

CAPE COD COMMISSION

Local Comprehensive Plan Regulations

Adopted 2/18/93

(Amended 6/19/97, 7/22/97, 3/31/05, 11/20/14, 7/25/19)

July 25, 2019

Section I. General Provisions

A. Authority

These regulations are adopted and promulgated as authorized under Sections 4 and 9 of the Cape Cod Commission Act (Act), Chapter 716 of the Acts of 1989, as amended.

B. Purpose

The purpose of these regulations is to establish the minimum criteria and processes for preparation, adoption and maintenance of Commission-certified Local Comprehensive Plans (LCPs).

A “Commission-certified” LCP is one that has been certified by the Cape Cod Commission (Commission) as consistent with the Cape Cod Regional Policy Plan (RPP) and other LCP requirements set out in the Act and in these regulations.

The Act identifies the following minimum criteria for a Commission-certified LCP:

- A plan for the capital facilities which will be necessary in that municipality to accommodate growth and development both in the municipality and throughout Barnstable County;
- A plan to provide for the development of fair low-and moderate-income housing consistent with local needs; and,
- Consistency with the Regional Policy Plan and Goals of the Act.

Commission-certified LCPs provide both local and regional benefits.

An LCP establishes guidelines and a vision for the future growth and the direction of a community; specifically, an LCP can provide a town with a planning framework for development regulations, capital facilities and infrastructure necessary to address future growth and resource protection. Commission review and certification of an LCP aligns regional and local goals, and ensures that one town’s LCP is not contrary to regional or other towns’ interests; for instance, an LCP:

- Facilitates planning for and managing the effects of growth and development on the values and resources protected by the Act;
- Provides stronger supporting framework and rationale for the adoption and amendment of zoning and other development regulations, impact fees, and other actions to manage the effects of growth and development;
- Provides guidance on allocation and scheduling of capital funding and infrastructure;

- Provides guidance to the development community on policies that might affect private development projects;
- Expresses the primary values, concerns and desires of the community;
- Establishes community preferences and expectations regarding future growth and development and resource protection;
- Provides a platform to discuss planning issues that cross town lines and develop efficient and effective multi-jurisdictional approaches to address such issues.

LCPs assist the Commission in meeting its charge under the Act, which includes “to anticipate, guide and coordinate the rate and location of development with the capital facilities necessary to support such development; identify and protect areas whose characteristics make them particularly vulnerable to adverse effects of development; preserve the social diversity of Cape Cod by promoting fair affordable housing for low-income and moderate-income persons; promote the expansion of employment opportunities; and implement a balanced and sustainable economic development strategy for Cape Cod capable of absorbing the effects of seasonal fluctuations in economic activity.”

Ultimately, the local comprehensive planning and Commission certification process authorized under the Act and elaborated in these regulations allow local Cape Cod communities in developing unique local visions for their futures, while at the same time recognizing the regional values and interests shared by these communities. A town may also address issues and include provisions in its LCP that are more detailed, comprehensive or specific than those in the RPP, the Act or these regulations, so long as such provisions are not contrary to the Act, the RPP or these regulations. For example, towns are encouraged to address demographic and other socio-cultural matters specific to the town that might be outside the regional scope of the RPP.

C. Effective Date

These regulations shall be in effect when filed with the Commission clerk and recorded with the Barnstable County Registry of Deeds with an effective date of the vote for adoption by the Cape Cod Commission.

D. Local Planning Committee Authority

Under Section 8(b) of the Act, the Local Planning Committee shall be designated by the Board of Selectmen/Town Council and has primary responsibility for development of (and any amendments to) a town’s Local Comprehensive Plan. The Local Planning Committee may be either the Planning Board or a specially designated committee. Other local boards may and should participate in the planning process to develop or amend the Local Comprehensive Plan. The Local Planning Committee may also be designated with the primary responsibility for administering and overseeing the town’s implementation of an LCP.

Section II. Local Comprehensive Plan Content

A. Required LCP Content to meet Minimum Criteria of Act

To meet the minimum criteria for certification set out in the Act, an LCP shall include the following:

1. Vision Statement – An LCP shall include a vision statement that expresses the shared values of the community for future growth and development and resource protection. The LCP shall also describe how the town’s vision aligns with and supports the regional vision articulated in the “Growth Policy” of the RPP, with consideration given to the Cape Cod Placetypes concept identified in the RPP. The RPP identifies eight Placetypes across the region, which recognize major land use categories across Cape Cod and serve as a conceptual framework for appropriate context-sensitive planning and regulation. The LCP may also address additional strategic planning areas or land use categories not identified in the RPP as regional Placetypes.
2. Existing Conditions – The LCP shall include a narrative that provides a basic inventory and overview of existing assets/conditions in the town. This existing conditions inventory and overview should guide the LCP’s discussion about future growth and development and resource protection in the town.
3. Goals – The LCP shall identify planning and land use Goals that are consistent with those contained in the RPP. (The RPP’s Goals are based on those goals, values and purposes expressed in Section 1 of the Act). LCP Goals may be tailored to suit local needs as necessary and desirable, among other purposes, to address key challenges identified by the town. Towns may adopt additional, more specific or different LCP Goals than those included or as articulated in the RPP, so long as such LCP Goals are consistent with and not contrary to RPP Goals.
4. Capital Facilities Plan - The LCP shall include a capital facilities plan that outlines key capital facilities and infrastructure needed to accommodate anticipated future growth and development and to protect resources in the town, and as coordinated with other towns, which plan should include:
 - a. Description of the town’s existing infrastructure systems and any challenges or constraints those infrastructure systems face
 - b. Identification of capital facilities and infrastructure projects needed to support growth or redevelopment in areas identified by the community through the LCP process as appropriate and desirable for such purposes
 - c. Description of funding sources and strategies to support planned capital facilities

- d. Description of how the identified and planned capital facilities projects will support the community's LCP vision and growth within the region
 - e. Description of how the local capital facilities plan aligns with and supports the regional capital plan, as applicable
- 5. Housing Plan - An LCP shall include a housing plan that outlines how the town proposes to provide for the development of fair, low- and moderate- income affordable housing consistent with local needs, including an analysis of housing needs and proposed local housing supply targets. This plan should include:
 - a. A housing production plan (HPP); or,
 - b. for communities that do not have an HPP, a housing needs assessment that includes an assessment of demand based on current data, population, development trends, and regional growth factors; an analysis of constraints and limitations; and housing goals and actions. A town is also encouraged to identify priority areas for compact and multi-family housing, including infill and redevelopment.
- 6. Targeted Action Plan and Schedule– The LCP shall include action items and an implementation schedule with timeframes/priorities for completion of action items, and the responsible party that will take the lead in implementation. The Action Plan shall include the following:
 - a. Proposed new, or amendments to existing, municipal development bylaws/ordinances intended to advance the goals and vision of the LCP;
 - b. Town's implementation schedule and budgeting for proposed capital facilities projects that will support achieving the community's vision;
 - c. Implementation schedule for proposed private or non-municipal infrastructure in or affecting the town, to the extent known by the town;
 - d. Implementation schedule for proposed actions intended to advance fair, low- and moderate-income affordable housing consistent with local needs, including anticipated housing starts that meet identified supply targets;
 - e. Anticipated meeting schedule to update Commission staff on LCP implementation actions; and
 - f. Performance measures to assist in determining whether identified actions have been met or achieved their purpose.

B. Miscellaneous

The LCP should reflect broad public participation in its development, and shall include a summary of public outreach, meetings and other processes to this end conducted in developing the LCP.

1. The LCP may also include sections, chapters and items of focus such as areas for further study and the gathering of benchmark data for future planning actions.
2. Data provided in the LCP should be as accurate, complete and up-to-date to sufficiently identify issues, goals and implementation strategies.
3. The LCP may include maps, charts and tables as needed for clarity.
4. The LCP may include additional strategic planning areas for consideration not identified in the RPP Placetypes.
5. Municipalities are encouraged to reference existing master plans, specific area plans, open space and recreation plans, coastal resilience plans, watershed plans, harbor plans, transportation plans, or other similar planning documents in the LCP, as available.

Section III. Local Adoption Process

A. Public Input During LCP Development – Municipalities shall ensure broad public participation in the development and adoption of the LCP as follows:

1. The Local Planning Committee shall hold public meetings, workshops or hearings throughout development of the LCP (and when the draft is completed, a hearing on the draft LCP) to ensure broad public participation in the development of the LCP, including developing the community's vision statement and determining local housing needs. The LCP shall include documentation of the public participation process that was used to develop the plan.
2. Local Planning Committees may request consultation and technical assistance from the Commission in preparing LCPs, including meetings with the Commission's Committee on Planning and Regulation and Commission staff during preparation of the draft LCP to solicit comments and guidance regarding the plan's consistency with the Act and RPP.
3. Local Planning Committee are also encouraged to consult with neighboring towns during development of the LCP to address issues of mutual concern and/or shared interest.

B. Adoption by Town Meeting/Town Council – Upon its completion, a Local Planning Committee shall submit the final draft LCP to the municipality's legislative body (Town Meeting/Town Council) for consideration and a vote to adopt the LCP. Adoption shall be by majority vote.

- C. Submission of Adopted LCP to Cape Cod Commission - After adoption by a municipality, the LCP shall be forwarded by the Town Clerk to the Commission for certification under Section 9(b) of the Act.

Section IV. Cape Cod Commission Certification

- A. After receipt of a locally-adopted LCP from the municipality's Town Clerk, the Commission shall hold a public hearing (with notice to the subject municipality and notice otherwise provided under Section 5(a) of the Act) to consider certification of the LCP as consistent with the RPP. "Consistency with the RPP" shall mean consistency with the Growth Policy and Goals of the RPP.
- B. The LCP shall be considered certified upon a vote of the Commission that it is consistent with the RPP, and following the vote and close of the hearing, the Commission shall so notify the municipality of its certification in writing. If the Commission votes to deny certification, determining that an LCP is not consistent with the RPP, it shall provide the basis for the same in writing to the municipality following the vote and close of the hearing.
- C. Commission certification of an LCP affords a municipality:
 - 1. Priority consideration from the Cape Cod Commission for planning and technical assistance;
 - 2. The ability to enter into development agreements and to assess impact fees pursuant to, respectively, sections 14 and 15 of the Act;
 - 3. A planning framework to propose designations and revised development of regional impact review thresholds under Chapter A, Chapter G (Growth Incentive Zones) and Chapter H of the Code of Cape Cod Commission Regulations of General Application; and
 - 4. A planning framework to align with the Cape Cod Placetypes concept identified in the RPP.

Section V. Updates/Amendments

- A. The Local Planning Committee may pursue updates and amendments to the municipality's Commission-certified LCP, and seek to have such updates and amendments certified by the Commission, at any time through the same adoption and certification processes outlined and required herein; notwithstanding, a Local Planning Committee may approve updates and amendments to the Action Plan, Capital Facilities Plan or Housing Plan components of the municipality's Commission-certified LCP without the requirement for approval by the municipality's legislative body or certification by the Commission, on the condition that: the Local Planning Committee holds a public meeting in the municipality to consider its proposed updates and

amendments; the Local Planning Committee provides the Commission Clerk written notice in advance of such meeting and a written copy of such proposed updates and amendments; and the Commission's Executive Director determines that such proposed updates and amendments are consistent with the RPP.

- B. The Local Planning Committee shall update and amend the municipality's Commission-certified LCP and obtain the Commission's certification of such updates and amendments, in order to conform said LCP with amendments to the RPP, through the same adoption and certification processes outlined and required herein.

Section VI. Revocation

- A. An LCP once certified by the Commission as consistent with the RPP shall be considered to remain certified unless and until it is revoked hereunder.
- B. The Commission may revoke said certification if a municipality, within the applicable timeframes set out in its LCP or within timeframes otherwise deemed reasonable by the Commission, fails to: adopt or amend its development bylaws as it has proposed to do through the LCP Action Plan; take action on the development of low- and moderate-income housing as it has proposed to do through the LCP Action Plan; or conform the LCP to amendments to the RPP.
- C. If the Commission decides to pursue such revocation it shall, after notice to the subject municipality and notice otherwise provided under Section 5(a) of the Act, hold a public hearing to consider revocation of its certification of an LCP. If the Commission votes to revoke certification, it shall notify the municipality of said revocation in writing after the close of the hearing. The LCP shall be considered revoked upon the vote of the Commission.