

## Chapter 23.05

### GENERAL PROVISIONS

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#### **23.05.010 Short title.**

The ordinance codified in this title shall be referred to as the “Yurok Tribe Subdivision Ordinance.” [Ord. 43 § 3001, adopted, 6/10/2015.]

#### **23.05.020 Purpose.**

Land subdivision is one of the most important factors in establishing the physical character of a growing community. The ordinance codified in this title is enacted for the purpose of safeguarding the best interest of the Yurok Tribe, lands within the Yurok Reservation, the homeowner, and the applicant or subdivider; encouraging well planned subdivisions by the establishment of design and construction criteria; improving land records by establishing Tribal standards for surveys and maps; and protecting the environmentally and culturally sensitive areas of the Yurok Reservation. This title sets forth the minimum requirements deemed necessary to ensure and protect the health, safety, and welfare of the people of the Yurok Reservation. [Ord. 43 § 3002, adopted, 6/10/2015.]

#### **23.05.030 Scope.**

This title shall govern the mapping, subdivision, and resubdivision of all lands held in fee status within the exterior boundaries of the Yurok Reservation to the maximum extent permitted by law.

In the event of overlapping jurisdiction, such as a parcel of land that crosses into the Yurok Reservation with a portion outside the Reservation boundary, within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between the Tribe and any other county or municipal government concerned. [Ord. 43 § 3003, adopted, 6/10/2015.]

## **23.05.040 Definitions.**

For the purpose of this title, the terms defined in this section have the meanings given in this section.

“Access” means the right and ability to get to the property.

“Applicant” means any person who submits to the Subdivision Administrator a subdivision plan, reversion to acreage, merger of parcels, or lot line adjustment for the purpose of obtaining approval thereof under this title.

“Buildable area” means the area of a lot remaining after the minimum regulations of this title have been met.

“CEQA” means the California Environmental Quality Act, Public Resources Code [§21000](#) et seq.

“Council” means the Yurok Tribal Council.

“County recorder” means the Humboldt County or Del Norte County recorder’s office, as applicable to land situated in the respective county.

“Easement” means a nonpossessory interest in land owned by another person, created by grant or agreement, consisting of the right to use or control the land, or an area above or below it, for a specific limited purpose. An easement may last forever, but it does not give the holder the right to possess, take from, improve, or sell the land. An easement restricts but does not abridge the fee owner’s rights to the use and enjoyment of the land.

“Final map” means a formal map which divides or further subdivides the land into the lots shown on the map. This map must meet all requirements of this title before it is recorded with the county recorder. A final map is required for all subdivisions creating five or more lots.

“Lot” means a designated parcel, tract, or area of land established either by plat, subdivision, or considered as a unit of property by virtue of a metes and bounds description, to be separately owned, used, developed, or built upon.

“Major subdivision” means any subdivision that creates five or more parcels.

“Minor subdivision” means any subdivision that creates four or fewer parcels.

“Parcel map” means a formal map which divides or further subdivides land into the lots shown on the map and must meet all requirements of this title before it is recorded with the county recorder. A parcel map is required for all subdivisions that do not require a final map.

“Preliminary subdivision map” means a less detailed map than the tentative subdivision map and may be used by subdividers to obtain staff suggestions on design and improvement.

“Preliminary subdivision plan” means the subdivision proposed in the subdivision application and the preliminary map.

“Preliminary title report” means a report that describes the quality of the title, determines the extent of legal interest in a parcel, and announces any encumbrances, liens, and any other items of record that might affect ownership.

"Prescriptive easement" means an easement upon another's real property acquired by open, continued use without permission of the owner for a period provided by California law to establish the easement.

"Reservation" or "Yurok Reservation" means all lands within the exterior boundaries of the Yurok Indian Reservation.

"Reversion to acreage map" means a formal map which, when recorded, eliminates all lot lines and easements shown on previous maps of the same parcel.

"Right-of-way" means any strip or area of land, including surface, overhead, or underground, granted by deed or easement, for construction and maintenance according to designated use, such as for drainage and irrigation canals and ditches; electric power, telegraph, and telephone lines; gas, oil, water, and other pipe lines; highways and other roadways, including right of portage; sewers; flowage or impoundment of surface water; and tunnels.

"Secondary licensed land surveyor" means a licensed land surveyor who was not involved in the preparation of an application and did not conduct the initial land survey.

"Sketch plan" means a drawing showing the proposed subdivision property, which may be a concept or informal map of a proposed subdivision or site plan that is not necessarily drawn to scale, to be used for the purpose of discussion where exact accuracy is not required.

"Subdivider" means any individual, firm, partnership, corporation, association, or any other group who subdivides or proposes to subdivide land, including an applicant.

"Subdivision" means a division of a tract or parcel of land which creates one or more lots, building sites, or other divisions for the purpose of sale or development, whether immediate or future. A subdivision may be either a major subdivision or minor subdivision.

"Subdivision Administrator" or "Administrator" means the person within the Tribe who is designated to be the lead contact in the subdivision process.

"Subdivision Map Act" means the Subdivision Map Act, California Government Code § [66410](#) et seq.

"Tentative subdivision map" means a location map that shows the layout and design of the proposed subdivision, the improvements proposed by the subdivider, and the existing conditions in and around the subdivision. The tentative subdivision map and accompanying information are designed to provide information showing compliance with this title and other laws.

"Tribe" means the Yurok Tribe acting through the Tribal Council and its authorized entities and programs.

"Utility" means all utility services, including but not limited to electricity, gas, water, wastewater, cable, or internet, or the company that provides such a service. [Ord. 43 § 3005, adopted, 6/10/2015.]

### **23.05.050 Abrogation of greater restrictions.**

Where the provisions of any statute, ordinance, regulation, or recorded covenant, contract, or deed impose greater restrictions than this title, the provisions of such statute, ordinance, regulation or recorded covenant, contract or deed may be controlling. With regard to areas of overlapping jurisdiction, these provisions may include the Subdivision Map Act, California Government Code § [66410](#) et seq., the State Subdivided Lands Act, California Business and Professions Code § [11000](#) et seq., the California Environmental Quality Act, California Public Resources Code § [21000](#) et seq., as well as the adopted land use plans and ordinances of the involved jurisdictions. [Ord. 43 § 3006, adopted, 6/10/2015.]

### **23.05.060 Compliance.**

No final or parcel map within the Yurok Reservation shall be entitled to be recorded with the county recorder or have any validity until the final or parcel map has been prepared, approved, and acknowledged in the manner prescribed in this title, except in the case of overlapping jurisdiction when otherwise agreed upon by the relevant governmental entities. [Ord. 43 § 3007, adopted, 6/10/2015.]

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**The Yurok Tribal Code is current through Ordinance 73, and legislation passed through February 11, 2021.**

Disclaimer: The Office of the Tribal Attorney has the official version of the Yurok Tribal Code. Users should contact the Office of the Tribal Attorney for ordinances passed subsequent to the ordinance cited here.

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