



Windham Regional Commission Act 152 Overview for Municipalities

July 16, 2026

Overview

Act 181 was passed into law in June 2024 and significantly overhauled Vermont's framework for coordinating state, regional, and municipal land use planning. During the 2026 legislative session, the Legislature revised sections of Act 181, including the full repeal of the new Act 250 framework related to Tier 3 areas and the "Road Rule" jurisdiction. The 2026 legislation is known as Act 152 – An Act Relating to Regional Planning and Act 250 Tier Jurisdiction. The following is a summary of Act 152 for municipalities. If you have any questions, please contact Matt Bachler, at mbachler@windhamregional.org or 802-257-4547, ext. 112.

Act 250 Amendments

Act 152 fully repeals the Tier 3 area and "Road Rule" jurisdiction included in the new Act 250 framework. The purpose of the Tier 3 designation was to ensure protection of critical natural resources and jurisdiction under Act 250 would have increased in these areas. The "Road Rule" would have required an Act 250 permit for new development including roads and driveways of a certain length to reduce fragmentation of undeveloped lands.

The State Land Use Review Board was responsible for mapping Tier 3 areas and for the rulemaking process for Tier 3 and Road Rule jurisdiction. The Windham Regional Commission was not involved in the Tier 3 mapping process and our Regional Plan had no connection with Tier 3 designation or the Road Rule. With the passage of Act 152, the Land Use Review Board has now stopped their work related to Tier 3 and the Road Rule.

The Tier 1A and Tier 1B exemption areas in the new Act 250 framework remain in place. Tier 1A provides full exemption from Act 250 permitting and Tier 1B exempts residential development with 50 dwelling units or less on 10 acres of land or less. Windham Regional Commission has been working with towns in the region to map areas on our Future Land Use Map that may be eligible for Tier 1A or Tier 1B (Downtown Centers, Village Centers, Planned Growth Areas, and Village Areas) if other criteria in statute are also met. We are also offering to work with those towns that would like to be Tier 1A or 1B eligible, but don't currently meet the statutory requirements (such as having subdivision regulations).

Regional Future Land Use Area Updates

Act 152 revised the definitions for the Downtown Center and Village Center regional future land use categories so they can now include "planned or emerging" centers in addition to traditional and historic town centers. The legislation also clarifies that the Village Area land use category does not need to have municipal water or wastewater if the area has adequate soils for on-site wastewater treatment.

Regional Future Land Use Map Amendment Process

Act 152 simplifies the process for WRC to amend the Regional Future Land Use Map after the Regional Plan is adopted. Minor amendments to the Regional Future Land Use Map consist of any change in land use category impacting fewer than 10 acres of land. WRC can submit a request for a minor amendment to the boundaries of a future land use area to the Land Use Review Board with a letter of support from the municipality. The request must have an affirmative vote of the Selectboard and WRC.

Non-minor amendments to the Regional Future Land Use Map consist of a change in land use category impacting 10 acres of land or more. WRC is required to hold a public hearing on these types of map

amendments before it considers approval. After adoption of the regional plan amendment, WRC must submit a request to the Land Use Review Board for an affirmative determination of regional plan compliance for the amendment. The Land Use Review Board is then required to hold a public hearing within 30 days after receiving the request and issue a determination within 30 days after the hearing.

Tier 1B Requests

WRC can submit requests for Tier 1B exemption on behalf of towns when WRC submits its Regional Plan to the Land Use Review Board for approval. The town Selectboard must first pass a resolution in support of requesting Tier 1B status. WRC can provide your town with a template resolution. Once the Regional Plan is approved by the LURB, the exemption for qualifying Tier 1B areas automatically goes into effect.

Following the approval of the Regional Plan by the LURB, stand-alone requests for Tier 1B status can be submitted to the LURB at any time after WRC holds a public hearing on the request. The LURB is then required to hold a public hearing within 30 days after receiving the request and issue a determination within 30 days after the hearing.

Municipal Plans

Act 152 provides an extension for town plans set to expire in 2026 or 2027 to December 31, 2027. This provision was added to provide towns with more time to coordinate their local planning with the Regional Plan updates being completed by WRC to comply with Act 181. If your town plan has already expired in 2026, or is set to expire between now and the end of 2027, your current town plan will remain in effect until December 31, 2027. Please note, this provision does not apply to any town plans that expired before January 1, 2026.