

**WAGANAKISING ODAWAK STATUTE 2005-05**  
**SITE PLAN REVIEW**

**SECTION I. SITE PLAN REVIEW**

Site Plan Review and approval of all development proposals listed below is required by the provisions of this Section. The intent of this Section is to provide for consultation and cooperation between the developer and the Planning Department so that both parties might realize maximum utilization of land and minimum adverse effects upon the surrounding land uses consistent with the requirements and purposes of this statute. Through the application of the following provisions, the attainment of the Comprehensive Plan of the Little Traverse Bay Bands of Odawa Indians (LTBB) will be assured and the LTBB community will develop in an orderly fashion.

**SECTION II. SITE PLAN REVIEW IN USE DISTRICTS REQUIRED**

A site plan shall be submitted to the Planning Department for approval of any use in the Low Density/Suburban Residential, Medium Density Cluster Residential, Multi-Family/Mixed Residential, Forest/Recreational/Conservation, Commercial, Governmental Ceremonial/Outdoor Assembly zones and shall be required in the following situations:

- A.** Any use or development for which the submission of a site plan is required by any provision of this statute.
- B.** Any development, except single-family platted residential, for which off-street parking areas are provided as required in this statute.
- C.** Any use in a multifamily or nonresidential district, lying contiguous to or across a street from a single-family residential district and/or use.
- D.** Any use except single-family residential which lies contiguous to a major thoroughfare or collector street.
- E.** All Special Land Uses (or conditional uses) in single-family districts such as, but not limited to: churches, schools, public facilities, and similar uses.
- F.** All single-family residential uses subject to the requirements of the - LTBB Subdivision statute if enacted.
- G.** All developments in wetlands or 100 year floodplains, including individual single family homes for which a permit is required by the Natural Resources Department.
- H.** All other developments in which ownership interests in land are transferred for the purpose of development of a physical structure.

- I. All site condo and condominium subdivisions developed pursuant to applicable law.
- J. For the purposes of this statute “licensed” or “registered” means licensed or registered with an appropriate Tribal, state, federal or local agency.

## **SECTION II. APPLICATION FOR SITE PLAN REVIEW**

An application for Site Plan Review shall be submitted to the Planning Department. The detailed site plan presented for consideration shall contain all information required in this statute.

- A. Each submission for Site Plan Review shall be accompanied by an application and site plan in the quantities specified in subsection five (5) below. The application shall at a minimum, include the following information:
  - 1. The applicant's name, address, and phone number in full.
  - 2. Proof of property ownership, and whether there are any options on the property, or any liens against it.
  - 3. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
  - 4. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).
  - 5. The address and or parcel number of the property.
  - 6. Name and address of the developer (if different from the applicant).
  - 7. Name and address of the engineer architect and/or land surveyor.
  - 8. Project title.
  - 9. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by the statute.
  - 10. A vicinity map drawn at a scale of 1"=2000' with north point indicated.
  - 11. The gross and net acreage of all parcels in the project.
  - 12. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels.
  - 13. Project completion schedule/development phases.

14. Written statements relative to project impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the natural environment of the site and adjoining lands. (if formal impact statements are required, they would be stated here, or referenced).

B. The site plan shall consist of an accurate, reproducible drawing at a scale of 1"= 100' or less, showing the site and all land within 150' of the site. If multiple sheets are used, each shall be labeled and the preparer identified. Each site plan shall depict the following:

1. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
2. Existing topographic elevations at two (2) foot intervals, proposed grades and direction of drainage flows.
3. The location and type of existing soils on the site and any certifications of borings.
4. Location and type of significant existing vegetation.
5. Location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains and wetlands.
6. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building and typical elevation views of proposed structures.
7. Proposed location of accessory structures, buildings and uses, including, but not limited to, all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable.
8. Location of existing public roads, rights-of-way and private easements of record and abutting streets.
9. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations should be separately depicted with an elevation view.
10. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
11. Location, size, and characteristics of all loading and unloading areas.
12. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.

13. Location of water supply lines and/or wells, including fire hydrants and shut off valves, and the location and design of storm sewers, retention or detention ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems if applicable.
14. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and steam.
15. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.
16. Location, size and specifications of all signs and advertising features with cross-sections.
17. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.
18. Location and specifications for all fences, walls and other screening features with cross-sections.
19. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.
20. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
21. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
22. Identification of any significant site amenities or unique natural features.
23. Identification of any significant views onto or from the site to or from adjoining areas.
24. North arrow, scale and date of original submission and last revision.
25. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan.

### **SECTION III. SITE PLAN REVIEW AND APPROVAL AUTHORIZED**

A. The Planning Department as specified in this Section, shall review and approve, review and approve with conditions, or review and deny all site plans submitted under this statute. Each site plan shall comply with the "Standards for Granting a Site Plan Approval" as described in Section VI and

subsection A, of this statute. Each action taken with reference to site plan review shall be duly recorded in the official record of action by the Planning Department. The Zoning Administrator shall forward any site plan received to the Planning Department for review. Those site plans which require review will then be submitted to the Planning Department for action along with the recommendation as to conformity or nonconformity with statute requirements and what revisions or conditions, if any, would be necessary in order to be in conformance. Prior to any final decision, the Planning Department may seek the recommendations of the LTBB Natural Resources Department, Economic Development Department, Housing Department, and Environmental Department. The Planning Department may also seek consultation and recommendations from other governments, licensed architects and/or licensed engineers.

**B.** All site plans shall be acted upon within sixty (60) days of receipt by the Planning Department of a complete application and site plan meeting the requirements of subsection 2 above. Following approval of a site plan, the petitioner shall apply for the appropriate LTBB, County, State or Federal permits as may be required by said agencies and present appropriate plans and specifications as may be required by such agencies.

#### **SECTION IV. PROCEDURES FOR SUBMISSION AND REVIEW OF APPLICATION FOR MAJOR PROJECTS**

**A. Major projects.** All developments greater than 2500 square feet of structure, or larger than five (5) acres in size, and all PUD's are major projects, which require preliminary site plan review by the Planning Department pursuant to the requirements below. All other projects are either minor projects (see Subsection 11) subject to review and approval by the Planning Department or amendments to existing site plans, which are processed pursuant to the requirements in Subsection 12 below.

**B. Submission requirement.** The applicant shall complete and submit the required number of copies of an application for Site Plan Approval, site plans, and other information where applicable. Compliance with the requirements of the Zoning Statute is mandatory. The procedure for processing major project site plans includes three phases: conceptual review via a re-application conference, preliminary site plan review and final site plan approval.

**C. Pre-application conference.** During this conceptual review phase, a generalized site plan is presented by a prospective applicant for consideration of the overall idea of the development. Basic questions of use, density, integration with exiting development in the area and impacts on and the availability of public infrastructure are discussed. This conference is scheduled by a prospective applicant with the Planning Department and such other LTBB representatives as appropriate, including at least one member of the Planning Department. At this meeting the applicant or his/her representative is also presented with the applicable procedures required by the statute for approval of the proposed development and with any special problems or steps that might have to be followed, such as requests to the Zoning Board of Appeals for a variance. There is no charge or fee to the applicant for this meeting.

**D. Preliminary Site Plan Review.** The second phase is called Preliminary Site Plan Approval. At this step a preliminary site plan meeting the submission requirements of this statute (see Subsection 5) is

reviewed by the Planning Department the changes necessary, if any, for final site plan approval are indicated in writing to the applicant.

**E. Final Site Plan Review.** The approving body or official shall indicate in writing that all requirements of the statute including those of other reviewing agencies have been met including any conditions that may be necessary. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals is necessary before final site plan approval can be granted. An approved site plan shall include a note referencing the case number and date of all variances granted.

## **SECTION V. DISTRIBUTION OF REQUIRED COPIES AND ACTION ALTERNATIVES**

Where Site Plan Review is required by this statute, an applicant for Site Plan Approval shall complete and submit copies of an Application for Site Plan Approval, site plans, and other information where applicable.

**A.** The Application for Site Plan Approval must be obtained from the Planning Department. The applicant is asked to keep one copy for his/her records. The applicant shall return the original and two (2) copies of the application to the Planning Department at least thirty (30) days prior to the next preliminary site plan review or at least thirty (30) days prior to the next regularly scheduled meeting of the Planning Commission if such commission has been created and appointed.

**B.** Application fees as found in the LTBB Fee Resolution must be paid when the application is submitted and sufficient escrow accounts must be established to cover the projected review costs.

**C.** The Planning Department will consider all applications for site plan review submitted to it for approval, revision, or disapproval at a scheduled meeting:

**1.** Upon determination of the Planning Department that a site plan is in compliance with the Zoning Statute and other plans or regulations, it shall be so indicated on the site plan.

**2.** Upon determination of the Planning Department that a site plan is in compliance, except with minor revisions, said changes shall be so indicated. When these changes have been adequately provided, the petitioner shall resubmit the site plan to the Planning Department for Final Site Plan Approval.

**3.** If extensive revisions to the site plan are necessary to meet the Zoning Statute, and other applicable plans and regulations, the site plan shall be disapproved, and the applicant requested to prepare an alternate site plan. In this case, "DISAPPROVAL" shall be written on the plan and reasons for disapproval indicated on the plan.

**D.** Any site plans reviewed and approved by the Planning Department pursuant to Subsection 11 and all final site plans shall have the same submission requirements and action alternatives as for preliminary site plans described in the above requirements with the following exceptions:

1. Three (3) copies of the final site plan and related information shall be submitted.
2. Three (3) copies will be distributed to other reviewing agencies as determined necessary by the Planning Department.
3. Final action shall be taken within thirty (30) days.

**E.** When a site plan is reviewed and approved or disapproved by the Planning Department, and all steps completed, three (3) copies of the site plan will be marked by the Planning Department for the following distribution:

1. One (1) copy returned to the applicant signed by the Director of the Planning Department including any conditions of approval.
2. One (1) copy forwarded to the Building Department for filing.
3. One (1) copy forwarded to the Planning/Zoning Department for filing.

**F.** Upon Final Site Plan Approval by the Planning Department a building permit may be obtained subject to review and approval of the plans by a licensed architect or engineer.

**G.** Failure to initiate construction of an approved site plan within six (6) months of approval shall require the applicant to appear before the Tribal Council and demonstrate why the approval should not be revoked. After a hearing the Planning Department may revoke a previously approved site plan for property on which no physical development activity has occurred upon making written findings that one or more of the following circumstances exist:

1. An error in the original approval is discovered either because of inaccurate information supplied by the applicant or administrative error by a staff member or other agency;
2. Zoning regulations applicable to the project have been changed and the previously approved site plan does not comply with them;
3. A change in LTBB law affecting the previous approval has occurred;
4. Pollution, impairment or destruction of the environment or to another legally protected public interest would occur if the project were to be constructed as previously approved.

**H.** Thirty (30) days prior to expiration of an approved site plan pursuant to Subsection h. above, an applicant may make application for a six (6) month extension of the site plan at no fee. The applicant shall explain in writing why the development has not proceeded, what the current time frame is and why an extension should be granted.

I. Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner. The Building Inspector shall also be notified to withhold any building permit until a new site plan is approved.

J. Any subsequent re-submission shall be processed as a new request with new fees, except for minor amendments pursuant to Subsection 12 below.

## **SECTION VI. STANDARDS FOR GRANTING SITE PLAN APPROVAL**

A. Each site plan shall conform to all applicable provisions of this Zoning Statute and the standards listed below:

1. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this statute.
2. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications, which result in maximum harmony with adjacent areas.
3. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
4. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
5. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
6. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
7. There shall be provided a pedestrian circulation system, which is insulated as completely as reasonably possible from the vehicular circulation system.
8. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of appropriate materials no less than six (6) feet in height.
9. Exterior lighting shall be arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.



10. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of way equal to that specified in the Comprehensive Plan.

11. All streets shall be developed in accordance with the Subdivision Control Statute and/or applicable County Road Commission, Bureau of Indian Affairs, or LTBB specifications.

12. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.

## **SECTION VII. CONDITIONAL APPROVALS**

A. The Planning Department may condition approval of a site plan on conformance with the standards of another local, county or state agency, such as but not limited to a Water and Sewer Department, County Drain Commission, County Road Commission, State Highway Commission or Natural Resources Department. They may do so when such conditions:

1. Would insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity,
2. Would protect the natural environment and conserve natural resources and energy,
3. Would insure compatibility with adjacent uses of land, and
4. Would promote the use of land in a socially and economically desirable manner.

## **SECTION VIII. CONFORMITY TO APPROVED SITE PLAN REQUIRED**

Following Final Approval of a site plan by the Planning Department, the applicant shall construct the site plan improvements in complete conformity with the approved plan. Failure to do so is a violation of this statute and subject to sanctions of as set out else where in this statute or a separate statute if enacted.

## **SECTION IX. PERFORMANCE GUARANTEE REQUIRED**

In the interest of insuring compliance with the Zoning Statute provisions, protecting the natural resources and the health, safety and welfare of the citizens of the Tribe and future users or inhabitants of an area for which a site plan for a proposed use has been submitted. The Tribal Council may require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance

guarantee is to insure completion of improvements connected with the proposed use as required by this statute, including but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

**A.** Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Planning Department.

**B.** Where the Tribal Council requires a performance guarantee, said performance guarantee shall be deposited with the Chief Financial Officer prior to the issuance of a building permit by the Building Inspector for the development and use of the land. Upon the deposit of the performance guarantee the LTBB shall deposit the performance guarantee, if in the form of a cash deposit or certified check in an interest-bearing account to the applicant.

**C.** An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.

**D.** In the event the performance guarantee deposited is a cash deposit or certified check, the LTBB shall rebate to the applicant fifty (50) percent of the deposited funds when sixty (60) percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining fifty (50) percent of the deposited funds when one hundred (100) percent of the required improvements are completed as confirmed by the Zoning Administrator. If a request is made by the applicant for a temporary certificate of occupancy without completion of required exterior improvements the performance guarantee herein required may be applied by said applicant to assure compliance with the Zoning Statute standards and the specifications of the approved site plan.

**E.** Upon the satisfactory completion of the improvement for which the performance guarantee was required, as determined by the Zoning Administrator, the Chief Financial Officer shall return to the applicant the performance guarantee deposited and any interest earned thereon.

**F.** In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the LTBB, the LTBB shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the LTBB to complete the improvements for which it was posted, the applicant shall be required to pay the LTBB the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited. Should the LTBB use the performance guarantee or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the LTBB administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the LTBB to insure completion of an improvement associated with the

proposed use prior to the LTBB conditional approval, the applicant shall not be required to deposit with the LTBB performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the LTBB and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the LTBB regarding the performance guarantee.

**SECTION X. PLANNING DEPARTMENT REPORT ON EVERY SITE PLAN**

The Planning Department shall prepare a report of each and every site plan submitted in accordance with this section, containing a synopsis of the relevant facts contained in and related to this site plan, together with the Planning Department's proposed determination.

**SECTION XI. PLANNING DEPARTMENT APPROVAL**

**A.** The Planning Department shall review and approve the following site plans without their submission to the Tribal Council except that where the applicant so requests, the Tribal Council so requests, or the Planning Department so requests then the site plan shall be reviewed by the Tribal Council before final action by the Planning Department:

1. Accessory uses incidental to a conforming existing use where said use does not require any variance and where said site plan conforms with all the requirements of this Statute.
2. Expansion and/or addition to an existing conforming use where said site plan conforms with all the requirements of this statute and does not increase the size of the existing use or structure more than 25% of the present size.
3. Accessory storage buildings in all Zoning Districts.
4. Increases in off-street parking areas, parking buildings and/or structures, increases in loading/unloading spaces in commercial and industrial Zoning Districts, and landscape improvements as required by this statute.
5. For those Special Land Uses so specifically identified in this statute.
6. Amendments to approved site plans.
7. Final site plans.
8. Any other site plan review not delegated for review by the Tribal Council.

**B.** The Planning Department shall apply all applicable standards and procedures of this statute in approving; conditionally approving or denying site plans.

**C.** Data submission requirements shall be as specified in Section - Subsection above.

## **SECTION XII. AMENDMENTS TO APPROVED SITE PLANS**

**A.** Amendments to an approved site plan may be made by the Planning Department provided that such changes conform to the Zoning Statute and the land owner agrees. Minor changes to an approved site plan may be approved by the Planning Department after construction has begun provided no such change results in any of the following:

1. A significant change in the use or character of the development.
2. An increase in overall coverage of structures.
3. A significant increase in the intensity of use.
4. A reduction in required open space.
5. A reduction in required off-street parking and loading.
6. A reduction in required pavement widths or utility pipe sizes.
7. A significant increase in traffic on public streets or an increase in the burden on public utilities or services.

**B.** No fees shall be required for the following minor amendments:

1. Moving building walls within the confines of the smallest rectangle that would have enclosed each original approved building(s), relocation of building entrances or exits or shortening of building canopies.
2. Changing to a more restricted use provided there is no reduction in the amount of off-street parking as originally provided.
3. Changing the angle of parking or aisle width provided there is no reduction in the amount of required off-street parking or in reduction of aisle width below statute requirements.
4. Moving of ingress and egress drives a distance of not more than 100 feet if required by the appropriate state, county or other local road authority with jurisdiction.
5. Substituting landscape plan species provided a nurseryman; landscape architect, engineer or architect certifies the substituted species is similar in nature and screening effects.
6. Change type and design of lighting fixtures provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.
7. Increase peripheral yards.

8. Changing the location of an exterior building wall or location not more than ten (10) feet because of a natural impediment or hazard such as bedrock or muck soils provided that in so doing no setback requirement of the statute is violated and no significant reduction in safety or in the amount of open space is thereby affected.

C. If the Zoning Administrator finds that a proposed amendment to an approved site plan does not qualify as a minor change, he or she shall immediately notify the permit holder, the Building Inspector, the Planning Department in writing that site plan approval has been suspended pending approval by the Planning Department or Tribal Council, as applicable, of the proposed amendment. The permit holder's notice shall be delivered by certified mail. If construction has begun, a stop work order shall be issued by the Building Inspector for that portion of the project, which is not in compliance with the statute. Once site plan approval for a project has been suspended, the permit holder has the option of changing the project plans to conform with the statute requirements, or of restarting the Site Plan Review process. When the issue has been resolved, the Zoning Administrator shall send a written notice to the permit holder, the Building Inspector, the Planning Department that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project, provided that each phase is developed in accordance with an approved site plan.

### **SECTION XIII. APPEALS OF FINAL SITE PLANS**

A. Any person aggrieved by a decision of the Planning Department in granting or denying approval of a final site plan may appeal the decision to the Zoning Board of Appeals. The appeal must be filed within seven (7) days of the decision and shall state the factual basis for the appeal. An appeal shall stay action on the issuance of any permit pursuant to an approved site plan.

B. The Zoning Board of Appeals shall review the record of action taken on the final site plan and shall determine whether the record supports the action taken. No new evidence shall be presented. The Zoning Board of Appeals shall approve the final site plan if the requirements of this Section and other applicable statute requirements are met. The Zoning Board of Appeals shall make written findings in support of its opinion on the appeal.

### **SECTION XIV. AS-BUILT SITE PLAN**

Upon completion of the installation of required improvements as shown on the approved site plan, the property owner shall submit to the Zoning Administrator two (2) copies of an "as built" site plan, certified by the engineer or surveyor, at least one week prior to the anticipated occupancy of any building. The Zoning Administrator may circulate the as built plans among the appropriate departments for review to insure conformity with the approved site plan and other requirements. Once each department has approved the as built plans the Zoning Administrator may make the final inspection and issue the Occupancy Permit.

### **SECTION XV. LAND CLEARING**


No person shall undertake or carry out any such activity or use, including any grading, clearing, cutting and filling, excavating, or tree removal associated therewith for which site plan approval is first required by this statute. Nor shall such activity proceed prior to obtaining necessary soil erosion and sedimentation control permits, wetlands permits, or floodplains permits. Any violation of this provision is subject to the fines and penalties prescribed in Section of this statute for each day of the violation from the day of discovery of the incident until an approved restoration plan, or an approved site plan is granted.

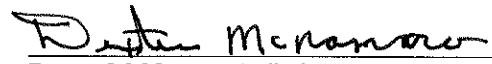
**CERTIFICATION**

As Tribal Chairman and Tribal Secretary, we certify that this Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on May 1, 2005, at which a quorum was present, by a vote of 6 in favor, 1 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Frank Ettawageshik	<u>          x          </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
Beatrice Law	<u>          x          </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
Alice Yellowbank	<u>          x          </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
Dexter McNamara	<u>          x          </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
Fred Harrington, Jr.	<u>          x          </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
Rita Shananaquet	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    x          </u>
Regina Gasco Bentley	<u>          x          </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

Date: May 1, 2005

  
 Frank Ettawageshik, Tribal Chairman

  
 Dexter McNamara, Tribal Secretary