

November 8, 2020
Ingersoll Stadium Use Restriction Modifications
File No 20-3702
Written Testimony to Hearings Examiner
Submitted by Karen Messmer

I am a resident of the nearby neighborhood to the stadium. I walk and cycle regularly around the stadium site. I can hear sound from stadium events while inside and outside of my home. The request by the District will intensify noise and traffic disruption beyond current levels. Their request leaves the school district to decide on further changes to this intensity. The City has a responsibility to protect residential areas from noise and disruption and therefore this request must be denied or carefully conditioned in order to assure that protection.

The City of Olympia has held extensive outreach processes for the Comprehensive Plan and has adopted Municipal Code details to implement that Plan. These documents should hold weight in this decision. As resolved by the Court of Appeals in the DR Horton / Trillium appeal, the Comprehensive Plan is the controlling document where there may be inconsistencies between the development code and the Comprehensive Plan. [No. 43300 -1 – II; September 24, 2013]

What direction does the Olympia Comprehensive Plan provide for this request to change limitations on use of Ingersoll Stadium?

The Olympia Comprehensive Plan is a statement of the values, goals, and policies that guide development. The District's request is a change to the development of the stadium by virtue of intensifying the use. The attached Comprehensive Plan statements clearly point to keeping specific limits on the stadium use: (For context see attached *Land Use and Urban Design* Chapter excerpts.)

We Envision

Spaces that are safe and pedestrian-friendly

Places for quiet residential uses, and places where economic activity is emphasized

If the school district is not restricted to contain the days, hours, and number of uses of the stadium the noise from events will inevitably increase. Existing noise from district sponsored activities is part of normal school operations (although it is doubled up in this location, because both Olympia High School and Capital High School use Ingersoll Stadium for football games). Without restrictions, the District could change their rules and that would increase noise.

This change also has the potential, because of increased motor vehicle traffic, to make the area surrounding the stadium less safe and friendly for people to walk. The traffic analysis for this change does not take into account the potential that the District could increase uses by simply changing their rules. The traffic analysis also did not address safety for those who walk and cycle near the stadium. Increased traffic in and out of the stadium parking and around the surrounding area will make it less safe and less friendly for people who walk and cycle.

What does the Municipal Codes describe for residential zones?

Residential Districts 18.04.020 Purposes

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

- 1. To provide a sustainable residential development pattern for future generations.*
- 2. To encourage development of attractive residential areas that provide a sense of community and contain a variety of housing types to accommodate different lifestyles and household sizes.*
- 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.*

Clearly more intensive use of the stadium has potential to result in excessive noise, illumination and glare. The school has violated the existing conditions and other city codes and should not be allowed to regulate itself to avoid these impacts.

What code restrictions apply for similar uses within residential zones?

Further intent for residential zone uses can be found in the restrictions for parks and playgrounds contained in 18.04.060 Residential districts' use standards. In this case the restrictions apply to Neighborhood Parks but they reflect a intent to limit the intensity of sports uses within a residential zone. The City clearly intends to control any intensity of uses of this type through conditional use processes. Allowing the District to control the intensity of use would not be in keeping with this intent.

18.04.060 Residential districts' use standards Revised 11/19

T. PARKS AND PLAYGROUNDS.

1. Neighborhood Parks. Neighborhood parks are allowed as permitted uses in the districts specified in Table 4.01, provided they comply with the following provisions. Proposed parks which do not comply with these provisions shall be processed as conditional uses.

a. The proposed park will not contain athletic fields which are lighted or designed for organized, competitive team sports (e.g., regulation size softball or soccer fields).

b. The proposed park site does not abut a convalescent/nursing home or hospital, except where the facility's administrator indicates in writing that such a park would be compatible with the use.

c. The park will close by 10:00 p.m.

d. The park will contain no more than ten (10) parking spaces.

e. The park will be no larger than ten (10) acres.

The City should control the intensity of uses for the stadium in keeping with the Comprehensive Plan and Municipal Code.

The School District needs to have specific limits applied through their permit. The District describes a set of rules that they apply to stadium users but those could be changed at any time by the district. We are relying on their word rather than a specific condition on their permit. The City has an obligation to protect neighboring residents from excess noise and disruptions.

This stadium has been in operation for many years so some level of use is expected. We have experienced the 'typical' use of the stadium which does involve some disruption, but increasing that would result in a level of noise that makes this area less a residential area and more like a commercial or industrial zone. Daily noise and traffic disruption is likely to occur with increased stadium use.

The District allowed an event in 2017 that over-filled the parking capacity resulting in illegal parking on a number of surrounding streets. Some of this included damage to the planter strip along North Street. This was the SPSCC graduation. I use this as an example because I frankly don't trust the school district to enforce restraint on future stadium users that will prevent this from happening again. And with reduced restrictions on user groups, this type of overflow and disruption could become a common occurrence. Simply pointing to their own rules does not offer trust in the District because they have violated those rules and they can change them without City oversight.

Traffic at the North and Henderson intersection is already deemed an 'exception' area where there is little more the City can do to relieve traffic congestion. Increased use at the stadium is inevitably going to exacerbate that problem. The traffic study submitted by the District indicates no impacts, but that is under current rules, which the District could change immediately after approval of this use change.

I support school related sports events at the stadium. I want our students to have opportunity to participate in all types of sports. The Hearings Examiner must restrict the use of the stadium to protect the neighborhood from increases in noise and creation of hazardous walking and cycling conditions.

Attachment to Messmer Testimony – Comprehensive Plan and Municipal Code Details.

Olympia Comprehensive Plan

Land Use and Urban Design Revised 10/18

What Olympia Values:

Olympians value neighborhoods with distinct identities; historic buildings and places; a walkable and comfortable downtown; increased urban green space; locally produced food; and public spaces for citizens in neighborhoods, downtown, and along our shorelines.





Our Vision for the Future:

A walkable, vibrant city.

Read more in the [Community Values and Vision](#) chapter

Introduction

How we choose to live within, and how we alter, our landscape is critical to our quality of life, and to whether that quality of life can be sustained and improved.

The State's 1990 [Growth Management Act](#)   called for Olympia to establish land use designations and densities sufficient for at least 20 years. The [County-Wide Planning Policies](#)   adopted by Thurston County and its seven cities in 1993 describe a common goal of concentrating growth in the urban areas "in ways that ensure livability, preservation of environmental quality and open space, varied and affordable housing, high quality urban services at least cost, and orderly transition of land from County to City." We can choose to isolate land uses and neighborhoods, or blend them into a single vital community. We can create spaces separated by long travel distances, or provide for a variety of experiences in each part of the city. We can choose to use land efficiently for recreation, housing, and business while setting aside selected areas for open space and communing with nature, or we can create homogenous subdivisions and isolated commercial areas. We can employ architecture and landscaping reflecting Olympia's unique and historic character, or we can build places with little regard to the local landscape and climate. These choices will determine Olympia's form for many generations.

Our community seeks to:

- Encourage development in urban areas where public services and facilities are already present.
- Phase urban development and facility extension outward from the downtown area.

- Establish land use patterns that ensure residential densities sufficient to accommodate 20-years of population growth.
- Focus higher residential densities downtown, along urban corridors, and near neighborhood centers.
- Employ innovative development techniques that create a better community.

Olympia's "[Urban Design Vision and Strategy](#)," appreciation of the area's history, and sustainable community philosophy all provide additional direction for this chapter. In particular, the sustainability policies call for us to consider the long-range implications of our land use decisions and to provide for a pattern of development that can be sustained and enjoyed by future generations.

For example, mixed-use 'villages' and opportunities for residential development in commercial areas provide for increasing residential densities by blending land uses. By enabling less reliance on automobiles, by providing for compact development that requires less land, by efficiently providing streets, utilities, and services, and by establishing development densities and site designs that protect environmentally sensitive areas and reflect the capacity of natural systems, we can provide a quality community for coming generations.

We envision:

- Spaces that are safe and pedestrian-friendly
- Development that minimizes harm to the environment
- Densities and land use types consistent with many types of transportation
- Places for quiet residential uses, and places where economic activity is emphasized
- Walkable neighborhoods with unique centers and identities
- Development that complements the historic character of the community

Municipal Code – from on line version as of Oct. 29

Chapter 18.04

RESIDENTIAL DISTRICTS Revised 11/19 Revised 7/20

18.04.000 Chapter Contents

Sections:

[18.04.020](#) Purposes.

[18.04.040](#) Permitted, conditional, and prohibited uses.

[18.04.060](#) Residential districts' use standards. Revised 11/19

[18.04.080](#) Residential districts' development standards. Revised 11/19 Revised 7/20

[18.04.090](#) Additional regulations.

18.04.020 Purposes

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

1. To provide a sustainable residential development pattern for future generations.
2. To encourage development of attractive residential areas that provide a sense of community and contain a variety of housing types to accommodate different lifestyles and household sizes.
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.
4. To establish a compact growth pattern to efficiently use the remaining developable land; enable cost effective extension and maintenance of utilities, streets and mass transit; and enable development of affordable housing.
5. To enable community residents to reside and work within walking or bicycling distance of mass transit, employment centers, and businesses offering needed goods and services in order to reduce traffic congestion, energy consumption, and air pollution.
6. To provide for development of neighborhoods with attractive, well connected streets, sidewalks, and trails that enable convenient, direct access to neighborhood centers, parks, and transit stops.
7. To ensure adequate light, air, and readily accessible open space for each dwelling unit in order to maintain public health, safety, and welfare.
8. To ensure the compatibility of dissimilar adjoining land uses.
9. To protect or enhance the character of historic structures and areas.
10. To provide residential areas of sufficient size and density to accommodate the city's projected population growth, consistent with Section [36.70A.110](#), RCW.
11. To preserve or enhance environmental quality and protect ground water used as a public water source from contamination.

12. To minimize the potential for significant flooding and allow recharge of ground water.
13. To allow innovative approaches for providing housing, consistent with the policies of the Comprehensive Plan.
14. To ensure that development without municipal utilities is at a density and in a configuration that enables cost effective urban density development when municipal utilities become available.

18.04.040 Permitted, conditional and prohibited uses

A. Permitted and Conditional Uses. Table 4.01, Permitted and Conditional Uses, identifies land uses in the commercial districts which are permitted outright (P) or subject to a Conditional Use Permit (C). The applicable requirements for these uses and activities are identified by a number referencing the list of use regulations under Section [18.04.060](#), Use Standards. Numbers listed under the heading Applicable Regulations apply to the corresponding land use in all of the residential districts. Regulations that pertain only to a specific use in a specific district are identified by a number in the space corresponding to that use and district. (Also see Section [18.04.080](#), Development Standards, and Chapter [18.48](#), Conditional Uses.)

B. Prohibited and Unspecified Uses. Land uses which are not listed in Table 4.01 as permitted or conditional uses are prohibited. However, the Director of Community Planning and Development may authorize unlisted uses consistent with Section [18.02.080](#), Interpretations.

In addition to those uses prohibited by Table 4.01, the following uses are prohibited in these districts:

1. All Residential Districts.
 - a. Adult oriented businesses (see Chapter [18.02](#), Definitions).
 - b. Mobile homes, except in approved mobile home/manufactured home parks or when used as emergency housing or contractors' offices consistent with Section [18.04.060](#)(EE), Temporary Uses.
 - c. Habitation of recreational vehicles.
 - d. Junk yards.
 - e. Uses which customarily create noise, vibration, smoke, dust, glare, or toxic or noxious emissions exceeding those typically generated by allowed uses.
 - f. Secure community transition facilities.

18.04.060 Residential districts' use standards Revised 11/19

T. PARKS AND PLAYGROUNDS.

1. Neighborhood Parks. Neighborhood parks are allowed as permitted uses in the districts specified in Table 4.01, provided they comply with the following provisions. Proposed parks which do not comply with these provisions shall be processed as conditional uses.

a. The proposed park will not contain athletic fields which are lighted or designed for organized, competitive team sports (e.g., regulation size softball or soccer fields).

b. The proposed park site does not abut a convalescent/nursing home or hospital, except where the facility's administrator indicates in writing that such a park would be compatible with the use.

c. The park will close by 10:00 p.m.

d. The park will contain no more than ten (10) parking spaces.

e. The park will be no larger than ten (10) acres.

Chapter 18.06

COMMERCIAL DISTRICTS Revised 11/19 Revised 7/20

18.06.000 Chapter Contents

Sections:

[18.06.020](#) Purposes.

[18.06.040](#) Permitted, conditional, and prohibited uses.

[18.06.060](#) Commercial districts' use standards. Revised 11/19 Revised 7/20

[18.06.080](#) Commercial districts' development standards (General). Revised 7/20

[18.06.100](#) Commercial districts' development standards (Specific). Revised 7/20

[18.06.120](#) Additional regulations. Revised 11/19 Revised 7/20

18.06.020 Purposes

A. The general purposes of this Chapter are as follows:

1. To provide appropriate commercial areas for retail and service establishments, neighborhood convenience and office uses required by residents of the City in a manner consistent with the Comprehensive Plan.

2. To provide employment opportunities for existing and future residents of the City and those of adjacent communities.

3. To provide for land uses which meet the needs of and attract regional populations, in addition to local residents.
4. To provide adequate space to meet the needs of commercial development, including off-street parking and loading.
5. To protect commercial and adjacent areas from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences.
6. To provide for an intensity of development and activity within commercial areas which will increase their vitality, facilitate mass transit, and make better use of available infrastructure.
7. To accommodate a balanced mix of commercial, residential, and recreational uses in commercial areas which will enable people to live, shop, work, and play within walking distance; thereby reducing dependence on motor vehicles and potentially reducing traffic congestion, energy consumption, and air pollution.
8. To establish standards for the development of commercial areas which will make them easily accessible and inviting for pedestrians, bicyclists, and transit riders, as well as motorists.
9. To establish guidelines for the design of commercial areas which will improve their appearance, function, and appeal.