

RESOLUTION OF THE
NAVAJO NATION COUNCIL
20TH NAVAJO NATION COUNCIL - Second Year, 2004

AN ACTION

RELATING TO CHAPTER GOVERNMENT; APPROVING AMENDMENTS TO
LAND USE PROVISIONS OF THE NAVAJO NATION LOCAL GOVERNANCE
ACT, 26 N.N.C. §2004

BE IT ENACTED:

1. For purposes of clarifying the requirements for the development of a *Community Based Land Use Plan*, the Navajo Nation Council hereby amends the Navajo Nation *Local Governance Act*, 26 N.N.C. §2004, as follows:

Title 26. Navajo Nation Code
Chapter 2. Chapter Government

Subchapter 7. Navajo Nation Chapter Regulations and Procedure

§2004. Zoning; Comprehensive Community Based Land Use Plan; Land Use Variations

A. Zoning

1. Chapters may enact zoning ordinances provided that the membership adopt and implement a comprehensive community based land use plan pursuant to §2004(B).
2. Adoption of all local zoning ordinances shall be done pursuant to §103(E)(4) of this Act.

3. The Chapter shall be responsible for the enforcement of all zoning ordinances adopted by the membership. The Chapter shall provide and maintain information relative to all matters arising from adopted zoning ordinances.
4. All proposed amendments to zoning ordinances shall first be reviewed by the ~~Local Planning Board~~ Community Land Use Planning Committee (CLUPC), and shall require approval by the Chapter membership before becoming effective.

B. Comprehensive Community Based Land Use Plan

1. The Chapter, at a duly-called chapter meeting called for that purpose, shall by resolution, vote to implement a comprehensive community based land use plan, after the ~~Chapter Planning Board~~ CLUPC has educated the community on the concepts, needs, and process for planning and implementing a community based land use plan. The comprehensive community based land use plan shall project future community land needs, shown by location and extent, of areas identified for residential, commercial, industrial, and public purposes. The land use plan shall designate future land use be based upon the guiding principles and vision as articulated by the community; along with information revealed in inventories and assessments of the natural, cultural, human resources, and community infrastructure; and, finally with the consideration for the land-carrying capacity. Such a plan shall may also include, but not be limited to the following:

- 2.1. An open space plan which preserves for the people certain areas to be retained in their natural state or developed for recreational purposes.
3. ~~A land use plan which projects future community land needs, shown by location and extent, areas to be used for residential, commercial, industrial, and public purposes.~~
- 4.2. A thoroughfare plan which provides a system of and design for major streets, information about the existing and proposed road network in relation to the distinguishing between limited access, primary, and secondary thoroughfares, and relating major thoroughfares to the road network and land use of the surrounding area.
- 5.3. A community facilities plan which shows the location, type, capacity, and area served, of present and projected or required community facilities including, but not limited to, recreation areas, schools, libraries, and other public buildings. It will also show related public utilities and services and indicate how these services are associated with future land use.

C. Presentation of Comprehensive Plan Establishment and Duties of the Community Land Use Planning Committee

1. Upon approval and passage of a Chapter resolution stating the Chapter's desire to develop and implement a comprehensive community based land use plan, the Chapter shall establish a Community Land Use Planning Committee (CLUPC) to approve the processes for planning and to oversee

planning activities. ~~The committee shall work closely with the designated planner and the community residents as planning progresses.~~ The CLUPC committee shall be comprised of voting members of the Chapter that have expertise to provide valuable contributions to the overall land planning process. Subcommittees such as technical, and public advisory committees, comprising of voting and non-voting members may be established to assist the CLUPC committee.

2. The CLUPC committee may hire a planner, subject to availability of funds, to be responsible for preparing the CLUP community based land use plan. At a minimum, the planner shall exhibit leadership qualities and organizational abilities along with experience or education in the discipline of land planning.
3. The planner shall work under the supervision of the CLUPC committee and with the community residents. The duties and responsibilities of the planner shall include, ~~but are not limited to~~ the following:
 - a. Coordinating all land planning activities.
 - b. Developing a community education and participation plan describing methods that will foster public education and participation through public hearings, newspaper and radio. Chapter members will be periodically informed on the progress of the land planning activities. All information pertaining to the plan shall be available to the public. The CLUPC committee shall approve the community participation plan.

- c. Developing and implementing a community assessment ascertaining the goals, priorities, and vision for the future of the community.
 - d. Inventorying and assessing pertinent data. The planner shall request data and seek technical assistance when necessary for compilation of all available data from tribal, federal, and state agencies for inventorying and assessing natural, cultural, and human resources, as well as community infrastructure. In addition, Chapters may hire consultants to assist with the inventory and assessments.
 - e. In the event a Chapter lacks the resources to hire a planner, the CLUPC shall be responsible for conducting the duties described in this subsection.
- D. Presentation and Approval of Comprehensive the Community Based Land Use Plan by the Chapter and Certification by the Transportation and Community Development Committee
- 1. Upon completion of the resource inventories inventory, assessments, and community assessment, the ~~planning board~~ CLUPC shall prepare a community based land use plan as described in §101. Local planning and zoning ordinances may also be presented at this time. The community based land plan shall be presented to the local residents in one or more public meetings and through the various multimedia. The community members shall have 60 days to comment in writing or in testimony at a final public hearing. Upon compliance with the notice requirements, the Chapter, at a duly called chapter meeting, shall by resolution, vote to adopt the community based land use plan.

2. The CLUPC committee, ~~after consideration for public input~~ shall make necessary adjustments, as approved by the Chapter membership ~~finalize the plan,~~ and shall submit the plan to the Transportation and Community Development Committee of the Navajo Nation Council. The Transportation and Community Development eCommittee ~~by ecommittee resolution~~ shall ~~approve~~ certify the community based land use plan. Every five years the plan shall be reevaluated and readjusted to meet the needs of the changing community.

E. Land Use Variations


The utilization of all withdrawn lands of the community as defined by the adopted Comprehensive Community Based Land Use Plan shall be in accordance with applicable Navajo Nation and federal law, and the provisions of said plan; variations to said plan must be consistent with §103(E) (4).

2. Amendments herein shall be subject to approval by a majority of chapters of the Navajo Nation pursuant to Local Governance Act, 26 N.N.C. §1(E). The Office of Navajo Government Development shall coordinate the collection of chapter resolutions. The amendments shall be deemed effective upon approval by a majority of chapters of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at

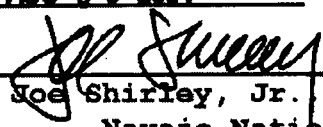
which a quorum was present and that the same was passed by a vote of 64 in favor and 0 opposed, this 23rd day of July 2004.

 JR.
Kee Allen Begay, Speaker Pro Tem
Navajo Nation Council
7/27/04
Date

Motion: Harold Wauneka
Second: Thomas Walker

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of AUG 06 2004 2004.



Joe Shirley, Jr. President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2004 for the reason(s) expressed in the attached letter to the Speaker.

Joe Shirley, Jr., President
Navajo Nation

20th NAVAJO NATION COUNCIL

Second Year 2004

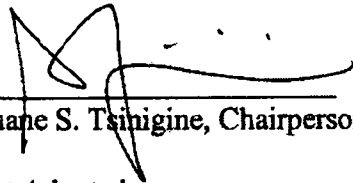
Mr. Speaker,

The ETHICS AND RULES COMMITTEE, to whom has been assigned

LEGISLATION No. 0391-04

Has had it under consideration and reports the same with the recommendation that it **PASS**, without amendments and therefore referred to the **NAVAJO NATION COUNCIL**.

Respectfully submitted,



Duane S. Tsinigine, Chairperson

Adopted: _____
(Advisor)

Not Adopted: _____
(Advisor)

Date: July 2, 2004

The vote was 7 in favor and 0 opposed.

Excused:

Absent:



Budget and Finance Committee Report
20TH NAVAJO NATION COUNCIL – Second Year 2004

LEGISLATION NO. 0392-04

Sponsored by Honorable Lawrence T. Morgan, Speaker and
Honorable Leslie Dele, Council Delegate

AN ACTION

Relating to Chapter Government Finances; Amending the Accounting and Appropriations Provisions in the Navajo Nation Local Governance Act, 26 N.N.C. §§ 2, 103, and 2003, and the Appropriations Act, 12 N.N.C. § 820.

The Budget and Finance Committee has had it under consideration and reports the same with the recommendation that it **DO PASS** with the following amendments and stipulations, and refers same to the **Ethics and Rules Committee** and the **Navajo Nation Council**.

1. Page two, line 2, overstrike G in GAGAP, and
2. Page three, line 25, insert new language, Housing Discretionary, Public Employment Program, Local Government Trust Fund, Emergency, Summer Youth, Sales Tax Revenues, applicable scholarship funds, Veterans, Senior Citizen, Chapter Maintenance, and other general funds appropriated

CERTIFICATION

I hereby certify that the foregoing legislation was duly considered by the Budget and Finance Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 5 in favor and 0 opposed, this 25th day of June, 2004.

Handwritten signature of Raymond Maxx in black ink.

Honorable Raymond Maxx, Chairperson
Budget and Finance Committee

Motion: Richard T. Begaye
Second: Lorenzo Bedonie

TRANSPORTATION AND COMMUNITY DEVELOPMENT REPORT

20TH NAVAJO NATION COUNCIL – SECOND YEAR, 2004

A Report

Mr. Speaker,

The **TRANSPORTATION AND COMMUNITY DEVELOPMENT COMMITTEE**
to whom has been assigned

LEGISLATION No. 0391-04

AN ACTION

RELATING TO CHAPTER GOVERNMENT; APPROVING AMENDMENTS TO
LAND USE PROVISIONS OF THE NAVAJO NATION LOCAL GOVERNANCE
ACT, 26 N.N.C. §2004

has had it under consideration and reports the same **DO PASS** without any amendments
and therefore referred to the **ETHICS & RULES COMMITTEE**.

CERTIFICATION

I hereby certify that the foregoing legislation was duly considered by the Transportation
and Community Development Committee of the Navajo Nation Council at a duly called
meeting at Window Rock, (Navajo Nation), at which a quorum was present and that the
same was passed by a vote of 5 in favor and 0 opposed, this 17th day of June, 2004.


Chairperson, Transportation and Community Development Committee