

# ELEMENT

**Encourage community and stakeholder collaboration in development decisions, ensuring that public interests in and rights of access to the waterfront and coastal waters are upheld**

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Public access to the water is critical to coastal and waterfront communities.



Maps can help people better understand a community's vulnerability to hazards.

One of smart growth's signature characteristics is a meaningful public involvement process that ensures that the needs and concerns of all affected stakeholders are identified and addressed. Successful development requires inclusive planning processes that give community members and other stakeholders a clear voice in the development process. Growth can create great places to live, work, and play—if it responds to the community's vision of how and where it wants to grow.

An inclusive planning process is critical for waterfront and coastal communities because of the complex regulatory environment, the diversity of stakeholders, the demand for public access to the water, and the competing interests for use of waterfront resources. What happens on and near the water can enhance property values, support businesses, enhance community resilience to natural hazards, and greatly affect a community's overall quality of life.

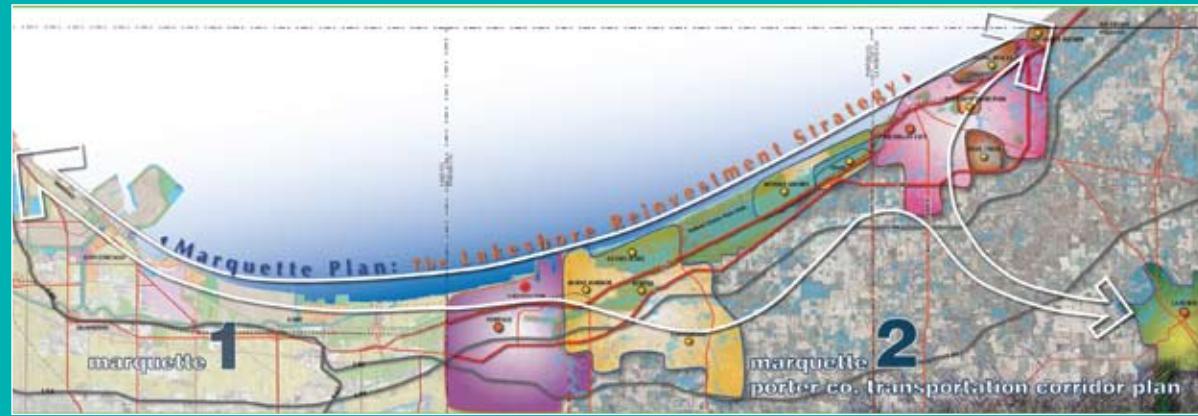
The tools for effective involvement are similar for inland and waterfront communities. The goal is to fairly identify and respond to all legitimate interests by providing clear and convenient opportunities for substantive involvement at critical stages in the development process. Involvement should begin well before a development plan is on the table, the scope of participants' decision-making power should be clear at the outset, and all involved should be periodically updated on how their input is being used.

One of the primary interests of people living and working near the water can be access to the water. However, the legal framework regulating access is

complex. In most waterfront settings, historic public use can establish an easement allowing public access to the water across private land. In addition, where navigable or tidal waters are involved, the public trust doctrine requires states to protect public use of and access to the water, as well as the land beneath it. Each state applies this common law principle according to its own legal traditions. In most states, fishing and boating, including recreational use of the water, must be accommodated, and access cannot be denied simply because adjoining lands are privately held. But public access rights vary across jurisdictions.<sup>51</sup> For example, in a handful of states, shorefront property owners also own the adjacent intertidal zone. The quality of life in coastal and waterfront communities depends in part on finding ways to constructively balance these rights of public access and private ownership. Well-designed, collaborative stakeholder involvement processes can help reach this objective.

Identifying who to involve requires understanding who has an interest in, or will be affected by, proposed development. Near the water, there can be many stakeholders, such as recreational users, commercial fishers, developers, waterfront business owners, and permanent and seasonal residents. On the coast, a wide range of federal, state, and regional government entities also must be engaged, since they are responsible for community health and safety and for protecting both the environmental quality of coastal ecosystems and the public's right of access to them.

The stakeholder involvement process can help create a vision for future development. In 2004, the communities of Northwest Indiana began a regional



The Marquette Plan provides a regional vision for 45 miles of shoreline along Lake Michigan in Northwest Indiana.



Community members and planners worked together to develop community redevelopment maps for Pass Christian, Mississippi.

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plan for their 45 miles of shoreline along Lake Michigan. The Marquette Plan unifies the area by leveraging the collective strengths of these lakeshore communities. Through a public involvement process that included multiple community forums and stakeholder interviews, five communities agreed on three guiding principles: increased public access to the shoreline; creation of a multi-purpose trail connecting lakefront communities; and minimum 200-foot setbacks from the lakefront for all new development. To date, one new development project has been completed, five are funded, and 16 are in the planning process.<sup>52</sup>

Engaging all affected stakeholders is especially critical in the wake of natural disasters. After Hurricane Katrina in 2005, Mississippi Governor Haley Barbour created the Governor's Commission on Recovery, Rebuilding and Renewal to develop a strategy for rebuilding communities damaged by the hurricane. The commission hosted design

forums in 11 communities. In the Gulf of Mexico community of Pass Christian, the process included walking tours through the devastated area and a charrette involving community residents and officials. The result was a plan with four goals: recover economic sustainability; support and unite the community by restoring the civic realm; support and unite the diverse interests in the community; and rebuild city-wide. The rebuilding plan incorporates core smart growth approaches, including mixed use, walkability, a variety of housing options, and codes that support them.<sup>53</sup>

Involving stakeholders from the outset of a waterfront development project creates the basis for a shared vision of the future. The result can be a development plan that uses the land efficiently and wisely, upholds public rights of access, and protects the community's interest in a precious natural resource.

## CASE STUDY



### Vienna, Maryland

Vienna is a small town on the Nanticoke River, a tributary of the Chesapeake Bay. One of the oldest settlements in Maryland, with an original plan dating back to 1706, this town on Maryland's Eastern Shore retains a strong fishing and agricultural base.<sup>54</sup> In response to growth pressures in

the early 2000's and to prepare for a scheduled update of the town's comprehensive plan, Vienna asked The Conservation Fund, a national nonprofit group, to help develop a new vision for the community. The town council, the mayor, and experts from The Conservation Fund worked

with the community to assess the town's natural resources, economic opportunities, land use trends, and development potential. The tools they used included a public opinion survey that involved about half the town's adult population, in-depth community interviews



Community meetings provide an opportunity to explore shared goals, issues, and concerns.

Rural Vienna, Maryland, is working to protect its historical ties to the river and the surrounding rural landscape.

KEY ACTION OPTIONS	POLICIES, TOOLS, AND TECHNIQUES FOR IMPLEMENTATION
<i>Develop an inclusionary process to maximize participation and results</i>	<ul style="list-style-type: none"> <li><i>Conduct a stakeholder analysis</i></li> <li><i>Schedule meetings to accommodate all stakeholders (including seasonal residents)</i></li> <li><i>Conduct individual and small group interviews</i></li> <li><i>Administer community surveys through the mail</i></li> </ul>
<i>Develop a common understanding among the diverse stakeholders</i>	<ul style="list-style-type: none"> <li><i>Engage all stakeholders to set goals</i></li> <li><i>Conduct walkability tours and audits</i></li> <li><i>Administer visual preference surveys</i></li> <li><i>Hold community visioning exercises</i></li> <li><i>Perform policy audits to ensure that plans, codes, and regulations are consistent with community vision</i></li> </ul>
<i>Use appropriate and transparent meeting and communication techniques</i>	<ul style="list-style-type: none"> <li><i>Use charrettes to resolve complex design issues</i></li> <li><i>Use trained meeting facilitators</i></li> <li><i>Employ a communication strategy to keep all interested constituencies updated and involved</i></li> <li><i>Use geographic information systems (GIS) to create maps depicting alternative development scenarios</i></li> <li><i>Analyze alternative development scenarios using visualization software</i></li> </ul>
<i>Collaborate with federal, state, and local authorities who have jurisdiction over the public trust and coastal natural resources</i>	<ul style="list-style-type: none"> <li><i>Employ special area management planning</i></li> <li><i>Conduct joint coastal permit reviews</i></li> <li><i>Provide feedback when federal agencies solicit input for environmental impact statements</i></li> </ul>

with individual residents, and community workshops. As a result, the town developed a plan that preserves Vienna's rural town character while still accommodating growth. Although the nationwide real estate downturn of 2008 gave the area some breathing room,

residents and real estate experts expect development to return. When it does, the Vienna-Conservation Fund process can serve as a model for conservation and growth in the Chesapeake Bay watershed.



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