

From: Tracey <tsondgroth@gmail.com>
Sent: Friday, November 06, 2020 9:03 PM
To: Nicole Floyd
Subject: lacrosse

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Hello,

I am writing on behalf of lacrosse in Olympia. I would like the restrictions removed so that kids can play at Ingersoll and other local fields. Lacrosse and other outdoor sports have been invaluable to my daughter and I believe her mental and physical well-being is affected when she does not have sports as an outlet. Please do what you can to lift restrictions and allow youth to participate in sports.

Thank you for your consideration.

Tracey Sondgroth

From: Vanessa Walter <vrt.walter70@gmail.com>
Sent: Friday, November 06, 2020 5:37 PM
To: Nicole Floyd
Subject: Removal of restrictions

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Hi Nicole,

I am writing on behalf of my son, who plays for the the Olympia Lacrosse Team, to request the removal of restrictions on Ingersoll Stadium/Field.

It is a huge inconvenience for our family to have to travel to the Rac for practice, during already busy week nights when practices are in session.

Your consideration in this matter would be greatly appreciated!

Sincerely,
Vanessa Walter

From: Aaron J. Beck <aaronjbeck@gmail.com>
Sent: Saturday, November 07, 2020 6:46 AM
To: Nicole Floyd
Subject: LaCrosse @ Ingersoll Field

External Email Alert!

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Dear Nicole,
I'm writing on behalf of the Olympia LaCrosse Club in Olympia, WA.

I'm writing in favor of removing restrictions from Ingersoll field in regards to many sports, but specifically for lacrosse! It is a fantastic game, one that teaches respect, hard work, etc. We call it the medicine game for a reason :)

My kids love it! We have loved the chance to play under the big lights before, and would love to do so in the future.

Rest assured that given the chance, we would maintain the field and leave it in better shape than when we arrived.

Cheers!
Aaron J. Beck

--

Aaron J. Beck, MD

West Olympia Family Medicine - Providence Health
Senior Aviation Medical Examiner

From: Al Puntillo <al.puntillo@mudbay.com>
Sent: Monday, November 09, 2020 12:38 PM
To: Nicole Floyd
Subject: Ingersoll use restriction modifications

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Good afternoon Ms. Floyd. I plan on attending the Hearing Examiners session tonight and would like this email statement to be part of the recorded testimony. I would be happy to read it during the hearing if that is helpful, but it is not necessary.

My wife Carrie and I own two properties in the Olympia HS area. As with the majority of home owners and renters in this area of Olympia, we intentionally decided to live here because of its strong sense of community, beautiful neighborhoods, and close proximity to the schools that our children would attend. My wife and I love living so close to the HS and we enjoy the vibrancy that comes from being a part of a community with young people at its heart. The sounds from a Friday night football game, the Bearzar, and seeing teams practicing as we drive by the HS and middle schools are all things that we have sorely missed during this pandemic. I also believe that OSD's continued investments in its schools is the number one thing that keeps property values around the HS increasing faster than many other parts of Thurston county. As an owner of a home that is within 1,000 feet of Ingersoll, let me firmly say that, light and noise are not an issue and if anything, events and public usage of the stadium has increased my enjoyment of living here and increased my property value.

I would also like to offer my perspective on the current use restriction for Ingersoll. As the former President of the Olympia Lacrosse Club, a club for boys and girls lacrosse founded in 2014, I have been absolutely shocked at the usage rules currently in place for Ingersoll stadium. It is completely understandable to set usage guidelines to limit light, noise, and traffic impacts. However the current usage restrictions are with out a doubt discriminatory. Restrictions should not be set by sport or by hand selecting organizations, access should be open to all organizations and priority should be given to 1) school events, 2)Non-profits, and 3) user groups who's majority of members live with-in the Olympia school district. I also believe that the current restrictions violate title 9, as they do not give equal opportunity to sports and activities for girls and women.

Thank you for allowing us all to have feedback and for working to improve the governance of this fantastic public asset.

Sincerely,

Al Puntillo

Al Puntillo

Chief Merchandising Officer | Mud Bay
p: 360.709.0074 ext. 1094
521 Capitol Way S. | Olympia, WA | 98501

al.puntillo@mudbay.com | www.mudbay.com

From: jacobsoly@aol.com
Sent: Monday, November 09, 2020 2:10 PM
To: Nicole Floyd
Subject: Testimony for Today's Public Hearing re Ingersoll Use Restrictions Modifications Proposal

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Nicole --

As I mentioned when I called, I will be unable to attend this evening's public hearing due to another city meeting at the same time.

Please accept this email as the first part of my testimony, submitted early for your convenience.

I agree with the Affidavit or Prejudice submitted by Jim Lazar.

The Hearing Examiner's comment in the public record regarding the subject of today's hearing is the very definition of prejudice.

I will submit the remainder of my testimony as soon as I can complete it.

Thank you,

Bob Jacobs
360-352-1346
720 Governor Stevens Ave. SE
Olympia, WA 98501
jacobsoly@aol.com

From: jacobsoly@aol.com
Sent: Monday, November 09, 2020 3:56 PM
To: Nicole Floyd
Cc: jacobsoly@aol.com
Subject: Testimony for Today's Public Hearing re Ingersoll Use Restrictions Modifications Proposal -- Part 2

External Email Alert!

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Nicole --

Please accept this email as the second part of my testimony.

It is well recognized that use of Ingersoll Stadium has increased exponentially since its construction due to population growth, increase in the number of sports, and especially the introduction of artificial turf and quality lighting.

It is also well recognized that Ingersoll Stadium is unique among local school stadiums for being surrounded by residential neighborhoods, and that therefore neighboring residential areas need a special level of protection from the numerous negative impacts caused by the stadium. These protections are provided both by School District policies and by city regulations, including Hearing Examiner decisions.

The city regulations embodied in the current Hearing Examiner conditions were derived in a very straightforward way. Hearing Examiner (later Appeals Court Judge) Tom Bjorgen, a respected land use attorney, simply took the District's written commitments and turned them into conditions.

I suggest that this precedent be followed with the current application.

Below is an email exchange between me and Jennifer Priddy speaking for the District. In Ms. Priddy's responses to my queries, she makes a number of statements regarding district procedures and intentions, all intended to assuage public concerns.

I suggest that the Hearing Examiner simply turn these statements into conditions. In addition I suggest that the Examiner provide enforcement mechanisms that are easy and inexpensive for the public to use to assure District compliance with the conditions. After all, laws are only as effective as their ability to be enforced.

Here are a few of the conditions that I would include in this approach:

1. Priority will always be given to youth sports over adult sports when permitting use of the field.

2. Procedure 4260P(C) will not be changed without city of Olympia approval that includes a noticed public process.
3. District and city staff will assure compliance with District rules and city regulations.
4. Any other District procedures, commitments, and intentions offered by District personnel during the processing of this application.

Thank you for your consideration of these comments.

Bob Jacobs
360-352-1346
720 Governor Stevens Ave. SE
Olympia, WA 98501
jacobsoly@aol.com

From: jpriddy@osd.wednet.edu
To: jacobsoly@aol.com
Cc: nfloyd@ci.olympia.wa.us, tnicholas@osd.wednet.edu
Sent: 11/2/2020 1:18:18 PM Pacific Standard Time
Subject: RE: Additional Questions re Ingersoll Proposal

Hello Bob, yes, I am happy to answer questions. Please see below.

From: jacobsoly@aol.com <jacobsoly@aol.com>
Sent: Friday, October 30, 2020 3:05 PM
To: jpriddy@osd.wednet.edu
Cc: nfloyd@ci.olympia.wa.us; jacobsoly@aol.com
Subject: Additional Questions re Ingersoll Proposal

Hi Jennifer --

At the "neighborhood meeting" re the OSD Ingersoll proposal, you kindly said that you would welcome additional questions. I have been held up by family affairs, but I do have some questions that I was unable to pose during the Zoom session.

1. I found the neighborhood meeting very helpful in clarifying potential impacts. I had assumed that the proposed change would result in far greater use of the stadium, but you said (if I heard correctly) that this is not true. I think you said that most of the reasonably assignable time was already being used, so that the change would mostly be a matter of reducing the use by some existing users, esp. Black Hills youth soccer, to make room for new users like lacrosse players. I'm glad that the neighborhood meeting was helpful. Yes, I did say this and this has been our general experience. Most available days are used regularly—except Friday. Community groups usually do not want to practice on Fridays. District uses continue to be the majority use of the Stadium.

a. What do you consider reasonably assignable times/days? The Procedure identifies the days that are available for non-District use and we do not depart from this schedule. Monday – Friday 5pm to 9pm; Saturday 9am to 6pm; Sunday noon to 6pm. These are the times and days that I would consider the reasonably assignable times/days. (Of course the Procedure limits use on holidays also.)

b. The existing limitations seem to focus stadium use on youth sports, which is consistent with the District's K-12 mission. Removal of these limitations would open the stadium to adult sports groups and really just about anyone for any purpose imaginable -- political rallies, religious revivals, auctions, etc. These are not consistent with the District's K-12 mission and in fact could supplant the use by youth sports groups that are. Why would the District want to do this?

The existing user limitations simply focus on who was using the grass field in 2004. Our other fields, including Swarthout, where there is not a land-use requirement limiting use to only youth sports, are open for use by our community. In the three years that Swarthout has been available, we have not permitted use for any political rallies, religious revivals, auctions, or similar activities, nor would we. The Procedures for Swarthout and Ingersoll turf fields already identify that the turf field should be limited to **use consistent with appropriate use on a turf field** and for the District community. In addition, our overriding Policy 4260 states that any use must be appropriate and compatible with the space/area used. While we always give priority to youth sports, we are not opposed to adult sports teams using the field. We have one adult soccer league in our community, and we schedule them at Swarthout in the last timeslot (so that the youth are home sooner). (We have adult basketball leagues using our gyms frequently.)

c. I recall that advocates for the proposed change have repeatedly said over the years that it is "for the children", but that does not seem to be the case. Does the district plan to favor youth sports over other

uses? Or local sports organizations over out-of-county sports groups? If so, should this not be part of the Hearing Examiner decision?

We've heard from a variety of District community users about their desire to have access to the facility --- both for youth sports and adult sports. In contrast, we have very few requests from outside of the county. I understand that regional use may have been a significant concern in 2004. When Ingersoll was converted to a turf field in 2004, it was one of the first fields in our region to be converted in this manner. However, now turf fields are available throughout Thurston and Pierce counties and in the immediate surrounding area (out of 11 nearby high schools and facilities, 9 have a turf field, including Olympia HS).

2. The district has repeatedly stated that existing regulations regarding hours of use, sound system use, supervision, and etc. would not change (District Procedure 4260P(C) and possibly 4260A). However, my understanding is that these other regulations are OSD policies and can therefore be amended by the School Board. If the district's advocacy of its proposed policy change is based on this assurance that district regulations would not change, then it seems to follow that these other regulations should be part of the Hearing Examiner's decision.

As conditioned by the Hearing Examiner in 2004, Procedure 4260P(C), which contains all of the items related to hours of use, sound system use, parking requirements, and supervision, cannot be changed without permission from the City of Olympia Site Plan Review Committee. This would require a noticed public process. We are NOT requesting any change to this requirement. A copy of the procedure can be located on our website.

Furthermore, these other regulations are only as good as their enforcement, so it seems imperative that the Hearing Examiner include penalties for failure by the district to enforce. There have been lapses in the past and are likely to be lapses in the future because enforcement is not a primary focus of school districts.

We have an on-site District grounds-keeper during every non-District use to ensure adherence to the rules, as well as a separate process for the community to submit concerns/complaints related to use. These requirements are a part of Procedures 4260P(C). The City of Olympia also has a code enforcement process related to zoning and land use matters.

3. I understand that the heavy use by Black Hills is a result of a cooperative arrangement among youth soccer organizations. By having a single coordinator for all clubs, they can avoid a situation where all clubs compete for and use all fields. This provides efficiency and

stability, but it also results in each club focusing its use on a single field and thus appearing to be getting favored treatment. I just want to be sure that you are aware of this and avoid any misunderstandings of the situation.



Yes, this may be the case. However, other sports have developed a larger following: flag football, lacrosse, drill, and cheer are all appropriate to a turf field. Black Hills cannot also coordinate this factor, and these community members deserve access. More importantly, I do not feel equipped to know what sport may develop in the future. Our community's demographics and interests have changed since 2004 and I anticipate that this will continue to occur over time.

I would appreciate your responses to these questions.

Thank you,

Bob Jacobs

360-352-1346

 **[REDACTED]** • Wilderness 
Noise in a neighborhood is no reason to not do this. More traffic??? I have lived here for 20+ years there are so many houses being built daily for more people to pack into these shoe box neighborhoods causing traffic on Henderson and North street. The most traffic in thurston county is caused by state workers and now they work from home there is no traffic. Disturbing the wildlife??? That's a joke, we disturbed the wildlife long ago, that argument doesn't even make sense in 2020. I am really sorry to say this but it's true. None of these points make a real factual argument against not using it. I am really surprised there hasn't been a suggestion on here to open up the stadium to the homeless. The stadium is sitting empty while tax money is being used to maintenance it. It should be used to make money for the district.

15 Oct [Like](#) [Reply](#)



 2

 **[REDACTED]** • Carlyon North Tumwater 

Love your thinking.



15 Oct [Like](#) [Reply](#)

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 **Jeanne Miller** • CRANA 
Raleigh, someone who lives in Wilderness should not be weighing in regarding noise and traffic in the neighborhoods adjacent to the stadium. Ingersoll does not have (and never has had) a conditional use permit which would lawfully restrict sound levels, unlike every other school sports stadium. The stadium is not "sitting empty" and never has that I know of, except briefly during the covid-19 crisis. State workers (and the traffic they create) will be returning to normal work post-covid. Your arguments are "a joke."

15 Oct [Like](#) [Reply](#)

 2



 **[REDACTED]** • Wilderness 
Jeanne Miller my arguments are factual, the points in the initial post are opinion. CRANA is just as close as wilderness. I graduated from OHS and travel around the area for work daily. My daily life is far more impacted than yours is by additional stadium traffic. Permit or not the school should be allowed to make additional funds.

We are going to petition or protest against the district making additional money when they can because of some SUPER GRUMPY OLD PEOPLE, that can't handle some noise at night and additional traffic at night when you are in your house any way, which noise or traffic wouldn't impact your life. You are like many of the people who live in thurston county. You are complaining just to complain.

Once again this is about the SCHOOL DISTRICT MAKING MONEY WHICH BENEFITS OUR CHILDREN. This is not about you or your grumpy old neighborhood. It's about the SCHOOL AND THE CHILDREN, which is much more important than you, noise, or traffic.



My argument is FULL OF FACTS, not opinion like the initial post and what you responded, you opinion is a joke.

18 Oct [Like](#) [Reply](#)

 **Jeanne Miller** • CRANA 
"CRANA is just as close as wilderness." I previously lived in Wilderness. I now live in Braemar. Maybe you should study sound transmission and get back to me with some scientific facts (you're entitled to your own opinion, but not your own facts). The rest of your post exposes what kind of person you are.

18 Oct [Like](#) [Reply](#)

 1

 **[REDACTED]** • Wilderness 
Jeanne Miller sound transmission the definition of the word is pretty simple, I studied Latin missy poo. Trust me many other people are the kind of people we are. Noise for children benefit is no brainer.

You post definitely shows your character as well.

18 Oct [Like](#) [Reply](#)

From: Jeanne Miller <jamiller_studio@hotmail.com>
Sent: Sunday, November 08, 2020 9:15 PM
To: Nicole Floyd
Subject: Comments Re: Ingersoll Use Restriction Modification, File 20-3702

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Ms. Nicole Floyd
City of Olympia
Lead Project Planner

RE: File 20-3702

Dear Ms. Floyd,

I am writing in opposition to the "Ingersoll Use Restriction Modification" which has been proposed by the Olympia School District (OSD).

Opening Ingersoll Stadium to additional non-District users would not only sabotage the previous Hearing Examiners' decisions (2004, modified 2013), but it would also go against Olympia's Municipal code (OMC 18.04.02) which states in section A(3), "To maintain or improve the character, appearance, and livability of established neighborhoods by protecting them from incompatible uses, excessive noise, illumination, glare, odor, and similar significant nuisances." Ingersoll Stadium is unlike any other stadium in Washington that I know of in that it is in a zoned residential area. It should not exist where it is.

OSD cannot be trusted to maintain their internal policies regarding Ingersoll Stadium as they have changed them in the past. This is why the previous Hearing Examiners' decisions are so important. It is the City of Olympia's responsibility to protect the residential neighborhoods of which Ingersoll Stadium from "incompatible uses, excessive noise, illumination, glare, odor, and similar significant nuisances" such as the increased traffic and trash left by non-resident users of the stadium. The City of Olympia should ensure that the previous Hearing examiners' decisions remain intact to fulfill the Municipal code.

As an example of the type of person that is in support of this proposal (and which I do not want anywhere near my home in Braemar), I am including a conversation regarding OHS's proposal I recently had with a person on Nextdoor.com. If something doesn't affect their own home, some people don't care about those of us who are affected. We are not "SUPER GRUMPY OLD PEOPLE... who are complaining just to complain;" we are trying to protect our homes. Although my own children have already graduated from OHS, our neighborhoods are home to many young children of elementary through high school age. The increased traffic alone is a potential risk for these children, possibly endangering their lives. It is not worth it.

I respectfully request that the Ingersoll Use Restriction Modification proposal be denied.

Thank you.

Sincerely,

Jeanne Miller

1916 Arietta Ave SE
Olympia, WA 98501

November 8, 2020

City of Olympia
Box 1967
Olympia, WA 98507
Attn: Hearing Examiner

File No. 20-3702 Ingersoll Stadium [Identified as File No 20-0908 in Legistar]

Affidavit of Prejudice: Mark Scheibmeir

I am a party to land use File No 20-3702, the application of Olympia School District for modifications to its land use approval for Ingersoll Stadium. This file appears to be erroneously listed as File No. 20-0908 in the City's Legistar system, but the staff report is numbered 20-3702, and that is consistent with other documents in this pending request.

I file this affidavit of prejudice because it is reasonable to question the impartiality of Mark Scheibmeir concerning a party or this proceeding because he spoke dismissively of the effects of the 2004 decision by then Hearing Examiner Bjorgen that resulted in the Olympia School District restrictions at issue in File No. 20-3702. His dismissive comments about the 2004 decision were made in File No. 18-4309.

His dismissive comments were unnecessary to the issues raised and the decision made in File No. 18-4309 and that demonstrates he went out of his way to express his negative opinion about the effects of Hearing Examiner Bjorgen's decision that is central to File No. 20-3702. In particular, without testimony or findings of facts, he opined that: *"I must confess a concern about this continuing restriction on the use of Ingersoll Stadium. It appears outdated and runs a risk of cultural bias, but its continuing application to the stadium is not before the Hearing Examiner." decision appears outdated and runs the risk of cultural bias.*" File No 184309, Decision, p. 15, lines 3-5.

His gratuitous opinion, unfounded on testimony or facts, addressing an issue not before him in that docket, raises a reasonable question about his impartiality in a docket that is based on the specific objective of overturning that precedent. The burden on a party raising a question of bias is only that a reasonable question must exist, not actual bias or partiality. In this case, we have both a reasonable question of bias and a written decision that unambiguously expresses that bias.

At this writing, I am unaware of whether Mr. Scheibmeir has been appointed as Hearing Examiner in this docket. If he has been, I believe he is obligated to recuse himself

pursuant to Hearing Examiner Rules of Procedure Section 5(3), which states in pertinent part:

The Hearing Examiner should disqualify himself in any proceeding in which his *impartiality might reasonably be questioned*, including, but not limited to, instances in which:

(a) the Examiner has a personal bias or prejudice concerning a party or a proceeding; (Italics added.)

This affidavit applies only to Mark Scheibmeir, and not to any other person who may be assigned to this docket as Hearing Examiner. It is my understanding that the City has alternative hearing examiners under contract.

Respectfully submitted:

A handwritten signature in blue ink, appearing to read "Jim Lazar". The signature is fluid and cursive, with the first name "Jim" and last name "Lazar" clearly distinguishable.

Jim Lazar
1907 Lakehurst Dr. SE
Olympia, WA 98501

Public comments to City of Olympia Hearings Examiner

Re: "Ingersoll Stadium Use Restriction Modifications"

File No 20-3702, Written Comments

Jim Lazar

jim@jimlazar.com

I was a party to the 2004 docket appeal before the hearing examiner. I became a party to this proceeding following the neighborhood meeting. I remain a resident of the immediate area around the high school, and directly affected by the noise and congestion associated with Ingersoll Stadium events, and remain concerned about the attitude of the Olympia School District towards its immediate neighbors.

This land use application should be rejected for several reasons:

- 1) The Hearing Examiner decision of 2004 is not amendable. It was a compromise that allowed improvements to the stadium that enable additional events. That approval was conditioned on limiting the uses of the stadium. This careful compromise must not be overturned.
- 2) The Olympia School District (OSD) has demonstrated that it is not willing to comply fully with regulations, and given that experience, should not be granted additional flexibility.
- 3) The proposal is to enable OSD to convert Ingersoll Stadium from a "school" facility to a commercial sports and event venue. A "school" is an allowed conditional use in a residential zone. A commercial sports and event venue is NOT an allowed use. The application must be denied because the City code does not allow this type of use in this residential zone. The proper alternative for OSD to obtain the change they are seeking is to apply for a rezone of the property to a commercial use.

This docket is not about the use of Ingersoll Stadium for OSD sports events. There are limitations on noise and other factors that OSD is supposed to observe for these, but this citizen is not raising any issues related to OSD usage of the stadium for OSD events. This comment is strictly about the use of Ingersoll Stadium by non-OSD users.

The Hearing Examiner Decision of 2004

The 2004 decision addressed the request by OSD to install artificial turf and other improvements at Ingersoll Stadium. This was an awkward case for the Hearing Examiner, because there is not a conditional use permit for the stadium, only for the school. While a sports field is clearly a part of a school, a stadium is not. The Hearing

Examiner addressed this carefully, to allow the improvements, but to NOT allow increased usage of the field for non-school events.

Prior to the installation of artificial turf, there was a practical limit on the use of this sports field, because excessive usage made it unsuitable for its primary purpose, OSD competitive sports. The installation of artificial turf changed this. In the 2004 docket, citizens raised concerns about noise, demonstrated that noise had been a problem and violated city code and Department of Ecology regulations, and demonstrated that traffic and parking issues had been serious. The Hearing Examiner acted prudently.

The 2004 decision may not be relitigated. The time limit for an appeal by OSD passed long ago. This issue is *res judicata*. The Hearing Examiner recognized this in the 2013 decision:

“The matters previously decided in the Hearing Examiner's decision of May 28, 2004, have been finally decided and may not be re-litigated in this proceeding. Wenatchee Sportsmen Ass'n v. Chelan County, 141 Wn.2d (2000)”.

This decision was sound. It continues to apply today. The careful compromise – allowing modifications that would enable additional usage – balanced by a clear limit on additional usage – was a critical part of the decision by the 2004 parties and the 2013 parties to not appeal those decisions.

The District Does Not Always Respect the Neighborhood

A neighborhood school complex is a community asset, paid for by the citizens, and created primarily to provide an educational center. They are allowed in residential zones because it is desirable, for many reasons, to enable students to walk and bicycle to school, achieving other municipal goals. In other communities, including some very close to Olympia, remote location of schools means that nearly every student either rides a school bus, drives, or is driven. That is undesirable.

Another benefit of neighborhood schools is to enable community meetings to be held in the immediate neighborhood. These are normally very low-intensity events, with a few dozen attendees. In the past, schools were used as polling places, but Washington has moved beyond that archaic approach to elections.

But OSD has often engaged in actions that adversely affect the neighborhood. At least one of these was a violation of the terms of the 2004 and 2013 Hearing Examiner decisions.

There have been literally dozens of complaints to the City about violation by OSD of the sign code at the Olympia High School location. First, the district has an electronic sign, which is prohibited from changing message more than once every five minutes, or having “animated” characters. I am aware of four different individuals who have filed

complaints about this sign not being managed in accordance with the sign code, and each has submitted multiple complaints. OMC 18.43.060(C) (3).

In addition, OSD regularly posts banner-sized signs advertising for school bus drivers on the fence at the intersection of Henderson Boulevard and North Street. This is not allowed by the sign code. OMC 18.43.130(D).

Most important, OSD has violated the explicit restrictions on the use of Ingersoll Stadium, and on one occasion, that use had serious detrimental impacts on the neighborhood. This occurred on June 16, 2017.

OSD allowed the use of Ingersoll Stadium by a non-eligible user (South Puget Sound Community College). No advance notice was given to local residents or to parties to the 2004 or 2013 Hearing Examiner cases. The event greatly exceeded the capacity of the parking onsite at OSD, and spilled onto adjacent streets. No traffic management staffing was supplied by either OSD or the user, and people parked anywhere and everywhere. Vehicles were parked in the bike lane on North Street, and on the sidewalk of North Street. Vehicles were parked in a marked Fire Zone at the entrance to the high school. Attendees also parked within 30 feet of an intersection on Carlyon Street, on Pifer Street in a marked no-parking zone, and elsewhere. These violations created hazardous walking and cycling conditions for anyone trying to travel through the area.

Two photos are below, and additional photos are included at the end of this comment. These photographs were taken by me, during this event.





This documented violation event was reported to the City promptly. The City staff took no enforcement action. No parking tickets were issued, no vehicles were towed, no fine was imposed on OSD for violation of the conditions that apply to Ingersoll Stadium, and no apology was issued by OSD to local residents who were severely affected. This collective refusal to respect the rules (by OSD) or to enforce the rules (by the City of Olympia) make citizens very skeptical of any proposal to increase the flexibility allowed to OSD.

This Proposal Would Convert Ingersoll Stadium to a Commercial Recreation Facility

The flexibility being requested by the District, to allow any non-District user to use Ingersoll Stadium, would effectively convert the stadium to a Commercial Recreation facility. The code defines Recreation Facility as: *“a place designed and equipped for the purpose of sports and leisure-time activities.”* The proposed expansion of use, by an unlimited number of non-district users, converts Ingersoll Stadium into a commercial Recreational Facility.

The zoning code is very specific about Commercial Recreation facilities. They are not permitted, either as an “allowed” use or as a “conditional use” in a residential zone. OMC 18.04, Table 4.01 sets forth the allowed and conditional uses in residential zones. A Commercial Recreation facility is not a listed use in this table.

A Commercial Recreational facility is an *allowed* use in some commercial zones, and a *conditional* use in other commercial zones. OMC 18.06 sets forth the zones in which Commercial Recreation facilities are allowed. The excerpt below shows how Commercial Recreation facilities are treated in the zoning code.

Excerpt From OMC 18.06 Table 6.01, Allowed and Conditional Uses

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB
Commercial Recreation		C	P		P	P	P

Clearly this proposal would violate the existing zoning code by allowing “any” use of Ingersoll Stadium by non-district users. The Hearing Examiner does not have the authority to grant an application which directly violates the code. The code does provide a place for Commercial Recreation facilities, and that place is in commercial zones, not residential zones.

Summary and Recommendation

The Hearing Examiner should deny this request. First, the 2004 Hearing Examiner decision is res judicata, and cannot be relitigated. Second, the applicant has clearly violated the terms of the existing land use approval, and should not be granted additional flexibility. Finally, the zoning code provides a place for Commercial Recreation facilities, and these are not allowable in residential zones.

If OSD wishes to convert Ingersoll Stadium into a Commercial Recreation facility, then the appropriate action is to apply for a zoning change, to re-zone this area as an appropriate commercial zone. A zoning code change is legislative, in the hands of the City Council, not administrative in the hands of the Hearing Examiner.

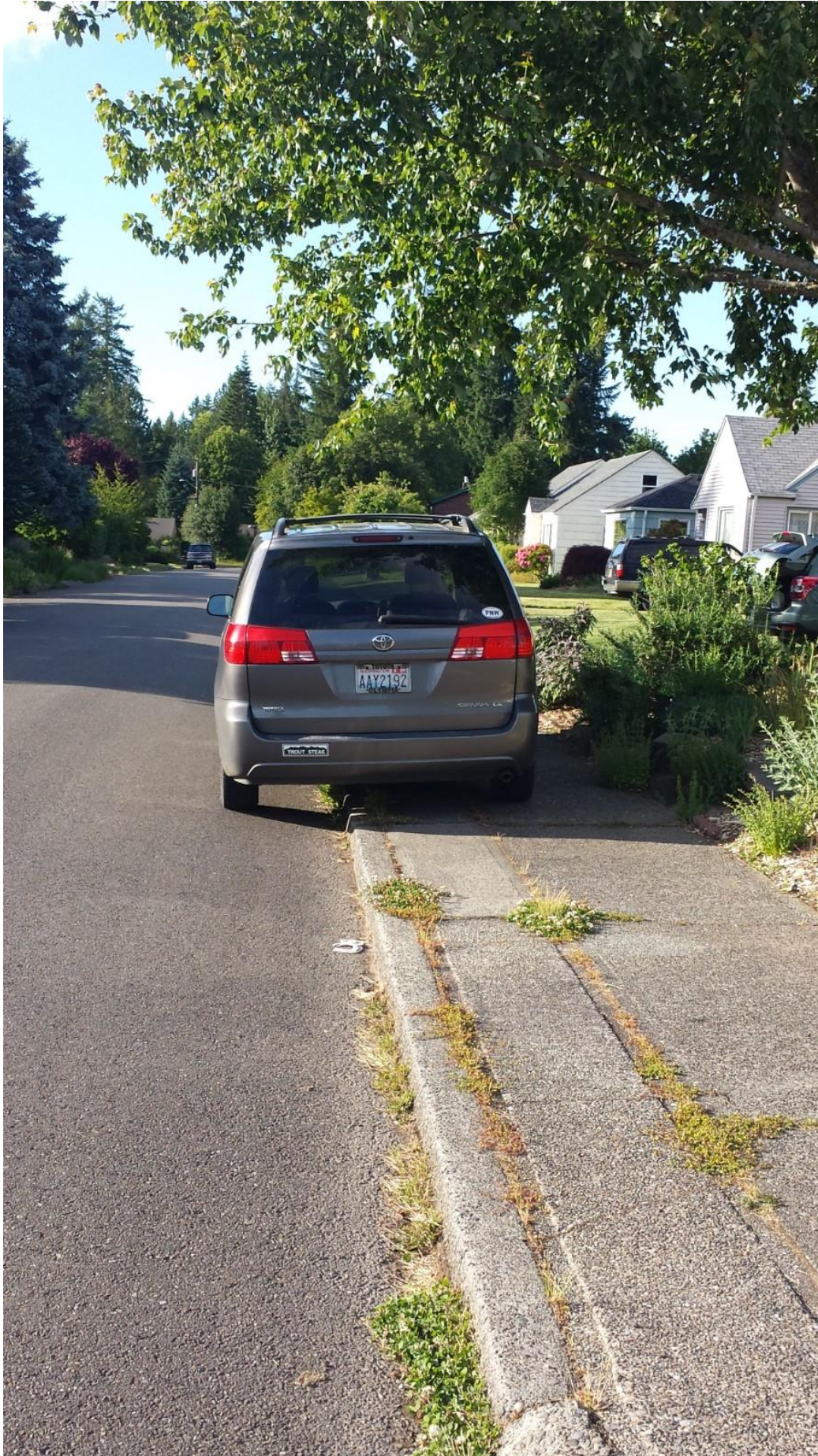
Submitted by:

Jim Lazar
1907 Lakehurst Dr. SE
Olympia, WA 98501

Additional Photos from June 16, 2017 event.







November 8, 2020

Public comments to the City of Olympia Hearings Examiner

Re: Olympia CPD File No. 20-3702, "Ingersoll Stadium Use Restriction Modifications," Written Comments

Comments of: Mary Wilkinson, PO Box 1859, Olympia, WA

The use of Ingersoll Stadium, operated by the Olympia School District (OSD), is governed by the Decision of the Hearing Examiner issued on May 28, 2004. Condition No. 1 of that decision limits which non-OSD entities may use Ingersoll Stadium.

In File No. 20-3702, OSD seeks to remove the non-District user restrictions of Condition No. 1.

Simply put, there is no legal means to achieve an alteration to Condition No. 1, or elimination of Condition No. 1.

The Hearing Examiner issued his decision of May 28, 2004, on appeal. The decision was not appealed by either the appellants or OSD. At the end of the appeal period, with no additional action taken, the contents of the Decision were final and no longer subject to change.

However, in 2013, OSD sought to change the conditions in Condition No. 1 by expanding the list of non-District users. The Hearing Examiner in that attempt affirmed the 2004 decision of the Hearing Examiner, saying the 2004 decision was not appealed, and that decision was final, and could not be re-litigated. The 2013 Hearing Examiner cited legal precedent for this decision: *"The matters previously decided in the Hearing Examiner's decision of May 28, 2004, have been finally decided and may not be re-litigated in this proceeding. Wenatchee Sportsmen Ass'n v. Chelan County, 141 Wn.2d (2000)"*.

Further, OSD did not appeal the Hearing Examiner decision of 2013, so that decision is final and may not be revisited.

It really does not matter what impact an expanded use might have on the surrounding residents, nor does it matter if current uses "run the risk of cultural bias." The conditions outlined in the May 28, 2004, Hearing Examiner decision cannot be changed.

As an aside, there is apparently some mystification in certain quarters about where the list of approved uses came from. The answer to that is easy: It came from OSD's own filings in the 2003-2004 case. OSD asserted in its filings that it had no plans to change or expand uses, that non-District uses would remain as they had been previously. OSD then listed those uses: "Thurston County Youth Football, YMCA and City Parks track meets, occasional sports clinics, and youth soccer associations." The Hearing Examiner used the OSD-supplied list of users in his decision. The City would be able to provide a copy of OSD's 2003-2004 filing to the Hearing Examiner or to anyone else interested in seeing where this list came from.

As a further aside, OSD's claim in 2003 that it had no intention of expanding uses of Ingersoll Stadium should be seen as a cautionary note related to the District's current claim that it "is not seeking to amend District Procedure 4206(C), which governs the terms of use and operation of the Stadium, or to make any other changes to how, when, and why non-District users may use the Stadium." OSD offered similar assurances in 2003, but came back in 2013 and 2020 seeking to make just such changes. OSD's project overview states, "The District also does not seek *at this time* to amend or modify any other provision of City approvals applicable to the Stadium" (Emphasis mine.)

The previous two paragraphs are offered only to provide historical perspective. In any case, the contents of Condition No. 1, Hearing Examiner decision of May 28, 2004, are not subject to change, per the findings of the 2013 Hearing Examiner decision and *Wenatchee Sportsmen Ass'n v. Chelan County*, 141 Wn.2d (2000).

From: Tom Culhane <culhane_tom@hotmail.com>
Sent: Saturday, November 07, 2020 2:02 PM
To: Nicole Floyd; Jeanne Miller
Subject: Olympia School District proposal "Ingersoll Use Restriction Modification": File Number 20-3702.

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Dear Ms. Floyd,

I am writing to state my opposition to the Olympia School District's proposal "Ingersoll Use Restriction Modification": File Number 20-3702. That modification would remove a current restriction against the use of the Olympia High School's Ingersoll Stadium by non-District users. By opening the stadium to unlimited non-district use there would be a significant undermining of the Hearing Examiner's ruling from 2004, and modified in 2013.

The OSD proposal would not simply "modify" the Land Use Approval of 2004, it would scrap a critical condition of the Hearing Examiner. That condition provided some level of protection to the people who live in the residential zone near the OSD sports facility. Section A(3) of the Olympia Municipal Code 18.04.020 was created "To maintain or improve the character, appearance, and livability of established neighborhoods by protecting them from incompatible uses, excessive noise, illumination, glare, odor, and similar significant nuisances." By removing the land use condition that excludes use of Ingersoll Stadium by non-district groups it is likely that the "character, appearance, and livability" in our residential zone will be significantly diminished. As you know, there have been significant issues with noise, lights and parking at Ingersoll Stadium in the past even under the current Hearing Examiner restrictions. If one of the most important of those restrictions is now removed, it stands to reason that those problems will only get worse,

We live in the Brae Mar Tract and are one of the many families living near the school in the direct line of fire of the noise generated by Ingersoll Stadium. When we purchased our home, we bought into a residentially zoned neighborhood. We knew we were going to live next to two schools and are quite willing to put up with noise from school activities. However, the proposed change would make the stadium a defacto recreational facility and that is not appropriate for a residentially zoned area. Increased noise from the stadium would be a major problem - particularly during events when the PA system is on.

The current compromise with regard to Ingersoll Stadium is designed to strike a balance between reasonable stadium use and protection of livability of surrounding neighborhoods. For that reason I oppose now jeopardizing that balance by opening up the stadium to non-district use.

Sincerely,
TomCulhane

1916 Arietta Avenue SE
Olympia, WA 98501

From: TS Wilcox <tswilcox@gmail.com>
Sent: Monday, November 09, 2020 3:30 PM
To: Nicole Floyd
Subject: Ingersoll Stadium

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To all concerned.

Our family residence is directly across from the North Parking lot on Carlyon. We purchased when our Kids were still at Washington Middle School knowing they would be attending OHS in the future.

The only noise and traffic issues that truly occur are during morning and afternoon pickup/dropoff times on school days. The construction for the expansion was definitely more disturbing than any school activities that occur. We truly miss the Marching Bands coming out of the lot and down the road to the stadium.

We have attended games of football and soccer, but Lacrosse at Ingersoll would be an amazing experience. We travelled to lots of schools for Lacrosse while my son played and it is disappointing that residents of a neighborhood who do not have children that attend would prevent Olympia Lacrosse from having a Home Field.

--

Thank You,

Trevor S. Wilcox

From: ZWB <zandrabrown@comcast.net>
Sent: Saturday, November 07, 2020 1:49 PM
To: Nicole Floyd
Subject: Ingersoll Hearing file No. 20-3702
Attachments: Ingersoll hearing testimony Nov. 9, 2020.doc

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Greetings Nicole: I would like to testify at the Hearing on Monday Nov. 9, 2020 regarding Ingersoll Stadium file no. 20-3702. However it appears reading a document and dealing with Zoom, are presenting me with a few challenges due to my visual impairment. After looking at several options, I feel that using my screen reader program to read my testimony document is going to be the best way to deal with this. Screen readers are not always totally easy for people who are not familiar with them to understand though. So, I have attached my testimony document to this email. If you could please give a copy of this document to the Hearing Examiner so that he can follow along with the screen reader app as it "reads" the document, I would appreciate it. Thank you in advance. Zandra Brown

Nov. 9, 2020

Testimony for Hearing, Ingersoll Land use modification, removal of a condition.
File No. 20-3702

Thank you for allowing me to share my comments and concerns regarding the request to remove a key condition placed on the land use request for Ingersoll Stadium in 2004 by the City Hearing Examiner at the time.

We have lived in the first row of homes directly to the east of Ingersoll Stadium for over 28 years. The Olympia School District (OSD) stadium is closely surrounded on all sides by homes, and is in a residentially zoned neighborhood. This is unlike most other stadiums which are in areas zoned mixed use or commercial, like Tumwater and north Thurston School districts.

Ingersoll Stadium has expanded incrementally in a piecemeal manner over many years, from a small Stadium for Olympia high school football only, to the big complex it is today, serving all of OSD. Because of this piecemealed incremental expansion, there was never a conditional use permit (CUP) established for the stadium facility. OSD has ignored requests to establish a CUP over the years for Ingersoll. In 2004 OSD wanted to install Artificial Turf to the field and make other expansions and changes to Ingersoll Stadium facilities. This was going to expand the amount of events that could be held at the Stadium from around 100 a year, to 500 a year, a five-fold increase. It was estimated at the time that OSD only needed the Stadium for approximately 100 events per year, and they planned to rent the facility out to private users for the remaining events. Because of past abuses to the neighborhood by private users, and the absence of a CUP for the facility, as well as the large expansion of private user events the artificial turf would afford, the Hearing Examiner put conditions on the Land Use agreement in his ruling of May 2004. This was done to protect the livability of the neighborhood. OSD did not appeal this ruling. In 2013 OSD brought this issue forward again. The Hearing Examiner affirmed the decision of the 2004 ruling, stating that "the matters previously decided in the Hearing Examiner's

decision of May 28, 2004 have been finally decided, and may not be re-litigated in this proceeding” The Hearing Examiner went on to cite law precedence with *Wenatchee Sportsmen Association v. Chelan County* from 2000. OSD again did not appeal the decision. I assert the same situation should apply to this proposal regarding these proceedings.

The latest OSD proposal would remove one of those key conditions by expanding the current list of youth sports private groups that have access now to Ingersoll Stadium for rental events. Instead, OSDs latest proposal is to remove that neighborhood protection, and allow all unlimited private user groups. Before the limits were established through that condition by the 2004 Hearings ruling the stadium had more limited ability of events per year, but OSD rented the facility to dog shows, fundraising events, religious rallies, senior and adult sporting events, as well as youth sports. In 2003 an OSD official was quoted in the local newspaper as saying he saw Ingersoll Stadium as a southwest Washington regional hub, and a real moneymaker. I feel that OSD is still trying to achieve that goal, in a residentially zoned neighborhood closely surrounded by homes. OSD added a second artificial turf field behind Ingersoll stadium this year, and was granted permission to rent this second field out to all unlimited non-district private users. If the proposal before you is approved at Ingersoll Stadium, that would expand the potential use to 1,000 events a year, and the majority would be private user groups in a residential zoned neighborhood. That is approximately 900 more events a year than was allowed when we purchased our home. I feel the much expanded frequency of use will result in large increases in traffic, noise and light pollution, garbage, vandalism and neighborhood parking issues, and this would all have a major impact on the livability of our residentially zoned neighborhood.

Regarding Olympia Municipal Code references for residential neighborhoods; 18.04.020 States

A. The general purposes of the residential districts contained in this chapter are as follows:

3. To maintain or improve the character, appearance, and livability of established neighborhoods by protecting them from incompatible uses, excessive noise, illumination, glare, odor, and similar significant nuisances.

In reference to "Recreational Facilities" in the OMC under *18.04.060 - Residential districts' use standards, T. Parks and playgrounds, 4. Conditional use requirements*. In this reference, there are guidelines on "Recreational Facilities" that state "The Hearings Examiner shall approve recreational facilities only if the proposed facility will not have a significant adverse effect on the immediate neighborhood ". It also states that such a facility should be properly sited and screened.

In light of the fact that OSD plans to rent and loan the facility as a community recreational resource, separate from school use, I feel a City Hearing Examiner should be evaluating this not as school use, but instead as public private group use of a recreational facility, and the O.M.C. governing that type of use should apply.

In the usual piecemealed fashion that OSD has dealt with Ingersoll Stadium in the past, I have little doubt that if they are allowed to rent Ingersoll Stadium to All private user groups without restrictions, that they will go to the Site Plan Review Committee in short order to have restrictions removed to the 4260P (C) that governs use of the PA system, hours of operation, etc.

In conclusion I urge you to consider that this issue has been decided twice before at the Hearing level, was not appealed by OSD, and the decision was deemed final. The condition to protect the livability of the residential neighborhood surrounding Ingersoll Stadium by limiting private user groups should stand. And, access to the youth sports groups designated in the 2004 ruling should be the only private user groups at Ingersoll Stadium, especially considering the second artificial turf field installed this summer, which will be open to unlimited private users.

From: Brian Butler <brianbutler@mixon96.com>
Sent: Monday, November 09, 2020 9:52 AM
To: Nicole Floyd; jpriddy@osd.wednet.edu
Subject: Expansion of Ingersoll Stadium use totally inappropriate

Importance: High

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To whom it may concern;

As a resident of the Cain Road area of Southeast Olympia, I vigorously oppose the proposed expansion of use of Ingersoll Stadium for non-district and private use. The siting of William Winlock Miller (Olympia) High School in a totally residential neighborhood was controversial when originally proposed, but the school district worked with neighborhood advocates to come to a compromise.

To attempt to expand on the original agreement that the school would be used for only school and occasional non-profit activity (ex - churches renting the Commons for services and the like) calmed the fears of fundamentally changing the character of the neighborhood.

With expanded development to the south along Yelm Highway and gradual fill of vacant land to become more residential neighborhoods between 22nd & Yelm highway, traffic has already fundamentally changed in the area, as people that do not live in SE Olympia use the streets intended to be neighborhood streets as arterials. Cain Road has become increasingly dangerous, as there is sidewalk on only one side, and traffic on the road routinely flouts the 25 mph speed limit. I have observed speeds up to 55mph on Cain between North and Eskridge just about every day. Aside: to have Cain Rd marked as a passing zone, especially so close to Washington Middle School, is out of line and invites aggressive driving.

If more events are allowed at Ingersoll, the character of the neighborhood will change dramatically :

- 1) **Light Pollution;** the stadium lights disturb people, animals, and birds.
- 2) **Traffic** - gridlock after events will certainly happen. To exit Ingersoll stadium parking areas North Street, Cain Road, Log Cabin Road, and Henderson Blvd will all be severely impacted. These streets were designed to be neighborhood streets; they are not meant to be arterials and lack appropriate flow infrastructure such as signals, crosswalks, sidewalks, and roundabouts to handle traffic surges and maintain safety to neighborhood residents.
- 3) **Parking problems;** Olympia High has less parking due to construction than it previously had especially in the area of Ingersoll Stadium. Many streets in the neighborhood were developed under different standards than today's and most lack appropriate flow infrastructure including sidewalks and width to allow parking on one or both sides of the street. Where will people park for these events? How will they safely get from parking to the stadium?

This is a residential area that the school district promised to do everything it could to keep the character, livability, and safety of the surrounding neighborhoods. How can the district justify abandoning their promise? Do they think everyone has forgotten?

The tax base of this neighborhood is quite high; we live in a modest 2000 sf home - our taxes are well over \$5k per year, the bulk of which goes to the school district. The area routinely approves levy requests as we know education is important. **To abandon community relations in this way is a serious slap in the face.**

City of Olympia: from a planning standpoint, this is nonsense. The area simply does not have the infrastructure to support such increased use. The city's own "vision" for the next 20 years includes at least 10 infrastructure projects in the immediate neighborhood. City documents state these improvements are designed to bring the flow needs of the neighborhood up to date. *The city already recognizes the area's limitations, to approve even more stress is just plain stupid.*

Finally, the City is in the process of developing the Spooner Parcel on Yelm Highway approx 2 miles from Ingersoll. This area already has the transportation infrastructure in place to handle increased activity. Isn't it the goal of planning to maximize proper use of developed areas and maintain the integrity and character of residential communities? How the planning department could even consider expansion of use at North/Henderson when it's own plans already identify the infrastructure as inadequate in the area is patently absurd.

Respectfully,

Brian Butler
3419 Newbury Ct SE
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(360) 951-3313