

SHOALWATER BAY TRIBE

TITLE 7

ZONING

ADOPTED  
03-30-88

SHOALWATER BAY TRIBE

ZONING/TITLE 7

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## TITLE 7

### ZONING

#### Chapter 7.1 Zoning

7.1.010 PURPOSE. The Shoalwater Bay Indian Reservation is now largely undeveloped. Several well defined residential areas now exist. Because of the great potential of recreation, commercial, and industrial development on the Reservation uplands and tidelands, the Shoalwater Bay Tribe recognizes the need for the development of a General Land Use Plan to insure orderly growth and maximum use of this potential for progress of all concerned. The Goal is to encourage and regulate the development of the Reservation after it has been divided into residential, commercial, public uses, park-recreation, agriculture, beach, and tideland. The purpose of the Natural Resource zones (beach, recreation, tideland, forested) is to preserve the natural beauty of the Reservation. In order to regulate present growth and to direct it in a manner harmonious to the ultimate goals, and Interim Zoning Code is needed.

7.1.020 CONFORMITY WITH CODE PROVISIONS. No persons, firms, or corporation shall use, erect, move or alter any structure or land unless in conformity with regulations hereinafter specified for the Zone in which it is located.

7.1.030 ENFORCEMENT. The Shoalwater Bay Tribal Council shall

have the power and duty to enforce this code through the legal process of injunction and criminal penalties provided in this code. Failure to comply with this code shall also be grounds for exclusion.

7.1.040 PENALTY. Any person, firm, or corporation violating any of the provisions of this code shall, upon conviction thereof, be guilty of a misdemeanor. Every person, firm or corporation violating the provisions of this code is guilty of a separate offense for each day during which the violation continues. The Tribe may institute any appropriate action or proceedings to enjoin further violation of the code.

7.1.050 DESCRIPTION OF ZONES.

- a) Agriculture: In the agricultural zone, no uses or structures shall be permitted unless specifically for agricultural use. Husbandry and cultivation, game farms, fish hatcheries, tree farms. Agricultural processing uses may be permitted upon special application to the Shoalwater Bay Tribal Council.
- b) Commercial Zone: In the commercial zone, all wholesale and retail land uses and structures shall be permitted printing shops, machine shops, icing and shipping of fish and farm materials are also permitted.
- c) Park and Recreation Zone: In the park/recreation zone, the following uses and structures will be permitted: motels, hotels, restaurants. Other structures not specifically listed but required for the tourism industry will be permitted except those which would create a public nuisance or endanger public health or safety.
- d) Natural Resource Zone: In these Natural areas, beach, tideland, forested following uses will be permitted: picnic grounds, aquaculture, hiking and bridal trails, scenic view points, day camp

areas, bicycle trails and other open space uses of similar nature that are designated to maintain and preserve such areas in their primitive and natural state.

- e) Residential Zone: In the residential zone, no uses and structures shall be permitted unless for residential use. For the purpose of this code mobile homes, house, condominiums, apartment houses and other multiple dwellings are classified as residential uses.
- f) Public Uses: Uses such as schools, churches, cemeteries, libraries, fire stations, utility sub-stations reservoirs, tribal administration and community buildings may be permitted in any zone upon approval of a land use permit by the Shoalwater Bay Tribal Council.
- g) Existing Uses: When property, an existing structure or structures for which a permit has been issued at the time of the passage of this code, such use may continue even though it is not in conformity with the zoning regulations; however, all future additions, alterations, etc. shall conform.

7.1.060 PUBLIC HEARINGS. The Tribal Council may hold a public hearing on any controversial land use permit by publishing a notice of hearing, time and place at least 10 days prior to hearing, in a newspaper serving the area as well as a Tribal publication.

7.1.070 APPEAL TO TRIBAL COUNCIL. Any person, firm or corporation aggrieved by a decision or ruling may appeal to the Tribal Council. The notice of appeal shall be made in writing and filed with the Tribal Secretary within 15 days after the day which the person, firm, or corporation appealing to the Council is notified of a decision. The Council shall hear the appeal at the next regular scheduled

meeting not over 30 days from the date of the appeal, whichever is shorter.

- Agriculture
- Administrative - Professional
- Commercial - Private
- Commercial - Tribal
- P - Public Uses
- N-R - Natural Resources
- R-1 - Residential
- R-2 - Residential - Multiple





# SHOALWATER BAY INDIAN TRIBE

Tokeland, Washington 98590

Telephone 267-6766

SHOALWATER BAY INDIAN TRIBE

RESOLUTION # 04-06-88-15

WHEREAS, The Shoalwater Bay Indian Tribe is a Federally recognized Tribe headquartered on the Shoalwater Bay Indian Reservation in the State of Washington; AND

WHEREAS, The Shoalwater Bay General Council is the governing body of the Shoalwater Bay Indian Tribe in accordance with their constitution; AND

WHEREAS, The Shoalwater Bay Tribal Council has authority to enact a Zoning Scheme under Article VI Section 1 (p of the Tribal Constitution); AND

WHEREAS, The attached Zoning Code was reviewed at a Public Hearing of the Shoalwater Bay Tribe; AND

WHEREAS, The Zoning Scheme is part of a proposed, projected Land Use Plan; AND

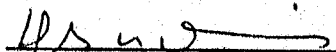
WHEREAS, Zoning is an important vehicle to preserve the Natural resources of the Shoalwater Bay Tribe allowing development in a planned way; NOW

THEREFORE BE IT RESOLVED, That the attached TITLE 7 ZONING of the SHOALWATER BAY TRIBES CODE OF LAWS is hereby adopted, effective on the date of this resolution.

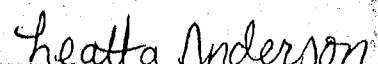
## CERTIFICATION

The above resolution was passed at a regular meeting of the Shoalwater Bay Tribal Council held on April 6, 1988 at the Shoalwater Bay Tribal Center at which a quorum was present.

4 FOR, 0 AGAINST and      ABSTAINMENT with the Chairman not voting.

  
DOUG DAVIS, CHAIRMAN

ATTEST:

  
LEATTA ANDERSON, VICE-CHAIRMAN



# SHOALWATER BAY INDIAN TRIBE

Tokeland, Washington 98590

Telephone 267-6766



## SHOALWATER BAY INDIAN TRIBE RESOLUTION #08-22-90-34

WHEREAS, The Shoalwater Bay Indian Tribe is a Federally Recognized Tribe headquartered on the Shoalwater Bay Indian Reservation in the State of Washington; and

WHEREAS, The Shoalwater Bay Tribal Council is the governing body of the Shoalwater Bay Indian Tribe in accordance with their Constitution; and

WHEREAS, The Shoalwater Bay Tribal Council has authority to enact and amend the Zoning Code under Article VI Section I (p) of the Tribal Constitution; and

WHEREAS, The Shoalwater Bay Tribal Council finds it necessary to clarify both the procedures for amending the Code and granting variances under the Code; and

NOW THEREFORE BE IT RESOLVED, That the Shoalwater Bay Tribal Council hereby adopts the following amendments to the Code:

SECTION 7.1.080 AMENDMENTS TO THE ZONING CODE. The Shoalwater Bay Tribal Council, pursuant to its Constitutional authority under Article VI, Section I, Part (p), shall be authorized to amend this Code only by a 4/5ths majority vote (4 votes in favor of any such change) of the Tribal Council. Further, that prior to any vote on any amendment to the Code a Public Hearing may be called for the purpose of announcing said amendment(s) to the Code. Further, that should a Public Hearing be called, it shall be convened pursuant to Section 7.1.060 PUBLIC HEARINGS.

7.1.021 REQUEST FOR VARIANCE. The Shoalwater Bay Tribal Council upon receipt of a written Request for a Variance may authorize either on a temporary or a permanent basis the issuance of a permit which authorizes a Variance from established regulations and activities described in Section 7.1.050 DESCRIPTION OF ZONES. Such Variance may be granted solely upon submission of clear evidence to the Tribal Council that the requested Variance **does not constitute** a major impact on the primary purpose under which the Zone was established, then the Request shall be denied, unless the impacts can be significantly mitigated. Further, the Tribal Council shall hold a Public Hearing on any Request for Variance, pursuant to the requirements contained in Section 7.1.060 PUBLIC HEARINGS. If the Request for Variance is denied, the Applicant may appeal the decision pursuant to Section 7.1.070 APPEAL TO TRIBAL COUNCIL.

7.1.021 REQUEST FOR REZONE. The Shoalwater Bay Tribal Council upon receipt of a written request for a Rezone may consider such a request only after it can be established that the new zoning status requested would be consistent with the established regulations and activities described in Section 7.1.050 DESCRIPTION OF ZONES. Such Rezone may be granted solely upon submission of clear evidence to the Tribal Council that the requested Rezone **does not constitute** a major negative impact on the primary purpose under which the Zone was originally established, then the request shall be denied, unless the impacts can be significantly mitigated. Further, the Tribal Council may hold a Public Hearing on any Request for Rezone, pursuant to the requirements contained in Section 7.1.060 PUBLIC HEARINGS. If the Request for Rezone is denied, the Applicant may appeal the decision pursuant to Section 7.1.070 APPEAL TO TRIBAL COUNCIL.

7.1.030 ENFORCEMENT.

7.1.040 PENALTY.

### C E R T I F I C A T I O N

The above resolution was passed at a Tribal Council Meeting on August 22, 1990 at which a quorum was present. 3 FOR 0 AGAINST AND 0 ABSTENTIONS.

Douglas M. Davis, Chairman  
Shoalwater Bay Tribal Council

ATTEST: Lynn Clark  
Lynn Clark, Secretary  
Shoalwater Bay Tribal Council