



Act 181 and the Windham Regional Plan – Frequently Asked Questions

Act 181 is complex. Here we try to provide simple answers to the most frequent questions we get. Note: for background information on the terms being used here and other underlying information, please visit the *Act 181, Regional Plan Update* page on our website (<https://windhamregional.org/act-181/>).

1. How do the regional plan and future land use map relate to Tier 3?

In short, they don't. The mapping of Tier 3 areas is solely the responsibility of the Land Use Review Board. There is nothing in the regional plan or on the future land use map that influences the LURB's designation and mapping of Tier 3 lands. The LURB is completing Tier 3 mapping based on guidance provided in the Act 181 legislation.

2. Are the areas mapped as Rural Conservation on the future land use map the same as Tier 3 areas?

No. The areas mapped as Rural Conservation Area have no bearing on what the LURB maps as Tier 3 lands. Rural Conservation areas may be within Tier 2 and subject to the traditional Act 250 requirements that have been in place prior to Act 181, or may fall within Tier 3 based on the final mapping completed by the LURB.

3. How do the regional plan and future land use map relate to the Road Rule?

In short, they don't. It is a landowner or developer's decision to build a road greater than 800 feet in length, or have a total of 2,000 feet of roads and driveways combined, that will trigger the application of the Road Rule and Act 250 jurisdiction. Other than Tier 1a and 1b areas, the Road Rule will apply statewide.

4. Are there any aspects of the regional plan and future land use map that influence whether or not a project will be subject to Act 250 jurisdiction?

Areas mapped as Village or Downtown Centers, Village Area, or Planned Growth Area on the regional future land use map may be eligible for Tier 1a or Tier 1b, which provide partial or full exemption from Act 250. As part of our regional future land use mapping process, we are working with towns to determine whether or not there are areas they'd like to be considered for Tier 1a or 1b status per statutory definition. If these areas are accepted by the LURB through the regional plan approval process, the Act 250 rules related to Tier 1a or 1b will be applied. All areas of the future land use map that do not qualify for Tier 1a or 1b are considered to be Tier 2, meaning the traditional Act 250 requirements apply as they have pre-Act 181, or may fall within Tier 3 based on final mapping that will be completed by the LURB.

5. How does the regional future land use map relate to our Town Plan and zoning bylaws?

Town Plans are required to include a land use chapter and a supporting proposed land use map. To receive Regional Planning Commission approval of the Town Plan, the plan needs to be “compatible with” the regional plan and future land use map, but the town map does not need to exactly match the regional map. To be “compatible with” the regional plan the town plan must not “significantly reduce the desired effect” of the regional plan’s goals. The Regional Future Land Use Map has no impact on town zoning bylaws. Towns should continue to develop their local zoning map and bylaws based on their adopted Town Plan.

6. How did WRC map the future land use districts in our town?

WRC considered several factors in developing the draft future land use map. These included:

- Statute definitions and criteria for the different future land use districts
- Mapping methodology developed by the Vermont Association of Planning and Development Agencies (VAPDA)
- Natural resources and other development constraints
- Existing development patterns
- Infrastructure availability
- Current 2025 Windham Regional Future Land Use Map
- and importantly, Town Plan Future Land Use Maps

WRC is meeting with towns to review draft future land use maps and will work with towns to make revisions to the maps based on town input, within the statute requirements.

7. Do the regional housing targets for towns require towns to develop housing units?

No. Whether or not a town chooses to develop a town plan, adopt or update zoning, invest in infrastructure, make town land available for housing development, or take other actions to facilitate the development of housing remains the decision of the town. And no, towns are not expected to actually get into the home building business. For more information about what towns can do, check out *Housing: What can towns, and the region, really do about creating more?* on our Community Development page (<https://windhamregional.org/programs/community-development/>).

8. If land falls within a Tier 3 mapped area, does that mean it can’t be developed?

No. What it means is that development within that area may have to go through the Act 250 process. It is anticipated that certain development and activities will be exempt, such as construction within 50 feet of an existing home, as well as logging, forestry, and farming. The application of Act 250 criteria will determine what development conditions will apply.

9. What is the WRC focusing on in its meetings with towns and the public as part of its Act 181 update to the regional plan and future land use map?

We're focused on the statutory requirements that apply to the regional plan and map. While this includes all of the land use area categories, we are particularly focused on the mapping of centers and growth areas that would be eligible for Tier 1a and 1b status. It is worth noting that the new land use area categories are very similar in both type and number to what the Windham Regional Plan has used for more than 20 years, so the new categories do not represent a major change for the region or the towns. And while we are happy to answer questions about Tier 3 and the Road Rule as part of these discussions, these are beyond the purview of the regional plan and the future land use map. We have hosted and participate in discussions with the LURB about Tier 3 and the Road Rule, and are happy to connect anyone to LURB staff for more information. We also encourage you to contact your local legislators as well.

Have questions? Contact Senior Planner Matt Bachler at mbachler@windhamregional.org.