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

CAPE COD COMMISSION MEETING

MARCH 5, 2020
PURPOSE OF AMENDMENTS:
To Align the Enabling Regulations with the 2018 Regional Policy Plan

CAPE COD
REGIONAL
POLICY PLAN

FRAMING THE FUTURE
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
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<th>Purpose of Amendments</th>
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<td>Policy Plan</td>
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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
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."
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
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Removed outdated definitions and references to terms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"
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.