



# Act 181 Workshop for Municipal Officials

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AN ACT RELATING TO COMMUNITY  
RESILIENCE AND BIODIVERSITY  
PROTECTION THROUGH LAND USE

# What we are covering:

- **How We Got Here**
- **Here and Now -**
  - What is Act 250?
  - Act 250 Interim Housing Exemptions
  - Quick overview of municipal regulations
- **New Requirements for Local and Regional Plans**
- **Housing Targets**
- **WRC's Mapping Process**
- **State Designations**
- **Tiers of Act 250 Jurisdiction**
- **What We Will Not Cover Tonight -**
  - Details on municipal zoning pre-emptions
  - Details on the State Land Use Review Board, Studies and other elements of Act 181



# What is Act 181?

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*An act relating to community resilience and biodiversity protection through land use.*

- Makes major changes to Vermont's land use planning and regulatory framework, including:
  - Regional Future Land Use Maps
  - State Designation Programs
  - Act 250 jurisdiction
- Strengthens place-based regulatory recognition and investments guided by regional planning and municipal action.
- Technical changes to local zoning pre-emptions made by the HOME Act of 2023.

How we  
got here....



NATURAL RESOURCES BOARD  
NECESSARY UPDATES TO ACT 250



REPORT PREPARED BY  
ENVIRONMENTAL MEDIATION CENTER  
DECEMBER 2023



## ACT 250 PERMITTING

Land Use Review Board (LURB) will review and approve regional plans, including future land use maps, state designations, and requests for Tier 1A and Tier 1B status.

## STATE DESIGNATION PROGRAMS

Current and new state-designated areas are integrated into regional future land use maps. New Community Investment Board approves incentives and benefits to designated areas.

## REGIONAL PLANNING

RPCs create new regional plans in collaboration with towns with consistent future land use maps

## MUNICIPAL PLANNING

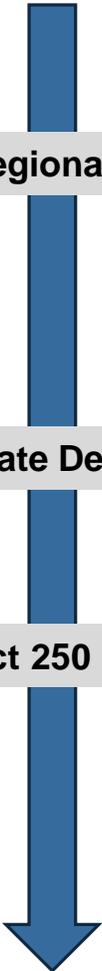
Municipalities work with the RPCs to implement these changes.

VT'S LAND USE  
PLANNING &  
REGULATORY  
FRAMEWORK

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graph TD; A[ACT 250 PERMITTING] --> D((VT'S LAND USE PLANNING & REGULATORY FRAMEWORK)); B[STATE DESIGNATION PROGRAMS] --> D; C[REGIONAL PLANNING] --> D; E[MUNICIPAL PLANNING] --> D;
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# The New Framework

## Land Use Plans | Designation & Investment | Act 250 Regulation



Regional Plan Future Land Use Categories							
							
Downtown Center	Village Center	Planned Growth Area	Village Area	Transition (optional)	Enterprise	Resource-Based Recreation	Rural Hamlet General Ag/Forest Conservation
State Designation / Community Investment							
Center		Neighborhood					
Act 250							
Tier 2: Status Quo							
Tier 1a: Full Exemption – ‘consistent with’ FLU							
Tier 1b: Partial Exemption							

Tier 3 subject to rulemaking; not derived from regional maps.

This table represents land use, designation, and Act 250 jurisdiction categories, not land area acreage or percentage of land area.

## 2 Changes in State Boards

### **Land Use Review Board (Replaces Natural Resources Board)**

The NRB that formerly administered Act 250 has been changed from an appointed volunteer board to a 5 member full-time professional board (the LURB) with additional responsibilities including approving regional plans and future land use maps.

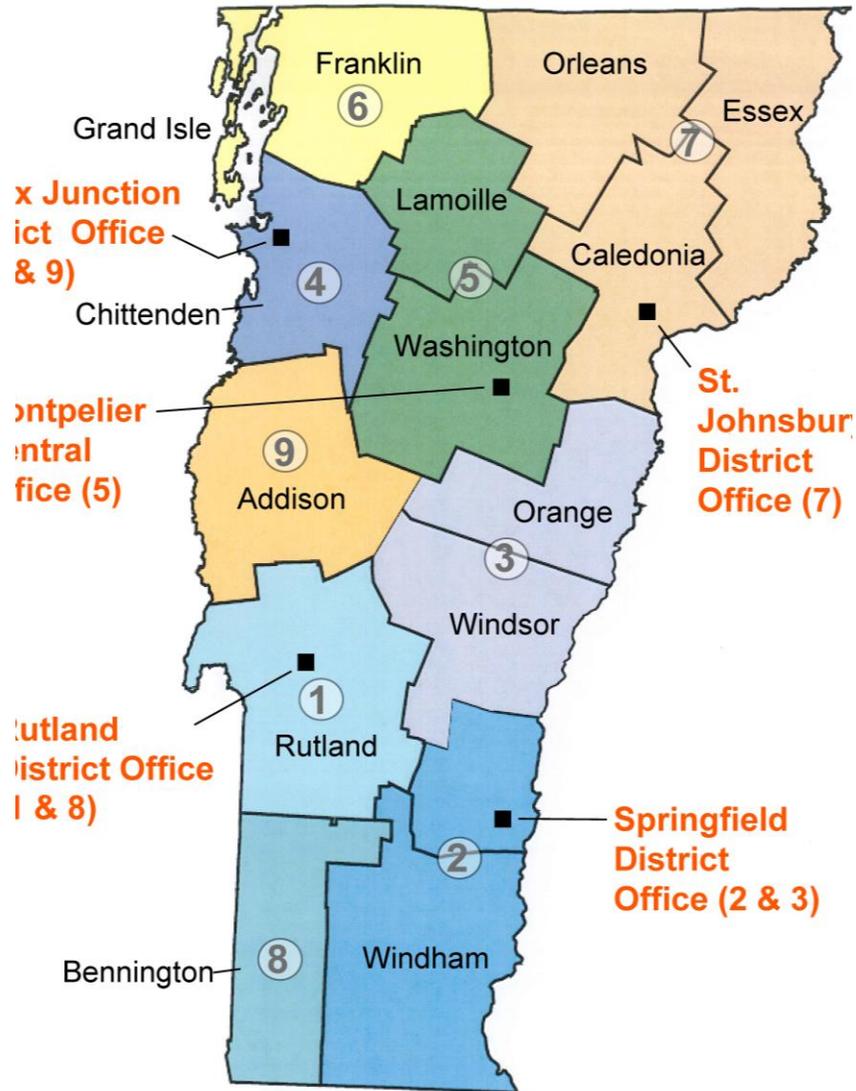
### **Community Investment Board (Replaces Downtown Board)**

The Downtown Board, which formerly approved state designations and tax credit applications within designated areas has been dissolved and replaced with the CIB. The CIB will no longer approve state designations as of 10/2025 but will continue to review tax credit application.

# Act 250

Vermont's land use and development law, enacted in 1970 at a time when Vermont was undergoing significant development pressure

- Public, quasi-judicial process
- 9 District Environmental Commissions
- Permit required in municipalities with zoning >10 acres commercial projects, 10 housing units, 10 lot subdivision, or resource extraction activities
- Development or subdivision must meet 10 criteria that address concerns for the environment, quality of life, and Vermont's unique character



## Interim Act 250 Housing Exemptions - *Jurisdictional Opinion Recommended*

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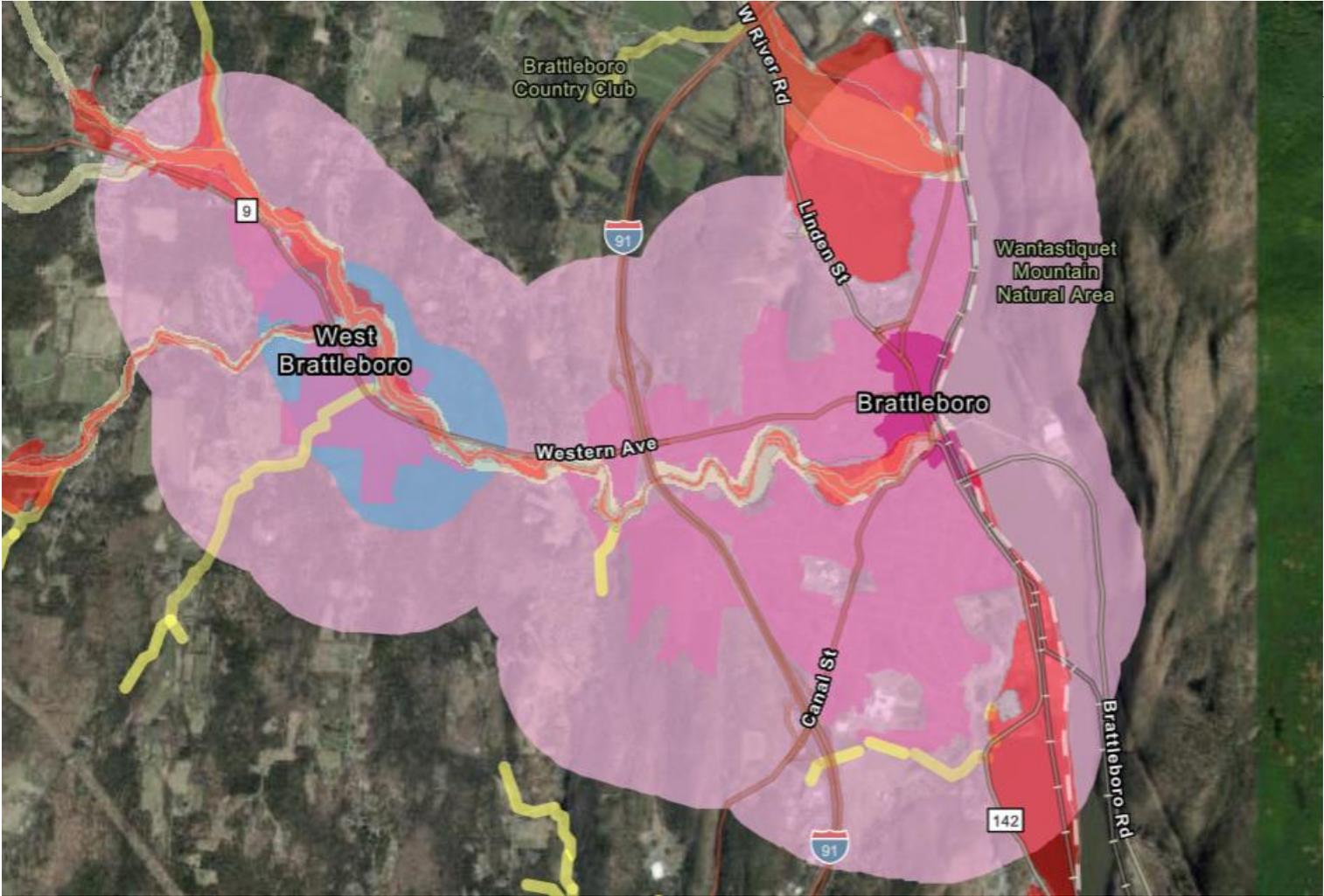
### ➤ **Location-based**

- Priority Housing Projects in Downtowns and NDA + ½ mile (unlimited units)
- Downtowns (unlimited units)
- Neighborhood Development Area (75 units)
- Village Center + 1/4 mile (50 units)

### ➤ **Type-based**

- Commercial Conversion (up to 29 units)
- Accessory Dwelling Units (1 per home)
- Hotel/Motel Conversion to affordable housing units (unlimited units)

# Interim Map Housing Exemptions Map



# Questions?

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# New Regional Plan Requirements

## Local and Regional Planning Goals (24 V.S.A. 4302)

- Accommodate a substantial majority of housing needed to reach housing targets in areas planned for growth
- To equitably distribute environmental benefits and burdens

## Regional Planning

- Engagement which provides opportunities for meaningful participation

## Regional Plan Elements (24 V.S.A. 4382)

- Changes to Natural Resource Element
- Future Land Use Element
- 10 consistent land use categories

# Regional Plan Update Timeline

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# Consistent Future Land Use Areas

- Downtown/Village Centers
- Planned Growth Areas
- Village Areas
- Transition/Infill Area
- Resource-Based Recreation Areas
- Enterprise
- Hamlet
- Rural – General
- Rural - Agricultural and Forestry
- Rural - Conservation

# Downtown Centers and Village Centers

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- Vibrant, mixed-use centers bringing together community economic activity and civic assets.
- Includes all existing Village Centers and Downtowns and any new (or expanded) Downtown and Village Centers seeking benefits under the State Designation Program.
- Downtown and Village Centers are the central business and civic centers adjacent to Planned Growth Areas, Village Areas, or may stand alone.
- Provide opportunities for Downtown and Village Centers to grow in a flood resilient way.
- **Village Centers have no requirement for municipal plans, zoning, subdivision or infrastructure.**



# Planned Growth Areas

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- Densest existing settlement and future growth areas with the highest concentrations of population, housing, and employment in each region and town, as appropriate.
- Include a mix of commercial, residential, and civic or cultural sites with active streetscapes.
- Adjacent to downtowns and village centers
- Provide opportunities for communities to grow in a flood resilient way.
- **Requirements: zoning, subdivision, public water and/or wastewater, and Complete Streets.**

# Village Areas



- Traditional settlement area or a proposed new settlement area, typically comprised of a cohesive mix of residential, civic, religious, commercial, and mixed-use buildings, arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the core.
- Provide some opportunity for infill development and/or new development areas where the village can grow in a flood resilient way.
- **Requirements: zoning, subdivision, and public water, or sewer, or suitable soils.**

# Transition/Infill Areas



- Areas of existing or planned commercial, office, mixed-use development, or residential uses either adjacent to a Planned Growth or Village Area or a new stand-alone Transition Area.
- Intent to transform into higher-density, mixed use settlements, or residential neighborhoods through infill and redevelopment or new development.
- Could also include adjacent greenfields safer from flooding and planned for future growth.
- **Requirements: served by, or planned for, water and/or wastewater and new commercial linear strip development not allowed.**



## Enterprise Areas

- Locations of high economic activity and employment, such as industrial parks or resource extraction.

## Resource-Based Recreation Areas

- Large-scale resource-based, recreational facilities, often concentrated around ski resorts, lakeshores, or concentrated trail networks, which provide infrastructure, jobs, and housing to support recreational activities.



## Hamlets

- Small historic clusters of homes and perhaps a school, church, store, or other public buildings not planned for significant growth; no public water supply or wastewater systems. These may be depicted as points on the map.



## **Rural – General**

Areas that promote the preservation of Vermont's traditional working landscape and natural area features. Low-density residential and sometimes limited commercial development that is compatible with productive lands and natural areas.



## **Rural - Agricultural and Forestry**

Blocks of forest or farmland that sustain resource industries, provide critical wildlife habitat and movement, outdoor recreation, flood storage, aquifer recharge, and scenic beauty; contribute to economy and quality of life.



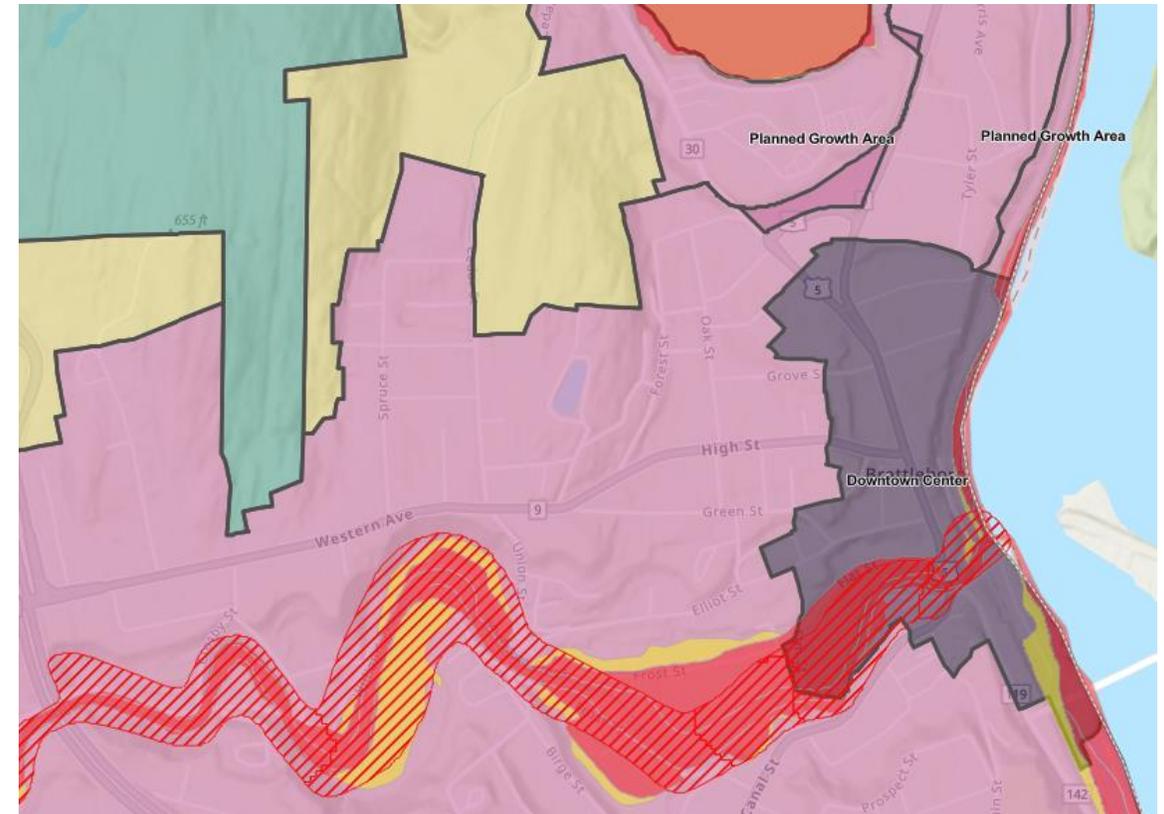
## **Rural – Conservation**

Areas intended to be conserved often with regulations or State or non-profit purchase of property rights. These lands have significant ecological value, and require special protection due to their uniqueness, fragility, or ecological importance.

# Draft Future Land Use Scenario

- Downtown Center
- Village Center
- Planned Growth Area
- Village Area
- Enterprise Area
- Transition or Infill Area
- Resource-based Recreation Area
- Hamlet
- Rural General
- Rural Agriculture and Forestry
- Rural Conservation

## Draft Map of Downtown Brattleboro



# Housing Targets

*Only a goal to provide needed housing!*

## Integrated into Regional and Municipal Planning Goal for Housing:

24 V.S.A 4302 (11): To ensure the availability of safe and affordable housing for all Vermonters.

(A) Housing should be encouraged to meet the needs of a diversity of social and income groups in each Vermont community, particularly for those citizens of low and moderate income, and **consistent with housing targets** provided for in subdivision 4348a(a)(9) of this title.

## Integrated into Regional Plan Required Housing Elements:

24 V.S.A 4348a. (a) (9) A housing element that identifies the regional and community-level need for housing [...]

The regional planning commission's assessment shall estimate the total needed housing investments in terms of price, quality, unit size or type, and zoning district as applicable and **shall disaggregate regional housing targets or ranges by municipality.**

## Integrated into Municipal Plan Required Housing Element:

24 V.S.A 4382(a): A plan for a municipality [...] shall include the following:

(10) A housing element that shall include a recommended program of public and private **actions to address housing needs and targets** as identified by the regional planning commission pursuant to subdivision 4348a(a)(9) of this title.

# Housing Targets

- Regional Housing Targets were released January 2025
- WRC will break these down into housing targets for each town
- Municipal housing targets need to be incorporated into Municipal Plans going forward

*Total additional home targets, 2025-2030 and 2025-2050*

Region	2025-2030		2025-2050	
	Lower	Upper	Lower	Upper
Addison County	1,296	1,978	4,103	8,088
Bennington County	1,453	2,188	4,483	8,836
Central Vermont	2,540	3,864	8,045	15,856
Chittenden County	7,301	10,537	15,783	47,407
Lamoille County	1,387	1,959	3,359	6,621
Mount Ascutney (Southwest)	1,207	1,781	3,750	7,391
Northeastern Vermont	2,836	4,193	9,014	17,768
Northwestern Vermont	2,144	3,249	6,755	13,315
Rutland Regional	2,707	4,065	8,100	15,965
Two Rivers Ottauquechee	2,424	3,640	7,692	15,162
Windham Regional	2,571	3,730	7,933	15,635
<b>Vermont</b>	<b>27,867</b>	<b>41,185</b>	<b>79,018</b>	<b>172,044</b>

*2025-2030: "Lower" assume VT year-round households increase at the 2016-2019 average annual rate of 1.02%. "Higher" assume the 2019-2022 rate of 1.77%.*

*2025-2050: "Lower" based on population projection. "Higher" assume VT year-round households increase at the long-term annual average rate of 1.4%.*

*All targets include additional projected year-round households plus homes needed to normalize vacancy rates, eliminate homelessness, replace destroyed homes, and provide a margin to address Vermont's 15% seasonal home rate.*

# Local Housing Targets

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WRC will “municipalize” regional housing targets

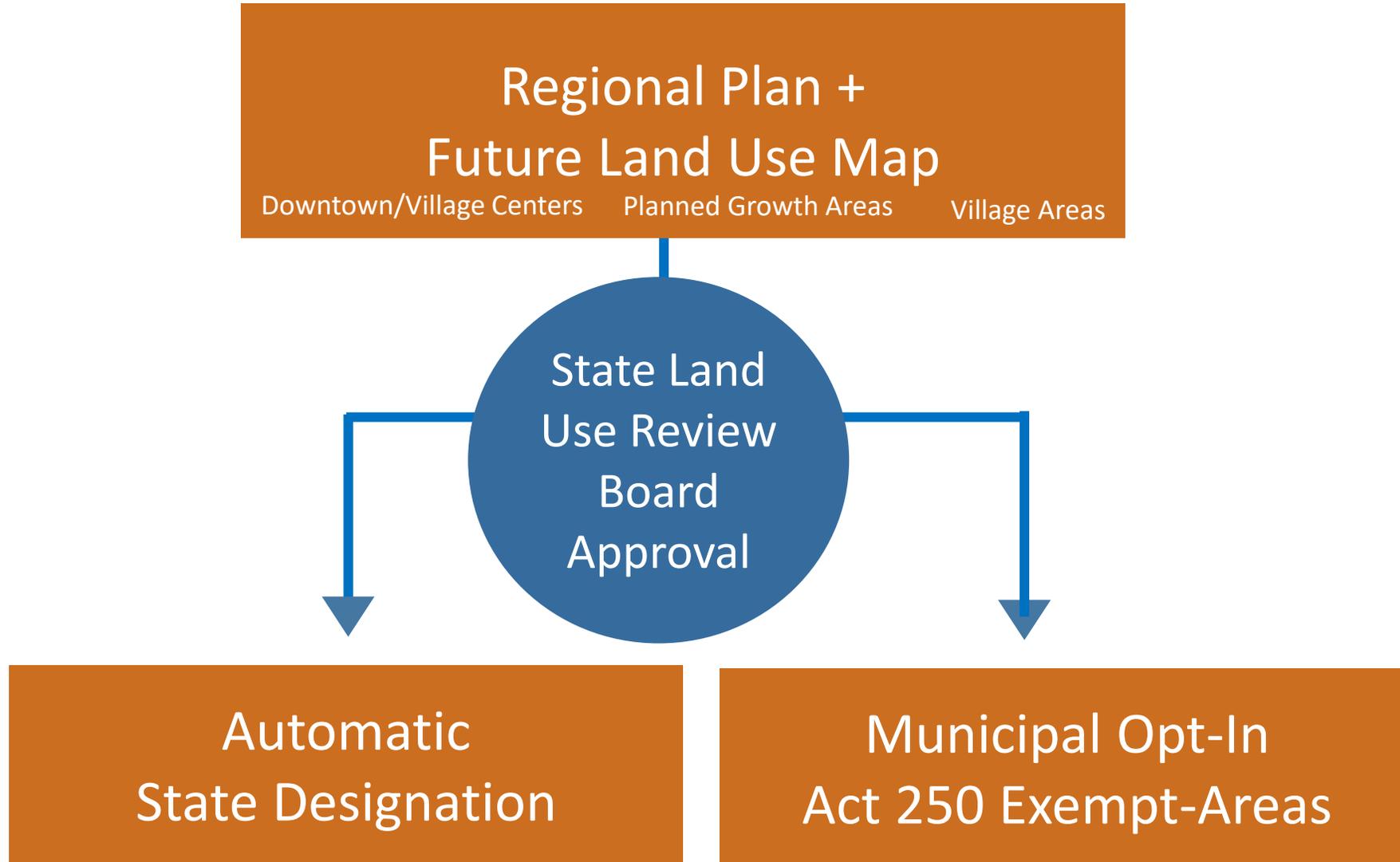
Municipal target is based on:

1. Existing population
2. Existing number of housing units (occupied, year-round dwellings only)
3. Availability of public water and wastewater infrastructure

# Questions?

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# Regional Plan Approvals



# New State Designations

## CENTERS:

Downtown Centers and Village Centers

Step 1: Beginner, Starter Village

Step 2: Intermediate, Growing Village

Step 3: Advanced, Downtowns, Main Street Program

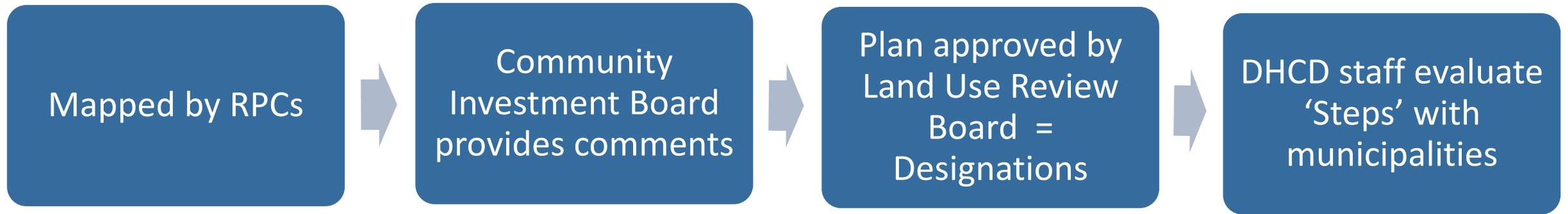
## NEIGHBORHOODS:

Planned Growth Areas and Village Areas



# New Designation Process

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# Three Tiers for Act 250 Jurisdiction

*Derived from regional plan future land use categories, except Tier 3*

Tier 1		Tier 2	Tier 3
Tier 1A	Tier 1B		
Full Act 250 Exemption	Exemption for 50 units or less involving 10 acres or less	Act 250 Status Quo	Expanded jurisdiction to be established by LURB rules 2/1/26
<ul style="list-style-type: none"> <li>• Municipal application                             <ul style="list-style-type: none"> <li>• LURB Review</li> </ul> </li> <li>• LURB Guidelines by 1/1/26                             <ul style="list-style-type: none"> <li>• Eligibility criteria</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Municipal requested                             <ul style="list-style-type: none"> <li>• RPC mapped</li> <li>• LURB Review</li> </ul> </li> <li>• Eligibility criteria</li> </ul>	<ul style="list-style-type: none"> <li>• All areas not within Tier 1A, 1B, or 3                             <ul style="list-style-type: none"> <li>• Road rule 7/1/26</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Not based on Regional Future Land Use Maps                             <ul style="list-style-type: none"> <li>• Road rule 7/1/26</li> </ul> </li> </ul>



# Act 250 Tier 1A

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- Downtown Center or Village Center**
- Planned Growth Areas**

Municipality may request Tier 1A if:

- Regional Future Land Use Map approved by LURB
- Municipality applies and LURB approves
- Municipality meets additional requirements:
  - Water and sewer with existing or planned capacity
  - Smart growth zoning allowing 4 stories
  - Protections for environmentally sensitive areas and historic preservation
  - Adequate municipal capacity (staffing, capital planning)

Available after 1/1/2026

Full Act 250 Exemption in Tier 1A areas

# Act 250 Tier 1B

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- Downtown Center or Village Center
- Planned Growth Areas
- Village Areas

RPCs Request LRB to approve Tier 1B if:

- Municipality 'opts in'
- Adequate staffing is in place

Act 250 Exemption: 50 units or fewer of housing on 10 acres or less



# Act 250 Tiers 2 and 3

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## Tier 2

- All other Future Land Use Areas
- Downtown or Village Centers, Planned Growth Areas and Village Areas for municipalities that do not 'opt in' or are not eligible
- New 'Road Rule' applies

Largely Act 250 Status Quo- Regional Plan Policies Apply

## Tier 3

- Areas of critical natural resources
- Not based on Regional Plan maps; not the same as Rural-Conservation boundary

Act 250 Status- Defined by LURB Rules by 2/1/26

# The New Framework

## Land Use Plans / Designation & Investment / Act 250 Regulation

								
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