



Quinault Indian Nation

POST OFFICE BOX 189 □ TAHOLAH, WASHINGTON 98587 □ TELEPHONE (360) 276 - 8211

QUINAULT BUSINESS COMMITTEE RESOLUTION NO. 13 - 232 - 92

WHEREAS, the Quinault Business Committee is the recognized governing body of the Quinault Indian Nation under the authority of the Quinault Indian Nation's Constitution adopted by the Quinault General Council on March 22nd, 1975; and

WHEREAS, the Constitution (Art. V, Section 2) of the Quinault Indian Nation authorizes the Quinault Business Committee to enact laws for the welfare of the Nation as long as public hearings are conducted on said laws; and

WHEREAS, the Business Committee conducted public hearings as required by the Quinault Indian Nation Constitution on amendments to Title 48 on May 13rd 2013 in Taholah, on June 6th 2013 in Queets, and on June 10th 2013 in Taholah.

NOW THEREFORE, BE IT RESOLVED, that the Quinault Business Committee hereby approves and amends Title 48, section 48.05.070 to read as follows:

48.05.070 Special Temporary Retail

(a) Temporary retail uses, including fireworks stands, food and souvenir concessions shall be permitted uses subject to the following conditions. Persons wishing to establish a special temporary retail use shall apply to the Planning Department for a special temporary retail use permit. The application shall include the name of the vendor(s) and landowner(s) and shall be signed by each. The application shall also include a map showing the location of the temporary retail use and shall identify the products which will be sold. The Planning Department reserves the right to exempt special temporary retail uses from this permit requirement for traditional or cultural uses

(b) The Planning Department shall review the application to determine whether the application is complete and whether or not the proposed use will cause a traffic or other safety hazard due to its location. If the application is incomplete or the Planning Department finds that the location of the proposed use will create a traffic or safety hazard the permit shall be denied. Persons denied a permit may appeal to the Business Committee which shall hear the appeal at its next regularly scheduled meeting.

(c) The setback requirements of this Title are waived for these special temporary uses.

(d) Table 1 of the zoning Title is amended to include special temporary retail as a permitted use subject to the provisions of 48.05.070 in all zones within the Reservation.

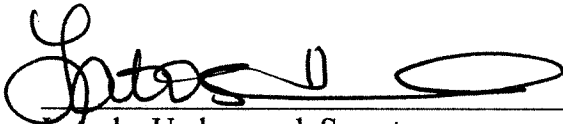
THEREFORE BE IT FURTHER RESOLVED, that these amendments replace section 48.05.070 in its entirety, amending the prior Title 48 adopted on August 13th, 2012 by Resolution No. 12-94-91, and will be effective as of the date of execution of this Resolution.



Fawn Sharp, President
Quinault Indian Nation

CERTIFICATION

AS SECRETARY OF THE QUINAULT BUSINESS COMMITTEE, I HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS DULY ENACTED BY THE QUINAULT BUSINESS COMMITTEE ON THE 18 DAY OF June 2013 BY A VOTE OF 8 FOR, 0 AGAINST, AND 0 ABSTAINING.



Latosha Underwood, Secretary
Quinault Business Committee

RESOLUTION NO. 13-182-92

QUINAULT BUSINESS COMMITTEE

SIGN OFF SHEET

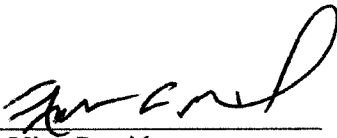
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RESOLUTION NO. 13-28292

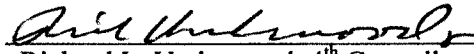


Fawn R. Sharp, President

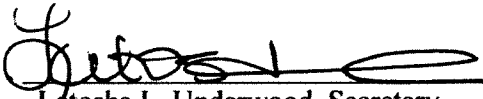
Donald E. Waugh Jr., 3rd Councilman



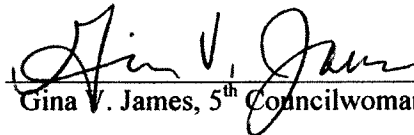
Andrew C. Mail, Vice-President



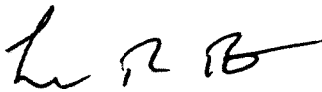
Richard L. Underwood, 4th Councilman



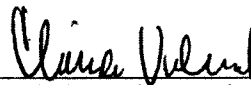
Latosha L. Underwood, Secretary



Gina V. James, 5th Councilwoman



Lawrence R. Ralston, Treasurer



Clarinda Underwood, 6th Councilwoman

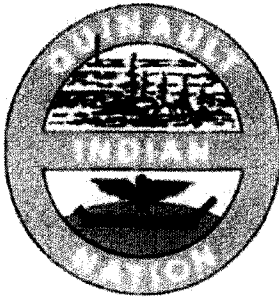


Tyson Johnston, 1st Councilman

Rowland Mason, 7th Councilman

James N. Sellers, 2nd Councilman

18, June 2013
Date (DD/MM/YYYY)



Quinault Indian Nation

POST OFFICE BOX 189 □ TAHOLAH, WASHINGTON 98587 □ TELEPHONE (360) 276 - 8211

QUINAULT BUSINESS COMMITTEE

RESOLUTION NO. 12-94-91

WHEREAS, the Quinault Business Committee is the recognized governing body of the Quinault Indian Nation under the authority of the Quinault Indian Nation's Constitution adopted by the Quinault General Council on March 22nd, 1975; and

WHEREAS, the Constitution (Art. V, Section 2) of the Quinault Indian Nation authorizes the Quinault Business Committee to enact laws for the welfare of the Nation as long as public hearings are conducted on said laws; and


WHEREAS, the Business Committee conducted public hearings as required by the Quinault Indian Nation Constitution on amendments to Title 48 on June 25, 2012 in the Village of Taholah and August 13, 2012 in the Village of Queets; and

NOW THEREFORE, BE IT RESOLVED, that the Quinault Business Committee hereby **approves and amends 48.03.020 to read as follows:**

(a) There is hereby created a Planning Commission for the Quinault Indian Nation, which shall consist of up to five (5) voting members who shall be appointed by the Business Committee.


(b) Members shall consist of a representative cross-section of people; and

THEREFORE BE IT FURTHER RESOLVED, these amendments only replace sections 48.03.020(a) and 48.03.020(b) in their entirety, partially amending the prior Title 48 adopted on July 25, 2011 by Resolution No. 11-105-90, and will be effective as of the date of execution of this Resolution.


Fawn R. Sharp, President
Quinault Indian Nation

CERTIFICATION

As Secretary of the Quinault Business Committee, I hereby certify that the foregoing resolution was duly enacted by the Quinault Business Committee on the 13th day of August 2012, by a vote of 9 for, 0 against, 2 abstaining.


Latosha Underwood, Secretary
Quinault Indian Nation

TITLE 48
LAND USE AND DEVELOPMENT CODE

48.01 Authority, Purpose, Scope.

48.01.010 Authority.

- (a) Notwithstanding the issuance of any patent, the jurisdiction and governmental power of the Quinault Indian Nation shall extend to: (i) all lands, resources and waters reserved to the Quinault Nation pursuant to the Treaty of Olympia, 12 Stat. 971, established by Executive Order dated November 4, 1873 (I Kapp. 923) and to all persons acting within the boundaries of these reserved lands or waters; (ii) all lands or waters held by the United States in trust or reserved by the Quinault Nation for the use and benefit of any member of the Quinault Tribe when such lands or waters are not within the boundaries of an established Indian Reservation; and (iii) all members of the Quinault Nation while such members are within the boundaries of the United States of America. (Quinault Indian Nation Constitution, Article 1, Section 1).

By solemn treaty with the Quinault Nation proclaimed by President James Buchanan on April 11, 1859, 12 Stat. 971, the United States agreed to establish a reservation for the Quinault Nation and promised that, "no white man shall be permitted to reside thereon without permission of the tribe and of the superintendent of Indian Affairs or the Indian Agent."

- (b) By Executive Order of November 4, 1873, I Kapp. 923, President Ulysses S. Grant, in compliance with the treaty, established the Quinault Reservation at its present location, within the area where the Quinault Indians had lived since time immemorial:

In accordance with the provisions of the treaty with the Quinaielt and Quillehute Indians, concluded July 1, 1855, and January 25, 1856 (Stats. at Large, vol. 12, p. 971), and to provide for other Indians in that locality, it is hereby ordered that the following tract of country in Washington Territory (which tract includes the reserve selected by W. W. Miller, superintendent of Indian affairs for Washington Territory, and surveyed by A. C. Smith, under contract of September 16, 1861) be withdrawn from sale and set apart for the use of the Quinaielt, Quillehute, Hoh, Quite, and other tribes of fish-eating Indians on the Pacific coast, viz: Commencing on the Pacific coast at the southwest corner of the present reservation, as established by Mr. Smith in his survey under contract with Superintendent Miller, dated September 16, 1861; thence due east, and with the line of said survey, 5 miles to the southeast corner of said reserve thus established; thence in a direct line to the most southerly end of Quinaielt Lake; thence northerly around the east shore of said lake to the northwest point thereof; thence in a direct line to a point a half mile north of the Queetshee River and 3 miles above its mouth; thence with the course of said river to a point on the Pacific coast, at low-water mark, a half mile above the mouth of said river; thence southerly, at low-water mark, along the Pacific to the place of beginning.

Pursuant to the Quinault Indian Nation Constitution and applicable federal law, this Title asserts

land use and other civil regulatory authority over all persons and lands within the exterior boundaries of the Quinault Indian Reservation, over land held in trust for the Nation or its enrolled members outside the exterior boundaries of the Reservation, and over all enrolled Quinault Indian Nation members on lands outside of the exterior boundaries of the Reservation.

48.01.020 Purpose.

The purpose of this Title is to exercise the right of the Quinault Indian Nation and its members to make its own laws and be ruled by them and to exercise the treaty right of self-government guaranteed the Quinault Indian Nation by the Treaty of Olympia, 12 Stat. 971. The goal of this Title is to maintain the Quinault Indian Reservation and ensure the political integrity, economic security, and health and welfare of the members of the Quinault Indian Nation. This Title shall be interpreted so as to implement this goal so long as all persons subject to this Title are guaranteed due process of law and the equal protection of the laws of the Quinault Indian Nation and the United States of America. The specific objectives to be implemented by this Title are listed below:

- (a) To ensure an ecologically balanced environment that is compatible with the desired lifestyle of Reservation residents.
- (b) To provide adequate community facilities, roads and utilities, thereby promoting the health, safety and general welfare of Reservation residents.
- (c) To establish a desirable pattern of land uses.
- (d) To provide development standards flexible enough to stimulate creativity and variation while maintaining sufficient control to achieve the objectives of this Title.
- (e) To encourage the grouping of uses that are functionally and aesthetically compatible.

48.02 Definitions.

Abandoned means a structure that is discontinued or not used for a continuous period of six (6) months.

Accessory means a structure or use that is not used for human habitation and: (1) is subordinate in area, extent, and purpose to the principal use; (2) contributes to the comfort, convenience, or necessity of the principal use; and (3) is located on the same lot and in the same zoning district as the principal use.

Adverse impacts means negative consequence for the physical, social, natural or economic environment resulting from an action or project.

Area of special flood hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V. At this time the Areas of Special Flood Hazard have not been specifically identified. When the Federal Insurance Administration has identified Areas of Special Flood Hazard in a scientific and engineering report entitled "The Flood Insurance Study for the Quinault Indian Nation", the report with accompanying Flood Insurance Maps will

hereby be adopted by reference and declared to be a part of this Title. The Flood Insurance Study will be on file at the Planning Department

Artificial wetland means wetlands created from non-wetland sites through purposeful, legally authorized human action, such as irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, and landscape amenities.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” Designation on maps always includes the letters A or V.

Base Flood Elevation means the computed elevation to which floodwater is anticipated to rise during the base flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Beach means the land between the ordinary high tide line and extreme low tide line.

Building (v). means the act of assembling materials into a structure with walls and a roof.

Building (n). means a built or created walled and roofed structure.

Building Inspector means the person(s) authorized by the Quinault Indian Nation to perform the duties and responsibilities of a Building official or officer as defined by the accepted Quinault Indian Nation Building Code.

Business Committee means the governing body of the Quinault Nation as defined in Article IV of the Quinault Constitution.

Commercial (minor) means the provision of goods or services for compensation from a building with a gross floor area of not more than 1,800 square feet and less than four employees on the premises.

Commercial (major) means the provision of goods or services for compensation from a building with a gross floor area of more than 1,800 square feet and more than four employees on the premises.

Commission means the Quinault Planning Commission.

Construction and construction activities means any building, construction, renovation, mining, extraction, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, 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; any activity that alters a shore, beach, seacoast, river, stream, lake, pond, canal, marsh, dune area, woodlands,

wetland, endangered species habitat, aquifer or other resource area, including coastal construction or other activity.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations that produce, use or store hazardous materials or hazardous waste.

Department means the Quinault Planning Department.

Development means any human-caused material change in the use or appearance of any structure or in the land itself. Development includes: subdivision of land; construction of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (with the exception of agricultural activities), including within the area of special flood hazard. Routine repair and maintenance activities are exempted.

Dune means a mound or ridge of loose sediments, usually sand-sized, lying landward of the beach, and deposited by natural or artificial means.

Dwelling and dwelling unit means a building or part of a building or structure containing living, sleeping, and sanitary facilities for occupancy.

Elder - see "Tribal Elder."

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodplain Administrator is an individual employed by the Quinault Indian Nation who administers Section 48.08, Flood Hazard Reduction, of this Title.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Home-based business means the utilization of a residential dwelling, accessory building, and/or property, to provide a service, produce a product, sell merchandise, or otherwise engage in a lawful activity for the pursuit of remuneration; excluding the sale of the property and its improvements, garage sales, fireworks, and infrequent sale of personal merchandise consistent with use of the property solely as a residence.

Industrial means of, relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or mineral extraction.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Title found in Section 48.08.

Manufactured Home means a structure that is manufactured in one or more sections at a location other than the site by assembly line-type production techniques or by other construction methods unique to an off-site manufacturing process and towed to the site on its own chassis or by any other alternative means. Every section shall bear a label certifying that it is built in compliance with the National Manufactured Home Construction and Safety Standards. For floodplain management purposes, the term "manufactured home" also includes recreational vehicles. For insurance purposes, the term "manufactured home" does not include recreational vehicles.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Marine Bluffs means coastal features that resulted from wave erosion undercutting uplands located contiguous to the shoreline, creating vertical cliffs that are an important source of sediment for coastal drift processes and/or the landforms created by these processes.

Mill means facility for manufacturing, including a saw mill and shake mill.

Mobile Home means a transportable structure suitable for year-round occupancy and having water, electrical, sewage connections and not less than 32 feet in length.

Motor Home means a self-contained portable structure with no exterior sewer, water or electrical connections, designed for occupancy and constructed as an integral part of a self-propelled vehicle used as a temporary dwelling for travel, recreational, and vacation uses.

Natural Resource Activities means any activity conducted on or directly pertaining to forest lands, tidelands, rivers, lakes, springs, streams, sloughs, ponds, groundwater, wetlands, marshes and any other body of water, including but not limited to:

- (1) Road and trail construction
- (2) Harvesting, final and intermediate

- (3) Pre-commercial thinning
- (4) Reforestation
- (5) Fertilization
- (6) Prevention and suppression of disease and insect damage
- (7) Salvage of trees and down logs
- (8) Brush control
- (9) Gravel and mineral extraction
- (10) Any activity with the potential to effect tidelands, rivers, lakes, springs, streams, sloughs, ponds, groundwater, wetlands, marshes and any other body of water

Non-Conforming Use means the use of a building, structure or parcel of land that does not conform to the regulations of the zone in which it is located or a use which lawfully occupied a building or parcel of land at the time this Title became effective and which does not conform with the use regulations of the zone in which it is located.

Office means a room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

Open Space means land and/or water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

Planned Unit Development means an area of land developed as a single unit for a number of buildings or a number of uses that allows concentration of buildings in a specific area on the site to allow the remaining area to be used for open space or preservation of Sensitive Areas.

Planning Commission means the Quinault Planning Commission.

Potable means water suitable for human consumption or human contact.

Principal Structure or Use means the single primary structure or use on a lot, as distinguished from accessory uses or structure.

Public Building means a structure principally of an institutional nature and serving a public need, such as churches, hospitals, schools, libraries, museums, post offices, police and fire stations, public utilities, and other public services, but not including the operation of a public bar, restaurant, or recreational facility as a commercial enterprise.

Recreational vehicle means a vehicle that is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

Resource Extraction means the extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

Setback means the required distance between every structure and the lot lines of the lot on which it is located.

Single-Family means a single person or two or more persons related to each other by blood, marriage, or legal adoption living together as a single housekeeping unit; or a group of not more than five persons who need not be related by blood, marriage, or legal adoption, living together as a single housekeeping unit and occupying a single dwelling unit.

Site Plan means a detailed drawing, to scale, including but not limited to the location and relationship of the structures, streets, driveways, recreation areas, parking areas, utilities, landscape features, existing and proposed grading, walkways, lot lines and other site development information as related to a proposed development.

Spot-Zoning means a change in zoning of a lot or parcel to benefit an owner for a use incompatible with surrounding uses and not in furtherance of public interest or comprehensive plan.

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

- (1) before the start of construction of improvement or repair, or
 - (2) if the structure has been damaged and is being restored, before the damage occurred.
- For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the

building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- (2) any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

Temporary Use means a use for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, which does not involve the construction or alteration of any permanent structure.

Travel Trailer means a self-contained portable structure with no exterior sewer, water or electrical connections, built on a chassis used as a temporary dwelling for travel, recreational, and vacation uses.

Tribal Elder means a person enrolled in a federally-recognized Indian Tribe who is fifty-five (55) years of age or older.

Wetland means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

48.03 Administration.

48.03.010 Quinault Planning Department.

There is established a Quinault Planning Department to administer this Title and the Quinault Comprehensive Plan. The Department includes employees and contractors of the Nation with expertise in land use, zoning, and building who work with and provide technical and administrative support to the Commission in administering and enforcing this Title. Among the duties of the Department related to administering this Title are: (a) determining the completeness of applications and adequacy of submissions for activities authorized by this Title; (b) reviewing applications submitted for activities authorized by this Title and recommending actions by the Commission; (c) submitting a proposed annual budget for the Department for consideration and approval by the Business Committee (d) conducting site visits to ensure compliance with the provisions of this Title; (e) keeping records of all applications and supporting documentation, and all decisions and permits issued; and (f) recommending regulations for adoption by the Planning Commission consistent with and to implement the provisions of this Title; (g) preparing an annual report to the General Council of Planning Department activities for approval by the Planning Commission, (h) enforcing the provisions of this Title and regulations adopted pursuant

to it in accordance with the provisions of this Title; and (i) taking whatever actions are necessary consistent with this Title.

48.03.020 Quinault Planning Commission.

- (a) There is hereby created a Planning Commission for the Quinault Indian Nation, which shall consist of up to five (5) voting members who shall be appointed by the Business Committee.
- (b) Members shall consist of a representative cross-section of people.
- (c) The members shall be selected without respect to political affiliation and shall serve without compensation except for approved expenses.
- (d) One member shall be a liaison to the Business Committee.

48.03.030 Term of Office and Voting.

- (a) Appointed members shall serve a period of three (3) years. Vacancies shall be filled by appointments for the remainder of unexpired terms only. Members may be reappointed by the Business Committee when their terms expire.
- (b) A quorum for a Planning Commission meeting shall be three (3) voting members.

48.03.040 Removal from Office.

Should any voting member of the Planning Commission have three (3) unexcused absences from regular, consecutive meetings, the Planning Commission may so inform Business Committee and request removal of this member and appointment of his/her successor.

48.03.050 Procedures; Meetings; Bylaws.

The Commission shall elect its own Chairperson Vice-Chairperson, and may elect other officers as it deems necessary. The Commission shall hold at least one (1) regular meeting each month. Meetings shall be open to the public. It shall adopt bylaws for transaction of business and shall keep a written record of its meetings, resolutions, transactions, findings and determinations.

48.03.060 Reports to Business Committee.

The Planning Commission shall report at least quarterly to the Quinault Tribal Business Committee, and annually to the Quinault General Council, at the regular Annual Meeting, concerning the activities and accomplishments of the Planning Commission.

48.03.70 Planning Commission Purpose, Powers.

- (a) The purpose of the Planning Commission shall be to oversee the land use aspects of this Title and the Comprehensive Plan as approved by the Business Committee. The Planning Commission shall make recommendations for changes in the Comprehensive Plan, as needed, including complete review every five (5) years. The Commission may make recommendations to the Business Committee for updating this Title, building codes, and proposed land-use projects.
- (b) Commission powers include:

- (1) Prepare a budget to be approved by the Business Committee for Planning Commission activities.
- (2) Review land use and development-related codes and recommend revisions to Business Committee.
- (3) Review Comprehensive Plan and recommend revisions to Business Committee.
- (4) Adopt regulations recommended by the Department consistent with and to implement the provisions of this Title.
- (5) Recommend a fee schedule to Business Committee for permits authorized by this Title.
- (6) Recommend updates to the Planning Commission Bylaws for approval by the Business Committee.
- (7) Recommend lot assignments/leases for approval by the Business Committee.
- (8) Work with Planning Department staff as budgeted by the Business Committee in carrying out its land-use responsibilities in this Title.

48.04 Zoning.

48.04.10 Official Zoning Map.

- (a) The Quinault Indian Reservation is hereby divided into zones as shown on the Official Zoning Map, which is adopted and declared to be a part of this Title. The Official Zoning Map shall be dated and shall include reference to its authorizing Business Committee Resolution.
- (b) The Official Zoning Map, which shall be located in the Quinault Planning Department office, shall be the final authority as to the current zoning status of the land uses allowed on the Reservation. If, in accordance with the provisions of this Title, changes are made in zone boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Business Committee. Planning Department staff shall be responsible for map updates, the originals of which are to be left in the Planning Department office.

48.04.020 Boundary Interpretation.

Where uncertainty exists as to boundaries of any zone on the Official Zoning Map, the following rules shall apply:

- (a) Zonal boundary lines are intended, and should be construed, to follow lot lines, center lines of streets and alleys, highways, and rights-of-way, the ordinary high water mark of lakes, ponds and water courses, and the ordinary high tide line.
- (b) Where zonal boundaries cross property that is not subdivided into lots, and other provisions herein are not applicable, the location of such boundary line shall be determined by use of the scale of the Official Zoning Map.
- (c) Where boundaries are depicted by topographic variation, the top of the slope as identified on the Official Zoning Map will be the division line, which may divide large single ownership parcels.

48.05 Zones.

48.05.010 Residential Zone (R)

- (a) In the Residential Zone, no uses and structures shall be permitted unless for residential purposes or accessory to a residential use, which includes mixed uses of civic and public uses and home-based businesses. For the purpose of this Title, schools, churches, cemeteries, public buildings and their land uses, apartment houses, and other multiple dwellings are classified as residential uses. Small shops with a maximum size of 1440 square feet are a conditional use in the Residential Zone, provided that, they do not constitute a nuisance to contiguous residential property. Home-based businesses are permissible uses in the Residential Zone, provided that they do not constitute a nuisance under applicable Quinault Tribal Code.
- (b) Only one (1) sign meant for viewing from outside the shop is permitted. Such a sign shall be located to conform to the setback requirements for buildings in the Residential Zone, shall not exceed three (3) square feet in size, and shall be in keeping with the residential character of the neighborhood. Signs may be permitted as a conditional use in the Residential Zone upon submission of a signage plan, which shall include a detailed description of the location, size, height, and content of the proposed sign.
- (c) Septic tanks shall not be used in areas with densities exceeding one (1) unit per acre and areas with soils inappropriate for septic systems. The purpose of this zone is to provide single family tracts of 7500 square feet minimum lot size when lots are served by community sewage systems and a rural type development with a minimum lot size of one (1) acre when lots are served by septic tank or other individual systems. All uses and setbacks shall conform to Table 1 and 48.06.020.
- (d) Planned Unit Developments may be permitted to allow a modification of the application of the setback and site development requirements of this Title to encourage flexibility in design and development of land that results in a more efficient and aesthetic use of land.

48.05.020 Commercial Zone (C)

The purpose of this zone is to provide an open commercial zone for commercial light industrial activities from gas stations and supermarkets to warehousing, home-based businesses, and light manufacturing. All uses and setbacks shall conform to Table 1 and 48.06.020. Permitted uses include, but are not limited to, home-based businesses, grocery stores, drug stores, self-service laundries, general retail and specialty shops, banks, offices, cafes, restaurants, motels, appropriate entertainment and recreation facilities, parks and boat launchings, public buildings, museums, post offices, and police and fire stations. Light auto repair, boat repair and construction, seafood processing and merchandising, arts and crafts and marinas are also classified as commercial activities. Home-based businesses are permissible uses in the Commercial Zone, provided that they do not constitute a nuisance under applicable Quinault Tribal Code. Signs shall not obstruct visibility of drivers or pedestrians and shall not project over or onto the public right-of-way. Maximum permitted size of signs is sixty (60) square feet. Exterior lighting shall be arranged so that it is deflected away from and does not cause glare or annoyance to contiguous property or passing street traffic.

48.05.030 Industrial Zone (I)

The purpose of the Industrial Zone is to provide an exclusive zone for industrial activities that have limited noxious emissions in fumes, particulate matter, waste water, noise or vibrations. Land uses particularly appropriate for this zone include, but are not limited to: light manufacturing involving shake mills, the assembly of small machined parts, research activities and warehousing. Other land uses permitted include log transfers, heavy equipment maintenance, saw mill and other timber product processing. Residential and commercial uses are excluded from this zone, but office facilities of all types are permitted. All uses and setbacks shall conform to Table 1 and 48.06.020.

48.05.040 Forestry Zone (F)

- (a) The purpose of the Forestry Zone is to allow forestry management and its related activities.
- (b) In the Forestry Zone, no uses and structures shall be permitted unless for forestry uses. For the purpose of this Title, owner's residences and residences of labor employed in the industry are classified as forestry uses and shall be permitted in the Forestry Zone. Saw and shake mills are conditional uses. All uses and setbacks shall conform with Table 1 and 48.06.020.

48.05.050 Forestry and Industrial Buffer Zone

- (a) Forestry and industrial uses may have significant impacts at some distance from the actual site where the use occurs. In order to control such impacts, buffer zones are hereby established along the zone boundaries inside of the Forestry and Industrial Zones. The minimum width of the buffer strips shall be 300 feet. Wider strips may be designated where terrain or other conditions increase the distance of potential impacts.
- (b) All forestry and industrial uses within the buffer strips are conditional uses. Permit applications must indicate any possible adverse impacts or permitted uses in the neighboring zones and what steps will be taken to minimize them. The Planning Commission will approve forestry and industrial uses in the buffer strips only when assured there will be no significant adverse impacts on permitted uses in other zones.

48.05.060 Wilderness Zone (W)

- (a) The purpose of the Wilderness Zone is to retain the natural environment. Individual residences are a conditional use in the Wilderness Zone. No individual residence shall be permitted without full compliance with applicable tribal standards and individual approval by the Quinault Business Committee. The Quinault Planning Commission shall establish standards for building in the Wilderness Zone. Selective logging, where conditions are appropriate, are conditional uses in the Wilderness Zone, provided that the aesthetic and wilderness values of the site can be maintained. The tribal Forestry Department shall make recommendations for each site concerning the appropriateness of the proposed operations and conditions to be imposed to ensure the wilderness values are maintained. The Quinault Planning Commission shall establish minimum standards for conditional use.
- (b) Individual campsites shall be a conditional use in the Wilderness Zone. No campsite shall be used for overnight camping until the requirements of the Sanitation Title have been met.

Any campsite upon which a fire is to be built shall have prior approval of the Forestry Division of the Quinault Department of Natural Resources and Economic Development. The Quinault Planning Commission shall establish minimum standards for this conditional use. No subdivision or plat shall be approved within the boundaries of the Wilderness Zone.

48.05.070 Special Temporary Retail

- (a) From June 17th of each year through and including July 10th of the same year, temporary retail uses, including fireworks stands, food and souvenir concessions shall be permitted uses in the Commercial and Forestry zones, and shall be permitted uses in the Residential Zone with the consent of all contiguous property owners subject to the following conditions. Persons wishing to establish a special temporary retail use shall apply to the Planning Department for a special temporary retail use permit. The application shall include the name of the vendor(s) and landowner(s) and shall be signed by each. The application shall also include a map showing the location of the temporary retail use and shall identify the products which will be sold. For uses in the Residential Zone, the application shall also include the written consent of all contiguous property owners to the proposed use.
- (b) The Planning Department shall review the application to determine whether the application is complete and whether or not the proposed use will cause a traffic or other safety hazard due to its location. If the application is incomplete or the Planning Department finds that the location of the proposed use will create a traffic or safety hazard the permit shall be denied. Persons denied a permit may appeal to the Business Committee which shall hear the appeal at its next regularly scheduled meeting.
- (c) The setback requirements of this Title are waived for these special temporary uses. The use shall be subject to all other provisions of tribal law including the Business License Title and regulations and tribal health requirements.
- (d) Table 1 of the zoning Title is amended to include special temporary retail as a permitted use subject to the provisions of 48.05.070 in the Forestry, Commercial and Residential zones.

48.05.080 Re-zoning.

Rezoning may be recommended by the Planning Commission to the Business Committee when a situation cannot be responded to by a variance or conditional use. A rezone shall not be considered for any parcel when such a rezone would constitute spot zoning.

The following procedures apply for re-zoning:

- (a) A person may apply for a re-zone by submitting a re-zone application describing the nature of the re-zone requested and the applicable filing fee.
- (b) The Planning Department will schedule a public hearing before the Planning Commission within sixty (60) days of receipt of a complete application and applicable fee. The tribal legal staff shall outline legal guidelines as requested by the Department or Planning Commission prior to the public hearing.
- (c) Notice of the nature, time and place of the hearing will be published in the *Nugquam* and posted prominently around the Reservation by the Planning Department at least ten (10) business days in advance of the hearing. Notice of the nature, time and place of the hearing

will be mailed certified, return receipt requested, or hand delivered by the Planning Department to owners, lessees, and holders of legal interests in contiguous lots and at least ten (10) business days in advance of the hearing.

- (d) Applicant or his/her representative must attend the hearing before the Planning Commission to present the re-zoning application and answer questions concerning the proposed re-zone.
- (e) Any persons may attend the hearing before the Planning Commission and provide any testimony relevant to the re-zoning application.
- (f) After closing the public hearing the Quinault Planning Commission may take action on the request or application or table it for further study or information and further hearing. The action or recommendation must be in the form of a motion and indicate whether it is to deny, approve, or approve with conditions. The motion must also include the findings that enabled the Quinault Planning Commission to reach the decision, and conclusions. The Quinault Planning Commission can adopt the recommended findings and conclusions prepared by staff or amend the recommended findings and conclusions.
- (g) The Planning Commission will make its final decision within ten (10) business days of the final hearing and will mail certified, return receipt requested, or hand deliver the final written order of the Planning Commission to the applicant within ten (10) business days of the final hearing.
- (h) Appeal of an unfavorable decision may be made by any person aggrieved by the final written order and must be made to the Business Committee within ten (10) business days of the applicant's receipt of the final written order. The decision of the Business Committee is final and not appealable.

ZONING DISTRICT USE - TABLE I

RESIDENTIAL ACTIVITIES

	RESIDENTIAL L	COMMERCIAL L	INDUSTRIAL L	FORESTRY Y	WILDERNESS S
Single Family Residential	P	P		P	C
Apartment, Townhouse, Multi-Family Dwellings	C	C			
Home Occupations	C	P		P	
Weekend Cabins					C
Mobile Home Parks	PD				
Nursing & Retirement Homes	C	P			

LEGEND:

P = PERMITTED USES
PD = PLANNED UNIT DEVELOPMENT
C = CONDITIONAL USE
A = ACCESSORY USE

COMMERCIAL ACTIVITIES (Table I - continued)

	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	FORESTRY	WILDERNESSES
Auto & Boat Parts Sales		P			
Auto & Boat Repair Garage		P	P		
Auto Service Station		P	P		
Bank & Lending Institutions		P			
Day Nurseries	P	P			
Drive-In Businesses		P			
Smoke Shop		P			
Drug Stores		P			
Florists		P			
Grocery Stores		P			
Hardware Stores		P			
Hotels & Motels		P			
Kennels, Commercial	A	P	P		
Marinas		P	P		
Medical Clinics	P	P	A		
Nursery, Landscaping & Floral		P	P		
Offices	PD	P	A		
Temporary Retail		P	P		
Special Temporary Retail	P	P	P	P	
Real Estate & Insurance		P			

Offices					
Restaurants	PD	P	A		
Taverns, General Retail		P			

INDUSTRIAL ACTIVITIES (Table I - continued)

	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	FORESTRY	WILDERNESS
Agricultural	P				
Industrial, Heavy (HI)			P		
Industrial, Light (LI)		P	P		
Mineral Extraction			P	C	
Timber Harvesting	A	A	A	P	C
Salvaging and ReLogging				P	P
Warehousing		P	P		
Machinery Rental		P	P		
Shake & Saw Mills			P	C	

PUBLIC & SEMI-PUBLIC ACTIVITIES (Table I - continued)

	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	FORESTRY	WILDERNESS
Camping, Commercial & Public				C	C
Churches	P	P			
Commercial Recreation		P		C	
Golf Courses	C	P			
Hospitals, Clinics	P	P	A		
Parks, Recreational	P	P	P	P	P
Quasi- Public Bldg., Non-Profit	PD	P			
Schools	P				

Public Buildings	P	P	P		
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LEGEND:

P = PERMITTED USES
PD = PLANNED UNIT DEVELOPMENT
C = CONDITIONAL USE
A = ACCESSORY USE

OTHER ACTIVITIES (Table I - continued)

	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	FORESTRY	WILDERNESSES
Cemeteries	P				
Garages, Parking	A	P			
Horse Riding Stables					
Public Utility Installations	A	A			
Radio & TV Stations & Towers		P			
Sewage Treatment Plants					

LEGEND:

- P = PERMITTED USES
 PD = PLANNED UNIT DEVELOPMENT
 C = CONDITIONAL USE
 A = ACCESSORY USE

48.05.090 Sensitive Areas.

The following lands are designated as Sensitive Areas:

- (a) Areas with a critical recharging effect on aquifers used for potable water that are vulnerable to contamination that would affect the potability of the water.
- (b) Areas that because of their susceptibility to erosion, slides, or other geological events, are not suited to siting commercial, residential, or industrial development.
- (c) Habitat areas utilized by a federally-listed threatened or endangered species, and which, if altered, may harm the species.
- (d) Beaches, dunes, and marine bluffs.
- (e) Areas outside of Taholah, Queets and Amanda Park subject to coastal flooding hazards.

The Department shall not issue a permit for any project that may adversely affect the functions and values of any Sensitive Area unless the anticipated adverse affects are mitigated such that the functions and values of the sensitive area are preserved, restored or enhanced. The Department may require an applicant seeking a permit under the terms and provisions of this Title to undertake mitigation designed to preserve, restore or enhance ecological functions and processes, and functions and values of any Sensitive Area affected by the project for which the applicant seeks the permit.

If mitigation is required by the Department, the Department shall require the applicant to mitigate the effects of the project in the following order of preference:

- (a) Avoid the impacts altogether by not taking certain actions or parts of an action;
- (b) Minimize the impacts by limiting the scope of the project, in a manner acceptable to the Department, based on best available science and using appropriate technology or best management practices;
- (c) Repair, restore or enhance the affected Sensitive Areas to properly functioning conditions; or
- (d) Replace, restore or enhance substitute ecological values and functions of Sensitive Areas with equal or higher ecological values.
- (e) Make payment to the Sensitive Areas Protection and Restoration Fund

48.05.100 Fish Sensitive Area.

The applicant shall mitigate any impacts of the proposed development on fisheries resources pursuant to a mitigation plan acceptable to the Quinault Division of Natural Resources. An applicant for a project within three hundred (300) feet of the ordinary high water line a surface water body, including river, stream or wetland, or the top of a marine bluff shall submit a Fish Sensitive Areas Report that is acceptable to the Quinault Department of Natural Resources. The Fish Sensitive Areas Report shall be prepared by a fisheries biologist and shall contain each of the following:

- (a) A description of the proposed project;
- (b) A map of the project area and any and all Sensitive Areas and Fish Sensitive Areas within three hundred (300) feet of the project area;
- (c) A description of all species or habitat types for which the Fish Sensitive Area was designated;
- (d) An assessment of any impacts the project may have on the Fish Sensitive Area, species or habitat for which it was designated; and
- (e) A proposal for how to mitigate adverse impacts of the project on the Fish Sensitive Area.

The Quinault Division of Natural Resources shall require the applicant to mitigate the effects of the project in the following order of preference:

- (a) Avoid the impacts altogether by not taking certain actions or parts of an action;
- (b) Minimize the impacts by limiting the scope of the project, in a manner acceptable to the Department, based on best available science and using appropriate technology or best management practices;
- (c) Repair, restore or enhance the affected shorelines and sensitive areas to properly functioning conditions; or
- (d) Replace, restore or enhance substitute ecological values and functions of shorelines or sensitive areas with equal or higher ecological values.
- (e) Make payment to the Sensitive Areas Protection and Restoration Fund

48.06 Site Development Requirements.

48.06.010 Applicable Building Codes.

To the extent they are not inconsistent with the provisions of this Title or regulations adopted pursuant to this Title, the following Codes are adopted and incorporated by reference:

- (a) The International Building Code (IBC) (currently applicable version)
- (b) The International Plumbing Code (currently applicable version)
- (c) The International Mechanical Code (currently applicable version).
- (d) The International Fire Code (currently applicable version).
- (e) The National Electrical Code (currently applicable version).
- (f) The Manufactured Housing Construction and Safety Standards (currently applicable version).

In the case of conflict between requirements of these adopted building and other codes and this Title, this Title and any regulations adopted hereunder shall apply.

48.06.020 Addresses.

All buildings on the Reservation shall obtain a street address approved or assigned by the Department. Address numbers shall be displayed on the front of all buildings and shall be visible from the street they face.

48.06.030 Building Setbacks.

	Residential	Commercial		Industrial	Forestry	Wilderness
		<i>Minor</i>	<i>Major</i>			
Min. Lot Area	7,500 sq.ft.	7,500 sq.ft.	20,000 sq.ft.	5 acres	20 acres	N/A
Min. Lot Frontage	75 ft.	75	100 ft.	200 ft.	N/A	N/A
Max. Bldg Height From Mean Ground Line	30 ft.	35	35 ft.	35 ft.	N/A	N/A
Min. Principal Bldg. Setbacks						
Front	25 ft.	20	40 ft.	80 ft.	N/A	N/A
Side	10 ft.	10ft.	N/A	50 ft.	N/A	N/A
Rear	25 ft.	20ft.	N/A	50 ft.	N/A	N/A
Min. Accessory Bldg. Setbacks						
Front	25 ft.	N/A	N/A	N/A	N/A	N/A
Side	10 ft.	N/A	N/A	N/A	N/A	N/A
Rear	5 ft.	N/A	N/A	N/A	N/A	N/A
Max. Lot Coverage	40 %	40	60 %	40 %	N/A	N/A
Off-Street Parking Req.	2 per unit	2 per unit	1 per 200 gr.bld	1 per employee	N/A	N/A

48.06.040 Off-Street Parking.

- (a) All parking areas except single family residential shall be surfaced with a minimum of two (2) inches of asphalt or four (4) inches of concrete with parking stalls marked. Crushed rock surfacing may be used on a temporary basis (six (6) months). No part of any street, alley, public right-of-way or property with a different zone than the principal use shall be considered a part of any required off-street parking space.
- (b) No building permits for new construction or remodeling shall be issued for building other than single family residences until a parking plan has been approved by the Planning Commission.

48.06.050 Required Public Right-of-Way.

- (a) Minimum standards for new street right-of-way shall be: fifty (50) feet for collector streets, sixty (60) feet for secondary arterials, seventy (70) feet for primary arterials and one hundred fifty (150) feet for major highways. Said standards shall be decreased only upon recommendation of the Planning Commission and approval of the Business Committee.

- (b) Building setbacks shall be measured from the outside edge of right-of-way. No building permit shall be issued where the required right-of-way, as determined by this Title or modified by the Planning Commission, has not been deeded for public use. Existing buildings shall not be rendered non-conforming due to substandard setbacks or lot size when such substandard is the sole result of this Section.

48.06.060 Driveways

No driveway shall be located within thirty (30) feet of the intersection of the property line with any traffic intersection.

A single family residential home must have at least one (1) driveway access to the site. This driveway access cannot be shared with any contiguous property.

Shared driveways for any other proposed development must be indicated on the site plan and approved by the Commission.

48.06.070 Auto Service Station Requirements.

- (a) The leading edge of the pump island and/or pumps canopy shall be twenty (20) feet or more from any property line.
- (b) Permitted building area/floor area ratio shall be one-half the area allowed for other uses in the respective zone.
- (c) Gas stations in existence at the date of approval of this Title are exempt from the requirements in this section.

48.06.080 Performance Standards for Non-Agricultural Land-Use.

- (a) All emissions shall conform to or be more restrictive than the standards of the Olympic Air Pollution Control Authority and other applicable local and federal agencies.
- (b) Any odor or glaring light from normal operation detectable beyond the property boundary is prohibited and ground vibration shall be non-perceptible (without instruments) at any point off the property line except in industrial districts. These odor, light and ground vibration standards shall apply to the industrial district boundary instead of individual property lines.

48.06.090 Land Classified as Unbuildable.

- (a) Development of portions of properties having adverse physical and/or legal characteristics is not recommended or allowed by this Title. These characteristics include: 1) Land in excess of twenty-five (25) percent grade; 2) Land that is characterized by a high water table or other water problems, including being prone to flooding; 3) Bodies of water; 4) Portions of land committed to access easement including private and public road right-of-way; and, 5) Properties or portions of properties used by special easements or agreement when such agreements extend for the anticipated lifetime of the proposed development.
- (b) No land use shall be allowed that would constitute a hazard to human life, safety, health, or public welfare due to fire risk, sanitation or other cause.

48.06.100 Planned Unit Development Standards and Criteria.

- (a) The purpose of this Section is to provide the opportunity for substitution or alteration of the provisions of this Title when the Quinault Tribe is assured of:
 - (1) A high quality of development, functionally and aesthetically.
 - (2) Compatibility with surrounding land uses, both existing and proposed.
 - (3) The availability of adequate public facilities to serve the development.
- (b) The application may be processed in conjunction with a rezone on the same property.
- (c) Density increases shall be allowed for the use(s) permitted outright in the underlying zoning districts.
- (d) All other uses may be developed to the density allowed in the zone where the use is a permitted use.
- (e) The following information or documents are required for submission with the request:
 - (1) A scale drawing of the property.
 - (2) A map showing details of development/pre- and post-project.
 - (3) 5 foot contours/pre- and post-project geographic features.
 - (4) Public rights-of-way and gradients (information and graphic requirements for pre-application review and application may be obtained at the tribal planning office).
 - (5) Utility lines and easements.
 - (6) Sewage disposal methods.
 - (7) Solid waste disposal methods.
 - (8) An analysis of arterial and collector access and egress.
 - (9) A detailed landscape plan.
 - (10) A description of project phasing.
 - (11) A copy of covenants and restrictions to run with the property, if any.
 - (12) A list of deviations from standards of this Title, as well as a detailed explanation of how the intent of the standards will be achieved by special design features.
 - (13) All drawings shall be certified and/or prepared by an architect or licensed engineer.
 - (14) Proof of fire and police protection.

48.06.110 Planned Unit Development Procedure.

The following procedures apply for development of a Planned Unit Development:

- (a) A person may apply for a Planned Unit Development by submitting an application describing the nature of the Planned Unit Development requested and the applicable filing fee.
- (b) The Planning Department will schedule a public hearing before the Planning Commission within sixty (60) days of receipt of a complete application and applicable fee. The tribal legal

staff shall outline legal guidelines as requested by the Department or Planning Commission prior to the public hearing.

- (c) Notice of the nature, time and place of the hearing will be published in the *Nugquam* and posted prominently around the Reservation by the Planning Department at least ten (10) business days in advance of the hearing. Notice of the nature, time and place of the hearing will be mailed certified, return receipt requested, or hand delivered by the Planning Department to owners, lessees, and holders of legal interests in contiguous lots and at least ten (10) business days in advance of the hearing.
- (d) Applicant or his/her representative must attend the hearing before the Planning Commission to present the Planned Unit Development application and answer questions concerning the proposed Planned Unit Development.
- (e) Any persons may attend the hearing before the Planning Commission and provide any testimony relevant to the application.
- (f) After closing the public hearing the Quinault Planning Commission may take action on the request or application or table it for further study or information and further hearing. The action or recommendation must be in the form of a motion and indicate whether it is to deny, approve, or approve with conditions. The motion must also include the findings that enabled the Quinault Planning Commission to reach the decision, and conclusions. The Quinault Planning Commission can adopt the recommended findings and conclusions prepared by staff or amend the recommended findings and conclusions.
- (g) The Planning Commission will make its final decision within ten (10) business days of the final hearing and will mail certified, return receipt requested, or hand deliver the final written order of the Planning Commission to the applicant within ten (10) business days of the final hearing.
- (h) Appeal of an unfavorable decision may be made by any person aggrieved by the final written order and must be made to the Business Committee within ten (10) business days of the applicant's receipt of the final written order. The decision of the Business Committee is final and not appealable.

All Planned Unit Developments shall be initiated within six (6) months and completed within three (3) years of receipt of final approval of the project, unless the completion date is extended by the Planning Commission.

48.06.120 Subdivision Requirements.

The purpose of the subdivision requirements is to further the Comprehensive Plan; protect the public health, safety and general welfare; to secure an appropriate allotment of land in new developments for the requirements of community life; to conserve and restore natural beauty and other natural resources; and, to facilitate the adequate provision of transportation, water, sewage, and other public facilities.

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas or propane, electrical, and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

- (d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments that contain at least fifty (50) lots or five (5) acres (whichever is less).

These requirements shall apply to all subdivisions as defined by this Title or other divisions of land for the purpose of sale or building development, whether immediate or future. The regulations shall apply in every situation where there is a dedication of streets, alleys, easements, right-of-way, servitudes, restrictive covenants or land for public uses.

Any map, plat, replat or plan hereafter made of any subdivision or any part thereof within the Quinault Reservation shall be presented for approval and be recorded as prescribed. Such description shall not use metes and bounds. Until approved by the Business Committee and filed, these maps or plats have no validity.

48.06.130 Preliminary Plat Application for Approval.

- (a) For the purpose of expediting the final approval of any plat, the subdivider shall make application for approval of a preliminary plat to the Planning Commission, at the tribal office of the land use planner, in accordance with criteria provided by the planning staff. The subdivider shall submit ten (10) copies of the preliminary plat
- (b) Upon receiving an application for preliminary plat approval, the planning staff shall set the date of a public hearing.

48.06.140 Preliminary Plat Requirements.

The scale of the preliminary plat shall be not less than fifty (50) feet or more than two hundred (200) feet to the inch and shall contain information specified below. The preliminary plat shall be certified by a licensed surveyor.

The preliminary plat shall show the following features and information:

- (a) The name of the proposed plat, subdivision or dedication.
- (b) A legal description of all lands included in the proposed plat, subdivision, or dedication, together with a current title report showing clear title in the developer.
- (c) The preliminary plat map and the map or maps of existing conditions shall be approved and stamped by a registered engineer or licensed surveyor.
- (d) Existing monuments and markers.
- (e) The boundary lines of the tract to be subdivided.
- (f) Location, width and names of all existing or platted streets or other public ways within the proposed development and other important features, including but not limited to, the general outline of permanent buildings, water courses, power lines, telephone lines, railroad lines, municipal boundaries, township lines and section lines.
- (g) The general location and size of existing sewers, water mains, culverts, and other underground installations within the tract and immediately contiguous thereto, as far as can be determined.
- (h) Contours of sufficient interval to show the topography of the entire tract, unless specifically

waived by the planning staff.

- (i) The layout of proposed street right-of-way lines, alley and easement lines, and approximate dimensions of lots and blocks.
- (j) Tentative grades of each street.
- (k) All the parcels of land intended to be dedicated or temporarily reserved for public use or to be reserved in the deed for the common use of the property owners in the subdivision. The purpose, conditions or limitations of such dedications or reservations shall be clearly indicated.
- (l) The indication of any portion or portions of the plat for which successive or separate final plats are to be filed.
- (m) A vicinity sketch indicating the boundary lines and names and addresses of owners of record or property within three hundred (300) feet of contiguous subdivisions, streets and tract lines of contiguous parcels, and the relationship of the proposed plat to major highways, schools, parks, shopping centers, and similar facilities.
- (n) Two copies of the proposed restrictive covenants.

48.06.150 Preliminary Plat Approval.

The Commission shall consider the preliminary plat within sixty (60) days. If the Commission finds that the preliminary plat is in a location that is reasonably safe from flooding, makes appropriate provision for streets, parks, sites for schools and other facilities, in furtherance of the Comprehensive Plan, and that the public interest will be served, the Planning Commission may approve the preliminary plat outright or conditionally, and submit their recommendations to the Business Committee which shall act in sixty (60) days. Where approval is denied, such notice shall set forth the reasons for denial. The approval of a preliminary plat shall not guarantee final approval of the plat or subdivision nor constitute an acceptance of the subdivision. Approval shall be authorization to proceed with the preparation of the final plat along the lines indicated in the approval of the preliminary plat.

48.06.160 Final Plat Approval.

The final plat procedure and requirements shall be the same as the preliminary plat procedure with the following additions:

- (a) For purpose of filing the final plat, the subdivider shall submit to the land use planner an original final plat tracing and six (6) dark line prints thereof. Each subdivision shall be accompanied by a certificate of title, dated not to exceed thirty (30) days prior to submitting a plat for final approval, showing the names of all persons, firms or corporations whose consent is necessary to dedicate road, street and other easements shown upon said map. The planner shall examine the plat for compliance with the provisions of this Title. If the final plat is deemed to be in correct form and to contain the required information, two (2) copies of the plat drawing shall be certified by the land use planner.
- (b) At the time the subdivider presents the final map to the land use planner, there shall be presented certificates executed respectively by the public utility companies certifying that satisfactory provisions have been made with each of said public utility companies as to location of their facilities and that easements, where required by such companies, have been

provided. Easements for public utilities shall be clearly designated on the final map. Dedications of all streets, highways and parcels of land shown on the final map and intended for any public use shall be offered for dedication by the Quinault Nation for public use.

The minimum improvements which the subdivider will be required to make or enter into an agreement to make prior to the acceptance and approval of the final plat shall be:

- (1) Adequate grading and surfacing of streets, highways, ways, and alleys, as per minimum standards established by the Planning Commission.
- (2) Adequate drainage of the subdivision streets, highways, ways and alleys.
- (3) Monuments (minimum of three (3) feet from pipe) approved by the land use planner.
- (4) Other improvements may be required under circumstances cited in the Planning Commission action.
- (5) All improvements shall be installed to approved grades.
- (6) Plans, profiles and specifications of proposed improvements shall be furnished at the time of submitting a plat for final approval. Submission shall be to the Planning Commission.

Construction shall conform to tribal standards.

48.06.170 Existing Plats.

- (a) Every existing purported plat or subdivision which would be subject to the provisions of this Title if said plat or subdivision were proposed after the date of enactment of this Title is hereby declared to be an illegal, void, invalid and unapproved plat or subdivision, provided that, the Plat of the Indian Village of Taholah and the Plat of the Indian Village of Queets, as on record with the Portland Area Office or the Everett Indian Agency of the Bureau of Indian Affairs shall not be subject to this decision.
- (b) All existing plats or subdivisions subject to this Title and subject to paragraph (a) hereof shall be submitted for preliminary plat approval under this Title. Any plat or subdivision which shall fail to receive preliminary plat approval within one hundred and twenty (120) days of the enactment of this Title shall become an illegal, void, invalid, and unapproved plat or subdivision.
- (c) All existing plats or subdivisions subject to this Title and subject to paragraph (a) hereof shall be submitted for final plat approval within one hundred and eighty (180) days of the date of enactment of this Title. Any plat or subdivision which shall fail to receive final plat approval within two hundred and forty (240) days of the enactment of this Title shall become an illegal, void, invalid, and unapproved plat or subdivision.
- (d) Special rule for plats submitted after the effective date of this Title: Except as provided in paragraphs (b) and (c) herein, no proposed plat or subdivision which shall be submitted for approval after the effective date of this Title shall be approved if any part of said proposed plat or subdivision shall be within the boundaries of the Wilderness Zone as established herein.

48.07 Permit and Application Process.

All proposed development, as defined in this Title, within the exterior boundaries of the Reservation requires submittal of a Master Land Use Application, a Stormwater Management Plan, and a pre-application conference with the Land Use Planner and other Nation staff as the Director or Director's designee deems necessary, to discuss the Master Land Use Application and required permits. No applications shall be approved under this Title unless the applicant demonstrates compliance with all Quinault Tribal Codes and regulations adopted thereunder.

48.07.010 Building Permits.

Building Permits must be obtained from the Department for all construction activities, including new stick-built structures, manufactured, modular, and mobile homes, whether for permanent or temporary use; repairs or additions of any size; demolition of buildings or structures; fences, decks, and signs. The Building Inspector or Director or Director's designee may issue a Building Permit upon review of a complete application and supporting materials, and the applicant provides evidence of a safe and reliable supply of potable water for the intended use of the structure, and evidence of the compliance with the wastewater disposal requirements in Title 60.

The Floodplain Administrator or Director or Director's designee will determine the proposed development, including placement of a manufactured home, will be reasonably safe from flooding, and whether a variance under Section 48.08 of this Title is warranted. When base flood elevation data is not available, the Building Inspector, Director or Director's designee shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, and other sources such as from High Water Marks of Record for flood-prone areas. When base flood elevation data or High Water Marks of Record are provided, obtain and record the actual elevation of the lowest floor of all structures; and if applicable, elevation to which any non-residential structure has been flood-proofed.

Each application for a building permit shall be accompanied by:

- (a) applicable fees;
- (b) stamped, engineered building plans drawn to scale;
- (c) a site plan drawn to scale showing the dimensions of the lot to be built upon, the size and location of the building(s), structure(s), and/or accessory building(s)/structure(s) to be erected;
- (d) legal description, including lot boundaries;
- (e) name(s) of owners and/or persons with any legal interest in the lot;
- (f) proof of land ownership or legal use;
- (g) other applicable Quinault permits or licenses (business license for contractor(s), natural resources application approved, burn permit, etc.);
- (h) demonstration of lawful access to lot; and
- (i) such additional information as required by the Director or Director's designee.

No permit shall be issued unless there is demonstration by the applicant of compliance with all Quinault Nation Titles and regulations.

48.07.020 Travel Trailer and Motor Home Permits.

Travel Trailers and Motor Homes may be occupied in any area for a designated period not to exceed sixty (60) continuous days. A Permit to locate and occupy a Travel Trailer or Motor Home must be obtained prior to occupancy of the Travel Trailer or Motor Home for more than twenty-four (24) hours. Such Permit may be renewed once for an additional sixty (60) continuous days but in no event shall such use or occupancy be allowed for more than one hundred twenty (120) days in any twelve- (12-) month period. The Building Inspector or the Director or Director's designee may issue a Travel Trailer or Motor Home Permit upon review of a complete application and application fee.

An unoccupied Travel Trailer and/or Motor Home may be stored on any owned or leased property, without a permit, provided that such Travel Trailer or Motor Home is not the principal or only structure on the property and that the principal structure complies with all applicable Quinault Indian Nation land use and building laws and regulation.

48.07.030 Stormwater Management.

- (a) No application for development will be approved unless it includes a stormwater management plan detailing how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must be prepared by a licensed engineer and must include the following information and any other information deemed necessary by the Department:
 - (1) Background information and computations for sizing drainage facilities:
 - (i.) A topographical map or maps, on a scale of one (1) inch equals fifty (50) feet with five foot contours, which depicts the following information:
 - (A) All natural drainage channels and patterns within or adjacent to the development and other existing drainage features and drainage easements.
 - (B) The point(s) where the drainage from upstream properties currently enter(s) the property.
 - (C) The point(s) where drainage is discharged downstream from the property and the receiving waters (the receiving waters need not be indicated on a map, but may be noted in writing).
 - (D) The proposed development of the area and the estimated impervious surfaces.
 - (ii.) The measured area of the site (indicating both square footage and acreage), the estimated density, the estimated measured area of the site (indicating both square footage and acreage) proposed for coverage by impervious surfaces given the proposed level of development.
 - (iii.) An estimate of the peak discharge and amount of surface water entering and leaving the subject property in its uncleared natural state as a result of the twenty-five (25) year storm of twenty four (24) hours duration (the design storm).
 - (iv.) An estimate of the peak discharge and the amount of runoff entering and within the subject property that will be generated by the design storm given the proposed level of development.)
 - (v.) Proposed improvements for handling the computed drainage runoff.

- (vi.) A brief description of the system's specifications and the proposed receiving waters.
 - (vii.) Arrangements by the permittee to provide for continuing maintenance of the drainage facilities.
- (b) General Requirements.
- (1) Surface water, both existing and potential, entering the subject property shall be received at the naturally occurring location and surface water existing on or flowing through the subject property shall be discharged at the natural location with adequate energy dissipators within the subject property to minimize downstream damage and with no diversion at any of these points.
 - (2) The peak discharge and peak runoff volume (from both surface and subsurface sources) for the subject property resulting from the design storm shall not be increased above the levels generated on the property in its uncleared, natural state due to the proposed development.
 - (3) Retention/detention facilities shall be provided in order to handle all surface water in excess of the peak discharge of the property in its uncleared, natural state resulting from the design storm. The facilities shall be designed to prevent aggravation of any potential downstream peaking conditions.
 - (4) Lots shall be laid out so as to provide positive drainage away from all buildings.
 - (5) When a closed system is used to handle discharge within the tract, all structures will be a minimum of ten (10) feet from the closed systems.
 - (6) Storm water facilities shall be designed and built in such a manner that the outlet structures are easily accessible for inspection, testing, and long-term maintenance.

48.07.040 Non-Conforming Use.

If a lawful use of land or structure that exists at the effective date or amendment of this Title could not occur or be built under the requirements of this Title, it is considered a non-conforming use. It is the intent of this Title to permit these non-conformities and may remain as long as it is otherwise lawful subject to the following:

- (a) A non-conforming use shall not be enlarged, extended, reconstructed, moved, or altered in any way to increase its non-conformity.
- (b) A non-conforming use shall be deemed abandoned if it is discontinued or abandoned for a continuous period of six (6) months and shall not be reconstructed except in conformity with the requirements of this Title.
- (c) If any non-conforming use is destroyed by any means it shall not be reconstructed except in conformity with the requirements of this Title.

48.08 Flood Hazard Reduction.

48.08.010 Purpose.

It is the purpose of this section to promote the public health, safety, and general areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains or propane tanks, electric, telephone and sewer lines, streets, and bridges located in flood-prone areas;
- (6) To ensure that potential buyers and lessors are notified that property is in a flood-prone area; and,
- (7) To ensure that those who occupy the flood-prone area assume responsibility for their actions.
- (8) To protect Tribal resources.

48.08.020 Administration.

This Section 48.08, Flood Hazard Reduction, is administered by the Quinault Indian Nation's Floodplain Administrator, or the Director or Director's designee.

48.08.030 General Standards.

In all flood-prone areas, the following general standards apply:

(a) Anchoring

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All manufactured homes shall be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage per the latest accepted Quinault Indian Nation Building Codes.

(b) Construction Materials and Methods

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Utilities

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) Water wells shall be located on high ground
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters and according to the Nation's Title 60 and regulations promulgated thereunder; and,

- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

48.08.040 Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided or in flood-prone areas, the following specific provisions apply:

(a) Residential Construction

- (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the High Water Mark of Record (or base flood elevation, if determined).
- (2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters, and be used solely for parking of vehicles, building access or storage in an area other than a basement. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (i.) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - (ii.) The bottom of all openings shall be no higher than one foot above grade;
 - (iii.) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; and,
 - (iv.) FEMA's Technical Bulletin 11-01 provides additional required standards for crawlspace construction.

(b) Nonresidential Construction

- (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the High Water Mark of Record (or base flood elevation, if determined); or, together with attendant utility and sanitary facilities, shall:
 - (i.) be flood-proofed so that below the High Water Mark of Record (base flood level, if determined) the structure is watertight with walls substantially impermeable to the passage of water;
 - (ii.) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - (iii.) be certified by a licensed professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Department.
- (2) Nonresidential structures that are elevated, not flood-proofed, must meet the same standards as for residential structures for space below the lowest floor.
- (3) Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g. a building flood-proofed to the base flood level, if determined, will be rated one foot below that level).

(c) Manufactured Homes

- (1) All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the High Water Mark of Record (or base flood elevation, if determined) and be securely anchored to an adequately anchored foundation system.

(d) Recreational Vehicles

- (1) Recreational vehicles must:
 - (i.) Be on the site for fewer than one hundred eighty (180) consecutive days,
 - (ii.) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - (iii.) Meet the requirements of this section and the elevation and anchoring requirements for manufactured homes.

(e) Critical Facility

- (1) Construction of new critical facilities shall be, to the extent possible, located outside the limits of the flood-prone area [or a Special Flood Hazard Area (SFHA) (100-year floodplain), if determined]. Construction of new critical facilities shall be permissible within the flood-prone area (SFHA) if no feasible alternative site is available. Critical facilities constructed within the flood-prone area (SFHA) shall have the lowest floor elevated three feet or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Flood-proofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

48.08.50 Variances to Flood Hazard Standards.

(a) Conditions for Variances

- (1) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.
- (2) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- (3) Variances shall only be issued upon a determination by the Floodplain Administrator or Director or Director's designee that the variance is the minimum necessary, considering the flood hazard, to accomplish the hazard reduction.
- (4) Variances shall only be issued upon:
 - (i.) A showing of good and sufficient cause;
 - (ii.) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
- (5) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public.

- (6) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry flood-proofing, where it can be determined that such action will have low damage potential and otherwise complies with Section 48.08.020 General Standards.
- (7) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (b) In approving a request for variance and requiring any conditions to the variance approved, the Director or Director's designee shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Title, and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas or propane, electrical, and water systems, and streets and bridges.

48.09 Permit Exceptions.

48.09.010 Variance.

A variance is a departure from the provisions of this Title for special circumstances related to a specific lot, when strict application of this Title would cause an undue or unnecessary hardship, or would otherwise be unreasonable or impractical. There will be no variances allowed for development in areas that are prone to flooding except as provided in Section 48.08.

The Planning Commission may grant a variance and may impose any conditions on said variance, if it determines each of the following criteria are met:

- (a) The proposed variance will not amount to a rezone of the boundaries shown on the Official Zoning Map and does not allow a use that is prohibited in the zone in which the subject property is located.
- (b) Special conditions and circumstances exist that are peculiar to the land, such as size, shape,

or topography of a parcel, or location of a legal structure on a parcel, not applicable to other lands in the same zone, and that literal interpretation of the provisions of this Title would deprive the property owner of uses commonly enjoyed by other properties with conforming uses in the vicinity and in the same zone.

- (c) The special conditions and circumstances do not result from the actions of the applicant.
- (d) Granting a variance requested will not alter the essential character of the locality or confer a benefit to the subject property that is denied other parcels in the same zone.
- (e) The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

The following procedures apply for variances:

- (a) A person may apply for a variance by submitting a variance application describing the nature of the variance requested and how the criteria herein will be met, and the applicable filing fee.
- (b) The Planning Department will schedule a public hearing before the Planning Commission within sixty (60) days of receipt of a complete application and applicable fee. The tribal legal staff shall outline legal guidelines as requested by the Department or Planning Commission prior to the public hearing.
- (c) Notice of the nature, time and place of the hearing will be published in the *Nugquam* and posted prominently around the Reservation by the Planning Department at least ten (10) business days in advance of the hearing. Notice of the nature, time and place of the hearing will be mailed certified, return receipt requested, or hand delivered by the Planning Department to owners, lessees, and holders of legal interests in contiguous lots and at least ten (10) business days in advance of the hearing.
- (d) Applicant or his/her representative must attend the hearing before the Planning Commission to present the variance application and answer questions concerning the proposed variance.
- (e) Any persons may attend the hearing before the Planning Commission and provide any testimony relevant to the application.
- (f) After closing the public hearing the Quinault Planning Commission may take action on the request or application or table it for further study or information and further hearing. The action or recommendation must be in the form of a motion and indicate whether it is to deny, approve, or approve with conditions. The motion must also include the findings that enabled the Quinault Planning Commission to reach the decision, and conclusions. The Quinault Planning Commission can adopt the recommended findings and conclusions prepared by staff or amend the recommended findings and conclusions.
- (g) The Planning Commission will make its final decision within ten (10) business days of the final hearing and will mail certified, return receipt requested, or hand deliver the final written order of the Planning Commission to the applicant within ten (10) business days of the final hearing.
- (h) Appeal of an unfavorable decision may be made by any person aggrieved by the final written order and must be made to the Business Committee within ten (10) business days of the applicant's receipt of the final written order. The decision of the Business Committee is final and not appealable.

A variance granted under this Title is effective when exercised within six (6) months from the effective date of the grant by the Planning Commission, unless a longer period is specified by the Commission. In such case a variance is not exercised, it shall become void.

48.09.020 Conditional Use.

A conditional use is a use identified in this Title that needs case-by-case consideration because it may be incompatible with the principal permitted uses in the various zones. The Conditional Use Permit application shall accompany the application for a Building Permit. Only those uses contained in "Table I" will be considered, and only for the zone indicated.

The Planning Commission may grant a Conditional Use Permit, and may impose any conditions on said Permit, if it determines each of the following criteria are met:

- (a) The use shall not endanger the public health or safety if located where proposed, and the use will not allow conditions that will tend to generate nuisance conditions such as noise, dust, glare, vibration, (construction noise, dust and vibration excepted).
- (b) The use meets all requirements of this Title and regulations adopted pursuant to this Title where it is proposed to be located.
- (c) The use shall not be injurious or detrimental to contiguous property, unless the use is a public necessity, in which case specific steps shall be taken to lessen the detrimental impacts.
- (d) Multi-family dwellings shall only be permitted if the following provisions and conditions are met:
 - (1) Off-street parking to be provided in the amount of two (2) off-street parking spaces per dwelling unit.
 - (2) Setbacks shall conform to the requirements of the underlying zone.
 - (3) Accessory buildings shall comply with the setback requirements of the main building.

The following procedures apply for a Conditional Use Permit:

- (a) A person may apply for a Conditional Use Permit by submitting a Conditional Use Permit application describing the nature of the Conditional Use requested and how the criteria herein will be met, and the applicable filing fee.
- (b) The Planning Department will schedule a public hearing before the Planning Commission within sixty (60) days of receipt of a complete application and applicable fee. The tribal legal staff shall outline legal guidelines as requested by the Department or Planning Commission prior to the public hearing.
- (c) Notice of the nature, time and place of the hearing will be published in the *Nugquam* and posted prominently around the Reservation by the Planning Department at least ten (10) business days in advance of the hearing. Notice of the nature, time and place of the hearing will be mailed certified, return receipt requested, or hand delivered by the Planning Department to owners, lessees, and holders of legal interests in contiguous lots and at least ten (10) business days in advance of the hearing.

- (d) Applicant or his/her representative must attend the hearing before the Planning Commission to present the Conditional Use Permit application and answer questions concerning the proposed Conditional Use.
- (e) Any persons may attend the hearing before the Planning Commission and provide any testimony relevant to the application.
- (f) After closing the public hearing the Quinault Planning Commission may take action on the request or application or table it for further study or information and further hearing. The action or recommendation must be in the form of a motion and indicate whether it is to deny, approve, or approve with conditions. The motion must also include the findings that enabled the Quinault Planning Commission to reach the decision, and conclusions. The Quinault Planning Commission can adopt the recommended findings and conclusions prepared by staff or amend the recommended findings and conclusions.
- (g) The Planning Commission will make its final decision within ten (10) business days of the final hearing and will mail certified, return receipt requested, or hand deliver the final written order of the Planning Commission to the applicant within ten (10) business days of the final hearing.
- (h) Appeal of an unfavorable decision may be made by any person aggrieved by the final written order and must be made to the Business Committee within ten (10) business days of the applicant's receipt of the final written order. The decision of the Business Committee is final and not appealable.

A Conditional Use Permit granted under this Title is effective when exercised within six (6) months from the effective date of the grant by the Planning Commission, unless a longer period is specified by the Commission. In such case a Conditional Use Permit is not exercised, it shall become void.

48.09.030 Special Use Permits

A Special Use is a land use that would otherwise not be allowed under this Title. The Planning Commission may grant a Special Use Permit on a case-by-case basis, and may impose any conditions on said Permit, if it determines each of the following criteria are met:

- (a) There are special circumstances or conditions affecting the land, building, or use referred to in an application that do not qualify for a variance or conditional use permit;
- (b) Granting a Special Use Permit will not be materially detrimental to the public welfare, or injurious to the property or persons living contiguous to or in the vicinity of the property to which an application pertains;
- (c) Granting a Special Use Permit will maintain the spirit and intent of this Title, is consistent with the Nation's traditional uses and culture, will not impede the normal and orderly development and improvement of the surrounding property for uses allowed under this Title, and will not impair the protection of natural and cultural resources.

The following procedures apply for a Special Use Permit:

- (a) A person may apply for a Special Use Permit by submitting a Special Use Permit application describing the nature of the Special Use requested and the applicable filing fee.

- (b) The Planning Department will schedule a public hearing before the Planning Commission within sixty (60) days of receipt of a complete application and applicable fee. The tribal legal staff shall outline legal guidelines as requested by the Department or Planning Commission prior to the public hearing.
- (c) Notice of the nature, time and place of the hearing will be published in the *Nugquam* and posted prominently around the Reservation by the Planning Department at least ten (10) business days in advance of the hearing. Notice of the nature, time and place of the hearing will be mailed certified, return receipt requested, or hand delivered by the Planning Department to owners, lessees, and holders of legal interests in contiguous lots and at least ten (10) business days in advance of the hearing.
- (d) Applicant or his/her representative must attend the hearing before the Planning Commission to present the Special Use Permit application and answer questions concerning the proposed Special Use.
- (e) Any persons may attend the hearing before the Planning Commission and provide any testimony relevant to the application.
- (f) After closing the public hearing the Quinault Planning Commission may take action on the request or application or table it for further study or information and further hearing. The action or recommendation must be in the form of a motion and indicate whether it is to deny, approve, or approve with conditions. The motion must also include the findings that enabled the Quinault Planning Commission to reach the decision, and conclusions. The Quinault Planning Commission can adopt the recommended findings and conclusions prepared by staff or amend the recommended findings and conclusions.
- (g) The Planning Commission will make its final decision within ten (10) business days of the final hearing and will mail certified, return receipt requested, or hand deliver the final written order of the Planning Commission to the applicant within ten (10) business days of the final hearing.
- (h) Appeal of an unfavorable decision may be made by any person aggrieved by the final written order and must be made to the Quinault Business Committee within ten (10) business days of the applicant's receipt of the final written order. The decision of the Business Committee is final and not appealable.

A Special Use Permit granted under this Title is effective when exercised within six (6) months from the effective date of the grant by the Planning Commission, unless a longer period is specified by the Commission. In such case a Special Use Permit is not exercised, it shall become void.

48.09.040 Permit Fees.

Permit fees shall be established by the Quinault Business Committee upon recommendation of the Quinault Planning Commission. Tribal elders shall be entitled to waiver of all fees authorized under this Title upon providing verifiable proof of age.

48.10 Enforcement

48.10.010 General Authority to Enforce.

It shall be the duty of the Department to enforce the provisions of this Title. Failure to enforce this Title does not authorize or waive any violation of any provision of this Title or any regulation adopted pursuant to this Title. The Department may call upon law enforcement, fire, health, or other appropriate Quinault departments to assist in enforcement.

48.10.020 Right of Entry.

Employees, contractors and agents of the Nation may enter any Reservation lands at reasonable times and in a reasonable manner to inspect them for compliance with this Title and regulations adopted pursuant to this Title. Inspections of buildings on the Reservation shall be made at mutually convenient times for Department staff and the permittee. Application for any land use permit or any other land use activities constitutes consent to on-site inspection of permittee's property for the purpose of assessing compliance with this Title and regulations adopted pursuant to this Title.

48.10.030 Notice of Voluntary Correction.

Whenever the Director or Director's designee has reason to believe that a violation of this Title or regulations adopted pursuant to this Title has occurred, the Director or Director's designee may serve a written Notice of Voluntary Correction on the violator in the manner directed in this Section. In the event that the violator does not take corrective action as outlined in the Notice of Voluntary Correction, the Director or Director's designee shall issue a Notice of Violation.

48.10.040 Contents of Notice of Voluntary Correction.

The Notice of Voluntary Correction shall contain a brief and concise description of the alleged violation and the provision of this Title or regulations adopted pursuant to this Title alleged to have been violated. The Notice of Voluntary Correction shall state that continued or subsequent violation may result in further civil enforcement actions, as provided in this Title, to include monetary civil penalties. The Notice of Voluntary Correction shall contain a statement of the corrective action required and shall specify a reasonable date and time within which the corrective action must be accomplished.

48.10.050 Service of Notice of Voluntary Correction.

The Notice of Voluntary Correction shall be personally served on the alleged violator, if reasonably possible. If personal service is not reasonably possible, the Notice of Voluntary Correction shall be posted on the parcel associated with the violation and mailed to the alleged violator by certified mail, return receipt requested. The failure of any such person to receive the actual Notice of Voluntary Correction shall not affect the validity of any proceedings taken under this Title. The voluntary correction process is optional as deemed by the Director. If the Director or Director's designee believes that the requirements of this Section are not being met, the Director or Director's designee may, in addition to the Notice of Voluntary Correction, issue a Stop Work Order.

48.10.060 Extension for Compliance.

- (a) Upon good cause shown by the alleged violator, the Director or Director's designee may grant an extension from the operation of this Title in order to allow the alleged violator to take corrective action as outlined in the Notice of Voluntary Correction not to exceed thirty (30) days. Such extension may be renewed at the discretion of the Director or Director's designee for an additional thirty (30) days, but only if satisfactory progress toward compliance is shown.
- (b) Any person seeking an extension shall file an application with the Director on forms provided by the Department. Any such request for an extension must be received by the Director at least five (5) business days prior to the date set for compliance in the Notice of Voluntary Correction.
- (c) In granting or denying an extension of the date set for compliance, the Director or Director's designee shall file a written order stating the facts and reasons leading to the decision, which is due no later than the date set for compliance in the Notice of Voluntary Correction.
- (d) A request for an extension shall not in any manner preclude the alleged violator from seeking any other relief available under Tribal law.

48.10.070 Stop Work Order.

Whenever a continuing violation of this Title or any regulations adopted pursuant to this Title will:

- (a) materially impair the Department's ability to secure compliance; or
- (b) threaten the health or safety of the public; or
- (c) threaten or harm natural resources,

The Director or Director's designee may issue a Stop Work Order specifying the violation and prohibiting any work or other activity at the site. The Order shall be posted on the subject property, and if possible, shall be served in person on persons engaged in any work in violation of this Title. No further work or activity shall proceed unless and until authorized by the Director or Director's designee in writing. Failure to comply with a Stop Work Order shall constitute a violation of this Title.

48.10.080 Notice of Violation.

In the event the alleged violator fails to take corrective action according to a properly served Notice of Voluntary Correction, or when the Director or Director's designee believes that a violation can only be promptly and equitably corrected by an immediate Notice of Violation, the Director or Director's designee may issue the alleged violator a Notice of Violation.

48.10.090 Contents of Notice of Violation.

For violations of this Title or regulations adopted pursuant to this Title, the Notice of Violation shall contain the following information:

- (a) The name and address of the alleged violator;
- (b) The street address or a description sufficient for identification of the property where the alleged violation occurred;
- (c) A brief statement describing the act and/or omission alleging a violation of this Title;
- (d) A statement that if any work is not completed within the times specified, the Director or Director's designee will proceed to cause abatement of the violation and cause the work to be done and charge costs as a lien against the property, if applicable;
- (e) A statement that a monetary penalty of no more than three hundred dollars (\$300.00) per day for each violation shall be assessed against the alleged violator(s);
- (f) A statement that if any assessed civil penalty is not paid, the Director will charge the amount of the penalty as a lien against the property, if applicable, and as a personal obligation of any person in violation of this Title or regulations adopted pursuant to this Title;
- (g) A statement regarding how the alleged violator shall respond, as outlined in this Section, and that such Response shall be filed with the Quinault Tribal Court and a copy served upon the Quinault Indian Nation Office of Reservation Attorney within thirty (30) calendar days of service of the Notice of Violation; and
- (h) A description of the available appeal process.

48.10.100 Service of Notice of Violation.

A copy of the Notice of Violation shall be served in the same manner as service of the Notice of Voluntary Correction outlined in this Section. The original Notice of Violation shall be filed with the Quinault Tribal Court Clerk and a copy shall be served on the Quinault Indian Nation Office of Reservation Attorney. The failure of any such person to receive the actual Notice of Violation shall not affect the validity of any proceedings taken under this Title.

48.10.110 Appeal of Notice of Violation.

The Notice of Violation may be appealed within fourteen (14) calendar days from the date of the Notice of Violation to the Quinault Tribal Court, pursuant to the provisions of Q.T.C. 30. Any per-day civil penalty shall not accrue during the pendency of such administrative appeal, unless the Quinault Tribal Court determines that the appeal is frivolous or intended solely to delay compliance. Failure to file a timely and complete appeal will constitute a waiver of all rights to an appeal of the Notice of Violation.

48.10.120 Hearings.

- (a) Commencement of Proceedings. The filing of the Notice of Violation shall serve as an initial summons and complaint in Quinault Tribal Court.
- (b) Response. Each person issued a Notice of Violation under this Title shall return a copy of the Notice of Violation within fourteen (14) calendar days to the Quinault Tribal Court. The person issued the Notice of Violation shall check either:

☐ 1. I CHOOSE TO PAY THE MONETARY PENALTY AND HAVE ENCLOSED FULL PAYMENT.

☐ 2. I REQUEST A HEARING TO EXPLAIN THE CIRCUMSTANCES. If a person requests a hearing, the Court shall issue a Notice of Hearing with a date and time certain.

☐ 3. I REQUEST A HEARING TO CONTEST THIS VIOLATION NOTICE.

- (c) Timeline for Hearing. Upon the timely filing of a response, the Quinault Tribal Court shall set a hearing within thirty (30) calendar days, which may be continued for good cause. In the event a hearing is not set within thirty (30) days, the Notice of Violation shall be dismissed. A party may appear for a hearing by telephone with prior approval of the Quinault Tribal Court.
- (d) Conduct at the Hearing. Hearings shall be governed by Q.T.C. 30.
- (e) Order on Hearing. Following the conclusion of the hearing, the Court shall issue a written decision. The decision shall state the findings of fact, conclusions of law, and order. The order shall include any and all costs as deemed appropriate by the Court.
- (f) Appeals. Should either party be unsatisfied with the result, that party may commence an appeal with the Quinault Tribal Court of Appeals pursuant to Q.T.C. 31.

48.10.130 Penalties.

Unless otherwise provided, each act of violation and every day on which such violation occurs shall be a separate violation subject to penalty assessment. A violation of this Title or regulations adopted pursuant to this Title are subject to a fine of not more than three hundred dollars (\$300.00) per day.

48.10.140 Complaints from the Public.

Whenever a violation of this Title or regulations adopted pursuant to this Title occurs or is alleged to have occurred, any person may file a written complaint with the Director or Director's designee. Such complaint shall state fully the basis thereof. The complaining party shall provide an address and phone number to enable the Director or his/her designee to contact the complaining party about the written complaint. The Director or his/her designee shall properly record such complaint, investigate as soon as reasonably practicable, and take any necessary action thereon as provided by this Title.

48.11 Miscellaneous.

48.11.010 Severability.

If any section, subsection, sentence, clause or phrase of this Title is, for any reason, held to be invalid, in general or in any specific application, such decision shall not affect the validity of the remaining parts of this Title or the specific application of this Title.