

April 2026

# Vermont League of Cities and Towns

## Support S.328

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# Today's Testimony:

- Section 8: Served by municipal water and sewer should apply for Tier 1A and Tier 1B eligible areas
- Add expedited adoption of municipal preemptions



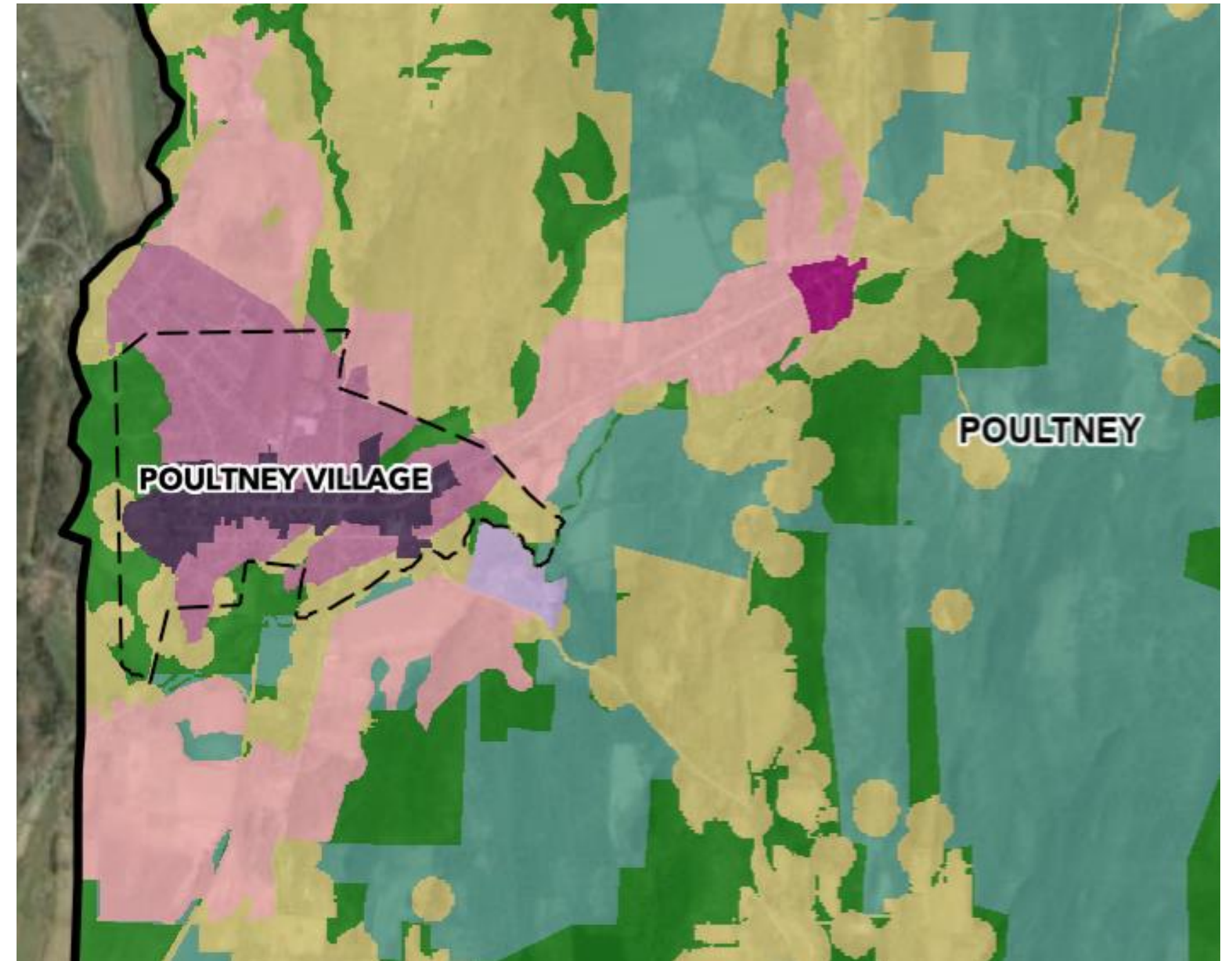
## Add expedited adoption of municipal preemptions

Municipal planning bodies are made up of citizen planners and rely on contracted professional capacity. Their ability to improve, modernize, and maintain compliant local regulations is dependent on the capacity of volunteers.

(i) Notwithstanding this section and any other law to the contrary, for **bylaw** amendments that are required to comply with amendments to this chapter, no hearings are required to be held on the **bylaw** amendments.

## Section 8: Served by municipal water and sewer

This section services the HOME Act zoning preemptions created in 2023 related to ADUs, duplexes, parking minimums, etc. The same definition should be used in Title 10 for the purpose of creating Tier 1A & Tier1B eligibility. **The municipality, the RPC, and the LURB should all be using the same definition.**



**10 V.S.A. § 6033**

**(c) To obtain a Tier 1B area status under this section the regional planning commission shall demonstrate to the Board that the municipalities with Tier 1B areas meet the following requirements as included in subdivision 24 V.S.A. § 4348a(a)(12)(C):**

.....

**(5) The municipality has water supply, wastewater infrastructure, or soils that can accommodate a community system for compact housing development in the area proposed for Tier 1B.**

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# Questions???



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# How does a municipality create an Act 250 exempt area?

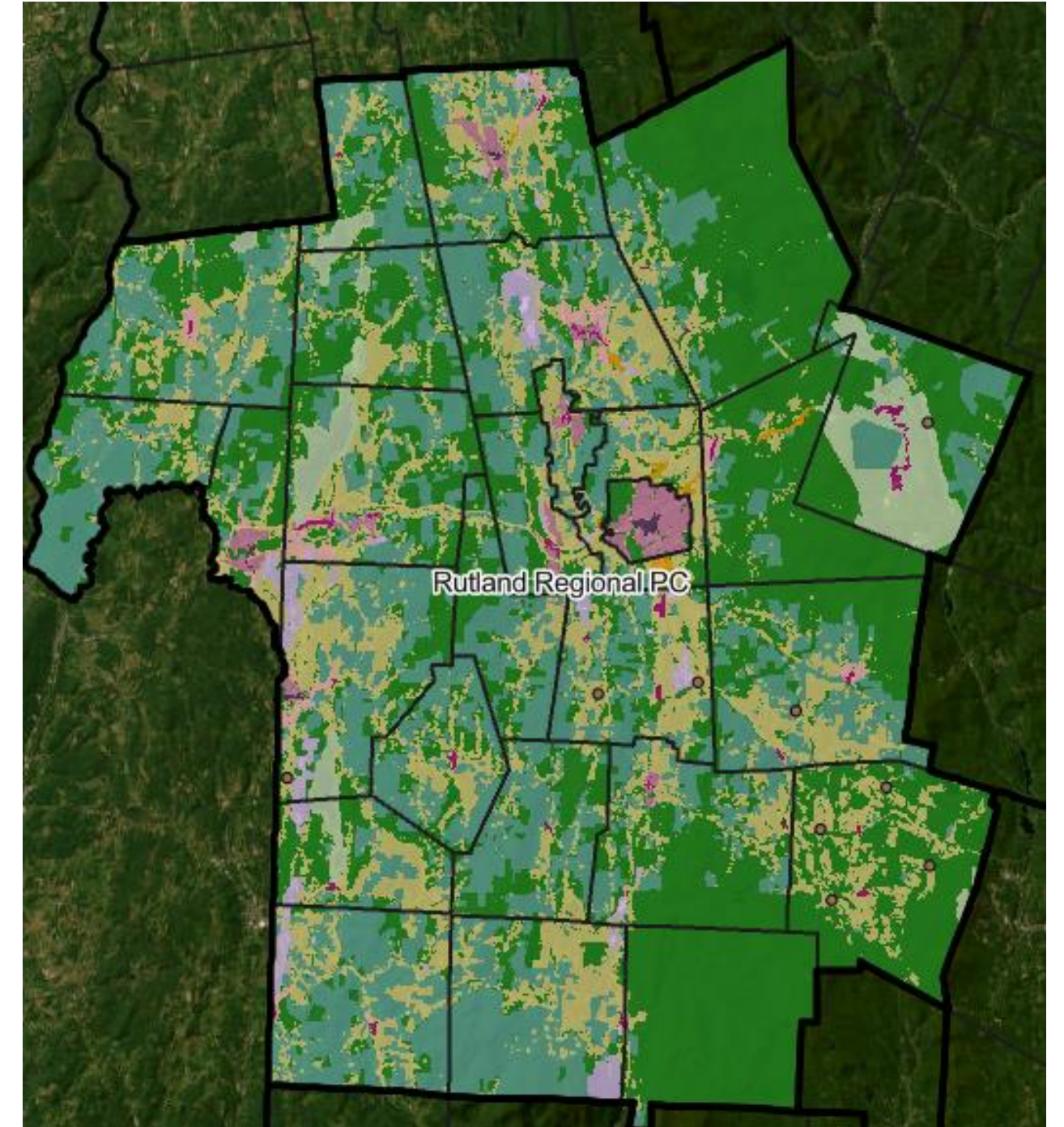
The creation of a Tier 1a is not a municipal authority. A municipality must navigate months or years of local, regional, and state processes that accommodate broad public input and numerous actions of the municipal legislative body.

1. Tier 1a & Tier 1b eligible areas (FLUs) are determined by adopted and approved regional plans
  - RPC's draft maps according statutory requirements and shared methodology
  - RPC's conduct local engagement and receive municipal input
  - RPC's submit regional plans to LURB
2. Land Use Review Board (LURB) reviews and approves Regional Maps
  - 60-day pre-application period with statutory notice requirements (includes AAFM)
  - Pre-application may include request for Tier1b status, RPC must submit a resolution from each municipality's legislative body
  - Public hearing
  - LURB decision within 15 days of hearing
3. RPC holds public hearing and adopts the regional plan
4. LURB holds public hearing and affirms or denies the regional plan

# How does a municipality create an Act 250 exempt area?

(continued)

5. Municipal process to authorize Tier 1a application
6. Following the affirmative decision by the LURB and adoption of the regional plan, a municipality may apply to the LURB for Tier1a
7. Pre-application period
  - Statutory and additional notice requirements (includes AAFM)
  - Public comment period
  - Review by a member of the board for compliance with statutory requirements
8. LURB holds public hearing
9. LURB deliberates and affirms or denies the Tier 1a area
10. If affirmed, LURB performs a check-in every 4 years and a review of status every 8 years. Additional Tier 1a areas require re-application



# Municipalities Have Regulatory Authority for Land Use

Because Vermont is a Dillon's Rule state, municipalities have only those powers and functions specifically authorized by the Vermont Legislature. Many state pre-emptions for zoning exist.

1. Zoning: A municipality may regulate land development in conformance with its adopted municipal plan and to govern the use of land and the placement, spacing, and size of structures and other factors specified in bylaws related to public health, safety, or welfare. Zoning bylaws may permit, prohibit, restrict, regulate, and determine land development for a broad range of purposes enumerated in state law.
2. Ordinance: An ordinance is a legislative act by the legislative body of a municipality. Once adopted according to statutory process, they become legally enforceable local laws.
3. Policy: Generally, policies apply to employees, town facilities or the public body itself. Policies do not have regulatory enforcement authority.
4. Charter: Municipalities may receive additional regulatory authorities through a charter amendment process. Example: Burlington Thermal Energy for Buildings



# Writing the Rules

Zoning Bylaws may be created to enforce the municipal plan within the authorities prescribed by state law.

- The Municipal Plan: is developed through a citizen led process (usually starts with a citizen commission) and is adopted by the legislative body, shared with statutory parties, and then must be approved by the RPC and DHCD. Each action of a local body and subsequent amendments require a public hearing. The Plan must contain 12 elements required by state law.
- Zoning and Bylaw: Many state preemptions exist to limit bylaw authority. Some charters require additional process. For substantial zoning changes additional outreach, long drafting and periods of deliberation, research, feasibility study, assessing infrastructure capacity, joint hearings, etc. are typical
- At a minimum, to adopt or amend a bylaw the appropriate municipal panel must:
  - Publish a public report, consistent with municipal plan
  - Hold a public hearing
  - 15-day notice period and statutory notices (RPC, DHCD, etc.)



# Links and Resources

- [Municipal Charters](#)
- [Title 24 Chapter 117: Municipal Planning and Development](#)
- [Municipal Plans and Bylaws Database](#)
- [TROC Town Plan Adoption and Manual](#)
- [Essentials of Local Land Use Planning and Regulation Handbook](#)
- [10 Acre Towns List](#)
- [10 Acre Town Check List](#) (required zoning bylaws)
- Sample Fee Schedule - [South Burlington](#) and [Rutland](#)



# Links and Resources, Act 181

- [Future land use map viewer](#)
- [Regional Planning Commission Application Guidelines, LURB](#)
- [Tier 1a guidelines](#)
- [Tier 3 draft rule 2.1](#)
- [Tier 3 map viewer](#)
- [VLCT webinar, Road Rule & Tier 3 \(recorded\)](#)
- [Key Takeaways from Act 181, VLCT 10/2024](#)
- [Act 181 Implementation, LURB - 01/2026](#)
- [Act 181 FLU area descriptions, CCRPC](#)
- [FLU Methodology and Process, RPCs](#)
- [Summary of Act 181 & HOME Act Housing Targets, 3 pager, CCRPC](#)

