



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE AT CHAPTER 110 (DEVELOPMENT CODE), TO REMOVE:

ARTICLE 434, *REGIONAL DEVELOPMENT STANDARDS WITHIN COOPERATIVE PLANNING AREAS AND ALL OF WASHOE COUNTY* AND REMOVE ALL SECTIONS WITHIN THE ARTICLE INCLUDING: 434.00, INTRODUCTION; 434.05, PURPOSE; 434.10, APPLICABILITY; 434.15, DEFINITIONS; 434.20, DENSITY; 434.25, LOT ADJACENCY; 434.30 RIDGELINES; AND 434.35 EARTHQUAKE FAULT AREAS .

AND REMOVE

ARTICLE 822, *PROVISIONS FOR AMENDMENTS TO LOCAL MASTER PLANS AND ZONE CHANGES IN AREAS SUBJECT TO COOPERATIVE PLANNING UNDER THE REGIONAL PLAN SETTLEMENT AGREEMENT* AND REMOVE ALL SECTIONS WITHIN THE ARTICLE INCLUDING: 822.00, INTRODUCTION; 822.05, PURPOSE; 822.10, APPLICABILITY; 822.15, DEFINITIONS; 822.20, MASTER PLAN POLICIES AND GOALS, AND ZONING AMENDMENTS CRITERIA; 822.25, FINDINGS FOR REGIONAL FORM AND PATTERN INCLUDING OPEN SPACE; 822.30, FINDINGS FOR HOUSING; 822.35, FINDINGS FOR CONCURRENCY, TIMING AND PHASING OF INFRASTRUCTURE; 822.40, FINDINGS FOR PUBLIC SERVICE LEVELS AND FISCAL EFFECT; AND 822.45, FINDINGS FOR OPEN SPACE, RESOURCE CONSTRAINTS AND COOPERATIVE PLANNING CONSIDERATIONS NOT ELSEWHERE ADDRESSED; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 20-23

WHEREAS

- A. Washoe County Code Section 110.818.05 requires that amendments to Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of Commissioners or the Washoe County Planning Commission; and
- B. The Washoe County Planning Commission initiated amendments to the Washoe County Code Chapter 110 (Development Code) to remove Article 434, *Regional Development Standards within Cooperative Planning Areas and All of Washoe County* and Article 822, *Provisions for Amendments to Local Master Plans and Zone Changes in Areas Subject to Cooperative Planning Under the Regional Plan Settlement Agreement*, on October 6, 2020 as fully described in Exhibit A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA20-0003, came before the Washoe County Planning Commission for a duly noticed public hearing on October 6, 2020; and
- D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and

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E. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code amendment Case Number WDCA20-0003:

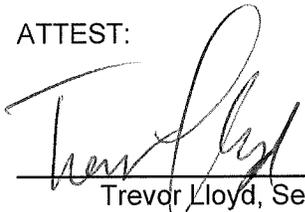
1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

NOW, THEREFORE, BE IT RESOLVED that the Washoe County Planning Commission recommends approval of the ordinance attached hereto as Exhibit A-1.

A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation will be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on October 6, 2020.

ATTEST:



Trevor Lloyd, Secretary

WASHOE COUNTY PLANNING COMMISSION



Larry Chesney, Chair

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REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: Amending the Washoe Development Code to remove all sections within Article 434, Regional Development Standards within Cooperative Planning Areas and All of Washoe County AND Article 822, Provisions for Amendments to Local Master Plans and Zone Changes in Areas Subject to Cooperative Planning Under the Regional Plan Settlement Agreement

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 434, *Regional Development Standards within Cooperative Planning Areas and All of Washoe County*, by remove all sections within the Article including: 434.00, Introduction; 434.05, Purpose; 434.10, Applicability; 434.15, Definitions; 434.20, Density; 434.25, Lot Adjacency; 434.30 Ridgelines; and 434.35 Earthquake Fault Areas.

And remove Article 822, *Provisions for Amendments to Local Master Plans and Zone Changes in Areas Subject to Cooperative Planning Under the Regional Plan Settlement Agreement* and remove all sections within the Article including: 822.00, Introduction; 822.05, Purpose; 822.10, Applicability; 822.15, Definitions; 822.20, Master Plan Policies and Goals, and Zoning Amendments Criteria; 822.25, Findings for Regional Form and Pattern including Open Space; 822.30, Findings for Housing; 822.35, Findings for Concurrence, Timing and Phasing of Infrastructure; 822.40, Findings for Public Service Levels and Fiscal Effect;

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and 822.45, Findings for Open Space, Resource Constraints and Cooperative Planning Considerations Not Elsewhere Addressed.

WHEREAS:

- A. This Commission desires to remove Article 434 and Article 822 of the Washoe County Development Code (Chapter 110) in order that both Articles are no longer part of the Washoe County Development Code (Chapter 110) and,
- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 20-23 on October 6, 2020; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA20-0003 on October 6, 2020, and adopted Resolution Number 20-23 recommending adoption of this ordinance; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Section 434 of the Washoe County Code is hereby deleted in its entirety:

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Article 434

~~REGIONAL DEVELOPMENT STANDARDS
WITHIN COOPERATIVE PLANNING AREAS
AND ALL OF WASHOE COUNTY~~

Sections:

110.434.00	Introduction
110.434.05	Purpose
110.434.10	Applicability
110.434.15	Definitions
110.434.20	Density
110.434.25	Lot Adjacency Standards
110.434.30	Ridgelines
110.434.35	Earthquake Fault Areas

~~**Section 110.434.00 Introduction.** Subsequent to adoption of the updated 2002 Truckee Meadows Regional Plan, the Regional Plan Settlement Agreement Case No. CV02-03469 (hereinafter referred to as "settlement agreement") was reached that disposed of certain litigation over the Regional Plan and related matters. Among subsequent actions required by the settlement agreement was development of certain specific objective criteria that would establish findings necessary for zone changes within areas defined as "cooperative planning areas" in the Truckee Meadows. This is addressed in Article 822, Provisions for Amendments to Local Master Plans and Zone Changes in Areas Subject to Cooperative Planning Under the Regional Plan Settlement Agreement. The settlement agreement also required development of certain minimum development standards common throughout the entire cooperative planning area to minimize potential negative impacts of new development on existing development within the incorporated and unincorporated areas. These common minimum standards are addressed in this article. Together, Articles 434 and 822 are intended to promote effective implementation of the Truckee Meadows Regional Plan of 2002 by applying specific standards and criteria, and requiring findings during the local zoning and master plan amendment process. Principle #1 of the Regional Plan, adopted May 9, 2002, states that the plan:~~

~~*"...aims to limit the spread of the urban footprint and direct more development of homes and jobs toward the traditional core of the region—its downtowns, its designated Regional Centers, and its traditional transportation corridors. This strategy will redirect growth that might otherwise occur at the urban fringe; make more efficient use of land, natural resources and community services; save money on infrastructure; reduce dependence on the private automobile; promote multi-modal transportation choices; protect air quality; conserve energy; preserve designated open space; and create more affordable communities. This strategy, which will result in a more compact form of future development, as well as a more diverse mix of uses, will provide a variety of living and working situations, and will promote human, natural and economic capital, strengthen our communities and ensure that the region's assets are accessible to all."*~~

~~**Section 110.434.05 Purpose.**~~

~~(a) Articles 434 and 822 are intended to implement certain portions of the October 17, 2002 Regional Plan Settlement Agreement and to function as the master documents for the~~

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~~settlement agreement. These standards will be on file with all settlement signatories and the Court.~~

- ~~(b) The cooperative planning criteria and development standards have been developed and implemented to provide better assurance to the communities and citizens as to what, where, when and how development will occur within their neighborhoods and to what standards or criteria these areas will be developed.~~
- ~~(c) For the full term of the 2002 Regional Plan, the codes of Reno, Sparks and Washoe County must contain all the provisions specified in Articles 434 and 822. Codes for any of these jurisdictions may exceed these requirements, but they shall contain no provisions that contradict or weaken the effect of these provisions. Any variance to the provisions contained within this article, including any proposed modifications pursuant to special use permit or other special exception, shall be processed only as specified in NRS 278.300 (1)(c) as that statutory provision is implemented in Article 110.804 of the Washoe County Development Code and [the] corresponding provisions of the City of Sparks and City of Reno codes. Specific Plans, Transit Oriented Development, Emerging Employment Centers, Planned Unit Development or any other area within the cooperative planning areas may not be exempted from these provisions. Neither the Regional Plan, nor any of the codes of the three jurisdictions, shall be amended in any way so as to negate the provisions of these articles during the term of the 2002 Regional Plan. Notwithstanding the above, any or all of these provisions may be amended through majority vote of each of the three local governing bodies.~~

Section 110.434.10 Applicability. ~~These standards apply for the entire term of the 2002 Regional Plan, are part of the settlement of litigation related to that plan, and may be amended only by agreement of all parties to that settlement.~~

- ~~(a) The standards established in Section 110.434.25 of this article relate to potential negative impacts that may occur at or near the interface between incorporated or extra territorial jurisdiction areas and unincorporated areas outside the spheres of influence. Accordingly, these standards apply only to:
 - ~~(1) New development proposed in cooperative planning areas after October 17, 2002 within five hundred (500) feet of the existing built environment, or within five hundred (500) feet of platted lots.~~
 - ~~(2) New development within unincorporated Washoe County within five hundred (500) feet of the existing built environment, or within five hundred (500) feet of platted lots.~~~~
- ~~(b) The standards established in Sections 110.434.20 and 110.434.35 of this article relate to impacts that can have a more wide-ranging impact on the entire existing developed community. These standards apply to all cooperative planning areas.~~

Section 110.434.15 Definitions. ~~The definitions in Article 822 shall apply.~~

Section 110.434.20 Density. ~~To the extent that land in such areas affected by this standard would be buildable under federal, state or local regulations, the full eligible density may be utilized on other locations on the site. However, the codes of all entities must provide that:~~

- ~~(a) No density transfers may be allowed from lands that are otherwise undevelopable.~~
- ~~(b) Any land from which density is transferred in a subdivision map must be deed-restricted for open space, parks or recreational use with Washoe County and the applicable City as parties to the recorded restriction.~~

Section 110.434.25 Lot Adjacency Standards. ~~Lots proposed within a new subdivision that share a common property line with an established subdivision shall not contain structures that exceed the maximum height of the adjacent equivalent zoning district or land use district.~~

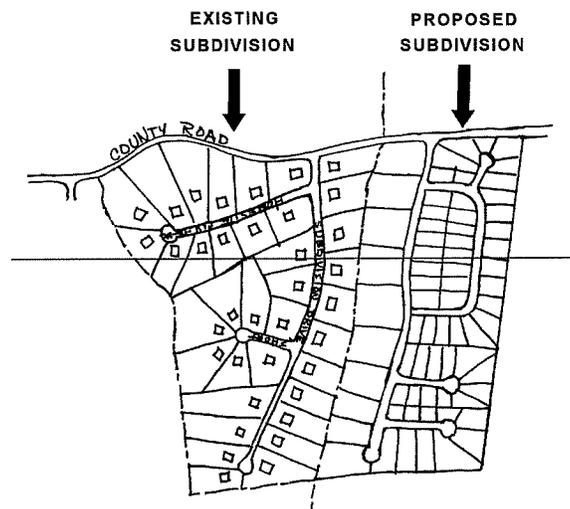
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- (a) ~~Large Lot Single Family Residential to Large Lot Single Family Residential.~~ To provide adequate transition between varying sizes of single family residential parcels designated one (1) dwelling unit per five (5) acres to one (1) dwelling unit per acre, the minimum adjacent lot size shall be one (1) acre. In no instance will the depth of any proposed lot (the extent of that lot perpendicular to the boundary line) be less than two hundred (200) feet.
- (b) ~~Single Family Residential to Single Family Residential.~~ To provide adequate transition between varying sizes of single family residential parcels designated as one (1) unit per acre or greater density, one of the following methods shall be utilized:
 - (1) ~~Parcel Size Matching.~~ The minimum lot sizes identified in the land use designation of the immediately adjacent developed subdivision shall be maintained at the edge of the proposed subdivision as depicted in Figure 110.434.25.1. In no instance will the depth of any proposed lot (the extent of that lot perpendicular to the boundary line) be less than that of any existing lot to which it is adjacent.

Figure 110.434.25.1

PARCEL SIZE MATCHING



Or

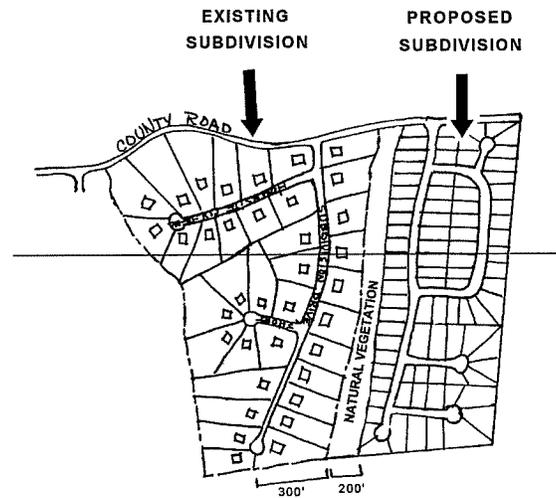
- (2) ~~Buffering.~~ A "buffer zone" shall be established. When the buffer remains natural vegetation, the buffer zone shall be equivalent to two hundred (200) feet or the average minimum lot depth of the adjoining developed property, whichever is greater (see Figure 110.434.25.2). The buffer zone may be common open space for the proposed subdivision. This common open space may not contain above ground utility lines but may include paths, equestrian trails, trees or benches. The buffer area and amenities must be maintained by the homeowners association or a lighting and landscaping district established pursuant to NRS 278.478.

Figure 110.434.25.2

BUFFERING

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Source: Washoe County Department of Community Development.

- ~~(c) Multi-Family Residential to Single Family Residential. To provide adequate transition between multi-family and single family residential parcels, the development code standards of the closest cooperative planning agency (City of Reno or City of Sparks) shall apply in those respective jurisdictions as those development code standards existed on October 17, 2002, except where a common code applies to all cooperative planning areas in accordance with standards provided for in the settlement agreement and in Exhibit 3, Initial Criteria for Areas within Extended SOIs of the Regional Plan Settlement Agreement Case No. CV02-03469.~~
- ~~(d) Single Family Residential and Multi-Family Residential to Non-Residential. To provide adequate transition between non-residential parcels and multi-family residential parcels, and between non-residential parcels and single family residential parcels, the development code standards of the closest cooperative planning agency (City of Reno or City of Sparks) shall apply in those respective jurisdictions as those development code standards existed on October 17, 2002, except where a common code applies to all cooperative planning areas in accordance with Exhibit 3, Initial Criteria for Areas within Extended SOIs of the Regional Plan Settlement Agreement Case No. CV02-03469.~~
- ~~(e) Non Residential to Non Residential. To provide adequate transition between varying uses on parcels designated non-residential, the side and rear setbacks shall be as required by the Washoe County Development Code on October 17, 2002, except where a common code applies to all cooperative planning areas in accordance with Exhibit 3, Initial Criteria for Areas within Extended SOIs of the Regional Plan Settlement Agreement Case No. CV02-03469.~~

Section 110.434.30 Ridgelines:

- ~~(a) For visually important ridgeline (VIR) areas, the development standards of the applicable VIR area will apply, as developed in accordance with Article 822, Section 110.822.25(j).~~
- ~~(b) Where at buildout there will be a row of structures along a ridgeline, the setbacks must be staggered with a variation of at least twenty (20) feet in an irregular pattern to avoid creating a visual "wall." Uniformity in structures arrayed along ridgelines is to be discouraged and variation is to be encouraged.~~

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(c) ~~All other ridgeline design and development standards shall apply for Sparks, Reno and Washoe County as they were respectively in effect on October 17, 2002, except where a common code applies to all cooperative planning areas in accordance with Exhibit 3, Initial Criteria for Areas within Extended SOIs of the Regional Plan Settlement Agreement Case No. CV02-03469.~~

Section 110.434.35 Earthquake Fault Areas. ~~Development in earthquake fault areas is to be discouraged. No habitable structure, or a structure whose integrity is critical to maintaining the public health and safety, shall be located on a fault that has been active during the Holocene Epoch of geologic time or as determined by a site specific geotechnical study.~~

Attachment 1

**MULTI-FAMILY RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL
ADJACENCY STANDARDS**

	COUNTY	RENO	SPARKS
STRUCTURE HEIGHT	10du/ac = 40 ft. 21du/ac = 70 ft. 42du/ac = 70 ft. 110.406.05.1	14du/ac = 35 ft 21du/ac = 45 ft 30 du/ac = 45 ft. 18.06.503 Table 2	Duplex = 30 ft. 20du/ac = 30 ft. 20du/ac = 35 ft. 20.76.030, 20.74 and 20.76
SETBACKS	F/ S/ R 10du/ac = 15/5/10 21du/ac = 15/5/20 42du/ac = 20/5/20 110.406.05.1 None None	15ft/30 if street 10 ft. side 20 rear 18.06.503 table two 10 foot side & rear setback then add 1:1 height/setback ratio over 15' Building height for 2 acre site or less and 1:3 height/setback ratio over 15 feet for over 2 acres 18.06.506D	1ft height/ setback ratio 20.76.030, 20.74 and 20.76
LANDSCAPING	20% of site 1 tree/per 50 ft. frontage Living ground cover = 50% in 1 year Trees = mix conifers 1/2 7 ft. & 1/2 5 ft. tall Deciduous 50% 2" 50% 1" Preservation of Significant Trees Entire abutting setback area 110.412	20% of site 1 tree/per 300 sq.ft. of landscaping Living ground cover = 75% in 3 years Tree = mix 60% large = 10' 60% 2 1/2 caliper Existing Tree Preservation Entire abutting setback landscaped 18.06.700	20% 1 tree/per 300 sq.ft. of landscaping 80% max turf Tree mix Conifer = 6 ft. Deciduous = 2" See Design Standards Guidelines 3-9
SCREENING	6-7 ft. fence Trash Enclosure screened	6 ft solid 5 feet of landscaping adjacent 1 tree/30 ft. Same	Over 6 units SUP, address screening in review 15' periphery landscaping 4 trees, 24 shrubs per 100 lineal feet Same See Design Standards Guidelines 5-8

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SIGNAGE	Not-addressed	No signage in rear-adjacent to single family	Not addressed
DESIGN STANDARDS	None None	Building Façade fenestration Vertical to horizontal articulation	Horizontal/vertical articulation over 50' Roof variation Over 6 Units requires Special Use Permit, see Design Standards 5-4

Attachment 2

**NON-RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL
ADJACENCY STANDARDS**

	COUNTY	RENO	SPARKS
STRUCTURE HEIGHT	NC/O = 60 ft. GC = 80 ft. TC = 45 ft. I = 65 ft. 110.406.05.1	OP & NC = 35 ft. GC = 65 ft. HC 65 ft. I = 55 ft. max. 18.06.503 Table 2	OP & NC = 30 ft. C1 = 30 ft. C2 = 60' TC = No Max I = 55 ft. max. 20.80.030
SETBACKS	_____ F/ S/ R NC/O = 15/15/20 GC = 10/10/40 I = 15/10/15 110.406.05.1 None None	Adjoining Single Family Setback and add: 1:1 height/setback ratio over 15' Building height for 2-acre site or less add 1:3 height/setback ratio over 15 feet for over 2 acres 18.06.506D	1:1 ratio of height/setback 20.83, .85 and .86
LANDSCAPING	20% of site for commercial, 10% industrial 1 tree/per 50 ft. frontage Living ground cover = 50% in 1 year Trees = mix conifers ½ 7 ft. & ½ 5 ft. tall Deciduous 50%-2" 50% 1" Preservation of Significant Trees	20% of site for OC/GO, NC, 15% for GC and I front yard with add on 18.06.702.1 1 tree/per 300 sq.ft. of landscaping Living ground cover = 75% in 3 years Tree = mix 60% large = 10' 60% 2 ½ caliper Existing Tree Preservation Entire abutting setback landscaped 18.06.700	25% of site for PO, 20% for C1, 15% for C2, 10% for TC 4 trees per 100 lineal feet Minimum 30' on center near residential Minimum planter 10' wide, 1 tree/5 shrubs ea. 25' Tree mix 50% = 6' 50% = 8 ft See Design Standards Guidelines 3.9 Perimeter Landscaping to residential
SCREENING	6-7 ft. fence Trash Enclosure screened	6 ft solid 5 feet of landscaping adjacent 1 tree/30 ft. Same	Solid and architecturally compatible, chain link with slats not allowed Same, metal doors Design Guidelines 3.9

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			Perimeter landscaping/screening to residential
SIGNAGE	Per sign ordinance	No signage in rear adjacent to single family	Per sign ordinance

Attachment 2 (continued)

**NON-RESIDENTIAL TO SINGLE FAMILY RESIDENTIAL
ADJACENCY STANDARDS**

	COUNTY	RENO	SPARKS
DESIGN STANDARDS	None	Building Façade fenestration	Land Use buffering to residential, segregate to maintain livable residential environment
	None	Vertical to horizontal articulation	No direct line of sight window orientation
	None	Consistent architecture on all sides of structure	Design Guidelines 3-2 through 3-4
LOCATION	Per zoning	Per zoning	Noise, traffic or odor generating activities cannot be near residential uses

SECTION 2. Article 822 of the Washoe County Code is hereby deleted in its entirety:

Article 822

**~~PROVISIONS FOR AMENDMENTS TO LOCAL
MASTER PLANS AND ZONE CHANGES IN
AREAS SUBJECT TO COOPERATIVE
PLANNING UNDER THE REGIONAL PLAN
SETTLEMENT AGREEMENT~~**

Sections:

- 110.822.00 Introduction
- 110.822.05 Purpose
- 110.822.10 Applicability
- 110.822.15 Definitions
- 110.822.20 Master Plan Policies and Goals, and Zoning Amendments Criteria
- 110.822.25 Findings for Regional Form and Pattern including Open Space
- 110.822.30 Findings for Housing
- 110.822.35 Findings for Concurrency, Timing and Phasing of Infrastructure
- 110.822.40 Findings for Public Service Levels and Fiscal Effect

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~~110.822.45~~ Findings for Open Space, Resource Constraints and Cooperative Planning Considerations Not Elsewhere Addressed

~~**Section 110.822.00 Introduction.** Subsequent to adoption of the updated 2002 Truckee Meadows Regional Plan, the Regional Plan Settlement Agreement Case No. CV02-03469 (hereinafter referred to as "settlement agreement") was reached that disposed of certain litigation over the Regional Plan and related matters. Among subsequent actions required by the settlement agreement was the development of certain specific objective criteria that would establish findings necessary for zone changes within areas defined as "cooperative planning areas" in the Truckee Meadows. This is addressed in this article. The settlement agreement also required development of certain minimum development standards common throughout the entire cooperative planning area to minimize potential negative impacts of new development on existing development within the incorporated and unincorporated areas. These common minimum standards are addressed in Article 434, Regional Development Standards within Cooperative Planning Areas and all of Washoe County. Together, Articles 434 and 822 are intended to promote effective implementation of the Truckee Meadows Regional Plan of 2002 by applying specific standards and criteria, and requiring findings during the local zoning and master plan amendment process. Principle #1 of the Regional Plan, adopted May 9, 2002, states that the plan:~~

~~*"...aims to limit the spread of the urban footprint and direct more development of homes and jobs toward the traditional core of the region—its downtowns, its designated Regional Centers, and its traditional transportation corridors. This strategy will redirect growth that might otherwise occur at the urban fringe; make more efficient use of land, natural resources and community services; save money on infrastructure; reduce dependence on the private automobile; promote multi-modal transportation choices; protect air quality; conserve energy; preserve designated open space; and create more affordable communities. This strategy, which will result in a more compact form of future development, as well as a more diverse mix of uses, will provide a variety of living and working situations, and will promote human, natural and economic capital, strengthen our communities and ensure that the region's assets are accessible to all."*~~

~~**Section 110.822.05 Purpose.**~~

- ~~(a) Articles 434 and 822 are intended to implement certain portions of the October 17, 2002 Regional Plan Settlement Agreement and to function as the master documents for the settlement agreement. These standards will be on file with all settlement signatories and the Court.~~
- ~~(b) The cooperative planning criteria and development standards have been developed and implemented to provide better assurance to the communities and citizens as to what, where, when and how development will occur within their neighborhoods and to what standards or criteria these areas will be developed.~~
- ~~(c) For the full term of the 2002 Regional Plan, the codes of Reno, Sparks and Washoe County must contain all the provisions specified in Articles 434 and 822. Codes for any of these jurisdictions may exceed these requirements, but they shall contain no provisions that contradict or weaken the effect of these provisions. Any variance to the provisions contained within this article, including any proposed modifications pursuant to special use permit or other special exception, shall be processed only as specified in NRS 278.300 (1)(c) as that statutory provision is implemented in Article 110.804 of the Washoe County Development Code and [the] corresponding provisions of the City of Sparks and City of Reno codes. Specific Plan, Transit Oriented Development, Emerging Employment Centers, Planned Unit Development or any other area within the cooperative planning areas may not be exempted from these provisions. Neither the Regional Plan nor any of the codes of the three jurisdictions, shall be amended in any~~

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~~way so as to negate the provisions of these articles during the term of the 2002 Regional Plan. Notwithstanding the above, any or all of these provisions may be amended through majority vote of each of the three local governing bodies.~~

~~**Section 110.822.10 Applicability.** The following policies apply to amendments to local master plans and zoning changes throughout the cooperative planning areas of the Truckee Meadows region, including Transit Oriented Development areas and Emerging Employment Centers within cooperative planning areas, unless the text of the specific policy states otherwise. "Cooperative Planning Areas" means:~~

- ~~(a) The expanded city spheres of influence (SOIs), post May 8, 2002;~~
- ~~(b) Land within the unincorporated area and outside the expanded spheres of influence, but within the Truckee Meadows Service Area (TMSA) that was identified by the cities as within the "areas of interest" in the settlement agreement; and~~
- ~~(c) Lands annexed by a city under the provisions of NRS 268.670 outside the pre-May 9, 2002 spheres of influence, except as prescribed in the settlement agreement in Nevada Supreme Court Case No. 38749 (also known as the Verdi matter).~~

~~**Section 110.822.15 Definitions.** Except as otherwise noted in this subsection or in a specific section that follows, the definitions of terms used in this article are the same as the definitions on pp. 54 through 64 of the Truckee Meadows Regional Plan adopted May 9, 2002.~~

- ~~(a) "Development constraints areas" shall also include "earthquake fault areas" and "natural recharge areas", as well as wetlands and areas with greater than thirty (30) percent slope.~~
- ~~(b) "Earthquake fault areas" are areas within fifty (50) feet of the line of a known earthquake fault.~~
- ~~(c) "Natural recharge areas" are areas that have been identified as a result of scientific study to be particularly important to maintaining the recharge of a particular hydrographic basin.~~

~~**Section 110.822.20 Master Plan Policies and Goals, and Zoning Amendments Criteria.** Local governments considering amendments within cooperative planning areas shall be required to make all the applicable findings identified in Sections 110.822.25 through 110.822.45.~~

~~**Section 110.822.25 Findings for Regional Form and Pattern including Open Space.**~~

- ~~(a) Findings for Regional Plan Policy 1.1.6 – Rural Development Area (for an amendment located within a Rural Development Area): (See subsection (i) for Truckee Meadows Service Area findings). The following findings must be made:
 - ~~(1) The amendment does not allow new divisions of land that would create a parcel less than five (5) acres in size, except as allowed by existing zoning/master plan classifications and District Health Regulations as of May 9, 2002.~~
 - ~~(2) The permitted uses do not require community water or sewage disposal systems or new publicly maintained roads or parks.~~~~
- ~~(b) Findings for Policies 1.1.8 and 2.1.1 – Development Constraints Area (for an amendment located within a Development Constraints Area). The following findings must be made:~~

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- ~~(1) — Allowed land uses are limited to communication facilities, recreational facilities, parks and open space, utilities, agriculture, forestry, mining, transportation infrastructure necessary to service development, and residential uses that are limited to a maximum density of one (1) unit per forty (40) acres or one (1) unit per parcel in existence on May 9, 2002.~~
- ~~(2) — Open space identified for future acquisition, parkland and natural recharge areas, to the extent known, shall be maintained at current densities and be identified in the Regional Open Space Plan, local master plans and local parks master plans of the entities with jurisdiction.~~
- ~~(3) — For any use not listed in finding (1) above: it must be found that the uses allowed by the proposed master plan and/or land use designation within the Development Constraints Area are isolated, enhance the overall design of a proposed project, and preserve as open space a two to one (2:1) ratio of non-constrained area for every constrained area that is developed.~~
- ~~(c) — Findings for Policies 1.1.9 and 2.2.1 — Slope Management (15 percent to 30 percent) (for an amendment with identified slopes in excess of 15 percent). The following findings must be made:
 - ~~(1) — The local government making the amendment already has in effect an applicable adopted Slope Management Plan for slopes greater than fifteen (15) percent but less than thirty (30) percent that includes the entire area in which the amendment is proposed and that has been found in conformance with the Regional Plan. To be found in conformance, that Slope Management Plan must contain, at a minimum:
 - ~~(i) — Provisions sufficient to ensure full compatibility with the development standards contained in Article 434 throughout the entire area of the Slope Management Plan.~~
 - ~~(ii) — Additional requirements, including proposed and prohibited land use (both master plan and zoning, if different) and a map, sufficient to mitigate the visual impact of the Visually Important Ridgeline area development on existing developed areas and ensure that, at a minimum, throughout the entire area of the Slope Management Plan and its plan. Development on such slopes will not degrade the scenic, public safety, and environmental values of the area to be developed, and the region as a whole.
 - ~~(●) — Development on such slopes incorporates on-site and off-site mitigation measures for impacts to habitat and water quality, and for fiscal effects associated with higher than normal costs of infrastructure, public safety facilities, and public safety services on slopes greater than fifteen (15) percent but less than thirty (30) percent.~~
 - ~~(●) — Recharge areas are protected; and development in recharge areas is discouraged and, if it occurs, the impact on recharge is fully mitigated.~~
 - ~~(●) — Activities comply with the terms of National Pollutant Discharge Elimination System (NPDES) permits.~~~~~~~~

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- ~~(iii) — An impact assessment that reasonably shows that, at buildout, the management strategy will assure that above requirements of subsection (ii) will be met.~~

- ~~(2) — The amendment is in conformance with that Slope Management Plan.~~

- ~~(d) — Findings for Policies 1.1.12 and 1.2.16 — Emerging Employment Centers (for an amendment in an area identified as an Emerging Employment Center). The following findings must be made:~~
 - ~~(1) — The local government making the amendment already has in effect an applicable adopted development plan for the entire Emerging Employment Center in which the amendment is proposed, and which has been found in conformance with the Regional Plan. To be found in conformance, that Emerging Employment Center plan must contain, at a minimum, applicable throughout the entire area of the Emerging Employment Center:~~
 - ~~(i) — Requirements, including proposed and prohibited land use (both master plan and zoning, if different) and a map, sufficient to mitigate the visual impact of the Emerging Employment Center area development on existing developed areas and ensure that, at a minimum, throughout the entire area of the Emerging Employment Center and its plan:~~
 - ~~(●) — Adequate non-residential land supply;~~
 - ~~(●) — Convenient access to major roads and/or freeways;~~
 - ~~(●) — Pedestrian connections throughout the areas and to nearby residential areas;~~
 - ~~(●) — A plan for transit service;~~
 - ~~(●) — Adequate residential land supply in the surrounding area to house the anticipated number of employees;~~
 - ~~(●) — Maintenance of the character of nearby standards; and~~
 - ~~(●) — Compatibility with reverse commute and trip reduction strategies.~~

 - ~~(ii) — An impact assessment that reasonably shows that, at buildout, the management strategy will assure that requirements of subsection (i) will be met.~~

 - ~~(iii) — A professional economic analysis has been provided that reasonably shows that, at buildout, the tax revenues for both the city and Washoe County, generated by the uses and resident population of the Emerging Employment Center, shall meet or exceed the costs of services provided by city and county government to the uses and to the resident population in the Emerging Employment Center. These costs shall include costs for both the maintenance and replacement of infrastructure. If this analysis requires intensity to meet this condition, the intensity is specifically required by the plan.~~

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- ~~(iv) All utilities that will be providing services to the Emerging Employment Center have submitted statements that, under the rates and fee structure of the utility, the cost of providing service to the Emerging Employment Center will not be shifted onto ratepayers in other areas.~~

- ~~(2) The amendment is in conformance with that plan.~~

- ~~(e) Findings for Regional Plan Policy 1.2.1 – Desired population and employment distribution and Jobs/Housing balance. The amendment must demonstrate that it will contribute to, and further the achievement of the purposes of, Regional Plan Policy 1.2.1 through application of the following criteria:~~
 - ~~(1) The amendment shall provide a detailed up-to-date assessment of the impact on the desired population, housing and employment distribution articulated in Regional Plan Policy 1.2.1. The model for this review shall be developed, maintained and updated annually by the Truckee Meadows Regional Planning Agency, in cooperation with local governments and affected entities. This annual update shall also assess where and how the cost of housing has been impacted by the Regional Plan policies.~~

 - ~~(2) The amendment must make a finding that the distribution of population, housing and employment envisioned in Regional Plan Policy 1.2.1 will be reinforced by the proposed amendment. Infill projects inside the McCarran Ring should be encouraged, and development outside should be discouraged, until such time as the infill growth standard is met or exceeded.~~

- ~~(f) Findings for Regional Plan Policy 1.2.12 – Regional Centers (for an amendment within an identified Regional Center):~~
 - ~~(1) The local government making the amendment already has, in effect, an applicable adopted development plan for the entire Regional Center in which the amendment is proposed and that Regional Center plan has been found in conformance with the Regional Plan. To be found in conformance, that Regional Center plan must contain, at a minimum, applicable throughout the entire area of the Regional Center:~~
 - ~~(i) Requirements, including proposed and prohibited land use (both master plan and zoning, if different) and a map, sufficient to ensure that, at a minimum, applicable throughout the entire area of the Regional Center and its plan:~~
 - ~~(•) Minimum residential densities for new development of eighteen (18) units per acre of residential, residential and for average densities of thirty (30) units per acre of residential within the entire area of the Regional Center plan;~~

 - ~~(•) Minimum floor area ratios (FAR) for non-residential developments and mixed use developments of 1.5 FAR;~~

 - ~~(•) Multi-modal transportation including future transit support where called for by the Regional Transportation Commission planning (supporting statement by Regional Transportation Commission required); and~~

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- ~~(•) The required intensity and other features of the buildout under the plan is not detrimental to the character of any adjacent, existing communities.~~
- ~~(ii) An impact assessment that reasonably shows that, at buildout, the Regional Center plan will assure that requirements of subsection (i) will be met.~~
- ~~(iii) A professional economic analysis has been provided that reasonably shows that, at buildout, the tax revenues for both the city and Washoe County, generated by the uses and resident population of the Regional Center, shall meet or exceed the costs of services provided by city and county government to the uses and to the resident population in the Regional Center. These costs shall include costs for both the maintenance and replacement of infrastructure. If this analysis requires intensity to meet this condition, the intensity is specifically required by the plan.~~
- ~~(iv) All utilities that will be providing services to the Regional Center have submitted statements that, under the rates and fee structure of the utility, the cost of providing service to the Regional Center will not be shifted onto ratepayers in other areas.~~
- ~~(2) The amendment is in full conformance with that plan.~~
- ~~(g) Findings for Regional Plan Policies 1.2.8, 1.2.9 and 1.2.12 — Transit Oriented Development Corridors (for an amendment within a Transit Oriented Development). The amendment must be found to make a significant positive contribution to achieving the purposes and objectives of the Transit Oriented Development Corridors. The following findings must be made:
 - ~~(1) The local government making the amendment already has, in effect, an applicable adopted development plan for the entire Transit Oriented Development Corridor in which the amendment is proposed; and that plan has been found in conformance with the Regional Plan. To be found in conformance, that Transit Oriented Development Corridor plan must contain, at a minimum, applicable throughout the entire area of the Transit Oriented Development corridor and plan:
 - ~~(i) Requirements, including proposed and prohibited land use (both master plan and zoning, if different) and a map, sufficient to ensure that, at a minimum:
 - ~~(•) Minimum residential densities for new development of eighteen (18) units per acre of residential, residential and for average densities of thirty (30) units per acre of residential within the entire area of the Transit Oriented Development Corridor Plan;~~
 - ~~(•) Minimum floor area ratios (FAR) for non-residential developments and mixed use developments of 1.5 FAR;~~
 - ~~(•) Within one quarter mile of a designated transportation route, as identified in Regional Plan Policy 1.2.8;~~~~~~~~

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- ~~(•) The required intensity and other features of the buildout under the plan is not detrimental to the character of any adjacent, existing communities;~~
- ~~(•) Compatibility with aviation and operational requirements of the Airport Authority of Washoe County (supporting statement by Airport Authority required);~~
- ~~(•) Land use and design that supports and enhances multi-modal transportation, including future transit, and that is compatible with Regional Transportation Commission planning (supporting statement by Regional Planning Commission required); and~~
- ~~(•) Human scale design.~~
- ~~(ii) An impact assessment that reasonably shows that, at buildout, the Regional Center plan will assure that requirements of subsection (i) will be met.~~
- ~~(2) The amendment is in conformance with the adopted conforming Transit Oriented Development Corridor Plan.~~
- ~~(h) Findings for properties identified as potential Open Space within the adopted Regional Open Space Plan:
 - ~~(1) A finding that the property owner has noticed local, regional, state, national and federal organizations charged with the mission of maintaining or enhancing open space in this region that an amendment to the cooperative plan to change zoning will be submitted.~~
 - ~~(2) Open space identified for future acquisition, parkland and natural recharge areas, to the extent known, shall be maintained at current densities and identified on the Regional Open Space Plan, local master plans and local parks master plans of the entities with jurisdiction.~~~~
- ~~(i) Findings for Regional Plan Policies 1.3.2 and 1.3.3 – Truckee Meadows Services Area (TMSA) – development standards (for an amendment in the Truckee Meadows Services Area outside the sphere of influence).
 - ~~(1) The local government making the amendment already has an area plan that includes the entire area to be amended in the Truckee Meadows Services Area outside the cities' sphere of influence, and that area plan has been found in conformance with the Regional Plan. That area plan must contain, at a minimum, applicable throughout the entire area of the area plan:
 - ~~(i) Requirements, including proposed and prohibited land use (both master plan and zoning, if different) and a map, sufficient to ensure that, at a minimum, throughout the entire area of the area plan:
 - ~~(•) Residential density no greater than three (3) dwelling units per acre in the Truckee Meadows Services Area;~~
 - ~~(•) Commercial retail is restricted to a floor area of sixty thousand (60,000) square feet or less for any single tenant and a~~~~~~~~

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- ~~maximum size for any single development to one hundred thousand (100,000) square feet of floor area;~~
- ~~(●) Commercial office is restricted to a floor area of twenty thousand (20,000) square feet or less for any single tenant and a maximum size for any single development to forty thousand (40,000) square feet of floor area;~~
 - ~~(●) No industrial or warehouse uses;~~
 - ~~(●) Institutional/civic uses will be commensurate with the surrounding immediate community;~~
 - ~~(●) There will be a maximum ten (10) acres of contiguous non-residential properties and these must be separated by a minimum of one (1) mile from the nearest non-residential property;~~
 - ~~(●) Open space identified for future acquisition, parkland and natural recharge areas, to the extent known, shall be maintained at current densities and identified in the Regional Open Space Plan, local master plans and local parks master plans of the entities with jurisdiction;~~
- ~~(ii) Such alternative standards as may be submitted and approved as allowed in the 2002 Truckee Meadows Regional Plan; and~~
 - ~~(iii) The proposed amendment is in conformance with the adopted area plan.~~
- ~~(j) Findings for Visually Important Ridgeline (VIR) areas, as identified on the Visually Important Ridgelines & Related Landforms map dated May 1994 in the Washoe County Regional Open Space Plan and those significant ridgelines identified on the Development Suitability maps contained within the August 13, 2002 Washoe County Forest Area Plan, Washoe County North Valleys Area Plan and Washoe County Verdi Area Plan, shall be considered in applications for master plan and zoning map amendments.~~
- ~~(1) The local government making the amendment already has an applicable adopted VIR area plan which has been found in conformance with the Regional Plan and that includes all of the area of the proposed amendment. To be found in conformance, that VIR area plan must contain, at a minimum, applicable throughout the entire area of the VIR Plan:
 - ~~(i) Identification of potential developable areas (0 to 30 percent slope).~~
 - ~~(ii) Description of the existing landscape of such slope.~~
 - ~~(iii) Requirements, including proposed land use (both master plan and zoning, if different) and a map to specify allowable and prohibited land uses, and development standards¹ sufficient to mitigate the visual impact of the VIR area development on existing developed areas and ensure that, at a minimum:~~~~

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- ~~(e) The maximum height, placement, design and coloration of structures will minimize visual impacts of areas identified in the sight-line analyses; and~~
- ~~(e) Minimum setbacks and height limits for structures on the back sides of slopes will minimize visual impacts of areas identified in the sight-line analyses.~~
- ~~(2) The proposed amendment is in conformance with the adopted conforming VIR area plan.~~

~~**Section 110.822.30 Findings for Housing.** The amendment must make a positive contribution to community housing goals as articulated by the following findings:~~

- ~~(a) The amendment is consistent with criteria for densities established in Section 110.822.25, Findings for Regional Form and Pattern including Open Space, including subsections (a), (b), (f), (g) and (i).~~
- ~~(b) The amendment is consistent with the local governments' requirements for inclusionary affordable housing as identified in Regional Plan Policy 1.1.13, which must be reviewed by Regional Planning no later than October 2004.~~
- ~~(c) Prior to conformance of the local governments' requirements for inclusionary affordable housing, the amendment must document that it is not detrimental to the HOME Consortium's housing efforts and will provide affordable, accessible and appropriate housing opportunities and options to the community. Agency comments from the HOME Consortium must be solicited on the amendment.~~

~~**Section 110.822.35 Findings for Concurrence, Timing and Phasing of Infrastructure.** The following findings, either (a) or (b), as applicable, must be made. Each amendment must demonstrate how it makes a positive contribution to concurrent, orderly, efficient and safe provision of community infrastructure.~~

- ~~(a) Service capacity for water, wastewater, stormwater, roads and parks exists or is planned to exist prior to construction of development within the amendment.~~
- ~~(b) When using a community system, each of the following studies must identify and mitigate the cumulative impacts on existing infrastructure and facilities plans. These conceptual studies must propose infrastructure mitigation that constitutes reasonable care with respect to adjacent or adjoining areas.~~
 - ~~(1) The amendment includes a conceptual drainage study consistent with the adopted standards of the local government.~~
 - ~~(2) The amendment includes a conceptual wastewater treatment and conveyance, including septic systems, study consistent with the adopted standards of the local government.~~
 - ~~(3) The amendment includes a conceptual traffic study that is consistent with the adopted Regional Transportation Plan.~~
 - ~~(4) The amendment includes a conceptual potable water supply and conveyance, including individual wells, study.~~

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- ~~(5) — The amendment includes a conceptual parks plan consistent with the adopted standards of the local government.~~
- ~~(6) — The proposed cooperative plan amendment that proposes a community system must identify a funding plan for the improvement program.~~

~~**Section 110.822.40 Findings for Public Service Levels and Fiscal Effect.** Through application of the following criteria and assessments, the amendment must support a finding that it will not cause, or will mitigate, adverse impacts upon the cost and efficient provision of public services (including public safety, recreation and education) to existing residents and communities within Washoe County:~~

- ~~(a) — The amendment must assess the impacts to public services including police, fire and public recreation based on a level of service that has been adopted by the local government and this assessment reasonably demonstrates that the level of service to the existing communities is not negatively impacted.~~
- ~~(b) — The amendment provides mitigation measures when the impact to public services drops below the adopted level of service for the local government.~~
- ~~(c) — The proposed Cooperative Plan Amendment must analyze the fiscal revenue and service expenditures of development.~~
- ~~(d) — The amendment must identify and evaluate the impacts on public schools.~~

~~**110.822.45 Findings for Open Space, Resource Constraints and Cooperative Planning Considerations Not Elsewhere Addressed.**~~

- ~~(a) — Findings for Wildlife:
 - ~~(1) — The proposed amendment provides a full and detailed assessment of wildlife habitats that have been identified in the Regional Open Space Plan. The amendment must be found to include preservation, enhancement and/or mitigation measures as necessary for the maintenance of habitat.~~
 - ~~(2) — The amendment demonstrates how it is not detrimental to the protection, preservation and enhancement of wildlife habitat, as applicable.~~~~
- ~~(b) — Findings for Water-Related Constraints: The amendment is compatible with either the interim or updated plan and policies (whichever is in effect) drafted and adopted by the Regional Water Planning Commission (RWPC) in accordance with the terms of the settlement agreement.~~
- ~~(c) — Findings for Open Space and Natural Recharge Areas: Open space identified for future preservation by acquisition, parkland and natural recharge areas, to the extent known, shall be maintained at current densities and identified in the Washoe County Regional Open Space Plan, local master plans and local parks master plans of the entities with jurisdiction.~~

SECTION 3. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not

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inconsistent with the provisions of this Ordinance are ratified and approved.

2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

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Passage and Effective Date

Proposed on _____ (month) _____ (day), 2020.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2020.

Vote:

Ayes:

Nays:

Absent:

Robert Lucey, Chair
County Commission

ATTEST:

Nancy Parent, County Clerk

This ordinance shall be in force and effect from and after the
_____ day of the month of _____ of the year _____.