



**Windham Regional Commission
Guidelines for Municipalities on
Requesting Act 250 Tier 1 Exemption Status and
Revisions to Regional Future Land Use Map Boundaries**

The purpose of these guidelines is to provide municipalities in the Windham Region with information on the process for requesting Tier 1 exemption from Act 250 and for requesting revisions to the Windham Regional Plan Future Land Use Map boundaries.

Requesting Act 250 Tier 1 Exemption Status

Act 181 passed in 2024 and creates exemptions from the Act 250 permitting requirements for land development if certain criteria are met and a municipality elects to request the exemption. There are two exemption categories: Tier 1A and Tier 1B. Properties within a Tier 1A area are fully exempt from the Act 250 permitting requirements. For Tier 1B areas, only residential development with up to 50 dwelling units on 10 acres or less of land is exempt. The eligibility and application process for Tier 1A and Tier 1B are described below. Please contact WRC staff if you have questions about your town's eligibility or the application process.

Eligibility Requirements

Tier 1A – Full Exemption

To be eligible for Tier 1A status, all of the following criteria must be met:

- The area must be mapped as one of the following Regional Future Land Use Categories in the Windham Regional Plan: Village Center, Downtown Center, or Planned Growth Area.
- The town must have a municipal plan approved in accordance with 24 VSA 4350
- The town either needs to have adopted flood hazard and river corridor bylaws, or the proposed Tier 1A area must exclude flood hazard and river corridor areas.
- The town must have adopted zoning bylaws and subdivision bylaws.
- The town's land development regulations need to further Smart Growth Principles in 24 VSA 76A, adequately regulate the physical form and scale of development, and provide reasonable provisions for a portion of the areas with municipal sewer and water to allow buildings with a height of at least 4 stories.
- Compatible with the character of adjacent National Register of Historic Districts, National or State Register Historic Sites, and other significant cultural and natural resources identified by local or State government
- Town has identified and planned for maintenance of significant natural communities, and rare, threatened, and endangered species located in the Tier 1A area, or excludes those areas from the Tier 1A area
- Public water and wastewater, or planned improvements, have capacity to support additional development
- Municipal staff adequate to support coordinated comprehensive and capital planning, development review, and zoning administration

Tier 1B – Partial Exemption for Certain Residential Developments

To be eligible for Tier 1B status, all of the following criteria must be met:

- The area must be mapped as one of the following Regional Future Land Use Categories in the Windham Regional Plan: Village Center, Downtown Center, Planned Growth Area, or Village Area
- Municipal plan approved in accordance with 24 VSA 4350
- Permanent zoning and subdivision bylaws
- Adopted flood hazard and river corridor bylaws, or proposed Tier 1B area excludes flood hazard and river corridor areas
- Water supply, wastewater infrastructure, or soils that can accommodate a community wastewater system for compact housing development in Tier 1B area
- Municipal staff to support development review and zoning administration

Application Process

For Tier 1A exemption, the town will apply directly with the State Land Use Review Board. Towns can apply at any time following the approval of the Windham Regional Plan by the Land Use Review Board. For more information visit: <https://act250.vermont.gov/tier-1a-approval-process>.

For Tier 1B exemption, WRC can submit a request from a town with its adopted Regional Plan for Land Use Review Board approval. The Selectboard must first pass a resolution in support of requesting Tier 1B status. WRC can provide your town with a template resolution. Following the approval of the Regional Plan, stand-alone requests for Tier 1B area status can be submitted to the Land Use Review Board at any time after WRC holds a public hearing on the request. 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.

Regional Future Land Use Map Boundary Update Process

While the Regional Plan is reviewed and updated every 8 years as required by statute, WRC expects the Regional Future Land Use Map will be updated more regularly in response to changing community needs. Following the adoption of the Windham Regional Plan, there is a process WRC and towns will need to follow to revise the Regional Future Land Use Map. The following describes the process for approving minor map amendments and all other map amendments that do not qualify as minor.

Minor Map Amendment

Minor amendments to the Regional Future And Use Map consist of any change in land use category impacting **fewer than 10 acres of land**.

WRC may submit a request for a minor amendment to the boundaries of a future land use area for consideration by the Land Use Review Board with a letter of support from the municipality. The request may only be submitted after an affirmative vote of the Selectboard and WRC.

A minor amendment to future land use area boundaries does not require an amendment to a regional plan and will be included in the next iteration of the regional plan.

Non-Minor Map Amendments

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**.

Towns may request WRC approve a non-minor amendment to the Regional Future Land Use Map. 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.