

LAND CODE
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PLANNED UNIT DEVELOPMENTS

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ARTICLE 5

PLANNED UNIT DEVELOPMENTS

[NOTE: Except as otherwise noted, the provisions of Article 5 of the Land Code were enacted on September 9, 1988 by Ordinance No. 88-4.]

CHAPTER 1. DEFINITIONS

Section 5-101.1 Area Plan. The term "Area Plan" shall mean an area plan as described in Article 1 of the Colorado River Indian Tribes Land Code.

Section 5-101.2 Comprehensive General Plan. The term "Comprehensive General Plan" shall mean that comprehensive general plan described in Article 1 of the Colorado River Indian Tribes Land Code.

Section 5-101.3 Plan. The term "Plan" when used without modifiers shall mean the Comprehensive General Plan and/or the Area Plan that governs land use in the area for which a Planned Unit Development is proposed.

Section 5-101.4 Planned Unit Development. The term "Planned Unit Development" shall mean a development in which prevailing density limitations apply to the project as a whole rather than to individual parcels. Densities are calculated on a project-wide basis, permitting the clustering of homes and the provision of common open space.

Section 5-101.5 Tribal Land Use Board. The term "Tribal Land Use Board" shall refer to that board, committee or other entity designated by the Tribal Council to carry out the responsibilities of this Article. Absent such a designation, the Resources Development Committee shall perform the functions of the Tribal Land Use Board.

CHAPTER 2. GENERAL REQUIREMENTS

Section 5-201.1 Any implementation of the Comprehensive General Plan or an Area Plan which establishes a Planned Unit Development may be enacted only after a site plan for the development shall have been reviewed and approved by the Tribal Council. Prior to review and action by the Tribal Council, the Tribal Land Use Board shall review said site plan and report to the Tribal Council as to the consistency of the proposed development with the intent and purposes of the land use plan for the affected area and as to the compliance of said site plan with this Article and with other applicable laws and regulations on the Colorado River Indian Reservation. Copies of the site plan approved by the Tribal Council shall be recorded in the office of the Tribal Planner and the Building Official prior to issuance of a building permit. No building permit shall be issued that is not in conformance with the site plan as approved.

Section 5-201.2 A Planned Unit Development shall be denied if the documents required to be submitted pursuant to this Article are not complete in all material respects, if the proposed development is not substantially consistent with the

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Plan, if the proposed development is not in compliance with any applicable law or regulation and no waiver has been obtained, or if the proposed development is likely to have significant adverse impacts on the public health or safety.

Section 5-201.3 Planned Unit Developments may be permitted only if the Tribal Council finds that the site plan assures the safety of traffic movement both within the area covered by the plan and the surrounding area, and ensures that the site will promote harmonious and beneficial relationships between the Planned Unit Development and adjacent and nearby areas.

CHAPTER 3. INCLUDED USES

Section 5-301. Uses: Residential, Recreational, and Commercial.

Planned Unit Developments may include the following uses:

a. Residential

Single-family dwellings
Multiple family dwellings

b. Recreation

Golf courses
Tennis courts and athletic fields
Conservation and open space areas
indoor recreation
Outdoor swimming pools
bicycle paths

Other types of recreation consistent with the residential character of the site.

c. Commercial

Commercial uses are allowed in a Planned Unit Development provided they are related to the residential character of the site.

CHAPTER 4. SUBMISSION PROCEDURE

Section 5-401.1 Pre-application.

Prior to submitting the site plan, the applicant shall submit to the Tribal Land Use Board preliminary sketches and descriptions of the proposed development, including any anticipated density changes or other material inconsistencies with the Plan. The applicant shall submit a copy of a plat marked to indicate the boundary of the land to be developed. When the pre-application materials are submitted, the Tribal Land Use Board shall distribute a copy of the pre-application materials to the director of the Colorado

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River Indian Tribes Museum, the Environmental Protection Office, the Building Official and other applicable Tribal departments and request initial input concerning the proposed development. No earlier than ten (10) days after receipt of pre-application materials and within thirty (30) days after receipt a meeting shall be scheduled for the applicant to explain the development concept to the Tribal Land Use Board. The Tribal Land Use Board shall then make a recommendation to the Tribal Council for approval or disapproval of the project to concept. The Tribal Council shall provide preliminary reaction and any preliminary suggestions or requests for revision of the proposal.

Section 5-401.2 Application and Fees.

After the pre-application conference and Tribal Council action, the application for a Planned Unit Development may be made to the Tribal Planner and shall be accompanied by a fee of two hundred fifty dollars (\$250). The fee of two hundred fifty dollars (\$250) partially defrays the Tribe's expense in processing the application. The cost of any engineering or other professional studies which the Tribal Land Use Board determines are reasonably necessary for Tribal review of the site plan shall be borne by the applicant.

Section 5-401.3 Copies.

The applicant shall file twenty-five (25) copies of the site plan for the proposed development with the Tribal Planner who shall distribute them to the members of the Tribal Council and Tribal Land Use Board, the Indian Health Service, the Bureau of Indian Affairs, the Building Official, the Fire Chief, the Tribal Attorney, Director of the Colorado River Indian Tribes Museum and any other officials or agencies, as appropriate.

Section 5-401.4 Tribal Land Use Board Review.

No more than sixty (60) days after a site plan has been submitted and found to be complete, the Tribal Land Use Board shall determine whether the proposed development complies with the provisions of this Article and other applicable regulations, and whether the development is consistent with the intent and purposes of the Plan and shall prepare a recommendation for the Tribal Council. In preparing a recommendation, the Tribal Land Use Board may consider, but is not limited to, the following factors:

- a. Economic, employment or other benefits of the development to the Tribe and Tribal members;
- b. The burden of use placed on the natural resources by the proposed development;
- c. Consistency with the policies and provisions of the Plan;
- d. Physical constraints established by soils or other natural factors on the site;

- e. Mitigation of on-site and/or off-site environmental impacts;
- f. Any constraints on density contained in the Plan; or
- g. The impact of the proposed development on existing development and land use.

Section 5-401.5 Public Hearing.

Upon receipt of the recommendation of the Tribal Land Use Board, the Tribal Council shall schedule a public hearing on the proposed Planned Unit Development which shall be conducted by the Tribal Land Use Board with the results to be reported to the Tribal Council. The Tribe may also accept written comments on the proposed Planned Unit Development.

Section 5-401.6 Tribal Council Action

Within thirty (30) days after the public hearing, unless the time is extended for good cause by the Tribal Council, on the basis of such hearing and recommendations from the Tribal Land Use Board, the Tribal Council shall take one of the following actions:

- a. Notify the applicant in writing that the plan complies with the provisions of this Article and therefore is tentatively approved. The applicant may then submit a final site plan for approval.
- b. Notify the applicant in writing that the plan complies substantially with this Article and is tentatively approved subject to stipulated conditions. The applicant may then submit a final site plan which demonstrates compliance with all stipulated conditions.
- c. Notify the applicant in writing that the plan does not comply with this Article and is therefore disapproved.

Section 5-401.7 Preliminary Approval.

Preliminary approval of a Planned Unit Development proposal shall be valid for one (1) year from the date of the letter granting such approval, during which time the applicant must submit his final site plan for approval before construction may begin. Failure to submit the final site plan which complies with all terms and conditions set forth by the Tribal Council within one (1) year nullifies the approval, and the applicant must resubmit a preliminary site plan, if the applicant still desires approval for such site. The one (1) year period may be extended by the Tribal Council for good cause.

Section 5-401.8 Final Site Plan.

After the applicant has submitted a final site plan the Tribal Land Use Board shall review the final site plan for conformance with the applicable regulations, for consistency with the intent and purposes of the Plan and with

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any terms and conditions set forth by the Tribal Council. The Tribal Land Use Board shall also determine whether the site plan varies substantially from the approved preliminary site plan. The Tribal Land Use Board shall report with its findings and recommendations to the Tribal Council within sixty (60) days of receipt of the final site plan.

Section 5-401.9 Bonding.

The applicant shall provide a performance bond or other security as specified in the applicant's lease. All requirements contained therein or in applicable regulations which relate to bonds or other guarantees or performance shall apply to a Planned Unit Development.

Section 5-401.10 Site Plan Changes.

If the applicant wishes to make any change in an approved site plan, a written request for amendment of said plan shall be submitted to the Tribal Planner. If, in the opinion of the Tribal Land Use Board, the requested change is minor, the Tribal Land Use Board may approve or deny such change. If, in the opinion of the Tribal Land Use Board or the Tribal Council, the requested change is substantial, the Tribal Council or the Tribal Land Use Board shall require submission of an amended site plan and final site plan as specified in this Article.

CHAPTER 5. SITE PLAN

Section 5-501.1 Contents.

A site plan for the proposed development shall be prepared by a registered professional engineer and shall include, in addition to other requirements of this Chapter 5, the following or indicate the reason for omission:

- a. Proposed name of the development.
- b. Location and legal descriptions.
- c. Names and address of applicant, owner(s), lessee(s) and designer(s) of the plan.
- d. Scale of the plan, 1" to 50', or other approved readable scale.
- e. Date, north arrow.
- f. Contours drawn at intervals of two (2) feet or less. Contours should be referenced to United States Geological Survey datum, extended to two hundred (200) feet beyond the lot lines where possible.
- g. Boundary line of the development indicated by a solid line, and the total acreage encompassed thereby.

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- h. Any physical limitation for development, including areas with existing cultural resources, high water table conditions, rock outcroppings, steep slopes, wetlands, floodways, washes and any other limiting factors of the site for developers.
- i. Physical features of the site, including scenic views, vegetation and hills.
- j. Flood hazards of the site, identifying the location of water courses and their extent, surface elevation, depths and flood plains, including dry washes.
- k. A complete landscape plan including size and type of all plantings, the location, height and materials of walls and fences, ground cover, finished grades, slopes, banks and ditches, ramps and steps, and the location and paving material of all pedestrian, bicycle and equestrian paths and trails.
- l. Pavement construction detail of all interior streets, roads and driveways in conformance with Bureau of Indian Affairs road standards.
- m. The size and type of proposed structures.
- n. Report on environmental impacts in conformance with section 401.2 of this article.
- o. A list of all licenses, permits and other approvals required by Tribal or federal law, the status of each and copies of those already obtained.
- p. Areas most suitable for conservation and recreation, those most suitable for single-family detached dwellings, those most suitable for other types of dwellings, and those suitable for any other types of land use proposed.
- q. Existing zone classifications, if applicable.
- r. Location, dimensions and names of all existing or prior streets, railroads, utility spaces, permanent buildings or structures, permanent easements, lease and reservation boundary lines, within two hundred feet (200') of the development.
- s. Existing sewers, water mains, culverts, other underground facilities within the tract indicating pipe sizes, grades and manholes.
- t. Proposed streets and names, easements, sidewalks, buildings, building uses, building setbacks, curblines and schematics of utilities.
- u. Proposed water delivery system, including fire hydrants, drainage system, solid waste disposal system, and sewage disposal system.
- v. Location of open space and the area of same.
- w. Location, arrangement and dimensions of parking facilities.

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- x. Location and general exterior dimensions of principal and accessory buildings and signs.
- y. A complete description of the development schedule to be followed to complete development.
- z. Soil Conservation Service soil classifications.
- aa. A complete plan for all recreational or other public-use facilities within the Planned Unit Development, whether for use of Planned Unit Development residents only or by the general public as well. Such plan should show the location and type of all furniture, play equipment, shelters, buildings or other facilities, designated firepits, fireplaces and outdoor grills, fish cleaning stations, stages, theaters or other structures and facilities.

The overall design of the site plan shall be prepared by or under the supervision of a licensed architect, landscape architect or other similarly qualified person. Landscape inventory and landscape design portions of the site plan shall be prepared by or under the close supervision of a licensed landscape architect or other similarly qualified person.

Section 5-501.2 Environmental Report.

An environmental report shall be prepared and included in the site plan for each Planned Unit Development. The environmental report, supported by expert reports where necessary, shall address the following concerns.

- a. Water sources.

The source and quality of water to be provided to the site and the treatment, if any, provided to the water.

The expected water requirements (acre feet) for the site.

The uses to which water will be put.

- b. Wastewater treatment and disposal.

Sewage treatment and disposal system (description and location of the site of system), including plans for use of effluent.

Expected content of the sewage effluents (human waste, pesticides, detergents, oils, heavy metals and other chemicals).

Expected daily volumes of sewage.

Affected sewage treatment plant's present capacity, authorized capacity and that portion of the capacity to be used by the development.

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c. Solid waste.

Estimated quantity of solid waste to be produced on the site during construction and during subsequent day-to-day operations.

Method of disposal of solid waste during and after construction.

Plans for recycling of solid waste during and after construction.

d. Air quality.

Expected impacts on air quality due to activities relating to the development during and after construction.

Plans for control of emissions affecting air quality.

e. Direct and indirect impacts of the proposed action applied for on the site and the surrounding area on the following:

Existing plant species.

Existing animal species.

Existing wildfowl and other birds.

Drainage and runoff.

Ground water quality.

Situation of surface waters.

Surface water quality.

Sites of historic, cultural, or archaeological significance. This portion of the report shall be prepared in conformance with the procedures described in § 3-104(8) of Article 2 of the Land Code.

f. Critical Impact Areas.

The report shall address in detail the potential impacts of the development on critical impact areas. Critical impact areas include, but are not limited to, stream corridors, washes, streams, wetlands, estuaries, slopes greater than 15%, highly acid or highly erodible soils, areas of high water table, mature stands of native vegetation, aquifer recharge and discharge area, and significant cultural or religious sites. For each critical impact area the report shall include the following:

1. A statement of impacts upon the critical impact area, including adverse impacts which cannot be avoided.

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2. Protective measures, procedures and schedules to minimize damage to critical impact areas during and after construction. The report should make clear which of these measures has been incorporated in the development.
 3. A list of all licenses, permits and other approvals required by Tribal or federal law and the status of each.
- g. Alternatives to proposed development, including those alternatives which would have less adverse impacts on the natural and cultural resources of the area.

Section 5-501.3 Additional Site Plan Requirements.

- a. The applicant shall submit a statement indicating that the proposed development is in conformance with the applicable Plan. If any portions of the development will be inconsistent with the Plan, the applicant shall indicate such inconsistency in its statement and shall state the proposed actions to be taken to either conform to the Plan or amend the Plan.
- b. The applicant shall submit a statement explaining how the public interest would be served by the proposed development. Such statement shall be accompanied by appropriate detailed economic, social and physical studies of the area requested to be designated a Planned Unit Development and the area directly affected by the proposed development.
- c. The applicant shall submit a statement requesting any proposed increase in density over that allowed for the site. Such statement shall be accompanied by appropriate detailed documentation indicating those segments of the site plan which indicate how the impacts of such increased density on the development site, surrounding lands, and the Colorado River will be mitigated.
- d. The applicant shall submit copies of any covenants, grants or easements existing of proposed, including easements for public utilities, and shall supply a summary explaining the substance of such covenants, grants or easements.
- e. The applicant shall submit a statement evidencing that the development as proposed complies with the Colorado River Floodway Protection Act of 1986 and/or that the Secretary of the Interior has determined that the development is consistent with the operation and maintenance of the floodway. A determination of compliance or consistency by the Secretary shall not obligate or require the Tribe to approve the proposed development.
- f. The applicant shall submit such other information as may be requested by the Tribal Council or Tribal Land Use Board in evaluating the proposed development.

CHAPTER 6. MISCELLANEOUS

Section 1-601. Every provision of this Article 5 is intended to be severable.

Section 1-602. Nothing contained in this Article 5 shall be deemed to constitute a waiver or renunciation of the sovereign immunity of the Tribe for any purpose.

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