

BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

IN RE: ) HEARING NO. 18-4309  
)  
OLYMPIA HIGH SCHOOL ) FINDINGS OF FACT,  
CLASSROOM ADDITION, ) CONCLUSIONS OF LAW  
) AND DECISION

**APPLICANT:** Olympia School District No. 111  
1113 Legion Way S.E.  
Olympia, Washington 98503

**REPRESENTATIVES:**

BRB Architects Kurt Cross  
1256 Pacific Avenue Olympia School District  
Tacoma, Washington 98402 1113 Legion Way S.E.  
Olympia, Washington 98503

Denise Stiffarm  
Pacific Law Group  
1191 Second Avenue, Suite 2000  
Seattle, Washington 98101-3404

**SUMMARY OF REQUEST:**

A Conditional Use Permit to construct three separate classroom additions to the existing Olympia High School collectively containing 36,000 square feet of additional space, including a two-story, 26,000 square foot classroom addition north of the commons and west of the performing arts center; a 1,600 square foot music instruction space in the courtyard west of the existing music rooms; and 9,000 square feet of new science labs between the current science rooms and the Applied Arts building. Other interior improvements include a new secured vestibule in the south main entrance and improvements to the office and waiting areas. The project will allow the removal of ten existing portable classrooms. Also included in the proposal is the relocation of the existing practice field and its upgrade to synthetic turf and lighting; relocated and additional vehicular and bicycle parking; and relocation of tennis courts. The additional classrooms will allow for an increase in student population by approximately 255 students.

As part of the application the School District requests a variance from limits on impervious surfaces and hard surfaces.

**LOCATION OF PROPOSAL:**

1302 North Street S.E.

*Findings of Fact, Conclusions of Law  
and Decision - 1*

**CITY OF OLYMPIA HEARING EXAMINER**  
299 N.W. CENTER ST. / P.O. BOX 939  
CHEHALIS, WASHINGTON 98532  
Phone: 360-748-3386/Fax: 748-3387

1 **SUMMARY OF DECISION:**

2 The permit application is **approved** subject to conditions. The requested variances from the  
3 limitations on impervious surface and hard surface are **approved**.

4 **BACKGROUND**

5 This is one of two concurrent applications by Olympia School District No. 111 (the other  
6 being In re Capital High School Hearing No. 18-3543) to construct additions to Olympia's high  
7 schools. In this application the Olympia School District seeks a Conditional Use Permit to  
8 undertake a long list of improvements to Olympia High School. These improvements include:

- 9 1. Approximately 36,000 square feet of new classrooms including:
- 10 (a) A two-story, 26,000 square-foot classroom addition north of the  
11 existing commons and west of the performing arts center.
- 12 (b) A 1,600 square-foot music instruction space in the courtyard west of the  
13 existing music rooms;
- 14 (c) A 9,000 square-foot addition to house four science labs with prep rooms  
15 in a single story structure between the current science rooms and the  
16 Applied Arts building.
- 17 2. Other interior improvements include:
- 18 (a) A secure walkway link between the Applied Arts building and the main  
19 school.
- 20 (b) An 1,800 square-foot addition to establish a secure vestibule at the south  
21 main entrance as well as a new main office/waiting area.
- 22 (c) Interior painting, flooring enhancements and relocation of administration  
23 spaces.  
24  
25



- 1           3.     The removal of 10 existing portable classrooms.
- 2           4.     Additional parking in the south turnaround and drop off area as well as the
- 3 potential for new parking west of the proposed new synthetic turf field.
- 4           5.     The relocation of the existing practice field to a location immediately west of
- 5 Ingersoll Stadium. The practice field will have a synthetic turf and a lighting system to allow
- 6 evening use.
- 7           6.     Relocation of the existing tennis courts to a location slightly south of their present
- 8 location, allowing the new synthetic turf field to extend into the area of the current tennis courts.
- 9           7.     In addition to these onsite improvements, the project calls for the construction of
- 10 offsite traffic improvements consisting of a new traffic roundabout and associated street
- 11 improvements at the intersection of Henderson Boulevard and Carlyon.

12           In February 2016, the Olympia voters approved a construction bond to provide

13 enhancements to the City's schools. The current project is one of many being undertaken by the

14 District to improve schools districtwide. This project is intended to enhance student

15 opportunities at Olympia High School by:

- 16           •     Providing sufficient science labs to allow students to achieve the necessary
- 17 science lab credits.
- 18           •     Increasing the school's special needs areas.
- 19           •     Expanding music programs.
- 20           •     Creating security vestibules to deter armed intruders.
- 21           •     Replacing existing portable classrooms with permanent classrooms.
- 22           •     Creating secure walkways between buildings.
- 23           •     Providing the necessary classrooms to allow for an increase in student
- 24 population by approximately 255 students.
- 25

- Replacing an existing natural grass practice field with a lighted synthetic turf field.

Olympia High School shares a common site with Pioneer Elementary. Pioneer Elementary received a Conditional Use Permit in 2016 to construct a two-story, 17,000 square foot building adjacent to the existing school to help facilitate class size reduction. That project did not result in any increase in student population and was approved without any public opposition.

In addition to Olympia High School and Pioneer Elementary, the school property extends eastward across Henderson Boulevard to include an undeveloped area. All areas surrounding this school property are zoned R4-8 and consist of fully developed residential neighborhoods. The fact that the campus is fully contained by existing residential development has led to longstanding disputes between residential neighbors and the District over non-student use of the school's athletic facilities - concerns which continue to this hearing.

In about 2003 the District sought to remodel Ingersoll Stadium in the high school campus. The hearing before the Hearing Examiner was contentious with concerns voiced about light, noise, traffic and use by non-students. It resulted in a number of restrictions on the use of the stadium, particularly by non-students. The Hearing Examiner, Mr. Bjorgen, ordered that use of the stadium would be restricted in accordance with "Modified Procedure No. 4260P(C)" - a District policy setting forth various use restrictions. In addition, Mr. Bjorgen limited the stadium's non-school use to Thurston County Youth Football, YMCA and City Parks track meets, occasional sports clinics and youth soccer.

Nearly a decade later it was learned that the District was not fully complying with the limitations set forth in the District's Procedure No. 4260P(C). This led to a review hearing before a pro tem hearing examiner, Mr. Dufford, who ordered minor changes to the use



1 restrictions but otherwise continued these restrictions in effect, including the restrictions on the  
2 non-school use of the stadium.

3 The earlier decisions by Mr. Bjorgen and Mr. Dufford were limited to Ingersoll Stadium.  
4 They were not extended to the other areas on the campus used for athletics and sports, including  
5 the practice fields and tennis courts. Thus, use of ballfields, practice fields, tennis courts, etc.  
6 have not been under the same restrictions as Ingersoll Stadium, including its restrictions on non-  
7 school uses.

8 This history is an important starting point when reviewing the current project as it  
9 proposes to construct a new synthetic turf practice field between Ingersoll Stadium and the high  
10 school and provide lighting for the field. This portion of the application has generated similar  
11 concerns to those voiced in the earlier hearings before Mr. Bjorgen and Mr. Dufford. Several  
12 neighbors request that the new synthetic turf practice field and tennis courts be placed under the  
13 same restrictions as are currently imposed on Ingersoll Stadium.

14 Surrounding residents have expressed a separate, unrelated concern with the project's  
15 traffic impacts. The additional classrooms will allow the high school student population to  
16 increase by up to 255 students. The District's Traffic Impact Analysis recognizes various traffic  
17 impacts from increased students and recommends certain improvements to the Henderson  
18 Boulevard/Carlyon interchange. After further consideration, the District and the City now agree  
19 that the originally proposed traffic improvements will not sufficiently ensure traffic and  
20 pedestrian safety and recommend a traffic roundabout at this interchange. Some nearby residents  
21 remain concerned that the proposed roundabout will not ensure the safety of all pedestrians.

22 Finally, the requested improvements will result in increased impervious surface and hard  
23 surfaces in amounts exceeding the maximum amounts allowed in the R4-8 zoning district. The  
24 Applicant requests, and the City concurs, that variances should be granted from these limitations.

1 **PUBLIC HEARING**

2 Prior to the public hearing I undertook an independent site examination.

3 The public hearing commenced at 6:00 p.m. on Monday, March 11, 2019,  
4 in the Council Chambers in the City Hall. The City appeared through Nicole Floyd of Planning  
5 Staff. The School District appeared through Kurt Cross and Lucas Johnson, Civil Engineer, and  
6 was represented by Denise Stiffarm. Several additional City Staff and several other school  
7 representatives were also in attendance. Testimony was received from Ms. Floyd, various other  
8 City Staff, Mr. Cross and Mr. Johnson. A verbatim recording was made of the public hearing  
9 and all testimony was taken under oath. Documents considered at the time of the hearing  
10 included the following:

- |    |               |  |
|----|---------------|--|
| 11 | Exhibit 1     | City Staff Report.   |
| 12 | Exhibits 2-22 | Attachments 2 through 22 to the City Staff Report.               |
| 13 | Exhibit 23    | Revised Notice of Public Hearing (replacing Attachment 23 to the |
| 14 |               | Staff Report).   |
| 15 | Exhibit 24    | Additional written public comment received in advance of the     |
| 16 |               | public hearing.  |
| 17 | Exhibit 25    | Proposed additions/modifications to conditions of approval       |
| 18 |               | recommended by the Applicant and the City.                       |
| 19 | Exhibit 26    | Supplemental Traffic Impact Analysis in support of the proposed  |
| 20 |               | roundabout.  |
| 21 | Exhibit 27    | Illustration of the amount of light produced by the proposed     |
| 22 |               | practice field lighting compared to other lighting systems.      |
| 23 | Exhibit 28    | Supplemental lighting analysis for the proposed practice field.  |
| 24 |               |  |
| 25 |               |  |



1 Ms. Floyd testified in supplement to her written Staff Report beginning with the history  
2 of the earlier 2004 and 2013 hearings involving the use of Ingersoll Stadium.

3 Ms. Floyd noted that the project's SEPA review was undertaken by the District as Lead  
4 Agency, resulting in a Determination of Nonsignificance (DNS). The period of time for public  
5 comment was extended to equal the amount of time the City would have given if it had acted as  
6 Lead Agency. There were no appeals of the SEPA Determination.

7 Ms. Floyd next addressed the School's parking. She explained that the various additions  
8 will require relocating existing parking areas and creating new parking near the south main  
9 entrance. With the additional students the School will require 605 parking stalls (it currently has  
10 607). By relocating some of the existing stalls and adding additional ones the net result will be a  
11 total of 618 parking stalls, more than satisfying parking requirements.

12 The project has caused the City to review all of the School's bicycle parking. With the  
13 added students the school will need 73 short-term and 73 long-term bicycle parking stalls. The  
14 project will satisfy both requirements.

15 Ms. Floyd explained that the project will cause the total amount of impervious surface to  
16 exceed the allowed maximum for the R4-8 zoning district, and also exceed the allowed  
17 maximum for hard surfaces. Ms. Floyd believes that there are special circumstances justifying  
18 the District's request for variances from both standards. When asked by the Hearing Examiner to  
19 explain some of the technical support for the variance, she deferred to Jeff Fant of City Staff.  
20 Mr. Fant, along with the District's engineer, Lucas Johnson, explained that the primary reason for  
21 the variance from the impervious surface limit is that the soils on the site do not drain well. If  
22 the District relied on pervious-type parking surfaces, rainwater would drain through this pervious  
23 pavement only to then reach a nonporous soil layer. The result would be a significantly greater  
24 amount of standing water and poor drainage. In contrast, the proposed use of impervious  
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1 pavement will allow stormwater to be collected and channeled toward filtering devices before  
2 being sent to "Freshman Pond" located in the center of the campus. This will provide an  
3 additional, clean source of water to Freshman Pond which may improve its overall functioning.

4 Ms. Floyd next addressed the traffic impacts of the project. The Amended Traffic Impact  
5 Analysis issued in January proposed to address the project's impacts by adding a "shelter" lane to  
6 Henderson Boulevard just north of its intersection with Carlyon. This additional lane would  
7 improve the opportunity of left turning traffic from Carlyon to enter Henderson Boulevard by  
8 allowing it to pull into the shelter lane before merging with the regular flow of traffic on  
9 Henderson. More recently, however, the District and the City have decided that a better  
10 approach would be to install a traffic roundabout at the Henderson Boulevard/Carlyon  
11 interchange. This approach will not only provide safer vehicular movement but will also  
12 moderate speeds on Henderson and improve pedestrian safety. Ms. Floyd noted that offsite  
13 improvements such as this are usually addressed in the SEPA Determination but in this case the  
14 District has agreed to have the roundabout imposed as an additional condition to the Conditional  
15 Use Permit. Another staff member, Dave Smith, echoed Ms. Floyd's testimony and explained  
16 that the proposed roundabout is expected to increase traffic safety and reduce the number of  
17 interactions between bicyclists and pedestrians and vehicular traffic. Mr. Smith added that a  
18 supplemental Traffic Impact Analysis (Exhibit 26) was undertaken for the roundabout and  
19 concluded that it will result in "exceptionally better" traffic management and a Level of Service  
20 (LOS) of "B".

21 Turning to the proposed new synthetic turf practice field, Ms. Floyd noted that the written  
22 Staff Report does not propose any limitations on its use. Upon further reflection City Staff now  
23 recommends some limitations on its use. These proposed limits are set forth in Exhibit 25. They  
24 are:



1                   1.       Hours of operation are to be consistent with the District's Procedure  
2 4260P(C). These hours apply to both District and Non-District uses.

3                   2.       Pyrotechnics, airhorns, cowbells, sirens, public address systems and  
4 similar features are prohibited and appropriate signage is required to alert users to these  
5 restrictions.

6                   The hours of operation would be:

7                   District Use: Monday through Friday 8:00 a.m. to 10:00 p.m. and Saturday 9:00  
8 a.m. to 10:00 p.m. No Sunday use.

9                   Non-District Use: Monday through Friday 5:00 p.m. to 9:00 p.m.; Saturday 9:00  
10 a.m. to 9:00 p.m.; and Sunday 12:00 p.m. to 6:00 p.m.

11                  These restrictions would apply to the synthetic turf practice field but not to the new tennis  
12 courts (which will not have lights) or any other existing sports fields.

13                  Following Ms. Floyd's presentation the School District responded through the testimony  
14 of Kurt Cross. Mr. Cross' testimony was largely restricted to issues surrounding the synthetic  
15 turf field. Mr. Cross explained that the current practice field is not long enough or reliable  
16 enough for all desired uses. The proposed new synthetic turf field will be located between  
17 Ingersoll Stadium and the high school in a sheltered, centralized location where it will have  
18 minimal sound and lighting impacts. The facility will use the latest generation of LED lighting  
19 (Exhibit 27) similar to that currently used at the football stadium at Capital High School. This  
20 lighting system will drastically reduce the amount of visible lighting and instead focus it on the  
21 practice field. The end result should be that the surrounding neighborhood will not experience  
22 any lighting impacts.

23                  Mr. Cross believes that the surrounding neighborhood will also not experience any noise  
24 impacts. In the District's letter to the City dated January 24 (Exhibit 20) it declares that the  
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1 practice facility will not have bleachers or a public address system, and that noise makers  
2 (airhorns, cowbells, sirens, and similar noise makers) will be prohibited. These restrictions  
3 should prevent any significant sound impacts.

4 In the January 24 letter to the City the District also announced that the practice field will  
5 not be scheduled for non-district use when Ingersoll Stadium is scheduled for event use. The  
6 practice field can be used for warmups for Ingersoll events or where there is a short overlap (less  
7 than one-half hour) as a District use or non-District use is ending its use and the Ingersoll event  
8 is beginning. These restrictions will further reduce noise and lessen traffic.

9 The District recommends that there be no limitations on the use of the relocated tennis  
10 courts. The new courts will not have lights and their use will be identical to the existing courts.

11 Mr. Cross concluded his testimony with a discussion about the "west gate". The west gate  
12 is located west of the high school and is currently locked to prohibit the movement of traffic  
13 between the parking lots and streets north and south of the high school. The District proposes to  
14 open the west gate to allow greater movement of traffic from one side of the high school to the  
15 other. Most importantly, this will allow vehicles greater opportunity to make a right turn when  
16 leaving the school parking areas.<sup>1</sup> Reducing the number of required left turns from the parking  
17 areas will significantly improve neighborhood traffic. The District does not wish to have the  
18 west gate open at all times and would prefer to have it open only from 6:45 a.m. to 8:00 a.m. and  
19 from 1:50 p.m. to 3:00 p.m. on school days (with these times modified to accommodate partial  
20 school days), as well as thirty minutes before and to thirty minutes after large events at the  
21 school. The District's proposed restrictions on the west gate are set forth in an email from the  
22 District to the City dated March 12 (Exhibit 29).

23 \_\_\_\_\_  
24 <sup>1</sup> All drivers wanting to go west will be able to turn right onto North Street. All drivers wanting to go east will be  
25 able to turn right on Carlyon.



1 Following Mr. Cross' testimony the District's engineer, Lucas Johnson, addressed the  
2 District's request for a variance from the limit on impervious surface. The school campus  
3 already exceeds the permitted amount of impervious surface in the R4-8 zoning district. The  
4 project would increase the total amount of impervious surface coverage by approximately 3.2%,  
5 resulting in the campus exceeding the allowed limit by approximately 14%. (The code  
6 maximum is 40%. With the addition of the project the high school would have 53.5% of  
7 impervious surface.) The District's justification for this variance is set forth in its "Variance  
8 Request" (Exhibit 3) but this document is difficult to understand. Mr. Johnson offered to explain  
9 its important provisions.

10 Mr. Johnson began by explaining that "Freshman Pond", located in the center of the  
11 campus, is both a kettle and a wetland. Both onsite and offsite stormwater flows into it. Despite  
12 these flows it has never been known to overtop its rim. It does not have an outlet and instead  
13 discharges into the ground.

14 Unlike Freshman Pond, the remainder of the school campus consists of poorly draining  
15 soils. For this reason the use of pervious materials for parking lots and driveways would prove  
16 impractical, as stormwater would filter through the pervious material only to be blocked from  
17 further filtration by the poor soils. Mr. Johnson concludes that the site's stormwater is better  
18 managed by relying on impervious surfaces for parking areas and driveways as these will collect  
19 and direct stormwater to filtering devices which clean the water before it is sent to Freshman  
20 Pond. This additional, cleaned stormwater may help improve the ecology of Freshman Pond.

21 Mr. Johnson concluded his testimony by confirming that the District supports the  
22 proposed roundabout at the Henderson Boulevard/Carlyon interchange. He believes that the  
23 roundabout will improve crossing safety while also providing for a better flow of traffic.  
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1 Following the District's presentation the hearing was opened to public testimony.  
2 Approximately two dozen members of the public attended the hearing and nine testified. While  
3 each witness provided a unique perspective, their testimony fell into two distinct camps with four  
4 witnesses opposing the project for similar reasons and five supporting for similar reasons:

5 James Jabalonski, Sandra Brown, Daniel Stusser and Jan Witt testified in opposition to  
6 the project or, in the alternative, for significant restrictions on the non-student use of the  
7 synthetic turf practice field and new tennis courts. These witnesses testified that the  
8 neighborhood is burdened by the noise and light of Ingersoll Stadium and believe that the new  
9 practice field may result in new, similar burdens. They ask that, if the project is approved, all  
10 restrictions currently imposed on Ingersoll Stadium be extended to the new facilities including  
11 the limitation on the non-school groups allowed to use them.

12 In addition to these common concerns, Sandra Brown (who is blind) expressed concerns  
13 about the proposed roundabout at Henderson Boulevard/Carlyon. Ms. Brown testified that  
14 roundabouts do not work well for the visually impaired due to their nonstandard interaction  
15 points with traffic. She also believes that roundabouts do not work well with children, who are  
16 impulsive, and drivers who are focused on traffic coming from their left and failing to see  
17 pedestrians coming from their right. Ms. Brown also believes that roundabouts impose  
18 significant burdens to those in wheelchairs or are otherwise physically impaired. For all of these  
19 reasons she asks for a traffic solution other than the proposed roundabout.

20 Mr. Stusser also testified separately to his general disappointment with the project and its  
21 design. He finds it disheartening that the project will eliminate the lawn in front of the south  
22 entrance, which serves as the school's only public place, and replace it with parking. He also  
23 wishes that there had been a greater discussion of more efficient ways to utilize the campus  
24 including greater use of multi-stories and unused areas. He would prefer that the District make  
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1 greater use of the existing practice field at the northwest corner of Henderson Boulevard and  
2 North Street. Like the others who express opposition to the project, Mr. Stusser would like to  
3 see the District place greater focus on the students' needs rather than the public's needs.

4 The remaining five witnesses, Chris McCabe, Wendy O'Haver, Al Pantillo, Sean  
5 Johnson, and Lisa Perle, testified in a nearly identical fashion. Each of these witnesses has  
6 children in the high school or will be attending it, and their children are active in the Lacrosse  
7 Club. The lacrosse team currently practices on the school's practice fields but hopes to relocate  
8 to the synthetic turf field when it becomes available. These witnesses strongly discourage the  
9 imposition of greater restrictions on use of the synthetic turf field. In particular, they oppose any  
10 restriction on the non-school groups allowed to use the field as it would prevent their club's use.  
11 They argue that this restriction is unfair, impractical and does not recognize how uses change  
12 over time.

13 At the conclusion of public testimony the City responded to Sandra Brown's concerns  
14 regarding the proposed roundabout through the testimony of Andrew Beagle, a professional  
15 engineer who has worked on the Safety Advisory Council. Mr. Beagle acknowledged that  
16 individuals with vision impairment are often concerned about roundabouts for the reasons  
17 expressed by Ms. Brown. Nonetheless, the proposed roundabout will be designed to meet all  
18 ADA standards. It will offer straighter crossings for pedestrians, include audible cues for vision  
19 impaired pedestrians, maintain the existing flashing beacon to warn drivers of the presence of  
20 pedestrians, and offer reduced exposure time for pedestrians in the traffic lanes. Mr. Beagle  
21 concludes that the roundabout concept will increase pedestrian safety, reduce traffic speeds and  
22 improve the intersection's Level of Service.

1 ANALYSIS

2 With the exception of Mr. Stusser's testimony, there has been no public opposition to the  
3 proposed additional classrooms and interior improvements to the high school (and his opposition  
4 was to the aesthetics of the additions, not their need). Additional classrooms and other  
5 improvements to the school building are well explained and justified.

6 The more contentious matter is the proposed new synthetic turf practice field. Neighbors  
7 remain concerned about its noise and light impacts and that its use by non-school groups will  
8 cause an added burden to the neighborhood. The District responds that the lighting system will  
9 avoid any lighting impact, while restrictions on bleachers, public address systems and noise  
10 makers will prevent any noise impacts. City Staff concurs. The District proposes, and the City  
11 supports, restrictions on the hours the field can be used by both students and non-students  
12 identical to the current restrictions on Ingersoll Stadium. The stadium and the practice field will  
13 not be used concurrently. These restrictions appear to be more than sufficient to protect the  
14 surrounding residential neighborhood while still allowing reasonable public use.

15 Some neighbors have suggested imposing the same restrictions on the relocated tennis  
16 courts. This suggestion is difficult to understand as there is no evidence that the current tennis  
17 courts create any difficulties and the project will simply relocate them a short distance without  
18 adding lights.

19 Residential neighbors suggest that all of the restrictions imposed on Ingersoll Stadium be  
20 imposed on the new practice field, including the current restriction on the non-school groups  
21 allowed to use Ingersoll Stadium. This recommendation is strongly objected to by the Lacrosse  
22 Club as it would deny it the use of the new field. I concur with the concerns expressed by  
23 members of the Lacrosse Club. It is important to note that there has been no testimony that the  
24 current use of existing practice fields by other groups has been problematic or unduly  
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1 burdensome to the surrounding neighborhood. The request to limit use of the proposed practice  
2 field to the same non-school groups currently allowed use of Ingersoll Stadium is without any  
3 factual justification and would be arbitrary. I must confess a concern about this continuing  
4 restriction on the use of Ingersoll Stadium. It appears outdated and runs the risk of cultural bias,  
5 but its continuing application to the stadium is not before the Hearing Examiner. Suffice to say I  
6 do not see any reason to extend it to the practice field.

7 After careful consideration and several Traffic Impact Analyses, the City and the District  
8 agree that the additional traffic generated by the school's increase in student population is best  
9 managed by construction of a compact roundabout at Henderson Boulevard and Carlyon. The  
10 City's and District's engineers agree that this solution will improve the intersection's Level of  
11 Service, reduce traffic speed and, most importantly, improve pedestrian safety. Sandra Brown  
12 has provided a valuable perspective on the potential risk of roundabouts to those with vision  
13 impairments, young children and others who suffer physical disabilities. The City responds that  
14 these concerns have been taken into consideration and that the design is intended to both  
15 improve traffic flow while also increasing pedestrian safety. I conclude that the proposed  
16 roundabout is the best means of addressing the project's traffic impacts.

17 There has been little or no public opposition to the District's requested variances from the  
18 limits on impervious surface and hard surfaces. The justification for the variance from the hard  
19 surface limit is well explained in the District's and City's materials. The reasoning for the  
20 variance from the impervious surface limit was not as clear at first but has since become so.  
21 Demanding a greater amount of pervious surface for parking lots, roadways, etc. will only cause  
22 rainwater to percolate through the surface and then encounter soils resistant to infiltration.  
23 Pervious surfaces would therefore be less beneficial than impervious surfaces which can collect  
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1 and filter stormwater before sending it to Freshman Pond where it may provide some added  
2 benefit. Good cause therefore exists for the requested variances.

3 To summarize, the project is well justified and should be approved subject to the  
4 additional conditions of use on the practice field recommended by the District; the opening of the  
5 west gate (with conditions); and construction of a traffic roundabout at Henderson Boulevard and  
6 Carlyon.

7 I therefore make the following:

8 **FINDINGS OF FACT**

9 **General Findings.**

10 1. The Applicant, Olympia School District No. 111, requests a Conditional Use  
11 Permit to undertake the following improvements to the Olympia High School campus:

12 a. Construct a two-story, 26,000 square foot classroom addition north of the  
13 existing commons and west of the performing arts center.

14 b. Construct a 1,600 square foot music instruction space in the courtyard  
15 west of the existing music rooms.

16 c. Construct a 9,000 square foot addition to house four science labs with prep  
17 rooms in a single story structure between the current classrooms and the Applied Arts building.

18 d. Construct a secure walkway between the Applied Arts building and the  
19 main school.

20 e. Construct an 1,800 square foot addition at the south main entrance to  
21 establish a secure vestibule as well as a new main office and waiting area.

22 f. Undertake interior painting, flooring enhancements and relocate  
23 administrative spaces.

24 g. Remove ten existing portable classrooms.



- 1 h. Add additional parking in the south turnaround and drop off area.
- 2 i. Relocate the existing practice field to a location immediately west of
- 3 Ingersoll Stadium. The practice field will have a synthetic turf and a lighting system to allow
- 4 evening use.
- 5 j. Relocate the existing tennis courts to a location slightly further south to
- 6 allow the new synthetic turf field to extend into the area of the current tennis courts.
- 7 k. Construct a new traffic roundabout at the intersection of Henderson
- 8 Boulevard and Carlyon.

9 Maps depicting these improvements are found at Exhibits 13 and 21.

10 2. In addition to these improvements the Applicant requests a variance from the

11 limits in the R4-8 zoning district for total hard surfaces and total impervious surface.

12 3. Any Findings of Fact contained in the foregoing Background, Public Hearing and

13 Analysis sections are incorporated herein by reference and adopted by the Hearing Examiner as

14 his Findings of Fact.

15 4. The proposed classrooms will allow for an increase in up to 255 students.

16 5. The project site is zoned R4-8.

17 6. The project site is designated at Low Density Neighborhood in the City

18 Comprehensive Plan.

19 7. Pursuant to the State Environmental Policy Act a Determination of

20 Nonsignificance (DNS) was issued by the School District as Lead Agency on October 22, 2018.

21 No appeal to the DNS has been filed.

22 8. Notification of the public hearing was mailed to the parties of record, property

23 owners within 300 feet and recognized neighborhood associations, posted on the site and

24 published in The Olympian in conformance with the OMC 18.78.020.

1           9.       The project is located in a residential zone and exceeds 5,000 feet in floor space.  
2 It must therefore be reviewed before the Design Review Board. On December 6, 2018, the  
3 Design Review Board completed the conceptual design and review. The Board recommended  
4 approval of the project with no conditions or recommendations for changes to the project design.  
5 The project is required to undergo detail design review with the building permit application  
6 process. A condition has been added to ensure compliance with this requirement.

7           **Findings Relating to the City Comprehensive Plan.**

8           10.       The Staff Report, at page 2, contains Findings relating to the project's compliance  
9 with the Goals and Policies of the Comprehensive Plan. City Staff finds that the project is  
10 consistent with Goals GL1 and GL20 and Policy PS2.1. The Hearing Examiner has reviewed  
11 these Findings and adopts them as his own Findings of Fact.

12           **Findings Relating to Compliance with the Unified Development Code.**

13           11.       The Staff Report, at page 3, contains Findings relating to the project's compliance  
14 with the specific requirements for Conditional Use Permits relating to school projects. OMC  
15 18.04.060(cc) and Table 4.01. In particular, the Staff Report contains Findings relating to each  
16 of the six criteria for the approval of schools within a residential zoning district. The six criteria  
17 relate to school site size; outdoor play area; building size; screening; the use of portables; and  
18 building expansion. City Staff finds that the project is in compliance with each requirement.  
19 The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of  
20 Fact.

21           12.       The project must also be in compliance with dimensional standards for setbacks,  
22 height, maximum building coverage and impervious surface. OMC 18.04.080. City Staff finds  
23 that the project is in compliance with standards for setbacks, height and maximum building  
24  
25



1 coverage. The Hearing Examiner has reviewed those Findings and adopts them as his own  
2 Findings of Fact.

3 13. City Staff finds that the project is not in compliance with the limits for impervious  
4 surfaces and hard surfaces. The Applicant is requesting variances from these requirements as  
5 discussed more fully below.

6 14. The project must be in compliance with the City's landscaping requirements.  
7 Chapter 18.36 OMC. The Staff Report, at page 4, contains Findings that the Applicant has  
8 submitted a landscaping plan for areas of landscaping which will be disturbed by construction as  
9 well as an analysis of existing landscaping areas to demonstrate code compliance. Staff notes  
10 that some of the existing parking lot landscaping has died and will need to be replaced as part of  
11 the project. Staff finds that the landscaping plans submitted by the Applicant do not identify  
12 replacement in all of these areas and therefore request that a condition be imposed on project  
13 approval that requires full compliance with the landscaping requirements. A more detailed  
14 review of the landscaping plan will be performed with construction permit review.

15 15. The project must comply with the parking requirements of OMC 18.38.060. The  
16 Staff Report, at page 4, contains Findings relating to the project's compliance with these parking  
17 requirements. The campus currently has 607 stalls. With the project's added students it must  
18 have 605 stalls. Staff finds that through relocation of parking stalls and the construction of a new  
19 parking area the project will result in a net gain of 11 parking spaces on the campus, to 618  
20 stalls. With these additional parking spaces the campus will exceed the required vehicular  
21 parking requirements by 13 spaces. The Hearing Examiner has reviewed these Findings and  
22 adopts them as his own Findings of Fact.

23 16. The project must also comply with the City's requirements for short-term and  
24 long-term bicycle parking. The Staff Report, at page 5, contains Findings relating to existing  
25

1 bicycle parking and the additional parking mandated by the project. The project will result in the  
2 relocation of many of the existing bike parking areas to more appropriate locations on campus.  
3 Staff finds that this will result in significant enhancement of the quality and convenience of bike  
4 parking throughout the site. Staff further finds that, based upon the number of classrooms as  
5 well as the number of students, the high school will require 73 short-term bicycle parking stalls  
6 and 73 long-term bicycle parking stalls. The current plans call for sufficient long-term and  
7 short-term bicycle stalls to satisfy these requirements. The Hearing Examiner has reviewed these  
8 Findings and adopts them as his own Findings of Fact.

9 17. Located in the center of the campus is "Freshman Pond". The Staff Report, at  
10 page 6, contains Findings relating to Freshman Pond. Freshman Pond is a kettle wetland  
11 regulated by the City's Critical Areas regulations. The pond is a highly modified wetland with a  
12 fully developed buffer. As a fully developed area the existing structures surrounding this  
13 wetland may continue and are exempt from further review if there is no negative impact to the  
14 critical area and its buffer. OMC 18.37.070. City Staff finds that the proposal will include  
15 minor increases in stormwater entering the wetland but that these increases will likely benefit the  
16 wetland functions, and that the requirements of OMC 18.37.070 are therefore satisfied. The  
17 Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

18 18. The Staff Report, at page 6, contains Findings relating to the project's compliance  
19 with the Engineering Design and Development Standards (EDDS). City Staff finds that the  
20 Applicant's plans are adequate for conceptual approval but that the Applicant will be required to  
21 submit a Detail Engineering Construction Application for review and approval prior to  
22 construction. The Hearing Examiner has reviewed these Findings and adopts them as his own  
23 Findings of Fact.



1           19.     The project must comply with Chapter 16.60 OMC relating to trees, soil and  
2 native vegetation protection and replacement. The Staff Report, at page 7, contains Findings  
3 relating to the project's compliance with this chapter. Staff finds that the project is found to  
4 generally comply with the tree retention requirements. Greater detail regarding tree protection,  
5 fencing and other construction related activities will be provided on the engineering construction  
6 permit plans. The Hearing Examiner has reviewed these Findings and adopts them as his own  
7 Findings of Fact.

8           20.     Pursuant to OMC 18.72.140(B) a conditional use permit expires after one year but  
9 the Hearing Examiner is given authority to extend its length. The Applicant envisions  
10 constructing the proposed classrooms in two phases, with the final four classrooms proposed to  
11 be constructed during Phase II within ten (10) years. The Applicant therefore requests that the  
12 Conditional Use Permit be extended for ten (10) years to allow construction of all proposed  
13 classrooms. City Staff supports this request.

14           21.     In accordance with Chapter 18.78 OMC the City held a neighborhood meeting on  
15 October 29, 2018, and a Concept Design Review Board Meeting on December 6, 2018.

16           **Findings Relating to the New Practice Field and Tennis Courts.**

17           22.     Ingersoll Stadium is located on the high school campus between the high school  
18 building and Henderson Boulevard. In 2004, proposed improvements to the stadium led to a  
19 hearing before the Hearing Examiner (Case No. 03-2397) which resulted in restrictions on the  
20 use of the stadium as well as on the non-student groups allowed to use it (the "2004 Decision").  
21 The 2004 Decision required the District to comply with the District's Policy 4260P(C).

22           23.     When it was learned that the District was not fully complying with Policy  
23 4260P(C) a review hearing was held in 2013 before the Hearing Examiner (Case No. 11-0159)

1 (the "2013 Decision"). The 2013 Decision made minor modifications to the restrictions on the  
2 stadium's use but otherwise upheld the 2004 Decision and retained use of Policy 4260P(C).

3 24. The 2004 and 2013 Decisions only impose restrictions on the use of Ingersoll  
4 Stadium. They do not impose any restrictions on the use of the school's tennis courts, practice  
5 fields, ballfields or other playfields.

6 25. The project proposes to replace an existing grass practice field with a new  
7 synthetic turf field. The field would be located between Ingersoll Stadium to the east and the  
8 Applied Arts building to the west. Its location is depicted on the map identified as Exhibit 15.

9 26. The proposed new practice field will require relocation of three of the six existing  
10 tennis courts. Three new courts will be constructed to replace the lost courts. They will be  
11 located immediately south of the remaining three existing courts.

12 27. Neither the current practice field or the existing tennis courts have lighting. The  
13 school proposes to install overhead lighting for the new practice field. The tennis courts will not  
14 have lighting.

15 28. There has been no testimony that use of the existing practice field or the existing  
16 tennis courts has been troublesome to the surrounding residential neighborhood, including the  
17 use of either by non-student users.

18 29. Nearby residents have expressed concern that the lighting system for the proposed  
19 new practice field will have unwanted lighting impacts on the surrounding residential  
20 neighborhood.

21 31. A fuller description of the proposed lighting system is found in Exhibits 27 and  
22 28. The proposed lighting system relies on LED lights to provide maximum on field  
23 illumination with minimal off site glare. Exhibit 27 offers an example of the visible light as  
24  
25



1 compared to traditional stadium lighting systems. Exhibit 28 explains that the lighting system  
2 will impose very little light beyond the practice field.

3 32. Nearby residents are also concerned that use of the practice field will lead to  
4 unwanted noise impacts.

5 33. In response to these concerns the District sent a letter to the City (Exhibit 20)  
6 offering to impose various restrictions on use of the practice field in order to minimize noise  
7 impacts.

8 34. The District proposes to impose the same hours of use for the practice field as are  
9 currently imposed on Ingersoll Stadium, both for student uses and non-student uses. These hours  
10 of operation are:

11 District Use: Monday through Friday 8:00 a.m. to 10:00 p.m. and Saturday 9:00  
12 a.m. to 10:00 p.m. No Sunday use.

13 Non-District Use: Monday through Friday 5:00 p.m. to 9:00 p.m.; Saturday 9:00  
14 a.m. to 9:00 p.m.; and Sunday 12:00 p.m. to 6:00 p.m.

15 35. The District also proposes that there be no bleachers or public address system, and  
16 that noisemakers (airhorns, cowbells, sirens and similar noisemakers) will be prohibited.

17 36. The District further proposes that the field will not be scheduled for Non-District  
18 use when Ingersoll Stadium is scheduled for event use. The practice field can be used for  
19 warmups for Ingersoll events or where there is a short overlap (less than one-half hour) as a  
20 District use or Non-District use is ending and the Ingersoll event is beginning.

21 37. City Staff concurs with these proposed limits and has suggested changes to its  
22 proposed conditions of project approval to incorporate them (Exhibit 25).

23 38. The District and the City oppose any additional restrictions on use of the new  
24 practice field. In particular, both oppose any restriction on the list of nonuser groups allowed to  
25 use the field similar to that currently imposed on Ingersoll Stadium.

1           39.     The Olympia Lacrosse Club, whose members are mostly Olympia students,  
2 currently utilize the existing practice field. If the same restrictions on nonuser groups currently  
3 imposed in Ingersoll Stadium were imposed on the new practice field, the Lacrosse Club would  
4 not be allowed to use it.

5           40.     There has been no evidence that the new tennis courts will impose a greater  
6 burden on the surrounding neighborhood than the existing tennis courts.

7           **Findings Relating to the West Gate.**

8           41.     As depicted on Exhibit 5, the high school's existing parking is located to the north  
9 and south of the high school. The project will slightly reduce the number of vehicle stalls north  
10 of the high school and increase the number of stalls south of the high school.

11          42.     There is an existing lane running from the north parking area to the south parking  
12 area located along the west side of the high school as depicted on Exhibit 5.

13          43.     The driveway between the two parking areas is blocked by a gate midway along it  
14 (the "West Gate") to control access from one parking area to the other. The West Gate is  
15 currently locked.

16          44.     To improve traffic impacts resulting from the project, the District proposes to  
17 unlock the West Gate during portions of the school day and for special events. The District's  
18 proposed hours for opening the gate are set forth in Exhibit 29: 6:45 a.m. to 8:00 a.m. and 1:50  
19 p.m. to 3:00 p.m. on normal school days, with each time adjusted accordingly for partial school  
20 days. In addition, the West Gate will be opened thirty minutes before and to thirty minutes after  
21 large events held at the school. The West Gate will be closed at all other times except for  
22 emergencies.

23          45.     Having the West Gate open at the beginning and end of the school day will allow  
24 drivers to travel freely between the north and south parking areas. This will provide greater  
25



1 opportunity to enter and exit using right turns and avoiding left turns. A reduction in required  
2 left turns will significantly improve traffic flow around the school.

3 46. City Staff concurs with the District's proposal to open the West Gate on the  
4 conditions suggested by the District.

5 **Findings Relating to Traffic Impacts and the Proposed Roundabout.**

6 47. Due to the nature of the project the District was required to undertake a Traffic  
7 Impact Analysis (TIA) to determine the project's impact on traffic.

8 48. The District prepared an initial Traffic Impact Analysis which the City found  
9 lacking in sufficient detail.

10 49. In response to the City's concerns, the District prepared an amended Traffic  
11 Analysis dated January 2019 (Exhibit 12).

12 50. The amended Traffic Analysis takes into consideration the increase in student  
13 population, the new athletic fields and their intended use, and the opening of the West Gate.

14 51. The amended Traffic Analysis finds that existing Level of Service (LOS) at  
15 school access points is LOS D or better for school a.m. peak periods and LOS C or better for  
16 school p.m. peak hours. The intersection of Carlyon Avenue S.E. and Henderson Boulevard S.E.  
17 was also analyzed and found to operate at LOS E for the a.m. peak hour.

18 52. With the additional traffic generated by the project, the intersection of Carlyon  
19 and Henderson Boulevard is calculated to operate at LOS F, but would improve to LOS C if a  
20 two-way left turn lane was implemented on the north leg of Henderson Boulevard. The amended  
21 Traffic Impact Analysis therefore recommends the construction of a two-way left turn lane on  
22 the north leg of Henderson and the opening of the West Gate. The Traffic Impact Analysis does  
23 not recommend any other mitigation except for the payment of traffic impact fees as required by  
24 the City.

1           53.     As noted in the Staff Report at page 7, the recommendations contained in the  
2 amended Traffic Impact Analysis did not fully satisfy the City's concerns regarding safety and  
3 traffic speeds. Existing data indicates that most vehicle speeds are in excess of the posted school  
4 zone speed limit, increasing risks to children walking and cycling to school. The proposed  
5 additional of a left turn lane on Henderson would improve the intersection's Level of Service but  
6 it would not address these other concerns.

7           54.     After further consideration, City Staff concluded that a better solution would be to  
8 construct a compact roundabout at the intersection of Carlyon Avenue and Henderson Boulevard  
9 as identified on Exhibit 21. City Staff believes that this solution will address pedestrian safety,  
10 reduce speeds and improve intersection operation.

11           55.     The District agrees that the proposed compact roundabout is the best solution to  
12 traffic impacts. It further agrees to have it added as a condition of Conditional Use Permit  
13 approval.

14           56.     Sandra Brown, who is blind, testified during the public hearing as to the hazards  
15 roundabouts often pose for people with sight impairments, for those with other physical  
16 disabilities, and for small children. Ms. Brown recommended some other solution rather than the  
17 proposed roundabout.

18           57.     City Staff responded to Mr. Brown's concerns through the testimony of Andrew  
19 Beagle, professional engineer. Mr. Beagle acknowledged that Ms. Brown's concerns are  
20 legitimate but that the proposed compact roundabout is designed to satisfy ADA standards and  
21 address the special needs of those with disabilities. The roundabout will provide straighter  
22 crossings for pedestrians, include audible cues for vision impaired pedestrians, maintain the  
23 existing flashing beacon to warn drivers of the presence of pedestrians, and offer reduced expose  
24 time for pedestrians in the traffic lanes.



1           58.     A supplemental Traffic Impact Analysis (Exhibit 26) concludes that construction  
2 of the proposed roundabout will improve the Level of Service at the Carlyon Avenue/Henderson  
3 Boulevard interchange from LOS E to LOS "B".

4           **Findings Relating to the Requested Variance from the Hard Surface Limitations.**

5           59.     The Applicant seeks a variance to OMC 18.04.080 Table 4.04 to increase  
6 maximum hard surface from 50% coverage to 56.6% coverage to allow for all of the requested  
7 site improvements.

8           60.     Hard surfaces currently constitute 54% of the high school campus, or 22.33 acres.  
9 The project would increase total hard surfaces to 23.40 acres or 56.6% of the campus.

10          61.     The current limit for hard surfaces in the R4-8 zone is 50% of the site. The high  
11 school is therefore already noncompliant with the limit on hard surfaces and has been so since  
12 the ordinance was enacted.

13          62.     In support of its requested variance the District has submitted its analysis entitled  
14 "Variance Request" dated October 11, 2018 (Exhibit 3). As noted on page 1 of the Variance  
15 Request, Olympia is currently reviewing draft amendments to the applicable ordinance which, if  
16 approved, would increase the maximum hard surface allowed for projects such as this from 50%  
17 to 70%. If this amendment was currently in effect the District would not need to seek a variance.

18          63.     The District has considered deferring action on the project until the amendment  
19 has been enacted but chose not to do so as this would delay construction for a full year and result  
20 in higher construction costs.

21          64.     A party seeking a variance from code requirements must satisfy the six  
22 requirements found in OMC 18.66.020.

23          65.     The Applicant's proposed Findings relating to each of the six requirements of  
24 OMC 18.66.020 are set forth in the Variance Request at pages 2 through 6. As to each of the six  
25 requirements the District offers the following proposed Findings:

*Findings of Fact, Conclusions of Law  
and Decision - 27*

CITY OF OLYMPIA HEARING EXAMINER  
299 N.W. CENTER ST. / P.O. BOX 939  
CHEHALIS, WASHINGTON 98532  
Phone: 360-748-3386/Fax: 748-3387

1           1.       That the proposed variance will not amount to a rezone or constitute a  
2 change in the district boundaries shown on the official zoning map.

3           **Finding:** The District finds that approval of the variance will not result in a  
4 change of land use or allow any further land uses other than those currently  
5 permitted and ongoing.

6           2.       That because of special circumstances relating to the size, shape and  
7 topography, location or surroundings of the subject property the variance is necessary to  
8 provide it with use, rights and privileges permitted to other properties in the vicinity and  
9 in the zone in which the subject property is located.

10          **Finding:** The District finds that the current size of the high school campus  
11 prevents it from complying with hard surface limitation. The property is of  
12 insufficient size, is bounded by development, and is in a location where it is not  
13 possible to comply with the maximum coverage requirement. Further, there are  
14 no vacant, undeveloped adjacent properties which would add sufficient acreage to  
15 the campus to allow it to achieve the maximum coverage requirements, and the  
16 option of acquiring sufficient acreage of existing single-family homes is  
17 unreasonable. While thought could be given to making these school  
18 improvements at an offsite location, this would result in a satellite campus and the  
19 inefficient use of public resources with a host of health, educational, and safety  
20 issues.

21          3.       That special conditions and circumstances do not result from the actions of  
22 the applicant.

23          **Finding:** The District is directed by RCW 28A.150.210 to achieve various goals  
24 through basic education. To comply with these requirements the District must  
25



1 plan for facility and educational improvements such as the ones currently  
2 proposed. In addition, by making improvements to the existing campus the need  
3 to consider the construction of new schools will be delayed.

4 4. That granting of the variance will not constitute a grant of special privilege  
5 inconsistent with the limitation upon uses of other properties in the vicinity and zone in  
6 which the property is located.

7 **Finding:** The District has operated Olympia High School at its current location  
8 for 57 years. The requested variance is not a special privilege but will simply  
9 allow the District to continue managing and operating the high school as it always  
10 has. No new land uses are proposed.

11 5. That the granting of the variance will not be materially detrimental to the  
12 public welfare or injurious to the property or improvements in the vicinity and zone in  
13 which the subject property is situated.

14 **Finding:** The project wisely consolidates educational resources in the current  
15 campus location, furthers public safety, makes efficient use of available public  
16 land and build infrastructure, and makes efficient use of human resources by  
17 consolidating all high school activities on a single campus. In addition, the  
18 project will benefit the high school's entire service area, the surrounding  
19 neighborhood and, as mitigated, will not have detrimental impacts on traffic,  
20 noise, light and use patterns.

21 6. That the variance is the minimum variance necessary to provide the rights  
22 and privileges described above.

23 **Finding:** The requested variance is the minimum variance necessary to allow the  
24 District to fulfill the project's goals. Every effort has been made to minimize site  
25

disturbance by assuring that building sizes are the minimum necessary to fulfill State-mandated educational requirements and by consolidating uses into two levels whenever possible. Consideration was given to even greater consolidation but found to be impractical. Each of the three classroom additions provides specific benefit which cannot be achieved through consolidation.

66. There has been no public opposition to the requested variance from the hard surface standards.

67 City Staff supports the Applicant's requested variance.

68. The Hearing Examiner has reviewed the District's proposed Findings relating to the requested variance from hard surfaces and adopts these Findings as his own Findings of fact.

#### **Findings Relating to the Requested Variance from the Impervious Surface**

##### **Limitations.**

69. The District seeks a variance to OMC 18.04.080 Table 4.04 to increase maximum impervious surface coverage from 40% total site coverage to 53.5%.

70. Current impervious surface for the high school campus is 50.3% of the site (20.81 acres). The proposal would increase total impervious surface to 53.5% (22.12 acres).

71. The maximum limit for impervious surface in the R4-8 zone is 40%. The school is currently noncompliant with this limitation and has been so since the ordinance was enacted.

72. The Variance Request (Exhibit 3), referred to in the previous section of Findings, contains additional Findings relating to the project's compliance with the six requirements of OMC 18.66.020 for the second variance. Many of the District's proposed Findings are identical to those in support of the requested variance from the hard surface limitations. In addition to those Findings, the District proposes additional Findings relating to the requested variance from the impervious surface limitations.



1           73.     The Variance Request, at page 2, finds that the high school campus is located on  
2 silty, fine sand soil. These soil conditions prevent large-scale pervious pavements from  
3 performing as intended. If these native soils had a higher infiltration rate the District could rely  
4 on pervious pavements to perform as intended and the District would rely on such pavement.  
5 The use of additional impervious pavement, beyond what is allowed under OMC 18.04.080  
6 Table 4.04, will avoid the problems associated with the site's poor soil conditions. It will allow  
7 stormwater to be collected and sent to filtering devices before then being sent to the Freshman  
8 Pond. This will allow an additional source of clean water to the Freshman Pond thereby  
9 improving its ecology.

10           74.     There has been no public opposition to the requested variance from the  
11 impervious surface limitations.

12           75.     City Staff recommends approval of the requested variance.

13           76.     The Hearing Examiner adopts the District's proposed Findings as his own  
14 Findings of Fact.

15           Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

16                               **CONCLUSIONS OF LAW**

17           1.     The Hearing Examiner has jurisdiction over the parties and the subject matter.

18           2.     Any Conclusions of Law contained in the foregoing Background, Public Hearing  
19 and Analysis sections or contained in the foregoing Findings of Fact are hereby incorporated by  
20 reference and adopted by the Hearing Examiner as his Conclusions of Law.

21           3.     The requirements of SEPA have been met.

22           4.     A Conditional Use Permit is required for the proposed use at this site. The  
23 locational standards for such a use in a residential zone have been satisfied. OMC 18.04.040.  
24

1           5.     As conditioned, the landscaping and screening standards for the subject use are  
2 satisfied. Chapter 18.36 OMC.

3           6.     The conditions imposed herein are appropriate for the protection of the  
4 surrounding properties, the neighborhood and the general welfare of the public. OMC  
5 18.48.040.

6           7.     As conditioned, the project will meet the requirements for locations of schools as  
7 set forth in OMC 18.04.060(cc).

8           8.     As conditioned, the project meets the requirements of OMC 18.04.080.

9           9.     As conditioned, the project meets the requirements of Chapter 18.100 OMC  
10 relating to design review and City standards.

11           10.    As conditioned, the project complies with the requirements of OMC 18.38.060  
12 relating to parking.

13           11.    As conditioned, the project is in compliance with Chapter 16.60 OMC relating to  
14 trees, soil and native vegetation protection and replacement.

15           12.    As conditioned, the project is in compliance with Chapter 18.12 OMC relating to  
16 historic preservation.

17           13.    As conditioned, the project is consistent with the City's Comprehensive Plan.

18           14.    Good cause exists for the extension of the Conditional Use Permit by ten (10)  
19 years to allow for the second phase of construction (four additional classrooms) to be postponed  
20 to allow time for fundraising set to occur in/around 2025.

21           15.    The project, as conditioned, should be approved.

22           16.    With respect to the requested variances from the maximum hard surface  
23 limitations and the maximum impervious surface limitations:  
24



- 1 a. The requested variances will not amount to a rezone or constitute a change  
2 in the District boundaries shown on the Official Zoning Map.
- 3 b. Because of special circumstances relating to the size, shape, topography,  
4 location, or the surroundings of the subject property, the variances are  
5 necessary to provide it with the rights and privileges permitted to other  
6 properties in the vicinity and in the zone in which the subject property is  
7 located.
- 8 c. Special conditions and circumstances do not result from the actions of the  
9 Applicant.
- 10 d. Granting the variances will not constitute a grant of special privilege  
11 inconsistent with the limitations upon uses of other properties in the  
12 vicinity and zone in which the property is located.
- 13 e. Granting the variances will not be materially detrimental to the public  
14 welfare or injurious to the public and improvements in the vicinity and  
15 zone in which the subject is situated.
- 16 f. The variances are the minimum variances necessary to provide the rights  
17 and privileges to which the Applicant is entitled.

18  
19 17. The two requested variances should be approved.

20 **DECISION**

21  
22 Now, therefore, the Applicant's request for a Conditional Use Permit is **approved** and the  
23 Applicant's request for variance from the impervious surface limitations and the hard surface  
24 limitations are **approved** subject to the following:

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4. Following Land Use Approval and prior to construction, the Applicant shall submit engineering design plans to the Community Planning and Development Department for detailed technical review, approval and permitting. All engineering plans shall be in conformance with the City of Olympia's 2018 Engineering Design and Development Standards. The plans shall include all applicable elements as identified in the Standards, Section 3.045 Plan Checklist. The engineering submittal shall include the following:



- a. A construction level detailed landscaping plan reflecting the layout in the approved site plan. This plan shall include a plan for replacing trees and other vegetation within the existing parking lot as outlined in the parking analysis (Attachment 8).
- b. A signed Inadvertent Discovery Plan that outlines how the project proponent and site crew will respond in the event that archaeological resources are uncovered during the course of project work. The IDP shall be maintained and available for inspection on the project site for the duration of excavation and construction, pursuant to OMC 18.12.140.
- c. Plans shall demonstrate compliance with all applicable requirements related to Urban Forestry, such as tree protection fencing details.

5. A complete building permit application will be required for the construction of these structures. Projects shall comply with currently adopted construction codes pursuant to the Olympia Municipal Code 16.04. All construction related activities must be appropriately permitted prior to commencement of work.

6. Hours of construction noise shall comply with OMC 18.40.080. The project shall comply with noise regulations as outlined in OMC 18.40.080 (protection standards) and WAC 17-60 as it relates to omission noise related to construction and long-term use of the site. Pyrotechnics, airhorns, cowbells, sirens, electronic amplification devices and similar features are prohibited at the synthetic turf practice field. Appropriate signage shall be placed at the entrance and shown on the engineering permit plans.

7. The approval of this Conditional Use Permit shall be extended by ten (10) years to allow for the second phase of construction (4 additional classrooms) to be postponed to allow time for fundraising set to occur in/around 2025.

8. The hours of operation for the practice field shall be consistent with the policies of the School Districts 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.

9. The practice field will not be scheduled for Non-District use when Ingersoll Stadium is scheduled for event use. 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.

10. During typical full school days, the western traffic control gate will be opened from 6:45 a.m. to 8:00 a.m. and again from 1:50 p.m. to 3:00 p.m. These times will be modified accordingly to accommodate partial school days. The gate will also be opened thirty minutes before, and to thirty minutes after, large events being held in the school. The gate will be closed on weekends and school holidays unless a large event is being held at the school. Emergency access may require the opening of the gate during scheduled closed periods. The Olympia School District may request modification of the gate schedule as needed based upon school operations.

DATED this 21 day of March, 2019.

Mark C. Scheibmeir  
City of Olympia Hearing Examiner

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