

LAND CODE
ARTICLE 2
DEVELOPMENT REVIEW

Section 2-101. Definitions.	1
Section 2-102. Application of Ordinance.	2
Section 2-103. Development Approval.	2
Section 2-104. Development Application.	2
Section 2-105. Waiver.	3
Section 2-106. Completion of Application.	3
Section 2-107. Conceptual Review.	3

LAND CODE

ARTICLE 2

DEVELOPMENT REVIEW

[NOTE: Except as otherwise noted, the provisions of Article 2 of the Land Code were enacted on April 12, 1985 by Ordinance No. 85-2. The provisions of Article 2 were renumbered on January 11, 1992 by Section 1 of Ordinance No. 92-2.]

Section 2-101. Definitions.

In this Article, unless the context otherwise requires:

(1) "Applicant" means a person seeking approval from the Colorado River Indian Tribes for a development project on land within the Colorado River Indian Reservation.

(2) "Archeological and cultural resources" means sites, areas, structures, flora, fauna or artifacts of either archeological significance or cultural or religious significance to members of the Tribes or to other American Indians. Such resources include, but are not limited to, intaglios, trails, sleeping circles, petroglyphs, pictographs, cairns, and other sites and artifacts.

(3) "Colorado River Indian Reservation" means all territory within the original confines of the Colorado River Indian Reservation boundaries as established and approved by the act of March 3, 1865, and lands added thereto by Executive Order of November 22, 1873; Executive Order of November 16, 1874; Executive Order of May 15, 1876; and Executive Order of November 22, 1915, in Arizona and California and to which title has been given by Act of the Congress of the United States, Public Law 88-302, of April 30, 1964, and any other lands in which the Colorado River Indian Tribes acquire ownership, management, use or occupancy by virtue of purchase, gift, Act of Congress or otherwise.

(4) "Development project" or "development" means one or more buildings, dwellings, or other structures or alterations of land or water which are proposed to be constructed or developed. "Development project or development" shall not include normal agricultural operations which do not involve the construction or addition of permanent improvements to land.

(5) "Person" means a natural individual, corporation, partnership, association, company, agency (public, private or governmental), institution or other identifiable entity. "Person" shall also include the Colorado River Indian Tribes and its enterprises.

(6) "Development Site" means the property on which the development is proposed to be located.

(7) "Tribes" means the Colorado River Indian Tribes.

Section 2-102. Application of Ordinance.

This ordinance shall apply to all persons seeking from the Colorado River Indian Tribes approval of leases, subleases, or assignment of leases of land owned by the Colorado River Indian Tribes and held in trust for the Tribes by the United States, approval of development projects, or issuance of building permits. The approval required by this ordinance is separate from and in addition to any other permits or approvals which may be required from the Tribes, including but not limited to approval of leases, subleases, assignment of leases and issuance of individual building permits. Where approval of a lease, sublease, or assignment of lease is sought, compliance with this ordinance is required if a development project is contemplated at that time.

Section 2-103. Development Approval.

Any person seeking to construct a development project on any lands within the Colorado River Indian Reservation must first, before commencing any construction activity, grading, or other alteration of the land, obtain approval from the Tribal Council, unless expressly exempted by the Tribal Council from obtaining such approval.

Section 2-104. Development Application.

In order to obtain such development approval, an applicant shall at his or her own expense, prepare and submit to the Tribes the following materials relating to the proposed development project:

- (1) survey showing the lands involved in the proposed development;
- (2) plot plan showing the location of the proposed development and any improvements such as streets, utilities, sewer system, or building pads, on or adjacent to the site;
- (3) plans and specifications prepared by a licensed engineer or equivalent for sewage disposal for the development;
- (4) plans and specifications prepared by a licensed engineer or equivalent for a water system for the development;
- (5) plans and specifications prepared by a licensed engineer or equivalent for flood control, including both river flooding and storm run-off, where applicable.
- (6) plans and specifications showing the circulation system for the development, i.e., roads on and near the site providing access to the development, and anticipated use of those roads due to the development;
- (7) plans and specifications for fire protection for the development;

DEVELOPMENT REVIEW

(8) review and analysis of potential impacts on the archeological and cultural resources on the site and throughout the surrounding area where any resources could reasonably be anticipated to be adversely affected either directly or indirectly by the development. The review shall be prepared by a qualified person who has been approved by the director of the Colorado River Indian Tribes Museum. This review shall include an identification of such resources and potential impacts to them caused either directly or indirectly by the development, and an analysis of possible measures to mitigate or avoid such impacts. To the maximum extent feasible, the development proposal shall incorporate such measures to mitigate or avoid potential impacts to the resources;

(9) review and analysis of potential environmental impacts of the proposed development other than those described in section (7) above. The review shall include an identification of environmental resources on the site and in the surrounding area where resources could reasonably be anticipated to be adversely affected either directly or indirectly by the development. The review shall also include an identification of potential impacts to such resources caused by the development and an analysis of possible measures to mitigate or avoid such impacts. To the maximum extent feasible, the development proposal shall incorporate such measures to mitigate or avoid potential impacts to the resources.

Section 2-105. Waiver.

The requirement for submission of each of the materials listed above in section 2-103 may be waived or altered by the Resource Development Committee upon a finding of good cause. The archeological and cultural resource review shall be waived only upon the finding by the director of the Colorado River Indian Tribes Museum that there are no potential adverse impacts on such resources from the development.

Section 2-106. Completion of Application.

No application is deemed complete until each of the materials required by section 2-104 has been submitted or the requirement has been waived by the Resources Development Committee as provided by section 2-105. If, upon review of an application which includes all of the required materials, the Tribal Council determines that any of the materials submitted does not comply with section 2-104, it shall deny the application as incomplete. The applicant may resubmit the application at any time.

Section 2-107. Conceptual Review.

Any person who may wish to propose a development project on the Reservation may submit a request to the Tribes for conceptual review of the proposed project. The Tribal Council may in its sole discretion, review the proposed development project and approve or disapprove the project in concept. The Tribes may request that the person submitting the conceptual proposal provide, at his or her own expense, information to enable the Tribes

CODE

LAND

to review the proposal. Approval of a project in concept shall not in any way bind or restrict the exercise of discretion by the Tribes in any subsequent application for a development project nor be deemed to be final approval of any lease, sublease, assignment of lease or development project.
