Introduced by Senator Lyons

Referred to Committee on

Date:

Subject: Conservation and development; land use; natural resources; municipalities; settlement patterns; interchanges; transportation;

Act 250

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

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

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

Sec. 1. FINDINGS

The General Assembly finds that:

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

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

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

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

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

(7) Development at areas surrounding interstate interchanges should support Vermont’s traditional settlement patterns, maintain highway capacity and safety, and avoid the public costs of highway upgrades.
Sec. 2.  3 V.S.A. chapter 52 is added to read:

CHAPTER 52.  CONSERVATION AT INTERCHANGES

§ 2901.  DEFINITIONS.

As used in this chapter:

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

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

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

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

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

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

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

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

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

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

§ 2902. INTERCHANGE AREAS; PRIORITIES

The priorities of this chapter are:

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

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

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

(4) supporting Vermont’s designated centers.

§ 2903. STATE AGENCIES; DUTIES

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

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

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

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

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

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

(b) Agency of Natural Resources.

(1) The Secretary of Natural Resources shall coordinate the participation of other agencies and departments in cases under 10 V.S.A. chapter 151 to achieve Vermont’s land use priorities at interstate interchanges.
(2) If all or part of water or sewer infrastructure proposed to be funded by the Agency of Natural Resources will be located on or under land near an interstate interchange, the Secretary of Natural Resources shall review the proposal using the system of priorities established under 10 V.S.A. § 1628 and shall deny the proposal or that portion of it that is incompatible with Vermont’s land use priorities at interstate interchanges or planning for designated centers as defined by 10 V.S.A § 1571.

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

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

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

(1) Publish and update the Vermont Interstate Interchanges Planning and Design Guidelines.
(A) The Guidelines shall seek to achieve Vermont’s land use priorities at interstate interchanges. The Guidelines shall provide recommendations for use by State and local governments in developing policies and programs to achieve those goals and in planning for and regulating development near interstate interchanges. The Guidelines also shall provide recommendations for use by developers in designing development near those interchanges.

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

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

(D) Updates to the Guidelines shall be at least as protective of existing settlements, aesthetics, farmland, and natural resources as the 2004 Guidelines.
(E) The updated Guidelines shall categorize interchange areas by
growth contexts and development conditions, as established in the 2004
Guidelines (Types A-F), indicating the appropriate site design.

(F) Updates to the Guidelines shall include an inventory of land use
changes at interchange areas and shall address relevant statutory changes since
2004.

(2) Support, through grant funds, municipal planning, and land use
regulation, projects that seek to preserve the unique values of lands within or
near interchange areas.

§ 2904. EXPANSION OF SEWER SYSTEM
Notwithstanding any contrary provision of law, there shall be no expansion
of municipal sewer service within an interchange area if no municipal sewer
system already exists and if the interchange is not within an existing
settlement.

Sec. 3. 24 V.S.A. § 4348a is amended to read:

§ 4348a. ELEMENTS OF A REGIONAL PLAN
(a) A regional plan shall be consistent with the goals established in section
4302 of this title and shall include the following:

* * *

(2) A land use element, which shall consist of a map and statement of
present and prospective land uses, that:
(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
radius shall be measured from the midpoint of the interconnecting roadways
within the interchange.

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

§ 6087. DENIAL OF APPLICATION

* * *

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

* * *

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

§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

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

* * *

(9) Is in conformance with a duly adopted capability and development
plan, and land use plan when adopted. However, the legislative findings of
subdivisions 7(a)(1) through (19) of Act 85 1973 Acts and Resolves No. 85
shall not be used as criteria in the consideration of applications by a District Commission.

* * *

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

* * *

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

§ 1973. PERMITS

* * *

(k) The Secretary shall not issue a permit for a new or expanded municipal wastewater system, or any connections thereof, if the system or connection would be within or near an interchange area and is not within an existing settlement. As used in this subsection, “existing settlement” shall have the same meaning as in section 6001 of this title and “interchange area” shall have the same meaning as in 3 V.S.A. § 2901.
Sec. 8. 24 V.S.A. § 3410 is amended to read:

§ 3410. WATER MAINS AND SEWERAGE OUTSIDE CITIES AND

VILLAGES

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

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

(1) The extension would serve part of a commercial or industrial development.
(2) The area is not part of an existing settlement. As used in this subsection, “existing settlement” shall have the same meaning as in 10 V.S.A. § 6001.

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

§ 3509. SEWERS AND PLUMBING; ORDERS

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

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

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

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

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

§ 3602. SEWAGE DISPOSAL PLANT, CONSTRUCTION

(a) A municipal corporation may construct, maintain, operate, and repair a sewage disposal plant and system, to take, purchase, and acquire, in the manner hereinafter mentioned, real estate and easements necessary for its
purposes, may enter in and upon any land for the purpose of making surveys, and may lay pipes and sewers and connect the same as may be necessary to convey sewage for the purpose of disposing of sewage by such municipal corporation.

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

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

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

Sec. 1. EFFECTIVE DATE

This act shall take effect on July 1, 2018.