



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

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GOVERNOR

AMANDA E. BEAL
COMMISSIONER

Memorandum

To: LUPC Commissioners
CC: Benjamin Godsoe, Acting Executive Director
From: Stacy Benjamin, Acting Planning Manager
Date: November 5, 2025
Re: Highland Plantation - Location of Development Request for Rulemaking

This memorandum provides background information related to the reestablishment of Commission jurisdiction in Highland Plantation, a status report on the zoning map update, and a request to initiate rulemaking for changes to Chapter 10, Section 10.08-A to exclude Highland Plantation from primary and secondary locations.

Background

Highland Plantation was part of the 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 and land use ordinance, and has maintained a local land use program since then. However, at the annual Plantation meeting on April 26, 2025, residents in attendance voted to repeal the comprehensive plan and land use ordinance in response to difficulties in recruiting and retaining a planning board and code enforcement officer. Plantation officials subsequently submitted a petition to return to the LUPC service area.

At the August Commission meeting, the Commission adopted amendments to *Chapter 17, Reestablishment of Commission Jurisdiction*, and officially reestablished jurisdiction in Highland Plantation on September 2, 2025. As part of the rule changes, the Commission adopted the previous Land Use Guidance Map to provide interim guidance until the process of working with the community to update the zoning is completed. Since August, two community meetings have been held to discuss updates to the zoning map and, in particular, considerations for the location of development and future rezoning options in Highland Plantation (e.g., whether or not to establish primary and secondary locations in the plantation).

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Land Use Guidance Map Update

Two community meetings have been held to date: one on September 13, with 16 attendees; and one on October 22, with 17 attendees. All identified property owners and the Somerset County Commissioners were sent postcard notices for each meeting, and the meeting dates were posted on the [Highland Plantation Zoning Map Update](#) webpage.

At the September meeting, the consensus of those present was to retain the current zoning with two exceptions. They requested expanding the General Development subdistrict to include areas currently zoned Residential Development along the southern municipal boundary and wished to add a Commercial-Industrial Development subdistrict on a property with a salt-sand shed used for commercial purposes (see Map 1).

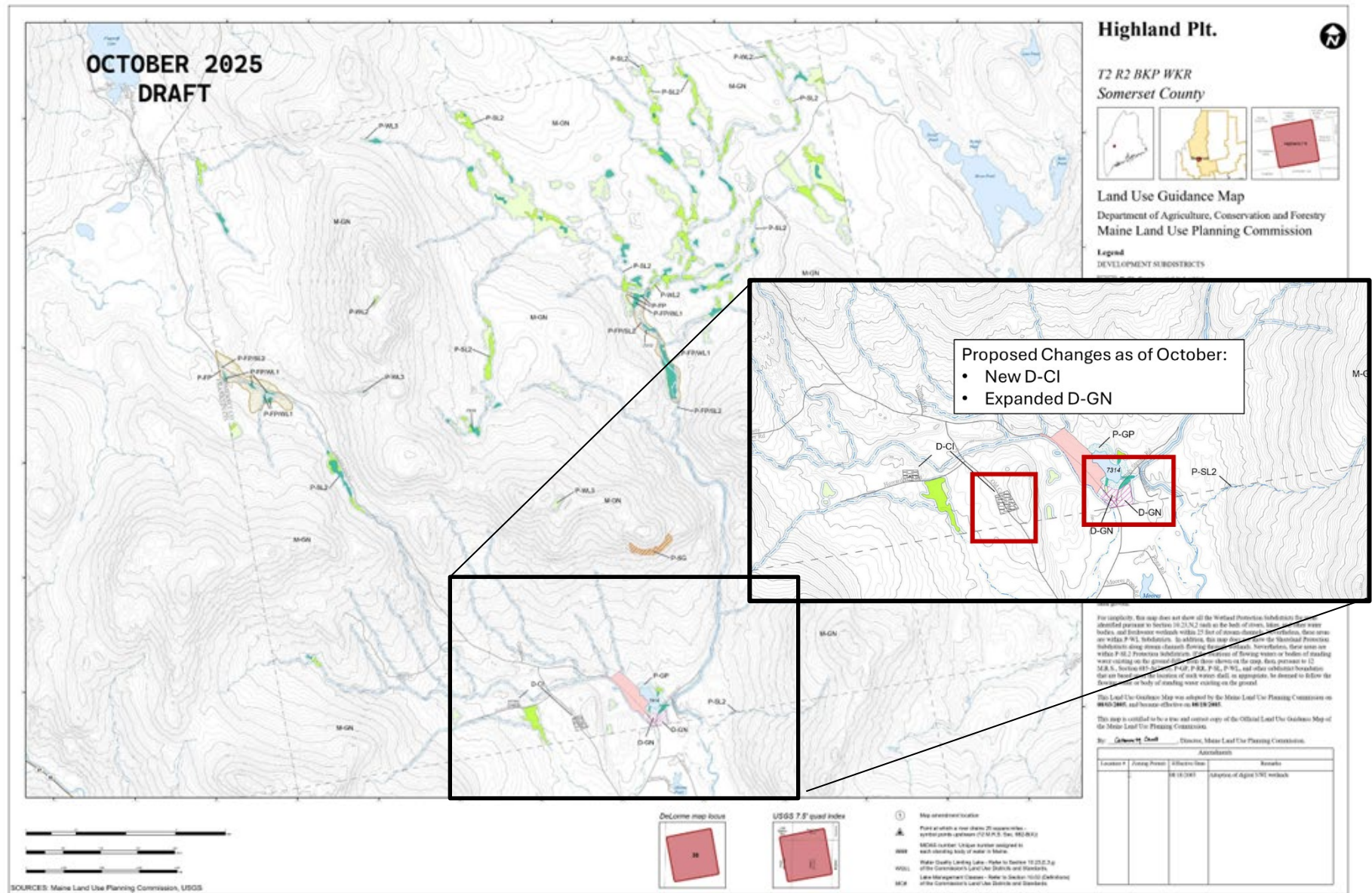
These changes were confirmed at the second community meeting, pending final input from the property owners affected. The next step will be for the staff to initiate a petition to adopt the updated zoning map. This petition process requires the notification of all property owners and abutters within 1,000 feet of Highland Plantation, notification to the County Commissioners, and review by resource agencies. Staff anticipate preparing this petition in November or early December and presenting it to the Commission for consideration at the February 2026 Commission meeting.

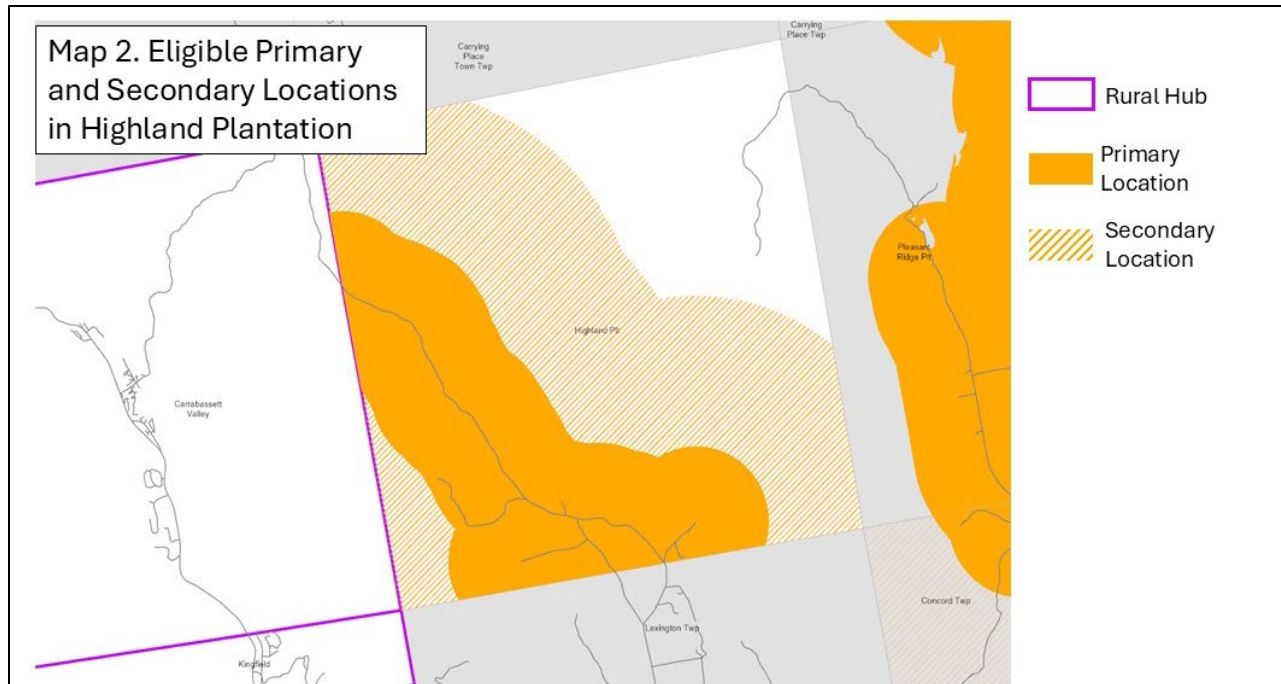
Location of Development

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 (see Appendix A for more information). 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.

At the first community meeting on September 13, the majority of those 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. To respond to this request to be excluded, the Commission would need to update the list of excluded communities in Chapter 10, Section 10.08-A(C)(4)(b) to include Highland Plantation. The preference to be removed or excluded was confirmed by a majority of those in attendance at the second community meeting on October 22.

Map 1. Current Proposed Changes to Land Use Guidance Map





Recommendation

In response to community input from Highland Plantation residents and property owners, staff recommend the Commission initiate rulemaking to amend 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. A draft redline is provided in Appendix B.

Staff recommends posting the proposed amendment to a minimum 35-day public comment period, with a 14-day rebuttal period. The extended comment period is intended to accommodate holiday considerations and ensure that people have ample opportunity to submit comments.

In addition to the official rulemaking notices published through the Administrative Procedures Act requirements and the use of the GovDelivery notification system, notices will be mailed to all property owners in Highland Plantation, the County Commissioners, and landowners within 1,000 feet of the plantation boundary as part of the zoning petition process to update the map. Staff are planning to initiate the zoning petition process to align the timing of the required notice with the rulemaking notice, and will highlight opportunities to comment on both the rulemaking and rezoning processes in the mailing. This outreach has been designed to engage property owners at every opportunity to weigh in on the location of development considerations and zoning for Highland Plantation.

Attachments:

- Appendix A. Location of Development Information Sheet
- Appendix B. Draft Rule Redline

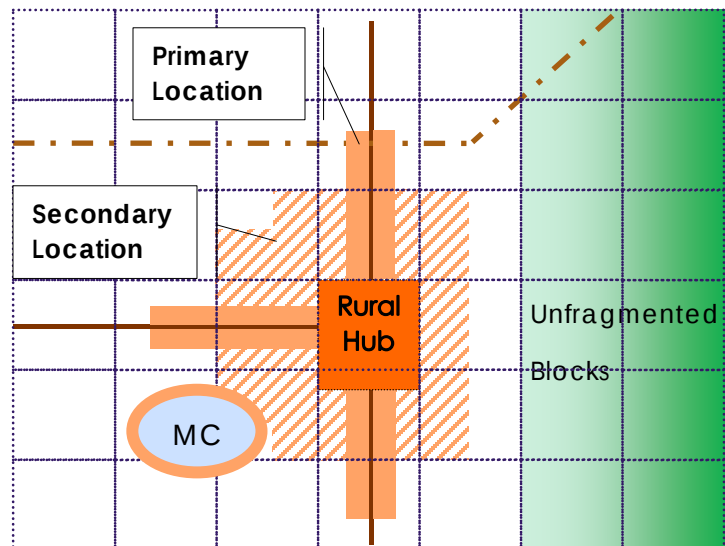
Appendix A. Location of Development In Maine's Unorganized Territories

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?

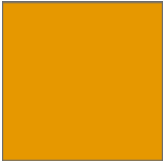
Outside of primary and secondary locations, the rule changes allow residential subdivisions on some lakes that are already developed with camps or homes, and near motorized or multi-use trailheads, but eliminates options for residential subdivision on undeveloped lakes. The new rules use information 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
Primary Locations 	• ≤ 7 miles from the boundary of a rural hub town, and ≤ 1 mile of a public road; • ≤ 1 mile from a public road in certain listed townships and plantations; or • The shoreline around management class 3 lakes	• Residential subdivisions by permit if not on waterbody and $< 1/2$ mile from a public road • Rezoning for residential subdivision, provided services and legal access for lot owner can be provided (certain high value lakes excluded) • Rezoning for most businesses
Secondary Locations 	• ≤ 3 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).	• Rezoning for residential subdivision, provided services and legal access for lot owners can be provided (certain high value lakes excluded)
Resource-based Locations (areas not in orange or orange hash marks)	• Areas not included in primary or secondary locations if not near sensitive resources	• Recreation-based residential subdivision on certain lakes and near multi-use trailheads • Resource extraction and processing in certain locations near raw materials (in the woods or on the farm) • Recreation support businesses and recreation day use facilities in certain locations (e.g., gear rental, food services for recreational users, trail centers, etc.)

Appendix B

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

November 5, 2025 – Draft

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 LOCATIONAL FACTORS FOR ADOPTION OR AMENDMENT OF LAND USE DISTRICT BOUNDARIES

A. PURPOSE

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.

B. RURAL HUBS

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.

C. PRIMARY AND SECONDARY LOCATIONS

- 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 Plt.
 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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