

Middle Peninsula Planning District Commission

Aquaculture: Local Policy Development



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Executive Summary: **Policy Options to Support Aquaculture and Working Waterfront Infrastructure in Mathews County**

Aquaculture and related working waterfront infrastructure is a complex economic, environmental, land and water resource issue; and as many coastal localities within the Middle Peninsula struggle with becoming less rural and more suburban, balancing growth, preserving coastal character and culture, and delivering public services, a local public policy conundrum is formed. Consequently, local governments need to begin to ask themselves, “To what extent will our future economic fabric rely on the opportunities presented from a coastal environment and what public policy will govern such opportunities.”

Coastal communities within the Middle Peninsula historically have had a rich maritime tradition and culture. From harvesting wild shellfish to fin-fishing, the Chesapeake Bay and local rivers had provided the region with a once thriving industry. However, in recent years there have been a variety of factors that have contributed to a shift away from traditional water based livelihoods. For instance, due to disease, predation and water quality, populations of harvestable shellfish have declined, while regulations have set limitations on blue crab harvests. Also, coastal communities are in transition, with a higher demand for waterfront properties, increased coastal development has invited wealth and affluence to the region. Consequently, traditional working waterfronts have become under threat. Never the less, aquaculture presents a new opportunity to sustain seafood and working waterfronts industries in the region.

Mathews County, a member locality of the Middle Peninsula Planning District Commission (MPPDC), supports efforts to preserve a heritage and culture defined by a commercial fishing working waterfronts. Therefore, this project was particularly appealing to Board members.

The objective of this project was to ultimately question the need for public policy to sustain and enhance aquaculture-working waterfronts in Mathews County. To begin this endeavor MPPDC staff, with assistance from the County Administrator, created an Aquaculture Working Waterfront Steering Committee. Consisting of commercial and hobby oyster and clam farmers, county planners, and the maritime foundation within Mathews County, this committee identified current industry challenges, shared business models, and discussed how the aquaculture-working waterfront industry could be supported or enhanced by the County. Along with the information gathered from committee members, MPPDC staff researched how other coastal communities in the United States have dealt with similar issues and organized a matrix of public policy options that could be feasible in Mathews County. MPPDC staff also conducted an economic assessment of the seafood and aquaculture-working waterfront

industries to supplement Mathews County Board of Supervisors understanding of the current economic climate these industries within the county. And finally MPPDC staff worked to create an educational DVD, titled *Mathews Working Waterfront for the 21st Century*, which focused on the economic and cultural tradeoffs of community scenarios and specific public policy options that may enhance aquaculture and associated working waterfront industries.

Throughout this project, the Mathews Board of Supervisors was provided periodic updates, as well as a culminating presentation at their August monthly meeting. Though supportive of the direction the project was taking, the Board asked for public and private cost estimates associated with the new public policy options presented at the meeting.

Additionally, MPPDC staff worked with County Planners and their consultants to develop model comprehensive plan language that reinforces the County’s commitment to strengthening the aquaculture industry and the preservation of working waterfront infrastructure.

Public Policy Options and Associated Costs

Public Policy Option 1: Right-to-aquaculture and/or Right to Working Waterfront Policy–

A policy to preserve aquaculture operations/working waterfronts will promote a good neighbor policy, and/or affirm the county’s commitment to aquaculture/working waterfronts.

COST: Locality staff time (question of priority)

Public Policy Option 2: Amendments to Current Land and Water Zoning Regulations Associated with Aquaculture –

Amend Mathews County’s current zoning regulations associated with aquaculture to appropriately define aquaculture and manage zones with incompatible uses. This may include exploring master spatial planning within the county’s jurisdictional boundary.

COST: Locality staff time (question of priority)

Public Policy Option 3: Adopt Recommendations from the York River Use Conflict Committee –

Mathews County Board of Supervisors should consider adopting six recommendations generated by the York River Use Conflict Committee for Gloucester County which address public solutions to water and land use conflicts. (Appendix H)

York River Use Conflict Recommendations
Recommendation 1: Develop a coastal living policy
Recommendation 2: Identity the County’s land, air and water territorial boundaries
Recommendation 3: Not Applicable to Mathews County
Recommendation 4: Develop a policy to protect working waterfront infrastructure
Recommendation 5: Create a waterfront outdoor lighting ordinance
Recommendation 6: Develop an ordinance restricting floating homes
Recommendation 7: Develop a Master Plan for Public Access infrastructure

COST: Locality staff time (question of priority)

Public Policy Option 4: Working Waterfront Districts –

- a. **No Net Loss Ordinance** – Developing a No Net Loss Ordinance could ensure that waterfront residential development will not displace working waterfront infrastructure and services.
- b. **Fisheries/ Maritime/ Aquaculture Activity District(s)** - Establish Commercial Fisheries/ Maritime/ Aquaculture Activity Districts could designate specific uses of water for water dependant industries (commercial and recreational).
- c. **Working Waterfront Overlay District** – Establishment of a Working Waterfront Overlay District would entail the identification and preservation of areas currently and historically used as working waterfronts and/or commercial fishing and aquaculture businesses.
- d. **Working Waterfront Lifestyle Commercial Zoning Ordinance** – Developing a Working Waterfront Lifestyle Commercial Zoning Ordinance would protect permitted land uses and would not change or overwhelm the pattern of existing land uses within Mathews County.

COST: Locality staff time (question of priority)

Public Policy Option 5: Storm Water Pollution Ordinance/ No Discharge Zones –

In coincidence with *Virginia Code § 15.2-1200 - General powers of counties* – secure and promote the public health safety and general welfare - a water pollution ordinance or no discharge zone(s) could protect water quality pertinent for culturing shellfish.

COST: Locality staff time (question of priority)

Public Policy Option 6: Aquaculture Business Park and Incubator –

The establishment of an In-water Aquaculture Business Park could create a relief option for aquaculturists with condemned waters. Aquaculturists could move shellfish stocks to these transfer areas where shellfish stocks would remain “consumable” by Virginia Department of Health standards. This park could also be open to the public to encourage hobby growers and ultimately continue a maritime tradition.

COST: To be determined during year two of this project

Public Policy Option 7: Current assessment and taxation regimes of Working Waterfront Properties

a. Current Use Valuation of Working Waterfront Properties –

Instead of assessing working waterfront properties at the highest and best value, General Assembly should/could consider allowing localities, like Mathews, to assess working waterfront properties at the current/actual use value.

If a. (current use valuation) is not politically possible, please consider b.

b. Taxation Credits/ Rebates/ Relief –

Advocate action by the General Assembly to amendment the land use taxation regulation, through the development of an Land Use taxation category specific to aquaculture.

**COST: -Requires action by the General Assembly
- Board of Supervisors and locality staff time (question of priority)**

Acknowledgments

The Middle Peninsula Planning District Commission would like to acknowledge the individuals and organizations who volunteered their time to provide their expertise and insight throughout the course of this project.

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Mr. Jack White	-New Point Oysters
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Mr. Rolf Zierow	-TOGA member
Mr. Gladestone Chandler	-TOGA member
Mr. Peter Perina	-East Field Farms
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I. Introduction

Aquaculture and related working waterfront infrastructure is a complex economic, environmental, land and water resource issue; and as many coastal localities within the Middle Peninsula struggle with becoming less rural and more suburban, balancing growth, preserving coastal character and culture, and delivering public services, a local public policy conundrum is formed. Consequently, local governments need to begin to ask themselves, “To what extent will our future economic fabric rely on the opportunities presented from a coastal environment and what public policy will govern such opportunities.”

Mathews County, a member locality of the MPPDC, has had a long history of maritime and working waterfront traditions, but recently coastal development pressures, an aging demographic as well as fishery stresses, have caused shifts away from traditional water-based livelihoods. Though these changes in the County dynamics may be considered the end of a water based economy, this project presents an opportunity for Mathews County to support existing water dependent industries and encourage the “next generation of watermen,” - Aquaculturists and their associated working waterfronts.

Year 1 of this project was intended to grasp a comprehensive perceptive of the working waterfront industries (eg. commercial and recreational) in the Middle Peninsula and suggest new public policies. More specifically this project focused on:

1. Developing a brief educational program articulating the economic and cultural tradeoffs of various community development scenarios and public policy options for Mathews County.
2. Conducting an inventory of communities who have taken actions to preserve and sustain their working waterfront and assess the economic effectiveness of Mathews working waterfront economic engine.
3. Suggesting various new or modified public policy options (eg. Model Comprehensive Plan Language, Model Ordinance) to strengthen aquaculture-working waterfront infrastructure to enhance sustainability.

To begin to understand the current scope (ie. economic, ecologic and social aspects) of aquaculture-working waterfront within the county, an Aquaculture Working Waterfront (AWW) Steering Committee was established. With the help of Mathews County Administrator and County Planning Staff, committee members were appointed based on their active participation in the aquaculture and/or working waterfront industry. Through a series of meetings the Committee was specifically asked to

share their expertise with regard to current business models, the challenges encountered in the industry, as well as public policy options.

The remainder of this document will discuss how MPPDC staff approached and progressed toward the development of public policy options to preserve and/or enhance aquaculture and working waterfronts in Mathews County.

II. Establishing the foundation to suggest public policy options in Mathews County

Inventory of communities who have developed public policies to enhance and protect working waterfront and associated operations

Within Virginia the majority of the population resides on the coast. Between 1990 and 2000 the population within the coastal region has increased by more than half a million people, which accounts for approximately 60% of the total population growth in the Commonwealth. Consequently, as more and more people move toward the coast, coastal development pressures and demand for resources increase. Though coastal residential development may be economically appealing to some communities, localities ultimately sacrifice losing their historical character, culture, and heritage. Traditional access points have been built upon, fenced off, posted “No Trespass”, or purchased by new owners who are unwilling to continue old patterns of public access uses. Moreover, as coastal properties become more desirable and increase in market value, property taxes increase. Higher taxes have forced watermen, who once owned the property, to vacate the waterfront since they can no longer afford soaring property taxes.

As a coastal region, the Middle Peninsula is facing similar scenarios and is currently faced with the question of what actions, if any, should be taken to preserve and enhance working waterfronts. To understand how other localities have approached similar concerns about working waterfronts, MPPDC staff researched localities nationwide and internationally. A document, titled “Inventory: Coastal Communities taking action to Preserve and Sustain Working Waterfronts, Commercial Fishing Operations and Aquaculture Enterprises” was created (See Appendix 1 for the full document) and provides examples of statutory (ie. zoning, purchase of development rights programs and taxation of property at current use value) and/or non-statutory tools (ie. land conservation, land acquisition tools, waterfront mapping and inventories, education, and funding programs) to enhance and preserve significant facets of working waterfronts which may be considered within the Middle Peninsula.

Snapshot: Collection of community solutions and tools from “Inventory: Coastal Communities taking action to Preserve and Sustain Working Waterfronts, Commercial Fishing Operations and Aquaculture Enterprises”

The actions taken by states and localities are a reflection of their own unique goals and objectives to safeguard and enhance working waterfronts, but they are different approaches to similar issues:

- County property assessors were mandated to set the value of working waterfront for **tax purposes at its current use**, instead of at its highest and best use (page 7).
- **Property tax relief** was provided for working waterfront properties (page 7).
- **Development rights** were sold as a covenant to a third party to ensure the property would remain as a working waterfront (page 7).
- Counties and municipalities were authorized to provide property **tax credit** for “commercial waterfront property” (page 8).
- **Transition Zone Policies** were created to separate industrial and residential land uses (page 8).
- **Maritime Zoning Districts** were created to encourage maritime businesses to locate on the waterfront (page 9).
- Preexisting zoning ordinances were supplemented with **Commercial Maritime Districts** to preserve and protect the commercial fishing industry while allowing for commercial, industrial and recreational uses (page 10).
- **Public nuisance ordinance pertaining to the right to farm** (including **aquaculture**) was developed to protect agricultural operations from encroachment and advise people of potential inconveniences associated with agriculture activities and operations (page 10).
- **Marine Service Areas (MSA)** were created to guarantee no net loss of working waterfronts (page 10).
- **A Commercial Zoning ordinance** was created to protect and preserve the traditional family – fishing village lifestyle (page 11).
- **Commercial Fisheries/Maritime Activities Districts (CFMA)** were established due to the significance of water access and with pressures from residential development (page 11).
- **Commercial Fishing Village Overlay Districts** were created to provide maintenance and enhancement of the commercial seafood industry and related traditions, preserve and recognize existing and potential commercial fishing areas, and to minimize and reduce land use conflicts (page 12).

Besides creating statutes to preserve working waterfront, there were a variety of communities that have approached these issues in a non-statutory manner:

- **Educational** pamphlets, nonprofit organizations, alliances and institutions have been created to provide information about living within a coastal community, to educate public officials about waterfront issues as well as to purchase parcels of land to preserve waterfront properties (page 13-14).
- **Land trusts** have created partnerships with watermen and developers to protect working waterfronts and public access to the water (page 14).
- **Funding programs** have been established to assist with maintaining working waterfront infrastructure, acquiring waterfront property, and financing to assist individuals, associations or companies in fish and seafood production, processing, distribution, retail, food service, support or advisory services within the industry (page 14-15).
- **Mapping initiatives** have created maps of water access infrastructure and waterfront depend business to support working waterfront policy, conservation, and planning (page 15).
- Specialized **Working Waterfront Programs** have been established to assist coastal local governments with planning resources (page 16).
- **Integrated Coastal Zone Management** has been implemented within coastal European countries which promote a collaborative approach to the planning and management of the coastal zone, with a philosophy of governance by partnerships with civil society (page 16).

**NOTE page numbers correspond to page number within the Inventory document*

Educational Program: Mathews Working Waterfront in the 21st Century

With the inventory of communities complete, MPPDC staff focused on engaging the Mathews County local elected officials on the economic and cultural tradeoffs of various community development scenarios. To accomplish this, an educational DVD titled, “Mathews Waterfront in the 21st Century”, was developed (Appendix 2). The DVD briefly reviews Mathews County’s maritime culture; it describes how Mathews County is shifting away from traditional working waterfront economy, and then presents aquaculture as an option to promote an active 21st century seafood industry. The DVD also introduces specific public policy options that the Mathews County Board of Supervisors could consider to enhance and/or sustain working waterfronts within its jurisdiction.

III. Economic Impact of Aquaculture - Working Waterfronts and Commercial Seafood Industry in the Middle Peninsula

As stated earlier, the seafood industry with Mathews County has historically been the economic corner stone for the county, but with recent shifts away from traditional water-based livelihoods, Mathews County may need to consider new police policies to support and preserve remaining working waterfront industries.

Shellfish aquaculture, the breeding, rearing, and harvesting of shellfish (ie. oysters and hard clams) in fresh, salt and brackish waters, has seen tremendous growth over recent years. It ultimately presents an opportunity to sustain and preserve Mathews County's working waterfront - focused identity and at the same time create a powerful economic engine for business and job growth.. To understand the current economy of aquaculture and working waterfront industries within the Middle Peninsula as well as the Mathews County, MPPDC staff gathered all available economic information from Virginia Marine Resource Commission (VMRC), Virginia Coastal Zone Management (CZM) Program, and Virginia Institute of Marine Sciences (VIMS) to conduct an economic assessment. The assessment captured the economic contributions in terms of sales and/or output, value added, and the number of full or part time jobs generated by the expenditures within the commercial seafood industry and recreational angling.



Within the Commonwealth of Virginia, Virginia Marine Resource Commission (VMRC) is the state agency assigned to carrying out the state's marine resource management including the permitting and licensing of recreational and commercial fishing gear and boats. In 2008, a total of 2,321 commercial fishing permits were issued statewide by VMRC and Mathews County, alone, represented 5.56% of these permits. Mathews County, also accounted for 739 commercial fishing licenses; this equated to approximately \$43,844.00 in revenues for VMRC (Table 1).

Table 1: VMRC Sales of Commercial Licenses and Permits in Mathews County (VMRC, 2008)

GEAR CODE and DESCRIPTION	COUNT OF GEAR	PRICE	REVENUES
101 OYSTER BY HAND	3	\$10.00	\$30.00
102 OYSTER PATENT TONGS-SINGLE	3	\$35.00	\$105.00
104 OYSTERS BY HAND TONGS	2	\$10.00	\$20.00
106 OYSTERS BY HAND SCRAPE	10	\$50.00	\$500.00
108 OYST AQUACULTURE PRODUCT OWNER	18	\$10.00	\$180.00
109 OYST AQUACULTURE HARVESTER	10	\$5.00	\$50.00
111 CLAM BY HAND/RAKE	1	\$24.00	\$24.00
112 CLAM PATENT TONGS-SINGLE	8	\$58.00	\$464.00
119 CLAM AQUACULTURE PRODUCT OWNER	3	\$10.00	\$30.00
120 CLAM AQUACULTURE HARVESTER	2	\$5.00	\$10.00
131 CONCH-DREDGE	1	\$58.00	\$58.00
132 CHANNELED WHELK POT	4	\$51.00	\$204.00
205 CRAB-ORDINARY TROT LINE	1	\$13.00	\$13.00
207 CRAB POWER DREDGE	9	\$96.00	\$264.00
208 CRAB HAND SCRAPE-SINGLE	5	\$26.00	\$130.00
209 CRAB HAND SCRAPE-DOUBLE	1	\$53.00	\$53.00
211 CRAB POT-100 OR LESS	21	\$48.00	\$1,008.00
212 CRAB POT-300 OR LESS	40	\$79.00	\$3,160.00
213 CRAB POT-500 OR LESS	2	\$127.00	\$254.00
215 CRAB SHED TANK-20 OR LESS	7	\$9.00	\$63.00
216 CRAB SHED TANK-OVER 20	3	\$19.00	\$57.00
217 CRAB PEELER POT	27	\$36.00	\$972.00
222 CRAB POT-150 OR LESS	5	\$79.00	\$395.00
223 CRAB POT-200 OR LESS	1	\$79.00	\$79.00
280 CRAB TRAP	81	\$8.00	\$168.00
301 POUND NET	10	\$41.00	\$410.00
303 GILL NETS-600 OR LESS	122	\$16.00	\$1,952.00
304 GILL NETS-1200 OR LESS	130	\$24.00	\$3,120.00
311 HAUL SEINE-500 YDS & OVER	1	\$146.00	\$146.00
319 COMMERCIAL HOOK & LINE	1	\$31.00	\$31.00
331 COMM HOOK & LINE STRIPED BASS	1	\$31.00	\$31.00
340 FISH/EEL POT-100 OR LESS	3	\$19.00	\$57.00
341 FISH/EEL POT-300 OR LESS	4	\$24.00	\$96.00
344 SB GILL NET PERMIT	8	\$0.00	\$0.00
345 SB POUND NET PERMIT	1	\$0.00	\$0.00
349 SB MULTI PERMIT	9	\$0.00	\$0.00
350 SB OCEAN PERMIT	6	\$0.00	\$0.00
351 SB OCEAN TAG TRANSFER	3	\$0.00	\$0.00
352 SB BAY TAG TRANSFER	29	\$0.00	\$0.00
353 BLACK DRUM HARVEST PERMIT	2	\$0.00	\$0.00
356 HORSESHOE CRAB ENDORSEMENT	1	\$0.00	\$0.00
357 HORSESHOE CRAB RESTRICTED	3	\$0.00	\$0.00
401 SHUCKING HOUSE-UNDER 1000	1	\$12.00	\$12.00
TOTAL REVENUES: \$43,844.00			

The Mathews County water-based economy has also seen impacts from saltwater angling. According to a report by the Kirkley, Murray and Duberg (2005), in 2004 a total of 138 (direct, indirect and induced) full and part time jobs were generated by saltwater angling and the industry contributed approximately \$3,221,000.00 to Mathews County economy (Table 2).

Table 2: Economic Impacts of Saltwater Angling in 2004 on the Economies of Mathews County (Values in 2005 Constant Dollars)

Fishing Mode	Value Added Impacts (000\$)				Output Impacts (00\$)				Employment Impacts (Full/part-time jobs)			
	Direct	Indirect	Induced	Total	Direct	Indirect	Induced	Total	Direct	Indirect	Induced	Total
Private/Rental Boat	3,188	282	354	3,824	5,350	488	568	6,406	117	9	9	135
Shore/pier/each	33	5	8	45	65	9	12	86	2	0	0	3
all fishing modes	3,221	287	362	3,869	5,415	497	580	6,492	119	9	9	138

In conjunction with saltwater angling, the dockside value of commercial fishing within Mathews County was approximately \$2,490,000.00 in 2005. Although relatively half the economic contribution of saltwater angling, recorded dockside value trends for the commercial fishing industry in Mathews County indicated a once vibrant and stable industry from 1974 through 1994 (Figure 1 and Table 3).

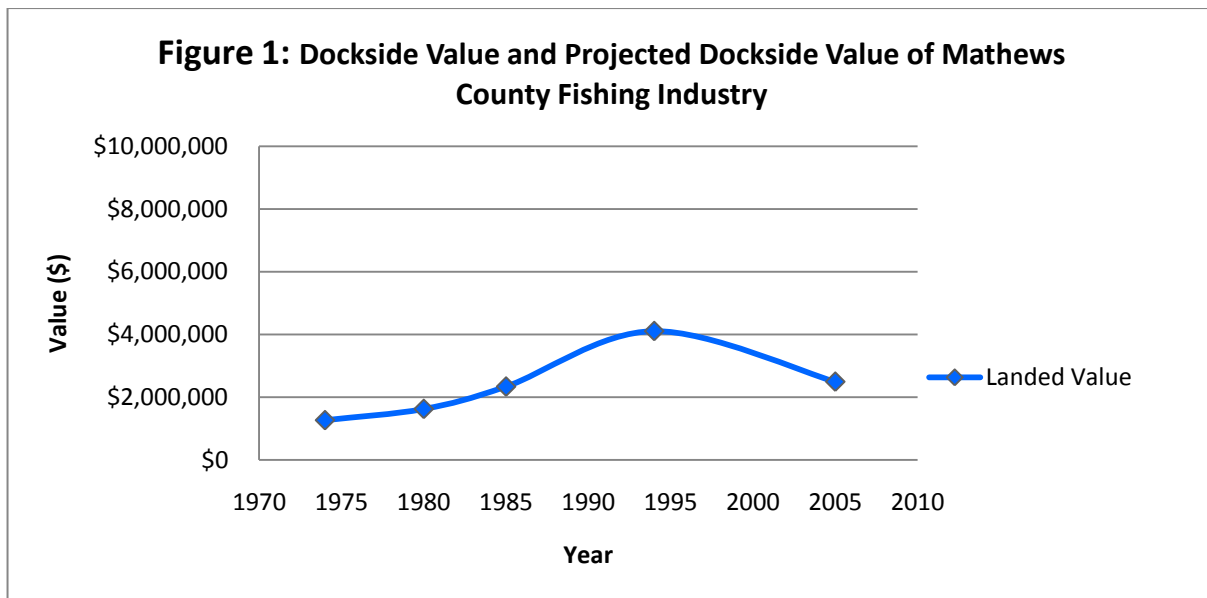


Table 2: Dockside Value of Commercial Fishing in Mathews County (Kirkley, 1997) (Kirkley et al, 2005)

Year	1974	1980	1985	1994	2005
Landed Values	\$1,263,164	\$1,622,213	\$2,334,015	\$4,104,513	\$2,490,000
	¹ Source: Kirkley, 2004				¹ Source: Kirkley et al, 2005

Consequently due to unpromising trends, aquaculture, specifically shellfish aquaculture, presents an opportunity for the Middle Peninsula as well as Mathews County to preserve and enhance a declining seafood industry.

Shellfish aquaculture has seen incredible growth over the years due to technology improvements as well as advancement in growing methodologies. For instance in 2003, oyster aquaculture production in Virginia increased by 179% from 1997, and accounted for over \$212,000 in gross sales (NASS, 2003). According to the *Shellfish Growers Survey Report: 2008-2009 Situation and Outlook Survey*, between 2008 and 2009 there will be a 46% increase in the number of market oysters sold, a 10% decline in seed oysters planted, and a 23% increase in the number of eyed larvae planted (Table 4). However when this data was reviewed by the Aquaculture Working Waterfront Steering Committee in Mathews, one committee member mentioned that his production of eyed larvae is currently exceeding the 94,000,000 larvae reported in the document. The committee agreed that in 2009 there will be 100,000,000+ eye larvae produced in the Middle Peninsula.

Table 4: Middle Peninsula Oyster Aquaculture (2008-2009)

Oysters	2008	2009 Forecast
Eyed Larvae Planted	72,000,000	94,000,000
Seed Planted	5,558,000	5,000,000
Market Oysters Sold	1,250,000 (= *4,545.45 bushels)	2,300,000 (= *8,363.64 bushels)
* "Northern Neck Oyster Production Facility 2008" Report estimated that there are 275 oysters per bushel Source: "Virginia Shellfish Growers Survey Report: 2008-2009 Situation and Outlook Survey". June 2009. VSG 09-04 VRR No.2009-05		

In the winter of 2008 the Northern Neck Planning District Commission proposed the development of an oyster production facility within the Northern Neck. Their corresponding report identified the production potential of oyster aquaculture by private companies based on the amount of subaqueous lands available in various rivers throughout Virginia. Using this as a model, MPPDC staff was able to calculate the number of the acres within this Middle Peninsula that were available of oyster leasing and then calculated the region's oyster production potential (Table 5). Using the Coastal GEMS database, MPPDC staff found that the Middle Peninsula has approximately 11,172 acres of subaqueous lands available for leasing adjacent waters (eg. Rappahannock River, York River and parts of the Chesapeake Bay). Assuming that 100 bushels of oysters can be produced per acre, the Middle Peninsula may have the potential to produce approximately 102,410,000 oysters per year. To scale this to Mathews County's, MPPDC staff also calculated the number of the acres available for private oyster

leasing within Mathews County jurisdictional boundaries. Staff found that Mathews has approximately 5,496.5 acres of private oyster lease area, which equates to a production potential of 50,384,523 oysters per year for private companies. Since Mathews County accounts for 49% of all private oyster lease areas in the Middle Peninsula, according to these calculations, Mathews County may have the most potential to expand and develop their aquaculture industry within the region. However please note that not all available private lease areas are suitable for shellfish aquaculture, and suitability is dependent on the area’s ecological conditions, including water quality, salinity, flushing, bottom type and more. Ultimately this would impact the number of oysters produced in the Middle Peninsula as well as Mathews County.

Table 5: Production Potential of oyster aquaculture by Private Companies in the Middle Peninsula and Mathews County

Location	Acres ^a	Acres/year	Bushels/year	Oyster/year
MP	11,172	3,724	372,400	102,410,000
Mathews County	5,496.5	1,832.2	183,216	50,384,523
Numbers and Ratios were obtained from the Northern Neck Oyster Production Facility Report (2008): <ul style="list-style-type: none"> • diploid on bottom culture with three year growth cycle • 100 bushels per acre • 275 oysters per bushel 				

Mathews County’s commercial aquaculturists focus on the propagation of the eastern oyster (*Crassostrea virginica*) and/or the hard clam (*Mercenaria mercenaria*). They supply in-state and out-of-state markets with their products, including Williamsburg, Richmond, Newport News, Midwest states and Philadelphia. In particular the Middle Peninsula Aquaculture Corporation ships product to 17 states, and generally sells 40% of its product within Virginia. Additionally, 99% of Middle Peninsula Aquaculture Corporation’s seed stocks go to commercial growers, while the remaining 1% is sold to hobby growers. With unpredictable markets and thus job security, some Mathews County aquaculturists seek out options to diversify their income through means of agriculture (ie. livestock, blueberry farming) as well as material/equipment (eg. cages, netting) distribution.

Besides commercial culturing, there are some citizens who grow shellfish as a hobby. TOGA, otherwise known as Tidewater Oyster Gardeners Association, is a community group who are interested in growing oysters for fun, for delicious food, and to help restore the health of the Chesapeake Bay. Although these hobby growers may not have huge economic implications for Mathews County, they are

culturally and socially valuable assets to the County since they continue maritime traditions and helped educate county residents interested in pursuing shellfish aquaculture.

IV. Enforceable Policy Directions

The Inventory of communities taking action to preserve and enhance working waterfronts along with the educational program and the economic assessment, created a solid foundation of information from which public policy options could be developed for Mathews County. In working with the Aquaculture Working Waterfront Steering Committee, MPPDC staff was able to generate a list of public policy options that addressed the committee's concerns and challenges within the aquaculture industry (eg. water quality, user conflicts, zoning, etc). Through several committee meetings public policies were reviewed and discussed individually, resulting in a final list of seven options. In particular the committee favored the right-to-aquaculture ordinance to promote a good neighbor policy and support aquaculture efforts throughout the county. Also the committee strongly favored the establishment of no discharge zones, which would assist in protecting water quality that is absolutely pertinent for culturing shellfish.

Once a list of public policy options was finalized, MPPDC staff presented the Mathews County Board of Supervisors with updates of the project and the policy options. Although the Board of Supervisors expressed support of the public policy options and the direction of the project, they asked for cost estimates associated with the implementation each policy. Therefore, MPPDC staff worked to accomplish this. Below is a list of the seven policy options with associated costs. They are arranged based on the level of difficulty to adopt and implement.

In addition to developing public policy options for Board of Supervisors to consider, MPPDC staff worked collaboratively with Mathews County Planning Staff and their consultants to develop Draft Comprehensive Plan (Appendix 4) language specific to aquaculture and working waterfronts. Such language ultimately reaffirms the county's position to support and enhance working waterfronts within the County.

Public Policy Options and Associated Costs

Public Policy Option 1: Right-to-aquaculture and/or Right to Working Waterfront Policy–

A policy to preserve aquaculture operations/working waterfronts will promote a good neighbor policy, and/or affirm the county’s commitment to aquaculture/working waterfronts.

COST: Locality staff time (question of priority)

Public Policy Option 2: Amendments to Current Land and Water Zoning Regulations Associated with Aquaculture –

Amend Mathews County’s current zoning regulations associated with aquaculture to appropriately define aquaculture and manage zones with incompatible uses. This may include exploring master spatial planning within the county’s jurisdictional boundary.

COST: Locality staff time (question of priority)

Public Policy Option 3: Adopt Recommendations from the York River Use Conflict Committee –

Mathews County Board of Supervisors should consider adopting six recommendations generated by the York River Use Conflict Committee for Gloucester County which address public solutions to water and land use conflicts. (Appendix H)

York River Use Conflict Recommendations
Recommendation 1: Develop a coastal living policy
Recommendation 2: Identity the County’s land, air and water territorial boundaries
Recommendation 3: Not Applicable to Mathews County
Recommendation 4: Develop a policy to protect working waterfront infrastructure
Recommendation 5: Create a waterfront outdoor lighting ordinance
Recommendation 6: Develop an ordinance restricting floating homes
Recommendation 7: Develop a Master Plan for Public Access infrastructure

COST: Locality staff time (question of priority)

Public Policy Option 4: Working Waterfront Districts –

- e. **No Net Loss Ordinance** – Developing a No Net Loss Ordinance could ensure that waterfront residential development will not displace working waterfront infrastructure and services.
- f. **Fisheries/ Maritime/ Aquaculture Activity District(s)** - Establish Commercial Fisheries/ Maritime/ Aquaculture Activity Districts could designate specific uses of water for water dependant industries (commercial and recreational).
- g. **Working Waterfront Overlay District** – Establishment of a Working Waterfront Overlay District would entail the identification and preservation of areas currently and historically used as working waterfronts and/or commercial fishing and aquaculture businesses.
- h. **Working Waterfront Lifestyle Commercial Zoning Ordinance** – Developing a Working Waterfront Lifestyle Commercial Zoning Ordinance would protect permitted land uses and would not change or overwhelm the pattern of existing land uses within Mathews County.

COST: Locality staff time (question of priority)

Public Policy Option 5: Storm Water Pollution Ordinance/ No Discharge Zones –

In coincidence with *Virginia Code § 15.2-1200 - General powers of counties* – secure and promote the public health safety and general welfare - a water pollution ordinance or no discharge zone(s) could protect water quality pertinent for culturing shellfish.

COST: Locality staff time (question of priority)

Public Policy Option 6: Aquaculture Business Park and Incubator –

The establishment of an In-water Aquaculture Business Park could create a relief option for aquaculturists with condemned waters. Aquaculturists could move shellfish stocks to these transfer areas where shellfish stocks would remain “consumable” by Virginia Department of Health standards. This park could also be open to the public to encourage hobby growers and ultimately continue a maritime tradition.

COST: To be determined during year two of this project

Public Policy Option 7: Current assessment and taxation regimes of Working Waterfront Properties

c. Current Use Valuation of Working Waterfront Properties –

Instead of assessing working waterfront properties at the highest and best value, General Assembly should/could consider allowing localities, like Mathews, to assess working waterfront properties at the current/actual use value.

If a. (current use valuation) is not politically possible, please consider b.

d. Taxation Credits/ Rebates/ Relief –

Advocate action by the General Assembly to amend the land use taxation regulation, through the development of an Land Use taxation category specific to aquaculture.

**COST: -Requires action by the General Assembly
- Board of Supervisors and locality staff time (question of priority)**

V. Conclusions

Aquaculture presents a great economic and cultural opportunity for the county of Mathews. As wild populations of shellfish, fin-fish and crab continue to dwindle, aquaculture may prevail as the new seafood industry in Mathews County. MPPDC staff will continue to work closely with the Mathews County Board of Supervisors as they begin to consider the new public policy options to sustain and enhance aquaculture and working waterfronts.

Project outcomes:

- Educational DVD highlighting the economic and cultural tradeoffs that Mathews County needs to consider as they take steps to preserve its working waterfront and promote an active 21st century seafood industry.
- An economic assessment of the current Mathews County seafood and working waterfront industries.
- An Inventory of Communities who have taken actions to preserve and sustain their working waterfront as well as the tools that were used.
- Model Comprehensive Plan language.
- Eight Public Policy Options that the Mathews County Board of Supervisors may want to consider to support and enhance aquaculture and working waterfronts within the County.
- Mathews County Board of Supervisors articulated their support for the progress made in this project and will continue to work with MPPDC staff and the Aquaculture Working Waterfront Steering Committee through the second year of this project.

APPENDIX 1

Inventory: Coastal Communities taking action to Preserve and Sustain Working Waterfronts, Commercial Fishing Operations and Aquaculture Enterprises

Inventory: Coastal Communities taking action to Preserve and Sustain Working Waterfronts, Commercial Fishing Operations and Aquaculture Enterprises

“The small portion of remaining shorefront suited to water-dependent uses is becoming harder for long-time landowners to retain, given development pressures and rising shorefront property taxes. Increasingly, those engaged in water-dependent businesses are driven from the waterfront-losing both their livelihood and their familiar way of life. This trend, coupled with declines in traditional industries and infrastructure, makes it hard for many marine businesses to survive.”

– Jim Connors, Maine Coastal Program



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I. Introduction

Coastal communities nationwide are being confronted with the question of whether to preserve their working waterfronts. Historically, coastal communities were the epicenters of economic development. They were the location of shipbuilding, a strong fisheries industry, as well as public access areas for recreational and commercial uses. However, over the years coastal development has threatened these culturally important working waterfronts and Virginia is no exception.

Within Virginia the majority of the population resides on the coast. Between 1990 and 2000 the population within the coastal region has increased by more than half a million people, which accounts for approximately 60% of the total population growth in the Commonwealth. Consequently, as more and more people move toward the coast, coastal development pressures increase. Coastal residential development may be economically appealing to some communities; however, localities ultimately sacrifice losing their historical character, culture and heritage. Traditional access points have been built upon, fenced off, posted “No Trespass”, or purchased by new owners who are unwilling to continue old patterns of public access uses. Moreover, as coastal properties become more desirable and increase in market value, property taxes increase. Higher taxes have forced watermen, who once owned the property, to vacate the waterfront since they can no longer afford the property tax. For instance, according to a seafood vender from South Mobile County, Alabama, “See this road out in front. Soon it will be lined with gated communities. They’ll run me out of business. I can’t afford a half-million dollar house I don’t have any friends that can afford half million dollar houses. They’ll run us out of business and we’ll have to move.”

To address concerns about working waterfronts, localities nationwide have undertaken a variety of actions to preserve working waterfronts. This document provides national and international examples of statutory (ie. zoning, purchase of development rights programs and taxation of property at current use value) and/or non-statutory approaches (ie. land conservation, land acquisition tools, waterfront mapping and inventories, education, and funding programs) to enhance and protect significant facets of working waterfronts.

II. Snapshot: Collection of community solutions and tools

The actions taken by states and localities are a reflection of their own unique goals and objectives to safeguard and enhance working waterfronts, but they are all approaches to the same issue:

- County property assessors were mandated to set the value of working waterfront for **tax purposes at its current use**, instead of at its highest and best use (see page 7).
- **Property tax relief** was provided for working waterfront properties (see page 7).
- **Development rights** were sold as a covenant to a third party to ensure the property would remain as a working waterfront (see page 7).
- Counties and municipalities were authorized to provide property **tax credit** for “commercial waterfront property” (see page 8).
- **Transition Zone Policies** were created to separate industrial and residential land uses (see

page 8).

- **Waterfront Maritime Districts** were created to encourage maritime businesses to locate on the waterfront (see page 9).
- Preexisting zoning ordinances were supplemented with **Commercial Maritime Districts** to preserve and protect the commercial fishing industry while allowing for commercial, industrial and recreational uses (see page 10).
- **Public nuisance ordinance pertaining to the right to farm** (including **aquaculture**) was developed to protect agricultural operations from encroachment and advise people of potential inconveniences associated with agriculture activities and operations (see page 10).
- **Marine Service Areas (MSA)** were created to guarantee no net loss of working waterfronts (see page 10).
- **A Commercial Zoning ordinance** was created to protect and preserve the traditional family – fishing village lifestyle (see page 11).
- **Commercial Fisheries/Maritime Activities Districts (CFMA)** were established due to the significance of water access and with pressures from residential development (see page 11).
- **Commercial Fishing Village Overlay Districts** were created to provide maintenance and enhancement of the commercial seafood industry and related traditions, preserve and recognize existing and potential commercial fishing areas, and to minimize and reduce land use conflicts (see page 12).

Besides creating statutes to preserve working waterfront, there were a variety of communities that approached this issue in a non-statutory manner:

- **Educational** pamphlets, nonprofit organizations, alliances and institutions have been created to provide information about living within a coastal community, to educate public officials about waterfront issues as well as to purchase parcels of land to preserve waterfront properties (see page 13-14).
- **Land trusts** have created partnerships with watermen and developers to protect working waterfronts and public access to the water (see page 14).
- **Funding programs** have been established to assist with maintaining working waterfront infrastructure, acquiring waterfront property, and financing to assist individuals, associations or companies in fish and seafood production, processing, distribution, retail, food service, support or advisory services within the industry (see page 14-15).
- **Mapping initiatives** have created maps of water access infrastructure and waterfront dependent business to support working waterfront policy, conservation, and planning (see page 15).
- Specialized **Working Waterfront Programs** have been established to assist coastal local governments with planning resources (see page 16).
- **Integrated Coastal Zone Management** has been implemented within coastal European countries which promote a collaborative approach to the planning and management of the coastal zone, with a philosophy of governance by partnerships with civil society (see page 16).

III. Statutory Approaches

a. Federal Legislation	Action
Working Waterfront Preservation Act 2005	<p>The bill would amend the Magnuson-Stevens Fishery Conservation and Management Act to establish a fund for the acquisition of waterfront property by state and local governments, nonprofit organizations, and fishing cooperatives to provide access for commercial fishing and aquaculture industries. It would appropriate \$50 million in 2005 and 2007 to fund eligible projects, which are projects “to acquire real property or an interest in real property in a Coastal State for the purpose of providing access to persons engaged in the commercial fishing industry or the aquaculture industry to coastal waters in working waterfront areas.” Land owners selling their land to grant recipients would be provided with a fifty percent tax break.</p> <p><i>Since introduced to the Senate it has been referred to the Committee of Finance. There has been no major action since then.</i></p>
Working Waterfront Preservation Act Bill 2007	<p>This bill is to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize the Secretary of Commerce to award a grant to a state or local government of a coastal state, a nonprofit organization, or a fishing cooperative for projects to: (1) acquire real property in a coastal state to provide access to commercial fishermen or persons in the aquaculture industry to coastal waters in working waterfront areas; or (2) make improvements to real property owned by an eligible entity in a coastal state to provide access to such persons to coastal waters in working waterfront areas.</p> <p><i>Since introduced to the Senate on March 1, 2007 the bill has been read twice and referred to the Committee on Finance. There has been no major action since then.</i></p>

<p>Coastal Zone Management Act – Reauthorization 1990</p>	<p>This Act directs state programs to provide for:</p> <ol style="list-style-type: none"> 1. Protection of natural resources within the coastal zone, including wetlands, floodplains, estuaries, beaches, dunes, barrier islands, fish and wildlife, and their habitat. 2. Management of coastal development to minimize loss of life and property caused by improper development in hazard-prone areas and in areas vulnerable to sea level rise, land subsidence and saltwater intrusion and by destruction of protective natural features such as beaches, dunes, wetlands and barrier islands. 3. Management of coastal development to restore and improve, safeguard and restore coastal water quality and to protect natural resources and existing uses of coastal waters. 4. Priority consideration to be given to coastal-dependent uses and orderly processes for siting major facilities related to national defense, energy, fisheries, recreation, ports and transportation, and the location of new commercial and industrial developments in or adjacent to areas where such development already exists. 5. Public access to the coast for recreation purposes. 6. Assistance in the redevelopment of deteriorating urban waterfronts and ports and restoration of historic, cultural and aesthetic coastal features. 7. Coordination and simplification of procedures to ensure expedited governmental decisions for management of coastal resources. 8. Continued consultation and coordination with affected federal agencies. 9. Opportunities for public and local government participation in coastal management decision making. 10. Assistance to support comprehensive planning, conservation, and management for living marine resources, including planning for the siting of pollution control and aquaculture facilities within the coastal zone, and improved coordination between state and federal coastal zone management agencies and wildlife agencies. 11. Study and development of plans for addressing adverse effects on the coastal zone of land subsidence and of sea level rise.
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b. State Legislation	Action
Florida	
Amendment 6 of the state constitution	<p><i>The assessment of the following working waterfront properties shall be based upon the current use of the property:</i></p> <ul style="list-style-type: none"> <i>a. Land used predominantly for commercial fishing purposes.</i> <i>b. Land that is accessible to the public and used for vessel launches into waters that are navigable.</i> <i>c. Marinas and drystackes that are open to the public.</i> <i>d. Water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities.</i> <p>With marine business owners are under pressure to convert their marinas, boatyards, drystackes, commercial fishing and other marine- related facilities to other more profitable uses including condominiums, in part because of high waterfront taxes, Amendment 6, passed on November 4, 2008, mandates county assessors to set the value of working waterfront for tax purposes at its current use, instead of at its highest and best use.</p>
North Carolina	
General Assembly Senate Bill 646	<p><i>The purpose of this legislation is to provide property tax relief for working waterfront property, to establish the advisory committee for the coordination of waterfront access, to make expanded public assess to coastal waters a priority in planning state road projects, to increase fees for vessel titling, to waive permit fee for emergency coastal area management act permits, and to direct a study of construction and repair in regulated flood zones, as recommended by the waterfront to access study committee.</i></p> <p>Population growth has created market demand for coastal real-estate, leading to non-waterfront-dependent shoreline development, increasing property taxes, a loss in the diversity of waterfront-dependent uses and reduced public access points. Consequently, NC mandated the creation of a Waterfront Access study committee to develop a coordinated plan for providing greater waterfront access in the State. The plan addressed geographic diversity of waterfront access, diversity of types of waterfront access, and funding for waterfront access. This committee also developed recommendations for enhancing waterfront access in the state.</p>
Maine	
An Act to Preserve Maine’s Working Waterfront bill, LD 1972	This act allows waterfront property that supports the commercial fishing industry to be taxed based on its current use and not taxed on the ‘just value’ as previously mandated.

<p>Working Waterfront Bill, LD 1930, Purchase of Development Right Program</p>	<p>This bill allows a working waterfront business to sell some of its development rights, as a covenant, to a third party. The covenant would ensure that the property remain as working waterfront and allow the property to be taxed a reduced rate.</p>
<p>Maryland</p>	
<p>General Assembly House Bill 612 / Senate Bill 676</p>	<p><i>This bill authorized counties and municipalities to provide a property tax credit for “commercial waterfront property.” Local governments may provide, by law, for the amount and duration of the credit, additional eligibility criteria, regulations and procedures for the application and uniform processing for requests for the tax credit and may other necessary provision to carry out the tax credit.</i></p> <p><i>Commercial waterfront property is defined as real property that is adjacent to the tidal waters of the state; is used primarily for a commercial fish operation or as a commercial marina or commercial marine repair facility and has produced an average annual gross income of at least \$1,000 in the most recent three-year period.</i></p> <p>As waterfront development increases within some coastal communities in Maryland there has been an increase in property taxes. Waterfront businesses that cater to commercial fishermen often face this challenge as property taxes increase and their property use and revenue remain the same. In 2007, the Working Waterfront Commission was created to study and make recommendations to protect and preserve Maryland’s commercial seafood industry access to public trust water. As a result, the General Assembly passed legislation that gives counties and municipalities the authority to adopt local polices that provide property tax relief for working waterfronts. Although passed by the house and the senate it was vetoed by the Governor in May 2008.</p>
<p>c. County/District Legislation</p>	<p>Action</p>
<p>San Diego, Ca Division: San Diego Unified Port District BPC policy No.725</p>	<p><u>Transition Zone Policy Principles:</u> <i>Provide mandated separation between industrial and residential land uses, safeguard the environmental health of the original neighborhoods and residents. Protect and enhance existing and prospective operations for the businesses governed by the city to include visitor serving, commercial, retail, industrial working waterfront and maritime related job-projecting industries. Only permits used that do not pose a health risk. Incentives measures to reduce health risk, noise, traffic, and non renewable energy consumption. Development will be limited to parking for office buildings and green belt areas. May include land use designations of businesses. Transition zones should make the highest and best use of land.</i></p> <p><u>Distribution Zone Policy principles:</u> <i>Includes the following uses: tourist and visitor serving, retail, commercial, recreational, maritime, industrial staging, intermodal transfer,</i></p>

	<p><i>warehousing and cargo assembly only permitted used that do not pose a health risk to sensitive receptor land uses adjacent to or in near proximity will be issued.</i></p> <p>The working Waterfront Group proposed that the Port, the City of San Diego, the City of National City and the community stakeholders develop land use guidelines and community or specific plans that create transition zones from the Port’s industrial properties to the bordering residential neighbor hoods. A transitional zone is a sequence of graduated land used that serve to insulate and protect the integrity and environmental health of residential areas and concurrently preserve the maritime industrial jobs cluster</p>
<p>Annapolis, Maryland Chapter 21.46 Waterfront Maritime Districts</p>	<p><i>a. Waterfront Maritime Industrial district is intended to provide a location for land intensive maritime and accessory use which require or clearly benefit from a waterfront location. It is the further intent of this district to support the City’s maritime industry by limiting competing land used and buffering adjacent used form the adverse effects of permitted uses.</i></p> <p><i>b. Waterfront Maritime Conservation District is intended to provide a location for maritime-related activities, public access and recreational uses of the waterfront in an attractive environment which supports and is harmonious with the interrelationship of the historic urban core, the waterfront and adjacent commercial and residential uses.</i></p> <p><i>c. The WMM waterfront mixed Maritime district is intended to reserve areas along the water’s edge for maritime uses, provide an environment for supporting marmite merchandising efforts and to encourage the preservation of existing buildings and uses. In support of specified maritime uses, the Waterfront Maritime Industrial district is intended to provide a location for land intensive maritime and accessory use which require or clearly benefit from a waterfront location. It is the further intent of this district to support the City’s maritime industry by limiting competing land used and buffering adjacent used form the adverse effects of permitted uses.</i></p> <p><i>d. The WME Waterfront Maritime Eastport district is intended to provide a location for maritime and accessory uses in conjunction with single-family residences in areas where the existing lot configuration limits the effective functioning of maritime industrial operations. WMM district also provides for some non-maritime uses</i></p> <p>In 1987, Annapolis passed a new zoning law to protect the commercial waterfront by creating “Maritime Zoning Districts”. This intended to encourage maritime businesses to be located on the waterfront. The City adopted a Waterfront Maritime Conservation District (WMC) that intended to support the “interrelationship” of urban, waterfront and commercial and residential uses. In addition the Waterfront</p>

	<p>Maritime Industrial (WMI) district has been adopted to provide locations for intensive maritime and accessory uses. Also there is an ordinance in regards to Waterfront Mixed Marine (WMM) and Waterfront Maritime Eastport (WME) Zoning Districts. See Appendix A for uses that are applicable for each district.</p>
<p>Worcester County, MD Commercial Marine District at West Ocean City Harbor</p>	<p><i>Purpose and intent. This district is intended to preserve and protect Worcester County's commercial fishing industry while allowing for commercial, industrial and recreational uses which of necessity must be located in close proximity to waterfront areas. Additionally, it provides for other compatible uses which may find a waterfront location desirable. Furthermore, it is the intent of this district that there shall be no basis, under this Title, for recourse against the effects of any normal commercial fishing or other commercial marine activity or operation as permitted in this district, including but not limited to noise, odor, vibration, fumes, dust or glare</i></p> <p>A commercial marine district was added to its zoning ordinances in December 1998 in order to preserve and protect Worcester County's commercial fishing industry as well as the commercial, industrial and recreational uses dependent on waterfront access. Also included no discrimination ordinance against noise, odor, vibration, fumes, dust or glare from normal commercial fishing operations or other commercial marine activity that takes place. Moreover the West Ocean City Harbor has been divided into commercial and recreation sections with a pint parking area. The commercial section is than further divided into dock spaces for the issuance of exclusive licenses to commercial fishermen</p>
<p>County of Kings, CA Code of Ordinance, public nuisance ordinance, pertaining to the right to farm</p>	<p><i>(1) protect agricultural land, operations, and facilities from conflicting used due to the encroachment of incompatible non agricultural uses of the land in agricultural areas of the county, and (2) to advise developers, owners and subsequent purchasers of property in the County of the inherent potential inconveniences and discomforts often associated with agricultural activities and operations including, but not limited to equipment, and animal noise; farming activities conducted on a 24-hour a day, 7 –day a week basis; odors from manure, fertilizers, pesticides, chemicals or other sources; the aerial and ground application of chemicals and seed; dust; flies and other insects; and smoke from agriculture operations</i></p> <p>Within this county agriculture operations (ie. Production, cultivation, growing and harvesting of an agriculture commodity including timber, viticulture, apiculture, aquaculture, or horticulture; livestock, fur bearing animals, fish or poultry) are the principal and favored uses of land. They have designated "agricultural" areas and in order to implement goals 5 and 6 of the Kings County General Plan they have adopted this public nuisance ordinance</p>
<p>Martin County, FL No Net Loss Ordinance</p>	<p><i>Marine Service Areas (MSA) shall not be developed or converted to permanent residential uses other than accessory dwelling units. MSA shall be primarily used from</i></p>

	<p><i>marine service uses such as marinas and marine repair and storage facilities and shall specifically exclude permanent residential uses</i></p> <p>Since 2002 the County has considered various options for ensuring that waterfront residential development does not displace necessary marine service uses such as marinas, boat repair and boat storage facilities. As part of this ordinance the Staff created and is maintaining a Marine Services Area Map in order to keep the public informed as to the scope of the “no net loss policy” and help to track changes over time.</p>
<p>Dare County, NC Wanchese Village Commercial Zoning</p>	<p><i>4. Specific waterfront commercial accessory uses associated with principal use:</i></p> <ul style="list-style-type: none"> <i>a. commercial fishing and crabbing business, retail and wholesale markets, including all rigging and storage of crab and fish gear</i> <i>b. boat dockage of ten slips or less</i> <i>c. Boat shop not to exceed 1,200 sq feet of floor area and limited to the construction of 36-foot boats</i> <i>e. Boathouses and sheds</i> <i>f. Boat rentals limited to non-motorized watercraft.</i> <i>g. Fishing party excursion ½ day and full day trips</i> <i>h. Private boat ramps for residential use of commercial accessory use</i> <i>i. schools offering private lessons for sailing and other outdoor activities</i> <p>To protect and preserve the traditional family –fishing village lifestyle, a commercial zoning ordinance was created which permitted land uses that will not change or overwhelm the patterns of existing land uses within the village and the southern end of Roanoke Island. The district allows for mixed uses combined with various industrial commercial services and small retail businesses that compliment the area.</p>
<p>St. George, ME Shoreland Zoning Ordinance</p>	<p><i>The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14,[Refer to Appendix B] and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:</i></p> <ul style="list-style-type: none"> <i>1. Shelter from prevailing winds and waves;</i> <i>2. Slope of the land within 250 feet, horizontal distance, of the shoreline;</i> <i>3. Depth of the water within 150 feet, horizontal distance, of the shoreline;</i> <i>4. Available support facilities including utilities and transportation facilities; and</i> <i>5. Compatibility with adjacent upland uses.</i>

	<p>This area is home to the largest ground fishing fleet in Maine, with 485 commercial fishing licenses requiring waterfront access in 2003. The majority (67%) of working-waterfront access and services are provided over privately owned residential property, and it is those privately owned residential facilities that are most at risk to loss of access. Due to the significance of water access and with pressures from residential development they created a shoreland zoning ordinance that designates “Commercial Fisheries/Maritime Activities Districts (CFMA)</p> <p>http://www.stgeorgemaine.com/files/Shoreland%20Zoning%20Ordinance%2003102008.pdf</p>
<p>Mayport Village, FL Mayport Village Overlay Zone Regulations</p>	<p><i>The Mayport Village has been negatively affected by current zoning districts which do not recognize the unique character of the community. For many years, zoning has allowed intensive and intrusive uses to locate in the Mayport Village and has not encouraged the kind of development that promotes and sustains a community which is stable and economically viable, and which consists primarily of a fishing village and a single-family/owner-occupied neighborhood. Standard zoning districts also do not recognize the small residential lots, waterfront land use, and other aspects of the unique development pattern of Mayport Village.</i></p> <p>Historically, this community has been a fishing village that has been identified as an invaluable resource. To protect and sustain this community, a Working Waterfront Overlay district was created. The ordinance not only created zoning districts, but it mandated that any new development and redevelopment, within the Village needed to reflect the vernacular of there of the building construed in Mayport Village during the 1920’s, 1930’s and 1940’s.</p>
<p>Beauford County, SC Commercial Fishing Overlay District</p>	<p><i>The cultural contributions of the seafood industry to Beauford County are so significant and appealing that the county strives to maintain the seafood industry aura, although the industry is in decline. This may be achieved, in part, through the development of the Commercial Fishing Village Overlay District. The CFV overlay districts are areas that are currently and historically used for commercial fishing. Detailed policies and zones are set out for the CFV district. The goals of the CFV district are:</i></p> <ol style="list-style-type: none"> <i>(1) To provide for the maintenance and enhancement of the commercial seafood industry and related traditional uses such as retail, storage, repair and maintenance that support the commercial seafood industry.</i> <i>(2) To preserve and/or recognize existing and potential commercial fishing areas and related activities and developments.</i> <i>(3) To minimize and reduce conflicts between the seafood industry and residential development by reducing the potential for land use conflicts between the two types of uses.</i>

	<p>Due the historically significance of the seafood, fish, shrimp, crabs and oyster industries within the county there was a need to preserve the culture and infrastructure. The preservation of the seafood industry and the fabric of its traditions within Beaufort County has different meaning to different people. For fishermen, the preservation of the industry means the preservation of a livelihood. Today the industry is in decline; nevertheless, the demand for fresh seafood from Beaufort County's waters is still high. The seafood industry remains a vital part of the county's economy; in 1997 seafood and seafood-related jobs exceeded 1,800 in number. This figure includes both direct and indirect job creation, i.e., jobs in harvesting, preparation, and distribution of both wholesale and retail seafood.</p>
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IV. Non Statutory Approaches	
Location	Action
a. EDUCATION	
<p>Harpswell, ME Mooseabec, ME</p>	<p>Educational pamphlets were put together to provided information about a being a coastal community and identified sights, smells, sounds, touches and tastes that might be encountered within this community. Also it provides a glimpse into the cultural and social aspects of the community. http://www.seagrant.umaine.edu/documents/pdf/moosabec04.pdf http://www.seagrant.umaine.edu/documents/pdf/harpswell.pdf</p>
<p>Cortez Island, FL Florida Institute for Saltwater Heritage (FISH)</p>	<p>FISH is a nonprofit organization that has been organized by the fishing village of Cortez. With much of the villages history formed around being a fishing village, and due to current development pressures in 1991, the Cortez Village Historical Society and the Commercial Fishing Organization, the organized fisherman of Florida, joined to create FISH. Its mission is to preserve the character and heritage of Florida's traditional waterfront communities. This group as raised its own money, through an annual festival and donations, to purchase parcels of land to add to their Preserve. As they become more established they are obtaining grant funds from the state to conduct projects associated with working waterfronts in Florida. For additional information see http://fishnews.org/preserve/</p>
<p>Legacy Institute for Nature and Culture</p>	<p>Believes connections to natural environments and rural cultural legacies are essential in achieving sustainability. The Florida-based institute connects mainstream society with environmental and cultural issues through communication programs. This group has specifically worked with the communities of Cortez and Cedar Key, FL that were historically fishing villages and that are facing the challenges of population growth, development, degradation of local ecosystems, and increasing regulation of marine resources. For additional information see www.linc.us</p>

Metropolitan Waterfront Alliance	This alliance was established to provide education and opportunity for public officials and the public at large to understand waterfront issues in New York and New Jersey coastal areas. For additional information see www.waterwire.net
b. LAND TRUSTS	
Maui, Hawaii Maui Coastal Land Trust	The public responded after a developer planned 52 residences on a coastal parcel. The developer considered the concerns of the community and re-drafted his plan. The developer cut the number of residence to 13, and dedicated 20 acres as a public conservation easement, complete with public access road and parking lot, to the Maui Coastal Land Trust.
York Harbor, ME York Land Trust	Historically this area was an old fishing village in Southern Maine dating back to the early 1600s. It continues today as a vibrant fishing community with approximately 35 lobster boats, 4 tuna boats and 3 draggers. In 2003 a commercial pier (2,290 square feet) on the York River was listed for sale with a small piece of adjoining land (.15 acre). The asking price for the entire property was over \$800,000 and the estimated business value was \$300,000. Two lobstermen were interested in purchasing the land but could not afford it. Willing to pay \$300,000 the lobstermen created a partnership with York Land Trust to raise the remaining funds for the land. They created language for a conservation easement that required the property to be used only as working waterfront, provided public access on a portion of the property, and protected its scenic beauty.
Maine's Working Waterfront Bond: York Land Trust	York Land Trust partnered with lobstermen to purchase and protect a traditional fishing dock and adjacent plot of land. The land trust holds a conservation easement protecting the scenic view and water quality.
c. FUNDING PROGRAMS	
Maine	
Working Waterfront Access Pilot Program	Provides funds of \$2 million in bonds, via a competitive application process, for securing working waterfront property. To permanently preserve working waterfront access there is a purchase of development rights.
Land for Maine's Future Program, Water access Fund	Provides grants to local communities interested in acquire waterfront property for public access.
Land for Maine's Future Programs Public: Access to Maine Waters Fund	Provides funding for the acquisition of small parcels of land for public access to the water. Parcels may be used for commercial purposes as long as it does not exclude public access to the water.
Small Harbor Improvement Program	Provides funding to municipalities to improve public wharves, landings and boat ramps. These grants are managed by Maine's Department of Transportation.
Community Development Block Program	Funds low-income communities to support working waterfronts through Public Facilities Grants (up to \$250,000) or Economic Development Infrastructure Grants (up to \$400,000).

Coastal Enterprises, Inc	Is a private, nonprofit Community Development Corporation and Community Development Financial Institution that provides financing and support in job creating small businesses, natural resources, industries, community facilities and affordable housing. Its market is not limited to Maine, however has helped lobstermen purchase waterfront property to be preserved for future generations.
North Carolina	
Waterfront Access and Marine Industry Fund	This program funds \$20 million for waterfront property purchases or development of public and commercial waterfront access facilities.
New Jersey	
Fund for a Better Waterfront, Inc. Hoboken, NJ	This group was formed to make the waterfront in Hoboken, New Jersey, a park area accessible to the public. The fund may also provide assistance to communities outside of NJ.
NJ's Coastal Blue Program	This is a state funded program to help municipalities protect or restore beaches damaged by storms, while also protecting recreational access. To be eligible the property must have lost at least half of its value due to storm damage.
Nationwide	
Ocean Trust	A conservation organization combining science, conservation and partnerships to help maintain the oceans as a resource for all people. In the past, Ocean Trust grants have been available to individuals, associations or companies in fish and seafood production, processing, distribution, retail, food service, support or advisory services within the industry. For additional information see www.oceantrust.org
NOAA's Coastal and Estuarine Land Conservation Program (CELCP)	Provides state and local governments with matching funds to acquire high-priced coastal properties
d. MAPPING INITIATIVES	
Mapping Maine's Working Waterfronts	This is a collaborative project led by the Island Institute that inventories the state's current water-access infrastructure to provide better information to support working waterfront policy, conservation and planning at state and local levels. The Institute has developed maps of coastal counties and identifies current working waterfront areas and public access sites. Maps which are assessable at http://www.islandinstitute.org/working_waterfront_access.php
Southern Mobile County, Alabama	A mapping project funded by the Mississippi-Alabama Sea Grant created maps of waterfront dependent businesses, and private and public boat ramps of Southern Mobile County. The goal of this project was not only in improve the communities understanding working waterfronts but to assist the community when making informed decisions.

e. WORKING WATERFRONT PROGRAMS	
Waterfronts Florida Partnership Program	As part of Florida’s Department of Community Affairs the Waterfront Florida Partnership Program offers help to all coastal local governments in Florida to revitalize their working waterfronts by providing resources for planning. This program also designates selected communities to receive technical and limited financial assistance. New communities are designated as Waterfronts Florida Partnership Communities through a competitive application process held every two years. If chosen the community receives intensive technical assistance and limited financial assistance. Year one focuses on developing a vision plan, addressing priority areas: 1) public access to the waterfront area; 2) hazard mitigation; 3) environmental and cultural resource protection, and 4) enhancement of the viable traditional economy or economic restructuring, as feasible. During year 2 the vision plan will be implemented and integrated into the comprehensive plan.
Local Waterfront Development Program New York	Assists communities in the development of a land and water use plan for waterfronts as well as with a companion set of strategies for action.
Port Salerno Commercial Fish Dock Authority Florida	A local, grassroots organization that in conjunction with the Martin County Board of County Commissioners developed an innovative prototype to provide commercial fishing dock space along working waterfronts that include sport fishing, charter boats, and commercial boats. The Authority can be contacted at (772) 201-7967.
f. MANAGEMENT APPROACHES	
European Communities: Integrated Coastal Zone Management	A coastal zone management strategy from Europe that considers the many inter related biological, physical and human problems presently facing coastal zones. In part this plan traces underlying problems related to a lack of knowledge, inappropriate and uncoordinated laws, a failure to involve stakeholder, and a lack of coordination between the relevant administrative bodies. Ultimately this plan aims to promote a collaborative approach to planning and management of the coastal zone, with a philosophy of governance by partnerships with civil society.

V. Appendix A- Waterfront Maritime Zoning Districts, Annapolis, MD

21.48.040 Table of Uses--Waterfront Maritime Zoning Districts.

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

Important. The notes at the end of the table are as much a part of the law as the table itself.

Uses	District WMC	District WMM ³	District WMI ³	District WME
A. Maritime uses				
<i>1. In-water boat storage:</i>				
a. Docks, slips, piers and other facilities at which boats are berthed, only in conjunction with other maritime uses	P	P		
b. Docks, slips, piers and other facilities at which boats are berthed, in conjunction with other maritime uses		P	P	P
c. Yacht and sailing clubs, and member services	P	P	P	P
d. Sailing schools	P	P	P	P
<i>2. On-land boat storage:</i>				
a. Open areas, paved or unpaved, and structures providing for on-land boat and marine equipment storage and display	P		P-Std	
b. Open areas, paved or unpaved, providing for on-land boat and marine equipment storage and display		P		P
c. Structures existing as of August 24, 1987 providing for on-land boat and marine equipment storage and display		P		P
<i>3. Boat repair and maintenance:</i>				
a. Vessel repair and maintenance	P	P	P	P
b. Maritime engineer/mechanical repair	P	P	P	P
c. Boat, yacht and watercraft haul-out facilities and maintenance operations	P	P	P	P
d. Fuel storage and refueling facilities for marine craft	P	P	P	P
e. Accessory on-land material storage	P	P	P	P
<i>4. Marine fabrication:</i>				
a. Sail and canvas accessory manufacture	P	P	P	P
b. Spar and rigging construction	P	P	P	P
c. Maritime carpentry	P	P	P	P
d. Construction and laying up of marine molds	P	P	P	P
e. Metal casting for marine use	P	P	P	P
f. Marine industrial welding and fabrication	P	P	P	P
g. Boat manufacture	P	P	P	P
<i>5. Maritime services: functions necessary to serve in-water and on-land boat storage and working boatyards, including, but not limited to:</i>				
a. Boat dealers, brokers and manufacturers' representatives	P	P	P	P
b. Boat rentals, charters, and charters services	P	P	P	P

c. Marine parts, supplies, accessory distributors	P	P	P	P
d. Marine transportation and water taxis	P	P	P	P
e. Marine documentation	P	P	P	P
f. Boat show management and promotion	P	P	P	P
g. Nautical component servicing	P	P	P	P
h. Yacht designers	P	P	P	P
i. Marine surveyors	P	P	P	P
6. Maritime retail: display, sale and storage of marine parts, supplies, accessories, and provision of other goods including, but not limited to:				
a. Marine hardware	P	P	p ¹ ,	p ^{1,2}
b. Fishing tackle	P	P	p ¹	p ^{1,2}
c. Marine chanderies	P	P	p ¹	p ^{1,2}
d. Yacht furniture	P	P	p ¹	p ^{1,2}
e. Marine maps, magazines, catalogues and other publications		P		p ^{1,2}
f. Maritime retail		P	A-Std	A-Std
7. General maritime: general office and research functions contributing to maritime activities including, but not limited to:				
a. Marine salvage, testing, research and environmental services	P	P		
b. Marine salvage, testing, and environmental services				p ^{1,2}
c. Maritime associations	P	P		p ^{1,2}
d. Oceanographic laboratories and experimental facilities	P	P		p ^{1,2}
e. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices	P	P		p ^{1,2}
f. Tugboat, vessel towing services, fireboat, pilotboat, harbor master and similar services	P	P		p ^{1,2}
g. Specialized professional services to the maritime industry	P	P		p ^{1,2}
h. Marine transport operations, including shipping offices	P	P		p ^{1,2}
i. Marine photography, printmaking and chart-making	P	P		p ^{1,2}
j. Yacht and sailing club offices	P	P		p ^{1,2}
k. Yacht finance	P	P		p ^{1,2}
l. Maritime service organizations		P		p ¹
8. Maritime institutions:				
a. Marine educational facilities	P	P		p ²
b. Marine museums and aquariums	P	P		p ²
c. Maritime service organizations	P	P		
9. Seafood industrial:				
a. Landing, distribution, processing, brokerage, wholesale and retail sales of fish and shellfish		P	P	P
B. Other uses:				
Accessory uses	A	A		
Antenna towers			P-Std, S-	

			Std	
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std
Delicatessen			A-Std	A-Std
Food Service Marts			A-Std	A-Std
<i>Governmental uses:</i>				
Parks and recreation facilities	P		P	P
Parking structures as accessory to permitted maritime uses on a separate zoning lot		S-Std		
Professional Offices		S-Std		
Restaurant, standard	S-Std	S-Std		S-Std
Retail sales of non maritime-related goods	S-Std	S-Std		
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std
Temporary uses	P-Std	P-Std	P-Std	P-Std
Transient boater services, such as laundry, pool, recreation facilities and sales of convenience items			A-Std	

1 This use is permitted only on lots without waterfront frontage as of August 24, 1987.

2 This use is permitted in buildings located within one hundred feet of the shoreline, provided that the use does not exceed 25 percent of the gross floor area of the lot.

3 In the WMM and WMI districts non water-dependent buildings, structures, or parking are permitted within the 100-foot maritime use setback only if they meet certain bulk requirements. See Division III Chapter 21.46.

VI. Appendix B - Shoreland Zoning Ordinance, St. George, ME

Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, Landuses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for the particular site shall be determined from the Official Shoreland Zoning Map

KEY to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards)

No – Prohibited

PB – Allowed with permit issued by the Planning Board

CEO- Allowed with Permit issued by the Code Enforcement Officer

LPI – Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP- Resource Protection

SP – Stream Protection

MR – Marine Residential

RC - Recreation

CFMA – Commercial Fisheries/Maritime Activities

TABLE 1. LAND USES IN THE SHORELAND ZONE

Permits refer only to those required by the Town of St. George. Others may be required in certain cases; e.g. Army Corps of Engineers, DEP, MDOT, etc.

LAND USES	DISTRICTS					
	RP	MR	CFMA	SP	LC	RC
1.Non-intensive recreational uses not requiring structures, such as hunting, fishing, hiking	Y	Y	Y	Y	Y	Y
2.Motorized vehicular traffic on roads and trails, and snowmobiling	Y	Y	Y	Y	Y	Y
3.Forest management activities except for timber harvesting	Y	Y	Y	Y	Y	Y
4.Land management roads	PB	Y	Y	Y	Y	Y
5.Timber harvesting*	CEO	Y	Y	Y	Y	Y
6.Fire prevention activities	Y	Y	Y	Y	Y	Y
7.Wildlife management practices	Y	Y	Y	Y	Y	Y
8.Soil & water conservation practices	Y	Y	Y	Y	Y	Y
9.Mineral exploration – hand sampling*	Y2	Y2	Y2	N	Y2	Y
10.Other mineral exploration	PB	PB	PB	N	PB	PB
11.Mineral extraction, including sand & gravel	PB3	PB	PB	N	PB	PB
12.Surveying & resource analysis	Y	Y	Y	Y	Y	Y
13.Emergency operations as defined	Y	Y	Y	Y	Y	Y
14.Harvesting of wild crops	Y	Y	Y	Y	Y	Y
15.Agriculture*	PB	Y	Y	Y	Y	PB
16.Aquaculture*	PB	PB	Y	PB	Y	PB
17.Principal structures*						
One & two family residential dwellings, including driveways	PB9	CEO7	N	N	CEO7	N
Multi-unit residential	N	N	N	N	N	N
Mobile home parks	N	N	N	N	N	N
Marine-related commercial & industrial	N	N	PB6	N	PB	N
Marine-related home occupation associated family business and support activities necessary to lobstering and fishing	N	CEO	PB6	N	CEO	N
Non-marine related home occupation*	N	PB	N	N	PB	N
Motels/hotels	N	N	N	N	PB	N
Bed & Breakfasts	N	PB	N	N	PB	N
Other commercial structures	N	N	PB6	N	PB	N
Other industrial structures	N	N	N	N	N	N
Government structures	N	PB	N	N	PB	N
Institutional structures	N	PB	N	N	PB	N
18.Structures accessory to permitted uses*	PB8	PB/CEO	PB6	N8	PB/CEO	PB
19.Conversions of seasonal residences to year-round residences	LPI	LPI	N	LPI	LPI	N
20.Parking facilities	N4	PB	PB6	N	PB	PB
21.Road construction*	N3	PB	PB6	PB	PB	PB
22.Small non-residential facilities for educational, scientific or nature interpretation purposes	PB	PB	PB6	N	PB	PB
23.Public & private parks & recreation areas involving minimal structural development	N	PB	N	PB	PB	CEO
24.Campgrounds*	N	PB	N	N	N	N
25.Individual private campsites	CEO	CEO	CEO	CEO	CEO	CEO

LAND USES

DISTRICTS

	RP	MR	CFMA	SP	LC	RC
26. Piers, docks, wharves, breakwaters, causeways, bridges over 20 ft. in length, and uses projecting into water bodies or within a wetland*	PB	PB	PB	PB	PB	PB
27. Marinas	N	PB	PB	PB	PB	PB
28. Clearing or removal of vegetation for activities other than timber harvesting*	CEO1	CEO	CEO	CEO	CEO	CEO
29. Essential services accessory to permitted uses	PB5	CEO	PB	PB4	PB	PB
30. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
31. Public utilities, including sewage collection & treatment facilities	N	PB	PB	N	PB	PB
32. Signs	CEO	CEO	CEO	CEO	CEO	CEO
33. Filling or other earth moving activity < 10 cubic yds.	CEO	Y	Y	CEO	Y	Y
34. Filling or other earth moving activity > 10 cubic yds.	PB	CEO	PB	PB	CEO	PB
35. Uses similar to uses requiring CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
36. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

Notes:

1. In RP not allowed within 75 feet horizontal distance of normal high-water line of great ponds, except to remove safety hazards
2. Requires permit from CEO if more than 100 square feet of surface area, in total, is disturbed.
3. In RP not allowed in areas so designated because of wildlife value.
4. Except when area is zoned for RP due to flood plain criteria in which case a PB permit is required.
5. See further restriction in Section 15(L)(2).
6. Functional water dependent uses and uses accessory to such water dependent uses only.
7. Subject to non-conformance, Section 12.
8. Except when a variance is obtained from the Board of Appeals, in which case a permit must be obtained from the Planning Board.
9. Single family residential structures may be allowed by Special Exception only according to the provisions of Section 16(E) Special Exceptions. Two family residential structures are not permitted.

* Subject to specific Land Use Standards, Section 15

APPENDIX 2

Mathews Working Waterfronts for the 21st Century

See Enclosed DVD

APPENDIX 3

Draft Comprehensive Language

Comprehensive Plan Language has been drafted. For more information please contact the Middle Peninsula Planning District Commission.