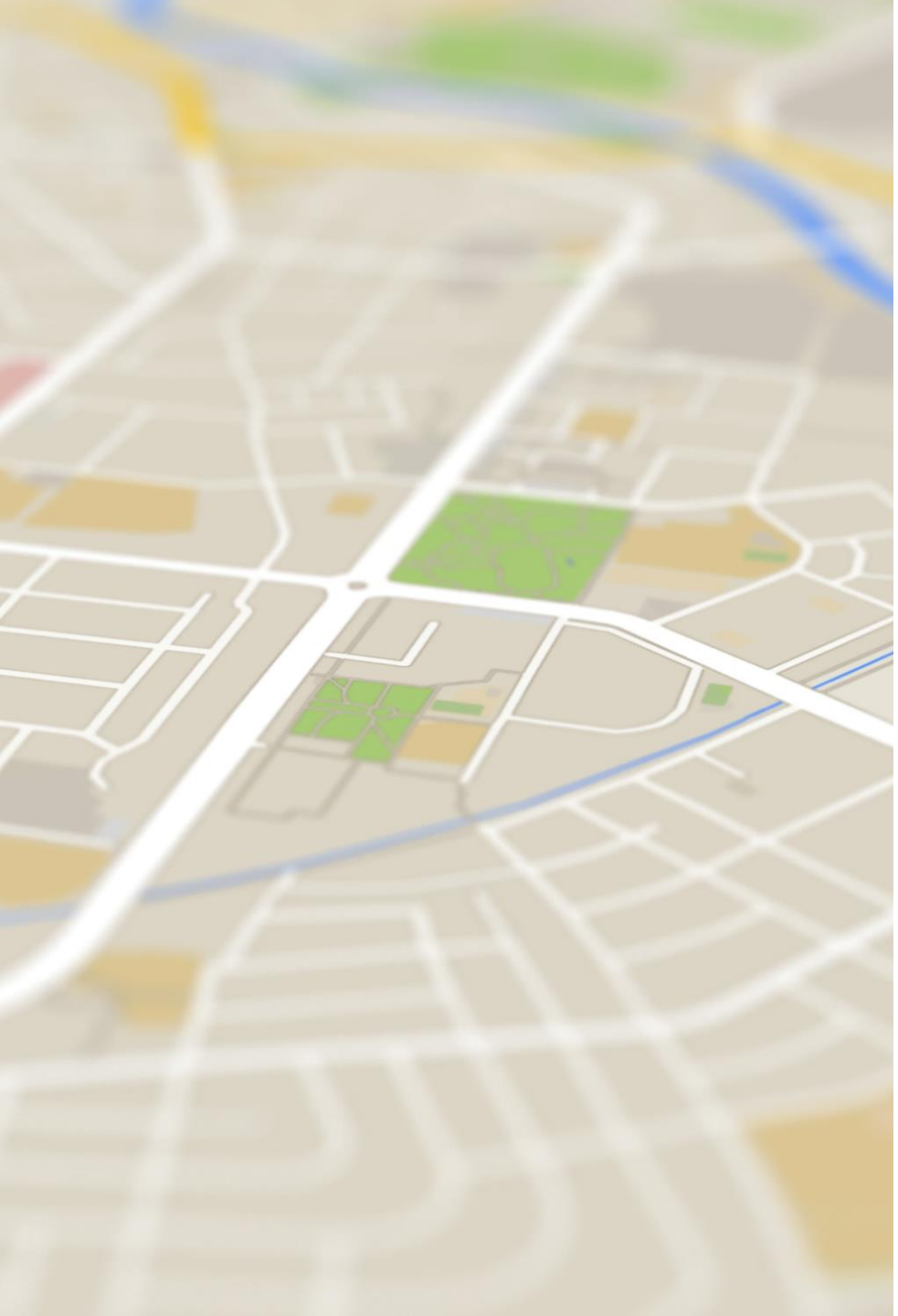
Regional Future Land Use Mapping with South Hero

IMPLEMENTING ACT 181 - AN ACT RELATING TO COMMUNITY RESILIENCE AND BIODIVERSITY PROTECTION THROUGH LAND USE

What we are covering tonight:

- **Act 181 Introduction**
- **New Framework – Reg Planning/State Designations/Act 250**
- **Current Act 250 Exemptions**
- **New Requirements for Local and Regional Plans**
- **NRPC's Mapping Process**
- **Draft South Hero Housing Targets**
- **Draft FLU Mapping**

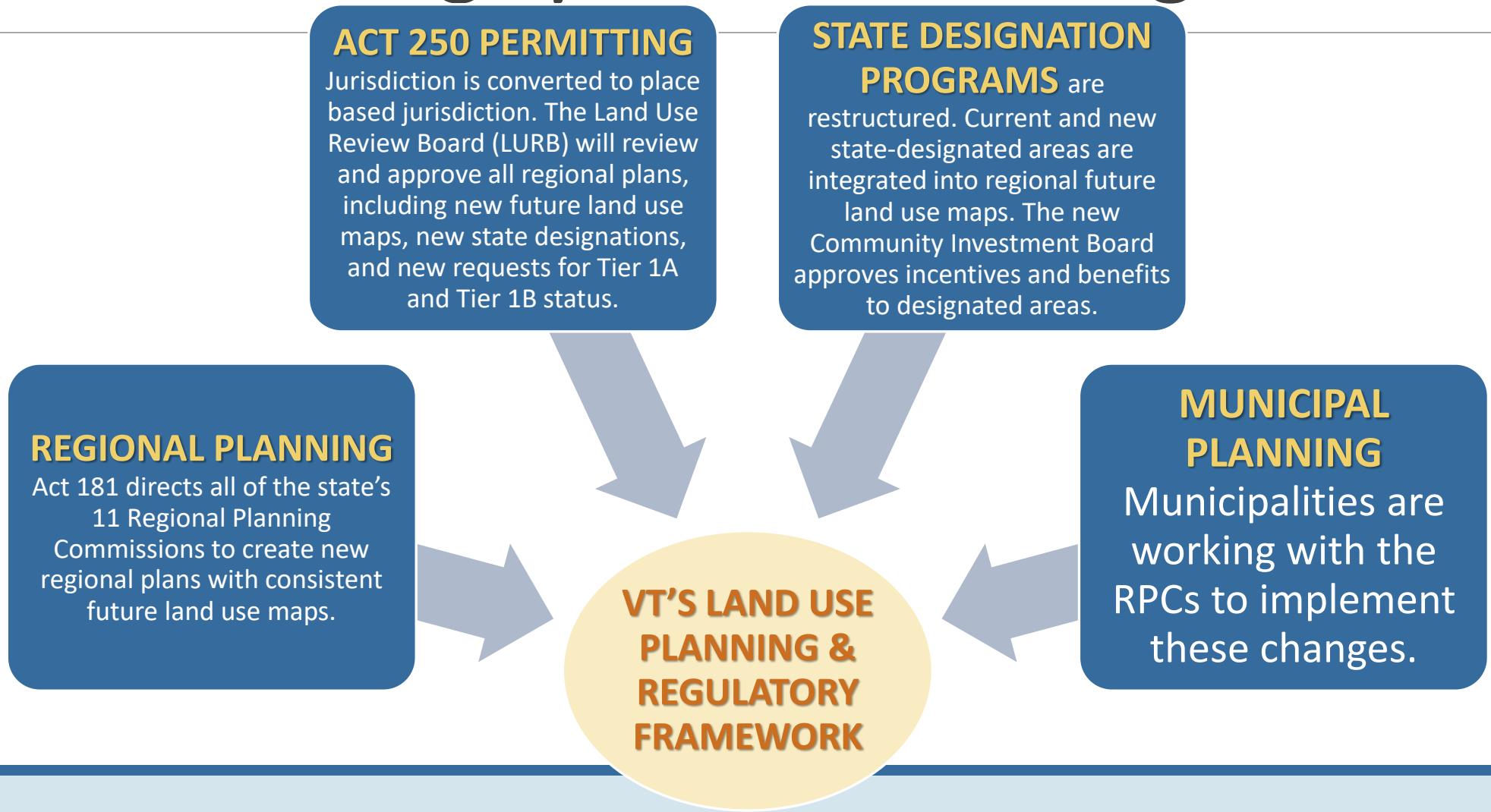


What is Act 181?

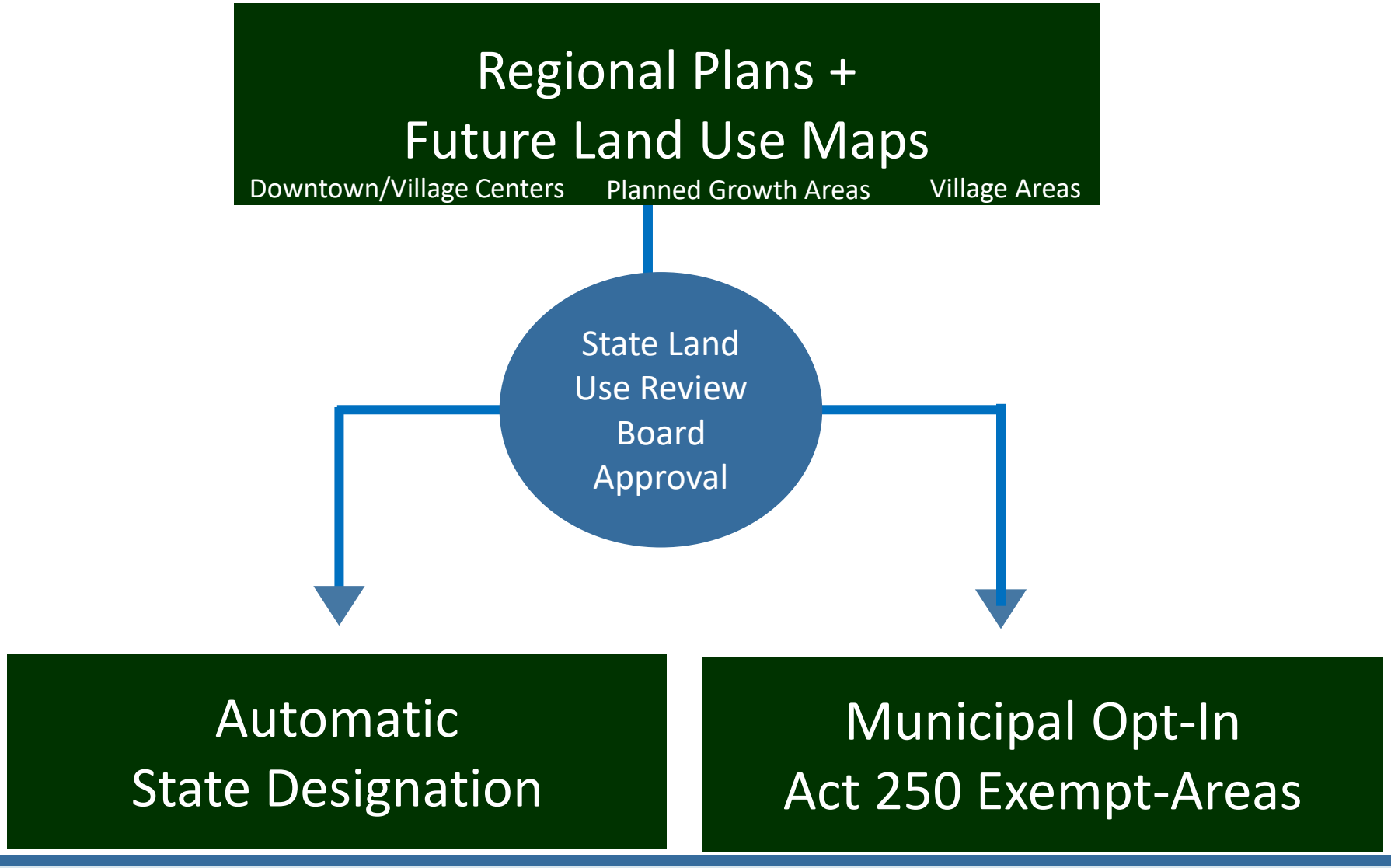
An act relating to community resilience and biodiversity protection through land use.

- 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.

Four Planning Systems Come Together



Regional Plan Approvals



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	Rural: General	Rural: Ag / Forest	Rural: Consv.

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 - TBD

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.

New State Designations

CENTERS:

Downtown Centers and Village Centers

- Step 1: Beginner, Starter Village
- Step 2: Intermediate, Growing Village
- Step 3: Advances, Downtowns, Main Street Program

NEIGHBORHOODS:

Planned Growth Areas and Village Areas

Three Tiers for Act 250 Jurisdiction

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

Tier 1

Tier 1A

Full Act 250 Exemption

- Municipal application
- LURB review
- Guidelines by January 1, 2026
- Specific requirements

Tier 1B

50 units or fewer of housing Exempt

- Methodology by December 31, 2024
- Municipal requested
- RPC mapped
- LURB review
- Specific requirements

Tier 2

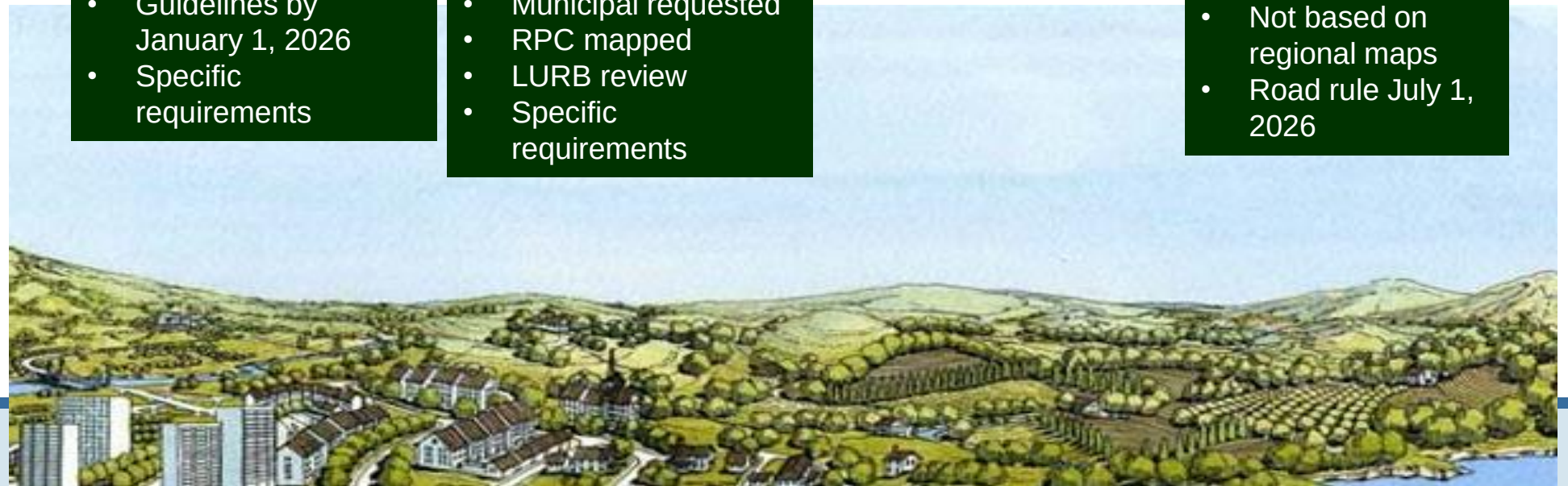
Act 250 Status Quo

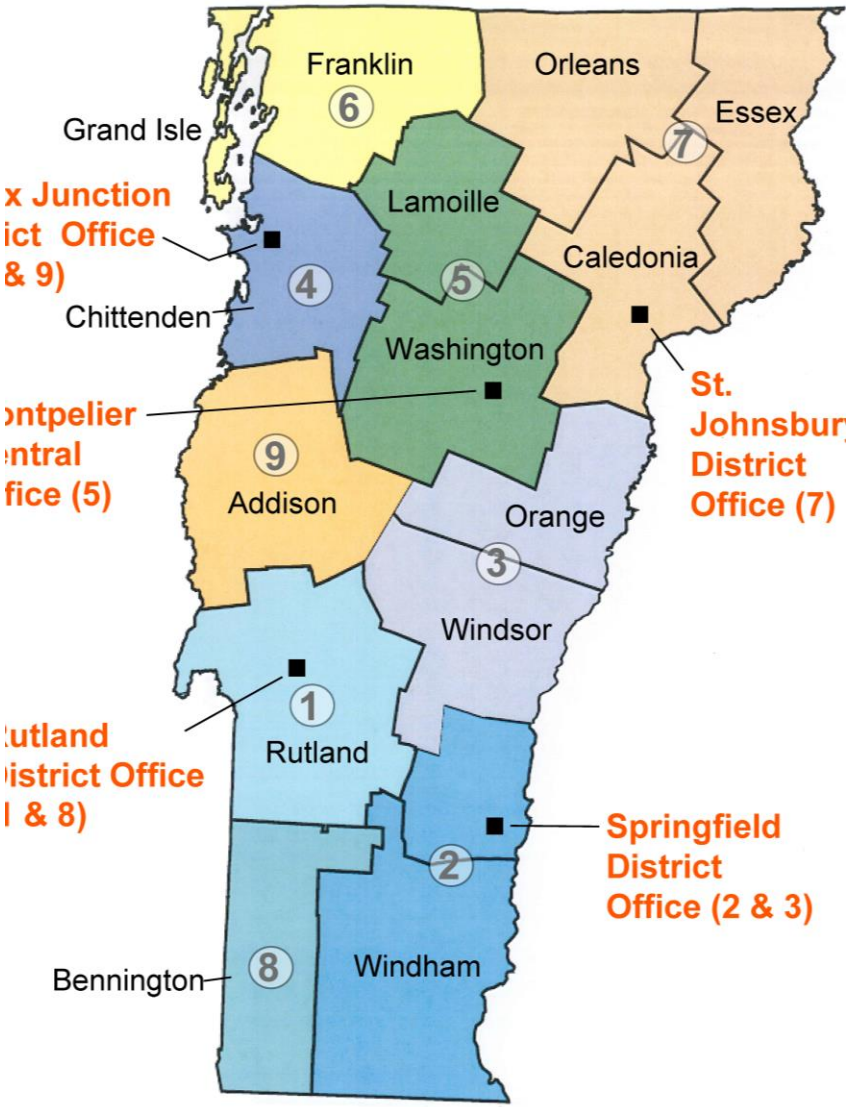
- All areas not 1A, 1B, or Tier 3
- Road rule July 1, 2026

Tier 3

Expanded jurisdiction to be established by Board rules February 1, 2026

- Not based on regional maps
- Road rule July 1, 2026





Wait, what is Act 250?

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

(10VSA Chapter 151)

- Public, quasi-judicial process
- 9 District Environmental Commissions
- Permit required for In municipalities with zoning >10 acres, 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.
- Criterion 10 Conformance with Local and Regional Plan unchanged. Act 181 does not impact or change regulatory role of regional plan

Here and Now (Effective July 1, 2024)

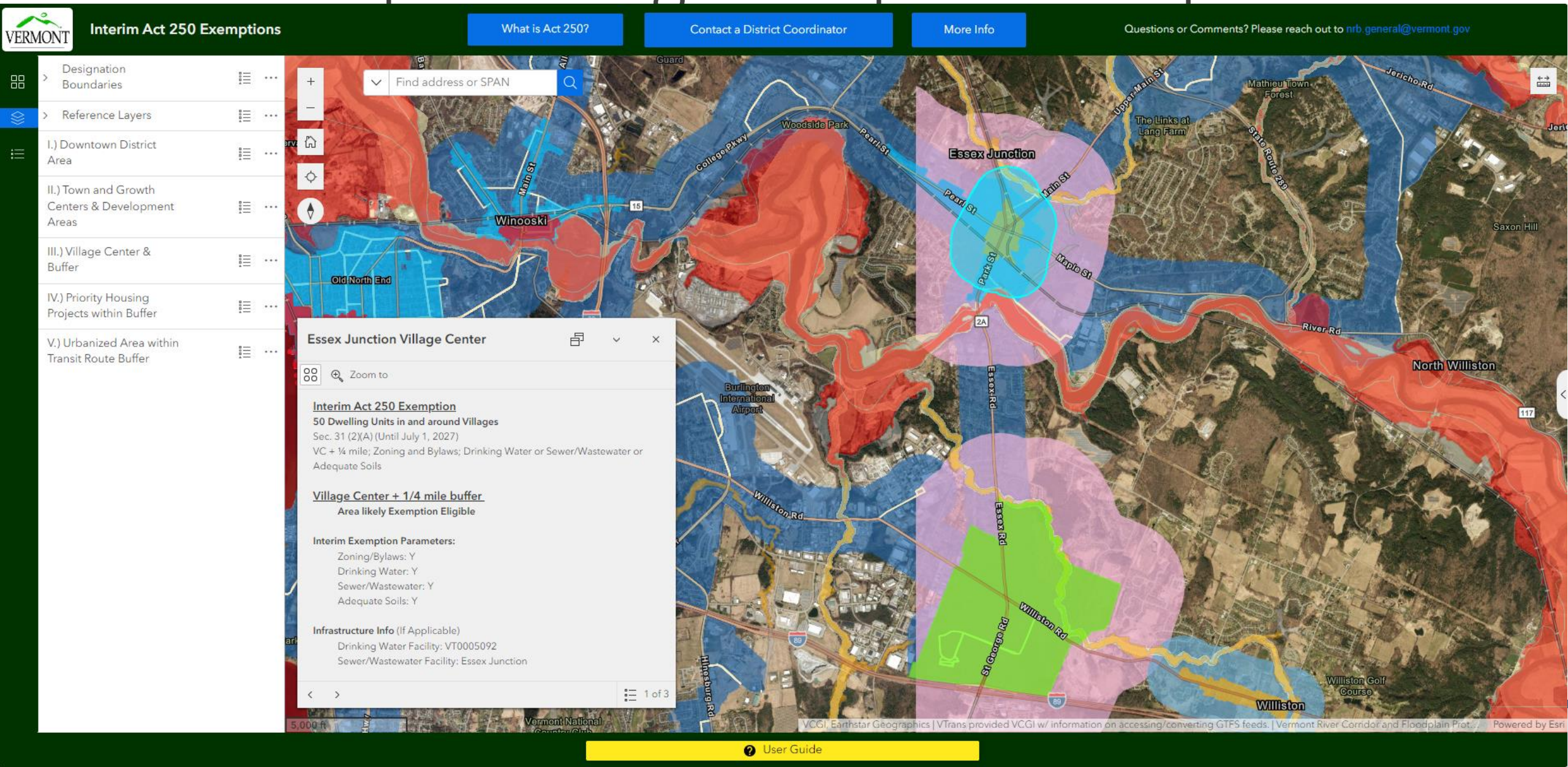
Interim Act 250 Housing Exemptions - *Jurisdictional Opinion Recommended*

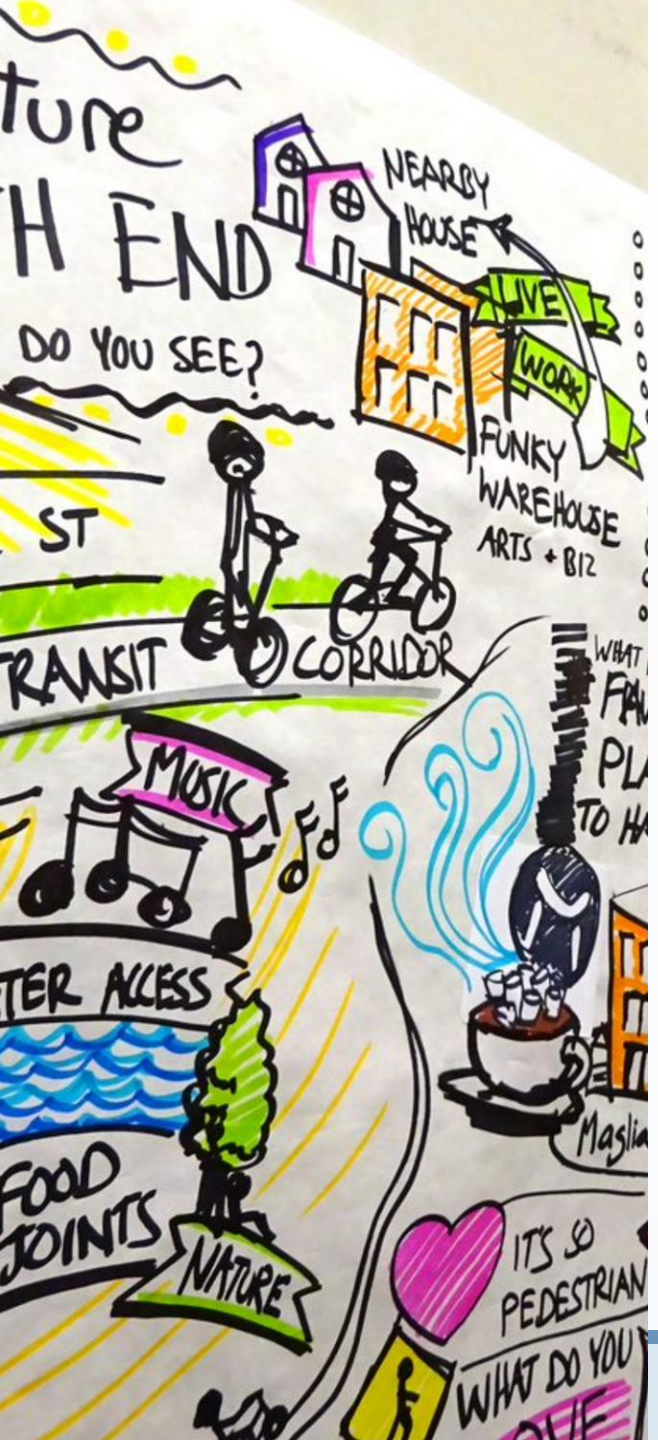
- **Location-based**
  - Priority Housing Projects + ½ mile (unlimited units)
  - Downtowns (unlimited units)
  - New Town, Growth center, and Neighborhood development (75 units)
  - Village Center + 1/4 mile (50 units)
  - Transit Corridors + 1/4 mile (50 units)
- **Type-based**
  - Commercial Conversion (29 units)
  - Accessory Dwelling Units (1/ home)
  - Hotel/Motel Conversion to affordable (unlimited units)

RESOURCES

- Interim Housing Exemptions Guidance
- Interim Housing Exemptions Map
- Contact District Coordinator

Interim Map Housing Exemptions Map





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 (24 V.S.A. 4345a)

- Equitable 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

Level of participation

	Inform	Consult	Involve	Collaborate	Empower
Stakeholder	Public	Public	Municipal Officials	Municipal Officials	Municipal Officials
Activities	Flyer, Website, and Press	Open Houses, Comment Box	Meet with Planning Commissions to review housing targets & FLU maps. (Selectboards as requested)		Selectboard make decision on Act 250 exemptions.
Timing	Winter 2025	Spring 2025	Winter-Spring 2025		Summer 2025

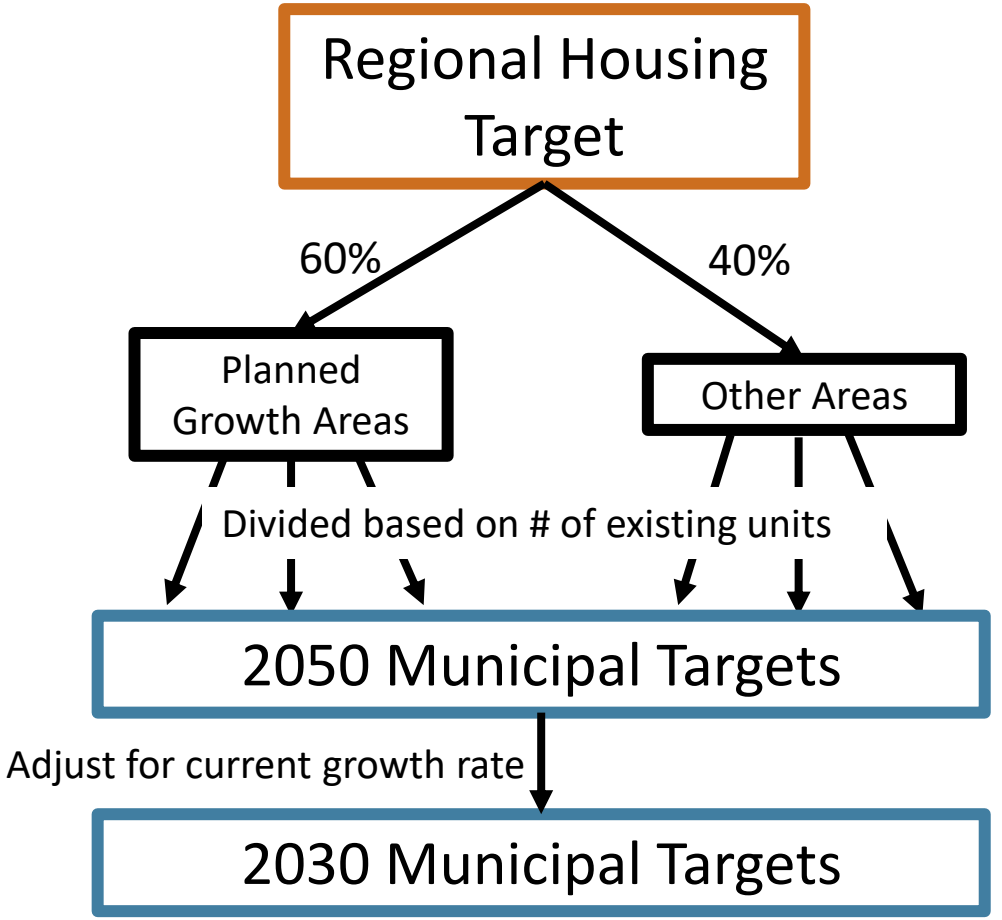
Engagement Plan

Regional and Municipal Housing Targets

- Regional Housing Targets were released Jan. 2025
- NRPC will break down to Municipal Housing Targets

Draft methodology:

- Municipal target is based on:
  1. Existing number of housing units
  2. Whether the municipality has a downtown/planned growth area
- 2050 target assumes 60% of units will be built in Downtowns and Planned Growth Areas
- 2030 target adjusts for current growth rate (2020-2024) to set realistic goals

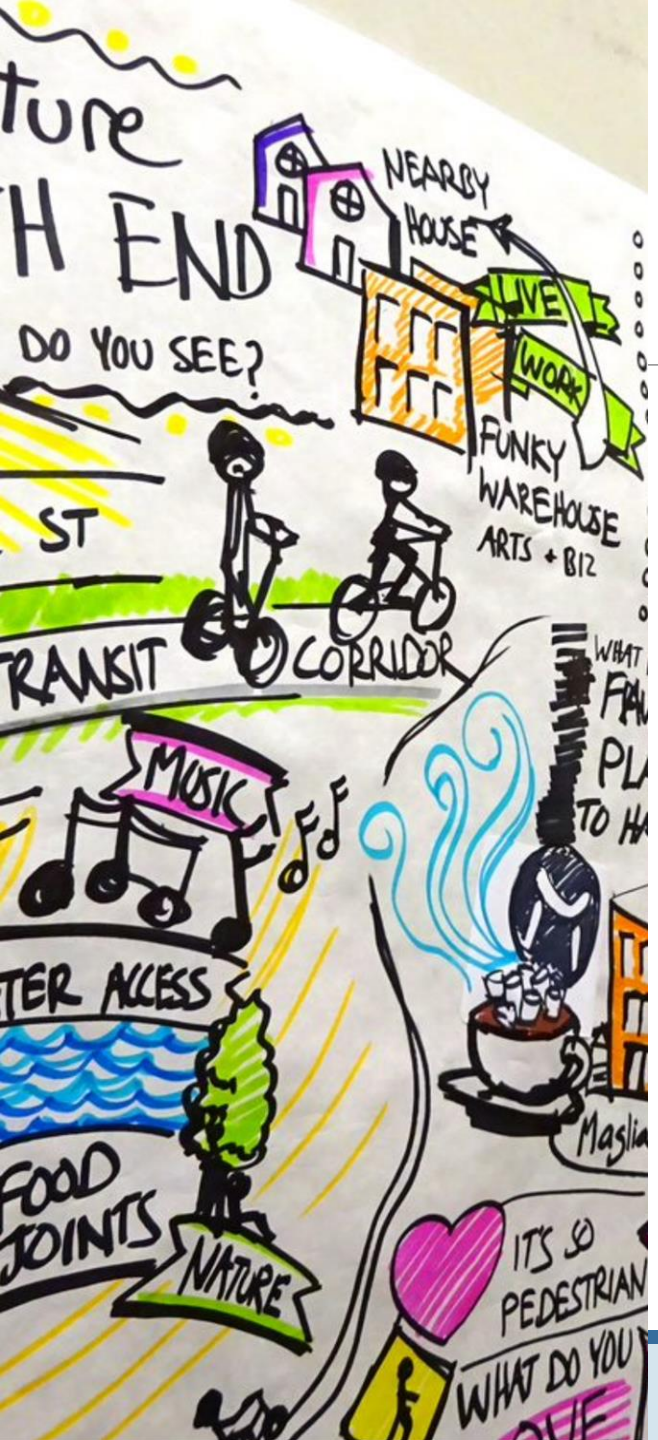


Draft Fairfax Housing Target

- Municipal housing targets need to be incorporated into municipal plans going forward.
- Both targets require an increase in the number of new homes built each year.

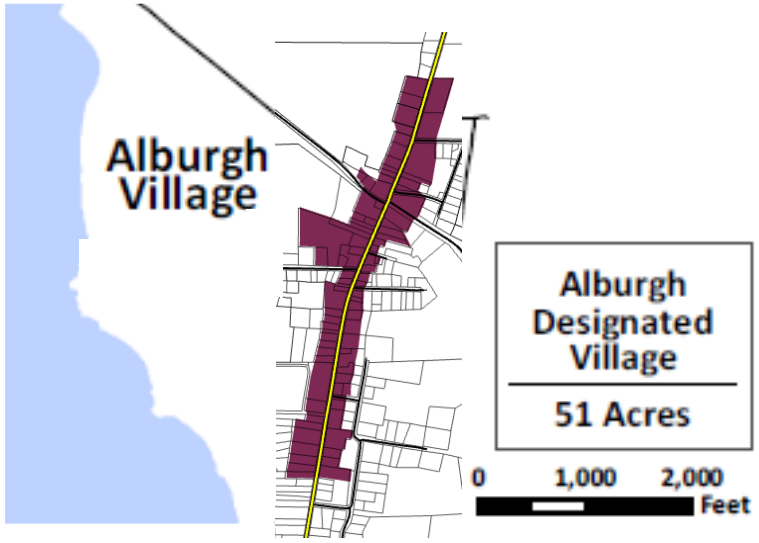
Existing Average Annual Growth Rates		
	2000-2020	2020-2023
	Average yearly % growth	Average yearly % growth
South Hero	.2%	1.1 %
Region	1.0%	0.7%

	New Homes by 2030		New Homes by 2050	
	Target	Yearly % growth needed	Target	Yearly % growth needed
South Hero	86 - 137	1.6% - 2.6%	158 – 311	0.6% - 1.2%
Region Total	2,144 - 3,249	1.5% - 2.3%	12,571 - 13,315	1.0% - 1.9%



Consistent Future Land Use Areas

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



Tier 1B Jurisdiction

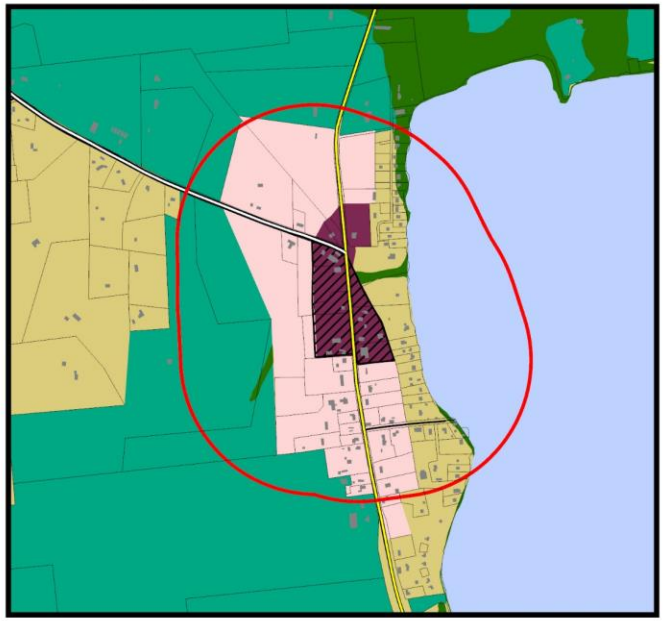
- **Continues temporary exemption** of 50 units or fewer of housing on 10 acres or less
- **Municipalities can choose to 'opt in'** with certification of adequate staff

Tier 1B Eligible Areas - Concentrated Areas of Growth

- Downtown Centers and Village Centers: Village centers have no requirements for municipal plans, zoning, subdivision or infrastructure.
- Planned Growth Areas: Requires zoning, subdivision, public water and/or wastewater, and Complete Streets.
- Village Areas: Requires zoning, subdivision, and public water or sewer, or suitable soils.

NRPC Draft Future Land Use - South Hero

Keeler Bay



South Hero Village

DISCUSSION DRAFT ONLY- 2/4/2025

Existing Village Center Designation

Existing Interim Act 250 Exemption Area

Future Land Use Areas

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

Miles

0 0.25 0.5

N W E S

NRPC Northwest Regional Planning Commission

Vermont Coordinate System
Transverse Mercator, NAD 83.
For planning purposes only.

Prepared by:
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January 2025.

Location:
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regionalplan2025/futurelanduse2025.aprx

Miles

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Existing Village Center Designation

Existing Interim Act 250 Exemption Area

Future Land Use Areas

- Village Center
- Planned Growth Area
- Transitional Area
- Rural Conservation
- Rural Agriculture and Forestry
- Rural General

Future Land Use Scenario

Rural Conservation

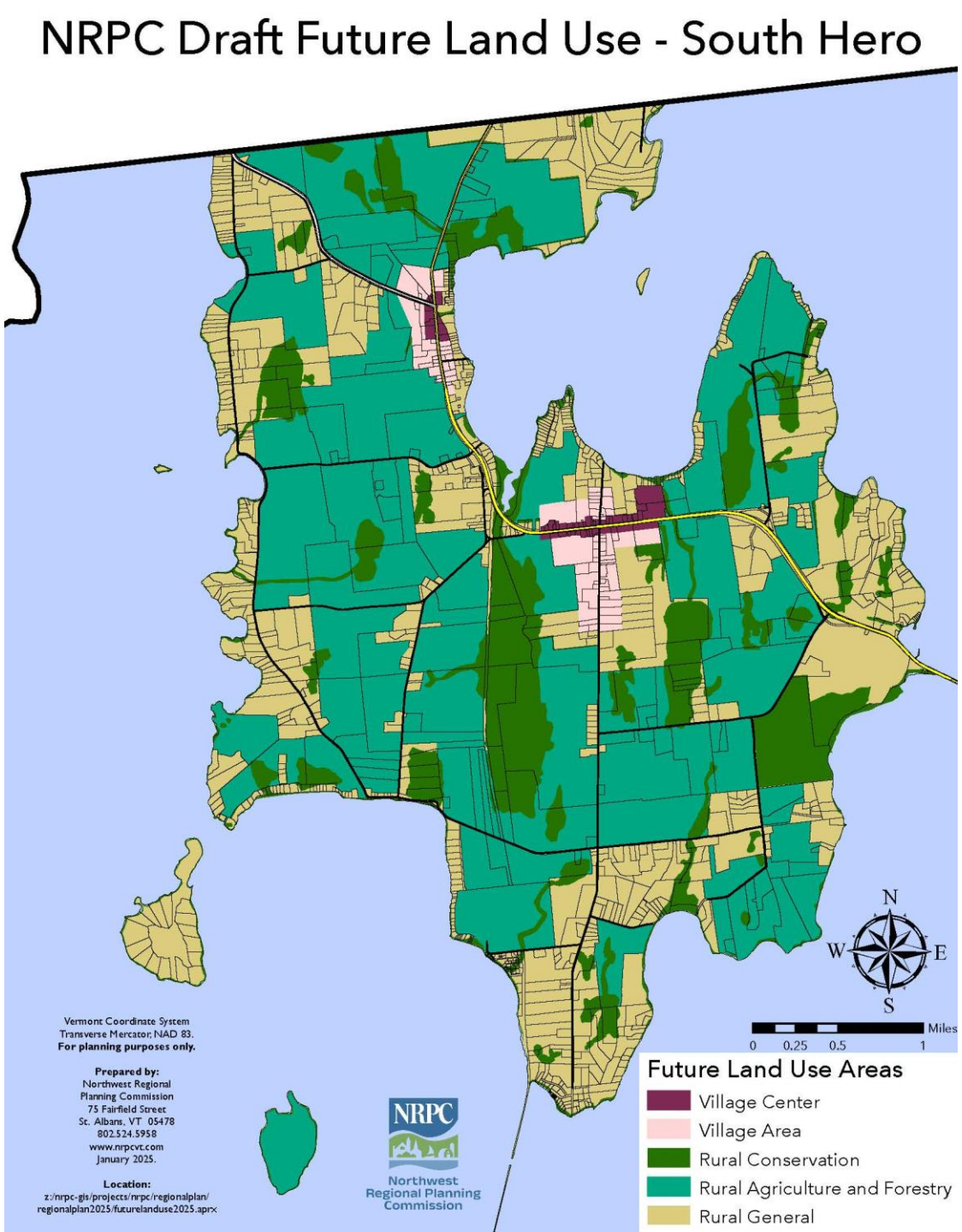
- Special Flood Hazard Area
- River Corridors
- Groundwater Source Protection Areas
- Elevation >1000ft
- Class 1 & 2 Wetlands
- Highest Priority Interior Forest Blocks
- Highest Priority Connectivity Blocks
- Non-agricultural parcels with Conservation Easements

Rural Agriculture & Forestry

- Current use parcels with >20 acres of ag land cover or tree canopy
- Other large agricultural parcels (manually verified)

Rural General

- Everything else



QUESTIONS?