

Draft amendments to Chapter C: “To establish a process for a thorough review and amendment of the Regional Policy Plan,” Code of Cape Cod Commission Regulations of General Application, as amended (Barnstable County Ordinance 91-8, as amended by Ordinance 99-12)

Section I- General

A. Authority

These regulations are adopted pursuant to and in accordance with Sections 4, 6 and 8 of the Commission Act.

B. Effective Date

These regulations shall be effective immediately upon their adoption by Ordinance, pursuant to Section 2(w) of the Commission Act.

C. Purpose

The purpose of these regulations is to set out the processes and requirements for amendments to the Regional Policy Plan. The Regional Policy Plan may be amended in one of three ways as set out herein:

- On the Commission’s own initiative
- By Petition; or
- Through the Commission’s regular five-year review and update process set forth in Section 8 of the Commission Act.

D. Definitions

1. The definitions contained in Section 2 of the Commission Act shall apply to these regulations.

2. Further, as used in these regulations, the following terms shall have the following meanings:

- a. Board of Registrars: A Municipality’s Board of Registrars of Voters described in and established under MGL Chapter 51 Section 15 *et. seq.*
- b. Commission: Cape Cod Commission.
- c. Commission Act: the Cape Cod Commission Act, Chapter 716 of the Acts of 1989, as amended;
- d. County Clerk: the Clerk for Cape Cod regional government described in and established under Chapter 163 of the Acts of 1988, as amended.
- e. County Commissioners: the Barnstable County Board of Regional Commissioners, the executive branch of Cape Cod regional government, described in and established under Chapter 163 of the Acts of 1988, as amended
- f. RPP: the Regional Policy Plan, Barnstable County Ordinance 91-6, as amended

Section II- RPP Amendments on the Commission’s Own Initiative

A. Pursuant to Section 8(h) of the Commission Act, the Commission may initiate review of Regional Policy Plan on its own at any time.

B. Under such review, the Commission may propose and promulgate Regional Policy Plan amendments, and submit them for adoption by county ordinance, in accordance with the applicable provisions of Sections 6 and 8 of the Commission Act.

Section III- Petition to Amend the Regional Policy Plan

A. A Petition proposing to amend the Regional Policy Plan (“Petition”) may be submitted to the Commission clerk for consideration by the Commission provided it contains a certification in one of the following manners:

- By majority vote of the County Commissioners;
 - By majority (weighted) vote of the Assembly of Delegates; or
 - By certified signatures of not less than one percent (1%) of the persons registered to vote in Barnstable County according to the most recent State Election Enrollment Statistics reported pursuant to MGL c. 54, § 133 at the time the Petition is submitted.
- B. At the time it is submitted to the Commission, any Petition by the County Commissioners or the Assembly of Delegates shall include the County Clerk's certification of the requisite percentage vote required by section III A of this ordinance.
- C. At the time it is submitted to the Commission, any Citizen Petition shall include certification from each respective Municipality's Town Clerk that the Petition signatures collected in that respective Municipality are of registered voters in the Municipality as of the date of the most recent state election.
1. Not more than twenty-five percent (25%) of the required number of Petition signatures shall be from qualified voters in any one Municipality.
 2. The Town Clerk certifications shall be provided in and for the same calendar year as when the Citizen Petition is submitted.
 3. No Petition shall be submitted to or accepted for consideration by the Commission within one year immediately following the effective date of any RPP amendments adopted pursuant to the regular 5-year review and update process set out in Section IV herein.
- D. Within thirty (30) days of receipt of the submission of a Petition, the Commission's Executive Director or his/ her designee shall determine whether the Petition has been submitted in accordance with these regulations. Should a Petitioner desire to pursue a Petition that has not been deemed submitted in accordance with these regulations, then the Petitioner may resubmit the Petition in accordance with these regulations, including the requirement for signature certifications in the case of a Citizen Petition as required by Section III(C).
- E. The Commission shall hold a public hearing once in each calendar year to consider any Petition that has been submitted in accordance with these regulations, which may be a joint public hearing on multiple Petitions, as applicable.
- F. Petitions shall be administered and considered on a calendar year basis. The deadline for submitting a Petition to the Commission clerk shall be April 1st. The Public Hearing process shall commence by June 1st, which time may be extended upon mutual agreement of the Petitioner(s) and the Commission.
- G. Following such public hearing process, the Commission shall vote on all RPP amendments presented by Petition. In its discretion, the Commission may approve, approve with modifications, or deny the RPP amendments presented by Petition. Any RPP amendments not approved, or not approved with modifications, shall be deemed denied. RPP amendments presented in a particular Petition may be approved, approved with modifications, or denied in whole or part.
- H. The Commission shall prepare a report on all RPP amendments presented by Petition and heard by the Commission in accordance with these regulations and within thirty

days after the close of the Commission's public hearing process on them, forward its report and copies of said Petitions to the Assembly of Delegates.

- I. For any RPP amendments presented by Petition and approved, or approved with modifications, by the Commission, the Commission shall submit such amendments to the Assembly of Delegates for adoption by Ordinance. The Assembly of Delegates shall then hold at least one public hearing to consider any RPP amendments approved by the Commission. Within forty-five days after receipt of any RPP amendments approved by the Commission, the Assembly of Delegates shall either adopt the amendments by Ordinance as submitted by the Commission, return the amendments to the Commission for restudy and redrafting in accordance with Section 8(f) of the Commission Act, or deny the amendments.
- J. For any RPP amendments presented by Petition and denied by the Commission, the Assembly of Delegates, shall hold a public hearing on such amendments and, if it finds that such amendments warrant further consideration, may request the Commission undertake further review of such amendments.
- K. The Commission, in its discretion, may consider the following criteria in its review and decision-making on Regional Policy Plan ("RPP") amendments presented by Petition:
 - The extent to which the petitioned amendments are consistent with, advance or derogate from the values, interests and purposes articulated in Section 1 and the scope, purposes and elements for the RPP articulated in Section 7 of the Commission Act,
 - The extent to which the petitioned amendments would facilitate or impair the Commission's ability to undertake and administer its planning and regulatory functions, duties or initiatives required or authorized under the Commission Act;
 - The extent to which the Commission has current or anticipated resources, including staffing or funding, sufficient to implement and administer the petitioned amendments;
 - The extent to which the petitioned amendments harmonize or interfere with the scope, structure, coherence and framework of the RPP then in effect;
 - The extent to which the petitioned amendments balance with or impair other important goals, objectives or policies in the RPP then in effect;
 - The extent to which the petitioned amendments are within the legal jurisdiction of the Commission;
 - The extent to which the petitioned amendments are addressed or are better addressed under state, federal or Municipal laws, policies and jurisdictions;

Section IV: RPP Amendments through the Commission's Regular 5-year Review Process.

- A. This Section establishes the process for a regular, thorough review and amendment of the Regional Policy Plan by the Commission at intervals not to exceed five years, as directed in Section 8(h) of the Commission Act.
- B. The Commission shall commence such process at intervals not to exceed five years from the time of the prior RPP amendments adopted under this Section.
- C. To assist the Commission in its comprehensive review of the Plan, the Commission or a subcommittee thereof shall hold at least one public hearing in each of the three areas known as the Upper, Lower, and Mid-Cape regions of Cape Cod.

- D. Following such hearings, the Commission shall prepare a draft, amended Regional Policy Plan. Such draft amended Regional Policy Plan shall be deemed complete upon the Commission mailing it to each Municipality's local planning committee (and if one does not exist or is not currently established or empaneled, to the planning board), board of selectmen or town council, the Assembly of Delegates, the County Commissioners, and to the Governor's Committee.
- E. There shall be a sixty-day (60) comment period following the completion of the draft, amended Regional Policy Plan during which the Commission shall hold at least one public hearing on the draft in each of the three areas known as the Upper, Lower, Outer and Mid-Cape subregions of Cape Cod.
- F. Within thirty (30) days after the close of the sixty-day comment period, the Commission shall submit its final draft amended RPP to the Assembly of Delegates for adoption by Ordinance in accordance with the applicable procedures set forth in Section 8 of the Commission Act and with this Section.
- G. For good cause, the Commission may extend the 30- and 60- day periods referenced in this Section.

Section V: RPP Amendments- Filing and Promulgation

- A. Upon adoption by Ordinance, all RPP amendments shall be filed and promulgated in accordance with procedures set out in Section 8(g) of the Commission Act.

Section VI: Miscellaneous

- A. The Chairperson of the Commission may, at his/her discretion, appoint a subcommittee of Commission members to review and conduct a public hearing process on any proposed RPP amendments and report back to the full Commission membership to assist its decision-making. Such a subcommittee shall be initially empaneled with at least five Commission members and shall make decisions by a majority vote.
- B. Notice of public hearings on any RPP amendments shall be provided in accordance with Section 5(b) of the Commission Act.