

1 S.229

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; land use; natural resources;

6 settlement patterns; downtowns; interchanges; transportation

7 Statement of purpose of bill as introduced: This bill proposes to encourage the  
8 conservation of land in and around interstate interchanges to protect Vermont's  
9 traditional settlement patterns.

10 An act relating to conservation at interstate interchanges and protecting  
11 settlement patterns

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. FINDINGS

14 The General Assembly finds that:

15 (1) Vermont's land use goals, as established in 24 V.S.A. § 4302, seek  
16 to plan development so as to maintain the historic settlement pattern of  
17 compact villages and urban centers separated by rural countryside.

18 (2) Vermont's land use goals, as stated in 24 V.S.A. § 4302(c)(1)(A),  
19 discourage strip development along highways.

1           (3) Vermont's land use goals, as stated in 24 V.S.A. § 4302(c)(5), seek  
2           to identify, protect and preserve important natural and historic features of the  
3           Vermont landscape, including significant roads and views.

4           (4) Vermont makes substantial investments to promote economic  
5           development in its villages and towns, and development surrounding interstate  
6           interchanges would be contradictory to those efforts.

7           (5) Vermont contains scenic resources of great value that are distributed  
8           throughout the State, many of which are visible to the travelling public. These  
9           resources have contributed significantly to Vermont's economic development  
10          by attracting tourists, permanent and part-time residents, and new industries  
11          and cultural facilities and, in conjunction with the State's rural and agricultural  
12          character, by promoting agritourism.

13          (6) Areas surrounding interstate interchanges that are outside of existing  
14          settlements should be conserved to preserve the important natural, scenic, and  
15          historic features of Vermont's landscape.

16          (7) Development at areas surrounding interstate interchanges should  
17          support Vermont's traditional settlement patterns, maintain highway capacity  
18          and safety, and avoid the public costs of highway upgrades.

1 Sec. 2. 3 V.S.A. chapter 52 is added to read:

2 CHAPTER 52. CONSERVATION AT INTERCHANGES

3 § 2901. DEFINITIONS.

4 As used in this chapter:

5 (1) “Conservation rights and interests” has the same meaning as in  
6 10 V.S.A. § 821.

7 (2) “Development” means land development as defined in 24 V.S.A.  
8 § 4303.

9 (3) “Guidelines” means the Vermont Interstate Interchanges Planning  
10 and Design Guidelines developed under section 2902 of this title.

11 (4) “Interstate interchange” means a system of interconnecting roadways  
12 providing for traffic movement between two or more highways that do not  
13 intersect at grade if one of the highways is part of the National System of  
14 Interstate and Defense Highways.

15 (5) “Land near interstate changes” means the land described in section  
16 2903 of this title.

17 (6) “Land use goals at interstate interchanges” means the goals set forth  
18 in subdivision 2902(b)(3) of this title.

19 (7) “Limited access highway” has the same meaning as in 19 V.S.A. § 1.

20 (8) “Qualified holder” has the same meaning as in 10 V.S.A. § 821.

1     § 2902. STATE AGENCIES; DUTIES

2           (a) Generally. Each State agency and department shall:

3                 (1) foster conservation of land near interstate interchanges and work to  
4                 ensure that any development at or near interstate interchanges is done in a  
5                 manner consistent with 24 V.S.A. § 4302 and with the Vermont Interstate  
6                 Interchanges Planning and Design Guidelines;

7                 (2) provide information and resources for efforts to acquire conservation  
8                 rights and interests on land near interstate interchanges and, whenever  
9                 possible, act to achieve the acquisition of such rights and interests by a  
10                qualified holder;

11                (3) implement policies and programs to ensure that development of land  
12                near interstate interchanges meets the following goals:

13                    (A) the historic settlement pattern of compact villages and urban  
14                    centers surrounded by rural countryside is maintained;

15                    (B) the scenic, agricultural, natural, or historic features around the  
16                    interchanges are protected and preserved;

17                    (C) the public investment in a safe and efficient transportation system  
18                    is preserved; and

19                    (D) Vermont's downtown development districts and village centers  
20                    are supported;

1           (4) coordinate these policies and programs and their implementation  
2           with other State agencies and departments;

3           (5) coordinate these policies and programs with municipal and regional  
4           plans and policies; and

5           (6) coordinate participation in cases under 10 V.S.A. chapter 151 with  
6           the Agency of Natural Resources in order to achieve Vermont's land use goals  
7           at interstate interchanges.

8           (b) Agency of Natural Resources.

9           (1) The Secretary of Natural Resources shall coordinate the participation  
10           of other agencies and departments in cases under 10 V.S.A. chapter 151 to  
11           achieve Vermont's land use goals at interstate interchanges.

12           (2) If all or part of water or sewer infrastructure proposed to be funded  
13           by the Agency of Natural Resources will be located on or under land near an  
14           interstate interchange, the Secretary of Natural Resources shall review the  
15           proposal using the system of priorities established under 10 V.S.A. § 1628 and  
16           shall deny the proposal or that portion of it that is incompatible with Vermont's  
17           land use goals at interstate interchanges or planning for designated centers as  
18           defined by 10 V.S.A § 1571.

19           (3) The Secretary of Natural Resources shall inventory lands near  
20           interstate interchanges and monitor proposals for development of those lands.

1           (A) The Secretary shall create, maintain, and periodically update a  
2           list of lands near interstate interchanges that are priorities for the acquisition of  
3           conservation and rights and interests by one or more qualified holders.

4           (B) If land near interstate interchanges implicates multiple purposes  
5           for which conservation rights and interests may be acquired under 10 V.S.A.  
6           §§ 821 and 6301, the Secretary shall work with the Vermont Housing and  
7           Conservation Board and other qualified holders to assemble the resources  
8           necessary to acquire conservation rights and interests to this land.

9           (c) Department of Housing and Community Development. The  
10          Commissioner of Housing and Community Development shall perform each of  
11          the following:

12           (1) Publish and update the Vermont Interstate Interchanges Planning and  
13          Design Guidelines.

14           (A) The Guidelines shall seek to achieve Vermont's land use goals at  
15          interstate interchanges. The Guidelines shall provide recommendations for use  
16          by State and local governments in developing policies and programs to achieve  
17          those goals and in planning for and regulating development near interstate  
18          interchanges. The Guidelines also shall provide recommendations for use by  
19          developers in designing development near those interchanges.

20           (B) The Commissioner shall publish the Guidelines on or before  
21          July 1, 2021. The Commissioner may perform this task as an update of the

1 Vermont Interstate Interchanges Planning and Design Guidelines issued by the  
2 Department of Housing and Community Affairs in 2004 (the 2004 Guidelines).  
3 State agencies and departments shall use the 2004 Guidelines for the purpose  
4 of implementing this chapter until the Commissioner makes the publication  
5 required by this subdivision and shall identify land near interstate interchanges  
6 in accordance with section 2903 of this title.

7 (C) The Commissioner shall update the Guidelines no less frequently  
8 than every 10 years after publication is made under subdivision (1)(B) of this  
9 subsection (c).

10 (2) Support, through grant funds, municipal planning and land use  
11 regulation projects that seek to preserve the unique values of lands near  
12 interstate interchanges.

13 (d)(1) This subsection applies to each of the following actions by the  
14 Secretary of Transportation.

15 (A) Allocating federal or State transportation funds to a project that  
16 will affect land near an interstate interchange.

17 (B) Approving additional means of vehicular access (such as  
18 curb-cuts, drives, highways, rights-of-way) near an interstate interchange or  
19 other limited access highway. In this subdivision (B), an access is near an  
20 interstate interchange or limited access highway if it is within 1,000 feet of the

1 closest point of the right-of-way containing a roadway that is part of the  
2 interchange or containing the limited access highway.

3 (2) Before taking an action described in subdivision (1) of this  
4 subsection, the Secretary of Transportation shall investigate whether land near  
5 the affected interstate interchange or limited access highway should be  
6 protected from land development and protected for conservation, scenic, and  
7 recreational uses.

8 § 2903. LAND NEAR INTERSTATE INTERCHANGES

9 (a) Unless a variation is adopted under subsection (b) of this section, in this  
10 chapter, land is near an interstate interchange if one of the following applies:

11 (1) The land is within 1,000 feet of the edge of a right-of-way  
12 containing an interconnecting roadway that is part of the interchange, and the  
13 interchange is inside or within 1,000 feet of an existing settlement as defined in  
14 10 V.S.A. § 6001.

15 (2) The land is within 2,500 feet of the edge of a right-of-way  
16 containing an interconnecting roadway that is part of the interchange, and the  
17 interchange is not inside and is not within 1,000 feet of an existing settlement  
18 as defined in 10 V.S.A. § 6001.

19 (b) In the publication of the Guidelines to be made under subdivision  
20 2902(c)(1)(B) of this title, the Commissioner of Housing and Community  
21 Development may adopt variations, by interchange or category of interchange,



1 in the area of land considered to be near an interstate interchange under this  
2 chapter.

3 (1) Under this subsection, the land considered near the interchange shall  
4 be the area needed to ensure that the land use goals at interstate interchanges  
5 are met. However, in no event shall this area be smaller than the land that is  
6 within 1,000 feet of the edge of a right-of-way containing an interconnecting  
7 roadway that is part of the interchange.

8 (2) Prior to adopting variations under this subsection, the Commissioner  
9 shall conduct a public notice and comment process that includes issuance of a  
10 draft proposal; notice to all State agencies and departments; notice to each  
11 affected regional planning commission and to the legislative body and  
12 planning commission of each affected municipality; widespread notice to  
13 affected persons and the public; opportunity to submit written comments; and a  
14 public hearing. The draft proposal and adopted variations shall state the  
15 variations proposed or adopted, the reasons for each variation, and an  
16 explanation of how each variation ensures that the land use goals at interstate  
17 interchanges are met. When adopting variations, the Commissioner shall issue  
18 a document responding to substantial arguments and considerations raised  
19 through public comment or at the public hearing.

20 Sec. 3. EFFECTIVE DATE

21 This act shall take effect on July 1, 2016.