

1 H.784

2 Introduced by Representatives Burke of Brattleboro and Masland of Thetford

3 Referred to Committee on

4 Date:

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

6 municipalities; settlement patterns; interchanges; transportation;

7 Act 250

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

11 An act relating to protecting land at interstate interchanges and protecting
12 settlement patterns

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

14 Sec. 1. FINDINGS

15 The General Assembly finds that:

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

19 (2) Vermont's land use goals, as stated in 24 V.S.A. § 4302(c)(1)(A),
20 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 traveling 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 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” shall have the same meaning as
6 in 10 V.S.A. § 821.

7 (2) “Designated centers” shall have the same meaning as in 10 V.S.A.
8 § 1571.

9 (3) “Development” means land development as defined in 24 V.S.A.
10 § 4303.

11 (4) “Existing settlement” shall have the same meaning as in 10 V.S.A.
12 § 6001.

13 (5) “Guidelines” means the Vermont Interstate Interchanges Planning
14 and Design Guidelines developed under section 2903 of this title.

15 (6) “Interchange area” means the land within a 3,000-foot radius of an
16 interstate interchange, except for land within an existing settlement. The
17 radius shall be measured from the midpoint of the interconnecting roadways
18 within the interchange.

19 (7) “Interstate interchange” means a system of interconnecting roadways
20 providing for traffic movement between two or more highways that do not

1 intersect at grade if one of the highways is part of the National System of
2 Interstate and Defense Highways.

3 (8) “Land use priorities at interstate interchanges” means the priorities
4 set forth in section 2902 of this title.

5 (9) “Limited access highway” shall have the same meaning as in
6 19 V.S.A. § 1.

7 (10) “Qualified holder” shall have the same meaning as in 10 V.S.A.
8 § 821.

9 § 2902. INTERCHANGE AREAS; PRIORITIES

10 The priorities of this chapter are:

11 (1) maintaining the historic settlement pattern of compact villages and
12 urban centers surrounded by rural countryside, including discouraging land
13 development within or near interchange areas;

14 (2) protecting and conserving the scenic, agricultural, natural, or historic
15 features around interstate interchanges;

16 (3) preserving the public investment in a safe and efficient
17 transportation system, including limiting new curb cuts, drives, highways, and
18 rights-of-way; and

19 (4) supporting Vermont’s designated centers.

20 § 2903. STATE AGENCIES; DUTIES

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

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

5 (2) provide information and resources for efforts to acquire conservation
6 rights and interests on land within interchange areas and, whenever possible,
7 act to achieve the acquisition of such rights and interests by a qualified holder;

8 (3) implement policies and programs to ensure that development of land
9 within or near interchange areas meets the land use priorities at interstate
10 interchanges and follow these priorities in making funding decisions;

11 (4) coordinate these policies, programs, and funding decisions and their
12 implementation with other State agencies and departments;

13 (5) coordinate these policies, programs, and funding decisions with
14 municipal and regional plans and policies; and

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

18 (b) Agency of Natural Resources.

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

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

8 (3) The Secretary shall create, maintain, and periodically update a list of
9 lands within or near interchange areas that are priorities for the acquisition of
10 conservation rights and interests by one or more qualified holders.

11 (4) If land within or near an interchange area implicates multiple
12 purposes for which conservation rights and interests may be acquired under
13 10 V.S.A. §§ 821 and 6301, the Secretary shall work with the Vermont
14 Housing and Conservation Board and other qualified holders to assemble the
15 resources necessary to acquire conservation rights and interests to this land.

16 (c) Department of Housing and Community Development. The
17 Commissioner of Housing and Community Development shall perform each of
18 the following:

19 (1) Publish and update the Vermont Interstate Interchanges Planning and
20 Design Guidelines.

1 (A) The Guidelines shall seek to achieve Vermont's land use
2 priorities at interstate interchanges. The Guidelines shall provide
3 recommendations for use by State and local governments in developing
4 policies and programs to achieve those goals and in planning for and regulating
5 development near interstate interchanges. The Guidelines also shall provide
6 recommendations for use by developers in designing development near those
7 interchanges.

8 (B) The Commissioner shall publish the Guidelines on or before
9 July 1, 2021. The Commissioner may perform this task as an update of the
10 Vermont Interstate Interchanges Planning and Design Guidelines issued by the
11 Department of Housing and Community Affairs in 2004 (the 2004 Guidelines).
12 State agencies and departments shall use the 2004 Guidelines for the purpose
13 of implementing this chapter until the Commissioner makes the publication
14 required by this subdivision.

15 (C) The Commissioner shall update the Guidelines not less
16 frequently than every 10 years after publication is made under subdivision
17 (1)(B) of this subsection (c).

18 (D) Updates to the Guidelines shall be at least as protective of
19 existing settlements, aesthetics, farmland, and natural resources as the 2004
20 Guidelines.

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(G) Identifies the category of development present at each interchange area, as defined in 3 V.S.A. § 2901, in the region, using the categories as set forth in the Vermont Interstate Interchanges Planning and Design Guidelines as defined in 3 V.S.A. § 2901, in order to indicate the appropriate site design.

(H) Identifies each existing settlement, as defined in 10 V.S.A. § 6001, within the region that includes interchange areas as defined in 3 V.S.A. § 2901.

* * *

Sec. 4. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

* * *

(3)(A) “Development” means each of the following:

* * *

(xi) The construction of improvements for commercial or industrial purposes in an interchange area, unless it is within an existing settlement.

* * *

(38) “Interchange area” means the land within a 3,000-foot radius of an interstate interchange, except for land within an existing settlement. The

1 radius shall be measured from the midpoint of the interconnecting roadways
2 within the interchange.

3 Sec. 5. 10 V.S.A. § 6087 is amended to read:

4 § 6087. DENIAL OF APPLICATION

5 * * *

6 (b) A permit may not be denied solely for the reasons set forth in
7 subdivisions 6086(a)(5), (6), and (7) of this title. ~~However, reasonable~~
8 Reasonable conditions and requirements allowable in subsection 6086(c) of
9 this title may be attached to alleviate the burdens created. However, a permit
10 may be denied under subdivision 6086(a)(5) of this title if the permit is for
11 development in an interchange area that is not within an existing settlement.

12 * * *

13 Sec. 6. 10 V.S.A. § 6086 is amended to read:

14 § 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

15 (a) Before granting a permit, the District Commission shall find that the
16 subdivision or development:

17 * * *

18 (9) Is in conformance with a duly adopted capability and development
19 plan, and land use plan when adopted. However, the legislative findings of
20 subdivisions 7(a)(1) through (19) of ~~Act 85 1973~~ Acts and Resolves No. 85

1 shall not be used as criteria in the consideration of applications by a District
2 Commission.

3 * * *

4 (I) Interchange areas. A permit will be granted for a development or
5 subdivision within an interchange area when it is demonstrated that, in addition
6 to all other applicable criteria, the development or subdivision complies with
7 the Vermont Interstate Interchange Planning and Design Guidelines applicable
8 to the category of land use as identified for that area in the regional plan. As
9 used in this subdivision, “Vermont Interstate Interchange Planning and Design
10 Guidelines” shall have the same meaning as in 3 V.S.A. § 2901.

11 * * *

12 Sec. 7. 10 V.S.A. § 1973 is amended to read:

13 § 1973. PERMITS

14 * * *

15 (k) The Secretary shall not issue a permit for a new or expanded municipal
16 wastewater system, or any connections thereof, if the system or connection
17 would be within or near an interchange area and is not within an existing
18 settlement. As used in this subsection, “existing settlement” shall have the
19 same meaning as in section 6001 of this title and “interchange area” shall have
20 the same meaning as in 3 V.S.A. § 2901.

1 Sec. 8. 24 V.S.A. § 3410 is amended to read:

2 § 3410. WATER MAINS AND SEWERAGE OUTSIDE CITIES AND
3 VILLAGES

4 (a) When the public good and necessity require water mains, drains,
5 sewers, or sewer outlets to be laid out so as to extend into a town outside the
6 limits of a city or village, or when the public good and necessity require that
7 water mains, drains, sewers, or sewer outlets so laid out, be altered or
8 discontinued, the city, by its council, or the village, by its trustees, if the parties
9 interested cannot agree as to the question of public necessity or damages, may
10 apply by petition to the ~~superior court~~ Superior Court of the county where the
11 highways or lands lie ~~which~~ that will be occupied or affected by such laying
12 out, alteration, or discontinuance, for the appointment of commissioners to
13 inquire into the necessity of such laying out, alteration, or discontinuance, and
14 of taking or occupying highways or other lands, and as to the damages ~~which~~
15 that will be sustained thereby.

16 (b) Sewers or sewer outlets, as defined in section 3501 of this title, shall not
17 be extended to land within or near an interchange area if:

18 (1) The extension would serve part of a commercial or industrial
19 development.

1 (2) The area is not part of an existing settlement. As used in this
2 subsection, “existing settlement” shall have the same meaning as in 10 V.S.A.
3 § 6001.

4 Sec. 9. 24 V.S.A. § 3509 is amended to read:

5 § 3509. SEWERS AND PLUMBING; ORDERS

6 (a) The sewage commissioners may require the owners of buildings,
7 subdivisions, or developments abutting on a public street or highway to have
8 all sewers from those buildings, subdivisions, or developments connected to
9 the municipal corporation’s sewage system.

10 (b) Sewers or sewer outlets shall not be extended to land within or near an
11 interchange area if:

12 (1) The extension would serve part of a commercial or industrial
13 development.

14 (2) The area is not part of an existing settlement. As used in this
15 subsection, “existing settlement” shall have the same meaning as in 10 V.S.A.
16 § 6001.

17 Sec. 10. 24 V.S.A. § 3602 is amended to read:

18 § 3602. SEWAGE DISPOSAL PLANT, CONSTRUCTION

19 (a) A municipal corporation may construct, maintain, operate, and repair a
20 sewage disposal plant and system, to take, purchase, and acquire, in the
21 manner hereinafter mentioned, real estate and easements necessary for its

1 purposes, may enter in and upon any land for the purpose of making surveys;
2 and may lay pipes and sewers and connect the same as may be necessary to
3 convey sewage for the purpose of disposing of sewage by such municipal
4 corporation.

5 (b) Sewers or sewer outlets, as defined in section 3501 of this title, shall not
6 be extended to land within or near an interchange area if:

7 (1) The extension would serve part of a commercial or industrial
8 development.

9 (2) The area is not part of an existing settlement. As used in this
10 subsection, "existing settlement" shall have the same meaning as in 10 V.S.A.
11 § 6001.

12 Sec. 11. EFFECTIVE DATE

13 This act shall take effect on July 1, 2018.