

**CITY OF OLYMPIA HEARING EXAMINER  
STAFF REPORT**

**Hearing Date:** November 9, 2020

**File Number:** 20-3702

**Project Name:** Ingersoll Use Modification

**Applicant:** Olympia School District

**Representative:** Tricia Nicholas of Olympia School District

**Project Location:** 1302 North Street SE

**SEPA Determination:** DNS issued on September 8, 2020; no appeals filed.

**Zoning Designation:** Residential 4-8

**Comp. Plan Designation:** Low Density Neighborhood

**Public Notification:** Notice of Application: Sept. 23, 2020  
SEPA Decision: September 8, 2020 (Issued and noticed by the Olympia School District). Notice of Public Hearing: Published in the newspaper – Sept. 25, 2020; Adjacent property owners and applicable agencies – Sept. 23, 2020; Previous parties or Record October 5, 2020. Site posting Oct. 23, 2020.

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**Request Action:** Proposal is to amend the Land Use Approval from 2004 by eliminating a condition of approval added by the Hearing Examiner that limits non-district user groups at Ingersoll Stadium. No change is proposed to the hours of operation nor anything in District Procedure 4260P(C) which governs the terms of use and operation of the stadium.

**Documents Reviewed:** 2004 Land Use Approval for Ingersoll Remodel, 2004 Appeal Decision of the Ingersoll Remodel Land Use Approval, 2013 District Policy Modification Hearing Examiner Decision, 2019 School Expansion Conditional Use Permit Hearing Examiner Decision, Applicant Narrative, Traffic Analysis, SEPA DNS and Checklist.

**Site Plan Review Committee (SPRC) Recommendation:** The Site Plan Review Committee recommends that this request by the applicant be forwarded the Hearing Examiner for consideration.

**BACKGROUND INFORMATION:**

The project is located in a developed residential neighborhood. The school was built in the late 1950s to early 1960s and the stadium was built in 1968. The site remained mostly un-changed until late 1990s when a series of updates and expansions were completed. Of those updates, the one that received the most community attention was the 2003 Land Use Application for site upgrades which included the remodel of Ingersoll Stadium. The project received Conditional Land Use Approval in 2004 by the Site Plan Review Committee (SPRC). The approval was then appealed to the Hearing Examiner due to concerns about potential impacts of the project beyond the site. Topics addressed in the appeal generally included concerns about noise, lighting, traffic, and permit process. The Examiner's decision (Attachment 7) supported the City's decision granting Land Use Approval and added several conditions

to ensure code compliance.

One of the conditions of approval added by the Examiner requires the School District to obtain approval from the City prior to amending the policies guiding the use of Ingersoll Stadium (District Procedure No. 4260P(c)) (Attachment 10). This was required because of the integral role those policies play in ensuring code compliance related to lighting, noise, hours of use, etc. The District applied for an amendment to those policies when upgrading the lighting system in the fall of 2004, shortly after the Land Use Approval appeal hearing. The revisions were viewed as non-substantive by the SPRC and were therefore approved without notice to the neighborhood. An appeal was filed in 2012 because of the lack of community outreach. The Hearing Examiner conducted a public hearing and approved the modifications in 2013 (Attachment 9). This Hearing Examiner decision provided additional conditions of approval intended to ensure that future modifications to the District Policy would be distributed to all residents within 1,000 feet of the stadium.

In 2019 the School District was granted a Conditional Use Permit for an expansion of the school collectively containing 36,000 square feet of additional space. Upgrades including synthetic turf and lighting to the practice field adjacent to the Stadium were proposed. The issue regarding user groups was a point of interest at the public hearing as some members of the community wanted the restriction on user groups to apply to the practice field and others wanted the restriction to be lifted. The restriction was not added to the practice field at that time, but conditions of approval were added to ensure the practice field would be regulated by the same district policies regulating Ingersoll Stadium and limiting event use.

#### **REGULATORY FRAMEWORK:**

This project is an amendment to a previously approved project. Pursuant to OMC 18.60.180, the “amendments” section of the Land Use Review and Approval Chapter, a project approved by the Director, Hearing Examiner, or City Council may be amended at the applicant’s request by the same procedures provided under this chapter for original application approval. The original application was reviewed and conditionally approved by the SPRC. The condition of approval being requested to be removed was not recommended by the SPRC, rather it was added later by the Hearing Examiner upon appeal of the SPRC decision. The Hearing Examiner is the appropriate authority to evaluate if the condition of approval remains necessary to ensure code compliance. The SPRC, on behalf of the Community Planning and Development Director recommends the Hearing Examiner review the proposal and make a decision.

The SPRC has reviewed the proposal for consistency with the standards and provisions of the city of Olympia as expressed in the various adopted plans and ordinances as outlined in OMC 18.60. The Committee found the project to be in compliance with these standards as it does not represent an expansion of use nor does the project represent a significant change from the initial proposal reviewed in 2004. Many code sections within the Municipal Code are intended to address physical site changes, which this project does not propose and therefore most sections are not applicable. This report will address code compliance in relation to the Comprehensive Plan and the Olympia Municipal Code (OMC) and all other applicable City development standards.

**COMPREHENSIVE PLAN:** Generally, the project is in compliance with the goals and policies of the Comprehensive Plan. The following citations reflect this compliance:

GS2: Neighborhoods are strong due to partnerships between residents and schools.

- PS2.1 Encourage school districts to retain their existing sites, as the schools are critical to maintaining a strong and healthy neighborhood.
- PS2.2: Promote sharing school facilities for neighborhood parks, recreation, and open space.

#### **OMC TITLE 14, ENVIRONMENTAL PROTECTION:**

The Olympia School District is acting as the lead agency and issued a SEPA Determination of Non-Significance on September 8, 2020 with an appeal period of September 24, 2020 pursuant to WAC 197-11. The Olympia School District did not receive an appeal.

#### **UNIFIED DEVELOPMENT CODE, TITLE 18:**

- 1) Permitted Uses Standards – OMC Table 4.01 & 18.04.060(cc): The project is located in the Residential 4-8 zone, which allows for schools as a conditional use. The school and stadium were constructed in the 1950-1960s. As this is not a new school, nor an expansion the City does not believe a new land use or conditional use permit is applicable. If the project were seen as a minor expansion (less than 10%) it would be processed as a land use application as outlined in OMC 18.04.060(cc). Expansions greater than 10% are typically processed as Conditional Use Permits.
- 2) Applicable Development Standards OMC 18.04.080: As the project does not include any new construction, these provisions related to dimensional standards such as setbacks, height, maximum building coverage and impervious surface limits are not applicable.
- 3) Landscaping, OMC 18.36: The proposal does not include any landscaping and is exempt from landscaping requirements as outlined in OMC 18.36.040.
- 4) Parking OMC 18.38: This does not include new parking or modifications to existing parking. The project is exempt from compliance with the parking chapter because it does not meet the applicability section. Pursuant to OMC 18.38.060(a) parking requirements must be addressed when a building is erected, relocated, or expanded; when a use is changed or when the existing onsite parking is being modified. This proposal does not change the maximum occupancy of the stadium, the number of events that can occur at any given time, nor any other aspect that would trigger parking requirements. The conditions of approval from 2004 Land Use Approval and Appeal related to parking management onsite remain applicable.
- 5) Engineering Design and Development Standards (EDDS) Review: This proposal has been reviewed for compliance with the following: OMC, Title 12 and 13, including the Olympia Development Standards, Engineering Design and Development Standards (EDDS), December 2016 Edition, Storm and Surface Water Utility, and the Drainage Manual and Erosion Control for Olympia (DDECM), 2016 (Manual). The site is currently designed to ensure adequate provisions for water, sewer, storm drainage, solid waste, street lighting, frontage improvements and traffic safety. The proposal does not trigger upgrades to any of these facilities or infrastructures and is exempt from engineering construction permits as no construction is proposed.

- 6) Traffic: The City reviewed the Trip Generation Assessment submitted by the applicant with the proposal (Attachment 2). The assessment includes, but is not limited to, the following analysis which is intended to provide an assessment of the anticipated traffic impacts from the expansion of user groups allowed:

#### TRIP GENERATION

Trip generation can be defined as the number of vehicles entering and exiting a site for a particular time period. Data presented in this memo was obtained from the Institute of Transportation Engineer's publication (ITE) *Trip Generation*, Tenth Edition. Based on the scope of the proposed development, Land Use Code 488 – Soccer Complex was found to be most representative of projected Ingersoll Stadium use. While other sporting events may take place, youth club soccer has been the primary historic non-District user of Ingersoll Stadium. The independent variable "fields" was applied for trip generation estimates. To account for potential additional use and provide a level of conservatism, the two sports fields at Olympia High School (Ingersoll Stadium and the new synthetic practice field) were considered as three fields. This assumption reflects that one of the fields may be split in half for concurrent use as what may be seen for additional practice use. This approach has an additional layer of conservatism given that the practice field, permitted as a part of the 2019 OHS project, replaced an existing field on the OHS campus and use of that field is not permitted concurrently with events at the Stadium.

Table 1 below summarizes the estimated traffic demands associated with the three fields during the weekday PM peak hour. As this analysis reflects non-district use, time periods when the fields would be utilized are likely to occur following the 3:00-6:00 PM timeframe with little to no school activity overlap.

Table 1: Project Trip Generation

Land Use	Number of Fields	PM Peak-Hour Trips		
		In	Out	Total
Soccer Fields	3	32	17	49

The City's Transportation Engineer found that the proposal to eliminate the user group limitations would not result in a significant impact on traffic. The analysis conservatively assumes traffic will use one driveway onto North Street. The Level of Service (LOS) analysis at the one driveway is LOSC for vehicles exiting the parking lot. The standard threshold for an acceptable LOS is D. Further the closest signalized intersection is Henderson Boulevard and North Street which will continue to operate at an acceptable LOS B. The newly installed compact roundabout will also remain at a LOS B.

- 7) Public Notice OMC 18.78: Specific notification requirements are applicable for different steps of the permit process. These steps are spelled out in OMC 18.78, and the requisite notice was required as outlined below. Notice was properly given for the Notice of Application, Neighborhood Meeting and Notice of Public Hearing as follows:

- Sept. 23, 2020: sent notice to all property owners within 1,000' of the project site as well as to all applicable agencies all nearby neighborhood associations and on the City's website.
- Sept. 25, 2020: Notice of Public Hearing was published in the Olympian.
- Oct. 5, 2020: Notice of Application and Hearing was provided to all known previous interested parties. This includes all parties from the 2004 Land Use Application and Appeal, 2013 District Policy Modification, and 2019 School Expansion CUP.

The City exceeded the notification requirements as follows:

- The City extended the standard 300' mailing radius to 1,000'. The 2013 Hearing Examiner Decision for modifications to the District Policy required future policy changes to be mailed to the 1,000' radius. While this proposal does not include any changes to the District Policy, it is very closely related. It seemed appropriate to maintain the spirit of the condition, which in part was intended to ensure community awareness.
- Previous interested parties: In a memo to the file in 2004 it was noted that the Director of Community Planning and Development assured the appellants of the 2004 Land Use Appeal that notice would be provided to particular parties of changes were proposed regarding specific conditions of approval. The Memo further clarifies that changes to the District Policy or the non-district user group limitations would be sent to a specified group for up to five years from the date of the memo. While the five years has clearly expired, there is a clear attempt to improve relations and transparency that remains important. For this reason, notice was extended to the applicable members of the group listed in the 2004 memo, as well as to those interested parties listed in the 2013 District Policy Modification file and 2019 Conditional Use Permit file.
- Neighborhood meeting: A Neighborhood Meeting was held on October 14, 2020. While not a required meeting, the City encourages applicants to co-host these meetings as a way to provide early information to community members. The Neighborhood Meeting information was included in the Notice of Application and Hearing Notice.

8) Public Comments: Several public comment letters have been submitted related to proposal. They can be reviewed in Attachment 12. Of the comments received, the following topics appear to be of particular concern:

- Concerns that removal of the user group limitation will increase usage. Concerns that frequency of use will increase and will include more events, longer hours, increased impacts related to noise, lighting, and parking that will directly impact neighbors more frequently.
- Allowing other users will create more traffic.
- Concerns about existing ongoing issues related to parking, noise, and trash coming from the school and stadium use. Residents struggle finding the right person to talk to about issues, especially after school hours. District does not monitor speaker volumes or other aspects of the District Policy on weekends, leading to increased neighborhood impacts. Expanding user groups may exacerbate existing problems.
- Questions/uncertainty as to what types of users would be allowed. Concerns about commercial events, political events, temporary homeless encampments etc.
- Questions about how this application for a modification is different than an appeal or reconsideration of the already closed cases from 2004 and 2013. Concern that this project should be reviewed as a Conditional Use Permit, rather than an amendment to the Land Use Approval.
- Concerns about the potential neighborhood impacts from the practice field. Some commenters have asked that the conditions that limit user groups, hours of operation, etc. that were applied to the 2004 Ingersoll Stadium remodel project should be applied to this project.

**CONCLUSION & RECOMMENDATION:**

The condition requested for removal by the applicant was established by the Hearing Examiner. The SPRC recommends the Hearing Examiner consider this proposal after conducting a public hearing. The SPRC has reviewed the proposal and finds that the condition is not necessary to ensure consistency with the Olympia Municipal Code. For convenience, the following is a consolidated list of the applicable conditions of approval spanning between the Land Use Approval of 2004 to present related to Ingersoll Stadium:

- 1) In addition to the parking lot at the stadium, this facility is served by two major lots at Olympia High School. To ensure that users are familiar with these parking opportunities can locate these parking areas, the District shall require that any non-district user group whose anticipated use exceeds 1000 people shall provide to the district and shall implement a Traffic and Parking Management Plan, the primary purpose of which shall be to minimize traffic congestion and parking congestion and parking outside district property boundaries. (these are the same circumstances that the Board Policy 4260P(c) would require a "Crowd Control Plan"). (Land Use Approval Condition 2) The traffic and Parking Management Plan required shall be filed by Ingersoll Stadium users in advance with the District. The management goals and submitted Plans must effectively address those goals and have measurable criteria of success. The district shall create an area within the District's website for posting of such Traffic and Parking management Plans, and each Traffic and Parking Management Plan shall be posted for a minimum of seven days prior to the scheduled non-District use. (Land Use Appeal Decision Condition 3)
- 2) To minimize lighting of the surrounding properties, except as necessary to ensure safe existing or respond to emergencies, stadium field lighting shall be turned off at or before 10:00 p.m. All parking lot lighting shall include appropriate shielding as proposed. (Land Use Approval Condition 3)
- 3) Neither the stadium sound system nor any portable or secondary sound system shall be used to amplify music for accessory, i.e., "non-district" uses. (Land Use Approval Condition 4)
- 4) To provide City staff and concerned citizens with a means of monitoring and reviewing use of the facility, the district shall maintain a record of authorized facility use, including user's name and that of any representatives, date and hours of use, and description of the use including an estimated number of users. (Land Use Approval Condition 5)
- 5) As it relates to the Stadium, the district shall comply with its "Procedure No. 4260P(c)" as initially set out in Ex. M-1, Att. B of the 2004 Land Use Appeal file from 2004 and as subsequently amended by the Hearings Examiner Decision (File 03-2397) on April 22, 2013 (file 11-0195), unless permission is obtained from the City to modify it. (Land Use Appeal Decision Condition 2 amended to incorporate changes from 2013 amendments to policy)
- 6) Notice of any future applications by the School District for changes in the subject Procedures (District Procedure No. 4260P(c)) shall be provided by mail to all residents within 1,000 feet of the stadium. (Hearing Examiner Decision for Policy and Procedures Modification 2013)
- 7) The District shall not rent or make available the Stadium for non-District uses for which attendance exceeds total on-site parking available in the Stadium and High School parking lots. If the High School auditorium is not in use at the same time as non-district use of the Stadium, the total attendance of the Stadium and auditorium uses cannot exceed total on-site parking available in the Stadium and High School parking lots. (Land Use Appeal Decision Condition 4)

- 8) The noise exemption of WAC 173-60-050(4)(h) includes those activities that any member of the public may attend, whether or not admission is charged. It does not include other District or Non-district activities. (Land Use Appeal Decision Condition 5)
- 9) Unless exempted by law, all activities at the Stadium and its track and field shall comply with noise regulations found in WAC 173-60 and other applicable law. (Land Use Appeal Decision Condition 6)
- 10) The hours of operation for the practice field shall be consistent with the policies of the School District Procedure NO. 4260P(c) which is a set of operating rules governing the use of Ingersoll Stadium intended to reduce the effect of the Stadium's use on the surrounding neighborhood. Specific limitations of hours of use are provided for both District and Non-District use. (Conditional Use Permit of 2019 condition 8)
- 11) The practice field will not be scheduled for Non-District use when Ingersoll Stadium is scheduled for event uses. The practice field can be used for warmups for the Ingersoll event, or where there is a short overlap, (less than one-half hour) as a District use or Non-District use is ending its use and the Ingersoll event is beginning. (Conditional Use Permit of 2019 condition 9)

**Report Issued Date:** October 30, 2020

**Attachments:**

Attachment	Document Name
1	Staff Report
2	Project Submittals – Narrative and Traffic Analysis
3	Notice of Application / Neighborhood Meeting / Hearing
4	Legal Notice of Hearing
5	SEPA DNS and Checklist
6	2004 Land Use Approval for Ingersoll Remodel
7	2004 Land Use Appeal Decision
8	2004 City Memo Consolidating Conditions
9	2013 District Policy Modification Decision
10	District Policy 4260P(C) – Ingersoll Stadium Use and Rental Policies
11	2019 Conditional Use Permit Decision
12	Public Comments
13	Master Distribution List