

# BLUE LAKE RANCHERIA

## ORDINANCE NO. 95-08

### ORDINANCE OF THE BLUE LAKE RANCHERIA HUMBOLDT COUNTY, STATE OF CALIFORNIA

Amendment of ordinance no 88-02 building/zoning ordinance for the lands within the exterior boundaries if the Blue Lake Rancheria.

#### **Authority:**

Whereas: The Blue Lake Rancheria Council, on August 10, 1987, by formal resolution no 87-06, did adopt the Constitution for the management of all tribal affairs and on February 11, 1994 did admen and adopt the Constitution of the Blue Lake Rancheria

Whereas: article v, Section 4 grants the power to the Business council to enact laws for the welfare , health, and safety of the Blue Lake Rancheria.

The Business Council of the Blue Lake Rancheria does ordain as follows:

#### **Section 1: JURISDICTION**

the provisions of these regulations shall apply to all Lands and all owners of lands within the exterior boundaries areas of the Blue Lake Rancheria

#### **Section 2: PURPOSE**

It is the purpose of this ordinance to provide opportunities for residents to own and live in safe, decent and affordable housing on a permanent basis.

#### **Section 3: MOBILE HOME PERMITTED**

- A. A mobile home shall be permitted on a individual lot as a single family dwelling unit if the requirements of paragraph B are met.
- B. Eligibility
  - 1. the mobile home must be certified under the National Mobile Home Construction and Safety Standards Act of 1974,
  - 2. the mobile home must be installed on a permanent foundation system designed in accordance with the provisions of section 18551 of the health and safety code.
- C. a mobile home permit fee will be charged to cover the actual cost of inspections.

#### **Section 4: NEW CONSTRUCTION PERMITS**

A. new constructions permits shall be permitted on a individual lot as a single family dwelling unit if the requirements of paragraph B are met ,

#### **B. Eligibility**

1. new construction must conform to the Humboldt County Building Code, the National Building code for building, plumbing, and mechanical and electrical, also must meet CFR 24 882.109 Housing Quality Standards and 24 CFR part 39 Cost-Effective Energy Conservation and Effectiveness Standards.
2. new construction must meet health and safety codes for waste and potable water.

#### **SECTION 5: SET BACK REQUIREMENTS**

Any single-family or mobile home newly constructed on the Blue Lake Rancheria shall be required to adhere to the following set back requirements for such unit:

Minimum front yard – Twenty (20) feet

Minimum side yard – Ten (10) feet

Minimum rear yard - Ten (10) feet

Maximum height - Forty (40) feet

Lot Line clearance - Ten (10) feet

#### **SECTION 6: FLOOD PLAIN ZONING**

Any new construction or mobile home placement within the identified flood plains within the Rancheria will be required to mitigate the potential flooding by the following requirements:

1. Finished floor plans shall be a minimum Twelve (12) inches above the flood plain elevation.
2. Floor foundations shall be constructed in a manner to allow for drainage of floodwater and not create a “Dam” affect.

#### **GENERAL PROVISIONS**

**Height limitations and modifications:** Height of buildings and structures shall be measured vertically from the average ground level of the ground covered by the building to the highest point of the roof, but chimneys, stacks, vents, flagpole, conventional reception antennas, ventilation, and air-condition equipment shall be excluded in making such measurement.

**Detached accessory buildings:** Shall not be located within six (6) feet of any main building, nor so as to encroach on any easement, right of way, et cetera. Detached accessory buildings used a guest house shall not be located within (10 ) feet of lot lines nor within five (5) feet of any alley or driveway. Accessory buildings attached to main buildings shall be structurally a part thereof and shall comply with main-building yard requirements.

**Flood Zone Areas:** Flood plain maps are on file with Tribal Office. Any person desiring to build a new home or locate a mobile home within the Rancheria are advised to come to the Office to determine if the Flood Plain Zone requirements apply to them.

## PERMITS

**Requirements:** Permits will be required for any new construction on the Rancheria. In addition permits will be required for placing mobile homes on the Rancheria. There will be a fee for issuing permits. Permit fees will be actual costs for inspections and house plan certification. **A deposit will be required when the permit is granted.**

Permits may be granted, upon application to the Tribal Office, provided that proper documentation is submitted with the application. Failure to provide the necessary documentation will cause the application to be forwarded to the Business Council for processing. Upon receiving the application a Rancheria public notice will be sent out with a 30 day comment time.

**Applications:** application for a permit shall be filed at the Tribal Office Reality upon a form provided by that office. The form shall be accompanied by such information as may be required to describe fully the proposed use for which the permit is sought.

Applications that are forwarded to the Business Council shall be subject only to the rules regarding the placing of matters on its agenda, the Business Council, at its next regular meeting following the filing of the application for a permit, shall consider the application and may, at its own discretion, cause the matter to be set for a public hearing.

If the Business Council causes the matter to be set for a public hearing, such hearing shall be conducted within 30 days, and notice thereof shall be given, in the same manner any public notice to the residents of the Rancheria.

Within 30 days of the commencement of the consideration of the application, or, if a public hearing in the matter has been held, within 30 days of the conclusion of the hearing, the Business Council shall grant or deny the issuance of the permit applied for. The granting of any permit may be made subject to terms and conditions attached thereto and made a part thereof. Failure of the Business Council to act within the time set out herein shall be deemed to be a denial of the application on that date. The action of the Business Council shall become final 10 days from the date thereof, unless an appeal has been within that time.

**COMPREHENSIVE TRIBAL LICENSE AND GOVERNMENTAL  
AUTHORIZATION**

**BLUE LAKE RANCHERIA / CLASS II PROJECT**

The Blue Lake Rancheria, for its own benefit as owner of the Blue Lake Rancheria Class II Project ("Project") and for the benefit of Commerce Trust Company and their respective successors, assigns, grantees and other interested contracting parties, hereby issues this irrevocable and comprehensive Tribal License and governmental authorization for the Project. This license and governmental authorization shall include all permits, licenses and other governmental authorizations required for the development, financing, construction and operation of the Project, including, without limitation, all zoning, land use building permit, liquor, food service, retail, gaming, tobacco licenses, permits and other governmental authorizations now or hereafter required for or in connection with such development, financing, construction and operation.

Blue Lake Rancheria Tribe  
Blue Lake Rancheria

By: Claudia Brundini  
Tribal Chairperson