Act 181 FAQs

State of Vermont
Land Use Review Board

Act 181 of the 2024 Vermont Legislative Session modified Act 250, Vermont's land use law. The following Frequently Asked Questions (FAQs) are intended to help inform the public of these changes.

4/14/26 Update: The Legislature has indicated that Tier 3 and Road Construction Jurisdiction will be repealed and the Board has suspended work on these elements at this time. Consequently, FAQs related to Tier 3 and Road Construction Jurisdiction are indicated below with strikethroughs.

1. What is Act 181?

Passed by the legislature in 2024, Act 181 is a comprehensive update to Vermont's land use and development law, known as Act 250. First enacted in 1970, Act 250 aims to balance environmental protection with sustainable development. It regulates large development and subdivision projects based on environmental, economic, and public welfare criteria. Act 181 modernizes Act 250 and aligns state, regional, and local planning. It allows for Act 250 exemptions in areas planned for growth and strengthens protections for critical natural resources.

2. What are Future Land Use Maps?

Regional Planning Commissions are charged with working with their local communities to prepare future land use maps as a component of their regional plans. Regional plans must be adopted by their Commissions that consist of representatives from their communities. The Land Use Review Board then reviews regional plans based upon statutory requirements. Once approved by the Land Use Review Board, the future land use map can make communities eligible for benefits under Act 181.

3. What are Future Land Use Areas?

Act 181 created ten future land use areas to be depicted on the regional plan future land use maps: (1) downtown and village centers, (2) planned growth areas, (3) village areas, (4) transition or infill areas, (5) resource-based recreation areas, (6) enterprise areas, (7) hamlets, (8) rural general, (9) rural agricultural and forestry, and (10) rural conservation. A regional planning commission may establish special land use categories in addition to these ten future land use categories. Regional planning commissions are working with their member municipalities to create updated future land

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use maps using these categories.

4. What are Tiers?

Historically, Act 250 jurisdiction has been primarily based on the size of the development or subdivision, with a focus on larger projects. Act 181 introduced location-based jurisdiction by establishing tiers of jurisdiction. Act 181 requires that the state be mapped as one of four tiers: Tier 1A, Tier 1B, Tier 2 or Tier 3.

- **Tier 1A** areas confer Act 250 exemption. Municipalities must apply for Tier 1A status.
- **Tier 1B** areas confer Act 250 exemptions for certain housing projects. Regional planning commissions request Tier 1B status for municipalities that elect to opt in.
- **Tier 2** areas are all areas of the state that are not Tier 1~~ or Tier 3. Act 250 triggers in Tier 2 remain the same until July 1, 2026, when the new road construction trigger for Act 250 jurisdiction becomes effective for developments with roads longer than 800 feet, or with roads and driveways combined longer than 2000 feet.~~
- ~~**Tier 3** areas are new areas that may trigger Act 250 when development impacts critical resources. Tier 3 mapping and rules are currently being developed.~~

5. Do Future Land Use Areas relate to Tiers?

Only to Tier 1 areas. Here is how:

1. Downtown or village centers are Tier 1A or 1B eligible.
2. Planned growth areas are Tier 1A or 1B eligible.
3. Village areas are Tier 1B eligible.
4. Transition or infill areas are not eligible for Tier 1.
5. Resource-based recreation areas are not eligible for Tier 1.
6. Enterprise areas are not eligible for Tier 1.
7. Hamlets are not eligible for Tier 1.
8. Rural general is not eligible for Tier 1.
9. Rural agriculture and forestry is not eligible for Tier 1.
10. Rural conservation is not eligible for Tier 1.

Tier 1A areas, which will be exempt from Act 250 regulation, can include downtown and village centers, and planned growth areas.

Tier 1B areas, in which projects of up to 50 residential units on less than 10 acres of land will be exempt from Act 250, can include downtown and village centers, planned growth areas, and village areas.

The remaining future land use areas (transition or infill, enterprise, hamlets, rural general, rural agriculture and forestry, and rural conservation) are not related to the Act 250 tiers.

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6. How does the regional future land use map relate to our Town Plan?

For communities that have town plans, these are required to include a land use chapter and a supporting land use map. Regional planning commissions are working with towns to develop the regional future land use map based on local planning and input. To receive regional planning commission approval of the town plan, the plan needs to be "compatible with" the regional plan and future land use map, but the town map does not need to exactly match the regional map. To be "compatible with" the regional plan, the town plan must not "significantly reduce the desired effect" of the regional plan's goals.

7. How does the regional future land use map relate to our zoning map and bylaws?

The regional future land use map has no impact on municipal zoning. Towns should continue to develop their local zoning map and bylaws based on their adopted town plan. The regional planning commission may take zoning district boundaries into account as they develop the future land use map.

8. What are the land conservation targets I have heard about? Are these part of Act 181?

Updated 4/14/26

No. Act 59 of 2023, the *Community Resilience and Biodiversity Protection Act,* established a statewide vision to maintain an ecologically functional landscape that sustains biodiversity, supports working farms and forests, strengthens community resilience, and upholds Vermont's historic pattern of compact villages surrounded by rural lands and natural areas. Act 59 set ambitious goals to conserve 30% of Vermont's landscape by 2030 and 50% by 2050 and directed the Vermont Housing & Conservation Board (VHCB), in coordination with the Agency of Natural Resources (ANR), to prepare a statewide conservation plan. See here for more information on the statewide conservation plan: https://vhcb.org/conservation/act-59/.

9. What are the housing targets about? Are these part of Act 181?

No. Act 47 of 2023, the HOME Act, requires regional housing targets based on the Statewide Housing Needs Assessment. Regional planning commissions must address these targets as part of their plans. It is for each RPC working with their municipalities to establish how they will meet housing needs.

10. Do the housing targets require towns to develop housing units?

No, towns are not expected to get into the home building business. 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.

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11. What happens if a municipal housing target is not reached?

Nothing. There are no penalties for a town that does not reach its housing targets. The targets are an aspirational planning tool to help address the state's housing deficit.

12. Can a community get benefits without Tier 1?

Yes. The Community Investment Board can provide downtowns, village centers, planned growth areas, and village areas with financial benefits such as prioritization for State funding and tax credit funding.

13. What is Tier 1B?

Tier 1B eligible areas include downtown and village centers, planned growth areas, and village areas. A municipality must opt-in for Tier 1B status. Tier 1B status is approved by the Land Use Review Board. Housing projects of up to 50 housing units are exempt from Act 250 in these areas which provides an incentive to builders to construct new housing where communities have planned for growth.

The Tier 1B area must have water supply, wastewater infrastructure, or suitable soils for septic. The area must exclude flood hazard and river corridor areas except infill areas unless the municipality has adequate flood hazard and river corridor regulations. Municipalities with Tier 1B must have a confirmed plan, permanent zoning and subdivision regulations, and affirm that they have adequate capacity to administer these regulations.

14. What is Tier 1A?

Tier 1A areas have full Act 250 exemption. Communities must apply for Tier 1A directly, meet the requirements of Tier 1B, have undertaken infrastructure planning and investment, and have regulations that meet additional requirements outlined in statute.

15. What is Tier 2?

All areas that are not Tier 1 or Tier 3 are Tier 2. ~~Act 250 jurisdiction is the same until July 1, 2026. After that, development in Tier 2 involving roads of 800 feet or longer or roads and driveways combined of 2000 feet or longer will trigger the need for an Act 250 permit.~~

~~16. What is Tier 3?~~

~~Tier 3 areas are areas of critical natural resources where Act 250 jurisdiction would be increased to cover more types of development than today. Act 181 tasks the Land Use Review Board with rulemaking to identify what critical natural resources will be included in the Tier 3 definition, and when Act 250 jurisdiction will be triggered for development in~~

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Tier 3 areas. The Legislature outlined certain types of resources that must be considered but left the final decision to the rulemaking process.

17. What is the status of Tier 3?

We are in the process of making revisions to preliminary Tier 3 mapping and draft rules. The revisions will reduce and focus the Tier 3 areas. We are also revising the draft Tier 3 rules to provide greater allowances for small-scale development in Tier 3 areas without an Act 250 permit.

We hope to have revised draft Tier 3 mapping and rules to share in late April, after which we plan to do another round of public engagement with more refinements with the goal of having a proposed rule and mapping ready for a final round of public engagement and input this summer. The Board would then finalize the rule based on that input. Tier 3 jurisdiction goes into effect on December 31, 2026. For more comprehensive Tier 3 information, see our website - https://act250.vermont.gov/tier-3-rulemaking-and-report

18. Can the Land Use Review Board repeal Tier 3?

No, but the legislature has indicated that it will repeal Tier 3. Act 181 requires that the Board implement Tier 3 through rulemaking.

19. Can the Land Use Review Board repeal the road construction trigger?

No, but the legislature has indicated that it will repeal the road construction trigger. Act 181 requires that the Board implement the new road construction trigger.

20. What about possible legislative changes to Tier 3 or the road construction trigger?

The Board asked the Legislature to extend the timeline to implement Tier 3 and Road Construction Jurisdiction. We want more time for the necessary rulemaking process, in part to get it right and in part to ensure a robust public engagement process that provides multiple opportunities for feedback. Just as importantly, Vermonters need more time to learn about and prepare for these statewide land use permitting changes. Many people have expressed concern that their neighbors and fellow community members are unaware of these Act 250 changes – particularly the expansion of jurisdiction for new road construction and Tier 3 areas. The Land Use Review Board wants to raise awareness and welcome more Vermonters to the table to help us implement Act 250 changes in a meaningful and practical way. We need more time to make this happen.

We also recommended that the Legislature grant the Board the authority to apply a limited number of Act 250 review criteria for development in Tier 3 areas. This would help keep the Act 250 review focused on just the criteria relevant to the critical natural resource area that triggered the need for a permit in the first place. This could reduce

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the scope and complexity of the application and review in Tier 3 areas. With the proper authority granted, the Board would engage in a public rulemaking process to determine which of the 10 review criteria (and 32 sub-criteria) to apply in Tier 3 areas.

The Senate voted out bill S.325 that provides extensions to 2028 for Tier 3 and 2030 for Road Construction Jurisdiction as well as the authority to apply limited criteria in Tier 3. The bill still requires review and approval by the House Environment Committee, the full House, and the Governor. Given the uncertainty that the bill will become law, the Board continues to prepare for the current deadlines in law.

21. If land falls in a Tier 3 mapped area, does that mean it can't be developed?

No. It means that certain development within that area may have to go through the Act 250 review process. The map will define the area in question. The rules will define what level of development within the Tier 3 area requires Act 250 review. The Land Use Review Board is considering several options to ensure that small-scale development within a Tier 3 area does not require an Act 250 permit. Existing exempt activities like farming, maple sugaring, forestry, and logging will remain exempt.
*Note – The preliminary Tier 3 mapping and draft rule released in October 2025 is changing based on public feedback. The new draft will reduce and refine the Tier 3 areas and provide greater allowances for development in Tier 3 areas without the need for an Act 250 permit. We plan to release a new draft in late April and then do additional public outreach/engagement in May/June 2026.

22. Is Tier 3 based on regional Future Land Use Maps?

No. The mapping of Tier 3 areas is solely the responsibility of the Land Use Review Board through the rulemaking process. There is nothing in regional plans or on the future land use maps that influences the Board's mapping of Tier 3 areas.

23. Are the areas mapped as Rural Conservation on the future land use map the same as Tier 3 areas?

No. Rural Conservation areas may be within Tier 2 and subject to the traditional Act 250 requirements that have been in place prior to Act 181 or may fall within Tier 3 based on the final Tier 3 mapping completed by the Board.

24. Is the Road Rule part of Tier 3?

No, the Road Rule is separate from Tier 3. The legislature has indicated that it will repeal both of these provisions of Act 181.

25. How can I see which critical resource(s) is shown on the Tier 3 map?

The preliminary draft Tier 3 map is online here and can be queried to show possible Tier 3 resource types:

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https://experience.arcgis.com/experience/6ec0a9c1daa84f2893859d94403b0a1b

Resource layers under Tier 3 can be turned on or off to show if these are habitat connectors, headwaters, or significant natural communities. This map is for reference only, and is a DRAFT intended to facilitate public input.

Certain reference areas can also be displayed in the map viewer – e.g., tentative Tier 3 exclusion areas (around villages and downtowns), elevations at/above 2500 feet, Vermont Conservation Design (VCD) connectivity blocks. These areas are not proposed to be Tier 3. Areas around villages and downtowns are tentatively excluded from Tier 3 because they are planned for growth and could become Tier 1 areas. Most development at and above 2500 feet elevation already requires Act 250 review. This has been the case for the 56-year history of Act 250, so Tier 3 mapping would be duplicative in these high elevation areas. VCD connectivity blocks are shown as a reference layer to help people understand why the tentative Tier 3 habitat connector locations were selected along certain road segments. The Tier 3 habitat connector locations seek to provide connections between the dark orange VCD connectivity block areas (i.e., highest priority connectivity blocks), which are typically divided by roads.

*Note – The Tier 3 mapping and draft rule released in October 2025 is changing based on public feedback. The new draft will reduce and refine the Tier 3 areas and provide greater allowances for development in Tier 3 areas without the need for an Act 250 permit. We plan to release a new draft in late April and then do additional public outreach/engagement in May/June 2026.

26. Where can I submit corrections or clarifying information?

We are still making and refining the Tier 3 mapping. Submit feedback via email to act250.rulemaking@vermont.gov or contact Alex Weinhagen (Tier 3 project lead) by phone at 802-480-1885. No mapping protocols are perfect, and feedback is helpful to identify shortcomings to continue to improve it.

Once the Tier 3 map and rules are adopted, there will be a way for landowners to address map errors. The mapping is based upon the most up-to-date data, but resources are not static and map data will always be imperfect. A process for correcting or clarifying Tier 3 resource locations is under development in the draft rule available here:

https://act250.vermont.gov/sites/acttwofifty/files/documents/tier3-rules-draft2-1-100825.pdf

27. Will property owners impacted by Tier 3 be notified and consulted?

The Land Use Review Board wants to raise awareness and welcomes property owners to the table to help us implement Act 181 in a meaningful and practical way. The Tier 3 rulemaking process requires public engagement. After the next draft of the Tier 3

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mapping and rules is released (end of April 2026), we plan to do extensive public outreach and engagement in May and June. Reaching out to landowners is part of that effort. However, we do not have the resources at this time to send individual notifications to all affected landowners. Landowners may submit comments to act250.rulemaking@vermont.gov or contact Alex Weinhagen (Tier 3 project lead) by phone at 802-480-1885.

28. How will Tier 3 and Road Construction Jurisdiction be implemented and enforced?

Rulemaking requires public notification and outreach. The Board will also look to hold trainings and put out information on new Act 250 requirements. As has been the case, property owners are responsible for checking with their municipality and the State for what permits are required before beginning work (the Agency of Natural Resources Permit Navigator for State permits can be found here: https://dec.vermont.gov/assistance/permits/permit-navigator). Enforcement will not change and Act 250 enforcement officers will continue to work with property owners as necessary on after-the-fact permits.

29. Will Tier 3 restrictions automatically result in a reduction in our land's assessed value?

No. Municipalities are responsible for keeping current land assessments and have the power to adjust value. As Tier 3 does not prohibit development, it is unclear if this would have an impact on land value. Consult with your local lister or assessor.

30. How long will it take and how expensive will it be to get an Act 250 permit to build a new house for a family member on Tier 3 land?

Most permit applications are processed as minor applications, meaning no hearing is required. Currently, the median processing time for a minor application is less than two months from the time it is deemed complete to the time the decision is issued.

Under the current statutory fee structure, the fee depends on the construction costs involved. The minimum fee is $187.50. If a new lot is created, a fee of $125 is also charged for each lot. For projects involving construction, there is an Act 250 fee of $7.40 for each $1,000.00. Here are a couple of fee examples: 1) a $100,000 mobile home would have a fee of $740; 2) a stick-built home with a construction cost of $500,000 would have a fee of $3,700.

31. What additional costs should I be aware of?

Other permits, such as State water wastewater permits with associated permit fees are often required whether a project is under Act 250 jurisdiction. These are different State permit fees and not Act 250 permit fees.

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32. Do I need a lawyer and an engineer to submit an Act 250 permit application?

No. A property owner can submit an Act 250 application without engaging a lawyer or engineer. Many small-scale projects do not require legal or engineering work. An engineer may be needed for challenging sites, larger scale developments and if a State water/wastewater permit is necessary. State water/wastewater permits are required for new development regardless of Act 250.

33. How does Act 181 impact farming, forestry, and logging?

It doesn't. Jurisdictional triggers for farming, forestry, and logging did not change. ~~The road construction trigger exempts farming and forestry roads. These exemptions will continue, even in Tier 3 areas.~~

34. Does Act 181 mean that I will need an Act 250 permit to build a new maple sugarhouse?

No. Maple sugaring operations under 2500 feet in elevation are exempt from Act 250 permitting under the farming exemption.

35. How does Act 181 impact Accessory On-Farm Businesses (AOFBs)?

According to the Agency of Agriculture, Act 181 "expanded AOFBs' ability to sell qualifying products that are not produced on the farm where an AOFB is located, added new types of eligible products, and created related Act 250 exemptions."

~~36. What was the Road Rule?~~

~~In Act 181, the Legislature put into statute a new trigger for Act 250: Road Construction Jurisdiction. This new trigger is based on the Act 250 Rule 2A(6) which was called the "Road Rule" but was rescinded in 2001. Under the old rule, Act 250 was triggered by roads over 800 feet in length serving development as defined in statute.~~

~~37. So, what is the new Road Rule?~~

~~Act 181 requires that as of July 1, 2026, the construction of a road or roads and any associated driveways may trigger Act 250 when the length of any single road is greater than 800 feet, or the length of all roads and any associated driveways in combination is greater than 2,000 feet.~~

~~38. Can the Land Use Review Board repeal or push back Road Construction Jurisdiction?~~

~~No. The new road construction jurisdiction provision is defined in the statute. The Land Use Review Board doesn't have the authority to repeal or revise it - only the Legislature does. However, we are preparing guidance to help explain our interpretation of the law.~~

~~39. Does Road Construction Jurisdiction apply to municipal, state, and federal roads?~~

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No. Municipal state, and federal roads are exempt. However, Class 4 Road construction done by private property owners is not exempt (see below).

40. Does Road Construction Jurisdiction apply to trails?

No. Trails are not roads. Trail construction will not trigger Act 250 under this new requirement.

41. Does Road Construction Jurisdiction apply to Class 4 roads?

Routine maintenance and minor repairs, as defined in statute, will not trigger Act 250. For all other Class 4 Road work, municipalities are exempt. Private individuals who construct "improvements" to a Class 4 Road can trigger Act 250 if the 800' road or 2000' road and driveway jurisdictional thresholds are exceeded.

42. What is the difference between a road and a driveway?

Draft guidance, which is out for public comment, attempts to clarify this by creating a definition of driveway that defines driveways as a constructed vehicular access that will serve a commercial, industrial, or residential development of up to three lots or units. Everything else is a road. For the purposes of this definition, duplexes are counted as one unit and accessory dwelling units are excluded from unit counts.

43. Would all of Act 250 criteria be triggered?

Yes. However, the Board has asked the Legislature to have the ability to reduce the criteria that would apply to projects triggered by Tier 3 and road construction. Bill S.325 has this language in it but must pass the House and be signed by the Governor to be effective.

44. What about existing roads and driveways?

Roads and driveways that exist before July 1, 2026, are not subject to this provision of the law. The new Act 250 trigger applies only to roads and driveways that are constructed after July 1, 2026.

45. When is a road considered "constructed?"

Rather than imposing construction standards or specifications, we are proposing a reasonable person interpretation to determine when a road is deemed "constructed," suggesting that if a road or driveway is drivable by a passenger vehicle as of the effective date of the legislation (currently July 1, 2026), it should be deemed constructed.

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46. What about existing roads and driveways that are added on to? When does Act 250 get triggered?

When construction after July 1, 2026, exceeds the statutory triggers, only the development or lots served by new roads and driveways are subject to Act 250. The statutory triggers are construction in excess of 800 feet of new length of road or 2000 feet of new length of road/driveways.

47. So, if I have a 2500 foot road on July 1st and I add on to it after July 1st, 2026, does it trigger Act 250?

Not unless the new construction exceeds 800 feet of new road length or 2000 feet of new road and driveway combined length.

48. If I have a 2500 foot driveway on July 1st and add on to it after July 1st, 2026, does it trigger Act 250?

Not unless the new construction exceeds 800 feet of new road length or 2000 feet of new road and driveway combined length.

49. When construction of an existing road or driveway triggers Act 250, does this mean that other lots served by the road or driveway will have to go through Act 250?

No. Only the new lots or development served by the new road and driveways would be under jurisdiction. Existing lots and development served by the existing road and driveways would not be pulled into Act 250.

50. Can property owners get a determination in advance of construction to confirm if they are in or out of Act 250 under Road Construction Jurisdiction?

Yes. A jurisdictional opinion could be requested from an Act 250 district coordinator for a project prior to construction. Guidance has been drafted to help Act 250 district coordinators apply the new road construction jurisdiction. The Board is receiving public comment on the current draft guidance document until April 30, 2026, after which the Board will adjust and finalize the guidance as needed.

51. What about roads that are under construction on July 1, 2026?

There will be roads under construction at varying degrees of completion on July 1, 2026. An Act 250 district coordinator can make a determination using the proposed guidance as to what portion of the road or driveway was constructed prior to July 1st and therefore not count toward the length trigger. Roads or driveways that are drivable by a passenger vehicle as of July 1st will be considered constructed.

52. How is the length of a road or driveway measured?

It should be measured beginning at the edge of the intersecting existing road or

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~~driveway following the road or driveway to the end of the road or driveway.~~

~~53. Are farm roads subject to Road Construction Jurisdiction?~~

~~No. Farming roads are not subject to Road Construction Jurisdiction.~~

~~54. Are forestry roads subject to Road Construction Jurisdiction?~~

~~No. Forestry roads are not subject to Road Construction Jurisdiction.~~

~~55. Converting a farm or forestry road can trigger Act 250 though - right?~~

~~Where farm and forest roads are used to access lands for any new development or subdivision on a parcel of land, the portion of road serving the new development or subdivision shall be deemed converted. Converting the road does not trigger Act 250 unless construction is undertaken that exceeds the length triggers.~~

56. What is a tract of land?

A “tract of land” means one or more physically contiguous parcels of land owned or controlled by the same person or persons. This is established in Act 250 Rule 2.

57. How can I submit comments on the draft Road Construction Jurisdiction Guidelines?

Email: act250.comments@vermont.gov.

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