

BARNSTABLE COUNTY

In the Year Nineteen Hundred and Ninety-One

Ordinance No. 91-8

To establish a process for a thorough review and amendment of the Regional Policy Plan in accordance with Section 8(h) and other applicable sections of the Cape Cod Commission Act, Chapter 716 of the Acts of 1989, as amended.

BARNSTABLE COUNTY hereby ordains:

Section 1. General Purpose

(a) Source of Authority - This ordinance concerning review and amendment of the Cape Cod Regional Policy Plan, Barnstable County Ordinance 91-6, is adopted pursuant to Section 8(h) of the Cape Cod Commission Act, Chapter 716 of the Acts of 1989, as amended.

(b) Effective Date - This ordinance shall become effective immediately upon approval, pursuant to Section 2(w) of the Act.

(c) Definitions -

(1) The definitions contained in Section 2 of the Act shall apply to this ordinance.

(2) As used within this ordinance, the following terms shall have the following meanings:

Act - Cape Cod Commission Act, Chapter 716 of the Acts of 1989, as amended.

Assembly of Delegates - Barnstable County Assembly of Delegates, created by Chapter 163 of the Acts of 1988.

Commission - Cape Cod Commission, created by Chapter 716 of the Acts of 1989, as amended.

County Commissioners - Barnstable County Commissioners.

DRI - Development of Regional Impact.

Plan - Cape Cod Regional Policy Plan, Barnstable County Ordinance 91-6.

Section 2. Procedure for Considering Proposed Amendments

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

(b) Proposed amendment(s) to the Plan may be submitted to the Commission for consideration in the following manner:

- 1) By a vote of two-thirds of the Barnstable County Commissioners; or
- 2) By a majority (weighted) vote of the Barnstable County Assembly of Delegates; or
- 3) By a citizen petition containing at least one-hundred (100) signatures of citizens registered to vote in Barnstable County as certified by their town clerk(s).

(c) The Commission shall hold a public hearing on any proposed amendment(s) submitted in accordance with this procedure. Notice of such public hearing shall be provided in accordance with Section 5(b) of the Act. Following such public hearing, the Commission shall vote to approve, approve with modifications, or deny the proposed amendment(s). **The Commission shall prepare a report on all proposed amendments.** In accordance with Section 8(e) of the Act, within thirty days after the close of the public hearing, the Commission shall forward **its report and all proposed** amendment(s) to the Assembly of Delegates and the County Commissioners with a request that an ordinance be introduced to incorporate the **approved** amendment(s) in the Regional Policy Plan. The Assembly of Delegates shall then hold at least one public hearing to consider the proposed amendment(s) **approved by the Commission. The Assembly shall hold a public hearing on amendment(s) not approved by the Commission and, if it finds that such amendment(s) deserve further consideration, may submit such amendment(s) for further review by the Commission.** Within forty-five days after receipt of the proposed amendment(s) to the Regional Policy Plan, the Assembly of Delegates shall either adopt the proposed amendment(s) by ordinance as proposed, return the proposed amendment(s) to the Commission for restudy and redrafting in accordance with subsection 8(f) of the Act, or deny the proposed amendment(s).

(d) The Commission shall hold public hearings **once** in each calendar year to consider any proposed amendment(s) if proposed amendments have been submitted. The deadlines for submitting any proposed amendment(s) shall be the first day of April of each calendar year. The Commission shall hold public hearing(s) within sixty days of those deadlines to review such amendment(s).

Section 3. Procedure for Five-Year Review

(a) A thorough review and amendment of the Regional Policy Plan shall be undertaken by the Commission at intervals not to exceed five years from its effective date, September 6, 1991. 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 commonly known as the Upper, Lower and Mid-Cape regions of Cape Cod. Notice of such public hearings shall be provided in accordance with Section 5(b) of the Cape Cod Commission Act. Following such hearings, the Commission shall prepare an amended draft of the Plan. Such draft Regional Policy Plan shall be deemed complete upon the Commission mailing it to each town's local planning committee and board of selectmen or town council, the Assembly of Delegates, the County Commissioners, and to the Governor's Committee.

(b) During the sixty day period following the completion of the revised draft Regional Policy Plan, the Commission shall hold at least one public hearing in each of the three areas of Cape Cod described above, and shall accept oral and written comments on the draft Plan. Within thirty days after the close of the sixty day comment period, the Commission shall submit its final amended Plan to the Assembly of Delegates and the County Commissioners for adoption as an ordinance. The Assembly of Delegates shall adopt the amended Regional Policy Plan consistent with the procedure set forth in Section 8 of the Cape Cod Commission Act and subsection (c) above.

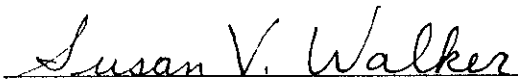
Section 4. Filing

Upon adoption by the Assembly of Delegates and the County Commissioners the amended Plan shall be filed in accordance with Section 8(g) of the Act.

Section 5. Application of Amendments to Developments of Regional Impact

All DRIs, regardless of the date of filing with the Commission, shall be subject to the Minimum Performance Standards of the Plan. DRIs referred to or accepted for review by the Commission prior to September 6, 1991 and proposed modifications of DRI decisions filed with the Clerk prior to September 6, 1991 shall be governed by Minimum Performance standards in effect on September 6, 1991. DRIs referred to or accepted for review by the Commission after September 6, 1991 shall be governed by the Minimum Performance Standards of the Plan in effect at the time of the opening of the first public hearing. Modifications of DRI decisions filed with the Clerk after September 6, 1991 shall be governed by the Minimum Performance Standards in effect at the time of the date of its original approval.

Adopted on December 4, 1991 by the Assembly of Delegates.


Susan V. Walker, Speaker

Approved by the Board of County Commissioners January 15, 1992 at 11:00 AM

