

BEFORE THE CITY OF TUMWATER HEARINGS EXAMINER

IN RE:)	HEARING NO. TUM-25-1198
)	AND TUM-25-1522
THURSTON HINDU TEMPLE AND)	
CULTURAL CENTER.)	
)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
)	AND DECISION

APPLICANT: Anil Kumar
5112 Andrew Street SE
Lacey, Washington 98503

SUMMARY OF REQUEST:

Site Plan Review and Conditional Use Permit approval to utilize an existing 1,562-square foot suite located within a building at 210 Tumwater Blvd. SW as a church facility. No other site improvements are proposed.

LOCATION OF PROPOSAL:

210 Tumwater Blvd. SW. Tax Parcel No. 82701600300.

SUMMARY OF DECISION:

The requested Site Plan Review and Conditional Use Permit are **approved** subject to the conditions recommended by City Staff.

BACKGROUND

The building at 210 Tumwater Blvd. SW in Tumwater is owned by the Port of Olympia. This building, and several nearby ones, were recently upgraded with both interior and exterior improvements and new parking facilities, stormwater facilities and lighting. More recent improvements include the division of this building into three suites. The Thurston Hindu Temple and Cultural Center seeks to utilize one of those suites containing 1,562 square feet as their temple and cultural center. The site is fully developed and no site improvements or modifications are required. City Staff recommends approval of the requested Site Plan and the necessary Conditional Use Permit. There has been no public opposition.

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

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1 **PUBLIC HEARING**

2 The public hearing commenced at 4:00 p.m. on Wednesday, February 25, 2026. The
3 hearing occurred remotely utilizing the Zoom platform with the City serving as the host. The
4 City appeared through Sam Hunter, Associate Planner, along with Tami Merriman, Permit
5 Manager and Alex Baruch, Senior Planner. The Applicant, Anil Kumar, appeared in person.
6 Several members of the public were in attendance but did not ask to testify. Testimony was
7 received from Ms. Hunter and Mr. Kumar. A verbatim recording was made of the public hearing
8 and all testimony was taken under oath. The following exhibits were considered:

- 9 Exhibit 1. Staff Report, dated February 13, 2026
10 Exhibit 2. Conditional Use Permit Application, dated November 14, 2025
11 Exhibit 3. Site Plan Amended, dated November 14, 2025
12 Exhibit 4. Proposed Floor Plan, dated November 14, 2025
13 Exhibit 5. Zoning and Vicinity Map
14 Exhibit 6. Notice of Application with Comments, dated December 26, 2025
15 Exhibit 7 Notice of Public Hearing, dated February 13, 2026
16 Exhibit 8. Parking Analysis, dated November 14, 2025
17 Exhibit 9. Public Notice Certification
18 Exhibit 10. Maximum Occupancy Letter, dated November 14, 2025
19 Exhibit 11. Water & Sewer Availability

20 The hearing began with brief testimony from Sam Hunter, Associate Planner and author
21 of the City Staff Report (Exhibit 1). Ms. Hunter explained that the Applicant proposes to
22 convert one of three suites found in the building at 210 Tumwater Blvd. SW into a Hindu
23 Temple and Cultural Center. The building is one of several in the area owned by the Port of
24 Olympia. During the past few years the Port has upgraded this and surrounding buildings
25 through various interior and exterior improvements along with new parking, stormwater
management and lighting. More recently, the Port converted this building into three suites, with
the Applicant seeking to utilize one of those suites. The request has the support of the Port of
Olympia and there has been no public opposition, including any opposition by other tenants of
the Port's properties.

1 The site is fully developed and the suite does not require any further modification in
2 order for its use. Recent improvements to parking, stormwater facilities, lighting and building
3 upgrades mean that the facility is available for immediate use without further modification or
4 improvement.

5 The project is located in the New Market Neighborhood as designated by the Land Use
6 Element in the City's Comprehensive Plan, and its land use designation is Town Center (TC).
7 Staff finds that the project, as conditioned, is consistent with its land use designation. Staff finds
8 that the project is also consistent with the goals and policies of the City's Strategic Plan and the
9 City's Economic Development Plan. The project is also consistent with the City's Transportation
10 Plan, and transportation concurrency has been found on the basis that the proposed use does not
11 exceed the number of trips generated by prior use of the facility.

12 Ms. Hunter then identified the public notice of the project and confirmed that all required
13 public notice has been provided and that the project is exempt from SEPA review.

14 Ms. Hunter then turned to an analysis of the project's compliance with the City's zoning
15 code. The property is located in the Town Center (TC) zone district. Churches are a conditional
16 use in the TC zone and are permitted subject to a Conditional Use Permit. The property is also
17 located within the Aquifer Protection (AOP) overlay zone district but are not a restricted land use
18 in this overlay zone. Ms. Hunter then reviewed all other requirements imposed on development
19 within the TC zone and confirmed that the project, as conditioned, will satisfy all requirements
20 of the TC zone including lighting and parking requirements.

21 Ms. Hunter then examined the project in relation to the City's requirements for a
22 Conditional Use Permit under Chapter 18.56 TMC. Ms. Hunter confirmed that, as conditioned,
23 the project will satisfy each general requirement of TMC 18.56.035 for a Conditional Use
24 Permit, as well as each additional special requirement for a church facility as imposed under
25 TMC 18.56.120. Ms. Hunter concluded her testimony by stating that the project, as conditioned,

1 is consistent with all of the requirements of the City's zoning code; is consistent with the
2 Comprehensive Plan, and satisfies all Conditional Use requirements. Staff therefore
3 recommends approval of the Site Plan and the requested Conditional Use Permit subject to the
4 two conditions found on Page 8 of the Staff Report.

5 At the conclusion of Ms. Hunter's direct testimony the Hearing Examiner posed a few
6 questions. The Hearing Examiner noted that church facilities can sometimes cause unique traffic
7 and parking issues, and wondered if the City had any such concerns with this project. Ms.
8 Hunter explained that the Port's property has 236 parking stalls and that only 177 stalls have
9 dedicated uses. As a result, the City believes that the site has more than sufficient parking. In
10 addition, parking approval has been conditioned upon limiting occupancy to 49 persons. This
11 condition will help ensure that parking is not a problem.

12 Following Ms. Hunter's testimony the Applicant, Anil Kumar, testified on behalf of the
13 application. Mr. Kumar explains that the Thurston Hindu community is relatively small and its
14 needs for a temple facility are modest. It does not conduct a religious "service" but rather
15 provides a place for its members to gather. It intends to have the facility opened each day from
16 8:00 a.m. to 10:00 a.m. and then again from 6:00 p.m. to 8:00 p.m. At all other times the facility
17 will be closed. Less than 30 individuals are expected to be in the facility at any time, with
18 maximum occupancy occurring during festival events when perhaps 4 to 6 families gather. Mr.
19 Kumar added that the facility has been well received by all nearby tenants.

20 At the conclusion of the Applicant's presentation the hearing was opened for public
21 testimony. There were 3 or 4 members of the public present, including representatives from the
22 Port of Olympia, but all of these individuals indicated that they were present in support of the
23 application and did not wish to testify. There has been no public opposition.

24 City Staff has carefully reviewed this application and finds that, as conditioned, it meets
25 all requirements for Conditional Use Permit as well as for Site Plan approval. The Applicant

1 does not object to the requested conditions of approval and there has been no public opposition.
2 I concur with City Staff that the project, as conditioned, satisfies all City requirements for
3 Conditional Use approval and Site Plan approval.

4 I therefore make the following:

5 **FINDINGS OF FACT**

6 **General Findings.**

7 1. The Applicant, Anil Kumar, requests a Conditional Use Permit to convert an
8 existing 1,562 square foot suite located in the building at 210 Tumwater Blvd. SW into a Hindu
9 Temple and Cultural Center.

10 2. As the Conditional Use Permit requires Hearing Examiner approval, the project
11 also requires Site Plan Review by the Hearing Examiner.

12 3. Any Findings of Fact contained in the foregoing Background and Public Hearing
13 Sections are incorporated herein by reference and adopted by the Hearing Examiner Pro Tem as
14 his Findings of Fact.

15 4. The project proposes to utilize an existing 1,562-square foot suite (Suite 108)
16 located within the existing 6,000-square foot building at 210 Tumwater Blvd. SW.

17 5. The project will utilize an existing suite within an recently remodeled building.
18 No modifications will be needed for the exterior of the building, existing landscaping, existing
19 stormwater management, existing landscaping or lighting.

20 6. The Applicant intends to utilize the facility for religious services from 8:00 a.m.
21 to 10:00 a.m. and 6:00 p.m. to 8:00 p.m. daily. The facility is intended to be closed at all other
22 times.

23 7. The Applicant does not anticipate gatherings of more than 30 individuals. The
24 City has conditioned permit approval upon a maximum capacity of 49 individuals.

1 8. The facility will be accessed off of existing driveways off of Tumwater Blvd. and
2 will rely upon existing parking. The site has 236 parking stalls which significantly exceeds the
3 requirements for parking.

4 9. The site is generally flat and does not contain any wetlands or other critical areas.

5 10. The project site has a zoning designation of Town Center (TC). All surrounding
6 properties have a similar zoning designation.

7 11. The project site is surrounded by several similar buildings commonly owned by
8 the Port of Olympia and having a mix of largely commercial tenants. To the southeast of the
9 project site, across Tumwater Blvd. SW, is the Olympia Regional Airport and various Port-
10 owned properties.

11 Findings Relating to Notice and to Agency Public Comment.

12 12. The Notice of Application was mailed to property owners within 300 feet of the
13 subject property and affected agencies, posted onsite and published in The Olympian on
14 February 13, 2026. No public comments were received in response to the Notice. Comments
15 were received from the Confederated Tribes of the Chehalis Reservation and the Squaxin Island
16 Tribe, but both tribes indicated that they had no concerns regarding the project. Standard
17 comments were also received from ORCAA.

18 13. The City, as Lead Agency, determined that the project is exempt from SEPA
19 review pursuant to WAC 197-11-800(6)(b).

20 Findings Relating to the Project's Consistency with the City's Comprehensive Plan and
21 Other Planning Documents.

22 14. The project site is located within the New Market Neighborhood as designated by
23 the Land Use Element of the City's Comprehensive Plan. The land use designation for this site is
24 Town Center (TC).

1 15. The Staff Report, commencing at page 2, undertakes an analysis of the project's
2 consistency with the Tumwater Comprehensive Plan and various other regional documents.
3 Staff finds that the project, as conditioned, is consistent with the Comprehensive Plan and its
4 goals, including those specific goals related to the Tumwater Town Center and the New Market
5 Neighborhood. The Hearing Examiner concurs.

6 16. Staff finds that the project, as conditioned, is consistent with the Tumwater
7 Economic Development Plan for the reasons set forth on page 3 of the Staff Report. The Hearing
8 Examiner concurs.

9 17. Staff finds that the project, as conditioned, is consistent with the Tumwater
10 Transportation Plan. Transportation concurrency was assessed for the overall site. Staff finds
11 that the proposed use does not exceed the number of trips previously generated by the original
12 use (as offices) and therefore meets the transportation concurrency exemption criteria found at
13 TMC 15.48.050. The Hearing Examiner concurs.

14 18. Staff therefore finds that the project is consistent with the Tumwater
15 Transportation Plan. The Hearing Examiner concurs.

16 Findings Relating to Compliance with the Zoning Code, Title 18 TMC.

17 19. As noted previously, the project is located in the Town Center (TC) zone.

18 20. Church facilities are a permitted use in the TC zone subject to a Conditional Use
19 Permit.

20 21. The project is also located within the Aquifer Protection Overlay (AOP) zone,
21 Chapter 18.39 TMC. Staff finds that the purpose of the AOP overlay zone is to protect
22 vulnerable land or critical aquifer recharge areas. Staff also finds that the proposed use is not a
23 prohibited land use in this overlay zone district.

1 22. The project is subject to the environmental standards set forth in TMC 18.40 for
2 exterior illumination. Staff finds that the project, as conditioned, will satisfy all restrictions on
3 exterior illumination and will comply with Chapter 18.40 TMC.

4 23. Chapter 18.44 TMC regulates proposed signage for the project. All proposed
5 signs must comply with Chapter 18.44 TMC and will require separate permits.

6 24. The project site has existing landscaping. All landscaping requirements pursuant
7 to Chapter 18.47 TMC have been met.

8 25. The project must comply with Chapter 18.50 TMC for parking. Minimum
9 parking requirements for churches are 6 spaces per 1,000 feet of assembly area where seats or
10 pews are not provided. The project will therefore require 10 parking stalls. As noted earlier,
11 existing parking onsite provides 236 parking stalls for the overall development. City Staff has
12 confirmed that the project will not adversely affect onsite parking.

13 Findings Relating to Requirements for Conditional Use Permits.

14 26. As noted earlier, church facilities are allowed in the TC zone as a conditional use
15 subject to a Conditional Use Permit.

16 27. A Conditional Use Permit is permitted upon findings that the proposed use is
17 consistent with the intent of the Comprehensive Plan and the zoning requirements. TMC
18 18.56.035.

19 28. In determining whether a Conditional Use Permit should be granted, the Hearing
20 Examiner shall be guided by the criteria set forth in TMC 18.56.035.A.1-4.

21 29. Pursuant to 18.56.035.A.1, the proposed use should be in keeping with the goals
22 and policies of the Tumwater Comprehensive Plan, including Subarea Plans, and applicable
23 ordinances. Staff finds that the proposed use as a church is consistent with the goals and policies
24 of the Tumwater Comprehensive Plan including the New Market Neighborhood Subarea Plan,
25 and with applicable ordinances as discussed in earlier Findings. The Hearing Examiner concurs.

1 30. Pursuant to TMC 18.56.035.A.2, the proposed use shall not be materially
2 detrimental to the public health or welfare, the environment, or injurious to the property or
3 improvements near the proposed use or in the zone in which the subject property is situated. In
4 reaching this determination, the Hearing Examiner shall consider the proposed use's generation
5 of noise, noxious or offensive odors or omissions, light, glare, traffic, surface water or
6 groundwater pollution, electronic interference, impacts to environmentally sensitive areas or
7 protected species, impacts to historical cultural resources, or other impacts or nuisances that may
8 be injurious to the public health or welfare or to property or improvements in the vicinity of the
9 proposed use or in the district in which the subject property is situated. Consideration must also
10 be given to the availability of public services which may be necessary or desirable for the
11 support of the proposed use, including utilities, transportation systems, education, police and fire
12 facilities, and social and health services. Consideration must also be given to the adequacy of
13 landscaping and screening consistent with Chapter 18.47 TMC and for required setbacks, open
14 spaces or other development characteristics necessary to mitigate the impact of the proposed use
15 upon neighboring properties.

16 31. Staff finds that all requirements of TMC 18.56.035.A.2 have been satisfied and
17 that the proposed use is not materially detrimental to the public health or welfare, the
18 environment, or injurious to properties or improvements near the proposed use. In reaching this
19 Finding, Staff also finds that the project will not generate excessive noise, noxious or offensive
20 odors, or other emissions, or excessive light or glare; that all traffic impacts have been addressed
21 and mitigated; that all surface water or groundwater impacts have been addressed and mitigated;
22 that there are no environmentally sensitive areas or protected species requiring protection; that
23 the project is exempt from SEPA review; that impacts to historic or cultural resources have been
24 addressed; and that other impacts or nuisances that may be injurious to the public health or to
25 nearby properties have been fully considered and addressed through appropriate conditions of

1 project approval. Staff further finds that necessary public services are available for the proposed
2 use including utilities, transportation systems, education, police and fire facilities and other
3 social and health services, and that the project has been conditioned on providing these services
4 as applicable. Staff also finds that the existing landscaping and screening is adequate and
5 consistent with the requirements of Chapter 18.47 TMC. Staff also finds that existing setbacks,
6 open spaces and landscaping will mitigate the impact of the proposed use on neighboring
7 properties. The Hearing Examiner has reviewed Staff's Findings with respect to compliance with
8 TMC 18.56.035.A.2 and adopts the Staff's Findings as his own.

9 32. Pursuant to TMC 18.56.035.A.3, the proposed use shall meet or exceed the
10 performance standards required in the TC zone. Staff finds that the project, as conditioned, is
11 consistent with all applicable performance standards outlined in the TC Zone District and the
12 Aquifer Protection Overlay Zone District. The Hearing Examiner concurs.

13 33. Pursuant to TMC 18.56.035.A.4, consideration must also be given to any
14 additional minimum conditions identified for a particular type of proposed use as set forth in
15 TMC 18.56.100 through TMC 18.56.350. There are specific conditions to be met for conditional
16 use approval of a church including:

17 a. The site must be on or within 300 feet of an arterial or the intersection of
18 two or more collectors;

19 b. Plans showing the site layout and the design of the buildings shall be
20 submitted for approval to the Hearing Examiner. These plans shall demonstrate that the
21 proposed development will be compatible with the appearance and character of the
22 surrounding neighborhood, and that such development will not be unduly detrimental to
23 surrounding property;

24 c. 25-foot setbacks on front, side and rear yards, and any additions to an
25 existing structure shall not encroach upon any required yard; and

1 d. Church-sponsored uses located apart from the main building, such as
2 residences, school, auditoriums, convents, preschool facilities, or other uses similar in
3 nature, shall be considered separate uses and subject to the applicable provisions of this
4 title.

5 34. The Staff Report, at page 8, contains careful analysis of these additional
6 requirements for use as a church facility and finds that they are satisfied:

7 a. The site is located on Tumwater Blvd. SW which is an arterial.

8 b. There are no changes to the site layout or the exterior design of the
9 building. Site layout and building plans were submitted to the City for review when the
10 building and property were upgraded in regards to landscaping, stormwater, parking and
11 lighting. The building has recently been upgraded in regard to its façade and exterior
12 lighting. The proposed use is compatible with the appearance and character of the
13 surrounding neighborhood and will not be unduly detrimental to the surrounding
14 property.

15 c. As proposed, the project satisfies all minimum zoning setbacks of the TC
16 zone as well as the special setback requirements imposed upon churches.

17 d. The church is the only proposed use. No other uses are proposed separate
18 from the main building.

19 35. The Hearing Examiner adopts Staff's Findings as his own.

20 36. Staff recommends approval of the requested Conditional Use Permit and Site Plan
21 subject to the conditions set forth in the Staff Report at page 8. The Applicant does not object to
22 the proposed conditions.

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

24 **CONCLUSIONS OF LAW**

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

1 2. Any Conclusions of Law contained in the foregoing Background, Public Hearing
2 or Findings Sections are hereby incorporated by reference and adopted by the Hearing Examiner
3 as his Conclusions of Law.

4 3. The requirements of SEPA have been met.

5 4. All notice requirements have been met.

6 5. A Conditional Use Permit is required in order to allow the proposed development
7 of church facility within the TC zone.

8 6. The project, is consistent with the Tumwater Comprehensive Plan including the
9 New Market Neighborhood Subarea Plan; the Tumwater Economic Development Plan; and the
10 Tumwater Transportation Plan.

11 7. The project, as conditioned, is consistent with all applicable performance
12 standards for the Town Center zoning district and the Aquifer Protection Overlay Zone District.

13 8. The project, as conditioned, satisfies the City's Transportation Concurrency Test
14 as set forth in Chapter 15.48 TMC.

15 9. The project, as conditioned, complies with all development standards imposed on
16 the Town Center zone district, Chapter 18.23 TMC.

17 10. The project, as conditioned, complies with the requirements of the Aquifer
18 Protection Overlay Zone District. The proposed use is not a restricted land use in the Aquifer
19 Protection Overlay Zone District.

20 11. The project, as conditioned, complies with all requirements for Conditional Use
21 Permits as set forth in Chapter 18.56 TMC. The Hearing Examiner has taken into consideration
22 all of the criteria set forth in TMC 18.56.035.A.1-4 in rendering this determination.
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1 12. The project, as conditioned, satisfies all specific criteria for Conditional Use
2 Permit of a church as imposed by TMC 18.56.120.1-4.

3 13. The project, as conditioned, satisfies all other requirements of the Tumwater
4 Zoning Code, Title 18 TMC, including Chapters 18.40; 18.43; 18.44; 18.46; 18.47; and 18.50
5 TMC.

6 18. The requested Site Plan Review and Conditional Use Permit should be approved
7 subject to the 2 conditions set forth on page 8 in the Staff Report.

8 **DECISION**

9
10 Now, therefore, the Applicant's request for Site Plan and a Conditional Use Permit are
11 **approved** subject to the following:

12 **CONDITIONS**

- 13 1. Any signage shall be permitted under separate permits.
- 14 2. The maximum number of people allowed to occupy the 1,562 square foot tenant
15 space at any time will be 49. Placards stating "Maximum Occupancy 49" are to be posted in the
16 building on main door of the tenant space.

17 DATED this 3 day of March, 2026.

18 
19 _____
20 Mark C. Scheibmeir
21 City of Tumwater Hearing Examiner

22 **HEARING EXAMINER**
23 **POST-DECISION PROCEDURES**

24 The following sections of the Tumwater Municipal Code outline procedures for requesting reconsideration of a
25 decision by the Tumwater Hearing Examiner and appealing a decision made by the Tumwater Hearing Examiner.

2.58.135 Reconsideration.

Upon the written request of a party of record filed with the city clerk within five working days of the hearing
examiner's written decision, such decision may be reconsidered at the discretion of the hearing examiner. The
request for reconsideration must state the grounds upon which the request is made. In the event reconsideration is
granted, the hearing examiner shall have an additional ten working days to render a written final decision.

*Findings of Fact, Conclusions of Law
and Decision - 13*

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1 **2.58.140 Notice of examiner's decision.**

2 Not later than five working days following the rendering of a written decision, copies thereof shall be mailed to the
3 applicant, other parties of record in the case, and all other persons who specifically request notice of decision by
4 signing a register provided for such purpose at the public hearing. The original of the decision shall be transmitted to
5 the city clerk.

6 **2.58.150 Appeal from examiner's decision.**

7 In cases where the examiner's jurisdictional authority is to render a decision, the decision of the examiner shall be
8 final and conclusive unless appealed to superior court within the applicable appeal period as set forth in TMC
9 2.58.180.

10 **2.58.180 Judicial appeals.**

11 Final decisions (after exhausting administrative remedies) may be appealed by a party of record with standing to file
12 a land use petition in the Thurston County superior court, except shoreline permit actions which may be appealed to
13 the shoreline hearings board. Such petition must be filed within twenty-one days of issuance of the decision as
14 provided in Chapter 36.70C RCW.
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