

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



**BASIS STATEMENT AND SUMMARY OF COMMENTS FOR
AMENDMENT OF CHAPTER 2 - DEFINITIONS, AND
CHAPTER 10 – LAND USE DISTRICTS AND STANDARDS**

October 8, 2025

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

FACTUAL AND POLICY BASIS FOR THE RULE AMENDMENTS

These proposed changes are minor updates to the Commission’s rules to reflect statutory changes, improve clarity of provisions, update reference materials, correct factual errors, fix clerical errors, or improve formatting consistency.

Revisions to Chapter 2 include replacing the current definition of “campsite” with “minor campground” and creating a new definition of “campsite” in response to recent statutory changes ([Public Law 2025 Chapter 11](#)). Other changes include slightly modifying language for several definitions to improve clarity and consistency with LUPC statute and with the 2022 LUPC rulemaking regarding solar energy facilities. Additionally, new definitions are added for “community-based off-shore wind project,” “moratorium,” “planned subdistrict,” and “real estate.”

Changes to Chapter 10 include revising Section 10.22 to add “minor campground” to the lists of uses allowed without a permit subject to standards in M-GN, M-HP, and M-NC subdistricts. Other changes include modifying provisions in Sections 10.06, 10.11, 10.21, and Appendix G to improve clarity and consistency with 12 M.R.S. § 682. Additionally, the revisions modify the deadline for filing a development permit following the establishment of a D-PD or D-PR subdistrict from 18 months to five years and add a provision by which the Commission can conclude the deadline does not apply. Section 10.25 is revised to change the limit for transient occupancy of Recreational Vehicles in the P-FP subdistrict from 120 to 150 days to align with a recent revision to 12 M.R.S. § 682(18). Documents incorporated by reference are updated to more recent available versions and a provision is added that the public may access those

documents on the Commission’s website. Revisions also clarify that height requirements apply to development near “major flowing water.” Finally, revisions include various other clerical edits, including but not limited to spelling corrections, word usage, citations, and the way use listings are presented.

PUBLIC NOTICE OF RULEMAKING

At a meeting held on June 11, 2025, staff presented the draft rule revisions to the Commission. The Commission voted to initiate rulemaking and post amended revisions to public comment, with a 30-day public comment period and an additional seven-day rebuttal period.

Notice of the rulemaking was provided in the Secretary of State’s consolidated rulemaking notice on July 2, 2025. In addition to the legal notice, the Commission posted notice by email through the State’s GovDelivery system to all individuals wishing to be contacted regarding any proposed rule changes (approximately 2,112 recipients). Notice of the proposed revisions was also posted on the agency’s rulemaking webpage and in newspapers of general circulation.

The record remained open until August 4, 2025, to allow interested persons to file written statements with the Commission, and for an additional 7 days until August 11, 2025, to allow interested persons to file written rebuttal comments.

COMMENTS AND RESPONSES

The Commission received written comments from the staff. No other comments or rebuttal comments were received.

1. Topic: Comments Regarding References to Minor Campgrounds

[Public Law 2025 Chapter 11](#), which revises 12 M.R.S. § 682(15), changes the term “campsite” to “minor campground”. The proposed rule revisions include updating Chapter 2 to reflect this change where reference to “campsite” is made. Staff comments identified an additional use of the term “campsite” which should be changed to “minor campground” in the revised rule text.

Commenter(s): LUPC staff

Response: The Commission concurs with the comment; the omission should be corrected.

Action(s): Revise Section 2.02 as follows (additional changes made since the proposed rule text was posted to public comment are **highlighted**):

“##. **CampsiteMinor campground:**

“A camping location containing tents, registered tent trailers, registered pickup campers, registered recreational vehicles, registered trailers or similar devices used for camping. “**CampsiteMinor campground**” does not include a camping location that has access to a pressurized water system or permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. **A campsite minor campground** may be designed to contain a maximum of 4

camping sites for transient occupancy by 12 or fewer people per site, or numbers of sites and occupancy rates consistent with a landowner's recreational policy filed with the commission. ...”

2. Topic: Comments Regarding Changes to Transient Occupancy Standards

[Public Law 2025 Chapter 61](#), which revises 12 M.R.S. § 682(18), changes the limit for transient occupancy from 120 to no more than 150 days. The proposed rule revisions, as posted for public comment, included updating Chapter 10, Section 10.25,T,2,K to reflect this change. Staff comments note that the proposed rule revisions should also have updated Chapter 2 and other portions of Chapter 10 regarding the changed statutory definition of transient occupancy.

Commenter(s): LUPC Staff

Response: The Commission concurs with the comment; the omissions should be corrected.

Action(s): Revise Section 2.02 as follows:

“130. Manufactured Home:

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For purposes of regulating development in flood prone areas, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than ~~120~~150 consecutive days.”

“250. Transient Occupancy:

“Occupancy that does not exceed ~~120~~150 days in a calendar year” 12 M.R.S. § 682(18). With respect to campsites and residential campsites occupancy is measured by the length of time the tent, trailer, camper, recreational vehicle, or similar device used for camping is located on the site. There is no limit to the number of days a person may store an unoccupied camping device at a lawfully existing camping location within a lawfully existing campground.”

Revise Section 10.25,T,2,k as follows (additional changes proposed by this staff comment are **highlighted**):

“k. Recreational Vehicles. Recreational vehicles must either:

- (1) Be on the site for ~~fewer no more~~ than ~~120~~150 consecutive days and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (2) Be permitted in accordance with the elevation and anchoring requirements for manufactured homes in Section 10.25,T,2,j.

- (3) When located within Zone VE, be on the site for ~~fewer no more~~ than ~~120-150~~ consecutive days and be fully licensed and ready for highway use, or meet the requirements for coastal floodplains in Section 10.25,T,2,r.”

Revise Section 10.27,Q,6 as follows:

“6. Campgrounds.

...

- b. In order to comply with transient occupancy standards, a tent, trailer, camper, recreational vehicle, or similar device used for camping may be stored within a campground provided that the device is not occupied for more than ~~120-150~~ days in a calendar year.”

Revise Section 10.27,S,3,b,(2). as follows:

“(2) Scale.

- (a) A business must be mobile, and must not include structures as defined in Chapter 2 of the Commission’s rules. The facility and all appurtenant components must not be in the same location for more than ~~120-150~~ days in a calendar year. Mobile means that a vehicle or trailer must be ready for highway use, and must be fully licensed unless intended to travel exclusively on private roads.”

3. Topic: Comments Regarding Documents Incorporated by Reference

Part of the Commission’s purpose in initiating the changes to Chapters 2 and 10 is to update mentions of documents incorporated by reference to more recent versions. Staff comments note that, in some cases, references to older versions of documents were inadvertently not included in the draft rule revisions posted for public comment.

Commenter(s): LUPC Staff

Response: The Commission concurs with the comment; the omissions should be corrected.

Action(s): Revise Section 10.23,F,3,g,3 as follows:

- “(3) Phosphorous control. All development must be designed in accordance with Maine Stormwater Management Design Manual, Volume II, Phosphorus Control Manual” Maine Department of Environmental Protection. (March 2016)~~the-
Maine Department of Environmental Protection’s “Maine Stormwater Best-
Management Practices Manual, Volume II, Phosphorous Control in Lake-
Watersheds: A Technical Guide to Evaluating New Development.”~~ Development density must conform to the requirements of this manual.”

Revise Section 10.25,L,4,a as follows:

- “a. Phosphorus control measures and their maintenance shall meet the design criteria

contained in the “Maine Stormwater Management Design Manual, Volume III, Technical Design Manual” Maine Department of Environmental Protection. (May 2016)~~“Maine Stormwater Best Practices Manual, Volume III. BMP- Technical Design Manual, Chapter 11. Designing for Operation and- Maintenance”~~ Maine Department of Environmental Protection, 2008, and hereafter cited as the Technical Design Manual.”

4. Topic: Comments Regarding Documents Otherwise Referenced

The proposed revisions include editing Chapter 10 Section 10.27,D,2,a,8 to reflect more recent versions of tools for calculating storm events. Staff comments note that after posting the proposed rule revisions for public comment, it was determined that a previously functioning link providing access to one of the tools was no longer working. Staff commented that these tools are updated periodically to maintain compatibility with newer operating systems, and that attempting to continuously incorporate one specific version by reference could become impractical and overly restrictive, requiring continuous rule revisions to stay current. In their comments, staff recommend providing a more general list of examples of tools, which could satisfy regulatory requirements, while allowing applicants flexibility to use more recent versions or tools that are similarly effective.

Commenter(s): LUPC Staff

Response: The Commission concurs with the comment; the proposed changes should be made.

Action(s): Revise Section 10.27,D,2,a as follows (in place of the revisions proposed in the draft rule text posted for public comment):

- “(8) Provided they are properly applied and used for circumstances for which they are designed, methods including but not limited to the following are acceptable to the Commission as means of calculating 25-year and 100-year frequency storm events and thereby determining crossing sizes as required in Section 10.27,D,2:
 - (a) ~~The~~A currently supported version of a tool or methodology published by the USDA Natural Resources Conservation Service (NRCS) for calculating watershed runoff based on precipitation; or Method: “Urban Hydrology for Small Watersheds.” (Technical Release #55). USDA Soil Conservation Service (June 1986).
 - (b) ~~The USDA NRCS Method: “TR-20—Computer Program for Project Formulation—Hydrology,” Second Edition, U.S. Department of Agriculture, Soil Conservation Service (March 1986).~~
 - (be) Provided that the only ~~design~~ storm severity estimate used for sizing the crossing is a 100-year frequency storm event, the Commission may also allow use of ~~the a~~ United States Geological Survey (USGS) ~~method: tool~~ such as StreamStats; (a Web-based Geographic Information Systems application) or similar replacement tool provided by the USGS(Geological-

~~Survey, U. S. (2019, April 19). USGS. Retrieved from StreamStats:
<https://streamstats.usgs.gov/ss/>).~~”