

Amendments to Chapter A: Enabling
Regulations Governing Review of
Developments of Regional Impact

CAPE COD COMMISSION MEETING

MARCH 5, 2020



CAPE COD
COMMISSION

**PURPOSE OF
AMENDMENTS:**

To Align the
Enabling
Regulations
with the 2018
Regional
Policy Plan

C A P E C O D
REGIONAL
P O L I C Y P L A N

F R A M I N G T H E F U T U R E

CAPE COD COMMISSION | 2018

2018 REGIONAL POLICY PLAN

- 2018 RPP contemplated amendments to the Commission's DRI Enabling & Other Regulations
- 1st step today – Technical amendments to address immediate need of aligning the enabling regulations
- Next step – Begin public process to discuss DRI threshold & other substantive changes

**PURPOSE OF
AMENDMENTS**

To Align the
Enabling
Regulations
with the 2018
Regional
Policy Plan

Removed repetitive/unnecessary
process

Removed outdated definitions and
references to terms

Removed individual GIZ decision
detail

Edited to retain consistency with
2018 RPP

2018 REGIONAL POLICY PLAN

- Contains all the flexibility needed in the DRI review process itself
- Eliminates need for additional process:
 - Limited review/Scoping of DRI
 - Hardship Exemptions

**PURPOSE OF
AMENDMENTS**

Removed
repetitive/
unnecessary
process:
Limited
Review/Scoping

From the Regulatory section of the RPP:
*"The Commission **determines the applicability and materiality** of the RPP's goals and objectives to a project **on a case by case basis**. As the RPP has broad, general application to DRIs and other regulatory matters of regional significance, **not every goal or objective may apply, be material, relevant or regionally significant, or apply in the same way or with the same focus or extent to every project or designation**, given the specific facts and circumstances present in any given project."*

**PURPOSE OF
AMENDMENTS**

Removed
repetitive/
unnecessary
process:
Hardship

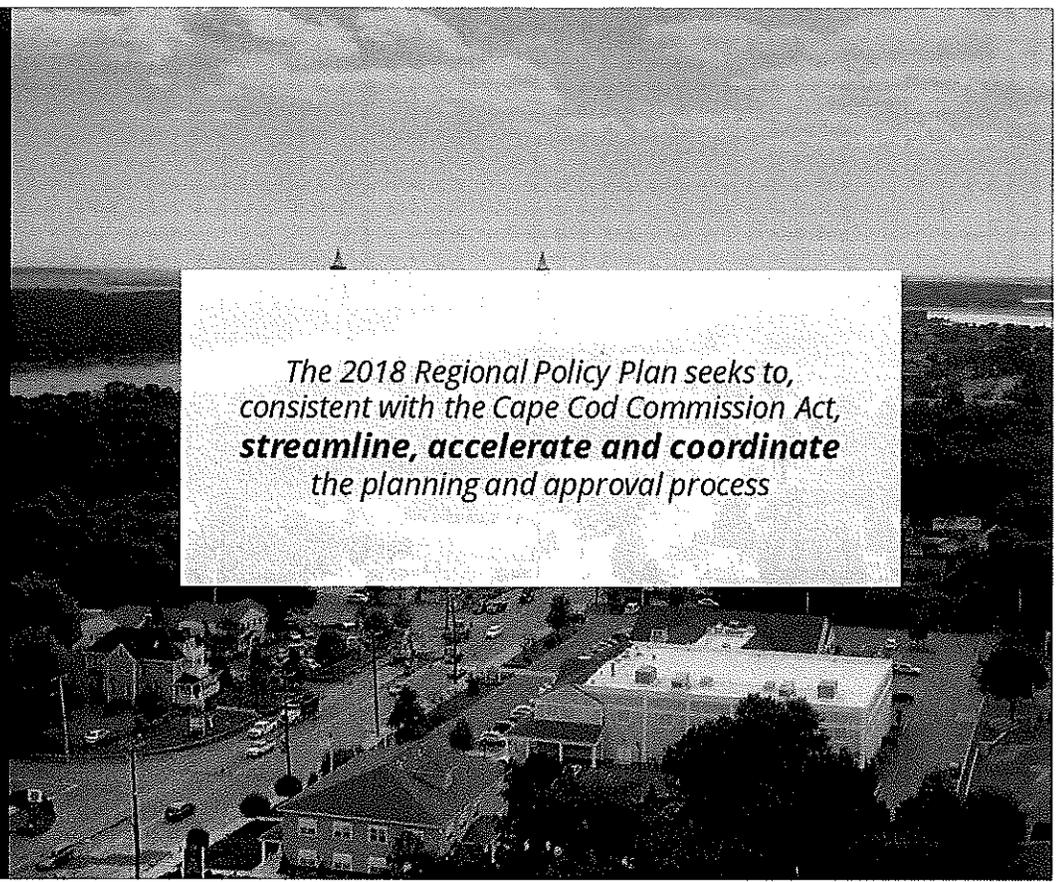
*From the Regulatory section of the RPP:
"the Commission **may factor into its
decision-making any hardship claimed**
and demonstrated by an applicant that
would render such full and literal
compliance or consistency impracticable"*

2018 REGIONAL POLICY PLAN

- Action item of 2018 RPP is to streamline the process
- Adjudicatory hearing process for energy DRI projects removed - additional unnecessary process

**PURPOSE OF
AMENDMENTS**

Removed
repetitive/
unnecessary
process:
Adjudicatory
Hearing
procedure



*The 2018 Regional Policy Plan seeks to, consistent with the Cape Cod Commission Act, **streamline, accelerate and coordinate** the planning and approval process*

**PURPOSE OF
AMENDMENTS**

Removed
outdated
definitions
and
references
to terms

"Minimum performance standards"

"Limited DRI Review", "change of use"

"scoping checklist", "Regulatory Committee"

**PURPOSE OF
AMENDMENTS**

Removed
individual
GIZ decision
detail

Section 3 of Enabling Regulations:
Sets forth DRI review thresholds

A category included - areas that have been
modified by Chapter H or the Growth
Incentive Zone ("GIZ") regulations

Unnecessary to include specifics from
individual GIZ decisions in the regulations.

**PURPOSE OF
AMENDMENTS**

Edited to
retain
consistency
with 2018
RPP

Other edits made to unify document

Include amendments to table of contents,
section titles, section references

Request that Commission support technical
corrections/edits

STAFF RECOMMENDATION

Vote to submit the proposed amendments to
Chapter A: Enabling Regulations Governing
Review of DRI's to the Assembly of Delegates
for adoption by ordinance