

Rural Chesapeake Bay and Seaside of Virginia Working Waterfront Language and Policies



Virginia Coastal Zone Management Program

Accomack-Northampton Planning District Commission

Middle Peninsula Planning District Commission

Northern Neck Planning District Commission

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Grant Year 2017 Task 93.03

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Virginia Department of Environmental Quality

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On the cover – Photograph taken by Shannon Alexander of the A-NPDC in the spring of 2017 at a Bayside Working Waterfront and public access area owned and managed by Accomack County. The concrete boat ramp in the foreground, an L-shaped dock in the center, with a small deadrise skiff tied up to it. Having free access to the water with convenient docks, parking, and ramps, is vital to working watermen in the rural coastal Virginia.

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Introduction

The Accomack-Northampton Planning District Commission (A-NPDC) was formed in 1970 to provide planning and housing services on the Eastern Shore of Virginia. A-NPDC is a regional commission consisting of Accomack and Northampton Counties and the Town of Chincoteague. In addition to Chincoteague, the A-NPDC assists 18 incorporated towns on the Eastern Shore.

The Eastern Shore of Virginia is an approximately 70-mile long peninsula between the Atlantic Ocean and the Chesapeake Bay that has remained as one of the few remaining rural regions on the Atlantic seaboard. It shares many similarities with its sister rural peninsulas across the Bay, the Northern Neck and the Middle Peninsula. All three of these regions have actively participated in efforts to raise awareness about and to protect our culturally and economically imperative working waterfront areas. The three regional PDCs, along with the Hampton Roads PDC, inventoried these assets and actively participated in the development of the 2016 wide [Virginia Working Waterfront Master Plan](#).

Summary

The Working Waterfront Steering Committee met January 9th, January 31st, June 21st, and October 30th during 2018. We had an additional conference call on March 19th to discuss the project proposal for FY2018 as well. Agendas, Packets, and Minutes for each of the four meetings can be found on at the bottom of the following web page. <http://www.a-npdc.org/working-waterfronts/>

This project expanded efforts previously taken through the Working Waterfront 309 strategy by exploring and refining existing tools for management of Working Waterfront resources and developing, distributing, and presenting outreach materials to help meet goals identified in the [Virginia Working Waterfront Master Plan](#). During this year, example comprehensive plan language, zoning options, and management strategies were presented and discussed with localities.

Products and Outcomes

The following sections describe the activities completed during FY2017 and their current and anticipated outcomes. Individual products and this report can be found at <http://www.npdc.org/working-waterfronts/>.

Working Waterfront Master Plan Adoption & Legislative Efforts

The Working Waterfront Steering Committee met January 9th, January 31st, and March 19th, June 21st, and October 30th during 2018. Legislative Summaries were presented during all of the five Steering Committee meetings. See Tables 1 and 2 for the most current status of Working Waterfront related legislations.

Efforts were made to seek adoption by the General Assembly of the state wide [Virginia Working Waterfront Master Plan](#). Unfortunately, this legislation was withdrawn by the patron, due to discussion as to the lack of direct purpose and action. The Steering Committee is resolved to create a more action-oriented bill of support to present to representatives for the 2019 GA.

During the 2017 GA, [SB1205](#) passed both Houses (pending Governor action at the time of this application) creating as a separate class of property for personal property tax rate purposes, property primarily designed for and used by working waterfronts. This option was included in the four-page [Working Waterfront Management Guidance Document](#) developed to work with and educate localities about new options for best management and recognition of Working Waterfronts.

Research was done into the creation of 'Century Waterfronts', a designation for seafood harvesters and/or producers who have worked from their shoreline which has been in the same family for 100 years. Because both the [Virginia Century Farm Program](#) and the [Century Forest Program](#), after which the program would be modelled, are related to a specific area and family, and much of the watermen activity is done on and from public lands and waters, there were many challenges found to implementing such a program. Additionally, there was concern that without a direct economic benefit to the watermen and the region, then it would not be well received and may be considered pointless. Although the initial projected outcome was noble, increased visibility of the watermen's communities, working waterfronts, and elevate the seafood producers, this means was temporarily tabled as a viable option.

During quarterly meeting, the participating PDCs, discussed options for long-term funding for [The Virginia Oyster Trail](#) (VOT). This is a goal in order to support the associated industries and working waterfronts. To date, there was no clear solution for this funding dilemma, however, through efforts with the Ecotourism Steering Committee, organized under NOAA VCZMP grant # NA17NOS4190152, the participating PDCs believe that by improving the visibility of members of the VOT, more business may be inclined to join the VOT, thus improving funding.

In developing [SB693](#) Virginia Waterway Maintenance Fund and Grant Program; established. Sen. Lynwood Lewis, with support from co-patron Sen. Monty Mason; PDC staff worked with our elected officials to see if funding from the marine fuel tax (§58.1-2289 D. Disposition of tax revenue generally) could be used to fund the program, as it was originally intended to fund the repair of public working waterfront infrastructure. Ultimately the funding was sourced from an alternate fund, and another program was able to reap the benefits of the marine fuel tax fund increase.

Table 1 – 2018 General Assembly Working Waterfront Related Legislation

Bill	Catch Line	Action	GA Year
<u>HB1091</u>	Virginia Resources Authority; dredging projects. Del. Keith Hodges	Passed	2018
	Includes within the definition of the term "project" any dredging program or project undertaken to benefit the economic and community development goals of a local government, other than a dredging program or dredging project undertaken for or by the Virginia Port Authority. Amends <u>§ 62.1-199</u> , of the <u>Code of Virginia</u> .		
<u>HB1092</u>	Dredging projects; tax increment, financing. Del. Keith Hodges	Passed	2018
	Specifies that dredging projects are development projects eligible for tax increment financing. A dredging project by or for the Virginia Port Authority is not eligible for such financing unless the Authority has an agreement with a local governing body for local financial participation in the project. Amends <u>§ 58.1-3245</u> , of the <u>Code of Virginia</u> .		
<u>HB1094</u>	Chesapeake Bay Preservation Areas; regulations, local permit to raise land. Del. Keith Hodges	Failed	2018
	Directs the State Water Control Board to adopt regulations to establish criteria for use by local governments in granting, denying, or modifying a request by any landowner within a Chesapeake Bay Preservation Area to raise the base elevation of his land for the purpose of mitigating the effects of flooding.		
<u>HB1096</u>	Dredged material siting; fast-track permitting program. Del. Keith Hodges	Passed	2018
	Directs the Marine Resources Commission to develop a fast-track regulatory permitting program for the selection and use of appropriate sites in Tidewater Virginia for the disposal of material dredged in such region, to be effective no later than July 1, 2019. No progress within VMRC as of Oct. 2018.		
<u>HB1093</u>	Middle Peninsula Chesapeake Bay Public Access Authority; duties. Del. Keith Hodges	Passed	2018

Bill	Catch Line	Action	GA Year
	Authorizes the Middle Peninsula Chesapeake Bay Public Access Authority (the Authority) to receive and expend public funds and private donations and apply for permits in order to perform dredging projects on waterways and construct facilities and infrastructure within the region for which the Authority exists. The bill requires such projects to enhance recreational or commercial public access.		
<u>HB1095</u>	Chesapeake Bay public water access authorities; regional dredging.	Passed	2018
	Authorizes the Middle Peninsula Chesapeake Bay Public Access Authority and the Northern Neck Chesapeake Bay Public Access Authority to undertake dredging projects and authorizes those public access authorities and the Eastern Shore Water Access Authority, which currently is empowered to undertake dredging projects, to work together in any combination to undertake dredging projects in any of their jurisdictions. <i>Amends <u>§ 15.2-6606</u>, <u>§ 15.2-6632</u>, of the <u>Code of Virginia</u>.</i>		
<u>HB575</u>	Virginia Waterway Maintenance Fund and Grant Program; established. Del. Rob Bloxom	Failed	2018
	Establishes the Virginia Waterway Maintenance Grant Program and Fund, administered by the Virginia Port Authority (the Authority), to provide grants, from funds transferred to the Fund from Commonwealth Port Fund, to local governing bodies that propose certain dredging projects and related activities. The bill directs the Authority to manage the Grant Program by developing guidelines and procedures for the application process and for the awarding of annual grants.		
<u>SB693</u>	Virginia Waterway Maintenance Fund and Grant Program; established. Sen. Lynwood Lewis, with support from co-patron Sen. Monty Mason	Passed	2018
	Establishes the Virginia Waterway Maintenance Grant Program and Fund, administered by the Virginia Port Authority (the Authority), to provide grants to political subdivisions and local governing bodies that propose certain dredging projects and related activities. The bill directs the Authority to manage the grant program by developing guidelines and procedures for the application process and for the awarding of annual grants. First grant cycle begins spring 2019, more information available at		

Bill	Catch Line	Action	GA Year
	http://www.portofvirginia.com/stewardship/economic-development/virginia-waterway-maintenance-fund/		
HJ69	2016 Virginia's Working Waterfront Master Plan; supporting Plan. Del. Rob Bloxom	Failed	2018
	Supporting the 2016 Virginia's Working Waterfront Master Plan. Reasons for this result were indicated to be that the Bill had no 'teeth' and didn't actually 'do' anything. Resolved to create a more action-oriented bill of support for the 2019 GA.		
HB264	Oyster-planting ground; transfer or assignment of lease to locality. Del. Cheryl Turpin with support from co-patrons Del. Down Adams and Del. Marcus Simon	Failed	2018
	Authorizes a person holding a lease of oyster-planting ground to transfer or assign the lease to a locality or other political subdivision of the Commonwealth, retroactive to July 1, 1966. Current law allows the holder of such lease to transfer or assign the lease to a resident of the Commonwealth or an authorized corporation. <i>Amends § 28.2-625, of the Code of Virginia.</i>		
HB598	Virginia Grown Label program; created, regulations. Del. Wendy Gooditis	Failed	2018
	Directs the Department of Agriculture and Consumer Services to adopt regulations creating a Virginia Grown Label program and authorizes it to design one or more labels or logos for use, by any business or individual doing business in the Commonwealth, on (i) any agricultural product that is grown and harvested in Virginia or (ii) any aquaculture or fish product that is raised in Virginia.		

Table 2 – 2017 General Assembly Working Waterfront Related Legislation

<i>Bill</i>	<i>Catch Line</i>	<i>Action</i>	<i>GA Year</i>
<u>SB1205</u>	Tangible personal property; commercial fishing vessels.	Passed	2017
	Classifies commercial fishing vessels and property permanently attached to such vessels as a separate class of property for the purpose of local personal property tax.		
<u>SB1224</u>	Landowner liability; recreational access	Passed	2017
	Provides that a landowner who has entered into an agreement with a public entity or nonprofit organization concerning the use of his land for public recreation shall be immune from liability to a member of the public arising out of the recreational use of the land.		
<u>SB1203</u>	Working waterfront development areas; establishment.	Passed	2017
	Authorizes localities, by ordinance, to establish a working waterfront development area and grant certain incentives and regulatory flexibility to private entities for the development of working waterfronts in such area.		
<u>HB1517</u>	Sandbridge Beach; general permit for sand Subdivision.	Passed	2017
	Authorizes the Virginia Beach Wetlands Board to adopt a General Permit for Sand Management and Placement Profiles for properties in the Sandbridge Beach Subdivision of Virginia Beach and authorizes the Norfolk Wetlands Board to adopt such a permit for properties in the City of Norfolk. The bill requires the General Permit and Placement Profiles to include the permissible cost-effective sand management practices that property owners shall implement to protect and enhance the value of their property and to protect coastal primary sand dunes and public beaches. Any sand that is to be removed by the owner from his property must be judged to be "clean beach" sand prior to being transferred and placed in a spreading zone location.		
<u>HB1572</u>	Marine Resources Commission; registration as commercial fisherman; family member or employee.	Passed	2017

<i>Bill</i>	<i>Catch Line</i>	<i>Action</i>	<i>GA Year</i>
	The bill requires the preference to benefit a license applicant who is a member of the immediate family or is a documented employee of the commercial fisherman who is retiring.		
<u>HB1573</u>	Fishing privileges; revocation of license by MRC.	Passed	2017
	Provides that when the Marine Resources Commission (the Commission) revokes a fishing license for a violation of the tidal fisheries law, it shall revoke only the particular type of license that is applicable to the fishery in which the violation occurred.		
<u>HB1574</u>	Oysters culling regulation	Passed	2017
	Cargo of oysters shall be scattered on public rocks.		
<u>HB1796</u>	Oyster grounds; dredging projects in Lynnhaven River.	Passed	2017
	Provides that certain oyster ground leaseholders in the Lynnhaven River are subject to the conduct of approved municipal dredging projects to restore existing navigation channels.		
<u>HB1897</u>	Aquaculture; protection of use in an agricultural zone	Failed	2017
	Provides that any aquaculture use that was established on property that was zoned as an agricultural district at the time, but later was rezoned to disallow agriculture, is a valid nonconforming use of the property. The bill also amends a 2014 Act of Assembly that expanded the definition of agricultural products to provide that the act was declaratory of existing law.		
<u>HJ706</u>	Constitutional amendment (first resolution); tangible personal property tax; exemption	Failed	2017
	Provides that any locality may, by ordinance, exempt from taxation the first \$5,000 of value of tangible personal property used in a business.		
<u>SJ281</u>	Study; long-term economic viability of working waterfronts; report	Failed	2017
	Senate: Stricken at request of Patron in Committee on Rules by voice vote		

Working Waterfronts Zoning and Coastal Living Policies; and Outreach and Presentations to Interested Localities

In a continuing effort to raise awareness about working waterfronts and the associate commercial fishing industry, a [Coastal Living rack card](#) was prepared and distributed in each region. The intended audience is visitors and new or prospect residents and/or property owners. In addition to raising general awareness, this outreach item is intended to reduce conflicts and complaints and potentially improve relationships in the community. On the Northern Neck, the 2-sided rack card was distributed and will continue to be distributed to the county offices of Westmoreland, Northumberland, Richmond, and Lancaster, the Northern Neck Planning District Commission office, Town Offices, and to private sector stakeholders, such as real estate offices. Additionally, it was distributed at the November meeting of the King George Chamber of Commerce where regional tourism was presenting. On the Eastern Shore, the rack card was shared with the Eastern Shore Association of Realtors, Visitors Centers (Chincoteague and southern tip), Chamber of Commerce (Chincoteague, Northampton, and Eastern Shore), the Eastern Shore Tourism Commission, VIMS, and Town and County Offices. On the Middle Peninsula, the rack card was distributed to all local government administrators in the region and were made available to the general public.

During research efforts [§ 15.2-2307.1](#) was found in the Code of Virginia, with the title “Protection of established commercial fishing operations,” and fully quoted below.

Registered commercial fishermen and seafood buyers who operate their businesses from their waterfront residences shall not be prohibited by a locality from continuing their businesses, notwithstanding the provisions of any local zoning ordinance. This section shall only apply to businesses that have been in operation by the current owner, or a family member of the current owner, for at least 20 years at the location in question. The protection granted by this section shall continue so long as the property is owned by the current owner or a family member of the owner.

2005, c. 194.

Participating PDCs inventoried the Comprehensive Plans of their respective jurisdictions to determine the amount of attention given to Working Waterfronts. Some of the example language can be found in the [4-page guidance document](#) below. This document and this inventory were used to confer with locality zoning administrators in their respective regions to determine their needs and interest in implementing the options in their locality. The final version was distributed for use to the regions, sent to VIMS Marine Advisory Services, and posted on the A-NPDC website at <http://www.a-npdc.org/working-waterfronts/>.

The Working Waterfront guidance document was distributed by the Northern Neck Planning District Commission to all four Northern Neck county administrators for their reference. On the Eastern Shore suggested comprehensive plan language was supplied to the Accomack County Director of Planning when their Plan was open for amendment (the amended Plan will be approved in early 2019) and in Northampton County was supplied to the Senior Planner and the Planning Commission. In Northampton County, there have been years of turmoil around creating and having a new comprehensive plan approved. A-NPDC staff believes that there will be new opportunities to have additional working waterfront language included in the new plan in 2019, and thus new zoning options implemented following approval of the new plan. On the Middle Peninsula, the outreach materials were presented during the September monthly meeting of the Middle Peninsula Local Planners, none of whom had additional questions about implementation. Please refer to the minutes of the September Planner meeting, beginning on page 23 of this report.

Working Waterfront Development Area Legal Review

The Steering Committee requested legal guidance in determining the potential uses and limitations of the Working Waterfront Development areas, as there was an idea that this designation could serve a similar role as unique overlay districts, but would be immediately available, rather than requiring additional legislation. Ultimately the attorneys were unable to provide clear guidance on the development of an ordinance and the extent of abilities of a WWF Development Area if there were a locality interested in implementing the tool. However, they did indicate that it is different from an Overlay District and more like other temporary zones/areas, which are not used, as more permanent zoning tools are favored. Below are details of the legal review.

Regarding the Working Waterfront development area authorized by Va. Code § 15.2-2306.1:

The local government attorneys were asked by Virginia Coastal Policy Center staff for their input on your questions in July 2018. The consensus seemed to be that the WWF development area does not seem to be an overlay district in the usual sense; other Code sections creating overlay districts or zones specifically authorize localities to adopt them as overlays superimposed on preexisting base zones, with no time limit for their applicability (see, e.g., § 15.2-2294, authorizing airport safety zones; § 15.2-2295, authorizing aircraft noise overlay zones; § 15.2-2295.1, authorizing the creation of mountain ridge construction zones). The Virginia Working Waterfront Master Plan developed in 2016 (<https://www.deq.virginia.gov/Portals/0/DEQ/CoastalZoneManagement/Virginia-Working-Waterfront-Plan-Final-Nov-16.pdf?ver=2017-03-14-142711-097>) proposed the creation of a Working Waterfront Overlay District for the preservation of working waterfronts that are currently being used and for historically used waterfronts (see page 49). This Master Plan could have been a consideration for the WWF Development Areas legislation, but the term “overlay district” from the Plan was not used. Rather, the language of § 15.2-2306.1 almost exactly echoes the language of § 36-55.64. Creation of local housing rehabilitation zones (2006) and § 15.2-1129.2. Creation of local economic revitalization zones (2007). The language or construct also is similar to that of § 15.2-943.1. Creation of arts and cultural districts (2018, formerly § 15.2-1129.1, 2017); § 58.1-3850. Creation of local technology zones (1995, amended in 1996 and 1997); § 58.1-3851. Creation of local tourism zones (2006, amended in 2008); § 58.1-3852. Incentives for green roofing (2009); § 58.1-3853. Creation of

local defense production zones (2011, amended in 2012); and § 58.1-3854. Creation of local green development zones (2017). All of these statutes authorize localities to grant incentives for a finite period of time (usually 10 years, like the WWF development area) and to provide regulatory flexibility such as special zoning, the use of a special permit process, exemption from certain ordinances, and any other incentives adopted by ordinance, which also are binding on a locality for a finite number of years (often 10 years, like § 15.2-2306.1). The attorneys at the luncheon agreed that they have not used these provisions because they are used to zoning classifications being fairly permanent, and are not sure how to handle zoning that could be in place for only a certain number of years.

Section 15.2-2306.1 does not specify what the establishment of a WWF development area does to the preexisting, underlying zoning, It seems logical that establishment of a WWF development area would eliminate the need for preexisting working waterfront uses to be grandfathered, since they would then be in compliance with the requirements of the new WWF development area in which they are located. Should a locality decide to dissolve an established WWF development area, then the preexisting working waterfront uses could again be out of compliance; this concept is upheld by Committee of Petitioners, ex rel. Taylor v. City of Norfolk, not reported in S.E.2d, 90 Va. Cir. 18, 2015 WL 10521377 (2015) (holding that repeal of a zoning ordinance by a referendum would simply revert the subject property back to its previous zoning classification). However, the working waterfront use would again be a preexisting use at the time of (re)adoption of the former zoning requirements, so it arguably would be eligible once again for grandfathering.

Section 15.2-2306.1 also does not establish procedures for adopting the WWF development area other than saying it must be established by ordinance. By contrast, § 15.2-2306 specifies that historic districts are to be created by amending the existing zoning ordinance in accordance with the provisions of Article 7 of Chapter 22 of Title 15.2 of the Code. Since § 15.2-2306.1 also is in the Zoning Article of Chapter 22 of Title 15.2, just like § 15.2-2306, following the provisions of that Article for adopting amendments to the zoning ordinance seems a wisely cautious approach when creating a WWF development area. But that is a decision best left to each locality's counsel, who must be comfortable with the approach taken in establishing these areas.

Regarding WWF Development Area over the water within a jurisdiction's territorial boundary:

*In § 15.2-2201, "Working waterfront" is defined as "an area or structure on, over, or adjacent to navigable waters that provides access to the water and is used for water-dependent commercial, industrial, or governmental activities, including commercial and recreational fishing; tourism; aquaculture; boat and ship building, repair, and services; seafood processing and sales; transportation; shipping; marine construction; and military activities." If you read just the highlighted words, then arguably yes, it could be read to mean a locality now is authorized to establish a WWF development area laying over the water within its territorial boundary. Note that this 2010 Attorney General Opinion:<http://ag.virginia.gov/files/Opinions/2010/10-091-Paylor.pdf> states that although localities may extend their territorial boundaries out over the water, the Commonwealth retains the ownership of submerged lands past the MLW mark (see p. 3 of the opinion and footnote 11); and it further concludes that, as of that time, the General Assembly had not specifically authorized localities to extend their land use regulations to projects on state-owned bottomlands or the waters above them (see p. 4 of the opinion). To the best of my knowledge, that AG Opinion has not been rejected by a court (*Jennings v. Northumberland Board of Supervisors*, 281 Va. 511 (2011), relied upon § 15.2-3105 to find that the VMRC and localities have concurrent jurisdiction over wharves, docks, etc., which that Code section specifically authorizes localities to include within their boundaries – but the case did not reject the notion that the VMRC otherwise has sole jurisdiction over the use of state-owned submerged lands).*

If localities wish to create working waterfront development areas extending over the water – a new concept based on a new statute, that would depart from the approach of the 2010 AG Opinion - then it is best that they seek a formal Attorney General Opinion clarifying whether or not the General Assembly has now indeed authorized localities to create WWF development areas extending out over the water. The request also could seek clarification on whether the WWF development areas should be considered overlay districts on top of preexisting base zoning, and what procedures are best used to establish and remove these types of areas.

Preserving the Unique Culture of Your Community

Working Waterfronts

“Local interest in the promotion and preservation of working waterfronts as a critical component of our resilient coastal communities...” – Town of Chincoteague Comprehensive Plan

As a planner, administrator, or elected official, how can you help ensure recognition and protection for these historically and economically vital areas?

Working waterfronts are those structures on, over, or adjacent to navigable bodies of water that provide access to the water and are used for water-dependent commercial, government activities, recreational fishing, tourism, aquaculture, boat and ship repair, boat and ship processing, seafood sales, marine construction, military activities, and other water dependent uses.



- Ensure that your Comprehensive Plan includes language & actions that preserve working waterfronts (see reverse).
- Establish permissive, by-right zoning policies for working waterfronts.
- Establish local tax policies that stimulate water-dependent business development.
- Establish incentives encouraging appropriate uses of working waterfronts.
- Deploy appropriate development districts to increase working waterfront development.



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Comprehensive Plan Examples



“Appropriate business locations on the waterfront are important to the long-term economy of the County and should be carefully protected and utilized in a productive manner. In particular, preference should be given to promoting areas and sites for working waterfront operations, fishing, aquaculture, and habitat preservation that will support the economy, enhance the environment, and ensure quality production of fish and shellfish.” – Mathews County Comprehensive Plan

Example Strategies/Actions:

- Protect working waterfront operations that are important to the economy of the County. Cooperatively work with & educate residents & businesses on aquaculture needs & waterfront operations. (Mathews Co.)
- Develop an Aquaculture & Working Waterfront Committee to identify & enhance specific opportunities & properties. Collaborate with multiple agencies & coordinate with property owners & businesses to build understanding & consensus. (adapted from Mathews Co.)
- Adopt a formal resolution/policy that promotes & protects working waterfronts. (adapted from Mathews Co.)
- Utilize VIMS/VCZMP/[National Working Waterfronts Network](#) resources for Best Management Practices (BMPs) in working waterfront areas. (adapted from Chincoteague)
- Ensure local policies are consistent with the provisions of the permit & continue to allow traditional options where necessary for working waterfronts. (Chincoteague)
- Develop a Working Waterfront Zoning District. (Gloucester Co.)
- Because of the scarcity of land in Town, it is important to protect commercial, water-related land uses. (Tangier)
- An opportunity to strengthen maritime economy by boosting recreation & tourism activities as well as promoting aquaculture & working waterfront businesses. (Essex Co.)



Managing & Funding

Working Waterfronts

Waterway Maintenance

Managing waterways for successful working waterfronts:

- Regional collaboration: [Middle Peninsula](#) and [Northern Neck](#) Public Access Authorities and [Eastern Shore Water Access Authority](#) (the latter not yet established) authorized to manage and apply for opportunities independently or jointly.
- [Waterway Maintenance Fund](#) established 2018 & managed by the [Virginia Port Authority](#): \$1.35M total grant funds available annually (requests due by March 1) for dredging, studies, permit work, & beneficial use planning; Guidelines [here](#).
- [Virginia Resources Authority](#) now includes 'dredging' in the definition of 'project,' opening an additional potential loan source for waterway maintenance.
- [Virginia Marine Resources Commission](#) is establishing a fast-track permitting program for disposal of dredged material, effective by July 1, 2019.
- [US Army Corps of Engineers Planning Assistance to States](#) and [Continuing Authorities Program](#)
- Local potential maintenance or match funding option: TIF (see below)

TIF

Tax Incremental Financing – NOT a new tax!

TIF is a public financing method whereby municipalities divert some portion of future property tax revenue increases from a defined area or district toward an economic development or improvement project in the community. It does not take away revenue needed today to fund essential government services. A process for monitoring performance of the district needs to be included in the plan, which should determine if the TIF revenue generation is meeting targeted funding expectations. More information in the [MPPDC report](#).

Today's Assessed Value

Land and Building Assessed Value	\$100,000
Taxable Units	1000
Levy	75 cents per hundred or 1000 taxing units
Tax Revenue Generated	\$750

New Revenue Generated

The difference between annual generated tax revenue

\$75

Reassessed

Land and Building Assessed Value	\$110,000
Taxable Units	1100
Levy	75 cents per hundred or 1000 taxing units
Tax Revenue Generated	\$825

A TIF policy can dedicate a percentage (1-100%) of new revenues to fund a public need.

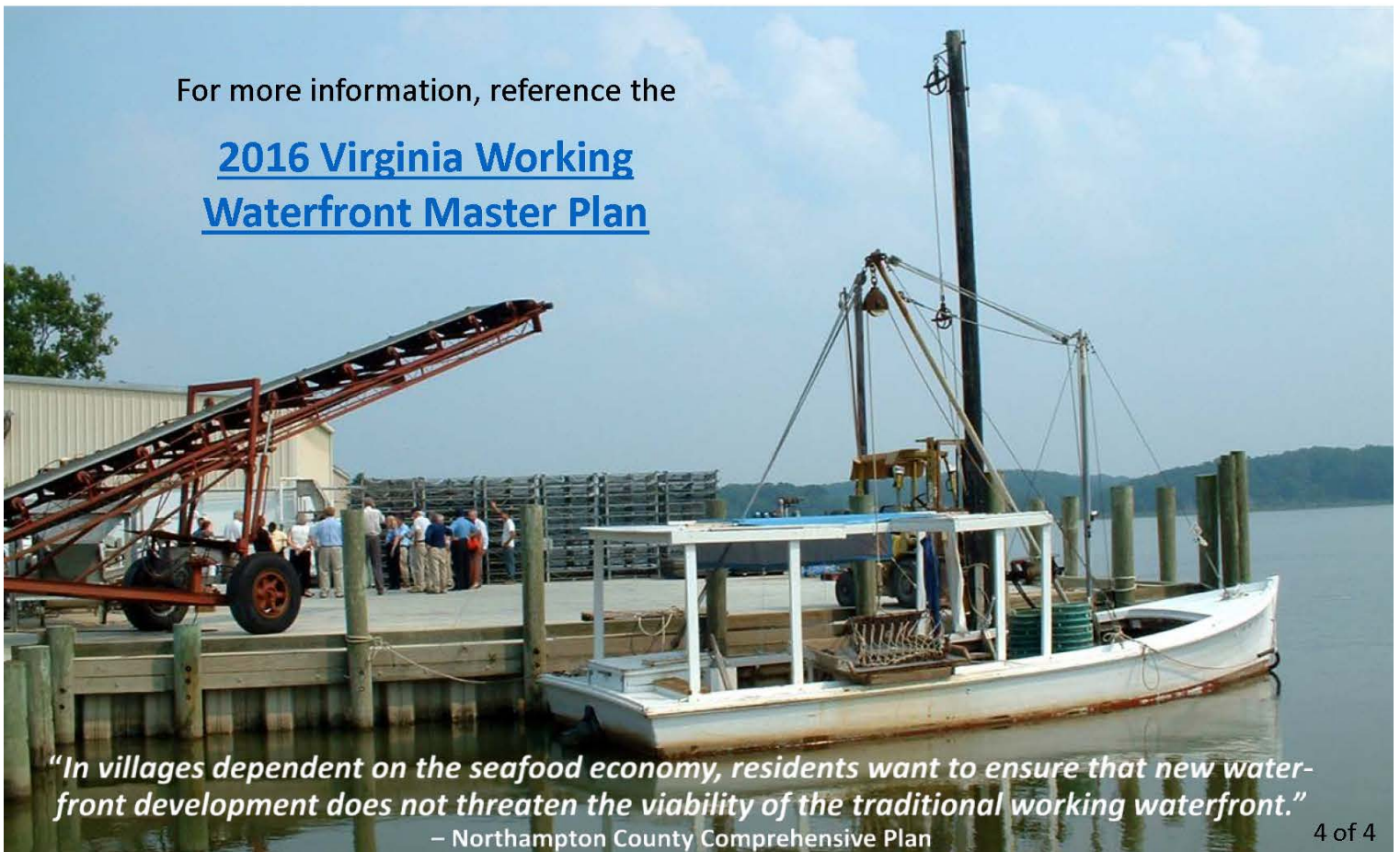
For Instance: A TIF policy could dedicate 50% of new revenues to a specific dredging fund. Therefore \$37.50 would be directed to the dredging fund.

Local Options for Protecting & Preserving Working Waterfronts

- [§ 15.2-2283](#) Purpose of Zoning Ordinances is ‘to protect against destruction of or encroachment upon historic areas and working waterfront development areas’
 - Consider Enterprise Zones, Technology Zones, Community Development Authorities, Working Waterfront Development Areas (see below), and other measures.
- [§ 15.2-2306.1](#). Creation of Working Waterfront Development Areas:
 - Must establish by ordinance & associated public notice/hearing, similar to [§15.2-2306](#) for historic districts
 - Defined as a portion of a locality
 - Effective for a period of up to 10 years
 - Potential incentives include:
 - Reduction of permit fees, user fees, and/or gross receipts tax
 - Waiver of tax liens to facilitate property sale
 - May also include special zoning, special permit process, exemption from certain specified ordinances (excluding Chesapeake Bay Preservation Act, Erosion and Sediment Control Law, & Virginia Stormwater Management Act)

For more information, reference the

[2016 Virginia Working Waterfront Master Plan](#)



“In villages dependent on the seafood economy, residents want to ensure that new waterfront development does not threaten the viability of the traditional working waterfront.”

– Northampton County Comprehensive Plan



COASTAL

living in Virginia

Coastal living in rural Virginia brings the nostalgic sites, sounds, and smells of our water-based heritage and economy right to your backyard. When you hear the early sounds of fishing boats or catch the scent of crab pots, bait, or oyster cages, be reminded that you are part of a community carrying on their unique history and culture.

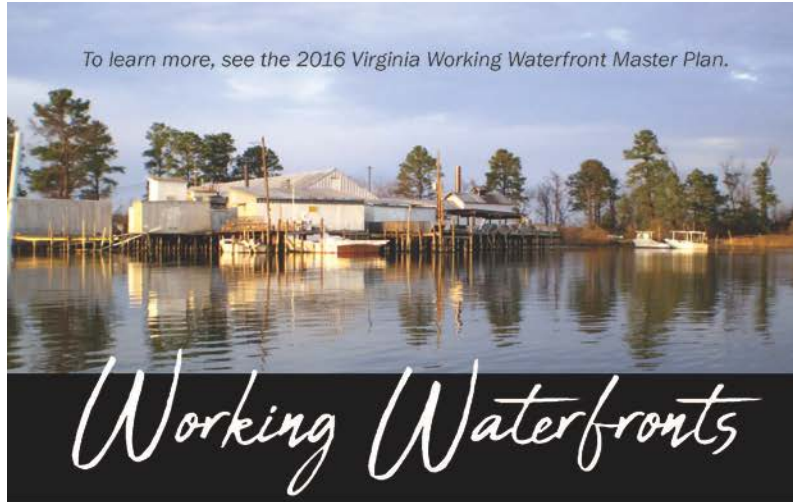
I love it here!

Watermen have worked the waters of rural coastal Virginia for hundreds of years, bringing the bounty of the Chesapeake Bay and the Atlantic to your table and nationwide.



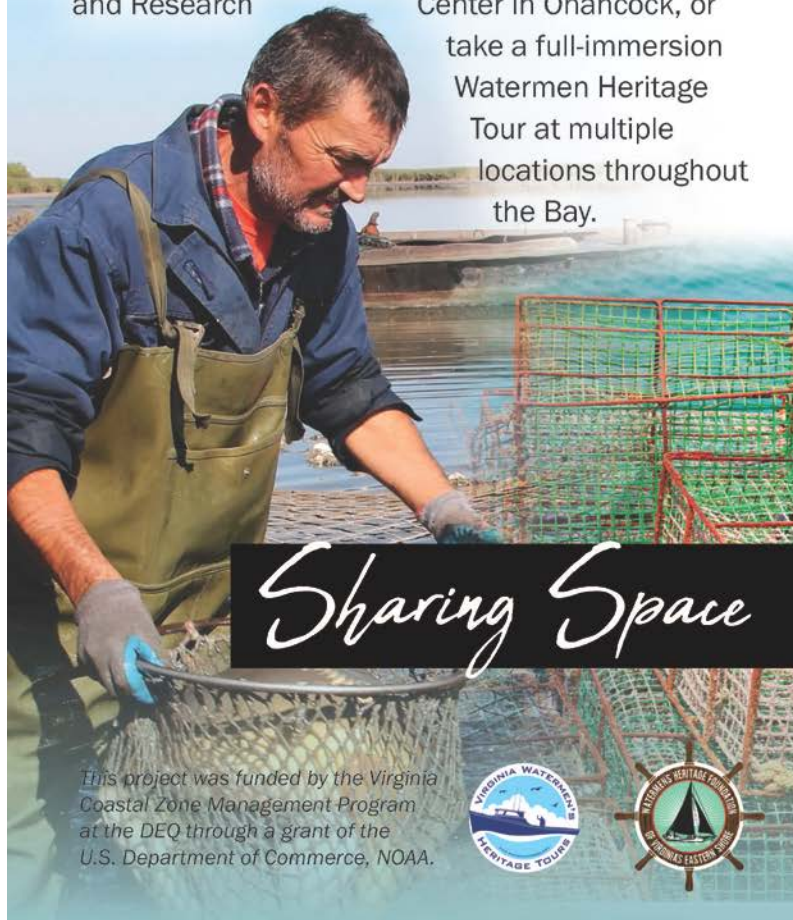




Beautiful views and endless recreational activities abound in rural coastal Virginia, but what is it like to live along the water or near an active working waterfront area? Find out by talking with watermen in your area. Visit the Watermen’s Museum in Yorktown, the Eastern Shore Watermen’s Museum and Research

Center in Onancock, or take a full-immersion Watermen Heritage Tour at multiple locations throughout the Bay.



This project was funded by the Virginia Coastal Zone Management Program at the DEQ through a grant of the U.S. Department of Commerce, NOAA.



September 2018 Middle Peninsula Local Planner Meeting Packet



Local Planners Meeting

Wednesday, September 26, 2018

10:00 AM

(see attached 4-page Working Waterfront Guidance)

Meeting Minutes

	Essex County		Mathews County
X	Gary Mitchell		James Knighton
	Gloucester County	X	Thomas Jenkins
X	Carol Rizzio		
	Anne Ducey-Ortiz		Town of Urbanna
	King & Queen County		John Gill
X	Donna Elliott Sprouse		Town of West Point
	King William County		Holly McGowan
X	Sherry Graham		Virginia DEQ
	Middlesex County		V'Lent Lassiter
X	Dave Kretz		
			MPPDC Staff
		X	Matt Becker

I. Long Range Transportation Plan Update: Introduction

Virginia's Office of Intermodal Planning and Investment (OIPI) will lead the development of the Commonwealth's long-range multimodal transportation plan – VTrans2040. The plan

will be developed in two phases and will result in the production of two companion documents: the VTrans2040 Vision and the VTrans2040 Multimodal Transportation Plan.

VTrans2040 will identify multimodal needs across the Commonwealth. Moving forward, only projects that help address a need identified in VTrans2040 will be considered for funding under the statewide prioritization process from House Bill 2 known as SmartScale. The plan will focus on the needs of the Commonwealth's statewide network of Corridors of Statewide Significance, the multimodal regional networks that support travel within metropolitan regions, and improvements to promote locally designated Urban Development Areas (UDAs).

Regional transportation plans will be part of the "feeder" system for inclusion in VTrans2040. In the most recent update to VTrans, PDCs throughout the Commonwealth worked to develop and adopt plans that looked comprehensively at rural transportation needs throughout the region. Localities are being asked to review the projects identified in the 2012 Long Range Transportation Plan (LRTP) for their respective jurisdictions to determine if any adjustments, removals, additions, or reprioritization should be considered. This information can be incorporated with an update to the Long-Range Rural Transportation Plan inclusive of the non-urban areas within the MPPDC region.

II. Long Range Transportation Plan Update

A. Long Range Transportation Plan General Updates

- MPPDC has identified intersections and roadway segments that are of concern due to safety, capacity, or alignment issues
- MPPDC has sent a list of these intersections and roadways to localities. Received limited feedback
- MPPDC has incorporated the feedback it got into updated lists. Intersections or roadways previously identified in 2012 LRTP will continue recommendations made in 2012 version.
- Newly identified intersections and roadways have been sent to VDOT for review. Hoping that VDOT will provide MPPDC with recommendations on improvements.

B. Priority Waterways for Waterways section

- MPPDC has compared the USCG report on shoaling and the location of Working Waterfronts infrastructure in the Middle Peninsula, and dredging cost estimates by the Army Corps of Engineers to begin prioritizing waterways for dredging applications.

- Provided is an interactive map of at-risk waterways with this data:
<https://drive.google.com/open?id=1UL2Q8FIDoadL1zvd028VINwKXye3J3k6&usp=sharing>
- Applications could be for the Virginia Waterway Maintenance Fund grant program
- This fund appropriates \$1,350,000 to the Virginia Port Authority to support shall draft navigation dredging projects

Action Items: Localities to provide the MPPDC with a feedback on the Waterways Questionnaire in order to enhance community input on the prioritization of the waterways.

C. Discussion of Goals of LRTP

- MPPDC is looking to align the goals of the LRTP with the goals of VTrans2040
- VTrans2040 goals:
 - Economic Competitiveness
 - Accessible and Connected Places
 - Safety for All Users
 - Proactive System Management
 - Healthy Communities and Sustainable Transportation Communities

D. RT 17 Multi-Use Path

- Last week the MPPDC, Gloucester County and Essex County met with the Virginia Capital Trail Foundation and VDOT Bike/Ped Planning for Richmond District to discuss the development of the Virginia Capital Trail and the lessons the Middle Peninsula can learn from that process
- Going forward, the MPPDC is going to research the inventory of right away along RT 17, as well as secondary routes for connections to towns or bypasses, to try to identify an ideal first segment
- The MPPDC will Create a conceptual alignment and then send request for a preliminary plan to be conducted by VDOT Fredericksburg
- Funding opportunities for segments of the trail, or any bike/ped infrastructure that any county is interested in will primarily come from SmartScale and the TA Set-Aside
- Any other counties interested in Bike/Ped planning?

III. **Planner's Needs Around the Table**

- VMRC approved a permit for floating oyster beds in Mathews that had strong community opposition

- Gloucester County is redoing its zoning ordinance and was curious about how other counties regulation mobile home parks. In Mathews they are by-right in rural district. In Middlesex they have a Manufactured Home District
- Discuss about regulating short term rentals (Air B-N-B)
- Discussion about the regulation of Accessory Dwelling Units

IV. Roundtable Suggestions/Ideas

V. Wrap-up and Next meeting

The next meeting will be held on Wednesday, October 31, 2018 at the MPPDC offices in Saluda at 10:00 AM.

If planners have ideas of additional topics to cover, please contact Matt Becker at

Mbecker@mppdc.com