



ORDINANCE NO. _____

AN ORDINANCE IN AMENDMENT TO
THE ZONING CODE OF THE TOWN OF FOSTER

IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

ARTICLE II. – ADMINISTRATION
DIVISION 3. APPEALS

Sec. 38-91. – Procedure.

- Sec. 38-91. – Procedure shall be amended as follows to meet RIGL.

Sec. 38-91. - Procedure.

An appeal to the zoning board of review from a decision of ~~the any other~~ zoning enforcement ~~agency or~~ Administrative officer ~~or the planning board~~ may be taken by an aggrieved party. Such appeal shall be taken within ~~twenty 30~~ (20) days of the date of the recording of the decision of the officer or agency ~~or within 30 days of the time when the aggrieved party knew or should have known of the action or decision of such officer or agency~~. The appeal shall be commenced by filing an application with the board, with a copy to the officer or agency from whom the appeal is taken, specifying the ground thereof. The officer or agency from whom the appeal is taken shall forthwith transmit to the board all papers, including any transcript or audio tapes, constituting the record upon which the action for appeals was taken. Notice of the appeal shall also be transmitted to the planning board. Decisions by the administrative officer approving or denying projects under §§ 45-23-38 or 45-23-50 shall not be subject to this section and shall proceed directly to Superior Court as set forth in § 45-23-71.

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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

ARTICLE II. – ADMINISTRATION
DIVISION 3. APPEALS

Sec. 38-93. – Public hearing.

- Sec. 38-93. – Public hearing shall be amended as follows to meet RIGL.

Sec. 38-93. - Public hearing.

The zoning board of review shall fix a reasonable time for the hearing of the appeal, give public notice thereof in the same manner as set forth in ~~section 38-431~~ Sec. 38-38, ~~as well as due notice to the parties of interest~~, and decide the appeal within ~~ten~~ 20 (10) days of the hearing. The hearing of any appeals shall be at a separate meeting from the hearing of any variance or special use permit applications, although such hearings may be held on the same day or night. At the hearing, any party may appear in person or by agent or by attorney. The Zoning enforcement officer or ~~a designated individual of the agency, commission or board~~ Administrative officer from whom the appeal is taken shall appear before the zoning board at the hearing to represent such agency, commission or board. ~~Other members of the agency, commission or board may appear and be heard, but shall not represent the agency, commission or board.~~ The cost of any notice required for the hearing shall be borne by the appellant. ~~Decisions by the administrative officer approving or denying projects under §§ 45-23-38 or 45-23-50 shall not be subject to this section and shall proceed directly to Superior Court as set forth in § 45-23-71.~~



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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

**ARTICLE II. – ADMINISTRATION
DIVISION 3. APPEALS**

Sec. 38-94. – Decision and records of the zoning board of review.

- Sec. 38-94. – Decision and records of the zoning board of review shall be amended as follows to meet RIGL.

Sec. 38-94. - Decision and records of the zoning board of review.

In exercising its powers in ruling, the zoning board of review may, in conformity with the provisions of this chapter, reverse or affirm wholly or partly and may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning enforcement officer or ~~agency~~ Administrative Officer from whom the appeal was taken. All decisions and records of the board respecting appeals shall conform to the provisions of section 38-67. ~~Decisions by the administrative officer approving or denying projects under §§ 45-23-38 or 45-23-50 shall not be subject to this section and shall proceed directly to Superior Court as set forth in § 45-23-71.~~



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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

ARTICLE VI. – SUPPLEMENTARY REGULATIONS

Sec. 38-277 – Sewerage disposal.

- Sec. 38-277 – Sewerage disposal shall be amended to meet requirements set forth in RIGL.

~~(a) A shallow surface leaching field following a septic tank shall be located at least 100 feet from a dug well or from a drilled well. No portion of the leaching field shall be closer than 100 feet to the property line except where the property borders a public road in which case the distance to the road line may be reduced to 60 feet. No individual sewage disposal system shall be located, designed, constructed, maintained, altered, or repaired except in accordance with RIGL Title 23, Chapter 19.5, as amended, and the Rules and Regulations Establishing Minimum Standards Relating to Location, Design, Construction, and Maintenance of Individual Sewage Disposal Systems, as amended, promulgated by the Rhode Island Department of Environmental Management (collectively, the "ISDS Law and Regulations").~~

~~(b) No facility designed to leach fluid wastes into the soil and no structure shall be located near any water body, stream, brook or river except in compliance with the ISDS Law and Regulations and the Wetlands Law and Regulations (referenced below), as evidenced by such certificates and approvals as may be required by such Laws and Regulations.~~

~~(b)(c) An cesspool or seepage pit OWTS shall be located at least 150 feet away from a well and at least 150 feet from the property line except where the property borders a public or private road in which case the distance from the road line may be reduced to 100 feet.~~

~~(c) Any sewerage disposal system designed to leach or otherwise dispose waste into the soil shall adhere to G.L. 1956, tit., 2, ch. 1, §§ 18 through 28 governing the establishment of jurisdictional areas and associated setback distance to waterbodies.~~



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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

ARTICLE VI. – SUPPLEMENTARY REGULATIONS

Sec. 38-285 – Standards for commercial and industrial development.

- Sec. 38-285 – Standards for commercial and industrial development shall be removed. The section shall be replaced by standards currently listed in the notes of Sec. 38-191.

~~Sec. 38-285. – Standards for commercial and industrial development.~~

Development standards for drive-through uses

~~This section is reserved.~~

~~(Ord. of 6-23-1994, art. VI, § 14)~~

~~Cross reference – Businesses, ch. 12.~~

Drive-through uses, where permitted, shall meet the following development standards:

- a. There shall be adequate off-street parking and loading spaces to serve the proposed use. There must be sufficient on-site stacking areas to accommodate at least ten queued vehicles, entering the site waiting to park or approach the order window/order box, and at least three queued vehicles exiting the site.
- b. Any accessory drive-through window(s) shall be properly located within the parking and circulation plan to avoid any effect on traffic, and in no case shall a drive-through window be located on any building façade which faces a public street.
- c. Vehicular entrances and exits shall be controlled by curbing.
- d. All other dimensional and parking requirements for the site and the use shall be met.



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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

ARTICLE III. – ZONING DISTRICTS

Sec. 38-131. – Division of town into; enumeration.

- Sec. 38-131 – Division of town into; enumeration shall be amended as follows to account for the amendments to the zoning map.

For the purposes of this chapter, the town is divided into zoning use districts designated and described as follows:

~~(1) AR agricultural/residential. This AR agricultural/residential district is characterized by a mixture of low density residential and farming uses with certain light industrial uses requiring special-use permits. This AR district is designed to help preserve the rural character of the town, to regulate the development of the town so that the tax base will be adequate to support necessary public expenditures, to protect land now used for agriculture and forestry from haphazard encroachment and to safeguard the health, safety and welfare of the residents of the district. Additionally, the AR district promotes the establishment of new senior citizen group dwellings. These dwellings are promoted to be located on large parcels of land dispersed throughout the town and particularly suitable for this purpose by reason of land use capability; to preserve to the greatest extent possible the existing natural landscape features and to utilize such features in a harmonious fashion; to permit the formation of senior citizen living facilities within the town only as the need for such housing can be clearly demonstrated; to permit the formation of single developments geographically spread according to established population centers in the town.~~

~~(2) NC neighborhood/commercial. This NC neighborhood/commercial district is characterized by establishments providing retail goods, such as groceries and drugs, and furnishing certain personal services. The NC district is designed to provide convenient local shopping services and to promote public safety to both pedestrian and vehicular traffic.~~

~~(3) GBM—General business—Mixed use. This district is characterized by commercial establishments on small lots that serve town-wide shopping and service needs, such as retail businesses, offices, and restaurants. This district may also include compatible residential and municipal uses. It is designed to encourage planned development resulting in a sustainable and attractive commercial environment for the community.~~

~~(4) MI manufacturing/industrial. This MI manufacturing/industrial district is characterized by manufacturing and industrial uses, conveniently located to major highways and suitable for industrial development. This MI district is designed to provide sufficient land area to attract industry and afford it room for expansion, to prevent an unsafe mixture of industrial and residential uses and to protect residential and commercial districts.~~

~~(5) R-SC residential/senior citizen. This R-SC residential/senior citizen district is to promote the establishment of new housing developments particularly suited for senior citizens; to promote the use of large parcels of land dispersed throughout the town and particularly suitable for this purpose by reason of land use capability; to facilitate a more economic arrangement of buildings, common facilities, a vehicular circulation and utilities within the boundaries of a senior citizens development; to preserve to the greatest extent possible the existing natural landscape features and to utilize such features in a harmonious fashion; to permit the formation of such R-SC residential/senior citizens districts within the town only as the need for such housing can be clearly demonstrated; to permit the formation of single developments geographically spread according to established population centers in the town.~~

~~(6) M municipal. This M municipal district is the town center where the town clerk's office, the town house, the town hall, the police station, the highway department and the other municipal uses are located.~~

(4) HC2 Highway Commercial. This district is characterized by commercial establishments on large lots. The HC2 district promotes uses including but not limited to: manufacturing, industrial, storage, and retail. This district may also include compatible residential ~~and municipal~~ uses. It is designed to encourage planned development resulting in a sustainable and attractive commercial environment for the community. Additionally, the HC2 district promotes the establishment of new senior citizen group dwellings. These dwellings are promoted to be located on large parcels of land dispersed throughout the town and particularly suitable for this purpose by reason of land use capability; to preserve to the greatest extent possible the existing natural landscape features and to utilize such features in a harmonious fashion; to permit the formation of senior citizen living facilities within the town only as the need for such housing can be clearly demonstrated; to permit the formation of single developments geographically spread according to established population centers in the town.



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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

ARTICLE VI. – SUPPLEMENTARY REGULATIONS

Sec. 38-272 – Yard Exceptions.

- Sec. 38-272 – Yard Exceptions regulations shall be amended as follows to account for the amendments to the zoning map.

The space in a required front, side or rear yard shall be open and unobstructed with the following exceptions:

- (1) An unenclosed porch may extend up to ten feet into a side or rear yard.
- (2) Ordinary projections of windowsills, cornices and other ornamental features may extend up to five feet into a yard.
- (3) Landscape features such as trees, shrubs and terraces may be placed in any yard area. Fences shall be set a minimum of five feet back from the road line.
- (4) In ~~NC~~, ~~GBM~~ and ~~MH~~ HC2 districts an outdoor telephone booth may be located in front yard area, provided it is adjacent to a permitted parking area.



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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

ARTICLE VI. – SUPPLEMENTARY REGULATIONS

Sec. 38-292 – Solar installations.

- Sec. 38-292 – Solar installations shall be amended to account for the amendments to the zoning map and to add to the definition of solar installation based on recent upgrades in technology.

(a) *Purpose.* Regulate the development of solar energy systems by providing standards for placement, design, construction, and removal of such systems that address public safety, minimize impacts on scenic, natural and historic resources, and are compatible in the areas in which they are location and are consistent with the Foster comprehensive plan.

(b) *Definitions.*

Brownfield means a property where a known or suspected release of petroleum and/or hazardous material presents a barrier to the sale, reuse or redevelopment of the site, or where uncertainty on the costs of remediation adversely impacts the value of the property.

Ground-mounted solar installation means a solar installation that is structurally appended to the ground and is not supported to a structure or building.

Major solar installation means a solar installation designed primarily to sell electricity to a utility supplier, or a solar installation exceeding ~~1,750~~ 40,000 square feet or greater. Solar installations, not located on a brownfield larger than 40 acres are prohibited. Battery energy storage systems or methods associated with battery energy storage systems meeting the sale and/or size requirements referenced in the definition for “major solar installation” are considered major solar installations.

Medium solar installation means a solar installation designed to only service the property which the solar installation is located and is larger than 1,750 square feet and under 40,000 square feet. If the solar installation is 40,000 square feet, it will be considered a major solar installation. Battery energy storage systems or methods associated with battery energy storage systems meeting the service and size requirements referenced in the definition for “medium solar installation” are considered medium solar installations.

Minor solar installation means a solar installation designed to primarily service the property on which the solar installation is located with a 1,750 square foot area or less. Battery energy storage systems or methods associated with battery energy storage systems meeting the service and size requirements referenced in the definition for “minor solar installation” are considered minor solar installations.

Roof-mounted solar installation means a solar installation that is structurally appended to the roof of a building or structure.

Solar installation means a power system used to supply power by converting sunlight into electricity by means of photovoltaics, the harnessing of solar energy to generate thermal energy, ~~or~~ the use of concentrated sunlight to drive a traditional steam turbine.

Solar land coverage means the total footprint of land occupied by all components of a solar installation but not limited to solar panels, mounting equipment, ancillary components, inter-row and panel/collector spacing, access, and all other area within the required perimeter security fencing.

Terrain masking means using the physical features of land such as hills, and/or berms to obscure year-round line-of-sight of the entire solar installation.

(c) *Minor solar installation.* A minor solar installation is permitted in all zones, provided such solar installation:

- (1) Shall meet all applicable zone requirements including but not limited to lighting, setbacks, signage, and height;
- (2) Ground-mounted shall not exceed 12 feet in height; roof-mounted solar installations shall not exceed the maximum height for the applicable zoning district, shall not conflict in shape and proportion with the existing roof, nor extend the footprint of the structure;
- (3) Shall require a building permit after submission and approval of layout and design; and
- (4) Shall be in compliance with state building and state electrical codes.

(d) *Medium solar installation.* A medium solar installation requires, in all zones, a ~~site plan major land development~~ approval from the planning board ~~and a special use permit from the zoning board of review, pursuant to G.L. 1956, § 45-23-61.~~ The accompanying site plan review shall adhere to the development standards set forth in this section and the requirements of [section 38-394](#) shall not be applicable. A medium solar installation shall require a building permit prior to construction and adhere to the following:

- (1) Setbacks.
 - a. Solar installation setbacks shall be situated in a way that will completely obscure the development in all seasons from the road and all abutting properties using either terrain masking, undisturbed vegetation, and/or landscaped vegetation.
 - b. Medium solar installations shall at the minimum maintain a 200-foot setback from all adjacent property lines and roadways unless there is a finding by the zoning board of review that a 100-foot setback from all adjacent property lines and roadways or terrain masking has adequately obscured the installation from view from all adjacent properties and roadways. Landscaping in the landscaping plan may include this 200-foot setback.
- (2) Height.
 - a. Ground-mounted solar installations shall not exceed 12 feet in height.
 - b. Roof-mounted solar installations shall not exceed the maximum height for the applicable zoning district.
- (3) All installations shall be in compliance with the state building code and the state electrical code, and shall be subject to periodic inspections by the Foster building official. All relevant installation components must have an UL listing or equivalent.
- (4) Security fencing.

a. Any fencing around the installation shall be black, green, brown, or another natural color that blends into the vegetative surroundings.

b. Barbed wire is prohibited.

(5) Lighting. All lighting shall be directed downward, and incorporate full cutoff fixtures to reduce light pollution, utilizing fixtures meeting the criteria of the ISA International Dark Sky Association, and shielded from directing light on abutting properties.

(e) *Major solar installation.* A major solar installation requires, in all zones, major land development approval from the planning board ~~and a special use permit from the zoning board of review, pursuant to G.L. 1956, § 45-23-61.~~ The accompanying site plan review shall adhere to the development standards set forth in this section and the requirements of [section 38-394](#) shall not be applicable. A major solar installation shall require a building permit prior to construction and adhere to the following:

(1) Design standards.

a. Solar installation applications shall include: The proposed site layout and any landscape changes, a diagram of electrical components, a description of the major system components to be used, an operation and maintenance plan, an emergency response and training plan, a decommission plan, utility approval, proof of liability insurance, and the contact information for the project owner, the project operator and contractors.

b. Additional documents may be required by the planning board or by the zoning board of review.

c. The planning board may waive requirements of the land development review process upon written request of the applicant at pre-application.

d. Solar panels and any of its casings and wiring shall not produce glare.

(2) Land evidence records/recording requirements.

a. Any memorandum of lease, easement, or utility/distribution agreements and any amendments, modifications, and/or extensions to the same shall be submitted with the installation application and shall be recorded in the land evidence records in the Town of Foster after planning board and zoning board of review approvals.

b. If a surety bond is posted to secure the decommissioning cost of the solar installation, pursuant to subsection (13), abandonment or decommissioning, herein a lien for the cost of decommissioning the solar installation shall be recorded in the land evidence records against the parcel until such time at the solar installation is decommissioned.

(3) Setbacks.

a. Solar installation setbacks shall be situated in a way that will completely obscure the development in all seasons from the road and all abutting properties using either terrain masking, undisturbed vegetation, and/or landscaped vegetation. The

landscaped plan shall be approved by the planning board as referred to in subsection (5) herein, landscaping plan.

b. Major solar installations shall at the minimum maintain a 200-foot setback from all adjacent property lines and roadways unless there is a finding by the zoning board of review that a 100-foot setback from all adjacent property lines and roadways or terrain masking has adequately obscured the installation from view from all adjacent properties and roadways. Landscaping in the landscaping plan may include this 200-foot setback.

(4) Height.

a. Ground-mounted solar installations shall not exceed 12 feet in height.

b. Roof-mounted solar installations shall not exceed the maximum height for the applicable zoning district.

(5) Landscaping plan.

a. Any landscaped vegetated buffer shall have staggered row plantings for viewshed masking from all adjacent properties and roadways, using a mix of at least eight-foot evergreens with complete understory vegetation coverage such as rhododendrons and other deer-resistant native plants.

b. As part of the major land development process, a landscaping plan shall be prepared by a Rhode Island licensed landscaping architect and approved by the planning board. Native pollinator-friendly seed mixes and native plants shall be used to the maximum extent possible. Said plan shall also specify the management of understory and naturally occurring vegetation, including a method that will not use chemicals or herbicides or harm water quality on- or off-site.

c. A performance bond to cover the installation cost and maintenance expenses of the approved landscaping plan shall be required for a period of at least five years after installation. The posting of said performance bond shall be required for the issuance of any building permit.

d. Independent third-party cost estimates by a Rhode Island licensed landscaping architect shall be submitted as part of the major land development process and the landscaping plan at the expense of applicant.

e. The landscaping plan should show minimal re-grading, and limit removal of existing materials including topsoil.

(6) Minimize clearing. Clearing shall be limited to only those area(s) that are necessary for the construction, operation and maintenance of the facility. Vegetative cover shall be maintained to prevent soil erosion.

(7) All installations shall be in compliance with the state building code and the state electrical code and shall be subject to periodic inspections by the Foster building official. All relevant installation components must have an UL listing or equivalent.

(8) All electrical connection and distribution lines within the installation shall be underground or located entirely within a structure. Electrical equipment between the installation and the utility connection may be above-ground if required by the utility with approval by the planning/zoning board.

(9) Security fencing.

a. A fence shall surround the perimeter of the installation of no less than six feet in height and shall be black, green, brown, or another natural color that blends into the vegetative surroundings.

b. Barbed wire is prohibited.

c. The fence shall be at least four inches off the ground to allow small animals to pass underneath and be low enough to prohibit children from being stuck or going underneath the fence.

d. New fences shall be flagged to protect both the fencing and wildlife for at least six months.

(10) Emergency access. Reasonable accessibility for emergency service vehicles shall be required along with a training plan for emergency responders.

(11) Signage. No signs are allowed on the security perimeter fencing except to display the installation name, address and emergency contact information, and trespassing/warning/danger signs to ensure the safety of individuals who may come in contact with the installation. No sign shall exceed four square feet in area.

(12) Lighting. All lighting shall be directed downward, and incorporate full cutoff fixtures to reduce light pollution, utilizing fixtures meeting the criteria of the ISA International Dark Sky Association, and shielded from directing light on abutting properties.

(13) Abandonment or decommissioning.

a. It is the responsibility of the parcel owner to remove all obsolete or unused systems within six months of cessation of operations. Reusable components are to be recycled whenever feasible.

b. Within six months after the removal of the solar installation system, the owner shall either plant a native species tree seedling for each solar panel removed or have a planning board approved development plan.

c. A cash or surety bond to cover the cost of removal shall be required and shall be posted prior to the issuance of any building permits. The decommissioning bond shall not include offsets for recycling and/or sale of decommissioned parts. The decommissioning bond shall include the cost of purchase and planting tree seedlings for each solar panel in the installation. An independent third-party cost estimate shall be submitted as part of the major land development process at the expense of applicant. A revaluation of decommissioning costs will take place after ten years with approval of the planning board. If an increase is needed, additional cash or surety will be required at that time.

d. If the decommission bond is posted via a surety bond, in the event ownership of the parcel and/or the solar installation is transferred or sold, it shall be the responsibility of the parcel owner to ensure that the posted decommissioning surety bond remains in full force and effect or that a new surety bond is issued in its place. In order to guarantee the continued viability of the surety bond, the parcel owner shall consent to the town's recording of a lien against the parcel for the decommissioning cost.

(14) Operation and maintenance plan. Solar installations shall submit an operation and maintenance plan that details how the installation will be operated and maintained in good condition, at a minimum, shall address:

- a. Site access maintenance.
- b. Vegetation management to maintain the required vegetated buffer and appropriate pollinator-friendly vegetative ground cover.
- c. Equipment and fence maintenance.
- d. Any other maintenance that may be needed to address town requirements imposed due to unique site conditions.
- e. Stormwater management and maintenance plan will be required.
- f. Not using dust suppressants on solar panels.

(15) Environmental concerns.

- a. Any applicant proposing a solar energy system that includes clearing more than 40,000 square feet of forested area shall assess the impacts of the forest loss and how the impacts can be mitigated. At a minimum, the following issues must be addressed: Water quality, habitat, carbon sequestration and storage and adjacent properties.
- b. Any clearing or site work on a property occurring within two years of the date of an application for a major solar installation shall be considered part of the major solar installation for the purposes of the foregoing analysis and findings.

(16) Solar land coverage.

- a. In the AR, ~~NC-GBM~~, and ~~MH HC2~~ districts, the solar land coverage plus any additional or existing structures on the lot shall not exceed 40 percent of the land suitable for development of the lot unless the solar installation is being installed on a brownfield, in which instances there shall be no restrictions on solar land coverage.
- b. There are no restrictions on solar land coverage in the M district and the planning board shall have the authority to require mitigations to maintain aesthetic appeal.

(f) *Incentives*. Pursuant to ~~G.L. 1956~~, § 44-3-21, a property meeting the following criteria shall be exempt from tangible taxation, and such exemption shall be applied for, verified by, and filed with the town's tax assessor:

- (1) The additional cost or value of any solar installation which is being utilized as a primary or auxiliary power system for the sole purpose of supplying the energy needs of the property on which it is located.



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**AN ORDINANCE IN AMENDMENT TO
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IT IS HEREBY ORDAINED by the Town Council of Foster, Rhode Island, that the Zoning Ordinance of the Town be amended as follows:

ARTICLE X. – ADOPTION OR AMENDMENT

Sec. 38-430 – Planning board report.

- Sec. 38-430 – Planning Board report shall be amended to allow for the absence of change as a condition warranting amendment to this chapter and to be allowed as a description of conditions warranting an amendment to this chapter in the required report.

Following its review, the planning board shall prepare a written report and recommendation for the town council. The report shall include a discussion of the factors of this article and the reasons supporting the recommendation. The report shall include:

- (1) A statement on the general consistency of the proposal with the town's comprehensive plan, including the goals and policies statement, the implementation program, and all other applicable elements of the comprehensive plan; and
- (2) A demonstration of recognition and consideration of each of the applicable purposes of zoning, as presented in article I of this chapter.

If the planning board recommends that the town council adopt the amendment, the report shall also describe any ~~changed~~ conditions which warrant the amendment. The failure of the planning board to submit a report to the town council shall be deemed to constitute a recommendation for adoption of the proposed amendment.
