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Title 17 (Proposed)

UNIFIED LAND USE CODE

Chapter 17.02 – Authority, Purpose, and Interpretation

17.02.000 – Title

This Title is enacted for the purpose and with the intent to provide and exercise by the Tulalip Tribes the authority for, and the procedures to be followed in, guiding and regulating the physical development of all lands located within the exterior boundaries of the Tulalip Indian Reservation and lands owned by the Tulalip Tribes outside of the exterior Reservation boundaries, through correlating both public and private projects and coordinating their execution with respect to all subject matters utilized in developing and servicing such lands, all being to the end of assuring the highest standards of environment for living and the operation of commerce, industry, agriculture, and recreation, and assuring maximum economies and conserving the highest degree of public health, safety, morals, and welfare of the members of the Tulalip Tribes and of those nonmembers, both Indian and non-Indian, residing, living in, or occupying and using the lands within the exterior boundaries of the aforesaid Reservation. To the foregoing end, intent, and purpose, the Tulalip Tribes, by this Title, does hereby assert and exercise its jurisdiction over the uses of lands located within said exterior boundaries, and does impose upon said lands for the foregoing purposes and intent those land use controls that may be hereafter promulgated pursuant to the administrative provisions of this Title and the powers hereby granted and vested in those Tribal officials, committees, and bodies hereinafter established. [Ord. 56, 3-6-1982].

17.02.010 – Purpose

To safeguard and promote the peace, health, safety and general welfare of the Tulalip Reservation and its people; to ensure adequate land supply for future generations through careful planning and zoning; to discourage land development in areas that pose a potential threat to public health and the Reservation's waters, fisheries and shellfish resources; to promote and preserve the unique Indian character, identity and culture of the Tulalip Indian Reservation as the Tribes' permanent homeland; to balance the need for housing, economic development, and resource lands for current and future generations; to provide for the orderly use of the Reservation's lands; to provide landowners with consistent standards for Reservation land use activities by providing certainty and stability in land use decision-making; to provide access to recreational opportunities; to mitigate the impacts of climate change; and to protect and enhance the natural beauty and resources of the Tulalip Reservation. [Res. 2015-150 Exh. A; Ord. 80 § 1.0, 1-9-1995].

17.02.020 – Official Controls

- A. **Preparation of official controls.** The Planning Commission may, or, if so requested by the Board, shall prepare or update official controls, which, when adopted by ordinance of the Board, will further the objectives and goals of the Comprehensive Plan. The Commission may also draft such

regulations, programs, or legislation as may, in its judgment, be required to preserve the integrity of the Comprehensive Plan and assure its systematic execution and which shall be presented to the Board for its consideration and adoption by ordinance if it so deems such to be in the public welfare.

B. **Form.** Official controls may include:

1. The Comprehensive Plan;
2. Zoning and land use regulations; and
3. Maps showing the boundaries of zones within each of which separate controls over the type and degree of permissible land used are defined.

C. **Amendments to official controls.** Procedures for adopting or amending official controls are found in 17.06 – Permit Processing and 17.18 – Legislative Actions.

17.02.030 – Authority

- A. **Effective date.** This chapter shall become effective pursuant to the manner and requirements of Article VI, Section 2 of the Constitution and Bylaws of the Tulalip Tribes.

17.02.040 – Sovereignty

- A. **Traditional and cultural buildings and activities.** Consistent with the provisions of the Tribes' Constitution and Bylaws, and with the Tribes' desire to preserve the tradition and culture of the Tribes, nothing in this Title shall prohibit Tribal members from using their lands in a manner that is consistent with the Tribes' tradition, culture, and history. [Res. 2015-150 Exh. A; Res. 2006-196 § 1; Ord. 80 § 44.0, 1-9-1995].
- B. **Immunity.** The sovereign immunity of the Tulalip Tribes is not in any way waived or limited by this Title, or by any civil suit commenced pursuant to this Title. Such sovereign immunity shall extend to the Tribes, its Board of Directors, and all Tribal officials, employees, staff, and agents, as to all actions taken in, or concerning, the administration or enforcement of this Title, and as to all actions taken pursuant to authority of any Tribal Court order authorized by this Title. [Res. 2015-150 Exh. A; Res. 2006-196 § 1; Ord. 80 § 45.0, 1-9-1995].

17.02.050 – Interpretations

- A. **Liberal construction.** The provisions of this Title shall be liberally construed to further the purposes hereof. [Res. 2015-150 Exh. A; Res. 2006-196 § 1; Ord. 80 § 46.0, 1-9-1995].
- B. **Inconsistency or conflict.** Where any terms or requirements of this Title may be inconsistent or conflicting internally or with any other Titles or regulations, the more restrictive requirements or interpretation shall apply.
- C. **Cross-referencing.** Cross references are for reference or explanation only and are not deemed to govern.
- D. **Obligation.** The word "shall" is mandatory; the word "may" is discretionary.
- E. **Executing interpretations.** Interpretations shall be issued by the Executive Director.

17.02.060 – Severability

If any part of this Title is declared void or unenforceable by a court of competent jurisdiction, the remaining provisions of this Title shall not be impaired and shall continue in full force and effect. [Res. 2015-150 Exh. A; Res. 2006-196 § 1; Ord. 80 § 47.0, 1-9-1995].

17.02.070 – Comprehensive Plan

- A. **Required elements.** The Comprehensive Plan shall consist of a map or maps, and descriptive text covering goals, objectives, principles and standards used to formulate it, and shall include each of the following elements:
1. A land use element which designates the proposed general distribution and general location and extent of the uses of land for resource lands, housing, commerce, industry, recreation, education, institutional uses, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas within the aforesaid exterior boundaries and estimates of future population growth in the area covered by the Comprehensive Plan, all correlated with the land use element of the Comprehensive Plan;
 2. A circulation element consisting of the general location, alignment and extent of major thoroughfares, major transportation routes, trunk utility lines and major terminal facilities, all of which shall be correlated with the land use element of the Comprehensive Plan;
 3. Any supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the above elements;
 4. An element for the conservation, development and utilization of natural resources, including shorelines, forests, watersheds, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources.
 5. When the Comprehensive Plan containing the aforesaid mandatory subjects shall have been approved by a motion of the Board and certified, it may thereafter be progressively amplified and augmented in scope by expanding and increasing the general provisions and proposals for all or any one of the aforesaid required elements and by adding provisions and proposals for optional elements set forth in 17.020.070.B – Comprehensive Plan – Optional Elements. The Comprehensive Plan may also be amplified and augmented in scope by progressively including more completely planned areas consisting of natural homogeneous communities, distinctive geographic areas, or other types of districts having unified interests within the total area of the Reservation. In no case shall the Comprehensive Plan, whether in its entirety, or area by area, or subject by subject, be considered to be other than in such form as to serve as a guide to the later development and adoption of official controls and actual zoning. [Ord. 56 § 9.0, 3-6-1982].
- B. **Optional elements.** A Comprehensive Plan may include:
1. A recreation element showing a comprehensive system of areas and public sites for recreation, natural reservation, parks, parkways, beaches, playgrounds and other recreational facilities and uses, including their locations and proposed development.

2. A transportation element showing a comprehensive system of transportation, including general locations of rights-of-way, terminals, port, harbor, aviation and related facilities.
 3. A public services and facilities element showing general plans for sewerage, refuse disposal, drainage and local utilities and rights-of-way easements and facilities for said services.
 4. A public buildings element showing general locations, design and arrangement of Tribal and community centers and locations of public schools, police and fire stations, and other public buildings.
 5. A housing element consisting of surveys and reports on housing conditions and needs as a means of establishing housing standards to be used as a guide in dealing with official controls related to land subdivision, zoning, traffic and other related matters.
 6. Such additional elements and studies dealing with other subjects which, in the Planning Commission's judgment, relate to the physical development of the Reservation. [Ord. 56 § 10.0, 3-6-1982].
- C. **Coordination of plans.** During updates to the Comprehensive Plan and especially in updating a specialized element of such plan, the Tribe may coordinate to the extent it deems necessary with other authorities, departments or agencies of Federal, State or local government having jurisdiction over areas adjoining and in the vicinity to the exterior boundaries of the Tulalip Indian Reservation but outside thereof, all being to the end that maximum correlation and coordination of plans may be secured and properly located sites for all public purposes may be indicated on the Comprehensive Plan and accommodated as best may be. [Ord. 56 § 11.0, 3-6-1982].
- D. **Conformance with the Comprehensive Plan.** The Comprehensive Plan shall be used as the basic source of reference and as a guide in reporting upon or recommending any proposed project, public or private, as to its purpose, location, form, alignment and timing. The report or recommendation shall indicate wherein the proposed project does or does not conform to the purpose of the Comprehensive Plan and may include proposals, which, if effected, would make the project conform. Similarly, the Comprehensive Plan will be the guidance for establishing zoning and official controls.
- E. **Amendments.** Amendments may be made to the Comprehensive Plan as provided in 17.18.030 – Amendments to the Comprehensive Plan.

17.02.080 – Relationship to Other Codes

- A. Compliance and consistency shall be maintained with the Tribal Code of Law and all adopted Tulalip Tribes ordinances.
- B. Any permit issued by the Tulalip Tribes addresses requirements for compliance with Tulalip Tribal laws but makes no representation regarding any additional requirements imposed by any other jurisdiction or government, including Snohomish County, and it is the applicant's sole responsibility to comply with any applicable law of any other jurisdiction.
- C. Land uses in Quil Ceda Village Zones may also be subject to Quil Ceda Village Design Guidelines and requirements of the lease.
- D. All permits issued under this title shall be in compliance with Tulalip Tribal Code 8.30 – Tidelands Management Policies. TTC Chapter 8.30 shall control in cases of conflict between this Title and

TTC Chapter 8.30. [Res. 2015-150 Exh. A; Res. 2006-75 § 2(a); Ord. 80 § 4-5, 1-9-1995. Formerly 7.20.050].

- E. Permits issued under this title for surface mining shall be in compliance with Tulalip Tribal Codes **Chapter 8.35 – Surface Mining**. **TTC Chapter 8.35** shall control in cases of conflict between this title and **Chapter 8.35**.

Chapter 17.04 – Administrative Mechanisms

17.04.000 – Purpose

- A. The purpose of this chapter is to define the general responsibilities of the Executive Director of Public Works Division, Planning Manager, Planning Department, Building Official, Permit Review Committee and Technical Advisors, Planning Commission, Board of Directors, and Hearing Examiner.
- B. This chapter is not intended to address the responsibilities of the Public Works Director, Building Official, or Board of Directors in areas outside of planning administration.

17.04.010 – Executive Director of Public Works Division

- A. The Executive Director of Public Works Division (“Executive Director” or “Director”) is charged with the duty of carrying out the provisions of the Tulalip Tribes Unified Development Code, including the power to delegate these duties to other employees of the Planning Department.
- B. The Executive Director will consider the recommendations of the Planning Department in order to make permit decisions, final determinations and interpretations, or recommendations to boards and commissions.
- C. General duties of the Executive Director, or his/her designee, include the following:
1. Review Permits and Approve Administrative Decisions
 - a. Review all building permit and land use and development permit applications for compliance with the requirements of the Tulalip Comprehensive Plan and the terms of this Title;
 - b. Issue a permit to any applicant whose proposed activities and uses meet the requirements of this Title, and shall reject in writing any permit application that does not meet such requirements;
 - c. Require the applicant to provide such information as necessary to adequately review the permitted activities or uses for consistency with the goals, text, and policies of the Tulalip Comprehensive Plan and the provisions of this Title;
 - d. Condition (including mitigation) or deny any permit based on significant adverse impacts to the natural or built environment, or to protect the health, safety, and welfare of the Tribal community;
 - e. Require compliance inspections be conducted such that are necessary to ensure permitted uses and activities meet the requirements of the Tulalip Comprehensive Plan

and this Title. [Res. 2015-150 Exh. A; Res. 2006-75 § 2(d); Res. 2000-093 Exh. A; Ord. 80 § 4.2, 1-9-1995. Formerly 7.20.030].

2. Enforce this Title, pursuant to **17.06.080 – Enforcement** and **17.06.100 – Fees**, including assessing fines, civil action, and/or revocation of permits.
3. Provide interpretations of this Title.
4. Grant cultural exemptions to the provisions of the Code when strict adherence would interfere with Tribal traditions; and establish a fee for reviewing such request.
5. Determine the permit type and review process for all permit applications.

17.04.020 – Planning Department

- A. Tulalip Tribes Planning Department (“Planning Department” or “staff”), under the leadership of the Planning Manager, shall implement this Title.
- B. In addition to the other authority conferred by this Title, the responsibilities and authority of the Planning Department shall include, but are not limited to, the following:
 1. Receive applications for permits and approvals required by this Title.
 2. Review land use and development applications to determine consistency with the Tribal Comprehensive Plan and this Title.
 3. Circulate applications to other Tribal offices and government agencies affected by the proposed action.
 4. Provide staff recommendation to responsible decision-making official(s) or Commissioners as to the consistency of the proposed action to the Comprehensive Plan, this Title, and comments received.
 5. Require an applicant to submit such information as deemed necessary for the evaluation of all land use and development applications within the Tulalip Tribes reservation.
 6. Give public notices required, as outlined in **17.06.040 Review Procedures by Permit Type Table** and **17.06.050 – Permit Processing, Content Requirements**.
 7. Maintain files of all applications, permits, and decisions rendered by the Tulalip Tribes.

17.04.030 – Building Official

- A. The office of Building Official is hereby established to administer and enforce the building and construction codes under the general supervision of the Executive Director.
- B. The Building Official shall have the authority to interpret and enforce provisions of the Tulalip Tribes’ codified ordinances and the International Building Codes.

17.04.040 – Permit Review Committee and Technical Advisors

- A. **Permit Review Committee.** The Tulalip Tribes Permit Review Committee (PRC) is responsible for technical review and recommending approval, denial, or conditioning of resource and land use applications and development permits to the Executive Director.

1. The purpose of the PRC is to provide review and make recommendations that balance Tribal values, beneficial functions, and economic prosperity with the health, welfare, and needs of current and future Tulalip Tribal members and Reservation residents.
 2. The role of the PRC review is to ensure proposed actions are consistent with this Title, ordinances, policies, and regulations of the Tulalip Tribes and applicable Federal Laws.
 3. Assessment of compliance and consistency is limited to any given PRC representative's area of expertise and the Executive Director, Director, or Manager who must review or be notified of official comments submitted to the PRC.
 4. PRC shall consist of representatives from the following Tribal departments, divisions, or entities. Executive Directors, Directors, or Managers of the following are considered standing members of PRC and shall appoint at least one representative.
 - a. Planning
 - b. Natural Resources Environmental Division
 - c. Housing
 - d. Utilities
 - e. Transportation
 - f. Leasing and Real Estate
 - g. Tax and Licensing
 - h. Quil Ceda Village
 - i. Data Services and GIS
 - j. Natural Resources Forestry
 - k. Cultural Resources
 - l. Employee Rights Office
 - m. Police
 5. The PRC meets upon request of the Executive Director to review applications. The Executive Director may assemble only those PRC members whose departments are impacted by the applications under review or whose expertise is needed to evaluate the applications.
- B. **Technical Advisors.** Technical Advisors are responsible for technical review and to recommend approval, denial, or conditioning of certain land use applications and development permits to the Planning Manager or appointee.
1. Technical Advisors may include, but are not limited to, the following:
 - a. Civil, Structural, Geotechnical, or Transportation Engineers;
 - b. Fire Departments;
 - c. Natural Resources Scientists or Managers;
 - d. Other Tulalip Departments, Organizations, or Quil Ceda Village or Enterprises.

17.04.050 – Planning Commission

- A. The Tulalip Tribes Planning Commission ("Commission") is charged with the duty of conducting hearings, evaluating testimony, and making decisions or recommendations regarding provisions of the Tulalip Tribes Unified Development Code.
- B. General duties of the Planning Commission include the following:
 - 1. Consider recommendations, make decisions, and make recommendations, and approve, deny, or condition any application according to the authority provided to them in 17.06.040 – Permit Review Procedures Table.
 - 2. Make written findings of fact based upon the testimony and exhibits presented at the hearing and its own investigation of the issue under study.
 - 3. Appoint a Hearing Examiner, generally or for particular matters, as provided in 17.04.070 – Hearing Examiner.
 - 4. Make any decision concerning any matter within its authority based upon the record made before the Hearing Examiner, and the proposed findings, conclusions and decision made by the Hearing Examiner, without conducting a further hearing. At its option, the Planning Commission may also conduct a further hearing prior to deciding on any matter heard by an appointed Hearing Examiner.
 - 5. Initiating legislative actions as provided in 17.18 – Legislative Actions
 - 6. Carry out such other functions as are provided in and further the purposes of this Title.
 - 7. Carry out other functions or duties as requested by the Board.
- C. Commission members shall each serve a term of 3 years.
- D. The Commission shall hold meetings as provided in their adopted bylaws.
- E. When the Board initiates a Legislative Action the matters shall be referred to the Planning Commission and considered and processed as provided in 17.18 – Legislative Actions.

17.04.060 – Board of Directors

- A. The Board of Directors shall make the final decision on all recommendations from the Planning Commissions per 17.06.040 – Review Procedures by Permit Type Table.
- B. When it deems it to be in the public interest, the Board of Directors may initiate consideration of an ordinance establishing or amending Development Regulations, the Comprehensive Plan, or other Official Controls per 17.18 – Legislative Actions.

17.04.070 – Hearing Examiner

- A. The Hearing Examiner may be appointed by the Board of Directors or the Planning Commission to conduct any hearing required or allowed to be held by the Planning Commission on any matter within its authority, to take evidence at such hearing, and to propose findings of fact, conclusions of law and a decision to the Planning Commission for its consideration.

Chapter 17.06 – Permit Processing

17.06.000 – Purpose

- A. The purpose of this chapter is to establish standard procedures, decision criteria, public notification, and timing for development project permit application decisions made by the Tulalip Tribes. These procedures are intended to:
 - 1. Result in development that furthers Tribal goals as set forth in the comprehensive plan and enacts the purpose of the zoning designations;
 - 2. Ensure that decisions are made consistently and predictably;
 - 3. Eliminate redundancy and ambiguity in the application, permit review, and appeals processes; and
 - 4. Promote timely and informed public participation.

17.06.010 – General Provisions

- A. The provisions of this chapter supersede all other procedural requirements that may exist in other titles, chapters, or sections of the Tulalip Tribes code. When interpreting and applying the standards of this chapter, its provisions shall be the minimum requirements.
- B. **Permit Required.** It shall be unlawful for any person to undertake any use or activity on the Tulalip Reservation without first obtaining and posting the appropriate permit as required by this Title.
- C. Unless otherwise specified, all references to days shall be calendar days. Whenever the last day of a deadline falls on a Saturday, Sunday, or legal holiday designated by the Board, or any day when the Tribe's offices are closed, then those days are not part of the calculation.
- D. The Executive Director has the authority to determine the proper permit type for all permit applications or to modify the type of review required.
- E. An application that involves two or more permit action types may be processed collectively under the highest numbered permit type required for any part of the application.
- F. Applicants for any permit shall submit such forms, plans, statements, and documents as are reasonably required for evaluation of the proposal.
- G. Decisions regarding Legislative Actions, such as amendments to the Development Regulations, Comprehensive Plan, or other Official Controls are addressed in 17.18 - Legislative Actions.

17.06.020 – Permit Type: Descriptions

- A. **Type I permits (Administrative).** Type I permits are over-the-counter permits that only require internal review by the Planning Department. Standard permit conditions pre-determined by the Planning Department will apply to this type of work. The Executive Director may approve standard permit conditions but may not review or sign Type I permits.
- B. **Type II permits (Administrative).** Type II permits require both internal review by the Planning Department and review by Technical Advisors as determined by the Planning Manager. This

review can add permit conditions beyond standardized conditions. Type II permit review generally includes minor modifications, maintenance, remodel, or restoration work. Type II review shall be used for uses or activities outside of any Environmentally Sensitive Areas. The Executive Director will review and sign all Type II permits based on permit conditions recommended by the Planning Department.

- C. **Type III permits (Administrative).** Type III permits require both internal review by the Planning Department and interdepartmental review by the Permit Review Committee (PRC). Additional review by Technical Advisors may be included if deemed necessary. Departments may recommend specific permit conditions. Type III permit review generally includes new residential and commercial construction, demolition, signage, and tideland access. Type III review shall be used for any use or activity occurring In-stream or within Wetlands or other Environmentally Sensitive Areas. The Executive Director will review and sign all Type III permits based on permit conditions recommended by the Planning Department.
- D. **Type IV permits (Administrative Conditional Use).** In addition to the internal and interdepartmental review required for Type III permits, Type IV permits have limited noticing requirements (a Notice of Application) but do not require a public hearing. Findings shall be presented to the Planning Commission to review and provide comments. The Executive Director will review and sign all Type IV permits based on permit conditions recommended by the Planning Department. Provisions of 17.06.060 – Conditional Use Criteria must be met.
- E. **Type V(a) permits (Conditional Use).** In addition to the internal and interdepartmental review required for Type IV permits, Type V(a) permits require a public hearing, public noticing (Notice of Hearing) and a comment period. A staff report with findings shall be presented to the Planning Commission to make the final decision to approve, condition, or deny the proposal. Provisions of 17.06.060 – Conditional Use Criteria must be met.
- F. **Type V(b) permits (Board Decisions).** In addition to the internal and interdepartmental review required for Type IV permits, Type V(b) permits require a public hearing, public noticing (Notice of Hearing) and a comment period. A staff report with findings shall be presented to the Planning Commission to make a recommendation to the Board of Directors to approve, condition, or deny the proposal. An additional public hearing is required if the Board makes changes to the Planning Commission recommendation. These decisions will primarily be amendments to official controls, the comprehensive plan, and major subdivisions.

17.06.030 – Permit Type: Examples

- A. **Examples of Permit Actions by Type.** This list is intended to illustrate examples of permit activities and which permit category they typically are assigned. The list of permit activities may not be exhaustive. Where a Permit Activity has two Types indicated in the table below, see additional use-specific sections in this code for criteria used to determine which Type to apply. The Executive Director has the discretion to change a review Type if the nature of the project or its location includes sensitive or confidential information.

Permit Activity	Permit Category				
	Administrative Decisions			Administrative Conditional Use	a) Conditional Use b) Board Decisions
	Type I	Type II	Type III	Type IV	Type V (a or b)
Residential Building and Uses					
Building Permit			X		
Mechanical Permit	X				
Accessory Dwelling Unit (ADU)			X		
Home Occupations			X		
Short Term Rentals			X		
Commercial Building					
Building Permit			X		
Tenant Improvement		X	X		
Mechanical Permit		X			
Additional Uses noted in use tables 17.10.010 – Allowed Uses					
Uses marked Administrative Conditional Use (AC)				X	
Uses marked Conditional Use (C)					X(a)
Signs					
Most Signs			X		
Signs inside Quil Ceda Village (SPO - I) (Design Guidelines - II)	X	X			
Billboard					X(a)
Digital Video Display Sign					X(a)
Sign Modification				X	
Temporary Uses					
Demolition		X	X		
Events			X		
Right of Way Work or Construction		X			
Truck Hauling (On Reservation)		X			
Storage License	X				
Environmental or Resource Land Uses					
Grading		X	X		
Clearing		X	X		

Permit Activity	Permit Category				
	Administrative Decisions			Administrative Conditional Use	a) Conditional Use b) Board Decisions
	Type I	Type II	Type III	Type IV	Type V (a or b)
Work in Stream, Wetland, Lake, or Buffer			X		
Tideland Access			X		
Work on Tidelands			X		
Restoration / Natural Resource Management Activity		X	X		
Mining					X (a)
Land Planning					
Variance				X	
Boundary Line Adjustment		X			
Minor Subdivision			X		
Tribal Family Member Subdivision			X		
Binding Site Plan					X (a)
Government Subdivision or PUD					X(b)
Major Subdivision					X (b)
Rezone					X (b)
Legislative Actions					X(b)

17.06.040 – Permit Type: Review Procedures

A. Review Procedures by Permit Type. The Executive Director has the authority to determine and/or modify the permit type and review process for all permit applications.

	Administrative Decisions			Administrative Conditional Use	a) Conditional Use b) Board Decisions
	Type I	Type II	Type III	Type IV	Type V
Review Process	Staff review administratively against code criteria. Executive Director (ED) may pre-determine standard permit conditions.	Staff review administratively against code criteria ↓ Planning Department recommends to ED	Staff review administratively against code criteria ↓ Planning Review Committee (PRC) ↓ Planning Department recommends to ED	Staff review administratively against code criteria ↓ PRC ↓ PC reviews findings and provides comments ↓ Planning Department recommends to ED	Staff review administratively against code criteria ↓ PRC ↓ Staff report to the with findings to PC ↓ (a) Planning Commission makes final decision (b) Planning Commission recommends to Board of Directors
Noticing Requirements	None	None	None	Notice of application posted on property and sent to property owners within 300 feet of subject property within 7 days of a completed application; 15 day comment period; Written comments to be included in staff report	Notice of application posted on property and sent to property owners within 500 feet of subject property within 14 days of a completed application; 15 day comment period; Notice of Hearing posted on property at least 7 days before hearing
Public Hearing Requirements	None	None	None	None	Hearing before Planning Commission (or Hearing Examiner); Board changes from recommendation require additional public hearing
Notice and Record of Decision	None	None	None	None	Yes
Final Decision and Conditioning Authority	Executive Director or Designee	Executive Director	Executive Director	Executive Director	(a) Planning Commission (b) Board of Directors
Appeals	All decisions considered final unless appealed to Tribal Court or the Board of Directors in accordance with 17.06.090 – Appeals				

17.06.050 – Permit Processing, Content Requirements

A. **Required submissions.** Applicants shall submit, at a minimum:

1. A completed permit application
2. Any information identified in this Title
3. Any required plans and specifications
4. Evidence of interest in the land such as title, lease, or contract
5. Acknowledgement that an inspection may be conducted for any permit required under this title
6. Site Plan
7. Legal Description
8. Location Map
9. Structural Design Plans
10. Payment of all required fees

B. **Public Notice**

1. **Notifying Property Owners.** The Department shall direct the applicant to post notice on the property.
 - a. The applicant shall provide the Department with an affidavit of mailing and posting.
 - b. When posting is required:
 - i. The applicant shall post one or more signs in a conspicuous location on the property's frontage.
 - ii. Signs shall remain posted throughout the permit review process until all appeals have expired and may be updated and used for other posted notices as required.
 - iii. Signs shall be removed by the applicant no later than 14 days after the appeals periods have expired.
2. **Publishing Requirements.** Public notice must be published in the official county newspaper, in any official publication of the Tulalip Tribes, and on the Tulalip Tribes Planning Department website.
 - a. The Tribes may provide additional public notice by notifying the news media and community organizations, by placing notices in neighborhood or community newspapers, appropriate regional, neighborhood, or ethnic or trade journals.
 - b.
3. **Notice of Application.** The following information must be included in a Notice of Application.
 - a. Date of application, date of completeness determination, and date of notice of application

- b. Project description, list of permits requested, assigned file number, parcel number(s), applicant's name, and contact person
 - c. Site Plan, vicinity map, and environmental checklist if required. Any other information determined appropriate by the Planning Department.
- 4. **Notice of Hearing.** A Notice of Hearing must include all the information required for a Notice of Application in addition to the following:
 - a. Date, time, and place of the Public Hearing
 - b. Dates of the comment period and how comments can be submitted
- 5. **Notice of Rezone.** A Notice of Rezone must include all the information required for a Notice of Hearing in addition to the following
 - a. Existing zoning classification
 - b. Proposed zoning classification
 - c. Future land use map designation
 - d. Existing land use
 - e. Proposed land use

C. Final Decision and Conditioning Authority.

- 1. The final decision and conditioning authority designated in **Table 17.06.040 – Review Procedures by Permit Type** may impose conditions and mitigation requirements to protect the health, safety, welfare and rights of the citizens on the Reservation, and to ensure consistency with the provisions of this Title and the text, goals, policies and objectives of the Comprehensive Plan.
- 2. The final decision and conditioning authority shall have the authority to condition, require mitigation, or deny based upon significant adverse impacts to the natural and built environment.
- 3. If, in the judgment of the final decision and condition authority, 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 permit shall be denied.

D. Notice and Record of Decision.

- 1. Notice of the final decision issuing, conditioning, or denying a Type V permit shall be mailed to the applicant and other parties of record who have made written request for a copy of decisions. If emailing is not possible, the notice of final decision shall be sent by certified mail with a return receipt requested.
- 2. The decision document for an approved Type V permit shall contain a written order of the required conditions and a schedule for compliance.
- 3. A written record of the hearings held before the Board, Planning Commission, and before any Hearing Examiner, and of any findings, conclusions, or decision, shall be made and kept on file at the Tribal office. Such hearings shall also be tape recorded. The final decision shall be in writing, with written findings and conclusions.

E. Jurisdictional Findings.

1. For all permit types, the final decision and conditioning authority shall enter findings as to the basis for the exercise of the tribe's jurisdiction pursuant to this Title.
2. When this Title is applied to fee lands within the exterior boundaries of the Tulalip Reservation that are exclusively owned by non-members of the Tulalip Tribes, the final decision and conditioning authority shall enter jurisdictional findings as to whether there exists a consensual relationship between the Tulalip Tribes and any such non-member that gives rise to tribal jurisdiction, and whether the exercise of tribal jurisdiction concerns conduct of non-members that threatens or has some direct effect on the political integrity, economic security, or health and welfare of the Tulalip Tribes.

17.06.060 – Conditional Use Criteria

- A. Purpose.** The purpose of this section is to establish decision criteria and procedures for conditional uses deemed unique due to factors such as size, technological processes, equipment, or location with respect to surroundings, streets, existing improvements, or demands upon public facilities. These uses require a special degree of control to assure compatibility with the Comprehensive Plan, adjacent uses, and local character.

Administrative Conditional Uses are subject to a Type IV permit review, and Conditional Uses are subject to a Type V(a) permit review process. These processes allow the Tribes to:

1. Determine that the location of these uses will be compatible with the Comprehensive Plan, zoning designations, and uses permitted in the surrounding area, and that the development will not cause significant unmitigated environmental impacts;
2. Determine that the scale of these uses is appropriate in the proposed location, and;
3. Make further stipulations and conditions that may reasonably assure that the basic intent of this Title and the interest of the Tribes will be served.

- B. Decision criteria – Required findings.** Administrative Conditional Uses and Conditional Uses may be approved only if all the following findings can be made regarding the proposal and are supported by the record:

1. The granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare of the Tribes;
 - b. Adversely affect the established character and intent of the surrounding vicinity or zone as given in **17.08.030 – Zoning Districts**; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of the site upon which the proposed use is to be located, or cause significant unmitigated environmental impacts.
2. The approval of an Administrative Conditional Use or a Conditional Use is consistent and compatible with the intent of the goals, objectives, and policies of the Comprehensive Plan, the zoning designation, and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.

4. The proposed use will not introduce hazardous conditions that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the Reservation community from such hazard.
5. The Administrative Conditional Use or Conditional Use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
6. The proposed use meets all the criteria specific to that land use as defined in this Title.

C. Event Conditional Use permits. Special events require an Event Conditional Use permit.

1. **Applicability.** The following special uses require an Event Conditional Use permit:
 - a. Events taking place at wedding venues.
 - b. Events associated with agritourism businesses taking place on agricultural land.
2. **Minimum parcel size.** Special events must take place on parcels at least 4.5 acres in size.
3. **Requirements.** An Event Conditional Use permit may require the following:
 - a. A business license.
 - b. A certificate of occupancy.
 - c. A food permit, if the intent is to serve food at the event.
 - d. A liquor license, if the intent is to serve liquor at the event.
 - e. A license to operate fireworks compliant with Tulalip Tribal Codes **10.25 – Fireworks**, if the intent is to operate fireworks at the event.
 - f. Sufficient sanitation facilities, including the temporary use of portable self-contained toilet facilities.
 - g. Sufficient parking to serve the permitted occupancy, compliant with the off-street parking standards in **17.14.020 – Parking**.
 - h. Mitigation to limit sound amplification to adjacent properties.
 - i. Landscape screening to minimize adverse impacts on adjacent properties.
 - j. Traffic study to demonstrate that use will not exceed the capacity of the roads serving the site.
 - k. A traffic control plan to manage traffic associated with the event.
 - l. Tidelands restrictions communicated to event attendees, explaining the specific access and use restrictions which apply to Tulalip Tribes Tidelands.
4. **Additional submittal requirements.** An Event Conditional Use requires the following additional items with submittal of a Conditional Use application:
 - a. A narrative description of the event, including its purpose, anticipated hours of operation, anticipated number of attendees, and steps that will be taken to ensure all requirements listed above are met and that the event will have no significant adverse impact on surrounding land uses and activities.
 - b. A site plan that includes all structures on the property and areas proposed for event activities, parking, access, storage, signs, lighting, sanitation, and screening as applicable.

- c. A floor plan of the structure in which the event will be held that includes the size of all rooms, the location of restrooms, ADA accessibility, and the location of any onsite kitchen facilities.
- D. **Burden of proof.** The applicant has the burden of proving that the proposed conditional use meets all the decision criteria required by this Title.

17.06.070 – Variance Permit Procedures

- A. **Purpose.** The purpose of this section is to provide a means of altering the requirements of this Title in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties within the identical regulatory zone because of special features or constraints unique to the property involved.
- B. **Required submissions.** Applicants for a variance shall, at the request of the Planning Department, submit such plans, statements, and documents as are reasonably required for evaluation of the proposal. [Ord. 80 § 31.1, 1-9-1995].
- C. **Decision authority.** Permitting procedures, noticing requirements, hearing requirements, and decision-making authority for a variance shall be determined by the type of decision the variance is based on, described in Tables 17.06.020 Permit Type: Descriptions and 17.06.040 Permit Type: Review Procedures.
- D. **Required findings.** Before any variance is granted, it shall be shown that:
 - 1. Because of the special circumstances applicable to the subject property, including but not limited to size, shape, topography, environmental and archaeological characteristics, location, or surroundings, the strict application of this Title is found to deprive the subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classification.
 - 2. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated. [Ord. 80 § 31.3, 1-9-1995].
 - 3. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by owners of other properties in the same vicinity or district.
 - 4. The granting of such variance will not adversely affect the realization of the comprehensive development pattern of this area.

17.06.080 – Enforcement

- A. **Civil actions by Executive Director.** The Tulalip Tribal Court shall have jurisdiction over civil actions commenced by the Executive Director, on behalf of the Tulalip Tribes, for injunctive relief to enforce, and/or recover civil penalties assessed in, any enforcement order issued under this Title. In any such civil action, the Tribal Court may, in addition to granting other relief, authorize the Executive Director, or his/her designates, to enter land and conduct the abatement and/or remediation required by any enforcement order, and may, under its continuing jurisdiction, award damages for the costs and thereof, and for environmental or resource losses or damages occasioned by violations of this Title or an enforcement order. In any civil action authorized by this

Title, the Tribal Court shall give substantial weight and deference to decision(s) and determination(s) of the Executive Director. [Res. 2015-150 Exh. A; Res. 2006-196 § 1; Ord. 80 § 41.0, 1-9-1995].

- B. **Public Nuisance.** Use of any property, building or structure erected subsequent to the enactment of this Title without a valid use permit shall be and is hereby declared to be a public nuisance and may result in the imposition of fines as set forth in **17.06.080.E – Civil Penalties**.

C. **Types of Code Enforcement Action:**

1. The following options provide a comprehensive strategy for achieving code compliance and are designated to protect the health, safety and general welfare of the Tulalip Indian Reservation:
 - a. A **warning notice** may be issued: before initiating an enforcement action, the director may provide a warning notice to the person(s) responsible for the violation. The person(s) named in the notice must be given an opportunity to cure the violations in the time specified in the notice ; or
 - b. A **compliance order** may be issued: a compliance order and shall be issued if a violation of the permit conditions occur; or
 - c. A **stop work** order may be issued: whenever Planning Department Staff finds any work is being done in a manner that violates the provisions of the TTC, or in a dangerous or unsafe manner, the Executive Director may issue a stop work order. Immediately upon issuance of a stop work order, all work shall be suspended and it shall be unlawful to continue any work. Violation of a stop work order will result in the assessment of civil penalties ; or
 - d. An **emergency order** may be issued: whenever planning staff becomes aware of a condition or activity that endangers public, private, or tribally-owned property, creates an immediate hazard, threatens sensitive areas under **17.24 – Sensitive Areas**, or threatens the health and safety of the occupants of any premises or members of the public, the Executive Director may issue an emergency order.
2. A warning notice and emergency orders are intended for different types of violations and a warning notice may not be issued in the event of an emergency order.

D. **Procedures Upon Discovery of Violations.**

1. If the Planning Department finds that any provision of this chapter has been violated, he/she shall send a written warning notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. A copy of the written notice shall be sent to the Executive Director.
2. The final written notice (initial notice may be the final notice) shall state what action the Executive Director intends to take if the violation is not corrected.
3. If the Executive Director determines that the warning notice was not cured, or any work is being performed in a manner that violates the provisions of this code or in an unsafe or dangerous manner, the Planning Department may issue a stop work order.
4. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this chapter or pose a danger to public health, safety, or welfare, the Executive

Director may seek enforcement without any prior written notice by invoking any of the penalties or remedies authorized under **17.06.080.E – Enforcement – Civil Penalties**.

- E. **Civil Penalties.** The Executive Director may, in an enforcement order issued under this Title, assess civil penalties per the Tulalip Tribal Code Civil Penalty Schedule.

1. **Civil Penalty Schedule.** Civil penalty amounts shall be as established periodically by the Executive Director subject to Board of Directors' approval.

- F. **Final Enforcement Orders.**

1. In the event of:
 - a. any use of, occupancy of, or completion of work upon land or a structure in violation of this Title, or without, or in violation of, a permit required by this Title; or
 - b. subdivision of land without an approval required by this Title; or
 - c. violation of any provision of this Title;

the Executive Director may issue an administrative enforcement order requiring any landowner or other responsible party to

- a. cease such use, occupancy, and/or work upon land and/or a structure, and/or such violation; and/or
- b. abate such work and/or structure; and/or
- c. not sell or occupy lots divided without an approval required by this Title; and/or
- d. remediate any adverse environmental effects of such work, use or occupancy of land, and/or violation.

Such order may also require compliance with any condition or mitigation requirement or any permit, variance and/or subdivision approval. Such order shall advise of the right to appeal issuance of the same to the Tribal Court by Notice of Appeal filed with the Court Clerk within 30 days of the service of the order. Such order shall be served personally, or by certified mail, return receipt requested. Service by mail shall be deemed completed three days after mailing.

- G. **Revocation of permit.** A use permit or home occupation permit may be revoked after notification by registered United States mail to the owner of record or lessee of violation of the provisions of this Title. Grounds for revocation of a use and occupancy permit or home occupation permit shall be limited to violations of the terms and conditions of the permit, and/or violation of provisions of this Title, regarding the subject matter for which the permit is issued. Prior to revocation, the landowner, or business owner of a home occupation, shall be given written notice of the violation and be provided 30 days to correct the violation. [Res. 2015-150 Exh. A; Res. 2014-463; Res. 2006-196 § 1; Ord. 80 § 43.0, 1-9-1995].

17.06.090 – Appeals

- A. Permit decisions of Types I, II, III, and IV shall be final and conclusive unless appealed to the Tribal Court by written Notice of Appeal filed with the Clerk of the Court within 15 days following the effective date of the decision.

- B. Permit decisions of Types I, II, III, and IV may be reversed or modified by the Tribal Court only if it determines that the decision was arbitrary and capricious or exceeded the authority of the Executive Director under this Title. [Res. 2015-150 Exh. A; Res. 2006-196 §§ 1, 3; Ord. 80 § 40.1, 1-9-1995].
- C. Permit decisions Type V(a) shall be appealed to the Board of Directors within 15 days following the effective date of the decision.
- D. For Type V(b) permit decisions, the jurisdiction of Tribal Court on appeals shall be limited to determining whether the decision subject to review was arbitrary and capricious, unlawful, or in excess of jurisdiction, in which case the Court shall vacate the decision and remand the matter to the Board of Directors for further proceedings consistent with the Tribal Court's decision. [Res. 2015-150 Exh. A; Res. 2006-196 § 1; Ord. 80 § 40.3, 1-9-1995].
- E. An appeal under this chapter may only be filed by a party adversely affected by the decision in question. [Res. 2015-150 Exh. A; Res. 2006-196 § 1; Ord. 80 § 40.4, 1-9-1995].
- F. Tulalip Tribal Court review of any appeal under this chapter shall be on the record before the decision-maker who made the appealed decision. The Tribal Court shall not take further evidence. In any appeal authorized by this Title, the Tribal Court shall give substantial weight and deference to decision(s) and determination(s) of the Executive Director, the Planning Commission, and the Board of Directors. [Res. 2015-150 Exh. A; Res. 2006-196 § 1; Ord. 80 § 40.5, 1-9-1995].
- G. **Scope of Discovery.**

17.06.100 – Fees

- A. **Permit fees.** Applicants for all permits shall pay a permit fee to the Tulalip Tribes consistent with The Tulalip Tribal Code Land Use Permit Fee Schedule.
- B. **Land Use Permit Fee Schedule.** Fees for permits shall be as established periodically Planning Department subject to Board of Directors' approval. Such fees shall be posted at the Planning office and online at the Planning Department web page.
- C. **Use of consultants.** Whenever review of a permit application requires retention by the Tribes of professional consulting services, the applicant shall reimburse the Tribes the full cost of such professional consulting services. This fee shall be in addition to the normal plan review and/or building permit fees. The Tribes may require the applicant to deposit an amount with the Tribes estimated by the Executive Director to be sufficient to cover anticipated costs of retaining professional consultant services and to ensure reimbursement for such costs.

Chapter 17.08 – Zoning

17.08.000 – Purpose

To further the objectives and goals of the Tulalip Comprehensive Plan, and to preserve the integrity of said plan, and assure its systematic execution, the zones defined as set forth in this Title are hereby created, and all lands within the exterior boundaries of the Tulalip Indian Reservation shall be, and hereby are, divided into zones, the boundaries of which zones are delineated, described and depicted

upon the Tulalip Official Zoning Controls Map, Tulalip Indian Reservation, adopted under this Title. [Res. 2006-75 § 2(e); Ord. 80 § 7.0, 1-9-1995].

17.08.010 – Zoning Map Adoption and Applicability

- A. The Tulalip Official Zoning Controls Map, Tulalip Indian Reservation, and the boundaries of various zones shown thereupon, are hereby adopted as part of this Title, and are incorporated herein by reference.
- B. This Title shall apply to land within the Tulalip Indian Reservation *and to lands owned by the Tulalip Tribes outside of the Tulalip Indian Reservation as designated by Board Resolution (needs legal review)*.

17.08.020 – Establishment of Zoning and Zoning Map

- A. Zoning maps. Zoning maps, as an official control, may be adopted in the Tulalip Indian Reservation.
 - 1. The Board by ordinance may establish classifications, within each of which specific controls are identified, and which will:
 - a. Regulate the use of buildings, structures, and land as between the agriculture, industry, business, residence, and other purposes.
 - b. Regulate location, height, bulk, setbacks, and size of buildings and structures; the size of yards, courts, and other open spaces; the density of population; the percentage of a lot which may be covered by impervious surface; and the area required to provide off-street facilities for parking of motor vehicles.
- B. **Location of zoning map.** Regardless of the existence of purported copies of the zoning map which may from time to time be made or published, the zoning map, which shall be located in the Planning Department, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures on the Reservation. [Ord. 80 § 5.3, 1-9-1995].
- C. **Boundaries of zones.** Unless otherwise referred to established points, lines, or features, questions as to the location of the boundaries of zones shall be determined in accordance with the following rules:
 - 1. The zone boundaries are the center lines of either streets or alleys unless otherwise shown.
 - 2. Where the zone boundaries are not otherwise indicated and where the zones designated are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such zones.
 - 3. In subdivided property, the zone boundary lines on the Official Zoning Controls Map shall be determined by use of the scale contained on such map. Scaled distances indicated as approximately following governmental section subdivision lines shall be construed as following such governmental section subdivision lines.
 - 4. The zone boundaries shall extend to all Tribal tidelands within the exterior boundaries of the Tulalip Indian Reservation. [Ord. 80 § 6.0, 1-9-1995].

17.08.030 – Zoning Districts

A. Agriculture (AG)

1. Purpose: To promote agriculture and rural residential uses while simultaneously respecting important fisheries and wildlife habitat values. [Res. 2015-150 Exh. A; Ord. 80 § 11.1, 1-9-1995]. To allow small farm and open space uses and protect water quality and stream flow.
2. Description: Valley floor woods, pasture, croplands, and wetlands.

B. Low Density Residential-10 (R-10)

1. Purpose: To preserve rural lands adjacent to resource lands, to limit development in coastal areas subject to slide activity, coastal erosion and sea level rise. To allow Tribal family home site development outside of hazard areas.
2. Description: Sparsely developed areas, groundwater recharge areas, and coastal communities without public water or sewer infrastructure.

C. Low Density Residential-5 (R-5)

1. Purpose: To maintain rural lifestyles, residential uses and Tribal family home sites.
2. Description: Areas currently developed at rural densities with access or planned access to water infrastructure.

D. Medium Density Residential (MR)

1. Purpose: To provide for residential living at suburban residential densities that allow more compact neighborhoods.
2. Description: Areas that are served by Tribal water infrastructure and areas that are served by water and sewer.

E. Neighborhood Mixed Use (NM)

1. Purpose: to accommodate small-scale commercial and institutional uses that serve nearby residential neighborhoods with appropriate design requirements to maintain a neighborhood character, integrate with, and protect existing residential uses. In order to achieve the purpose of maintaining neighborhood character and integration with the neighborhood, commercial uses are permitted at a limited scale, with limited impervious surface and other increased restrictions.
2. Description: Areas identified by the Comprehensive Plan Future Land Use Map as Neighborhood Mixed Use. These areas are located along arterial roads or at intersections of arterial and collector roads and are suitable for a mix of commercial, residential, and institutional uses if the necessary utility infrastructure and safe access can be provided.

F. Community Mixed Use (CM)

1. Purpose: To provide for a broad range of Tribal community uses, including government and residential uses consistent with tribal goals and needs.
2. Description: Areas with existing or future government facilities and a range of housing types and densities served by water and sewer infrastructure.

G. Urban Mixed Use (UM)

1. Purpose: To allow a broad range of commercial, retail, entertainment, and service-oriented uses with opportunities for mixed multifamily and retail development
2. Description: Areas currently in commercial use or planned for future commercial use with access to public water and sewer service.

H. Light Industrial/Manufacturing (LI)

1. Purpose: To provide for a broad range of manufacturing, technology, light industrial, and office park uses.
2. Description: Areas zoned for light industrial, manufacturing, and technology uses.

I. Big Flats (BF)

1. Purpose: To allow land uses that are compatible with the limitations of capped former landfill site adjacent to tidelands.
2. Description: Tulalip owned property in U.S. Environmental Protection Agency (EPA) designated Superfund Site status.

J. Recreation (RC)

1. Purpose: Areas set aside for outdoor recreational uses.
2. Description: Park lands.

K. Resource (RS)

1. Purpose: To protect and manage undeveloped shore lands and forest lands for natural resources and access integral to Tulalip's culture and resource economy.
2. Description: Tulalip owned forest lands and undeveloped shore lands that provide cultural and recreational opportunities, clean air, clean surface and ground water, fisheries and wildlife habitat, hatcheries facilities, forest products, and mineral resources.

L. Resource-20 (RS-20)

1. Purpose: To protect and manage forest lands for forest products, recreational uses, and Tribal family home site development.
2. Description: Privately owned forestlands.

M. Resource-Tidelands (RT)

1. Purpose: Preserve fish and shellfish resources, their habitat, and other natural resources, and preserve access to and use of usual and accustomed fishing grounds and stations as secured for the Tribes by the Treaty of Point Elliott, and Reservation beaches for the continued use and enjoyment of Tribal members and prevent environmental damage by carefully regulating the development of tidelands.
2. Description: Land on the shore of the Tulalip reservation between the mean high tide and the line of extreme low tide, including all of Tulalip Bay. All permits issued shall be in compliance with Tulalip Tribal Code 8.30 – Tidelands Management Policies.

N. Conservation (CS)

1. Purpose: To protect and conserve unique areas that contain environmentally sensitive lands and culturally sensitive lands of importance to the Tulalip Tribes and the Reservation community. [Ord. 80 § 8.1, 1-9-1995].
2. Description: Tribally owned lands in conservation status. Unique, irreplaceable natural areas with high habitat value and cultural, historic, or archaeological significance to the Tulalip Tribes. Very restrictive use limited to eco system management, restoration activities, and low impact trails.

O. Quil Ceda Village Commercial (QCV-C)

1. Purpose: To provide for commercial, retail, and service-oriented development within the boundaries of Quil Ceda Village.
2. Description: Land currently and proposed to be designated for commercial, retail, entertainment, and service development within the boundaries of Quil Ceda Village.

P. Quil Ceda Village Light Industrial/Office (QCV-I)

1. Purpose: To provide for light or medium industrial, technology, and business park uses within the boundaries of Quil Ceda Village.
2. Description: Office, technology, light or medium industrial, and manufacturing land use within the boundaries of Quil Ceda Village.

Chapter 17.10 – Uses

17.10.000 – Purpose

- A. This section sets forth allowed uses in each zone. The use tables are to be used in combination with the [17.10.020 – Use Descriptions Index](#) to determine what kinds of new development are allowed or prohibited. Uses are permitted in accordance with the intent and purpose statements in [17.08.030 – Zoning Districts](#). Additional regulations for some specific uses are described in sections at the end of this chapter.

17.10.010 – Allowed Uses

- A. **Use tables.** The tables list Zoning Districts in the vertical columns and land use activities in the horizontal rows. The cell at the intersection of a column and a row will be coded with the allowances for that use in that zone. Tables are grouped by type of land use activity. All uses are subject to the provisions of this Title. Prohibited uses are listed in [17.10.040 – Prohibited Uses](#) and are not allowed in any Zoning District on the Tulalip Reservation.

B. Zoning District abbreviations

- | | |
|--|--|
| 1. AG: Agriculture | 10. RC: Recreation |
| 2. R-10: Low Density Residential-10 | 11. RS: Resource |
| 3. R-5: Low Density Residential-5 | 12. RS-20: Resource-20 |
| 4. MR: Medium Density Residential | 13. RT: Resource Tidelands |
| 5. NM: Neighborhood Mixed Use | 14. CS: Conservation |
| 6. CM: Community Mixed Use | 15. QCV-C: Quil Ceda Village Commercial |
| 7. UM: Urban Mixed Use | 16. QCV-I: Quil Ceda Village Light
Industrial/Office |
| 8. LI: Light Industrial/Manufacturing | |
| 9. BF: Big Flats | |

C. Use permission abbreviations:

1. **P: Permitted.** This use is allowed in this zone and may require permits.
2. **AC: Administrative Conditional.** Requires a Type IV Administrative Conditional Use permit.
3. **C: Conditional.** Requires a Type V Conditional Use Permit.
4. **Blank:** Use not permitted in that zoning district.

D. Accessory uses:

1. If a use is listed under the Accessory Uses section of a table, it is only allowed as an accessory or secondary use to a primary use permitted in that Zoning District.

E. Residential uses permitted in the following zoning districts:

RESIDENTIAL USES	AG Agriculture	R-10 Low Density Residential-10	R-5 Low Density Residential-5	MR Medium Density Residential	NM Neighborhood Mixed Use	CM Community Mixed Use	UM Urban Mixed Use	RS-20 Resources- 20
Use Key: P: Permitted, use allowed and may require permits District	AC: Administrative Conditional, Type IV permit			C: Conditional, Type V permit		Blank: use not permitted in that Zoning		
PRIMARY USES								
Single-Family Home	P	P	P	P	P	P		P
Manufactured Home I	P	P	P	P	P	P		P
Manufactured Home II	P	P	P	P	P			P
Manufactured Home Park				AC	AC	AC		
Mobile Home (except RV)	P	P	P	AC	P			P
Duplex	P	P	P	P	P	P		P
Triplex				P	P	P		
Multi-family I (4-12units)				AC	AC	P	P	
Multi-family II (12+ units)						AC	AC	
Group Home	AC	AC	AC	AC	AC	P		
ACCESSORY USES								
Accessory Residential Structure I (< 3,500 sf)	P	P	P	P	P	P		
Accessory Residential Structure II (3,500-7,000 sf)	P	P	AC	AC				
Accessory Dwelling Unit	P	P	P	P	P	P		P
Home Occupation	P	P	P	P	P	P		P
Hobby Farm	P	P	P	P			P	P
Recreational Vehicles (RVs)	P	P	P	P	P	P		P

F. Commercial uses permitted in the following zoning districts:

COMMERCIAL & INDUSTRIAL USES	AG Agriculture	R-10 Low Density Residential-10	R-5 Low Density Residential-5	MR Medium Density Residential	NM Neighborhood Mixed Use	CM Community Mixed Use	UM Urban Mixed Use	LI Light Industrial/ Manufacturing	QCV-C & QCV-I
Use Key: P: Permitted , use allowed and may require permits permitted in that Zoning District AC: Administrative Conditional , Type IV permit C: Conditional , Type V permit Blank: use not permitted									
PRIMARY USES									
Office/Service					P		P	P	Subject to Quil Ceda Village Approval
Restaurant					P	AC	P		
Hotel/Motel							P		
Retail					P	AC	P		
Gaming							P		
Movie Theater							P		
Recreation Facility I	AC	AC			P	AC	P	P	
Recreation Facility II							AC	AC	
Wedding Venue	AC	AC	AC						
Daycare		AC	AC		P		P		
Animal Care, Indoor	P	AC	AC		P		P	P	
Animal Care, Outdoor	AC	C	C					AC	
Auto Facility							P	AC	
Light Industrial							P	P	
Medium Industrial								C	

G. Institutional uses permitted in the following zoning districts:

INSTITUTIONAL USES	AG Agriculture	R-10 Low Density Residential-10	R-5 Low Density Residential-5	MR Medium Density Residential	NM Neighborhood Mixed Use	CM Community Mixed Use	UM Urban Mixed Use	LI Light Industrial/ Manufacturing	BF Big Flats	RS Resource	RS-20 Resource-20	CS Conser- vation	QCV-C & QCV-I
Use Key: in that Zoning District	P: Permitted, use allowed and may require permits				AC: Administrative Conditional, Type IV permit				C: Conditional, Type V permit			Blank: use not permitted	
PRIMARY USES													
Cultural/ Community Facility				AC	P	P	P			AC			Subject to Quil Ceda Village Approval
Cemetery		P	P	P		P				AC			
Educational Facility		AC	AC	AC	P	P	P	P		AC			
Healthcare			AC	AC	P	P	P	P					
Tribal Government Facility	AC	AC	AC	AC	P	P	P	P		P			
Utility Infrastructure	P	P	P	P	P	P	P	P	P	P	P	P	
Utility Plant, Public	AC					P	C	P	P	AC			
Park and Ride	AC		AC	AC		AC	P	P					
Wireless Facility	C	C	C	C	C	C	P	P		P	C	P	
Regional Transportation Facility							AC			AC			
Religious Facility	C	C	C	C	C	AC	C	C					
ACCESSORY USES													
Cargo Container	P	P	P	P	P	P	P	P	P	P	P	P	
Electric Vehicle Infrastructure				P	P	P	P	P					

H. Recreational uses permitted in the following zoning districts:

RECREATIONAL USES	AG Agriculture	R-10 Low Density Residential-10	R-5 Low Density Residential-5	MR Medium Density Residential	NM Neighborhood Mixed Use	CM Community Mixed Use	UM Urban Mixed Use	LI Light Industrial/ Manufacturing	RC Recreation	RS Resource	RS-20 Resource-20	CS Conservation	QCV-C & QCV-I
Use Key: P: Permitted , use allowed and may require permits AC: Administrative Conditional , Type IV permit C: Conditional , Type V permit Blank: use not permitted in that Zoning District													
PRIMARY USES													
Park (up to 10 acres)	AC	P	P	P	P	P	P	P	P		AC	AC	Subject to Quil Ceda Village Approval
Regional Park (> 10 acres)									P				
Campground	C	C	C						P	C	C		
Non-Motorized Trail	P	P	P	P	P	P	P	P	P	P	P	P	
Motorized Trail									AC	AC	AC		
Golf Course		C	C						C	AC	C		

I. Resource management uses permitted in the following zoning districts:

RESOURCE MANAGEMENT USES	AG Agriculture	R-10 Low Density Residential-10	R-5 Low Density Residential-5	MR Medium Density Residential	NM Neighborhood Mixed Use	CM Community Mixed Use	UM Urban Mixed Use	LI Light Industrial/ Manufacturing	BF Big Flats	RC Recreation	RS Resource	RS-20 Resource-20	CS Conservation	QCV-C & QCV-I
Use Key: P: Permitted , use allowed and may require permits AC: Administrative Conditional , Type IV permit C: Conditional , Type V permit Blank: use not permitted in that Zoning District														
PRIMARY USES														
Hobby Farm	P	P	P	P	P		P	P			P			Subject to Quil Ceda Village Approval
Agritourism Business	C	C	C											
Agriculture	P	AC	AC											
Rural Storage Structures	P	P	P									P		
Wild Crop Harvest											P	P	P	
Hatchery Operation						P					P			
Forestry	P	P	P			P				P	P	P		
Surface Mining											C			
Shoreline Structure	Permissions subject to Tulalip Tribal Code 8.30 – Tideland Management Policies													
ACCESSORY USES														
Barn	P	P												
Caretaker Home											P			
Prescribed Grazing	P	P	P	P	P	P	P	P	P	P	P	P	P	

17.10.020 – Use Descriptions Index

- A. The following alphabetical list provides additional information to define and distinguish between uses listed in the tables above. These descriptions and examples are intended as *guidance* for users and administrators to determine what level of review a land use project may require and where it may be permitted on the Tulalip Reservation. All examples below are non-exhaustive lists.
1. **Accessory Dwelling Unit.** A structure separate from and accessory to a single-family home that contains its own kitchen and bathroom and functions as independently from the primary residence. Examples include tiny homes. Regulated by [17.10.050 – Accessory Dwelling Units](#).
 2. **Accessory Residential Structure I.** A detached structure under 3,500 square feet that is accessory to a residential single-family home, duplex, triplex, or multifamily home and is used for residential or home occupation storage only. Examples include carports, garages, shops, and storage buildings.
 3. **Accessory Residential Structure II.** A detached structure between 3,500 and 7,000 square feet that is accessory to a residential single-family home, duplex, triplex, or multifamily home and is used for residential or home occupation storage only. Examples include carports, garages, shops, and storage buildings.
 4. **Agriculture.** The tilling of the soil, the raising of crops, horticulture, pasturing, grazing, and farming.
 5. **Agri-Tourism Business.** A business accessory to an agricultural use that sells products and services to paying customers. Examples include animal display and interaction; you-pick or you-cut activities with rides, games, or other activities with paid admission and/or ticket sales; nursery; horseback riding lessons; tasting rooms; or camps related to agricultural uses.
 6. **Animal Care, Indoor.** Indoor facilities for animals. Examples include kennels, shelters, pet daycare, grooming and Veterinarian clinics.
 7. **Animal Care, Outdoor.** Facilities for animals with an outdoor component. Examples include kennels, shelters, pet daycare and boarding, grooming, kennels, and Veterinarian clinics.
 8. **Auto Facility.** Retail and infrastructure involved in the marketing, selling, renting, repair, storage, and maintenance of motor vehicles. Examples include automotive sales, automotive repair and service, automotive rental, battery exchange stations, electric vehicle charging stations, fuel dealers, and commercial vehicle storage (Service Stations included in Retail).
 9. **Barn.** A structure accessory to a resource use, used to house animals and/or store agricultural products.
 10. **Campground.** Designated sites designed for the use of tents, yurts, cabins, or recreational vehicles.
 11. **Caretaker Home.** A home accessory to a resource use for the guardians or custodians of that use.
 12. **Cargo Container.** Standardized reusable vessels that are: designed for use in packing, shipping, or transportation of freight; or are capable of being moved by rail, truck, or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms “transport containers” and “portable site storage containers,” having a similar

appearance to and characteristics of cargo containers. Regulated by 17.10.090 – Cargo Containers.

13. **Cemetery.** A place for the interment and memorial of the deceased.
14. **Cultural/Community Facility.** A gathering space that promotes and sustains the cultural heritage, spiritual practices, and social connections of communities on the Reservation. Examples include community centers, cultural centers, and museums.
15. **Daycare.** A day care center licensed by the State of Washington for 13 or more children in any 24-hour period.
16. **Duplex.** Two dwelling units with common walls on one or two sides but with separate front and/or rear access.
17. **Educational Facility.** A place that facilitates learning and knowledge sharing. Examples include public schools, non-profit schools, private schools, institutional education, government daycare.
18. **Electric Vehicle Infrastructure.** Infrastructure that supports motor vehicles powered by electricity. Examples include public charging stations and battery exchange stations.
19. **Forestry.** Commercial harvest or thinning of forest that may include road building activities. Regulated by Tulalip Tribal Code 8.15 – Forest Products Permit.
20. **Gaming.** All land uses and activities regulated by Tulalip Tribal Code 10.05 – Gaming.
21. **Golf Course.** Grounds where the sport of golf is played.
22. **Group Homes.** A home where six or fewer adults can live together for collective healthcare, support, or supervision. Requires a business license from the Tulalip Tribes for operation.
23. **Hatchery Operation.** A facility for the conservation and/or farming of fish, crustaceans, or mollusks or for the cultivation of aquatic food. Examples include Tribally operated hatchery, aquaculture, and mariculture operations.
24. **Healthcare.** A facility providing medical diagnoses, treatment, and care for physical and mental impairments, including injury, illness, and mental disorders. Examples include outpatient treatment facilities, inpatient treatment facilities, substance abuse facilities, mental health facilities, and secure community transition facilities.
25. **Hobby Farm.** A small-scale farm operated for pleasure or for supplemental income. Regulated by 17.10.110 – Hobby Farms.
26. **Home Occupation.** A small-scale business accessory to residential single-family home. Regulated by 17.10.060 – Home Occupations.
27. **Hotel/Motel.** Temporary overnight lodging that may provide other amenities such as a restaurant, pool, or spa.
28. **Light Industrial.** Facilities primarily for production, processing, and assembling that are operated so that noise, odor, dust, and glare of such operations are confined within an enclosed building or enclosure. Some loading facilities possible, no truck turnarounds allowed, lower indoor heights. Examples include: mini storage, testing facilities, laboratories, research and development, light manufacturing, distribution of goods, wholesale, printing, farm product processing, laundry services.

29. **Manufactured Home I.** New single-wide, double wide, or triple wide manufactured homes intended for single family home use that meet standards set forth in the international building code. Regulated by 17.10.070 – Manufactured, Mobile, and Modular Homes.
30. **Manufactured Home II.** Used single wide, double wide, triple wide manufactured homes intended for single-family home use that may or may not meet current building codes. Regulated by 17.10.070 – Manufactured, Mobile, and Modular Homes.
31. **Manufactured Home Park.** A temporary or permanent lodging place for occupants of modular homes, mobile homes, and travel trailers. Regulated by 17.10.070 – Manufactured, Mobile, and Modular Homes and 17.10.080 – Recreational Vehicles (RVs).
32. **Medium Industrial.** Loading docks (not cross-loading docks) and truck turnaround allowed, taller door heights allowed. Examples include: equipment & machine & vessel sales and rental, warehouses, lumber yards, building supplies, marinas, dry docks, construction contracting, outdoor storage, commercial vehicle storage/dispatch, trucking and courier services, freight and cargo facilities, construction staging, government fleet management, motor vehicle body shops, welding, sheet metal or machine shops, cold storage, forest industry storage and maintenance facilities, waste, and recycling transfer stations.
33. **Mobile Homes.** Any vehicle or similar portable structure built prior to the enactment of the National Manufactured Home Construction and Safety Standards Act of 1974, designed for mounting on wheels and intended for use as a residence, except parked and unoccupied recreational vehicles, which meets the standards of the Washington Department of Labor and Industries. Regulated by 17.10.070 – Manufactured, Mobile, and Modular Homes. For RVs and travel trailers, see 17.10.080 – Recreational Vehicles (RVs).
34. **Motorized Trails.** Unpaved trails or roads that may be designated for specific use by snowmobile, dirt motorcycle, All Terrain Vehicle (ATV), Off Highway Vehicle (OHV), Off Road Vehicle (ORV)
35. **Movie Theater.** A building or part of a building having seating for an audience and a large screen for showing movies.
36. **Multi-Family I.** Small-scale cottage housing developments or apartment buildings, condominiums, townhomes, or multiplexes with four to twelve dwelling units, subject to underlying density limits.
37. **Multi-Family II.** Medium-scale and large-scale apartment buildings or condominiums with more than 12 dwelling units, subject to underlying density limits.
38. **Non-Motorized Trails.** In-park, local connector, and regional trails. Includes unpaved and paved trails, which may be designated for specific uses: Foot, Bicycle, Ski, Equestrian, etc.
39. **Office/Service.** Office or business offering personal or professional services. Examples include: real estate, legal, insurance, accounting, or architecture & engineering offices; personal services such as cobblers, salons, alterations; small scale printing and shipping services; funeral homes; art and craft studios.
40. **Park.** A park less than ten acres in size.
41. **Park and Ride Facility.** A parking lot where drivers can park their personal vehicles and take advantage of immediate connections to public transit.

42. **Prescribed Grazing.** The controlled harvest of vegetation with grazing animals, managed with the intent to achieve a specific objective including but not limited to controlling the composition of plant communities, improving surface or subsurface water quality, improving riparian and watershed function, reducing soil erosion, improving availability of food or cover for wildlife, or managing fire fuel loads.
43. **Recreation Facility I.** Small-scale indoor and/or outdoor recreational use. Examples include private paintball courses, miniature golf, and martial arts, dance, yoga, or other movement studios.
44. **Recreation Facility II.** Large, specialized buildings or complexes that house recreational facilities. Examples include sports complex arenas, amphitheaters, driving ranges, resorts, indoor shooting ranges, aquatic centers, and climbing gymnasiums.
45. **Recreational Vehicle (RV).** Regulated by 17.10.080 – Recreational Vehicles (RVs).
46. **Regional Park.** A park ten acres in size or larger. Intended to serve as a regional recreational draw in addition to providing facilities to the Tulalip Tribal communities.
47. **Regional Transportation Facilities.** Examples include light rail and bus stops or terminals, air fields.
48. **Religious Facility.** A gathering space for religious and spiritual services; a house of worship for a congregation; a place for education about religious and spiritual matters.
49. **Restaurant.** A business that prepares and sells meals and refreshments. Examples Include: drive-in food service businesses, food trucks, cafés, full-service restaurants.
50. **Retail.** Retail that provides commercial services to the Tulalip community. Examples include: grocers, hardware stores, greenhouses, fish markets, farmers markets, small appliance repair, indoor entertainment, theaters, television and radio stations, liquor stores, service stations, dry cleaning pickup and retail. Excludes dry cleaning plants.
51. **Rural Storage Structures.** Standalone storage structures not accessory to a primary home or on rural lots. Regulated by 17.10.100 – Rural Storage Structures.
52. **Shoreline Structures.** Replacement docks, stairs, or armoring; or Tribal Government structures along lakes and marine areas. Building permits and access to such structures for construction or work performed on tidelands regulated by Tulalip Tribal Code 8.30 – Tidelands Management Policies; additional approvals may be required.
53. **Single-Family Home.** Self-contained living quarters supported by its own sewer or septic and water services. May include a tiny home, or other types of homes, but must meet international building code.
54. **Surface Mining.** Areas where mineral extraction results in more than one acre of disturbed area, including the result of mineral prospecting or exploration activities, or surface mined slopes greater than thirty feet high and steeper than a 1.0-foot horizontal to a 1.0-foot vertical. Regulated by Tulalip Tribal Code 8.35 – Surface Mining.
55. **Tribal Government Facility.** Any office or facility for Tribal government use.
56. **Triplex.** Three dwelling units with common walls on one or two sides but with separate front and/or rear access.
57. **Utility Infrastructure.** Essential infrastructure for connecting utilities. Examples include water storage, pump stations, sewer lift stations, power lines, transformers, and solar panels.

- 58. **Utility Plants, Public.** Centralized utility infrastructure buildings and plants. Examples include water and sewer treatment facilities and large-scale power generation such as hydro, solar, wood, wind, and biomass.
- 59. **Wedding Venue.** An operation accessory to an agriculture or single-family home use that operates a commercial wedding venue for paying customers.
- 60. **Wild Crop Harvest.** Regulated by Tulalip Tribal Code 8.15 – Forest Products Permit.
- 61. **Wireless Facilities.** Facilities and infrastructure related to wireless communications are regulated by 17.22 – Wireless Communications. Examples include antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, and electronic and switching equipment.

17.10.030 – Nonconforming Use

- A. **Purpose.** To provide parameters for the continued operation and use of legal nonconforming uses, structures, or lots. And to provide a process to consider expansion or intensification of such uses when doing so would not lead to negative impacts or risks to adjacent and surrounding properties.
- B. **Applicability.** The following lots, uses of land, and uses of structures which existed or were legally established prior to the effective date of the ordinance codified in this Title and which do not meet all the zoning requirements of the ordinance codified in this Title, shall be deemed to be lawful nonconforming uses, and may continue subject to the provisions of this Title:
 - 1. Any lot, tract, or parcel of land:
 - a. On fee lands which was recognized as a legal building lot by Snohomish County prior to the effective date of the ordinance codified in this Title, except lots established under County law through boundary line adjustments that would not be permissible under the provisions of this Title, or
 - b. Established or platted under provisions of Tribal law or Federal regulations prior to the effective date of the ordinance codified in this Title.
 - 2. Any structure or building erected or in actual use, and any noncriminal actual use of a structure or building existing or established, prior to the effective date of the ordinance codified in this Title. Any structure or building erected subsequent to the date of this Title on a lawful nonconforming lot or parcel shall meet all other provisions of this Title except minimum lot size. Any use established subsequent to the date of this Title shall meet all provisions of this Title.
 - 3. Lawful nonconforming uses may have applicable permit requirements under the ordinance codified in this Title. [Res. 2015-150 Exh. A; Res. 2015-150 Exh. A; Ord. 80 § 33.1, 1-9-1995].
- C. **Replacement.** If any nonconforming structure is over 50 percent destroyed by fire or other casualty, such structure may be rebuilt within its same footprint with no expansion or intensification; provided, that such reconstruction occurs within two years.
- D. **Discontinuation.** A lawful nonconforming use discontinued or abandoned for 24 months or longer shall not be resumed and will have lost its status as a lawful nonconforming use.
- E. **Change of Use.** A change in use from a lawful nonconforming use to another nonconforming use is allowed only when the new use is equal or less intensive and the site obtains Confirmation of

Lawful Nonconforming Status, as described below in **17.10.030.G – Nonconforming Use, Confirmation of Lawful Nonconforming Status**. Lawful nonconforming use status cannot be transferred to a new use.

- F. Expansion of Use.** A lawful nonconforming use shall not be relocated, expanded, enlarged or increased in intensity beyond the scope and area of its operation at the time it is deemed lawfully nonconforming. A lawful nonconforming use may be allowed incidental expansion up to a maximum of ten percent of any of the following features: the original building square footage, impervious surface, or number of daily traffic trips, only when the expansion will not cause or increase nonconformity of any structure or lot. Expansion, enlargement, or increase of intensity beyond ten percent of any of the above listed features may be considered through a Type V(a) Conditional Use permit review process, whereby the applicant must demonstrate that no negative impacts or additional risk to public health and safety, the environment, cultural resources, or traffic safety will result from the additional expansions. The Planning Commission may choose to approve, deny, or conditionally approve the request. Denial of the expansion request will have no bearing on the property's lawful nonconforming use status.
- G. Confirmation of Lawful Nonconforming Status.** An owner of a lot, structure, or use that is lawfully conforming may confirm its lawful nonconforming status with the Tribes by seeking a Confirmation of Lawful Nonconforming Status, a Type III review. The applicant shall include a site plan showing the lawfully nonconforming lot, structure(s), or use(s), along with a narrative description of activities conducted there, intensity of use, date of establishment, or other details necessary to determine its lawful nonconforming status.

17.10.040 – Prohibited Uses

- A.** The following uses are not allowed in any Zoning District on the Tulalip Reservation:
1. Adult entertainment;
 2. Correctional facilities;
 3. Heavy industrial uses;
 4. Junk yards

17.10.050 – Accessory Dwelling Units

- A. Purpose.** Accessory dwelling units (ADU) provide additional separate living space on a residential lot that may be used directly by the property owner or rented out. Accessory dwelling units are a way to add additional housing choices.
- B. Requirements.**
1. **Primary House and Residency Requirement.** Each accessory dwelling unit shall be located on a lot containing a single-family primary residence. Either the primary residence or the accessory dwelling unit must be occupied by a property owner or lease holder.
 2. **Zones Permitting Accessory Dwelling Units.** Accessory dwelling units are allowed in any zone where a single-family dwelling is allowed, as long as the provisions of this chapter can be met.
 3. **Location of units.** An accessory dwelling unit can be either detached from the primary residence, such as a standalone building or above a garage structure, or attached, such as in a

basement or an addition. A primary residence may have a maximum of one attached accessory dwelling unit and any additional permitted accessory dwelling units must be detached.

4. **Dimensional Standards.** All units must comply with **17.12 – Density & Dimensions**, including setback requirements and lot coverage, except that the height of a detached accessory dwelling unit shall not exceed 15 feet.
5. **Density Limitations.** Accessory dwelling units are not subject to the density requirements placed on the primary residence by the underlying zone. Accessory dwelling units are not allowed on lots containing multifamily buildings, such as duplexes, triplexes, or apartments.
6. **Parking required.** The primary residence shall have two dedicated parking spaces. An additional one parking space is required for each accessory dwelling unit.
7. **Site Access.** Automobile access shall be limited to one driveway. Multiple access points are allowed for non-vehicle access.
8. **Adequate Utilities.** The primary residence and all accessory dwelling units must be connected to water and sewage treatment facilities.
9. **Size and Quantity of Accessory Dwelling Units by Lot Size**

Lot Size	Max #	Max combined size of all ADUs*
7200 sf+	1	500 square feet
14,500 sf+	1	800 square feet
43,500 sf+ / 1 acre+	2	1,200 square feet
5 acre+	3	1,600 square feet

* One or all units combined cannot exceed maximum combined size.

C. Approval and Continuation.

1. Accessory Dwelling Units shall be permitted according to the provisions of **17.06 – Permit Processing**.
2. Future owners of lots with Accessory Dwelling Units must still meet all ADU requirements.

17.10.060 – Home Occupations

- A. **Purpose.** To provide for home-based economic opportunities for the Reservation community while protecting nearby properties from potential detrimental effects of home occupations. [Res. 2015-150 Exh. A].
- B. **Applicability.**
 1. Home occupations shall be clearly incidental and subordinate to the use of premises for residential purposes.

2. Home occupations are permitted as accessory uses and structures to dwelling units within applicable zones.
3. The home occupation permittee shall reside in the dwelling unit as their principal residence.

C. Exemptions.

1. **Home offices.** Bookkeeping and/or office for a business conducted off-premises with no outward indication of the business nor customers or employees visiting the premises are exempt from all home occupation requirements.
2. **Private social events and garage-yard sales.** Product sales associated with private social events (e.g., Tupperware parties) and garage-yard sales are exempt from all home occupation requirements provided they occur no more than four times per year at any given residence.
3. **Cultural-related occupations.** Cultural-related occupations (e.g., Native arts and crafts, fishing, crabbing, totem/story pole carving) are exempt from all home occupation requirements.
4. Occupations related to Tribal rights derived from the Treaty of Point Elliott as recognized in 17.02.030.B – Authority, Legislative findings may be exempt through a conditional use permit process. [Res. 2015-150 Exh. A].

D. Permits and Licenses Required.

1. **Business license required.** Home offices and home occupations require a Tulalip Tribes business license. A business license shall not be issued to a home occupation until a home occupation permit is first obtained. [Res. 2015-150 Exh. A].
2. *placeholder*
3. Home occupation permits and licenses are nontransferable. [Res. 2015-150 Exh. A; Ord. 80 § 27.2, 1-9-1995].
4. It shall be unlawful for any person to undertake any home occupation without first obtaining a Type III home occupation permit. [Res. 2015-150 Exh. A].
5. Home occupations are subject to annual inspections by the Tulalip Tribes.
6. Home occupations shall comply with all applicable Tulalip Tribes building and fire codes, policies and regulations.

E. Requirements.

1. **Impacts.** The home occupation shall not create noise, light and glare, smoke, heat, dust, odor, drainage, electrical interference or other similar impacts that are detectable at or beyond property lines of lot where home occupation is located.
2. **Signs.** One unlit sign advertising the home occupation is allowed; sign shall be attached flat to the dwelling or accessory structure and shall not exceed two square feet.
3. **Parking.** All necessary parking shall be accommodated off-street in driveways, garages and/or carports.
4. **Electricity.** Electrical service for a lot shall not exceed 200 amps.

5. **Hours of Operation.** Hours of operation are limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, including deliveries, employee visits and customer visits except when business activities are taking place entirely within principal residence or accessory buildings.
 6. **In-home daycare.** Child care programs shall not exceed 12 children per day including the children of the operator. Hours of operation for home day care businesses are limited to 6:00 a.m. to 8:00 p.m. any days of the week or seven days a week.
 7. **Exterior.** No structural changes to the exterior or interior of the dwelling are permitted that are associated with the home occupation.
 8. **Sales.** Retail sales in conjunction with the home occupation are limited to items accessory to a service or merchandise that is handcrafted on the premises.
- F. **Type I home occupations, additional requirements.** Type I home occupations can be operated on larger lots and can therefore have a higher intensity of use.
1. **Minimum Lot Size.** The minimum lot size required to operate a Type I home occupation is 5.00 acres.
 2. **Maximum Size.** Not more than 35 percent of the total square footage of the dwelling may be used for the home occupation.
 3. **Employees.** Not more than three nonresident employees shall be employed in the home occupation.
 4. **Parking.** The parking area for any commercial vehicle associated with the home occupation shall be located indoors, screened with a solid fence, or landscaped with a row of evergreen shrubs spaced not more than five feet apart and forming a continuous hedge not less than six feet high when planted to screen the area from adjacent properties and public streets. The Tribes may waive this requirement for those sides of the parking area that will not be visible from public streets or if not clearly invasive to adjacent properties.
 5. **Vehicle Trip Generation.** Not more than 15 total business-related visits per day are allowed except child care home occupations which are allowed business-related visits for pick-up and drop-off of up to 12 children per day.
 6. **Outdoor storage.** Materials stored outdoors shall be covered and not visible at or beyond all property lines of the lot where home occupation is located.
 7. **Accessory structure.** Total area used for home occupations in any accessory structure and attached garage shall not exceed 7,000 square feet. [Res. 2015-150 Exh. A].
- G. **Type II home occupations, additional requirements.** Type II home occupations are operated on lots less than five acres; their intensity of use shall be less than what is allowed for Type I home occupations.
1. **Minimum lot size.** There is no minimum lot size required to operate a Type II home occupation.
 2. **Maximum size.** Not more than 25 percent of the total square footage of the dwelling may be used for the home occupation.
 3. **Employees.** Not more than one nonresident employee shall be employed in the home occupation.

4. **Parking.** Not more than one vehicle with a manufacturer's weight rating of less than 26,001 pounds and used in the operation of the home occupation allowed on the premises.
 5. **Vehicle trip generation.** Not more than ten total business-related visits per day allowed except child care home occupations which are allowed business-related visits for pick-up and drop-off of up to 12 children per day.
 6. **Outdoor Storage.** No outdoor storage of equipment and/or materials used for the home occupation is allowed.
 7. **Visibility.** Home occupation shall be fully enclosed within residence and accessory structure(s) with the exception of child care home occupations which may provide outdoor play areas for children.
 8. **Accessory structures.** Total area for home occupations in any accessory structure and attached garage shall not exceed 3,500 square feet. [Res. 2015-150 Exh. A].
- H. **Adjustment to Requirements.** If a home occupation is unable to meet all the above requirements, an applicant can seek a Type V(a) Conditional Use Permit with a Planning Commission decision to adjust up to two requirements listed under 17.10.060.F – Type I home occupations or 17.10.060.G – Type II home occupations, as long as the applicant can demonstrate that the proposed home occupation will not result in significant impacts to adjacent land zoned for residential use.
- I. **Prohibited.**
1. **Multifamily dwellings.** Home occupations are prohibited in multifamily dwellings and those structures accessory to multifamily dwellings. [Res. 2015-150 Exh. A].
 2. The following are prohibited under the Home Occupation section:
 - a. Processing, use, or storage of hazardous materials.
 - b. External display of merchandise.
 - c. Expanding the commercial capacity of a non-conforming Home Occupation.
 - d. Automotive towing, salvage yard, service station, painting, repair and maintenance.
 - e. Hotel, motel, and bed and breakfast inn.
 - f. Mini storage.
 - g. Restaurant.
 - h. Retail store.
 - i. Medical and dental clinics.
 - j. Wineries, breweries and distillation of alcohol.
 - k. Dance and night clubs.
 - l. Truck or heavy equipment fueling, maintenance or repair.
 - m. Motocross racetrack.
 - n. Any other use determined by the Executive Director to be not incidental to or compatible with residential activities, is prohibited. [Res. 2015-150 Exh. A].

17.10.070 – Manufactured, Mobile, and Modular Homes

A. **Purpose.** All modular homes, mobile homes that do not conform to the limitations in this Title shall be prohibited in all zones. [Ord. 80 § 29.1, 1-9-1995].

B. **Requirements**

1. **Manufactured and mobile homes.** Manufactured and mobile homes shall be placed and securely tied to concrete footings and meet current electrical codes of the State of Washington. [Ord. 80 § 29.3, 1-9-1995].
2. **Modular homes.** Modular homes shall be constructed on foundation walls and shall conform to manufacturer's specifications and shall conform to electrical codes of the State of Washington, as the same now exist or may hereafter be amended. [Ord. 80 § 29.2, 1-9-1995].

17.10.080 – Recreational Vehicles (RVs)

A. **Purpose.** To allow for proper storage and recreational use of recreational vehicles (RVs and travel trailers within appropriate zones and locations within the reservation boundaries, to provide individuals and families a temporary dwelling solution while minimizing negative impacts to the environment and adjacent properties, and to monitor RV and travel trailer use and storage and prevent misuse.

B. **Requirements.**

1. **Applicability.** Recreational vehicles and travel trailers have wheels and contain living or sleeping quarters to accommodate recreation, camping, or travel uses. Use of any such vehicle as a permanent dwelling is prohibited in all zones.
2. **Recreational Use.** Storage and recreational use of a travel trailer or recreational vehicle is an allowed accessory use in zones that allow single-family dwellings, provided that each lot may contain a travel trailer or recreational vehicle for overnight accommodations for no more than 30 days within a 90-day period. Extended recreational use by one or more travel trailers or recreational vehicles may be approved through a temporary use and occupancy permit.
3. **Temporary Dwelling Use.** Use of travel trailers and other recreational vehicles which provide temporary dwelling may be permitted for periods exceeding typical recreational use only after obtaining a temporary use and occupancy permit. To obtain a temporary use and occupancy permit for a temporary dwelling use, power and sewage disposal facilities must be present at the site and meet Tribal Code requirements.
4. **License Required.** All travel trailers and recreational vehicles stored or used within the Tulalip Reservation must obtain a storage license from the Planning Department. Licensee must show that the trailer or recreational vehicle is in operational condition and has current registration.
5. **Prohibitions.** Storage of trailers or recreational vehicles on vacant land with no sewage treatment facilities or water or temporary use and occupancy permit is prohibited.
6. **Campgrounds.** Travel trailers and recreational vehicles are allowed in approved park or campground areas.

17.10.090 – Cargo Containers

A. **Purpose.** To allow storage in cargo containers with minimal oversight and regulation in appropriate zones while providing the framework and flexibility needed to address negative impacts from the use of cargo containers for non-storage uses purposes and/or the placement of cargo containers in areas that violate this or other tribal codes. This section establishes minimum standards for the placement of cargo containers and transport containers used for storage of material and/or equipment or for uses other than that for which they were primarily designed.

B. Temporary Use.

1. Nothing in this chapter shall preclude temporary use of cargo containers on permitted construction sites during periods of construction.
2. Nothing in this chapter shall preclude the use of cargo containers as moving pods or any other temporary use that is less than three months in duration.

C. Approval Criteria.

1. Anyone who places a cargo container is required to call the planning department prior its placement in order to verify that it is not placed over an environmentally sensitive area or other prohibited areas, detailed below.
2. A building permit is required prior to placement of cargo containers larger than 200 square feet in area, ensuring effective anchoring/foundation according to the IBC (International Building Code). The application shall show the proposed unit is accessory to the permitted use of the property and meets placement criteria for detached accessory structures.
3. Cargo containers shall not be used for human occupancy and/or other commercial applications without first obtaining a building permit and structural review to determine if retrofitting for the intended use meets the standards set forth in the IBC (International Building Code).

4. Quantity and Size Limits Per Lot

a. Residential zones:

Lot Size (sq. ft.)	Maximum Number of Cargo Containers	Maximum Combined Size of All Cargo Containers
7,200 – 14,500	1	80 sf
14,500 – 22,000	2	160 sf
22,000 or greater	4	320 sf

b. Agricultural and Resource zones:

Lot Size	Maximum Number of Cargo Containers	Maximum Combined Size of All Cargo Containers
Under 10 acres	8	640 sf
10 acres or greater	12	960 sf

5. Use of cargo containers in a residential zone for storage of business and commercial equipment or supplies shall be associated with an approved or exempt Home Occupation Permit.
6. Material storage within cargo containers is subject to review and approval by the Tulalip Planning Department and Fire Chief.

D. Cargo containers are prohibited:

1. As a primary use in residential zones;
2. In Environmentally Sensitive areas including but not limited to wetlands, steep slopes, streams and their applicable setbacks and buffers;
3. In public road rights of way or utility or access easements unless the location has received prior approved as part of an existing land use permit or has permission from the County or Tribal Transportation Department or has permission from the private property owners or easement owners;
4. For use to expand commercial storage capacity in association with a non-conforming Home Occupation;
5. From occupying required off-street parking, loading, or landscaping areas on a permanent basis;
6. From storing hazardous material beyond residential household limits in compliance with EPA regulations for safe management of household hazardous waste;
7. In all residential zones: from being stored empty for commercial use, resale, or rental;
8. From being stacked except in industrial zoning districts, and then only with the express written permission of the building official; or
9. For use as animal shelter.

E. Development Standards. In addition to the provisions of 17.12 – Density & Dimensions and 17.14 – Development Standards, cargo containers shall:

1. Meet the setback requirements in the zone where they are placed and be set back an additional 25 ft. from fire hydrants, water mains, and sewer main lines.
2. Be included in the overall lot coverage.
3. Be placed in the side or rear yard setback of the property.
4. Be screened from abutting properties and rights-of-way by a sight-obscuring fence or effective landscaping.
5. Be painted or stained a neutral shade which blends with the surrounding premises or nearby structures on the same property.
6. Avoid septic systems, powerlines, waterlines, sewer lines, and other public and private utilities.

17.10.100 – Rural Storage Structures

- A. Purpose.** This section applies to standalone storage structures not accessory to a primary home or business. Such rural storage structures may be constructed on rural lots for the purposes of providing storage for private or business use, but not for the purposes of operating a business or

providing direct service to customers at that location. These provisions do not apply to storage structures located on properties with active residential or agricultural uses.

B. Requirements.

1. Maximum Size, Lot Coverage, and Height.

a. Rural storage structures

- i. may not be larger than 2,400 square feet.
- ii. may cover no more than ten percent of a lot.
- iii. shall have a maximum height of 35 feet in every zone.
- iv. If multiple rural storage structures are located on a single lot, then the combined area may not exceed ten percent of the lot size, and in no case have a combined size of greater than 2,400 square feet.
- v. These dimensional requirements supersede what is listed in 17.12.020 – Dimensional Standards.

2. Development Standards. Storage activities shall be contained within storage structures. Any noise, smells, or visual impacts shall be contained within the structure and shall not cause a nuisance to adjacent properties.

3. Uses Allowed. Only storage uses are allowed. It is not permitted to operate a business or provide client services from a rural storage structure.

17.10.110 – Hobby Farms

A. Purpose. To allow hobby farms to exist in appropriate zones while providing the framework and flexibility needed to prevent and address negative impacts associated with this use.

B. Applicability. This section applies to hobby farms operated for pleasure or for supplemental income in zones where they are permitted. This code does not apply to Agricultural zones, where agricultural uses are widely allowed. Hobby farms may include:

1. Small-scale agriculture for personal use and enjoyment that may include some animal husbandry; or
2. Small-scale agriculture and/or animal husbandry that includes some commercial sales of products for supplemental income.
3. For animal husbandry, the following categories apply:
4. Goats, rabbits, and potbelly pigs are considered small animals.
5. Horses, cows, sheep, llamas, and alpacas are considered large animals.
6. Chickens, turkeys, ducks, and geese are considered domestic fowl.

C. Permits required.

1. Hobby farms meeting both the following criteria and also meeting the standard conditions of this code do not require a permit to operate:
 - a. The hobby farm generates an annual income less than \$1,000, and
 - b. The hobby farm is located in a non-residential zone, regardless of whether it generates income.

2. Hobby farms must comply with business licensing rules found at Tulalip Tribal Codes 10.10 – Gaming, Business Licensing, and Regulation.
3. Hobby farms must operate entirely outside of environmentally sensitive area buffers and wellhead protection areas. If this is not possible, a Type III permit or higher is required, and mitigations or special conditions may be applied.
4. Accessory structures and/or clearing and grading activity for a hobby farm operation may be subject to additional review and permitting. If a Home Occupation Permit is required, these activities must comply with the Home Occupation code's size limits for storage and percent of property used, 17.10.060 – Home Occupation.

D. Quantity of Animals.

1. Up to four beehives may be kept on any lot under 20,000 square feet. One additional beehive is permitted for each 5,000 square feet of lot area in excess of 20,000 square feet.
2. One small animal or domestic fowl is permitted for each 3,000 square feet of lot area.
3. Large animals are permitted only on lots 20,000 square feet or greater. On these lots, one large animal for every 20,000 square feet of lot area is permitted.

E. Prohibitions

1. **Prohibited activities.** Commercial dog breeding, kennels, and large livestock breeding are prohibited on hobby farms.
2. **Prohibited animals.** Roosters, peacocks, and wild, venomous, or dangerous animals are prohibited on hobby farms.

F. Setbacks. Structures housing animals may not be placed in required setbacks. The following additional setbacks apply:

1. A hobby farm may not be located within 100 feet of a wellhead protection zone.
2. Structures housing domestic fowl may not be located within 15 feet of any lot line.
3. Beehives may not be located within 25 feet of any lot line.
4. Small and large animals and the structures housing them may not be located within 25 feet of any lot line.

G. Mitigating Impacts.

1. Animals, including domestic fowl, must be contained within fencing.
2. Animals, their feed, and their waste shall be properly managed so no to attract rodents or generate excessive light and glare, heat, dust, odor, drainage, or other similar impacts or hazards detectable at significant levels at or beyond the property boundary. When measured at the property line, noise generated by hobby farm activities shall not exceed the limits established in Tulalip Tribal Codes 11.10 – Noise Abatement.
3. Waste and feed shall be prevented from spilling into or otherwise impacting environmentally sensitive lands including streams, wetlands, and steep slopes. The placement of a hobby farm shall not interfere with or damage existing utilities, wells, wellhead protection areas, septic systems, drain fields, or reserve areas.

H. **Medium Density Residential Zone.** The following more restrictive regulations are also applied when a Hobby Farm is located in the Medium Density Residential (MR) Zone.

1. Large animals are permitted only on lots 40,000 square feet or greater. On these lots, one large animal for every 40,000 square feet of lot area is permitted.

17.10.120 – Short-Term Rentals

A. **Purpose.** The purpose of this code is to allow for economic gain with permitting oversight and development standards that apply to appropriate zones and provide a regulatory framework to prevent negative impacts from short-term rentals. The standards in this section are intended to balance the economic opportunity created by short-term rentals with the need to maintain the Reservation's housing supply and protect the rights and safety of owners, guests, and neighbors.

B. **Applicability.**

1. **Zones permitted.** A short-term rental (STR) may operate in all zones allowing a residential use.
2. **Prohibitions.** STR's are prohibited for the following:
 - a. Parcels with structures and/or bulkheads encroaching on Tulalip Tidelands without a lease.
 - b. Operating without an annual Tulalip Business License.
 - c. Dwelling units on Tulalip leased property, unless specifically authorized by the Tribal Board of Directors.
 - d. Dwelling units subsidized through Tribal, State, or Federal programs.
 - e. On-site signs or advertising for STRs are prohibited.
 - f. Events or hosting more than the allowable occupancy without a separate.

C. **Requirements.**

1. **Water, Sewer, and Septic.** STRs are required to have adequate water and or sewer and septic services
 - a. An applicant must provide an as-built septic design and a copy of an up-to-date septic system inspection with their permit application.
 - b. These documents must support the proper functioning and rental capacity and use as advertised.
 - c. Additional rental limits or capacity restrictions may be implemented if septic over use and/or environmental or public health concerns are identified.
2. **Duration.** STRs may be rented for up to thirty consecutive nights.
3. **Dwelling Unit Use.** An STR may be permitted in an entire dwelling unit or in a portion of a dwelling unit.
4. **Accessory Dwelling Units.** An STR may be permitted for either a primary dwelling unit or an accessory dwelling unit, but not both.
5. **Owner Occupation.**
 - a. Both hosted and un-hosted STRs are allowed.

- b. If an STR is permitted for either a primary dwelling unit or an accessory dwelling unit, one unit must be occupied by the operator.

6. Owner Permissions.

- a. Operators must have written property owner or landlord permission to operate an STR.
- b. A long-term tenant who has signed at least a 270-day lease may serve as a short-term rental operator. The property owner must serve as a co-applicant on the tenant's permit and Tulalip Business License application.

7. Local Contact Person.

- a. The name, address, and telephone number(s) of a local contact person who is responsible for the STR must be
 - i. submitted with the STR permit application and the Tulalip Business License.
 - ii. provided to all STR guests during their stay.
- b. The local contact person must live within an hour's drive of the STR.
- c. Any changes to the name, address, or telephone number(s) of the local contact person must be submitted to the Planning Department within one month of the change(s) or with a Tulalip Business License renewal, whichever is sooner.
- d. The local contact person must be available 24 hours a day to ensure that the STR is maintained and operated per the requirements in this section.
- e. The local contact person can be the operator or a designee of the operator.

8. Number of Short-Term Rentals per Operator.

- a. Operation of an STR is limited to no more than one per
 - i. Individual; or
 - ii. family living together; or
 - iii. domestic partnership; or
 - iv. those living as a family unit and/or acting as a principal in any business entity that has ownership of a residential unit.
- b. Assigning ownership and/or application for short-term rental use to separate individuals that are living together as a family, in a domestic partnership, or living as a family unit as a means of exceeding this limitation is not permitted.
- c. A tenant's short-term rental permit counts toward the permit cap of one short-term rental permit for both the tenant and property owner.

9. Advertised Occupancy.

- a. Advertising of an STR must accurately reflect the number of bedrooms and occupancy load allowed by the STR Permit, which will be based on the international building code.
- b. Rooms without code compliant ingress and egress windows cannot be listed as bedrooms or counted toward the sleeping capacity of the rental.
- c. The number of guests allowed on the property is restricted to the occupancy number advertised.

10. **Smoke Detectors and Carbon Monoxide Alarms.** Operators must comply with building code regulations regarding the installation of smoke detectors and carbon monoxide alarms in the STR.
11. **Parking.**
 - a. STRs must allocate one off-street parking space per STR bedroom.
 - b. Use of overnight on-street parking is prohibited.
12. **Quiet Hours.** Quiet hours between 10pm and 7am must be posted on-site in the STR and must be enforced by the property owner, operator, or designated local contact person while guests are staying in the STR.
13. **Tidelands Restrictions.** Operators must communicate to guests the specific access and use restrictions which apply to Tulalip Tribes Tidelands.
14. **Posted Information.** Operators must post the following information inside the STR and maintain it so that it is current and accurate:
 - a. Current Tulalip Business License
 - b. The short-term rental street address;
 - c. The emergency contact information for summoning police, fire, or emergency medical services;
 - d. The floor plan indicating fire exits and escape routes;
 - e. The maximum occupancy limits;
 - f. The contact information for the operator or designated local contact person;
 - g. How to safely enter and exit the property, especially under adverse weather conditions;
 - h. The location of off-street parking spaces;
 - i. How to dispose of trash and recycling (e.g., all trash must be in proper containers, and trash containers cannot be visible except on designated collection days);
 - j. Hours of operation, including quiet hours (10 pm – 7am) and a reminder to be courteous to neighbors with regards to noise, music, etc.;
 - k. Additional guest responsibilities, including prohibitions on littering and trespassing on private property;
 - l. Tribal Tidelands access and use restrictions; and
 - m. The consequences for failing to comply with these standards (e.g., fine, citation, and/or expulsion from the property).
15. **Additional Conditions.** STRs may be subject to additional permit and Tulalip Business License conditions including, but not limited to
 - a. Landscape screening
 - b. Additional parking requirements.
 - c. Occupancy restrictions
 - d. Minimum rental limits
 - e. Noise curfews
 - f. Posting of rules for guests

- g. Advertising changes
- h. Compliance plans to prevent or address potential or current code violations.

D. Permits required.

- 1. Establishment of an STR requires a Type III Administrative permit.
- 2. Operation of an STR requires a Tulalip Business License
 - a. A Tulalip Business License must be renewed annually.
 - b. Operators must obtain and document annual fire, life safety, and septic inspections.
 - c. Annual inspections and permit compliance review are required as part of the business license renewal to ensure compliance with existing permit conditions and STR requirements.
 - d. It shall be the responsibility of the applicant to submit materials two months prior to the end of the renewal period. Failure to submit materials within the time specified shall automatically void the approval.

Chapter 17.12 – Density & Dimensions

17.12.000 – Purpose

This section establishes basic site requirements for all zones of the Tulalip Reservation. These density and dimensional requirements implement the Tulalip Tribes Comprehensive Plan while also protecting the Reservation's natural environment and preventing public nuisances, incompatible uses, and other hazards. [The maximum permitted density of development for each zone shall be as shown in this section. \[Res. 2006-75 § 2\(e\); Ord. 80 § 7.0, 1-9-1995\].](#)

17.12.010 – Density

Table of Density Requirements by Zoning District

Zone	Maximum Density
AG Agriculture	1 dwelling unit per 10 acres
R-10 Low Density Residential -10	1 dwelling unit per 10 acres*
R-5 Low Density Residential - 5	1 dwelling unit per 5 acres*
MR Medium Density Residential	No sewer: 1 dwelling unit per 0.5 acre With sewer: 1 dwelling units per 7,260 square feet (6 dwelling units per acre)
NM Neighborhood Mixed Use	Limited to available utilities at the site not to exceed 6 dwelling units per acre for residential use
CM Community Mixed Use	1 dwelling unit per 1,815 square feet (24 dwelling units per acre)
UM Urban Mixed Use	1 dwelling unit per 1,089 square feet (40 dwelling units per acre)
LI Light Industrial/Manufacturing	N/A
BF Big Flats	N/A, dwelling units prohibited
RS Resource	N/A, dwelling as accessory to resources use only
RS-20 Resource-20	1 dwelling unit per 20 acres*
CS Conservation	N/A, dwelling units prohibited
QCV-C & QCV-I	Subject to Quil Ceda Village approval

*Additional density may be allowed according to 17.20.020 – Tribal Member Family Subdivisions

Accessory dwelling units are not subject to density requirements placed on the primary residence by the underlying zone according to 17.10.050

17.12.020 – Dimensional Standards

Table of Dimensional Standards by Zoning District

Zone	Maximum lot Coverage by Impervious Surface	Front Setbacks: Arterial Street	Front Setbacks: Other Street	Side/Rear Setbacks	Building Height ¹
AG Agriculture	15% ²	25 ft	15 ft	10 ft	45 ft
R-10 Low Density Residential -10	15% ²	25 ft	15 ft	5 ft	40 ft
R-5 Low Density Residential - 5	20% ²	25 ft	15 ft	5 ft	35 ft
MR Medium Density Residential	60%	25 ft	10 ft	5 ft	35 ft
NM Neighborhood Mixed Use	75% ³	25 ft	10 ft	5 ft	35 ft
CM Community Mixed Use	75%	25 ft	10 ft	5 ft	35 ft ⁴
UM Urban Mixed Use	85%	25 ft	10 ft	5 ft	
LI Light Industrial/Manufacturing	85%	25 ft	15 ft	15 ft	
BF Big Flats	N/A	25 ft	20 ft	10 ft	
RC Recreation		25 ft	15 ft	5 ft	
RS Resource	N/A	25 ft	20 ft	10 ft	25 ft
RS-20 Resource-20	N/A	25 ft	20 ft	10 ft	25 ft
CS Conservation	N/A	25 ft	20 ft	10 ft	N/A
QCV-C*	85%	25 ft	15 ft	15 ft	
QCV-I*	85%	25 ft	10 ft	15 ft	

*Applicable only to lease area.

17.12.030 – Allowed Density

- A. **Purpose.** The allowed density requirement helps to maintain a consistent and compatible land use pattern in the Tulalip Reservation's neighborhoods. Other purposes of this requirement are to serve the planned housing needs of the Tulalip Reservation's residential population and prevent

¹ Structures located within side or rear setbacks may not exceed 7 feet in height. The height of a multi-family building, industrial or commercial building abutting a residential zone may not exceed the distance to the property line.

² In AG, R-10, and R-5: maximum lot coverage by impervious surfaces shall not exceed 60% for lots 1/2 acre or smaller.

³ Maximum impervious surface in NM Zone = 1.5 acres per lot

⁴ Institutional uses in CM Zone exempt from height restrictions.

public nuisances that result from a lack of adequate open space and the over utilization of public facilities.

- B. **Requirements.** The allowed density, as shown for each residential zone in 17.12.010 – Table of Density Requirements by Zoning District, represents the maximum number of dwelling units that may occupy an acre of land, exclusive of accessory dwelling units.
- C. **Calculations.** When calculating allowed density for any given site on the Reservation, the gross area of the site is multiplied by the allowed density per acre that applies to the zone where the site is located. The result is the maximum number of units that may occupy that site. For the purposes of this calculation, fractional values shall be rounded to the nearest whole number (0.5 and above, round up; below 0.5, round down).

17.12.040 – Maximum Impervious Surface

- A. **Purpose.** The maximum impervious surface requirement maintains open space, prevents adverse impacts from storm water runoff, replenishes ground water resources, and minimizes flooding.
- B. **Requirement.** The maximum impervious surface percentage for each zone shown 17.12.020 – Table of Dimensional Standards by Zoning District establishes the maximum percentage of a lot's area that may be covered with structures (including outdoor storage), paved areas, and other impervious surfaces.

17.12.050 – Building Setbacks

- A. **Purpose.** Front, rear and side setbacks help maintain a consistent and compatible land use pattern in the Tulalip Reservation. Setback requirements also provide for adequate light and air to all properties, minimize incompatibilities such as excessive light and noise, and prevent public nuisances such as the potential for fire damage from buildings constructed too close to each other.
- B. **Requirements.**
 - 1. **Lot Orientation.** For the purpose of applying setback regulations, the following shall be applied: the front shall be toward the street or access corridor from which the lot is addressed; the rear is opposite to the front or as nearly so as the lot shape permits; and the sides are 90 degrees to the front or as nearly so as the lot shape permits.
 - 2. **Measurement.** All setbacks shall be measured at right angles, or as near to right angles as possible, to the nearest property line in a plane horizontal to the ground, or in the case of access corridors for single-family residential development, from the nearest edge of the easement to the foundation line of the structure.
 - 3. **Corner Lots.** Corner lots shall be subject to only one front setback requirement.
 - 4. **Rear Setbacks – Alleys.** When vehicular access to a lot is by an alley, the rear setback shall be four feet from the nearest alley line.
 - 5. **Accessory Structure Setbacks.** Side and rear setbacks for accessory structures in all residential zones are five feet.
 - 6. **Encroachments. Front, Rear, Side Setbacks.** The following features are permitted to encroach up to three feet into front, rear, and side street setback areas: chimneys, porches,

bay windows, other building extremities, and decks higher than 30 inches above grade. Roof structures which extend beyond the building line may project up to five feet into front, rear, and side street setback areas. No encroachment into a front, rear, or side street setback area may extend closer than two feet to the nearest property line.

7. **Improvements.** Improvements less than 30 inches above grade, including decks, patios, walks and driveways, are permitted in setback areas. Fences, landscaping, flagpoles, street furniture, transit shelters and slope stability structures are permitted in setback areas, provided that all other applicable requirements are met.

17.12.060 – Maximum Height of Structures

- A. **Purpose.** The maximum height of structures helps to maintain a consistent land use pattern and visual character across the Reservation. It may also serve to protect important view corridors.
- B. **Requirements.** The maximum height of structures requirement sets the limit above which structures shall not extend, as defined in each zone in 17.12.020 –Table of Dimensional Standards by Zoning District.
- C. **Exceptions.** Totem poles, flagpoles, religious icons and structures (such as steeples, bell towers, or crosses), chimneys, antennas, and smoke and ventilation stacks may exceed the highest point of the existing or proposed structure following review by the Planning Department.
- D. **Calculation.** Building or structure height shall be measured from the average grade of the existing or finished grade, whichever is lower, to the midpoint of the highest gable of a pitched or hipped roof, the vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof; and to deck level on a mansard roof.
- E. **Fence.** Fences up to six feet high may be located in any required setback space. Fences in excess of six feet in height require a building permit and are limited to institutional, commercial or light industrial uses.

Chapter 17.14 – Development Standards

17.14.000 – Purpose

- A. This chapter includes standards commonly associated with development activities and uses.

17.14.020 – Parking

- A. **Off-street parking required.** Every building hereafter erected, moved, reconstructed, or structurally altered shall be provided with off-street parking areas as provided in this chapter, and such parking areas shall be made permanently available and maintained for parking purposes. No permit shall be issued until plans showing provisions for the required off-street parking have been submitted and approved by the Planning Department as conforming to the standards of this chapter. Every lot used as a public or private parking area shall be developed and maintained in accordance with this chapter. [Ord. 80 § 30.1, 1-9-1995].

- B. **Size requirements.** Each parking space shall be at least eight and one-half feet wide and 18 feet long exclusive of access drives and aisles having access from a public thoroughfare or private access easement. [Ord. 80 § 30.2, 1-9-1995].
- C. **Determination.** In the event that this chapter does not specify the number of parking spaces for a specific use, the Executive Director shall determine the number of spaces required. In making this determination, the Executive Director shall consider the following criteria:
1. The number of parking spaces required that is most similar to the proposed use in terms of parked vehicles that are anticipated to be generated.
 2. The square footage to be occupied by the proposed use.
 3. The number of employees and patrons that are anticipated for the proposed use.
- D. **Number of parking spaces required: residential uses.** Two off-street parking spaces are required for each permanent residential dwelling unit and one for each Accessory Dwelling Unit, and studio apartment. [Ord. 80 § 30.3, 1-9-1995].
- E. **Number of parking spaces required: commercial and industrial uses.**
1. **Office/Service.** 3 parking spaces per 1,000 sq. ft. of gross floor area,
 2. **Restaurants.** 1 parking space per table, plus 1.5 per banquet room seat, plus 1 per employee per shift.
 3. **Drive-in restaurants.** 1 parking space per 75 square feet of gross floor area
 4. **Motels and hotels.** 1 parking space per room plus 1 per employee per shift
 5. **Retail.** 4.5 parking spaces per 1,000 square feet of gross leasable area
 6. **Stadiums, religious facilities, theaters, movie theaters, sports arenas, auditoriums, and all assembly places with fixed seats.** 1 parking space per 4 seats, or 8 feet of bench or pew.
 7. **Assembly halls, wedding venues, and all assembly places without fixed seats.** 1 parking space per 75 feet of gross floor area.
 8. **Recreation facility.** 1 parking space per 40 square feet of gross floor area used for assembly, plus 2 per sport court
 9. **Daycare.** 1 per employee plus off-street loading and unloading area equivalent to 1 space for each 10 children
 10. **Animal care.** 1 space per 2 employees.
 11. **Auto facility, with sales.** 1 parking space per 1,000 square feet of gross floor area, plus 1 per 1,500 square feet of outdoor display area.
 12. **Auto facility, without sales.** 1 parking space per 200 square feet of gross floor area.
 13. **Light and medium industrial except warehouses and storage.** 1 parking space per 1,000 sq. ft. of gross floor area or 1 per employee present during the largest shift change, whichever is greater.
 14. **Warehouses, storage buildings, except mini-self-storage.** 1 parking space per 2,000 square feet of gross floor area, or 1 per employee
 15. **Mini-self-storage.** 1 parking space per 50 storage cubicles, plus 1 per 50 storage cubicles to be located at the project office

F. Number of parking spaces required: institutional uses.

1. **Cultural/Community Facility without assembly space.** 1 parking space per 250 square feet of gross floor area
2. **Schools.** 1 parking space for each 12 seats in the auditorium or assembly room, plus 1 parking space for each employee, plus sufficient off-street space for safe loading and unloading
3. **Colleges or adult education.** 1 parking space per 4 seats in classroom, plus 1 per employee
4. **Healthcare.** 5 parking spaces per 1,000 square feet of gross floor area.
5. **Utility and communication facilities without regular employment.** 1 space

G. Location of parking spaces. Except as permitted under 17.14.020.H – Parking, Joint Use, parking spaces shall be located on the same lot with the building they serve. Parking for residential uses shall not be located within any required setbacks, provided that for single-family residences, a driveway located within a required setback may be counted as one parking space. [Ord. 80 § 30.7, 1-9-1995].

H. Joint use. Required parking for two or more uses may be provided by a common parking lot when it can be demonstrated that peak parking hours for each use are offset from each other. [Ord. 80 § 30.8, 1-9-1995]

I. Improvement and maintenance. Every off-street parking area or automobile storage area capable of holding three or more automobiles shall be developed and maintained in the following manner:

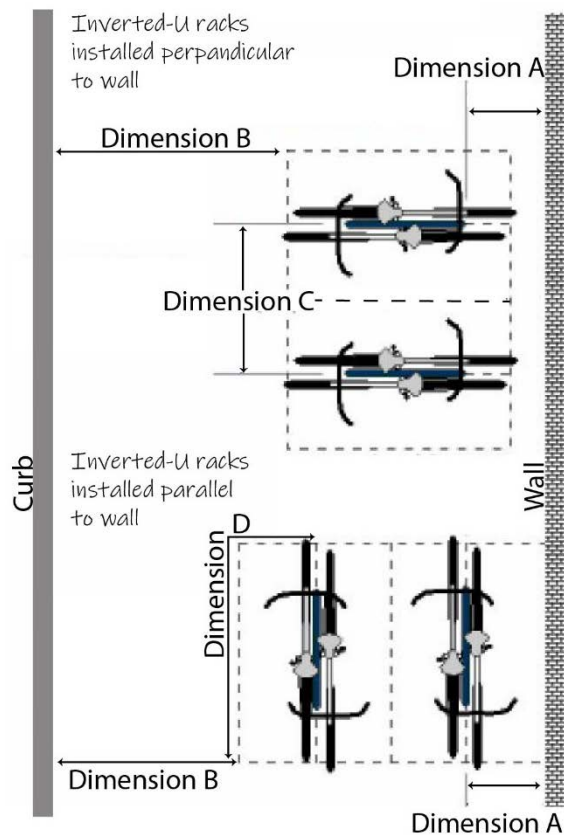
1. **Paved parking.** Parking and access areas shall be paved or surfaced and maintained so as to eliminate dust and mud.
2. **Barriers.** Fixed barriers not less than six inches high shall be installed at the forward end of each parking space. Barriers shall be not less than four feet from the property line, easement, or right-of-way.
3. **Parking adjacent to residential areas.** Parking and access areas abutting residential zones shall be separated from the residential zone by a view-obscuring fence or landscaping not less than six feet high and a planting strip not less than five feet in width. Gates or passageways to allow for pedestrian circulation may be required.
4. **Parking lights.** All lights shall be hooded or shaded so that glare from the lamp does not fall on adjacent properties or public rights-of-way. [Ord. 80 § 30.9, 1-9-1995].

J. Bicycle Parking. Bicycle parking standards are intended to provide safe, convenient, and attractive areas for the circulation and parking of bicycles that encourage the use of alternative modes of transportation.

1. **Minimum requirements.** Bicycle parking facilities shall be provided for any new use which requires 20 or more automobile parking spaces.
2. **Lighting.** Bicycle parking shall be at least as well-lit as vehicle parking for security.
3. **Dimensions.** A bicycle parking space shall:
 - a. Comply with the following spacing provisions, illustrated in figure 17.14.020.J.1:
Table of required bicycle parking dimensions

Dimension A	Minimum distance between bike rack and wall or other obstruction	3 feet
Dimension B	Minimum distance between bike rack and curb	4 feet
Dimension C	Minimum distance between racks	4 feet
Dimension D	Minimum space for each bicycle	2 feet x 6 feet

Figure 17.14.020.J.1 – Illustration Spacing provisions between bicycle racks and adjacent walls or other obstacles.



4. **Location.**

- The location of the bicycle rack and other parking spaces shall not interfere with pedestrian passage, leaving a clear area between bicycles and other obstructions.
- Direct pedestrian access from the bicycle parking area to the building entrance shall be provided.

5. **Design.** Bicycle parking shall consist of the following design features:

- Inverted "U" style racks or similar design.
- The bike rack shall have rounded surfaces and corners.

6. **Exemptions.** The Executive Director may waive bicycle parking requirements if it can be demonstrated that the parking would not be reasonably utilized due to the location of the facility.

17.04.030 – Signs

- A. **Purpose.** These sign regulations are intended to define, permit, and control the placements of signs within the Tulalip Reservation. The purpose of these regulations is to achieve the following community goals and objectives:
 1. Protect the health, safety, and welfare of the public;
 2. Safeguard the public use and nature of the streets and sidewalks;
 3. Protect and enhance the visual environment of the Tulalip Reservation;
 4. Minimize visual distractions to motorists using the public streets;
 5. Promote an aesthetically pleasing environment for residents;
 6. Promote the economic growth of the Tulalip Tribes by creating a community image that is conducive to attracting businesses, particularly to advertise the Tulalip Reservation along Interstate 5.
 7. Control all signage on the Tulalip Reservation to prevent their over-concentration, improper placement, and excessive height, bulk, density, and area;
 8. Promote the safety of persons and property by requiring that signs not create a hazard due to collapse, fire, wind, decay, or abandonment;
 9. Ensure that signs do not obstruct the fire-fighting efforts, and do not create traffic hazards by impairing drivers' ability to see pedestrians, obstacles, or other vehicles or to read traffic signs;
 10. Allow the identification of commercial and non-commercial uses, events, products, services in the community; and
 11. Control visual clutter and encourage high professional standards in sign design and display.
- B. **Applicability.** Signs shall be regulated according to two geographic areas:
 1. **The Sign Overlay Area:** the Sign Overlay Area applies to zones UM, LI, QCV-C and QCV-I, and within 150 feet of the Interstate 5 right of way, where higher intensity signage shall be allowed.
 2. **The General Reservation Area:** the remainder of the Tulalip Reservation outside of the Sign Overlay Area, where less intensive signage is required.
- C. **Permit Required.** Signs shall be issued a permit according to 17.06.050 – Permit Processing, Content Requirements. Sign including support poles, monument structures, footings shall be regulated by building codes and require an inspection by a building official.
- D. **Exempt signs.** The following types of signs shall be exempt from the standard established within code and from the requirement to obtain a permit; provided, that any standards in this section are met:
 1. Official notice authorized by a court, public body or public safety official, provided they are removed within seven days after conclusion of the subject notification.

2. Directional, warning or information signs authorized by federal, State, or municipal governments or signs required by law not exceeding 200 square feet of sign area and 20 feet in height. Directional signs located with State or County right-of-way shall be administered by State standards for directional signs.
3. Plaques, building identification signs, or inscriptions which are an integral part of the building or structure or are attached flat to the face of the building, and which are not illuminated.
4. Signs as permitted for 17.10.060 – Home Occupations.
5. Sculptures, murals, landscape features, fountains, mosaics, religious symbols, and design features which do not incorporate advertising or commercial identification.
6. The flag of a government or noncommercial institute such as a school.
7. Traffic or pedestrian control signs or signals, or signs indicating scenic or historic points of interest which are erected by, or on the order of, a public officer in the performance of his/her public duty.
8. Exterior signs or displays not visible from streets or ways open to the public;
9. Informational warning signs, (examples include: “No trespassing;” “no dumping;” “no parking;” and “private.”) shall not exceed four square feet in surface area and six feet maximum height above grade.
10. Commercial or residential address signs with typeface not exceeding 12 inches in height.
11. Signs containing information on business opening hours, such as “Open” signs and signs showing hours of operation.

- E. **Allowed Signs.** These tables set parameters for the type, amount, and size of certain signs on the Tulalip Reservation. Additional regulations for the Sign Overlay Area and General Reservation Area follow the tables.

1. **Table of Allowed Signs: Commercial, Institutional, and Industrial Uses**

	Sign Overlay Area		General Reservation Area		Comments
Sign Type	Number	Size	Number	Size	
Signs attached to principal structure, per use					
Façade Signs	Up to 3, one per façade	No more than 10% of façade area	One	No more than 5% of façade area	
Blade Signs or Awning Sign	One per tenant	3 sq ft	One per tenant	3 sq ft	No verbiage other than logo of name of tenant
Window signs	No limit	May cover up to 25% of transparent window area, but area is included in total allowed façade sign area	Prohibited		
Digital Video Display	One	No size limit, but area is included in total allowed façade sign area	Prohibited		
Freestanding signs, where allowed					
Monument Sign, including Reader Boards	One per entrance	Area: 100 sq ft Height: 8 feet	One per entrance	Area: 50 sq ft Height: 8 feet	In General Reservation area: either two monument or one pole sign allowed, but not both.
Pole Signs, Individual Tenant	One	Area: 300 sq ft Height: 50 feet	One	Area: 50 sq ft Height: 6 feet	
Pole Sign, Multiple Tenants	One per major entrance	Area: 500 sq ft Height: 75 feet	Prohibited, except for institutional uses	For Institutional Uses: Area and Height same as for individual tenants	

Billboards	Allowed facing 1-5	Area: 1,344 sq ft per sign structure; single sign face maximum of 672 sq ft	Prohibited	Prohibited	Spaced every 1,000 feet
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2. **Table of Allowed Signs: Residential Uses**

	Sign Overlay Area		General Reservation Area		Comments
Sign Type	Number	Size	Number	Size	
Signs attached to principal structure, limited to one type per community or residential complex					
Façade Signs	One	Area: 100 sq ft	Prohibited		
Window Signs	Prohibited		Prohibited		
Freestanding signs, per planned community or residential complex					
Residential Gateway Signs	One per entrance	Area: 50 sq ft Height: 8 feet	One per entrance	Area: 50 sq ft Height: 8 feet	

3. **Sign Design Standards: Sign Overlay Area**

- Signage must utilize high quality design and materials.
- Signage shall be consistent throughout the center and complement the building character.
- Façade signs shall not project from the face of the building or extend beyond the base of the roof.
- Residential signs shall be limited to the name of the housing complex or development. Signs that contain moving or flashing messages, moving images, or video or photo displays require a permit review process according to **17.06.050 – Permit Processing, Content Requirements**.
- Signs containing an electronic display may not cause light spillover into residential areas.

4. **Sign Design Standards: General Reservation Area**

- Pole signs must be mounted low to the ground on posts that are screened by landscaping.
- Signs shall not include flashing or blinking images.
- Façade signs shall not project from the face of the building or extend beyond the base of the roof.
- Residential signs shall be limited to the name of the housing complex or development.
- Residential gateway signs shall be placed outside the right of way in a location that does not block sight lines.

- f. Signs containing an electronic display may not cause light spillover into residential areas.
- F. **Temporary signs.** Signs advertising temporary activities shall be allowed, provided they are removed when the purpose for which the sign was erected has terminated. Temporary commercial signs shall be removed after one week. Event signs shall be removed no later than 24 hours after event occurs.
- G. .
- H. **Prohibited signs.** The following signs or displays are prohibited, except as otherwise specifically allowed within this Title. Prohibited signs are subject to removal by the Tulalip Tribes at the owner's or user's expense.
 - 1. Signs erected, altered or relocated without a permit issued by the Tulalip Tribes or any other governmental agency that requires a permit under law;
 - 2. Signs within the public right-of-way unless erected by the Tulalip Tribes, Snohomish County, or the State of Washington;
 - 3. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal, or device, or the light of an emergency or radio equipment vehicle; or which obstructed the visibility of any street sign or signal devices;
 - 4. Signs, temporary or otherwise, on public utility poles or trees;
 - 5. Portable signs, due to fact that they are often placed where they block safety sight lines of motorist pulling into or out from a business or within safety sight triangles on corner lots;
 - 6. Signs that rotate or have a part or parts that move or revolve, except for the face of a clock less than six square feet in size;
 - 7. **Prohibited in the General Reservation Area.** These signs are expressly prohibited in the General Reservation Area:
 - a. Signs or advertising displays that contain flashing messages, moving images, or inflated elements;
 - b. Digital video or photo displays; or
 - c. Signs producing noise greater than 40 decibels when measured from the nearest adjacent property or business boundary; or
- I. **Sign Measurements**
 - 1. Sign height is measured inclusive of supports, monument base, or other structural components, from the ground to the top of the sign. For monument signs, pole signs, and billboards adjacent to roadways, the ground height may be measured from the crown of the nearest road.
 - 2. Sign area refers to the face of the sign, and does not include the supports, monument base, or other structural components.
- J. **Sign Illumination.** Lighting for signs shall be held to the minimum needed to convey the sign's message. Sign lighting shall not be so bright and distracting as to be a traffic hazard.

- K. **Modification to Sign Standards.** Modifications to height and area standards and sign type listed in Table of Allowed Signs: Commercial, Institutional, and Industrial Uses can be requested according to 17.06 – Permit Processing.

17.14.040 – Landscaping

- A. Where commercial and industrial areas abut residential zones, there shall be a view-obscuring planting strip of a width sufficient to adequately screen the industrial uses from the residential area.

17.14.050 – Lighting [Reserved]

17.14.060 – Grading and Clearing

A. **Permissions required.**

1. It shall be unlawful for any person to undertake any grading and clearing activity that exceeds 2,000 square feet on the Tulalip Reservation without first obtaining and posting a permit per the requirements of 17.06 – Permit Processing.
2. Cultural Resource Officer must be notified for any grading activity that is not regular maintenance.

- B. **Low-impact development.** Grading required for development shall mimic natural forms and blend into the existing landscape on the site. The following low-impact development techniques shall be applied in the clearing and grading process:

1. Minimizing the area cleared to the space needed for construction, and
2. Limiting soil compaction to construction areas.

After completion of grading, all slopes shall be returned to vegetated conditions as prescribed in the issued grading permit.

- C. **Site plan requirements.** All clearing and grading permits shall include a plan that shows the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

D. **Stormwater control.**

1. Grading and clearing only projects that exceed 5,000 square feet of disturbance are required to have a site plan that shows the location of structural best management practices (BMPs) that will be installed to prevent erosion and control sediment from going off site.
2. Grading and clearing only projects that exceed 10,000 square feet but are under an acre are required to submit a small parcel pollution prevention plan.
3. Grading and clearing only projects that are one acre or greater shall obtain an EPA National Pollutant Discharge Elimination System (NPDES) Stormwater Construction permit and complete a Stormwater Pollution Prevention Plan (SWPPP) in accordance with EPA requirements. The EPA acknowledgment notice and SWPPP shall be submitted to the Tribe.

17.14.070 – Demolition

- A. **Permit required.** No demolition of structures above or below ground shall be undertaken without a demolition permit to assure safe removal and to avoid causing a hazard to people and the environment.

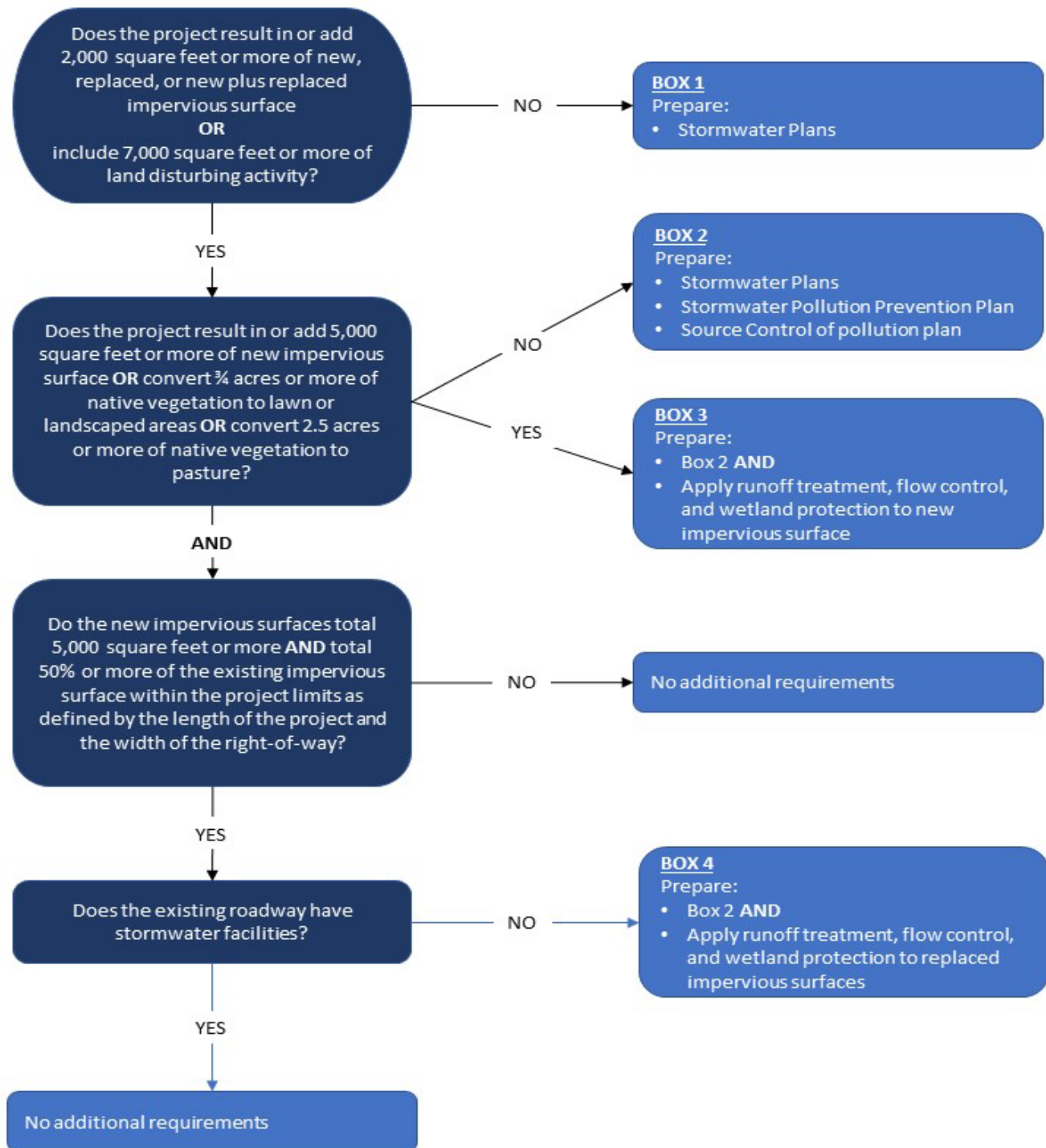
17.14.080 – Stormwater

- A. **Purpose.** This chapter is designed to protect quality and quantity of Tribal waters from the potential harm of unmanaged stormwater by establishing standards, requirements and procedures for managing discharge resulting from improvements to, or subdivisions of, lands and waters within the exterior boundaries of the Tulalip Reservation.
- B. **Permanent stormwater facilities.** All permanent stormwater facilities shall conform to the requirements and specifications defined in Department of Ecology's most recent Stormwater Management Manual for Western Washington.
- C. **Construction controls.**
1. Stormwater discharges from construction activities (such as clearing, grading, excavating, and stockpiling) that disturb one or more acres, or smaller sites that are part of a larger common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater program. Prior to discharging stormwater, construction operators must obtain coverage under an NPDES permit from the Environmental Protection Agency (EPA) for land within Reservation boundaries.
 2. Erosion measures which are sufficient to prevent sediment transport to surface waters shall be employed prior to and throughout any construction or grading activities within the exterior boundaries of the Tulalip Indian Reservation. Those projects that disturb one acre or more shall obtain an EPA NPDES stormwater construction permit and complete a SWPPP in accordance with EPA requirements, which shall be submitted to the Tribe. Where sensitive lands are impacted by proposed development, a stormwater pollution prevention plan shall be required. Any best management practices employed shall meet the Department of Ecology's Stormwater Management Program guidelines, as the same now exists or may hereafter be amended.
- D. **Waiver.** The Executive Director may waive the minimum requirements in the Department of Ecology's Stormwater Manual for Western Washington when they make a written finding that the waiver:
1. Would be in the best interests of the Tribes;
 2. Is based on best available science; and
 3. Would provide equivalent environmental protection and safety.
- E. **Permit Requirements**
1. **Threshold and Minimum Requirements Criteria.** The stormwater permit requirements for grading, clearing, and site development (including re-development) shall conform to the thresholds and minimum requirements in the Department of Ecology's most recent

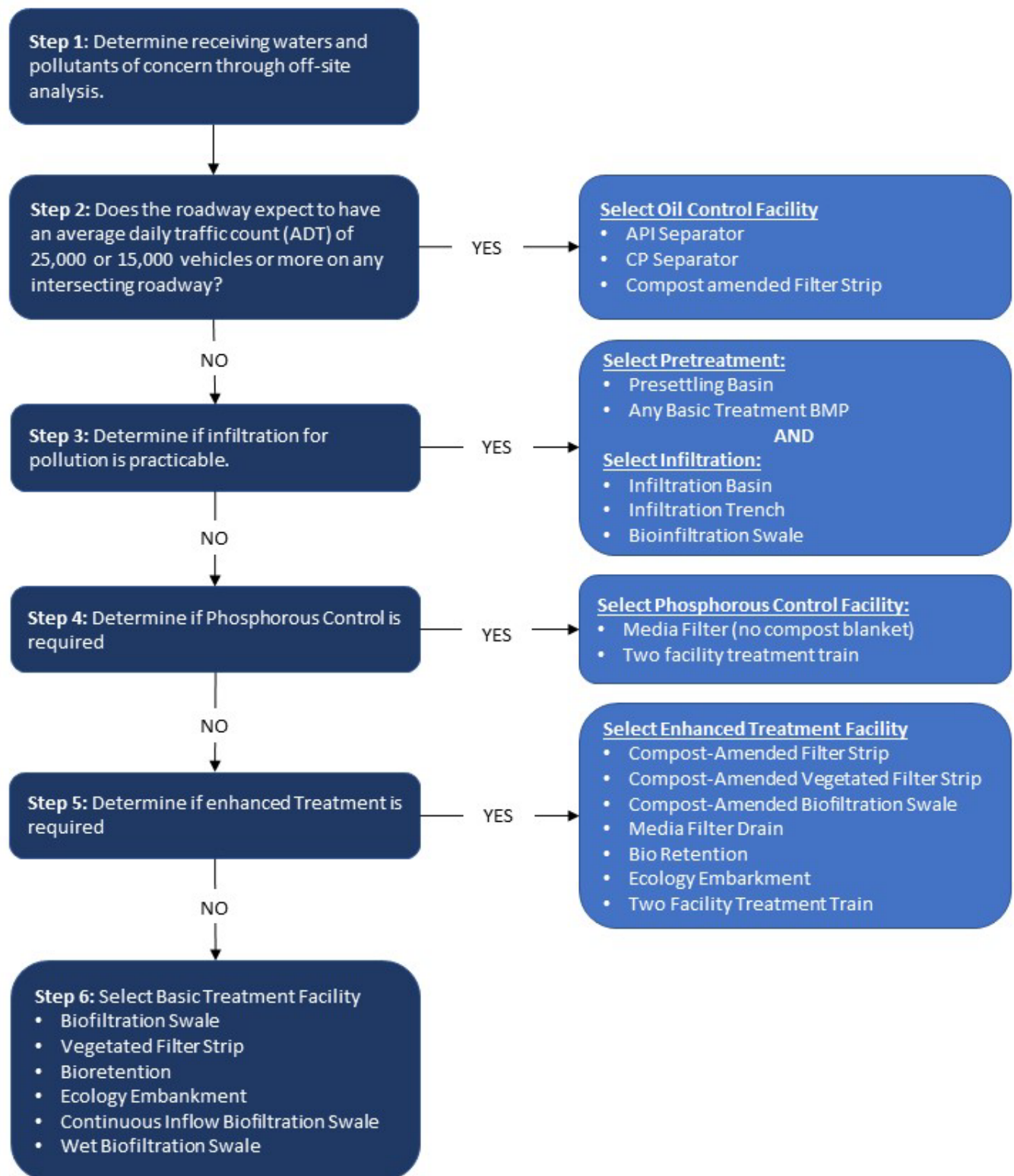
Stormwater Manual for Western Washington and 17.06 – Permit Processing, except for single family homes under one acre and roadway-only projects,

2. **Type A single-family home requirements.** Single-family homes, either stick-built or manufactured, that (1) are under 10,000 square feet of land disturbance for the entire project, (2) will not disturb or impact any sensitive area or its buffer or alter any natural drainage pattern, and (3) will not exceed 5,000 square feet of total impervious surfaces, shall have the following minimum requirements:
 - a. Site plan that shows existing and proposed buildings, natural drainage flow directions, and any man-made drainage features around the site.
 - b. Erosion and sediment controls sufficient to keep sediment and debris onsite during construction. The location of structural best management practices (BMPs) shall be indicated on the site plan.
 - c. Roof gutters and downspouts connected to splash blocks, infiltration facility (e.g., dry well or rain garden), or rain barrels that overflow into home's yard or landscaping.
 3. **Type B single-family home requirements.** Single-family homes that are not a part of a new or redeveloped subdivision and (1) have a sensitive area on site, or (2) are over 10,000 square feet of land disturbance for the entire project, or (3) exceed 5,000 square feet of total impervious surfaces, but (4) do not exceed one acre of disturbance, shall have the following minimum requirements:
 - a. Written Stormwater Plan for Individual Homes that includes:
 - i. Small parcel Pollution Prevention Plan.
 - ii. On-site stormwater management: documentation of techniques used to infiltrate, disperse and retain runoff using low impact development techniques or, if infeasible, engineered treatment facilities. Apply Ecology Manual Minimum Requirement #5 On-site Stormwater Management thresholds for treatment options and facility sizing guidelines.
 - iii. Runoff treatment for sites that exceed 5,000 sq feet of total impervious surfaces: Apply Ecology Manual Minimum Requirement #6 Run-off Treatment thresholds for treatment options and facility sizing guidelines.
 - iv. Flow control is required for projects (over 10,000 sq. ft. of impervious surfaces or convert more than $\frac{3}{4}$ acres native vegetation, pasture, scrub/shrub, or unmaintained non-native vegetation to lawn or landscape) that discharge, directly or indirectly into freshwater.
 - v. Operation and maintenance guidelines for installed stormwater facilities and onsite septic systems.
- F. **Roadway-only projects.** Minimum stormwater requirements for roadway only projects will be determined based on the flow chart in Figure 17.14.080.G.1 – Road drainage minimum requirements flow chart. Water treatment facilities shall be selected based on flow chart in Figure 17.14.080.G.2 – Road drainage treatment facility selection flow chart.

1. **Figure 17.14.080.G.1.** Road drainage minimum requirements.



2. **Figure 17.14.080.G.2.** Road drainage treatment facility selection flow chart.



G. Operation and maintenance.

1. The owner/operator of a permanent stormwater facility shall be liable for operating and maintaining the stormwater design features, infrastructure and equipment in accordance with regular maintenance requirements described in the Department of Ecology's Stormwater Management Manual for Western Washington, as the same now exists or may hereafter be amended.
2. If the owner/operator of a permanent stormwater facility fails to comply with maintenance requirements, the Tribe may issue a Class B fine and/or assume responsibility for implementing required maintenance and collect from the permit holder all reasonably related costs associated with the assumption of responsibility, including the costs of operations and maintenance, enforcement, and collection.

17.14.100 – Building Code

A. Building permit procedures.

1. It shall be unlawful for any person to commence work on any structure on the Tulalip Reservation without first obtaining and posting any building permit required by this Title.
2. A building permit from the Tulalip Tribes shall be required prior to the commencement of construction on the Tulalip Reservation of:
 - a. Any new structure intended for single-family residential, commercial, multifamily residential, industrial, business park or professional use, including any accessory building associated with such structures; and
 - b. Any significant modification, addition, or alteration to any existing structure. Repair of an existing structure, except for repairs requiring structural changes, shall not constitute a significant modification or alteration for purposes of this subsection.
3. Any building permit required under this section shall be posted in plain view prior to the commencement of work, and shall remain posted until a use and occupancy permit is issued or until such permit expires, whichever is sooner. [Res. 2015-150 Exh. A; Res. 2000-093 Exh. A; Ord. 80 § 4.1.1, 1-9-1995].

B. Conformity with Building Codes. All structures on the Tulalip Indian Reservation shall be consistent with the following Building Codes. These codes shall apply to all work performed on the Tulalip Reservation except to the extent modified in this Title. [Res. 2015-150 Exh. A; Res. 2015-027; Res. 2011-21; Res. 2000-093 Exh. A; Ord. 80 § 4.3, 1-9-1995].

1. The 2015 International Building Code (IBC), as published by the International Code Council, together with Appendix J, the Washington State Building Code Council amendments, and the applicable references to the National Fire Protection Association (NFPA). Section 105.2 of the IBC shall be modified to include the following exemptions from permit requirements:
 - a. Platforms not more than 30 inches above the grade and not over any basement or story below.
 - b. Replacement of nonstructural siding on IRC structures except for veneer, stucco, or exterior finish and insulation systems (EFIS).

- c. In-kind window replacement for IRC structures where no alteration of structural members is required and which the window U values meet the prescriptive requirements within the Washington State Energy Code.
 - d. Job shacks that are placed at a permitted job site during construction may be allowed on a temporary basis and shall be removed upon final approval of construction.
 - e. In-kind reroofing of one- and two-family dwellings provided roof sheathing is not removed or replaced.
- 2. The 2015 International Existing Building Code, as published by the International Code Council.
 - 3. The 2015 International Fire Code (IFC), as published by the International Code Council, together with Appendices A through G and the Washington State Building Code Council amendments. Section 903.2.6 of the IFC is amended to include B occupancies.
 - 4. The 2015 International Fuel Gas Code, as published by the International Code Council.
 - 5. The 2015 International Mechanical Code, as published by the International Code Council.
 - 6. The 2015 International Property Maintenance Code, as published by the International Code Council.
 - 7. The 2015 International Residential Code (IRC), as published by the International Code Council, together with Appendix G and the Washington State Building Code Council amendments as contained in Chapter 51-51 WAC. Sections P2501 through P3201 and E3401 through E4204 of the IRC are not adopted.
 - 8. The 2015 Uniform Plumbing Code (UPC), as published by the International Association of Plumbing and Mechanical Officials, together with Appendix I, Installation Standards, and the Washington State Building Code Council amendments for the UPC and Installation Standards. Table 1-1, Chapter 12, and Chapter 16 of the UPC are not adopted.
 - 9. The 2015 Washington State Residential Energy Code, as adopted by the Washington State Building Code Council.

17.14.110 – Civil Standards

- A. **Bridges.** Bridges on the Tulalip Indian Reservation shall be prohibited unless in conformance with the following procedures:
 - 1. Bridge construction shall occur within a time frame identified in writing by the Tulalip Tribes.
 - 2. Bridge maintenance or replacement shall occur only after written consent has been obtained from the Tulalip Tribes. [Ord. 80 § 25.5, 1-9-1995].
- B. **Hydraulic projects.** No hydraulic projects, including but not limited to culverts, fill, diversions or waterwheels, shall occur in any streams, wetlands, marshes, or buffers within the exterior boundaries of the Tulalip Indian Reservation without review by the Tulalip Department of the Environment and issuance of use permit containing conditions that minimize impacts to fish and wildlife habitat, and drainage and flood control. [Ord. 80 § 25.2, 1-9-1995].
- C. **[Placeholder for reference to outside Road Standards]**

Chapter 17.16 – Design Guidelines [Reserved]

Chapter 17.18 – Legislative Actions

17.18.000 – Purpose

- A. The Tulalip Tribes Board of Directors and the Planning Commission may initiate and take legislative actions which include the following:
 - 1. Amendments to the Comprehensive Plan
 - 2. Amendments to the Tulalip Tribal Code
 - 3. Rezones
 - 4. Major Subdivision decisions
 - 5. Amendments to the Zoning Map or other official controls

17.18.010 – General Provisions

- A. **Exemptions to review.** Planning Commission review is not required for the following:
 - 1. Emergency legislation; and
 - 2. Procedural legislation, including legislation affecting the Planning Commission.
- B. **Procedures.** Legislative actions are subject to the review procedures and public noticing requirements in 17.06.050 – Permit Processing, Content Requirements.
- C. **Public notice.** The Planning Department may prescribe additional methods for providing notice and for obtaining public participation.
- D. **Board Initiation.**
 - 1. Board-initiated legislative actions shall be referred to the Planning Commission and considered and processed as provided in 17.04.050 – Planning Commission and 17.06.040 – Permit Type: Review Procedures.
 - 2. Failure of the Planning Commission to report on matters referred to it within 40 days after the reference, or such longer period as may be designated by the Board when making the reference, shall be deemed to be recommended approval of such matter by the Planning Commission, after which the Board may proceed to act upon the matter pursuant to 17.06.040 – Permit Type: Review Procedures as if it had received an actual Planning Commission recommendation of approval. [Res. 2015-150 Exh. A; Res. 2006-196 § 1; Ord. 80 § 39.2, 1-9-1995].
- E. **Recommendations.** Planning Commission recommendations 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 Chairperson and Secretary of the Commission.

- F. **Public Hearings.** The Planning Commission, or a Hearing Examiner appointed by the Planning Commission, shall hold at least one public hearing, and may hold additional public hearings. The rules of conduct for such public hearing(s) shall be established by the Planning Commission or the appointed Hearing Examiner.
- G. **Submittal to Board.** A copy of the recommended decision of the Planning Commission shall be submitted to the Board of Directors and be accompanied by the motion of the Commission approving the same, together with a statement setting forth the factors considered at the hearing, and an analysis of findings considered by the Commission to be controlling.
- H. **Board approval at regular or special meeting.** Upon receipt of the Planning Commission's recommendation, the Board of Directors may, at a regular or special meeting, approve, adopt and certify such recommendation by ordinance.
- I. **Board hearing.** In the event the Board of Directors sees fit to amend, alter or change the recommendation of the Planning Commission, the Board shall hold at least one public hearing on the proposal as amended, altered or changed, and shall adopt its own findings of fact and statement setting forth the factors considered at the hearing and its own analysis of findings considered by it to be controlling.
- J. **Submittal requirements.** The Board of Directors shall have the authority to require submittal of such information as deemed necessary for evaluation of the legislative action.
- K. **Conduct of hearings.** The rules of conduct of hearings before the Board shall be established by the Board of Directors. A written nonverbatim record of the hearings and the findings, recommendations, orders and conditions established by the Planning Commission and Board of Directors shall be made and kept on file at the Tribal office. In addition, the hearing shall be recorded, and the recording preserved and made available for the Board to review in the event of an appeal.
- L. **Conditions and mitigation.** The Board of Directors may set forth conditions and mitigation requirements consistent with this Title and the text, goals, policies, and objectives of the Comprehensive Plan. The Board of Directors shall have the authority to condition, require mitigation including impact fees, or deny a subdivision and rezone request based on significant adverse impacts to the natural or built environment.
- M. **Form and finality of Board decision.** The final decision and certification of the Board of Directors approving legislative actions shall be adopted by ordinance. Denials of legislative actions shall be by resolution. Upon issuance of the Board decision, copies of the decision shall be mailed promptly to the applicant and any parties of record. The decision of the Board shall be final and conclusive unless timely appealed to the Tulalip Tribal Court pursuant to 17.06.090 – Appeals.
- N. **Amendments to the Zoning map.** Amendments to the Tulalip Official Zoning Controls Map, Tulalip Indian Reservation, or adoption of additional zone maps, shall be made as official control amendments adopted by ordinance by the Board. Such amendments, changes or additions shall be entered and certified upon the Tulalip Official Zoning Controls Map, Tulalip Indian Reservation, promptly after adoption of such ordinance. Such certification shall be by signature of the

Chairperson and the Secretary of the Board of Directors, together with the date of the adoption of the ordinance making such amendment, under the following words: "This is to certify that this Tulalip Official Zoning Controls Map has been amended on ____/____ 20____ pursuant to Ordinance No. ____." [Ord. 80 § 5.2, 1-9-1995].

Chapter 17.20 – Subdivisions

17.20.000 – Purpose

- A. **Purpose.** The provisions of this chapter are adopted for the purpose of providing for the future growth and development of the Tulalip Reservation and its environment by regulating the subdivision of land. All subdivisions of land and all dedications and vacations of streets must comply with the Tulalip Tribes Comprehensive Plan as adopted by the Board of Directors and with the current zoning laws within this title unless exempted. The subdivision provisions are intended to establish a framework to enable the following purposes:
1. Establish Tribal jurisdiction over divisions of land within the Tulalip Indian Reservation;
 2. Ensure orderly growth and development consistent with the Tulalip Comprehensive Plan and Zoning Code;
 3. Provide efficient and uniform guidelines, standards and procedures for the subdivision of land in accordance with plans, policies, and standards of the Tribes;
 4. Ensure effective use of land resources and proper public improvements, full utilization of urban services, and transportation options with environmentally sensitive development practices;
 5. Promote the public health, safety, and general welfare by:
 - a. Providing safe and convenient travel and minimizing congestion on roads and streets;
 - b. Securing safety from fire, pollution, flooding, and other dangers;
 - c. Preventing overcrowding of development;
 - d. Providing a uniform monumentation for surveying and conveying real property with accurate legal descriptions; and
 - e. Protecting and enhancing the environmental quality;
 6. Encourage the protection of natural resources in order to preserve the integrity, stability, natural beauty, topography, and the value of land; and
 7. Plan for a balance between land uses, natural resources, open spaces, recreation, and public use that is beneficial to the community as a whole, both currently and in the future. [Res. 2014-347].

17.20.010 – General Provisions

- A. **Applicability.** These provisions shall apply to all divisions of land including minor and major subdivisions, conservation subdivisions, planned unit developments (PUD) and dedications hereafter established within the exterior boundaries of the Tulalip Indian Reservation; establish the required procedure for submittal of applications for subdivision activities; and establish the administrative procedure for approval of subdivision activities. [Res. 2014-347].

B. **Exemptions.** Land not subject to these provisions includes:

1. Parcels of land legally divided prior to the effective date of this Title.
2. Divisions made solely to acquire or expand road rights-of-way or to establish other public facilities, including cemeteries.
3. Parcels divided as a result of Federal laws are not subject to the Subdivision Code and have a separate process defined within this title. These land types include:
 - a. The creation of any parcel from or upon any property held in trust by the United States for a member of the Tulalip Tribes by virtue of a gift of land which is approved by the Secretary of the Interior under Federal statutes or regulations.
 - b. The creation of any parcel established by a distribution or division of land that occurs pursuant to the descent and distribution provisions of 25 U.S.C. 371 et seq., or by virtue of an Indian probate proceeding under Federal statutes or regulations
 - c. The creation of any parcel established by virtue of a partition or sale decree authorized by 25 U.S.C. 403(a)(1) or by virtue of a partition under 25 CFR 152.33.
 - d. Home Site Leased Land. A contractual agreement by which an owner of real property (the lessor) gives the right of possession of a portion of any lot or parcel of land to another (a lessee) for a specified period of time (term) and for home site development. The area for home site development can be either vacant land or covered by any structure, including but not limited to septic systems and reserve area, wells, buildings, pools, and driveways.
4. Agricultural land – Agricultural lease. Divisions made for the purpose of lease for agricultural uses; provided, that each such leased parcel is a minimum of five acres or one-one-hundred-twenty-eighth of a section of land. The remaining portion of the parcel shall also be a minimum of five acres or one-one-hundred-twenty-eighth of a section of land. This exemption authorizes leasing the parcel but shall not authorize the sale of the parcel. This provision is subject to zoning requirements found in other sections.
5. Land subject to **17.22 – Wireless Communications**.
6. Environmental mitigation. Approved divisions of land for environmental mitigation, conservation or restoration; provided, that all of the following conditions are met:
 - a. All lots are a minimum of five acres or one-one-hundred-twenty-eighth of a section of land.
 - b. All lots shall be used exclusively for:
 - i. Environmental mitigation required under Tribal law; or
 - ii. If residential, commercial, or industrial buildings already exist, then one lot containing these buildings shall be created.
 - c. A permanent covenant acceptable to the Board of Directors shall be recorded against each lot. This covenant shall state the following:
 - i. The lot shall be used exclusively for environmental mitigation, conservation or restoration.
 - ii. The lot shall not be further divided.

- iii. New structures not necessary for environmental mitigation, conservation or restoration including residential, commercial and industrial development shall be prohibited.
 - iv. A legal description of the parcels created for environmental mitigation, conservation or restoration, prepared by a surveyor, shall be submitted to the Planning Department for final approval and recordation.
 - v. Legal ingress and egress and conservation easement of record is provided to the lots created by the exemption and verified by the Planning Department and Tulalip Utilities Department. All access points to public roads shall be approved by the Tulalip Utilities Department. [Res. 2014-347].
- C. **Relationship to other ordinances, codes, and plans.** This Title is intended to be consistent with and implements the goals, policies and provisions of the Tulalip Tribes Comprehensive Plan or any successor plan and its implementing ordinances. Division of land or alteration of lot lines shall conform to the requirements set forth in the Tulalip Tribes Comprehensive Plan and other Tribal Codes. [Res. 2014-347].
- D. **Interpretation.** In the interpretation and application of this chapter, the provisions shall be held to be the minimum requirements. More stringent provisions may be required by the Planning Department if it is determined that different requirements are necessary to protect the health, safety and welfare of the reservation community.
- 1. Subdivision regulations, policies, procedures, and standards shall conform to the Tulalip Tribes' plans, policies, codes, and land use development laws. In the event of any discrepancies between other applicable standards and these, the more restrictive standard shall apply.
 - 2. Contiguous parcels of land in the same ownership shall be included in any minor or major subdivision, regardless of their intended use. [Res. 2014-347].
- E. **Enforcement.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Title. No person shall be issued a building permit by the Tribes authorizing the building on, or improvement of, any subdivision, land division or replat within the jurisdiction of this Title until the provisions and requirements of this Title have been fully met. The Tribes may institute appropriate action or proceedings to enjoin violations of this Title and other penalties as requirements of this Title and other applicable laws. [Res. 2014-347].
- F. **Right of first refusal.** In the event that any owner, including any subsequent grantee and contract vendee, of any parcel created under this article shall decide and agree with a third party, after acquiring such parcel or any interest therein, to sell the parcel or any portion thereof, the owner must first within ten days thereafter offer the same to a member of the Tulalip Tribes, to another Native, and the Tribes for the price and on the terms of the intended sale. Each party shall have 60 days from the delivery of the otherwise acceptable, bona fide offer in which to accept or reject it. [Res. 2014-347].
- G. **Retained jurisdiction.** Once a parcel has been subdivided pursuant to this Code, any further land-use action will be subject to the laws of the Tulalip Tribes. The following language shall be included on every permit, application, form or other applicable document: "By submission of this document, I recognize that I am entering into a consensual relationship with the Tulalip Tribes and

that all further actions taken in association with the land at issue, will be handled in conformity with Tulalip laws and policies” and contain a signature line for acknowledgment. [Res. 2014-347].

- H. **Guarantees for required improvements.** As part of the staff report and recommendations, the Tulalip Tribes shall establish a plan for all required bonds to ensure that construction and installation of required improvements will be guaranteed. The specific types of bonds required and the process are defined in Article VII of this chapter. [Res. 2014-347].
- I. **Fees.** Fees for the subdivision process shall be as established by the Planning Department in January of each year subject to Board of Directors’ approval. Such fees shall be posted at the Planning Department office and online at the Planning Department web page. Should the Board of Directors not approve the proposed fees, the previous year’s fees shall remain in effect until further Board action. [Res. 2014-347].
- J. **Further subdivision – Time limit.** The subdivider or developer, or his or her successor in interest, cannot further subdivide any property within the subdivision for a period of five years. [Res. 2014-347].
- K. **Subdivision process.** Subdivision is the process of creating one or more new lots from an existing parcel of land. Subdivision of land must be reviewed by the Planning Department and a subdivision plat must be recorded whenever a single parcel is divided into two or more lots. There is a different approval procedure for each type of subdivision.
- L. **General submittal requirements for all subdivisions.** All applications for minor subdivisions and preliminary plats of major subdivisions shall be on a form provided and approved by the Planning Department and include the following:
 - 1. The application packet provided by the Planning Department;
 - 2. A nonrefundable application fee; and
 - 3. The proposed plat. [Res. 2014-347].
- M. **Pre-application concept plan submittal requirements.** The concept plan must include the following information:
 - 1. General topography, based on existing topographic maps or other resources (note: the property is not required to be surveyed at the concept plan stage);
 - 2. Approximate footprints of any existing aboveground manmade features located on the subject property, including buildings and other structures, streets, sidewalks, etc.;
 - 3. Surrounding land uses and approximate location of building footprints within 100 feet of subdivision boundaries on abutting properties;
 - 4. Sensitive features, including streams, wooded areas, known wetlands or potential wetlands, known archaeological sites, etc.; and
 - 5. Other necessary information pertaining to the existing conditions of the property, as requested by the Tribes. [Res. 2014-347].
- N. **Severability.** See 17.02.060 – Severability.

17.20.020 – Tribal Member Family Subdivisions

- A. **Purpose.** To provide a simple process for Tulalip Tribal members to divide fee land among family members for single-family residential homesites while providing for safe sewage disposal and drinking water supply and helping ensure that the result is one buildable homesite for any individual Tribal member. [Res. 2014-347].
- B. **Applicability.** This section only applies to the act of an enrolled Tulalip Tribal member applicant to divide fee land on the Tulalip Reservation into two or more parcels for use as homesites, and to convey an interest in any one such parcel for no consideration to one Tulalip Tribal member who is the applicant's spouse, brother, sister, lineal ancestor, lineal descendant, or collateral heir. [Res. 2014-347].
- C. **Required submissions.** Applicants for approval of Tribal member family subdivisions shall provide the Planning Department with:
1. Proof of applicant's ownership of the property, Tribal membership, and qualifications of grantee(s). No Tribal member shall be qualified to possess more than one homesite created under the authority of this article at any given time.
 2. A soil and site evaluation ("perc test"), where an on-site sewage treatment system will be used, prepared by an on-site sewage treatment system designer or professional engineer licensed by the State of Washington. The soil and site evaluation must establish the suitability of the proposed parcel(s) for an on-site sewage treatment system and recommend the suitable type of system and the amount of land necessary to accommodate the system and a suitable reserve area.
 3. A scaled site plan that demonstrates that proposed parcels can accommodate site utilities including any wells and on-site sewage treatment systems, access and utilities easements, existing and proposed structures, building setbacks, and environmentally sensitive areas and buffers.
 4. A survey prepared by a licensed land surveyor showing existing and proposed parcel lines, legal descriptions of proposed parcels and setting forth the Tribes' right of first refusal in 17.02.060 – Severability.
 5. Proof of access to all proposed parcels.
 6. A copy of the proposed instrument of conveyance containing the Tribes' right of first refusal in 17.02.060 – Severability.
 7. Other plans, statements, and documents as reasonably required for the evaluation of the proposal. [Res. 2014-347].
- D. **Executive Director decision authority.** The Executive Director or his or her designee shall have the authority to approve Tribal member family subdivisions consistent with the requirements of this article. [Res. 2014-347].
- E. **Allowed density.** The density created by Tribal member family subdivisions shall not exceed the density allowed in the underlying zone. An exception are zones R-5, R-10, and RS- 20 where a density of one dwelling unit per 2.5 acres may not be exceeded. The density created by all subdivisions must provide enough land to accommodate necessary primary and reserve areas for

on-site sewage treatment systems, wells, site utilities, access and utility easements, building setbacks, environmentally sensitive areas and buffers, existing and proposed structures, driveways and other development, and maintaining the horizontal separation between on-site sewage treatment systems and other items such as wells described in Table IV of WAC 246-272A-0210. In no case where an on-site sewage treatment system will be used shall the proposed parcels be smaller than the minimum land areas shown in Table X of WAC 246-272A-0320. [Res. 2014-347].

- F. **Standards for on-site sewage treatment systems.** The design standard for any on-site sewage treatment system installed on parcels created by Tribal member family subdivisions and for the purposes of determining the minimum parcel size for such parcels shall be the minimum design requirements of the Washington State Department of Health On-Site Rules, WAC 246-272A-0230 through 246-272A-0238. Each parcel utilizing an on-site sewage treatment system shall include a primary area for the installation of the on-site sewage treatment system and a reserve area that is protected and maintained for the replacement of the system in the event of primary drain field failure. Soil and site evaluations ("perc tests") shall meet the requirements of WAC 246-272A-0220. [Res. 2014-347].
- G. **Exemptions.** Tribal member family subdivisions shall not be subject to the subdivision requirements of **17.20.010- General Provisions**. All other requirements of this Title shall apply. [Res. 2014-347].
- H. **Right of first refusal.** In the event that any owner, including any subsequent grantee and contract vendee, of any parcel created under this article shall decide and agree with a third party, after acquiring such parcel or any interest therein, to sell the parcel or any portion thereof, the owner must first within ten days thereafter offer the same to a member of the Tulalip Tribes, to another Native, and the Tribes for the price and on the terms of the intended sale. Each party shall have 60 days from the delivery of the otherwise acceptable, bona fide offer in which to accept or reject it. [Res. 2014-347].

17.20.030 – Boundary Line Adjustments

- A. **Authority.** The Executive Director or his or her designee shall have the authority to approve boundary line adjustments which would allow for an adjustment of boundary lines to legal lots, provided:
 - 1. No new lots are created.
 - 2. Only one boundary line adjustment within any five-year period. [Res. 2014-347].

17.20.040 – Minor Subdivisions

- A. **Applicability.** This article applies to minor subdivision applications. A minor subdivision is any subdivision resulting in four or fewer lots, and not inconsistent with the Comprehensive Plan, official map, or zoning laws. A minor subdivision does not involve the construction of a public improvement, such as a public street, sewer or water main extension, and a minor subdivision does not contain any environmentally sensitive, critical or cultural resource areas unless exempted by the Department of Natural Resources. A minor subdivision is approved by the Executive Director. A series of related minor subdivisions on contiguous land cumulatively totaling five or more lots shall be construed to create a major subdivision. [Res. 2014-347].

- B. **Subdivision process.** Minor subdivisions shall follow the Type III permit procedures summarized as follows:
1. Pre-application meeting with Planning Department.
 2. Submission of application and required materials.
 3. Initial review of application for completeness.
 4. Planning Review Committee review and comment.
 5. Administrative approval, approval with conditions, or denial by Executive Director.
 6. Filing and recordation of plat in office of Planning Department, the Tribal Realty Office, to Snohomish County Auditor, and if trust land, to the Bureau of Indian Affairs. [Res. 2014-347].
- C. **Plat submittal requirements.** All minor subdivision plats shall be prepared and drawn in conformity with this Title and shall show:
1. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, the location and type of all monuments, and including elevation contours at USGS intervals, minimum and referenced corners of the tract; and shall be made and certified by a licensed land surveyor;
 2. The proposed pattern of parcels and lots; including parcel and lot widths, depths and areas within the subdivided area. Calculations of lot areas shall exclude public road areas;
 3. The locations of all zoning front, side and rear yard lines; zoning district lines and the names of all applicable zones; floodplains; wetlands and easements; and
 4. Any other specifications required by the Permit Review Committee. [Res. 2014-347].
- D. **Pre-application meeting.** The pre-application meeting is a nonbinding review of a development proposal intended to provide information to the applicant on the procedures and policies of the Tulalip Tribes and does not confer upon the applicant any development rights. Planning staff will invite appropriate Permit Review Committee staff to attend the meeting. Such a meeting may be used to expedite the review process by allowing the planning staff and the applicant to be advised of the following:
1. The potential classification of the subdivision as minor or major;
 2. The requirements related to cultural resources;
 3. The possible involvement of other government agencies in the review process;
 4. The determination of wetlands and floodplains; and
 5. Any site-specific issues.
- E. **Administrative review and decision process.**
1. **Application and fees.** Application and fees shall be submitted to the Planning Department prior to the meeting at which it is to be considered. Planning staff will serve as the point of contact for the community to answer development related questions and to accept the application and submittal packet. The application shall contain all items as required in this chapter.
 2. **Acceptance of completed application – Official submission date.** The application shall not be considered complete until all information as required in this chapter is provided. Once the

application has been accepted, the planner will route to the Planning Review Committee and schedule the review meeting.

3. **Planning Review Committee review and comment.** The Planning Review Committee consists of representatives from various Tribal departments who address design, development and Tribal plan, policy and zoning requirements.
4. **Staff report.** Upon completion of the Planning Review Committee, the Planning Department will analyze the proposed subdivision in terms of compliance with the Comprehensive Plan and all applicable codes and will identify findings and recommendations for the Executive Director.
5. **Decision.** The plat may be administratively approved, approved with conditions, or denied by the Executive Director based on the decision criteria, findings of fact, and comments by the Planning Department and Planning Review Committee as appropriate, and any other necessary documents and approvals if needed. [Res. 2014-347].

F. Approval criteria. Minor subdivisions must meet the following general requirements in order to be approved:

1. **Conformance with Tulalip Tribes Comprehensive Plan and zoning and Tulalip utility codes.** No subdivision may be approved unless written findings of fact are made that the proposed subdivision or proposed minor subdivision is in conformity with the Tulalip Tribes Comprehensive Plan and this Title.
2. **Lot standards.** All lots shall meet the site requirements of the zoning district in which they are located and shall be of sufficient size, dimension, design, and configuration so as to permit development of the lot without variance from the applicable zoning requirement.
3. **Survey required.** The survey of every proposed land division shall be made by or under the supervision of a registered land surveyor. Survey control points shall be referenced to section corners and monuments.
4. **Future subdivision of lots.** Where the subdivision or minor subdivision will result in a lot one-half acre or larger in size which is likely to be further divided in the future, it may be required that the location of lot lines and other details of layout be such that future division may readily be made without violating the requirements of this section and without interfering with orderly extension and connection of adjacent streets.
5. **Tsunami, flood, inundation or swamp conditions.** A proposed subdivision may be disapproved because of tsunami, flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved covering any land situated in an area prone to flooding without the prior written recommendation by the Natural Resources Department, with approval of the Board of Directors. [Res. 2014-347].

G. Filing of plat (Recordation). The applicant must record the original final plat within 30 days of approval with the Snohomish County Auditor, or if trust lands, the Bureau of Indian Affairs, the Planning Department and the Tribal Realty Office before the lots may be sold. Upon recording, the applicant shall provide the Planning Department with at least one reproducible copy and electronic equivalent of the recorded plat. No building permits or manufactured home setup permits shall be issued until the Department receives a copy of the recorded plat of the subject property. [Res. 2014-347].

H. **Appeal of decision.** The decision is the final decision for purposes of appeal. [Res. 2014-347].

17.20.050 – Major Subdivisions

- A. **Applicability.** This article applies to all major subdivisions. Conservation and planned unit development subdivisions are specialized major subdivisions and will have different requirements. A major subdivision consists of all subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring the construction and dedication of any new street or extension of the local government facilities or the creation of any public improvements, or would otherwise be classified as a minor subdivision, but for the proposal is within an environmentally sensitive area. Major subdivisions include conservation subdivisions, planned unit developments (PUD), phased subdivisions and binding site plans as well as the re-subdivision, amendment, or modification of a major subdivision, or series of related minor subdivisions on contiguous land that cumulatively amount to the creation of five or more lots. The Planning Commission holds a public hearing and recommends approval of the preliminary subdivision. Once preliminary approval is granted, the applicant can then proceed with the design, review and construction of improvements. The Board of Directors has approval authority for the final subdivision. [Res. 2014-347].
- B. **Subdivision process.** The major subdivision process is summarized as follows:
1. Pre-application meeting and concept design submittal.
 2. Submission of application for preliminary plat approval.
 3. Planning Department review:
 - a. Application and fees.
 - b. Acceptance of completed application.
 - c. Permit Review Committee review and comment.
 - d. Environmental and cultural impact determination.
 - e. Publication of notice.
 - f. Planning staff report.
- C. **Submittal requirements.** After conferring with the Planning Department on the concept plan, the applicant shall submit the completed application form, preliminary plat, and all required supplementary materials together with digital versions of the preliminary plat and fees to the Planning Department for consideration. This submission must include accurate and complete information.
1. **Subdivision application form.** A clear and concise description of the proposed project as follows:
 - a. Project name, size and location of site.
 - b. Land use permits required for proposed project.
 - c. Zoning designation of the site and adjacent properties.
 - d. Current use of the site and any existing improvements.
 - e. Special site features (i.e., wetlands, water bodies, steep slopes).

- f. Statement addressing soil type and drainage conditions.
 - g. Proposed number, net density and range of sizes (net lot area) of the new lots.
 - h. Access.
 - i. Proposed off-site improvements (i.e., installation of sidewalks, fire hydrants, sewer mains, etc.).
 - j. Total estimated construction cost and estimated fair market value of the proposed project.
 - k. Estimated quantities and type of materials involved if any fill or excavation is proposed.
 - l. Number, type and size of any trees to be removed.
 - m. Explanation of any land to be dedicated to the Tribes.
 - n. Any proposed job shacks, sales trailers, and/or model homes.
 - o. Any proposed modifications being requested.
- 2. **Pre-application meeting summary.**
 - 3. **NEPA environmental assessment checklist.**
 - 4. **Current title report.**
 - 5. **A preliminary plat.** The preliminary plat for major subdivision shall be included with accurate measurements and dimensions and easements identified. Based upon a complete survey, the preliminary plat must include the following information:
 - a. The name and a general description of the proposed subdivision together with the words "Preliminary Plat," including the location, number of lots, total acreage, average lot size (e.g., in square feet), and proposed uses.
 - b. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey.
 - c. Numeric scale, graphic scale, true north point, and date of preparation.
 - d. Numbered designation for each proposed new parcel, with the lot dimensions, and identification numbers for all lots and tracts, and area labeled.
 - e. The boundaries of the property, labeled with their dimensions, bearings and the legal description of the subdivision.
 - f. All existing property lines lying within the proposed subdivision which are to be vacated.
 - g. The degree (gradient) and direction of slopes on the site or a topographic contour map depicting two-foot contour intervals for ground slopes of less than ten percent; depicting contour lines at five-foot vertical intervals for ground slopes exceeding ten percent.
 - h. Labeled existing and proposed roads intended to provide access to the site, showing the centerline and width of the right-of-way and the traveled surface, the level of improvement (paved, gravel, unimproved), accurate description of straight and curved segments, whether public or private, and other public ways within or adjacent to the proposed subdivision.
 - i. Approximate location of all existing and proposed infrastructure on the subject property and within 25 feet of the subject property showing approximate locations of the following:

- i. Public and private utilities such as water and sewer lines, valves, fire hydrants, fire alarm boxes, natural gas and propane lines, electrical power and telecommunications facilities, wells and septic systems, culvert and drain, and water mains with pipe sizes, grades and direction of flow. If water mains and sewer mains are not on or abutting the site, indicate the direction and distance to the nearest mains.
 - ii. Site features, including existing structures, and pavement, fences and hedgerows. Any existing structures lying within the proposed subdivision. Existing structures to be removed shall be indicated by broken lines, and existing structures not to be removed shall be indicated by solid lines.
 - iii. Manmade storm drainage facilities, regardless of ownership, and connection to existing lines.
 - iv. Dedicated public open spaces and facilities and common or jointly owned areas, with a description of their intended purposes and use and the conditions of such dedication.
 - v. Easements (ingress/egress/utility) and buffers, with a description of their intended purposes and use.
 - vi. The boundaries, dimensions, and area of public and common park and open space areas.
 - vii. The location of natural features, including surface water, natural drainage areas, ditches, rock outcrops, wooded areas, and topographic features.
 - viii. Environmentally sensitive areas, including any floodplains, areas subject to high water table, landslide areas, and areas having a high erosion potential and/or being sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified in this Title and 8.20 TTC – Environmental Infractions as requiring protection.
 - ix. Designated or known significant historic and cultural resources on the site and adjacent parcels or lots.
 - x. Where any lot is proposed to be served by an on-site sewage disposal system, results of preliminary percolation tests for each such proposed lot, conducted under Indian Health Service (IHS) rules and regulations.
 - xi. Proposed perimeter landscaping.
 - xii. The location and size of any entrance signs.
 - xiii. Other information, as deemed appropriate by the Planning Department.
6. **Vicinity map.** A vicinity map showing the site in context with an area up to one mile from the exterior boundaries of the project and specifically showing:
 - a. Township, range, and section lines lying within or near the property.
 - b. Location and boundaries of the proposed subdivision with respect to surrounding property, streets and other major manmade and natural features.
 - c. Property lines and ownership information for all property within 100 feet of the perimeter of the proposed subdivision, if available.

7. Supplemental required information.

- a. For proposed residential subdivisions, a table providing the following information for each distinct residential area:
 - i. Proposed land use (i.e., single-family, duplex, multifamily).
 - ii. Number of dwelling units.
 - iii. Gross acreage.
 - iv. Existing zoning designation.
 - v. Proposed zoning designation.
 - vi. Approximate area of smallest lot.
- b. Documented proof of an approved water source and fire protection in compliance with Tribal policies, codes and regulations.
- c. Any proposed conditions, covenants, and restrictions (CCRs).
- d. If applicable, the applicant shall be required at preliminary plat to submit to the Planning Department a declaration of any restrictive conditions, covenants, deed restrictions, and by-laws that, at a minimum, establish the following provisions:
 - i. The establishment of a homeowners association responsible for the enforcement of the covenants and deed restrictions;
 - ii. Language establishing the common ownership of all on-site improvements not offered to any local or State agency for dedication to include, but not limited to, streets, drainage systems, open space, and community recreational facilities;
 - iii. A full set of by-laws requiring every owner within the development, and their successors, to make regular payments of adequate fees and assessments to the homeowners association for the purpose of supporting financially all improvements not formally offered for dedication;
 - iv. The establishment of a reserve fund to support the continued maintenance and upkeep of all identified common property;
 - v. The establishment of regulations allowing for the increasing of the mandatory fees or assessments when necessary; and
 - vi. The establishment of the legal procedure for the transfer of the maintenance requirements for all common areas from the applicant to the homeowners association.
- e. Description and pro forma of proposed financing for development of public or commonly owned facilities; and a long-term maintenance plan for common areas, community facilities, easements, and rights-of-way of public and private roads.
- f. Drawn descriptions of design and development improvements, or development limitations, or best management practices intended to:
 - i. Address the standards of these laws and policies, codes, zoning, and development standards of the Tulalip Tribes, and
 - ii. Mitigate identified impacts to human health and safety, the environment, or cultural resources.

- g. Other information, as deemed appropriate by the Planning Department such as traffic study, biological and habitat assessment, and cultural resources survey report.
- 8. **Phased development.** If phasing is proposed, a phasing plan must be submitted with the preliminary plat application. A phasing plan must show the phases of development and the requirements that will be satisfied in each phase.
 - a. Each phase must contain at least five lots.
 - b. The number of lots and amount of required open space (including neighborhood recreation areas) in each phase and any earlier phases must be at least proportional to the portion of the subdivision site area within the phase(s).
 - c. The degree and extent of road, water supply, sewage disposal, stormwater management, erosion and sedimentation control, and other required improvements in each phase and any earlier phases, must be sufficient to serve or handle all development within the phase(s).
 - d. The phasing plan must be approved with the preliminary plat, and prior to submitting any application for construction plat approval. [Res. 2014-347].

D. Preliminary plat procedure.

- 1. Preliminary plat review is a quasi-judicial process that involves initial review and hearing by the Planning Commission, which then makes a recommendation to the Board of Directors to approve, approve with conditions, or deny the application. Approval of the preliminary plat does not constitute or imply acceptance by the Board of Directors of any public improvement.
- 2. Unless the applicant requests otherwise, a preliminary plat must be processed simultaneously with applications for accompanying rezones, variances, planned unit developments, conservation subdivisions, site plan approvals, phasing, and similar quasi-judicial or administrative actions. [Res. 2014-347].

E. Pre-application meeting.

- 1. The pre-application meeting is a nonbinding review of a development proposal intended to provide information to the applicant on the procedures and policies of the Tulalip Tribes and does not confer upon the applicant any development rights. Planning staff will invite appropriate Planning Review Committee staff to attend the meeting. Such a meeting may be used to expedite the review process by allowing the planning staff and the applicant to be advised of the following:
 - a. The potential classification of the subdivision as minor or major;
 - b. The requirements related to cultural resources;
 - c. The possible involvement of other government agencies in the review process;
 - d. The determination of wetlands and floodplains; and
 - e. Any site-specific issues.
- 2. The following information is needed for the pre-application meeting submittal:
 - a. A concept plan that depicts the existing and proposed property configuration, including all lot-line dimensions at a scale of not less than one inch equal to 100 feet.

- b. A vicinity map showing the location of the development in relation to the larger community.
- c. Developer/applicant name and contact information. [Res. 2014-347].

F. Planning Department review.

1. **Applications and fees.** Application and fees shall be submitted to the Planning Department prior to the meeting at which it is to be considered. The staff planner will serve as the point of contact for the community to answer development related questions and to accept the application and submittal packet. The application shall contain all required items.
2. **Acceptance of completed application – Official submission date.** The application shall not be considered complete until all information as required in this chapter is provided. Once the application has been accepted, the planner will route to the Planning Review Committee and schedule the review meeting.
3. **Planning Review Committee review and action.**
 - a. For major subdivisions, the Planning Review Committee subdivision review and approval has three components:
 - i. Concept plan;
 - ii. Preliminary plat; and
 - iii. Road improvements/construction plans.
 - b. Each component is submitted to the Planning Review Committee for review and action (subdivision preliminary plats also require Planning Commission review and Board of Directors' approval).
4. **Environmental and cultural impact determination.** If environmental or cultural resources are identified, a NEPA/environmental checklist may be required to be prepared by the applicant for review and determination by the designated environmental administrator responsible for making the threshold determination on whether or not an environmental/cultural assessment (E/CA) or environmental impact statement (EIS) will be required. Prior to further review, the designated administrator will issue either a finding of no significant impacts (FONSI), or a notice requiring the completion of an EIS or E/CA.
5. **Staff report.** Upon completion of the Permit Review Committee and environmental/cultural review and determination, staff will prepare a report analyzing the proposed subdivision in terms of compliance with the Comprehensive Plan and all applicable ordinances and will identify findings and recommendations. This staff report will be provided to members of the Planning Commission at least ten calendar days prior to the date of the public hearing and will at the same time be available to the public for their review. [Res. 2014-347].

G. Planning Commission hearing and recommendation. The Planning Commission may recommend approval, approval with conditions, or denial of a preliminary plat application. The Planning Commission's recommendations shall be provided to the Board of Directors in accordance with Tribal law, to be considered at the next regular Board of Directors meeting. [Res. 2014-347].

H. Approval criteria for proposed preliminary plats.

1. Preliminary plat review is a quasi-judicial process that involves initial review and hearing by the Planning Commission, which then makes a recommendation to the Board of Directors, in accordance with 17.06 – Permit Processing. In making its recommendation, the Planning Commission shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication.
2. In addition to the criteria for approval applicable to an individual application, all subdivisions must meet the following general requirements in order to be approved:
 - a. **Conformance with Tulalip Tribes Comprehensive Plan and Zoning and Utility Ordinance.** No subdivision may be approved unless written findings of fact are made that the proposed major subdivision is in conformity with the Tulalip Tribes Comprehensive Plan, Zoning Ordinance and other adopted standards in term of the following issues:
 - i. **Environmental review.** No subdivision may be approved until the provisions of 17.24.010 – Environmentally Sensitive Lands have been met.
 - ii. **Cultural resources review.** No subdivision may be approved until the provisions of 17.24.020 – Culturally Sensitive Lands have been met.
 - iii. **Lot standards.** All lots shall meet the site requirements of the zoning district in which they are located and shall be of sufficient size, dimension, design, and configuration so as to permit development of the lot without variance from the applicable zoning requirement.
 - b. **Public interest.** No subdivision may be approved unless appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds. The decision shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions and determine whether the public interest will be served by the subdivision and dedication.
 - c. **Dedication.** Dedication of land to any public body, and/or provision of public improvements to serve the subdivision, may be required as a condition of subdivision approval. Approval of the preliminary plat does not constitute or imply acceptance by the Board of Directors of any public way easement or other ground shown on the plat.
 - d. **Design principles.** The proposed subdivision shall demonstrate compliance with the following design principles:
 - i. The proposed design of the subdivision is adapted to fit the topographic and geographic characteristics of the site, rather than the site being extensively graded to fit the plan of the subdivision.
 - ii. Planted buffer strips are utilized to screen and protect water bodies and wetlands from residences and other manmade structures.
 - iii. On-site impervious surfaces are minimized in order to decrease flooding, to promote aquifer recharge, to allow for the natural absorption of pollutants into the ground and reduce the collection of vehicular pollutants.
 - iv. A maximum effort is made to preserve all on-site natural and cultural resources including floodplains, wetlands, streams, as well as any unique natural features.

- v. The street system is appropriate to the physical factors of the site; it should follow the topographic contours of the site whenever possible.
- vi. The street system is designed with regard for the convenience and safety of the residents, and when necessary for public convenience or safety, public non-motorized access-ways to connect to cul-de-sac streets, to pass through oddly shaped or unusually long blocks, or to provide for networks of public paths creating access to schools, parks, shopping centers, mass transportation stops, or other community services shall be provided and dedicated by the developer.
- vii. No subdivision can land-lock an adjacent land owner.
- e. **Survey required.** The survey of every proposed land division shall be made by or under the supervision of a registered land surveyor. Survey control points shall be referenced to section corners and monuments.
- f. **Future subdivision of lots.** Where the subdivision will result in a lot one-half acre or larger in size which is likely to be further divided in the future, it may be required that the location of lot lines and other details of layout be such that future division may readily be made without violating the requirements of this section and without interfering with orderly extension and connection of adjacent streets.
- g. **Tsunami, flood, inundation or swamp conditions.** A proposed subdivision may be disapproved because of tsunami, flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved covering any land situated in a flood control zone without the prior written recommendation by the Natural Resources Department, with approval of the Board of Directors.
- h. **Water, sewer, and storm drainage systems.** All lots created by a major subdivision shall be served by adequate public water, sanitary sewer, and storm drainage systems approved by the Public Works Division and meeting the design and construction requirements adopted by the Tribes. All public water, sanitary sewer, and storm drainage systems shall be placed underground in appropriate public easements or tracts and dedicated to the Tribes; provided, that those portions of stormwater systems that are required to be aboveground in order to function; i.e., stormwater ponds, drainage swales, and similar facilities, may be installed aboveground. Where a public street is to be dedicated or where a public street is widened or structurally altered by an applicant as a condition of land division approval, the applicant shall provide and dedicate any required storm drainage system.
- i. **Underground utilities.** All permanent utility service to lots shall be provided from underground facilities. The applicant shall be responsible for complying with the requirements of this section and shall make all necessary arrangements with the utility companies and any other persons or corporations affected by installation of such underground facilities in accordance with the laws, rules and regulations of the Tribes.
- j. **Fire protection.** Subdivisions shall incorporate adequate capability for fire protection in accordance with sound engineering practices and adopted codes and development standards and shall be approved by the appropriate fire official.

- k. **Clearing and grading.** A preliminary clearing and grading plan shall meet adopted standards.
- l. **Phasing.** If phasing is proposed, a phasing plan must be approved as part of the preliminary plat, and prior to submitting any application for construction plan approval. A phasing plan must show the phases of development and the requirements that will be satisfied in each phase. [Res. 2014-347].
- I. **Board of Directors review and decision.** The recommendations shall be subject to review pursuant to **17.06 – Permit Processing**. Only approval or disapproval is considered final for purposes of appeal. [Res. 2014-347].
- J. **Effect of approval.** Approval of a preliminary plat and proposal shall not constitute approval of the final application but shall be a guide to the preparation of the final plat. Before submission of the final plat or any portion thereof for formal approval, the subdivider shall submit construction plans for approval that comply with this law and all requirements set forth by the Planning Commission in their review of the preliminary plat. [Res. 2014-347].
- K. **Expiration of preliminary plats.**
 - 1. For preliminary plats on projects that are not phased, or not to be developed sequentially, preliminary plat approval shall be effective for a period of 36 months from the date of approval. The preliminary plat shall lapse and become null and void if a final plat has not been submitted within a 36-month period. The Board of Directors may authorize extension of 18 months of final plat submissions under special circumstances.
 - 2. For preliminary plats on projects that are phased, or that will be developed sequentially, the final plat for the first phase of the project shall be filed within 18 months of the approval date for the preliminary plat. The final plat for any subsequent phase shall be within 36 months of the date of the previous phase recorded. If the applicant fails to file a final plat, the preliminary plat for those phases shall become null and void. [Res. 2014-347].
- L. **Preliminary plat amendment.** The applicant may request changes to the approved preliminary plat or conditions of approval. The Planning Department shall determine whether the proposed changes are categorized as minor or major amendment. Requests for minor changes that do not constitute substantive changes or modification may be approved administratively without requiring an amendment to the preliminary plat. Substantive changes or modification, including but not limited to the layout and location of streets, lots, changes to the proposed uses of the various lots, and other similar changes that would result in a substantive change to the character of the subdivision may result in the necessity to file an amended preliminary plat. Substantial modification of an approved plans or plats shall be a separate application and shall be reviewed in the same manner as an original proposal. The following are required to be in compliance:
 - 1. The applicant shall provide any changes to the preliminary plat in writing. The Planning Department shall determine that a major or minor modification(s) is required;
 - 2. Written intent to file a final plat within the one-year extension period;
 - 3. An extension of time will not prevent the lawful development of abutting properties;
 - 4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required;

5. The procedures for pre-application, submission of an application, and subsequent review of it by the Planning Review Committee shall be identical to the procedures described in 17.20.050 – Major Subdivisions, subsections C. Submittal requirements, D. Preliminary plat procedure, and E. Pre-application meeting [Res. 2014-347].
- M. **Construction plan and as-built requirements.** The standards and requirements established or referenced by this section are minimum requirements. These standards may be increased, and additional requirements may be imposed for the purpose of preventing or abating public nuisances or mitigating identified adverse environmental impacts. Such additional requirements may include but shall not be limited to off-site improvements to any public facility, the dedication and/or improvement of parks and open spaces, and monetary contributions to any Tribal fund established to finance the provision of public services required by the subdivision. [Res. 2014-347].
- N. **Planning Review Committee review required.** The submittal requirements for subdivision public improvement plans are sent to the applicant after the Planning Review Committee meeting. The Planning Review Committee shall consider the following when developing the submittal checklist:
 1. **Public improvements.** Where public improvements are required, plans for such improvements shall be submitted to the Planning Department. All construction plans shall be submitted for review and approval by the Planning Department. Public improvements shall be designed by or under the direct supervision of a licensed professional civil engineer. The engineer shall certify the plans by seal and signature. Such certification shall contain the following:
 - a. Subdivision name;
 - b. Name, mailing address, and telephone number of engineer preparing the plan; and
 - c. Date, including month and year.
 2. **Road system standards.** In the absence of adopted Tribal engineering and development standards, all roads will be evaluated by reviewing the Tulalip Tribes Transportation Plan and using “A Policy on Geometric Design of Highways and Streets,” commonly referred to as the Green Book, as minimum standards and guidance for evaluating roads.
 3. **Minimum improvement requirements.** Prior to final approval of a major subdivision, the following minimum improvements shall be constructed consistent with the approved plans:
 - a. Drainage facilities and erosion control measures;
 - b. Water mains, services, and hydrant installed, operational, and fire flow available, if required;
 - c. Underground electrical and telecommunication improvements required for all public or private utilities and public illumination or traffic signal systems, if required;
 - d. Sewer facilities installed and operational, if required;
 - e. All curbs and gutters installed in all streets within the subdivision;
 - f. All streets paved up to the final lift of pavement to all lots within the subdivision;
 - g. Street name signage installed;
 - h. Specific site improvements required by the preliminary plat approval, if the decision requires completion prior to plat recording;

- i. Delineation of critical areas that are to remain undeveloped and protected by easement or placement in a separate tract;
 - j. Temporary control monuments set by a land surveyor licensed in the State of Washington, located in conformance with this Title, and in place prior to final approval of the subdivision. Permanent monuments and control points shall be set and verified by a land surveyor licensed in the State of Washington within 90 days of the final lift of pavement; and
 - k. Improvements without which the Director determines a safety hazard would exist.
- 4. **Right of entry.** The Tribes shall have right of entry onto any lot, tract, easement or parcel that is part of the preliminary plat.
- 5. **Transportation and traffic improvements.** The Planning Department may require the applicant to pave or install additional improvements within rights-of-way, either abutting or not abutting the subject property. This may include traffic signals, channelizations, turn lanes, and other improvements necessary or appropriate to improve traffic circulation and safety, the need for which is directly attributable to development of the subject property. Where appropriate, the Public Works Director may permit the applicant to fulfill the applicant's obligation under this section by paying to the Tribes the pro rata share of the costs of the required improvements attributable to development of the subject property, as determined by the Executive Director. The Tribes may also require the applicant to provide traffic studies and other data describing the traffic impacts of the proposed development, the need for improvements under this section, and the reasonable pro rata share of the costs of these improvements to be borne by the applicant. All traffic control devices and pavement markings shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) as published, from time to time, by the United States Department of Transportation.
- 6. **Exemptions.** The Public Works Director may modify, defer or waive the requirements of this chapter only after consideration of a written request for the following reasons:
 - a. The improvement as required would not be harmonious with existing street improvements, would not function properly or safely or would not be advantageous to the neighborhood or Tribes as a whole.
 - b. Unusual topographic or physical conditions preclude the construction of the improvements as required.
 - c. Proper vertical or horizontal alignments cannot be determined because the existing streets do not have correct alignments.
 - d. The required improvement is part of a larger project that has been scheduled for construction in the Tribes' adopted Long-Range Transportation Plan and Transportation Improvement Plan. [Res. 2014-347].
- O. **Pre-construction meeting.** The Tribal Engineer, Planning Supervisor and other appropriate parties shall meet with the contractor responsible for the plat construction to review the approved preliminary plat, conditions, approved construction drawings, construction methods, and any other particulars prior to the beginning of construction. [Res. 2014-347].
- P. **Inspections.** The subdivider shall notify the Executive Director of Public Works at least 24 hours in advance of any inspection condition or required inspection. [Res. 2014-347].

- Q. Responsibility of the Tribes to provide service. If the Tribal Engineer finds upon inspection that any of the improvements being installed and constructed, or upon completion, are not in accordance with the plans, specifications, or plat in the form in which they were approved, the responsibility of the Tribes to provide services and utilities shall cease. [Res. 2014-347].
- R. **Standard forms for execution.** The Planning Department shall prepare, adopt, and distribute standard forms as necessary for the execution of subdivision improvement agreements and submittal checklists, posting of bonds, title insurances, inspection fees, and other administrative procedures essential to the carrying out of this section. [Res. 2014-347].
- S. **Street signs.** The subdivider shall place on deposit or arrange as part of any bond agreement, sufficient funds to cover the cost of purchase, delivery, and installation of all required street name signs. Such signs shall conform to the latest version of the Manual of Uniform Traffic Control Devices as published by the United Department of Transportation. [Res. 2014-347].
- T. **Assurance that any remaining improvements will be installed.**
1. Construction of improvements shall normally be complete prior to approving the final plat. However, the Tribes may approve the final plat with certain incomplete improvements if:
 - a. Said improvements are more practically done later, such as the final lift of asphalt surfaces which might otherwise be marred by heavy equipment, or recreational equipment which might be vandalized if installed before the subdivision is populated, or street trees and other landscape and mitigation plantings which are better installed in a different season;
 - b. The applicant deposits a performance bond with the Tribes as beneficiary, in an amount not less than 125 percent of the Executive Director of Public Works' cost estimate for the remaining improvements in accordance with this article; and
 - c. Said bond specifies a period within which to complete the improvements, which period shall not exceed two years from the date of final plat approval.
 2. If phasing is proposed, the construction drawing must be consistent with the phasing plan approved with the preliminary plat, as provided in item C of this chapter – Major subdivision submittal requirements [Res. 2014-347].
- U. **As-built drawings.** After completion of all public improvements and prior to final acceptance of said improvements, the applicant shall make or cause to be made as-built drawings that show the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Tribal Engineer shall require. One of these drawings shall be prepared on the original mylars and digital version of the construction plans, and a copy of prints shall also be provided, and both shall bear the signature and seal of a professional engineer registered in Washington. The presentation of the drawings shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion. [Res. 2014-347].
- V. **Specifications of major subdivision application and final plat submittal.**
1. Four prints of the final plat shall be submitted showing the following information:

- a. Accurate property boundary lines, with dimensions and bearings or angular dimensions, which provide a land survey of the tract, closing with an error of not more than one foot in 10,000 feet.
 - b. Accurate references to controlling elements, giving the bearing to the nearest second and distances to one-hundredth of a foot.
 - c. Accurate locations of all existing and recorded streets intersecting the property boundaries of the tract.
 - d. Accurate legal description of the property boundaries.
 - e. Street names and street right-of-way widths.
 - f. Complete curve notes for all curves of lots and roads including length, radius, and delta included in the plat.
 - g. Street center lines with accurate dimensions in feet and one-hundredths of feet with bearings or angular dimensions to street, alley and lot lines.
 - h. Lot numbers and lot line dimensions.
 - i. Block numbers, if used.
 - j. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
 - k. Location, type, material and size of all markers.
 - l. Name and street address of the owner and applicant.
 - m. Name and street address of persons who prepared the plat and the date of preparation.
 - n. North point, scale and date.
 - o. Certification of the accuracy of the plat by a registered land surveyor of Washington State.
 - p. Location and width of easements for utilities.
 - q. Certification by the utility companies that utility easements are properly placed for the installation of utilities.
 - r. Space for certificates by a registered land surveyor to the effect that the plan represents a survey made or certified by the surveyor and that all the monuments shown thereon actually exist, and that their location, size and material are correctly shown.
 - s. Space for certificates of approval and review to be filled in by the signatures of the Chairperson and Secretary of the Board of Directors, Chairperson and Secretary of the Planning Commission, Public Works Executive Director, Tribal Engineer, and BIA Superintendent (for trust lands).
2. **Digital version of final plat.** The applicant shall submit a digital version of the final subdivision plat as part of the application process. Once the plat has been approved by the Board of Directors, a final copy of the digital version of the plat shall be submitted to the Tribes' GIS Department. Said final digital copy shall be compatible with the Tulalip Tribes Geographic Information System and mapping system.
 3. **Accompanying documents.** The final plat shall also be accompanied by the following documents:

- a. **Owner's statement.** An acknowledged statement from the owner and the owner's spouse, if any, that the subdivision as it appears on the plat is with their free consent and is in accordance with the desires of the proprietor and the proprietor's spouse. This statement may include the dedication to the public.
- b. **Dedications.** Dedication of streets and other public property, including perpetual easements for the installation, operation and maintenance of the Tribal Public Works Department.
- c. **Mortgage holder's or lien holder's statement.** An acknowledged statement from mortgage holders or lien holders that the plat is prepared with their free consent and in accordance with their desire, as well as a release of mortgage for any areas dedicated to the public.
- d. **Title report.** A title report that shows the property is free of any encumbrances that would prevent subdivision.
- e. **As-built public improvement plans.** A complete set of as-built plans for all public improvements, meeting the Tribes' specifications, must be submitted to the Tribal Engineer.
- f. **County Treasurer's certificate.** If the property is in fee status, a certified statement from the County Treasurer that the land being platted is free from taxes.
- g. **Tribal Realty Office certificate.** A certified statement from the Tribal Realty Office approving the name or title of the subdivision as succinct and unique to the Tulalip Tribes. [Res. 2014-347].

W. Final plat procedure.

1. The final plat shall be approved by the Planning Department when the final plat meets the conditions of preliminary approval and approval criteria. If the Planning Department finds the final plat to be conforming, they shall prepare a report and forward a recommendation along with the plat and supplementary material to the Board of Directors for consideration.
 2. The final plat may be approved prior to the completion of the improvements required in upon execution of a standard subdivision agreement between the subdivider and the Tribes.
 3. The Board of Directors shall take action pursuant to **17.18.030 – Legislative Actions – Amendments to the Comprehensive Plan**. If the Board of Directors affirmatively makes the above determinations, the Board of Directors' Chairperson, the Planning Commission's Chairperson, and the Executive Director of Public Works shall inscribe and execute the Board of Directors' will on the face of the original mylar drawing of the final plat. If the Board of Directors withholds approval, it shall return the plat sheets and supplementary materials to the applicant and provide him with a statement of reasons for its decision and of the changes necessary to permit granting approval.
- X. Expiration of final plat.** Upon approval of the final plat, the applicant shall have authorization to file the plat with the Snohomish County Auditor or BIA for trust lands and the Tribal Realty Office. An approved final plat that has not been filed in the appropriate records of Snohomish County or the Tribes within 30 days of its approval shall expire and be considered null and void. [Res. 2014-347].

- Y. **Approval criteria for proposed final plats.** The proposed final plat bears the required certificates, guarantees and statements of approval, and:
1. The facilities and improvements required to be provided have been completed and as-built accepted;
 2. The land surveyor certifies the plat as accurate;
 3. The plat is in substantial conformance with the approved preliminary plat; and
 4. The plat meets the requirements of this chapter and other applicable laws. [Res. 2014-347].
- Z. **Filing of plat.** The subdivider shall file the original drawing of the final plat for recording with the Tribal Realty Office or Snohomish County Auditor within 30 days of approval otherwise the plat shall be considered null and void. One original signed mylar and two paper copies of the recorded final plat shall be furnished to the Planning Department. [Res. 2014-347].

17.20.060 – Guarantee of Developer Performance

- A. **Purpose.** Provision for guarantee of performance requirements is to ensure timely, quality, and proper completion of construction of public improvements/infrastructure and the proper maintenance once completed. [Res. 2014-347].
- B. **Development agreement required prior to construction.** Following preliminary plat and construction plan approval, a completed development agreement shall be prepared and executed prior to any land disturbing activity or construction of any infrastructure within any development to which these laws are applicable. A draft development agreement shall be prepared by the Executive Director of Public Works. The draft agreement shall reference the design incorporated within the approved construction plans and shall be sufficient in form to assure that proposed construction methods and materials meet or exceed minimum standards established by the Tribes. The draft development agreement shall be sent to the applicant for approval. Upon acceptance of the agreement by the applicant, the proposed development agreement shall be forwarded to the Board of Directors for approval. Infrastructure construction may begin upon approval of the agreement. If a subdivision performance bond has not already been provided as specified by this Title, such a bond shall be provided at this time. If a Tribal member has made a good-faith effort to acquire a bond, but is unable to, then the BOD may consider assurances other than bonds to meet the public interest for the subdivision improvements. These assurances may be described within the developer's agreement. [Res. 2014-347].
- C. **Improvement guarantees, general.** In order to ensure that the work will be completed in accordance with approved plans and specifications, all improvements proposed in conjunction with any subdivision must be covered by an adequate bond. [Res. 2014-347].
- D. **Amount of guarantee/bond.** The subdivider shall agree to make and install the improvements in accordance with the approved plans and specifications, and shall sign a development agreement, and post a bond in the amount equal to 125 percent of the cost of construction of the required public improvements. Good and sufficient surety shall include the types specified in 17.20.060.E – Subdivisions, Types of guarantees/bonds. [Res. 2014-347].
- E. **Types of guarantees/bonds.** The following list is not exhaustive. Additional types of bonds may be identified as part of the review process.

1. A "site improvement bond," also known as a "subdivision bond" or "plat bond," is a set of bonds that are required by developers, builders or individual(s) to guarantee successful completion of subdivision work to a public entity.
2. A "performance bond" is a surety bond issued by an insurance company or a bank to guarantee satisfactory completion of a project by a contractor.
3. A "surety bond" is a promise to pay one party (the obligee) a certain amount if a second party (the principal) fails to meet some obligation, such as fulfilling the terms of a contract. The surety bond protects the obligee against losses resulting from the principal's failure to meet the obligation.
4. A "subdivision maintenance bond" is a maintenance bond (also known as a warranty bond) that guarantees for the public entity where the improvements were performed that the developer, builder, or individual(s) will solve all maintenance issues during the specified maintenance period, which is usually one or two years from completion/acceptance of the improvement. The maintenance period could be longer depending on the terms of the subdivision agreement. If the developer, builder, or individual(s) is unable to solve the maintenance issue or is not in business during the specified maintenance period, the maintenance bond provides the public entity where the improvements were performed with a remedy through the surety to fix the maintenance issues.
5. A "landscape performance bond" is required when the project manager and the applicant agree that the landscaping is not completed but that a certificate of occupancy should be issued. A common situation occurs in the winter, when it is more difficult to complete landscaping. The bond is a guarantee that landscaping will be completed as soon as practicable.
6. A "landscape maintenance bond" is required to ensure that landscaping on a new development will be maintained. The bonds usually have a term of two years. If the applicant fails to maintain the landscaping as described in the approved plans, the Tribes may demand that money be made available from the bond to pay for the cost of maintaining the landscaping.
7. A "wetland performance bond" is required when the project manager and the applicant agree that the wetland protection is not completed but that a certificate of occupancy should be issued. The bond is a guarantee that the wetland will be completed as soon as practicable.
8. A "wetland mitigation bond" is required to ensure that wetland maintenance on a new development will continue. The bonds usually have a term of three years from the date of permanent occupancy. If the applicant fails to maintain the wetland as described in the approved plans, the County may demand that money be made available from the bond to pay for the cost of restoring the wetland.
9. "Indemnity insurance" is a contract by which one engages to save another from a legal consequence of the conduct of one of the parties, or of some other person. The subdivider shall furnish such insurance as is deemed necessary by the Tribes to indemnify and save harmless the Tribes from any and all liability arising out of the construction or installation of the required subdivision improvements. The insurance shall be of such duration as determined by the Tribes, but shall in no case be allowed to expire earlier than the effective period of any maintenance bond. A copy of the insurance policy shall remain at all times with the Planning Department. [Res. 2014-347].

F. Release of improvement guarantees.

1. After the work or improvements covered by a performance bond have been completed, the applicant may request the Tribes to release the bond.
 - a. **Notice to Tribal Engineer – Inspection and report.** Upon completion of all required improvements, the subdivider or developer shall notify the Tribal Engineer in writing of the completion of improvements. The Tribal Engineer shall inspect all improvements of which such notice has been given and, after consultation with other appropriate Tribal officials, shall send a detailed report, in writing, to the subdivider or developer indicating either approval, partial approval, or rejection of such improvements with a statement of any reasons for rejection.
 - b. **Planning Department action on approval of improvements.** If the Tribal Engineer has approved the improvements, a copy of the report shall be filed with the Planning Department. The Planning Department shall approve all or some of the improvements on the basis of the report of the Tribal Engineer and shall notify the subdivider or developer in writing of its action not later than 21 days after receipt of the notice from the subdivider or developer.
 - c. **Release of the guarantees.** If the applicant has complied with the performance bond agreement and this Title, the Planning Department shall require the submittal of an appropriate maintenance bond pursuant to the development agreement. Upon receipt of the maintenance bond, and the approved Tribal Engineer report, the Planning Department shall release the performance bond.
2. Upon completion of the terms of the maintenance agreement, the applicant can request the release of the maintenance bond following the provisions for release of improvement guarantees. [Res. 2014-347].

17.20.070 – Government Planned Unit Development

- A. **Purpose.** To provide for small- and large-scale governmental housing development, incorporating a single type or a variety of housing types and related or compatible uses which are planned and developed as a unit. Government Planned Unit Developments (PUDs) may consist of individual lots or may have a common building site. [Res. 2009-156; Ord. 80 § 21.1, 1-9-1995].
- B. **Subdivision requirement.** Government PUDs shall be approved according to 17.20.050 – Major Subdivisions.
- C. **Applicability.** Government PUDs may be approved in: Low Density Residential (R-10 and R-5), Medium Density Residential (MR), and Urban Mixed (UM) zones. Flexibility in lot coverage of buildings, yards and building setbacks, space between buildings, and height restrictions may be applied in Government PUDs through the Type V permit process.
- D. **Open space.** Open space requirements for PUDs shall be determined by Zone.
 1. 75 percent open or community space shall be established in R-10 zones.
 2. 50 percent open or community space shall be established in R-5 zones.
 3. 25 percent open or community space shall be established MR, NM, and UM zones.

4. Areas of open space or community recreational facilities for PUDs shall not be developed for any other use. [Res. 2009-156; Ord. 80 § 21.4, 1-9-1995].
- E. **Density.** Densities for Government PUDs shall be calculated as an average density over the development area. Where sewer is not available PUD densities shall not exceed two dwelling units per acre in any zone. Where sewer and public water are available the PUD density can be increased from 17.12.010 – Density through the Type V permit process based on site limitations and utility infrastructure capacity.
- F. **Minimum size tract.** The minimum size tract for a Government PUD must be five acres. No minimum size tract requirement for multi-family PUDs. [Res. 2009-156; Ord. 80 § 21.6, 1-9-1995].
- G. **Additional permitted uses.** Multi-family dwellings, including apartments, townhomes, and condominiums, are permitted uses within Government PUDs. [Res. 2009-156; Ord. 80 § 21.7, 1-9-1995].
- H. **Additional conditional uses.** Neighborhood-scale retail establishments are conditional uses within Government PUDs. [Res. 2009-156; Ord. 80 § 21.8, 1-9-1995].

17.20.080 – Binding Site Plans

- A. **Purpose.** Binding site plans are the combined documents of general and specific binding site plans, and processes and requirements thereof. Where appropriate, the term may also refer to the land to be divided. Binding site plans are intended to provide flexibility for the following:
 1. Land divisions into lots zoned for industrial or commercial use;
 2. Land divisions for the purpose of creating lease spaces in a mobile home park or RV park when no other residential structures are permitted; and
 3. Land divisions that result from subjecting a portion of a lot to condominium ownership.

Chapter 17.22 – Wireless Communications

17.22.000 – Purpose

- A. In addition to accomplishing the general purposes of this Title and the Tulalip Tribes Comprehensive Plan, the purpose of this Title is to set forth the regulations for the placement, development, permitting, and removal of personal wireless communications facilities including towers/support structures and antennas. These regulations are designed to comply with the Telecommunications Act of 1996, Federal Communications Commission, WA Utilities and Transportation Commission, and Tulalip Ordinances. The goal of the Telecommunications Act of 1996 is to let anyone enter any communication business – to let any communication business compete in any market against any other. The FCC's Office of Native Affairs and Policy (ONAP) serves as FCC's catalyst to help improve the level of broadband, telecommunications, and broadcast throughout Indian country and provides Tulalip Tribes a regulatory resource to succeed its business enterprises and work with local governments. They are intended to minimize visual impact while furthering the development of enhanced telecommunication services within the exterior boundaries of the Reservation.

- B. The provisions of this Title are not intended to prohibit personal wireless services. This Title shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.
- C. In reviewing any application to provide/construct/modernize personal wireless service facilities, the Planning Department shall act within a reasonable period of time, taking into account the nature and scope of the application to determine compliance with applicable Federal Communication Commission Tower and Antenna Siting rules and Tulalip Tribes Ordinances. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record. [Res. 2007-282 Att. § 1].

17.22.010 – General Provisions

- A. **Applicability – Exemptions.** The requirements of these regulations shall apply to all new personal wireless communications facilities within the exterior boundaries of the Tulalip Indian Reservation and the expansion and/or alteration of any existing personal wireless communications facilities. The following are exempt from the provisions of these regulations:
 - 1. Satellite earth stations using antenna(s) not more than two meters in diameter in commercial and industrial districts and direct-to-home satellite services.
 - 2. Send and receive citizen band radio antennas or antennas operated by Federally licensed amateur (“ham”) radio operators.
 - 3. Industrial, scientific and medical equipment using frequencies regulated by the FCC.
 - 4. Military and government radar antennas and associated communication towers used for navigational purposes as regulated by the FCC by 47 CFR Parts 97 and 95 respectively.
 - 5. Military and Federal, Tulalip Tribal Government, State and local government communications facilities used for emergency preparedness and public safety purposes.
 - 6. Normal, routine and emergency maintenance and repair of existing wireless communications facilities and related equipment which do not increase the size, footprint or bulk of such facilities and which otherwise comply with Tulalip Tribal Government and Federal law and regulations. [Res. 2007-282 Att. § 3].
- B. **Nonconforming uses and structures.**
 - 1. Wireless communications uses and structures in existence as of the effective date of the resolution codified in this Title which are nonconforming as to the use or development standards of these regulations shall be subject to the nonconforming provision of 17.10.030 – Nonconforming Use.
 - 2. Routine maintenance shall be permitted on existing towers and antennas. However, new construction other than routine maintenance on existing towers, antennas, buildings or other facilities shall comply with the requirements of this Title. [Res. 2007-282 Att. § 4].
- C. **Priority of location and prohibited locations.**
 - 1. In reviewing applications for new personal wireless communication facilities, preference shall be given to locations in the following order:

- a. Attachment on existing structures shall be preferred to the construction of new support structures. In all cases, antennas should not have a negative impact on views from public recreational areas such as parks or trails. Locations for attached antennas are prioritized as follows:
 - i. Existing towers. Collocation on an existing tower where a legal wireless communication facility is currently located.
 - ii. Industrial and commercial zones. On structures used for utility functions if the facility will not have a negative impact on water views. Sites containing government services if the facility will not have a negative impact on water views or views from recreational areas and the use does not adversely affect other public uses on the site.
 - iii. Agricultural zones and R-10.
 - iv. Resource and Resource-20 zones.
 - v. Residential zones.
 - vi. Recreation zones.
- b. A new support structure shall only be considered when the applicant demonstrates that it is necessary to provide acceptable service and there are no suitable and available locations on existing structures. Sites that contain residential structures will have a lower priority than other sites in the same zone. In all cases, towers should not be visible from public recreational areas such as parks and trails. Locations for support structures are prioritized as follows:
 - i. Existing towers. Clustering on existing tower sites when additional impacts will be negligible.
 - ii. Industrial and commercial zones. In industrial zones if the WCF will not have a negative impact on waterfront views.
 - iii. Agricultural zones and R-10.
 - iv. Resource and Resource-20 zones.
 - v. Residential zones.
- c. New installations shall be prohibited outright in Conservation zones.

17.22.020 – Development Standards

- A. The following minimum development standards shall apply to all wireless communications facilities in addition to any development standards or project review process which applies in the underlying zone/district in which a wireless communication facility is located. In the event of a conflict between the standards of this section and the general development standards of this Title or project review process or of the wireless development standards of these regulations for a particular land use designation, the more stringent standards shall govern.
 - 1. **Anti-climbing devices.** All wireless communications support structures and required fencing shall be equipped with appropriate anti-climbing devices.
 - 2. **Attachment to trees prohibited.** It is prohibited to attach any wireless communication facility or portion thereof to any tree.

3. **Signage.** All wireless communications support structures shall be identified with a nonilluminated sign not exceeding four square feet. The sign shall list the wireless service provider's name, emergency telephone number, and Tulalip Tribes Permit Number and shall be posted in a place visible to the public. No advertising signs shall be located on support structures or antennas; however, antennas may be camouflaged as otherwise permitted signs.
4. **Lighting.** Wireless communications facilities shall not be illuminated except where required by the FAA.
5. **Painting.** Wireless communications facilities shall be painted or finished in a manner which blends with the dominant color of the background except where otherwise required by the FAA. The applicant and the operator of the facility shall have a continuing duty to maintain such paint or finish.
6. **Noise from accessory equipment.** Facilities shall comply with performance standards of the land use development regulations of the Tulalip Tribes Planning Department. Generators may only be permitted for emergency operation purposes. If air conditioning or other noise generating equipment is proposed, the applicant shall provide information detailing the expected noise level and any proposed abatement measures. The Planning Department may require noise attenuation devices or other mitigation measures to minimize impacts.
7. **General design standards.**
 - a. Attached antennas (excluding collocated antennas on existing WCF structures) and new support structures shall be designed or placed to blend with the predominant background or architectural features as seen from abutting residential uses, roadways or other public rights-of-way.
 - b. When located on buildings, panel antennas shall be placed closely against walls or parapets and not extend above the wall or parapet unless an alternative design is required to
 - i. achieve better compatibility with the building design or to
 - ii. obtain antenna function.
 - c. Accessory equipment structures shall be placed underground or wholly enclosed in an existing structure or building or designed to blend into the architecture and landscaping of the surrounding buildings or structures.
 - d. When equipment boxes are placed at ground level landscaping shall be used to screen them.
 - e. Ground-mounted dishes shall be located outside of any required landscaped area and preferably located in service areas or other less visible locations. They shall be solidly screened to at least as high as the center of the dish when viewed from off the site. Solid screening shall be provided as high as the top of the dish on sides adjacent to residential zones.
 - f. Roof-mounted dishes shall be solidly screened at least as high as the center of the dish. The screening shall be of a material and design compatible with the building, and can include penthouse screening, parapet walls, or other similar screening. They should be placed as close to the center of the roof as possible.

- g. Antennas on utility poles shall be limited to whip antennas no more than two feet in length and no more than one per pole. No utility pole shall be extended in height to accommodate an antenna. No antennas shall be allowed on light standards.
- 8. **Setbacks applicable.** The following setback standards shall apply to wireless communications facilities:
 - a. Accessory equipment structures shall comply with the setback requirements for main buildings in the underlying zone or district. Support structures attached to buildings or permanent structures shall comply with the setback requirements for main buildings in the underlying zone or district that are determined by the Planning Manager to be those applicable to a building of a height equal to that of the combined building/structure and antenna.
 - b. Freestanding wireless communications support structures located in any zone or district shall be set back from any property line and any residence by a distance no less than the equivalent of the height of the wireless communications support structure or the setback of the underlying use district, whichever is greater.
 - c. Setbacks for freestanding wireless communications support structures shall be measured from the ground-level base of the structure.
 - d. The setback in any district may be reduced at the sole and absolute discretion of the Executive Director subject to satisfaction of the special exception criteria in 17.22.030.C – Wireless Communications Permit Process and Administration, Special exceptions.
- 9. **Landscaping standards.** Wireless communications facilities shall be subject to the following landscaping and screening standards:
 - a. The perimeter of the wireless communication support structure and any guyed wires and anchors shall be enclosed by a fence or wall at least six feet in height. A row of evergreen shrubs, spaced not more than five feet apart and capable of growing to form a continuous hedge at least five feet high within five years of planting, and at least one row of evergreen trees or shrubs spaced not more than ten feet apart nor less than six feet high when planted. These materials shall be installed on the outside of fences. In doing so, native vegetation shall be utilized at all times.
 - b. Landscape material should be selected and sited to produce a hardy and drought-resistant landscape area.
 - c. Maintenance of the landscaped area shall be the responsibility of the applicant and/or operator of the facility. Required landscaping must be maintained in a healthy manner. Trees and shrubs that die must be replaced with healthy in-kind materials. Temporary irrigation shall be provided to help ensure survival during the plant establishment period.
 - d. The Planning Department may allow the use of any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. The Planning Department may waive the standards for those sides of the facility that will not be visible from public streets or adjoining properties.
 - e. Existing native vegetation shall be preserved to the maximum extent practicable.

- f. When landscaping installation is required, a maintenance bond, assignment of funds, or other financial guarantee acceptable to Tulalip Tribal Government shall be provided in the amount of 50 percent of the value of the labor and materials. The guarantee shall be in effect for two years from the date of planting.
- 10. **General height standards.** The following standards shall apply to wireless communications facilities:
 - a. No new telecommunications facility shall exceed 120 feet in height. However, in the event of dense vegetation or other substantial built or natural obstacles to signal propagation, facilities can extend to a height of no more than 25 percent above the average tree canopy height within a 200-foot radius of the proposed facility.
 - b. The height of a wireless communications facility shall include the support structure and any attached antennas proposed at the time of application.
 - c. A lightning rod, not to exceed ten feet in height, or FAA-required lighting shall not be included within the height limitations.
 - d. The height limitation exceptions of the development regulations of the Planning Department (dimensional and bulk standards) shall not apply to wireless communications support structures and antennas.
 - e. The height of attached antennas may exceed the height limit of the underlying zone or district provided the height limits of this Title shall apply.
- 11. **Parking.** Each wireless communications support structure shall be provided with at least one adjacent parking space or more if needed to accommodate staff. All unstaffed facilities for antennas shall have access to parking for maintenance personnel; however, such parking may be shared or public parking at the discretion of the Planning Department. Staffed facilities shall require one parking space per staff under the standard provisions of the zone in which it is located.
- 12. **Performance bond.** The operator of the facility shall obtain and keep in force throughout the time the facility is located on the site a performance bond payable to the Tulalip Tribes in the amount of 150 percent of the estimated cost of removal as determined by the Planning Manager, but not less than \$1,000. The bond is intended to cover the costs of removal of such facility at such time as the facility may be required to be removed.
- 13. **Building and utility permits.** The applicant for a permit pursuant to these regulations shall apply for building and any other applicable permits and obtain these permits prior to installation.
- 14. **Conditional use permit.** The installation of any support structure in QCV-C and QCV-LI will require that the applicant obtain a conditional use permit from the Planning Department prior to installation.

B. Additional standards for attached antennas in residential zones and districts.

- 1. Antennas shall not be attached to single-family dwellings, duplexes, or their accessory structures.
- 2. The following antennas may be permitted through WCF permit:

- a. Collocation on an existing wireless communication support structure provided no more than 16 feet is added to the height of the facility.
 - b. Attachment to a nonresidential structure on a site not used exclusively for residential purposes provided the antenna does not extend more than 16 feet above the roof.
 - c. Ground-mounted dish antennas may be located on sites not used exclusively for residential purposes provided the antenna is not more than 15 feet in height above ground level nor more than 12 feet in diameter.
3. Antennas on a site used exclusively for residential purposes require conditional use permit approval. The height limits in **17.22.020.A.10 Wireless Communications Development General height standards** shall apply. [Res. 2007-282 Att. § 7].
- C. **Additional standards for attached antennas in commercial zones and districts.**
 1. Antennas shall not be attached to single- family residences, duplexes or their accessory structures.
 2. Except in the commercial zone, antennas on sites used exclusively for residential purposes shall require a conditional use permit.
 3. Other attached antennas, ground-mounted dishes and collocated antennas shall require a WCF permit.
 4. Antennas attached to structures shall not extend more than 16 feet above the roof or parapet. Collocated antennas shall not extend more than 16 feet above the support structure. [Res. 2007-282 Att. § 8].
- D. **Additional standards for attached antennas in industrial, agricultural, recreation, and resource zones and districts.**
 1. Antennas shall not be attached to single-family residences and duplexes or their accessory structures.
 2. Attached antennas shall not extend more than 16 feet above the roof or parapet.
 3. Collocated antennas shall not extend more than 16 feet above the existing structure.
 4. Attached antennas, ground-mounted dishes and collocated antennas shall require a WCF permit. [Res. 2007-282 Att. § 9].

17.22.030 – Permit Process and Administration

A. Temporary uses.

1. Wireless communication facilities may be permitted as a temporary use with review by the Planning Manager or his or her designate to facilitate continuity in wireless communications service during repair or maintenance of existing wireless communications facilities or prior to completion of construction of new wireless communications facilities. Such temporary wireless communications facilities shall operate for not more than 60 days within a six-month period commencing when transmission from such facility begins. The wireless communications facilities shall be removed within 90 days after the facility is no longer needed for telecommunications purposes. [Res. 2007-282 Att. § 10].

B. Wireless communication facility permit.

1. A wireless communication facility application shall follow the procedures in 17.22.030.D – Wireless Communications Permit Process and Administration, Application requirements and conditions of issuance. If a conditional use permit is required, the application shall follow the procedures in this Title and Planning Departmental regulations for a conditional use. If a planned development approval is required, the application shall follow the procedures in this Title regarding planned developments. [Res. 2007-282 Att. § 11].

C. Special exceptions.

1. When adherence to all development standards of this section would result in a physical barrier which would block signal reception or transmission or prevent effective communication in all permissible locations, a special exception may be permitted provided criteria outlined below are met. Exceptions do not apply to variations from the Uniform Building Code. A variance pursuant to 17.06.070 – Variance Permit Procedures is required for variations from applicable zoning regulations not described in this section.
2. The approval authority for granting of the special exception shall be the same as that of the permit approving the antenna location. A request for a special exception shall be processed in conjunction with the permit approving the antenna location.
3. Upon review of special exception requests, the approval authority shall consider first those standards having the least effect upon the resulting aesthetic compatibility of the antenna or tower with the surrounding environment. The approval authority shall review setback, size, screening requirements, and height limits.
4. Special exception criteria.
 - a. The applicant shall justify the request for a special exception by demonstrating that the obstruction or inability to receive a communication signal is the result of factors beyond the property owner's or applicant's control. Pictures, scaled drawings, maps and/or manufacturer's specifications, and other technical information, as necessary, should be provided to demonstrate to the Planning Department that the special exception is necessary.
 - b. The applicant for a special exception shall demonstrate that the proposed materials, shape, and color of the antenna will minimize negative visual impacts on adjacent or nearby residential uses to the greatest extent possible. The use of certain materials, shapes and colors may be required to minimize visual impacts.
 - c. Attached antennas requesting a special exception for height shall be reviewed through the same process as a support structure in the zone in which the antenna is located.
 - d. Requests for special exceptions for setback reductions shall also be evaluated based on the following criteria:
 - i. The extent to which screening and camouflaging will be employed to mitigate the effects of the structure versus the value of the setback in providing such screening.
 - ii. The need for the setback reduction to facilitate a location or design that better satisfies the criteria of this Title.
 - iii. The impact on adjacent properties.

iv. Location in a street right-of-way. [Res. 2007-282 Att. § 12].

D. Application requirements and conditions of issuance. Applicants shall submit the following information in addition to standard application materials:

1. A scaled site plan clearly indicating the location of the proposed facility, all other structures and uses on the site, adjacent roadways, proposed means of access, parking, existing and proposed landscaping and setbacks from property lines.
2. Elevation drawings of the proposed tower, the equipment structure, existing structure with proposed antenna, fencing, buffering/screening, type of architectural treatment, and any other feature necessary to show compliance with the applicable standards.
3. Photo-simulations of the proposed facility from adjacent residential properties, public properties and public rights-of-way.
4. Legal description and ownership of the parcel.
5. A valid agreement for collocation on an existing WCF support structure or on an existing building or structure; or a location evaluation study.
6. **Location evaluation study.** For new freestanding support structures, a location evaluation study shall be provided to show that the structure is required for present and future network coverage, and to show why the antennas could not be collocated on an existing structure. In residential zones, the applicant shall provide adequate proof that the facility could not be located in a nonresidential zone.
7. The applicant shall submit a letter of credit, performance bond or other security acceptable to Tulalip Tribal Government to cover the future costs of removal of the antenna and/or tower.
8. A report from a licensed professional engineer documenting that the support structure is designed for collocation of other antennas, if applicable.
9. Proof of license by the FCC, if applicable.
10. A copy of the findings from the FAA's Aeronautical Study Determination regarding the proposed wireless communication support structure.
11. A declaration under penalty of perjury or sworn statement by the applicant:
 - a. That the antenna usage will not interfere with other adjacent or neighboring transmission or reception communications signals.
 - b. That any tower will comply with all applicable Federal and Tulalip Tribal Government laws, including specifically FCC and FAA regulations and the Tulalip Tribal Codes.
12. If a leased site, a lease agreement which specifies or shows that it does not preclude the site owner from entering into leases on the site with other providers. [Res. 2007-282 Att. § 13].

E. General criteria for issuance of permits.

1. Any applicant for a land use permit (other than a building permit) proposing to install an antenna support structure or mount an antenna on an existing structure shall demonstrate by engineering evidence that the antenna must be located at the site to satisfy its function in the applicant's local grid system. The Planning Department may require the applicant to provide feasibility studies which demonstrate that locations on existing structures and/or in higher priority locations have been explored and are not feasible or available.

2. In addition to standard criteria, the authority granting the permit shall find that:
 - a. The facility is to be collocated with an existing wireless communications facility; or
 - b. The facility is to be located on an existing building or structure; or
 - c. All reasonable measures to collocate the facility or to locate the facility to an existing building or structure have been considered by the applicant and are not feasible.
3. When antennas are proposed to be located in areas with special "view" considerations, the Planning Department must find that installation design will minimize impacts on views from adjacent residential properties, public properties and public rights-of-way.
4. The permit may include requirements which:
 - a. Minimize visual impacts to the greatest extent possible by maximum feasible use of camouflage or screening, including but not limited to fencing, landscaping, strategic placement adjacent to existing buildings or live or simulated vegetation, undergrounding of accessory equipment structures, incorporation of wireless communications support structures, antennas and other appurtenances into the architectural features of existing buildings or structures and by requiring compatibility with key design elements in the surrounding area; for example: use of brick or other material similar to that used in adjacent buildings or structures; incorporation of support structures into compatible architectural features such as flag poles, bell towers or cornices; or use of simulated vegetation to camouflage support structures.
 - b. Locate wireless communication facilities so as to minimize the visibility of the facility to residentially zoned land and so as to minimize the obstruction of scenic views from residentially zoned land.
 - c. Require the mounting of the facility on existing buildings or structures, or use of other alternatives with less visual, aesthetic or safety impacts, as an alternative to use of a monopole or lattice tower. [Res. 2007-282 Att. § 14].

F. Removal of antennas and support structures.

1. No less than 30 days prior to the date that a personal wireless service provider plans to abandon or discontinue operation of a facility, the provider must notify the Planning Manager by certified U.S. mail of the proposed date of abandonment or discontinuation of operation. The owner of the facility shall then apply for a demolition permit from the Planning Department to remove the antenna within 90 days of discontinuation or abandonment unless an additional period of time is authorized by the Tulalip Tribal Government. In any case, if the Tulalip Tribal Government finds that any antenna or wireless communication support structure has not operated for a continuous period of six months, the owner or lessee of the property on which the wireless communication support structure or antenna is situated, or the owner of the wireless communications antenna or support structure shall remove the facility within 90 days of receipt of notice to remove from the Tulalip Tribal Government. If the antenna and/or wireless communication support structure is not removed within said time period, the Tulalip Tribal Government may remove the antenna or wireless communication support structure at the owner's expense. If there are two or more wireless communications providers on a single wireless communication support structure, this provision shall not become effective until all providers cease using the wireless communication support structure. [Res. 2007-282 Att. § 15].

Chapter 17.24 – Sensitive Areas

17.24.000 – Purpose

- A. Development affecting environmentally sensitive areas shall be regulated by this chapter to identify, preserve and protect unique, fragile and valuable elements of the Reservation environment including: culturally significant species and their habitats; those archaeological, historic, and spiritual sites important to the continuance of the Tulalip Tribes' identity and culture; ground and surface waters and their sources; fish and wildlife important to the Tribes and their habitats; and to protect the public health, safety and general welfare from potential hazards resulting from development on environmentally sensitive lands. [Ord. 80 § 23.1, 1-9-1995, § 24.2, 1-9-1995].

17.24.010 – Environmentally Sensitive Lands

- A. **Designation.** "Environmentally sensitive lands" are designated to include wellhead protection zones and critical aquifer recharge areas; surface waters such as lakes, ponds, seasonal and perennial streams, springs, wetlands, and their shorelines and buffer zones; saltwater shorelines, beaches, bluffs, and all of Tulalip Bay; geologically hazardous areas including steep slopes and areas of potential landslide or significant erosion; special soil types including hydric soils, soils unsuitable for building foundations and road beds; and essential habitat for cultural resources and culturally significant species. [Ord. 80 § 23.2, 1-9-1995].
- B. **Identification and mitigation.**
1. Any proposed clearing, grading, filling, or other activity requiring a use and occupancy permit, conditional use permit, variance, or subdivision approval for development that could impact environmentally sensitive lands shall be permitted only after the exact location of environmentally sensitive area(s) has been identified by the applicant or proponent of the development proposal, a review of impacts to the environmentally sensitive area(s) is completed and buffer requirements or other mitigation necessary for protection of the sensitive lands has been established by the Planning Department consistent with this Title and the text, goals, objectives, and policies of the most current Tulalip Comprehensive Land Use Plan.
- C. **General Provisions and Review.**
1. The provisions of this chapter shall apply to all land uses and activities within the Tulalip Tribes Reservation, whether or not a permit or authorization is required, except as exempted.
 2. Any development activity, action requiring a project permit, or clearing within environmentally sensitive areas and their buffers is prohibited unless conducted in compliance with this chapter. The Tulalip Tribes Planning Department will conduct a review of the proposed impacts to environmentally sensitive areas and provided mitigation plans. The Department will verify the information submitted by the applicant to:

- i. Confirm the nature and type of sensitive areas and required buffers;
 - ii. Determine the need for sensitive area studies and the adequacy of such studies submitted with the application;
 - iii. Determine whether the development proposal is consistent with this chapter;
 - iv. Determine whether the proposed alterations to environmentally sensitive areas are avoidable or necessary; and
 - v. Determine if the mitigation and monitoring plans proposed by the applicant are adequate to protect public health, safety and welfare, consistent with the goals, purposes, objectives and requirements of this Title and Chapter.
3. Notwithstanding any other provision of this Title, the Tribal decision-maker may prohibit, or condition, development that will have, or potentially will have, significant adverse environmental impacts, upon or to environmentally sensitive lands. The Executive Director may determine to permit such development only after a thorough review of environmental impacts is completed, and the Executive Director may impose conditions, mitigation and buffer requirements that are consistent with this Title and the text, goals, objectives and policies of the most current Tulalip Comprehensive Plan. [Ord. 80 § 23.4, 1-9-1995].

17.24.020 – Culturally Sensitive Lands

- A. **Designation.** Culturally sensitive lands are designated to include important archaeological and spiritual sites, historical buildings, monuments, cemeteries, and other significant sites contributing to the local Indian history and important to the continuance of the Tulalip Tribes' identity and culture. [Ord. 80 § 24.1, 1-9-1995].
- B. **Identification of cultural resources.** The Executive Director, after consultation with the Tribes' Cultural Resource Specialist, shall have the authority to map and designate lands as culturally sensitive. Currently identified culturally sensitive lands are listed in the most current Comprehensive Plan, but may also include those areas that are confidential and known only to Tribal members. The Executive Director may designate and treat a site as culturally sensitive consistent with the definition contained in this Title regardless of whether it has been previously mapped and designated as such. [Ord. 80 § 24.3, 1-9-1995].
- C. **Confidentiality.** A "map of culturally sensitive lands" shall be held by the Tulalip Tribes. A map indicating the location of sites that are confidential and known only to Tribal members shall also be held by the Tulalip Tribes, subject only to in camera review by the Planning Commission, Board of Directors or Tribal Court in the event of appeals. [Ord. 80 § 24.4, 1-9-1995].
- D. **Buildings and structures.** A 100- to 200-foot buffer requirement may be established by the Executive Director, after consultation with the cultural resources specialist, for all development proposals adjacent to historically significant buildings or structures. [Ord. 80 § 24.5, -9-1995].
- E. **Natural areas.** Those cultural areas that derive their special significance from their natural character or pristine state shall be protected from adverse impacts by a buffer to be established by

the Executive Director, after consultation with the cultural resources specialist, which buffer shall not exceed 500 feet. [Ord. 80 § 24.6, 1-9-1995].

- F. **Archaeological sites.** Significant archaeological sites shall be protected by a buffer to be established by the Executive Director after consultation with the cultural resources specialist, which buffer shall not exceed 500 feet. [Ord. 80 § 24.7, 1-9-1995].
- G. **Variance.** Variances to buffer requirements established in this chapter may be granted only after a formal review and recommendation by the Department of Environment and issuance of a variance by the Executive Director pursuant to 17.06.070 – Variance Permit Procedures. [Ord. 80 § 24.8, 1-9-1995].

17.24.030 – Tree Protection [Reserved]

17.24.040 – Wetlands, Streams, and Buffers

A. Wetlands.

- 1. **Definition.** “Wetlands” are defined as all lands of the Tulalip Indian Reservation which are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, marine shorelines, swamps, marshes, bogs, fens, and open bodies of freshwater. The area within the berms of the closed landfill located within original Tulalip allotments Tg1 and Tg2 (now T507) is not included within the definition of “wetlands.”
- 2. Wetlands on the Tulalip Reservation include all areas waterward from the wetland edge. If the vegetation has been removed, a wetland shall be determined by the presence of hydric soils. Regulated wetlands do not include artificial wetlands intentionally constructed from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, stormwater detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. Wetlands created, restored, or enhanced as part of an approved mitigation plan are considered to be regulated wetlands.
- 3. **Wetland Categories.** The following wetland categories shall be established:
 - a. **Critical Value Wetlands (Category I).** Those lands which meet any one of the following six criteria:
 - i. The presence of species (plant, animal, or fish) listed by the Tulalip Tribes or other resource management agencies as threatened or endangered, or the presence of critical habitat documented by the Tulalip Tribes for those species.
 - ii. Regionally rare and unique native wetland communities, including sphagnum bogs and fens, and estuarine wetlands.
 - iii. Wetlands having direct impact on the protection and production of Tribal fisheries enhancement projects as identified by the Tulalip Department of Environment.
 - iv. Wetlands having cultural and/or spiritual significance to Tulalip Tribal members.
 - v. Irreplaceable wetland systems performing critical ecological functions.

- vi. Wetlands having exceptional habitat value and diversity as defined by the following characteristics: (A) those wetlands equal to or greater than five acres in size and having three or more wetland classes, one of which is open water; or (B) wetlands having 40 to 60 percent permanent open water in dispersed patches with two or more wetland classes and connected to another habitat area, either upland or aquatic, via a stream or vegetated corridor.
- b. **High Value Wetlands (Category II).** Wetlands classified as “high value wetlands” perform important ecological functions. These systems include all of those wetlands which do not meet the criteria for “critical value wetlands,” but fulfill any of the following criteria:
 - i. Wetlands having documented habitat, recognized by the Tulalip Tribes or other resource management agencies, for sensitive or priority plant, animal, or fish species.
 - ii. Wetlands with significant functions which cannot be adequately replicated through creation or restoration efforts.
 - iii. All riparian wetlands not meeting criteria defined for “critical value wetlands.”
- c. **Moderate Value Wetlands (Category III).** Those lands **which** are of minimum habitat value, are suitable for restoration or enhancement efforts, and satisfy no “critical” or “high” value criteria. Those lands may be characterized by the following features:
 - i. Mono-typical vegetation of similar age class;
 - ii. Hydrologically isolated systems lacking special habitat features (snags, open water component, nesting habitat, large woody debris, etc.);
 - iii. Areas which are highly disturbed by human interference and/or contaminated by waste disposal. [Ord. 80 § 23.5, 1-9-1995].

B. Streams.

- 1. **Definition.** “Streams” refer to those areas of the Tulalip Reservation where surface waters have sufficient flow to produce a defined channel or bed. A channel or bed does not have to contain water year-round to indicate the presence of a stream. A “stream” does not include areas identified as artificial watercourses (constructed stormwater drainage systems) unless they are used to convey Class 1 or 2 streams that occurred naturally prior to construction of the artificial drainage network.
 - a. **“Class 1 stream”** means all streams that flow year-round during years of normal rainfall or are used by salmonids.
 - b. **“Class 2 stream”** means all streams that are intermittent or ephemeral during years of normal rainfall and are not used by salmonids. [Ord. 80 § 23.6, 1-9-1995].

C. Buffers.

- 1. **Definition.** “Buffers” refers to the zone contiguous with a sensitive area that is required to protect and maintain the functions and structural stability of an aquatic environment. The critical functions of a buffer associated with an aquatic system (riparian buffers) include, but are not limited to, shading, the existence of organic debris and coarse sediments, uptake of nutrients, stabilization of banks, interception of fine sediments, storage of overflow during high water events, protection from disturbance by humans and domestic animals,

preservation of wildlife, fish and plant habitat, preservation of wildlife migration corridors, and room for slight variation of aquatic system boundaries over time due to hydrologic or climatic effects.

The critical functions of terrestrial buffers include, but are not limited to, protection of slope stability, protection from disturbance by human and domestic animals, attenuation of surface water flows from stormwater runoff and precipitation, and erosion control.

The required buffer width for freshwater wetlands or streams shall be dependent upon the class of the wetland or stream. The following buffer requirements shall apply to all freshwater wetlands and streams on the Tulalip Reservation.

2. **Freshwater wetland buffers.**

- a. **Critical Value Freshwater Wetlands.** Buffer 200 feet. No development shall occur within a 200-foot undisturbed buffer of natural vegetation around critical value wetlands. An alteration of buffer requirements may be approved by the Executive Director based on a watershed analysis and review by the Department of Environment.
 - b. **High Value Wetlands.** Buffer 100 feet. No development shall occur within a 100-foot undisturbed buffer of natural vegetation around high value wetlands. An alteration of buffer requirements may be approved by the Executive Director based on a watershed analysis and review by the Department of Environment.
 - c. **Moderate Value Wetlands.** Buffer 50 feet. A 50-foot buffer shall be established around moderate value wetlands. No structures or other impervious surfaces or septic systems shall be allowed within the 50-foot buffer. Yards, gardens, decorative shrubs and trees and similar plantings and activities associated with single-family residential development may be allowed within the 50-foot buffer. An alteration of buffer requirements may be approved by the Executive Director based on a watershed analysis and review by the Department of Environment.
3. **Wetland buffer enhancement.** "Buffer enhancement" may include, but is not limited to, planting of appropriate multi-layered native vegetation (forb-grassy layer, shrub layer, tree layer), restriction of approved uses within the buffer, and use of appropriate best management practices to minimize impacts to water quality and resource values.
 4. **Wetland buffer mitigation.** Any wetland created as compensation for approved wetland alterations shall have the minimum buffer required for the new classification of the created wetland. Enhancement of setback areas may not be counted as mitigation credits for approved alterations. Wetlands constructed for management of stormwater runoff are exempt from buffer requirements.
 5. **Uninventoried wetlands.** Uninventoried wetlands shall be evaluated by the Department of Environment to determine an appropriate rating for the site. The minimum buffer requirements as listed above shall apply to the wetland.
 6. **Stream buffers.**
 - a. **Class 1 Streams.** Class 1 streams shall have a minimum of a 200-foot buffer of natural vegetation on both sides of the channel. The buffer width shall be a horizontal distance

measured from the ordinary high-water mark of the stream channel. No septic systems shall be placed within 200 feet of a Class 1 stream.

- b. **Class 2 Streams.** Class 2 streams shall have a minimum of a 50-foot buffer of natural vegetation on both sides of the channel. The buffer width shall be a horizontal distance measured from the ordinary high-water mark of the stream channel. No septic systems, livestock, or building structures shall be placed within 100 feet of a Class 2 stream.
7. **Streams and riparian wetlands.** All streams constrained by riparian wetlands shall apply the wetland buffer requirement unless stream buffer requirements are more restrictive.
8. **Wetland alterations.** Alterations to a wetland or its buffer shall be prohibited without a use and occupancy permit. No impervious surfaces or topographic changes that would adversely affect wetland hydrology shall be permitted within the approved buffer width.
9. **Approved activities within wetlands and wetland buffers.** Approved alterations may be allowed with a use and occupancy permit for the following activities:
 - a. Yards, gardens, decorative shrubs and trees, and similar plants and activities associated with single-family residential development may be allowed within buffer areas established for moderate value wetlands.
 - b. A wetland or its buffer may be altered to the minimum extent necessary to gain access to developable property or to use high and moderate value wetlands when no other reasonable alternative access exists. Alterations shall require compensation through an approved mitigation plan before the proposed access or use is allowed.
 - c. A use and occupancy permit to develop trails designed for passive recreation or educational purposes within a wetland may be issued on a case-by-case basis by the Executive Director based upon a recommendation from the Tulalip Department of Environment. Tribal members are allowed access to, and through, all wetland sites used for spiritual ceremonies.
 - d. A use and occupancy permit for placement of public and private utility corridors within buffers on all wetland categories and within moderate value wetlands shall be issued on a case-by-case basis by the Tulalip Department of Environment. Proposals to place utility corridors within critical value wetlands or high value wetlands are not encouraged, and require review by the Executive Director, based on a review by the Tulalip Department of Environment.
 - e. Logging associated with forestry practices in wetlands and their associated buffers shall be analyzed on a case-by-case basis for impacts to the watershed. The analysis shall be completed by the Department of Environment and shall include recommended buffer widths adjacent to streams and wetlands to adequately maintain water quality and fish habitat. [Ord. 80 § 23.7, 1-9-1995].

17.24.050 – Streams classification

17.24.060 – Marine Shorelines

- A. **Definition.** “Marine shorelines” shall include the coastal area along the Puget Sound to include tidal and intertidal areas, bay areas, beaches, backshore areas, pocket beaches, accretion beaches,

estuaries, erosional bluffs, feeder bluffs, coastal wetlands, kelp beds, and other critical saltwater and brackish water habitats associated with the Puget Sound. The marine shorelines of the Tulalip Reservation are inventoried as estuarine wetlands and are considered to be critical resource value lands. However, because the coastal shoreline environments of the Tulalip Reservation have distinct physical characteristics and land use concerns different from those associated with the freshwater wetland systems, specific restrictions governing development in, and adjacent to, the marine shorelines are identified in this section.

- B. **Bulkheads.** Replacement, repair, and the construction of new bulkheads shall be prohibited unless a use and occupancy permit containing conditions to minimize impacts to shoreline environments has been issued by the Executive Director.
- C. **Beach Access, Structures, and Mechanisms.** Roads, stair structures, cables and other beach access structures or mechanisms shall be prohibited unless a use and occupancy permit containing conditions to minimize impacts to shoreline environments has been issued by the Executive Director.
- D. **Docks and Piers.** Construction and repair of docks and piers shall be prohibited unless a use and occupancy permit has been issued by the Executive Director to minimize impacts to shoreland environments.
- E. **Principles and Practices.** The following principles and practices shall be employed in designing and reviewing all development proposals on shorelands.
 - 1. Bulkheads shall be constructed only where there is a proven hazard to developed property by wave action.
 - 2. Access structures shall minimize slope disturbance and care shall be taken to prevent any further slope instability.
 - 3. Where bulky access structures, such as stair towers, are the only alternative for access, shared access structures shall be encouraged to minimize disturbance to the beach environment.
 - 4. All structures in the shoreline environment shall be constructed of materials which do not release toxic substances into the water and shall be designed to blend into the natural shoreland environment.
 - 5. Any construction and grading activities in the beach environment shall not impact shellfish beds. [Ord. 80 § 23.8, 1-9-1995].

17.24.070 – Steep Slopes

- A. **Applicability.** All slopes greater than 15 percent shall be governed by this section to protect the health, safety, and welfare of citizens and to protect the environment against unsafe and unnecessary degradation.
- B. **Design and review.** The following principles and practices are to be employed in designing and reviewing all subdivision and/or development projects on steep terrain on the Tulalip Reservation.
 - 1. Where development is proposed on slopes greater than 15 percent, the Executive Director may apply development standards and/or conditions that serve to mitigate adverse impacts to the natural or built environment. The Executive Director may require a soil or slope engineering

study to determine adverse impacts. Conditions or requirements may include special site design, structural standards, erosion control measures, clearing and grading plans, reduced scale and densities or other measures necessary to protect life and property.

2. Site disturbance shall be severely limited or prohibited on slopes exceeding 45 percent, or on slopes determined to be unstable and where slope failures have occurred or are likely to occur. At a minimum, a 50- to 100-foot building setback from the top of slopes exceeding 45 percent shall be required.
3. Clearing on steep slopes or buffer areas shall be minimized and measures employed to stabilize and revegetate these slopes shall be taken following disturbance. [Ord. 80 § 23.9, 1-9-1995].

Chapter 17.26 – Definitions

17.26.000 – Purpose

- A. The purpose of this chapter is to define the words and terms used in this Title. The following words or terms, as used in this Title, shall have the following meanings unless a different meaning is clearly indicated by the context.

17.26.010 – A Definitions

- A. “**Accessory building**” means a subordinate building which is incidental to the principal building on the same lot.
- B. “**Accessory dwelling unit**” is defined in 17.10.020 – Use Descriptions Index.
- C. “**Accessory residential structures**” are defined in 17.10.020 – Use Descriptions Index.
- D. “**Accessory use**” means a use customarily incidental and related to the principal use on the same lot. See 17.10.010 – Allowed Uses.
- E. “**Agriculture**” is defined in 17.10.020 – Use Descriptions Index.
- F. “**Agri-tourism business**” is defined in 17.10.020 – Use Descriptions Index.
- G. “**Amateur**” or “**ham’ radio**” means radio facilities operated for noncommercial purposes by individuals licensed by the FCC with an interest in construction and operation of radio equipment, usually as a hobby or vocation.
- H. “**Animals**” means domesticated animals kept either as farmstead animals for profit or household pets but does not include game animals or animals used in religious observance, for purposes of this Title.
- I. “**Animal care**” is defined in 17.10.020 – Use Descriptions Index.
- J. “**Antennas**” means any system of poles, panels, rods, reflecting discs, or similar devices used for the transmission or reception of radio frequency signals. Types of antennas include, but are not limited to:

1. "Directional antenna" (also known as a "panel antenna") which transmits signals in a directional pattern of less than 360 degrees.
 2. "Omni-directional antenna" (also known as a "whip antenna") which transmits signals in a 360-degree pattern.
 3. "Parabolic antenna" (also known as a "dish antenna") is a bowl-shaped device that receives and transmits signals in a specific directional pattern (e.g., point-to-point).
 4. "Attached antenna" is a wireless communication antenna that is affixed to an existing structure other than a wireless communication support structure. Examples of attached antennas include antennas affixed to or erected upon existing buildings, water tanks, or other existing structures.
- K. "Approval by motion" is a means by which a Board, through other than by ordinance, approves and records recognition of a Comprehensive Plan or amendment thereto.
- L. "Auto facility" is defined in 17.10.020 – Use Descriptions Index.

17.26.020 – B Definitions

- A. "Barn" is defined in 17.10.020 – Use Descriptions Index.
- B. "Best management practices (BMPs)" are defined as control measures taken to mitigate changes to both quantity and quality of stormwater runoff caused by changes to land use through clearing, grading and building. BMPs are schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or structural features that prevent or reduce pollutants or other adverse impacts to Tulalip waters. BMPs are divided into those for short-term control of stormwater from construction sites, and those addressing long-term management of stormwater at developed sites. Long-term BMPs are further subdivided into those covering management of the volume and timing of stormwater flows, prevention of pollution from potential sources, and treatment of runoff to remove sediment and other pollutants.
- C. "Billboard" A permanent structure consisting of a large, flat panel erected on a freestanding or ground-mounted frame, mast, or pole; designed to carry large outdoor advertising to passing drivers and pedestrians.
- D. "Binding site plan" means the combined documents of general and specific binding site plans, and processes and requirements thereof. Where appropriate, the term may also refer to the land to be divided.
- E. "Blade sign" means a rigid projecting or suspended sign that is perpendicular to the building facade, that is mounted below the awning, canopy, or other first floor overhangs and/or over the building or store entryway and for which the primary audience is pedestrians.
- F. "Board of Directors" or "Board" means the Board of Directors of the Tulalip Tribes.
- G. "Boundary line adjustment" means a division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, and meets the requirements set forth in this Title.

- H. **"Buffer"** means all areas designated as buffers pursuant to 17.24.010 – Environmentally Sensitive Lands and 17.24.020 – Culturally Sensitive Lands and/or any areas designated as buffers in any permit, subdivision approval or variance issued under this Title.
- I. **"Building"** means any structure having a roof, designed for shelter of persons, animals, or property.
- J. **"Building permit"** means a permit issued by the Tulalip Tribes and required under this Title prior to the commencement of construction on any new structure or substantial modification of any existing structure and issued by the Tulalip Tribes.
- K. **"Building site"** means an area of land, consisting of one or more lots or portions of lots, that is:
 - 1. Capable of being developed under current Federal and Tribal statutes, including zoning and use provisions, dimensional standards, minimum lot area, minimum lot area for construction, minimum lot width, shoreline master program provisions, critical area provisions, and health and safety provisions; or
 - 2. Currently legally developed.
- L. **"Bulkhead"** means structures erected parallel to and near the high water mark for the purpose of protecting adjacent uplands from the action of waves or currents. See 17.24.010 – Environmentally Sensitive Lands.

17.26.030 – C Definitions

- A. **"Campground"** is defined in 17.10.020 – Use Descriptions Index.
- B. **"Caretaker home"** is defined in 17.10.020 – Use Descriptions Index.
- C. **"Cargo container"** is defined in 17.10.020 – Use Descriptions Index.
- D. **"Cemetery"** is defined in 17.10.020 – Use Descriptions Index.
- E. **"Certification"** means the affixing on any map or by adding to any document comprising all or any portion of a Comprehensive Plan a record of the dates of action thereon by the Board or authorized Commission, together with the signatures of the officer or officers authorized by resolution to so sign.
- F. **"Citizens band radio"** means two-way radio facilities operated for short-range personal and business communications, without necessity of a Federal license, pursuant to 47 CFR Part 95.
- G. **"Clustering"** means the placement of more than one wireless communication support structure on a single site.
- H. **"Co-location"** means the use of a single wireless communications support structure, or the use of a site by more than one wireless communications provider.
- I. **"Commercial use"** means the provision of goods or services for compensation.
- J. **"Commercial vehicle"** means any motor vehicle and/or trailer used in the operation of any home occupation that requires a commercial driver's license by the state of Washington.

- K. **"Commission"** means a body of individuals appointed by the Board as a Planning Commission for the purposes of planning under this Title.
- L. **"Commissioners"** means members of the Planning Commission.
- M. **"Comprehensive Plan"** means the policies and proposals approved and recommended by the Planning Commission or initiated by the Board and approved by ordinance passed by the Board and subject to review by the Secretary of the Interior as provided in Article VI, Section 2 of the Constitution and Bylaws of the Tulalip Tribes:
- N. **"Conditional use"** means a use permitted in a zone only after review by the Planning Commission and the granting of a conditional use permit imposing such performance standards, conditions and mitigation requirements as are determined to be appropriate under the authority of this Title. See 17.06.060 – Conditional Use Criteria.
- O. **"Correctional facilities"** means any facilities used to house offenders, prisoners, and convicts, including minimum- and maximum-security facilities, juvenile detention facilities, and work release facilities.
- P. **"Cul-de-sac"** means a road closed at one end by an area, usually circular, for vehicular turnaround.
- Q. **"Cultural/community facility"** is defined in 17.10.020 – Use Descriptions Index.
- R. **"Cultural activities"** means those activities which have historically occurred on the Tulalip Reservation and are important to the continuance of the Tulalip Tribes' identity and culture.
- S. **"Culturally sensitive lands"** means important archaeological and spiritual sites, historical buildings, monuments, cemeteries, and other significant sites contributing to the local Indian history and important to the continuance of the Tulalip Tribes' identity and culture. All lands defined, designated, or determined to be culturally sensitive lands are regulated under 17.24.020 – Culturally Sensitive Lands.

17.26.040 – D Definitions

- A. **"Daycare"** is defined in 17.10.020 – Use Descriptions Index.
- B. **"Dedication"** means the deliberate appropriation of land by an owner for any general and public use, reserving to oneself no rights other than those which are compatible with the full exercise and enjoyment of the public use to which the property has been devoted.
- C. **"Direct-to-home satellite service"** means the distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without use of ground receiving or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite.
- D. **"Disturbed area"** means any place where activities clearly in preparation for, or during, surface mining have physically disrupted, covered, compacted, moved, or otherwise altered the characteristics of soil, bedrock, vegetation, or topography that existed prior to such activity. Disturbed areas may include but are not limited to: Working faces, water bodies created by mine-related excavation, pit floors, the land beneath processing plant and stock pile sites, spoil pile sites, and equipment staging areas.

- E. **"Dock"** or **"pier"** means a structure extending into the water from the shore, the purpose of which is to moor vessels, and which is permanently attached to the bottom by means of piling or floating by means of flotation. See 17.24.060.D – Environmentally Sensitive Lands – Marine shorelines – Docks and piers.
- F. **"Duplex"** is defined in 17.10.020 – Use Descriptions Index.
- G. **"Dwelling"** means a building which is designed or used as a single-family or multiple-family residence by the occupants.
- H. **"Dwelling unit"** means a building or portion thereof designed or used for occupancy by a single family.

17.26.050 – E Definitions

- A. **"Easement"** means an interest in real property generally established in a real estate document or on a recorded plat to reserve, convey or dedicate the use of land for a specialized or limited purpose without the transfer of fee title within which the owner is prohibited from placing any permanent structures. Such specified uses may include but are not limited to transportation facilities, utilities, access, stormwater drainage, and solar exposure.
- B. **"Educational facility"** is defined in 17.10.020 – Use Descriptions Index.
- C. **"Electric vehicle infrastructure"** is defined in 17.10.020 – Use Descriptions Index.
- D. **"Element"** means one of the various categories of subjects, each of which constitutes a component part of the Comprehensive Plan.
- E. **"Environmentally sensitive lands"** means all lands designated or determined to be environmentally sensitive lands, pursuant to 17.24.010 – Environmentally Sensitive Lands.
- F. **"Erosion and sediment controls"** are defined as BMPs used to reduce the amount of soil particles that are carried off of a land area and deposited into Tulalip waters. Non-structural BMPs remove pollution sources (e.g., picking up trash and construction debris, sweeping the paved roadway and maintaining equipment to prevent fluid leaks) and keep natural filters in place (e.g., leaving existing vegetation and trees). Structural controls are placed on site to reduce flows and sedimentation (e.g., silt fences, temporary settling ponds and construction entrances).
- G. **"Excavation"** means the removal of natural earth material from its original location.
- H. **"Executive Director"** means the Executive Director of Public Works Division, or his or her designee.
- I. **"Exempt land division"** means a type of land division, specifically set forth in this Title, which does not require minor subdivision, major subdivision, or binding site plan approval.

17.26.060 – F Definitions

- A. **"FAA"** means the Federal Aviation Administration.

- B. **"Family"** means two or more persons related by blood, marriage, or adoption, or a group of not more than six persons, not related by blood or marriage, living together as a single housekeeping unit.
- C. **"FCC"** means the Federal Communications Commission.
- D. **"Filling"** means the depositing of any material on a site which raises the surface elevation of land or bed of a body of water or stream above its original natural elevation.
- E. **"Final plat"** means the final drawing of a subdivision and dedication prepared for filing for record with the County Auditor, containing all necessary elements and requirements.
- F. **"Floor area"** means the dimensions of a floor area built for residential or nonresidential uses which shall be measured from the interior face of exterior walls on the first story and any other story connected with a fixed stairway or elevator. The measurement includes the floor area of all accessory buildings measured similarly but excludes the floor area required for heating and other mechanical equipment, garaging of vehicles, enclosed porches, light shafts, corridors, and stairwells.
- G. **"Forestry"** is defined in 17.10.020 – Use Descriptions Index.

17.26.070 – G Definitions

- A. **"Gaming"** is defined in 17.10.020 – Use Descriptions Index.
- B. **"Garage"** means a sheltered or enclosed accessory space intended for the storage of motor vehicles or boats of the residents on the premises including carports.
- C. **"Golf course"** is defined in 17.10.020 – Use Descriptions Index.
- D. **"Gross building area"** means the total square feet of space in a building measured from the exterior walls, not including open exterior steps or ornamental features extending outside of the walls.
- E. **"Group home"** is defined in 17.10.020 – Use Descriptions Index.

17.26.080 – H Definitions

- A. **"Hatchery operation"** is defined in 17.10.020 – Use Descriptions Index.
- B. **"Hazardous substance"** is defined in Tulalip Tribal Code Title 8.20.050 – Environmental Infractions Definitions.
- C. **"Healthcare"** is defined in 17.10.020 – Use Descriptions Index.
- D. **"Hobby farm"** is defined in 17.10.020 – Use Descriptions Index.
- E. **"Home occupation"** is defined in 17.10.020 – Use Descriptions Index. and regulated by 17.10.060 – Home Occupations.
- F. **"Hotel/Motel"** is defined in 17.10.020 – Use Descriptions Index.

- G. **"Hydric soil"** means a soil that in its undrained condition is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic (wetland) vegetation.
- H. **"Hydrophytic vegetation"** means plants adapted to live in a wetland.

17.26.090 – I Definitions

- A. **"Impervious surface"** means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.
- B. **"Interpretive facilities"** means any facilities providing information to the public about a site or place including its natural environment, culture, or history.

17.26.100 – J Definitions

Reserved.

17.26.110 – K Definitions

Reserved.

17.26.120 – L Definitions

- A. **"Lake"** means a year-round open body of water at least two acres in size, which supports wildlife, fish species, and other aquatic life forms.
- B. **"Land division"** means the division or redivision of land into lots for the purpose of sale, lease or transfer of ownership.
- C. **"Lease"** means a grant of a limited interest in land so as to create a tenancy, which is characterized by the right of possession under agreement between the tenant and the landowner in consideration of a return of rent or other recompense.
- D. **"Legal lot"** means a lot which was either created under the subdivision requirements of this Title, is exempt therefrom, or is a lawful nonconforming use under 17.10.030 – Nonconforming Use.
- E. **"Light industrial"** is defined in 17.10.020 – Use Descriptions Index.
- F. **"Lot"** means a platted parcel or tract of land that meets the setback, width, open space, and access requirements of this Title.
- G. **"Lot area"** means the total horizontal area within the lot lines.
- H. **"Lot, corner"** means a lot situated at the intersection of two streets, private access easements or planned streets; provided, that the angle of the streets does not exceed 135 degrees.

- I. **"Lot coverage"** means that portion of the total lot area that may be covered by principal and accessory buildings.
- J. **"Lot, panhandle"** means a lot set back from the street with long narrow portions, which are also called handles, for access.
- K. **"Lot line adjustment"** means an alteration of lot lines between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division.
- L. **"Lot line, front"** means the lot line separating the lot from any street and right-of-way. In the case of a "panhandle lot," the front lot line shall be defined by the Executive Director.
- M. **"Lot line, rear"** means the lot line opposite and most distant from the front lot line.
- N. **"Lot line, side"** means any lot line not located at the front or rear of the lot.
- O. **"Lot width"** means the dimension of the lot line at the street, or in an irregularly shaped lot, the dimension across the lot at the building line.

17.26.130 – M Definitions

- A. **"Manufactured homes"** are defined in 17.10.020 – Use Descriptions Index.
- B. **"Manufactured home park"** is defined in 17.10.020 – Use Descriptions Index.
- C. **"Marine shorelines"** means the coastal area along the Puget Sound to include tidal and intertidal areas, bay areas, beaches, backshore areas, pocket beaches, accretion beaches, estuaries, erosional bluffs, feeder bluffs, coastal wetlands, kelp beds, and other critical saltwater and brackish water habitats associated with the Puget Sound. See 17.24.060 – Marine Shorelines.
- D. **"Medium industrial"** is defined in 17.10.020 – Use Descriptions Index.
- E. **"Mineral" or "minerals"** means clay, coal, gravel, industrial materials, metallic substances, sand, stone, topsoil, and any other similar solid material or substance to be excavated from natural deposits on or in the earth for commercial, industrial, or construction use.
- F. **"Minor modification"** means a change to a mining or reclamation permit that does not constitute any substantial change.
- G. **"Mobile homes"** are defined in 17.10.020 – Use Descriptions Index.
- H. **"Motorized trails"** are defined in 17.10.020 – Use Descriptions Index.
- I. **"Movie theater"** is defined in 17.10.020 – Use Descriptions Index.
- J. **"Multi-family"** is defined in 17.10.020 – Use Descriptions Index.

17.26.140 – N Definitions

- A. **"NATHPO"** means the National Association of Tribal Historic Preservation Officers having the responsibilities of State Historic Preservation Officers on tribal lands and advise and work with federal agencies on the management of tribal historic properties.
- B. **"Nonconforming use"** means a lot, use of land, or use of structure which existed or was established prior to the effective date of the ordinance codified in this Title, which does not meet

all the zoning requirements of the ordinance codified in this Title, and which is deemed under the provisions of 17.10.030 – Nonconforming Use to be a lawful nonconforming use.

- C. **“Non-motorized trails”** are defined in 17.10.020 – Use Descriptions Index.
- D. **“Noxious weeds”** are defined by the Washington State Noxious Weed Control Board as non-native, highly destructive, invasive, competitive, and difficult to control or eliminate. These exotic species not only reduce crop yields and destroy native plant and animal habitat, but they can damage recreational opportunities, clog waterways, lower land values, and poison humans and livestock.
- E. **“NPDES Stormwater Construction Permit”** is defined as a permit regulated by the National Pollutant Discharge Elimination System (NPDES) stormwater program. Stormwater discharges from construction activities (such as clearing, grading, excavating, and stockpiling) that disturb one or more acres, or smaller sites that are part of a larger common plan of development or sale, are regulated under the NPDES stormwater program. Prior to discharging stormwater, construction operators must obtain coverage under an NPDES permit from the Environmental Protection Agency (EPA) for land within Reservation boundaries.

17.26.150 – O Definitions

- A. **“Office/service”** is defined in 17.10.020 – Use Descriptions Index.
- B. **“Official controls”** means legislatively defined and enacted policies, standards, precise detailed maps and other criteria all of which control the physical development of the aforesaid Reservation or any part thereof or any detail thereof and are the means of translating into regulations and ordinances all or any part of the general objectives of the Comprehensive Plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision control, platting, and adoption of detailed maps.
- C. **“Ordinance”** means a legislative enactment of the Board.

17.26.160 – P Definitions

- A. **“Parcel”** means any area of land established by plat, subdivision, or as otherwise permitted by law, regardless of whether it is defined as a “lot” or whether it is to be developed or built upon as a unit.
- B. **“Park”** is defined in 17.10.020 – Use Descriptions Index.
- C. **“Park and ride facility”** is defined in 17.10.020 – Use Descriptions Index.
- D. **“Park model mobile home”** means a manufactured home for seasonal use that is identified by a tag on the unit that contains a serial number beginning with the letters “PT” or “RPT.” See 17.10.070 – Manufactured, Mobile, and Modular Homes.
- E. **“Parking space”** means a space on a lot within or without a building exclusive of access drives at least eight and one-half by 18 feet used to park a vehicle and having access to a public street or alley. See 17.14.020 – Parking.
- F. **“Party of record”** means any applicant, applicant agent, or person who submitted written or emailed comments to the department prior to a Type 1 decision or Type 2 recommendation; or

any person, department and/or public agency who individually submitted written comments or testified at the open record hearing (excluding persons who have only signed petitions or mechanically produced form letters); or any person, departments and/or public agency who specifically request notice of decision by entering their name and mailing address on a register provided for such purpose at the open record hearing.

- G. **"Permanent stormwater facilities"** is defined as BMPs that address the long-term management of stormwater at developed sites. These facilities are designed to treat stormwater runoff to remove sediment and other pollutants and to manage of the volume and timing of stormwater flows.
- H. **"Personal wireless services"** include commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.
- I. **"Phased subdivision"** means any subdivision consisting of lots intended for phased development where the applicant intends to develop the subdivision in stages, with each stage receiving final plat approval as completed.
- J. **"Planning Commission"** means the Tulalip Tribes Planning Commission.
- K. **"Planned unit development (PUD)"** means a type of development approved through a special process designed to allow flexibility in the zoning process to encourage innovative land use and development and/or provide for small- and large-scale governmental housing development. A planned unit development may include varied and compatible land uses, such as housing, recreation, and commercial centers within one defined development or subdivision. Planned unit developments may consist of individual lots or may have a common building site.
- L. **"Plat"** means a map or representation of subdivision showing thereon the division of a tract of land into lots, blocks, streets, roads, alleys, or other divisions and dedications. The term may also refer to the land contained in a subdivision.
- M. **"Preliminary plat"** means a neat and approximate drawing of a proposed subdivision, showing the general layout of roads, alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this Title. A preliminary plat shall be the basis for approval or disapproval of the general layout of subdivision. "Preliminary plat" may also mean the process resulting in preliminary approval of the general layout of subdivision.
- N. **"Prescribed grazing"** is defined in **17.10.020 – Use Descriptions Index**.
- O. **"Principal use"** means the primary or predominant use to which the lot or building is or may be devoted to which all other uses are accessory.
- P. **"Public road"** means any highway, road, or street under the jurisdiction of and maintained by a public authority and open to public travel, including non-State-owned public roads and roads on tribal land.

17.26.170 – Q Definitions

Reserved.

17.26.180 – R Definitions

- A. **“Rain barrel”** means a system that collects and stores rainwater from a rooftop that would otherwise be lost to stormwater runoff and diverted to storm drains and streams.
- B. **“Rain garden”** means a non-engineered, shallow, landscaped depression, with compost-amended native soils or imported soils, and adapted plants. The depression is designed to pond and temporarily store stormwater runoff from adjacent areas, and to allow stormwater to pass through the amended soil profile.
- C. **“Reader board”** means a sign or part of a sign specifically designed to allow for the display of temporary messages without alteration of the sign field, and on or within which the letters are readily replaceable such that copy can be changed from time to time at will, either by hand or through electronic programming.
- D. **“Recorded plat”** means a final plat bearing all the certificates of approval required by this Code and filed.
- E. **“Recreation facilities”** are defined in 17.10.020 – Use Descriptions Index.
- F. **“Recreational vehicle”** See 17.10.080 – Recreational Vehicles (RVs).
- G. **“Regional park”** is defined in 17.10.020 – Use Descriptions Index.
- H. **“Regional transportation facilities”** are defined in 17.10.020 – Use Descriptions Index.
- I. **“Religious facility”** is defined in 17.10.020 – Use Descriptions Index.
- J. **“Restaurant”** is defined in 17.10.020 – Use Descriptions Index.
- K. **“Retail”** is defined in 17.10.020 – Use Descriptions Index.
- L. **“Rural storage structures”** are defined in 17.10.020 – Use Descriptions Index.

17.26.190 – S Definitions

- A. **“Satellite earth station”** means the facilities used for reception and processing of programming services from a satellite prior to transfer to terrestrial distribution systems or for processing of programming and services from a terrestrial source before transmission via satellite.
- B. **“Shoreline structures”** are defined in 17.10.020 – Use Descriptions Index.
- C. **“Short-term operator” or “Operator”** means any person who receives payment for owning or operating a dwelling unit as a short-term rental unit. See 17.10.120 Short-Term Rentals.
- D. **“Short-term rental”** means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is provided to a guest, hosted or unhosted, in exchange for a fee for fewer than thirty consecutive nights. See 17.10.120 Short-Term Rentals.
- E. **“Sign”** means a structure or graphics upon a structure for the display of advertising or identifying the owner or occupant or use of the premises.
- F. **“Sign Area”** means the exposed face area, including any background or backing constructed, painted or installed as an integral part of such sign. Where separate or cut-out figures or letters are used without backing which is an integral part of such sign, the area shall be measured as the area

of the smallest polygon, and not to exceed six straight sides, which will completely enclose all figures, letters, designs, and tubing which are a part of the sign. The area of double-faced signs shall be the area of the larger single face.

- G. **"Sign, freestanding"** means A single- or multiple-face sign attached to or supported by columns, uprights, braces, poles, standards, or other type of base in or on the ground and not attached to the building. Double and single pole and monument signs are freestanding signs. The sign face may be of permanent construction or include reader board elements as defined herein.
- H. **"Sign, wall"** means any sign, mural or graphic design which is attached parallel to and flat against, or is painted on, the wall or exterior of a building or structure having a commercial message or identification.
- I. **"Sign, window"** means a sign installed inside a window for the purpose of viewing from outside the building.
- J. **"Single-family home"** is defined in 17.10.020 – Use Descriptions Index.
- K. **"Stream"** or **"creek"** means a flowing body of water, perennial or intermittent, providing habitat for wildlife, fish species, and other aquatic life forms.
- L. **"Stormwater conveyance system"** means drainage facilities and features that collect, contain, and provide for the flow of surface and storm water from the highest points on the land down to a receiving water.
- M. **"Stormwater Pollution Prevention Plan (SWPPP)"** means a written plan that identifies all potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site, describes practices to be used to reduce pollutants in storm water discharges from the construction site, and helps assure compliance with the terms and conditions of the EPA Stormwater Construction permit or Tribal permit (when the plan is designed for the individual site, and is fully implemented).
- N. **"Stormwater runoff"** means water from rain or melting snow that "runs off" across the land instead of seeping into the ground.
- O. **"Structure"** means any manmade assemblage of materials extending above and/or below the surface of the earth and attached thereto.
- P. **"Subdivision"** means the division or redivision of land into two or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease or transfer of ownership. There are two types of subdivisions, major and minor. See 17.20 – Subdivisions.
- Q. **"Surface mining"** is defined in 17.10.020 – Use Descriptions Index.
- R. **"Surveyor"** means every person authorized to practice the profession of land surveying under the provisions of Chapter 18.43 RCW, as now or hereafter amended, and is a Certified Federal Surveyor as established by the Bureau of Land Management. [Res. 2014-347].

17.26.200 – T Definitions

- A. **"TDS"** means Tulalip Data Services.

- B. **"Toxic substance"** means any chemical or mixture that may be harmful to the environment and human health if inhaled, swallowed, or absorbed through the skin.
- C. **"Tribal government facility"** is defined in 17.10.020 – Use Descriptions Index.
- D. **"Triplex"** is defined in 17.10.020 – Use Descriptions Index.
- E. **"TTBD"** means the Tulalip Tribes Board of Directors.

17.26.210 – U Definitions

- A. **"Unlicensed wireless services"** means the offering of telecommunications services using duly authorized devices which do not require individual licenses but does not mean the provision of direct-to-home satellite services.
- B. **"Use"** means the purpose land, buildings, or structures now serve or for which such is occupied or intended.
- C. **"Utility infrastructure"** is defined in 17.10.020 – Use Descriptions Index.
- D. **"Utility plants, public"** are defined in 17.10.020 – Use Descriptions Index.

17.26.220 – V Definitions

- A. **"Variance"** means and is the means by which an adjustment is made in the application of the specific regulations of this Title to a particular piece of property which, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone. The adjustment remedies disparity in privileges according to the criteria, requirements, and conditions of 17.06.070 – Variance Permit Procedures.

17.26.230 – W Definitions

- A. **"Wedding venue"** is defined in 17.10.020 – Use Descriptions Index.
- B. **"Wetland"** means all lands of the Tulalip Indian Reservation which are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, marine shorelines, swamps, marshes, bogs, fens, and open bodies of freshwater.
- C. **"Wild crop harvest"** is regulated by Tulalip Tribal Code 8.15 – Forest Products Permit.
- D. **"Wireless communications facilities" (WCF)** means the site, wireless communications support structures, antennas, accessory equipment structures, and appurtenances used to transmit, receive, distribute, provide or offer personal wireless communications services. Wireless communications facilities include, but are not limited to, antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, and electronic and switching equipment.
- E. **"Wireless communications service" or "personal wireless communication service"** means the sending and receiving of radio or microwave signals used for communication, including, but not limited to, cellular telephone, personal communications services (PCS), enhanced/specialized

mobile radio (ESMR), commercial paging services, and any other technology which provides similar wireless services licensed by the FCC and unlicensed wireless services.

- F. **“Wireless communications support structure”** (or **“wireless tower”**) means a structure erected to support wireless communications antennas and connecting appurtenances. The primary purpose is to elevate an antenna above the surrounding terrain or structures and it may be attached to an existing building or other permanent structures or constructed as a freestanding structure. Wireless communications support structures may include, but are not limited to:
1. **“Lattice tower”** means a wireless communications support structure which consists of a network of vertical and horizontal supports and crossed metal braces, forming a tower which is usually triangular or square in cross- section.
 2. **“Monopole tower”** means a wireless communications support structure consisting of a single pole to support antennas and connecting appurtenances.
 3. **“Guyed tower”** means any variety of wireless communication support structure, including but not limited to lattice towers or monopoles, using wire guys connecting above grade portions of a communication support structure diagonally with the ground or structure on which the tower is placed to provide support for wireless communications towers, antennas, and connecting appurtenances. [Res. 2007-282 Att. § 2].

17.26.240 – X Definitions

Reserved.

17.26.250 – Y Definitions

- A. **“Yard”** means an open space on a lot or parcel which is required by this Title to be unoccupied by buildings.
- B. **“Yard, front”** means a space, unoccupied by buildings at the front of a lot or parcel. Minimum front yard requirements are defined in **17.12.020 – Dimensional Standards**.
- C. **“Yard, rear”** means a space, unoccupied by buildings at the rear of a lot or parcel. Minimum rear yard requirements are defined in **17.12.020 – Dimensional Standards**.
- D. **“Yard, side”** means a space, unoccupied by buildings at the side of a lot or parcel. Minimum side yard requirements are defined in **17.12.020 – Dimensional Standards**.

17.26.260 – Z Definitions

- A. **“Zone”** means a portion or portions of the Tulalip Indian Reservation designated on the zone map as one, or more, of the zoning categories established by this Title. See **17.08.030 – Zoning Districts**.
- B. **“Zoning map”** means the Tulalip official zoning map.