

## FREQUENTLY ASKED QUESTIONS

### Act 181 & NVDA Regional Plan

#### **1. What is Act 181 and what is it trying to do?**

Act 181 modernizes Vermont's land use system by shifting Act 250 from a project-based review to a location-based system. Its primary goal is to encourage housing and economic development in planned growth areas while protecting natural resources and maintaining Vermont's traditional settlement patterns. It also better aligns state, regional, and municipal planning efforts.

#### **2. What is the role of Regional Planning Commissions (RPCs)?**

Regional Planning Commissions are responsible for updating Regional Plans, developing the Future Land Use Map, and identifying areas eligible for Tier 1B. RPCs do not regulate development; instead, they serve a planning role, working closely with towns and the state.

#### **3. What does the Future Land Use Map (FLUM) do?**

The Future Land Use Map is a planning tool that identifies areas for growth, conservation, and other uses based on infrastructure, development patterns, and community input. It helps determine where Act 250 exemptions may apply, particularly in Tier 1 areas, but it does not regulate land use or change local zoning.

#### **4. Who makes decisions under Act 181?**

Municipalities retain control over zoning, adopt local plans, and must opt in to receive Tier 1B benefits. Regional Planning Commissions prepare regional plans and maps. The Land Use Review Board (LURB) reviews and approves regional plans, maps Tier 3 areas, and oversees Act 250 implementation.

#### **5. What are the Act 250 Tiers?**

Act 181 establishes a tiered system. Tier 1A & 1B include areas planned for growth, such as downtowns, village centers, and planned growth areas, where Act 250 review is reduced or eliminated, including exemptions for certain housing developments. Tier 2 covers most of the state and generally maintains the existing Act 250 framework. Tier 3 includes sensitive natural resource areas identified by the LURB where stricter review may apply.

#### **6. Does the Regional Plan or FLUM affect Tier 3 mapping?**

No. Tier 3 mapping is entirely the responsibility of the Land Use Review Board and is separate from the regional plan and Future Land Use Map. Nothing in the regional plan influences how Tier 3 areas are designated.



## **7. Are “Rural Conservation” areas the same as Tier 3?**

No. Rural Conservation is a planning designation used in the regional plan, while Tier 3 is a regulatory designation created by the LURB. Although they may include similar types of land, they are separate and unrelated mapping efforts.

## **8. Does the Regional Plan affect whether Act 250 is triggered?**

The Regional Plan only affects Act 250 jurisdiction in limited cases by identifying areas eligible for Tier 1B, where exemptions may apply. In all other areas, generally considered Tier 2, Act 250 functions largely the same as before. Tier 3 jurisdiction is determined separately by the LURB.

## **9. What is the Road Rule and does the FLUM affect it?**

The Road Rule is triggered based on the length of roads or driveways associated with a project. The Future Land Use Map generally does not affect whether the Road Rule applies, except that Tier 1 areas are not subject to it.

## **10. Does the Regional Plan change local zoning?**

No. Local zoning remains entirely under municipal control. While town plans must be compatible with the regional plan, they do not need to match it exactly, and municipalities continue to adopt and enforce their own zoning bylaws.

## **11. Does Act 181 or the Regional Plan restrict my ability to develop my land?**

No. The regional plan is not regulatory and does not restrict existing development rights. Whether development requires Act 250 review depends on state law and project characteristics, not the regional land use designation alone.

## **12. How are Future Land Use Maps created?**

Regional Planning Commissions develop Future Land Use Maps using state statutory definitions, a statewide mapping methodology created by RPCs, existing development patterns, infrastructure availability, natural resource considerations, and input from towns. The process is collaborative and involves working directly with towns to refine mapping.

## **13. What is the biggest change under Act 181?**

The most significant change is the shift from a project-based Act 250 system to a location-based framework that encourages development in appropriate areas while protecting sensitive lands, supported by stronger coordination between state, regional, and local planning efforts.