

**BARNSTABLE COUNTY**

In the Year Two Thousand and Two

Ordinance 02-20

**Addition to DRI Enabling Regulations concerning Extension of the Seven-Year Timeframe for DRI Decisions.**

*BARNSTABLE COUNTY hereby ordains:*

To amend the Code of Cape Cod Commission Regulations of General Application Chapter A Enabling Regulations, as follows:

**In Section 9, Procedure for Processing, of Chapter A, add the following new section 9(p):**

Within six (6) months prior to the expiration of the seven-year decision period on an approved DRI, an applicant, his/her successors or assigns may apply for an extension of the decision period for up to an additional five(5) years. An extension of the DRI decision period may only be requested by the above parties if a project has received DRI approval but has not received local development permits, and/or if a portion of the proposed project has not been developed as defined by Section 2(e) of the Cape Cod Commission Act. A duly noticed public hearing pursuant to Section 5 of the Act shall be conducted by the Regulatory Committee to consider an extension request. AN extension of the decision shall be reviewed for its consistency with Section 13(d) of the Act including consistency with the Regional Policy Plan in effect at the time of the opening of the public hearing on the extension request. In reviewing the extension request, the Regulatory Committee shall determine which of the following applies:

(i) The extension request will in a minor or no change(s) to the original findings or conditions on the project. In such cases, the extension may be granted. The extension shall take effect on the date the extension is granted for a period not to exceed five (5) years. Where applicable, the decision shall be modified to reflect any increase in a payment of funds to account for inflation over the original decision period plus the duration of the extension. No local development permits may be issued after the original date of expiration of the DRI approval unless and until such extension is granted.

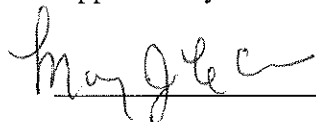
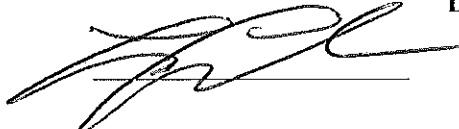

(ii) As a result of non-compliance with the RPP in effect at the time of the opening of the public hearing or other factors, the extension will result in a major change(s) to the original findings or conditions of the original approval. In such cases, the extension shall not be granted and the applicant shall be required to seek a new DRI approval.

In either case, the Regulatory Committee shall review information provided by the proponent and staff, and within sixty (60) days of receipt of a completed application, advertise and hold a public hearing. When appropriate, Commission staff shall notify and consult with federal, state and local officials on the extension request prior to the public hearing. Within thirty (30) days of the closing of such public hearing, the Regulatory Committee shall determine if the extension may or may not be granted. If the extension is granted, the Regulatory Committee shall specify the duration of the extension in its decision.

Adopted on July 17, 2002 by the Assembly of Delegates.

  
Thomas Bernardo, Speaker

Approved by the Board of County Commissioners, JUL 24 2002 at, 10:00 a.m.

    
Date Time