

THE TULALIP TRIBES
CONDITIONAL USE PERMIT APPLICATION

Applicant: _____

Address: _____

Phone: _____ Fax: _____

Parcel or Tract Number: _____

Property address: _____

Legal Description of Property (Section, Township, Range): Please attach complete description:

Section _____ Township _____ Range _____

Description of proposal: _____

I hereby certify that I have prepared this application and site plan and that, to the best of my knowledge, the information provided is complete, accurate, and a true representation of the proposed development, I further attest that I have the authority to submit this application and agree to comply with any and all conditions of development permit approval. I agree to provide any additional information required and understand that if the scope of the project is modified, a new application may be required.

Applicant's Signature

Date

Chapter 7.160 CONDITIONAL USES

Sections:

- [7.160.010](#) Required submissions.
- [7.160.020](#) Planning Commission decision authority.
- [7.160.030](#) Conditions – Mitigation – Denial.
- [7.160.040](#) Disapproval.
- [7.160.050](#) Specific conditional uses.

7.160.010 Required submissions.

Applicants for a conditional use permit shall, at the request of the Planning Commission, or any Hearing Examiner appointed by the Planning Commission, submit such plans, statements, and documents as are reasonably required for evaluation of the proposal. [Ord. 80 § 32.1, 1-9-1995].

7.160.020 Planning Commission decision authority.

The Planning Commission, subject to appropriate conditions and safeguards as provided by this title, shall hear and decide applications for conditional use permits. [Ord. 80 § 32.2, 1-9-1995].

7.160.030 Conditions – Mitigation – Denial.

The Planning Commission may impose conditions and mitigation requirements to protect the health, safety, welfare and rights of the citizens on the Reservation, and to assure consistency with the provisions of this title and the text, goals, policies and objectives of the Comprehensive Plan. The Planning Commission shall have the authority to condition, require mitigation, or deny based upon significant adverse impacts to the natural and built environment. Such conditions may include the posting of bonds to insure continued compliance with the conditions of the use permit. The conditional use permit when issued shall contain a written order of the required conditions and a schedule for compliance. [Ord. 80 § 32.2, 1-9-1995].

7.160.040 Disapproval.

If, in the judgment of the Planning Commission, no conditions could be imposed that would mitigate significant adverse impacts to the environment, ensure the compatibility and harmony of the use or structure within the spirit of this title, and protect the health, welfare, safety, lands and rights of persons on the Reservation, a conditional use permit shall not be issued. [Ord. 80 § 32.3, 1-9-1995].

7.160.050 Specific conditional uses.

The following conditional uses may be approved by the Planning Commission only if each of the following criteria are fulfilled:

(1) Correctional Facility.

(a) The facility is located to minimize impact on community life and areas of local economic importance.

(b) The facility is not located closer than one mile, or is separated by a natural or physical

barrier which provides the necessary separation, from any schools, cultural and religious buildings and sites, recreational sites, entertainment facilities, retail/commercial centers with a high employee population or customer traffic, or established residential areas.

(c) The site is served by public facilities and services adequate for the proposed use, including waste disposal, water supply, and fire protection.

(d) The facility shall be located such that law enforcement officers can respond to a call for assistance within five minutes under typical conditions.

(e) A minimum eight-foot-high fence is required between the facilities and all property boundaries with landscaped street frontage which effectively screens the site from adjacent properties.

(f) Site lighting shall not produce levels of illumination or glare that would pose a nuisance or hazard for motorists on public rights-of-way.

(g) The applicant shall submit a security plan which, at a minimum, is consistent with applicable American Corrections Association security standards. This plan shall identify staffing levels and scheduling, building security, an escape search plan, and provisions for immediate public notification of escapes. [Res. 96-0087A § 2 (App. A); Ord. 80 § 32.4, 1-9-1995].

(6) At its option, the Planning Commission may also conduct a further hearing prior to making a decision on any matter heard by an appointed Hearing Examiner.

(7) Approve, disapprove and condition any application for a conditional use permit.

(8) Require the applicant to submit such information as deemed necessary for evaluation of the application which may include information of the nature described in TTC [7.175.010](#)(5). [Res. 2006-196 § 1; Ord. 80 § 38.1, 1-9-1995].

7.175.040 Proceedings on conditional use permit applications.

A public hearing shall be conducted by the Planning Commission, or a Hearing Examiner appointed by the Planning Commission, on all conditional use permit applications.

(1) Notification. Upon the filing of an application for a conditional use permit as set forth in Chapter [7.160](#) TTC, the Planning Commission shall set the time and place for a public hearing on such matter. DCD shall give published notice of the time, place and purpose of the conditional use hearing as provided in TTC [7.175.010](#)(6).

(2) Conduct of Hearings. The rules and conduct of hearings shall be established by the Planning Commission, or, where a Hearing Examiner has been appointed to conduct the hearing, by the Hearing Examiner.

(3) Record. A written nonverbatim record of the hearings held before the Planning Commission, and before any Hearing Examiner appointed by the Planning Commission, and of any findings, conclusions, or decision proposed by a Hearing Examiner, and/or adopted by the Planning Commission, shall be made and kept on file at the Tribal office. Such hearings shall also be tape recorded. The Planning Commission's decision shall be in writing, with written findings and conclusions.

(4) Final Orders of the Planning Commission. Decisions of the Planning Commission issuing, conditioning or denying a conditional use permit shall be mailed on the date of issuance to the applicant and other parties of record who have made written request for a copy of decisions, which mailing shall be certified mail return receipt requested. The decision of the Planning Commission shall be final and conclusive unless timely appealed to the Board of Directors pursuant to Chapter [7.180](#) TTC. [Res. 2006-196 § 1; Ord. 80 § 38.2, 1-9-1995].

7.175.050 Proceedings on Comprehensive Plan and zoning ordinance amendments, rezones, and subdivisions.

(1) Recommendation. The Planning Commission shall recommend a decision to the Board of Directors on each rezone or subdivision application, Comprehensive Plan amendment, or zoning ordinance amendment that it considers. Such recommendation shall be by the affirmative vote of no less than a majority of the total members of the Planning Commission, which recommendation shall be by a recorded motion incorporating findings of fact and expressing the reasons for Commission action and referring expressly to the maps, descriptive, or other matters intended by the Commission to constitute the plan, amendment, alteration, addition, or extension thereto. The indications of approval by the Commission shall be recorded on the map and descriptive matters by the signatures of the Chairman and Secretary of the Commission.