

BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

IN RE:) HEARING NO. 18-3543
)
CAPITAL HIGH SCHOOL -) FINDINGS OF FACT,
PERFORMING ARTS CENTER,) CONCLUSIONS OF LAW
) AND DECISION

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

REPRESENTATIVES:

Matt Lane, Principal Project Manager	Kurt Cross
McGranahan Architects	Olympia School District
2111 Pacific Avenue, Suite 100	1113 Legion Way S.E.
Tacoma, Washington 98402	Olympia, Washington 98503

SUMMARY OF REQUEST:

A Conditional Use Permit to add a new 27,000 square foot performing arts center to the existing Capital High School. Other site improvements include associated adjustments to parking and landscaping; and formal recognition of a pedestrian pathway. The Applicant also seeks a variance from the maximum building height restrictions in order to construct the necessary "fly house" for the performing arts center.

LOCATION OF PROPOSAL:

2707 Conger Avenue N.W., Olympia

SUMMARY OF DECISION:

The requested variance is **approved** and the permit application is **approved** subject to conditions.

BACKGROUND

This is one of two concurrent applications by Olympia School District No. 111 (the other being In re Olympia High School Hearing No. 18-4309) to construct additions to Olympia's existing high schools. In this application the Olympia School District seeks a Conditional Use Permit to construct a new 27,000 square foot addition to the existing Capital High School for use

*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
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1 as a performing arts center. Its construction will result in the relocation of some vehicle and bike
2 parking as well as landscaping. The project also seeks formal recognition of an existing
3 pedestrian pathway near the east boundary of the school property.

4 The Capital High School campus consists of approximately 45 acres at the corner of
5 Cooper Point Road N.W. and Conger Avenue. The school was originally constructed in 1975.
6 Since then approved expansions include additional classrooms, sporting facilities and other site
7 improvements. North of the campus is mostly single-family residential neighborhoods with
8 Jefferson Middle School located to the northeast. East of the campus is a mix of single and
9 multi-family residential neighborhoods and a mix of zoning between multi-family residential and
10 low density residential. South of the campus is multi-family housing giving way to commercial
11 activity and a zoning designation of Professional Office/Residential Multi-Family along with
12 High Density Corridor. West of the campus, across Cooper Point Road, is a natural area owned
13 by the City of Olympia known as Grass Lake Nature Park. Southwest of the campus, and south
14 and east of the natural area, are additional commercial uses.

15 The application seeks approval to construct a new 27,000 square foot performing arts
16 center to be connected to the northwest corner of the existing high school. Its construction will
17 also result in various other interior and exterior improvements to the school building and the
18 relocation of parking to new areas. The project also includes a new driveway exit from an
19 expanded parking area in the northeast corner of the campus, and recognition and improvement
20 of an existing pedestrian trail along the east boundary of the campus running from the east side
21 of the school southerly to Bush Avenue N.W.

22 A critical component of the performing arts center is a "fly house" to raise and lower sets
23 for performances. The required height of the fly house exceeds the maximum building height for
24 the zoning district. The school district therefore requests a variance from height restrictions in
25 order to construct the fly house.

1 With the exception of a single comment regarding access to an adjoining property to the
2 east, the public has not commented on the project or had any objections. There were no
3 members of the public present at the public hearing.

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

5 The public hearing commenced at approximately 8:00 p.m. on Monday, March 11, 2019,
6 in the Council Chambers in the City Hall. The hearing commenced at the conclusion of the
7 public hearing on the Olympia High School Project. The City appeared through Paula Smith of
8 Planning Staff. The School District appeared through Matt Lane of MSGS Architecture and
9 Kurt Cross from the District. Several other school representatives were also in attendance.
10 Testimony was received from Ms. Smith, Mr. Lane and Mr. Cross. A verbatim recording was
11 made of the public hearing and all testimony was taken under oath. Documents considered at the
12 time of the hearing were the City Staff Report and its attachments submitted prior to the hearing
13 (Exhibits 1-14) together with three additional documents submitted during the hearing:

14 Exhibit 15 Revised parking analysis for motor vehicles and bicycles.

15 Exhibit 16 Proposed modification of Condition No. 2.

16 Exhibit 17 Various documents associated with the prior agreement for access given to
17 the adjoining landowner to the east.

18 There were no members of the public present and, again, there has been no public
19 opposition to the application.

20 Ms. Smith began her testimony by explaining that there needed to be an important
21 correction to the Staff Report. The report, at page 3, states that the project does not create
22 increased capacity for students at the school. This statement is incorrect as the project will
23 increase student capacity by 84 students. This led to a discussion with Ms. Smith and another
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1 staff member, Tiffany King, as to whether the project's increase in student population would
2 cause the project to be returned for further analysis regarding all student population-based
3 requirements. Ms. Smith and Ms. King responded that, although the Staff Report does not
4 recognize an increase in student population, this increase has been reflected in the School
5 District's Capital Facilities Plan and has been fully incorporated into its planning. In other
6 words, while the increase in students is not mentioned in the City Staff Report, it is recognized in
7 the School District's planning. The proposed conditions of approval reflect the larger student
8 population recognized in the District's Capital Facilities Plan.

9 Ms. Smith recognized, however, that the added student population may not have been
10 fully considered when determining the required number of long term and short term bicycle
11 stalls. With an increased student population the school is required to have sixty-two short term
12 bicycle stalls (+/- 10%). OMC 18.38.220(C). The project calls for fifty-eight short term stalls,
13 satisfying the short term stall requirement. Four of these short term stalls will be placed in the
14 area of the new performing arts center. The project will also require four new long term parking
15 stalls, two of which will also be located near the performing arts center. These revised bicycle
16 parking requirements are reflected in a proposed new Condition No. 2 set forth as Exhibit 17.

17 Staff noted that there has been some question as to whether the project will satisfy the
18 City Code requirements for the maximum allowed impervious surface. Staff proposes a
19 Condition No. 17 which requires the project to comply with the maximum impervious surface
20 requirements. City Staff and the project architect agree that, when the total acreage of the
21 campus is taken into consideration, the project is expected to be in compliance with this
22 requirement and will not need to seek a variance.

23 The Hearing Examiner inquired of Staff as to why the project calls for approval of the
24 pedestrian path east of the high school, as this path already exists. Staff explained that the
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1 purpose of granting formal approval is to allow for the path to be improved and maintained in
2 order to provide greater student safety.

3 The project will provide important additions to the existing high school without any
4 adverse impacts on the surrounding neighborhood. It is not surprising that there has been no
5 public opposition to the project. Although there has been some confusion as to whether the
6 project will result in an increased student population, this confusion has been resolved. It is now
7 clear that the project may increase student numbers by 84 students but that this student increase
8 is well reflected in the District's Capital Facilities Planning, and that the increase in students has
9 been taken into consideration.

10 The new performing arts center will only be effective if it includes a fly house. The fly
11 house will require a variance from the zoning district's maximum height allowance. The
12 justification for this variance is well established in the Staff Report and, again, there has been no
13 opposition to it.

14 I conclude that the application satisfies all requirements for Conditional Use Permit
15 including those specific requirements imposed upon schools pursuant to OMC 18.04.060(cc) and
16 Table 4.01, and that it also satisfies the requirements for a variance in order to construct the fly
17 house.

18 I therefore make the following:

19 **FINDINGS OF FACT**

20 1. The Applicant, Olympia School District No. 111, requests a Conditional Use
21 Permit in order to construct a 27,000 square foot addition to the existing Capital High School at
22 2707 Conger Avenue N.W. The purpose of the addition is to provide a new performing arts
23 center.

1 2. The application includes various other site improvements including relocation of
2 vehicle parking areas, new long term and short term bicycle stalls, additional landscaping, a new
3 parking exit onto Conger Avenue and a pedestrian pathway along the east portion of the campus,
4 heading south to Bush Avenue N.W. A map identifying all areas of site
5 improvements/modifications is found at Sheet C1.0 to Attachment 14.

6 3. The Applicant also requests a variance from the zoning district's height limitations
7 in order to construct the fly house for the performing arts center.

8 4. Any Findings of Fact contained in the foregoing Background section are
9 incorporated herein by reference and adopted by the Hearing Examiner as his Findings of Fact.

10 5. Although the Staff Report, Exhibit 1, indicates that the project will not result in
11 any increase in student population, City Staff advise that the project is expected to allow for an
12 increase of 84 students.

13 6. The Staff Report does not address any impacts of an increase in student
14 population. The School District's Capital Facilities Plan has, however, recognized this additional
15 student population and factored it into its analysis. The District's Capital Facilities Plan
16 recognizes up to 1,680 students. This number recognizes the added students allowed by the
17 project.

18 7. City Staff finds that, as the added student population has been considered in the
19 District's Capital Facilities Plan, it has been sufficiently recognized in the planning for the
20 requested addition.

21 8. The increased student population will require some adjustment in the project's
22 required biking stalls. It will require sixty-two short term biking stalls (+/- 10%), including four
23 stalls near the new performing arts center. It will also require an additional four long term stalls
24 including two near the performing arts center.

- 1 9. The project site is zoned R4-8.
- 2 10. The project site is designed as Low Density Neighborhood and Urban Corridor in
3 the City Comprehensive Plan.
- 4 11. Pursuant to the State Environmental Policy Act the District acted as Lead Agency
5 and issued a Mitigated Determination of Nonsignificance (MDNS) on issued January 29, 2019.
6 Several agency comments were received but no objections were made and the SEPA
7 Determination was not appealed. The MDNS is conditioned upon the District constructing a trail
8 on a portion of the school property as well as property owned by the City of Olympia along Bush
9 Avenue N.W., to be constructed pursuant to the City's EDDS.
- 10 12. Notification of the public hearing was mailed to the parties of record, property
11 owners within 300 feet and recognized neighborhood associations, posted on the site and
12 published in The Olympian on February 12, 2019, in conformance with the OMC 18.78.020.
- 13 13. The project underwent neighborhood review through a neighborhood meeting on
14 September 12, 2018. There was no opposition to the project.
- 15 14. The project has undergone staff review. Staff has determined that the Applicant
16 will need to submit a deviation from the EDDS for the pedestrian trail. Staff recommends
17 approval subject to the conditions found in the Staff Report.
- 18 15. Staff recommends that proposed Condition No. 2 be revised as proposed in
19 Exhibit 16. This proposed change will increase the required amount of long and short term
20 bicycle stalls consistent with the increased student population allowed by the project.
- 21 16. The Report at page 4, contains Findings relating to the project's compliance with
22 the City's Comprehensive Plan. The Hearing Examiner has reviewed those Findings and adopts
23 them as his own Findings of Fact.
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1 17. The Report at page 5, notes that the proposed pedestrian trail will require an
2 updated soils and vegetation plan to be submitted and reviewed prior to engineering permit
3 approval. With this condition Staff finds that the project complies with Chapter 16.60 OMC.

4 18. The Report at pages 5 and 6, contains Findings relating to the project's
5 compliance with OMC 18.04.040 and Table 4.01 relating to residential permitted uses. The Staff
6 Report raises a question as to whether the project will comply with the maximum allowed
7 impervious surface, but during testimony both the City Staff and Applicant testified that the
8 project should comply with this requirement without need for a variance. The Hearing Examiner
9 has reviewed the proposed Findings and accepts them as his own Findings of Fact with the
10 additional testimony relating to impervious surface.

11 19. The Report at pages 6 and 7, contains Findings relating to the project's
12 compliance with OMC 18.04.060(cc) and the various code requirements imposed upon schools
13 for site size, outdoor play areas, building size, screening and requirements for explanation. The
14 Hearing Examiner has reviewed those proposed Findings and adopts them as his own Findings of
15 Fact.

16 20. The Report at page 7, contains Findings that the project has a moderate risk for
17 archaeological resources and, as a condition, will comply with Chapter 18.12 OMC relating to
18 historic preservation. The Hearing Examiner has reviewed those Findings and adopts them as
19 his own Findings of Fact.

20 21. The Report at page 7, contains Findings relating to compliance with the
21 landscaping requirements of Chapter 18.36 OMC. Staff notes that the Applicant has submitted a
22 Landscaping Plan but that it will need to be revised to show all new parking areas and that a final
23 Landscaping Plan will be submitted at engineering plan review. Subject to these requirements
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1 Staff finds that the Applicant has satisfied the requirements of Chapter 18.36 OMC. The
2 Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

3 22. The Report at pages 7 and 8, contains Findings relating to the project's
4 compliance with Chapter 18.38 OMC relating to parking and loading. All parking analysis has
5 relied upon potential student capacity of 1,680 students. This number includes the potential
6 increase in student population provided by this project. City Staff finds that the project's
7 proposed 458 parking stalls will meet the City's Parking Code requirements.

8 City Staff acknowledges that the Findings contained at page 8 relating to bicycle parking
9 must be amended as discussed earlier in the Background section. Based upon a potential
10 increase of 84 students Staff finds that the project will require 62 short term biking stalls (+/-
11 105) and four additional long term stalls, with four of the short term stalls and two of the long
12 term stalls to be located near the new performing arts center. Staff finds that with these increases
13 in biking stalls the project will satisfy the City's requirements for long and short term bicycle
14 stalls. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings
15 of Fact.

16 23. The Report at page 8, contains Findings relating to the project's compliance with
17 the requirements for Chapter 18.48 OMC relating to conditional uses. Staff finds that the project
18 has been conditioned to comply with all requirements of the Conditional Use Ordinance. The
19 Hearing Examiner has reviewed those Findings and adopts them as his own Findings of Fact.

20 24. The project is located in a residential zone and exceeds 5,000 square feet in floor
21 space. It must therefore be reviewed by the Design Review Board. On October 11, 2018, the
22 Design Review Board undertook conceptual design and review. The Design Review Board
23 recommends approval of the conceptual design with no conditions. The Design Review Board
24 also finds that the proposed increased building height to accommodate the fly house is acceptable
25 and recommends approval of the requested variance.

*Findings of Fact, Conclusions of Law
and Decision - 9*

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1 25. The Report at page 9, contains Findings relating to the project's compliance with
2 the EDDS. The Hearing Examiner has reviewed those Findings and adopts them as his own
3 Findings of Fact.

4 26. There has been limited public comment relating to the project and no public
5 opposition. The adjoining landowner to the east has expressed some concerns about his right of
6 access onto school property. School staff have provided documentation evidencing that there is
7 no continuing right of access by the adjoining landowner (Exhibit 17).

8 27. The Applicant requests a variance from the maximum height standard of 35 feet
9 in order to construct a 54 foot tall "fly loft" needed for the performing arts center.

10 28. Staff finds that the project complies will all requirements for the requested
11 variance as set forth in Findings contained on pages 10 and 11 of the Staff Report. The Hearing
12 Examiner has reviewed those Findings and adopts them as his own Findings of Fact.

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

14 **CONCLUSIONS OF LAW**

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

16 2. Any Conclusions of Law contained in the foregoing Background section or
17 contained in the foregoing Findings of Fact are hereby incorporated by reference and adopted by
18 the Hearing Examiner as his Conclusions of Law.

19 3. The requirements of SEPA have been met.

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

22 5. As conditioned, the landscaping and screening standards for the subject use are
23 satisfied. Chapter 18.36 OMC.
24

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

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

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

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

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

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

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

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

16 14. The project, as conditioned, should be approved.

17 15. With respect to the requested variance from the maximum height limitation:

18 a. The requested variance will not amount to a rezone or constitute a change
19 in the District boundaries shown on the Official Zoning Map.

20 b. Because of special circumstances relating to the size, shape, topography,
21 location, or the surroundings of the subject property, the variance is necessary to provide it with
22 the rights and privileges permitted to other properties in the vicinity and in the zone in which the
23 subject property is located.

1 c. Special conditions and circumstances do not result from the actions of the
2 Applicant.

3 d. Granting the variance will not constitute a grant of special privilege
4 inconsistent with the limitations upon uses of other properties in the vicinity and zone in which
5 the property is located.

6 e. Granting the variance will not be materially detrimental to the public
7 welfare or injurious to the public and improvements in the vicinity and zone in which the subject
8 is situated.

9 f. The variance is the minimum variance necessary to provide the rights and
10 privileges to which the Applicant is entitled.

11 16. The variance should be approved.

12 DECISION

13 Now, therefore, the Applicant's request for a Conditional Use Permit is **approved** and the
14 Applicant's request for a variance is **approved** subject to the following:

15 CONDITIONS

16 1. **Approved Site Plan.** The site plan shall be substantially in conformance with the
17 site plans A.101.B and C1.0 date stamped received February 5, 2019 (Attachment 14), as
18 modified by conditions of approval herein, and as modified by the Hearing Examiner.

19 2. **Long and Short Term Bicycle Parking.** A minimum of two (2) long term and
20 four (4) short term bicycle stalls shall serve the Performing Arts Center building. An additional
21 two (2) long term bicycle stalls and a total of 62 (+/- 10%) short term bicycle stalls shall be
22 installed and meet the standards set forth in OMC 18.38.22.C. The details of the location and
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1 curt sheets of the racks to be used will be required at time of Detail Design Review application
2 and provided on plans submittal for building permit review.

3 3. **Landscaping Plan.** Provide the final landscaping plan prepared in compliance
4 with OMC 18.36 with engineering permit application.

5 4. **Perimeter and Parking Lot Landscaping.** New parking area proposed on the
6 east boundary of the site may need additional perimeter landscaping to meet the Visual Screen
7 (Type II) requirements. All new parking area proposed on the site shall meet OMC 18.36.180
8 for parking lot landscaping. Show details on the final landscaping plan.
9

10 5. **Level 2 Soil and Vegetation Plan (SVP).** An updated plan based on the
11 Approved Land Use Site Plan, shall be completed and submitted to the City Forester prior to
12 Engineering Permit issuance and address the following items:

- 13 a. The SVP shall identify all trees to be removed and protected.
- 14 b. All tree protection measures and timeline for installing tree protection
15 shall be included in the SVP.
- 16 c. The Applicant shall also provide the Forester with a staked trail alignment,
17 proposed finish elevations, proposed trail cross section detail (trail
18 materials, depth of disturbance and compaction, trail width), cut and fill
19 area cross sections, and all necessary trenching for utilities.
- 20 d. Additional tree planting locations and species selection, if the parcel is
21 below the minimum tree density, shall be included in the updated SVP, at
22 a rate of 3 tree units per 1 tree unit removed and 1 tree unit for every 500
23 sf of land disturbing activity.
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1 6. **Pedestrian Trail.** Construction of pedestrian trail shall be designed, as
2 conditioned by the deviation approval letter dated February 19, 2019 (Attachment 12).

3 7. **Water Main.** The relocated water main shall connect to the existing water main
4 further south than is shown on the current plan. The point of connection shall be at a point where
5 the existing main is compliant with easement separation requirements per EDDS 3.100.

6 8. **Driveway.** The new egress only driveway shall be designed in a manner to avoid
7 conflicts with existing improvements such as the crosswalk, accessible ramp to the west and the
8 existing residential driveway to the east. Provide details on the civil plans to be submitted as
9 part of the engineering permit application.
10

11 9. **Fire Hydrant.** The fire hydrant shall be relocated. Location to be determined
12 during engineering plan review. Hydrant and water main installations shall be completed and
13 accepted by the City prior to any vertical combustible construction.

14 10. **Building and Construction Codes.** The project shall comply with the City of
15 Olympia Building and Construction Codes as adopted through the Olympia Municipal Code,
16 Title 16.

17 11. **Hours of Construction.** Construction activity shall comply with OMC
18 18.40.080.

19 12. **Engineering Permit Application.** An engineering permit application shall be
20 submitted for review and approval prior to construction. The permit submittal shall comply with
21 the 2017 Engineering Design and Development Standards (EDDS) and the 2016 Drainage
22 Design and Erosion Control Manual (DDECM).

23 13. **Detail Design Review.** A Detail Design Review application shall be submitted
24 prior to or at building permit approval.
25

14. **Signs.** Any new signs proposed requires a separate permit application to be submitted for review and approval.

15. **Inadvertent Discovery Plan (IDP).** Prior to engineering permit issuance, provide a signed Inadvertent Discovery Plan (IDP) 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.

16. **Lighting**. All display and flood lighting shall be constructed and used so as not to unduly illuminate the surrounding properties and not to create a traffic hazard.

17. **Impervious Surface.** The proposal will need to comply with this maximum impervious surface requirements. Provide total site area and total of existing and proposed impervious calculations at time of engineering permit submittal for review and approval.

DATED this 18 day of March, 2019.

Mark C. Scheibmeir
City of Olympia Hearing Examiner

RECONSIDERATION/APPEAL

This is a final decision of the City. Any party may file a Motion for Reconsideration within 10 days of service of this decision in accordance with OMC 18.75.060. Appeals shall be made to Superior Court pursuant to provisions of Chapter 36.70C RCW. The filing of a Motion for Reconsideration is not a prerequisite for seeking judicial review. If a Motion for Reconsideration is filed, the time for filing an appeal shall not commence until disposition of the Motion.

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
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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*

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299 N.W. CENTER ST. / P.O. BOX 939
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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.
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- 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.¹ 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 ¹ 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
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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
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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
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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
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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*

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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
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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
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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:
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- 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**

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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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