Office of
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Vermont

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MEMORANDUM

To: City Council Parks, Arts and Culture Committee

From: Joe Reinert, Assistant to the Mayor

Date: October 22, 2010

Re: Intervale Center Management Plan

Cc: Glenn McRae, Executive Director, Intervale Center

In preparation for your Oct 27 meeting, I attach for your review an updated Intervale Management Plan as well as a May 27, 2009 memo to the PAC which provides background on the issue, much of which remains relevant. The Intervale Center has indicated that they are now ready to move forward with Council approval of the management plan. The primary change in circumstances between May of 2009 and the present is progress on FEMA floodplain issues.

Please feel free to contact me or Glenn McRae of the Intervale Center at 660-0440 x103 or glenn@intervale.org if you have questions before the meeting. Thank you.

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To: City Council Parks, Arts and Culture Committee

From: Joe Reinert, Assistant to the Mayor

Date: May 27, 2009

Re: Update on Intervale Center Management Plan

General Background

With City Council approval, the City of Burlington completed the sale of 179 acres of land owned by BED in Burlington's Intervale to the Intervale Center ("IC") on June 19, 2007, for a purchase price of $192,000. Pursuant to the Memorandum of Agreement related to the sale, the City retained a 1% undivided interest in the land and was given a perpetual easement for the continued existence of the Tommy Thompson Community Gardens – which encompasses an approximately 5 acre area within the 179 acre parcel. The Agreement also included a conservation easement on the land, agreed to by the City, IC, Vermont Housing Conservation Board, and Vermont Land Trust. The parcel that was transferred is located adjacent to Intervale Road (see map).

The genesis of the sale was BED's determination that the property – which is exclusively wetland, forested land, or farmland – served no useful purpose to ratepayers and as a matter of fiduciary duty should be sold (it had previously been leased to the IC for several years). The City's sale of the property was intended to be in keeping with the Intervale Center's mission "to develop farm-and land-based enterprises that generate economic and social opportunity while protecting natural resources." In general the sale was a significant step towards supporting the IC's sweeping transformation and stewardship of Burlington's Intervale as a place for local agriculture and food production, sustainable economic development, and passive recreation.

Management Plan Requirement

The Memorandum of Agreement between the City and the IC also included a provision for the development of a management plan within one (1) year after the completion of the sale and every ten (10) years thereafter under the following guidelines:

"(The) Intervale Center and its successors and assigns will, not less than once each ten years, develop a Management Plan for the Property identifying the uses of and proposed improvements to the Property.

The Management Plan will include but not necessarily be limited to: a map of the property; property description including identification of conservation areas, proposed land uses; plans for public access and interactions with the public; plans for dealing with problems (for example, trash, prohibited uses, motorized vehicles, off trail uses); existing and proposed improvements of structures, infrastructure, and bike path trails (kiosks, platforms, boardwalks, recreation structures, etc.); gates and boundary marking and/or posting related to parking areas and public access- both existing and proposed; plans for managing natural areas, including vegetation, water ways, ponds and natural communities; contact people with addresses, phone and e-mail identification; management plan update and amendment process, process for resolving disputes; collaboration with conservation easement holders; and signature line for landowner(s) and approval line for VHCB, VLT and City of Burlington."

In addition, under the Agreement the Management Plan is to be reviewed by relevant City departments and approved by the City Council.

Current Status of the Management Plan

The Intervale Center submitted a draft Management Plan to the City for review in late 2007; brought the Plan to the Conservation Board in December of 2007; and submitted the Plan to the City Council at its February 19, 2008 meeting. At that meeting, the Plan was referred to the Parks, Arts and Culture Committee for further review.

By the spring of 2008 several new issues had arisen since the time of the land transfer which impacted development of the Plan, including: the regulation and fate of the Intervale Compost Facility; application and interpretation of FEMA floodplain regulations and the role of City zoning ordinances; and alleged Code Enforcement violations. Based on these uncertainties, the IC decided that the Plan would require substantial revision once these issues were resolved and therefore requested an extension of time for final completion of the Management Plan – which according to the agreement with the City was due on June 17, 2008. The City administration was in agreement with an extension and the PACC agreed to sponsor a resolution passed by the City Council to extend the deadline approximately three (3) months. Since these issues did not resolve within that time period, the IC requested an additional extension until the December 31, 2008, which was formalized in a resolution passed by the City Council.

Currently, as it became clear that determining precisely when these issues would resolve – in particular the floodplain rules which involved local, state and federal agencies – is difficult, final completion of the Management Plan is pending their resolution.[1] In addition, the City and Intervale Center are pursuing a re-study of the mapping of the Intervale floodplain, with funds

[1] We do know that the Intervale Compost Facility, which is now run by Chittenden Solid Waste District, will cease operations by July 1, 2010.

secured by Senator Leahy, in order to update the maps which determine the base flood elevation and therefore the impact of development in the floodplain.

The City and Intervale Center meet regularly and, as well, coordinate on the floodplain issues with the Vermont Agency of Natural Resources and FEMA. The IC and the City's Planning Department are meeting to resolve current floodplain violations and will then work to establish a framework for future agricultural development in the Intervale. We anticipate that a resolution of the floodplain issues will be accomplished by the end of August, which would subsequently allow for finalization of the Management Plan.