterfront use inventories establish a baseline allowing communities to track changes to their working waterfronts over time. (NC Water Access Study)

IV.   Policy and Regulation

A.   *Emphasize policies that protect and encourage small-scale industrial interests within working waterfronts.*

- Emphasize policies that encourage and facilitate marine-industrial-related development within recreational working waterfronts. (Ponce Inlet, FL)

B.   *Take advantage of regulations that are aimed at other outcomes (such as habitat protection), but have ancillary benefits for working waterfronts.*

- Leveraging existing state policies and regulations. (Gig Harbor, WA)

- Habitat protection has regulatory benefits: habitat mandates facilitated the need to rebuild the pier. (Trinidad Harbor, CA)

- Settlement benefits: A comprehensive settlement proposal from responsible parties for the Superfund cleanup resulted in a timelier cleanup of the waterway and reduced litigation costs. (Tacoma, WA)

- A Community Redevelopment Area was formed and served as a financing mechanism. (Port Salerno, FL)

C. ***Establish management authorities to tackle specific waterfront issues.***

- Prioritize the effort to form various types of management authorities: For example, in Tacoma, a development authority was established under the guidance of the City but was given the ability to operate independently to develop the waterway. (Tacoma, WA)

D. ***Work with the state legislature to establish a state-level working waterfront revitalization technical assistance program available to coastal communities.***

- Establish a state program: A program created via state legislation provided technical assistance to coastal communities that revitalized their waterfront. (Waterfronts Florida)

E. ***Consider historic preservation and charitable organization policies to promote WWF preservation.***

- Historic registry designations can effectively preserve working waterfronts. (Gig Harbor, WA)

- Local commercial fishermen organized themselves into a non-profit organization to work to protect their working waterfront. (Port Salerno, FL)

F. ***Plan for policies to facilitate transition from private ownership to public property.***

- The management needs of a recognized historic property are significantly different from a shanty. The transition from a standard, open public, family-owned dock to a non-profit-owned facility required changes in policies, insurance, and additional safely precautions. To continue to allow open public access but avoid hiring security and gating off the Fishtown docks, new policies to ensure the protection of the site in perpetuity were needed. (Fishtown)

G. ***Legal experts can help and may be needed.***

- Retaining an experienced land use lawyer may be beneficial. (Port of Miami River)

V. Land Conservation, Transfer, Acquisition

A. *Secure community ownership and investment in waterfront can facilitate management of its use and development. (Gig Harbor, WA)*

B. *Establish non-profit organizations in support of working waterfronts to ensure continuity of property management for public benefit.*

- Selling Fishtown's historic docks, structures and property to a non-profit organization and establishing a historic landmark increases the long-term viability of the commercial fishery and ensures the continuity of active management of the historic docks and public access. (Fishtown)

C. *Look to existing state level land protection and acquisition programs for possible links to creating a targeted working waterfront land acquisition program.*

- Establish working waterfront protection by creating a working waterfronts land acquisition program within the context of an existing and broader land acquisition program.   (Working Waterfronts Florida Forever Grant Program)

D. *Create policies to make it possible for working waterfront land to be acquired at favorable interest rates.*

- Acquisition of working waterfront land in fee simple or less-than-fee simple interest. (Working Waterfronts Florida Forever Grant Program)

VI. Financing

A. *Work at the local level to establish a marine investment fund in which non-marine users pay to help offset working waterfront infrastructure improvements.*

- Establish or maintain a marine investment fund: non-marine users pay to help offset pier infrastructure enhancements. (Portland, ME)

B. *Seek out public/private partnerships to facilitate access to a wide range of funding sources.*

- Public/private partnership: Trinidad Rancheria and City partnered to access funding sources. (Trinidad Harbor, CA)

C. ***Establish non-profit organizations in support of working waterfronts to improve access to funding sources and reap tax benefits.***

- Form a non-profit organization: community-led fundraising helped the community acquire and manage a historic commercial fishery (Fishtown)

D. ***Use innovative approaches for cost savings (Public Access Authority)***

E. ***Create new and utilize existing trade associations in support of working waterfront initiatives.***

- Creation of an informal port: the Port of Miami River created the trade association, Miami River Marine Group. (Port of Miami River)

VII. Planning

A. ***Understand how working waterfront issues are intrinsically connected to other community issues (social, economic, and environmental) and plan approaches that create synergies to meet multiple goals.***

- Employ synergistic planning, for example:

  o Watershed, harbor, and economic development planning (Trinidad Harbor, CA);

  o Environmental preservation/remediation and economic development planning (Tacoma, WA);

  o Waterfront and historic preservation planning (Fishtown); and

  o Environmental protection and economic development planning (Trinidad, CA)

B. ***Invest time and resources in planning to build support, clarify goals, and look to the future.***

- Invest in planning (Trinidad Harbor, CA)

- Take time to understand regional needs. (Outreach and Education in Maine)

- Preparation of planning documents such as interpretive plans, historic structures inventory and analysis, and master plan aid in ensuring long term sustainability in a historic fishery (Fishtown)

- The master planning process that the Fishtown Preservation Society implemented was helpful to generating additional community support and for showing the community how Fishtown had physically changed over the years. (Fishtown)

- Plan early. (Marquette, MI)

C. *There is likely no silver bullet, so consider a range of planning tools.*

- Create an informal port, for example, the Port of Miami River. (Port of Miami River)

- Utilizing an array of planning tools can facilitate revitalization of former industrial land into a mixed use, public-private, working waterfront. (Marquette, MI)

- Identify the tools needed to take action. If new tools are needed, create them. (Outreach and Education in Maine)

D. *Don't reinvent the wheel – profit from the lessons learned by others.*

- Models are available - adapt them to meet your needs. In addition, share your resources to benefit others. (Outreach and Education in Maine)

- Reference existing guidance documents:

  o A 67-page guidebook was developed that contains best management practices drawn from ideas and "on-the-ground know-how" of practitioners. (Waterfronts Florida)

  o A 98-page document was created that contains a set of 21 case studies highlighting the communities that received Waterfronts Florida designations. (Waterfronts Florida)

- Require applicants to provide a management plan to ensure that they have the financial resources, qualifications, and competence to manage their proposed project site in perpetuity.   (Working Waterfronts Florida Forever Grant Program)

E. *It may be wise to formalize partnerships – consider developing MOUs, contracts.*

- Require a transmittal letter that binds the applicant to fulfill commitments made in their application. (Working Waterfronts Florida Forever Grant Program)

VIII. Zoning

A.   *Take time to define – formalize definitions of water-dependent, water-related, and water-enhanced uses.*

- Develop common terminology. (York River, VA)

- Through the Oregon Statewide goals, the importance of water-related and water-dependent uses is clear. Newport has done everything possible to preserve the water-dependent and water-related uses along its Bayfront, aligning with the communities desire to preserve historic uses. There are many communities that have water-dependent industrial areas that became vacant over the years. It is in the city's best interest to value this real estate and ensure that the area remains a water-dependent zone. Once these areas are lost, that action can rarely, if ever can be rescinded. (Newport, OR)

B.   *Know who's in charge – pay attention to jurisdictional authority.*

- Analyze jurisdictional authority (York River, VA)

C.   *When developing waterfront zones, start by considering the desired outcome of single or mixed-use zoning.*

- Designate waterfront districts with maritime use guidelines. (Gig Harbor, WA)

D.   *In mixed use waterfront zones, focus on creating compatibility between marine and non-marine uses.*

- The City of Newport evaluates proposals for new businesses based on a broader vision of the community's culture, rather than focusing exclusively on the financial return on an investment. Permitted uses must align with the overall vision and character of the community, and this is reflected in the well-balanced mix of uses along the Bayfront. (Newport, OR)

- Employ municipal mixed use zoning: focus on compatibility between marine and non-marine uses.   Performance standards can address compatibility between marine and   non-marine uses. (Portland, ME)

- Overlay Zoning District (AL Water Access Study)

- Recognize that compatibility is important when devising mix use zoning. This requires understanding the potential for compatibility between marine and non-

marine uses. Portland is addressing this issue through performance standards (Portland, ME)

IX.   Taxation

A.   *Offer tax incentives to reward the type of development you seek.*

- Offer tax incentives: The City of Tacoma offered a substantial tax deduction and exception program for new residential construction along the waterway, encouraging development and investment that helped to recover costs. (Thea Foss Waterway)