

**ORDINANCE NO. 1658**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 18.08.020 OF THE BONNEY LAKE MUNICIPAL CODE AND THE CORRESPONDING PORTIONS OF ORDINANCE 1416, 1483, 1520, 1533, 1568, 1584, 1644, 1651, AND 1657 REMOVING HOTELS AND MOTELS AS A PERMITTED USE IN ALL ZONES IN RESPONSE TO ESSHB 1220.**

**W HEREAAS**, earlier this year, the state legislature enacted Engrossed Second Substitute House Bill (ESSBH) 1220 signed by Governor Inslee on May 12, 2021, became Chapter 254, Laws of 2021, and will take effect on July 25, 2021; and

**WHEREAS**, Section 3 of ESSHB 1220 mandates that effective September 30, 2021, a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit; and

**WHEREAS**, there are no hotels or motels operating, under construction, or proposed within the City of Bonney Lake; and

**WHEREAS**, the *City of Bonney Lake Economic Development Study* dated January 2015 prepared by BERK Consulting determine that the City's market conditions would likely not support the development of hotels and motels within the City;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1. Findings of facts and conclusions.** The findings of fact and conclusions attached as Attachment A and the analysis contained in staff report attached as Attachment B are adopted in full by the City Council in support of its decision.

**Section 2.** Section 18.08.020 of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 1416 § 10, Ordinance No. 1483 § 1, Ordinance No. 1520 § 3, Ordinance No. 1533 § 15, Ordinance No. 1568 § 13, Ordinance No. 1584 § 1, Ordinance No. 1644 § 7, Ordinance No. 1651 § 2, and Ordinance No. 1657 § 3 are each hereby amended to read as follows:

Zone Use	NAICS Code(s)	RC-5	R-1	R-2	R-3	C-1	C-2	E	MC	DC	DM	PF
<b>Cultural, Recreational, and Entertainment</b>												
Adult entertainment facilities <sup>[9]</sup>	N/A							C				
Amphitheater	N/A						P					P
Arcade	713120											
Bars and taverns	722410					C	P		P	P	P	
Bed-and-breakfast inns <sup>[10]</sup>	721191	A	C	C	C	P						
Bowling alley	713950								P			
Campgrounds	712110											C
Caterers and mobile food service	722320 and 72233							P				
Cinema	512131						P					
Coffee shops and cafes	722515					P <sup>[11]</sup>	P	P	P	P <sup>[11]</sup>	P <sup>[11]</sup>	A <sup>[11]</sup>
Golf courses	713910	C										C
Fitness centers and recreational centers	713940						P	P	P			P
Hotels and motels	721140								P	P	P	
Libraries	519120				P	P	P			P	P	P
Museums	712110	C	C			P	P			P	P	P
Parks, open space, and trails	712190	P	P	P	P	P	P			P	P	P
Public meeting halls	N/A			C	P	P	P	P				P
Recreation facilities	713990						P	P				P
Restaurants and eating establishments	722511, 722513, 722514, and 722515				A <sup>[11]</sup> <sub>[12]</sub>	C <sup>[11]</sup>	P	P	P	P <sup>[11]</sup>	P <sup>[11]</sup>	A <sup>[11]</sup> <sub>[13]</sub>
Theaters	711110, 711120, 711130, and 711190						P			P	P	

**Section 3. Severability.** If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

**Section 4. Effective Date.** This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as required by law.

**PASSED BY THE CITY COUNCIL this 14th day of September, 2021**

DocuSigned by:  
*Neil Johnson, Jr.* \_\_\_\_\_  
20583FB9C281400...  
Neil Johnson, Jr., Mayor

**AUTHENTICATED:**  
DocuSigned by:  
*Harwood T. Edvalson* \_\_\_\_\_  
F46A10AD29884A1...  
Harwood T. Edvalson, City Clerk

**City of Bonney Lake, Washington**  
**City Council Agenda Bill (AB)**

<b>Department/Staff Contact:</b> Public Services Department Jason Sullivan – Planning & Building Supervisor	<b>Meeting/Workshop Date:</b> September 14, 2021	<b>Agenda Bill Number:</b> AB21-95
<b>Agenda Item Type:</b> Ordinance	<b>Ordinance/Resolution Number:</b> D21-95	<b>Sponsor:</b>

**Agenda Subject:** Removing Hotels and Motels as Permitted Uses – Emergency Housing/Shelters

**Full Title/Motion:** An ordinance of the City Council of the City Of Bonney Lake, Pierce County, Washington, amending section 18.08.020 of the Bonney Lake Municipal Code and the corresponding portions of Ordinance 1416, 1483, 1520, 1533, 1568, 1584, 1644, and 1651 removing hotels and motels as a permitted use in all zones in response to ESSHB 1220.

**Administrative Recommendation:** Approve

**Background Summary:** ESSHB 1220 was signed by the Governor on May 12, 2021 to address housing issues in Washington State. While the majority of the provisions will be addressed in the City’s next comprehensive plan update, the new law mandates that a city shall not prohibit indoor emergency shelters and indoor emergency housing in zones where hotels are allowed. However, there is nothing in ESSHB 1220 that specifically prohibits the City from removing hotels and motels as a permitted use in the City. ESSHB 1220 only requires that the City allow emergency shelters and emergency housing in those zones that allows hotels. Therefore, if no zones allow hotels the City is consistent with specific language in ESSHB 1220. This requirement is in addition to the provision related to transitional housing and permanent supportive housing that became effective on July 25, 2021, for which the City has already established interim zoning regulations. Currently, there are no hotels under construction or in operation within the City of Bonney Lake.

**Attachments:** Ordinance D21-95; Findings of Fact; Staff Report with Department of Commerce Acknowledge Letter, Notice of Public Hearing, and Planning Commission Recommendation

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
<b>Budget Explanation:</b>			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	CDC	<i>Approvals:</i>	<b>Yes No</b>
	Date: August 17, 2021	Chair/Councilmember Dan Swatman	<input checked="" type="checkbox"/> <input type="checkbox"/>
		Councilmember Kelly McClimans	<input checked="" type="checkbox"/> <input type="checkbox"/>
		Councilmember Tom Watson	<input checked="" type="checkbox"/> <input type="checkbox"/>
	Forward to: City Council	<b>Consent Agenda:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Commission/Board Review:</b>	Planning Commission – August 4, 2021		
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b> <i>Ryan Johnstone, P.E.</i>	<b>Mayor:</b> <i>Neil Johnson Jr.</i>	<b>Date Reviewed by City Attorney:</b> (if applicable):

## **ATTACHMENT A FINDINGS OF FACT AND CONCLUSIONS**

Having considered in detail both the oral and documentary evidence received concerning the update to the City of Bonney Lake's permitted uses identified on the land use matrix codified in BLMC 18.08.020, the Bonney Lake City Council now makes and adopts the following Findings of Fact and Conclusions:

### **FINDINGS OF FACT**

#### **Public Participation**

- 1) The Bonney Lake Planning Commission held a public hearing August 4, 2021 and recommended that the City Council adopt the proposed amendments.
- 2) The City issued an official notice of the public hearing on July 16, 2021, which is nineteen days prior to the hearing.
- 3) The notice of public hearing provided a fifteen day comment period, which concluded on August 4, 2021.
- 4) Notice of the hearing was also published in the newspaper on July 14, 2021 as required by BLMC 14.140.040(D).

#### **State Environmental Policy Act**

- 5) The amendments to the City's permitted uses identified on the land use matrix codified in BLMC 18.08.020 are considered a non-project action as defined in WAC 197-11-704(2)(b) under the State Environmental Policy Act (SEPA).
- 6) Pursuant to WAC 197-11-926, the City of Bonney Lake was designated as the lead agency for the SEPA review of the proposed amendments to the City's critical areas ordinance.
- 7) The Public Services Director acting as the SEPA Responsible Official determined that the proposed amendment is categorically exempt from threshold determination pursuant to WAC 197-11-800(19)(b).

#### **State Agency Review**

- 8) Development regulations are defined as the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development

ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto pursuant to RCW 36.70A.030.

- 9) The City submitted the required notice of intent to adopt the proposed ordinance to the Department of Commerce as required by RCW 36.70A.106 on July 7, 2021.
- 10) The Department of Commerce's sixty day review period concluded on September 5, 2021.

### **Comprehensive Plan Policies**

- 11) The City's comprehensive plan, *Bonney Lake 2035*, includes the following goals and policies in the Community Development (CD) and Economic Vitality (EV) Elements:
  - a. Policy CD-4.3 states that the City should, "[A]llow schools, day care centers, senior centers, group homes, public and semi-public facilities (e.g., churches), and nursing care facilities in residential areas, subject to conditions which limit the impacts of these uses on nearby properties. To the extent permitted by state and federal law, conditions of approval may be placed on such uses to ensure that they are operated in a manner that is sensitive to neighborhood concerns, and that maintains residents' quality of life. In addition, such uses should be sited in a way that minimizes the exposure of future occupants to noise, localized air pollution sources, and other environmental hazards."
  - b. Policy CD-4.3 states that the City should, "[P]rovide healthy and safe neighborhoods free of nuisances, environmental hazards, and visual blight (e.g. excessive noise, poor air quality, light pollution, illegal dumping, illegal signage, graffiti, littering, etc.) that disrupt and impact Bonney Lake residents' quality of life."
  - c. Policy CD-9.1 states that the City should, "[E]nsure that land use decisions consider the characteristics of the transportation network, including road capacity, the quality of the streetscape, and the availability of public transportation and other modes of travel."
  - d. Policy CD-9.10 states that the City should, "[E]stablish development regulations that facilitate the development of a positive regional identity for Bonney Lake as a City with outstanding neighborhoods and vibrant centers that provide gathering places for residents and visitors."
  - e. Policy CD-11.1 states that the City should, "[B]alance the responsibility to protect the community from the impacts associated with new residential and commercial development with the responsibility to protect property rights."

- f. Goal EV-3 states that the City’s goal is to “[S]trengthen Bonney Lake’s role as a hub for regional retail, personal and professional services, and employment.”
  - g. Policy EV-3.1 states that the City should, “[P]romote Bonney Lake’s role as a regional retail center and raise awareness of retail development opportunities to build upon or round out the City’s economic strengths.”
  - h. Policy EV-3.2 states that the City should, “[E]nsure that the City maintains sufficient land capacity to support continued expansion of Bonney Lake’s retail base, as well as meet demand for professional and medical offices and other target sectors.”
  - i. Policy EV-5.3 states that the City should, “[C]learly establish and communicate the community’s vision for Bonney Lake as a whole, as well as for major sub-geographies, to provide the local business community with clear direction on the appropriateness of various types of development in different parts of the City.”
  - j. Policy EV-5.5 states that the City should, “[E]nforce development regulations in a consistent, objective manner, encouraging and facilitating investment that adheres to these policies.”
- 12) The *Bonney Lake Centers Plan*, adopted as an appendix to the City’s comprehensive plan, includes the following goals and policies:
- a. Vision statement for the Midtown Center provides that “Midtown is the economic center of the entire Bonney Lake Plateau. People come here as a regional destination to shop, dine, and be entertained in a district defined by its green spaces and framed with a view of Mt Rainier. Although defined by its commercial core, nearby residential areas provide options for residents to live closer to where they work and shop.”
  - b. Goal M-1 states that the City’s goal is that “[M]idtown is a well-designed regional commercial destination with a distinct identity.”
  - c. Policy M-2.1 provides that the City should, “[R]eserve the core area between 192<sup>nd</sup> Avenue East and 214<sup>th</sup> Avenue East for future commercial development to maintain Midtown as a regional commercial destination.”
  - d. Vision statement for the Downtown Center provides that “Downtown is the civic, cultural, and social heart of the community. People are attracted to its vibrant atmosphere and blend of retail, service, and civic amenities. Well-designed streets, buildings, and community spaces make Downtown a source of identity and pride for Bonney Lake.”

- e. Goal D-2 states that the City’s goal is that “[P]ublic spaces in Downtown are attractive and welcoming.”

## **CONCLUSIONS**

Based upon the above findings the City Council adopts the following conclusions

- 1) Notice of the public hearings for this matter has been conducted in accordance with City of Bonney Lake rules and regulations governing such matters for both the Planning Commission and the City Council. (FINDINGS 1 – 4)
- 2) The City complied with the requirements to the State Environment Policy Act (Chapter 43.21C) and the implementing regulations found in Chapter 197-11 WAC. (FINDINGS 5 - 7).
- 3) The City complied with the requirements of RCW 36.170.106 to notify the Department of Commerce of the City’s intent to adopt an amendment to the City’s development regulations (FINDINGS 8 – 10).
- 4) The proposed amendments are consistent with meet the approval criterion for amendments to a development regulation established in BLMC 14.140.090(A) as the proposed amendments are consistent with and required to effectuate the goals and policies of the City’s adopted comprehensive plan, *Bonney Lake 2035*. (FINDING 11 – 12)





# Staff Report

PLANNING AND BUILDING DIVISION  
PUBLIC SERVICES DEPARTMENT

**DATE:** August 11, 2021  
**TO:** City Council  
**FROM:** Jason Sullivan – Planning and Building Supervisor  
**SUBJECT:** Emergency Shelters/Housing and Hotels

## I. PROJECT SUMMARY

The proposed amendments to the City’s land use matrix, codified in BLMC 18.08.020, will remove hotels and motels as a permitted use within the for the Midtown Core, Downtown Core and Downtown Mixed Use zones in response to Engrossed Second Substitute House Bill (ESSBH) 1220. The objective of the amendments is to preserve the character and development potential of the Midtown Center maintain that area as a regional commercial destination. Additionally, the amendments will protect the civic and pedestrian friendly nature of the Downtown Core.

ESSHB 1220 was signed by the Governor on May 12, 2021 to address housing affordability issues in Washington State. While the majority of the provisions will be addressed in the City’s next comprehensive plan update, there is one provision related to emergency shelters that will become effective on September 30, 2021. This provision mandates that a city shall not prohibit indoor emergency shelters and indoor emergency housing in zones where hotels are allowed, except for cities that have adopted an ordinance authorizing indoor emergency shelters and housing in a majority of zones within one mile of transit.

## II. BACKGROUND

### A. *Site Characteristics*

This is not a site specific proposal and applies to various properties throughout the City of Bonney Lake.

### B. *Surrounding Properties*

The proposed amendments to the permitted uses identified on the land use matrix codified in BLMC 18.08.020 are not a site specific proposal. Therefore, there are no surrounding properties.

**C. State Environmental Policy Act (SEPA)**

Under the State Environmental Policy Act (SEPA) the adoption of this Ordinance is a non-project action as defined in WAC 197-11-704(2)(b). The Public Services Director acting as the SEPA Responsible Official determined that the proposed amendment is categorically exempt from threshold determination pursuant to WAC 197-11-800(19)(b).

**D. Shoreline Code**

No portion of the areas subject to this rezone are within the shoreline jurisdiction<sup>1</sup>.

**E. Critical Areas Code**

No changes are proposed that would impact or alter the way critical areas are regulated by the City.

**F. Processing Background**

The City submitted the required notice of intent to adopt the proposed ordinance to the department of Commerce as required by RCW 36.70A.106 on July 7, 2021. The Department of Commerce's sixty (60) day notice period will conclude on September 5, 2021.<sup>2</sup>

**G. Public Outreach**

The notice of the public hearing was issued on July 16, 2021, which provided for a public comment period from July 16, 2021 to August 4, 2021. Notice of the hearing was also published in the newspaper on July 14, 2021 as required by BLMC 14.140.040(D).<sup>3</sup> The Planning Commission conducted the public hearing and no public testimony was received during or prior to the hearing. The Planning Commission voted to recommend that the City Council adopted Ordinance 21-95 removing hotels as a permitted use in response to ESSHB 1220.<sup>4</sup>

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<sup>1</sup> Areas subject to the Shoreline Code are all properties within 200 feet of Lake Tapps and the portion of Fennel Creek below Victor Falls.

<sup>2</sup> See Attachment B-1

<sup>3</sup> See Attachment B-2

<sup>4</sup> See Attachment B-3

### III. ANALYSIS

The approval criterion for amendments to a development regulation is consistency with the comprehensive plan and the laws of the State of Washington pursuant to BLMC 14.140.090.B.

#### A. *Comprehensive Plan (Bonney Lake 2035)*

The proposed amendments to the City’s land use matrix, codified in BLMC 18.08.020, to remove permitted uses of hotels and motels is consistent with *Bonney Lake 2035* and is supported by the *City of Bonney Lake Economic Development Study* dated January 2015 prepared by BERK Consulting determine that the City’s market conditions would likely not support the development of hotels and motels within the City. The proposed amendments attempt to “[B]alance the responsibility to protect the community from the impacts associated with ... development...”<sup>5</sup> and considers “... the characteristics of the transportation network ... and the availability of public transportation ...”<sup>6</sup> need serve residents of emergency shelter and emergency housing facilities.

Additionally, the proposed ordinance is consistent with the *Bonney Lake Centers Plan* adopted as an appendix to *Bonney Lake 2035*, which calls on the City to protect both the Midtown and Downtown Centers as “... regional destinations to shop, dine and be entertained...”<sup>7</sup> serving as “... the civic, cultural social heart of the community.”<sup>8</sup> Where “[P]eople are attracted to its vibrant atmosphere and blend of retail, service, and civic amenities.”<sup>9</sup>

#### B. *State Law*

The City’s authority to adopt proposed amendments is provided for in RCW 35A.63.100, which provides that the legislative body may adopt regulations that it deems necessary to effectuate the goals and objectives of the comprehensive plan. As discussed above, the proposed amendments are necessary to effectuate the goals and objectives of the City’s comprehensive plan.

Additionally, there is nothing in ESSHB 1220 that specifically prohibits the City from removing hotels and motels as a permitted use in the City. ESSHB 1220 only requires that the City allow emergency shelters and emergency housing in those zones that allows hotels. If no zones allow hotels the City is consistent with specific language in ESSHB 1220.

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<sup>5</sup> See Policy CD-11.1

<sup>6</sup> See Policy CD-9.1

<sup>7</sup> See Midtown Vision Statement

<sup>8</sup> See Downtown Vision Statement

<sup>9</sup> Ibid

## **IV. CONCLUSION**

The proposed amendments are consistent with the criteria to amend the development regulations as established in BLMC 14.140.090.B.



## ATTACHMENT B-1

### STATE OF WASHINGTON DEPARTMENT OF COMMERCE

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4000  
[www.commerce.wa.gov](http://www.commerce.wa.gov)

07/08/2021

Mr. Jason Sullivan  
Planning and Building Supervisor  
City of Bonney Lake  
9002 Main Street East  
Post Office Box 7380  
Bonney Lake, WA 98391-0944

Sent Via Electronic Mail

Re: City of Bonney Lake--2021-S-2867--60-day Notice of Intent to Adopt Amendment

Dear Mr. Sullivan:

Thank you for sending the Washington State Department of Commerce (Commerce) the 60-day Notice of Intent to Adopt Amendment as required under [RCW 36.70A.106](#). We received your submittal with the following description.

**Ordinance D21-95 will amend Section 18.08.020 of the Bonney Lake Municipal Code to remove hotels and motels as a permitted use in all zones in response to ESSHB 1220**

We received your submittal on 07/07/2021 and processed it with the Submittal ID 2021-S-2867. Please keep this letter as documentation that you have met this procedural requirement. Your 60-day notice period ends on 09/05/2021.

We have forwarded a copy of this notice to other state agencies for comment.

Please remember to submit the final adopted amendment to Commerce within ten days of adoption.

If you have any questions, please contact Growth Management Services at [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov), or call Anne Fritzel, (360) 725-3064.

Sincerely,

Review Team  
Growth Management Services



## NOTICE OF PUBLIC HEARING

The public has the right to review the contents of the official file for the proposal, provide written comments, participate in the public hearings/meetings, and request a copy of the final decision. The most current application materials are available for public review by **clicking on the ordinance number (in bold) provided in this notice**, or by requesting a link from the staff contact listed in this notice. Comments may be emailed to the staff contact identified in the notice, mailed to the attention of the staff contact to P.O. Box 7380, Bonney Lake, WA 98391. Comments will be accepted if filed with the Public Services Department on or before 5:30 PM on 8/4/2021.

<b>Notice Date:</b>	7/16/2021	<b>Comment Due Date:</b>	8/4/2021
<b>Project:</b>	Ordinance D21-95 will amend Section 18.08.020 of the Bonney Lake Municipal Code to remove hotels and motels as a permitted use in all zones in response to ESSHB 1220.		
<b>Project Name:</b>	Removing Hotels and Motels as Permitted Uses		
<b>Environmental Review:</b>	Under the State Environmental Policy Act (SEPA) the adoption of this Ordinance is a non-project action as defined in WAC 197-11-704(2)(b) and the SEPA Responsible Official has determined the proposed amendment is categorically exempt from review under SEPA pursuant to WAC 197-11-800(19)(b).		
<b>Public Hearing:</b>	<p><b>NOTICE IS HEREBY GIVEN</b> that the City of Bonney Lake Planning Commission will convene a Public Hearing at 6:30 on 8/4/2021 or soon thereafter, in the City Council Chambers at the Bonney Lake Justice and Municipal Building, 9002 Main Street E., Bonney Lake, Washington.</p> <p>If, for any reason, the hearing cannot be commenced or completed on the date specified, the hearing may be continued to a date, place and time certain without further notice under BLMC 14.50.020(I).</p> <p>With the recommendations and guidance from the Centers for Disease Control and Prevention, and state and local health authorities, regarding social distancing and limitations on public gatherings and Governor Inslee's Proclamations and Stay At Home Orders to help slow the spread of COVID-19, the public is invited to call in to the Planning Commission Meetings at 408-740-7256 (Meeting ID: 215 767 540#). This will be for audio only, no comments will be taken during the meetings. All Citizen Comments must be submitted at least one hour prior to the meetings to <a href="mailto:mcdonaldd@cobl.us">mcdonaldd@cobl.us</a>.</p>		
<b>Other Applications:</b>	N/A		
<b>Staff Contact:</b>	Jason Sullivan, Planning and Building Supervisor; (253) 447-4355 or <a href="mailto:sullivanj@cobl.us">sullivanj@cobl.us</a>		
<b>Documentation Available:</b>	<a href="#"><u>Ordinance D21-95</u></a>		

### PUBLIC SERVICES DEPARTMENT

9002 Main Street East, Suite 300, Bonney Lake, WA 98391  
(253)862-8602



Planning  
Commission

# Memo

**Date** : August 4, 2021  
**To** : Mayor and City Council  
**From** : Grant Sulham, Planning Commission Chair  
**Re** : **Ordinance D21-95**

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On July 7, 2021, the Planning Commission conducted a Public Hearing on Ordinance D21-95, which would amend Section 18.08.020 of the Bonney Lake Municipal Code to remove hotels and motels as a permitted use in all zones in response to ESSHB 1220. The Planning Commission voted 4-0-0 to recommend that the City Council approve Ordinance D21-95.

As required by BLMC 14.40.100, the Planning Commission has reviewed and adopts the findings of facts and conclusions included as Attachment A to Ordinance D21-95.