



Picayune Rancheria
of the

CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614



ORDINANCE NO. 0001

THE SUBDIVISION AND MERGER ORDINANCE OF THE PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS.

The Tribal Council (“Council”) for the Picayune Rancheria of Chukchansi Indians (“Tribe”) hereby ordains as follows:

Section 1. Findings and Declarations. The Council, in enacting this Ordinance, finds and declares that:

A. It is necessary to enact a comprehensive subdivision and merger ordinance regulating the dividing, merger, and use of tribal lands within the boundaries of the Picayune Rancheria (“Rancheria”).

B. The Tribe is a federally recognized Indian Tribe organized under the provisions of a written Constitution establishing the Tribal Council as the governing body of the Tribe.

C. The Tribe is the beneficial owner of the Picayune Rancheria (“Rancheria”) consisting of both trust and fee lands. Title to the Tribe’s Rancheria trust lands is owned by the United States in trust for the Tribe.

D. In the past, the Tribe has leased individual parcels of land for commercial, residential and recreational uses. The practical effect of granting the leases has been that subdivisions have been created within the Rancheria without any standards. The result has been the creation of irregular lots, with, in some cases, no infrastructure improvements.

E. The purpose of this Ordinance is to adopt standards, regulations, and procedures for the subdivision as well as lot line adjustment and merger of parcels on tribal trust land on the Picayune Rancheria to ensure that all parcels of property located within the boundaries of the Rancheria are serviced by adequate streets and utilities, are uniform in size, and provide sufficient access to emergency vehicles.

F. This Ordinance is being enacted by the Tribal Council pursuant to the authority granted to the Tribal Council under Article V, which grants to the Tribal Council the authority to administer and regulate the use and disposition of all Tribal property.

G. The enactment of this Ordinance will promote and protect the public health, safety, and general welfare of the Tribe and its members.

Section 2. Adoption of Picayune Rancheria Subdivision and Merger Ordinance. A new



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CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

ordinance entitled: "Picayune Rancheria Subdivision and Merger Ordinance" is hereby adopted and added as a new Chapter to Title 22 of the Picayune Rancheria Tribal Code, which shall provide as follows:

Title 22

SUBDIVISIONS

Chapters:

- 22.04 General Provisions
- 22.08 Definitions
- 22.12 General Procedures
- 22.14 Design Standards
- 22.20 Preliminary Maps
- 22.24 Tentative Map
- 22.28 Final Map
- 22.32 Parcel Maps
- 22.33 Lot Line Adjustments
- 22.34 Parcel Mergers
- 22.36 Improvements
- 22.40 Reversions
- 22.44 Exceptions
- 22.48 Appeals
- 22.52 Enforcement

Chapter 22.04

GENERAL PROVISIONS

Sections:

- 22.04.010 Short title.
- 22.04.020 Purpose--Effect..
- 22.04.030 Effect of provisions on previous agreements.
- 22.04.040 Application of additional standards.
- 22.04.050 Compliance to title required.

22.04.010 Short title. This title shall be known and may be cited as the "Picayune



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

Subdivision and Merger Ordinance."

22.04.020 Purpose--Effect.

A. This title is enacted for the purpose of adopting standards, regulations and procedures for the subdivision, merger, lot line adjustment, and other specified types of division, merger and utilization of trust land on the Picayune Rancheria.

B. This title regulates and controls subdivisions for assignment, leases or development on trust land within the boundaries of the Rancheria.

C. This title also provides for the reversion to acreage of lands previously divided.

22.04.030 Effect of provisions on previous agreements. This Title shall not affect any agreement, contract or bond previously executed with respect to any subdivision or any rights of action accrued thereunder; or any previous action to approve a tentative map or final map, except that conditions of approval and time limitations imposed thereon shall prevail.

22.04.040 Application of additional standards. All divisions of land which are subject to the provisions of this title shall conform to any general plan, specific plans, and to adopted standards and provisions of law which are pertinent or applicable to such divisions.

22.04.050 Compliance to title required. It is unlawful for any individual, firm, association, syndicate, co-partnership, trust, or any other person, organization, or legal entity, as a principal, agent or otherwise, to offer to sell, to contract to sell, or sell, or lease, or transfer, or utilize, or otherwise assign for financing or other purposes, any proposed subdivision or other division of trust land or any part thereof on the Picayune Rancheria, unless and until all the requirements provided in this title have been complied with.

Chapter 22.08

DEFINITIONS

Sections:

- 22.08.010 Alley.
- 22.08.020 Advisory agency.
- 22.08.030 Appeal board.
- 22.08.040 Authorized representative.
- 22.08.050 Building official.
- 22.08.060 Engineer, Tribal.
- 22.08.080 Engineer, soils.



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

22.08.090	Health officer.
22.08.100	Lease.
22.08.110	Map act.
22.08.120	Map, final.
22.08.130	Map, parcel.
22.08.140	Map, preliminary.
22.08.150	Map, reversion to acreage.
22.08.160	Map, record of survey.
22.08.170	Map, tentative.
22.08.180	Plan, general.
22.08.190	Plan, specific.
22.08.200	Planner, Tribal.
22.08.210	Rancheria.
22.08.220	Street, Tribal.
22.08.230	Street, private.
22.08.240	Subdivider.
22.08.250	Subdivision.
22.08.260	Subdivision standards.
22.08.270	Surveyor.
22.08.280	Technical advisory committee.
22.08.290	Tribe.
22.08.300	Trust land.

22.080.010 Alley. "Alley" means a way for secondary vehicular access to a parcel of property for on-site parking, freight handling and related purposes.

22.08.020 Advisory Agency. "Advisory Agency," as referred to in this Title, shall be the Picayune Planning Commission, which is also referred to in this Title as the "Planning Commission," and it is charged with the duty of making investigations and reports on the design and improvement of all proposed subdivisions and other divisions of land, and has map processing and other duties with respect to such subdivisions and other divisions of land, and the procedures relating thereto, as are specified by law and by this Title.

22.08.030 Appeal Board. "Appeal Board," as referred to in this Title, shall be the Tribal Council of the Picayune Rancheria of Chukchansi Indians, which is also referred to in this Title as the "Tribal Council," and it shall hear and make determinations upon appeals from actions of the Planning Commission with respect to the provisions of this Title.

22.08.040 Authorized Representatives. "Authorized Representative," as referred to in this Title, shall be a qualified person who is authorized by a Tribal official defined in this Title to act in the place of such official with respect to the operation or administration of this Title.



Picayune Rancheria
of the

CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

22.08.050 Building Official. "Building Official," as referred to in this Title, shall be the person so designated by the Tribal Council to carry out the duties of the Building Official set forth in this Title.

22.08.060 Engineer, Tribal. "Engineer" or "Tribal Engineer", as referred to in this Title, shall be the person so designated by the Tribal Council to carry out the duties of the Engineer set forth in this Title.

22.08.070 Engineer, Civil. "Civil engineer" means a civil engineer competent to practice civil engineering as defined in Section 6731 of, and who is registered under the provisions of, the California Business and Professions Code of the State of California, who is retained to provide civil engineering services related to land subdivision and merger.

22.08.080 Engineer, Soils. "Soils Engineer" means a civil engineer registered in the State of California with a specialty and experience in the investigation and analysis of soils.

22.09.090 Health Officer, Tribal, or Health Officer. "Tribal Health Officer," or "Health Officer," as referred to in this Title, shall be the person so designated by the Tribal Council to carry out the duties of the Health Officer set forth in this Title.

22.08.100 Lease. "Lease", as used in this Title, shall include any lease, permit or assignment of trust land approved by the Tribal Council, but shall not include:

- A. The leasing or subleasing of apartments, offices, stores or similar space within an apartment building, commercial building, industrial building, or short term permits as provided in 25 C.F.R. Part 142 (1997); or
- B. Mineral, oil or gas leases; or
- C. The leasing and actual exclusive use of land parcels of not less than ten acres, for the full lease term period, for commercial agricultural purposes.

22.08.105 Lot. "Lot" or "Parcel" means any single area or unit of trust land designated as such in a tentative or final subdivision map or merger map.

22.08.110 Map, Final. "Final Map" means a map supported by complete engineering data prepared in accordance with the conditions of approval of a tentative map and in acceptable form for processing and filing for record, as provided in this Title.

22.08.120 Map, Parcel. "Parcel Map" means a map of a type of subdivision described in this Title, containing complete engineering data, and prepared in accordance with the



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

conditions of approval of a tentative map in acceptable form for processing and filing for record, as provided in this Title.

22.08.130 Map, Preliminary. "Preliminary Map" means a map prepared from existing records in sufficient detail to show clearly the development plan proposed for the total land area which is to be developed in two or more units.

22.08.140 Map, Reversion to Acreage. "Reversion to Acreage Map" means a map prepared in accordance with provisions of this Title for purposes of reverting previously divided parcels to undivided acreage.

22.08.150 Map, Record of Survey. "Record of Survey" means a map prepared in accordance with provisions of all applicable federal law governing the surveying of federal lands and this Title to delineate land boundaries, property lines or other lines or points of survey.

22.08.160 Map, Tentative. "Tentative Map" means a map prepared from existing records and field data in sufficient detail to meet the requirements for filing as prescribed in this Title, and to constitute an adequate basis for the preparation of a final map.

22.08.170 Plan, General. "General Plan" means any element thereof as set forth in any zoning law, adopted by the Tribal Council.

22.08.180 Plan, Specific. "Specific Plan" means any unit thereof, as set forth in any zoning law, which has been adopted by the Tribal Council.

22.08.190 Planner, Tribal. "Tribal Planner", as referred to in this Title, shall be the agent of the Planning Commission designated by the Tribal Council to carry out the duties of the Tribal Planner as set forth in any zoning law adopted by the Tribal Council and the duties set forth in this Title.

22.08.200 Rancheria. "Rancheria" means all land within the boundaries of the Picayune Reservation and all land owned by the United States of America in trust for the Tribe.

22.08.205 Road, Street or Highway. "Road", "Street" or "Highway" shall mean any graded or paved way located or proposed to be located on the Rancheria for the use or proposed use of bicycles or any motorized vehicle.

22.08.210 Street, Tribal. "Tribal Street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, road, avenue, boulevard, lane, place, court, circle, drive or way of any other designation which has been dedicated for public use, or has been laid out and constructed as a Tribal Street, or has been made a public street or road pursuant to Tribal



Picayune Rancheria
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CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
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or federal law and which is located on the Rancheria. It includes public streets constructed by federal, state and county agencies, but not private streets or private alleys.

22.08.220 Street, Private. "Private Street" means a way for vehicular traffic, however designated, which is not intended or proposed to be accepted by the Tribe and the United States of America, and for which any offer of dedication or other offer for acceptance by the Tribe shall be rejected until such time as specified conditions for acceptance have been fully complied with.

22.08.230 Subdivider. "Subdivider" means any individual, firm, association, syndicate, copartnership, corporation, trust, Indian tribe, including the Picayune Rancheria or any other legal entity commencing proceedings to affect a subdivision or other division or utilization of trust land which is subject to the provisions of this Title.

22.08.240 Subdivision. "Subdivision" means the division of any improved or unimproved land for the purpose of assignment, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1350 of the California Civil Code or a community apartment project, as defined in Section 11004 of the California Business and Professions Code. Any conveyance of land to a Tribal governmental agency, Tribal public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

22.08.250 Subdivision standards. "Subdivision standards," as referred to in this Title, means a set of detailed standards, specifications, drawings, and schedules, prepared by the Tribal Engineer or his/her authorized agent, which shall be adopted by resolution of the Tribal Council, that set forth the regulations, standards and specifications for land development improvements; the type and nature of investigations, tests and reports; schedules for fees to be charged; and such other matters as the Tribal Council finds to be necessary to properly supplement the provisions of this Title in the processing of subdivisions and the improvements thereof. Wherever reference is made to "this Ordinance or Title", such reference includes the subdivisions standards.

22.08.260 Surveyor. "Surveyor" means a land surveyor licensed under the California Land Surveyors' Act of the state or a civil engineer registered in the state and retained by the subdivider, Tribe, developer, or contractor to provide land surveying services.

22.08.270 Technical Advisory Committee. "Technical Advisory Committee", as referred to in this Title, shall be the Chairman of the Planning Commission or his/her appointee, the Tribal Engineer or public works director, and the Building Official or their authorized representatives, and "Committee" means the Technical Advisory Committee. This Committee may be expanded by the Tribal Council from time to time by resolution.



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

22.08.280 Tribe. "Tribe" means the Picayune Rancheria of Chukchansi Indians.

22.08.300 Trust Land. "Trust Land" or "Land" means any land owned by the United States of America in trust for the Tribe.

Chapter 22.12

GENERAL PROCEDURES

Sections:

- 22.12.010 Compliance designated.
- 22.12.020 Preliminary map requirement.
- 22.12.030 Tentative map requirement.
- 22.12.040 Final map requirement.
- 22.12.050 Parcel map requirement.
- 22.12.060 Map--Approval--Criteria.
- 22.12.070 Map--Disapproval--Site and design factors.
- 22.12.080 Map--Disapproval--Waste discharge factors.
- 22.12.090 Map--Compliance to specific plan required.
- 22.12.100 Map--Approval--Final map in compliance with tentative map.

22.12.010 Compliance designated. Any action to divide any trust land or land within the Rancheria into two or more parcels shall hereafter be subject to the provisions of this Title, and any such action shall be undertaken in accordance with the general procedures set forth in this Title.

22.12.020 Preliminary map requirement. A preliminary map shall be prepared and submitted for processing and approval for any subdivision which shall be developed in two or more parcels.

22.12.030 Tentative map requirement. A tentative map shall be prepared and submitted for processing and approval for all subdivisions.

22.12.040 Final map requirement. A final map shall be prepared and submitted for processing, approval, and filing for record for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the California Civil Code, or a community apartment project containing five or more parcels, except where:

- A. The land before division contains less than five acres, each parcel created by the



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

division abuts upon a maintained public street or highway, and no dedications or improvements are required by the Tribal Council; or,

B. Each parcel created by the division has a gross area of twenty acres or more and has an approved access to a maintained public street or highway; or,

C. The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned industrial or comprises part of a tract of land zoned industrial or commercial development, and which has the approval of the Tribal Council as to the street alignments and widths; or,

D. Each parcel created by the division has a gross area of sixty acres or more.

22.12.050 Parcel map requirement. A parcel map shall be prepared and submitted for processing, approval, and filing for record for all subdivisions for which a final map is not required.

22.12.060 Map--Approval--Criteria. No tentative map or final map shall be approved unless the Planning Commission and Tribal Council finds that the proposed subdivision, together with the provisions for its design and improvements, is consistent with any general plan or any specific plan.

22.12.070 Map--Disapproval--Site and design factors. Approval of a tentative or final map shall be denied if any of the following findings are made:

A. The proposed map or the design or improvement of the proposed subdivision is not consistent with any applicable Tribal general and specific plans.

B. The site is not physically suitable for the type of development, or for the density of development proposed.

C. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat, or that they do not provide reasonable access to public resources.

D. The design of the subdivision or the type of improvements is likely to cause serious public health problems.

E. The design of the subdivision or the type of improvements will conflict with easements acquired for the Tribe or public at large, for access through, or use of, property within the proposed subdivision. The Tribal Council may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent



Picayune Rancheria
of the

CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

to ones previously acquired by the Tribe or public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction. The Tribal Council does not have authority to determine that the Tribe or public at large has acquired easements for access through or use of property within a proposed subdivision.

22.12.080 Map Disapproval--Waste discharge factors. In the event the Planning Commission or Tribal Council finds that the discharge of waste from the proposed subdivision into any sewer system would result in violation, or add to a violation, of existing requirements prescribed by the Tribe, The Environmental Protection Agency or the California Regional Water Quality Control Board, it may deny approval of the tentative or final map.

22.12.090 Map--Compliance to specific plan required. No final map shall be approved for any "land project" as described in Section 11000(a) of the California Business and Professions Code unless the Planning Commission first finds that the proposed land project and provisions for its design and improvement are consistent with an adopted specific plan covering the area.

22.12.100 Map--Approval--Final map in compliance with tentative map. The Planning Commission and Tribal Council shall not deny approval of a final map if they have previously approved a tentative map for the proposed subdivision and find that the final map is in substantial compliance with the previously approved tentative map.

Chapter 22.14

DESIGN STANDARDS

Sections:

- 22.14.010 Compliance to standards required.
- 22.14.020 Standards deemed minimum.
- 22.14.030 Streets--Highways.
- 22.14.040 Easements.
- 22.14.050 Lots.
- 22.14.060 Walkways.
- 22.14.070 Watercourses
- 22.14.080 Land subject to inundation.
- 22.14.090 Fees-Filing, checking and inspection.

22.14.010 Compliance to standards required. All subdivisions of land which are subject to the provisions of this Title shall conform to the regulations herein and shall be subject to the provisions contained in this chapter.



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

22.14.020 Standards deemed minimum. The regulations, standards, and procedures provided in this chapter shall be construed to be a minimum necessary to promote and protect the public health, safety and general welfare, and they may be made more restrictive in cases where the Planning Commission finds such action is necessary to protect the public interest and to ensure sound planning standards and, on the advice of the Tribal Engineer, to insure sound engineering standards.

22.14.030 Streets--Highways. The following standards shall apply to streets and highways:

A. The road, street and highway design shall conform both in width and alignment to any general plan or specific plan adopted by the Tribal Council, any standards adopted by the Bureau of Indian Affairs as a condition to accept the road, street or highway into the Bureau of Indian Affairs road system for maintenance and rights-of-way for any road, street or highway indicated on any such plan shall be dedicated to the Tribe for public use.

B. The road, street and highway (hereinafter referred to collectively as "streets") design shall conform to any proceedings affecting the subdivision which may have been initiated by the Tribal Council. If a parcel of land to be subdivided includes a portion of the right-of-way to be acquired for a highway, freeway or parkway, the subdivider may be required to either obtain acceptance of an easement in a form acceptable to the Tribal Council and the Secretary of the Interior or withhold from subdivision all the area included in said right-of-way.

C. All streets shall, so far as practicable, be in alignment with existing adjacent streets by continuations of the center lines thereof or by adjustments by curves.

D. Street center lines shall be required to intersect one another at an angle as near to a right angle as is practicable or by tangents not less than one hundred feet in length.

E. Where necessary to give access to, or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the property being divided, and the resulting dead-end or cul-de-sac streets may be approved without a turnaround. In all other cases a turnaround having a minimum right-of-way radius of forty feet or what the Fire Department, providing fire service to the Rancheria, deems necessary for emergency vehicles to turn around, shall be required. No cul-de-sac street shall exceed further than six hundred feet in length to center of turnaround.

F. Whenever a major street or state highway intersects any other street or highway, the property lines at each block corner shall be rounded with a curve having a radius of not less than twenty feet. On all other street intersections, the property line at each block corner shall be



Picayune Rancheria
of the

CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614

Mailing Address: 46575 Road 417, Coarsegold, CA 93614

rounded with a curve having a radius of not less than ten feet. In either case, a greater curve radius may be required if streets intersect at other than right angles.

G. The centerline curve radius on all streets and highways shall conform to accepted engineering standards of design and shall be subject to approval by the Tribal Engineer.

H. No major or secondary street shall have a grade of more than three percent. No other street shall have a grade of more than five percent unless, because of topographical conditions or other exceptional conditions, the Tribal Council determines that a steeper grade is necessary. No street or highway shall have a grade of less than one-tenth or one percent.

I. Streets and highways shall not be of lesser standards than those set forth in this subsection.

Standard Street Sections, in Feet

<u>Street Classification</u>	<u>Moving Lanes</u>	<u>Parking Lanes</u>	<u>Planting Sidewalk</u>	<u>Total R/W</u>
"Select" arterial	(4) - 12	8	8 to 12	80 to 88
"Select" collector	(4) - 12	8	8 to 12	56 to 64
Standard Subdivision and minor street (minimum)	(2) - 10 to 12	8	4 to 8	52-66
Service, private street	As specified in each particular case.			

J. When parcels or lots front on any major or secondary road, street or highway, the subdivider may be required to obtain acceptance of an easement in a form acceptable to the Tribal Council and for a Bureau of Indian Affairs maintained road, the Secretary of the Interior and improve a service road to provide ingress and egress to and from such lots. The Planning Commission may require adequate off-street parking areas for all lots proposed for commercial or industrial use or as required by any zoning law adopted by the Tribal Council.

K. When the rear or side lines of any lots border a road, street or highway, the subdivider may be required to execute and deliver to the Tribe an instrument prohibiting the right of ingress and egress to such lots across the side lines of such street or highway, and the subdivider may be required to obtain acceptance of an easement in a form acceptable to the Tribal Council and, if required by applicable law, the Secretary of the Interior and improve a planting strip or construct a fence adjacent thereto.

L. When lots are proposed for commercial or industrial uses, alleys at least twenty-



Picayune Rancheria
of the

CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

four feet in width may be required at the rear thereof.

M. All street names must be as approved by the Planning Commission, and no duplication of street names already provided for on the Rancheria shall be permitted.

22.14.040 Easements. The subdivider may be required to grant easements not less than ten feet in width along lot lines for public utility, sanitary sewer and drainage purposes; provided easements of lesser width may be allowed when approved by the Tribal Engineer.

Power, cable, and telephone facilities may be required to be installed underground.

22.14.050 Lots. The size and shapes of lots shall be in conformance with the requirements of the subdivision standards and with any additional requirements established by zoning regulations.

Residential lots on curved or cul-de-sac streets shall have a minimum width of fifty feet at the front yard setback line.

22.14.060 Walkways. The subdivider may be required to construct and improve walkways twelve feet wide through long blocks, or to construct roads and walkways to schools, parks and other public areas.

22.14.070 Watercourses. The subdivider may be required to survey easements for watercourses or drainage ways in their original locations or in approved relocations. Widths and locations of such easements shall be subject to approval by the Tribal Engineer.

22.14.080 Land subject to inundation. If any portion of any land within the boundaries of the subdivision is subject to overflow, inundation or flooding by stormwaters, that portion of the subdivision shall be clearly indicated on the final map or parcel map.

22.14.090 Fees--Filing, checking and inspection. The Tribal Council shall by resolution establish a schedule of fees for filing, checking and inspection for a tentative parcel map, final parcel map, tentative subdivision map and final subdivision map, checking, construction inspection and other fees prescribed by this Title for appeals, and other matters pertaining to this Title. The schedule of fees may be changed or modified only by resolution of the Tribal Council.

Chapter 22.20

PRELIMINARY MAPS

Sections:



Picayune Rancheria
of the

CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614

Mailing Address: 46575 Road 417, Coarsegold, CA 93614

- 22.20.010 Requirement--Information determined by number of parcels.
- 22.20.020 Contents.
- 22.20.030 Submittal to tribal Planner.
- 22.20.040 Committee consideration.
- 22.20.050 Acceptance.

22.20.010 Requirement--Information determined by number of parcels. A preliminary map shall be prepared for the total area of any proposed subdivision which will be developed in five or more parcels. For divisions containing less than five parcels, the preliminary map shall be submitted on a form provided by the Tribe for that purpose. No information other than that required on the form will be required. Otherwise, the rules contained in this chapter will apply.

22.20.020 Contents. The dimensions, scale and content of the preliminary map shall be shown in reasonable detail and shall include the following:

- A. Street and lot pattern and land uses proposed;
- B. Topography and drainage, watercourses, drainage features, and areas subject to inundation or flooding;
- C. Geology, soil types and vegetation;
- D. Proposed water supply, sewerage and fire protection;
- E. Proposed street sections and improvements;
- F. Other features required to adequately represent the total plan of development.

22.20.030 Submittal to the Tribal Planner. Six prints of the preliminary map, in acceptable form shall be submitted to the Tribal Planner for distribution to and action by the Committee.

22.20.040 Committee consideration. Within ten days of submittal to the Tribal Planner, the Committee shall meet to consider the map. Within ten days of its meetings, the Committee shall prepare a report on the map and transmit a copy to the subdivider and to the Planning Commission for action prior to or concurrently with the tentative map.

22.20.050 Acceptance. The Committee may accept a tentative map as a preliminary map, subject to all other provisions of this Title.

Chapter 22.24

TENTATIVE MAP



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

Sections:

- 22.24.010 Form.
- 22.24.020 Content--Information.
- 22.24.030 Statements required.
- 22.24.040 Documents required.

- 22.24.050 Preliminary soils report.
- 22.24.060 Submission.
- 22.24.070 Transmission of map to those with official interest.
- 22.24.080 Consideration--Reports.
- 22.24.090 Consideration--Committee meeting with sub-divider.
- 22.24.100 Filing, endorsement, dating--Requisite conditions
- 22.24.110 Planning commission--Review--Waiver.
- 22.24.120 Planning commission--Review--Determination of conformity to standards.
- 22.24.130 Planning commission--Review--Environmental, general welfare considerations.
- 22.24.140 Dedications and fees.
- 22.24.150 Waiver of direct access rights.
- 22.24.160 Planning commission--Recommendation.
- 22.24.170 Council action--Designated.
- 22.24.180 Council action--Final.
- 22.24.190 Approval---Conditioned upon subdivider's compliance with required action.
- 22.24.200 Construction work--Tribal Engineer approval.

22.24.010 Form. Tentative maps shall be twenty-four by thirty-six inches in size, with a one-inch clear border, and to a scale of not less than one-inch equals one hundred feet, unless otherwise approved by the Committee.

22.24.020 Content--Information. The following information shall be shown for each tentative map, except for any such information which the Committee determines is not necessary for any particular tentative map:

- A. A site location sketch indicating the location of the property to be divided in relation to the surrounding area;
- B. A tract number issued by the Tribal Engineer, date, north arrow, scale, and sufficient description to define the location and boundaries of the proposed tract;
- C. Name and address of record subdivder or subdividers of the property to be



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

divided;

D. Name, business address and registration number of the civil engineer or land surveyor who prepared the map;

E. The locations, names or other approved identification, widths, approximate grade and curve radius of all streets, highways, and ways within the property and immediate vicinity;

F. Contour lines having an interval of two feet, supplemented by spot elevations when the distance between contour lines exceeds one hundred feet. Elevations shall be based upon Tribal or U.S. Geological Survey data, if available;

G. The location, character and identification of all existing public utility facilities on the property or on adjoining properties and on contiguous streets, and the locations and widths of all existing and proposed easements;

H. Arrangement and configuration of lots, with approximate dimensions of each lot. Each lot shall be numbered, and proposed setbacks as required by this Title or any zoning law adopted by the Tribal Council shall be shown;

I. A preliminary grading plan, designed to control erosion and prevent sedimentation or damage to off-site property;

J. The outline of any existing buildings, identification of those to remain in place, and their locations relative to existing or proposed streets or lot boundaries;

K. Approximate location and species of trees or groups of trees on the property, and general identification of those to be removed;

L. Approximate location of existing and proposed drainage control features and bodies of water, all areas which are subject to inundation or storm-water overflow, and the location, width and direction of flow of all watercourses;

M. Approximate locations of existing wells and sewage disposal systems, and of test wells, percolation test holes and stakes or flagged reference points for use by appropriate public agencies for field-check purposes;

N. The location, identification and description of known or found survey monuments on or adjacent to the property;

P. The names of lessees, assignees or permittees of adjacent properties or lots.



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

22.24.030 Statements required. The following statements shall either appear on the tentative map or shall be submitted in written form with the map, except for any of such items which the Committee determines are not necessary to be filed with any particular tentative map:

- A. A statement from all parties except the United States of America or the Tribe having any record title interest in the real property proposed to be subdivided, consenting to the proposed subdivision, together with positive verification of such interest. These statements shall be required without exception.
- B. The existing use or uses of the property;
- C. The proposed use of the property. If the property is proposed to be used for more than one purpose, the areas or lots proposed for each type of use shall be described in a statement and shown on the tentative map;
- D. Descriptive information on the following:
 - 1. Proposed drainage channel changes and flood-control measures,
 - 2. Proposed domestic water supply and sewage disposal systems;
 - 3. Proposed street and surface drainage, grading, fire protection and other improvements, with descriptive drawings where appropriate,
 - 4. Proposed utility service for electrical, gas and communication systems, including the name and address of each serving utility company or agency.

22.24.040 Documents required. The following documents shall be submitted with each tentative map, except for any which the Committee determines are not necessary to be filed with any particular tentative map:

- A. A preliminary title report for the real property proposed for subdivision;
- B. A copy of any condition or any restrictive reservations or covenants, existing or proposed;
- C. A letter stating forth and describing the reasons for any requested exceptions to provisions of this Title, and an application for any requested re-zoning, use permit or variance which may be necessary to permit proposed uses of land and structures.

22.24.050 Preliminary soils report. A preliminary soils report, prepared by a registered civil engineer and based upon adequate test borings, shall be submitted for each proposed subdivision, subject to the following provisions:



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

A. The Committee may waive the requirement for a preliminary soils report if it determines that sufficient knowledge of the soils in the proposed subdivision exists.

B. If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the Planning Commission. Such soils investigation shall be done by a registered civil engineer, who shall recommend the

corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problem exists.

The Planning Commission may approve the subdivision or portion thereof where such soils problems exist if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed, and as a condition to the issuance of any building permit may require that the approved recommended action be incorporated in the construction of each structure.

22.24.060 Submission. Twenty-five prints of the tentative map of a proposed subdivision and of the subdivider's statements shall be submitted to the Tribal Planner, together with other required documents and filing fee.

22.24.070 Transmission of map to those with official interest. Upon the submittal of such a tentative map and accompanying documents, the Tribal Planner shall within five days transmit copies of the map and pertinent documents to any of the following: tribal health department or if none exists to the Indian Health Service, tribal recreation department, any fire department that services the Rancheria, superintendent of schools, tribal police department, tribal public works department or if none exists to the Bureau of Indian Affairs Road Department, tribal water and sewer departments, utility companies, and such other officials or agencies as the Tribal Planner may determine have an interest therein which is located on or provide services to the Rancheria and may be affected by the development of the subdivision.

22.24.080 Consideration--Reported. Forty-five days shall be allowed for the various agencies, departments, and officials to review the tentative map and related documents and report in writing, through the Committee to the Planning Commission, stating whether or not the map and documents are in conformity with the requirements of this Title and other applicable provisions of law and/or with the standards and requirements of such agency, or what measures will be necessary to accomplish such conformity. A copy of each such written report shall be mailed or otherwise delivered to the subdivider prior to the Planning Commission action on the tentative map.

22.24.090 Consideration--Committee meeting with subdivider. Upon receipt of such



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

reports, the Tribal Planner shall, within five days, call a meeting of the Committee to discuss the proposed subdivision with the subdivider and to indicate any actions necessary to make the map acceptable for filing, or to accept the map as being officially filed. The Tribal Planner shall present the proposed subdivision to the Committee.

22.24.100 Filing, endorsement, dating--Requisite conditions. A tentative map shall be considered officially filed with the Tribe, and shall be so endorsed and dated by the Tribal Planner at such time as the map and all related notations, statements, and reports required by this Title have been submitted to, processed, and found to be in complete and proper form by the Committee, all required fees have been paid, and any environmental study under the National Environmental Policy Act and Tribal law have been completed.

22.24.110 Planning Commission--Review--Waiver. Within ten days from the date of official filing of a tentative map, the Committee shall prepare a report thereon and submit it to the Secretary for the Tribe who shall place the item for consideration of the map on the agenda of the next Planning Commission meeting, except for divisions containing less than five parcels. For such divisions, the action of the Committee shall be final, subject to the Tribal Council's review as provided herein.

22.24.120 Planning Commission--Review--Determination of conformity to standards. The Planning Commission shall consider each tentative map and accompanying statements and documents, and the Committee report and related department and agency reports, to determine whether the map is in conformity with the provisions of law and this Title, with adopted general and specific plan standards and proposals, and with good planning and engineering practice.

22.24.130 Planning Commission--Review--Environmental, general welfare considerations. The Planning Commission shall consider also such measures as will promote and protect the public health, safety, comfort, convenience and general welfare, and to consider potential flooding, and the environmental and cultural values and other assets and conditions making for excellence of residential, commercial, industrial, recreational and other developments.

22.24.140 Dedications and fees. The Planning Commission may require that sites be dedicated or reserved and developed, or fees be paid in lieu of such dedication or reservation and development, for parks, schools, recreation areas, access to public facilities, or other public uses. Standards for the foregoing shall be as adopted and included in the subdivision standards, or by amendment hereof.

22.24.150 Waiver of direct access rights. The Planning Commission may require a waiver of rights of direct access to any existing or proposed street or highway.



Picayune Rancheria
of the

CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614

Mailing Address: 46575 Road 417, Coarsegold, CA 93614

22.24.140 Planning Commission--Recommendation. Within fifty days of the date on which a tentative map is officially filed and dated in the office of the Tribal Planner, and unless said time limit has been extended by mutual consent of the subdivider and the Planning Commission, the Planning Commission shall, upon the basis of considerations and findings as set forth in this chapter and with particular attention to the findings required by Sections 22.12.060 and 22.12.070, either recommend approval, conditional approval, or disapproval of such tentative map. The decision of the Planning Commission shall take place at a meeting at which the subdivider and the members of the Tribe have been given adequate notice and an opportunity to address the Planning Commission on the proposed subdivision. Such recommendation shall, within ten days, be reported in writing to the Tribal Council and the subdivider.

22.24.170 Council action--Designated. Within thirty days of receipt of such Planning Commission recommendation, the Tribal Council shall approve, conditionally approve, or disapprove the tentative map, and within ten days of such action shall give written notice thereof to the Planning Commission and the subdivider.

22.24.180 Council action--Final. Action on a tentative map by the Tribal Council shall be final.

22.24.190 Approval--Conditioned upon subdivider's compliance to required action. Following approval of a tentative map, the subdivider shall proceed to fulfill all conditions to such approval, and shall cause to be prepared and submitted to the Tribal Engineer and Tribal Planner the plans, specifications and other information related to subdivision improvements in accordance with the subdivision standards.

22.24.200 Construction work--Tribal engineer approval. No work on any permanent structure, or on any subdivision improvements on any subdivision site shall be commenced without the approval and authorization of the Tribal Engineer or his authorized representative, and no work on the site which is in conflict with the approved tentative map shall be permitted.

Chapter 22.28

FINAL MAP

Sections:

- 22.28.010 Preparation.
- 22.28.020 Extension.
- 22.28.030 Termination for failure to comply within time limit.
- 22.28.040 Form--Content.



Picayune Rancheria
of the

CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

22.28.050 Processing--Approval.

22.28.010 Preparation. Within twelve months after the approval or conditional approval of the tentative map or maps, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final map to be prepared in accordance with the tentative map as approved.

22.28.020 Extension. Upon application of the subdivider prior to the expiration of the twelve-month period, an extension not to exceed twelve months may be granted by the Planning Commission. In the event the Planning Commission denies the subdivider's application for extension, the subdivider may appeal to the Tribal Council, and the action of the Tribal Council shall be final.

22.28.030 Termination for failure to comply within time limit. Any failure to submit, process and record a final map within twelve months from the date of approval or conditional approval of the tentative map, or any extension thereof granted by the Planning Commission or Tribal Council, shall terminate all proceedings. Before a final map may thereafter be recorded with the Tribe, a new tentative map shall be required to be submitted, processed and approved.

22.28.040 Documents required. A subdivider shall submit to the Secretary of the Tribal Council for recording in the Tribal Depository and for distribution to the Tribe's Water and Sewer Departments, Realty Department, Planning Department, the Fire Department, if such departments exist, serving the Rancheria, and any other tribal departments that the Tribal Council by resolution determines should receive a copy, in complete and accurate form the following:

- A. Ten legible prints of the final map, together with the original tracing and reproducible copy;
- B. Subdivision improvement plans, and plan, map and field-checking fees, as provided in the subdivision standards;
- C. Traverse sheets showing closures and computation of all distances, angles, and courses shown on the final map, ties to existing and proposed monuments, and adjacent subdivisions, street center lines, and highway stations. The traverse of the exterior boundaries of the tract and of lots and blocks shall close within a limit of error of one in five thousand;
- D. Design calculations as required by the subdivision standards;
- E. A certificate from the Secretary, if applicable, regarding liens for unpaid taxes, with respect to any fee lands a tax bond if required, and a guarantee of title issued by a title



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

company for the benefit and protection of the Tribe;

- F. An instrument restricting vehicular traffic over the side lines of any road or highway, when and if the same is required;
- G. A geologic and soil report or a soil investigation report by a soils engineer in the form prescribed by the Tribal Engineer unless this requirement is waived in writing by the Tribal Engineer;
- H. Improvement bonds, subdivision agreements and such other documents as are required by this Title and the subdivision standards.

22.28.050 Form--Content. The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall be based upon a survey, and shall conform to all of the following provisions:

- A. It shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film. Certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
- B. The size of each sheet shall be twenty-four by thirty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.
- C. The tract designation, all drawings, certificates, acknowledgments, endorsements, offers, and acceptances of dedication, and notarial seals shall be within the marginal lines. The first sheet of the map shall contain all certificates, acknowledgments, endorsements, offers and acceptances of dedication and notarial certificates as required by this Title, and no signed certificates shall appear on any other sheet.
- D. The title sheet of the final map shall contain a tract number and designation, provided by the Tribal Planner, and such other descriptive matter as may be necessary. Below the tract designation shall appear a subtitle consisting of a general description of all the property being subdivided by reference to recorded deeds or to maps which have been previously recorded or by reference to the plat of a United States Survey. Reference to tracts and subdivisions in the description must be worded identically with original records and references to



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

book and page of record must be complete. The basis of bearing for the survey shall be clearly noted.

E. The final map shall particularly define and designate all lots or parcels, including those reserved for private purposes, all parcels offered for dedication for any purpose, with all dimensions, boundaries, and courses clearly shown and defined in every case. No ditto marks shall be used.

F. The map shall show clearly what stakes, monuments, or other evidences were found on the ground to determine the boundaries of the tract, and the names of owners, lessees, or assignees of adjoining properties.

G. The map shall show all information, data, and monuments necessary to locate and retrace any and all exterior boundary lines, and lot and block lines. It shall also show bearings and distances of straight lines and radii, central angle and arc length for all curves, and such information as may be necessary to determine the location of the centers of curves, bearings, and tangent distances and radii, central angle, and arc lengths of all lots. Where streets intersect on curves, centerline lengths, radii deltas, and centerline intersection points shall be shown.

H. The map shall show chord length at the setback line on lots located on a curve or having side lines at angles other than ninety degrees.

I. Wherever the Tribal Engineer has established the center of a street or alley, the data shall be shown on the final map, indicating all monuments found and making reference to a field book or map. If the points were reset by ties, the fact shall be stated.

J. The map shall show the line of extreme high water in case the subdivision is adjacent to a stream, channel, or subject to periodic inundation by water.

K. Each parcel shall be numbered and each block may be numbered or lettered. Each street shall be named.

L. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

M. When a soils report has been prepared, this fact shall be noted on the final map, together with the date of the report and the name of the engineer making the report.

N. The total width of all street rights-of-way shall be shown, as well as the widths of rights-of-way for flood control or drainage channels, and any other rights of way.



Picayune Rancheria
of the

CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614

Mailing Address: 46575 Road 417, Coarsegold, CA 93614

O. The map shall show all easements of record and easements to be recorded. If any easement is not definitely located of record, a statement of such easement must appear on the title sheet. Easements for storm drains, sewers, public utilities and other purposes shall be clearly defined. Distances and bearings on the side lines of lots which are cut by an easement must be so shown that the map will indicate clearly the actual length of the lot lines. The width thereof and sufficient ties to definitely locate the easement with respect to the subdivision must be shown.

P. In order to avoid duplication, names to be used for new streets shall be subject to the approval of the Planning Commission. If any designations be numbers, they shall be spelled out completely, using hyphens in such forms as "Twenty-third Street." The words "Avenue", "Boulevard", "Place", etc., shall be spelled out in full. Names of newly dedicated portions of streets shall be shown in or arrowed to the dedicated portion.

22.28.060 Processing--Approval.

A. When the Tribal Engineer finds that all requirements for submittal of a final subdivision map have been complied with, he shall date and sign his file copy to that effect, and notify the subdivider and/or his/her engineer and the Committee that the map has been filed. Within five days of the date of filing, the Committee may meet to review the map and submit comments thereon to the Tribal Engineer.

B. Within twenty days of the date of filing, and when the map is completed and in order, the Tribal engineer shall sign the certificate on the original tracing thereof and submit the map, and all related bond and agreement forms and other documents, to the Planning Commission. If the Planning Commission finds that the final map is in substantial conformity with the previously approved tentative map, it shall approve the map and recommend approval by the Tribal Council.

C. Following approval of the map and related documents by the Tribal Council, the Secretary shall record the map in the official records of the Tribe or Tribal Depository and submit the map to the Realty Department and Planning Department of the Tribe.

Chapter 22.32

PARCEL MAPS

Sections:

- 22.32.010 Preparation--Time limit--Set.
- 22.32.020 Preparation--Time limit--Extension.



Picayune Rancheria
of the

CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

- 22.32.030 Termination--Cause.
- 22.32.040 Documents and fees.
- 22.32.050 Form--Content.
- 22.32.060 Processing.
- 22.32.070 Correction and amendment of maps.

22.32.010 Preparation--Time limit--Set. Within twenty-four months after the approval or conditional approval of the tentative map of a subdivision for which a final map is not required by this title, the subdivider may cause the subdivision to be surveyed and a parcel map to be prepared in accordance with the tentative map as approved.

22.32.020 Preparation--Time limit--Extension. Upon application of the subdivider prior to the expiration of the twenty-four month period, an extension of not exceeding twelve months may be granted by the Planning Commission. In the event the Planning Commission denies a subdivider's application for extension, the subdivider may appeal to the Tribal Council, and the action of the Tribal Council shall be final.

22.32.030 Termination--Cause. Any failure to submit, process and record a parcel map within twelve months from the date of approval or conditional approval of the tentative map, or any extension thereof granted by the Planning Commission, shall terminate all proceedings. Before a parcel map thereafter may be recorded, a new tentative map shall be required to be submitted, processed and approved.

22.32.040 Documents and fees. The subdivider shall submit to the Tribal Planner, in complete and approval form the following:

- A. Two legible prints of the parcel map, together with the original tracing and a reproducible copy;
- B. Traverse sheets showing the closures and computation of all distances, angles, and courses shown in the parcel map, ties to existing and proposed monuments, and adjacent subdivisions, street center lines, and highway stations. The traverse of the exterior boundaries of the tract and of lots and blocks shall close within a limit of error of one in five thousand;
- C. Map checking fees, as required by the subdivision standards.

22.32.050 Form--Content. The parcel map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall show the location of streets and property lines bounding the property and shall conform to all of the following provisions:

- A. It shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in block on tracing cloth or polyester base film. Certificates may be legibly



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

stamped or printed upon the map with opaque ink. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

B. The size of each sheet shall be twenty-four by thirty-six inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

C. Each parcel shall be numbered or otherwise designated.

D. The exterior boundary of the land included within the subdivision shall be indicated by distinctive symbols and clearly so designated.

E. The map shall show the location of each parcel and its relation to surrounding surveys. The location of any remainder of the original parcel shall be shown, but need not be shown as a matter of survey, but only by reference to the existing record boundaries of such remainder if such remainder has a gross area of five acres or more.

F. The map shall include a certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map. Verification of such interest may be required.

G. The map shall include certificates for signature by the engineer or surveyor, Tribal Engineer and Secretary of the Tribal Council.

22.32.060 Processing.

A. Within twenty days after receiving the parcel map, or within such additional time as may be reasonably necessary, the Tribal engineer shall determine whether the map is in proper form and that all conditions of tentative map approval and provisions of laws have been complied with, and he shall examine it for survey information and other required information shown thereon.

B. When he/she is satisfied that the map is technically correct, and in compliance with the provisions of this title and other provisions of law, the Tribal engineer shall sign the Tribal Engineer certificate on the original map tracing and submit it to the Secretary of the Tribal Council for filing.

22.32.070 Correction and amendment of maps. After a final map or parcel map has



Picayune Rancheria
of the

CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614

Mailing Address: 46575 Road 417, Coarsegold, CA 93614

been filed in the office of the Secretary of the Tribal Council, it may be amended by a certificate of correction or an amending map. Such certificates or maps shall be processed in accordance with the requirements of this Title.

Chapter 22.33

LOT LINE ADJUSTMENTS

Sections:

- 22.33.010 Purpose and Applicability.
- 22.36.020 Application and Processing.
- 22.36.030 Approval or Denial of Adjustment.

22.33.010 Purpose and Applicability. This chapter prescribes the procedures for the preparation, filing, processing, and approval or denial of lot line adjustments consistent with the requirements of this Title. The lot line adjustment procedure is for the purpose of relocating lot lines between four (4) or fewer existing adjoining parcels where the land taken from one parcel is added to an adjoining parcel and where a greater number of parcel than originally existed is not created. For the purpose of this chapter, "adjoining" means touching.

22.33.020 Application and Processing. A lot line adjustment application shall be prepared, filed, and processed as prescribed by the General Procedures identified in Chapter 22.12 of this Title.

22.33.030 Approval or Denial of Adjustment. The Planning Commission shall determine whether the parcels resulting from the adjustment will conform with the applicable provisions of this Title. The Planning Commission may approve, conditionally approve, or deny the lot line adjustment in compliance with General Procedures identified in Chapter 22.12 of this Title.

A. Required Findings: A proposed lot line adjustment shall be approved if the Planning Commission finds all of the following:

1. The adjustment will not create a greater number of parcels than existed prior to the adjustment;
2. The adjustment will not result in an increase in the number of nonconforming parcels;
3. The adjustment will not increase the nonconformity of any parcel; and
4. All of the parcels resulting from the adjustment are consistent with the



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

terms of this Title.

- B. Appeal: The decision of the Tribal Engineer may be appealed in accordance with the procedures established in Chapter 22.48 of this Title.

Chapter 22.34

PARCEL MERGERS

Sections:

- 22.34.010 Processing of Requested Merger.
22.34.020 Review Authority.
22.34.030 Conditions of Approval.

22.34.010 Processing of Requested Merger. The Planning Commission may approve the merger of parcels in compliance with the General Procedures prescribed in Chapter 22.12 of this Title. For purposes of this Title, "merger" shall mean the joining of two or more contiguous parcels of land under one ownership into one parcel.

22.33.020 Review Authority. The Planning Commission shall review and approve or conditionally approve each proposed merger when in compliance with the General Procedures prescribed in Chapter 22.12 of this Title. In accordance with this Title, the Tribal Engineer may refer any proposed merger to any Tribal department that may have an interest in the merger.

22.33.030 Conditions of Approval. In approving a merger, the Planning Commission may impose reasonable conditions to ensure minimum standards are met as identified in Section 22.14.020. The reasonableness of conditions imposed by the Planning Commission may be appealed in accordance with the procedures established in Chapter 22.48.

Chapter 22.36

IMPROVEMENTS

Sections:

- 22.36.010 Facilities--Construction.
22.36.020 Subdivision standards--Designated.



Picayune Rancheria
of the

CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614

Mailing Address: 46575 Road 417, Coarsegold, CA 93614

- 22.36.030 Documents.
- 22.36.040 Change of zoning.
- 22.36.050 Private streets.
- 22.36.060 Open spaces--Special features.
- 22.36.070 Completion--Time limit.
- 22.36.080 Completion--Improvement security bond--Requirement
- 22.36.090 Completion--Improvement security bond--Release.

22.36.010 Facilities--Construction. All improvements shall be installed by, or be the responsibility of, the subdivider in accordance with the subdivision standards, a public document on file in the office of the Secretary of the Tribal Council, and shall further be installed in accordance with all applicable laws, rules, or regulations of the Tribe or the United States, or any board, bureau, commission, or other competent authority thereof having jurisdiction over the property. Such improvements shall be subject to inspection by the Tribal engineer, and approval by the Tribal Council. Such improvements shall include, but not be limited to, the following:

- A. Land grading and improvement;
- B. Street, alley, walkway and off-street parking, grading and paving;
- C. Curbs, gutters, sidewalks, and landscaping in rights-of-way;
- D. Sanitary sewers, storm drains, and appurtenances;
- E. Street lighting systems;
- F. Fire hydrants;
- G. Electric, gas and water utility systems;
- H. Street signs, warning and safety devised.

22.36.020 Subdivision standards--Designated. The subdivision standards shall contain any or all of the following which are not otherwise included in this Title: Standards for street and lot design, for street widths, grades and curves, for sewerage, water supply, and fire protection, for all improvements to be installed, including public utilities, for office and field checking of maps and survey data, for construction inspections, fee schedules, forms for bonds and agreements and such other matters as may be included therein by resolution of the Tribal Council.

22.32.030 Documents. The Planning Commission may require that a subdivider provide such documents, including but not restricted to deeds, dedications, grants, restrictions, easements and rights-of-way, as it deems necessary to affect a sound and proper plan of land division.

22.32.040 Change of zoning. The Planning Commission may require a request for change of zoning to insure compatibility of plans and regulations.



Picayune Rancheria
of the

CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614

Mailing Address: 46575 Road 417, Coarsegold, CA 93614

22.36.050 Private streets. The Planning Commission may permit private streets in subdivisions which are subject to the provisions of this Title in cases where the committee finds and reports that such streets provide local access to parcels to be created, and do not constitute elements of areas beyond the bounds of the subdivision site. Subdivisions in which private streets are permitted shall be subject to all provisions of this Title except as otherwise or as additionally provided in this section:

A. Private streets shall be constructed in conformity with standards approved by Planning Commission.

B. Provisions for maintenance of private streets shall be required by the Planning Commission, and bonds or other guarantees of compliance with such provisions may be required.

22.36.060 Open spaces--Special features. The Planning Commission may recommend approval of subdivision plans which include the clustering of development sites in combination with the preservation of open space and plans which include airports, golf courses and other types of recreational facilities and other such special features intended for the common usage of owners and guests; provided, that such features are in conformity with zoning, lot area and density standards on an averaged overall lots plus open space basis, and other provisions of law. In such cases:

A. The Planning Commission shall require provisions for proper construction of such special features.

B. The Planning Commission shall require provisions for preservation of open spaces and adequate maintenance and operation of all such features, and may require bonds or other guarantees of compliance with such requirements.

C. The Planning Commission may approve such division plans under existing "P-D" zoning, or may require "P-D" zoning or other appropriate zoning as a condition to approval of the division.

22.36.070 Completion--Time limit. At the time the Tribal Council approves a final map, the subdivider shall enter into an agreement with the Tribal Council agreeing to have the improvements completed within the time clause guaranteeing the workmanship and materials provided in all improvements for the twelve-month period after acceptance of the improvements by the Tribal Council. Said agreement may also provide for the termination of the agreement upon a reversion to acreage or revocation of all or part of the subdivision. If the property is owned by the Tribe, the Tribal Council shall adopt a resolution establishing a time table for the completion of the required improvements.



Picayune Rancheria
of the
CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614
Mailing Address: 46575 Road 417, Coarsegold, CA 93614

22.36.080 Completion--Improvement security bond--Requirement. To assure that the improvements required by this Title are satisfactorily completed, adequate improvement security shall be furnished by the subdivider for the cost of the improvements according to the plans and specifications in a sum or amount equal to the estimate approved by the Tribal Engineer. Partial release of said improvement security may be approved at the request of the Subdivider by the Tribal Council.

22.36.090 Completion--Improvement security bond--Release. Said improvement security shall be released by the Tribal Engineer upon acceptance of the work or upon revocation or reversion to acreage of the subdivision and abandonment of all streets and easements, except that the security in the amount specified by the Tribal Engineer to guarantee workmanship and materials shall remain in full force and effect for one year after acceptance of the improvements.



Picayune Rancheria
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Chapter 22.40

REVERSIONS

Sections:

22.40.010 Revisions.

22.40.010 Revisions. Subdivided real property may be reverted to acreage by approval of the Tribal Council in accordance with any requirements or conditions the Tribal Council may adopt.

Chapter 22.44

EXCEPTIONS

Sections:

22.44.010 Authority to impose.
22.44.020 Application.
22.44.030 Report--Planning commission action.
22.44.040 Waiver of parcel map requirement.

22.44.010 Authority to impose. The Committee may recommend that the Planning Commission authorize conditional exceptions to any of the requirements and regulations set forth in this title.

22.44.020 Application. Application for any such exception shall be made by written petition of the subdivider stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map. In order for the property referred to in the petition to come within the provisions of this chapter, the Committee must find that all of the following facts apply with respect to the subject property:

- A. There are special circumstances or conditions of topography, size, shape or location affecting said property.
- B. The exception recommended is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- C. The granting of the exception will not adversely affect the Tribe's General Plan.



Picayune Rancheria
of the

CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614

Mailing Address: 46575 Road 417, Coarsegold, CA 93614

D. The granting of the exception will not be detrimental to the public welfare or injurious to other property on the Rancheria, and will not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity.

22.44.030 Report--Planning Commission action. In recommending Commission action on exceptions under this chapter, the Committee shall prepare a report to the Planning Commission containing all facts and findings in connection therewith. The report shall set forth the exception as recommended and the conditions designated. Upon receipt of such report, the Planning Commission shall consider and act on the tentative map with or without any exceptions and conditions recommended.

22.44.040 Waiver of parcel map requirement. No request for exception to waive the requirement for a parcel map may be approved except by the Tribal Council in accordance with this Title and such conditions as they may impose.

A. In recommending Commission action on the waiver of the parcel map requirement, the Technical Advisory Committee shall prepare a report to the Planning Commission containing all facts and findings in connection therewith. Upon receipt of such report, the Planning Commission shall consider and act on the waiver request.

B. The instrument evidencing the Planning Commission's waiving the requirement for a parcel map shall be known as a "waiver certificate," which shall be prepared by the subdivider and shall consist of the following form, matters and attachments:

1. A description of the boundary of the property proposed to be subdivided;
2. A property plat map prepared by or under the direction of a registered civil engineer or licensed land surveyor and legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black ink;
3. The location of all division lines and the exterior boundary of the land included within the subdivision shall be indicated by distinctive lines and clearly so designated;
4. The map shall be signed and sealed by the registered civil engineer or licensed land surveyor;
5. A certificate shall be signed and acknowledged by the parties having record title interest, consenting to the preparation and recordation of the waiver certificate.

E. Filing of waiver certificate shall consist of the following:



Picayune Rancheria
of the

CHUKCHANSI INDIANS

711 Lucky Lane, Coarsegold, CA 93614

Mailing Address: 46575 Road 417, Coarsegold, CA 93614

1. The waiver certificate shall be submitted to the Tribal Planner for his or her examination prior to filing, together with all necessary fees for the recordation of the waiver certificate and evidence that all fees that are hereinafter required have been paid. The Tribal Planner shall examine the certificate in the form required by this Title, and in conformity with the conditions imposed by the Planning Commission in connection with the approval of the tentative parcel map, he or she shall accept the same for filing and shall then transmit the same to the Tribal Engineer.

2. Within twenty days after receiving the waiver certificate or with such additional time as may be reasonably necessary, the Tribal Engineer shall determine whether the waiver certificate is technically correct and conforms with the approved tentative parcel map. If approved, he or she shall so certify upon the waiver certificate.

3. After affixing his or her signature upon the waiver certificate, the Tribal engineer shall deliver the certificate to the Tribal Planner who shall present the certificate to the Secretary-Treasurer for filing in the Tribal Depository. When the certificate is presented to the Secretary of the Tribal Council and is accepted by him or her, he or she shall file and index the same in the official records of the Tribe.

4. Waiver of the parcel map shall not preclude the payment of fees. Said fees shall be calculated in the same manner as though a parcel map had been required and shall be paid prior to the filing of the waiver certificate with the Tribal Planner.

Chapter 22.48

APPEALS

Sections:

- 22.48.010 Submission--Planning Commission action.
- 22.48.020 Public hearing--Council authority.
- 22.48.030 Public hearing--Testimony.
- 22.48.040 Public hearing--Determination procedure.
- 22.48.050 Public hearing--Decision--Recordation.

22.48.0910 Submission--Planning Commission action. Appeal from an action by the Committee may be made to the Planning Commission within ten days from such action. An appeal shall be submitted in written form to the Secretary of the Tribal Council and shall be placed on the agenda of the next Commission meeting. The Commission shall take action thereon within forty days from the date of submittal.



Picayune Rancheria
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711 Lucky Lane, Coarsegold, CA 93614

Mailing Address: 46575 Road 417, Coarsegold, CA 93614

22.48.020 Public hearing--Council authority. Any person who is dissatisfied with an action of the Planning Commission may, within fifteen days after such action, appeal in writing to the Tribal Council for a public hearing. Within fifteen days of such appeal, the Planning Commission shall forward the map or other documents to the Tribal Council for review. A public notice of said hearing shall be made by the Secretary of the Tribal Council, and the hearing shall be held within thirty (30) days of the filing of the appeal. The Tribal Council may continue such hearing from time to time, not to exceed fifteen days from the date of first hearing without mutual consent.

22.48.030 Public hearing--Testimony. At the time fixed for the hearing, the Tribal Council shall hear testimony of representatives of the Commission, of any witnesses on its behalf, of the petitioner, and of any other parties of interest.

22.48.040 Public hearing--Determination procedure. The Tribal Council shall consider the record and such additional evidence as may be offered and may affirm, reverse or modify, in whole or in part, the order, requirement, decision, recommendation, interpretation, or ruling appealed from, or make and substitute such other or additional decision or determination as it may find warranted under law and facts.

22.48.050 Public hearing--Decision--Recordation. The decision of the Tribal Council as a result of said hearing shall be expressed by adoption of a resolution in writing, and the Tribal Council shall forthwith transmit a copy thereof to the subdivider and the Commission.

Chapter 22.52

ENFORCEMENT

Sections:

22.52.010 Authority--Penalty

22.52.010 Authority--Penalty. It shall be the duty of the building inspector, or such other person or agency as designated by the Tribal Council, to enforce the provisions of this Title. All departments, officials and public employees of the Tribe vested with the duty or authority to issue permits shall conform to the provisions of this Title and shall not willfully issue any permit or license for use, construction or purpose in conflict with the provisions of this Title; and any such permit or license issued in conflict with the provisions of this title shall be null and void. Any violation of this Title constitutes a misdemeanor and punishable as such, by a fine or imprisonment or both, unless the person violating this Title is not subject to the criminal jurisdiction of the Tribe. Then, in that event, the person shall be subject to a civil fine not to exceed One Thousand Dollars



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(\$5,000.00) for each violation.




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CERTIFICATION

The forgoing Ordinance was adopted at a duly convened meeting of the Picayune Tribal Council held on the 17th day of April 2025 by the following vote:

AYES - 6
NAYS - 0
ABSTENTIONS- 0
ABSENT - 0
NOT VOTING - 1, TH

/s/ 
Tracey Hopkins, Chairwoman

ATTESTED:
/s/ 
Michael Wynn, Secretary



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4.17.25