

ORDINANCE NO. 55
THE HOPI TRIBAL PLANNING ORDINANCE



Adopted by
Hopi Tribal Council

July 23, 2001

TABLE OF CONTENTS

TABLE OF CONTENTS	i
CHAPTER 1 - GENERAL PROVISIONS	1
Article 1.1. Scope	1
Section 1.1.1. Name	1
Section 1.1.2. Findings	1
Section 1.1.3. Purpose	2
Section 1.1.4. Applicability	2
Section 1.1.5. Interests for Which Public and Private Entities Shall Have Regard	3
Section 1.1.6. Amendment and Repeal	3
Section 1.1.7. Severability	3
Section 1.1.8. Grant of Power	4
Article 1.2. Definitions	4
CHAPTER 2 - PLANNING ADMINISTRATION	7
Article 2.1. Tribal Planning Agency	7
Section 2.1.1. Creation	7
Section 2.1.2. Mission	7
Section 2.1.3. Authorities	8
Section 2.1.4. Regular Functions and Duties	8
Section 2.1.5. Rules, Regulations, Orders, and Guidelines	10
Section 2.1.6. Biennial Report	11
CHAPTER 3 - TRIBAL PLANS	11
Article 3.1. General Provisions	11
Section 3.1.1. Purpose of Tribal General and Specific Plans	12
Section 3.1.2. Supporting Studies	12
Article 3.2. Tribal General Plans	12
Section 3.2.1. Types of Tribal General Plans	12
Section 3.2.2. Scheduling, Scope, and Content of Tribal General Plans	12
Section 3.2.3. Adoption and Amendment of General Plans	12
Section 3.2.4. Tribal Strategic Organizational Plan	12
Section 3.2.5. Tribal Comprehensive Land Use and Transportation Plan	14
Section 3.2.6. Tribal Strategic Land Use and Development Plan	14
Article 3.3. Tribal Specific Plans	15
Section 3.3.1. Types of Tribal Specific Plans	15
Section 3.3.2. Scheduling, Scope, and Content of Tribal Specific Plans	15
Section 3.3.3. Adoption and Amendment of Tribal Specific Plans	15

Article 3.4. - Capital Improvement Program	16
Section 3.4.1. Purpose	16
Section 3.4.2. Components and Contents of the Capital Improvement Program	16
Section 3.4.3. Procedure	17
 CHAPTER 4 - LAND DEVELOPMENT REVIEW	 17
Article 4.1. General Provisions	17
Section 4.1.1. Purpose	17
Section 4.1.2. Applicability	18
Section 4.1.3. Types of Land Development Permits	19
Section 4.1.4. Fees	19
Section 4.1.5. Land Development Standards	19
Section 4.1.6. Enforcement	20
Article 4.2. Project Concept Plan and Pre-application Conference	20
Section 4.2.1. Purpose	20
Section 4.2.2. Pre-application Conference	21
Section 4.2.3. Project Concept Plan	21
Section 4.2.4. Summary Report of Pre-application Conference	22
Section 4.2.5. Pre-application Conference Not Binding	22
Article 4.3. Land Development Permit	22
Section 4.3.1. Filing Land Development Permit Applications	22
Section 4.3.2. Form of Land Development Permit Application	22
Section 4.3.3. Content of Land Development Permit Applications	23
Section 4.3.4. Actions of the Hopi Tribal Council	25
Section 4.3.5. Effect of Land Development Permit	26
Section 4.3.6. Site Inspections	26
Section 4.3.7. As Built Drawings	26

ORDINANCE NO. 55
THE HOPI TRIBAL PLANNING ORDINANCE
CHAPTER 1 - GENERAL PROVISIONS

Article 1.1. Scope

Section 1.1.1. Name

This Ordinance shall be known as The Hopi Tribal Planning Ordinance.

Section 1.1.2. Findings

The Hopi Tribal Council finds:

- (1) That growth and development on the Hopi Reservation and other Hopi land may have unintended impacts and that when considered cumulatively, these impacts may adversely affect the public health, safety, and general welfare. Impacts may include, but are not limited to inadequate and overcrowded housing; incremental and low quality development; incompatible adjacent land uses; excessive infrastructure development costs; air and water pollution; contamination of soil; accumulation of wastes and hazardous substances; excessive noise and odors; excessive runoff, erosion, and sedimentation; congestion of public ways; flooding, fire, and other safety hazards; shortages of adequate water supplies, sanitary facilities, police and fire protection, or other essential public services; and destruction of wildlife and their habitats; and
- (2) That the proper exercise of Hopi Tribe's planning and regulatory powers promotes the general welfare of the Hopi People by protecting and enhancing the overall quality of community places within the Hopi Reservation and on other Hopi land by separating incompatible and encouraging compatible land uses; supporting community design that favors public transit and pedestrians; matching development with provision of adequate public infrastructure and services; decreasing public infrastructure and services development costs; promoting a variety of types and affordability of housing; increasing efficiency in transportation systems and networks; lessening the use of

energy; reducing the effects of natural hazards on life, property, and infrastructure; conserving critical natural and cultural heritage resources and wildlife; preserving open spaces; maintaining an attractive aesthetic environment; and supporting the balanced economic viability of settled and rural areas.

Section 1.1.3. Purpose

The purposes of this Ordinance include, but are not limited to:

- (1) Requiring the Hopi Tribe, through its government, to:
 - (a) adopt, maintain, update and implement in five year cycles an internally consistent set of General and Specific Plans that establish policy frameworks in various areas of tribal government activity;
 - (b) create a development review process and the authority for supporting regulations; and
 - (c) schedule execution of Capital Development Projects through a Capital Improvement Program;
- (2) Providing for fair planning and decision making processes by the Hopi Tribe by making those processes open, accessible, timely, and efficient;
- (3) Encouraging cooperation and coordination among the various interests in the Hopi Tribe's planning and development processes;
- (4) Establishing an administrative process and regulatory review of planning and development decisions;
- (5) Establishing a system for permanently recording development decisions that will enable efficient and accurate dissemination of this information;
- (6) Authorizing the creation of a Tribal Planning Agency; and
- (7) Establishing a depository library of all Tribal planning documents.

Section 1.1.4. Applicability

This Ordinance, subject to Article VII - Land, of the Hopi Constitution and fully respecting the jurisdiction and rights of the villages and clans in the traditional Hopi practices of village and clan land assignment, applies to all Persons undertaking community planning and development activity on the Hopi Reservation and all other Hopi land interests.

Section 1.1.5. Interests for Which Public and Private Entities Shall Have Regard

In order to achieve the purposes of Section 1.1.3. and in the exercise of the Hopi Tribe's sovereignty and self-determination, all Persons shall have regard for, among other things, the following Tribal interests in their community and land use related planning, land subdivision, or site development activities on Hopi lands:

- (1) Promotion of the public health, safety, or general welfare of all Tribal members;
- (2) Adequate provision of Community and Public Services at a Regional scale;
- (3) Adequate provision of a full range of housing opportunities for persons of all income levels;
- (4) Adequate provision of employment opportunities;
- (5) Adequate, cost-effective provision and efficient use, operation, and maintenance of transportation, sewage and water services, and waste management systems;
- (6) Adequate provision and distribution of educational, health, cultural, and recreational facilities;
- (7) Protection of agricultural resources and land;
- (8) Conservation and management of natural resources and the mineral resource base;
- (9) Protection of ecosystems, including natural areas, features, and functions;
- (10) Conservation of features of significant architectural, traditional cultural heritage, historical, or archaeological interest; and
- (11) Coordination of planning activities of public bodies.

Section 1.1.6. Amendment and Repeal

This Ordinance may be amended by the Hopi Tribal Council from time to time. This Ordinance supercedes and replaces all previous planning procedure and/or land use regulation enactments of the Hopi Tribal Council and any other enactments whose terms necessarily conflict with the terms of this Ordinance.

Section 1.1.7. Severability

If any section or provision of this Ordinance or application thereof to any situation or Person shall be held invalid or unenforceable by any court of competent jurisdiction, such holding

shall not invalidate or render unenforceable any other section or provision of this Ordinance or its application to other situations or Persons.

Section 1.1.8. Grant of Power

This Ordinance authorizes each Local Government to, consistent with this Ordinance and subject to ARTICLE VI, SECTION 1(l) of the Constitution and By-laws of the Hopi Tribe:

- (1) Establish its own planning agency;
- (2) Plan or otherwise direct, guide, regulate, encourage, or undertake the development of land and land uses within its jurisdiction in accordance with its own established provisions; and
- (3) Prepare its own planning ordinances, bylaws, regulations, polices, rules, guidelines and local procedures.

Article 1.2. Definitions

As used in this Ordinance, the following words and terms shall have the meanings specified herein.

- (1) “Bulk Restrictions” mean the standards and controls that establish the maximum size of buildings and structures on a lot or site and the buildable area within which the building can be located, including coverage, setbacks, height, floor area ratio, and yard requirements.
- (2) “Capital Improvement Project” means any construction, building or infrastructure project that will be owned by a governmental unit and purchased or built with direct appropriations from the governmental unit, or with bonds backed by its full faith and credit, or, in whole or in part, with Federal or other public funds, or in any combination thereof. A project may include construction, installation, project management or supervision, project planning, engineering, or design, and the purchase of land or interests in land. The original cost of such project shall exceed ten thousand dollars (\$10,000).
- (3) “Chairman” or “Tribal Chairman” means the Chairman of the Hopi Tribe.
- (4) “Community Development” means development that makes intensive use of land for the location of buildings, other structures, and impermeable surfaces to such a degree

as to be incompatible with the primary use of such land for the production of food, fiber, or other agricultural products, or the extraction of mineral resources and that, when allowed to spread over wide areas, typically requires community services.

- (5) “Community Growth Area” means an area delineated in accordance with the goals, policies, and guidelines in the Tribal Comprehensive Land Use and Development Plan within which Community Development is encouraged and outside of which Community Development is discouraged. A Community Growth Area shall allow existing or proposed land uses at minimum densities and intensities sufficient to permit Community Development that is projected for the region for the succeeding twenty (20) year period and existing or proposed Community Services to adequately support that Community Development.
- (6) “Community Services” or “Public Services” mean those activities, facilities, and utilities that are provided to land use densities and intensities that meet public demand or need, and that are not normally associated with rural land use. Community Services may include, but are not limited to: the provision of sanitary sewers and the collection and treatment of sewage; the provision of water lines and the pumping and treatment of water; solid waste collection; fire and police protection; parks, recreation, and open space; streets and roads; public transit; and other activities, facilities, and utilities of a settled community nature, such as storm water management or flood control.
- (7) “Council” or “Tribal Council” mean the Hopi Tribal Council.
- (8) “Development” means any land division or subdivision; land preparation; building, construction, installation, or improvement to land; any material change in the use or appearance of any improvement or in the land itself; any change in the intensity or use of land or existing improvement, such as an increase in the number of dwelling units in a structure or a change to a commercial or industrial use from a less intensive use; or any activity that alters a woodland, wetland, stream, wash, lake, endangered species habitat, aquifer or other natural resource area.
- (9) “Goal” means a desired state of affairs to which planned effort is directed.

- (10) “Guideline” means an agency statement or a declaration of policy that the agency intends to follow, which does not have the force or effect of law and which binds the agency but does not bind any other Person.
- (11) “Local Government” means any Hopi village, tribally incorporated community, or other general purpose Hopi political subdivision within the external boundaries of the Hopi Reservation exclusive of Navajo and Coconino Counties.
- (12) “Person” means any natural individual; corporation; partnership; limited liability company; joint venture; association; club; company; estate; trust; political subdivision; Tribal, Federal, State, County, Local Government or other government unit or agency, or other entity of any kind.
- (13) “Plan” means a document, adopted by an agency, that contains, in text, maps, and/or graphics, a method of proceeding, based on analysis and the application of foresight, to guide, direct, or constrain subsequent actions, in order to achieve goals. A plan may contain goals, policies, guidelines, and standards.
- (14) “Planned Community Development” means any new area of contiguous, mixed-use lots and parcels to be planned, developed, maintained and governed as a single development unit.
- (15) “Policy” means a general rule for action focused on a specific issue, derived from more general goals.
- (16) “Project Concept Plan” means a plan outlining general, rather than detailed, development intentions. It describes the basic parameters of a major development proposal, rather than giving full engineering details. As such, it allows general intentions to be proposed and discussed without the extensive costs involved in submitting a detailed proposal.
- (17) “Regional” means the geographic territory that encompasses the whole area of influence of a program or impact of a problem to be addressed, usually transcending the boundaries of any single local government.
- (18) “Standard” means a criterion that defines the meaning of a policy by providing a way to measure its attainment.

- (19) “Tribe” or “Tribal” means the Hopi Tribe.
- (20) “Tribal Agency” means any department, office, program, commission, board, authority or other administrative unit of the Hopi Tribe.
- (21) “Tribal Capital Improvement Budget” or “Capital Improvement Budget” means the annual budget for capital improvements proposed by the Tribal Budget Oversight Team, or its successors, and approved by the Hopi Tribal Council.
- (22) “Tribal Capital Improvement Plan” or “Capital Improvement Plan” means the schedule of proposed capital improvement expenditures in years two (2) through five (5) of the Capital Improvement Program.
- (23) “Tribal Capital Improvement Program” or “Capital Improvement Program” means the five (5) year schedule of capital improvements for the Tribe, the first year of which is the capital budget. The Capital Improvement Program is a proposed plan of expenditures and, except for the capital improvements included in the Capital Improvement Budget, shall not constitute an obligation or promise by the Tribe to undertake projects or appropriate funds for any project in years two to five of the schedule.
- (24) “Tribal Planning Agency” means the Office of Community Planning and Economic Development and its successors.

CHAPTER 2 - PLANNING ADMINISTRATION

Article 2.1. Tribal Planning Agency

Section 2.1.1. Creation

A Tribal Planning Agency is hereby created.

Section 2.1.2. Mission

The mission of the Tribal Planning Agency shall include, but not be limited to, management of the process of Hopi tribal growth in relation to the use and development of Hopi land and resources. In so doing the department will plan and direct programs of Hopi social and economic change that are driven by community determined goals and values.

Section 2.1.3. Authorities

The Tribal Planning Agency is authorized to:

- (1) Undertake general and specific planning projects for the Hopi Tribe;
- (2) Undertake general and specific planning projects for Local Governments;
- (3) Conduct demographic and socioeconomic research in support of plan-making;
- (4) Inventory and map geographic features and constraints in support of plan-making;
- (5) Conduct planning and policy research in support of plan-making;
- (6) Implement plans through:
 - (a) setting land development regulations;
 - (b) issuing Land Development Permits as approved by the Hopi Tribal Council;
and
 - (c) establishing Tribal Capital Improvement Programs;
- (7) Receive, review, and maintain a depository of all Tribal and Local Government community, land use, infrastructure development, public facility development, and related planning documents or studies;
- (8) Adopt and issue planning related rules, regulations, orders, and guidelines;
- (9) Charge reasonable fees for conducting Land Development Review processes and issuing Land Development Permit Applications; and
- (10) Manage its internal affairs.

Section 2.1.4. Regular Functions and Duties

The Tribal Planning Agency shall have the following regular functions and duties:

- (1) Prepare and maintain General Plans for the Hopi Tribe;
- (2) Prepare and maintain Specific Plans for the Hopi Tribe;
- (3) Prepare and maintain a Capital Improvement Program for the Hopi Tribe;
- (4) Prepare or assist in preparation of Local Government General and Specific Plans;
- (5) Provide technical assistance in community planning and economic development to Local Governments;

- (6) Receive, review, evaluate, and report on all comprehensive, strategic, land use, land management, resource management and land development plans prepared by any Tribal Agency or Local Government;
- (7) Coordinate planning initiatives and activities of Tribal, Federal, State, County, and Local Government agencies with adopted Tribal Plans;
- (8) Maintain a depository of all planning documents and studies prepared by Tribal Agencies or Local Government;
- (9) Harmonize the Hopi Tribe's planning initiatives and activities with the planning activities of Federal, State, County and Local Government;
- (10) Harmonize the Hopi Tribe's planning initiatives and activities with the planning activities of other Indian tribes and nations;
- (11) Cooperate with and assist Federal government agencies in the execution of their planning and regulatory functions in order to harmonize their activities with the Tribal Plans;
- (12) Conduct, as necessary, special studies and undertake planning and economic development related research;
- (13) Participate in Federal, National, State, and Regional planning programs;
- (14) Engage in programs of public information and communication regarding the Tribal Planning Agency's activities;
- (15) Ensure widespread public participation in Tribal planning processes;
- (16) Provide education and training programs in planning and related topics to employees of Tribal, Federal, State, Regional, and Local Government agencies and to elected and appointed Tribal officials;
- (17) Gather, tabulate, analyze, and periodically publish information and reports on the location and pace of development on Hopi Tribal land including, but not limited to, information on population, housing, economic activity, and development permit data;
- (18) Develop and maintain databases of Tribal demographic data;
- (19) Develop and maintain databases of Tribal facilities and Capital Improvement Projects;

- (20) Develop and maintain geographic information system databases in support of Tribal and Local Government planning, regulatory, and/or land use management activities;
- (21) Serve as a clearinghouse responsible for coordinating socio-economic data collection and data dissemination among Tribal, Federal, State, Regional and Local Government agencies, and the private sector;
- (22) Cooperate with Federal agencies to improve access to the statistical products, data, and information available from the Federal government;
- (23) Annually estimate the resident Reservation population;
- (24) Prepare, at least twice in each decade, a twenty-year population forecast in five-year intervals;
- (25) Prepare and administer site and subdivision development regulations consistent with adopted Tribal Ordinances and Plans;
- (26) Conduct planning studies that include facilitated public participation processes to locate construction of new Tribal facilities;
- (27) Prepare the Tribal Capital Improvement Program, Plan and Budget pursuant to Article 3.4. of this Ordinance; and
- (28) Serve as staff support to the Hopi Tribal Council and to issue Land Development Permits for applications approved by the Council.

Section 2.1.5. Rules, Regulations, Orders, and Guidelines

The Tribal Planning Agency is authorized to and shall adopt rules and regulations, and issue orders concerning any matter within its authority provided that such rules and regulations are adopted in accordance with the following:

- (1) Rules, regulations, and orders of the Tribal Planning Agency, other than rules concerning its internal organization and affairs, shall be adopted or issued only at the end of a thirty day public comment period;
- (2) All rules, regulations, and orders to be adopted or issued by the Tribal Planning Agency under this section shall be published in the *Tutuveni* with the first date of publication constituting the beginning of the public comment period; and
- (3) The Tribal Planning Agency shall not adopt guidelines in lieu of a rule.

The Tribal Planning Agency shall prepare and distribute guidelines in the form of sample ordinances, sample resolutions, sample regulations, technical reports, and related advisory information for use by Local Government planning agencies and other interested parties;

Section 2.1.6. Biennial Report

Within three (3) months following the end of FY 2002 and of each even-numbered fiscal year following, the Head of the Tribal Planning Agency shall prepare and submit a biennial report for the preceding biennial period to the Hopi Tribal Council. The report shall:

- (1) Analyze demographic, economic, social, and environmental trends affecting the Tribe;
- (2) Discuss the Tribe's progress in achieving goals and policies in adopted Tribal plans;
- (3) Describe activities carried out by the Planning Agency during the previous two years;
- (4) Describe activities carried out by Tribal government agencies and Local Governments pursuant to this Ordinance during the preceding two years;
- (5) Recommend changes in policies and legislation necessary to carry out the authorities of this Ordinance; and
- (6) Provide any other analysis, recommendations, and information deemed relevant.

Every employee of the Hopi Tribe and Local Government shall comply to the best of their ability with any request of the Tribal Planning Agency for advice, assistance, information, documents, or other material required for the preparation of this report.

CHAPTER 3 - TRIBAL PLANS

Article 3.1. General Provisions

The Hopi Tribal Planning Agency shall prepare and maintain the Tribe's General and Specific Plans. New General and Specific Plans and updates to existing General and Specific Plans shall originate by Resolution of Hopi Tribal Council. The Resolution shall:

- (1) Authorize the Tribal Planning Agency to proceed with the preparation of a particular General or Specific Plan, or update; and
- (2) Establish a Plan Steering Committee to guide the particular plan-making process.

Section 3.1.1. Purpose of Tribal General and Specific Plans

The purpose for creating Tribal General and Specific Plans is to decide the scientific, aesthetic, and orderly allocation and use of land, resources, facilities and services with a view to securing physical, economic and social efficiency, health, and well-being for the Hopi People and their communities.

Section 3.1.2. Supporting Studies

In preparing Tribal General and Specific Plans, the Tribal Planning Agency may undertake all necessary supporting studies that are relevant to the topical areas to be included in a particular Plan. The Agency may also use studies prepared by others.

Article 3.2. Tribal General Plans

The Hopi Tribal Planning Agency shall prepare and maintain Tribal General Plans that address mid-range and long-range governance, land use, and development issues and goals.

Section 3.2.1. Types of Tribal General Plans

The Tribal General Plans shall consist of, but shall not be limited to:

- (1) a Tribal Strategic Organizational Plan;
- (2) a Tribal Comprehensive Land Use and Transportation Plan; and
- (3) a Tribal Strategic Land Use and Development Plan.

Section 3.2.2. Scheduling, Scope, and Content of Tribal General Plans

Tribal General Plans shall be revised and updated every five (5) years. The scope and content of each Tribal General Plan shall be set by Tribal Planning Agency staff and the Plan's Steering Committee within the specifications stipulated in Sections 3.2.4., 3.2.5., and 3.2.6. of this Ordinance.

Section 3.2.3. Adoption and Amendment of General Plans

Tribal General Plans and updates shall be adopted by Resolution of Tribal Council. The Tribal Planning Agency shall, on an annual basis, review adopted Tribal General Plans and may propose to Tribal Council amendments to a particular plan.

Section 3.2.4. Tribal Strategic Organizational Plan

The focus of the Tribal Strategic Organizational Plan shall be to ensure coordinated, integrated, and orderly governance by the Hopi Tribal Government. The Strategic

Organizational Plan shall be a continuation of the planning process initiated in the *Hopit Pötskwaniat: Hopi Tribal Consolidated Strategic Plan of 1995*. The Plan shall be composed of the objectives and action steps that are intended to achieve delivery of needed government services to the Hopi People. It shall be a direction setting document, giving guidance to Tribal, Federal, State and County Agencies, and Local Governments. The Plan shall itemize goals, policies, and unilateral and multilateral actions in each of, but not limited to, the following areas.

- (1) Towards Self Governance and Self Sufficiency
 - (a) Area of Governance
 - (b) Area of Tribal Assets
 - (c) Area of Justice and Law Enforcement
- (2) Towards Preservation and Protection of Cultural Resources
 - (a) Area of Cultural Preservation & Protection
 - (b) Area of Language Preservation
- (3) Towards Quality of Human Services
 - (a) Area of Education
 - (b) Area of Health
 - (c) Area of Social Services
- (4) Towards Sustainable Community
 - (a) Area of Land Use and Tenure
 - (b) Area of Housing
 - (c) Area of Economic Development and Tourism
 - (d) Area of Public Facilities
 - (e) Area of Transportation
 - (f) Area of Public Utilities and Infrastructure
- (5) Towards Conservation and Effective Use of Natural Resources
 - (a) Area of Rangeland
 - (b) Area of Woodland
 - (c) Area of Wildlife

- (d) Area of Water Resources
- (e) Area of Mineral Resources and Energy
- (f) Area of Agriculture
- (g) Area of Environment

Section 3.2.5. Tribal Comprehensive Land Use and Transportation Plan

The Tribal Comprehensive Land Use and Transportation Plan shall be a vision based, long-range Plan that delineates, for the future, the Hopi People's vision of the desired structural configuration of Tribal land uses and the linkages among them. The Plan shall be based on an extensive public participation process and relevant supporting studies. It is meant to focus community resources on actions that will achieve long term community goals. It shall consider, in its development, existing conditions and the planning influences of future population growth, migration, and demographic change. It shall project the housing supply required to meet the need to reduce existing overcrowding and the demands of future population growth. It shall examine where to locate jobs and other economic opportunities to meet the demands of the available and future labor force. Based on these analyses, the Plan shall direct the expansion of Tribal land for residential, commercial, institutional, and special uses and the necessary transportation corridors to connect the areas of developed land use on a Regional scale. It will identify Community Growth Areas for the purposes of locating Tribal facility and infrastructure investment. This Plan shall be the basis for a Tribal zoning ordinance or regulation.

Section 3.2.6. Tribal Strategic Land Use and Development Plan

The scope of a Tribal Strategic Land Use and Development Plan shall be to ensure orderly development of land and facilities consistent with the Tribal Strategic Organizational Plan and the Comprehensive Land Use and Transportation Plans. It shall provide a mid-range, five (5) year strategic policy direction for Tribal, Federal, State, Regional, and Local Government actions on the Hopi Reservation. The Tribal Strategic Land Use and Development Plan shall be a continuation of the planning process initiated in the *Hopit Tunatya'at: Hopi Comprehensive Development Plan of 1988* and continued with the *Hopit Tunatya'at 2000: The Strategic Land Use and Development Plan*. The Tribal Strategic Land Use and

Development Plan shall identify and locate critical development needs of the Tribe. The Plan will contain goal and vision statements, policies, and specify actions needed to accomplish the critical developments.

Article 3.3. Tribal Specific Plans

The Hopi Tribal Planning Agency shall prepare and maintain Tribal Specific Plans that address short- and mid-range development goals of the Hopi Tribe in specific functional of development or in specific geographic areas.

Section 3.3.1. Types of Tribal Specific Plans

Tribal Specific Plans may include, but shall not be limited to:

- (1) A transportation development strategy;
- (2) An economic development and tourism strategy;
- (3) A telecommunications and information technology strategy;
- (4) An energy development strategy;
- (5) Tribal and community facility development strategies;
- (6) A comprehensive housing strategy;
- (7) Public services plans;
- (8) Planned Community Development District plans;
- (9) Planned Community Development Plans; and
- (10) Local Government land use, transportation and infrastructure plans.

Tribal Specific Plans may be combined in single documents as needed and may focus on limited geographic areas.

Section 3.3.2. Scheduling, Scope, and Content of Tribal Specific Plans

The schedule under which Tribal Specific Plans will be created or updated will be established in consultation with senior Tribal government management staff. The scope and content for each Tribal Specific Plan shall be established by Tribal Planning Agency staff and the Steering Committee at the outset of each planning process.

Section 3.3.3. Adoption and Amendment of Tribal Specific Plans

Tribal Specific Plans shall be adopted by Resolution of Tribal Council. The Tribal Planning Agency shall, on a biennial basis, review Tribal Specific Plans and may propose amendments to particular Plans for adoption by Tribal Council.

Article 3.4. - Capital Improvement Program

Section 3.4.1. Purpose

The purpose of the Capital Improvement Program is to provide an implementation mechanism for Tribal General Plans and Specific Plans. The Capital Improvement Program shall consist of the projected five (5) year stream of expenditures needed to meet the development objectives contained in adopted Tribal Plans.

Section 3.4.2. Components and Contents of the Capital Improvement Program

- (1) The Capital Improvement Program shall consist of:
 - (a) a Capital Improvement Plan; and
 - (b) a Capital Improvement Budget;
- (2) The Capital Improvement Program shall include:
 - (a) a description of each proposed Capital Improvement Project, identification of the project proponent, project costs, sources of funds, planned year(s) of construction, construction expenditure stream by year, probable annual operating and maintenance costs, probable revenues, and a statement of the relationship of the project to Tribal Plans;
 - (b) a description of priorities used in selecting and scheduling projects;
 - (c) a projection of available funds for all Capital Improvements Projects during the five (5) year period;
 - (d) an estimate of indebtedness, if any, to be incurred by the issuance of bonds for Capital Improvements proposed over the five (5) year period; and
 - (e) a summary table showing, by year, beginning fund balances, projected revenues or sources of funds, projected costs of all Capital Improvements for that year, and ending fund balances.

Section 3.4.3. Procedure

The Tribal Planning Agency shall, annually, prepare a Tribal Capital Improvement Budget based on Capital Improvement Program. No later than August 1 of each year, the Tribal Planning Agency shall prepare and submit to the Budget Oversight Team or its successors, a comprehensive Tribal Capital Improvement Budget based on all projects in the Capital Improvement Program that have a projected expenditure in the fiscal year for which the Capital Improvement Budget is being prepared. The Budget Oversight Team shall review, evaluate, and finalize the Capital Improvement Budget. The Budget Oversight Team shall submit the final Capital Improvement Budget with the annual Tribal operations budget to the Council for consideration and adoption. The Tribal Planning Agency shall develop and shall periodically revise and publish criteria and related instructions and guidance for the inclusion in the Tribal Capital Improvement Program of proposed Capital Improvement Projects. The Tribal Planning Agency shall solicit proposals for Capital Improvement Projects, from every public sector agency that undertakes development projects on the Hopi Reservation in preparation of the Tribal Capital Improvement Program. As of the first fiscal year following adoption of this Ordinance, no funds for Capital Improvement Projects shall be encumbered or expended unless the Project is included in an adopted Tribal Capital Improvement Budget.

CHAPTER 4 - LAND DEVELOPMENT REVIEW

Article 4.1. General Provisions

Section 4.1.1. Purpose

The purpose of good site, subdivision and planned community development design is to create functional and attractive communities, to minimize adverse impacts, and to ensure a development project that will be an asset to a community. To promote this purpose site, subdivision and planned community developments shall comply with the Land Development Review procedure which is designed to result in desirable projects without adding unnecessarily to development costs. Specifically, this Chapter establishes the procedure for the Hopi Tribal Council to act upon permit applications for site, subdivision and Planned

Community Development of Tribal land. The procedure is intended to provide orderly and expeditious processing of such applications, and the issuance of Land Development Permits. The Land Development Review process will insure all tracts of land proposed for site, subdivision, or planned community development will be parcels and lots of appropriate size and configuration; insure the provision of sufficient set aside or dedication of land for construction of infrastructure and community facilities; and insure that adequate infrastructure is constructed to serve the proposed structural improvements that are to be made to a site, or the lots in a subdivision or planned community development. The documents to be submitted in the Land Development Permit Application are intended to provide the approving authority with sufficient information and data to assure compliance with all Tribal and Local Government ordinances, regulations, and Development Standards.

Section 4.1.2. Applicability

The Land Development Review procedure shall apply to all land development projects proposed for any site or tract of land in accordance Section 1.1.4. of this Ordinance except:

- (1) Single family detached residential development undertaken by an individual tribal member or her family on a parcel of land assigned to her that is within village or clan land holdings as described in ARTICLE VII - LAND, Section 1 of the Hopi Constitution and that is not part of a subdivision or Planned Community Development;
- (2) Infrastructure right-of-way development projects that are not part of a subdivision or Planned Community Development project;
- (3) Village projects funded entirely from the annual H-13 village appropriations or other business lease revenues and that are located within the traditional boundary of a Hopi village;
- (4) Construction of an addition to an existing principal improvement or structure, or of an accessory improvement or structure on a site, that is equal to or less than four hundred (400) square feet in plan and that is located within the interior boundary of any setbacks approved for the site;
- (5) Range improvement and fencing projects;

- (6) Temporary construction staging areas that will be occupied for one (1) year or less;
- (7) Any project proposed for any existing Peabody Mining Lease; and
- (8) Any project in any Local Government jurisdiction which has adopted its own Land Development Review process consistent with this Ordinance.

Proponents of an excepted project, however, shall notify and register their project with the Tribal Planning Agency on a form or forms prescribed in accordance with Section 2.1.4. of this Ordinance. Use and/or development of land for traditional Hopi agricultural activity is excluded from the Land Development Review procedure.

Section 4.1.3. Types of Land Development Permits

Development proponents may apply for any one of eight (8) types of Land Development Permits:

- (1) Site Development - Residential Use;
- (2) Site Development - Commercial Use;
- (3) Site Development - Institutional Use;
- (4) Site Development - Special Use;
- (5) Subdivision Development - Residential Use;
- (6) Subdivision Development - Commercial Use;
- (7) Subdivision Development - Mixed Use; and
- (8) Planned Community Development.

Section 4.1.4. Fees

Development proponents and applicants may be charged reasonable fees for a pre-application conference and review of any Land Development Permit Application. Applicable fees shall be based on a fee schedule established by the Tribal Planning Agency under Section 2.1.4. of this Ordinance.

Section 4.1.5. Land Development Standards

Land Development Standards for site, subdivision, and planned community development shall be established in accordance with Section 2.1.4 of this Ordinance. Land Development Standards may include, but shall not be limited to:

- (1) Site or lot layout and design;

- (2) Site and lot monumenting and recordation requirements;
- (3) Open space requirements;
- (4) Site or lot coverage and setback requirements;
- (5) Building heights and other Bulk Restrictions;
- (6) Parking requirements and layout;
- (7) Roads, streets, curbs, gutter, sidewalk, culvert and bridge requirements and design;
- (8) Building access requirements and design;
- (9) Street lighting, signs, furniture and street tree requirements and design;
- (10) Landscaping requirements and design;
- (11) Drainage and storm sewer requirements and design;
- (12) Infrastructure capacity threshold requirements;
- (13) Sanitary sewer and waste water treatment requirements;
- (14) Water supply requirements and design;
- (15) Electrical supply requirements and design;
- (16) Solid waste management;
- (17) Telecommunication facility requirements and design.

Where no Tribal development standard exists for a particular design aspect of a project, the Principal Planner may adopt an appropriate standard for that project based on current published professional standards.

Section 4.1.6. Enforcement

It shall be unlawful to proceed with construction of a Development Project without a Land Development Permit. Persons who do so or violate the provisions of this Chapter, shall be subject, as applicable, to the Hopi Tribal Civil Trespass Ordinance, Ordinance No. 52.

Article 4.2. Project Concept Plan and Pre-application Conference

Section 4.2.1. Purpose

The purpose of the Project Concept Plan and pre-application conference is to provide the Tribal Planning Agency and other Tribal and Local Government staff with information about a proposed project; to afford an opportunity to identify project planning and design information needs, and procedural requirements; to critique, in the formative stages of a

project's development, the proposed design; establish the design standards by which the Land Development Permit Application will be evaluated for recommendation to the Hopi Tribal Council; and to identify possible development bonuses available to the project.

Section 4.2.2. Pre-application Conference

In order to expedite Land Development Permit Applications and to reduce project planning, design and development costs, all proponent developers shall schedule a pre-application conference with the Tribal Planning Agency. The basis of the pre-application conference shall be the Project Concept Plan. A site visit may also be scheduled as part of the pre-application review process.

Section 4.2.3. Project Concept Plan

Applicants seeking a pre-application conference shall submit ten (10) copies of a Project Concept Plan no less than thirty (30) days prior to the pre-application conference. The Project Concept Plan, in map and text form, shall consist of:

- (1) A cover sheet denoting:
 - (a) The name of the project and the type of development proposed;
 - (b) Location and vicinity maps of the project area; and
 - (c) Name, address and other contact information of owner and applicant.
- (2) A plan sheet showing:
 - (a) External boundary of the proposed development site or tract and annotated with the geographic latitude and longitude coordinates of each corner point recorded in reference to the WGS84 geodetic datum;
 - (b) Boundaries and annotations of uses of all adjoining land parcels;
 - (c) Boundaries of all infrastructure rights-of-way within one thousand (1,000) feet of the proposed development;
 - (d) All known environmentally and culturally sensitive areas, and significant physical features within one thousand (1,000) feet of the proposed development site or tract; and
 - (e) All water wells within five thousand (5,000) feet of the project;
- (3) A plan sheet containing:

- (a) Narrative description of the proposed project;
 - (b) Sketch plan drawing of proposed site or subdivision infrastructure and structural improvements; and
 - (c) Any available concept drawings or renderings of all proposed improvements; and
- (4) A schedule of known applicable regulatory requirements for the development.
- If construction of the project is to be phased over a number of years, a concept plan drawing of the completed project shall be provided.

Section 4.2.4. Summary Report of Pre-application Conference

A brief written summary of the pre-application conference shall be provided to the Development Proponent within ten (10) working days of completion of the pre-application conference meeting.

Section 4.2.5. Pre-application Conference Not Binding

The applicant shall not be bound by any pre-application conference or Project Concept Plan nor shall the Tribal Planning Agency or the Hopi Tribal Council be bound by any such review. Should a project substantially change as the result of a pre-application conference and the proponent wishes to proceed with the substantially revised project, and new Project Concept Plan and pre-application conference will be required.

Article 4.3. Land Development Permit

Section 4.3.1. Filing Land Development Permit Applications

In order to initiate a Land Development Project, the proponent shall file a draft Land Development Permit Application with the Tribal Planning Agency. The draft Application will then be reviewed for completeness within ten (10) working days. If found incomplete, the draft Application shall be returned to the Development Proponent noting the deficiencies. If found complete, the Development Proponent will be notified to submit an original and ten (10) copies of the Application for processing.

Section 4.3.2. Form of Land Development Permit Application

Every Land Development Permit Application shall be clearly and legibly drawn. The size of the sheets shall be twenty-four (24) by thirty-six (36) inches. The map scale of any plan

drawings shall be at least one (1) inch equals two hundred (200) feet or larger. A north arrow and scale bar shall be included on all sheets with plan drawings. Each sheet, except the original set, shall be folded, and the entire set of sheets, in their numbered sequence for each required copy of the Application, shall be in separate bundles. Each bundle shall also contain the Land Development Permit Application checklist and copies of any supporting application documentation. The original set of plan sheets shall be submitted as a roll with the original supporting documentation bundled separately.

Section 4.3.3. Content of Land Development Permit Applications

The Land Development Permit Application may consist of the following information and drawings and any other information or drawings as may be determined by Tribal Planning Agency staff to be appropriate to the project.

- (1) An application form and check list as prescribed under section 2.1.4 of this Ordinance;
- (2) A plan cover sheet denoting:
 - (a) Project name;
 - (b) Type of Land Development Permit being sought;
 - (c) Date of application preparation;
 - (d) An index of application plan sheets;
 - (e) Citations to sources of design criteria and standards;
 - (f) Name, address and other contact information of owner and applicant;
 - (g) Name, signature, license number and seal of all licensed professionals involved in preparation of the application; and
 - (h) Signature and certification blocks for the Hopi Tribal Council and the Tribal Planning Agency; and
- (3) A contextual analysis drawing plan sheet(s) showing:
 - (a) a descriptive overview of the project;
 - (b) a descriptive overview the of tract or site;
 - (c) a descriptive overview of the local climate;
 - (d) an annotated location map of the project site within the State;

- (e) an annotated location map of the project site within the local community and/or neighborhood;
 - (f) a drawing showing surrounding land parcels annotated with current land uses or, if applicable, zoning designation;
 - (g) a drawing showing surrounding land parcels annotated with future or planned land uses and/or, if applicable, zoning designations;
 - (h) an annotated drawing showing the age and condition of surrounding buildings and structures;
 - (i) an annotated drawing of neighborhood vehicular and pedestrian traffic generators;
 - (j) an annotated drawing of surrounding vehicular circulation patterns;
 - (k) an annotated drawing of surrounding pedestrian circulation patterns;
 - (l) an annotated drawing of surrounding street and site exterior lighting patterns;
 - (m) an annotated drawing of locations of existing utilities to the site: electrical supply, water supply, waste water lines, and telecommunications;
 - (n) an annotated drawing of summer and winter sun-shadow patterns;
 - (o) prevailing winds annotated by season and intensity; and/or
 - (p) an annotated drawing of major land features, surface drainage patterns, geology and soils, and vegetation; and
- (4) A detailed existing conditions and characteristics plan sheet(s) showing:
- (a) the boundary of the proposed development site or tract, the geographic coordinates (longitude and latitude reference to WGS 84 geodetic datum) of each corner point, and accurate contour lines drawn to intervals of one (1) foot to five (5) feet depending on topography (copies of U.S.G.S. maps are not acceptable) and that extend one hundred (100) feet beyond the development site or tract boundary line;
 - (b) the fifty (50), one hundred (100), and five hundred (500) year flood plain limits;

- (c) the over-all dimensions of the development site or tract and its area in square feet and to nearest tenth of an acre;
 - (d) a metes and bounds legal description of the development site or tract;
 - (e) an annotated drawing showing setbacks from the boundary and a calculation of the buildable area(s);
 - (f) an annotated drawing of adjacent streets, utility rights-of-way and on site or tract easements;
 - (g) views into and from the site; and
 - (h) noise patterns surrounding the site; and
- (5) An overall and detailed set of site or tract development plan sheets including, but not limited to:
- (a) a layout plan showing the overall development project in relation to the site or tract boundary;
 - (b) a layout plan showing the footprint of any building improvement to the site and the on-site parking areas;
 - (c) all proposed subdivision lot, right-of-way, easement and public space dedication lines;
 - (d) a utilities plan showing the location and type of all proposed utility service installation for the site or tract;
 - (e) a landscaping and exterior lighting plan;
 - (f) a sign and marking plan;
 - (g) a grading plan; and
 - (h) a drainage plan including provision for the disposal of storm water; and
- (6) Copies of required Tribal Federal and State statutory and regulatory certifications and supporting documents.

Section 4.3.4. Actions of the Hopi Tribal Council

The Hopi Tribal Council may, at their discretion, table pending submission of additional information, deny, conditionally approve, or approve a Land Development Permit Application.

Section 4.3.5. Effect of Land Development Permit

Issuance of the Land Development Permit to a proponent by the Tribal Planning Agency shall have the effect of authorizing the proponent to initiate construction of the approved project according to the terms and conditions contained in the Land Development Permit. The proponent shall commence construction of the project within one hundred eighty (180) days of issuance of the Land Development Permit or the Permit shall be deemed to have lapsed. The Permit may be renewed for another ninety (90) day term retroactive to the end of the initial term upon application within thirty (30) days of the end of the initial term by applying to the Tribal Planning Agency in a manner prescribed in Section 2.1.4. of the Ordinance.

Section 4.3.6. Site Inspections

Site inspections of the project may be conducted by Tribal Planning Agency staff for the purpose of ensuring compliance with the Land Development Permit during construction of the project.

Section 4.3.7. As Built Drawings

The proponent shall provide the Tribal Planning Agency with one (1) set of geo-referenced as-built drawings of the completed project within ninety (90) days of completing the project.