

LAND CODE
ARTICLE 1
PREPARATION, ADOPTION AND AMENDMENT OF A COMPREHENSIVE
GENERAL PLAN AND AREA PLANS

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ARTICLE 1

PREPARATION, ADOPTION AND AMENDMENT OF A COMPREHENSIVE GENERAL PLAN AND AREA PLANS

[NOTE: Except as otherwise noted, the provisions of Article 1 of the Land Code were enacted on September 9, 1988 by Ordinance No. 88-3.]

CHAPTER 1. DEFINITIONS

Section 1-101.1. Consistent. The term "Consistent" shall mean in conformity with the objectives, policies, land uses, programs, maps and diagrams in the Comprehensive General Plan.

Section 1-101.2. Person. The term "Person" shall mean 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.

Section 1-101.3. Plan. The term "Plan" shall refer to either the Comprehensive General Plan or an Area Plan, or both.

Section 1-101.4. Planned Unit Development. The term "Planned Unit Development" shall mean any development pursuant to Article 5 of the Land Code.

Section 1-101.5. 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 ordinance. Absent such a designation, the Resources Development Committee shall perform the functions of the Tribal Land Use Board.

CHAPTER 2. PURPOSE

Section 1-201. This code is adopted to preserve, protect and promote the public health, safety, peace, comfort, convenience, prosperity and general welfare of the members of the Colorado River Indian Tribes and the residents of the Colorado River Indian Reservation.

CHAPTER 3. COMPREHENSIVE GENERAL PLAN

Section 1-301. The Colorado River Indian Tribes Comprehensive General Plan shall be comprised of one or more plans for geographic segments of the Reservation. A plan for a specific geographic segment of the Reservation shall be known as an Area Plan. Any Plan may also include policies, standards or other provisions that apply throughout the Reservation. The map titled "Land Use Plan" included in each Plan shall be construed to be the zoning map for the area included in such Plan until a Reservation zoning ordinance is enacted. Any Plan shall be binding upon all persons with respect to the land within the Reservation which is covered by the Plan.

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Section 1-302. Lands outside the boundaries of the Reservation the use of which may affect the Reservation, members of the Tribe, or others residing on the Reservation, may also be included within the planning area of one or more Area Plans. If such lands are included, the plan may provide for entering into intergovernmental agreements for plan implementation on lands outside the Reservation boundaries.

Section 1-303. The adoption of the General Plan or any portion thereof, including any Area Plan, shall be a legislative act.

Section 1-304. Each Area Plan shall include goals, policies, standards and development guidelines, an inventory of existing cultural and natural resources in the planning area, and one or more maps or diagrams designating permitted land uses within the planning area. The Area Plan shall include a statement of the relationship of the Area Plan to the Comprehensive General Plan. Area Plans may also include other provisions which further the purposes of the Plan.

Section 1-305. If there is more than one Area Plan or other component(s) of the Comprehensive General Plan, such components shall be internally consistent, and every effort shall be made to construe such components as consistent with one another.

Section 1-306. The requirements, limitations and conditions set forth in a Plan shall be complied with by all persons conducting any activities within the scope of the Plan, irrespective of the status in which the land is held.

CHAPTER 4. PLAN ADOPTION AND AMENDMENT

Section 1-401. The Tribe shall prepare and adopt the Comprehensive Plan and Area Plans in the manner provided in this article.

Section 1-402. Prior to adoption of a Plan, the Tribe shall provide the opportunity for comment by Tribal members, members of the public residing on or leasing land within the planning area, and public agencies through public hearing and any other means the Tribal Council deems appropriate. Appropriate notice of the hearing shall be provided.

Section 1-403. The Tribal Land Use Board shall oversee and review the preparation of a Plan. After Tribal Land Use Board review is complete, the proposed Plan or amendment shall be presented to the Tribal Council. The Tribal Land Use Board shall make a recommendation to the Tribal Council concerning the proposed Plan.

Section 1-404. The Tribal Council shall adopt the Plan by resolution, which resolution shall be adopted in conformance with the requirements of the Constitution and Bylaws of the Colorado River Indian Tribes. The Tribal Council may approve, modify or disapprove the recommendation of the Tribal Land Use Board, if any.

PREPARATION, ADOPTION AND AMENDMENT OF A COMPREHENSIVE GENERAL PLAN AND AREA PLAN

[NOTE: The Tribal Council adopted the Western Boundary Area General Land Use Plan on September 9, 1988 by Resolution No. 185-88.]

Section 1-405.

(a) A copy of the adopted Plan or amendment shall be sent to all public entities directly affected by the Plan and any other public entities that submitted comments on the proposed general plan or amendment.

(b) Copies of the documents adopting or amending a Plan shall be made available to the general public within a reasonable period of time after final action by the Tribal Council. A reasonable fee to cover the costs of duplication may be assessed by the Tribe.

Section 1-406.

(a) If it deems it to be in the Tribal interest, the Tribal Council may amend all or part of an adopted Plan. An amendment to a Plan shall be initiated in the same manner as that for the adoption of a Plan and comply with sections 1-402 through 1-405. If a request is made by persons other than a Tribal governmental entity for amendment of the Comprehensive Plan or an Area Plan, the requesting personal shall deposit with the Tribal Land Use Board a fee to cover the estimated cost of preparing the amendment to the Plan. The Tribal Land Use Board shall establish a schedule of charges to be used in calculating such a fee.

(b) Except as otherwise provided in subsection (c), no mandatory element of a Plan shall be amended more frequently than three times during any calendar year. Subject to that limitation, an amendment may be made at any time, as determined by the Tribal Council.

(c) The limitation on the frequency of amendments to a Plan contained in subdivision (b) does not apply to amendments to a plan requested and necessary for a Planned Unit Development.

CHAPTER 5. PLAN ADMINISTRATION

Section 1-501. After the Tribal Council has adopted all or part of a Plan, the Tribal Land Use Board shall do both of the following:

(a) Investigate and make recommendations to the Tribal Council regarding reasonable practical means for implementing the Plan or an element of the Plan, so that it will serve as an effective guide for orderly growth and development, preservation and conservation of land and cultural and natural resources, and the efficient expenditure of Tribal funds relating to subjects addressed in the Plan;

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(b) Provide a periodic report to the Tribal Council on the status of the Comprehensive General Plan and Area Plans and progress in their implementation.

CHAPTER 6. COMPLIANCE WITH PLAN

Section 1-601. The Comprehensive General Plan is the fundamental mechanism for guiding land use planning and development on the Reservation. All actions affecting land use within the Reservation, including zoning and development action, and any action pursuant to leases of Tribal lands, shall be consistent with the Comprehensive General Plan.

Section 1-602. To the fullest extent permitted by applicable law, the Tribe seeks to ensure that actions affecting land use outside Reservation boundaries but inside a Tribal planning area shall be consistent with the Comprehensive General Plan.

Section 1-603. An action affecting land use within the Reservation which action is not entirely consistent with the Comprehensive General Plan may be permissible if:

(a) The inconsistency between the action and the plan is of a very minor nature; and

(b) The action is not inconsistent with the land use designations in the plan; and

(c) The action is not inconsistent with applicable Tribal ordinances; and

(d) The inconsistency is reviewed and approved by the Tribal Land Use Board.

CHAPTER 7. MISCELLANEOUS

Section 1-701. The Comprehensive General Plan, any Area Plan or other land use action of the Tribal Council shall be construed in a manner such that all beneficial uses of the property are not prohibited. If any property owner or lessee believes that all beneficial uses of the property have been prohibited, the appropriate remedy is for the property owner or lessee to seek a plan amendment consistent with the terms of this article.

Section 1-702. Every provision of this Article I is intended to be severable.

Section 1-703. Nothing contained in this Article 1 shall be deemed to constitute a waiver or renunciation of the sovereign immunity of the Tribe for any purpose.

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