



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-022

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

Memorandum

To: LUPC Commissioners
CC: Stacie R. Beyer, Executive Director
From: Stacy Benjamin, Chief Planner
Date: May 7, 2025
Re: Chapter 17 Rulemaking to Reestablish Jurisdiction in Highland Plantation

This memorandum provides background information and next steps in response to Highland Plantation's recent action to repeal its local comprehensive plan and land use ordinance. Included is a recommendation to initiate a rulemaking to update Chapter 17 of the Commission's rules to reestablish jurisdiction in Highland Plantation.

I. Background

After a local process to develop a comprehensive plan and land use ordinance, Highland Plantation assumed local land use authority from the Commission in July 2016. Since that time, with only 32 full-time residents, the community has struggled to fill local board vacancies and retain and pay for local code enforcement services. According to Plantation officials, at the annual Plantation meeting on April 26, 2025, residents in attendance voted 11-6 to repeal the comprehensive plan and land use ordinance, setting the stage for a return to the Commission's service area.

II. Process to Reestablish Jurisdiction

For communities that wish to cede land use authority to the Commission, or in situations where there is evidence that the municipal land use program in a community that has assumed land use authority is less protective than the Commission's standards, the provisions of [12 M.R.S. §685-A\(4-A\)\(B\)](#) are applied. In addition, [Chapter 17](#) of the Commission's rules guides the reestablishment of Commission jurisdiction.

STACIE R. BEYER
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To avoid a regulatory vacuum in Highland Plantation and expedite the reestablishment of land use authority by the Commission, staff propose the following steps:

1. Initiate rule changes to Chapter 17 related to the reestablishment of Commission jurisdiction in Highland Plantation (draft redline attached¹);
2. As part of the Chapter 17 rulemaking, adopt the Land Use Guidance Map that was in effect for Highland Plantation prior to the transfer of authority as interim guidance for any development proposals submitted before an updated map can be prepared (draft attached);
3. Initiate a process to update the zoning map for the Plantation, including:
 - Outreach to residents and property owners through a letter from LUPC and a community meeting to review existing resources and development patterns to help designate appropriate zones.
 - 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 to review and comment on a draft of the zoning map.
 - A formal written comment period during which anyone can submit comments on the draft zoning map. While not required, the Commission could also decide to hold a formal public hearing.
 - A staff-initiated zoning petition to present the updated zoning map to the Commission for adoption.

III. Overview of the Next Steps and Proposed Timeline

Action	Timing	Notes/Details
Request to initiate rulemaking – post to a 30-day public comment period	May 14, 2025 Commission meeting	If approved, materials will be submitted to the Secretary of State’s office by May 16, 2025
Letter to Highland Plantation property owners	By May 31, 2025	Notification of the rulemaking initiation and process
Land use inventory	Completed by June 30, 2025	Includes permit review, review of available resource data, local interviews, and windshield surveys

Continues next page

¹ The proposed changes also include other clerical edits, including but not limited to updating of statutory citations and minor rule format changes.

Action	Timing	Notes/Details
Commission decision on adoption of Chapter 17 and interim land use guidance map	August Commission meeting	If adopted, the reestablishment of jurisdiction would be effective immediately
Community process to update land use guidance map	August – September	See steps above
Staff-initiated zoning petition to adopt updated land use guidance map	October Commission meeting	The process would follow Chapter 4 requirements and Commission practices for staff-initiated rezonings

IV. Staff Recommendation

Staff recommends that the Commission initiate rulemaking on the proposed changes to Chapter 17 related to the reestablishment of Commission jurisdiction in Highland Plantation. Specifically, staff requests that the draft revisions be posted to a public comment process and recommends that the comment period remain open for 30 days. Should five requests for a public hearing be received, a public hearing would be scheduled pursuant to Chapter 4 requirements and the Administrative Procedures Act.

Attachments:

- *Draft Redline Rule Changes to Chapter 17*
- *Interim Land Use Guidance Map for Highland Plantation*

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

**Proposed Repeal and Replacement of Chapter 17,
Reestablishment of Commission Jurisdiction**

May 7, 2025 – Draft

The following amendments propose changes to Chapter 17, Reestablishment of Commission Jurisdiction within the Jurisdiction of the Maine Land Use Planning Commission. This document only includes relevant sections 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 **[revision notes]**. These explanatory notes would not be included in the final rule.

Rulemaking Overview and Introduction

- This rulemaking proposes to repeal and replace the rule as a whole; however, individual revisions are illustrated below for reader convenience.
- On April 26, 2025, at an annual meeting of the plantation, Highland Plantation voted to repeal its comprehensive plan and land use ordinance. Pursuant to 12 M.R.S. § 685-A(4-A)(B)(1), the Maine Land Use Planning Commission is required to reestablish its jurisdiction (land use regulatory authority and responsibility) over Highland Plantation.
- In order to provide time to prepare and seek community feedback on an updated Land Use Guidance Map for Highland Plantation, this rulemaking also proposes to adopt the Land Use Guidance Map for Highland Plantation that was in effect prior to the 2016 transfer of authority.
- This rulemaking also includes other clerical edits, including but not limited to revision of the rule title, updating of statutory citations, and minor rule format changes.

Department of Agriculture, Conservation and Forestry
MAINE LAND USE PLANNING COMMISSION
22 State House Station, Augusta, Maine 04330. Tel. (207) 287-2631

Reestablishment of Commission Jurisdiction

Chapter 17 of the Commission's Rules

~~(APA Office Note dated November 6, 2013: due to a legislatively mandated reorganization, the Land Use Regulation Commission was renamed as Land Use Planning Commission, with its umbrella unit number changed from 04-061 to 01-672.)~~

Effective Date: August 14, 1992

Amended Effective: October 17, 2000

Chapter 17: REESTABLISHMENT OF COMMISSION JURISDICTION

17.01 AUTHORITY

Pursuant to 12 M.R.S. § 685-A(4-A)(B) the Commission is authorized to reestablish its jurisdiction over certain towns or plantations.

~~A. 12 M.R.S.A. §685-A(4) states in part that any plantation or municipality which adopts planning, zoning and subdivision control as provided in Title 30-A §7059, shall be continued to be regulated by the Commission until such time as the plantation or municipality adopts land use plans and regulations not less protective of the existing natural, recreational or historic resources than those adopted by the Commission. Upon obtaining approval, the plantation or municipality shall thereafter adopt, administer and enforce the approved plans, maps, regulations and standards.~~

~~B. 12 M.R.S.A. §685-A(4) provides that the Commission review from time to time the administration and enforcement of local land use plans and regulations by plantations and municipalities which have adopted land use plans, maps, regulations and standards approved by the Commission. If, following the review, the Commission finds that any of the following have occurred, the Commission may reestablish its jurisdiction over that plantation or municipality:~~

~~(1)1. — a plantation or municipality has repealed the land use plan, maps, standards or regulations necessary to satisfy the requirements of the Commission's land use laws, regulations or standards or has substantially modified the land use plan, maps, standards or regulations so that the resources of the plantation or municipality are not reasonably protected;~~

~~(2)2. — a plantation or municipality has abolished or does not have functioning the administrative bodies and officers necessary to implement the land use program as approved by the Commission, normally a planning board, board of appeals and code enforcement officer; or~~

~~(3)3. — a plantation or municipality has not administered or enforced its land use program in a manner which reasonably protects the resources in the plantation or municipality involved.~~

~~The action by the Commission must conform with the provisions for rulemaking of the Maine Administrative Procedure Act, Title 5, chapter 375.~~

17.02 PURPOSE

This rule reestablishes the jurisdiction of the Maine Land Use Planning Commission in those municipalities and plantations where the Commission has found that one or more of the conditions for reestablishing jurisdiction set forth in 12 M.R.S. ~~A~~: § 685-A(4-~~A~~)(~~B~~) has occurred in the plantation or municipality.

17.03 APPLICABILITY AND EFFECTIVE DATE OF REESTABLISHED JURISDICTION

The Commission has found that one or more of the conditions set forth in 12 M.R.S. ~~A~~: § 685-A(4-~~A~~) has occurred in each municipality and plantation identified below and has concluded reestablishment of the Commission's jurisdiction in that municipality or plantation is necessary to reasonably protect the natural, recreational, historic or other resources of the municipality or plantation and to extend the principles of sound planning, zoning and subdivision control to the municipality or plantation:

A. BRIGHTON PLANTATION, SOMERSET COUNTY

1. ~~(1)~~—Brighton Plantation, located in Somerset County, had been granted plantation status under Maine law. When the Land Use Regulation Commission was formed, Brighton Plantation did not administer its own land use planning and regulatory program. Instead, the Commission carried out those functions in lieu of local government.
2. ~~(2)~~—In accordance with 12 M.R.S. ~~A~~: § 685-A(4-~~A~~), Brighton Plantation submitted to the Commission a Comprehensive Land Use Plan, zoning ordinance including standards and land use subdistricts, and a land use district boundary map(s) for the plantation. ~~In February~~ On February 26, 1987, the Commission approved the plan, ordinance, and map~~s~~s.
3. ~~(3)~~—On May 12, 1990, the Plantation adopted its Comprehensive Land Use Plan, zoning ordinance and map(s) that earlier had been approved by the Commission. Thus the plantation removed itself from the Commission's jurisdiction on May 12, 1990 and began administering its local land use program.
4. ~~(4)~~—On March 28, 1992, at an annual meeting of the plantation, Brighton Plantation abolished its planning board and voted to return to ~~the jurisdiction of~~ the Maine Land Use Planning Commission's jurisdiction. The plan and ordinance were not repealed at that time although the plantation lacks the administrative body necessary to review and act upon zoning or permit applications or carry out other necessary provisions of the land use plan and ordinance in the plantation. At a special plantation meeting held on May 19, 1992, Brighton Plantation reaffirmed its decision of March 28, 1992.

5. ~~(5)~~—The Commission ~~had~~ reestablished jurisdiction over Brighton Plantation effective August 14, 1992.
6. Subsequently, Brighton Plantation submitted an updated Comprehensive Land Use Plan and Land Use Zoning Ordinance to the Commission in 1995. The Commission approved this Plan and Ordinance on June 15, 1995. Brighton Plantation adopted these updated versions of its Comprehensive Land Use Plan and Land Use Zoning Ordinance on July 20, 1995, and resumed land use control effective on the same date.

B. HIGHLAND PLANTATION, SOMERSET COUNTY

1. Highland Plantation, located in Somerset County, had been granted plantation status under Maine law. When the Land Use Regulation Commission was formed, Highland Plantation did not administer its own land use planning and regulatory program. Instead, the Commission carried out those functions in lieu of local government.
2. In accordance with 12 M.R.S. § 685-A(4-A), Highland Plantation submitted to the Commission a Comprehensive Land Use Plan, zoning ordinance including standards and land use subdistricts, and a land use district boundary map(s) for the plantation. On April 13, 2016, the Commission approved the plan, ordinance, and maps.
3. On March 26, 2016, the Plantation adopted its Comprehensive Land Use Plan, zoning ordinance, and map(s). On April 13, 2016, the Commission approved these documents, with a condition requiring the hiring of a qualified Code Enforcement Officer. On July 11, 2016, the Commission transferred local land use regulatory authority.
4. On April 26, 2025, at an annual meeting of the plantation, Highland Plantation voted to repeal its comprehensive plan and land use ordinance. Pursuant to 12 M.R.S. § 685-A(4-A)(B)(1), the Maine Land Use Planning Commission reestablishes its jurisdiction over Highland Plantation. The Land Use Guidance Map for Highland Plantation that was in effect prior to the 2016 transfer of authority is hereby adopted and effective until a land use inventory is completed, and the Commission's rezoning process, including opportunity for public comment, is conducted to create an updated zoning map.

17.04 JURISDICTION REESTABLISHED

A. REESTABLISHMENT

1. ~~A.~~ The Commission reestablishes its jurisdiction over the municipalities and plantations identified in ~~section~~ Section 17.03 above and adopts ~~a~~ Land Use Guidance Maps(s) for those areas.
 2. ~~B.~~ The municipalities and plantations identified in ~~section~~ Section 17.03 above are subject to the plans, maps, regulations, standards and other requirements of the Commission.
 3. ~~C.~~ This reestablishment of jurisdiction supersedes any prior Commission ~~prior~~ approval of such municipalities' and plantations' plan, ordinance, and maps(s).
 4. The reestablishment of the Commission's jurisdiction may be superseded by subsequent town or plantation action. Any such circumstances will be indicated as applicable in Section 17.03.
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STATUTORY AUTHORITY: 12 M.R.S. ~~A.~~ §§ 685-A(4-A) and 685-C(5); and 30-A M.R.S. § 7059-681 et seq.

EFFECTIVE DATE:

August 14, 1992 – filing 1992-318

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 4, 1996 – filing 1996-165

NON-SUBSTANTIVE CORRECTIONS:

January 10, 1997 – filing C-1997-071

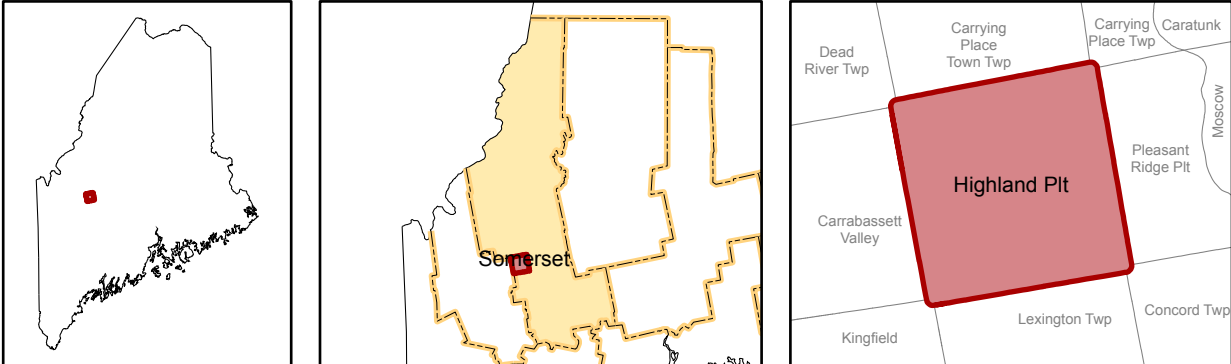
September 2, 1997 - converted to Microsoft Word for Windows 2.0 format.

AMENDED:

October 17, 2000 – filing 2000-455

(APA Office Note dated November 6, 2013: due to a legislatively-mandated reorganization, the Land Use Regulation Commission was renamed as Land Use Planning Commission, with its umbrella-unit number changed from 01-672 to 01-672.)

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

INTERIM ADOPTION PROPOSAL

- Highland Plantation voted to repeal its locally adopted Comprehensive Plan and Zoning Ordinance on April 26, 2025.
- Pursuant to 12 § 685-A(4-A)(B), the Land Use Planning Commission proposes revisions to its Chapter 17 rules associated with reestablishing jurisdiction in Highland Plantation, Maine.
- This Land Use Guidance Map was in effect prior to the transfer of land use regulatory authority to Highland Plantation in 2016. To provide interim guidance to the property owners in Highland Plantation, the Commission staff, and the public, the Commission proposes to adopt this Land Use Guidance Map temporarily as part of the proposed Chapter 17 revisions.
- The Commission will undertake a public input process and land use inventory to prepare a draft updated Land Use Guidance Map for consideration through a staff-initiated zoning petition. An updated draft Land Use Guidance Map is to be considered for adoption by the Commission no later than its regular business meeting in December 2025.

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.

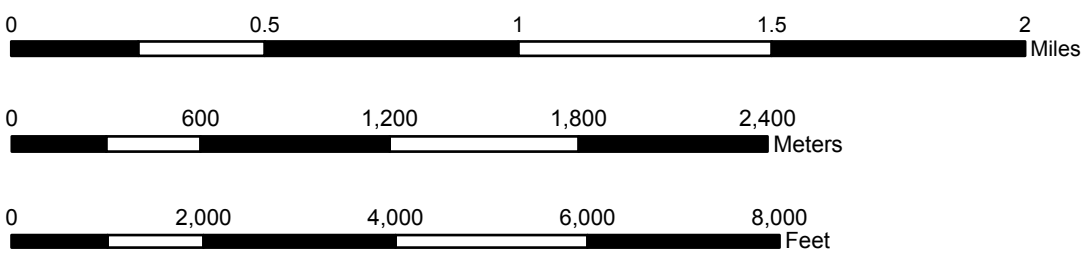
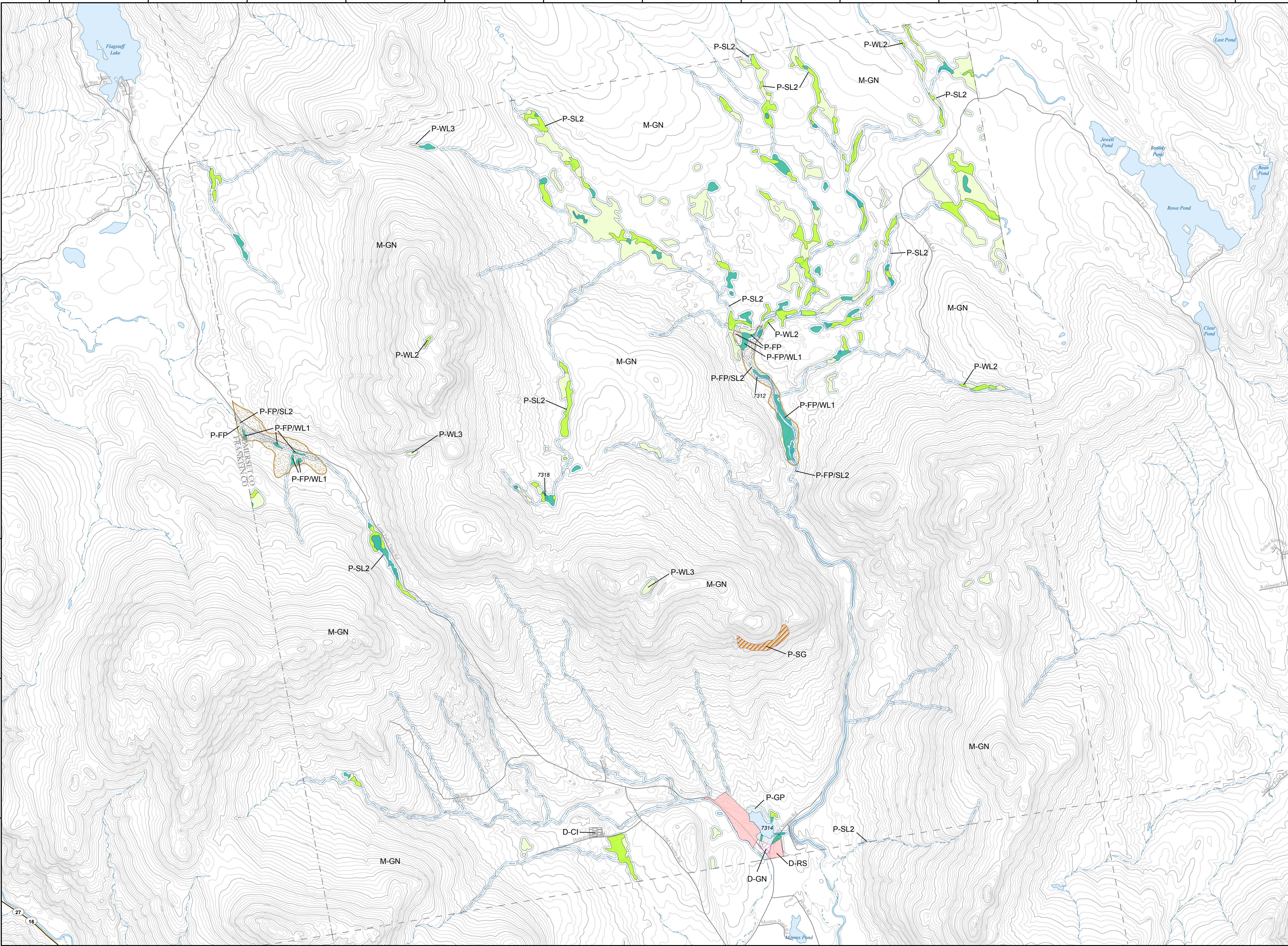
For simplicity, this map does not show all the Wetland Protection Subdistricts for areas identified pursuant to Section 10.23.N.2 such as the beds of rivers, lakes, and other water bodies, and freshwater wetlands within 25 feet of stream channels. Nevertheless, these areas are within P-WL Subdistricts. 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**.

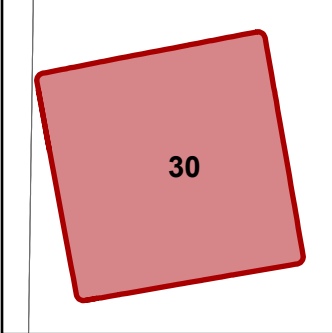
This map is certified to be a true and correct copy of the Official Land Use Guidance Map of the Maine Land Use Planning Commission.

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

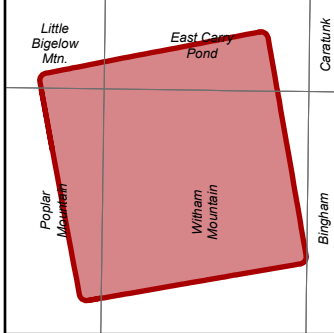
Amendments			
Location #	Zoning Permit	Effective Date	Remarks
		08/18/2005	Adoption of digital NW1 wetlands



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#