



July 15, 2026

Brandon Bucossi
Vernon Selectboard Chair
567 Governor Hunt Road
Vernon, VT 05354

Dear Brandon,

Please see the attached Windham Regional Commission (WRC) public hearing notice for a proposed update to the Windham Regional Plan. The public hearing will be held on **Tuesday, August 18, 2026 at 6:00 p.m.** at WRC's office located at 139 Main Street, Suite 505, Brattleboro, Vermont, and remotely via Zoom. To access the public hearing electronically or by telephone, visit WRC's website at www.windhamregional.org and follow the Zoom meeting link, or call the number provided in the meeting invitation.

Over the last year, WRC has been working on an update to its Regional Plan to meet new state requirements with the passage of Act 181 in 2024. WRC last adopted an update to its Regional Plan in July 2025 so our focus has not been on policy changes, but rather the following:

- Updating the Land Use chapter and Regional Future Land Use map based on new statewide regional future land use categories
- Incorporating regional and municipal housing targets based on growth scenarios developed by the Vermont Housing Finance Agency
- Addressing how the Regional Plan addresses potential environmental benefits and burdens

Please find enclosed a report documenting how the draft Windham Regional Plan conforms with the goals established in 24 V.S.A. 4302 and the plan elements established in 24 V.S.A. 4348a.

WRC has been meeting with member towns over the last several months to review draft updates to the Regional Future Land Use map and get community input. Enclosed is a current draft of the Regional Future Land Use map for the town of Vernon. Please also find enclosed information about town eligibility for the new Act 250 Tier 1 exemption areas and the process for updating designated area boundaries on the Regional Future Land Use map after the plan is adopted.

We came to understand through our meetings with towns and the public that the function and role of the Regional Plan in Act 250 is not well understood because we actually engage in very few Act 250 applications. At its foundation, our plan provides advisory policies on the growth and development of the region and is a useful planning resource for communities developing their own local plans. The Regional Plan and the Regional Future Land Use map are not regulatory in any way and do not impact municipal zoning for towns that have it.

In an Act 250 proceeding, the Windham Regional Commission is a party among parties. The District Environmental Commission treats the Regional Plan with the same standing as municipal plans; there is no hierarchy. WRC submits comments to the District Environmental Commission on Act 250 projects that are determined to have a "Substantial Regional Impact," which typically is at most a few applications a year. Examples of such applications include ski resorts, entertainment and outdoor recreation venues that draw large numbers of guests, and quarries. The Windham Regional Plan includes criteria on the types of projects that qualify as having a Substantial Regional Impact. For the vast majority of Act 250 applications, WRC does not provide comments. For more information about our project review process visit: <https://windhamregional.org/programs/project-review-program/>.

The draft Windham Regional Plan can be viewed on WRC's website using the following web address: <https://windhamregional.org/act-181/>. WRC invites town officials to provide comments at the public hearing or in writing to Matt Bachler, Senior Planner, by email at mbachler@windhamregional.org, or by mail at 139 Main Street, Suite 505, Brattleboro, VT 05301, or by phone at 802-257-4547, ext. 112.

Sincerely,

Matt Bachler
Senior Planner

WINDHAM REGIONAL PLAN UPDATE NOTICE OF PUBLIC HEARING

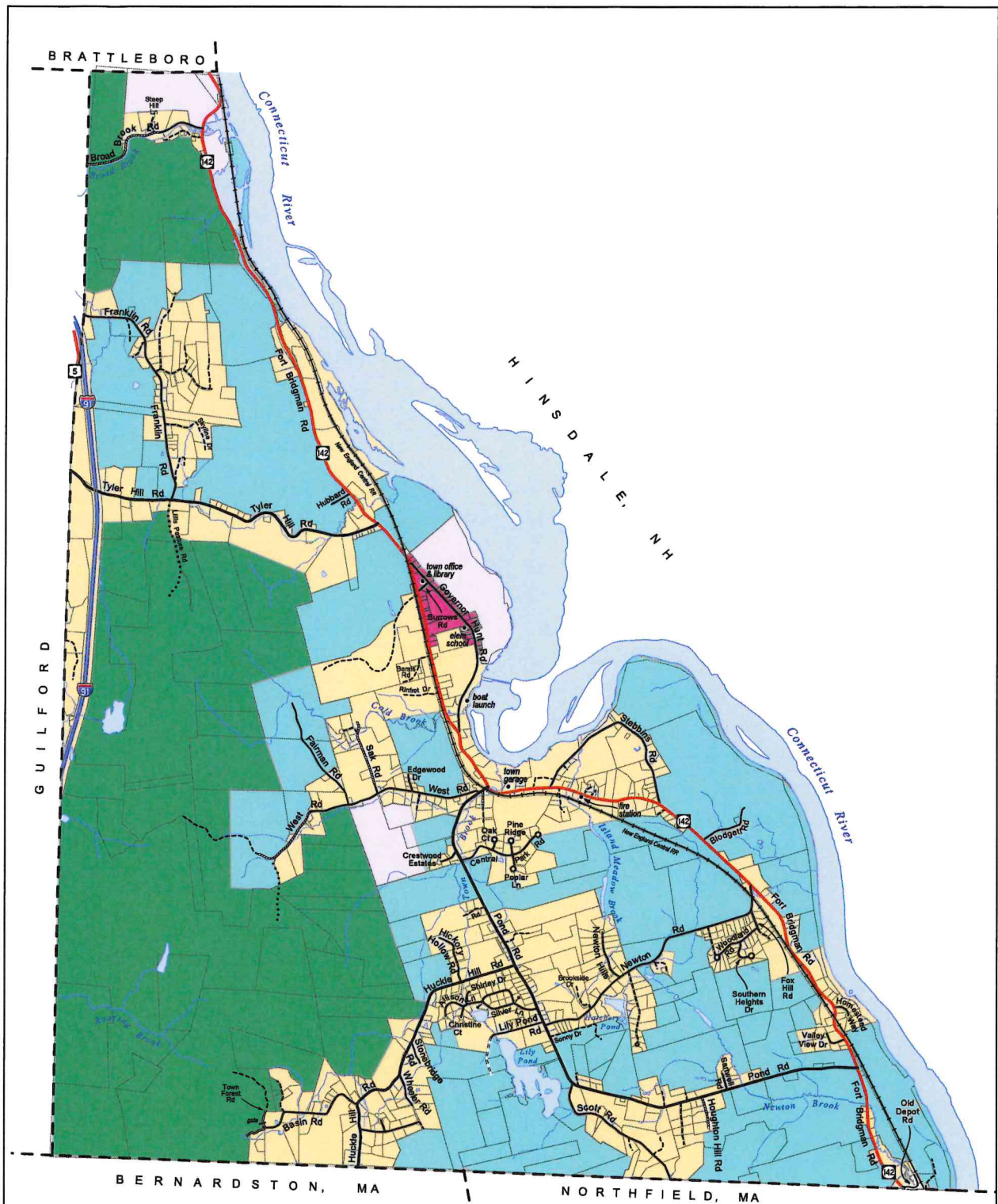
The Windham Regional Commission (WRC) will hold a public hearing on a proposed Windham Regional Plan update on Tuesday, August 18, 2026 at 6:00 p.m. at WRC's office, 139 Main Street, Suite 505, Brattleboro, Vermont, and remotely via Zoom. To access the public hearing electronically or by telephone, visit WRC's website at www.windhamregional.org and follow the Zoom meeting link, or call the number provided in the meeting invitation.

The WRC serves all of Windham County, the Bennington County towns of Readsboro, Searsburg and Winhall, and the Windsor County town of Weston. The Windham Regional Plan provides guidance for change and development in this 27-town region, and it establishes the basis for much of the WRC's work program and regional planning efforts. The plan is intended for use by the WRC, town planning commissions, Selectboards, state agencies, developers, and others.

The principal elements of the Windham Regional Plan are: Introduction, Regional Profile, Land Use, Natural Resources, Transportation, Community Utilities, Facilities, and Services, Energy, Housing, Economic Development, Natural Resources, Educational, Cultural and Recreational Resources, and Implementation.

The draft Windham Regional Plan can be viewed on WRC's website using the following web address: <https://windhamregional.org/act-181/>. The WRC invites the public to make comments at the public hearings or in writing by email to Matt Bachler, mbachler@windhamregional.org or by mail or phone using the contact information below:

Windham Regional Commission
139 Main Street, Suite 505
Brattleboro, VT 05301
Phone: 802-257-4547, ext. 112



Windham Region Draft Act 181 Future Land Use Map Town of Vernon, Vt.

June 2026

0 0.5 1 2 Miles

- Village Center
- Enterprise Area
- Rural General
- Rural Agriculture and Forestry
- Rural Conservation



Windham Regional Commission Report on the 2026 Windham Regional Plan Update

This report is in accordance with 24 VSA § 4348(d)(1), which states that at least 30 days before the first public hearing on a proposed Regional Plan update, the Regional Planning Commission shall prepare and distribute a report documenting conformance of the Regional Plan with the goals established in 24 VSA § 4302 and the plan elements established in 24 VSA § 4348(a).

Vermont Planning Goals – 24 VSA § 4302

Goal 1. To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.

This is addressed in the narrative descriptions of the regional future land use areas in the Land Use chapter of the plan and is also supported by policies within this chapter. Higher intensity residential development is directed towards downtown and village centers, planned growth areas, and village areas. The Land Use chapter includes a policy that states a substantial majority of the regional housing targets should be accommodated in downtown centers, village centers, planned growth areas, and village areas. Regional housing targets assign 60% of the needed additional housing units in the region to these land use areas.

The Land Use chapter encourages new growth, including commerce and industry, in downtown centers, village centers, planned growth areas, village areas, enterprise areas, and infill and transition areas. The Economic Development chapter supports the continued growth and development of large-scale industrial and commercial uses in the Enterprise areas.

The Land Use chapter encourages developing and expanding public infrastructure, including water and sewer systems and pedestrian and bicycle facilities, to promote and enable greater densities in development centers, including Downtown Centers, Village Centers, Planned Growth Areas, Village Areas, Resource-Based Recreation Areas, and Enterprise Areas. The Community Utilities, Facilities, and Services Chapter encourages the development of public water and wastewater treatment in areas where future growth is appropriate.

Encouragement of development that follow smart growth principles is addressed throughout the plan, specifically in the Land Use, Housing, Natural Resources, and Transportation Chapters of the plan.

Goal 2. To provide a strong and diverse economy that provides satisfying and rewarding job opportunities and that maintains high environmental standards, and to expand economic opportunities in areas with high unemployment or low per capita incomes.

The Economic Development chapter includes a discussion on current challenges and opportunities for the regional economy. The Regional Plan seeks to build on local existing assets to strengthen the economy. The Economic Development chapter includes a policy on promoting activities and development that contribute to a strong and diverse economy and providing satisfying and reward job opportunities for citizens in all parts of the region. This chapter also includes a policy on the supporting the creation of a variety of stable, year-round jobs with wages and other compensation that provide a livable income.

Goal 3. To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.

The Educational, Cultural, and Recreational Resources chapter lists and discusses the early childhood, elementary, secondary, post-secondary and adult educational options that are located in the Windham Region. The chapter discusses the challenges facing the supervisory districts in terms of enrollment and aging school buildings. For the post-secondary and adult learning opportunities, the chapter notes the types of courses and/or training programs that each option provides. Also included is discussion of the workforce development program that is offered through the Southern Vermont Center of Excellence. To support this planning goal, the policies focus on supporting educational providers in addressing challenges.

Goal 4. To provide for safe, convenient, economic and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers.

The Transportation Chapter provides a comprehensive and integrated plan to address the transportation needs of the region. The chapter includes separate sections and supportive policies to address public transit, rail, and pedestrian and bicyclist facilities. The chapter also addresses the interconnection between transportation, land use, energy, and resiliency planning. Detailed information is provided on planning for stormwater management for transportation systems to reduce impacts on surface waters.

Goal 5. To identify, protect and preserve important natural and historic features of the Vermont landscape, including significant natural and fragile areas; outstanding water resources, including lakes, rivers, aquifers, shorelands and wetlands; significant scenic roads, waterways and views; important historic structures, sites or districts, archaeological sites and archaeologically sensitive areas.

The Natural Resources chapter provides an overview of the different types and location of natural and fragile areas in the region, including state-designated areas, high elevation lands, bear habitats, deer wintering areas, cold water fish habitats, rare, threatened or endangered species, and critical natural areas. This chapter also discusses surface water resources, including lakes, rivers, aquifers, shorelands, and wetlands. The region's scenic resources, including mountain ridges, farmlands, historic villages, and shorelines are addressed in the Natural Resources chapter. Historic structures and sites are discussed in the Educational, Cultural, and Recreational Resource Chapter. The plan highlights the role of historic features in defining the character of the region and contributing to the quality of life.

Goal 6. To maintain and improve the quality of air, water, wildlife, forests, and other land resources.

The Natural Resources chapter includes strategies for maintaining and improve the quality of air, water, wildlife, forests, and other land resources in the Windham Region. This chapter has a separate section addressing air quality concerns and a section on the importance of mineral resources, but also the need to manage extraction activities. Wildlife resources are addressed generally in the Natural Resources, Fragile Areas, and Wildlife Resources, section of the chapter, with more detailed information on bear habitat, deer wintering areas, fish habitat, beavers, and wildlife corridors. The Natural Resources chapter includes information on the current basin plans within the Windham Region and their role in managing surface water resources. The plan discusses the importance of maintaining large forest blocks to protect ecological health and habitat corridors.

Goal 7. To make efficient use of energy, provide for the development of renewable energy resources, and reduce emissions of greenhouse gases.

This goal is addressed in the Energy Chapter of the plan. The chapter states that a primary purpose of the plan is to implement the 2022 Vermont Comprehensive Energy Plan and the 2021 Vermont Climate Action Plan. The chapter discusses current and anticipated future energy use for the Windham Region, specific renewable energy targets, and greenhouse gas emission reductions in the electricity, thermal, and transportation sectors. The chapter identifies goals and strategies under the pathways of Conservation and Efficiency, Land Use, Transportation, Renewable Energy Siting, and Equity in order to achieve these energy targets. Energy issues are also addressed within other chapters in the plan, specifically in the Land Use and Transportation chapters.

Goal 8. To maintain and enhance recreational opportunities for Vermont residents and visitors.

The Educational, Cultural, and Recreational Resources chapter discusses the importance that outdoor recreational opportunities have on the lives of Vermonters. In the Windham Region, resource-based opportunities include: ski resorts, individual hiking trails, multi-use trails, trail systems, state parks, and water resources. The presence of these resources serves to create the sense of place that the Region seeks to maintain and enhance, for its inherent value, value to residents, and the draw that it creates in our tourism economy.

Goal 9. To encourage and strengthen agricultural and forest industries.

The Windham Region has a long history of agricultural and forestry enterprises being an important component of the region's economic landscape. The Regional Plan highlights the significance of these industries as part of the future of the region in the Natural Resources and Economic Development Chapters. Policies in these chapters address the need to protect agricultural and forested land and strengthen the vitality of the working lands economy. The preservation of forest and agricultural lands is also addressed in the Land Use chapter through the regional future land use map and supporting policies.

Goal 10. To provide for the wise and efficient use of Vermont's natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities of the area.

The Regional Plan balances the need for the human use of natural resources with the preservation of natural resources for non-human centric needs. Policies from the plan address protection, sustainable use, and restoration of lands that have been disturbed by the extraction of resources.

Goal 11. To ensure the availability of safe and affordable housing for all Vermonters.

The Regional Plan provides background information on housing affordability and quality in the region. Many households are cost burdened in the region and wages have not kept up with increased housing costs. The regional housing target analysis identified a significant need for affordable owner occupied and rental units. Housing quality is also a concern, especially due to the age of the housing stock. The regional plan directs higher intensity residential development towards downtown or village centers, planned growth areas, and village areas. The Regional Plan directs 60% of new housing to growth areas which are also the locations of higher density residential development, including single family, multi-family, and manufactured homes. These areas are located throughout the region. Single family and two family dwellings are encouraged throughout the region at various densities. Accessory dwelling units are promoted as a tool for encouraging affordable housing options.

Goal 12. To plan for, finance and provide an efficient system of public facilities and services to meet future needs.

The Community Utilities, Facilities and Services chapter focuses on the existing conditions, levels of service, and future needs of public and private utilities, facilities and services critical to supporting the health and wellbeing of our communities. The chapter specifically covers water systems, wastewater treatment systems, solid waste management, radioactive waste management (because of the presence of the former Vermont Yankee Nuclear Power Station in this region), emergency services, health care services and facilities, and communications infrastructure. Schools are covered in the Educational, Cultural, and Recreational Resources chapter. What is needed within each type of resource to maintain standards and support expected growth is discussed in each relevant sub-section.

Goal 13. To ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers and child care work force development.

The Economic Development chapter recognizes the importance of providing adequate childcare options to support a strong regional workforce. The Educational, Cultural, and Recreational Resources Chapter includes information on the current availability of childcare and unmet needs in the region. The chapter discusses the importance of affordable and high quality child care to support full employment, raise income levels, and provide development benefits for children. This chapter includes a policy on supporting efforts to increase the availability, affordability, and accessibility of childcare, in particular infant programs.

Goal 14. To encourage flood resilient communities.

Encouragement of directing growth to existing centers is discussed in the Land Use Chapter, as is the acknowledgement that many of the region's settlements are located adjacent to streams and rivers and are prone to flooding. This overlap of desire to develop compact settlements, but the vulnerability of many of them, is a challenge in the Windham Region. The Natural Resources Chapter includes information on flood vulnerable areas in the region, including floodplains and river corridors. This chapter also includes a discussion on regional and municipal flood resiliency strategies. The Community Utilities, Facilities, and Services Chapter addresses the existing infrastructure for regional emergency planning and the importance for flood preparedness and response planning at the regional and local level.

Goal 15. To equitably distribute environmental benefits and burdens as described in 3 V.S.A. Chapter 72.

As part of the Regional Plan update process, WRC completed a data and mapping exercise to identify environmental justice communities in our region. Using the Environmental Justice definitions as addressed in Vermont legislation, WRC produced a map, located in Appendix A, that highlights the communities in the Windham Region that have environmental justice concerns. WRC also pulled and analyzed data from five other social and environmental justice Federal and State tools to further help identify environmental justice issues in the region. WRC referred to the environmental benefits and burdens defined and statute and looked at the Windham Regional Plan's policies to see how they aligned with equitable distribution of environmental benefits and burdens throughout the region.

Required Elements of a Regional Plan – 24 VSA § 4348(a)

- (1) *A statement of basic policies of the region to guide the future growth and development of land and of public services and facilities, and to protect the environment.*

The Introduction chapter includes a series of statements on the long-range shared vision for the region and a set of regional goals. Each chapter within the plan includes a set of policies that as a whole guide the future growth and development of land and development of public services and facilities, and protect the environment.

- (2) *A natural resources and working lands element, which shall consist of a map or maps and policies, based on ecosystem function, consistent with Vermont Conservation Design, support compact centers surrounded by rural and working lands.*

The natural resource policies in the Windham Regional Plan use Vermont Conservation Design and ecosystem function principals as their base. The policies balance the preservation of natural resources with the need for growth and development in the region. Economic and social vitality is considered and the policies encourage that new development to support human/societal needs protect the natural environment to the extent possible. The Land Use policies and narrative in the Windham Regional Plan also address the balance between development and natural resource preservation. These policies encourage compact development centers surrounded by productive rural lands and important natural resource conservation lands.

Productive agriculture often relies on good quality soils as a basis for producing crops or raising animals. The Natural Resources chapter discusses the importance of preserving quality soils, and by extension, agricultural land, in the region. Natural Resources policies address the preservation of important soils. The Economic Development chapter addresses the importance of supporting land-based industries by focusing on the production, distribution, and marketing of agricultural and forestry products and programs. Future Land Use, as outlined in the Land Use chapter, encourages and supports development that maintains the region's historic settlement pattern of compact villages and town centers separated by rural countryside and forests, consistent with state land use law.

The Natural Resources Chapter addresses managing forest lands to maintain and improve forest blocks and habitat connectors. The natural resource policies, and the discussion in the natural resource chapter, highlight the importance of maintaining intact, healthy, large forest blocks and wildlife connectors. The policies help guide conservation and sustainable management of our forest resources.

The preservation of rare, threatened or endangered (RTE) species and natural areas are addressed through the narrative and policies in the Natural Resources Chapter of the Windham Regional Plan. Natural Resource Policies focus on the protection of RTE species and natural areas.

The Windham Regional Plan addresses the protection, maintenance, or improvement of water bodies throughout the region. In the Natural Resources chapter, policies specifically address water quality for surface and groundwater.

- (3) *An energy element, including an analysis of resources, needs, scarcities, costs, and problems within the region across all energy sectors, including electric, thermal, and transportation; a statement of policy on the conservation and efficient use of energy and the development and siting of renewable energy resources; a statement of policy on patterns and densities of land use likely to result in conservation of energy; and an identification of potential areas for the development and siting of renewable energy resources and areas that are unsuitable for siting those resources or particular categories or sizes of those resources.*

This element is addressed in the Energy Chapter. The chapter discusses current and anticipated future energy use for the Windham Region, specific renewable energy targets, and greenhouse gas emission reductions in the electricity, thermal, and transportation sectors. The chapter identifies goals and strategies under the pathways of Conservation and Efficiency, Land Use, Transportation, Renewable Energy Siting, and Equity in order to achieve these energy targets. The plan includes maps showing the potential for solar and wind energy generation in the region, known and possible constraints in renewable energy generation siting, transmission and distribution resources and constraints, transportation infrastructure, and possible locations for siting renewable energy generation

- (4) *A transportation element consisting of a statement of present and prospective transportation and circulation facilities, and a map showing existing and proposed highways, including limited access highways, and streets by type and character of improvement, and where pertinent, anticipated points of congestion, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, and recommendations to meet future needs for such facilities, with indications of priorities of need, costs, and method of financing.*

The Transportation Chapter includes a description of the region's existing transportation infrastructure and needed improvements. This includes highways, bicycle and pedestrian paths, freight rail, passenger rail, and transit routes. The Transportation Chapter includes recommendations on funding sources for municipal transportation infrastructure improvements. The plan includes maps showing the existing and future regional transportation network. The Implementation Chapter discusses the role of WRC in supporting towns with planning for transportation improvement projects.

- (5) *A utility and facility element, consisting of a map and statement of present and prospective local and regional community facilities and public utilities, whether publicly or privately owned, showing existing and proposed educational, recreational and other public sites, buildings and facilities, including public schools, State office buildings, hospitals, libraries, power generating plants and transmission lines, wireless telecommunications facilities and ancillary improvements, water supply, sewage disposal, refuse disposal, storm drainage, and other similar facilities and activities, and recommendations to meet future needs for those facilities, with indications of priority of need.*

The Community Utilities, Facilities and Services chapter focuses on the existing conditions, levels of service, and future needs of public and private utilities, facilities and services critical to supporting the health and wellbeing of our communities, as well as considerations around planning for new facilities and infrastructure. The chapter specifically covers water systems, wastewater treatment systems, solid waste management, radioactive waste management (because of the presence of the former Vermont Yankee Nuclear Power Station in this region), emergency services, health care services and facilities, and communications infrastructure. Schools are covered in the Educational, Cultural, and Recreational Resources chapter. What is needed within each type of resource to maintain standards and support expected growth is discussed in each relevant sub-section. These facilities are shown on the Educational Facilities, Governmental Services, Health Care Social Services, and Utilities maps in the Regional Plan.

- (6) *A program for the implementation of the regional plan's objectives, including a recommended investment strategy for regional facilities and services based on a capacity study of the elements in this section.*

The Implementation chapter includes a discussion on the ways by which the Regional Plan will be

implemented. This includes through municipal planning assistances, regional programs, regional planning studies, and coordination with state, regional, private, and non-profit entities. An Implementation Matrix is included in Appendix F and provides specific action steps WRC has identified to implement the plan in coordination with towns, state agencies, and other stakeholders. The Implementation Matrix is organized by plan chapter and identifies the lead entity and partners for each action step, priority level, and potential funding or resources.

- (7) *A statement indicating how the regional plan relates to development trends, needs, and plans and regional plans for adjacent municipalities and regions.*

The “Regional Plan in Context” section of the Implementation chapter addresses this requirement. In terms of the relationship between the Regional Plan and plans for towns in the Windham Region, WRC maintains an on-going consultation process with our towns regarding the town plan update process and consistency with the Regional Plan and state planning goals. WRC reviewed the regional plans for each of the adjoining regional planning commissions for consistency with the Windham Regional Plan with a focus on planning issues that span the regional boundaries, such as land use, transportation, economic development, and watershed planning. Since RPCs are in the process of updating Regional Plans to comply with the Act 181 requirements, this section will be revised and updated as needed before the final submission of the Windham Regional Plan. The Windham Regional Profile includes a discussion on development trends and changes in regional demographics since the last Plan update was completed. This data was analyzed and the findings incorporated into the separate chapters within the Plan and their respective policies.

- (8) *A housing element that identifies the regional and community-level need for housing that will result in an adequate supply of building code and energy code compliant homes where most households spend not more than 30 percent of their income on housing and not more than 15 percent on transportation. To establish housing needs, the Department of Housing and Community Development shall publish statewide and regional housing targets or ranges as part of the Statewide Housing Needs Assessment. The regional planning commission shall consult the Statewide Housing Needs Assessment; current and expected demographic data; the current location, quality, types, and cost of housing; other local studies related to housing needs; and data gathered pursuant to subsection 4382(c) of this title. If no such data has been gathered, the regional planning commission shall gather it. 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. The housing element shall include a set of recommended actions to satisfy the established needs.*

The Housing Chapter includes information about housing needs and affordability. WRC consulted the SHNA, housingdata.org, U.S. Census and other resources when developing the Housing Chapter, as well as the municipal housing targets. See Appendix E for more information about how the regional housing targets were municipalized. The regional housing targets identify need based on various housing stock characteristics, including affordability, quality, unit size and geography. The housing policies section lay out strategies WRC will use to support new housing throughout the region. The Implementation Matrix in Appendix F identifies specific actions WRC will undertake to satisfy the housing need.

- (9) *An economic development element that describes present economic conditions and the location, type, and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth.*

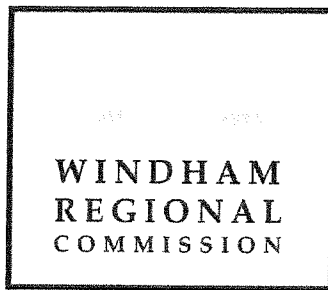
The Economic Development chapter includes information on existing economic conditions for the region. The chapter discusses the current strengths of the regional economic and how to best build on those, including specific supportive policies. This chapter also includes information on how WRC collaborates with its local Regional Development Corporation, the Brattleboro Development Credit Corporation. The Land Use chapter guides economic development growth to appropriate locations, including downtown and village centers, planned growth areas, village areas, enterprise areas, transition/infill areas, and resource-based recreation areas.

- (10) *A flood resilience element that:*
- (i) *identifies flood hazard and fluvial erosion hazard areas, based on river corridor maps provided by the Secretary of Natural Resources pursuant to 10 V.S.A. § 1428(a) or maps recommended by the Secretary, and designates those areas to be protected, including floodplains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; and*
 - (ii) *recommends policies and strategies to protect the areas identified and designated under this subdivision (A) and to mitigate risks to public safety, critical infrastructure, historic structures, and public investments.*

The Natural Resources chapter and the Water Resources Map together discuss and show the water resources, including flood hazard and fluvial erosion hazard areas, of the Region. The primary Flood Resiliency element of the plan is in Natural Resources chapter and includes language that encourages towns to develop policies and regulatory and non-regulatory local strategies to protect floodplains and river corridors. The Community Utilities, Facilities, and Services Chapter addresses the existing infrastructure for regional emergency planning and the importance for flood preparedness and response planning at the regional and local level.

- (11) *A future land use element, based upon the elements in this section, that sets forth the present and prospective location, amount, intensity, and character of such land uses in relation to the provision of necessary community facilities and services and that consists of a map delineating future land use area boundaries for the land uses in subdivisions (A)–(J) of this subdivision (12) as appropriate and any other special land use category the regional planning commission deems necessary; descriptions of intended future land uses; and policies intended to support the implementation of the future land use element using the land use categories as defined by 24 V.S.A. § 4348a(a)(12)*

The Regional Future Land Use Map shows all of the land use areas listed in statute. The Land Use chapter includes a narrative description of each land use area and the type and intensity of development that are appropriate in each. The policies in the Land Use chapter further support the implementation of these future land use areas.



**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.

