

# Maine Land Use Planning Commission

Department of Agriculture, Conservation and Forestry



## BASIS STATEMENT AND SUMMARY OF COMMENTS

FOR AMENDMENTS TO

## CHAPTER 10: LAND USE DISTRICTS AND STANDARDS

February 11, 2026

**STATUTORY AUTHORITY:** 12 M.R.S. §§ 685-A(3) and (7-A)  
12 M.R.S. § 685-C(5)(A)

### FACTUAL AND POLICY BASIS FOR THE RULE AMENDMENT

Highland Plantation was part of the Land Use Regulation Commission's service area at the time of the Commission's inception. The Plantation assumed local land use authority in July 2016 after a local process to develop a comprehensive plan, zoning map, and land use ordinance, and has maintained a land use program since then. However, more recently the Plantation has had difficulties in recruiting and retaining a planning board and code enforcement officer. In response to this experience, at the annual Plantation meeting on April 26, 2025, residents in attendance voted to repeal the comprehensive plan, zoning map, and land use ordinance. Plantation officials subsequently submitted a petition to return to the Land Use Planning Commission's (LUPC or the Commission) service area.

Pursuant to 12 M.R.S. § 685-A (4-A)(B) and after a Chapter 17 rulemaking process, the Commission reestablished jurisdiction effective September 2, 2025, and currently administers land use regulatory authority in Highland Plantation. As part of the rule changes associated with the reestablishment of jurisdiction, the Commission adopted the previous Land Use Guidance Map to provide interim guidance until a community process to update the zoning was completed.

Chapter 10, Section 10.08-A of the Commission's rules identifies locational factors for adoption or amendment of land use district boundaries. The rule identifies primary and secondary locations based on proximity to rural hubs and public roads. Portions of Highland Plantation meet the locational criteria for primary locations, which would enable property owners to petition the Commission to rezone to Commercial and Industrial Development (D-CI), General Development (D-GN), Low-density Development (D-LD), and Residential Development (D-RS) subdistricts (see Map 2). Other portions of Highland Plantation meet the criteria for secondary locations, which would enable

property owners to petition the Commission to rezone to Low-density Development (D-LD) and Residential Development (D-RS) subdistricts.

As part of the process to update the zoning map, two community meetings were held to discuss and review desired changes to the Land Use Guidance Map. At the first community meeting on September 13, 2025, in addition to proposed zoning changes, the majority of the 16 residents and property owners<sup>1</sup> present requested that Highland Plantation be excluded from primary and secondary locations, similar to the exclusions requested by other communities during the Location of Development rulemaking in 2019 and the Moosehead Regional Planning process in 2023. The preference to be removed or excluded was confirmed by a majority of the 17 residents and property owners in attendance at the second community meeting on October 22, 2025. In response to this request, on November 12, 2025, the Commission voted to initiate a rulemaking process to exclude Highland Plantation from primary and secondary locations.

The Commission revises Chapter 10, Land Use Districts and Standards, Section 10.08-A(C)(4)(b) to exclude Highland Plantation from Primary and Secondary Locations. This exclusion distinguishes land within Highland Plantation as ineligible for new areas to be designated as Commercial and Industrial Development (D-CI), General Development (D-GN), or Residential Development (D-RS) subdistricts.

## **PUBLIC NOTICE OF RULEMAKING**

At a meeting held on November 12, 2025, the Commission approved the staff recommendation to post the proposed Chapter 10 revision to public comment. Notice of the rulemaking was provided in the Secretary of State's consolidated rulemaking notice on December 10, 2025. The Secretary of State's notice appeared in the Bangor Daily News, Kennebec Journal, Portland Press Herald, Lewiston Sun-Journal, and the Central Maine Morning Sentinel. In addition to the legal notice, the Commission posted notice by email through the State's GovDelivery system to approximately 1,901 individuals. These included the Commission's mailing list of persons wishing to be contacted regarding rulemaking matters and the LUPC Highland Plantation zoning map update subscriptions. Notice of the proposed revisions was also posted on the agency's rulemaking webpage. Because this rulemaking was concurrent with the zoning petition process to update the zoning map, all identified property owners in Highland Plantation (80 owners), landowners within 1,000 feet of the boundary of Highland Plantation, and the Somerset County Commissioners were notified of the proposed rulemaking by mail.

The record remained open until January 14, 2025 to allow interested persons to file written statements with the Commission, and an additional 14 days to allow persons to file written rebuttal comments.

## **COMMENTS AND RESPONSES**

No comments were submitted.

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<sup>1</sup> According to local officials, there are 38 registered voters in Highland Plantation as of February 3, 2026.