Navigating the Challenges and Concerns Associated with Coastal Access

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Maintaining public access to the beauty and bounty of the natural world is an issue all communities face, but nowhere are concerns over public access more fraught with political conflict and uncertainty than in coastal communities. Coastlines are a desirable amenity for a multitude of reasons. One major reason is that development adjacent to the coastline has economic value as a tourist destination, but economic value must be weighed against the multitude of other benefits coastal regions provide.

Credit: John Tuggle

Coastal ecosystems play an important role in protecting homes and businesses from the damaging effects of storm surge, and they provide critical habitat for marine species such as sea turtles. The coast also sustains numerous water-based enterprises, such as oyster farming and shrimping, which require access to coastal resources to operate. In brief, the coast is not merely a passive natural amenity; it is a precious natural resource subject to competing claims of access from constituencies with differing goals and objectives. For coastal communities this means that a sizable portion of city policy must be devoted to managing access concerns. Zoning laws, public outreach, and sustainable urban design are all aspects of local planning that can be used to ensure that coastal resources are more efficiently managed.

Coastal Access 101

Coastal access may not be the first thought which comes to mind when planning a summer beach vacation, but it is a component of public policy that affects our beach experience more than we think. For example, in Gulf Shores, Alabama, local ordinances require new coastal development to develop a beach and dune enhancement plan.[1] The enhancement plan addresses various design components that occur around the primary dune system such as dune walkovers, sand fencing, and suitable natural vegetation that compliments the coastal ecosystem. Though the primary intent of these regulations is to protect the primary dune system, an indirect effect of the regulations is that it exerts an influence on how beachgoers use and interact with the shoreline. While coastal access may not be the primary driver of coastal planning decisions, the potential for city policies and public infrastructure to alter the state of public access along the shoreline can be significant and far-reaching. To guard against legal action and stay on top of public access conflicts, there are a number of basic steps cities should consider employing within their day-to-day planning practices.

One basic step planners should follow and comply with when making provisions for public access is the Public Trust Doctrine. The Public Trust Doctrine is a doctrine of common law which maintains that public trust lands, waters, and living resources within a state are held by the state for the benefit of all people. However, simply declaring a beach open to the public is not sufficient enough to ensure access for all interested parties, so cities must be good stewards of the shoreline by developing regulatory rules and safeguards, which govern coastal use and access. Coastal cities can coordinate with other local agencies to keep an accurate and up-to-date inventory of the different access points in the region. Coastal jurisdictions should strive to

encompass a diverse range of access types, such as different modes of access for cars or pedestrians, that allow for the public to enjoy the coast in a multitude of ways.

Another important step of public access policy is acquiring land. The benefits of public land acquisition are twofold: they conserve coastal habitat, and they reduce pressure on already established public access sites. Cities may opt to acquire land directly or they can work through local land trusts.[2] A land trust can acquire land and establish an easement for public access. This arrangement helps further public access goals while leaving the long-term responsibilities of land management to the local land trust.[2] Another option coastal communities can consider for land acquisition is establishing a land bank. In 1984, voters in Nantucket County, Massachusetts approved the creation of a land bank for the purposes of acquiring and managing open space resources on Nantucket Island.[3] A 2% transfer fee levied against real estate transfers within Nantucket County funds the land bank. Because the land bank is publicly financed and leaders of the organization are elected by the citizens, the Nantucket Land Bank is able to promote the long-term conservation interests of the island in a way that a more regionally focused land trust might not be able to. In one instance the land bank acquired a single-family home site with the purpose of relocating the home and combining the site with an existing land bank parcel to create a public waterfront park.[4]

Good resources for coastal access issues include non-profits and state universities. For example, the Mississippi-Alabama Sea Grant Legal Program (MASGLP) developed websites as resources for local governments, specifically, Accessing the Mississippi Coast and Accessing the Alabama Coast.

The Advantages of Compact Development and Design

One way that planners can conserve public access is by creating amenities that draw people together and encourage compact development. Although the public trust doctrine establishes that shorelines must be managed for the benefit of all people, it is important to avoid a tragedy of the commons dilemma, in which a common resource is depleted due to overuse and mismanagement. That is why it is important to cluster access needs into a few well-designed shoreline parks and marinas. An example of clustering access occurs on Skidway Island near Savannah,

Georgia where the Landings Community opted to build two community marinas instead of allowing private docks.[5] Use of these marina facilities was also facilitated by placing deed restrictions on waterfront lots to prevent the construction of individual docks in favor of community-based facilities. Thus, development of community-based facilities can be even more impactful when coupled with city policies that create specific areas for density.

By instituting mixed-use zoning in waterfront districts, coastal communities can pursue compact development in a way that does not impinge upon the businesses model of traditional waterfront industries. In Portland, Maine local planners developed a mixed-use overlay zone, which identified appropriate transitional uses, such as research facilities, to buffer water-dependent businesses from nearby residential and commercial uses. In addition to this, the zone also concentrated retail and restaurant uses away from the working ends of piers and closer towards the downtown district and historic shopping areas. Finally, a flexible mixed-use approach has provided pier and wharf owners in Portland with additional revenue opportunities by allowing for vertical mixed-use. For example, the owners of Union Wharf have been able to rent upper-level space to law offices and other businesses, which helps maintain the marine infrastructure for the wharf.

A planning framework is necessary to bring together a multitude of policy and community investment decisions into one comprehensive visioning document, such as waterfront master plans. One notable example of a waterfront master plan can be found in St. Petersburg, Florida where local officials completed a downtown waterfront master plan in 2015. By studying the plan for St. Petersburg, one can see how the master plan framework provides for a more fine-grained approach to coastal access issues.

One key attribute of the St. Petersburg downtown waterfront plan is that the waterfront region is divided into six character districts.[6] The northernmost edge of the study area, on the edge of Coffee Pot Bayou, centers on small watercraft such as kayaks, with proposed improvements ranging from a rental facility for kayaks to dock space and a launching area for small watercraft. This is in stark contrast to the South Basin District, closer to downtown which includes a number of major public gathering spaces like a stadium and theater. The main

proposal for enhancing access to the site is developing a ferry terminal to be used by water taxis as well. The terminal would provide St. Petersburg residents with another method for coastal access and conveyance.

The St. Petersburg waterfront plan offered opportunities to obtain public buy-in on shoreline access projects. During the first phase of the master plan a public "listening phase" was implemented. During the listening phase five community meetings were held in the downtown waterfront area, with each meeting occurring in a different neighborhood. In addition to meetings, public input was also gathered through online outreach and mail surveys. Surveys and online participation allowed for more input to be gathered from city residents outside of the waterfront study area to determine what kind of public consensus existed for additional waterfront investment.

Pull Value Inland

A city is more than just buildings. Great streets and a strong urban vision can enhance connectivity to natural assets, thereby reducing development pressure on a town's most treasured environments. Because coastal communities have no easy way of making more shoreline it is up to urban design to provide strong visual cues and reminders of the great natural beauty that waits nearby. A prime example of the resilient properties of good design is the city plan for Venice, Florida. One of the main features of the plan is Venice Avenue, a 200-foot boulevard with a 100-foot parkway in the center. The avenue is both the main entrance into the town and the primary gateway to Venice Beach.[7]

The design philosophy that undergirds this plan is to define "small, internally focused neighborhoods grouped around a highly articulated public space and linked by strong circulation systems."[8] This legacy continues today in many new planned communities as well, such as Seaside. By enhancing urban connectivity with the implementation of aesthetically pleasing streets and by creating visually compelling points of interest, which add to a sense of social belonging within a neighborhood, it is possible to change the way value is allocated in a place. A community that is centered on unique and compelling neighborhoods, rather than its direct proximity to the open shoreline is a community that is better positioned to treasure and conserve coastal access for future posterity.

Conclusion

Looking upon the coast can conjure romantic images of a vast, floating frontier with an endless array of marine life and resources at the beck and call of any individual bold enough to claim it. The reality though is that the coast is quite fragile and marine activities such as aquaculture and recreational fishing are highly dependent upon various forms of aquatic access to be sustainable over the long-term. To ensure that the coastal access needs of community stakeholders are met, planners have a wide array of tools at their disposal to make provisions for public access. These tools include establishing an active inventory of coastal access points and using transferable development rights to steer development away from ecologically sensitive regions. Employing compact development can give coastal communities a greater bang for their buck and allow them to develop coastal access facilities that accommodate more users and make provisions for different coastal access needs. Exemplary design and community planning can also help pull value further inland by centering economic value around unique public spaces and parks rather than exclusively along sensitive shorelines and dune systems. By adopting a wide range of coastal access strategies, city planners can thread the needle on contentious access conflicts and accommodate a multitude of coastal access stakeholders.

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Endnotes

1. Gulf Shores, AL Code of Ordinances, *Article 7-122(B-4C)* (Sept. 30, 1998).

2. Accessing the Mississippi Coast, *Government and Public Entities*.

3. Nantucket Land Bank, *About*.

4. Neil Paterson, *2018 Annual Report*, Nantucket Land Bank.

5. U.S. Environmental Protection Agency, *Smart Growth for Coastal and Waterfront Communities* (September 2009).

6. City of St. Petersburg, *St. Petersburg Downtown Waterfront Master Plan* (June 4, 2015).

7. City of Venice, *Early History of the City of Venice*.

8. Kathleen LaFrank, *"Seaside, Florida: The New Town, The Old Ways"* Perspectives in Vernacular Architecture, Vol. 6, Shaping Communities (1997).