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2 **Resolution Relating to**
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RESOLUTION 5.0
Sponsor(s): Councilors Paul,
Brennan, Aubin
Introduced: 03/18/13
Referred to: _____
Action: amended; adopted
Date: 03/18/13
Signed by Mayor: 03/21/13

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7 **URBAN RESERVE PLANNING AND SITE MANAGEMENT**
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12 **CITY OF BURLINGTON**

13 In the year Two Thousand Thirteen.....
14 Resolved by the City Council of the City of Burlington, as follows:

15 That WHEREAS, the Urban Reserve was created in connection with the City of Burlington's purchase
16 of waterfront property from Central Vermont Railway in 1991; and

17 WHEREAS, pursuant to the *Urban Renewal Plan for the Waterfront Revitalization District*,
18 adopted by the City Council in September 1990, one of the purposes of acquiring the property was "[t]o
19 preserve a large natural area from unwanted commercial development, reserve the right for future
20 generations to determine what level of development, if any, which should occur on this land, and to
21 concentrate the efforts of the City's development activities within the downtown business district and the
22 waterfront commercial district to the east of Lake Street;" and

23 WHEREAS, the *Interim Use and Stewardship Plan for the Urban Reserve*, adopted by both the
24 Planning Commission and the City Council in October 1997, has stewardship provisions for the site that
25 include, but are not limited to, the following:
26

- 27 • Completion of a comprehensive master plan for the property, including extensive public
28 participation and review will be required prior to any future development;
29 • Consideration should be given to the future sale of some or all of the development rights to entities
30 such as the Vermont or Lake Champlain Land Trusts;
31 • Long-term planning for the property is the responsibility of the Planning Commission with staff
32 support from the Departments of Planning and Zoning and Parks and Recreation and the
33 Community and Economic Development Office;
34 • Final adoption of any long-term plan for the property will be initiated after the completion of the
35 2006 Municipal Development Plan (MDP), and will be adopted not more than 15 years from the
36 adoption of this Plan (October 2012); and

37 WHEREAS, since acquiring the property over twenty (20) years ago, the Urban Reserve is now in
38 critical need of site upgrades to increase public safety, reduce environmental hazards, and improve
39 pedestrian amenities pending the larger public planning process contemplated in the *Urban Renewal Plan*
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I hereby certify that this resolution has been sent to the following department(s) on

RESOLUTION RELATING TO

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Adopted by the City Council

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..... Clerk

Approved....., 20.....

..... Mayor

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Resolution Relating to

URBAN RESERVE PLANNING AND SITE
MANAGEMENT

for the Waterfront Revitalization, Interim Use and Stewardship Plan for the Urban Reserve, and other City planning documents; and

WHEREAS, approximately half the Urban Reserve--nearly all lands west of the Bikepath--are filled lands and are therefore subject to the Public Trust Doctrine; and

WHEREAS, said Public Trust Doctrine land must be "managed for the public good" as defined by the Vermont Legislature, with uses satisfying this requirement including:

- governmental facilities such as water and sewer plants, coast guard and naval facilities, roads and accessory transportation facilities and parking services;
- indoor or outdoor parks and recreation uses and facilities including parks and open space, public marinas, water dependent uses, boating and related services;
- cultural activities including theaters, museums, art and cultural uses of the lake;
- freshwater and other environmental research activities; and
- services related and accessory to the uses permitted above, including restaurants, snack bars and retail uses; and

WHEREAS, the City received a portion of the funding for the purchase of the Urban Reserve from a grant from the Vermont Housing Conservation Board (VHCB); and

WHEREAS, in exchange for the funding from VHCB, the City entered into with VHCB a "*Grant of Development Rights and Conservation Restrictions for the Urban Reserve*" (Easement) that requires that "no less than 50% of the . . . property should be retained as public open/recreation space or conservation land;" and

WHEREAS, also included in the Easement are the following requirements for the property:

- Eight acres of shoreline running the entire length of the property to a width of at least 100 feet;
- A one and a half acre natural area designated to protect an endangered plant community;
- A public open recreation area reserved for the use and enjoyment of the citizens of Burlington to consist of at least 13 acres, with the specific locale and extent of the public open recreation portion of the easement to be defined at a date prior to construction of any buildings or structures on the Urban Reserve; and

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Attest:

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Resolution Relating to URBAN RESERVE PLANNING AND SITE MANAGEMENT

WHEREAS, City staff (with the participation of the City’s Conservation Board) is now engaged in a comprehensive study of the site, including environmental, geotechnical, and historical data that will support the planning process for the site; and

WHEREAS, public sentiment regarding the Urban Reserve has historically been very strong towards a public planning process in the community, and the City needs to accommodate that sentiment while also acting as a responsible land steward in the short term; and

WHEREAS, the Urban Reserve is already a valuable recreational and conservation asset of the City’s with a need for “interim stewardship” pending the larger planning process; and

WHEREAS, said “interim stewardship” includes but is not limited to ongoing basic maintenance of the site, cleanup of the site, resource protection, and public safety tasks to support de facto user-created uses such as multiple trail networks, passive recreation as well as to manage illegal homeless encampments and to accommodate long-term temporary uses such as the dog park.

NOW, THEREFORE, BE IT RESOLVED that the year 2013 marks the beginning of the “future generations to determine what level of development should occur at this site” as referenced in the *Urban Renewal Plan for the Waterfront Revitalization* and thus allowing for the long-term planning process for the Urban Reserve to formally commence; and

BE IT FURTHER RESOLVED that Urban Reserve management be continued as laid out in the *Interim Use and Stewardship Plan for the Urban Reserve*, including managing for non-vehicular passive recreation and conservation; and

BE IT FURTHER RESOLVED that the Departments of Planning and Zoning, Parks and Recreation, and CEDO are directed to craft a proposed scope, timeline, and budget for the long term planning process for the Urban Reserve, and shall submit the plan as a distinct process under the “umbrella” of the overall PlanBTV effort to the City Council for review and approval; and

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Resolution Relating to

URBAN RESERVE PLANNING AND SITE
MANAGEMENT

BE IT FURTHER RESOLVED that City staff continue to work with the VHCB and other outside funding sources on the completion of a comprehensive land use map of the Urban Reserve for use by the public during the public planning process; and

BE IT FURTHER RESOLVED that City staff from CEDO, Parks and Recreation, Planning and Zoning, and the Department of Public Works adopt short-term improvements on the Urban Reserve that will promote public activity without creating new dedicated uses or impacting and/or triggering the existing VHCB Easement restrictions and/or impermissible uses under the City's zoning ordinance, and

BE IT FURTHER RESOLVED that City staff confer with VHCB and all other relevant permitting and regulatory entities before implementing any short term improvements and continue to pursue new funding and resources to complete said improvements including, but not limited to the:

- repair and realignment of the bike path;
- upgrade of existing informal shoreline footpaths;
- removal of piping from abandoned oil bollard;
- installation of small boat portage path(s) and launch site(s);
- naturalization of shoreline to reduce erosion and remove hazards;
- re-grading of the access road and installation of swales and/or storm water upgrades;
- management of vegetation on the property to minimize illegal camping and trash disposal;
- pursuit of other means to reduce criminal activities that present a public danger;
- mitigation of subsurface contaminants and soils; and
- removal of concrete foundations, asphalt, rubble, and debris;

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Resolution Relating to

URBAN RESERVE PLANNING AND SITE
MANAGEMENT

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the Burlington Planning Commission, Conservation Board, and the Directors of the Departments of Parks and Recreation, Planning and Zoning, and CEDO.

lb/GM/c: Resolutions 2013/Urban Reserve Planning and Site Management
3/14/13 amended; adopted 031813 lo

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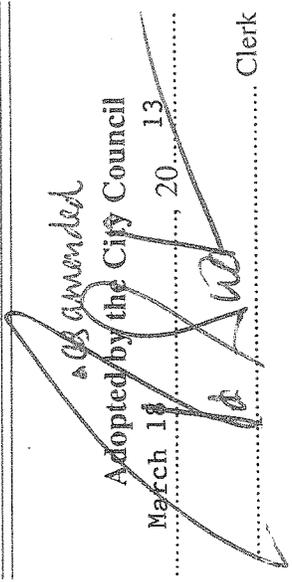
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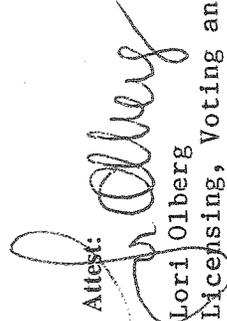
City Attorney's Office, Linda Blanchard
Burlington Planning Commission Members
Conservation Board Members
Parks and Recreation Director Bridges
Planning and Zoning Director White
CEDO Director Owens

RESOLUTION RELATING TO

Urban Reserve Planning and Site Management

AS Amended
Adopted by the City Council
March 18, 2013
 Clerk

Approved March 21, 2013
 Mayor

Attest:

Lori Olberg
Licensing, Voting and Records Coordinator

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