



STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
18 ELKINS LANE, 22 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0022

JANET T. MILLS  
GOVERNOR

AMANDA E. BEAL  
COMMISSIONER

# Memorandum

**To:** LUPC Commissioners  
**CC:** Benjamin Godsoe, Acting Executive Director  
**From:** Stacy Benjamin, Acting Planning Manager  
**Date:** February 4, 2026  
**Re:** Highland Plantation – ZP 804 Decision and Location of Development Rulemaking

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This memorandum includes:

- Background information related to the recent reestablishment of Commission jurisdiction in Highland Plantation;
- A summary of the process to update the Plantation's Land Use Guidance Map (ZP 804), including consideration of location of development criteria; and
- Staff recommendations to adopt the revised Land Use Guidance Map and adopt rulemaking for a change to Chapter 10, Section 10.08-A to exclude Highland Plantation from primary and secondary locations.

## Background

Highland Plantation was part of the Land Use Regulatory 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.

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The Commission adopted amendments to *Chapter 17, Reestablishment of Commission Jurisdiction* at its August 13, 2025 business meeting, and then officially reestablished jurisdiction in Highland Plantation on September 2, 2025. The Commission also adopted the previous Highland Plantation Land Use Guidance Map (in place up until 2016) to provide interim zoning until a planning process with the local community could be completed to update the zoning map.

### **Land Use Guidance Map Update**

The zoning map update process included the following steps:

- Outreach to residents and property owners through a letter from LUPC;
- A land use survey by LUPC staff, with the help of Highland Plantation municipal officials, to document any changes since the last LUPC zoning map was in place;
- A community meeting held September 13, 2025, to review existing resources and development patterns to help designate appropriate zones;
- A community meeting held on October 22, 2025, to review and comment on a draft of the zoning map; and
- A formal written comment period held between December 10, 2025, and January 14, 2026, during which anyone could submit comments on the draft zoning map.

Prior to each community meeting, all identified property owners and the Somerset County Commissioners were sent postcard notices, and the meeting dates were posted on the [Highland Plantation Zoning Map Update](#) webpage. Local officials also posted notices at the Town Hall.

At the September community meeting, the consensus of the 16 residents and property owners<sup>1</sup> present was to retain the current interim zoning with two exceptions. They requested expanding the General Development subdistrict to include areas currently zoned Residential Development along the southern municipal boundary. They also wished to add a Commercial-Industrial Development subdistrict on a property with a salt-sand shed used for commercial purposes (Appendix A). These changes were confirmed at the second community meeting by the 17 residents and property owners present.

Following the November 12, 2025, Commission meeting, staff initiated a petition to adopt the updated zoning map. At that time, 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 zoning petition by mail. The notice also included information about the concurrent rulemaking related to location of development (see below). The

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

petition was also sent to resource agencies for review. No public comments were received. Resource agency comments are summarized in the draft decision document, which includes the draft Land Use Guidance Map (Appendix B).

### **Location of Development**

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. Property owners in these locations are able 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. A more detailed explanation of these areas is provided in Appendix C. Portions of Highland Plantation meet the locational criteria for primary locations, and other portions meet the criteria for secondary locations (Appendix D), which would enable property owners to petition the Commission to rezone to Low-density Development (D-LD) and Residential Development (D-RS) subdistricts.

At the first community meeting on September 13, 2025, a majority of the 16 residents and property owners present requested that Highland Plantation be excluded from primary and secondary locations, similar to the exclusions requested by other communities during the LOD 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. As noted, prior to each meeting, a postcard notice was mailed to all identified residents and property owners in Highland Plantation and notice posted at the Town Hall.

In response to this request to be excluded, the Commission voted on November 12, 2025, to initiate rulemaking to update the list of excluded communities in Chapter 10, Section 10.08-A(C)(4)(b) to include Highland Plantation.

The proposed revisions were posted to a 35-day public comment period, and a 14-day rebuttal period. In addition to the official rulemaking notices published through the Administrative Procedures Act requirements, a GovDelivery notice was sent to the rulemaking and Highland Plantation lists, and the Highland Plantation project webpage was updated. Notice of the rulemaking was also included in the official notices mailed as part of the zoning petition process to all identified property owners in Highland Plantation (80 owners), landowners within 1,000 feet of the plantation boundary, and the Somerset County Commissioners.

## **Recommendations**

To respond to community input from Highland Plantation residents and property owners, staff recommend the Commission approve ZP 804 and adopt the Highland Plantation Land Use Guidance Map as revised. The draft decision document is provided as Appendix B.

Staff also recommends the adoption of the amendment to Chapter 10, Section 10.08-A(C)(4)(b) to include Highland Plantation in the list of minor civil divisions removed or excluded from primary and secondary locations, and the adoption of the corresponding basis statement. A draft redline is provided in Appendix E and the draft basis statement in Appendix F.

### Attachments:

- Appendix A. Map Highlighting Proposed Zoning Changes
- Appendix B. ZP 804 Draft Zoning Petition Decision (*includes Proposed Land Use Guidance Map for Highland Plantation*)
- Appendix C. Location of Development Information Sheet
- Appendix D. Eligible Primary and Secondary Locations
- Appendix E. Draft Rule Redline
- Appendix F. Draft Basis Statement

**APPENDIX A**

**Map Highlighting Proposed Zoning Changes**

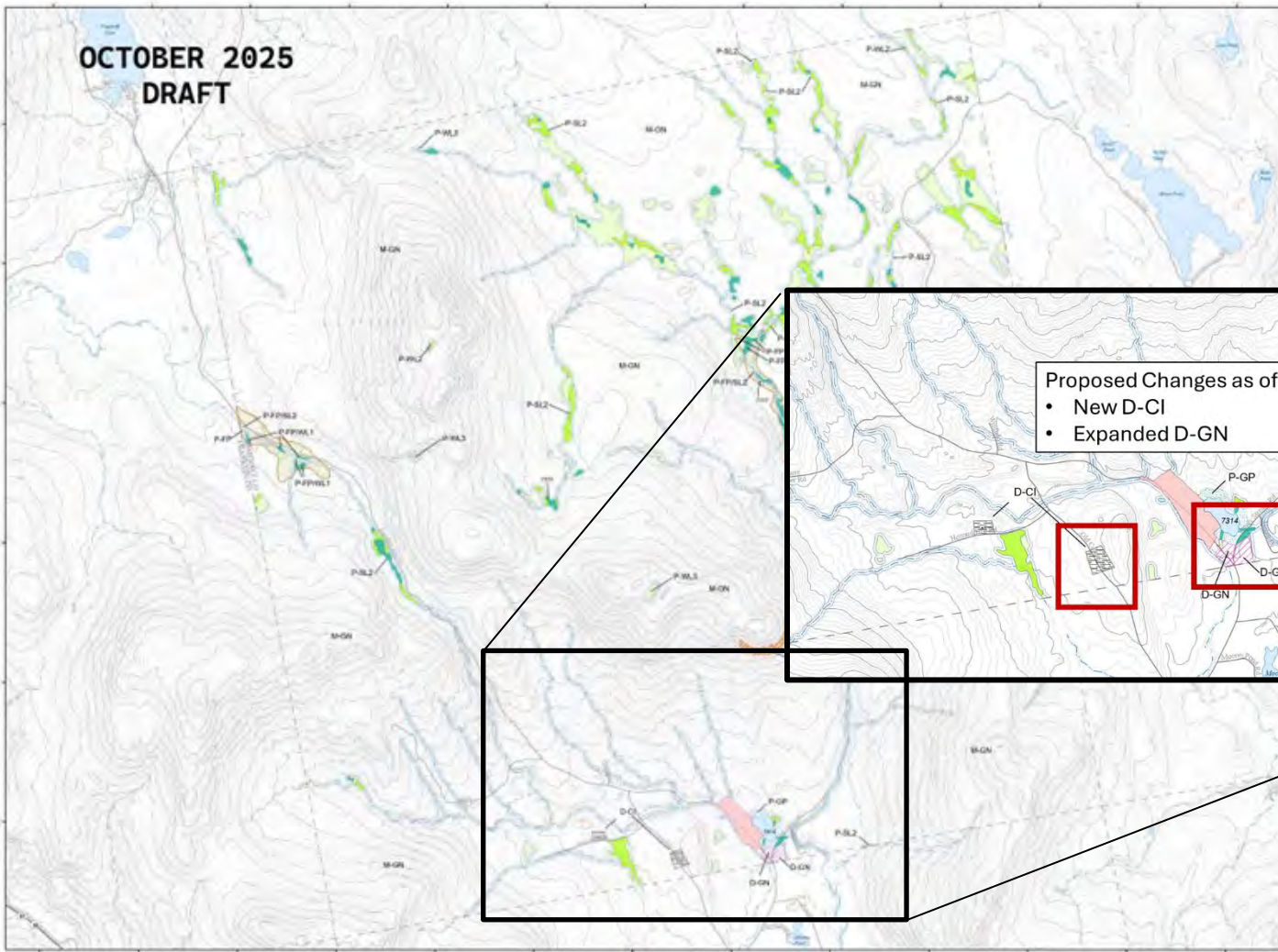
OCTOBER 2025  
DRAFT

**Highland Pt.**

T2 R2 BKP WKR  
Somerset County



Land Use Guidance Map  
Department of Agriculture, Conservation and Forestry  
Maine Land Use Planning Commission



Proposed Changes as of October:

- New D-CI
- Expanded D-GN

and the associated regulations, refer to the Commission's Chapter 1000 and 1001 Land Use Ordinances and 1002. Where any inconsistency exists between the text provisions in this map and those described by the Commission's Land Use Ordinances and 1002, the text shall govern.

For simplicity, this map does not show all the Wetland Protection Subdivisions for areas identified previously in sections 10, 23, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. In addition, this map does not show the Wetland Protection Subdivisions along stream channels flowing through wetlands. Nevertheless, their name or other P-A-2 Protection Subdivision, if the location of flowing water or bodies of standing water existing on the ground fully fits the criteria on the map, they are shown in 12 M.A.S. Section 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, and other subsections hereafter; they are based upon the location of such water flow, as appropriate, as shown in 1001. During flood or high water, the location of such water flow, as appropriate, is shown in 1001.

This Land Use Guidance Map was adopted by the Maine Land Use Planning Commission on 08/18/2015, and became effective on 08/18/2015.

This map is certified to be a true and correct copy of the Official Land Use Guidance Map of the Maine Land Use Planning Commission.

By: **Camille D. Cook**, Director, Maine Land Use Planning Commission.

Location #	zoning Permit	Adoption Date	Remarks
		08/18/2015	Adoption of April 15th meeting



- 1 Map amendment location
- 2 Point of origin or river delta (2000/2001)
- 3 Wetland Protection Subdivision (10 M.A.S. Sec. 1001-1010)
- 4 Wetland Protection Subdivision (10 M.A.S. Sec. 1001-1010)
- 5 State Quality Land Use - Refer to Section 10 (23 C.F.R.) of the Commission's Land Use Ordinances and 1002
- 6 Land Management District - Refer to Section 1001 (23 C.F.R.) of the Commission's Land Use Ordinances and 1002
- 7 M-GN

**APPENDIX B**

**Draft Zoning Petition 804 Decision**

**Document** (includes Proposed Land Use Guidance Map for Highland Plantation)



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**COMMISSION DECISION  
IN THE MATTER OF**

**Staff, Maine Land Use Planning Commission**

**Findings of Fact and Decision**

**ZONING PETITION ZP 804**

The Maine Land Use Planning Commission (Commission), at a meeting held on February 11, 2026, after reviewing the petition and supporting documents submitted by the Land Use Planning Commission staff for Zoning Petition ZP 804, review of agency and staff comments, and other related materials on file, pursuant to 12 M.R.S. Sections 681 *et seq.* and the Commission's Land Use Standards and Rules, makes the following findings of fact and conclusions:

- Applicant:** Commission Staff (Attn: Stacy Benjamin)  
Maine Land Use Planning Commission  
22 State House Station  
Augusta, Maine 04333-0022
- Completed Petition:** December 10, 2025
- Location of Proposal:**
  - Location A. Highland Plantation, Somerset County, Maine, LUPC Parcel Viewer Town/Plan/Lot SOP020122 and SOP0201UNK
  - Location B. Highland Plantation, Somerset County, Maine, LUPC Parcel Viewer Town/Plan/Lot SOP020117 and SOP0201UNK
- Current Zoning:**
  - Location A. Residential Development (D-RS) Subdistrict, ±12 acres near the intersection of Long Falls Dam Road and Sandy Stream Valley Road
  - Location B. General Management (M-GN) Subdistrict, ±10 acres along Old County Road
- Proposed Zoning:**
  - Location A. General Development (D-GN) Subdistrict
  - Location B. Commercial-Industrial (D-CI) Subdistrict

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6. **Proposed Total Area to Be Rezoned:** ± 22 acres

7. **Affected Waterbody:** Michael Stream

Michael Stream is a Class B stream and runs along the southwest boundary of Location A.

8. **Current Conditions:**

Location A. Location A is developed with a legally existing nonconforming building formerly used as a store, residential development, and related accessory structures. A portion is undeveloped open land with some forested areas.

Location B. Location B is developed with an existing salt/sand storage shed, an office structure, and cleared area on both sides of the road used for commercial trucking activities. The undeveloped portions of the area are forested.

9. **Administrative History:**

- A. Highland Plantation was part of the Land Use Regulatory Commission's service area at the time of the Commission's inception.
- B. 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.
- C. In recent years, the Plantation had difficulties in recruiting and retaining a planning board and code enforcement officer.
- D. At the annual Plantation meeting on April 26, 2025, residents in attendance voted to repeal the comprehensive plan, zoning map, and land use ordinance.
- E. Plantation officials subsequently submitted a petition to return to the Land Use Planning Commission's (LUPC or the Commission) service area.
- F. After a public process, and pursuant to 12 M.R.S. § 685-A(4-A)(B)(1), the Maine Land Use Planning Commission reestablished its jurisdiction in Highland Plantation on September 2, 2025 through amendments to its Chapter 17 rules.
- G. The Land Use Guidance Map for Highland Plantation that was in effect prior to the 2016 transfer of authority was adopted at that time, and effective until an update process was completed.

10. **Public Process:**

- A. The zoning map update process included the following steps:
  - 1) Outreach to residents and property owners through a letter from the LUPC notifying them of the petition from Plantation officials and the process for reestablishing Commission jurisdiction. The letter included information about the interim adoption of the 2016 Land Use Guidance Map and the process proposed to update it.
  - 2) A land use survey by LUPC staff, with the help of Highland Plantation municipal officials, to document any changes since the last LUPC zoning map was in place. Based

on the land use inventory, resources and development in Highland Plantation are generally consistent with the previously adopted Land Use Guidance Map.

- 3) A community meeting held on September 13, 2025, to review existing resources and development patterns to help designate appropriate zones. Postcard notices were mailed to all identified property owners in Highland Plantation approximately two weeks before the meeting.
  - 4) A community meeting held on October 22, 2025, to review and comment on a draft of the zoning map. Postcard notices were mailed to all identified property owners in Highland Plantation approximately two weeks before the meeting.
  - 5) As part of the zoning petition process to update the map, notice was mailed to all property owners in Highland Plantation, the Somerset County Commissioners, and landowners within 1,000 feet of the plantation boundary. A formal written comment period was held between December 10, 2025, and January 14, 2026, during which anyone could submit comments on the draft zoning map.
- B. At the first community meeting on September 13, the consensus of the 16 residents and property owners<sup>1</sup> present was to retain the current zoning with two exceptions. Residents present requested expanding the General Development subdistrict along the southern municipal boundary to include additional area currently zoned Residential Development that was formerly the site of a general store. There is no general retail in Highland Plantation, and residents at the community meetings expressed a desire to allow for the development of the property as a general store. Those present also suggested adding a Commercial-Industrial Development subdistrict on a property with a salt-sand shed used for commercial purposes.
- C. These changes were confirmed by a majority of the 17 residents and property owners in attendance at the second community meeting on October 22, pending any final input from the property owners affected. An LUPC staff-initiated petition with these proposed changes to the zoning map was presented to the Commission on December 10, 2025.
- D. In addition to the proposed zoning changes, residents present at both community meetings requested that the Highland Plantation be excluded from the location of development criteria that identify primary and secondary locations for development. The request resulted in a separate but concurrent rulemaking process (SoS #2025-P204) to amend Chapter 10 to add Highland Plantation to the list of minor civil divisions excluded from primary and secondary locations.

## 11. Proposal Summary:

Based on input from the community, two areas were proposed for rezoning: approximately twelve (12) acres of a Residential Development (D-RS) subdistrict to be rezoned to General Development (D-GN) subdistrict (Location A); and approximately ten (10) acres of a General Management (M-GN) subdistrict to be rezoned to a Commercial-Industrial (D-CI) subdistrict (Location B). The revised Land Use Guidance Map is included as Attachment A.

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

## **RULES OF PRACTICE**

### **12. Notice Requirements:**

- A. Criteria and standards: Notice as described by Sections 4.04(B)(3)(a)(2) and (3) of the Commission's *Rules of Practice*, 01-672 C.M.R. ch. 4 (Chapter 4), last revised August 11, 2023, is required for applications for zone changes, except those proposing to change a development subdistrict designation to a management or protection subdistrict designation, and applications addressing clerical corrections. Chapter 4, § 4.04(B)(3)(a)(1).
- B. Analysis: The process to update the Highland Plantation Land Use Guidance map was initiated during the summer of 2025 with a mailing to all Highland Plantation property owners. The letter included information about the rulemaking process to reestablish LUPC jurisdiction through amendments to Chapter 17, adoption of the interim zoning map for Highland Plantation, and also information about the effort to update the zoning map. A "Featured Projects" webpage was created to share process materials and information about community meetings, and a GovDelivery topic group was established. Two community meetings were held in the fall of 2025. Two weeks prior to each meeting, a postcard with information about the meeting was mailed to all identified property owners in Highland Plantation and the Somerset County Commissioners. In addition, local officials posted notice of the meetings at the Town Hall.
- On December 10, 2025, the staff initiated zoning petition was filed. At that time, 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 zoning petition by mail. The notice also included information about the concurrent rulemaking process to exclude Highland Plantation from the primary and secondary locations in the Commission's rules related to location of development (Chapter 10, § 10.08-A). A GovDelivery email was sent on December 10, 2025. Notice was also sent by e-mail to resource agencies. The proposed changes were posted on the Commission's website, along with instructions describing how to comment or obtain additional information.
- C. Finding: Based upon the record and the above analysis, the Commission finds that the application for zone change was properly noticed, consistent with the applicable sections of Chapter 4, §§ 4.04(B)(3)(a)(1), (2), and (3).

## **GENERAL CRITERIA FOR ADOPTION OR AMENDMENT OF LAND USE DISTRICT BOUNDARIES**

A land use district boundary may not be adopted or amended unless there is substantial evidence that the proposed land use district is consistent with the standards for district boundaries in effect at the time, the

comprehensive land use plan and the purpose, intent and provisions of Chapter 206-A; and there is substantial evidence that the proposed land use district has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area. 12 M.R.S. § 685-A(8-A) of the Commission's statute (Chapter 206-A) and Section 10.08(A) of the Commission's *Land Use Districts and Standards* 01-672 C.M.R. ch. 10 (Chapter 10), revised May 13, 2025.

### 13. Consistence with the Standards for District Boundaries:

- A. Criteria and standards: A land use district boundary may not be adopted or amended unless there is substantial evidence that the proposed land use district is, among other criteria, consistent with the standards for district boundaries in effect at the time. 12 M.R.S. § 685-A(8-A)(A) and Chapter 10, § 10.08(A)(1).

1) *D-GN subdistrict*:

The purpose of the D-GN subdistrict is to recognize existing patterns of development in appropriate areas and to encourage further patterns of compatible development therein and adjacent thereto. It is the Commission's intent to promote these areas as future growth centers in order to encourage the location of compatible developments near each other and to minimize the impact of such development upon incompatible uses and upon public services and facilities. Thus, the Commission's purpose is to encourage the general concentration of new development, and thereby avoid the fiscal and visual costs of sprawl, and to provide a continuing sense of community in settled areas. Chapter 10, § 10.21(C)(1).

2) *D-CI Subdistrict*

The purpose of the D-CI subdistrict is to allow for commercial, industrial and other development that is not compatible with residential uses. Designation of commercial, industrial and other similar areas of intensive development as D-CI subdistricts will ensure that other land values and community standards are not adversely affected, and will provide for the location and continued functioning of important commercial and industrial facilities. Chapter 10, § 10.21(A)(1).

- 3) *Location of Development Criteria*: To satisfy the general criteria contained in 12 M.R.S. § 685-A(8-A) and restated in Section 10.08(A), a petitioner proposing the adoption or amendment of a development subdistrict must demonstrate, among other things, that the proposed subdistrict is consistent with the Comprehensive Land Use Plan (CLUP). The CLUP addresses the location of development through multiple goals and policies that, in aggregate, are embodied in the adjacency principle. To demonstrate that the adoption or amendment of a development subdistrict is consistent with the portions of the CLUP that address the location of development, the Commission must find:

- a) Emergency Services: The county, a nearby municipality, or other service provider is willing to and will be able to provide fire and ambulance services for

the land uses allowed in the proposed subdistrict. For the purposes of this criterion, Lifelight is not considered an ambulance service... Chapter 10, § 10.08(B)(2)(a).

- b) *Compatibility*: The land uses allowed in the proposed subdistrict shall be compatible with other uses and resources, and reduce or minimize land use conflicts. Chapter 10, § 10.08(B)(2)(b).
- c) *Character*: The land uses allowed in the proposed subdistrict shall not unreasonably alter the character of the area. Chapter 10, § 10.08(B)(2)(c).
- d) *Area for Development*: Proposed D-CI and D-GN subdistricts shall be located in a primary location,... unless the proposed subdistrict is a D-CI subdistrict intended to accommodate a land use that requires access to three-phase power as provided in Section 10.08-A,D,3,... Chapter 10, § 10.08(B)(2)(d).
- e) *Access to Development*: The land within the proposed subdistrict shall be accessible from a public road by a legal right of access in accordance with Section 10.08-A,E... Chapter 10, § 10.08(B)(2)(e).

B. Analysis:

- 1) *Criteria and Standards*: Both locations proposed for rezoning are located in areas currently identified as a primary location<sup>2</sup>. Both are accessible from public roadways. Expansion of the D-GN subdistrict, which allows mixed residential and commercial uses, would accommodate future growth and possible reestablishment of commercial activity (a general store, for example) in a location identified by local residents as desirable. The addition of the D-CI subdistrict reflects land use activities already occurring on the site. In both cases, the proposed rezoning would eliminate existing or potential nonconforming uses. A full determination as to whether the criteria for approval and the applicable land use standards adopted by the Commission have been met would be made during the permitting phase for any future projects in these locations.
- 2) *Location of Development*:
  - a) *Emergency services*: No new development is proposed as part of this rezoning. Highland Plantation contracts for emergency services with neighboring communities. Local officials were present at both community meetings and expressed support for the rezonings. No comments were received regarding issues with emergency service provision.
  - b) *Compatibility*: The land uses directly surrounding both proposed locations include residential uses, land management, and timber harvesting. Local residents present at

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<sup>2</sup> If the concurrent rulemaking effort to exclude Highland Plantation from primary and secondary locations is adopted, these areas would no longer be eligible for rezoning to the desired subdistricts.

the community meetings proposed both areas for rezoning. No comments regarding concerns about compatibility were received.

- c) *Character*: The existing character in Highland Plantation is low density residential development along existing roads and forest management for timber harvesting. The area proposed for expansion of the D-GN zone includes a structure formerly used as a general store and a residential property with a dwelling and multiple accessory structures. The current D-RS zoning in this location does not allow for commercial use. There is existing intensive commercial activity at the site proposed for rezoning to D-CI that is legally existing but is likely nonconforming as a use in the M-GN subdistrict as currently zoned. Going forward, any expansions or changes requiring a permit would be required to meet LUPC standards for these developments, minimizing impacts on neighboring uses.
- d) *Area for development*: The proposed D-GN subdistrict expands a previously existing D-GN and is the site of a former general store. The proposed D-CI subdistrict is currently developed with a salt/sand structure and used for commercial trucking activity. Both areas were identified as appropriate for the proposed development subdistricts by participants during community meetings to update Highland Plantation's zoning map. The locations are currently in a designated primary location and are eligible for rezoning to a D-GN or D-CI subdistrict at this time.
- e) *Access to development*: Both locations are served by public roads.

C. Finding: Based on the above analysis, the Commission finds that the proposed subdistricts are consistent with the standards for district boundaries in effect at this time in accordance with 12 M.R.S. § 685-A(8-A)(A) of the Commission's statute and restated in Chapter 10, § 10.08(A)(1).

#### 14. No Undue Adverse Impact:

A. Criteria and standards: A land use district boundary may not be adopted or amended, among other criteria, unless there is substantial evidence that the proposed land use district has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area. 12 M.R.S. § 685-A(8-A)(B) as restated in Chapter 10, § 10.08(A)(2).

B. Analysis:

- 1) *Aquifer resources*: The Maine Geological Survey (MGS) reviewed the petition and commented that the area proposed for rezoning to the D-GN subdistrict exists on a Significant Sand and Gravel Aquifer. MGS recommends that no auto service stations or repair garages (including gas stations) or any commercial activity involving the storage of liquid petroleum be permitted in this location. Auto service stations and repair garages are allowed in the D-GN subdistrict by special exception. If these types of developments or related activities are proposed in a future development permit application, the application would need to meet the additional required criteria in

Chapter 10, § 10.24(B), including that the proposed use will not pose an unreasonable risk to a valuable groundwater resource. Additionally, the Commission would seek comments from MGS at that time on specific project proposals or components.

- 2) *Fish and wildlife resources:* The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the petition and provided the following comments:
  - a. Bat Species. MDIFW stated that, based on historical evidence, it is likely that several protected or threatened bat species occur within the project area during spring/fall migration, the summer breeding season, and/or for overwintering. For any future development projects, MDIFW recommends no tree clearing from May 15 through August 15, or that acoustic surveys be conducted within the project area following MDIFW's most recent survey protocol.
  - b. Wood Turtle. Wood turtles have been documented near the area proposed for rezoning to D-GN. For any future development projects, MDIFW recommends additional buffering (300 feet) along Michael Stream and that no additional tree clearing occurs west of Long Falls Dam Road. If additional buffer cannot be achieved, for future development MDIFW may recommend that surveys for this species be conducted within the project area following MDIFW's most recent survey protocol. If the species is not documented, and/or if suitable habitat is not present, the vegetated buffer recommendation would revert to 100 feet wide.
  - c. Other Resources: In any areas proposed for future development, MDIFW recommends surveys for vernal pools, maintenance of a 100-foot undisturbed vegetated buffers along streams and waterbodies, and that any stream crossings be designed to provide full aquatic organism passage.
- 3) *Plant species and communities:* The Maine Natural Areas Program (MNAP) reviewed the petition area and indicated that, according to current information, there are no rare botanical features within the proposed rezoning areas.
- 4) *Historic resources:* The Maine Historic Preservation Commission (MHPC) reviewed the proposal and provided no comments.
- 5) The Maine Floodplain Management Program, Department of Transportation, Maine Forest Service, State Soil Scientist and Somerset County Commissioners also received a copy of the rezoning application; no comments were received regarding the rezoning application from these entities.
- 6) *Public comments:* No other public comments on the rezoning were received in response to the notices mailed, emailed, or posted.
- 7) Potential impacts on existing uses and resources are considered broadly when land use districts are proposed for adoption. The Commission has made such considerations here

by engaging state resource agencies to inventory natural and cultural resources, and through community engagement to gather local information. The Commission looks in greater detail at potential impacts from development during review of permit applications, and any future applicant will be required to work with MDIFW and MGS to avoid unintended resource disturbance or impacts during the permitting process.

- C. Finding: The Commission finds that there is substantial evidence that the proposed land use districts will have no undue adverse impact on existing uses or resources in accordance with 12 M.R.S. § 685-A(8-A)(B) as restated in Chapter 10, § 10.08(A)(2), provided future development proposed for any of these areas follows Commission permit review procedures and standards to ensure there are no adverse impacts to resources identified herein or subsequent to more detailed site analyses.

#### 15. **Consistency with the Comprehensive Land Use Plan (CLUP):**

Pursuant to 12 M.R.S. § 685-C(1), the Commission has adopted a Comprehensive Land Use Plan (CLUP), last revised in 2010, that guides the Commission in developing specific land use standards, delineating district boundaries, siting development, and generally fulfilling the purposes of the Commission's governing statute.

##### A. Criteria and standards:

- 1) *Overview*: According to 12 M.R.S. § 685-A(8-A)(A) as restated in Chapter 10, § 10.08(A)(1), a land use district boundary may not be adopted or amended, among other criteria, unless there is substantial evidence that the proposed land use district is consistent with the CLUP. The CLUP includes goals and policies that address, among other items, the location of development. In 2012, additional guidance in interpreting the CLUP was adopted by the Commission in the *Guidance for Interpreting the 2010 Comprehensive Land Use Plan*, adopted October 5, 2012.
- 2) Location of development:
  - a) *Goal*: Guide the location of new development in order to protect and conserve forest, recreational, plant or animal habitat and other natural resources, to ensure the compatibility of land uses with one another and to allow for a reasonable range of development opportunities important to the people of Maine, including property owners and residents of the unorganized and deorganized townships. CLUP Chapter 1, Section 1.2(I)(A); pg. 6.
  - b) *Relevant policy*: Guide development to areas near existing towns and communities and in other areas identified as appropriate development centers. Specifically, the policy aims to identify areas that are the most appropriate for growth when considering: (1) proximity and connectivity by public road to economic centers, organized towns and well-established patterns of settlement; (2) compatibility of natural resources with development; (3) demonstrated demand for and public benefit from development; and (4) availability of public infrastructure, facilities and services. CLUP Chapter 1, Section 1.2(I)(A)(2); pg. 6

- 3) *Guidance for Interpreting the 2010 Comprehensive Land Use Plan*: As adopted in the 2012 Guidance, the Commission interprets the CLUP in a manner consistent with the Commission's revised purpose and scope, which places increased emphasis on honoring the rights and participation of residents and property owners, and encouraging and facilitating regional economic viability.

B. Analysis:

Both locations to be rezoned are located in a currently designated primary location on a public road. These locations were identified by residents of the community during a public process to update the zoning map. During the process, residents requested that Highland Plantation be excluded from primary and secondary locations through rulemaking, but wanted to provide opportunities in specific places by designating these development zones. The process to update the zoning map focused on getting feedback local people and had robust public notice components, thereby honoring the rights and participation of residents. The rezoning itself does not impact natural resources because no new development is proposed. Should any new developments or change in use be proposed, potential impacts will be identified and addressed during the permitting process.

- C. Finding: The CLUP contains a range of goals, policies, and principles. The Commission, having considered the location of development, the policies highlighted in this decision document, the CLUP interpretation guidance, and the various provisions of the CLUP more generally, finds the rezoning consistent with the Commission's *Comprehensive Land Use Plan*, and is consistent with the location of development criteria in Chapter 10, § 10.08(B)(2).

**16. Consistency with 12 M.R.S., ch. 206-A:**

- A. Criteria and standards: A land use district boundary may not be adopted or amended unless there is substantial evidence that the proposed land use district is consistent with the purpose, intent, and provisions of 12 M.R.S. ch. 206-A. 12 M.R.S. § 685-A(8-A)(A) and Chapter 10, § 10.08(A)(1). The purpose and scope of 12 M.R.S. ch. 206-A states "...that it is desirable to extend principles of sound planning, zoning, and development to the unorganized and deorganized areas of the State" and sets forth related goals, including (among others) to encourage appropriate residential, recreational, commercial and industrial land uses; to honor the rights and participation of residents and property owners in the unorganized and deorganized areas; and to discourage the intermixing of incompatible industrial, commercial, residential and recreational activities.

B. Analysis:

- 1) *Encourage appropriate land uses*: The areas to be rezoned were identified by residents and property owners based on current and desired activities at each location. The size and location of the areas to be rezoned were supported by findings from a land use inventory conducted by LUPC staff and deemed by participants in the zoning update process to be appropriate for any anticipated future activities.

- 2) *Honor the rights and participation of residents and property owners:* The locations to be rezoned were identified by residents and property owners during public meetings held to garner input on updating the zoning map. There was a formal comment period, and multiple opportunities for informal comments on the proposed rezonings.
- 3) *Discourage intermixing of incompatible activities:* Expanding the D-GN subdistrict will allow for the possibility of development of small-scale retail in an area that formerly included a general store. Highland Plantation does not have a clearly defined village, and the expanded D-GN is located along the main travel route and gateway to the Plantation. Rezoning the area on Old County Road to D-CI will allow for the continuation and potential expansion of an existing use while protecting neighboring land uses from incompatible development through the application of the Commission's land use standards.

C. Finding: Based upon the record and the above analysis, the Commission finds, in general, that its determination on consistency with the CLUP (Finding of Fact 15) establishes consistency with the purpose and scope of the statute under which the CLUP must be adopted. This finding is based on the following: The purpose and scope of Chapter 206-A are embodied in the broad goals of the CLUP, and, in accordance with 12 M.R.S. § 685-C(1), "[t]he [C]ommission must use the [CLUP] as a guide in ... generally fulfilling the purposes of this chapter."

**17. The facts are otherwise as represented in Zoning Petition application ZP 804 and supporting documents.**

**FINAL CONCLUSIONS**

**Based upon the above analysis and findings of fact:**

1. The Commission concludes that there is substantial evidence in the record (see Finding #12) that the application for zone change was properly noticed consistent with the applicable sections of Chapter 4, §§ 4.04(B)(3)(a)(1), (2), and (3).
2. The Commission concludes that there is substantial evidence in the record (see Finding #13) that the proposed land use district is consistent with the standards for district boundaries in effect at this time, satisfying the corresponding portions of 12 M.R.S. § 685-A(8-A)(A) restated in Chapter 10, § 10.08(A)(1).
3. The Commission concludes that there is substantial evidence in the record (see Finding #14) that the proposed land use district has no undue adverse impact on existing uses or resources, satisfying the corresponding portions of 12 M.R.S. § 685-A(8-A)(B) restated in Chapter 10, § 10.08(A)(2).

4. The Commission concludes that there is substantial evidence in the record (see Finding #15) that the proposed land use district is consistent with the *Comprehensive Land Use Plan*, satisfying the corresponding portions of 12 M.R.S. § 685-A(8-A)(A) restated in Chapter 10, § 10.08(A)(1).
5. The Commission evaluated the petition with respect to consistency with 12 M.R.S. ch. 206-A and the principles of sound planning, zoning, and development (see Finding #16). Having considered the community input into the map update process, the existing uses and resources, the type and intensity of the development that the rezoning is intended to foster, the review of agency comments, and the record as a whole, the Commission concludes approval of the petition would be an act of sound land use planning, and that the proposed rezoning is consistent with the purpose, intent and provisions of 12 M.R.S. ch. 206-A, satisfying the corresponding portions of 12 M.R.S. § 685-A(8-A)(A) restated in Chapter 10, § 10.08(A)(1).

**Therefore, the Commission approves the staff-initiated petition to rezone approximately 12 acres from a Residential Development (D-RS) subdistrict to a General Development (D-GN) subdistrict; and approximately 10 acres of General Management (M-GN) subdistrict to Commercial/Industrial Development (D-CI) subdistrict, as shown on the attached map, in Highland Plantation, Somerset County, Maine.**

In accordance with 5 M.R.S. § 11002 and Maine Rules of Civil Procedure 80C, this decision by the Commission may be appealed to the Superior Court within 30 days after receipt of notice of the decision by a party to this proceeding, or within 40 days from the date of the decision by any other aggrieved person. In addition, where this decision has been made without a public hearing, any aggrieved person may request a hearing by filing a request in writing with the Commission within 30 days of the date of the decision.

**DONE AND DATED AT BREWER, MAINE, THIS 11<sup>TH</sup> DAY OF FEBRUARY 2026.**

**By:** \_\_\_\_\_  
**Benjamin Godsoe, Acting Executive Director**

This change in subdistrict designation is effective on February 26, 2026.

**OCTOBER 2025  
DRAFT**

# Highland Pt.

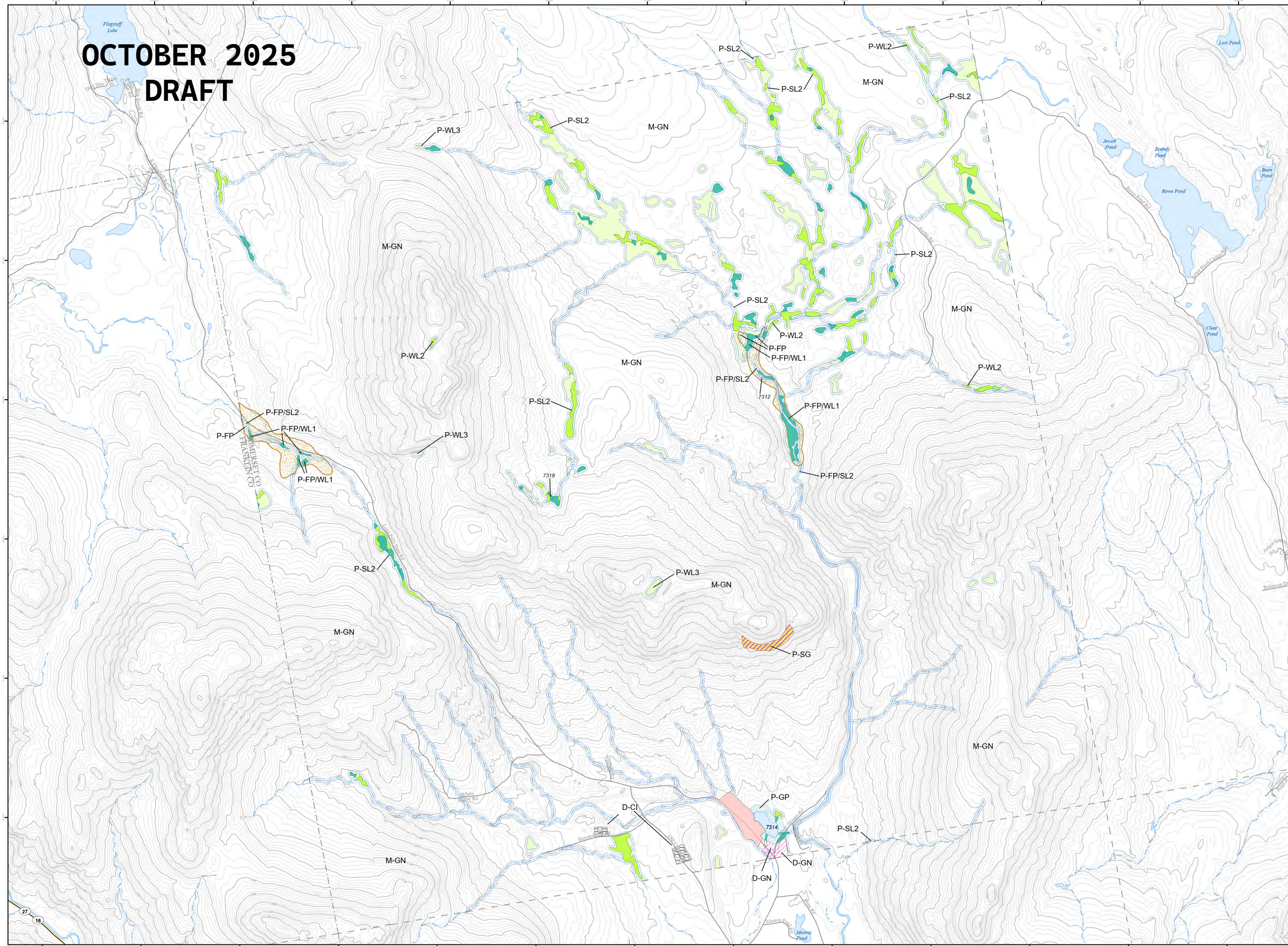


T2 R2 BKP WKR  
Somerset County



**Land Use Guidance Map**  
Department of Agriculture, Conservation and Forestry  
Maine Land Use Planning Commission

- Legend**
- DEVELOPMENT SUBDISTRICTS**
- D-CI: Commercial Industrial
  - D-GN: General
  - D-RS: Residential
- PROTECTION SUBDISTRICTS**
- P-FP: Flood Prone
  - P-GP: Great Pond
  - P-SG: Soils and Geology
  - P-SL2: Shoreland - 75'
  - P-WL1: Wetlands of Special Significance
  - P-WL2: Scrub-shrub Wetlands
  - P-WL3: Forested Wetlands



For complete descriptions of those areas included within the various subdistricts, and the associated regulations, refer to the Commission's Chapter 10 rules: Land Use Districts and Standards. Where any inconsistencies exist between the district boundaries, as shown on this map, and those described by the Commission's Land Use Districts and Standards, the latter shall govern.

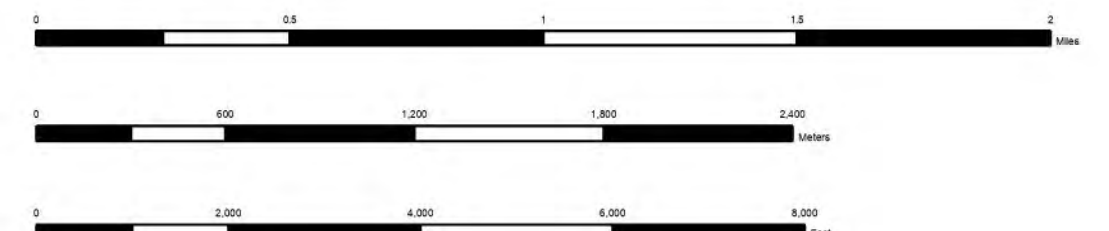
For simplicity, this map does not show all the Wetland Protection Subdistricts for areas identified pursuant to Section 10.23,N,2 such as the beds of rivers, lakes, and other water bodies, and freshwater wetlands within 25 feet of stream channels. Nevertheless, these areas are within P-WL Subdistricts. In addition, this map does not show the Shoreland Protection Subdistricts along stream channels flowing through wetlands. Nevertheless, these areas are within P-SL2 Protection Subdistricts. If the locations of flowing waters or bodies of standing water existing on the ground differ from those shown on the map, then, pursuant to 12 M.R.S., Section 685-A(2)(G), P-GP, P-RR, P-SL, P-WL, and other subdistrict boundaries that are based upon the location of such waters shall, as appropriate, be deemed to follow the flowing water or body of standing water existing on the ground.

This Land Use Guidance Map was adopted by the Maine Land Use Planning Commission on **08/03/2005**, and became effective on **08/18/2005**.

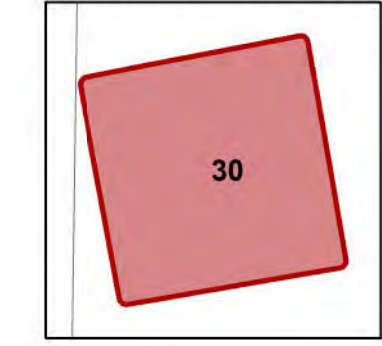
This map is certified to be a true and correct copy of the Official Land Use Guidance Map of the Maine Land Use Planning Commission.

By: *Caroline M. Carroll*, Director, Maine Land Use Planning Commission.

Amendments			
Location #	Zoning Permit	Effective Date	Remarks
		08/18/2005	Adoption of digital NWI wetlands



DeLorme map locus



USGS 7.5' quad index



- ① Map amendment location
- ▲ Point at which a river drains 25 square miles - symbol points upstream (12 M.R.S. Sec. 682-B(4))
- 9999 MIDAS number: Unique number assigned to each standing body of water in Maine.
- WQLL Water Quality Limiting Lake - Refer to Section 10.23.E.3.g of the Commission's Land Use Districts and Standards.
- Lake Management Classes - Refer to Section 10.02 (Definitions) of the Commission's Land Use Districts and Standards.
- MC#

**APPENDIX C**

**Location of Development Information  
Sheet**

# Location of Development

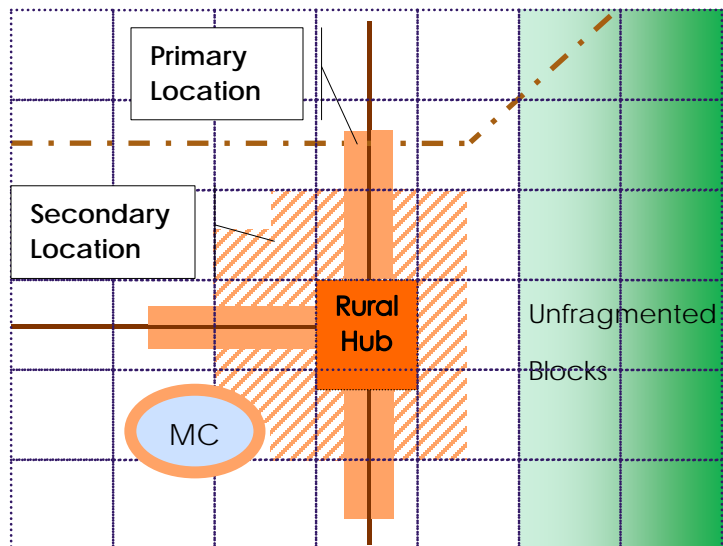
## In Maine's Unorganized Territories

### What are the LUPC's Location of Development Rules?

The Land Use Planning Commission (LUPC) adopted new Location of Development rules (a.k.a. the adjacency rulemaking) in 2019, which establish an initial screen for where new zones for development of a subdivision or business can be created. This high-level screen is just the first step – the rezoning process still applies, and permits would still be required for most uses. The Location of Development rules guide most development toward existing development and away from undeveloped areas. This helps lower tax burdens, ensures land remains available for forestry, agriculture, and recreation, and promotes the health of existing communities. The rule changes did not affect single family homes on individual lots.

### How does the new system work?

The new Location of Development rules use proximity to public roads and populated areas that provide services to locate most types of subdivision and new commercial activities. The goal of locating these uses near towns, townships, and plantations with substantial services (called “*rural hubs*” in the rule) is to provide services in a cost-effective manner and avoid the negative effects of development in distant areas.



The rule changes guide most subdivision and new commercial development to areas that are generally no more than 7 miles from a rural hub and 1 mile from a public road, which are called **primary locations**. Some subdivisions can be located up to 3 miles from a public road if a legal right of access and emergency services are available, and these places are called **secondary locations**. Conservation easements restrict development regardless of whether they are in primary and secondary locations.

### Can new development be located outside of primary and secondary locations?



Outside of primary and secondary locations, the rule changes allow residential subdivisions on some lakes that are already developed with camps or homes, and near motorized or multi-use trailheads, but eliminates options for residential subdivision on undeveloped lakes. The new rules use information contained in the LUPC's lakes management program, and some basic factors, to determine if a lake is developed enough to qualify for residential subdivision. Also, not all commercial businesses can locate “near town”; some uses are resource dependent. Examples include operations that process forest products to reduce bulk, gear rental for

recreation in areas further from town, agritourism, and trail centers that need certain kinds of terrain and open space to operate. The rule changes identified types of locations for resource dependent businesses and established standards for those businesses.

### Can primary and secondary locations be changed?

Yes, however, it is important to remember that the primary and secondary locations are broadly defined for the entire LUPC service area; the Commission can make refinements at the township scale based on the outcome of a regional planning process.

### Primary and Secondary Location Map Guide

Location	Description	What can happen here
<p><b>Primary Locations</b></p> 	<ul style="list-style-type: none"> <li>• <math>\leq 7</math> miles from the boundary of a rural hub town, and <math>\leq 1</math> mile of a public road;</li> <li>• <math>\leq 1</math> mile from a public road in certain listed townships and plantations; or</li> <li>• The shoreline around management class 3 lakes</li> </ul>	<ul style="list-style-type: none"> <li>• Residential subdivisions by permit if not on waterbody and <math>&lt; 1/2</math> mile from a public road</li> <li>• Rezoning for residential subdivision, provided services and legal access for lot owner can be provided (certain high value lakes excluded)</li> <li>• Rezoning for most businesses</li> </ul>
<p><b>Secondary Locations</b></p> 	<ul style="list-style-type: none"> <li>• <math>\leq 3</math> miles from a public road in towns, townships, or plantations that share a border with rural hub towns (shown outlined in purple on the map).</li> </ul>	<ul style="list-style-type: none"> <li>• Rezoning for residential subdivision, provided services and legal access for lot owners can be provided (certain high value lakes excluded)</li> </ul>
<p><b>Resource-based Locations</b> (areas not in orange or orange hash marks)</p>	<ul style="list-style-type: none"> <li>• Areas not included in primary or secondary locations if not near sensitive resources</li> </ul>	<ul style="list-style-type: none"> <li>• Recreation-based residential subdivision on certain lakes and near multi-use trailheads</li> <li>• Resource extraction and processing in certain locations near raw materials (in the woods or on the farm)</li> <li>• Recreation support businesses and recreation day use facilities in certain locations (e.g., gear rental, food services for recreational users, trail centers, etc.)</li> </ul>



**APPENDIX E**

**Draft Rule Redline**

DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
**MAINE LAND USE PLANNING COMMISSION**

**Proposed Rule Revisions: Chapter 10 Revision to Exclude  
Highland Plantation from Primary and Secondary Locations**

*February 4, 2026 – Draft for Adoption*

The following amendments propose changes to Chapter 10, Land Use Districts and Standards for Areas within the Jurisdiction of the Maine Land Use Planning Commission. This document only includes relevant sections of Chapter 10 and indicates additions in underline, deletions with a ~~striketrough~~, and relocated text in double underline and double ~~striketrough~~. Most revisions are self-evident. Where necessary, further explanations of some changes have been included in [brackets]. These explanatory notes would not be included in the final rule.

[Revision Note: This proposed revision excludes Highland Plantation from primary and secondary locations by adding Highland Plantation to the list of minor civil divisions excluded in Somerset County. The additional rule text is included for context.]

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## 10.08-A LOCALATIONAL FACTORS FOR ADOPTION OR AMENDMENT OF LAND USE DISTRICT BOUNDARIES

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### A. PURPOSE

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Locating most new subdistricts for commercial activities and residential subdivisions close to existing development and public services reduces public costs; improves the economic health of existing communities; protects important habitat; and minimizes interference with natural resource based activities such as forestry, agriculture, and recreation. In some cases, land uses that must be conducted near a natural resource or are closely tied to a natural resource should be allowed to locate away from development to ensure a continued natural resource-based economy and a reasonable opportunity for residential development in select locations.

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### B. RURAL HUBS

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The following minor civil divisions are rural hubs: Ashland, Bethel, Bingham, Calais, Caribou, Carrabassett Valley, Dover-Foxcroft, Eastport, Ellsworth, Farmington, Fort Kent, Gouldsboro, Greenville, Guilford, Houlton, Island Falls, Jackman, Jonesport, Kingfield, Lincoln, Lubec, Machias, Madawaska, Medway, Milbridge, Millinocket, Milo, Oakfield, Old Town, Patten, Presque Isle, Princeton, Rangeley, Rockwood Strip T1 R1 NBKP, Rumford, Saint Agatha, Unity, Van Buren, and Waterford.

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### C. PRIMARY AND SECONDARY LOCATIONS

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1. **Primary Location.** Each of the following areas within the unorganized and deorganized areas of the State, is within a primary location, except as modified pursuant to Section 10.08-A,C,4:
  - a. Land within seven miles of the boundary of a rural hub that also is within one mile of a public road;
  - b. Land within a town, plantation, or rural hub within one mile of a public road;

- c. Land within a township listed in Section 10.08-A,C,4,a that also is within one mile of a public road; and
  - d. Land within 700 feet of a Management Class 3 lake where the lake has no existing or potential water quality problems and soils are suitable for development.
2. **Secondary Location.** The following area within the unorganized and deorganized areas of the State is within a secondary location, except as modified pursuant to Section 10.08-A,C,4:
- a. Land within a rural hub, or in a town, township, or plantation bordering a rural hub, that is also within three miles of a public road and outside the primary location;
3. **Measuring Distance.** Measurements from a rural hub are made in a straight line from the boundary of the minor civil division. Measurements from a public road are made in a straight line from the edge of the traveled surface. Neither straight line measurement is made across major waterbodies, or interstate highways, except as follows. Measurements are made across major waterbodies, or interstate highways when the resulting primary or secondary location on the other side of such features is either directly connected by a public road that crosses the feature, or contiguous with the respective primary or secondary location.
4. **Inclusions and Exclusions to Primary and Secondary Locations.** New additions to and removals from primary and secondary locations must result from a regional planning process that addresses the location of development through a balanced and comprehensive process, such as prospective zoning or community guided planning and zoning as described in the Comprehensive Land Use Plan and applicable Commission guidance documents.
- a. **Additional Land Included in Primary Locations.**
    - (1) Land within one mile of a public road within the following townships is within the primary location: Benedicta Twp., Blanchard Twp., E Twp., East Moxie Twp., Greenfield Twp., Kingman Twp., Madrid Twp., Marion Twp., Moxie Gore Twp., Oxbow North Twp., Prentiss Twp., Silver Ridge Twp., T9 R5 WELS, and T9 SD BPP.
  - b. **Land Excluded from Primary and Secondary Locations.**
    - (1) Areas not eligible. Land within the Prospective Zoning Plan for the Rangeley Lakes Region is not eligible for inclusion in the primary or secondary locations.
    - (2) Areas removed or excluded. The following minor civil divisions are removed or excluded from primary and secondary locations. Land within 700 feet of Management Class 3 lakes is considered separately and included in primary locations pursuant to Section 10.08-A,C,1,d, unless excluded pursuant to Section 10.08-A,C,4,b,(3).

**Aroostook County**

North Yarmouth Academy Grant Twp.  
 T1 R5 WELS  
 T3 R3 WELS  
 Upper Molunkus Twp.

**Franklin County**

Mount Abram Twp.  
 Redington Twp.

**Hancock County**

T7 SD BPP

**Oxford County**

Andover West Surplus Twp.

**Penobscot County**

Argyle Twp.  
 T1 R6 WELS  
 T3 R7 WELS  
 T4 R7 WELS

**Piscataquis County**

Big Moose Twp.  
 Bowdoin College Grant West Twp.  
 Elliotsville Twp.  
 Lily Bay Twp.

**Somerset County**

Carrying Place Town Twp.  
 Dead River Twp.  
Highland Pt.  
 Johnson Mountain Twp.  
 Lexington Twp.  
 Long Pond Twp.  
 Misery Twp.  
 Misery Gore Twp.  
 Pierce Pond Twp.  
 Rockwood Strip T2 R1 NBKP  
 Sandwich Academy Grant Twp.  
 Sapling Twp.  
 Taunton & Raynham Academy  
 Grant  
 T3 R4 BKP WKR

Table 10.08-A-1. Areas removed or excluded from primary and secondary locations.

- (3) Primary locations around MC3 lakes. Land within 700 feet of the following lakes as described below, are excluded from primary locations:
- (a) The portions of Brassua Lake (#4120) in Brassua Twp., Rockwood Strip T2 R1 NBKP, and Sandwich Academy Grant Twp.;
  - (b) Indian Pond (#4090) in Big Moose Twp., Chase Stream Twp., Indian Stream Twp., and Sapling Twp.; and
  - (c) The portion of Long Pond (#2536) in Long Pond Twp.

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**APPENDIX F**

**Draft Basis Statement**

# 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.