

Yurok Tribal Code, Land Management and Property

YUROK TRIBE SUBDIVISION ORDINANCE

Pursuant to its authority under Article IV, Section 5 of the Yurok Constitution, as ratified on November 24, 1993, the Yurok Tribal Council hereby enacts the following ordinance to provide for the orderly, economic, and safe development of land within the Yurok Reservation:

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GENERAL PROVISIONS

SECTION 3001. Short Title

This ordinance shall be referred to as the “Yurok Tribe Subdivision Ordinance.”

SECTION 3002. Purpose

Land subdivision is one of the most important factors in establishing the physical character of a growing community. This ordinance is enacted for the purpose of safeguarding the best interest of the Yurok Tribe, lands within the Yurok Reservation, the homeowner, and the applicant or subdivider; encouraging well planned subdivisions by the establishment of design and construction criteria; improving land records by establishing Tribal standards for surveys and maps; and protecting the environmentally and culturally sensitive areas of the Yurok Reservation. This ordinance sets forth the minimum requirements deemed necessary to ensure and protect the health, safety, and welfare of the people of the Yurok Reservation.

SECTION 3003. Scope

This ordinance shall govern the mapping, subdivision, and re-subdivision of all lands held in fee status within the exterior boundaries of the Yurok Reservation to the maximum extent permitted by law.

In the event of overlapping jurisdiction, such as a parcel of land that crosses into the Yurok Reservation with a portion outside the Reservation boundary, within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between the Tribe and any other county or municipal government concerned.

SECTION 3004. Sovereign Immunity Preserved

Except as judicial review is authorized in this ordinance, and in accordance with the Tribe's Supreme Ordinance, nothing in this ordinance shall be interpreted as a waiver of the Tribe's sovereign immunity from unconsented lawsuit, or as authorization for a claim for monetary damages against the Tribe.

SECTION 3005. Definitions

For the purpose of this ordinance, the terms defined in this section have the meanings given in this section.

- (a) *Access* means the right and ability to get to the property.
- (b) *Applicant* means any person who submits to the Subdivision Administrator a subdivision plan, reversion to acreage, merger of parcels, or lot line adjustment for the purpose of obtaining approval thereof under this ordinance.
- (c) *Buildable Area* means the area of a lot remaining after the minimum regulations of this ordinance have been met.
- (d) *CEQA* means the California Environmental Quality Act, Public Resources Code §21000 et seq.
- (e) *Council* means the Yurok Tribal Council.
- (f) *County Recorder* means the Humboldt County or Del Norte County Recorder's Office, as applicable to land situated in the respective county.
- (g) *Easement* means a non-possessory interest in land owned by another person, created by grant or agreement, consisting of the right to use or control the land, or an area above or below it, for a specific limited purpose. An easement may last forever, but it does not give the holder the right to possess, take from, improve, or sell the land. An easement restricts but does not abridge the fee owner's rights to the use and enjoyment of the land.
- (h) *Final Map* means a formal map which divides or further subdivides the land into the lots shown on the map. This map must meet all requirements of this ordinance before it is recorded with the County Recorder. A final map is required for all subdivisions creating five or more lots.
- (i) *Lot* means a designated parcel, tract, or area of land established either by plat, subdivision, or considered as a unit of property by virtue of a metes and bounds description, to be separately owned, used, developed, or built upon.
- (j) *Major subdivision* means any subdivision that creates five or more parcels.
- (k) *Minor Subdivision* means any subdivision that creates four or fewer parcels.
- (l) *Parcel Map* means a formal map which divides or further subdivides land into the lots shown on the map and must meet all requirements of this ordinance before it is recorded with the County Recorder. A parcel map is required for all subdivisions that do not require a final map.
- (m) *Preliminary Subdivision Map* means a less detailed map than the tentative subdivision

map and may be used by subdividers to obtain staff suggestions on design and improvement.

- (n) *Preliminary Subdivision Plan* means the subdivision proposed in the subdivision application and the preliminary map.
- (o) *Preliminary Title Report* means a report that describes the quality of the title, determines the extent of legal interest in a parcel, and announces any encumbrances, liens, and any other items of record that might affect ownership.
- (p) *Prescriptive Easement* means an easement upon another's real property acquired by open, continued use without permission of the owner for a period provided by California law to establish the easement.
- (q) *Reversion to Acreage Map* means a formal map which, when recorded, eliminates all lot lines and easements shown on previous maps of the same parcel.
- (r) *Right-of-Way* means any strip or area of land, including surface, overhead, or underground, granted by deed or easement, for construction and maintenance according to designated use, such as for drainage and irrigation canals and ditches; electric power, telegraph, and telephone lines, gas, oil, water, and other pipe lines; highways, and other roadways, including right of portage; sewers; flowage or impoundment of surface water; and tunnels.
- (s) *Reservation* or *Yurok Reservation* means all lands within the exterior boundaries of the Yurok Indian Reservation.
- (t) *Secondary Licensed Land Surveyor* means a licensed land surveyor who was not the involved in the preparation of an application and did not conduct the initial land survey.
- (u) *Sketch Plan* means a drawing showing the proposed subdivision property, which may be a concept or informal map of proposed subdivision or site plan that is not necessarily drawn to scale, to be used for the purpose of discussion where exact accuracy is not required.
- (v) *Subdivider* means any individual, firm, partnership, corporation, association, or any other group who subdivides or proposes to subdivide land, including an applicant.
- (w) *Subdivision* means a division of a tract or parcel of land which creates one or more lots, building sites, or other divisions for the purpose of sale or development, whether immediate or future. A subdivision may be either a major subdivision or minor subdivision.
- (x) *Subdivision Administrator* or *Administrator* means the person within the Tribe that is designated to be the lead contact in the subdivision process.
- (y) *Subdivision Map Act* means the Subdivision Map Act, California Government Code § 66410 et seq.
- (z) *Tentative Subdivision Map* means a location map that shows the layout and design of the proposed subdivision, the improvements proposed by the subdivider, and the existing conditions in and around the subdivision. The tentative subdivision map and accompanying information are designed to provide information showing compliance with this ordinance and other laws.

- (aa) *Tribe* means the Yurok Tribe acting through the Tribal Council and its authorized entities and programs.
- (bb) *Utility* means all utility services, including but not limited to electricity, gas, water, wastewater, cable, or internet, or the company that provides such a service.

SECTION 3006. Abrogation of Greater Restrictions

Where the provisions of any statute, ordinance, regulation, or recorded covenant, contract, or deed impose greater restrictions than this ordinance, the provisions of such statute, ordinance, regulation or recorded covenant, contract or deed may be controlling. With regard to areas of overlapping jurisdiction, these provisions may include the Subdivision Map Act, California Government Code § 66410 et seq., the State Subdivided Lands Act, California Business and Professions Code § 11000 et seq., the California Environmental Quality Act, California Public Resources Code § 21000 et seq., as well as the adopted land use plans and ordinances of the involved jurisdictions.

SECTION 3007. Compliance

No final or parcel map within the Yurok Reservation shall be entitled to be recorded with the County Recorder or have any validity until the final or parcel map has been prepared, approved, and acknowledged in the manner prescribed in this ordinance, except in the case of overlapping jurisdiction when otherwise agreed upon by the relevant governmental entities.

CHAPTER 1. SUBDIVISION APPLICATION AND PROCEDURES

SECTION 3101. Overview

The procedure for obtaining approval for a subdivision plan is as follows:

- (a) Pre-application conference (see section 3103),
- (b) Tribal Council tentative approval (see section 3104)
- (c) Application submitted, deposit paid, and preliminary subdivision map submitted (see section 3105),
- (d) Application reviewed for completeness (see section 3106),
- (e) Application reviewed for material compliance (see section 3107),
- (f) Public notice of subdivision (see section 3109),
- (g) Tribal Council final review of subdivision plan and map (see section 3110),
- (h) Parcel map or final map completed, review and signatures completed, and subdivision documents recorded (see sections 3111 and 3112).

A flowchart of the subdivision approval process is included as Attachment 1: Application Process.

SECTION 3102. Prohibition of Sale of Lot Pending Subdivision Approval

No lot proposed to be created through the minor or major subdivision of a parcel shall be sold or offered for sale until:

- (a) a parcel map or final map showing the subdivision has been approved in compliance

with all applicable provisions of this ordinance, and

- (b) the parcel map or final map has been recorded with the Tribe and County Recorder.

SECTION 3103. Pre-application Conference

Before preparing a tentative subdivision map, an applicant shall meet with the Subdivision Administrator for a preliminary conference to discuss the approval process and the requirements for applying for a subdivision within the Reservation. At such conference, the Subdivision Administrator shall endeavor to identify requirements applicable to the application and potential conflicts with applicable standards, and provide the Tribe's complete subdivision application to the applicant. The applicant must provide a sketch plan along with ownership information for discussion and clarification. A sketch plan shall lay out the approximate locations of existing features and planned construction. During the pre-application conference or shortly thereafter, the Administrator and applicant shall agree on a proposed form of notice to adjacent landowners of the proposed subdivision that includes an address for the Administrator to which comments on the proposed subdivision may be sent. The applicant shall be required to provide proof of service of 30-days' notice to all adjacent landowners of the proposed subdivision.

SECTION 3104. Tribal Council Tentative Approval

After the pre-application conference and after the applicant has provided the Subdivision Administrator with proof of service of notice to adjacent landowners, the Administrator shall submit the proposed subdivision and any written comments received to Council for tentative approval. The Tribal Council shall review the sketch plan, the notice to adjacent landowners, adjacent landowner comments, and other relevant available information. Following review, the Council may tentatively approve a subdivision plan, allowing an applicant to proceed to the next step in the subdivision process, or Council may request additional information.

SECTION 3105. Application and Preliminary Subdivision Map Submittal

A person seeking approval for a subdivision shall submit a completed application to the Subdivision Administrator. The application shall include the application forms, preliminary subdivision map, previous parcel surveys, plans, title report, soils report, engineering report, cultural report, environmental assessment and any other documents reasonably required by the Subdivision Administrator in the pre-application conference as necessary to identify the applicant and owners of the parcel proposed to be subdivided, confirm the owners' authorization for submittal of the application, depict the nature and scope of the proposed subdivision, identify and depict the boundaries and area of all proposed rights-of-way and easements, effect proposed dedications and restrictions, and show how the subdivision complies with all applicable provisions of this ordinance and all other applicable requirements. A tentative subdivision map shall be prepared at subdivider's expense by the Tribe or the Tribe's contract engineering firm, unless otherwise agreed to by the Subdivision Administrator and the subdivider. The tentative subdivision map shall contain all data,

illustrations, computations, regulations, requirements, and ownership information required for this ordinance.

The subdivider shall also submit the initial fees and either application review costs or a deposit as determined by the Tribe, a completed initial environmental review, preliminary title report, and tentative subdivision map.

- (a) Initial Environmental Review. The initial environmental review consists of an environmental review performed by the Tribe or the Tribe's contract engineering firm, unless otherwise agreed to by the Subdivision Administrator and the subdivider, to determine if the project may have a significant environmental impact. If the subdivision is subject to overlapping jurisdiction, a lead agency pursuant to CEQA may be identified for environmental processing.
- (b) Preliminary Title Report. A preliminary title report is required for every subdivision. The preliminary title report can be ordered by the Tribe or be provided by the land owner from a certified and insured title company for the parcel being considered for subdivision.

SECTION 3106. Application Review for Completeness

The Subdivision Administrator shall review an application and determine whether it complies with submittal requirements. If the application does not comply with submittal requirements, the Administrator shall notify the applicant of the application deficiencies and invite the applicant to revise the application to correct the deficiencies. If or when the application complies with all submittal requirements, the Administrator shall accept the application as complete and notify the applicant of its acceptance.

If the applicant submits a revised application during the preliminary subdivision planning stage, the application must again be reviewed by the Council unless the Subdivision Administrator deems that the revision is minor and that the revised application continues to comply with the submittal requirements.

SECTION 3107. Material Compliance

Once the Administrator determines the application is complete, the Administrator shall review the application materials and preliminary subdivision plan, including tentative subdivision map, for material compliance with this ordinance. If the Administrator determines that the preliminary subdivision plan and tentative subdivision map are in material compliance with this ordinance, then the Administrator shall deliver the application and all materials to the Yurok Tribe's Planning Director. The Planning Director may impose additional reasonable adjustments, additions, and changes as conditions for approval as stated in the Planning Director's decision to recommend that Council approve.

If the subdivision is subject to overlapping jurisdiction, the Administrator shall include a report describing the subdivision's compliance with all required findings pursuant to the laws and

regulations of the overlapping governmental entities. Public notice shall be in accordance with this ordinance and California Government Code §§ 65090 and 65091.

- (a) Denial of Subdivision Application and Preliminary Subdivision Plan. If the Administrator or Planning Director reasonably determines that any application or preliminary subdivision plan is not in compliance with this ordinance, then that person shall deny the preliminary subdivision plan and shall provide the applicant with a Notice of Decision. If the applicant indicates in writing the applicant's intent to correct the material deficiencies before the decision becomes final, then the Administrator or Planning Director may suspend the decision and allow the applicant to revise the application and preliminary subdivision plan. The Administrator and Planning Director retain discretion to decide to approve the revised application, to deny the revised preliminary subdivision plan, or to reinstate a decision for the original preliminary subdivision plan.

The Planning Director shall recommend that the Council deny the application and preliminary subdivision plan if the Planning Director or Administrator makes any of the following findings:

- (1) That the proposed subdivision is in conflict with adopted land use plans of the Tribe or another governmental entity in the case of overlapping jurisdiction,
- (2) That the physical characteristics of the site, including but not limited to topography, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, water storage, drainage and retention, are such that the site is not suitable for the type of development or use contemplated,
- (3) That the site is not physically suitable for the proposed density of the development,
- (4) That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage that cannot be mitigated to a level of insignificance,
- (5) That a proposed residential subdivision lacks adequate service by essential utilities,
- (6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems,
- (7) That the design of the subdivision or type of improvements will conflict with cultural resources, or
- (8) That the design of the subdivision or the type of improvements will conflict with easements of record or with easements established by judgment of a court.

- (b) Approval of Subdivision Application and Preliminary Subdivision Plan. If the Planning Director determines that an application and preliminary subdivision plan is in compliance with this ordinance and does not make any findings under subsection (a), then the Administrator shall submit the application and preliminary subdivision plan, along with any required conditions, to Council for approval with the Planning

Director's and Administrator's recommendations whether to approve or deny the application and preliminary subdivision plan. If either the Planning Director or the Administrator decides to recommend denying the application and preliminary subdivision plan, that person shall provide the Council with the reasons for his or her recommendation in writing.

- (c) Withdrawal of Application. An applicant may withdraw an application for a subdivision at any time by submitting written notice of the withdrawal to the Subdivision Administrator.
- (d) Timeliness of Review. The Subdivision Administrator and the Planning Director shall make every reasonable effort to process, review, and decide applications in a timely manner, consistent with the need to fully consider the proposed subdivision's impact with respect to applicable regulations.

SECTION 3108. Notice of Decision

The Subdivision Administrator shall send the applicant written notice of the Planning Director's decision to recommend that Council approve or deny the preliminary subdivision plan. This decision becomes final 10 business days from the notification's postmarked date. If the preliminary subdivision plan is denied, the notice shall state the reasons for denial.

SECTION 3109. Public Notice

Following approval from the Planning Director of a preliminary subdivision plan, the applicant shall post a public notice of the proposed subdivision for 30 days in a publication of general circulation in the county where the proposed subdivision is located. The public notice shall provide the Assessor's Parcel Number, name of parcel owners, the location of the proposed subdivision map for public review, and contact information for the Subdivision Administrator indicating that written comment may be submitted during the 30 day notice period. The applicant shall provide proof of publication to the Subdivision Administrator and such proof shall be incorporated into the official record of subdivision.

SECTION 3110. Tribal Council Final Approval

The Council maintains final authority to approve, deny, or approve with conditions, in its sole discretion, any application and preliminary subdivision plan. Council approval is an acceptance of the preliminary subdivision map's general layout as submitted and indicates to the applicant that the applicant may proceed toward the final map or parcel map in accordance with the Council's decision and this ordinance.

SECTION 3111. Tentative Final Map or Parcel Map Review and Approval

The parcel map or final map, as applicable, shall be prepared by the Tribe or the Tribe's contract engineering firm, unless otherwise agreed to by the Subdivision Administrator and the subdivider. The Subdivision Administrator shall review the tentative parcel map or final map to confirm compliance with the preliminary subdivision plan and conditions as stated by the decision of the

Council. In addition, a secondary licensed land surveyor must review the parcel map or final map to confirm compliance. After the Subdivision Administrator and the secondary licensed surveyor confirm the parcel map or final map are in compliance, the Subdivision Administrator shall approve of the final map or parcel map as submitted.

The parcel map or final map may be, for all or part of the property, included in the approved preliminary subdivision map and must be substantially in accordance with the preliminary subdivision plan. The parcel map or final map must include all adjustments, additions, and changes required as conditions for tentative subdivision map approval as stated by a decision of the Council.

SECTION 3112. Final Map or Parcel Recordation

Upon approval of the parcel map or final map by the Administrator and Planning Director and receipt of all fees due by the applicant, the Planning Director and Chairman will sign the final map. The applicant shall be responsible for recording the parcel map or final map with the Tribe and County Recorder.

SECTION 3113. Private Landowner Authorizations and Public Improvements

Following approval of a preliminary subdivision plan, the applicant shall form any necessary agreements and file any plans for any public improvements and any applicable right-of-ways or easements required for the subdivision with the appropriate land owners and public agencies.

Prior to approval of the final or parcel map, the applicant shall provide written evidence that each applicable public agency has approved plans for the public improvements proposed for the subdivision. The final or parcel map shall depict the locations of all roads and public improvements to be dedicated and any other requirements by the Planning Director.

SECTION 3114. Extension of Tentative Map Approval

A tentative subdivision map approval shall be effective for 24 months from the date of approval. If a parcel map or final map is not recorded within the term of the tentative subdivision map approval, the approval shall become void and processing of a new subdivision application shall be required. Prior to the expiration of a tentative subdivision map, an applicant may request an extension from the Administrator for an additional term not to exceed two years. In granting the extension, the Administrator shall reasonably determine that the subdivision has not changed and the findings under which it was approved can still be made.

SECTION 3115. Final Map and Parcel Map Certifications

- (a) Planning Director's Certification. If the Council approves the preliminary subdivision plan, the following certification shall be entered on the parcel map or final map and signed by the Tribe's Planning Director.

PLANNING DIRECTOR'S STATEMENT

I, _____, Yurok Tribe Planning Department

Director certify that this map creates a subdivision subject to and approved in accordance with the Yurok Tribe's Subdivision Ordinance.

Date Planning Director Signature

- (b) Chairperson's Certification. After Council approval of the preliminary subdivision plan and review and approval of the final map or parcel map by the Subdivision Administrator, the following certification shall be entered on the parcel map or final map and signed by the Tribal Chairman.

YUROK TRIBAL CHAIRPERSON'S CERTIFICATE

I, _____, Tribal Chairperson of the Yurok Tribal Council of the Yurok Tribe of the Yurok Reservation, hereby accept on behalf of the Yurok Tribe parcels, _____, offered for dedication for the uses set forth on the accompanying subdivision map in conformity with Tribal policy, Planning review, and the Yurok Tribe's Subdivision Ordinance.

Date Yurok Tribal Chairperson

SECTION 3116. Requirements for Tentative Subdivision, Parcel, and Final Maps

- (a) Tentative Subdivision Map Requirements. Tentative subdivision maps provide a means for obtaining review and approval of proposed land divisions. Tentative subdivision maps shall be prepared and approved in accordance with the Subdivision Map Act, (commencing with Sections 66410) of the Government Code of the State of California and the provisions of this ordinance. A tentative subdivision map shall be required for all subdivision, reconfiguration, and consolidation of real property for which a parcel map or final map is required.

The following information must be included on the tentative subdivision map:

- (1) Names and addresses of subdivider and engineering/surveying firm preparing the map.
- (2) Location by section, township, range and by legal description.
- (3) Name of town or village, if any.
- (4) Name of county.
- (5) Graphic scale not less than one inch to 100 feet.
- (6) North arrow.
- (7) Date of map preparation.
- (8) Surveyed boundary line of subdivision.
- (9) Acreage and dimensions of each lot.
- (10) Location, right-of-way width, and names of existing or platted roads, or other

days of the Subdivision Administrator providing an estimate. A final reconciliation of actual costs shall be completed by the Subdivision Administrator. Any recording and processing costs, plus all actual costs, are due before the parcel map or final map is recorded.

- (c) Recording Fees. Recording fees shall be paid by the applicant at the time a parcel map or final map is approved for County recording.
- (d) Non-payment of Fees. In the event fees are not paid when due, no further processing of the subdivision map shall occur. Once the Tribe receives the past due fees, processing of the subdivision map shall resume. However, if the fees are unpaid for over a year, then the subdivision application is deemed abandoned and a new application and accompanying documents, reports, and fees must be tendered to the Subdivision Administrator for review and consideration. No refunds will be made for applicant deposits or payments if for any reason the applicant fails to complete the application process.

SECTION 3203. Fees Are Nonrefundable

All fees due under this ordinance, including the initial and recording fees, are nonrefundable. An applicant shall be reimbursed any funds paid as a deposit or pre-payment that exceed actual costs incurred by the Tribe under this ordinance.

CHAPTER 3. SUBDIVISION REQUIREMENTS

SECTION 3301. Subdivision Minimum Requirements

Subdivision of land may be approved for residential purposes if the Subdivision Administrator makes the following findings:

- (a) Water. There is proof of adequate water for domestic use, which is a minimum of 400 gallons per day or a larger amount if reasonably required, and fire suppression provided through either:
 - (1) Certified dry weather tests of the developed water supply system for each parcel using wells, creeks, or springs;
 - (2) Four or fewer connections to a developed private water system including certified dry weather testing of source, storage and transmission facilities with recorded easements and legal agreements; or
 - (3) Evidence of connection to a public or community water system.
- (b) Sewer. There is proof that adequate sewage disposal capability will be provided through either:
 - (1) Individual on-site systems approved by the County Health Department or Indian Health Services; or
 - (2) Evidence of connection to a public waste disposal system.
- (c) Adverse Impacts. Identification of potential building sites that are not subject to adverse impacts caused by:

- (1) Geologic instability, steep slopes and erosion;
 - (2) Seismic activity; or
 - (3) Flooding.
- (d) Access. Recorded access or other acceptable access to a publicly maintained road that is:
- (1) Adequate for ultimate development at planned densities;
 - (2) Adequate for use by emergency vehicles; and
 - (3) Not subject to adverse impacts caused by:
 - (A) Geologic instability, steep slopes and erosion;
 - (B) Seismic activity; or
 - (C) Flooding.
- (e) Public Utilities. Dedication of easement to the Tribe and other public utilities for the purpose of installation, maintenance, and/or replacement.
- (f) Cultural Easement. Dedication of easement to the Tribe for the purpose of access to cultural sites or ceremonies.
- (g) Yurok Access. Dedication of easement to the Tribe for the purpose of Yurok access, if applicable.

SECTION 3302. Minimum Lot Acreage

In general, minimum lot acreage requirements are at the discretion of the Tribe and will be decided based upon the location and existing lot sizes in the area of proposed subdivision. When applicable, the Tribe's land use plan and zoning regulations will also be used for consideration for lot sizes and lot acreage minimums.

SECTION 3303. Environmental Review

An environmental review is required for all proposed subdivisions and must meet the requirements set by the Tribe, subject to the approval of Council, which may include an environmental checklist and other requirements. Any applicable Tribal environmental law or policy in effect at the time of the application shall be followed to meet the environmental review requirements.

- (a) Initial Review. An initial environmental review must be performed by the Tribe's Environmental Program or an environmental contractor, with all costs compensated by the land owner, to determine if the project may have a significant environmental impact. Issues to be evaluated may include, but are not limited to, the following:
- (1) Earth and geologic conditions,
 - (2) Air and water quality,
 - (3) Plant and animal life,
 - (4) Noise and human health,

- (5) Land use and housing,
 - (6) Transportation and circulation systems,
 - (7) Public services and facilities,
 - (8) Archaeological and historic resources, and
 - (9) Population and growth.
- (b) Additional Review. Based on the findings of the initial environmental review, if the project is determined to have significant impact then an additional environmental impact review may be required.

SECTION 3304. Cultural Review

A cultural review is required for all proposed subdivisions and must meet the requirements set by the Tribe, subject to approval of the Council. Any applicable Tribal cultural law or policy in effect at the time of the application shall be followed to meet the cultural review requirements

SECTION 3305. Additional Information; Waiver of Requirements

The Administrator may require additional information or may waive any of the requirements of this chapter if the location and nature of the proposed subdivision or existing documentation demonstrates that a waiver is justified. Such a waiver and evidence supporting the waiver must be in writing and provided to Council at the time the Planning Director recommends to Council either approving or denying the preliminary subdivision plan.

CHAPTER 4. IMPROVEMENTS

SECTION 3401. General

All improvements installed and constructed in connection with a subdivision shall conform to Tribal standards and shall conform to all of the conditions imposed upon the approval of the preliminary subdivision plan. If at the time of approval of a parcel map or final map the required offsite improvements have not been completed and accepted, the Tribe shall require the subdivider to enter into an agreement with financial assurances payable to the Tribe as a condition precedent to such approval, in order to ensure completion of the improvements. Such improvements that are deemed necessary for a project by the Subdivision Administrator or Planning Director shall be set forth in a subdivision improvement agreement.

SECTION 3402. Improvements Required

In reviewing a preliminary subdivision plan for material compliance and prior to recommending approval of such a plan, the Administrator shall ensure that improvements under this section are provided for in the final map. Such improvements may be specified either as part of the preliminary subdivision plan or as a condition to the Planning Director's decision to recommend approval of the preliminary subdivision plan.

- (a) Roads.
- (1) Roads shall be designed and constructed to serve each lot in every subdivision.
 - (2) Any road, or part thereof, lying within the subdivision shall be constructed to Tribal standards.
 - (3) In addition, off-site improvements may be required. The Tribe shall require such off-site improvements as it finds necessary for:
 - (A) The orderly and planned improvement of off-site roads to Tribal standards, considering the probable future growth in the area;
 - (B) The safe and orderly movement of persons and vehicles; and
 - (C) Providing roads that can be maintained at a reasonable cost.
- (b) Sewer and Water Systems. Where sewer or community water systems are required, the subdivider shall construct the sewer and water systems to the applicable legal building standards.
- (c) Private Lanes.
- (1) Private lanes serving a subdivision approved in accordance with the provisions of this section shall not receive Tribal maintenance.
 - (2) A plan or arrangement acceptable to the Tribe may be required for the maintenance or improvement of private lanes.
 - (3) The Planning Director may approve a subdivision served by private lanes if it is found that all of the following conditions have been or will be satisfied:
 - (A) The public convenience does not require and will not be served by public traffic through such subdivision;
 - (B) The creation of such private lanes shall not render land adjoining such subdivision unreasonably inaccessible;
 - (C) There is no reasonably perceived future need for the lane to be a public lane or road; and
 - (D) The final map shall show the lanes clearly labeled "Non-Public Lane" or "Non-Public Road".
 - (4) Before any part or lot of the subdivision is sold, the entrance thereto from a public street shall be posted and kept posted with an easily visible sign of at least two square feet in size containing substantially the words "Not a Public Road" or "Not a Public Street" in letters at least two inches high.
 - (5) Lots abutting on a private lane shall be sold subject to a provision which shall appear on the subdivision map or instrument of waiver, which shall read substantially as follows: "If the private lane or lanes shown on this plan of subdivision, or any part thereof, are to be accepted by the Tribe for the benefit of the lot owners on such lane rather than for the benefit of the Tribe generally, such private lane or lanes or parts thereof shall first be improved at the sole cost of the affected lot owner or owners, so as to comply with the

specifications as contained in the then applicable subdivision policies relating to public streets."

- (6) Lanes shown on the tentative subdivision plan and final map shall be sufficiently wide and of such physical condition to allow access by emergency vehicles at all times of the year.
- (7) Lots on the tentative subdivision plan and final map shall not be immediately or reasonably accessible from the accepted city, county, or state highway.
- (d) Additional Work. If, during the course of construction of any new street or any other improvements required in connection with the approval of the preliminary subdivision plan, additional work is required owing to unforeseen conditions, such as, but not limited to, springs, ancient drains, wetlands, water courses, side-hill drainage from cuts, bedrock, the discovery of culturally sensitive areas or other conditions which were not apparent at the time of the approval, the Subdivision Administrator or Planning Director may require such additional work to be done and may require additional surety.
- (e) Access. Access shall be suitable for the declared use, which must be consistent with the highest and best use. Where access is based on recorded documents or on permit, they shall be listed on the parcel map or final map. If access is based on a permit that is revocable, it shall be so stated on the parcel map or final map. If no such documents or permits are relied upon, a statement shall be placed on the parcel map or final map clearly stating that there is no right of way of record.
- (f) Waiver of Direct Access. On all arterial roads and on all major collector roads, the Tribe may require dedication of vehicular access rights across a portion of the frontage to be subdivided.

CHAPTER 5. REVERSION TO ACREAGE

SECTION 3501. Purpose

Reversion to acreage is a means of re-combining land that was previously subdivided. The process may be used to nullify rights or obligations effected by previous subdivision of the property. Reversions to acreage require a tentative map and either a final map or a parcel map and shall comply with the provisions of California Government Code § 66499.11.

SECTION 3502. Applicability

Reversion to acreage applies to the reconsolidation of previously subdivided land where:

- (a) A rescission is sought of rights acquired or obligations incurred under a previous subdivision of the property; and
- (b) The parcels do not meet requirements for reconsolidation through a parcel merger or lot line adjustment.

SECTION 3503. Application Requirements

An application for reversion to acreage must include the following information:

- (a) Evidence of title to the real property within the subdivision.
- (b) One of the following:
 - (1) Evidence of the consent of all of the owners of an interest in the property;
 - (2) Evidence that none of the improvements required to be made have been completed within two years from the time the final map or parcel map was filed for record or within the time allowed by agreement for completion of the improvements, whichever is later; or
 - (3) Evidence that no lots shown on the final map or parcel map have been sold within five years from the date such final map or parcel map was filed for record.
- (c) One of the following:
 - (1) A tentative reversion to acreage map; or
 - (2) A reversion to acreage map, in the form stated in this ordinance for parcel maps or final maps, which delineates those dedications that will not be vacated and those dedications required by the Planning Director or Council as a condition to reversion.

SECTION 3504. Application Submittal and Review

- (a) Application. A person seeking approval for a reversion to acreage shall submit a completed application to the Subdivision Administrator, who will present it to the Planning Director.
- (b) Application Review for Completeness. The Administrator shall review an application and determine whether it complies with submittal requirements. If the application does not comply with submittal requirements, the Administrator shall notify the applicant of the application deficiencies and invite the applicant to revise the application to correct the deficiencies. If or when the application complies with all submittal requirements, the Administrator shall accept the application as complete and notify the applicant of its acceptance.

If the applicant submits a revised application, the application must again be reviewed unless the Subdivision Administrator deems that the revision is minor and that the revised application continues to comply with the submittal requirements.
- (c) Review of Application for Material Compliance. Once the Administrator determines that an application is complete, the Administrator shall review the application materials for material compliance with this ordinance.
- (d) Approval of Application. If the Administrator determines that an application and materials are in compliance with this ordinance, then the Administrator shall submit the application materials, along with any additional reasonable adjustments, additions, and changes as conditions for approval, to the Planning Director for review. If the Planning Director concurs in the Administrator's determination of compliance, then the Administrator shall submit the reversion to acreage plan to Council for approval with the Planning Director's recommendation whether to approve or deny the application and reversion to acreage plan. If the Planning

Director decides to recommend denying the application and reversion to acreage map, the Planning Director shall provide the Council with the reasons for the recommendation in writing.

The Council maintains final authority to approve, deny, or approve with conditions, in its sole discretion, any application and reversion to acreage map. Council approval is an acceptance of the reversion to acreage map's general layout as submitted and indicates to the applicant that the applicant may proceed toward the final reversion to acreage map in accordance with the Council decision and this ordinance.

- (e) Withdrawal of Application. An applicant may withdraw an application for a reversion to acreage at any time by submitting written notice of the withdrawal to the Subdivision Administrator.
- (f) Timeliness of Review. The Subdivision Administrator and the Planning Director shall make every reasonable effort to process, review, and decide applications in a timely manner, consistent with the need to fully consider the proposed subdivision's impact with respect to applicable regulations.

SECTION 3505. Recordation

Reversion shall be effective upon the reversion to acreage map being recorded by the County Recorder. Thereupon, all dedications and offers of dedication not shown on the reversion map shall be of no further force or effect.

CHAPTER 6. MERGER OF PARCELS

SECTION 3601. Purpose

A parcel merger is the joining of two or more contiguous parcels or units of improved or unimproved land, which are held by the same owner or owners, into one parcel or unit of land as prescribed in California Government Code § 66451, for consolidation of contiguous parcels or units held by the same owner without reversion to acreage.

SECTION 3602. Applicability

Parcel mergers apply to contiguous parcels or units of real property, under common ownership, which meet the requirements within this ordinance.

SECTION 3603. Requirements

A parcel merger may be made with any parcel or unit with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units does not conform to standards for minimum parcel size under the Tribe's regulations and if all of the following requirements are satisfied:

- (a) At least one of the affected parcels does not have a structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or structures, or is developed with a single structure, other than an accessory structure, that is also

partially sited on a contiguous parcel or unit of land.

- (b) With respect to any affected parcel, one or more of the following conditions exists:
- (1) Comprises less than 5,000 square feet in area at the time of the determination of merger;
 - (2) Was not created in compliance with applicable laws in effect at the time of its creation;
 - (3) Does not meet current standards for sewage disposal and domestic water supply under applicable Tribal regulations;
 - (4) Does not meet slope stability standards;
 - (5) Has no legal access adequate for vehicular and safety equipment access and maneuverability;
 - (6) Its development would create health and safety hazards; or
 - (7) It is inconsistent with the plans, goals, and policies of the Tribe.

SECTION 3604. Procedure

An application for a parcel merger by a property owner shall be made to the Administrator and shall include the following information that will be prepared by the Tribe or the Tribe's contract engineering firm, unless otherwise agreed to by the Subdivision Administrator and the subdivider:

- (a) An exhibit, drawn to scale, delineating the existing parcel boundaries and the location of existing structures, easements, and public right-of-ways;
- (b) Copies of the latest grant deeds for the existing parcels;
- (c) A legal description and parcel map in the form stated in this ordinance for parcel maps;
- (d) A current preliminary title report for each affected parcel; and
- (e) Written consent of all owners of record interest.

SECTION 3605. Processing of Owner-initiated Mergers

The Administrator shall examine the application and supporting data for compliance with the requirements of this ordinance and shall accept the application for filing when all requirements are met. Such requirements include:

- (a) The merger complies with the standards specified in this ordinance;
- (b) The parcel will not conflict with the location of existing structures on the property;
- (c) The parcel will not be deprived of adequate access as a result of the merger;
- (d) Access to adjoining properties will not be restricted as a result of the merger; and
- (e) No new lot lines are created by the merger.

SECTION 3606. Initiation of Merger by Yurok Tribe

Parcel mergers by the Tribe shall be initiated by issuing a notice of intention to determine status. This notice shall identify the subject property, list the owners of record, state that the affected parcels appear to be suitable for merger pursuant to the standards and criteria specified within this ordinance, and state that it is the intention of the Tribe to merge the affected parcels. The notice will be mailed by certified mail to the current record owner of each of the affected parcels. The notification shall advise the owner that he or she may, within 30 days of the delivery of the notice by certified mail, request in writing a hearing to present evidence that the property does not meet the criteria for merger.

SECTION 3607. Application Submittal and Review

- (a) Application. A person seeking approval for a parcel merger shall submit a completed application to the Subdivision Administrator.
- (b) Review of Application for Completeness. The Administrator shall review an application and determine whether it complies with submittal requirements. If the application does not comply with submittal requirements, the Administrator shall notify the applicant of the application deficiencies and invite the applicant to revise the application to correct the deficiencies. If or when the application complies with all submittal requirements, the Administrator shall accept the application as complete and notify the applicant of its acceptance.

If the applicant submits a revised application, the application must again be reviewed unless the Subdivision Administrator deems that the revision is minor and that the revised application continues to comply with the submittal requirements.

- (c) Review of Application for Material Compliance. Once the Administrator determines that an application is complete, the Administrator shall review the application materials for material compliance with this ordinance.
- (d) Approval of Application. If the Administrator determines that an application and materials are in compliance with this ordinance, then the Administrator shall submit the application materials, along with any additional reasonable adjustments, additions, and changes as conditions for approval, to the Planning Director for review. If the Planning Director concurs in the Administrator's determination of compliance, then the Administrator shall submit the initiation of merger to Council for approval with the Planning Director's recommendation whether to approve or deny the application and parcel merger. If the Planning Director decides to recommend denying the application and parcel merger, the Planning Director shall provide the Council with the reasons for the recommendation in writing.

The Council maintains final authority to approve, deny, or approve with conditions, in its sole discretion, any application and parcel merger. Council approval is an acceptance of the parcel merger's general layout as submitted and indicates to the applicant that the applicant may proceed toward the final parcel merger in accordance with the Council's decision and this ordinance.

- (e) Withdrawal of Application. An applicant may withdraw an application for a parcel merger at any time by submitting written notice of the withdrawal to the Subdivision Administrator.
- (f) Timeliness of Review. The Subdivision Administrator and Planning Director shall make every reasonable effort to process, review, and decide applications in a timely manner, consistent with the need to fully consider the proposed subdivision's impact with respect to applicable regulations.

SECTION 3608. Notice of Merger or Nonmerger

If the Tribe makes a determination of merger or non-merger, a notice of the decision shall be mailed to the owner of the subject property. The notice of merger shall specify the names of the record owners and describe the affected property. The parcel merger becomes effective on the date the notice of merger is filed with the County Recorder.

CHAPTER 7. LOT LINE ADJUSTMENT

SECTION 3701. Overview

Lot line adjustment is the adjustment of a common lot line or lot lines between two or more existing adjacent parcels, where the land taken from one or more parcels is added to an adjacent parcel or parcels, and where a greater number of parcels than originally existed is not thereby created.

SECTION 3702. Boundary Corrections

- (a) The adjustment of property lines for the correction of record title descriptions of real property is exempt from the requirements of this chapter provided that the Administrator finds that the adjustment is necessary to correct an erroneous deed description to coincide with the physical conditions or occupation lines of the properties. A written statement declaring the purpose of the correction shall be submitted to the Administrator by a registered civil engineer qualified to practice land surveying or a licensed land surveyor, along with the submittal of a record of survey for recordation showing the monumentation of the corners of the new property line. Alternatively, a written request shall be submitted by the landowner for a survey and monumentation to be completed by the Tribe.
- (b) A deed or deeds must be recorded with the County Recorder to correct the description and must have a note on the first page as follows: "The recordation of this deed is to correct record title to coincide to the physical occupation of the property. This adjustment is exempt from the provisions of the Subdivision Map Act and local ordinances enacted pursuant thereto."

SECTION 3703. Declaration of Policy

It is the Tribe's policy to provide for the adjustment of property boundaries between contiguous parcels in a manner consistent with Tribal and California law. The Administrator and Planning Director shall limit their review and approval to a determination of whether or not the parcels resulting from the lot line adjustment will conform to local building and zoning ordinances. The

Tribe shall not impose conditions or exactions on its approval of a lot line adjustment except to conform to local zoning and building ordinances, or except to facilitate the relocation of existing utilities, infrastructure, or easements. No tentative map, parcel map, or final map shall be required as a condition of approval to the lot line adjustment.

The lot line adjustment shall be reflected in a deed and in a record of survey or notice of lot line adjustment, which shall be recorded. However, when parcels being adjusted are held in common ownership, no new deeds shall be required for the purpose of the lot line adjustment process, but a notice of lot line adjustment shall be required.

This policy reflects a distinction between subdivision, as defined by this ordinance as a type of land division development, and lot line adjustment, which is not a land division or a development.

SECTION 3704. Application Procedures

All lot line adjustment applications shall include the following statements:

- (c) "If there is more than one ownership involved, and your lot line adjustment is approved, along with a record of survey or notice of lot line adjustment, you must record a deed or deeds for the area(s) to establish ownership of record for each of the resulting parcels."
- (d) "Serious title consequences may result if any of the parcels to be adjusted are subject to prior record liens, such as deeds of trust, mortgages, money judgments, and title is subsequently acquired by the lien holder through foreclosure. Those consequences can be avoided by obtaining and recording reconveyances or releases of said liens. Your title company can assist you with these matters."

SECTION 3705. Application Materials

The following materials shall be submitted along with the completed and signed application:

- (a) Two copies of the present owner of records' vesting deeds, and a lot book report or title report for each lot.
- (b) Six copies of a lot line adjustment plot plan accurately drawn to scale on one sheet of paper at least 8 1/2" x 11" in size that shows the following information for each lot to be adjusted:
 - (1) All exterior and interior lines shall be shown on the map and dimensioned based on information of record.
 - (2) Proposed new lines and lines to be eliminated shall be so identified in written notation or by legend. Lines to be eliminated shall be dashed or otherwise drawn so as to be clearly distinguishable from and subordinate to remaining and new lines.
 - (3) Areas (in square footage or acreage) of the initial and resulting parcels shall be identified.
 - (4) All existing structures, their uses, and other constructed improvements,

located within 50 feet of the proposed new boundaries, shall be accurately located and shown with dimensions from the property lines.

- (5) The names, county road numbers, and widths of abutting right-of-ways and their locations.
 - (6) The location, purpose, and width of all proposed and existing easements, streets, and appurtenant utilities located within 100 feet of the proposed new boundaries.
 - (7) The approximate location of all watercourses, drainage channels, and existing drainage structures located within 100 feet of the proposed new boundaries.
 - (8) Approximate high-water lines of all areas subject to inundation location within 100 feet of the proposed new boundaries.
 - (9) Assessed owners and parcel numbers.
 - (10) North arrow and scale.
 - (11) Vicinity map, if the location cannot be determined from the plot plan.
 - (12) Location of wells and septic tanks and primary and reserve septic leach areas within 100 feet of proposed new boundaries.
 - (13) Location and existence of any life estates or other future interests.
- (c) Fees per the Tribe's adopted schedule.
- (d) A written statement from the applicant explaining the reason(s) for the proposed adjustment. This statement is to assist the applicant in ensuring that the lot line adjustment will accomplish the applicant's goal. The statement will have no effect on review or approval of the lot line adjustment.
- (e) The Tribe may distribute the application to any affected public agencies and public utility districts or companies for review and comment.

SECTION 3706. Project Approval Criteria

A lot line adjustment shall be approved or conditionally approved when there is compliance with all of the following approval criteria:

- (a) The application is found to be complete.
- (b) Either (1) the parcels to be adjusted are found to be in compliance with the Subdivision Map Act and local subdivision regulations, or (2) a Conditional Certificate of Subdivision Compliance for the parcel or parcels has been issued for recordation prior to or concurrent with the lot line adjustment.
- (c) The proposal neither causes non-conformance nor increases the severity of preexisting nonconformities with zoning and building ordinances. Providing compliance with this subsection, the approval shall not be conditioned on correction of preexisting non-conformities with zoning and building ordinances.

SECTION 3707. Application Submittal and Review

- (a) Application. A person seeking approval for a lot line adjustment shall submit a completed application to the Subdivision Administrator.
- (b) Review of Application for Completeness. The Administrator shall review an application and determine whether it complies with submittal requirements. If the application does not comply with submittal requirements, the Administrator shall notify the applicant of the application deficiencies and invite the applicant to revise the application to correct the deficiencies. If or when the application complies with all submittal requirements, the Administrator shall accept the application as complete and notify the applicant of its acceptance.

If the applicant submits a revised application, the application must again be reviewed unless the Subdivision Administrator deems that the revision is minor and that the revised application continues to comply with the submittal requirements.

- (c) Review of Application for Material Compliance. Once the Administrator determines that an application is complete, the Administrator shall review the application materials for material compliance with this ordinance.
- (d) Approval of Application. If the Administrator determines that an application and materials are in compliance with this ordinance, then it shall submit the application materials, along with any conditions for approval, to the Planning Director for review. If the Planning Director concurs in the Administrator's determination of compliance, then the Administrator shall submit lot line adjustment to Council for approval with the Planning Director's recommendation whether to approve or deny the application and lot line adjustment. If the Planning Director decides to recommend denying the application and lot line adjustment, the Planning Director shall provide the Council with the reasons for the recommendation in writing.

The Council maintains final authority to approve, deny, or approve with conditions, in its sole discretion, any application and lot line adjustment. Council approval is an acceptance of the lot line adjustment's general layout as submitted and indicates to the applicant that the applicant may proceed toward the final lot line adjustment in accordance with the Council's decision and this ordinance.

- (e) Withdrawal of Application. An applicant may withdraw an application for a lot line adjustment at any time by submitting written notice of the withdrawal to the Subdivision Administrator.
- (f) Timeliness of Review. The Subdivision Administrator and Planning Director shall make every reasonable effort to process, review, and decide applications in a timely manner, consistent with the need to fully consider the proposed subdivision's impact with respect to applicable regulations.

SECTION 3708. Conditions of Approval

Council approval of lot line adjustments may only be conditioned upon the following:

- (a) Conditions to conform to this ordinance or building ordinances adopted by the Tribe.
- (b) Conditions to facilitate the relocation of existing affected utilities, infrastructures, or

easements.

- (c) The recordation of a record of survey monumenting the corners of the new property line(s). The Tribe shall not require the record of survey if either of the following apply:
 - (1) Any one of the following findings can be made:
 - (A) The new boundary line(s) are already adequately monumented.
 - (B) The new boundary line(s) can be accurately described from government subdivision sections or eloquent parts thereof.
 - (C) The new boundary line(s) can be accurately described and located from existing monuments of record.
 - (D) The new boundary is based upon physical features, such as roads or creeks, which themselves monument the line.
 - (2) Upon written application to the Administrator, the Administrator and Planning Director determine that:
 - (A) The requirement will create an undue hardship and the absence of survey data will not be detrimental to future owners of the lots adjusted, or
 - (B) An abundance of survey data exists such that the survey and preparation of the record of survey is an unnecessary expense and the parcels can be conveyed by metes and bounds descriptions.
- (d) If the filing of a record of survey has not been required or has been waived, a notice of lot line adjustment shall be recorded for the resulting parcels. The following information shall be submitted to the Administrator for review prior to recordation:
 - (1) A copy of the deeds to be recorded for the adjusted parcels, except when the parcels being adjusted are held in common ownership, no new deeds shall be required for the preparation of the notice of lot line adjustment. This item may be waived if previously submitted with the application.
 - (2) A lot book, preliminary title report or other evidence satisfactory to the Planning Director regarding ownership of parcels. This item may be waived if previously submitted with the application.
 - (3) Completed "Notice of Lot Line Adjustment" forms.
- (e) The notice of lot line adjustment and the record of survey shall include the following statement: "The Yurok Tribe's approval of the lot line adjustment does not imply nor guarantee approval of any subsequent Tribal permits to develop this property. Nor does the review of a lot line adjustment include review for legal violations. The approval is therefore no indication, nor assurance to any subsequent purchaser, that the property is free from violations."

SECTION 3709. Extension of Tentative Approval

Council approval of a lot line adjustment shall expire 36 months from the date of approval. If a record of survey or notice of lot line adjustment is not recorded within the term of the approval, it

shall become void and a new lot line adjustment application shall be required. Prior to the expiration of a tentative approval of the lot line adjustment, an extension for an additional term not to exceed two years may be requested by the applicant and granted by the Administrator. In granting the extension, the Administrator shall determine that the lot line adjustment has not changed and the findings under which it was approved can still be made.

CHAPTER 8. EXCEPTIONS

SECTION 3801. General Exceptions

It is recognized that there are certain parcels of land of such dimensions, subject to such restrictions, or so affected by physical conditions that it would be difficult or impractical for the subdivider to conform to the regulations in this ordinance. In such a case, the subdivider must make an exception request to the Administrator during the preliminary subdivision plan review.

The request for exceptions from the regulations can be approved by the Administrator and Planning Director when all of the following findings are made:

- (a) That because of special circumstances applicable to the subdivision, including size, shape, topography, location, or surroundings, the application of this ordinance would otherwise deprive the subdivision of privileges enjoyed by other properties in the vicinity.
- (b) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.
- (c) That with the granting of the subdivision exception, the project would achieve greater consistency with the plan, goals, and policies of the Tribe.
- (d) Any exception granted shall be subject to such conditions necessary to ensure that the exception does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the same vicinity.

CHAPTER 9. APPEALS

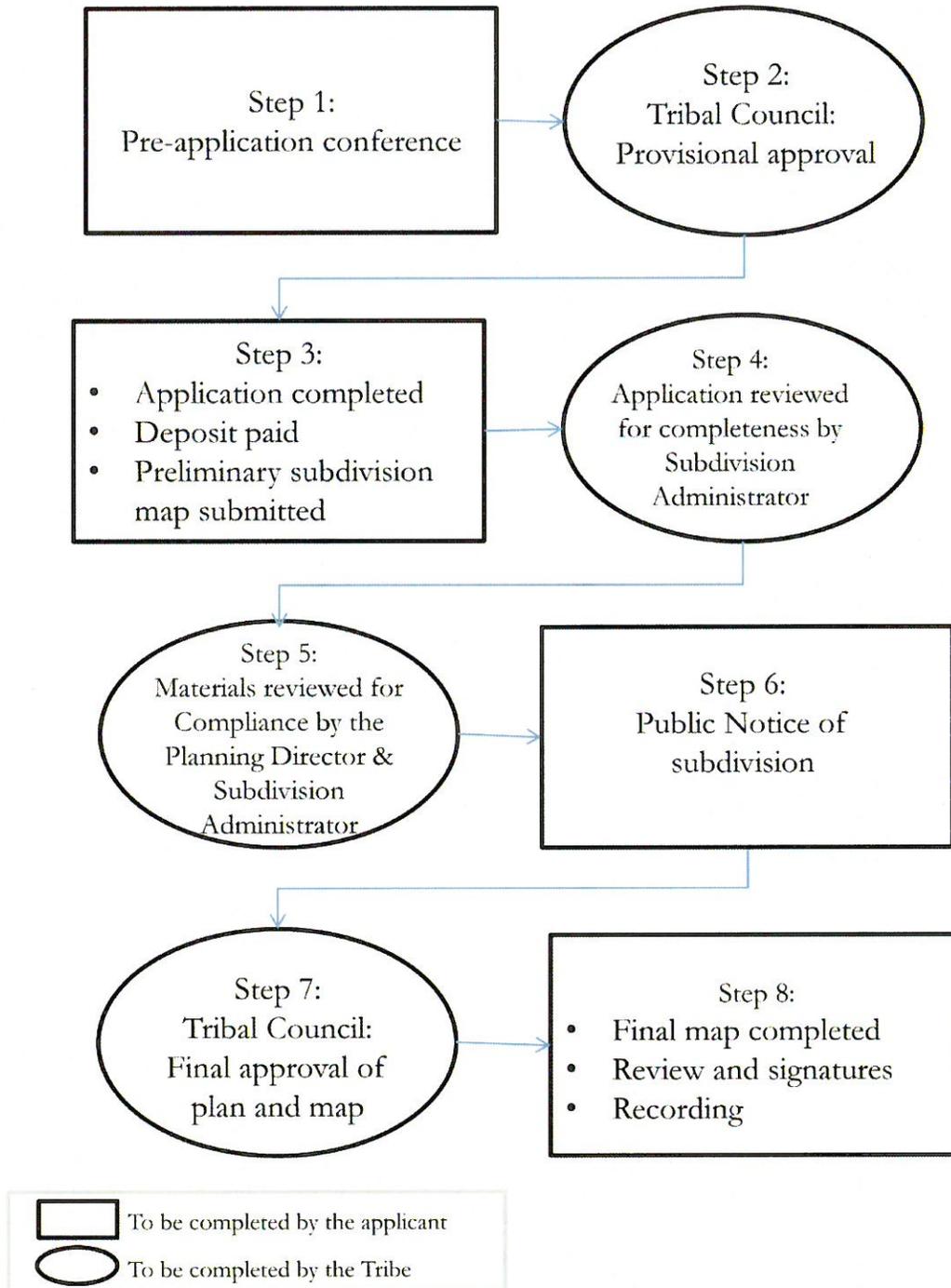
SECTION 3901. Appeal of Adverse Decision

Any applicant aggrieved by an action of the Tribe to deny a subdivision, reversion to acreage, merger of parcels, lot line adjustment or other final action under this ordinance may file a written appeal with the Council, with a copy to the Subdivision Administrator, within 10 days of a final adverse decision by the Subdivision Administrator, Planning Director, or Council. The applicant must submit a written notice of appeal and a fee sufficient to cover the cost of processing the application and hearing for the appeal. Upon receipt of the notice of appeal and the necessary fees, the Administrator shall forthwith transmit to Council all the papers constituting the record upon which the action appealed from was taken. If the applicant is appealing a decision of the Council, the applicant must also submit new information not previously considered by the Council that may justify a favorable decision.

ATTACHMENT 1. Application process

Yurok Tribe Subdivision Ordinance Process:

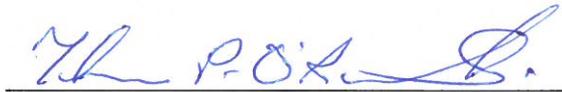
Advancing to the next step in the process is contingent upon approval of the previous step.



C*E*R*T*I*F*I*C*A*T*I*O*N

THE FOREGOING ORDINANCE, ENTITLED THE YUOK TRIBE SUBDIVISION ORDINANCE, WAS PASSED AT A REGULARLY SCHEDULED MEETING OF THE YUOK TRIBAL COUNCIL ON JUNE 10, 2015, AT WHICH A QUORUM WAS PRESENT, AND THIS ORDINANCE WAS ADOPTED BY A VOTE OF 5 FOR, 0 OPPOSED AND 0 ABSENTIONS IN ACCORANDANCE WITH ARTICLE IV, SECTION 5(j) OF THE CONSTITUTION OF THE YUOK TRIBE.

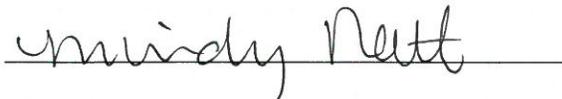
DATED THIS 15th DAY OF JUNE 2015



Thomas P. O'Rourke, Sr., Chairperson

Yurok Tribal Council

ATTEST:



Mindy Natt, Secretary

Yurok Tribal Council

