



FREQUENTLY ASKED QUESTIONS

Act 181 & the CVRPC Regional Plan

Act 181 is complex. Here we try to provide simple answers to the most frequent questions we get about how the regional plan relates to other parts of Act 181. The draft Regional Plan can be found on our website: CentralVTPlanning.org

1. How do the regional plan and future land use map relate to Act 250 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 designation and mapping of Tier 3 lands. The Land Use Review Board is completing Tier 3 mapping based on guidance provided in the Act 181 legislation. The details of Tier 3 are the subject of several bills being considered in the legislature and therefore may change.

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 in the Regional Plan have no bearing on what the Land Use Review Board (LURB) maps as Tier 3 lands. The regional plan is not regulatory, and Tier 3 is a separate and distinct mapping effort that will result in a different map prepared by the LURB. The regional plan's Rural Conservation land use area includes some of the same types of land that the LURB is considering for Tier 3, such as large wetlands and higher elevations. But, the regional plan maps are for planning only, they will not define the areas designated as Tier 3 by the LURB.

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

Tier 1 eligible areas mapped by the regional plan (described below) are not subject to the road rule. Outside of Tier 1 areas, the regional plan future land use map has no bearing on road rule jurisdiction. The details of the road rule are the subject of several bills being considered in the legislature and therefore may change.

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?

Yes. The Regional Plan maps make development easier by mapping areas that are eligible for certain Act 250 exemptions. Areas mapped as Village or Downtown Centers, Village Area, or Planned Growth Area on the regional future land use map are eligible for Tier 1a (full

exemption) or Tier 1b (exemption for up to 50 units of housing). CVRPC worked with towns to determine whether or not there are areas they'd like to be considered for Tier 1 status per the definition in state law. If these areas are accepted by the LURB through the regional plan approval process, the Act 250 exemptions will be applied. 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.

5. How does the regional future land use map relate to municipal zoning bylaws?

The Regional Future Land Use Map has no impact on town zoning bylaws. The regional plan does not change local zoning, and nothing in Act 181 requires towns to change their zoning. Towns should continue to develop their local zoning map and bylaws based on their adopted Town Plan.

6. How are Future Land Use Maps created?

CVRPC used local plans and bylaws, existing development patterns, infrastructure availability and the definitions in state law. The process is collaborative and involves working directly with towns to refine mapping.

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.

8. Is this the first time CVRPC has had a Regional Plan?

No. CVRPC has had a regional plan, including future land use maps, for over 50 years. It is worth noting that the new land use area categories are very similar in both type and number to what the Central Vermont Regional Plan has used for more than 10 years. What has changed with Act 181 is that the regional plan now maps areas that are eligible for Act 250 exemptions (Tier 1), and it also maps the areas eligible for the state designation program, which provides incentives for development.

Have questions about the regional plan? Contact: Christian Meyer, Executive Director meyer@cvregion.com or Brian Voigt, Program Manager voigt@cvregion.com.

Have questions about Tier 3 and the Road Rule? See: <https://act250.vermont.gov/>