KAYENTA TOWNSHIP
EST. 1986

KAYENTA TOWNSHIP
OFFICIAL COMPLIATION
ORDINANCES AND REGULATIONS

CHAPTER	TITLE
1.	Airport Standards Manual Kayenta Airport, KTCS-26-12
2.	Building Code, KTCD-28-13
3.	Business site Leasing Administration Plan, KTCF-03-08
4.	Business Site Management Plan, KTCF-03-08
5.	Code of Conduct for Commissioners and Appointed Officials, Ex. B Hereto
6.	Credit Card Policies and Procedures, KTCA-16-07
7.	Drug Free Workplace Policy and Proceduers, KTCF-09-10
8.	Duration Policy, KTCMY-40-11
9.	Information Technology Acceptable Use Policy, KTCF-08-10
10.	International Green Construction Code, KTCF-12-11
11.	Personnel Policies and Procedures Handbook (Revised April 13, 2015)
12.	Plan of Operation for Kayenta Transfer Station, KTCD-047-98
13.	Policies and Procedures for (Commissioner) Reimbursement of Travel Expenses And Stipends, KTCMA-06-12

14. Procedures Policy and Procedures Manual, KTCO-88-11
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KAYENTA

TOWNSHIP

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CHAPTER 1.
Airport Standards Manual Kayenta Airport
KTCS-26-12

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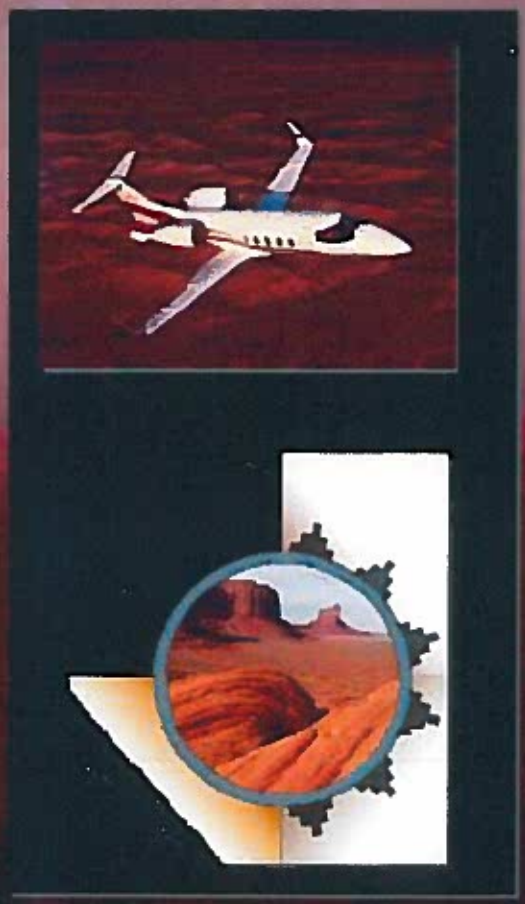
Airport Standards Manual Kayenta Airport



ALP Update
Operations Manual

SCHEDULE OF REVISIONS		
SECTION	ACTION	DATE
1-7	Acceptance of Original Document(s)	9-10-12; Res. KTCS-26-12
		Add Additional Pages As Required

Section 1

RULES AND REGULATIONS

I. INTRODUCTION

These Rules and Regulations have been adopted for the orderly and efficient operation of the Kayenta Airport. The provisions of these Rules and Regulations are intended to provide for the safe, orderly, and efficient operation of the airport. Any person who enters upon or uses the airport, its facilities, or any part thereof agrees that a condition of use is compliance with these airport rules and regulations. Use of the airport, its facilities, or any part thereof implies agreement to comply with the rules and regulations contained herein.

In any case where a provision of these rules and regulations are found to be in conflict with any other provision of these regulations adopted hereunder or in conflict with a provision of any zoning, building, fire, safety, health, or other ordinance of the Township the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. It is not intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by these regulations or to excuse any person from performing obligations to the airport under any lease or other contractual agreement. No future airport contract, lease agreement, or other contractual arrangement, nor any payment or performance, shall excuse full and complete compliance with these rules and regulations. Compliance with these rules and regulations does not excuse failure to comply with any other local, state, or federal laws or ordinances.

II. DEFINITIONS

A. **Accident** shall mean an occurrence during the operation of an aircraft in which any person suffers death or serious injury or in which the aircraft receives substantial damage.

B. **Aircraft** shall mean a device that is used or intended to be used for flight in the air.

C. **Airport Facilities** shall mean and refer to the realty which currently comprises, which may comprise in the future, and on which are located runways, taxiways, and motor vehicle parking areas that are available for use by users of the Airport, including, but not limited to, drainage facilities, fencing, gates, lighting systems, runways, taxiways, ramp areas, parking areas, visual aid systems, utility lines, strobe lights, beacons, and wind socks.

D. **Airport** shall mean and have reference to all areas comprising the airport land owned by the Township and its successors or assignees that now exist or may hereafter be expanded together with their appurtenant facilities.

E. **Airport Board** shall mean the Kayenta Airport Board which is the advisory body of the Kayenta Airport, appointed by Kayenta Township.

F. **Commercial Aviation Activities** shall mean activities that include, but are not limited to, bringing aviation fuel onto the airport, selling aviation fuel, motor fuel, and jet fuel, giving flying lessons, operating a flight school, providing charter and rental flights, renting aircraft, selling aircraft or aircraft related items, or providing (for compensation) repair and maintenance services for aircraft related items.

G. **FAA** shall mean the Federal Aviation Administration.

H. **FAR** shall mean the Federal Aviation Regulations.

I. **Fixed Base Operator** shall mean any person, firm, corporation, or other entity operating a "fixed base" facility that is defined and approved by these regulations and minimum standard requirement as promulgated, revised, and amended by the Board and the Township, as well as other pertinent local, state, and federal authorities.

J. **Flammables** shall mean any material that has a flash point at or below 100 degrees Fahrenheit.

K. **Fuel Farm** shall mean one (1) or more fuel storage tanks.

L. **Fuel Servicing Equipment** shall mean vehicles and equipment used for fueling or defueling.

M. **Hazardous and Toxic Materials** shall mean fuel petroleum products, pesticides, solvents, paint, explosives, flammables, and any other substance that requires special handling under current or future federal, state, or local environmental safety and health regulations.

N. **Motor Vehicle Parking Lot** shall mean the paved, graveled, or marked areas for vehicular parking.

O. **National Testing Laboratory** shall include the national Fire Protection Association, Underwriter's Laboratory, and similar organizations that develop professional standards for fueling equipment.

P. **Person** shall mean and include a natural person, gender, partnership, firm, association, corporation, or any other form of business entity.

Q. **Ramp** shall mean the paved area for the airport normally used for aircraft parking, tie down, loading, and unloading.

R. **Run-Up** shall mean engine acceleration to test its functions while the aircraft is stationary.

S. **Runway** shall mean the paved area used for aircraft landing and takeoff.

T. **Service Equipment** shall mean devices or vehicles designed for aircraft servicing or other airport functions, or devices regularly used at the airport; including, but not limited to, fuel trucks, tractors, snowplows, mowing equipment, and other equipment that may be necessary for airport maintenance and upkeep.

U. **Taxiway** shall mean the paved area of the airport designated for aircraft movement that allows access to and from the runway and ramp areas.

V. **Kayenta Township or Township** shall mean the entity that is the owner of the airport facilities and all realty, buildings, fixtures, and equipment on record at the Recorder's office; also referred to as the airport owner or airport sponsor.

W. **Tie Down** shall mean an unenclosed space where an aircraft is parked and centered on the center of the triangle formed by the tie down eye hooks.

X. **Vehicle** shall mean a device (not an aircraft) in, upon, or by which any person or property is or may be propelled, moved, transported, hauled, or drawn upon any roadway or ground surface at the airport.

III. GENERAL PROVISIONS

A. The Township reserves the right to make additions, amendments, deletions, or corrections to these rules and regulations after proper public notice and pursuant to Navajo Nation law, as necessary for the safety and well being of aircraft operations and of persons using the Airport. Any regulation herein which conflicts with any municipal, county, state, or federal law, rule, or regulation shall be considered void. No regulation or part thereof shall be considered authorization to deviate from any municipal, county, state, or federal law, rule, or regulation.

B. All persons using the Airport do so at their own risk. The Airport and regulatory authorities shall not be liable for losses sustained from property damage, personal injury, or death resulting from any accident, fire, or theft occurring within the limits of Airport property.

C. The use of the Airport or any of its facilities in any manner shall create an obligation of the part of the user to obey all the regulations herein. All persons on any part of the property comprising the Airport shall be governed by the regulations prescribed herein and by resolutions of the Township relative to the use or occupation of any part of the property comprising the Airport.

D. The Township may, at any time, take such action as may be deemed necessary in order to safeguard the public property at the Airport. Any person, firm, or corporation causing damage of any kind to the Airport or fixtures thereof shall be liable for such damage.

E. Any damage to any Airport property or any accident on the Airport shall be reported immediately to the Township.

F. No person not properly certified or registered by the FAA and no aircraft not similarly certified shall operate on the Airport. This restriction shall not apply to public aircraft belonging to the government of the United States or to a state, territory, any political subdivision, nor to any aircraft of a foreign country operated under permission of the federal government.

G. No person shall enter any restricted area posted as being closed to the public except by permission of the Township.

IV. AIRCRAFT OPERATIONS

A. General

1. **Aircraft.** The owner of each aircraft parked on the airport facilities for more than 24 hours shall notify the Township and/or FBO within 24 hours of arrival of the registration number of the aircraft, intentions, and the persons responsible for it, including off-hour emergency phone numbers.

2. **Pilot.** A qualified pilot or mechanic must be in the cockpit and at the controls of the aircraft when an aircraft engine is operating. All operators are expected to follow FARs and operate in a safe and responsible manner.

3. **Accident Reports.** Any person involved in an aircraft accident occurring at the airport shall make a full report thereof to the Township as soon after the accident as possible; but, in no event, later than the time required for reporting the accident to the FAA or to any other governmental agency or within 48 hours of the accident, whichever is sooner. The report shall include the names and addresses of the persons involved, a description of the accident, and its cause. When a written report of an accident is required by federal or state law, regulation, or agency a copy of such report shall also be submitted to the Township.

4. **Gliders and Ultralights.** For planning and safety purposes no person shall operate a glider, hang glider, hot air balloon, ultralight, or similar vehicle on or near the airport facilities unless he/she has received express written consent from the Township, has two-way radio communications, complied with any insurance, permit and safety requirements the Township may deem necessary to protect the owners and airport users.

5. **Skydiving.** For planning and safety no person shall conduct or participate in skydiving activity at or near the airport unless he/she has received express written consent from the Township for the proposed activity, complied with any insurance, permit and safety requirements the Township may deem necessary to protect the owners and airport users.

6. **Maintenance.** All aircraft repair or maintenance shall be performed only in designated areas.

B. Traffic Pattern Procedures

1. **Radios.** All aircraft, including ultralights, are strongly encouraged to have an operating two way radio.

2. **Traffic Pattern Directions.** Traffic Patterns will be left hand for runway 23 and right hand for runway 5.

3. **Traffic Pattern Altitude.** Downwind traffic pattern altitude is 6,710 feet mean sea level, one thousand 1,000 feet above the airport elevation.

4. **Position Reports.** It is recommended that all traffic in the traffic pattern make position reports and state intentions on the UNICOM frequency.

C. Aircraft Movement

1. **Takeoffs and Landings.** No person shall takeoff or land except on a runway or a designated helipad.

2. **Taxiing.** No person shall taxi an aircraft without first taking all necessary precautions to prevent a collision with other aircraft, persons, or objects. Aircraft shall not be taxied into or out of any hangar, shade, or other covered area. No person shall taxi an aircraft except on areas designated for taxiing, and all taxiing shall be done in a safe manner. If it is impossible to taxi an aircraft in compliance with this section then the engine shall be shut off and the aircraft towed to the new location.

3. **Wingspan Restrictions and Indemnification.** The Township recommends that aircraft operators only operate aircraft in areas of the airport consistent with the necessary wingspan clearances needed for the respective aircraft. The airport assumes no liability for damage or loss, including aircraft operation, in areas where an aircraft wingspan exceeds the necessary object clearance. Any such operation or resulting damage is solely at the risk of the aircraft operator and said operator, as a condition of using the airport, shall indemnify and hold harmless the Airport from any damages or losses resulting from said operations.

4. **Prop/Jet Blast.** No person shall taxi or operate any aircraft or rotorcraft on the Airport where the propeller or jet blast may cause injury to persons or damage to property. If necessary, the aircraft or rotorcraft operator shall shut down the engine(s) and have the aircraft towed to a non-critical area.

5. **Holding on Runways.** No person shall board or disembark from any aircraft on the runway except in an emergency.

D. Parking and Towing

1. **Aircraft Parking.** Aircraft shall be parked only in assigned, leased, or otherwise properly designated and authorized areas.

2. **Payment.** No person shall park or tie down an aircraft on the airport facilities without paying the prescribed rates and charges for use of the parking space.

3. **Securing Aircraft.** Aircraft owner and/or pilot shall be responsible for all damages caused by failure to properly secure the aircraft.

4. **Disabled Aircraft Removal.** Every aircraft owner, operator, and pilot, jointly and severally, shall be responsible for the prompt removal of disabled aircraft, together with the debris that may have resulted therefrom, unless required or directed by the Township or the FAA to delay such action pending an investigation of an accident. Care shall be exercised to avoid damaging airport property. In the event of failure to promptly remove such disabled aircraft the Township may cause the aircraft to be removed and bill the owners thereof for all charges incurred in the removal. The Township shall not be responsible for damage to disabled aircraft removed by the aircraft owner, the pilot, the Board, or other persons.

5. **Towing.** Aircraft will not taxi into or out of any hangar under actual aircraft engine power. All aircraft will be towed or pushed by machines or by hand into and out of hangars.

6. **Illegally Parked Aircraft.** All aircraft which are parked, stored, or abandoned contrary to the provisions contained herein may be impounded. Redemption of aircraft which have been impounded will necessitate the owner or operator paying all fees accrued against such aircraft including towing and storage fees incident to impoundment. The Township may remove aircraft from an illegal parking place and the customary charge for such activities shall be the responsibility of the registered owner of the aircraft.

7. **Inoperable, Abandoned, or Junked Aircraft.** Inoperable, abandoned, or junked aircraft shall not be permitted at the Airport unless storage or parking of such aircraft is the primary business of the person storing or parking such aircraft and such business has obtained the necessary commercial activity approvals or unless the aircraft is scheduled to undergo repairs with the intent of placing the aircraft into airworthy condition. Aircraft scheduled to undergo repairs with the intent of placing the aircraft into airworthy condition must have such repairs begin within 45 days unless special arrangements with, and permission is obtained from, the Township. Such aircraft parked or stored in excess of this time may be deemed abandoned or junked aircraft subject to impoundment as illegally parked aircraft.

8. **Impounded Aircraft.** The Township shall have a lien on impounded aircraft for the storage and care thereof. Notification to the owner of such impounded aircraft shall be conclusively presumed given if, after 60 days of unpaid storage charges or fees, the registered owner of such aircraft is advised, by registered or certified letter, return receipt requested, of the fact of impoundment, delinquency in payment of charges, the Township's lien for the payment of same, and the contemplated public sale of such aircraft following the expiration of 30 days from the mailing of such notice unless payment or suitable arrangements for payment have been made.

V. VEHICLE OPERATIONS

A. **Licensing and Insurance.** No person shall operate a vehicle of any kind on the Airport without a valid operator's license. All vehicles authorized to operate on the Airport shall at all times maintain at least the minimum coverage and amounts of vehicle liability insurance required by the State of Arizona.

B. **Control of Vehicles.** No person shall operate or park a vehicle in a manner prohibited by signs, pavement markings, or other signals posted by the Township. The Township has plenary power to regulate or prohibit any class or type of vehicle, any other type or class of wheeled vehicle, or other form of transport that operates at the Airport.

C. **Motor Vehicle Parking.** Public parking is only allowed in the designated public motor vehicle parking lots. No long-term parking exceeding 14 consecutive days is permitted without permission from the Township. "For Sale" vehicles are not allowed on the motor vehicle parking lot.

D. **Vehicles on Runways and Taxiways.** No personal shall operate a vehicle on any runway or taxiway without the express approval of the Township, two-way radio communications or escorted by a vehicle with such communications and a flashing light on the vehicle.

E. **Right of Way.** Drivers of vehicles must yield the right of way to aircraft and pedestrians on the Airport.

F. **Service Vehicles.** Any vehicle being used on the ramp as a service vehicle must bear suitable identification which designates the operator to whom the vehicle is assigned.

G. **Speed Limits.** No person shall drive a vehicle on Airport property in excess of 15 miles per hour.

H. **Motor Vehicle Accidents.** The driver of any vehicle involved in an accident on the Airport which results in injury or death to any person or damage to any property shall immediately stop such vehicle at the scene of the accident, render reasonable assistance to a person injured in the accident, including contacting emergency medical personnel or making arrangements for the caring of the person by a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if the caring is requested by the injured person, and give his/her name, address, operator's license, and registration number to the person injured, the Township, and to any police officer or witnesses of the accident. The operator of such vehicle shall make a report of such accident in accordance with state law and provide a copy of same to the Township.

I. **Careless Operations.** No vehicle shall be operated on any portion of the Airport:

1. In a careless, negligent, or reckless manner;

2. In disregard of the rights and safety of others;

3. Without due caution or circumspection;

4. At a speed or in a manner which endangers or is likely to endanger persons or property;

5. While the driver would be prohibited by law from operating a motor vehicle upon a public road due to drug or alcohol impairment or influence;

6. If the vehicle is so constructed, equipped, or loaded as to endanger or be likely to endanger persons or property or to result in the load or other materials becoming separated from the vehicle;

7. If the vehicle is so equipped without operating headlights, taillights, turn signals, or brake lights during hours of darkness or during inclement weather; or

8. In a manner that does not allow the vehicle to be immediately driven or towed away from any nearby aircraft in case of an emergency.

VI. PEDESTRIANS AND PERSONNEL

A. **Liability for Damage.** Any person causing damage of any kind to airport property or fixtures shall promptly pay the Township for all repairs and damages. If the Township prevails in a legal action to collect damages, they may also collect reasonable attorney's fees.

B. **Personnel on Runways and Taxiways.** Pedestrian traffic in any form is strictly forbidden on runways and taxiways. Maintenance crews and others performing essential functions with the permission of the Township are not considered pedestrian traffic.

C. **Pedestrian Right of Way.** Pedestrians must yield the right of way to aircraft on the Airport.

D. **Model Airplanes.** No person shall operate a model aircraft or other un-piloted flying device on the Airport except with the express written permission of the Township. Such written permission shall set forth the manner of operation and location that is permitted and no person shall violate the terms of the written permission.

E. **Lost, Mislaid, or Abandoned Property.** Lost, mislaid, or abandoned property shall be deposited at the Fixed Base Operator office and, if not claimed by the owner within 60 days, may be turned over to the finder or becomes the property of the Township to be sold, used, or disposed of at their discretion.

F. **Smoking Areas.** No smoking shall be permitted within 50 feet of aircraft, fuel trucks, and/or fuel storage areas, or where specifically prohibited by the Airport.

G. **Firearms and Explosives.** No person, except an authorized law enforcement officer or member of the Armed Forces of the United States on official duty, shall possess any firearms, or explosives on the Airport, except those firearms that do not contain live ammunition, are in an enclosed case, and are intended for immediate transport. No person, other than those identified above, shall store, keep, handle, use, dispense, or transport at, in, or upon the Airport any Class A or Class B explosives, any radioactive substance or material (except for minimum amounts of radioactive substances such as radioactive paint illuminating instrument dials) without the prior written authorization from the Township.

H. **Waste Containers and Disposal.** All persons shall dispose of all waste in the appropriate waste containers and, under no circumstances, shall any person dispose of furniture, appliances, or other similar items in any location on or near the Airport, including trash containers. No petroleum products, industrial waste matter, or other hazardous material shall be dumped, or otherwise disposed of, except in accordance with local, county, state, and federal environmental law. Any hazardous material shall be the responsibility of the originator under all applicable laws.

I. **Maintenance of Property.** Persons occupying, leasing, managing, or otherwise controlling airport property shall maintain that portion of said property in a condition of repair, cleanliness, and general maintenance equal to or greater than the level of maintenance maintained by the Airport in comparable areas. At a minimum, the area must be free of pavement lips or obstacles, vehicle ruts, excessive standing water, trees and vegetation exceeding 12 inches in height, and free from any and all conditions hazardous or potentially hazardous to aircraft. Any person desiring to perform routine property maintenance shall notify the Township at least two (2) hours prior to commencing any work. Any person desiring to perform new construction, demolition, or excavation shall notify the Township and coordinate safety-related items at least 48 hours prior to commencing any work. No person shall make any alterations to any airport property without prior notification to the Township and obtaining any other required permits.

J. **Storage, Transfer, and Cleanup Charges.** The Township may remove and impose storage, removal, and transfer charges upon any property unlawfully located on the Airport. The Township may clean up any material unlawfully spilled, placed, or otherwise deposited on the Airport and may charge the responsible persons for the cost of the cleanup, any required environmental remediation, and expenses incurred by, or fines or damages imposed on, the Township as a result thereof.

K. **Property Damage, Injurious or Detrimental Activities.** No person shall destroy, deface, injure, or disturb in any way airport property or conduct on the airport activities that are injurious, detrimental, or damaging to the Airport or to activities and business of the airport. Any person causing or liable for any damage shall be required to pay the Township, on demand, the full cost of repairs. Any person failing to comply with this section shall be in violation of these regulations and may be refused the use of the Airport until the Township has been fully reimbursed for damage done.

L. **Disorderly Conduct and Intoxicating Liquors.** No person shall commit any disorderly, obscene, or unlawful act or commit any nuisance on the Airport, become intoxicated on any portion of the airport, and no intoxicated person shall enter upon or loiter on or about the airport.

M. **Animals.** No person shall bring a dog or other animal onto the airport premises unless the animal is controlled by a leash. Any person bringing a dog or other animal onto the airport shall clean up any mess it causes immediately and shall be responsible for any damage or injury it causes. No person shall bring a dog or other animal into the airport terminal unless it is a seeing eye or hearing dog.

N. **Obstacles.** With the exceptions noted below, no vehicles, aircraft, or other objects may be parked, temporarily stored, or left standing in any aircraft operating area. The Township may cause to be removed from the airport or aircraft operating area any vehicle or aircraft which is disabled, abandoned, parked in violation of these regulations, or any and all objects or obstacles which present a hazard to aircraft at the owner's or operator's expense and without liability for damage which may result in the course of such moving.

O. **Airport Security.** All persons shall immediately report to the Township or local law enforcement authorities the presence or observation of suspicious activities or persons on or in the vicinity of the airport, all persons shall at all times keep vehicular access points to the aircraft operations area closed when not in immediate use, and any person who accesses the airport shall be responsible for their actions and all actions of any person to whom they provide access, whether directly or indirectly, and shall defend, indemnify, and hold harmless the Township from any damages or losses resulting therefrom, including any fines levied against the Airport by the FAA.

VII. FUELING AND FLAMMABLE FLUIDS

A. **Fueling.** The Township and/or its successors and assignees, is the sole and only provider of aviation fuel on the Airport facilities, or on properties with granted rights of access to the Airport facilities. No person or persons may bring aviation fuel on the Airport facilities or properties with granted rights of access to the Airport facilities for the purpose of fueling aircraft or rotorcraft without the expressed written consent from the Township. Such authorization shall include, among other things, a per gallon flowage fee to be paid to the Township at a price to be determined if such authorization is granted.

B. **Fueling Equipment.** All fuel servicing equipment shall comply with a national testing laboratory standard for that equipment. Equipment shall be maintained in a safe operating condition and shall be removed from service when it leaks or malfunctions.

C. **Location.** Fueling operations shall be conducted in areas designated by the Township. No fuel servicing shall be conducted inside a hangar or building, within 25 feet of any hangar or building, or within 50 feet of any open flame, combustion, and ventilation air intake or any boiler, heater, or incinerator.

D. **Removal of Gas, Oil, Grease, and Aircraft Washing Effluent.** No person shall keep any aircraft or vehicle at the airport without providing for the containment of leaking oil or fuel. In the event of spillage, leakage, or dripping of gasoline, oil, grease, aircraft washing effluent, or any material which may be unsightly or detrimental to an airport area, the source shall be removed immediately. The responsibility for the immediate removal of such gasoline, oil, grease, aircraft washing effluent, or other material shall be assumed by the operator or owner of the equipment causing the leakage or the property owner responsible for the deposit. In the event of such spillage, and the failure of the operator or owner to restore the area to its original safe and environmentally sound status, the Township may clean up any material unlawfully spilled, placed, or otherwise deposited on the airport and may charge the responsible persons for the cost of the cleanup, any required environmental remediation, expenses incurred by, and fines or damages imposed on the Township as a result thereof.

E. **Spills.** Each person shall exercise care to prevent fuel spills. When a spill occurs, fuel servicing shall be stopped immediately and the persons responsible shall take whatever action is necessary to stop and contain the fuel spill, provided it can be done safely.

F. **Notification.** The responsible party shall notify appropriate emergency services and the Township immediately when a fuel spill or otherwise hazardous condition occurs.

G. **Bonding.** During fuel servicing operation, the aircraft and fuel servicing equipment shall be electrically bonded in accordance with current National Fire Protection Agency (NFPA) standards to prevent ignition of volatile gases by static electricity.

H. **Prohibited Fueling.** Fueling and de-fueling are prohibited when the engine is running on the aircraft or vehicle being fueled or de-fueled unless authorized by the aircraft operating manual; when a combustion heater, charger, radio transmitter, or any other potential ignition source is being operated within 50 feet of the fuel servicing operation; or when lightning is within five (5) nautical miles of the airport.

I. **Smoking.** Smoking is prohibited within 50 feet of any fuel servicing operation, any fuel truck, and any aircraft while fueling operations are taking place, or any other place designated by the Township.

J. **Fire Extinguishers.** At least one (1) fire extinguisher with a minimum 10-BC classification shall be within 75 feet of all fuel servicing operations.

K. **Fuel Servicing Equipment Parking.** No person shall park a fuel-servicing vehicle or allow it to remain within 50 feet of any building or to remain parked side by side with less than ten (10) feet between them.

L. **Hazardous or Toxic Material.** No hazardous or toxic material may be brought onto the airport facilities. No person shall store, use, or dispose of hazardous or toxic materials in any manner that will allow them to contaminate the air, ground, or water supply at the Airport.

M. **Dumping of Oil.** No person shall dump or drain oil or other petroleum products on the ground at the airport facilities, nor in the storm drains.

N. **Responsibility of Airport Users.** Each airport user shall take whatever steps as are reasonable and necessary to prevent fire. If a fire occurs, the responsible party, or any other person observing it, shall notify the fire department and the Township immediately.

O. **Aircraft Cleaning.** No person shall use flammable or volatile materials in the cleaning of any aircraft, aircraft engine, propeller, or any other appliance on airport facilities.

P. **Aircraft Stripping and Painting.** No person shall strip an aircraft on the airport facilities. No person will allow any residue from any cleaning, stripping, or washing operation that may contain hazardous materials to enter any sewer or drain system.

Q. **Ignition Source.** No person shall start an engine or create any other spark when flammables are close enough to create a fire hazard or closer than 50 feet.

VIII. COMMERCIAL ACTIVITIES

A. **Commercial Activity.** No person or business shall conduct any form of commercial activity, including aviation and non-aviation activities, on the airport without the expressed written permission and approval of the Township.

B. **Advertisement.** No person shall post, distribute, or display signs, advertisements, circulars, printed, or written matter on the airport without written permission from the Township.

C. **Commercial Photography.** No person shall take still, motion, or sound pictures of or on the airport for commercial purposes without first receiving a duly authorized permit from the Township and paying the appropriate fees.

D. **Soliciting Funds.** No person shall solicit funds or anything of value for any purpose at the airport without specific written permission from the Township.

IX. ENFORCEMENT

A. **Intent.** This regulation is designed to establish and define the enforcement authority necessary for the maintenance and promotion of the safe, orderly, and efficient operation of the Airport; for the order and security of its inhabitants, users, and visitors; and to protect the peace, lives, health, and property of such inhabitants, users, and visitors.

B. **Enforcement Authority.** The airport manager, any authorized peace officer, and other regularly appointed employees or representatives specifically designated by the Township shall have the right and power to enforce any and all regulations contained in these rules and regulations.

C. **Power to Require Identification.** The Township and other regularly appointed employees of the Airport specifically designated by the Township shall have the right and power to request and require any person to give his/her true name and residence in matters connected with the airport, including enforcement of these rules and regulations. No person shall intentionally refuse to report or give a false report of his/her name or residence to the Township or designated employee who has requested the information when acting in an official capacity in a matter connected with the airport.

D. **Penalties.** Persons found to be in non-compliance with the provisions of these rules and regulations will be subject to the revocation of certain privileges upon the airport premises which may include, but are not limited to, removal from the airport premises, fines of not less than $1.00 or more than $500.00, revocation of commercial activity privileges and/or business license, termination of lease or operating agreement, or civil penalties as may be provided for by local, state and federal law.

Section 2

ARCHITECTURAL STANDARDS

Please Note: These standards are in addition to the Township Building Code

1. DESIGN STANDARDS.

A. Setbacks from Aircraft Operating Surfaces. No aboveground portion of any building, fence, landscaping, wall or other structure shall be placed within the taxiway/taxilane Object Free Area as indicated on the Airport Layout Plan.

B. Landscaping. All landscaping shall be designed to discourage the nesting and aggregation of birds and animals.

C. Exterior Lighting. Obstruction lighting shall be installed when required to meet FAA safety standards. Exterior illumination, including that in illuminated signs, shall never be angled above the horizontal, nor extend into flight patterns or other aircraft operating surfaces, unless designed and approved specifically for the purpose of aiding aircraft navigation or safety. Area lighting of buildings, vehicle parking areas and walkways shall be shielded so as not to shine above the horizontal, and shall not produce glare on adjacent streets, aircraft operating surfaces, or building sites.

D. Off-Street Parking and Loading. Off-street parking shall be required as per the Township Zoning Code. No truck loading or unloading area shall be located on a building wall fronting on a major arterial or collector, or in the front setback of the Property.

E. Utility Construction. All utilities to be constructed at the Airport including water, wastewater, natural gas, telephone, electric and cable TV, shall be constructed underground from the point of service to the parcel or improvement thereon.

F. Architectural Standards.

1. Stand-alone hangars (one single open bay) shall contain no less than 2,200 square feet of total floor area, including aircraft parking space. Hangar aircraft entry doors shall be either bi-fold or sliding door types. No barn door types are allowed. Minimum hangar aircraft entry door height of 12 feet required. Stand-alone hangars must also comply with any minimum separation standards as required by Township Fire Code.

2. Multiple bay hangars (T-Hangars and the like) shall have no fewer than 4 bays. Each bay shall contain no less than 1,100 square feet of total floor area, including aircraft parking space. Each bay shall have either bi-fold or sliding aircraft entry door types. No barn door types are allowed. Minimum hangar aircraft entry door height of 12 feet required.

3. All hangars shall be commercial grade metal buildings, but shall be painted, or permanently colored by manufacture to be compatible with that of the surrounding area as determined and approved by the Township. Natural metal is not acceptable as a finish. Hangars shall have a reinforced concrete pad no less than four (4) inches thick as a floor, and weatherproof, closing aircraft entry doors, and be provided with electrical service. Each stand-alone or T-hangar building shall have fire extinguishers and other protection required by the Township Fire Code.

4. Each hangar shall have an emergency eyewash area and shower for chemical accidents. For stand-alone hangars, this may be located inside or on the exterior of the hangar. For multiple-bay hangars, this emergency facility shall be mounted on the exterior of the hangar, and there shall be at least one clearly marked facility located on at least one end of the building.

5. All hangars shall be connected to the Airport's paved aircraft movement surfaces by a paved surface, matching the grade of the aircraft movement surface, and no less wide than the hangar's aircraft entry door, and of construction suitable for the type of aircraft hangared.

G. Height of Buildings. Tenant shall adhere to FAR Part 77 requirements for notice of construction, including submission of FAA Form 7460-1 "Notice of Proposed Construction of Alteration" prior to beginning construction. Tenant shall be responsible for all potential obstruction marking and lighting requirements of FAR Part 77.

H. Wind Resistance. All buildings shall be designed to withstand winds of eighty-five (85) miles per hour.

I. Aircraft Parking Areas and Aprons. All aircraft parking surfaces shall be paved. Such surfaces shall be constructed to a minimum pavement strength of 12,500 pounds or to the operating weight of the heaviest aircraft using the pavement.

J. Limit Erosion. The Township encourages all Lessees or Tenants to limit grading and clearing activities on a site to the actual physical area planned for facility development, to limit soil erosion and blowing sand and dust.

K. Seasonal Restrictions. The Township may, in the approval of the building and site permits, impose any reasonable condition on activities, such as landscaping, or regulation of grading during certain months of the year, to mitigate the effects of the activity's appearance, noise, traffic, dust and similar impacts.

2. MAINTENANCE.

A. Orderliness. Lessees and Tenants shall keep and maintain the buildings, structures, parking areas, landscaping, signs and other improvements to the Airport under their care or control in an orderly and well maintained condition.

B. Blowing Dust to be controlled. All areas of disturbed earth not in landscaped areas shall be maintained with ground cover plants and grasses to reduce blowing dust.

C. Outside Storage and Trash. All rubbish, trash, garbage, debris and other wastes, all loading docks and garbage collection facilities, and all other articles, goods, materials, incinerators, trash bins, storage tanks or like equipment shall be stored at the side or rear of the building and the improvements with which same are associated. All such storage shall be screened from public view or from a view from adjacent buildings in a manner approved in writing by the Airport Manager. Screening materials shall be maintained in a sound and sightly condition and be constructed and designed in such a manner so that they equal a height equal to that of the materials or equipment being stored but in no event less than four (4) feet in height.

D. Hazardous Materials. All storage of toxic or hazardous materials and waste will be in accordance with environmental statutes and regulations, and shall be protected from inadvertent public access (by fencing, under lock and key, etc.).

E. Security. When a parcel or proposed improvement is located in such a position as to form the boundary of a legally required safety or security perimeter, the Lessee or Tenant may be required

to construct and maintain the required barrier. The lessee shall permit the Township to construct any such barrier without interference.

3. TEMPORARY STRUCTURES.

A. No temporary building or structure other than construction offices and structures for related purposes during the construction period shall be installed or maintained on any Building Site without the prior written approval of the Airport Manager. All temporary structures used for construction purposes must receive approval by the Airport Manager with regard to location and appearance. All such buildings shall be removed promptly upon completion of construction and that portion of the Building Site from which some are removed, restored to its original condition or to such condition as is otherwise required by these standards.

Section 3

MINIMUM STANDARDS

I. INTRODUCTION

Kayenta Township, hereinafter referred to as the Township, is responsible for the administration of the Kayenta Airport, Kayenta, Arizona, hereinafter referred to as the Airport, and has established these Minimum Standards which specify minimum requirements to be met as a condition for the right to conduct commercial activity on the Airport unless otherwise exempt by the Rules and Regulations of Kayenta Airport.

The Township has established these Minimum Standards to foster, encourage, and ensure the economic stability and orderly development of aviation activities and businesses at the Airport; as well as control the level and quality of services offered and to insure adequate service and facilities to Airport users. These Minimum Standards preclude the granting of an exclusive right to conduct an aeronautical activity in violation of Section 308(a) of the Federal Aviation Act of 1958 and conform to Title VI of the Civil Rights Act of 1964 and Part 21 of the Department of Transportation Regulations.

These Minimum Standards are not intended to be all-inclusive. The operator of a commercial activity on the Airport is also subject to applicable federal, state, and local laws, codes, ordinances, and other regulations. The Township reserves the right to require, in any lease issued under these Minimum Standards, other or more restrictive requirements on a non-discriminatory basis, whenever the Township, in its sound discretion, deems it is necessary or reasonable to do so. Furthermore, these Minimum Standards may be revised, supplemented, or amended by the Township at any time. However, prior to any amendment or other change, all operators conducting commercial services will be given written notice of the proposed change. A fair and reasonable opportunity, without discrimination, shall be accorded to all applicants to qualify for the furnishing of aeronautical services on the Airport, subject to these Minimum Standards and a written agreement with the Township. The granting of such rights and privileges shall not be construed in any manner as an exclusive right.

II. DEFINITIONS

The following terms can be found throughout these Minimum Standards and are defined as follows:

1. A **Fixed Base Operator** is defined as any person, firm, or corporation performing any of the functions or furnishing any of the services as hereinafter set out for fixed base operators at the Airport. No person, firm, or corporation shall engage in any commercial activity as a Fixed Base Operator as herein defined unless the same is done in full compliance with the standards, rules, and regulations herein set forth.

2. An **Airport Tenant** is defined as any person, firm, or corporation leasing property at the Airport for aeronautical purposes, who is not a Fixed Base Operator. An Airport Tenant may hangar his/her aircraft on his/her leased property subject to the provision of contained herein.

3. A **Flying Club** is defined as any person, firm, or corporation leasing property at the Airport to foster or promote flying for pleasure, develop skills in aeronautics, including pilotage, navigation, and an awareness and appreciation of aviation requirements and techniques

III. APPLICATION REQUIREMENTS

A prospective operator of a commercial aeronautical activity shall submit to the Township, in written form, the following information, to the extent applicable, and any additional information which may be requested by the Township:

1. Name, address, and telephone number.

2. Detailed description of the scope of the intended services and operations and the methods to accomplish said services and operations.

3. The requested proposed date of commencement of operations.

4. Services to be offered.

5. Description of buildings or improvements to be constructed or space leased.

6. List of specific aircraft to be utilized (owned and leased), including aircraft numbers. Also copies of aircraft ownership documents and lease agreements for aircraft not owned by the operator.

7. Copies of all Air Carrier Operating Certificates and Operations Specifications for operations and maintenance.

8. Hours of proposed operations.

9. Number and types of insurance coverage to be maintained.

10. Proposed fee schedule.

11. Number of full-time, or equivalent full-time, personnel to be employed.

12. List of all large equipment to be utilized or stored on airport property.

13. Evidence of financial capability to perform and provide the proposed services and facilities.

IV. GENERAL CONDITIONS AND PROVISIONS

The following conditions and provisions are contained or incorporated as a minimum in all leases between the Township and any Fixed Base Operator, Airport Tenant, or Flying Club engaged in any aeronautical service on the Airport.

A. **Non-Discrimination.** For premises to be operated for the use and benefit of the public non-discrimination means:

   1. To furnish good, prompt, and efficient services adequate to meet the demands for its service(s) at the Airport;

   2. To furnish and service on a fair and non-discriminatory basis to all users;

   3. To charge fair, reasonable, and nondiscriminatory prices for each unit of sale or service, provided that the Fixed Base Operator or Airport Tenant may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers; and

4. The Fixed Base Operator, Airport Tenant, or Flying Club, his/her agents, and employees will not discriminate against any person or class of persons by reason of race, color, creed, national origin, or sex in providing any services or in the use of any of its facilities provided for the public in any manner prohibited by the Airport Rules and Regulations. The Operator further agrees to comply with such enforcement procedures as the United States might demand that the Township take in order to comply with Sponsor's Assurances.

B. **Non-Exclusive Rights.** It is understood and agreed upon that all contracts do not provide exclusive rights in accordance with 14 CFR Part 21.

C. **Airport Development.** The Township reserves the right to further develop or improve the landing area of the Airport as it sees fit regardless of the desires or views of the Fixed Base Operator, Airport Tenants, or Flying Clubs and without interference or hindrance.

D. **Maintenance of Landing Area and All Publicly Owned Facilities.** The Township reserves the right to maintain and keep in repair the landing area of the Airport and all publicly owned facilities of the Airport together with the right to direct and control all activities of the Fixed Base Operator, Airport Tenants, and Flying Clubs in this regard.

E. **National Emergency.** During a time of war or national emergency the Township shall have the right to lease the landing area or any part thereof to the United States Government for military use and, if such lease is executed, the provisions of the instrument insofar as they are inconsistent with the provisions of the lease to the United States Government, shall be suspended.

F. **Airport Obstructions.** The Township reserves the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstructions, together with the right to prevent the Fixed Base Operator, Airport Tenants, and Flying Clubs from erecting, or permitting to be erected, any building or structure on or adjacent to the Airport which, in the opinion of the Township, would limit the usefulness of the Airport or constitute a hazard to aircraft.

G. **Liability**. All Fixed Base Operators, Airport Tenants, and Flying Clubs shall protect the general public, customers or clients, Kayenta Township, and the State of Arizona from any and all lawful damages, claims, or liability and shall carry comprehensive general liability insurance through a company authorized to do business in the State of Arizona with limits as prescribed in the respective categories, with Kayenta Township named as an additional insured, which policies must be approved by Kayenta Township and a Certificate of Insurance thereof furnished to Kayenta Township. It is further understood that as circumstances in the future dictate, the Township may require an increase in bodily injury and property damage insurance.

H. **Operations.** Any person, firm, or corporation capable of meeting the minimum standards set forth herein for any aeronautical commercial operations is eligible to become a Fixed Base Operator, Airport Tenant, or Flying Club, subject to the execution of a written lease containing such terms and conditions as may be determined by the Township. A Fixed Base Operator, Airport Tenant, or Flying Club shall not engage in any business or activity on the airport other than that authorized under his/her particular category or categories.

I. **Construction.** All construction required of Fixed Base Operators, Airport Tenants, and Flying Clubs shall be in accordance with design and construction standards required or established by the Township for the facility or activity involved. Title to any and all buildings and appertains which may be built on airport property shall revert to Kayenta Township when and if the Fixed Base Operator, Airport Tenant, or Flying Club vacates the lease for any reason unless otherwise stipulated in the associated lease agreement. All Fixed Base Operators, Airport Tenants, and Flying Clubs shall be required to furnish the Township payment and performance bonds commensurate with any construction required under the standards herein fixed or under any contract or lease by and between such Fixed Base Operator, Airport Tenant, or Flying Club and

the Township. In the event the Township constructs the physical plant facilities (hangars, etc.) for use by any Fixed Base Operator, Airport Tenant, or Flying Club, under the provisions of any lease or other contract, such lease or contract shall be on such terms and conditions as to guarantee a full return of Kayenta Township's investment with ten (10) years plus interest and reasonable rental for use during such period.

J. **Utilities.** All Fixed Base Operators, Airport Tenants, and Flying Clubs shall provide and pay for lights, gas, electrical current, water, sewer charges, and garbage collection charges used or incurred anywhere in or about the leased premises, and shall pay the charges made therefore by the suppliers promptly when due; unless otherwise stipulated in the associated lease agreement.

K. **Sublease.** No Fixed Base Operator, Airport Tenant, or Flying Club shall sublease or sublet any premises leased from the Township, or assign such lease, without the prior written approval of the Township and any such subletting or assignment shall be subject to all of the minimum standards set forth herein. In the event the Fixed Base Operator, Airport Tenant, or Flying Club sublets any portion of this lease, the Sub-lessee must agree to assume the full obligation of the lease as set out herein and must agree to fully cooperate with the Township in seeing that these standards are complied with. In the event that the Sub-lessee fails to comply with these standards or fails to comply with the reasonable request or direction of the Township as it relates to these standards, the Fixed Base Operator, Airport Tenant, Flying Club, or Sub-lessee shall be held in default. If said default continues for more than thirty (30) days after notice of said default, the Township may terminate the lease.

L. **Federal Aviation Administration Certificates.** All personnel required to hold FAA certificates or ratings shall maintain in good standing such certificates and ratings when exercising said privileges.

M. **Insurance.** The Fixed Base Operator, Airport Tenants, and Flying Clubs shall procure and maintain continuously in effect at all times during the term of his/her agreement with the Township, insurance of the types and minimum limits set forth in these Minimum Standards for the respective categories of aeronautical services, protecting both the Fixed Base Operator, Airport Tenant, or Flying Club and the Airport Board, the Township, and the State of Arizona against public liability and property damage. The insurance underwriters for the required policy or policies shall be satisfactory to the Township and licensed to do business in the State of Arizona.

V. STANDARD LEASE PROVISIONS

All leases, subleases, contracts, or franchises on airport property, or for airport operations or use, shall contain the following standard provisions:

A. The right to conduct aeronautical activities for furnishing services to the public is granted to the Fixed Base Operator, Airport Tenant, or Flying Club subject to the agreement of:

   1. Furnishing said services on a fair, equal, and not unjustly discriminatory basis to all users thereof; and

   2. Charging of fair, reasonable, and not unjustly discriminatory prices for each unit or service; provided that the Fixed Base Operator or Airport Tenant may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

B. The Fixed Base Operator, Airport Tenant, or Flying Club for himself/herself, his/her personal representatives, successors in interest, and assignees, as a part of the consideration hereof, does hereby agree as a covenant running with the land that:

1. No person on the grounds of race, color, creed, national origin, or sex shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities;

2. That in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, creed, national origin, or sex shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination; and

3. That the Fixed Base Operator, Airport Tenant, or Flying Club shall use the premises in compliance with all other requirements imposed by or pursuant *to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said regulations may be amended.*

C. The Fixed Based Operator, Airport Tenant, or Flying Club assures that it will undertake an affirmative action program as required by 14 CFR part 152, Subpart E, to ensure that no person shall on the grounds of race, color, creed, national origin, or sex be excluded from participating in any employment activities covered in 14 CFR Part 152, Subpart E. The Fixed Base Operator, Airport Tenant, or Flying Club assures that it will require that its covered sub-organizations provide assurances to the Fixed Base Operator, Airport Tenant, or Flying Club that they similarly will undertake affirmative action programs and that they will require assurances from their sub-organizations to the same effect.

D. That in the event of a breach of any of the nondiscrimination covenants, the Township shall have the right to terminate the license, lease, permit, or other agreements and to reenter and repossess said land and the facilities thereon, and hold the same as if said lease had never been made or issued.

E. No right or privilege has been granted which would operate to prevent any person, firm, or corporation from operating aircraft with its own regular employees (including, but not limited to, maintenance, repair, and fueling) that it may choose to perform.

F. All hangars, buildings, properties, or land on the Airport shall be maintained in a clean, attractive, weed free, well painted, and junk free condition. If a Fixed Base Operator, Airport Tenant, or Flying Club has an area where it normally keeps damaged aircraft, aircraft parts, construction fixtures, barrels, containers, or other unattractive items, he/she shall enclose such an area with a screen that will hide such area from public view.

VI. FIXED BASE OPERATOR

A Fixed Base Operator is any person or corporation who shall have entered into a written agreement with the Township for the use of any buildings, shop, or hangar and who by further agreement guarantees to provide on the Airport and serve the public with the following minimum services and facilities:

1. Sale of aviation grade fuel and oil.
2. Oxygen.
3. Ramp parking and tie-down services.
4. Transient aircraft hangar storage.
5. Repair and preventative maintenance.
6. Public restrooms and telephone facilities.
7. Loading, unloading, and towing.

MINIMUM STANDARDS AND REQUIREMENTS

A. **Land.** The leasehold shall contain a minimum of one half (1/2) acre of land.

B. **Buildings.** Construct or lease a minimum of 8,500 square footage of building providing adequate area of property lighted and heated floor space for offices, public lounge, pilot briefing area, restrooms and telephone, as well as adequate area for repair and hangar space. This area may consist of one (1) or more buildings. A minimum of 1,000 square feet must be provided for crew and passenger lounge facilities, clean, sanitary, and free public restrooms, telephone services, office space, and storage.

C. **Personnel.** Multiple responsibilities may be assigned to personnel to meet personnel requirements for all activities.

D. **Hours of Operation.** Service shall be provided between the hours of 0700 and 2100, seven (7) days a week and available through "on-call" services capable of response within two (2) hours between the hours of 2100 and 0700.

E. **Equipment.** All equipment specifically required for each activity must be provided.

F. **Aircraft.** All aircraft requirements for specific activities to be performed must be provided; however, multiple use can be made of all aircraft except aerial applicator aircraft, to meet these requirements.

G. **Insurance Coverage.** Required to carry the following types of insurance in the limits specified:

1. Aircraft Liability:
   a. Bodily Injury—$1,000,000 each person, each accident.
   b. Passenger Liability—$1,000,000 each person, each accident.
   c. Property Damage—$1,000,000 each accident.

2. Comprehensive Public Liability and Property Damage:
   a. Combined Single Limit—$1,000,000 aggregate.
   b. Products Liability—$1,000,000 each accident.
   c. Student and Renters Liability—$1,000,000 each person, each accident (if providing flight training or aircraft rental services).

3. Hangar Keeper's Liability—$1,000,000 each accident.

4. Motor Vehicle Liability—$500,000 each accident

5. Workmen's Compensation and Employers Liability—statutory limit.

AIRCRAFT FUEL AND OIL DISPENSING SERVICE

- The Fixed Base Operator shall keep and offer for sale at the airport sufficient quantities of aviation fuels and lubricating oil, standard grades, brands, and quantity as are commonly used and demanded by the public and sufficient to satisfy public requirements. All aviation fuels and oils delivered to the Operator by a vendor shall be considered by the Township to be fuels and oils dispensed by the Fixed Base Operator for the purpose of calculating fuel flowage rates under the lease agreement.

- The Fixed Base operator shall furnish, at its own expense, or lease, a minimum of two (2) reliable metered filter equipped dispenser, fixed or mobile, from storage tanks having a minimum capacity of 10,000 gallons of aviation gas (AvGas) and 10,000 gallons of jet fuel (Jet-A). Separate dispensing pumps for each grade of fuel is required.

- If the Fixed Base Operator elects to utilize fixed storage tanks all fuel storage tanks shall be above ground unless otherwise authorized (ground mounted if located in properly bunkered and approved

closures) and such installations shall be in a location approved by the Township. The fuel farm shall comply with applicable uniform building code standards, fire codes, and ordinances. The Fixed Base Operator shall, at its sole cost and expense, maintain the fuel farm, all improvements thereon, and conditions consistent with good business practice, applicable laws, and equal in appearance and character to other similar improvements on the Airport.

- If the Fixed Base Operator elects to utilize mobile dispensing trucks, such trucks shall have a minimum capacity of 200 gallons of fuel. Trucks shall be properly maintained, operated, and equipped in accordance with applicable FAA, National Fire Protection Association, state, and local requirements and regulations.

- In conducting fuel operations, the Fixed Base Operator shall install and use adequate electrical grounding facilities at fueling locations to eliminate the hazards of static electricity and shall provide approved types of fire extinguishers or other equipment commensurate with the hazard involved with fueling, de-fueling, and servicing aircraft. All such safety and operational requirements for the storage, handling, and dispensing of aviation grade fuels shall be governed by the applicable National Fire Protection Association (NFPA) regulations and local fire codes. All Fixed Base Operator fueling services and systems shall be subject to inspection for fire and other hazards by the Township or other representative of the Township and by the appropriate state and local fire agency.

- Trained, qualified personnel in accordance with FAA FAR Part 139.321, *Handling and Storing of Hazardous Substances and Materials*, shall be on duty during regular hours of operation for fuel dispensing.

- The Fixed Base Operator shall provide adequate and sanitary handling of all trash, waste, and other materials including, but not limited to, used oil, solvents, and containers.

RAMP SERVICES AND REPAIR AND MAINTENANCE

- The Fixed Base Operator shall provide adequate equipment and facilities, when needed, for washing aircraft, inflating aircraft tires, changing aircraft engine oil, servicing oleo struts, recharging or energizing aircraft batteries and starters, cleaning the interior of aircraft, and servicing oxygen and nitrogen equipment.

- The Fixed Base Operator shall provide adequate transient tie-down space for the storage of a minimum of six (6) small aircraft (less than 12,500 pounds) and three (3) large aircraft (greater than 12,500 pounds but less than 60,000 pounds). Adequate tie-down facilities shall include ropes, chains, or other types of restraining devices and wheel chocks.

- The Fixed Base Operator shall provide aircraft tugs, ground power units, deicing units, lavatory carts, and water carts in adequate number to provide service to their customers. All equipment shall be maintained and operated in accordance with OSHA and local and state industrial codes.

- The Fixed Base Operator shall provide adequate numbers of properly trained personnel to meet public requirements for all ramp services. Personnel shall be on duty during the specified hours of operations.

PUBLIC FACILITIES

- A minimum of 1,000 square feet of conveniently located, heated, and cooled lounge or waiting room for crews and passengers, office space, and restrooms shall be provided.

- Restrooms shall be heated and ventilated and accessible to crews and passengers in a clean and sanitary manner.

- A minimum of one telephone shall be provided for public use.

LOADING, UNLOADING, AND TOWING

- The Fixed Base Operator shall provide adequate loading, unloading, and towing equipment to safely and efficiently move aircraft and store them in times of all reasonably expected weather conditions.

- The Fixed Base Operator shall provide adequate numbers of properly trained personnel to meet the needs of the public as it pertains to assist in loading, unloading, and towing of aircraft. Personnel shall be on duty during the specified hours of operations.

VII. AIRPORT TENANT

A person having the use designation of Airport Tenant shall be limited to the following and only the following uses:

- Storage of wholly owned or leased aircraft, commercial aeronautical service(s), and/or maintenance on wholly owned or wholly leased aircraft. Such person shall not hangar aircraft owned by others, nor offer or provide, for financial gain, any services whatsoever to others unless authorized in accordance with an approved commercial aeronautical service agreement; except, however, other's aircraft may be temporarily hangared without compensation (temporarily is defined as less than sixty (60) days in one calendar year).

MINIMUM STANDARDS AND REQUIREMENTS

A. **Land.** The Airport Tenant shall contain a minimum number of acres deemed appropriate by the Township.

B. **Buildings.** Construct or lease a minimum square footage of building or property providing adequate area for the operation of said agreement and the storage and maintenance of all said leased or owned aircraft as deemed necessary by the Township.

C. **Personnel.** Multiple responsibilities may be assigned to personnel to meet personnel requirements for all activities.

D. **Hours of Operation.** Service shall be provided on a schedule deemed necessary by the Township.

E. **Equipment.** All equipment specifically required for each activity must be provided.

F. **Aircraft.** All aircraft specifically required for each activity must be provided.

G. **Insurance Coverage.** Required to carry the following types of insurance in the limits specified:

1. Aircraft Liability:
   a. Bodily Injury—$1,000,000 each person, each accident.
   b. Passenger Liability—$1,000,000 each person, each accident.
   c. Property Damage—$1,000,000 each accident.

2. Comprehensive Public Liability and Property Damage:
   a. Combined Single Limit—$1,000,000 aggregate.
   b. Products Liability—$1,000,000 each accident.
   c. Student and Renters Liability—$1,000,000 each person, each accident.

3. Hangar Keeper's Liability—$1,000,000 each accident.
4. Motor Vehicle Liability—$500,000 each accident
5. Workmen's Compensation and Employers Liability—statutory limit.

NEW AND USED AIRCRAFT SALES AND RENTALS

- The Airport Tenant shall provide suitable office space for conducting sales and rentals and the keeping of proper records in connection therewith.
- The Airport Tenant shall provide one person having a current pilot certificate with appropriate rating for the types of aircraft being used or demonstrated.
- A minimum of one airworthy owned or leased aircraft, properly maintained and certificated, must be available for rental.
- The Airport Tenant shall provide adequate facilities for servicing and repairing all aircraft utilized.

FLIGHT INSTRUCTION AND TRAINING

- The Airport Tenant shall provide at least one (1) FAA certified flight instructor to cover the type of training offered and at least one properly certified ground school instructor to provide ground school instructions sufficient to enable students to pass the FAA written examination for private pilot ratings.
- The Airport Tenant shall own or lease at least one (1) properly certified and maintained aircraft equipped for flight instruction and suitable for use in instrument flight instruction.
- The Airport Tenant shall provide adequate facilities for storing, parking, servicing, and repairing aircraft used in flight instruction.

AIRFRAME AND POWER PLANT REPAIR

- The Airport Tenant shall provide sufficient hangar space to house any aircraft upon which airframe or engine repair is being performed.
- The Airport Tenant shall provide at least one (1) FAA certified Airframe and Power Plant mechanic, with ratings appropriate for work being performed, for a minimum of eight (8) hours per day, five (5) days a week.
- No entity is permitted to conduct airframe or power plant repair for compensation on the airport without prior permission to provide aeronautical services from the Township and remitting the appropriate fees.

AIR CHARTER AND AIR TAXI SERVICE

- All air charter and/or air taxi services shall abide by Federal Aviation Regulation Part 135.

AERIAL APPLICATIONS

- A minimum of one (1) person holding a current FAA commercial certificate, properly rated for the aircraft to be used and meeting the requirements of FAR Part 137 and applicable regulations of the State of Arizona shall be provided.
- The Airport Tenant shall provide a segregated chemical storage area protected from public access.
- The Airport Tenant shall provide one (1) aircraft meeting all requirements FAR Part 137 and applicable regulations of the State of Arizona. This aircraft shall be owned or leased and based on the Airport Tenant's leasehold.

- The Airport Tenant shall provide a DEQ-EPA approved washing area if the washing involves an aircraft which has been exposed to chemicals.

SPECIALIZED AIRCRAFT REPAIR SERVICE (I.E. RADIO, INSTRUMENT, AND PROPELLER)

- The Airport Tenant shall provide a minimum of one (1) FAA certified repairman qualified in accordance with the terms of the repair service offered, on duty a minimum of eight (8) hours a day, five (5) days a week.

- The Airport Tenant shall provide adequate space and maintain adequate tools and equipment to perform the services offered.

- The Airport Tenant shall have access to adequate spare parts and accessories necessary to provide the services offered.

SPECIALIZED COMMERCIAL FLIGHT SERVICE

- A minimum of one (1) properly certified aircraft owned or leased, meeting all FAA requirements and applicable regulations of the State of Arizona with respect to the activity to be performed shall be provided.

- The Airport Tenant shall provide sufficient hangar space to house any aircraft provided for in the lease agreement.

HANGAR STORAGE

- Hangar space shall be used for the primary purpose of aircraft storage. No more than twenty percent (20%) of available hangar storage space shall be used for non-aircraft related storages (i.e. equipment, boats, recreational vehicles, etc.).

SELF-SERVICING

- In conducting self-fueling operations, the Airport Tenant shall install and use adequate electrical grounding facilities at fueling locations to eliminate the hazards of static electricity and shall provide approved types of fire extinguishers or other equipment commensurate with the hazard involved with fueling aircraft. All such safety and operational requirements for the storage, handling, and dispensing of aviation grade fuels shall be governed by the applicable National Fire Protection Association (NFPA) regulations and local fire codes. All Airport Tenant fueling services and systems shall be subject to inspection for fire and other hazards by the Township or other representative of the Township and by the appropriate state and local fire agency.

- If the Airport Tenant elects to utilize fixed storage tanks all fuel storage tanks shall be above ground (ground mounted if located in properly bunkered and approved closures) and such installations shall be in a location approved by the Township. All self-fueling is subject to fuel flowage fees established in the Kayenta Airport Rates and Charges.

- In conducting self-maintenance or contract maintenance operations, the Airport Tenant must have received applicable permits from the Township and all persons must be properly licensed by the Federal Aviation Administration.

VIII. FLYING CLUBS

In an effort to foster and promote flying for pleasure, develop skills in aeronautics, including pilotage, navigation, and an awareness and appreciation of aviation requirements and techniques, a Flying Club may be established at the Airport.

All flying clubs desiring to base their aircraft and operate on the Airport must comply with the applicable provisions of these minimum standards. However, they shall be exempt from regular Fixed Base Operator and Airport Tenant requirements upon satisfactory fulfillment of the conditions contained herein.

MINIMUM STANDARDS AND REQUIREMENTS

A. **Land.** The Flying Club shall contain a minimum number of acres deemed appropriate by the Township.

B. **Buildings.** Construct or lease a minimum square footage of building or property providing adequate area for the storage and maintenance of all said leased or owned aircraft as deemed necessary by the Township.

C. **Equipment.** The Flying Club and its members are prohibited from leasing or selling any goods or services whatsoever to any person or firm other than a member of the Flying Club at the Airport; except that said Flying Club may sell or exchange its capital equipment and except said members are conducting business on the Airport as either a Fixed Base Operator or Airport Tenant.

D. **Aircraft.** The ownership of the aircraft or aircrafts must be vested in the name of the Flying Club or owned proportionately by all of its members.

E. **Insurance Coverage.** Required to carry the following types of insurance in the limits specified:

1. Aircraft Liability:
   a. Bodily Injury—$1,000,000 each person, each accident.
   b. Passenger Liability—$1,000,000 each person, each accident.
   c. Property Damage—$1,000,000 each accident.

2. Comprehensive Public Liability and Property Damage:
   a. Combined Single Limit—$1,000,000 aggregate.
   b. Products Liability—$1,000,000 each accident.
   c. Student and Renters Liability—$1,000,000 each person, each accident.

3. Hangar Keeper's Liability—$1,000,000 each accident.

4. Motor Vehicle Liability—$500,000 each accident

5. Workmen's Compensation and Employers Liability—statutory limit.

F. **Organization.** The Flying Club shall be a nonprofit entity (corporation, association, or partnership) organized for the express purpose of providing its members with an aircraft or aircrafts for their personal use and enjoyment only. The property rights of the members of the Flying Club shall be equal and no part of the net earnings of the Club will inure to the benefit of any member in any form (salaries, bonuses, etc.). The Flying Club may not derive greater revenue from the use of its aircraft than the amount necessary for the operations, maintenance, and replacement of its aircraft.

G. **Operations.** The Flying Club may not offer or conduct charter, air taxi, or rentals of aircraft operations. They may not conduct aircraft flight instruction except for regular members and only

members of the flying club may act as pilot in command of the aircraft except when receiving dual instruction.

The Flying Club, with its permit request, shall furnish the Township a copy of its charter and bylaws, articles of association, partnership agreement, or other documentation supporting its existence; a roster or list of members, including names of officers and directors, and investments share held by each member to be revised on a semi-annual basis; evidence of insurance in the form of a Certificate of Insurance which contains a clause holding the Airport, its employees, and officers harmless; number and types of aircraft; evidence that ownership is vested in the Flying Club; and operating rules of the club. In addition, the Flying Club shall maintain a set of books showing all club incomes and expenses and have said books available for inspection by the Township in order to determine compliance with this provision.

Section 4

RATES AND CHARGES

KAYENTA AIRPORT
RATES AND CHARGES
3/31/2012

I. INTRODUCTION

The following items shall be assessed by Kayenta Township for the services provided at the Kayenta Airport:

Item	Assessed	Fee
Ground Rent	Annual	$.08 sq.ft
Fuel Flowage Fee	Per Gallon	$.08
Monthly Aircraft Tie-Down	Monthly	$40.00
Overnight Aircraft Tie-Down	Daily	$2.00
Special Activity Permit	Hour	$54.00
Commercial Photography Permit	Hour	$54.00

II. ADJUSTMENT TO RATES AND CHARGES

Rates and Charges imposed at Kayenta Airport may be adjusted by the Airport Board at its discretion, and are also subject to an annual adjustment based upon:

- Lease provisions;
- Percentage changes in the Consumer Price Index (CPI) as announced by the United States Department of Labor during any preceding twelve (12) month period; or
- Fair market value or rent based upon regional supply and demand.

III. LATE FEES

If the Tenant fails to pay within ten (10) days after the due date, any rent or other sum required to be paid by the Tenant hereunder, a late fee equal to five percent (5%) of the late payment shall be due. An additional late fee equal to five percent (5%) of the late payment shall be due if the Tenant fails to pay, within twenty (20) days after the due date, any rent or other sum required to be paid by the Tenant hereunder. In addition, any payment not made within ten (10) days after the due date shall accrue interest at the rate of one and one-half percent (1-1/2%) per month until paid, both before and after judgment.

IV. LEASE EXPIRATION PENALTY

Any Tenant lease agreement that expires prior to the execution of a renewal lease, option, first right of refusal, or other agreement for the continued occupancy of the leased premises shall be subject to a Lease Expiration Penalty. Any Tenant agreement that expires will automatically revert to a month by-month occupancy status and said tenant will be required to pay, in addition to the standard base rental rate, a premium equal to ten percent (10%) of the standard base rental rate until such time as either a permanent lease is executed or the tenant vacates the premises because of failure to negotiate and execute a new lease agreement. The Lease Expiration Penalty shall apply when the expiration of the lease results from the Tenant's failure to execute the new lease, where the Tenant had at least thirty (30) calendar days from the date of approval by Kayenta Township.

V. AIRPORT MANAGER AUTHORITY

The Airport Manager is authorized to assess or waive fees under special circumstances (except monthly rent and installments on annual rent), and for things not specifically addressed in the Rates and Charges that may occur on an infrequent basis.

Section 5

AIRPORT SECURITY

I. INTRODUCTION

In adhering to the Airport Rules and Regulations it is recommended that the following three items be observed by all airport personnel and tenants:

1. All persons shall immediately report to the Fixed Base Operator or local law enforcement authorities the presence or observation of suspicious activities or persons on or in the vicinity of the airport;

2. All persons shall at all times keep vehicular access points to the aircraft operations area closed when not in immediate use; and

3. All persons who access the airport shall be responsible for their actions and all actions of any persons to whom they provide access, whether directly or indirectly, and shall defend, indemnify, and hold harmless Kayenta Township from any damages or losses resulting there from, including any fines levied against the airport by the FAA.

The following sections identify measures to increasing the safety and security at the airport.

II. NO COST MEASURES

1. Know your tenants and solicit their help as observers.

2. Know your operations so you know what is normal.

3. Post emergency numbers at airport businesses.

4. Email or U.S. mail guidance memorandums to tenants.

5. Establish security point of contacts at businesses and major tenants so you can disseminate information quickly.

6. Establish contacts with local law enforcement investigators and intelligence division, FBI, and FAA-CASFO representatives.

7. Review or create bomb threat, HAZMAT incident, and other contingencies.

8. Implement business standards for FBOs and Charters to comply with additional security measures; including systems for identification of flight crews, flight crew identification of passengers, ensuring baggage is checked properly, ramp escort of personnel, and limit taxis, rental cars, and limousines on the ramp.

9. Increase surveillance by airport personnel and challenge unknown individuals.

10. FBI watch list.

11. Appoint an airport security coordinator for your facility.

12. Ensure FBOs and on-airport fuelers secure their trucks and equipment at all times.

13. Plan with local law enforcement officers for explosive detection response.

14. Familiarize law enforcement officers with airport layout and command, control, and communication structures.

15. Issue airport radio or proper communications equipment to law enforcement officers or local police dispatchers.

16. Implement "security" pre-flight inspections of aircraft for specific sabotage or tampering.

17. Stay informed. Learn where to get the latest information on aviation security and threats and check it often.

III. LOW COST MEASURES

1. Install perimeter fencing, four (4) feet or wire for visual deference.
2. Install a access control system limiting vehicle access.
3. Conduct background checks on employees.
4. Install security lighting
5. Employ security guards.
6. Utilize security tape on aircraft doors.
7. Periodically change locks on hangar doors and reissue access badges or codes.

IV. HIGH COST MEASURES

1. Install security fencing.
2. Install an access control system including photo identification.
3. Employ law enforcement officers or certified peace officers.
4. Install closed circuit television monitors at access points.
5. Install site hardening, blast fences, and blast proof trash containers.
6. Purchase explosive disposal equipment.
7. Implement air carrier pre-board screening equipment for charter operations.
8. Install secured entrance doors.
9. Install blast proofing terminals and glass.

Section 6

EMERGENCY ACTION PLAN

KAYENTA AIRPORT
EMERGENCY ACTION PLAN
3/31/2012

I. INTRODUCTION

This Emergency Action Plan is designed to minimize the possibility and extent of personal injury and property damage on Kayenta Airport in the case of an emergency. Organizations, tenants, Kayenta Airport personnel, responding members of the Kayenta Fire Department, and designated persons having responsibilities described herein are expected to be familiar with the content and procedures contained in the emergency action plan.

Kayenta Airport management in conjunction with emergency response and management agencies shall hold emergency plan exercises at times deemed to be mutually agreeable to both agencies, but at a minimum of every five (5) years is recommended. The purpose of these exercises is to reduce response times and refine procedures used during an actual emergency.

To help ensure accurate and timely dissemination of information, only persons designated by Kayenta Township, the Federal Aviation Administration, the Kayenta Fire Department, or representative law enforcement agencies shall make statements to the press during an emergency situation. To ensure maximum safety and the operational integrity of the airport, press requests to view or photograph a crash site must be approved by the Chairman of the Kayenta Airport Board. Whenever possible, the personnel manning the UNICOM frequency shall advise media helicopters to remain 1,000 feet from any crash site. This is for the safety and convenience of Aircraft Rescue and Fire Fighting (ARFF) crews and crash survivors.

II. FAILURE OF POWER FOR MOVEMENT AREA LIGHTING

In the event that airport personnel observe the failure of movement area lighting, defined as runway or taxiway lighting, they shall immediately notify the Fixed Base Operator of the problem. The Fixed Base Operator shall assess the situation, notify Kayenta Township, send NOTAMs as necessary, and contact the proper personnel for repair.

III. FUEL AND CHEMICAL SPILLS

In the event that there is a fuel or chemical spill of a volume sufficient to create a hazard or enter the storm sewer system, the personnel who observes the spill shall contact the Kayenta Fire Department via emergency telephone number 911 and notify them of the spill. Initial contact information should include: type of chemical or fuel, approximate amount spilled, and the location of the spill on the airport. Once the Kayenta Fire Department has been notified, the Fixed Base Operator and Kayenta Township shall also be notified. Voice contact must be made.

In the event that airport personnel observe a fuel or chemical spill in progress, he/she shall immediately take whatever action is necessary to stop and contain the spill provided that it can be done safely. If the employee determines that it is unsafe to attempt to stop or contain the spill, he/she shall immediately begin the notification process.

IV. AIRPORT CLOSURE PROCEDURE

The airport should be closed if any of the following occurs:

A. A disabled aircraft is on or near the runway or taxiway;

B. Work is occurring on or near the runway or taxiway (including snow removal and runway pavement maintenance);

C. The runway is unusable due to ice, snow, water, or a damaged surface; and

D. When necessary in the interest of safety.

When a reason for closure occurs, the Chairman of the Airport Board or his/her authorized designee is to be notified. He/she shall be responsible to see that the airport is officially closed. The following must be accomplished:

A. Contact Reno Flight Service Station (1-800-992-7433) for the issuing of a closure NOTAM;

B. Contact the Fixed Base Operator.

With the exception of snow removal, the runway is to be marked with an "X" on both ends. The Chairman of the Airport Board or his/her designee is responsible for officially opening the airport and notifying the Flight Service Station and the Fixed Base Operator.

V. EMERGENCY RESPONSE GRID MAP

An emergency response grid map has been provided to facilitate relaying the location of an emergency when notifying the Airport Board or emergency response personnel. The grid map has divided the airport property into one thousand foot by one thousand foot quadrants that can be easily identified. This map should be distributed to the Kayenta Fire and Police Departments, Navajo Nation Police, the Fixed Base Operator, all airport tenants and flying clubs, and airport management.

VI. EMERGENCY CONTACT RESOURCES

A. EMERGENCY NUMBERS

Fire	911
Non-Emergency	(928) 697-5600
Navajo Nation Police	911
Non-Emergency	(928) 871-6701
Ambulance	911
Non-Emergency	(928) 697-4074/4075

B. LOCAL NUMBERS

American Red Cross	(928) 779-5494
Arizona State Patrol (DPS)	(928) 773-3600
Drug Enforcement Agency	(602) 664-5600
Environmental Protection Agency	(415) 947-8000
Federal Aviation Administration	
Flight Standards District Office	(480) 419-0111
Flight Service Station (NOTAMs)	(928) 778-7810
Federal Bureau of Investigation	(602) 279-5511
National Transportation Safety Board	(310) 380-5660
National Weather Service	(928) 556-9161
United States Customs	(503) 326-7625

C. TENANTS

D. LOCAL AIRPORTS

Page Municipal Airport	(928) 608-1060
Blanding Municipal Airport	(435) 678-3222
Cortez Municipal Airport	(970) 565-3721
Window Rock Airport	(928) 871-6406

E. AIRPORT SPONSOR

Kayenta Township	(928) 697-8451

Section 7

AIRPORT SELF-INSPECTION PLAN

KAYENTA AIRPORT
AIRPORT SELF-INSPECTION
3/31/2012

I. INTRODUCTION

The Federal Aviation Administration (FAA) has published Advisory Circular 150/5200-18C, *Airport Safety Self-Inspection*, which provides information to airport operators on airport self-inspection programs and identifies items that should be included in a program, such as frequency of inspections, knowledge and equipment for self-inspection, inspection components, and Notices to Airmen (NOTAMs).

II. FAA REGULATION COMPLIANCE

The Kayenta Airport is not an FAA certificated airport and, therefore, is not required to comply with the standards prescribed within Federal Aviation Regulations Part 139. The aforementioned Advisory Circular is reproduced on the following pages and it is required that these procedures be adhered to in order to maximize the safety and efficiency of Kayenta Airport.

III. RESPONSIBLE PARTY

Self-inspection is the primary responsibility of the Airport Board and Kayenta Township. This responsibility may be delegated in accordance with operating procedures or lease agreements. Inspections should concentrate on pavement areas, safety areas, markings and signs, lighting, aircraft rescue and firefighting, fueling operations, navigational aids, ground vehicles, obstructions, public protections, wildlife hazard management, construction, and snow and ice control.

Responsibility for areas that have been specifically assigned to Tenants should remain the responsibility of those Tenants; ultimate supervision, however, should remain with Kayenta Township.

Section 8

STANDARD HANGER RENTAL AGREEMENT AND COMMERCIAL AERONAUTICAL SERVICES AGREEMENT

KAYENTA AIRPORT
HANGER RENTAL AGREEMENT
3/31/2012

This **HANGER RENTAL AGREEMENT** ("Agreement") made and entered into this _____ day of _____, 20_____, by and between the Kayenta Township, hereafter referred to as the "Township," and _____, hereinafter called "Tenant."

WHEREAS, the Township is the owner of certain real properties known collectively as the Kayenta Airport, hereafter referred to as the "Airport," in Kayenta, Navajo Nation (AZ); and,

WHEREAS, the Township also owns designated facilities and infrastructure in or on the Airport to rent to aviation related businesses and individuals for aviation activity or business for the benefit of the citizens of the Township; and

WHEREAS, Tenant desires to rent a particular facility on the Airport for the purpose of furthering Tenant's aviation interests and Tenant is willing to rent such facility; and

WHEREAS, the parties desire to execute a written instrument containing the terms and condition of their agreement.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the following is agreed between both parties:

1. **THE FACILITY.** The Township hereby rents to Tenant, upon the terms and conditions hereinafter stated, that certain facility located on real property on the Airport, more particularly described in Exhibit "A," attached hereto and incorporated herein by this reference, hereinafter referred to as the "Facility."

   Tenant shall have the right to erect, maintain and alter buildings or structures as part of the Facility, provided such buildings or structures conform to the building code requirements of the Township and pertinent provisions of any local ordinance in effect. All plans for such buildings or structures shall be reviewed and approved in writing by the Township prior to construction. Tenant shall also have the right to the non-exclusive use, in common with others, of the airport parking areas, appurtenances and improvements; the right to install, operate, maintain and store, subject to the approval of the Township in the interests of safety and convenience of all concerned, all equipment necessary for the safe hangaring of Tenant's aircraft; the right of ingress to and egress from the Facility and Airport, which shall also extend to Tenant's employees, guests and patrons; the right, in common with others authorized to do so, to use common areas of the Airport, including runways, taxiways, aprons, roadways, and other conveniences for the take-off, flying and landing of aircraft; and the right to park or store the following Aircraft:

   Aircraft Make _____
   Model _____
   Year: _____
   Aircraft Serial Number: _____
   Aircraft Registration Number: _____
   Registration Organization (e.g. USAA, EAA), if not registered by the FAA_____
   Aircraft Registered Owner: _____
   Name, Address and Telephone of Registered Owner: _____
   Aircraft Insurance Company: _____

In the event of a change in the registration or replacement of the Aircraft, Tenant agrees to notify the Township and update the above information within thirty (30) days of such change.

2. **TERMS.** This Agreement shall consist of the following terms:

   A. INITIAL TERM. The initial term of this Agreement shall be _____ (__) month(s) or _____ (__) year(s), hereinafter referred to as the Rental Period. The Rental Period shall commence on _____, 20___ ("commencement date") and end on _____, 20___. Possession of the Facility by Tenant shall begin on the commencement date. At the conclusion of the Rental Period, Tenant shall have the right to enter into a new agreement with the Township for the Facility, at those terms and condition then in effect. Should Tenant elect to not enter into a new agreement, the provisions of paragraph D shall apply.

   B. TERM EXTENSIONS. Upon the condition that there has been no event of default, the Township grants unto Tenant an option to renew or extend this Agreement an additional _____ month(s) or _____ year(s) extension, under the same terms and conditions of the Initial Term, with the exception that Rent may be adjusted to current market value by the Township upon renewal or extension. Such option to renew for additional term(s) may be exercised not later than three (3) months prior to the expiration of the Initial Term. Each extension shall terminate at the end of the option period. Exercise of such options to renew shall be in writing.

   C. ASSIGNMENTS AND SUBLETTING. Tenant may not assign or sublease all or any portion of the Facility, or improvements thereto, and any such assignment or sublease shall be void.

   D. EXPIRATION OR TERMINATION OF LEASE. Either party may terminate this Agreement without cause with thirty (30) days' prior written notice. Should Tenant opt not to exercise the right and option to renew or extend this Agreement pursuant to the foregoing provisions, use of the Facility shall revert to the Township. The Township may require, at its discretion, the removal of all improvements on the Facility. Should the Township elect for Tenant to remove any or all improvements, Tenant shall do so within ten (10) days of the expiration or termination of this Agreement. When removing improvements, Tenant shall restore the facility to its previously existing condition, leaving the Facility safe and free from all debris and hazards. If Tenant fails to promptly remove said improvements if and as required by the Township, the Township may assess and bill Tenant based on receipt of an itemized statement of costs of removal and restoration of the Facility.

   E. SURRENDER OF POSSESSION. On the expiration or other termination of this Agreement, Tenant's rights to use of the Facility shall cease and Tenant shall vacate the Facility without unreasonable delay. Tenant shall leave the Facility and hangar space in the same condition as when received, ordinary wear and tear accepted. Tenant shall be liable for any and all damage to the Facility caused by Tenant's improper or negligent operation. Except as otherwise provided in this Agreement, all fixtures, improvements, equipment and other property bought, installed, erected or placed in the Facility by Tenant shall remain the property of Tenant. Tenant shall have the right to remove these fixtures, improvements, equipment and other property prior to the expiration or termination of this Agreement; however, Tenant shall be responsible for any damage caused by such removal. Title to fixtures, improvements, equipment and other property not removed as of the expiration or termination of this Agreement, shall vest in the Township. If Tenant fails to regularly store the Aircraft in the Facility, without prior approval of the Township, Tenant shall be deemed to have terminated this Agreement and to have vacated the Facility.

3. **FEES AND CHARGES.** Tenant shall pay the following fees and charges:

   A. EARNEST MONEY. Tenant shall pay an earnest money deposit to the Township in the sum of one hundred dollars ($100), which shall be part of the annual rent for the first year of this

Agreement. However, this fee shall revert to the Township should Tenant fail to execute this Agreement within thirty (30) days of its approval by the Township.

B. RENT. Tenant shall pay to the Township a sum of $_____ per month for rental of the Facility. This initial annual rental fee is calculated by multiplying the gross area of the Facility by $_____ per square foot.

C. PAYMENT DUE. Rent payments shall be due in equal monthly payments due on the first day of each month without notice from the Township thereafter during the Rental Period. However, the Township may elect to invoice payment notices.

D. RENT ADJUSTMENTS. The Rent shall be adjusted annually based on the increase in the cumulative average annual U.S. Consumer Price Index, or its successor report issued by the Federal Government. In the event the change in Consumer Price Index is negative, the rent shall remain the same as the previous year.

E. LATE FEES. On any monthly rental payment made more than ten (10) days after the payment due date, Tenant shall pay an additional late charge of two percent (2%) of the monthly rent. In the event that the Township is required to initiate any collection procedures or costs to collect any unpaid Rent from Tenant, Tenant shall also be responsible to pay the Township's expenses in connection therewith, including reasonable attorney's fees and costs.

F. REFUNDS. Tenants may relinquish this Agreement to the Township pursuant to thirty (30) days written notice; however, Tenant shall not be entitled to a refund of any fees or charges of any kind paid.

4. **INSURANCE REQUIREMENTS.** Tenant shall be responsible for acquiring and maintaining the following insurance:

A. PUBLIC LIABILITY. Tenant shall maintain general public liability insurance insuring against such claims. Such insurance shall name the Township as an additional insured. This insurance shall have an aggregate limit in the minimum amount of one million dollars ($1,000,000).

B. PROPERTY DAMAGE. Tenant shall maintain property damage insurance for the full market value of all airplanes stored within the leased Facility and for the full replacement cost of the Facility and associated improvements. Such insurance shall name the Township as an additional insured. The proceeds of any insurance shall be used to repair any damage or destruction to the Facility.

C. PROOF OF INSURANCE. The above references insurance shall be provided by a company licensed and authorized to do business in the State of Arizona. Tenant shall furnish annually to the Township, on the anniversary of the commencement date of this Agreement, a certificate or other evidence and proof of maintenance of the above required insurances. Tenant shall provide the Township with notice of any change thereof and furnish to the Township evidence of acquirement of substitute therefore and payment of the premium thereof. If Tenant shall fail to maintain such insurance coverage, then the Township may obtain same and add the cost of such insurance to the next due Rent payment. If the Township does so, it may charge interest thereon at the rate of fifteen percent (15%) per annum from the time of payment, which shall be added to the Rent becoming due and shall be collected as an additional charge.

D. SELF-INSURANCE. Tenant may self-insure by filing with the Township a letter of credit in the amounts listed above or other promissory or escrowed monetary instrument.

E. INDEMNIFICATION. Tenant assumes the risk of loss or damage to the Facility and its contents and Aircraft, whether from windstorm, fire, earthquake, snow, water run-off, or any other cause

whatsoever. Tenant covenants and agrees that it will indemnify and save harmless the Township from all demands, claims, costs, causes of action or judgments, and from all expenses that are incurred, in investigating or resisting, arising from or growing out of the use of the Facility or its Aircraft by Tenant, its contractors, agents, members, stockholders, employees, and invitees.

5. IMPROVEMENTS AND USE.

A. TITLE TO IMPROVEMENTS. During the Rental Period, title to all improvements existing or constructed upon the Facility by Tenant are and shall be vested in Tenant.

B. PROPOSED IMPROVEMENTS. Tenant shall cause to be constructed those improvements on the Facility, as summarized in the plans attached hereto and incorporated herein by this reference as Exhibit "B." Tenant shall begin such construction after the approval of a building permit by the Township but no later than one (1) month after the commencement date of this Agreement. In all cases, construction must be completed within three (3) months of the commencement date of this Agreement. The Township in its discretion may extend the time for completion of the construction.

C. TOWNSHIP CODES. Tenant must meet all Township standards for all design, planning, and construction activities, including development or extension of the infrastructure.

D. PERMITTED USES. Tenant shall have use of the Facility only for aircraft storage and/or those aeronautical service activities authorized in accordance with an approved Commercial Aeronautical Services Agreement.

E. COMMERCIAL USE. Tenant agrees to obtain an approved Commercial Aeronautical Services Agreement from the Township prior to commencing or permitting any commercial use of the Facility, or additional improvements thereto, in accordance with the current Airport rules and regulations and minimum standards. In the event that the Facility, or improvements thereto, is used for business purposes, Tenant shall at all times maintain and pay any required permits, licenses, insurances, and taxes as specified in the agreement and as required by law.

F. ADDITIONAL USES. Tenant shall not use or permit the use of the Facility, or improvements thereto, for any purpose or use other than those expressly and specifically authorized by this Agreement. Additional uses may be hereafter authorized in writing by the Township but only upon such terms and conditions as may be set out in such authorization.

G. FLAMMABLE & HAZARDOUS MATERIALS. The storage and accumulation of flammable, explosive liquids or solids, waste, debris or other hazardous materials is not permitted within the Facility or adjacent to the Facility, with the exception of up to two (2) cases of engine oil and small quantities of common solvents, lubricants, and other materials customarily used for aircraft maintenance, provided they are stored in approved containers and in compliance with applicable fire codes, government regulations, and Township ordinances. Aircraft shall not be fueled or de-fueled while inside a hangar. Tenant shall maintain the Facility, and improvements thereto, in accordance with all applicable laws, orders, rules, ordinances, and regulations of any agency having jurisdiction over environmental risks, materials handling, and wastes, including but not limited to, the Fire Protection District and the United States or Navajo Nation Environmental Protection Agency. Tenant shall be responsible for hazmat cleanup if a spill is caused by the negligence or willful misconduct of Tenant or its agents, employees, or guests and for all costs associated with mitigating any contamination or the soil or improvements thereon caused by Tenant or its agents, employees, or guests.

H. ACCESS CONTROL. Tenant shall install and maintain fences, gates and such other equipment on the Facility as may be necessary to control access to the airfield on and across the Facility and in accordance with the airfield access control plan, hereafter referred to as the Security Plan, as it

now exists or may hereafter be adopted or amended. Gate controllers installed and maintained by Tenant shall remain compatible to those specified for use on the Airport by the Security Plan. Tenant agrees that it shall inform all employees and contractors of the requirements of the Security Plan, and shall at all times comply with the Security Plan in its operations on the Facility and the Airport.

I. BLAST FENCING. If Tenant's operations on the Facility, with respect to the parking or operation of jet aircraft, is adjacent to pedestrian, parking, or roadway areas, or otherwise causes or may reasonably be expected to cause, a hazard to persons or property, Tenant shall install and maintain adequate blast fencing, of a type and color and at locations approved by the Township, for which approval shall not be unreasonably withheld.

6. **MAINTENANCE OBLIGATIONS.** Tenant is responsible for the following maintenance obligations:

A. MAINTENANCE. Tenant agrees to take good care of and maintain the Facility, and improvements thereto, in good condition throughout the term of this Agreement, including routine preventative measures to preclude damage due to exposure to the elements, including performing the following _____ (list any specific items). Tenant, at its own expense, shall make all necessary repairs and replacements to the Facility, including the repair and replacement of all systems, appliances and their appurtenances, including _____ (specific specialty items). The quality and class of all repairs and replacements shall be equal to the original worth. If Tenant defaults in making such repairs or replacements, the Township may make them for Tenant and such expenses will be considered and billed as additional Rent, due on the first day of the month following the month in which the repairs or replacements were made. At the termination of this Agreement, by time or otherwise, Tenant shall surrender the Facility, and any improvements thereto, in as good condition as it was at the beginning of the term, reasonable use and wear excepted.

B. EROSION CONTROL. Where the slope, terrain, or soil disturbance is such that active soil or wind erosion may be present, Tenant must carry out erosion control practices to mitigate the erosion. These practices include, but are not limited to, drainage facilities constructed and maintained by Tenant, landscaping, and seeding and maintaining of vegetation.

C. SNOW REMOVAL. Tenant shall maintain the ramp area in front of the Facility, and any improvements thereto, free of snow. Snow removal may be performed by the Township as a courtesy but is not an obligation of the Township. The Township may cease to provide snow removal to Tenant or snow removal may not be provided on a particular occasion at the sole discretion of the Township.

D. MAINTENANCE DEFICIENCIES. The Township reserves the right to require reasonable maintenance and repairs to the Facility, or any improvements thereto, by Tenant as required by this Agreement. Should Tenant fail to make the required corrections, the Township shall have the right to enter the Facility, or any improvements thereto, correct the deficiency, and recover the cost of activities from Tenant as Rent due on the next Rent payment date.

7. **DAMAGE OR DESTRUCTION.** If the Facility, or any improvements thereto, is partially destroyed or damaged by fire or other casualty, then Tenant shall repair and restore the Facility, or any improvements thereto, as soon as it is reasonably practicable. Such repair or restoration shall commence not later than three (3) months after such damage and be completed within three (3) months thereafter. Such restoration shall be to substantially the same condition in which the Facility, or any improvements thereto, was before such damage. In the event that Tenant has not commenced repairs within three (3) months from the date of said damage and thereafter completed such repairs within three (3) months, this Agreement may be immediately terminated by the Township. Such termination shall be made effective by serving notice upon Tenant and effective on the date of receipt of such notice by Tenant.

8. **INCONVENIENCE DURING CONSTRUCTION.** Tenant recognizes that from time to time during the term of this Agreement it will be necessary for the Township to initiate and carry forward programs of construction, reconstruction, expansion, relocation, maintenance, and repair in order that the Airport and its facilities may be suitable for the volume and character of air traffic and flight activity which will require accommodation; and that such construction, reconstruction, expansion, relocation, maintenance, and repair may inconvenience or interrupt operations at the Airport. Tenant agrees that no liability shall attach to the Township, its officers, agents, employees, contractors, subcontractors, or representatives by reason of such inconvenience or interruption, and for and in further consideration of the Facility, Tenant waives any right to claim damages or other considerations therefore, provided that this waiver shall not extend to, or be construed to be a waiver of, any claim for physical damage to property resulting from negligence or willful misconduct.

9. **RIGHT OF INSPECTION.** The Township reserves the right to enter the Facility, or any improvements thereto, during reasonable business hours and after prior notice, if reasonably possible, for the purpose of inspecting and protecting the premises and of doing any and all things which the Township may deem necessary for the proper general conduct and operation of the Airport and in the exercise of said Airport's police power.

10. **LIENS.** Tenant covenants and agrees to pay promptly when due all bills, debts, and obligations incurred by Tenant in connection with approved uses designated in this Agreement upon the Facility, or any improvements thereto, and not to permit the same to become delinquent and to suffer no lien, mortgage, judgment, or execution to be filed against said Facility, or any improvements thereto, which will be in any way an impairment of the rights of the Township under this Agreement.

11. **RULES AND REGULATIONS.** Tenant, its manager, officers, and employees shall observe and obey all applicable laws, rules, regulations and standards (including the Airport Minimum Standards, Security Plan and other requirements contained in the Airport Standards Manual Kayenta Airport), the Township's storm water management plan, as they now exist or may hereafter be promulgated or amended. Tenant shall also comply with the terms, requirements, and limitations of any plans, permits, or licenses which it may be required to obtain or comply with pursuant to any such laws, rules, regulations, and standards.

12. **DEFAULT.** If the Township defaults in the performance of its duties or obligations as required under the terms of this Agreement, and if the Township fails to remedy any such default in a manner reasonably satisfactory to Tenant within ten (10) days following receipt of Tenant's written notice to remedy said default, Tenant may immediately terminate this agreement with written notice to the Township. If Tenant defaults in the performance of its duties or obligations as required under the terms of this Agreement, and if Tenant fails to remedy any such default in a manner reasonably satisfactory to the Township within ten (10) days following receipt of the Township's written notice to remedy said default, the Township may immediately terminate this agreement with written notice to Tenant. In such case, ten (10) days after notice of the intent to remove the Aircraft has been sent to Tenant at the address in Section 13 herein, The Township shall have the right to enter the Facility, remove the Aircraft and other property of Tenant, store the Aircraft at an aircraft tie-down location, store other property in a suitable location as determined by the Township, charge Tenant for the storage at the then-current transient tie down rates for aircraft and at prevailing commercial storage rates for all other property, and immediately re-let the Facility. In such case, Tenant shall be deemed to have abandoned any and all rights to the Facility. Tenant agrees that neither the Township nor its agents, officers or employees shall be in any way responsible for any loss or damage to the Aircraft or other property, except for any loss or damage resulting from the direct negligence of the Township, its agents, officer, or employees. The Township shall have the right to place a lien on the Aircraft for the unpaid rent and other charges. In such case, this Agreement shall terminate immediately, and Tenant will be liable for all past due rent and other charges including damages to the premises, for all expenses to prepare the Facility for re-letting, and for court costs and reasonable attorneys' fees.

13. **NOTICES.** Whenever any notice is required or permitted hereunder, such notice shall be in writing. Any notice or document required or permitted to be delivered hereunder shall be deemed to be delivered, whether actually received or not, when deposited in the United States mail, as certified mail, postage prepaid, return receipt requested, and addressed to the parties at their respective addresses as set forth below:

If to the Township:

Kayenta Township
Attention: Airport Manager
P.O. Box 1490
Kayenta, Arizona 86033
Telephone (928) 697-8451

If to Tenant:

_____
_____
_____
Telephone:
_____ (work)
_____ (home)
_____ (cell)
Email: _____

14. **GOVERNING LAW.** This Agreement is a contract executed under and to be construed under the laws of the Navajo Nation.

15. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement between the parties. No statements, promises, or inducements made by any party to this agreement, or any agent or employees of either party, which are not contained in this written contract, shall be valid or binding. This agreement may not be enlarged, modified, or altered except in writing signed by the parties.

IN WITNESS WHEREOF, The Township and Tenant have executed the Agreement to be in effect as of the date first written above.

KAYENTA TOWNSHIP

_____
(Typed or Printed Name, Position)

_____ _____
(Signature) (Date)

TENANT

_____
(Typed or Printed Name, Position)

_____ _____
(Signature) (Date)

TOWNSHIP CLERK

_____
(Seal)

This **COMMERCIAL AERONAUTICAL SERVICES AGREEMENT** is made and entered into this _____day of _____, 20_____, by and between the Kayenta Township, and _____, hereinafter call "Tenant."

WHEREAS, the Kayenta Township, hereafter referred to as the Township, is the owner of real properties known collectively as Kayenta Airport, hereafter referred to as the Airport, in Arizona; and

WHEREAS, the Township desires to increase the value of the airport to the citizens of the Township by permitting the non-exclusive use of the Airport for aviation-related businesses; and

WHEREAS, Tenant desires to use the Airport for the purpose of furthering Tenant's aviation-related business in a non-exclusive manner in common with other commercial enterprises; and

WHEREAS, the parties desire to execute a written Commercial Aeronautical Services Agreement containing the terms and conditions of their agreement.

Now, **THEREFORE,** in consideration of the mutual covenant set forth herein, the following is agreed between both parties:

1. **DESIGNATED AREA.** The Township hereby grants the non-exclusive right to use those portions of the Airport, described as _____ and more particularly diagrammed in Exhibit A attached hereto and incorporated herein by this reference, together with an easement for ingress and egress to the property, as detailed in the appropriate facility or land lease agreement, attached hereto as Exhibit B.

2. **TERMS.** This Commercial Aeronautical Services Agreement shall consist of the following term:

   A. INITIAL TERM. The Initial Term of this Agreement shall be _____ month(s) or _____ year(s) commencing on the commencement date, as hereinafter defined, and terminating on the anniversary of the commencement date. The Initial Term shall commence the _____ day of _____, 20_____ ("commencement date").

   B. TERM EXTENSIONS. Upon the condition that there has been no event of default, the Township grants unto Tenant the right to renew or extend this lease agreement for an additional _____ month(s) or _____ year(s) term, under the same terms and conditions of the Initial Term, with the exception Fees and Charges may be adjusted to current market value by the Township upon renewal or extension. Each extension shall terminate on the anniversary date of the commencement date. The Township may agree to extend this Agreement for additional and successive terms thereafter at the sole discretion of the Township. Exercise of such options to renew shall be in writing.

   C. ASSIGNMENTS AND SUBLETTING. Tenant may not sublease all or any portion of this Agreement without prior written permission from the Township.

   D. EXPIRATION OR TERMINATION OF PERMIT. Should Tenant opt not to exercise the right and option to renew or extend this Agreement pursuant to the foregoing provisions, all rights granted under this Commercial Aeronautical Services Agreement shall be terminated.

3. **FEES AND CHARGES.** Tenant shall pay the following fees and charges:

   A. PAYMENTS. Tenant shall pay the following fees and charges (attach Exhibit as needed):

   _____

   _____

   _____

   B. PAYMENT DUE. Initial fees and charges shall be prorated to the next due date. Fixed fees shall be due annually on January 15th. Percentage fees shall be due on the first day of the first month following the end of each calendar quarter.

   C. LATE FEES. On any payment made more than ten (10) days after the payment due date, Tenant shall pay an additional late charge of two percent (2%) on any part thereof. In the event that the Township is required to initiate any collection procedures or costs to collect any unpaid payments from Tenant, Tenant shall also be responsible to pay the Township's expense in connection therewith, including reasonable attorney's fees and costs.

   D. REFUNDS. Tenant may relinquish this Commercial Aeronautical Services Agreement to the Township; however, Tenant shall not be entitled to a refund of any fees or charges of any kind paid.

4. **INSURANCE REQUIREMENTS.** Tenant shall be responsible for acquiring and maintaining the following insurance requirements.

   A. PUBLIC LIABILITY. Tenant shall maintain general public liability insurance insuring against such claims. Such insurance shall name the Township as an additional insured. This insurance shall have an aggregate limit in the minimum amount of one million dollars ($1,000,000).

   B. ADDITIONAL INSURANCE. Tenant is responsible for meeting any additional insurance requirements as stated in the Airport Minimum Standards.

   C. PROOF OF INSURANCE. Such insurance shall be with a company licensed and authorized to do business in the State of Arizona. Tenant shall furnish annually to the Township, on the commencement date of this Commercial Aeronautical Services Agreement, a certificate or other evidence and proof of maintenance of the above required insurances. Tenant shall provide the Township with notice of any change thereof and furnish to the Township evidence of acquirement of substitute therefore and payment of the premium thereof. If Tenant shall fail to maintain such insurance coverage, then the Township may obtain same and add the cost of such insurance to the next due payment. If the Township does so, it may charge interest thereon at the rate of fifteen percent (15%) per annum from the time of payment, which shall be added to the payment becoming due and shall be collected as an additional charge.

   D. SELF-INSURANCE. Tenant may self-insure by filing with the Townships a letter of credit in the amounts listed above or other promissory or escrowed monetary instrument.

5. **USAGE.**

   A. PERMITTED USES. Tenant shall have use of the Designated Area only for (attach Exhibit as required):_____

   _____

   _____

   B. ADDITIONAL USE. Tenant shall not use or permit the use for any purpose or use other than those expressly and specifically authorized by this Commercial Aeronautical Services Agreement.

Additional uses may be hereafter authorized in writing by the Township but only upon such terms and conditions as may be set out in such authorization.

6. **RIGHT OF INSPECTION.** The Township reserves the right to enter the operations area during reasonable business hours and after prior notice, if reasonably possible, for the purpose of inspecting and protecting such premises and of doing any and all things which the Township may deem necessary for the proper general conduct and operation of the Airport and in the exercise of said Airport's police powers.

7. **LIENS.** Tenant covenants and agrees to pay promptly when due all bills, debts, and obligations incurred by Tenant in connection with approved Commercial Aeronautical Services Agreement and not to permit the same to become delinquent and to suffer no lien, mortgage, judgment, or execution to be filed against Tenant which will be in any way an impairment of the rights of the Township under this Agreement.

8. **NOTICES.** Whenever any notice is required or permitted hereunder, such notice shall be in writing. Any notice or document required or permitted to be delivered hereunder shall be deemed to be delivered, whether actually received or not, when deposited in the United States mail, as certified mail, postage prepaid, return receipt requested, and addressed to the parties at their respective addresses as set forth below.

   Kayenta Township
   Attention: Airport Manager
   P.O. Box 1490
   Kayenta, Arizona 86033
   Telephone (928) 697-8451

IN WITNESS WHEREOF, the Township and Tenant have executed this Commercial Aeronautical Services Agreement to be in effect as of the date written above.

KAYENTA TOWNSHIP	TENANT
_____	_____
(Typed or Printed Name, Position)	(Typed or Printed Name, Position)
_____ _____	_____ _____
(Signature) (Date)	(Signature) (Date)

TOWNSHIP CLERK

_____

(Seal)

ARMSTRONG CONSULTANTS, INC.
Airport engineering and planning services

861 Rood Avenue
Grand Junction, Colorado 81501
Ph. (970) 242-0101 * Fax (970) 241-1769

KAYENTA

TOWNSHIP

EST. 1986

2.

Building Code

KTCD-28-13

KTCAU-45-10

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Approving the Adoption of the 2006 International Building Code, 2006 International Residential Code, 2006 International Plumbing Code, 2006 International Mechanical Code, 2005 National Electrical Code, 2009 Arizona Register of Contractos Workmanship Standards for Licensed Contactors, and the 1997 Uniform Administrative Code Tables 3A-3H Permit Fees.

WHEREAS:

1. The Kayenta Township Commission (KTC) has the authority and responsibility to govern for the welfare of the Kayenta Township (Township) and its residents, including the enactment of such ordinances, rules, and regulations as it deems in the best interest of the Township; and

2. Pursuant to this authority, the KTC desires to adopt the 2006 International Building Code, the 2006 International Residential Code, the 2006 International Plumbing Code, the 2006 International Mechanical Code, the 2005 National Electrical Code, the 2009 Arizona Register of Contractors Workmanship Standards for Licensed Contractors, and the 1997 Uniform Administrative Code Tables 3A-3H Permit Fees within the Kayenta Township, a political subdivision and an agency of the Navajo Nation, charged with providing economic and community development, including authorities for local land use planning within the boundary of the Township as sanctioned and prescribed in the Navajo Nation Council Resolution CN-86-85, codified at 2 N.N.C. §§ 4081-4086; and

3. The adoption of these Building Codes will allow a national standard of construction for new, renovated, altered, or reconditioned structures within the political jurisdiction of the Kayenta Township; and

4. This resolution will also allow designers, architects, engineers, contractors, and financial institutions/providers critical information needed during the planning stages of construction; and

5. Approval of these building codes will benefit residents of the Kayenta area and the Township staff recommends approval of this resolution.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Kayenta Township hereby approves the adoption of the 2006 International Building Code, the 2006 International Residential Code, the 2006 International Plumbing Code, the 2006 International Mechanical Code, the 2005 National Electrical Code, the 2009 Arizona Register of Contractors Workmanship Standards for Licensed Contractors and the 1997 Uniform Administrative Code Tables 3A-3H Permit Fees. This includes standards referenced within these codes.

2. Acknowledgement and enforcement these building codes will be the responsibility of Township staff, or its designated representative, subject to KTC approval.

3. The Kayenta Township Commission hereby authorizes the Chairperson to approve the resolution on behalf of the Commission and authorizes the Town Manager to complete the necessary documents for further approval by Navajo County and the State of Arizona on behalf of the Kayenta Township.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called meeting in Kayenta, Navajo County (Arizona), at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, and 0 abstained, on this 9th day of August, 2010.

Motion: Commissioner Greyeyes

Second: Commissioner Yazzie

Helen Bonnaha

Helen Bonnaha, Chairperson
Kayenta Township Commission

KAYENTA TOWNSHIP
EST. 1986

3.

Business Site Leasing Administration Plan
KTC-03-08

1.0 Executive Summary

2.0 Pre-Business Site Lease

3.0 Business Site Lease Approval Process

4.0 New Lease

5.0 Expiring Lease

6.0 Exervising Option to Renew Lease

7.0 Modification

8.0 Novation

9.0 Sublease

10.0 Assignment

11.0 Collateral Assignment of Lease

12.0 Revocable Use Permit

13.0 Emergency Operating Agreement

14.0 Appendix

KAYENTA TOWNSHIP

BUSINESS SITE LEASING ADMINISTRATIVE PLAN

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1.0. EXECUTIVE SUMMARY

1.1. This Administrative Management Plan ("Plan") provides policy, direction and guidance for the decision making of the leasing staff of the Kayenta Township ("Township") regarding applications received for business site leases and related documents within the boundaries of the Township.

1.2. Legal Framework: 25 U.S.C. § 415(e), as amended, Navajo Nation Business Site Leasing Act of 2000, 5 N.N.C. §§ 2301-2306 (2005), as amended, Navajo Nation Business Leasing Regulations of 2005, as amended, Economic Development Committee Uniform Business Leasing Regulations of 2008, as amended, Kayenta Township Business Site Leasing Ordinance, as amended, and Kayenta Township Business Site Leasing Regulations, as amended.

1.3. Administrative Framework: The Kayenta Township Commission ("KTC") has the authority and responsibility to govern for the welfare of the Township and its residents, including the enactment of such ordinances, rules, regulations, policies and procedures as it deems in the best interest of the Township. See ACN-181-86 (Nov. 13, 1986) (established the boundaries for the Township); CJY-42-03 (July 25, 2003) and CAU-47-03 (Aug. 29, 2003) (established Home Rule).

1.4. Amendment of the Plan: The Business Site Leasing Committee may recommend amendments to this Plan subject to approval by the Economic Development Committee of the Navajo Nation Council ("EDC") in accordance with the laws and regulations of the Navajo Nation and Township.

1.5. The Township shall provide an initial report to EDC not less than six (6) months from the date of execution of the EDC resolution granting delegation of approval authority to the Township and annually thereafter.

1.6. Objectives:

1. Carry out the authority for issuing business site leases and set forth the details for approving, processing, administering, managing and enforcing such leases;
2. Promote self-determination, encourage economic self-sufficiency and increase business activity and employment;
3. Promote the uniformity of business site leases;
4. Recommend the enactment, amendment or rescission of laws and regulations to enhance economic development and create a positive business environment; and
5. Promote the efficient leasing of business sites, independent of the political process.

1.7. Severability:
If a court of competent jurisdiction determines a provision in the Kayenta Township Business Site Leasing Management Plan is invalid, void or unenforceable, it shall be stricken and the remainder shall remain in full force and effect.

2.0. PRE-BUSINESS SITE LEASE

2.1. An applicant for a business site lease can be an individual (sole proprietorship) or a legally recognized business entity ("LRBE"), i.e., a partnership, limited partnership, limited liability partnership, limited liability company, professional association, professional corporation, or corporation, organized or chartered under federal, state or Navajo law. All LRBEs must register with the Navajo Nation Business Regulatory Department ("Business Regulatory Department") and be in good standing under the laws of the Navajo Nation and Township.

2.2. Definitions.

1. *Applicant* means a person or LRBE who submits an Application.
2. *Application* means a written request for: a new lease, renewal of lease; novation, assignment, sublease; revocable use permit; or emergency operating agreement. All Applicants must be eighteen years of age or older.
3. *Appraisal (or an equivalent procedure)* means an assessment of the worth or value of real property.
4. *Approving Entity* means the Business Site Leasing Committee ("BSL Committee" or "Committee") that has been established pursuant to Resolution No. KTCM-09-08 and delegated the authority by the EDC to approve Business Site Leasing Transactions under this Plan.
5. *Assignment* means an agreement between a lessee and an assignee whereby the assignee acquires all of the lessee's rights and assumes all of the lessee's obligations under a lease.
6. *Business site lease* means any lease issued for lands within the boundaries of the Township for business purposes.
7. *Business Site Leasing Transactions* means a new lease, renewal of lease; modification, novation, assignment, sublease; collateral assignment of lease; revocable use permit; or emergency operating agreement.
8. *CD Department* means the Community Development Department of the Township.
9. *Collateral Assignment of Lease* means an assignment of the leasehold interest of a lease as security for the payment of a specified debt.
10. *Consumer Price Index ("CPI")* means the Consumer Price Index - All Urban Consumers for all Items.
11. *Development Period* means a definite period of time beginning from the date the lease is executed to when improvements are expected to be substantially completed.
12. *Emergency Operating Agreement* means a written agreement between the Township and an operator of a business for emergency use on Navajo Nation trust lands for a specific purpose and specific period, which conveys no possessory interest rights and may be revoked at will.
13. *Environmental Reviewer* means the employee within the Real Estate Department of the Division of Economic Development of the Navajo Nation designated to review the environmental summary and related reports for a business site lease.

14. *Ethics clearance* means written clearance from the appropriate authorities pursuant to the Navajo Nation Ethics in Government Law, 2 N.N.C. § 3741. *et seq*. (2005).
15. *Executing Official* means the President of the Navajo Nation, or his authorized designee, who will sign all appropriate business site lease documents on behalf of the Navajo Nation.
16. *Finance Department* means the Finance Department of the Township.
17. *KTC* means the Kayenta Township Commission, the governing body of the Kayenta Township.
18. *Lease Package* means the Application and all required supporting documents for a business site lease.
19. *Lease Rental* means the monetary consideration for right of possession and use of Navajo Nation trust land within the Kayenta Township
20. *Legally Recognized Business Entity ("LRBE")* means any partnership, limited partnership, limited liability partnership, limited liability company, professional association, professional corporation, or corporation, organized or chartered under federal, state or Navajo law.
21. *Managing Entity* means the Economic Development Department of the Township ("ED Department") that has been delegated management authority by the Navajo Nation Division of Economic Development.
22. *Modification* means any change in the terms or conditions of the lease.
23. *Novation* means a modification of the lease that permits the lessee to voluntarily consent to the leasing jurisdiction of the Township.
24. *NNDOJ* means the Navajo Nation Department of Justice.
25. *Permit* means a revocable use permit, which gives temporary rights to use lands within the Township for business purposes.
26. *Primary Term* means the initial term of a lease, permit or agreement.
27. *RED* means the Real Estate Department of the Division of Economic Development of the Navajo Nation.
28. *Review Team* means the team consisting of a representative of the ED Department, Finance Department, and CD Department to provide administrative review of a Lease Package prior to approval of a Business Site Lease Transaction by the BSL Committee.
29. *Security Deposit* means a cash deposit, letter of credit or certificate of deposit to guarantee the annual rental and the performance of the terms and conditions of the lease.
30. *Sublease* means a written agreement by which the lessee grants an individual or LRBE a right of possession no greater than that held by the lessee under the primary lease.
31. *Town Manager* means the chief executive officer of the Township.
32. *Township* means the Kayenta Township, a political subdivision of the Navajo Nation.

2.3. Advertisement.
The Township may in its sole discretion advertise commercial land available for leasing.

2.4. Administrative fees.

1. The following administrative fees will be due upon the execution but prior to distribution of the following documents:

a.	New lease	$150.00
b.	Renewal	$100.00
c.	Modification	$100.00
d.	Novation	$50.00
e.	Sublease	$100.00
f.	Assignment	$100.00
g.	Collateral assignment	$100.00
h.	Permits	$50.00
i.	Emergency operating agreement	$50.00
j.	Collections	$100.00
k.	Other administrative transactions	$100.00

2. The above fee schedule may be modified from time to time by resolution of the BSL Committee.
3. The BSL Committee in its discretion may reduce or waive the above fees for good cause shown by an Applicant or a lessee.
4. All payments are nonrefundable and shall be made by business check, money order or cashier's check, payable to the Township.

3.0. BUSINESS SITE LEASE APPROVAL PROCESS

3.1. A flow chart depicting the general business site leasing approval process is attached in Appendix A.

4.0. NEW LEASE

4.1. The Applicant must submit an Application and complete all Application requirements to obtain a lease within six (6) months of the submission date of the Application. If the Application has not been completed at the end of such 6 months, it will be void, unless the ED Department in its discretion determines that the Applicant has made significant progress in completing the Application process. When the Application becomes void, the ED Department will return all original documents to the Applicant, but may choose to retain a copy of the Application in its files.

4.2. The Applicant shall submit to the ED Department:

1. Application, with new lease box checked;
2. Business Plan;
3. Organizational documents, if applicable:
   a. Articles of incorporation, articles of organization, etc.
   b. Bylaws, operating agreement, partnership agreement, etc.
4. Corporate resolution of authority, if applicable; and
5. Certificate of good standing issued by the Business Regulatory Department within 12 months prior to administrative review of the lease.
   a. Must register with the Business Regulatory Department if an LRBE.

4.3. The ED Department shall:

1. Review all documents for accuracy and compliance with applicable laws and regulations.
2. Obtain from the CD Department.
   a. Site designation review and approval; and
   b. Site survey and legal description.
      1) The site survey and legal description shall be based on metes and bounds, rectangular, or lot and block system.
      2) The site survey shall comply with a Cadastral survey (Navajo Nation and Federal requirements).
3. Obtain from appropriate agencies any necessary clearances, including but not limited to:
   a. Ethics, if applicable;
      1) All federal, tribal and Township employees and officials must comply with this requirement at all times during the term of the lease;
      2) Township employees and officials shall refrain at all times from conflict of interest situations and financial gains involving leases;
   b. Navajo Business and Procurement Act, 12 N.N.C. § 1501 *et seq.*, by conducting a background check and obtaining written clearances from:
      1) Accounts Receivable, Navajo Nation Office of the Controller;
      2) Credit Services, Navajo Nation Office of the Controller;
      3) Navajo Tax Commission;
      4) Navajo Nation Shopping Centers, Inc.; and
      5) Township Finance Department.
4. Obtain fair annual rental value from an appraisal or equivalent procedure.
   a. Submit copy to RED.
5. Process the Environmental Review ("ER"):
   a. Prepare an Environmental Summary.
   b. Work with RED Environmental Reviewer to determine which compliance determinations are necessary.
   c. RED shall obtain environmental compliance determinations from:
      1) Navajo Nation Historic Preservation Office;
      2) Navajo Environmental Protection Agency; and
      3) Navajo Nation Fish and Wildlife.
   d. RED Environmental Reviewer signs off on Environmental Summary.
6. Negotiate all terms and conditions of the lease, including:
   a. Term:
      1) The Primary Term shall not exceed 25 years.
      2) Depending on the type of business, the Township may provide one or two options to renew the lease; however, each option shall not exceed 25 years.
      3) The lease shall not preauthorize a sublease.
   b. Rental may be a:
      1) Flat lease rate per year; or

2) Percentage of gross receipts; or
3) Flat lease rate per year plus a percentage of gross receipts, if the business:
   a) is located in a shopping center; or
   b) generates over $1 million per year of gross receipts.

c. Initial Rent:
1) May be based on an appraisal or equivalent procedure.
   a) An equivalent procedure may include a market study or market analysis, utilizing the following available data:
      i) improvement cost;
      ii) replacement cost;
      iii) earning capacity;
      iv) sales; and
      v) lease data of comparable sites.
   b) If a market study is utilized, it shall be:
      i) one conducted for the entire Township that includes the proposed lease premises; and
      ii) updated every five years.
   c) If a market analysis is utilized, it shall be conducted for the proposed leased premises.

d. Rent may be waived or abated for the following reasons:
1) Development Period (as defined in Section 2.2);
   a) Shall not exceed 3 years, unless justified by extenuating circumstances shown by the Applicant.
   b) Shall be granted for only new construction of improvements under a new lease.
2) Substantial construction or reconstruction of the leasehold improvements is necessary.
   a) If the lessee fails to undertake such reconstruction, he shall be required to pay the rent that was in existence before such waiver or abatement was granted for the period of the waiver or abatement of rent.
   b) If lessee has difficulty securing financing, not to exceed one (1) year.
3) An environmental cleanup is necessary;
4) The Applicant is a governmental entity or a nonprofit organization validly organized under federal law; or
5) For any other justifiable reason.

e. Rent adjustments:
1) All leases shall be reviewed every five years, beginning on the:
   a) fifth anniversary from the date of the execution of the lease;
   b) expiration date of the Development Period; or
   c) date the first rental was due, whichever is applicable.
2) Rent may be adjusted on the applicable fifth anniversary using the CPI, which shall be stipulated in the lease.
3) The lease shall specify:

a) how the adjustment shall be made;
b) who will make the adjustment;
c) when the adjustment will be effective; and
d) how disputes shall be resolved regarding such adjustment.

4) The lessee may be notified in writing ninety (90) days before any adjustment is made.

f. Security Deposit:

1) Shall guarantee one year's rental.
2) May be reduced by 25% of the annual rental at the recommendation of the ED Department, if:
   a) In the best interest of the Township;
   b) Applicant or lessee has been in good standing with the Navajo Nation for a minimum of five (5) years;
   c) Applicant has an acceptable creditworthiness rating as indicated by Dunn and Bradstreet, Fortune 500 Company or a credit agency; or
   d) Applicant is a governmental entity or a nonprofit organization organized under federal law.
3) May be postponed at the recommendation of the ED Department if the rental has been postponed.

g. Insurance:

1) Lessee shall submit evidence of the following insurance within thirty (30) days of execution of the lease.
   a) Commercial General Liability Insurance:
      i) $1,000,000 in the aggregate with each occurrence at $500,000; or
      ii) $2,000,000 in the aggregate with each occurrence at $1,000,000 for leases with storage tanks or involving regulated substances.
   b) Fire and Casualty Insurance with extended coverage endorsements covering not less than the full replacement value of all improvements on the leased premises.
2) The above required insurance may be postponed:
   a) To coincide with the commencement of construction; or
   b) Upon the first drawdown of financing.
3) Any postponement shall not to exceed ninety (90) days after the execution of the lease.
4) If evidence of the required insurance is not submitted on the due date, or if postponed, within ninety (90) calendar days of execution of the lease, the lease will be subject to termination. See Section 7.0. of this Plan.
5) All required insurance shall:
   a) Be obtained from a Nationally Accredited Insurance Company with a financial strength of at least an "A" and authorized to do business within in the state where the leased premise is located;

b) Include the Township, Navajo Nation and United States as additional insureds;

c) Not be cancelled or amended without thirty (30) days' prior written notice to the ED Department and Finance Department.

7. Draft the lease.

4.4. Administrative review of the lease.

The ED Department shall:

1. Prepare an executive summary.
2. Present the Lease Package for administrative review by the Review Team, which shall review the Lease Package to ensure that the Applicant and lease are in compliance with the regulations and this Plan.
3. Ensure legal review of the lease by the Township's legal counsel.

4.5. Approval of the lease.

1. The ED Department shall present the following to the BSL Committee for approval of the lease:
   a. Lease (with any necessary attachments);
   b. Executive summary;
   c. Certificate of good standing;
   d. Procurement clearance report; and
   e. Environmental Summary.
2. The BSL Committee shall:
   a. Consist of the Town Manager, Finance Department Director and CD Department Director of the Township and two community members residing within the Township;
   b. Consist of members who are not Public Officials, as defined by the 2 N.N.C. § 3742 (2005);
   c. Consist of members who have experience or knowledge in real estate, business, finance, planning, management, community relations or related areas;
   d. Operate by an adopted rules of order; and
   e. Approve all Business Site Lease Transactions by resolution.
3. Once the lease form is approved by the EDC, any deviation or modification to Part II of the lease, including any minor changes, may be done only with the approval of the EDC. The lessee is responsible for understanding these terms and conditions.

4.6. Execution of the lease.

1. The ED Department shall forward the lease with the approving resolution to NNDOJ for review.
2. The ED Department shall finalize the lease and prepare six original leases for execution.
3. The lease shall be signed by the lessee.
4. The lease shall be concurred by the Town Manager.

5. The lease shall be signed by the President of the Navajo Nation or designee.

4.7. Post execution and lease administration.

1. The ED Department shall forward the executed lease to RED for recording.
2. RED shall:
   a. Assign a number to the lease.
   b. Send a certified copy of lease to the ED Department.
   c. Send the lease for recording to:
      Land Title and Records Office
      Southwest Regional Office
      Bureau of Indian Affairs
      P. O. Box 26567
      Albuquerque, NM 87125-6567
   d. Retain one original of the recorded lease and forward the rest to the ED Department.
3. The ED Department shall retain one original of the recorded lease and distribute the rest to the:
   a. Lessee (original);
   b. Navajo Nation Land Department (original);
   c. Navajo Nation Records Management Department (original); and
   d. BIA Western Agency Real Estate Services Office (copy).
4. The Finance Department shall:
   a. set up a computerized financial accounting file for the lease; and
   b. collect all fees before lease is recorded.
5. The ED Department shall:
   a. Obtain the necessary clearances for:
      1) roads;
      2) utilities (water, sewer, electricity and gas);
      3) telecommunications (telephone, cable or satellite); and
      4) sanitation.
   b. Collect the applicable fees.
   c. Set up a computerized administrative file for the lease; and
   d. Monitor the general compliance of the lease.

5.0. EXPIRING LEASE

5.1. A lessee intending to renew a lease shall notify the ED Department at least one (1) year before the expiration of the lease. The lessee must submit the renewal Application and complete all Application requirements to renew the lease within six (6) months of the submission date of the Application. If the Application has not been completed at the end of such 6 months, it will be void, unless the ED Department in its discretion determines that the Applicant has made significant progress in completing the Application process. When the Application becomes void, the ED Department will return all original documents to the Applicant, but may choose to retain a copy of the Application in its files.

5.2. Lessee's responsibilities.

1. Submit an Application, with the lease renewal box checked at least one (1) year before the expiration of the lease.
2. Be conducting an operating business on the leased premises.
3. Be in compliance with the terms and conditions of the existing lease and applicable laws and regulations.
4. Submit a certificate of good standing issued within 12 months prior to administrative review of the lease.
5. Provide copies of all required insurance certificates. See Section 4.3.6.g. of this Plan.
6. Submit an updated business plan, site survey, appraisal and/or ER, if applicable.
7. Maintain liaison with the ED Department upon renewal of the lease.

5.3. The ED Department's responsibilities.

1. Review all documents for accuracy and compliance with applicable laws and regulations.
2. Ensure that lessee is not in default of any the lease provisions.
3. Ensure that the site survey, appraisal and/or ER are updated, if applicable. See Section 4.3. of this Plan.
4. Obtain written clearances to verify the Applicant's compliance with the Navajo Business and Procurement Act. See Section 4.3.3.b. of this Plan.
5. Negotiate the terms and conditions of the lease.
6. Prepare an executive summary.
7. Process the Lease Package for administrative review by the Review Team and legal counsel. See Section 4.4. of this Plan.
8. Present the lease with appropriate documents to the BSL Committee for approval. See Section 4.5. of this Plan.
9. Finalize the lease and prepare six original leases for execution.
10. Forward the lease with a transmittal letter to the NNDOJ for review.
11. Obtain the signatures of the lessee, Town Manager and Navajo Nation President.
12. Collect the applicable fees.
13. Ensure that the lease is recorded and distributed. See Section 4.7. of this Plan.

6.0. EXERCISING AN OPTION TO RENEW

6.1. Lessee's responsibilities.

1. Submit a letter of intent to the ED Department at least one (1) year before the expiration of the lease
   a. The letter shall consist of the following language:

ACKNOWLEDGEMENT BY THE NAVAJO NATION:

Approved:	Disapproved:
_____	_____
Navajo Nation President or Designee	Navajo Nation President or Designee

DATE: _____

CONCURRENCE BY THE KAYENTA TOWNSHIP:

_____
Authorized Representative

DATE: _____

2. Be in compliance with the terms and conditions of the existing lease and applicable laws and regulations.

6.2. ED Department responsibilities.
1. Obtain written clearance to verify the Applicant's compliance with the Navajo Business and Procurement Act. See Section 4.3.3.b. of this Plan.
2. Obtain the signatures of the Town Manager and Navajo Nation President.
3. Collect the applicable fees.
4. Ensure that the option to renew is recorded and distributed. See Section 4.7. of this Plan.

7.0. MODIFICATION

7.1. Lessee's responsibilities.
1. Submit a written request to modify certain provisions of the lease, which may include without limitation to the term, purpose, rental adjustment, land description, lease improvements, business ownership, or other changes.
2. Submit additional documents, such as an updated site survey and legal description, appraisal and/or ER, if major changes are involved.
3. Be in compliance with the terms and conditions of the existing lease and applicable laws and regulations.

7.2. ED Department responsibilities.
1. Review all documents for accuracy and compliance with applicable laws and regulations.
2. Ensure that lessee is not in default of any lease provision.
3. Request any additional clearances that may be necessary. See Section 4.3. of this Plan.
4. Obtain written clearance to verify the Applicant's compliance with the Navajo Business and Procurement Act. See Section 4.3.3.b. of this Plan.
5. Prepare an executive summary.
6. Process the Lease Package for administrative review by the Review Team and legal counsel. See Section 4.4. of this Plan.
7. Present the lease modification with appropriate documents to the BSL Committee for approval. See Section 4.5. of this Plan.
8. Finalize the lease modification and prepare six original documents for execution.
9. Forward the lease modification with the existing lease and a transmittal letter to the NNDOJ for review.
10. Obtain the signatures of the lessee, Town Manager and Navajo Nation President.
11. Collect the applicable fees.

12. Ensure that the lease modification is recorded and distributed. See Section 4.7. of this Plan.

8.0. NOVATION

8.1. The ED Department shall notify all existing lessees, sublessees and assignees within the Township who are governed by the Navajo Nation and/or federal government that they may novate their leases, subleases and assignments to the business site leasing authority of the Township. Any consent to novation shall be in the discretion of the lessee.

8.2. Lessee's responsibilities.

1. Submit an Application with the Novation box checked.
2. Be in compliance with the terms and conditions of the existing lease and applicable laws and regulations.
3. Provide copies of all required insurance certificates. See Section 4.3.6.g. of this Plan.
4. Maintain liaison with the ED Department upon novation of the lease, sublease or assignment.

8.3. ED Department Responsibilities.

1. Review all documents for accuracy and compliance with applicable laws and regulations.
2. Prepare a modification to the lease, sublease or assignment to novate to the jurisdiction of the Township.
3. Process the modification for administrative review by the Review Team and legal counsel. See Section 4.4. of this Plan.
4. Finalize the modification and prepare six original documents for execution.
5. Forward the modification with the existing lease, sublease or assignment and transmittal letter to the NNDOJ for review.
6. Obtain the signatures of the lessee, sublessee or assignee, Town Manager, and Navajo Nation President.
7. Collect the applicable fees.
8. Ensure that the novated lease is recorded and distributed. See Section 4.7. of this Plan.

9.0. SUBLEASE

9.1. A lessee who intends to sublease part of the lease shall notify the ED Department. The Applicant must submit an Application and complete all Application requirements within three (3) months of the submission date of the Application. If the Application has not been completed at the end of such 3 months, it will be void, unless the ED Department in its discretion determines that the Applicant has made significant progress in completing the Application process. When the Application becomes void, the ED Department will return all original documents to the Applicant, but may choose to retain a copy of the Application in its files.

9.2. General Requirements.

1. A sublease:
   a. cannot exceed the balance of the term of the primary lease;
   b. cannot be for the entire leased premises under the primary lease;
   c. cannot be approved for an activity not authorized by the purpose of the primary lease;
   d. will not be approved if the primary lease does not have an operating business; and
   e. will not be approved for undeveloped land.
2. Subleases that do not require approval by the BSL Committee include:
   a. Tenant leases in permanent office buildings;
   b. Tenant leases in shopping centers; or
   c. Tenant leases in mini malls.

9.3. Sublessor's responsibilities.

1. Provide written notice to the ED Department of its intent to sublease part of the leased premises.
2. Be in compliance with the terms and conditions of the existing lease and applicable laws and regulations.

9.4. Applicant's responsibilities.

1. Submit an Application, with the sublease box checked, and all documents required under Section 4.2 of this Plan.
2. Register with the Business Regulatory Department if an LRBE.
3. Submit a certificate of good standing issued within 12 months prior to administrative review of the sublease, if applicable.
4. Be in compliance with all applicable laws and regulations.
5. Provide copies of all required insurance certificates. See Section 4.3.6.g. of this Plan.
6. Submit a business plan, if applicable.
7. Submit an updated survey, appraisal and/or ER, if applicable.
8. Agree to be bound by all the terms and conditions of the primary lease.
9. Maintain liaison with the ED Department upon approval of the sublease.

9.5. ED Department's responsibilities.

1. Review all documents for accuracy and compliance with applicable laws and regulations.
2. Ensure that lessee (sublessor) is not in default of any the lease provisions.
3. Ensure that the site survey, appraisal and/or ER are updated, if applicable. See Section 4.3. of this Plan.
4. Obtain written clearances to verify the Applicant's compliance with the Navajo Business and Procurement Act. See Section 4.3.3.b. of this Plan.
5. Negotiate the terms and conditions of the lease, if applicable.
6. Prepare an executive summary.
7. Process the Lease Package for administrative review by the Review Team and legal counsel. See Section 4.4. of this Plan.

8. Present the sublease with appropriate documents to the BSL Committee for approval. See Section 4.5. of this Plan.
9. Finalize the sublease and prepare six original documents for execution.
10. Forward the sublease with a transmittal letter to the NNDOJ for review.
11. Obtain the signatures of the lessee, Town Manager and Navajo Nation President.
12. Collect the applicable fees.
13. Ensure that the sublease is recorded and distributed. See Section 4.7. of this Plan.

10.0. ASSIGNMENT

10.1. A lessee who intends to assign the lease to another must notify the ED Department. The potential assignee ("Applicant") must submit an Application and complete all Application requirements within three (3) months after the submission date of the Lease Package. If the Application has not been completed at the end of such 3 months, it will be void, unless the ED Department in its discretion determines that the Applicant has made significant progress in completing the Application process. When the Application becomes void, the ED Department will return all original documents to the Applicant, but may choose to retain a copy of the Application in its files.

10.2. General Requirements:
1. Business sites that are not fully developed or have never been developed cannot be assigned.
2. If an assignee wishes to change any of the terms and conditions of the original lease, the Lessee must modify such lease and conduct an updated ER, if applicable, prior to assigning the lease.
3. In the event of a foreclosure:
   a. If the purchaser is the encumbrancer, the purchaser may assign the lease to another without the approval of the lessee, BSL Committee and Executing Official, provided the assignee agrees to be bound by all the terms and conditions of the lease.
   b. If the purchaser is other than the encumbrancer, the BSL Committee and Executing Official must approve the assignment, and the assignee must agree to be bound by all the terms and conditions of the lease.

10.3. Assignor's responsibilities.
1. Provide written notice of intent to assign the lease.
2. Provide a copy of the purchase agreement and all related documents.
3. Be in compliance with the terms and conditions of the lease and applicable laws and regulations.

10.4. Assignee's responsibilities.
1. Submit an Application, with the lease assignment box checked.
2. Register with the Business Regulatory Department if an LRBE.
3. Submit a certificate of good standing issued within 12 months prior to administrative review of the assignment.
4. Pay any applicable fees.

5. Maintain liaison with the ED Department upon assignment of the lease.

10.5. ED Department responsibilities.

1. Review all documents for accuracy and compliance with applicable laws and regulations.
2. Ensure that lessee (assignor) is not in default of any the lease provisions.
3. Ensure that the appraisal is updated, if applicable. See Section 4.3. of this Plan.
4. Obtain written clearances to verify the Assignee's compliance with the Navajo Business and Procurement Act. See Section 4.3.3.b. of this Plan.
5. Negotiate the terms and conditions, if applicable.
6. Prepare an executive summary.
7. Process the Lease Package for administrative review by the Review Team and legal counsel. See Section 4.4. of this Plan.
8. Present the assignment documents to the BSL Committee for approval. See Section 4.5. of this Plan.
9. Finalize the assignment and prepare six original documents for execution.
10. Forward the assignment with the original lease with a transmittal letter to the NNDOJ for review.
11. Obtain the signatures of the lessee, Town Manager and Navajo Nation President.
12. Collect the applicable fees.
13. Ensure that the assignment is recorded and distributed. See Section 4.7. of this Plan.

11.0. COLLATERAL ASSIGNMENT OF LEASE

11.1. Lessee must submit a letter of intent and complete all requirements to obtain a collateral assignment of lease within three (3) months of the submission date of the Application. If the Application has not been completed at the end of such 3 months, it will be void, unless, the ED Department in its discretion determines that the lessee has made significant progress in completing the Application process. When the Application has become void, the ED Department shall return all original documents to the lessee, but may choose to retain a copy of the Application in its files.

11.2. Lessee's responsibilities.

1. Provide letter of intent to collateralize the leasehold interest held under a lease to the ED Department.
2. Be in compliance with the terms and conditions of the lease and applicable laws and regulations.
3. Submit copies of the following documents:
   a. Loan agreement and/or promissory note;
   b. Collateral assignment of lease;
   c. Security agreement; and/or
   d. Any other document as required by the lender.
4. Comply with all terms and conditions of the collateral assignment upon its approval.

5. Not modify, sublease, transfer, assign or mortgage the leasehold interest or enter into a management agreement without the prior approval of the BSL Committee and surety of the lease, if any, unless otherwise stipulated in the lease or collateral assignment of lease.

11.3. ED Department responsibilities.

1. Review all documents for accuracy and compliance with applicable laws and regulations.
2. Ensure that lessee is not in default of any the lease provisions.
3. Obtain written clearances to verify the Applicant's compliance with the Navajo Business and Procurement Act. See Section 4.3.3.b. of this Plan.
4. Prepare an executive summary.
5. Process the Lease Package for administrative review by the Review Team and legal counsel for review. See Section 4.4. of this Plan.
6. Forward the collateral assignment of lease with the existing lease and transmittal letter to the NNDOJ for review.
7. Obtain the signatures of the lessee, Town Manager and Navajo Nation President.
8. Collect applicable fees.
9. Ensure that the lease is recorded and distributed. See Section 4.7. of this Plan.

12.0. REVOCABLE USE PERMIT

12.1. A Permit may be issued:

1. For land previously designated for commercial purposes; and
2. The purpose of the Permit is short-term, including:
   a. business, nonprofit or government use or operations;
   b. political or fund-raising events;
   c. mobile business operations; or
   d. any other justifiable purpose.

12.2. Terms and conditions of the Permit:

1. Term:
   a. All Permits shall be for the actual period of time needed, but in no event shall the term exceed one (1) year. Perpetual terms will not be permitted.
   b. Permittees may be granted one (1) option to renew, but in no event shall the option period exceed the Primary Term of the Permit.
   c. The permittee can exercise the option to renew by providing a letter of intent to the ED Department at least ten (10) working days prior to the expiration of the Primary Term of the Permit, provided the permittee is:
      1) Not in default of the terms and conditions of the Permit; and
      2) In compliance with all applicable laws and regulations.
2. Rental:
   a. For profits:
      1) $50.00 per day for a term less than 30 days.
      2) $200.00 per day for term over 30 days.
   b. Nonprofits or governments:

1) $25.00 per day for a term less than 30 days.
2) $100.00 per day for term over 30 days.

c. Licensed dealerships including but not limited to motor vehicles, ATVs, motorcycles, boats, and motor homes;
1) $250.00 per day for a term less than 30 days.
2) $500.00 per day for term over 30 days.

d. Entertainment events, including but not limited to carnivals: $500.00 per day.

e. Rental may be waived upon the written recommendation from the ED Department to the BSL Committee, for the term of the Permit if:
1) It is in the best interest of the Township; or
2) For good cause shown by the Applicant.

3. Termination:
a. All Permits shall automatically terminate at the end of the term or at the end of the renewed option term.
b. Permits shall be terminated or cancelled for noncompliance with the terms and conditions of the Permit or for violation of any applicable law and regulation.
c. The ED Department shall notify the permittee by certified letter, return receipt requested within five (5) days of any discovered non-compliance or violation, informing the permittee that the Permit is terminated.
d. The certified letter shall state the cause for termination, the date of the termination, and the time-frame for vacating the premises, which shall not exceed five (5) calendar days from the effective date of the termination.

4. No Permit shall be issued for a contaminated site unless the site has been cleaned up and approved by the Navajo EPA and/or United States EPA, except that no Permit is necessary for an environmental cleanup of a contaminated site.

12.3. Applicant's responsibilities.
1. Submit an Application, with the Permit box checked.
2. Submit evidence of:
a. Insurance specified by Section 4.3.6.g. of this Plan; or
b. Executed indemnification form.
3. Submit an ER, if hazardous substances are involved.
4. Register with the Business Regulatory Department if an LRBE.
5. Submit a certificate of good standing issued within 12 months prior to administrative review of the Permit.
6. Be in compliance with the terms and conditions of the Permit and applicable laws and regulations.
7. Provide sanitary facilities on the permitted area with appropriate utility connections.

12.4. ED Department responsibilities:
1. Review all documents for accuracy and compliance with applicable laws and regulations and check the land status.
2. Obtain written clearances to verify the Applicant's compliance with the Navajo

Business and Procurement Act. See Section 4.3.3.b. of this Plan.

3. Inform the Applicant if appropriate insurance is not obtained, that the Applicant may be:
   a. Subject to lawsuit by any injured party for compensatory, consequential, incidental and punitive damages.
   b. Subject to loss of personal property, if sued.
   c. Required to indemnify the Township and/or Navajo Nation.
4. Prepare an executive summary.
5. Process the Permit with any necessary attachments for administrative review by the Review Team and legal counsel.
6. Present the Permit with appropriate documents to the BSL Committee for approval.
7. Prepare the Permit for signature by the Applicant and Township Manager.
8. Collect the administrative fee for the Permit.
9. Provide copy of the Permit to the permittee, Navajo Nation Land Department and RED.

13.0. EMERGENCY OPERATING AGREEMENT

13.1. An Emergency Operating Agreement ("Agreement") shall be issued only in the following situations:

1. Where a lessee has abandoned a business site lease and an operator is deemed necessary to protect the facilities and/or business.
2. Where an operator is operating abandoned facilities or business and has been diligently pursuing a new lease but has experienced delays in obtaining the new lease that are beyond his or her control.

13.2. Requirements:

1. Term.
   a. The Primary Term of an Agreement shall not exceed one (1) year. Perpetual terms are not permitted.
   b. An operator pursuing a new lease shall have one (1) option to renew the Agreement. The operator can exercise the option to renew by submitting notice to the ED Department at least ten (10) working days prior to the expiration of the Primary Term of the Agreement, provided:
      1) The operator has begun the process for obtaining a lease.
      2) The operator is in compliance with the terms and conditions of the Agreement and applicable laws and regulations.
      3) The renewal term does not exceed the Primary Term.
   c. An operator not pursuing a new lease shall have up to two options to renew the Agreement. The operator shall exercise an option to renew the Agreement by providing a letter of intent to the ED Department at least ten (10) working days prior to the expiration of the Primary Term or the option period, provided:
      1) The operator is in compliance with the terms and conditions of the Agreement and applicable laws and regulations.

2) The renewal term does not exceed the Primary Term.

2. Rental: shall be waived.
3. Termination.
   a. The Agreement shall be terminated for non-compliance with the terms and conditions of the Agreement or violation of any applicable law or regulation.
   b. The ED Department shall notify the operator by certified letter, return receipt requested within five (5) days of any discovered non-compliance or violation, informing the operator that the Agreement is terminated.
   c. The certified letter shall state the cause for termination, the date of the termination and the time-frame for vacating the premises, which shall not exceed five (5) calendar days from the effective date of the termination.
4. No Agreement for a contaminated site shall be issued until the site has been cleaned up and approved by the Navajo EPA and United States EPA.

13.3. Applicant's responsibilities.

1. Submit an Application to the ED Department with the emergency operating agreement box checked.
2. Submit evidence of:
   a. Insurance specified by Section 4.3.6.g. of this Plan; or
   b. Executed indemnification form.
3. Submit an ER, if hazardous and regulated substances are involved.
4. Register with the Business Regulatory Department if an LRBE.
5. Submit a certificate of good standing issued within 12 months prior to administrative review of the Agreement.
6. Maintain compliance with terms and conditions of the Agreement and applicable laws and regulations.
7. Diligently pursue a lease unless the Agreement is to provide security for the premises or to temporarily manage a business.

13.4. ED Department responsibilities:

1. Review all documents for accuracy and compliance with applicable laws and regulations.
2. Obtain written clearances to verify the Applicant's compliance with the Navajo Business and Procurement Act. See Section 4.3.3.b. of this Plan.
3. Prepare an executive summary.
4. Process the Agreement with any necessary attachments for administrative review by the Review Team and legal counsel.
5. Present the Agreement to the BSL Committee for approval.
6. Prepare the Agreement for signature by the Applicant and Township Manager.
7. Collect the administrative fee for the Agreement.
8. Provide copy of the Agreement to the operator, Navajo Nation Land Department and RED.

14.0. APPENDIX

14.1. Appendix A: Business Site Lease Approval Process – Flowchart

14.2. Appendix B: Forms.

1. Business Site Lease Application.
2. Business Site Lease Form - Part I.
3. Business Site Lease Form - Part II.
4. Modification of Lease.
5. Sublease.
6. Assignment of Lease.
7. Collateral Assignment of Lease.
8. Revocable Use Permit.
9. Emergency Operating Agreement.
10. Mutual Termination of Lease.
11. Security Deposit Agreement

KAYENTA TOWNSHIP
EST. 1986

4.

Business Site Management Plan

KTCF-03-08

1.0 Executive Sumary

2.0 Lease Compliance

3.0 Environmental Review

4.0 Appraisal Or Equivalent Procedure

5.0 File Management

6.0 Financial Management

7.0 Termination

8.0 Enforcement, Relief and Remedies

9.0 Appeals

10.0 Collection Procedures

11.0 Appendix - Forms

KAYENTA TOWNSHIP

BUSINESS SITE LEASING MANAGEMENT PLAN

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1.0 EXECUTIVE SUMMARY.

1.1. This Management Plan ("Plan") provides the Kayenta Township ("Township") leasing staff with policy, direction and guidance in the management of business site leases and related documents within the boundaries of the Township.

1.2. Legal Framework: 25 U.S.C. § 415(e), as amended, Navajo Nation Business Site Leasing Act of 2000, 5 N.N.C. §§ 2301-2306 (2005), as amended, Navajo Nation Business Leasing Regulations of 2005, as amended, Economic Development Committee Uniform Business Leasing Regulations of 2008, as amended, Kayenta Township Business Site Leasing Ordinance, as amended, and Kayenta Township Business Site Leasing Regulations, as amended.

1.3. Administrative Framework: The Kayenta Township Commission ("KTC") has the authority and responsibility to govern for the welfare of the Township and its residents, including the enactment of such ordinances, rules, regulations, policies and procedures as it deems in the best interest of the Township. See ACN-181-86 (Nov. 13, 1986) (established boundaries for the Township); CJY-42-03 (July 25, 2003) and CAU-47-03 (Aug. 29, 2003) (established Home Rule).

1.4. Amendment of the Plan: The Business Site Leasing Committee may recommend amendments to this Plan subject to approval by the Economic Development Committee of the Navajo Nation Council ("EDC") in accordance with the laws and regulations of the Navajo Nation and Township.

1.5. The definitions of the Kayenta Township Business Site Leasing Administrative Plan ("Administrative Plan") will apply to this Plan.

1.6. Severability:
If a court of competent jurisdiction determines a provision in the Kayenta Township Business Site Leasing Management Plan is invalid, void or unenforceable, it shall be stricken and the remainder shall remain in full force and effect.

2.0. LEASE COMPLIANCE.

2.1. ED Department responsibilities:
Upon execution of a business site lease ("lease") by all parties:

1. Collect the appropriate administrative fee. See Section 2.4. of the Administrative Plan.
2. Ensure a number is assigned to the lease by RED. See Section 4.7.2. of the Administrative Plan and Section 6.3.6. of this Plan.
3. Obtain a Security Deposit from the lessee to guarantee the annual rental of the lease. See Section 4.3.6. of the Administrative Plan.
   a. The Security Deposit can be in the form of cash, letter of credit or certificate of deposit.
   b. The Security Deposit may be waived or postponed under certain

circumstances, (see Section 4.3.6 of the Administrative Plan); such waiver or postponement must be incorporated into the lease terms and conditions.

1) If the Security Deposit is waived, no further action is necessary.
2) If the Security Deposit is postponed, the ED Department shall send written notice to the lessee within ninety (90) days before the date the Security Deposit is due, which shall include the following:
   a) The actual due date of the Security Deposit;
   b) That lessee must notify the ED Department within thirty (30) calendar days of the notice if lessee is unable to post the Security Deposit; and
   c) That if lessee fails to post a Security Deposit within ninety (90) calendar days of the notice, the lease will be subject to termination. See Section 7.0. of this Plan.
3) If the Security Deposit is not waived or postponed, the ED Department shall send written notice to the lessee within thirty (30) calendar days from the signature of the President, which shall include the following:
   a) The actual due date of the Security Deposit;
   b) That lessee must notify the ED Department within thirty (30) calendar days of the notice if lessee is unable to obtain a Security Deposit; and
   c) That if lessee fails to post a Security Deposit within forty-five (45) calendar days of the notice, the lease will be subject to termination. See Section 7.0. of this Plan.

c. If lessee is unable to post the Security Deposit:
   1) The lease shall be subject to termination. See Section 7.0. of this Plan.
   2) Lessee shall notify the ED Department within thirty (30) days of the notice and explain why he is unable to post a Security Deposit.
   3) Upon lessee's notification, the ED Department may:
      a) Allow lessee to deposit any other guarantee deemed acceptable for a minimum of one (1) year's rental fees;
      b) Reduce the Security Deposit amount, but which shall not be less than 25% of one year's rental; or
      c) Terminate the lease. See Section 7.0. of this Plan.

4. Obtain the required insurance within thirty (30) days of the execution of the lease. See Section 4.3.6.g. of the Administrative Plan.

2.2. Rental compliance.

The ED Department and Finance Department shall ensure that the rental payments are timely and lessee is not in default.

1. Late Charges:
   a. Rental is due on the date specified in the lease.
   b. If the rental payment is not received within ten (10) days following the due date, a late fee of 10% of the rental due for the month shall be charged.

c. If the rental payment is not received within sixty (60) days following the due date, another late fee of 10% of the past due rental shall be charged.

d. If the rental payment is not received within ninety (90) days following the due date, another late fee of 10% of the past due rental shall be charged, and the lease will be subject to termination. See Section 7.0. of this Plan.

e. Any late rentals charged and paid may be prorated for the month.

2. It is the lessee's responsibility to ensure that the rental payment is paid before 3:00 pm at the Finance Department on or before the due date of the rental.

3. Failure of the Finance Department to send notices or invoices to the lessee does not relieve the lessee of his obligation to pay rent on a timely basis.

4. Rental received shall be posted to the lessee's account and deposited in the bank as soon as possible.

2.3. Annual lease compliance.
The ED Department shall conduct an on-site inspection of all leases on an annual basis, to ensure compliance with the lease terms and conditions.

1. A written Annual Lease Compliance Report ("Lease Compliance Report") shall be completed by July 1 of each year.

2. The ED Department shall prepare and complete the Lease Compliance Report, a site status report ("Status Report") and a Property Inventory Form after completion of the on-site inspection.

3. If the lessee is not in compliance with the terms and conditions of the lease, the ED Department shall initiate and implement the enforcement provisions under Section 8.0. of this Plan.

2.4. Property inventory form.
The ED Department shall complete the Property Inventory Form during the on-site inspection.

3.0. ENVIRONMENTAL REVIEW.

3.1. The Navajo Nation Business Site Leasing Regulations of 2005 provide that if a NEPA type review was completed and "A Finding of No Significant Impact" ("FONSI") has been issued, the lessee may use such document to meet its environmental compliance determination obligations. See § 806. The Township has conducted an Environmental Assessment, dated April 1, 1999, for which the Bureau of Indian Affairs issued a FONSI on July 21, 1999. The Township also conducted several Archaeological Clearances dated July 17, 1987, September 8, 1987 and October 20, 1987. These reports cover all lands located within the boundaries of the Township and are on file with the RED. Thus, those documents will be used to determine whether any further action is necessary during the Environmental Review ("ER") process of all leases. Generally, the ER requirements of this Section 3.0. will not apply to a lease on lands for which: 1) an Environmental Assessment and Archaeological Clearance have been conducted; 2) will not involve hazardous substances, including but not limited to, underground or above ground storage tanks, asbestos, and discharge of emissions or effluents; or 3) will not impact, alter or disturb the biological or cultural resources.

3.2. New leases, renewals, options to renew, modifications, novations, subleases, assignments or collateral assignment of leases:

1. Subject to Section 3.1 of this Plan, an ER may not be required for any of the following:
   a. A new lease that contains lands for which an Environmental Assessment and Archaeological Clearance have already been conducted and will not create any new disturbance.
   b. A lease that involves a decrease in the acreage of the land leased or any other change that does not involve hazardous substances.
   c. A lease that involves a decrease in the acreage of the land leased or any other change that will not impact, alter or disturb the biological or cultural resources.
   d. Extending the term of the lease with no other changes.
   e. Renewing or exercising an option to renew lease without any significant changes in the terms and conditions of the lease.
   f. A modification, novation, assignment or transfer of a lease without any significant changes to the terms and conditions of the lease.
   g. A collateral assignment of a lease.
   h. Construction of improvements (buildings) on the leased premises for the permitted business purpose, without an increase in the acreage of land or without any changes in the terms or conditions of the lease.
   i. Any increase in the value of improvements.
   j. Any change in the rent or rental adjustments as permitted in the lease.
   k. Any waiver, postponement or change in the Security Deposit, construction bond or insurances.
   l. Any demolition or removal of a building that does not involve potential environmental contamination. (E.G., hazardous substances, including but not limited to, underground or above ground storage tanks and asbestos, and discharge of emissions or effluents.)

   If the lease involves any of the above, proceed to Sections 3.3. of this Plan.

2. Subject to Section 3.1. of this Plan, an ER shall be required for any of the following:
   a. Any lease for lands for which an Environmental Assessment and/or Archaeological Clearance have not been conducted.
   b. Any Business Site Leasing Transaction that will involve hazardous substances, including but not limited to, underground or above ground storage tanks, asbestos, and discharge of emissions or effluents.
   c. Any Business Site Leasing Transaction that will impact, alter or disturb the biological or cultural resources.
   d. Any existing lease, for which an ER was not properly conducted or where not all impacts were addressed in the initial ER.
   e. Any change in the purpose(s) of the lease that would dramatically transform the business (e.g., from an office building to a gas station).

f. Any demolition or removal of any building or improvements that involves potential environmental contamination (e.g., hazardous substances, including but not limited to, underground or above ground storage tanks and asbestos, and discharge of emissions or effluents).

If the lease involves any of the above, proceed to Section 3.3. of this Plan.

3.3. ER process.

1. If the leasing activity falls under Section 3.2.1. above, the ED Department shall state the exception on the Environmental Summary form. There is no need to fill out the rest of the Environmental Summary form. The ED Department shall submit the Environmental Summary with all required documents to RED for review in accordance with RED's Environmental Policy and signature.
2. If the leasing activity falls under Section 3.2.2. above, the ED Department shall fill out the Environmental Summary form. The ED Department shall submit the Environmental Summary with all required documents to RED for review in accordance with RED's Environmental Policy and signature.

3.4. Public notice and review.

1. If RED determines that the proposed lease involves hazardous substances or critical impacts to the Nation's biological or cultural resources, it may publish a notice of such impact and of its intent to certify that the lessee has completed the ER process in a newspaper of general circulation.
2. The notice must provide an opportunity for public comments within a thirty (30) day period, and the notice must inform the public of the procedures for review and comment.
3. Any public comments received must be taken into consideration in the ER.

3.5. ER record.

1. RED shall maintain a record of the ER conducted for each Business Leasing Transaction pursuant to applicable laws and regulations.
2. The ER record must contain:
   a. The compliance determination;
   b. Any correspondences;
   c. Any supporting documents;
   d. Environmental Summary;
   e. Public notice, if any; and
   f. Public comments, if any.
3. The ER record and ER documents must be available for public review at all times during normal business hours.

4.0. APPRAISAL OR EQUIVALENT PROCEDURE.

4.1. Implementation.

1. The ED Department shall conduct an appraisal or an equivalent procedure for the purpose of determining the Lease Rental by:

a. Contracting with Appraiser(s) to conduct appraisals or equivalent procedures;
b. Assisting all contracted Appraisers with data and information; and
c. Reviewing all appraisals or equivalent procedures reports.

2. Appraisals shall be conducted for:
   a. lands redesignated for business purposes, which were not included in the Kayenta Township Real Estate Market Study ("Market Study"); or
   b. business sites involving unusual or extraordinary circumstances, for example, when no comparable data exists for a large business to be established.
3. Equivalent procedures shall be used in all other cases not identified in Section 4.1.2.

4.2. Objectives.

The objectives of the Township are to:

1. Provide uniform, equitable and credible services consistent with the standards of the appraisal profession to appraise or value all existing improvements and lands designated for business purposes by either an appraisal or equivalent procedure.
2. Design a streamlined process to optimize and expedite the flow of appraisals or equivalent procedures.
3. Comply with policies established by RED for the prompt and complete processing of appraisals or equivalent procedures.

4.3. Criteria for Appraisers.

1. All Appraisers who perform appraisals or equivalent procedures shall:
   a. Complete the appraisal or equivalent procedure in compliance with the Uniform Standards of Professional Appraisal Practice ("USPAP").
   b Meet the requirements of Standards Rule 2-2(a) (i.e., the content of a self-contained Appraisal or equivalent procedure report must be consistent with the intended use of the appraisal) and comply with the Competency Rule, including geographic competency.
   c. Be licensed and in good standing in the same state of the property to be appraised.

4.4. Appraisals or equivalent procedures reports.

1. The appraisal or equivalent procedure shall determine the fair annual lease value of the existing improvements and lands designated for business purposes utilizing generally accepted appraisal methodologies and the data required by this Section 4.0. For leases generating more than $1,000,000.00 of revenues, the appraisal or equivalent procedure may also address percentage rents.
2. The Township or the Navajo Nation shall have the right to promulgate supplemental standards and to change such standards as deemed necessary. The Appraiser must familiarize himself with any applicable supplemental standards and comply with them.
3. The Appraiser shall:

a. Certify that the appraisal or equivalent procedure report was prepared in compliance with the USPAP and any supplemental standards promulgated by the Township or Navajo Nation;
b. Include an acknowledgment in the appraisal or equivalent procedure report that it is subject to review by the Township and RED and the right of the Township and/or the Navajo Nation to either reject or require specific changes to the report;
c. Include a statement in the report agreeing to protect the confidentiality of all information obtained during the appraisal process relative to Navajo Nation trust lands and businesses;
d. Attach a log describing the appraisal or equivalent procedure;
e. Include a copy of his license in the appraisal report or equivalent procedure report; and
f. Comply with all applicable federal, state and Navajo Nation regulations.

4. The ED Department shall provide a copy of the appraisal to RED to ensure compliance with USPAP.

4.5. Kayenta Township Real Estate Market Study ("Market Study").

1. The Township shall contract with an independent Appraiser to conduct a Market Study (as an equivalent procedure) to:
   a Value all sites designated for business purposes; and
   b. Recommend an optimal rental structure for such business sites.
2. The Appraiser shall:
   a. Review the following information for each business site:
      1) improvement costs;
      2) replacement costs;
      3) earning capacities;
      4) sales; and
      5) lease data of comparable sites.
   b. Generate a data base after analysis of the above five factors and consistent with the regulations and this Plan.
   c. Recommend a rental structure for similar groups of businesses, which the ED Department shall utilize to negotiate rents to be charged for new businesses or existing businesses that novate or renew their leases.
3. The Market Study shall be updated every five years. A copy of the study shall be provided to RED for review to ensure compliance with USPAP.

5.0. FILE MANAGEMENT.

5.1. Lease files shall be maintained by the ED Department for each lessee in accordance with the Navajo Nation Privacy Act, 2 N.N.C. §§ 81-92 (2005). Files shall be kept for a minimum of five (5) years after the expiration or termination of the lease. Thereafter, all files shall be digitized and archived by the ED Department and the paper documents may be destroyed.

5.2. All files shall contain the following documents for all approved leases:

1. Legal opinions or reviews;
2. All correspondence;
3. Summary sheets of supporting documents;
4. Lease application;
5. Resolutions;
6. Clearance documents;
7. Other documents;
8. Approved lease;
9. Survey plat;
10. All exhibits;
11. Organizational documents (charter, bylaws, etc.);
12. Security Deposits and insurance certificates;
13. Receipts for fees;
14. Appraisal report or equivalent procedure determination;
15. Environmental review report;
16. Archaeology inventory and cultural resources compliance forms;
17. Financial and accounting information;
18. Enforcement and compliance information; and
19. Miscellaneous.

5.3. The ED Department shall scan all documents, to the extent practicable, and index all files, during the term of each lease.

6.0. FINANCIAL MANAGEMENT.

6.1. Definitions for purposes of this Section.

1. *Billing* means the Invoice process.
2. *Invoice* means a written and detailed record of rental and other charges due from the lessee with specific amounts for each item and sent to the lessee as a request for payment.

6.2. Accounting system.

1. The Finance Department shall utilize an automated accounting system tailored to the needs of municipalities.
   a. The applications shall include an Accounts Payable, Accounts Receivable and Asset Management.
   b. The accounting for leases shall be maintained under the Accounts Receivable component of the accounting system.
2. The accounting system shall be capable of:
   a. generating invoices in advance of the due date;
   b. accounting for all payments; and
   c. generating statements for the lessees upon request.
3. The accounting information maintained for each lessee shall include the name, address and telephone numbers of the lessee, business site lease number, due dates for rental payments and applicable Township taxes, amounts due, payments made, late charges, collection efforts, cancellation efforts, balance due,

cumulative payments, cumulative balance due, and the dates when rate adjustments are scheduled to be made.

6.3. Accounting procedures.

1. The Finance Department shall generate invoices for lease rentals due for each month and transmit such invoices to the appropriate lessees by the 15th day of the month preceding the month for which the rental is due.
2. The lessee shall make payments on lease rentals by the first (1st) day, but no later than the tenth (10th) day, of the month for which the rental is due.
3. A lease established after the first day of any month shall have their charges prorated for the first month the lease is in effect, respectively.
4. All rental payments shall be made by business check, cashier's check or money order payable to the Kayenta Township and hand delivered to the Township Office or mailed to P. O. Box 1490, Kayenta, AZ 86033.
   a. If a lessee's business check is returned at any time for insufficient funds or for any other reason, the lessee will no longer be permitted to pay its rental payments by business checks.
   b. No cash or personal checks will be accepted.
5. The Township shall comply with the Navajo Business and Procurement Act in the administration of all leases. Thus, if a lessee, whether an individual, business, corporation, partnership or other organization, has an outstanding debt or delinquent accounts receivable owing to the Township or the Navajo Nation, the Finance Department may offset any such outstanding debt or delinquent accounts receivable against the amounts owed to the lessee, and forward any amounts due to the Township or Navajo Nation Office of the Controller, as the case may be.
6. All leases shall be assigned a lease number and recorded by RED.
7. A Status Report on each lease shall be prepared by July 1 of each year. The report shall indicate whether the lease is active or inactive, or whether the lessee is a holdover or deceased or has abandoned the leased premises. When a lessee is deceased or has abandoned or closed the business, the Finance Department shall cease billing the lessee.
8. Any "Settlement Agreement" reached between a lessee and the Township shall be filed in the lessee's file and the Finance Department shall cease billing the lessee after such agreement has been fully executed.
9. All lease information shall be kept confidential. The Township shall not disclose any such confidential information to third parties (except appropriate departments of the Navajo Nation) without the lessee's written permission.

6.4. Financial reports.

The Finance Department shall prepare an annual accounts receivable report by June 1 of each year, verify such report with the ED Department, and forward a copy of such report to RED.

6.5. Audits.

1. The Navajo Nation Office of the Auditor General and the Township shall be permitted to conduct random audits of the leases at any time.

2. If conducted by the Township, a copy of the completed audit report shall be provided to the Navajo Nation Office of the Auditor General.
3. If conducted by the Navajo Nation Office of the Auditor General, a copy of the completed audit report shall be provided to the Township.

7.0. TERMINATION.

7.1. If an Appeal is filed.
If at any time the lessee files an appeal with the Office of Hearings and Appeals or an Appeals Officer appointed by the BSL Committee, any steps to terminate the lease shall immediately cease. See Section 9.0. of this Plan.

7.2. Mutual termination.
Mutual termination of a lease shall occur when the lessee and ED Department both agree to terminate the lease. Any outstanding financial or environmental obligations of the lessee shall survive the termination of the lease. See Section 8.5.1. of this Plan.

7.3. Unilateral termination.
If lessee is in default of the terms and conditions of the lease, including but not limited to, the rental, purpose, unlawful use, accounting, improvements, non-development, security deposit, insurance, sublease, assignment, transfer, management agreement, encumbrance, lien, taxes, assessments, utility charges, sanitation, holdover, trespass and abandonment provisions, the ED Department may unilaterally terminate such lease. See Section 8.0. of this Plan.

7.4. Expiration/Option to Renew.
If the lessee has not notified the ED Department within a reasonable time to renew a lease, the lease shall be considered to have expired.
1. To avoid expiration of a lease, the lessee must notify the ED Department of its intent to renew or to exercise an option to renew the lease at least one (1) year prior to the expiration date of the lease.
2. If the lessee does not notify the ED Department of its intention to renew or exercise an option to renew the lease in a timely manner, the ED Department shall notify the lessee of the:
   a. Date of expiration of the lease or the option to renew the lease.
   b. Request that the lessee respond within ten (10) working days.
3. Response process:
   a. If the lessee begins the process to renew the lease or exercise the option, the ED Department should proceed to Sections 5.0. or 6.0. of the Administrative Plan, whichever is applicable.
   b. If the lessee does not respond within the ten (10) day time limit, the lease shall be considered expired and the ED Department may begin the process for a forcible detainer action and/or trespass against the lessee.

7.5. Property management.
The ED Department shall inspect and inventory all improvements located on the leased

premises within thirty (30) days after the expiration, termination or abandonment of a lease. A copy of the Inventory shall be submitted to the Navajo Nation Environmental Protection Agency and Navajo Nation Risk Management Program.

8.0. ENFORCEMENT, RELIEF AND REMEDIES.

8.1. The ED Department shall be responsible for enforcing the terms and conditions of the lease, including but not limited to, collections, obtaining insurance proceeds, and collecting the Security Deposit.

1. If at any time the lessee files a claim or appeal with the Office of Hearings and Appeals or an Appeals Officer appointed by the Township, any steps to terminate the lease shall immediately cease. See Section 9.0. of this Plan.
2. The ED Department shall consult with the Township's legal counsel for any legal advice or legal action that may be necessary.

8.2. Defaults.

1. Defaults shall include without limitation the following:
   a. Failure to pay rent, late charges, payments under repayment plans, and other required charges;
   b. Conducting business outside the leased premises;
   c. Conducting business without a valid lease;
   d. Conducting business not authorized by the lease;
   e. Conducting unlawful business or conduct on the leased premises;
   f. Unauthorized holding over;
   g. Assigning, subleasing or transferring a lease without the approval of the BSL Committee pursuant to Sections 9.0., 10.0. and 11.0. of the Administrative Plan;
   h. Failure to complete development within the permitted Development Period;
   i. Failure to commence development on the leased premises within a reasonable period of time after commencement of the lease, in the discretion of the ED Department;
   j. Unlawful construction or violation of any applicable building codes;
   k. Failure to submit or to maintain any required Security Deposit throughout the term of the lease;
   l. Failure to post or to maintain any construction bond required during the construction period;
   m. Failure to submit or to maintain any required insurance throughout the term of the lease;
   n. Violation of health codes and standards;
   o. Commission of malpractice for professional offices;
   p. Failure to remove any liens placed on the leased premises;
   q. Failure to pay any required taxes;
   r. Failure to pay any utility payments necessary for the health and safety of customers and employees;
   s. Failure to comply with any required environmental laws, including but not

limited to, those related to hazardous and regulated substances and underground or aboveground storage tanks;

t. Failure to comply with the Navajo Preference in Employment Act;

u. Failure to comply with any applicable federal, Navajo Nation or Township laws or regulations; and

v. Any other violation or breach of the terms and conditions of the lease.

2. If a default has occurred, the ED Department shall proceed to Section 8.3. of this Plan. If a default will cause death, injury or sickness to any person, then the ED Department shall proceed to Section 8.7. of this Plan.

8.3. Default process.

1. Once a default has occurred, the ED Department shall immediately send written notice to the lessee, which must include the following:
   a. The date the default occurred;
   b. A description or determination of the default;
   c. The remedies available;
   d. Applicable laws and regulations;
   e. Possible termination of the lease and collections on the Security Deposit and/or insurance;
   f. Inform the lessee of three options:
      1) Cure the default within the specified time;
      2) Request additional time to cure the default; or
      3) Dispute the determination of the default; and
   g. The actual date by which the lessee must respond to the notice.
2. The notice must be given by certified mail, return receipt requested.
3. The lessee shall have ten (10) days from the date of the notice to respond.

8.4. Response process.

1. If the lessee cures the default on a timely basis, no further action is necessary.
2. If the lessee requests additional time, the ED Department will proceed as follows:
   a. Send notice to the lessee allowing the additional time for a response, in the ED Department's discretion.
   b. If additional time is granted, it shall be no less than ten (10) days and no more than ninety (90) days, depending on the circumstances; however, the lessee should be encouraged to resolve the default as quickly as possible.
   c. The ED Department shall consider whether the lessee is diligently pursuing the cure in granting the additional time.
   d. If the default cannot be cured within the specified time, the lessee may request additional time and the ED Department in its discretion may grant a second extension.
   e. If the default is not cured within the additional time granted, the ED Department may proceed to Section 8.5. of this Plan.
3. If the lessee chooses to dispute the determination of the default, the lessee must provide a full explanation in writing to the ED Department by certified mail, return receipt requested or by personal delivery to the Township Office within ten (10) days of the date of the notice.

a. The ED Department may request a legal opinion from legal counsel.
b. If legal counsel determines that there is no default, no further action is necessary.
c. If legal counsel determines that there is a default and if the lessee continues to dispute the default, the ED Department shall meet with the lessee to resolve the dispute.

4. If the lessee does not respond within the time allowed or refuses to cooperate to resolve the default, the ED Department shall proceed to Section 8.6. of this Plan.
5. If the lessee appeals, the ED Department shall proceed to Section 9.0. of this Plan.

8.5. Compromise.

1. If the lessee is not able to cure but is willing to cooperate with the Review Team to resolve the default, the lessee may compromise with the Review Team by agreeing to a mutual termination of the lease.
   a. Mutual termination may be granted:
      1) During the Development Period without a penalty.
      2) At any other time with or without a penalty, in the discretion of the ED Department.
   b. The lessee shall send notice to the ED Department requesting mutual termination of the lease.
   c. The ED Department shall:
      1) Obtain written clearance from the appropriate authorities to verify the Applicant's compliance with the Navajo Business and Procurement Act.
      2) Obtain written clearance from the Navajo Environmental Protection Agency regarding any environmental matters.
      3) Obtain legal review of the termination documents.
      4) Present the termination to the BSL Committee for approval.
      5) Record and distribute the termination of lease in accordance with Section 4.7. of the Administrative Plan.
2. The Review Team may hear the dispute and negotiate a fair and reasonable solution.
   a. If necessary, the Review Team, with the assistance of legal counsel, shall enter into a settlement agreement with the lessee. See Section 9.2. of this Plan.
3. If the default is still not cured and a compromise is not likely, the ED Department shall proceed to Section 8.6. of this Plan.

8.6. Remedies.

1. If the lessee does not cure or respond within the time allowed or refuses to cooperate to resolve the default, the ED Department may:
   a. Terminate the lease. See Section 7.3. of this Plan.
   b. Pursue any other remedy, including collecting on the Security Deposit and/or insurance proceeds; or
   c. Pursue any combination of the remedies listed above.
2. If the ED Department decides to terminate the lease, it shall obtain written

clearance from the appropriate authorities to verify lessee's compliance with the Navajo Business and Procurement Act and other applicable Navajo Nation laws and regulations.

3. The ED Department shall send notice to the lessee informing him of the termination of the lease. Such notice shall be sent by certified mail, return receipt requested.
4. The termination letter shall:
   a. Explain the reasons for termination;
   b. Provide a detailed invoice of any unpaid amounts of rents, interests, other charges and penalties due under the lease;
   c. Include a demand for full payment, if applicable;
   d. Inform the lessee of its right to appeal the termination; and
   e. Order the lessee to vacate the leased premises within thirty (30) days of the date of the certified letter, if an appeal has not been timely filed.
5. Termination of the lease shall become effective on the thirty-first (31st) day after the date of the certified letter.
6. The filing of an appeal shall toll the effective date of the termination of the lease. Pending the outcome of the appeal, the lessee shall be responsible for continuing to make all required payments, as well as complying with the terms and conditions of the lease.
7. After a lease has been terminated, the ED Department may:
   a. Enter the premises and change the locks or place padlocks on the building(s) or other facilities;
   b. Discontinue the utility services to the leased premises;
   c. Assist the lessee in vacating the leased premises; and/or
   d. Do anything else necessary to retake the leased premises, to the extent permitted by law.

8.7. Emergency cancellation.
If the conduct of the lessee or lessee's invitees or agents causes or threatens to cause immediate and significant harm to the leased premises or persons, including the business owner, or undertakes unlawful activity thereon, the ED Department may contact the Navajo Nation Police Department and immediately terminate the lease without notice to the lessee.

8.8. Eviction and court action.
Eviction through court action will be imposed on the lessee if he is unwilling to vacate the premises after termination of the lease. Upon issuance of a warrant of removal by the Navajo Nation courts, the ED Department shall secure the leased premises with the assistance of the Navajo Nation Police Department.

8.9 Holding Over.
1. Lessees holding over after termination of the lease for any defaults or non-compliance as provided herein:
   a. Shall be charged the holdover rental specified in the lease; and
   b. May be subject to eviction through a forcible detainer action as

determined by the ED Department.

2. Lessees holding over after expiration of the lease may be subject to the holdover rental specified in the lease unless due to:
   a. Unforeseen circumstances;
   b. Circumstance beyond the control of the Lessee; or
   c. Any other circumstances justified in writing by the Lessee or determined reasonable at the discretion of the ED Department.
3. Holdover Lessees may be subject to eviction through a forcible detainer action if:
   a. Lessee is not diligently pursuing renewal of a lease;
   b. Lessee defaults or is in non compliance as provided herein; or
   c. Any other circumstance determined reasonable at the discretion of the ED Department.

8.10. Trespass.
If the lessee or a person occupies the premises without a valid lease or remains in possession after the termination or expiration of a lease, the ED Department shall treat such occupation as a trespass and pursue appropriate remedies, including the filing of a trespass action to regain possession. The ED Department shall take action to recover possession and pursue additional remedies and may seek assistance from legal counsel to file any trespass or forcible detainer action in court.

9.0. APPEALS.

9.1. Any applicant, lessee or other affected party ("Interested Party") may appeal the decision of the Township, after the exhaustion of all tribal remedies, to the Secretary of the Interior ("Secretary").

9.2. Compromise.
1. The Interested Party may contact the ED Department and attempt to reach a compromise for a fair and reasonable solution to the dispute, as provided for in Section 8.0. of this Plan, prior to any suit or appeal.
2. If the Interested Party and ED Department cannot reach a compromise, the Interested Party may request an administrative hearing with the Review Team. The Review Team shall render a decision as soon as practicable, but no later than thirty (30) days after the date of the hearing.
3. The Interested Party may appeal the Review Team's decision to the BSL Committee. The Committee shall render a decision as soon as practicable, but no later than thirty (30) days after the date of the hearing.

9.3. Office of Hearing and Appeals or Appeals Officer.
1. The Interested Party may appeal the BSL Committee's decision with the Office of Hearing and Appeals ("OHA") of the Navajo Nation or with the Appeals Officer ("AO") hired by the Township.
2. The OHA or AO shall review the BSL Committee's decision to determine whether it is:
   a. Arbitrary, capricious or an abuse of discretion.

b. Not supported by substantial evidence.
c. Not in accordance with the law.

9.4. Navajo Nation Supreme Court.
1. The Interested Party may appeal an OHA or AO decision to the Navajo Nation Supreme Court.
2. The review shall be limited to issues of law and the record.
3. The review shall not be *de novo*.

9.5. Secretary of the Interior.
1. The Interested Party may appeal to the Secretary after the Navajo Nation Supreme Court has rendered a decision.
2. The Secretary shall determine:
   a. Any adverse effects on the Interested Party;
   b. If the termination is in accordance with the Navajo Nation and Township rules and regulations; or
   c. If the termination is discriminating to the Interested Party.

10.0. COLLECTIONS PROCEDURES.

10.1. Collections.
Lessees that are in arrears or otherwise not in compliance with the terms and conditions of the lease shall be considered for collections.
1. The ED Department shall keep detailed records of its collection efforts, correspondence and contacts with the lessee in accordance with its internal policies and procedures. (The lease file is a legal document and any entries made should be considered as potential evidence in court.)
2. The ED Department may charge the lessee a collection fee.
3. The lessee is responsible for keeping the ED Department and Finance Department informed of its current address and telephone numbers. The ED Department and Finance Department are only responsible for sending any correspondence to the last address provided by the lessee.
4. If an account must be collected through judicial action, the lessee shall not be considered for another lease until at least ten (10) years has elapsed.
5. All bankruptcy cases shall be subject to the federal bankruptcy laws and all other applicable laws to discharge a debt. However, the Township shall have the continued right to terminate the lease, and the leased premises shall be subject to all applicable Navajo Nation, federal and state laws in which the property is located.
6. In the event of death of a lessee, the ED Department shall contact the surviving spouse or administrator of the deceased's estate to ensure that the lease is probated in compliance with the Navajo Nation probate laws and regulations.
7. Any payments in arrears owed by lessees to the Township, Navajo Nation or entities of the Navajo Nation shall be pursued pursuant to the Navajo Business and Procurement Act, 12 N.N.C. § 1501 *et seq.* (2005).

10.2. Compromise with delinquent lessee(s).

When the lease rental is uncollectible and all collection efforts have been exhausted, the ED Department may settle the outstanding debt pursuant to a settlement agreement and/or promissory note.

1. The ED Department shall consider such factors as death, bankruptcy or other extenuating circumstances and the amount of debt on a case-by-case basis before entering into a settlement agreement and/or promissory note.
2. The ED Department may in its discretion negotiate with the Sublessee, Assignee, Permittee, Encumbrancer or any other person or entity ("Affected Party") as to the terms and conditions of the Settlement Agreement and/or Promissory Note.
3. After negotiations have been completed, the Township's legal counsel shall draft the settlement agreement and/or promissory note.
4. The settlement agreement and/or promissory note shall be reviewed by NNDOJ.
5. The settlement agreement and/or promissory note shall be signed by the Affected Party and concurred by the Town Manager.
6. The settlement agreement and/or promissory note shall be executed by the Navajo Nation Attorney General.
7. Upon execution of the settlement agreement and/or promissory note by all parties, the accrued rental and fees shall be taken off the books of the Township. The lease records shall indicate the accounts receivable have been settled or a repayment plan has been agreed to.
8. For any amounts not collected or not subject to a settlement agreement or promissory note, the Finance Department may forward such information to the credit bureaus for reporting or posting as bad credit.

11.0. APPENDIX – FORMS.

1. Annual Lease Compliance Report
2. Property Inventory
3. Site Status Report
4. Environmental Summary

KAYENTA

TOWNSHIP

EST. 1986

5.

Code of Conduct for Commissioners

And Appointed Officials, Ex. B hereto

THE KAYENTA TOWNSHIP
P.O. BOX 1490 KAYENTA, AZ 86033 · PHONE: (928) 697-8451 FAX: (928) 697-8461
Continuing the legacy of brilliant leadership through local empowerment since 1986.

Resolution No: KTCF-5-15

Adopting a Code of Conduct for Commissioners and Officials of the Kayenta Township

WHEREAS:

1. The Kayenta Township Commission ("Commission") is a home-rule municipality of the Navajo Nation with the general authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township, *see* 2 N.N.C. §§ 4081-4086 (2005); and

2. As the Township grows and prospers, it has become more involved with commercial developments and governmental improvements involving significant sums of money, and Commissioners and other officials of the Township (including the Town Manager, Finance Manager, and any other official or employee of the Township, collectively herein, "Officials") may be faced with situations where their personal or familial interests could be affected by deliberations on and decisions made within the scope of their authorities or responsibilities; and

3. The Township has indeed succeeded in recent years, but that success has not been without criticism that certain Officials have acted (or failed to act) in a manner that has created conflicts of interest of appearance of impropriety; and

4. In establishing the Township and the Commission, the Navajo Nation Council emphasized the need for Township Officials to adhere strictly to all applicable ethical standards; and

5. The Commission has heard the recommendation of the Town Manager, has independently discussed the need for a Code of Conduct applying to all Officials to clarify and augment the laws and regulations that specify standards of conduct for Township Officials, have considered the proposed Code of Conduct attached hereto as Exhibit "A," and have determined that such Code of Conduct should be adopted.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Kayenta Township Commission hereby approves and adopts the Code of Conduct attached hereto as Exhibit "A."

2. The Town Manager is hereby authorized and directed to make such formatting and other technical and non-substantive changes to such Code of Conduct so that it conforms to similar regulations and policies adopted by this Commission, including without limitation inclusion into the Township's Handbook of Personnel Policies and Procedures in the Town Manager's discretion.

3. In any event, the Town Manager is directed to provide copies of the Code of Conduct (as it may be reformatted) to all employees of the Township and to each member of this Commission.

Certification

I hereby certify that the forgoing resolution was considered by the Kayenta Township Commission at a duly called meeting at Kayenta, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 3 in favor, 0 opposed, and 0 abstained, this 15th day of February 2015.

Motion: Commissioner Grey
Second: Commissioner Seaton

Chairperson, Carol Todecheene
Kayenta Township Commission

KTC Code of Conduct Rules and Regulations

Section 2.101 Authority; Purpose; Intent

A. The KTC promulgates these rules and regulations pursuant to Section 1-106(C)(1) of the Home Rule Ordinance and Section 2-107(F) of the Administrative Rules and Procedure Ordinance.

B. The purpose of these rules and regulations is to ensure that Commissioners and officials understand and affirm that they sit in a fiduciary capacity in relation to the Township and agree to conform their conduct to the most exacting fiduciary standards, including without limitation the duties to act in the best interest of the Township, to refrain from self-dealing and to maintain the confidentiality of the Township's documents, data, plans, strategies, personnel matters, financial status and reports, and similar confidential or proprietary matters, subject to the requirements of applicable Navajo and federal law.

Section 2.102 Code of Conduct

Every duly-elected member of the Kayenta Township Commission or appointed official of the Kayenta Township shall understand and comply with all applicable Kayenta Township ordinances, rules and regulations, which include the Administrative Rules and Procedures Ordinance, §§ 2-101 through 2-107, and these Code of Conduct Rules and Regulations. Each such member or official shall attest to his or her understanding of these ordinances, rules and regulations by reading, understanding and signing the following Code of Conduct for Commissioners and Appointed Officials:

CODE OF CONDUCT FOR COMMISSIONERS AND APPOINTED OFFICIALS

As a duly-elected member of the Kayenta Township Commission or appointed official of the Kayenta Township, I agree to uphold the Code of Conduct for elected and appointed officials adopted by the Township. I also agree to comply with all applicable provisions of the Navajo Nation Ethics in Government Law, 2 N.N.C. § 3741 *et seq.* (November 2007) and the Regulations and Standards of Conduct for Elected Officials of the Navajo Nation, ERC-08-001 (effective January 4, 2008), as such authorities may be amended from time to time.

I, _____, will:
(Print Name)

Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions:

Help create an atmosphere of respect and civility where individual Commissioners, Township staff and the public are free to express their ideas constructively and in accordance with any other relevant policy of the Township, and to work to their full potential;

Conduct my personal and public affairs with honesty, integrity, fairness, and respect for others; Respect the dignity and privacy of individual and organizations;

Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;

Avoid and discourage conduct which is divisive or harmful to the best interests of the Township; Avoid any conflicts of interest (or the appearance of same) between any personal relationships or economic interests I may have with the Kayenta Township;

Treat all people I come into contact with in the way I wish to be treated.

I affirm that I have read, understand and will abide by the Kayenta Township Code of Conduct, that I will read and abide by all amendments to this Code, and that I will strive to conduct myself in accordance with the Code.

_____ _____
Signature Date

_____
Position

Section 2.103 Overview of Roles and Responsibilities

A. The following is intended as a basic guideline for protocol in meetings. It is not intended to be all inclusive.

1. Township Commissioners

All Commission members should be treated with equal respect and should:

a. Fully participate in meetings and other public forums with respect, consideration and courtesy to others.

b. Prepare in advance of the meetings and be familiar with the issues on the agenda.

c. Be respectful of others' time. Stay focused and act efficiently at meetings.

d. Inspire public confidence in the Township government.

e. Provide information relevant to the meeting when absent and provide contact information in case an emergency or urgent situation arises.

f. Demonstrate honesty and integrity.

2. Former Commissioners

Past Commission members who speak to the current body concerning a pending issue should identify whether they are speaking in an individual capacity or on behalf of an named organization or entity.

Section 2.104 Conflicts of Interest and Appearance of Impropriety

A. Conflicts of Interest

1. Township Commissioners and officials owe an absolute duty of loyalty and undivided allegiance to the Township and are required to avoid the possibility of conflict between their personal and private interests and their role as public officials. Even a small or indirect conflict of interest can put a Commissioner or official in a compromising situation where his or her exercise of official judgment could be influenced by personal considerations rather than the public good. This is especially true with regard to financial interests and the public has a right to be assured that the financial interests of its public officials do not conflict with the public trust. Conflicts of interest also arise when a Commissioner or official acts on or participates in matters which involve family members (including aunts, uncles, nieces, nephews or cousins).

2. Specific legal prohibitions govern conflicts of interest. These include the Navajo Nation Ethics in Government Law, 2 N.N.C. § 3471 *et seq*,. and the Regulations and Standards of Conduct for Elected Officials of the Navajo Nation, ERC-08-001 (effective January 4, 2008), as such authorities may be amended from time to time.

3. No Township Commissioner or official shall engage in any conduct which could result in or create the appearance of conflict of interest as prohibited by the Ethics in Government Law, including 2 N.N.C. §§ 3745-3746, or the Regulations and Standards of Conduct for Elected Officials, including Section 4(B). All Township Commissioners and officials shall fully comply with 2 N.N.C. §§ 3748 and 3749 regarding abstention from official action and contract restriction and bid requirements.

4. In addition to applicable Navajo Nation law and regulations, the following provisions apply to all Township Commissioners and officials. The purpose is to avoid circumstances where there are questions about whether a Commissioner or official is exercising independent judgment in the best interests of the public.

5. When a Commissioner or official has a conflict of interest, or the appearance of a conflict of interest, he or she must:

a. Immediately disclose the conflict in the official record; and

b. Disqualify herself or himself from participating in any manner as a Commissioner or official in a decision on a matter where there is a conflict of interest or the appearance of a conflict of interest.

c. Some conflicts of interests are so significant that disclosure and disqualification from participation in the matter are not sufficient. These might include, but are not limited to, the failure of a Commissioner or official to comply with Township ordinances or other applicable law, the filing of a lawsuit by a Commissioner or official against the Township, and conduct which is divisive or harmful to the best interests of the Township.

B. Appearance of Impropriety

1. Commissioners and officials shall serve without the appearance of impropriety.

2. Commissioners or officials who fail to conduct their personal and public affairs with honesty, integrity, fairness and respect for others may be viewed as lacking the ability to exercise independent judgment in the best interest of the Township. This could create the appearance of impropriety. Occurrences such as arrest, conviction of a criminal offense, acting on or

participating in matters which involve family members (including aunts, uncles, nieces, nephews or cousins), or failure to comply with applicable law and regulations may create the appearance of impropriety.

3. Commissioners or officials who engage in conduct which is divisive or harmful to the best interests of the Township create an appearance of impropriety.

Section 2.105 Commissioner Conduct

The Commission is comprised of individuals with a wide variety of backgrounds, personalities, values, opinions and goals. All have chosen to serve in public office to preserve, protect and benefit the Township. This common goal should be acknowledged even when Commissioners "agree to disagree" on issues.

A. In Public Meetings

1. Use Formal Titles
Refer to one another in public meetings by title followed by the individual's last name.

2. Civility and Decorum in Discussions and Debate
Difficult questions, challenges to particular points of view, and criticism or items and information are legitimate elements of democratic government. Commissioners may not speak or act in a way that is belligerent, slanderous, threatening, abusive, or insulting. Threatening verbal and physical conduct is prohibited.

3. Demonstrate Effective Problem Solving
Public meetings allow Commissioners to demonstrate that individuals with different points of view can find common ground and seek compromise benefitting the Township as a whole.

B. In Private Encounters

1. Continue Respectful Behavior
Maintain the same level of respect and consideration of differing points of view in private conversations of Township affairs as in public discussions.

2. Be Aware of Public Nature of Written Notes, Voicemail Messages, Texts, Digital Photographs, and Email
Written or spoken words and images can now be distributed far and wide without the knowledge or consent of the sender. All such communications should be regarded as potentially public.

3. Private Conversations Can Have Public Presence
Elected officials are almost always in the public eye. Their actions, mannerisms and language are monitored by people around them that they may not know. Lunch table conversations can be overheard, parking lot debates watched, and casual comments between individuals noted both before and after public meetings.

4. Social Media
It is inappropriate for Commissioners to comment on public business or Township officials and employees on private social media outlets such as (but not limited to) blogs, Twitter, Facebook, Instagram, you tube, Vines or Linked In.

C. Conduct with Staff

Township governance relies on the cooperative efforts of elected officials, who set policy, and Township staff, who are charged with implementing and administering those policies. Respect for staff and their duties requires that Commissioners:

1. Treat all staff as professionals

2. Do not disrupt staff to have your individual needs met when they are in meetings, on the phone or otherwise performing their job functions.

3. Do not publicly criticize Township employees. Share concerns about a Township's employee performance only with the Town Manager.

4. Leave day-to-day operations to Township staff. Day-to-day operations include making appointments, dealing with constituents and consultants, processing applications or issuing approved licenses or leases, and deciding on enforcement actions.

5. Consult with the Town Manager and any other appropriate Township staff before sending any official Township response to determine if an official Township response has already been sent or is forthcoming, or involves matters in dispute or in litigation. Before finalizing any correspondence in official capacity, consult with Commission Chair and, if directed to do so by the Chair or Commission, consult with the Town Manager and/or the Township's attorney.

6. Do not attend meetings with Township staff unless requested to do so by the Town Manager.

7. Do not solicit any kind of political support (campaign contributions, poster or lawn signs, etc.) from Township staff. As private citizens, Township staff may support political candidates of their choosing but all such activities must take place away from the workplace.

D. Conduct with the Public

1. In Public Meetings

a. Welcome speakers and treat them with respect.

b. Actively listen.

c. Avoid debate and argument with the public.

d. Avoid making personal attacks of any kind against a member of the public.

2. In Unofficial Settings

a. Make no promises on behalf of the Township. It is inappropriate to overtly or implicity promise that the Commission will act in a certain way or to promise that Township officials will do something specific (e.g. issue a lease, fix a pothole, favorably consider a specific request, forego taking certain actions).

b. Refrain from making negative personal comments about Township Commissioners, officials and staff.

Section 2.106 Sanctions

A. Disruptive Members of the Public

Members of the public who do not follow proper conduct in a public forum may be barred from further participation in the public forum if they fail to heed a warning from the Chair that their behavior is improper.

B. Conduct of Commissioners and Officials

Any Township Commissioner (including the Chair) or official who intentionally and repeatedly does not follow proper conduct or protocol, or who the Chair or the Commission reasonably believe has acted or is acting in violation of this Code of Conduct, any Township ordinance, the Navajo Nation Ethics in Government Law or the Regulations and Standards of Conduct for Elected Officials of the Navajo Nation, may be reprimanded or formally censured by the Chair or the Commission. Serious infractions can result in additional sanctions, including a formal request that a Commissioner or official resign his or her position and the filing of a formal complaint by the Chair or the Commission with the Ethics and Rules Committee of the Navajo Nation.

KAYENTA TOWNSHIP
EST. 1986

6.

Credit Card Policies and Procedures
KTCA-16-07

EXHIBIT "A"

KAYENTA TOWNSHIP

CREDIT CARD

POLICIES AND PROCEDURES

Date

April 09, 2007

PURPOSE

The purpose of this document is to establish those policies under which the Kayenta Township (Township) shall control the use of a credit card that will be utilized for restricted purchases related to making travel arrangements for Kayenta Townshipn employees and Commissioners and purchases of internet domain names on behalf of the Township. These policies are intended to accomplish the following:

- To ensure that the procurements are accomplished in accordance with the Township's purchasing policy and other policies established by the Township.
- To ensure that appropriate internal controls are established so that they are only used for authorized purposes.
- To ensure that the Township bears no legal liability from inappropriate use of the credit card.
- To facilitate arrangements for travel such as hotels and registrations for training and education while conducting Township business, and for the payment of internet domain names. All travel must still comply with Township travel policy.
- To provide an alternative purchasing mechanism for travel and internet domain name purchses when traditional payment/procurement methods are not feasible.

Applicability:

These procedures shall govern the use of the Township Credit Card:

- Credit Card shall be utilized only by designated individuals within the Financial Department to make travel arrangements for Township employees and Commissioners or to make payments for internet domain names on behalf of the Township.
- The Township Finanical Department will complete the required application forms for a credit card only at the expressed written permission of the Kayenta Township Commission.
- Any use of the credit card must meet any/all applicable requirements as set forth by the Township.
- The credit card will be used only when travel and internet domain names are for the official business of the Township. No personal use of the credit card will be allowed.
- The use of the credit card may be used only if a vendor will not accept a Purchase order or offer billing terms.

PARTIES INVOLVED

Card Issuer - Services include issuing Card to Kayenta Township, providing electronic transaction authorizations, and billing the Township for all purchases made on the card.

Kayenta Township- Arranges with the card issuer to have Credit Card issued to the Township and agrees to accept liability for the use of the cards.

Credit Card Administrator – Designated by the Township Commission and may be the Financial Department Manager who must also approve requests for use of the Credit Card.

Designated Card Users – A Financial Department employee designated by the Credit Card Administrator to be responsible for reviewing transactions to make sure the transactions are legitimate and authorized expenses and are classified appropriately.

Vendor - The merchant from whom a purchase is being made.

CREDIT CARD PROGRAM OVERVIEW

- Credit Card will be utilized only for making travel arrangements for Township employees and Commissioners and for purchasing internet domain names.
- The Kayenta Township's name must be embossed on the card.
- Credit Card will not be in individual employees' names and not be transferable between individuals employees.
- The use of the card will not include "checking out" the credit card. Instead card will be maintained at a central location and utilized mostly for "over the phone" arrangements. Point of sale transactions will be discouraged.
- The regular purchasing policies and procedures apply where requests for travel or internet domain purchases are made to the Financial Department with proper approval.
- The Credit Card must be used for legitimate Township business purposes only. The Township Card may not be used for entertainment and cash. Misuse of the card will subject employees and Commissioners to disciplinary action in accordance with Township Policies and Procedures relating to disciplinary action and termination for cause.

FINANCIAL DEPARTMENT RESPONSIBILITIES

The Kayenta Township Commission must designate a Credit Card Admistrator who may be the Financial Department Manager who will be responsible for the administration and use of the credit card on behalf of the Kayenta Township. The Credit Card Administrator will in turn designate employees within the Financial Department for authorized use of the credit card. Responsibilities include:

- Ensure the Credit is used for legitimate Township business purposes only.
- Maintain the Credit Card in a secure location at all times.
- Not allow other individuals who are not designated nor authorized to use the Credit Card.
- Adhere to the purchase limits, travel policy and restrictions of the Credit Card and ensure the total transaction amount of any single transaction does not exceed $2,500.00.
- Obtain and reconcile all sales slips, register receipts, and/or Credit Card slips statements and provide same to Accounting for reconciliation, approval and allocation of transactions
- Retain all charge slips and receipts for audit by internal and external auditors.
- Attempt to resolve disputes or billing errors directly with the vendor and notify Card Issuer if the dispute or billing error is not satisfactorily resolved.
- Ensure that an appropriate credit for the reported disputed item or billing error appears on a subsequent statement.
- Not accept cash in lieu of a credit to the Credit Card account.
- Immediately report a lost or stolen card.
- Make sure Credit Card authorizations codes are changed upon terminating employment of designated card users.

- Request to cancel Card (e.g. terminated employees, transferring departments, loss of purchasing card privileges) as approved by Credit Card Administrator or Township Commission.

DESIGNATED FINANCIAL DEPARTMENT EMPLOYEES

Criteria to be designated and authorized as a card user:

- Must be an employee of the Township, work within the Financial Department, and be designated by the Credit Card Administrator.
- Employee's use of the card must be approved by the Credit Card Administrator.
- Each employee authorized to use the card must sign a Cardholder Agreement.

CARD USER LIABILITY

The Credit Card is a corporate charge card and it is the designated user's responsibility to ensure that the card is used within stated guidelines of the Credit Card Policies and Procedures as well as other pertinent Township Policies and Procedures relating to the expenditure of Township funds. Failure to comply with program guidelines may result in permanent revocation for use of the card, notification of the situation to management, and further disciplinary measures that may include termination.

CARD USER TERMINATION

The Credit Card Administrator is required to close an account if a designated card user: (a) transfers to a different department, (b) terminates employment or (c) for any of the following reasons which will also subject card user to disciplinary action in accordance with Township Policies and Procedures relating to disciplinary action and termination for cause:

- The Credit Card is used for personal or unauthorized purposes.
- The Credit Card is used to purchase alcoholic beverages or any substance, material, or service which violates policy, law or regulation pertaining to the Township.
- The card user allows the card to be used by another individual.
- The card user splits a purchase to circumvent the limitations of the Credit Card.
- The card user fails to provide Accounting with required receipts.
- The card user fails to provide, when requested, information about any specific purchase.
- The cardholder does not adhere to all of the Credit Card policies and procedures.

LOST, MISPLACED OR STOLEN CREDIT CARDS

Card users are required to immediately report a lost or stolen Credit Card to the Card Issuer. The Card user must also immediately notify the Credit Card Administrator about the lost or stolen card at the first opportunity during normal business hours.

SPENDING CONTROLS

The Credit Card is to be used only for the purposes of making travelo arrangements for Township employees and Commissioners, and for purchase of internet domain names on behalf of the Township. Township spending parameters for the Credit Card issued is set up to $2,500.00 maximum (all taxes and shipping included) per transaction. Other controls include number of transactions per cycle and number of transactions per day to be determined by the Credit Card Administrator. The Township, through the Credit Card Administrator and with approval by the Township Commission, may adjust limits as determined by demonstrated need.

ERRONEOUS DECLINES

Should the Credit Card be erroneously declined by a vendor, the Card user should immediately contact the Credit Card Administrator for assistance. If purchase is being made outside of normal Township business hours, the employee must find an alternate payment method or terminate the purchase and contact the Credit Card Admistrator during normal hours.

EMERGENCY TRANSACTIONS

Credit card will not be used for emergency situations unless "emergency situations" are specifically defined by policy and incorporated into the credit card policy and procedures. For any transaction which does not meet the spending controls assigned to the card, the card user must contact the Credit Card Administrator for assistance.

CREDITS

Vendors will issue all credits to the Credit Card account for any item they have agreed to accept for return. This credit will appear on a subsequent statement. **Under no circumstances should cash be accepted in lieu of a credit to the Credit Card account.**

SECURITY AND STORAGE

Credit Card - Employees should always treat the Credit Card with at least the same level of care as one does their own personal credit cards. The card should be maintained in a secure location and the card account number should be carefully guarded. The only person entitled to use the card is the person designated as an authorized user of the card. The card may not be lent to another person for any reason.

Program Documentation - The Financial Department will hold all vendor receipts/packing slips/charge slips for seven years as required. All other documentation concerning the Credit Card program will be maintained by the Financial Department. This documentation includes, but is not limited to, applications, Cardholder Agreements, billing statements, reconciliation of accounting statements, and copies of transmittals and correspondence with card issuer.

PURCHASING CARD SET UP

All contact with the Credit Card Issuer for Credit Card set up, maintenance and closure (except for reporting lost or stolen cards) will be handled by the Credit Card Administrator.

Card Set Up

- Credit Card Administrator completes a Credit Card application and submits for approval.
- Credit Card Administrator delegates transaction authority to the card users.
- Upon receipt of the credit card, the Credit Card Administrator will conduct a training session with the designated card users prior to authorizing use of the card.
- Card users sign Cardholder Agreement signifying agreement with the terms of the Credit Card program.

Travel

- The Credit Card Program has been made to allow for certain travel related expenses only. These travel related expenses are defined as follows:
  -Arrangements for lodging.
  -Arrangments for conference room rentals and related fees such as refreshments.
  -Airfares and car rentals.
  -Registration Fees for Training.

- Credit card purchases for travel related expenses such as individual meals, fuel purchases, incidental expenses, etc., and expenses which require substantiation with receipts, are not allowed.

- All travel shall be subject to Township travel policies and procedures. All travel shall be approved in advance by the appropriate official regardless of funding source. Travel forms will still be filled out for all travel and all travel policies shall apply. All travel receipts must be attached to the travel form.

Internet Domain Names

The risks involved in using the Credit Card over the Internet are similar to the risks involved when using the Credit Card in person. In either case, the card user is trusting a supplier with the

credit card information. Whether the transaction is made in person or over the Internet, the Credit Card information could be retained by a supplier for a period of time for personal use. Card users shall exercise caution when determining who shall be trusted with the Credit Card information. It is recommended Card users purchase Internet Domain Names on the Internet with reputable companies only.

In addition to the traditional risks involved with Internet purchases, there is one extra caution Card users shall exercise when purchasing over the Internet. When card users make payments for Internet Domain Names on the Internet, the information exchanged between the card user and the supplier is transmitted through the networks of possibly dozens of different sites. For this reason, it is important to encrypt (scramble) the data exchanged so that only the supplier can decrypt (decode) the information. To accomplish this, assure the supplier is running a "Secure" server for purchases. Such servers use a technology called Secure Sockets Layer, or SSL, to encrypt the data between the supplier's site and the Cardholder's site. Only the supplier can decrypt the message at the other end; the information is meaningless to the sites in between.

Typically when making an on-line purchase, Card user shall be sent to a "Secure" server prior to entering information including, Credit Card number and expiration date. A dialog box informs the Card user that they are switching to a "Secure" mode.

Note** If the Card user does not encounter the above step, consider calling the supplier instead of making an on-line purchase.

It is very important for the Card user to know when they are switched to a secure mode, be certain the dialog box indicates the Card user will continue to receive warnings when switching to secure servers in the future. Read the dialog carefully since Netscape Navigator and Internet Explorer handle the check box differently.

In addition to the dialog box, the web browser should have a visual aid, indicating a secure/non-secure mode. Most web browsers will have a lock which is open for non-secure documents and is closed (locked) for secure documents. There is one additional indicator for a secure/non-secure mode on a web page. Most URL (Universal Resource Locator) addresses start with "http".

Attachment 1

KAYENTA TOWNSHIP
CARD USER AGREEMENT

In return for the purchasing authority delegated to me and in consideration of my responsibility to properly steward public resources, I agree to undertake the following responsibilities:

- To comply with the terms and conditions of this Agreement and the Credit Card Policies and Procedures (Guide) and as such Guide may be subsequently revised and all references made thereto. I acknowledge the Guide and affirm that I have read and understand its terms and conditions. I understand that the Township shall be liable for all Credit Card transactions. I shall ensure reconciled Credit Card transaction documentation in accordance with the policies and procedures cited within the Guide.

- To protect and safeguard the Credit Card in accordance with the Guide. To promptly report any lost or stolen Credit Card, and prior to leaving or terminating Township employment, return the Credit Card to the designated Credit Card Administrator.

- To purchase ethically, fairly, and without conflict of interest; to seek the best value in my use of the Credit Card. I understand that my use of the Purchasing Card shall be audited.

- When using any Public funds, to purchase only goods and services that serve the public purpose and determine that the price is fair and reasonable by comparing alternative sources, and to avoid firms or individuals who respond that they are prohibited from contracting with the Federal/State/County Government.

I further understand that my improper use of the Credit Card may result in disciplinary action against me and possible termination. Should I fail to use this Credit Card properly, I authorize the Kayenta Township to deduct from my salary or from any other amounts payable to me, an amount equal to the total of the improper purchases. I also agree to allow Kayenta Township to collect any amounts owed by me even if I am no longer employed by the Township. If Kayenta Township initiates legal proceedings to recover amounts owed by me under this Agreement, I agree to pay legal fees incurred by the Township in such proceedings.

I understand that the Kayenta Township may terminate my privilege to use the Credit Card at any time for any reason in accordance with the guide. I shall return the Credit Card to the County immediately upon request or termination of employment.

I hereby acknowledge receipt of mandatory Credit Card Policies and Procedures.

Cardholder:	**Credit Card Administrator:**
Signature Date	Signature Date
Print Name	Print Name

Attachment 1

KAYENTA TOWNSHIP
CARD USER AGREEMENT

In return for the purchasing authority delegated to me and in consideration of my responsibility to properly steward public resources, I agree to undertake the following responsibilities:

- To comply with the terms and conditions of this Agreement and the Credit Card Policies and Procedures (Guide) and as such Guide may be subsequently revised and all references made thereto. I acknowledge the Guide and affirm that I have read and understand its terms and conditions. I understand that the Township shall be liable for all Credit Card transactions. I shall ensure reconciled Credit Card transaction documentation in accordance with the policies and procedures cited within the Guide.

- To protect and safeguard the Credit Card in accordance with the Guide. To promptly report any lost or stolen Credit Card, and prior to leaving or terminating Township employment, return the Credit Card to the designated Credit Card Administrator.

- To purchase ethically, fairly, and without conflict of interest; to seek the best value in my use of the Credit Card. I understand that my use of the Purchasing Card shall be audited.

- When using any Public funds, to purchase only goods and services that serve the public purpose and determine that the price is fair and reasonable by comparing alternative sources, and to avoid firms or individuals who respond that they are prohibited from contracting with the Federal/State/County Government.

I further understand that my improper use of the Credit Card may result in disciplinary action against me and possible termination. Should I fail to use this Credit Card properly, I authorize the Kayenta Township to deduct from my salary or from any other amounts payable to me, an amount equal to the total of the improper purchases. I also agree to allow Kayenta Township to collect any amounts owed by me even if I am no longer employed by the Township. If Kayenta Township initiates legal proceedings to recover amounts owed by me under this Agreement, I agree to pay legal fees incurred by the Township in such proceedings.

I understand that the Kayenta Township may terminate my privilege to use the Credit Card at any time for any reason in accordance with the guide. I shall return the Credit Card to the County immediately upon request or termination of employment.

I hereby acknowledge receipt of mandatory Credit Card Policies and Procedures.

Cardholder:

Signature Date

Print Name

Credit Card Administrator:

Signature Dat

Print Name

KTCA-16-07

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Approving the Kayenta Township Credit Card for Purchases Restricted to Travel and Internet Domain Names on Behalf of the Township; and Enacting the Kayenta Township Credit Card Policies and Procedures.

WHEREAS:

1. The Kayenta Township Commission ("Commission") has the authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township; and

2. The Kayenta Township is empowered to adopt rules and regulations, both substantive and procedural, such as may be necessary to the proper and efficient administration of Township operations; and

3. The Township has found that standard payment/procurement methods are not always feasible when making travel arrangements for Kayenta Township staff and Commissioners, and for making payments on internet domain names on behalf of the Kayenta Township. A credit card, restricted to purchases of certain travel related expenses and internet domain names on behalf of the Township, is being proposed as an alternative purchasing mechanism and which will be guided by the attached Credit Card Policies and Procedures (Exhibit A).

NOW THEREFORE BE IT HEREBY RESOLVED THAT:

1. The Kayenta Township Commission hereby approves the Kayenta Township Credit Card for purchases restricted to Travel related expenses and payments on internet domain names on behalf of the Township. The Kayenta Township Commission also enacts the Credit Card Policies and Procedures (Exhibit A) to guide the use of the Kayenta Township Credit Card.

2. The Township Commission further designates the Financial Manager as the Credit Card Administrator and authorizes the credit card set up as outlined in the attached Credit Card Policies and Procedures.

CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Kayenta Township Commission at a duly called regular monthly meeting at Kayenta, Navajo Nation (Arizona), at which a quorum was present, and that the same was passed by a vote of **4** in favor, **0** opposed and **0** abstained this **09th** day of **April, 2007**.

Motion: Alyce Mae Yazzie
Second: Jimmie Austin II

Eugene Badonie, Chairperson

KAYENTA TOWNSHIP
EST. 1986

7.

Drug Free Workplace Policy and Procedures
KTCF-09-10

KTCF-09-10

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Adopting and Approving the Drug Free Workplace Policy and Procedures for the Kayenta Township Commission and Administration

WHEREAS:

1. The Kayenta Township Commission ("KTC") has the general authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township; and

2. The Township is empowered to adopt rules and regulations as may be necessary to effectively and efficiently operate the Township operations and to be in compliance with the Navajo Nation and Federal Laws; and

3. The Township receives funding from federal government and by law, Township is required through the Drug Free Workplace Act of 1988 to maintain a drug free workplace; and

4. The Township currently does not have a Drug Free Workplace Policy and Procedures (Policy) within existing Personnel Policy and Procedures or an Employee Handbook as appropriate to have employees abide by and use as guidance in following all practices and protocols; and

5. The Township Administration reviewed and discussed the Policy and considered it to be in the best interest of the Township.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Kayenta Township Commission hereby adopts and approves the Drug Free Workplace Policy and Procedures, attached hereto as Exhibit "A" and incorporated herein by reference, to be effective immediately.

2. The Kayenta Township Commission hereby authorizes the Town Manager and Management to modify and amend the Policy from time to time to be in compliant with all applicable laws relevant to the Township, Navajo Nation and Federal Laws.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called special meeting in Kayenta, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, and 0 abstained, this 19th day of **February, 2010.**

Motion: Commissioner Greyeyes
Second: Commissioner Todecheene

Kayenta Township Commission

Helen Bonnaha

Helen Bonnaha, Chairperson

Drug Free Workplace Policy – Kayenta Township

Drug Free Workplace Policy of Kayenta Township

A. Introduction

1. This will serve as a statement of policy and as an official notice to all employees of the Kayenta Township regarding this maintenance of a drug-free workplace.

2. Each employee of the Township shall be provided with a copy of this policy.

3. The Kayenta Township Drug-Free workplace policy makes provisions regarding informing Township employees about:

   - The Dangers of drug abuse in the workplace;
   - The provisions of the Township Drug-Free Workplace Policy;
   - The penalties that will be imposed upon Township employees for drug abuse violations; and
   - The availability of counseling and rehabilitation services.

B. Dangers of Drug Abuse

1. Drug abuse is a pervasive problem in the workforce in the United States, so much so that all agencies and companies that receive funding from the Federal government are required by law, through the Drug Free Workplace Act of 1988, to maintain a drug-free workplace.

2. Drug abuse takes many forms, from the use of hard drugs such as heroin and cocaine, to the misuse of prescription drugs and the use of alcohol.

3. Alcohol is one of the most widely abused drugs in the United States.

4. In order to make Township employees aware of the danger ad wide spread occurrence of the drug use, the Township will provide information to its employees on an ongoing basis through literature, films, training, and seminars.

C. The Kayenta Township Drug – Free Workplace Policy

1. It is the goal of the Township to create a drug-free atmosphere in the workplace. The Township pledges to support and uphold the laws, of the Navajo Nation and the Federal Government.

2. The Township is located on land under the governance of the Navajo Nation, where it is unlawful to possess or hold "intoxicating liquors," (as defined in Title 17 of the Navajo Tribal Code in Subchapter 10, Sections 390 through 395 and Subchapter 12, Sections 410 through 412), on land under the governance of the

Navajo Nation, this policy prohibits the manufacture, distribution, dispensing, sale, possession, storage or use of intoxicating liquors and controlled substances on or in any property owned by the Township.

3. It shall be a condition of employment for any employee of the Kayenta Township that the employee:

   a. Abide by the terms of this policy; and

   b. Notify the Town Manager, Director, or his/her designee, of any conviction of themselves for a violation, occurring on or in any property owned by, or on behalf of, Kayenta Township, of laws pertaining to the manufacture, distribution, dispensing, sale, possession, storage or use of intoxicating liquors or controlled substances, within 5 days after such conviction.

4. Covered Substances and Prohibited Actions

   The policy restricts certain specified substances and their related paraphernalia from being brought onto the Township premises and/or from being in an employee's possession while he or she is engaging in Township business or activities.

   In addition, this policy prohibits all individuals who are impaired y lawful drugs or illegal drugs and/or alcohol from reporting to work, coming into the workplace, remaining on the premises of Kayenta Township, or otherwise engaging in Township business or activities.

   a. Covered Substances

      The following substances are covered by this policy:

      - Controlled and/or illegal drugs or substances which include all forms of narcotics, hallucinogens, depressants, stimulants, stimulants, and other drugs whose use, possession, or transfer is restricted or prohibited by law;
      - Drugs prescribed by a physician, dentist, or other person licensed by the state or federal government to prescribe or dispense controlled substances and/or drugs used in accordance with their instructions are not subject to the restriction of this policy.

   b. Prohibited Actions

      The following activities are prohibited while an employee is on the Township's premises or otherwise engaged in misconduct and subject to disciplinary action, up to and including immediate dismissal or, as a condition of continued employment, may be required to participate in and

successfully complete drug or alcohol abuse counseling or a rehabilitation program as required.

- The manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substance or illegal drug;
- The consumption of alcoholic beverages;
- Being under the influence of alcohol, illegal drugs, or sub stances in any manner during business hours whether or not consumed on Township premises and whether or not consumed outside of or during working hours; this includes being impaired by lawfully prescribed drugs that have been abused; and
- Performing duties while under the influence of alcohol or controlled and/or illegal substances or drugs regardless of whether the employee is on or off the premises of the Township.

5. Testing of Reasonable Cause/Reasonable Suspicion

If there is reasonable suspicion to believe that an employee may be impaired by drugs and/or alcohol on the job, or if the employee is found with drugs and/or alcohol, testing may be ordered. Reasonable suspicion exists when one's experience and training tends to indicate that a given person is under the influence of alcohol or a controlled substance. Acceptable indicators include, but are not limited to,

- Odor of alcoholic beverage on the breath;
- Slurred or incoherent speech;
- Staggering walk;
- Loss of Physical coordination;
- Bloodshot eyes;
- Inability to successfully complete a field sobriety test;
- Erratic behavior;
- Unexplained or uncharacteristic irritability;
- Excessive tardiness;
- Poor work performance; and
- Excessive unexplained absences from work.

Procedure for testing on Reasonable Cause

Step 1. In the event any employee has reasonable suspicion to believe an employee may be impaired by drugs and/or alcohol while on the job, the employee's supervisor must be notified. The supervisor shall notify the Department Director, or, in his absence, the Town Manager. The supervisor and either the Department Director or, the Town Manager shall together directly observe the employee's behavior and document any irregularities. If a test is ordered, each observer must document the specific indicators observed, within twenty-four hours.

Step 2. If reasonable suspicion exits, the employee shall be asked to execute a written consent for immediate alcohol and/or drug testing. Failure to consent to testing may be grounds for termination if the employee is a regular employee. If the employee is a probationary or temporary employee, failure to consent to testing will be grounds for immediate termination.

Step 3. If reasonable suspicion exists, and consent is given, the employee shall be immediately transported for appropriate testing. Testing may include use of the breath, blood and/or urine testing. The employee shall be transported by his or her immediate supervisor and or department director or Town Manager to the testing location. The analysis of any samples collected will be peformed by a laboratory selected by Kayenta Township.

Step 4. Following completion of testing, the employee will be placed on Paid Administrative Leave for Investigations or for Pending Serious Disciplinary Action until the test results are available. The employee will be transported to their home.

Step 5. If the testing discloses that alcohol or drugs did not impair the employee at the time of the test, the employee shall return to work. If the test discloses that the employee was not impaired at the time of the test but does disclose trace amounts of alcohol or drugs, the employee shall be asked to return to work unless the presence of these substances is in violation of an agreed-upon treatment and/or return to work agreement. If the test discloses that alcohol or drugs impaired the employee at the time of test, the employee may be place on unpaid leave until the Town Manager makes a decision on continued employment.

6. Consequences of a First Positive Test or Violation

   a. Possible Termination. If the results of a drug or alcohol test indicate that the employee was impaired while at work, the employee may be subject to termination.

   b. Participation in a Treatment Program. An employee who is not terminated after a positive test result shall be required to participate in an alcohol or drug treatment program approved by the Town Manager as a condition of continued employment. Any employee who participates in such a program as a condition of continued employment shall be entitled to be paid their regular hourly wage or salary when completing the screening and assessment phase of the program. The employee shall be placed on unpaid leave for the rehabilitation or treatment portion of the program. However, an employee may be permitted to use accrued sick leave or vacation in lieu of unpaid leave during the rehabilitation or treatment. Upon successful completion of an agreed-upon treatment program, the employee shall be permitted to return to his or her position. If the employee fails to successfully complete the agreed-upon treatment program, he or she shall be dismissed.

c. Loss of Driving Privileges. If the results of a drug or alcohol test indicate that the employee was impaired while at work, the employee shall not be permitted to operate any Township vehicle (or operate any personal vehicle on Township business), for a period of three (3) years, subject only to the exception below.

Restoration of Driving Privileges. An employee may be authorized to operate vehicles at the expiration of a one-year period from the date of a positive test if the employee:

- Has not been convicted of any traffic violation since the date of the positive test;
- Has a valid driver's license;
- Has performed satisfactorily in his or her position;
- Has completed a drug use assessment by an agency of the Township choice;
- Has followed each recommendation made as a result of the drug use assessment; and
- Otherwise satisfies the Township of the employee's sobriety and responsibility.

The decision whether to permit the restoration of driving privileges is discretionary on the part of the employer and shall not be grievable.

d. Take Home Vehicles. In no event shall an employee who has had a positive drug or alcohol test be permitted to take a Township vehicle to or from the employee's home until three (3) years have elapsed from the date of the positive test.

e. Random Testing. All KTC employees will submit to random drug and alcohol testing on a yearly basis. If an employee has had a positive drug and/or alcohol test and has not been terminated, the employee will be subject to random testing for a subsequent period of two (2) years from the date of a positive test.

7. Consequences of a Second Positive Test or Violation

Upon a second positive test, the employee will be dismissed.

8. Off-Premise Use of Alcohol, controlled and/or illegal Drugs, or Substances

The following actions, although not occurring on Township premises, are considered to endanger the Township's reputation for honesty, integrity, and safety:

a. Indictment or conviction for criminal offenses related to the manufacture, possession, use, sale distribution, dispensation, receipt, or transportation of any controlled substances or illegal drugs; and any other actions involving alcohol, controlled and/or illegal drugs, or lawfully prescribed drugs or substances that, in the opinion of management, endanger the Township's reputation for honesty, integrity, and safety.

b. Such off-premise actions may occur while an employee is performing Township business on non-working hours and/or on non-Township premises. An employee who becomes the subject of such actions may be subject to disciplinary action, up to and including immediate dismissal.

c. Any employee who is convicted of a drug or alcohol related criminal offense might be terminated. Employees convicted of illegal distribution or sale of drugs will be immediately terminated.

d. If not terminated, the employee may be required to undergo periodic random testing, may be required to complete a course of treatment, or may be required to complete a program approved by the Town Manager.

e. Employees who are indicted for or convicted of controlled substances-related violation under state or federal law or who plead guilty or nolo contendere (i.e., no contest) to such charges, or have adjudication withheld under such charges must inform the Town Manager in writing within five (5) days of such conviction or plea. Failure to do so may be grounds for disciplinary action, up to and including dismissal from employment for the first offense.

D. Counseling and Rehabilitation Programs

1. Employees with alcohol and drug dependency or abuse problems are encouraged to voluntarily seed counseling and appropriate referral for treatment.

2. Referral, treatment, and rehabilitation costs may be covered through the Kayenta Township group insurance policy, and through other available program s in the area.

3. Counseling and rehabilitation services for substance abuse problems are available through the Kayenta Indian Public Health Services, the Navajo Department of Behavior Health Services, and other organizations.

E. Information

1. Employees may obtain further information regarding this policy, and referral programs, by contacting the Town Manager.

F. Effective Date

This policy shall become effective February 19, 2010 and shall be amended into the Kayenta Township's Policies and Procedures.

APPENDIX

Drug-Free Workplace Policy Acknowledgement Form

Alcohol/Drug Test Consent Form

Drug- Free Workplace Policy Acknowledgement Form

I have read and received a copy of Kayenta Townships Drug- Free Workplace policy and fully understand my obligations and responsibilities as outlined therein.

_____ _____
Employee Date

_____ _____
Witness Date

ALCOHOL/DRUG TEST CONSENT FORM

EMPLOYER: If applicable, state objective facts giving rise to the belief that the employee is under the influence of alcohol or a controlled substance.

_____

_____

I, _____ pursuant to a request by my appointing authority or as a condition of employment with the Kayenta Township, Department _____ hereby give my consent to and authorize the Kayenta Township and the testing laboratory designated by the Township to perform analytical tests deemed necessary to determine the absence or the presence of alcohol and/or drugs **(Employer: circle all that apply)** in my urine, blood, or breath as specified by Drug Free Workplace Policy.

I give my consent to release the results of the test(s) and other related medical information from the laboratory to individuals within the Kayenta Township who, pursuant to the Drug Free Workplace Policy, have a need to know of the alcohol and drug testing results and to the use of all such reports or other medical information by the State in its assessment of my employment application and/or employment status. I understand the results of the test may not be used in any criminal proceeding.

I understand that:

The appointing authority may request proof that I am taking a controlled substance as directed pursuant to a lawful prescription issued in my name. If requested, I must provide such proof within 72 hours.

I have the right to request a re-test of the initial specimen at a licensed laboratory of my choice when I have a positive test for drugs. All requests for a re-test of the sample must be made within ten (10) working days of the receipt of the original positive test result. The results of the sample must be forwarded to me by the appointing authority of the agency.

A positive test for alcohol and/or drugs, or my refusal to authorize the test(s) by signing this form, taking the specified test(s) or producing a specimen, may result in the following action:

Applicants - rejection of my employment application for public safety related positions for one year or until I demonstrate I have successfully completed a substance abuse treatment program.

Employees - disciplinary action up to and including termination in accordance with Drug Free Workplace Policy, and any other applicable policy.

_____ _____

Applicant/Employee Signature Date

_____ _____

Supervisor's Signature if employee refuses to sign ***Date***

_____ _____

Witness Signature if employee refuses to sign ***Date***

KAYENTA

TOWNSHIP

EST. 1986

8.

Donation Policy

KTCMY-40-11

KAYENTA TOWNSHIP

DONATION POLICY

The Kayenta Township is proud to support its registered voters and their eligible dependents as well as the registered voters of the Kayenta Chapter and their eligible dependents with specified financial assistance to address unmet needs. The frequency and size of donation requests has made it necessary to establish a policy regarding monetary donations.

The Kayenta Township Commission (KTC) will approve up to three (3) donations per month, or thirty-six (36) donations annually. Each donation will be limited to a maximum amount of $100 (One Hundred Dollars) per request. Applicants are eligible for only one (1) donation receipt with a twelve-month period.

Eligible activities, pursuant to this policy, include:

- Social/Medical hardships, including transportation
- Burial Assistance
- Loss of home due to fire or similar circumstance(s)

In order to qualify for receipt of a donation from the Kayenta Township, applicants or their legal guardians must be **current registered voters** of the Kayenta Township and/or the Kayenta Chapter.

In the case of minors, the parent/legal guardian shall be obligated to provide original receipts for all products or services rendered when paid for with donations received from the Kayenta Township.

This policy shall be effective upon the date of adoption by the KTC and remain in full force and effect until such time as it is amended, modified, altered or revised. Changes to this policy will be subject to approval by majority vote of the KTC. All decisions by the KTC are final and not subject to any grievance procedure or appeal.

In light of fluctuating budgetary priorities, there is no guarantee or promise of any amount of financial support for any applicant(s). In addition, budget revisions are the absolute prerogative of the KTC, and any approved budget is subject to amendment(s) by the KTC, at any time.

Before submitting donations, requests, eligible applicants are strongly encouraged to explore all other sources for assistance.

No formal application(s) is required to be submitted to the Kayenta Township; however, all written materials shall be sent or hand-delivered to the Kayenta Township Office during normal business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m., except holidays.

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Approving the "Kayenta Township Donation Policy" for the Kayenta Township Commission and Administration

WHEREAS:

1. The Kayenta Township Commission (KTC) has the authority and responsibility to govern for the welfare of the Kayenta Township (Township) and its residents, including the enactment of such ordinances, rules, and regulations as it deems in the best interest of the Township; and
2. The KTC is empowered to adopt rules and regulations as may be necessary to effectively and efficiently administer the Township operations and to be in compliance with Navajo Nation and federal laws as required; and
3. The KTC and Township Administration reviewed, discussed and debate the proposed "Kayenta Township Donation Policy.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Kayenta Township Commission hereby adopts and approves the "Kayenta Township Donation Policy" to be effective immediately.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called meeting at Kayenta, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of **4** in favor, **0** opposed, and **0** abstained, on this **18th** day of **May, 2011.**

Motion: Commissioner Todecheene
Second: Commissioner Grey

KAYENTA TOWNSHIP COMMISSION

Andre Cordero, Chairperson

KAYENTA TOWNSHIP
EST. 1986

9.

Information Technology Acceptable Use Policy

KTCF-08-10

"Exhibit B"

KTC

Information Technology

Acceptable Use Policy

Submitted By

Shonie De La Rosa

I. Introduction

The Township (Kayenta Township) provides access to electronic information systems, including computers, computer peripherals, computer networks, software, telephones, cell phones, and data.

Use of the Township's systems shall be consistent with its goals, policies, and procedures, and with applicable local, state, federal, tribal, and international laws. Users of the Township's systems shall not interfere with the operations, integrity, or security of those systems, nor otherwise inhibit normal activities.

The Township reserves the right to amend the provisions of this policy and to change the conditions of use of its electronic information systems. The Township reserves the right to terminate or change, without notice, the nature of access to specific electronic resources.

II. Limitation of liability

A. General disclaimer

1) The Township disclaims any warranty of the accuracy, authoritativeness, timeliness, or usefulness of the information obtained from its electronic information systems. The Township shall have no liability for any direct, indirect, or consequential damages related to the use of the information contained in, or obtained through, its electronic information systems.
2) As is the case with printed materials, materials accessed through electronic information systems may not be accurate, complete, or current. The Township encourages users to evaluate electronic materials just as they do printed materials.

B. Access to external networks

1) The Township provides access to external computer networks, such as the Internet, which may enable the Township and its users to obtain information. External networks offer access to material that is personally, professionally, and culturally enriching to individuals of all ages.
2) The Internet is a global electronic information network which is not regulated by any local, state, federal, or international authority. Information found on the Internet may contain information that is controversial, offensive, disturbing, erroneous, or illegal.
3) The Township disclaims any warranty of the accuracy, authoritativeness, timeliness, or usefulness of the materials, and shall have no liability for any direct, indirect, or consequential damages related to use of these materials.

C. Links to Internet sites

1) The Township, through its Internet home page and blog, provides links to useful Internet World Wide Web sites, which, in turn, may be linked to other sites. In choosing links, the Township follows generally accepted web site management practices. However, due to the unregulated nature of the Internet, the Township cannot monitor the sites to which it links, or any subsequent links, and cannot accept responsibility for the content or availability of those sites.

D. Use of copyrighted materials

2) The Township provides access to copyrighted materials, including copyrighted electronic materials. Responsibility for the consequences of copyright infringement shall lie with the user. The Township expressly disclaims liability or responsibility resulting from copyright infringement by users.

E. Computer "viruses", "worms", "Trojan horses", and other malicious programs

1) External computers and networks may be unregulated and may contain "viruses", "worms", "Trojan horses" and other malicious programs potentially harmful to users' computer systems.
2) Responsibility for identifying and eliminating viruses, worms, and Trojan horses and other malicious programs in data or files downloaded or uploaded to an unauthorized Township electronic information system shall lie with the user.
3) The Township expressly disclaims liability or responsibility for damages resulting from viruses, worms, or Trojan horses and other malicious programs contained in transmissions, data, files, or programs obtained from or through the Township electronic information systems.
4) The Township recommends that users employ checking and scanning software to identify and eliminate viruses, worms, and Trojan horses in any data, files, or programs they obtain from sources that may be unregulated.
5) Users, who intentionally execute any "viruses", "worms", "Trojan horses" and other malicious programs, may face reprimand and or termination and/or may lose electronic information system privileges.

III. Responsibilities of users

A. Ethical use

1) Users of Township electronic information systems shall utilize access in an ethical manner for the content. Unethical behavior includes violating the security of any computer system, obtaining or employing, without authorization, computer access codes, passwords, or identification numbers assigned to others, removing, damaging, or destroying computer hardware and/or peripheral equipment and

accessories, using the KTC's electronic information systems in ways that unnecessarily impede the information gathering activities of others, such as by monopolizing one or more computer workstations, using the KTC's electronic information systems in ways that create a hostile environment for others, and violating the privacy of other users.

B. Legal use

1) Users of Township electronic information systems shall employ them for legal purposes. Illegal purposes include using the systems to harass or stalk other persons, libel or slander other persons, damaging, destroying, or altering, without authorization, any computer or electronic equipment, software, or data belonging to the Township, other persons, or other organizations, violate the terms of the licenses under which the Township offers the use of software and data, infringe copyrights of materials, or disrupt or monitor, without authorization, electronic communications.

C. Conditions of use

2) To ensure that use of Township electronic information systems is consistent with the legal and ethical standards set forth above, and to ensure a safe Internet experience for users, the Township has established the following conditions of use.
3) Users shall have access to the Township electronic information systems on a first-come, first-served basis. Users shall understand that the Township employs a website filtering application which, at any time, can limit or deter accessibility to websites deemed as malicious or potentially damaging to the Township computer system. Users shall not attempt to change, upload, install, set up, run, or execute any setting, program, or software not authorized by the Township on any of the Township electronic information systems.
4) In accordance with US law (US Code, Title 17), users shall not reproduce or distribute copyrighted materials without the permission of the copyright holder.
5) Users shall refrain from violating federal laws and regulations regarding the access, display or transmission of explicit sexual materials.

D. User Definition

User

Any person who uses the Kayenta Township electronic communication system or computer resources.

Authorized User

Any Kayenta Township employee, elected Kayenta Township Commissioner or individual(s) authorized by the Kayenta Township Town Manager or Kayenta

Township IT Administrator to utilize the Kayenta Townships electronic communication system or computer resources.

Unauthorized User

Anyone that accesses the Kayenta Townships electronic communication system or computer resources without Kayenta Township administrative permission.

IV. Sanctions

Users who violate Township ethical use or legal use policies, or who refuse to comply with the conditions of use, may face reprimand and/or termination and/or may lose electronic information system privileges. Pursuant to the Kayenta Townships Users who employ the Township electronic information systems to commit illegal acts may also be subject to prosecution by local, state, tribal or federal authorities.

V. Responsibilities of the Township

Confidentiality of use

1) Transaction logs and any other information that can be used to identify a user with specific data, files, or programs, or other electronic materials, are considered by Township to be confidential and shall not be divulged to anyone other than the user, except as otherwise provided herein.
2) All users are advised that such records shall not be made available to any agency of local, state, or federal government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, local, state, or federal law relating to criminal, civil, or administrative procedures or legislative investigatory power.
3) Users who utilize the Township's electronic information systems are required to conduct themselves in an ethical and legal manner, and to adhere to the conditions of use set forth in the Township policy, Acceptable Use of Electronic Information Systems.
4) The Township reserves the right to monitor, filter, limit and/or block all users of the Township's electronic information systems, such as, Internet, printing, cell phone, telephone, etc.

Kayenta Township
Guest
Acceptable Use Policy Agreement

Guest: _____

The Kayenta Township provides technology, networks and Internet services for the specific and limited purpose of achieving the Township's goals and organizational purposes. The Kayenta Township's technology, networks and Internet services remain at all times the property of the Kayenta Township. Guests must comply with the Kayenta Township's Acceptable Use Policy at all times.

Use of the Kayenta Township's technology, networks, and Internet services does not create any expectation of privacy. The Kayenta Township reserves the right to search and/or monitor any information created, accessed, sent, received, and/or stored in any format by any Guest on Kayenta Township equipment or any equipment connected to the Kayenta Township's network.

Passwords, which allow access to networks, data, and hardware, need to be protected at all times.

Users may encounter material they may interpret as controversial, inappropriate, or offensive. It is impossible to completely control content. It is the user's responsibility not to access such material.

The Kayenta Township Acceptable Use Policy and its supporting documents can be obtained from the IT/Media Administrator or Records Management.

Guests in violation of the Kayenta Township's Acceptable Use Policy will be subject to immediate disconnection and/or possible legal prosecution.

Guest's must receive a signature from the Town Manager or IT/Media Administrator before receiving access to any Kayenta Township Technology, Networks & Internet Services.

I have read, understand, and agree to comply with the above and the Kayenta Township's Acceptable Use Policy.

_____
Guest Signature

_____
Date

_____
Town Manager or IT/Media Administrator

_____
Date

Kayenta Township
Employee/Commissioner
Acceptable Use Policy Agreement

Employee/Commissioner: _____

The Kayenta Township provides technology, networks and Internet services for the specific and limited purpose of achieving the Township's goals and organizational purposes. The Kayenta Township's technology, networks and Internet services remain at all times the property of the Kayenta Township. Employees and Commissioners must comply with the Kayenta Township's Acceptable Use Policy at all times.

Use of the Kayenta Township's technology, networks, and Internet services does not create any expectation of privacy. The Kayenta Township reserves the right to search and/or monitor any information created, accessed, sent, received, and/or stored in any format by any Kayenta Township employee or Commissioner on Kayenta Township equipment or any equipment connected to the Kayenta Township's network.

Passwords, which allow access to networks, data, and hardware, need to be protected at all times. Employees and Commissioners are not to disclose confidential information to unauthorized individuals at any time.

Users may encounter material they may interpret as controversial, inappropriate, or offensive. It is impossible to completely control content. It is the user's responsibility not to access such material.

The Kayenta Township Acceptable Use Policy and its supporting documents can be obtained from your supervisor or Records Management.

Employees and Commissioners in violation of the Kayenta Township's Acceptable Use Policy will be subject to disciplinary action up to and including dismissal and/or legal prosecution.

I have read, understand, and agree to comply with the above and the Kayenta Township's Acceptable Use Policy.

_____
Employee/Commissioner Signature

_____
Date

KAYENTA TOWNSHIP
EST. 1986

10.

International Green Construction Code
KTCF-12-11

KTCF-12-11

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Approving the Adoption of the 2010 International Green Construction Code.

WHEREAS:

1. The Kayenta Township Commission ("KTC") has the general authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and its residents including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township; and
2. Pursuant to this authority, the KTC desires to adopt the 2010 International Green Construction Code (IGCC) on a voluntary basis Exhibit "A"; and
3. The IGCC green building design requirements for the Township have followed a selected compliance path exclusive for the Township, Exhibit "B"; and
4. The Township Building and Safety Department has gathered support and input from other Government agencies during development of the IGCC, Exhibit "C" ; and
5. The Township staff has allowed for adequate Public Notice time for comment Exhibit "D"; and
6. The development of the 2010 IGCC and brief narrative are attached as, Exhibit "E".

NOW, THEREFORE BE IT RESOLVED THAT:

1. The KTC hereby approves the adoption of the 2010 IGCC on a voluntary basis, Exhibit "A".
2. The KTC herby approves the Township Building & Safety Department to enforce the 2010 IGCC according to the requirements of, Exhibit "B".
3. The KTC hereby authorizes the Town Manager to execute the necessary documents needed on behalf of the Kayenta Township.
4. The KTC hereby authorizes its Chairperson to approve this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called meeting at Kayenta, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, and 0 abstained, this **14th** day of **February, 2011.**

Motion: Commissioner Bonnaha
Second: Commissioner Greyeyes

KAYENTA TOWNSHIP COMMISSION

Chairperson, Andre Cordero

EXHIBIT "A"

A MEMBER OF THE INTERNATIONAL CODE FAMILY®

IGCC

SAFE & SUSTAINABLE BY THE BOOK

INTERNATIONAL GREEN CONSTRUCTION CODE™

PUBLIC VERSION 1.0, MARCH 2010

- ASHRAE/USGBC/IES STANDARD 189.1-2009
  STANDARD FOR THE DESIGN OF HIGH-PERFORMANCE GREEN BUILDINGS - A JURISDICTIONAL COMPLIANCE OPTION OF THE IGCC
- ICC® 700-2008 NATIONAL GREEN BUILDING STANDARD™ - FOR RESIDENTIAL OCCUPANCIES *(by reference)*

THE AMERICAN INSTITUTE OF ARCHITECTS

KAYENTA TOWNSHIP
BUILDING & SAFETY DEPARTMENT
P.O. BOX 1490
KAYENTA, ARIZONA 86033
PHONE: (928) 697-8451 FAX: (928) 697-8461

February 9, 2011

Jurisdictional Requirements for IgCC version 2.0

- 302.0 Provisions of IgCC more flexible than ASHRAE 189.1.
- 302.1(3) Total Project Elective requirements is 9 (Version 1.0 total was 5).
- 402.2.3 Conservation areas will be zoned into the **Zoning Ordinance**.
- 402.2.5 Agricultural areas will be regulated by **Zoning Ordinance**.
- 402.2.6 Greenfields will be zoned into the **Zoning Ordinance**.
- 402.3.2 Rainfall amounts not consistent enough to harvest and sudden occurrences lack a study to determine containment.
- 403.4.1 Parking spaces can be designated, but owner's responsibility to enforce.
- 403.4.2 These type of vehicles not in daily use within the community.
- 405.1 Will be included in the **Zoning Ordinance**.
- 502.1 Lowest percentage that can be selected.
- 602.3.2.3 Department not staffed to perform.
- 613.2 Department not staffed to perform.
- 702.1.2 Fixtures currently readably available on the market.
- 702.7 Municipal water managed by NTUA.
- 904.1.1.1 To be supported by township resolution and **Zoning Ordinance**.
- 1006.4 If a permit is obtained department can provide service.
- Appendix
- B Feasibility study needed prior to selecting as a requirement.
- C There's enough products on the market to initiate a program.
- D Enforcement protocol not in place to enforce code as an ordinance.

EXHIBIT "B"

CHAPTER 3

JURISDICTIONAL REQUIREMENTS AND PROJECT ELECTIVES

SECTION 301
GENERAL

301.1 Scope. This chapter contains: requirements that are specific to and selected by the *jurisdiction*; elective requirements that are specific to the project and selected by the owner; and provisions for whole-*building* life-cycle assessment.

301.2 Jurisdictional Requirements and Project Electives. This chapter requires that the *jurisdiction* indicate in Table 302.1 whether specific provisions are mandatory for all *buildings* regulated by this code and, where applicable, the level of compliance required. This chapter also contains *project electives*, as listed in Table 303.1, that become mandatory only as selected and indicated by the owner for the specific project. All other provisions of this code shall be mandatory as applicable.

SECTION 302
JURISDICTIONAL REQUIREMENTS

302.1 Requirements determined by the jurisdiction. The *jurisdiction* shall indicate the following information in Table 302.1 for inclusion in its code adopting ordinance:

➔

1. The *jurisdiction* shall indicate whether ASHRAE 189.1 is applicable by selecting "Yes" or "No" in the optional compliance path in Table 302.1. Where "Yes" is selected, the administrative provisions of Chapter 1 of this code and the provisions of ASHRAE 189.1 listed in Chapter 12 shall apply and the remainder of this code shall not apply.

2. The *jurisdiction* shall indicate the minimum number of *project electives* that must be incorporated into all projects, as modified by Section 303.2.

3. Where the jurisdiction requires enhanced energy performance for buildings designed on a performance basis, and for buildings greater than 25,000 square feet in *total building floor area*, the *jurisdiction* shall indicate a *zEPI* of 46 or less in Table 602.1 for each occupancy required to have enhanced energy performance.

4. Where "Yes" or "No" boxes are provided, the *jurisdiction* shall check the box to indicate "Yes" where that section or appendix is to be enforced as a mandatory requirement in the *jurisdiction*, or "No" where that section or appendix is *not* to be enforced as a mandatory requirement in the *jurisdiction*.

➔

4.1 Where "Yes" is selected for Appendix B, the *jurisdiction* shall select a compliance level phase in accordance with Section B103.1 by checking a box in Table 302.1 corresponding to Phase1, 2, 3 or 4. The selection of higher phases requires that all lower phases be selected.

4.1.1 Where Phase 1 is selected, the *jurisdiction* shall indicate the number of months to be used in association with Section B103.2.

4.1.2 Where Phase 2 is selected, the *jurisdiction* shall indicate the number of years and the percentage to be used in association with Section B103.3.

4.1.3 Where Phase 3 is selected, the *jurisdiction* shall indicate the number of years to be used in association with Section B103.4.

4.1.4 Where Phase 4 is selected, the *jurisdiction* shall indicate the number of years and the percentage to be used in association with Section B103.5.

4.2 Where "Yes" is selected for other jurisdictional requirements in Table 302.1, the provisions of the indicated section shall apply.

302.1.1 zEPI of 46 or less. Where a *zEPI of 46* or less is indicated by the *jurisdiction* in Table 602.1, *buildings* shall comply on a performance-basis in accordance with Section 602.2.2.

Exception: Buildings less than 25,000 square feet in *total building floor area* pursuing compliance on a prescriptive basis shall be deemed to have a *zEPI* of 51 in accordance with Section 602.2.1 and shall *not* be required to comply with the *zEPI* of Jurisdictional Choice indicated by the jurisdiction in Table 602.1.

TABLE 302.1
REQUIREMENTS DETERMINED BY THE JURISDICTION

Section	Section Title or Description and Directives	Jurisdictional Requirements	
➔			
	CH 3. JURISDICTIONAL REQUIREMENTS AND PROJECT ELECTIVES		
302.1 (2)	Optional compliance path – ASHRAE 189.1	☐ Yes	▶ No
302.1 (3)	Project Electives – The jurisdiction shall indicate a number between 1 and 14 to establish the minimum total number of project electives that must be satisfied.	9	
	CH 4. SITE DEVELOPMENT AND LAND USE		
➔			
402.2.3	Conservation area	▶ Yes	☐ No
402.2.5	Agricultural land	▶ Yes	☐ No
402.2.6	Greenfields	▶ Yes	☐ No
402.3.2	Stormwater management	☐ Yes	▶ No
403.4.1	High occupancy vehicle parking	▶ Yes	☐ No
403.4.2	Low emission, hybrid and electric vehicle parking	☐ Yes	▶ No
405.1	Light pollution control	▶ Yes	☐ No
	CH 5. MATERIAL RESOURCE CONSERVATION AND EFFICIENCY		
➔			
502.1	Minimum percentage of waste material diverted from landfills.	▶ 50% ☐ 65% ☐ 75%	
	CH 6. ENERGY CONSERVATION AND EARTH ATMOSPHERIC QUALITY		
➔			
Table 602.1, 302.1, 302.1.1	*zEPI* of Jurisdictional Choice – The jurisdiction shall indicate a *zEPI* of 46 or less in Table 602.1 for each occupancy for which it intends to require enhanced energy performance.	See Table 602.1 and Section 302.1	
602.3.2.3	Total annual CO2e emissions limits and reporting	☐ Yes	▶ No

Section	Section Title or Description and Directives	Jurisdictional Requirements	
613.2	Post Certificate of Occupancy zEPI, energy demand, and CO2e emissions reporting	☐ Yes	▶ No
	CH 7. WATER RESOURCE CONSERVATION AND EFFICIENCY		
➔			
702.1.2	Enhanced plumbing fixture and fitting flow rate tier.	▶ Tier 1 ☐ Tier 2	
702.7	Municipal reclaimed water.	☐ Yes	▶ No
	CH 9. COMMISSIONING, OPERATION AND MAINTENANCE		
904.1.1.1	Periodic reporting	▶ Yes	☐ No
	CH 10. EXISTING BUILDINGS		
➔			
1006.4	Evaluation of existing buildings	▶ Yes	☐ No
	APPENDICES		
Appendix B	Greenhouse gas reduction in existing buildings	☐ Yes	▶ No
B103.1	Compliance level – The jurisdiction to select phases only where "Yes" is selected in the previous row.	☐ Phase 1 ☐ Phase 2 ☐ Phase 3 ☐ Phase 4	
B103.2	Where "Phase 1" is selected under Section B103.1 – jurisdiction to indicate the number of months to be used in association with Section B103.2.	_____ months	
B103.3	Where "Phase 2" is selected under Section B103.1 – jurisdiction to indicate the number of years and the percentage to be used in association with Section B103.3.	_____ years _____ %	
B103.4	Where "Phase 3" is selected under Section B103.1 – jurisdiction to indicate the number of years to be used in association with Section B103.4.	_____ years	
B103.5	Where " Phase 4" is selected above – jurisdiction to indicate the number of years and the percentage to be used in association with Section B103.5.	_____ years _____ %	
Appendix C	Sustainability measures	▶ Yes	☐ No
Appendix D	Enforcement procedures	▶ Yes	☐ No

SECTION 303
PROJECT ELECTIVES

303.1 Electives required. A total of not less than the number of *project electives* as indicated by the jurisdiction in Section 302.1(2) of Table 302.1 shall be selected by the owner. Such *project electives* shall be applied as mandatory requirements to the project and shall be indicated to the *code official* by means of completion of Table 303.1. Electives identified by the jurisdiction as being "not available" are not available for selection.

303.2 Additional elective. Where required in accordance with Section 705.1, the total number of *project electives* indicted in Table 302.1 shall be increased by one.

303.3 Applicability to existing buildings. *Project electives* shall be applicable to existing *buildings* only where such *buildings* are evaluated in accordance with Section 1007.4.

303.4 Project electives checklist. The submitted *construction documents* shall include a completed copy of Table 303.1 indicating which *project electives* that the owner has selected as a means to comply with Section 303.1. The total number of *project electives* selected shall be in accordance with the minimum number of *project electives* indicated by the *jurisdiction* in Table 302.1. The *Project electives* selected shall be applied and enforced as mandatory requirements.

TABLE 303.1
PROJECT ELECTIVES CHECKLIST

Section	Description	Check the corresponding box to indicate each project elective selected.	Jurisdictional determination of non-availability
CH 3. JURISDICTIONAL REQUIREMENTS AND PROJECT ELECTIVES			
304.1	Whole Building Life Cycle Assessment (LCA)	☐ (5 Electives[a])	☐
CH 4. SITE DEVELOPMENT AND LAND USE			
407.2.1	Flood hazard avoidance	☐	☐
407.2.2	Agricultural land	☐	☐
407.2.3	Wildlife corridor	☐	☐
407.2.4	Infill site	☐	☐
407.2.5	Brownfield site	☐	☐
407.2.6	Existing building reuse	☐	☐
407.2.7	Greenfield development	☐	☐
407.2.8	Greenfield proximity to development	☐	☐
407.2.9	Greenfield proximity to diverse uses	☐	☐
407.2.10	Native plant landscaping	☐	☐
407.2.11	Site restoration	☐	☐
407.3.1	Changing and shower facilities	☐	☐
407.3.2	Long term bicycle parking and storage	☐	☐
407.3.3	Preferred parking	☐	☐
407.4.1	Site hardscape 1	☐	☐
407.4.2	Site hardscape 2	☐	☐
407.4.3	Site hardscape 3	☐	☐
407.4.4	Roof covering	☐	☐
407.5	Light pollution	☐	☐
CH 5. MATERIAL RESOURCE CONSERVATION AND EFFICIENCY			
508.2	Waste management (502.1 + 20%)	☐	☐
508.3(1)	Reused, recycled content, recyclable, bio-based and indigenous materials (70%)	☐	☐
508.3(2)	Reused, recycled content, recyclable, bio-based and indigenous materials (85%)	☐ (2 Electives[a])	☐
➔			
508.4.1	Service life – 100 year design life category	☐	☐
508.4.1	Service life– 200 year design life category	☐ (2 Electives[a])	☐

Section	Description	Check the corresponding box to indicate each project elective selected.	Jurisdictional determination of non-availability
508.4.2	Interior adaptability	☐	☐
➔			
	CH 6. ENERGY CONSERVATION, EFFICIENCY AND EARTH ATMOSPHERIC QUALITY		
613.3	zEPI reduction project electives		
613.3	Project zEPI is at least 5 points lower than required by Table 302.1	☐	☐
613.3	Project zEPI is at least 10 points lower than required by Table 302.1	☐ (2 electives)	☐
613.3	Project zEPI is at least 15 points lower than required by Table 302.1	☐ (3 electives)	☐
613.3	Project zEPI is at least 20 points lower than required by Table 302.1	☐ (2 electives)	☐
613.3	Project zEPI is at least 25 points lower than required by Table 302.1	☐ (4 electives)	☐
613.3	Project zEPI is at least 30 points lower than required by Table 302.1	☐ (5 electives)	☐
613.3	Project zEPI is at least 35 points lower than required by Table 302.1	☐ (6 electives)	☐
613.3	Project zEPI is at least 40 points lower than required by Table 302.1	☐ (8 electives)	☐
613.3	Project zEPI is at least 45 points lower than required by Table 302.1	☐ (9 electives)	☐
613.3	Project zEPI is at least 51 points lower than required by Table 302.1	☐ (10 electives)	☐
➔			
613.4	Mechanical systems	☐	☐
613.5	Service Water Heating	☐	☐
613.6	Lighting Systems	☐	☐
613.7	Passive design	☐	☐
	CH 7. WATER RESOURCE CONSERVATION AND EFFICIENCY		
710.2.1	Fixture flow rates are one tier above that required by Table 302.1	☐	☐
710.2.1	Fixture flow rates are two tiers above that required by Table 302.1.	☐ (2 Electives[a])	☐
710.3	On-site wastewater treatment	☐	☐
710.4	Non-potable outdoor water supply	☐	☐
710.5	Non-potable water for plumbing fixture flushing	☐	☐
710.6	Automatic fire sprinkler system	☐	☐
710.7	Non-potable water supply to fire pumps	☐	☐
710.8	Non-potable water for industrial process makeup water	☐	☐
710.9	Efficient hot water distribution system	☐	☐
710.10	Non-potable water for cooling tower makeup water	☐	
710.11	Graywater collection	☐	☐

Section	Description	Check the corresponding box to indicate each project elective selected.	Jurisdictional determination of non-availability
CH 8 INDOOR ENVIRONMENTAL QUALITY AND COMFORT			
809.2.1	VOC emissions - flooring	☐	☐
809.2.2	VOC emissions – ceiling systems	☐	☐
809.2.3	VOC emissions- wall systems	☐	☐
809.2.4	Total VOC limit	☐	☐
809.3	Views to building exterior	☐	☐
809.4	Interior plant density	☐	☐

a. Where multiple electives are shown in the table in the form "(x electives)", "x" indicates the number of credits to be applied for that elective to the total number of *project electives* required by the jurisdiction as shown in Section 302.1(3) of Table 302.1.

SECTION 304
WHOLE BUILDING LIFE CYCLE ASSESSMENT

304.1 Whole building life cycle assessment project elective. A whole *building life cycle assessment* shall be a *project elective*. The requirements for the execution of a whole *building life cycle assessment* shall be performed in accordance with the following: The data and final report shall be included in the owner education manual required by Section 904.4.

1. The assessment shall demonstrate that the *building* project achieves not less than a 20 percent improvement in environmental performance for each of at least three of the following impact measures, one of which shall be *global warming potential*, as compared to a reference *building* of similar useable floor area, function and configuration that meets the minimum energy requirements of this code and the structural requirements of the *International Building Code*:

    1.1 *Primary energy use*
    1.2 *Global warming potential*
    1.3 Acidification potential
    1.4 Eutrophication potential
    1.5 Ozone depletion potential
    1.6 Smog potential

2. The reference and project *buildings* shall utilize the same *life cycle assessment* tool.

3. The *life cycle assessment* tool shall be approved by the code official.

4. *Building* operational energy shall be included.

5. *Building* process loads shall be permitted to be included.

6. The *reference service life* of the reference *building* shall be in accordance with Section 505.1.

7. Maintenance and replacement schedules and actions for components shall be included in the assessment.

8. The full life cycle, from resource extraction to demolition and disposal, including but not limited to, on-site construction, maintenance and replacement, and material and product embodied acquisition, process and transportation energy, shall be assessed.

Exception: Electrical and mechanical equipment and controls, plumbing products, fire detection and alarm systems, elevators and conveying systems shall not be included in the assessment.

9. The complete *building* envelope, structural elements, inclusive of footings and foundations, and interior walls, floors and ceilings, including interior and exterior finishes, shall be assessed to the extent that data is available for the materials being analyzed in the selected *life cycle assessment* tool.

10. Mechanical, electrical and plumbing components and specialty items shall not be included in this calculation.

11. The *life cycle assessment* shall conform with the requirements of ISO 14044.

EXHIBIT "C"

KAYENTA TOWNSHIP
BUILDING & SAFETY DEPARTMENT
P.O. BOX 1490
KAYENTA, ARIZONA 86033
PHONE: (928) 697-8451 FAX: (928) 697-8461

February 4, 2011

Timeline of Events:

- 10/08/2010 – The week of October 4th I attended the Arizona Building Officials (AZBO) education week in Phoenix. One of the classes I participated in was about the International Green Construction Code (IGCC). The session was facilitated by Allan Bilka; Sr. Staff Architect with the International Code Council (ICC). At the conclusion of this session I started the steps needed toward establishing a Green Building Program for the Kayenta Township.
- 10/11/2010 –Email received with some literature from Mr. Bilka on the ICC's support of communities developing green building codes.
- 10/21/2010 –Email received from Sarah Olsen (HUD) offering support from her staff with development of the IGCC for Kayenta. Sarah was a contact person Mr. Waetermans established.
- 11/11/2010 – Arrowhead Engineering asked to incorporate green building concepts into the Zoning Ordinance they are establishing.
- 11/16/2010 – Drafts of Chapter 3; Jurisdictional Requirements and Projects Electives begin.
- 11/22/2010 – Email received from Michelle Baker (EPA Region 9) offering support from her staff along with consultants contracted by the EPA.
- Public Notice of adopting the 2010 IGCC are posted at the Post Office, Chapter House, 7-11 store, and inside the Town Hall lobby.
- 11/30/2010 – Conference call between Philbert Tso, Michelle Baker (EPA), Timonie Hood (EPA), David Eisenburg (Contractor), Anthony Novelli (Contractor), and Merwin Yellowhair (Arrowhead Engineering). This meeting determined to what extent people involved may commit their time to this endeavor. I took the responsibility of drafting jurisdictional requirements and project electives. The other individuals would assist with review and comments.
- 12/01/2010 – Completed draft of Chapter three (3) requirements of the IGCC distributed among parties assisting with development.
- 12/13/2010 – Final comments from David Eisenburg received along with new documents concerning version 2.0. Draft from 12/1/10 remains unchanged, and determined suitable for this region. IGCC Chapter three (3) requirements are filed by the Building & Safety Department.

EXHIBIT "D"

KAYENTA TOWNSHIP
BUILDING & SAFETY DEPARTMENT
P.O. BOX 1490
KAYENTA, ARIZONA 86033
PHONE: (928) 697-8451 FAX: (928) 697-8461

November 23, 2010

PUBLIC NOTICE

The Kayenta Township Commission (KTC) has the authority and responsibility to govern for the welfare of the Kayenta Township (Township) and its residents, including the enactment of such ordinances, rules, and regulations as it deems in the best interest of the Township; and

Notice is hereby given; the Kayenta Township Building & Safety Department will be adopting the 2010 International Green Construction Code (IGCC) Public Version 1.0 on a voluntary basis. When development of the 2010 IGCC Public Version 2.0 is complete it will replace Public Version 1.0. The IGCC is intended to safeguard the environment, public health, safety, and general welfare of the community. Questions that concern this 30 day Public Notice period can be directed to Philbert Tso, Building Official at (928) 697-8451 ext. 233 or email: ptso@kayentatownship.net.

EXHIBIT "E"

2011 IGCC CODE DEVELOPMENT SCHEDULE

STEP IN CODE DEVELOPMENT CYCLE	DATE
2010 PUBLIC COMMENT HEARING ON COMMENTS SUBMITTED TO IGCC PUBLIC VERSION 1.0	August 14 – 22, 2010 The Westin O'Hare Hotel Rosemont, IL
DEADLINE FOR RECEIPT OF APPLICATIONS FOR THE 2011 IGCC CODE COMMITTEE (1)	October 1, 2010
WEB POSTING OF IGCC PUBLIC VERSION 2.0	November 3, 2010
DEADLINE FOR RECEIPT OF CODE CHANGE PROPOSALS TO IGCC PUBLIC VERSION 2.0	January 3, 2011
WEB POSTING OF "PROPOSED CHANGES TO IGCC PV 2.0"	March 25, 2011
DISTRIBUTION DATE OF "PROPOSED CHANGES TO IGCC PV 2.0" (CD distribution only)	April 25, 2011
IGCC CODE DEVELOPMENT HEARING (CDH)	**May 16 – 22, 2011** Sheraton Dallas Hotel Dallas, TX
WEB POSTING OF "REPORT OF THE PUBLIC HEARING"	June 27, 2011
DISTRIBUTION DATE OF "REPORT OF THE PUBLIC HEARING" (CD distribution only)	July 25, 2011
DEADLINE FOR RECEIPT OF PUBLIC COMMENTS	August 12, 2011
WEB POSTING OF PUBLIC COMMENTS "FINAL ACTION AGENDA"	September 16, 2011
DISTRIBUTION DATE OF PUBLIC COMMENTS "FINAL ACTION AGENDA" (CD distribution only)	October 14, 2011
FINAL ACTION HEARINGS (FAH)	November 2 – 6, 2011
ANNUAL CONFERENCES	October 25 – 31, 2010 Charlotte Convention Center Charlotte, NC October 30 – November 3, 2011 Phoenix Convention Center Phoenix, AZ
PUBLISH 2012 IGCC	March/2012

A MEMBER OF THE INTERNATIONAL CODE FAMILY®

IGCC

SAFE & SUSTAINABLE BY THE BOOK

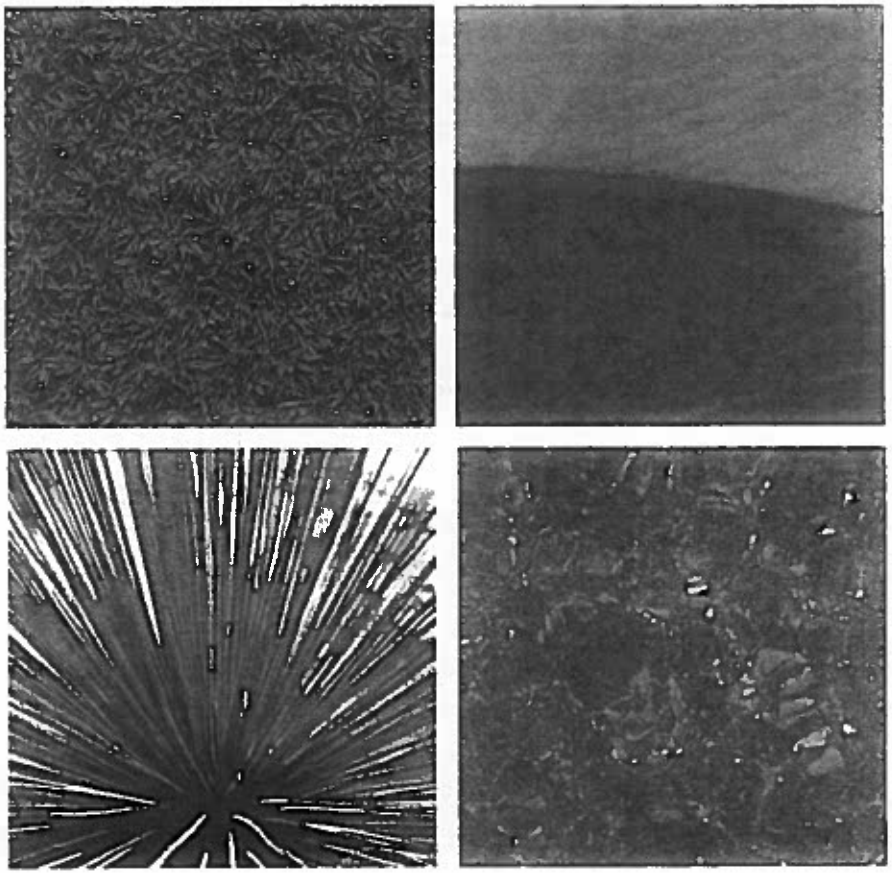
INTERNATIONAL GREEN CONSTRUCTION CODE™

PUBLIC VERSION 2.0, NOVEMBER 2010

ASHRAE/USGBC/IES STANDARD 189.1-2009
STANDARD FOR THE DESIGN OF HIGH-PERFORMANCE GREEN BUILDINGS - A JURISDICTIONAL COMPLIANCE OPTION OF THE IGCC

THE AMERICAN INSTITUTE OF ARCHITECTS

ICC INTERNATIONAL



International Green Construction Code

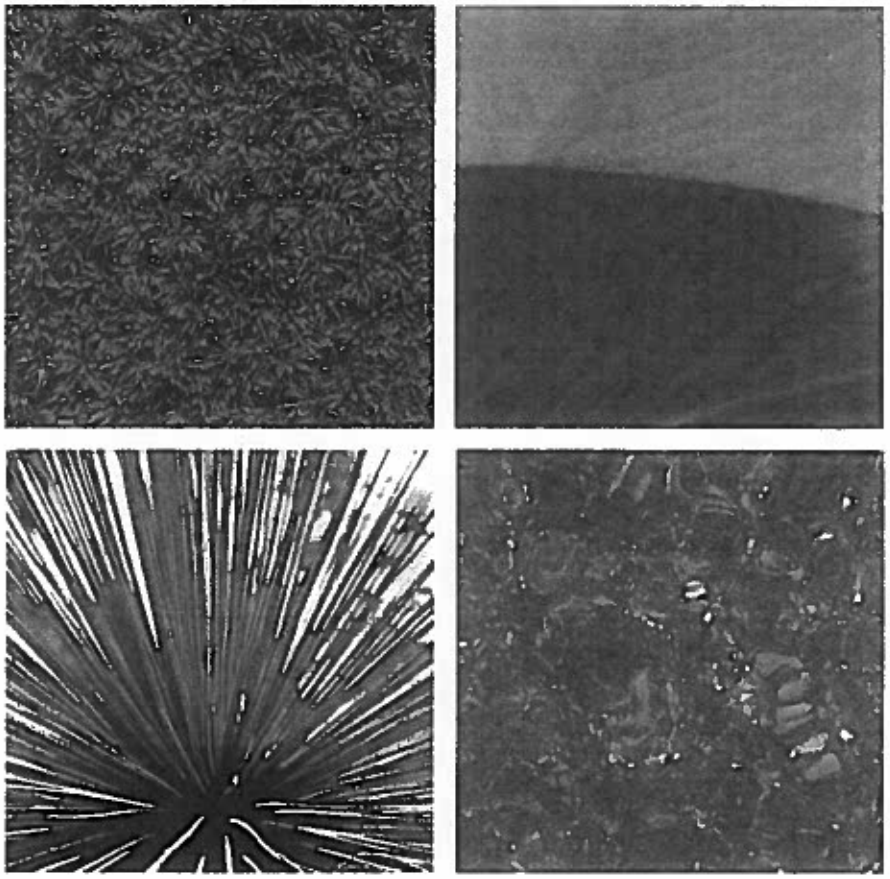
Public Version 2.0 Snapshot

IGCC

SAFE & SUSTAINABLE BY THE BOOK

INTERNATIONAL CODE COUNCIL AIA

INTERNATIONAL CODE COUNCIL



International Green Construction Code

Public Version 2.0 Snapshot

IGCC

SAFE & SUSTAINABLE BY THE BOOK

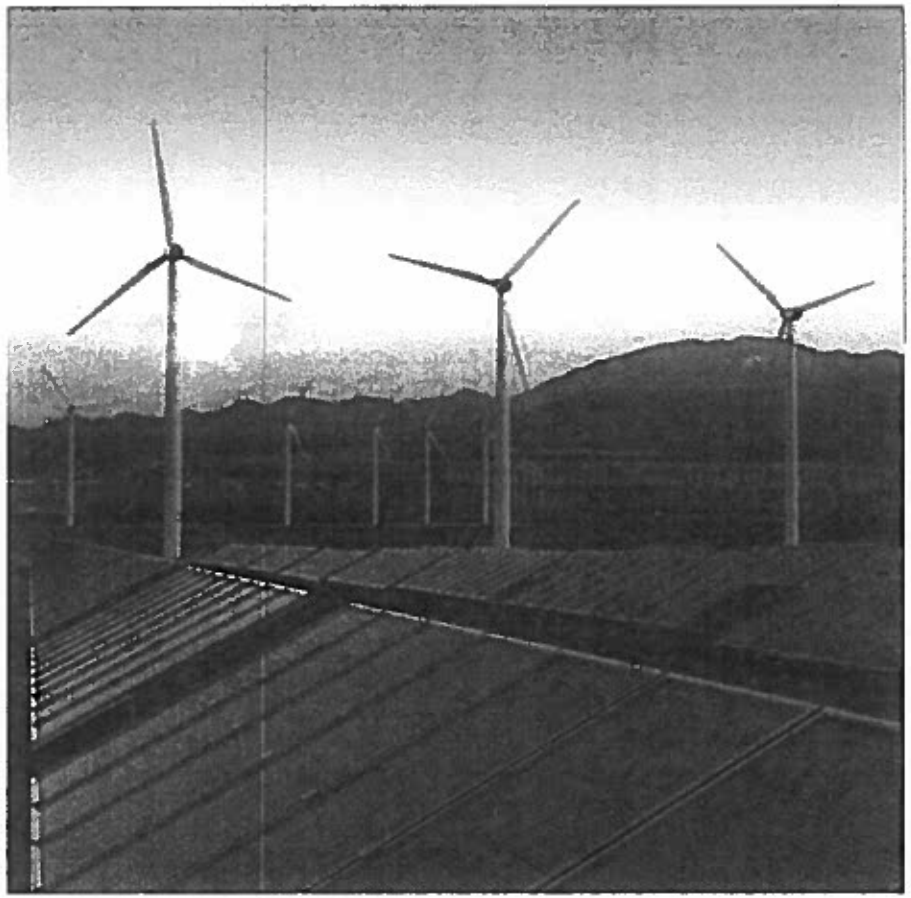
INTERNATIONAL CODE COUNCIL

AIA

INTERNATIONAL CODE COUNCIL

What is the IGCC?

- An Adoptable, Useable and Enforceable code intended to reduce the negative impacts of the built environment on the natural environment by addressing:
  - Conservation of:
    - Natural resources
    - Materials
    - Energy
    - Water
  - Air & indoor environmental quality
  - Owner education



IGCC

SAFE & SUSTAINABLE BY THE BOOK

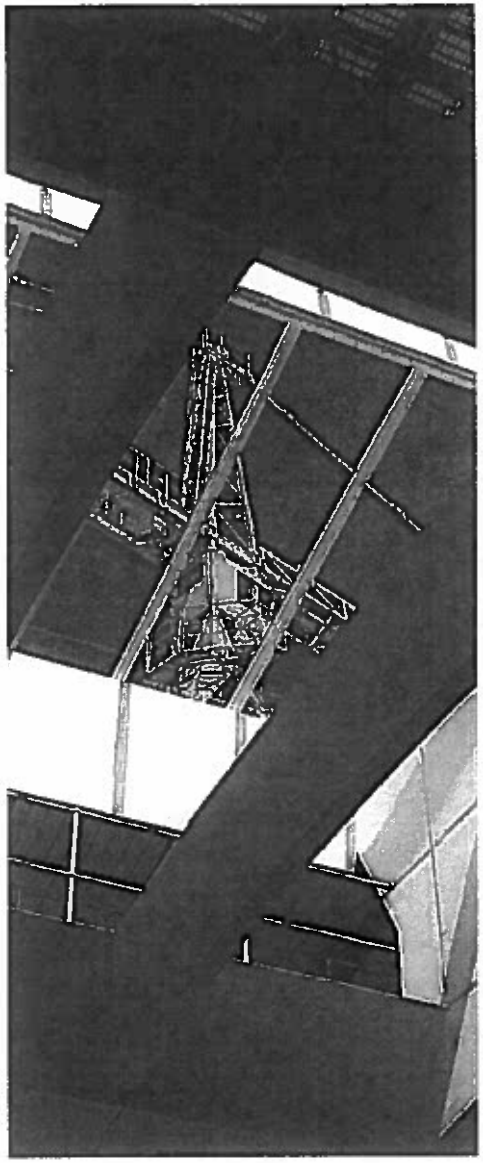
Developed By:

- IGCC developed by **ICC** in association with cooperating sponsors:
  - ✓ **ASTM** and
  - ✓ **AIA**
- References **ICC 700** for *residential structures*, as developed by:
  - ✓ **NAHB** and partner
  - ✓ **ICC**
- References **ASHRAE 189.1** as an *alternative compliance path*, as developed by:
  - ✓ **ASHRAE** and partners
  - ✓ **IES** and
  - ✓ **USGBC**

IGCC
SAFE & SUSTAINABLE BY THE BOOK

Scope and Intent

- Consistent and coordinated with the ICC family of Codes & Standards
- Applicable to the construction of
  - New and existing buildings
  - All occupancies
- Intended to be enforced primarily by building officials – a system already in place nation wide
- Intended to drive green building into everyday practice

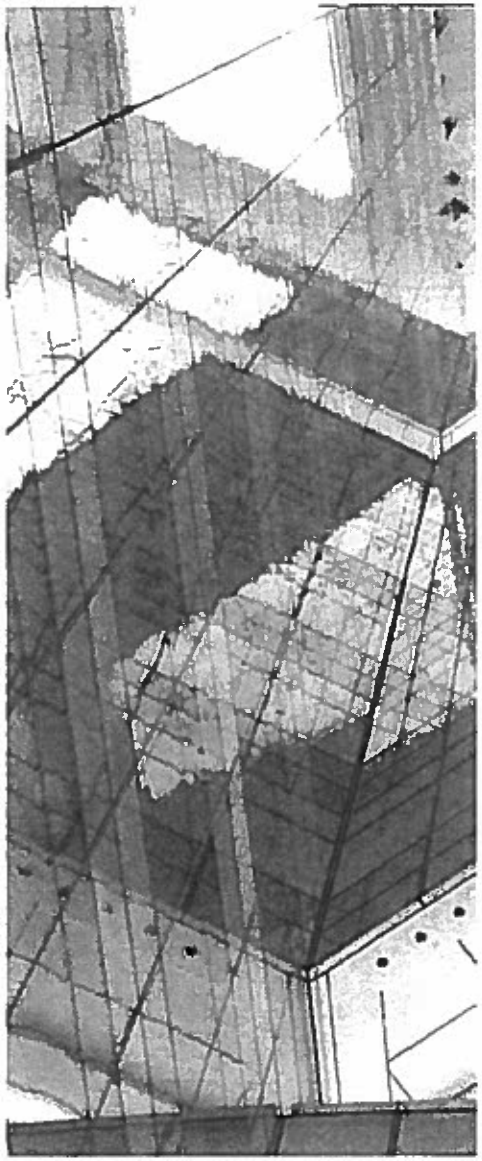


IgCC

SAFE & SUSTAINABLE BY THE BOOK

IGCC Context

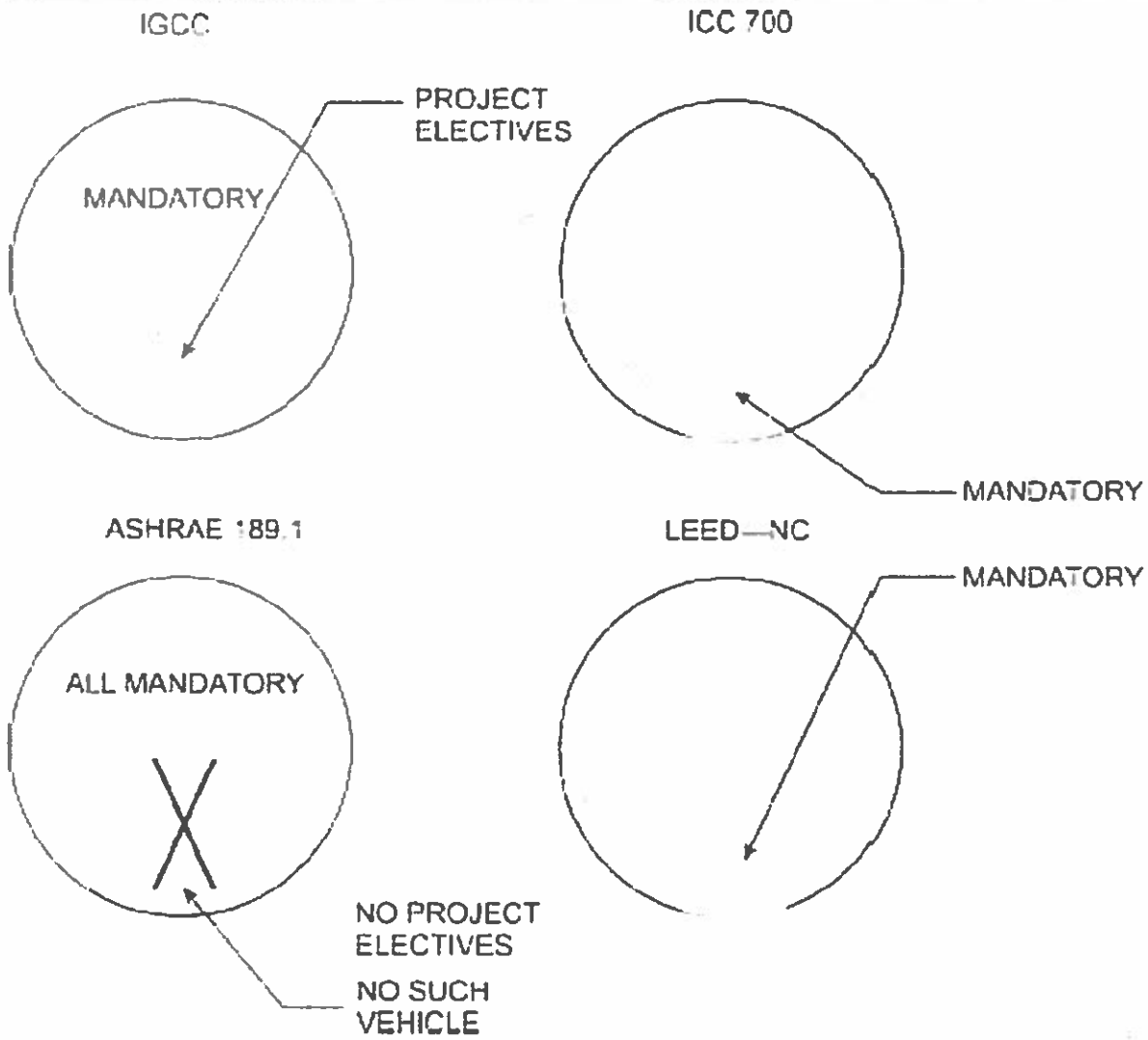
- The IGCC is *not* a rating system, nor is it intended to replace them.
- The IGCC is code which is intended to be adopted on mandatory basis.
- Unlike most rating systems, the IGCC primarily consists of minimum mandatory requirements, just as other I-Codes.
- Because it is intended to apply to both private sector and government owned buildings on a *mandatory* basis – raises the floor of sustainability for all buildings - the IGCC is poised to achieve massive environmental benefits not possible with *voluntary* green building rating systems.



IGCC

SAFE & SUSTAINABLE BY THE BOOK

Mandatory vs. Elective Provisions

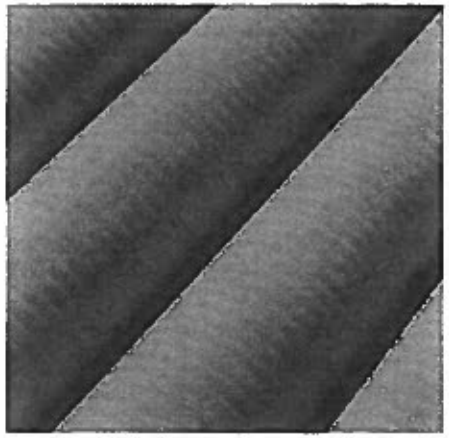


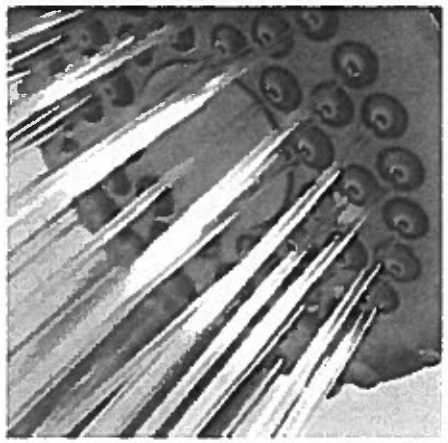
How should we compare green and sustainable codes, standards, rating systems and programs?

- Building by building? (And using what measuring tool?)
- Or by their ability to be adopted on a mandatory (not voluntary!) basis in all regions and their potential overall reduction of negative environmental impacts?

What should the intent of a green code or program be?

- To make a few buildings very green?
- Or to have as little negative impact as possible on the U.S. and the planets total built and natural environments?





IgCC

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Other Unique Aspects of the IGCC

Chapter 3: Jurisdictional & Owner Choices

- Focus is on adoptability through flexibility of the document to coordinate with the local jurisdictions environmental goals and specific regional geography.

- Four (4) major parts:

1. Level of stringency for ICC 700 (Residential occupancies)

2. Option to adopt ASHRAE Standard 189.1 (Replaces IGCC Chapters 4 through 12)

3. Jurisdictional Requirements. (Chosen by Jurisdiction from Table 302.1 and then apply to <u>all</u> buildings built in the jurisdiction. Allows for regional differences in geography and environmental goals.)

4. Project Electives. (Chosen by the owner and vary from project to project. Encourages higher performance and practices which are impossible to mandate.)

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Chapter 6

Energy

Conservation, Efficiency and Atmospheric Quality

- Approximate minimum performance:
  - Similar to LEED 2009 (ASHRAE 90.1-2010 + 10%)
- Compliance paths:
  - Prescriptive based,
  - Performance based, or
  - Outcome based
    - Estimated energy use relative to actual energy use, based on a 12 month period after commissioning.

Chapter 10

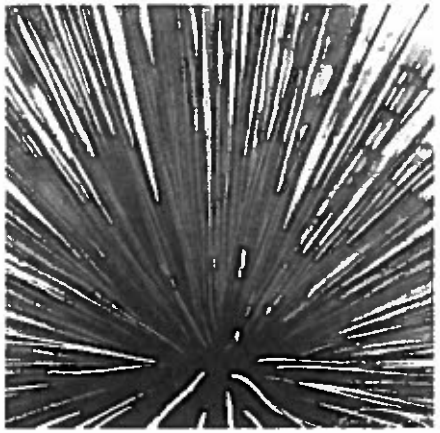
Existing Buildings

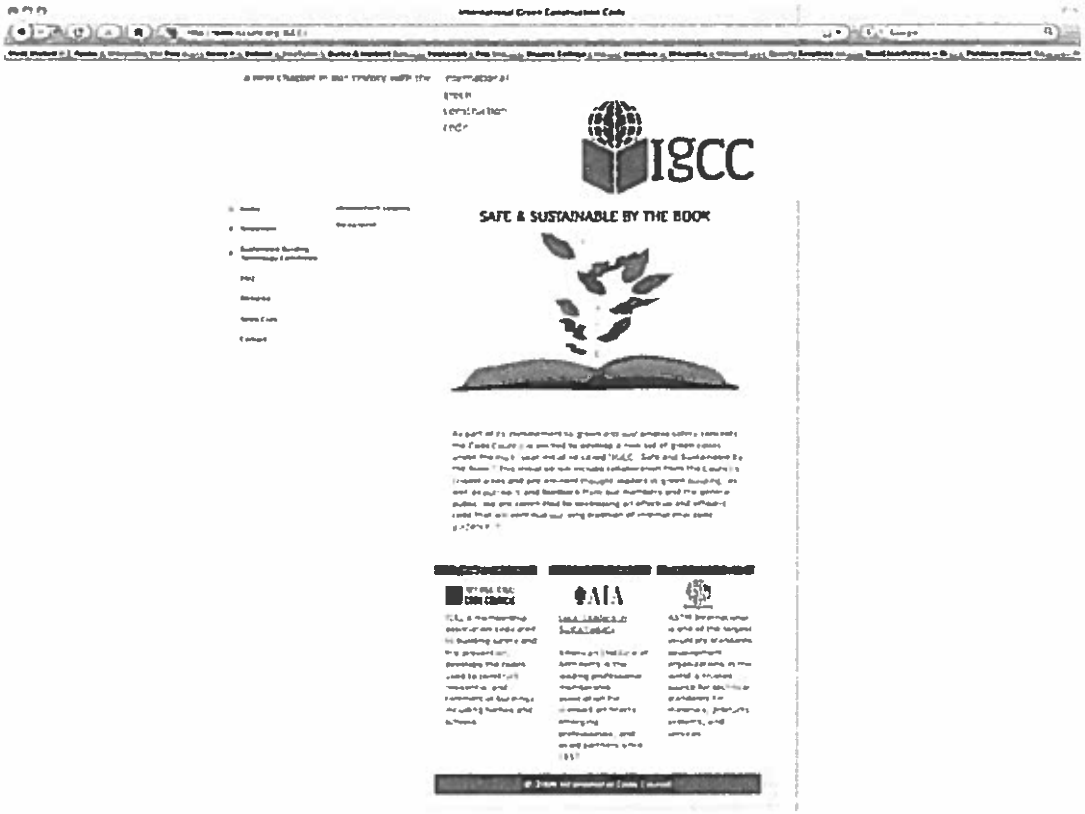
- ✓ Loosely based on the provisions of the IBC for existing buildings:
  - ➢ Whatever is changed or added must meet current IGCC requirements.
  - ➢ *Unaltered components* can remain as they are.
- ✓ Alterations to Existing Buildings:
  - ➢ Basic prescriptive requirements addressing:
    - ➢ Leaks
    - ➢ Defective equipment and systems
  - ➢ Extensive prescriptive list limited to 10% of the cost of alterations.

IGCC:

Detailed and Comprehensive

- Contains, doesn't just reference, many detailed useable and enforceable requirements, including:
  - Gray water system details
  - Irrigation system details
  - Rainwater catchment system details
  - Actual energy provisions





More information and updates check the ICC website

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www.iccsafe.org/igcc

KAYENTA

TOWNSHIP

EST. 1986

11.

Personnel Policies and Procedures Handbook

(Revised April 13, 2015)

KAYENTA TOWNSHIP
EST. 1986

KAYENTA TOWNSHIP OFFICE

PERSONNEL POLICIES AND PROCEDURES HANDBOOK

Revised April 13, 2015

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KAYENTA
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EST. 1986

Welcome to the Kayenta Township.

On behalf of your colleagues, I welcome you and wish you every success here.

We believe that each employee contributes directly to our growth and success, and we hope you will take pride in being a member of our team.

This Handbook outlines the policies, programs, and benefits available to eligible employees. It was also developed to describe some of the expectations we have of our employees. The Personnel Policies and Procedures Handbook will answer many questions about employment with the Kayenta Township and I suggest that you familiarize yourself with its contents as soon as possible. Familiarization with this Handbook will help you to evaluate your job responsibilities and expectations.

We hope that your experience with the Township will be challenging, enjoyable, and rewarding.

Sincerely,

Andre Cordero
Township Manager

History of the Kayenta Township

At the request of the Kayenta Chapter, the Navajo Nation created the Kayenta Township Pilot Project in 1985, and in 1986 approximately 3,606.43 acres were withdrawn for the Township establishing its territorial boundaries. It is the only township formally established under Navajo Nation law.

In 1996, the Township amended its Plan of Operation to establish a five-member elected Commission to serve as its governing body. The Commission was given authority to administer the Project with jurisdiction over all planning for the area withdrawn for the Project. The Attorney General of the Navajo Nation issued an opinion in 1999 confirming that the Kayenta Township Commission had been delegated the authority to approve leases of Navajo trust lands located within the boundaries of the Kayenta Township. In 2003, the Navajo Nation Council amended the Plan of Operation for Kayenta Township to give it permanent status as a home rule municipality. In approving home rule status, the Council gave the Commission a broad grant of authority that is limited only by the generally applicable laws and regulations of the Navajo Nation and the federal government.

Governance

The Kayenta Township is governed by a five-member elected Commission. The Commission sets policies for the Township, enacts ordinances governing the Township, and selects, supervises, and evaluates the performance of the Town Manager, who reports directly to the Commission.

Day-to-day management authority of the Township is entrusted to the Town Manager. The several department managers report to the Town Manager. The current organization structure of the Township is shown in the attached Exhibit "A." The organizational structure may be amended from time to time in the discretion of the Commission, with input as deemed desirable from the Town Manager.

Introductory Statement

This Handbook was designed to acquaint you with the Kayenta Township and provide you with information about working conditions, employee benefits, and policies.

You should read, understand, and comply with all provisions of this Handbook. The Handbook describes many of your responsibilities as an employee and outlines the programs we have developed to benefit our employees. One of our objectives at the Kayenta Township is to provide a safe work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about every one of our policies. Further, there may be situations where the need arises for the Township to revise, add, or cancel policies.

The Kayenta Township Commission reserves the right to add new policies, and to change or cancel existing policies at any time. The policies contained in this Handbook supersede all prior personnel policies of the Kayenta Township Commission.

This Handbook is written to comply with applicable Navajo and federal laws, regulations, and policies. We will notify employees of any changes to the Handbook as they occur.

Employee Acknowledgment Form

The Personnel Policies and Procedures Handbook describes important information about the Kayenta Township and I understand that I should consult the Town Manager or his authorized delegate regarding any questions not answered in the Handbook.

Since the information, policies, and benefits described in the Handbook are subject to change as needed, I acknowledge that revisions to the Handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. I also understand that only the Kayenta Township Commission has the authority to adopt revisions to the policies in this Handbook.

Furthermore, I acknowledge that this Handbook is not intended to, and shall not be construed to, grant or reflect any contract of employment or property interest in or right to a job with the Kayenta Township. I have received the Handbook, and I understand that it is my responsibility to comply with the policies contained in this Handbook and any revisions made to it. I have read this Handbook and understand its contents.

EMPLOYEE NAME (printed): _____

EMPLOYEE's SIGNATURE: _____

DATE: _____

Employment Laws

Federal Employment Laws

As a political subdivision of the Navajo Nation, most federal employment laws do not apply to the Township. However, the Kayenta Township strives to make its employment decisions based on merit, qualifications, and abilities, subject to other requirements of Navajo law. In most cases, the Kayenta Township will also strive to honor policies underlying federal employment laws.

If an employee has a disability, that employee should inform his or her immediate supervisor of that disability, so that the Kayenta Township can determine if any accommodations are necessary and feasible. The Township will provide leaves of absence without pay for up to 12 weeks per year for the birth of adoption of a child, or for serious health conditions of an employee or a member of the employee's immediate family member, as defined by Policy No. 309. Female employees will not be fired or refused a job or promotion simply because she is pregnant, and cannot be forced to take a leave of absence while pregnant as long as she is able to work safely and productively.

Any new employee must complete the Employment Eligibility Verification Form I-9 and provide documents verifying identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 form with the Township within the past three years, or if their previous I-9 form is no longer available.

Navajo Preference in Employment Act

Kayenta Township complies with the Navajo Preference in Employment Act (NPEA), and includes Navajo employment preference policy statements in all job announcements. To the extent permitted by applicable law, the Kayenta Township gives preference in employment to enrolled Navajo Nation members and their spouses. When no tribal member or spouse meets the minimum qualification requirements of NPEA, a non-Navajo may be hired. Navajo subordinates will typically replace non-Navajo supervisors within three years if they meet the necessary qualifications; however, additional time may be given to Navajo subordinates to attain the necessary skills and abilities.

To qualify for Navajo preference, an applicant must provide an official, notarized copy of the BIA's "Certificate of Indian Blood" from the appropriate BIA agency with an authorized signature, or, for a spouse claiming Navajo preference, a copy of an official marriage license or certificate. A copy of the certificate or license will be a part of the employee's personnel file.

In the event of a reduction-in-force affecting any particular class of positions, any Employee who is an enrolled member of the Navajo Nation, or the spouse of an enrolled member of the Navajo Nation, shall have priority in their position until all non-Navajos

employed in that class of positions are laid off. Any Employee who is an enrolled member of the Navajo Nation, or a non-Navajo spouse who is laid off in compliance with this provision shall have the right to displace a non-Navajo in any other employment position for which the Navajo, or non-Navajo spouse employee is qualified.

The Kayenta Township does not subscribe to any seniority system. The Township offers a 401(k) plan to its employees, as well as health insurance.

Policy No. 101

Nature of Employment

This Handbook is intended to provide you with a general understanding of the personnel policies of the Kayenta Township and to answer many common questions. You are encouraged to review all the policies in this Handbook and become familiar with them.

However, this Handbook cannot anticipate every situation or answer every question about employment. This Handbook is also not an employment contract. Since employment at Kayenta Township is based on mutual consent, you have the right to end the employment relationship at any time, with or without cause or advance notice. For employees not employed under an employment contract, the NPEA requires just cause for disciplinary action, including involuntary termination of employment. However, to the extent that it is or may be permitted by applicable law, employment with Kayenta Township is "at will," unless an employee and the Township have entered into a contract of employment, which contract shall define the terms and conditions of such employment.

In order to retain necessary flexibility in the administration of policies and procedures, we reserve the right to change, revise, or eliminate any of the policies and/or benefits described in this Handbook. The only recognized revisions to the policies in this Handbook must be authorized and signed by the Town Manager of the Kayenta Township, upon adoption of such revisions by the Commission.

Policy No. 102

Employee Relations

The Township believes that the work conditions and benefits we offer to our employees are competitive with those offered by other employers in this area and in this industry. If you have concerns about work conditions or compensation, you are strongly encouraged to voice these concerns openly and directly to your supervisor.

Our experience has shown that when employees deal openly and directly with management, the work environment can be productive, communications can be clear, and attitudes can be positive.

Policy No. 103

Business Ethics and Conduct

The successful business operation and reputation of the Kayenta Township is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and

regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

Our continued success is dependent upon the public's trust and we are dedicated to preserving that trust. Employees owe a duty to the Township and the Kayenta Township Commission to act in ways that will merit the continued trust and confidence of the public.

Kayenta Township will comply with all applicable laws and regulations, including the Navajo Nation Ethics in Government Law, 2 N.N.C. § 3741, *et seq.* (2005), and we expect our Commissioners, officers, and employees to conduct business in accordance with all applicable laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, employees should find that using good judgment, based on high ethical principles, will be a guide to act appropriately. If an employee is unsure about the proper course of action, that employee should discuss the matter openly with his or her supervisor. If necessary, employees may also contact the Town Manager for advice and consultation.

It is the responsibility of every Township employee to comply with our policy of business ethics and conduct, and with the Navajo Nation Ethics in Government Law. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

Policy No. 104

Personal Relationships in the Workplace

For purposes of this Policy No. 104, the term "relative" includes father, mother, daughter, son, sister, brother, grandfather, grandmother, aunt, uncle, niece, nephew, husband, wife, stepfather, stepmother, stepdaughter, stepson, stepsister, stepbrother, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, and brother-in-law; and a "dating relationship" is defined as a relationship that may be reasonable expected to lead to the formation of a consensual romantic relationship. This policy applies to all employees regardless of gender or sexual orientation.

The employment of relatives or individuals involved in a dating relationship (collectively, for purposes of this Policy No. 104, "relatives") in an organization may cause serious conflicts and problems with favoritism and employee morale.

Nepotism/Favoritism

The employment of relatives may cause serious conflicts and problems with employee morale. Personal conflicts from outside the work environment can be carried into day to day working relationships. Relatives of current Township employees may not be hired within the same department. If a relative relationship is established after employment, the individuals involved will decide who is to be transferred. If that decision is not made within five calendar

days, the immediate supervisor will recommend who is to be transferred, with preference given to full-time employees.

Employees may not occupy a position working directly or indirectly for or supervising a relative. Employees may not be involved in dating relationships while working directly or indirectly together. Kayenta Township also reserves the right to take prompt disciplinary or other action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that might affect employment decisions.

If two people who are in a reporting situation described above subsequently develop a relationship or dating relationship, both persons in the relationship are obligated to immediately disclose the existence of the relationship to management of either or both and the failure to make such disclosure shall constitute grounds for disciplinary action, up to and including termination. We will ask the individuals involved to decide which of them is to be transferred to another available position, or if no position for which either is qualified or available, which one of them will resign. If that decision is not made within five calendar days, Kayenta Township will decide who is to be transferred or, if appropriate, deemed to have resigned from employment.

If there is a situation where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. If an employee is in a close personal relationship with another employee, both employees must refrain from displays of affection or personal conversation while at work.

Policy No. 105

Employee Medical Examinations

After an offer of employment is made to an applicant, a medical pre-employment screening may be required for certain positions.

If a medical examination is required, it is to be performed by an outside health professional selected by Kayenta Township and will be designed to determine if an applicant can perform the duties of the position for which they are being considered. Any offer of employment and assignment of duties is contingent upon satisfactory completion of any required examinations. Drug testing of applicants and employees may be required in the Township's sole discretion. Drug testing is addressed separately under Policy No. 708 of this Handbook.

The Township considers information about medical conditions or history to be confidential and management will keep such information separate from other personnel information. Access to medical information is limited to the persons who have a legitimate need to know.

Policy No. 106

Conflicts of Interest

Employees of the Kayenta Township have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. In this policy, the Township is establishing the framework within which employees must operate. These guidelines are intended to provide general direction so that employees can get further clarification on areas that affect them. For more information or questions on conflict of interest, contact the Town Manager or your supervisor.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative (as defined in Policy No. 104, including a person in a dating relationship) as a result of business dealings with Kayenta Township.

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest or appearances of impropriety. Personal gain may result in cases where an employee or relative has a significant ownership in a firm doing business with the Township or where an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving Kayenta Township.

Employees must not perform work as a consultant outside Kayenta Township when such employment would represent a potential or actual conflict of interest or appearance of impropriety and, in any event, may not do so without the advance express written permission of the Town Manager, which permission may be withheld in the sole discretion of the Town Manager. Consulting work is considered inappropriate when it would, among other things:

- Reveal a proprietary development or position of Kayenta Township.
- Reveal or conflict with Township business, technical or marketing strategy, legal position, interest or plans.
- Impair the employee's ability to satisfactorily perform normal job responsibilities at Kayenta Township

If employees have any influence on transactions involving purchases, contracts, or leases, it is important that they inform their immediate supervisor when they learn of a potential or actual conflict. To comply with the Navajo Nation Ethics in Government Act, all supervisors and managers shall disclose their financial interests annually, or at the request of the Town Manager.

Policy No. 107

Outside Employment

Kayenta Township does not encourage employees to hold outside employment.

Employees are specifically forbidden from working as a consultant or employee of any current business organization that has a valid contract with Kayenta Township. A list of these businesses can be found in the office of the Town Manager.

If it is necessary for employees to hold outside employment, Kayenta Township must be the primary employer. The outside employment must be a part-time position and should not conflict with the employee's work schedule or interfere with Township operations in any way. All employees will be evaluated by the same performance standards and are subject to the Township's work schedule and requirements, regardless of any outside employment.

Employees must inform and receive approval from their immediate supervisor and/or the Town Manager before accepting outside employment. If the immediate supervisor and/or the Town Manager determine that an employee's outside work may interfere with the employee's performance or ability to meet Township requirements or if, in their sole discretion, the immediate supervisor and/or the Town Manager deem it to be in the Township's best interest that the employee not hold a second job, the employee may be required to reject the offer of or terminate his or her outside employment. Outside employment that creates an actual or apparent conflict of interest or appearance of impropriety is strictly prohibited.

Policy No. 108

Non-Disclosure

It is vital to the interests and success of Kayenta Township that the confidential business information and trade secrets of the Township are protected. Confidential information includes, but is not limited to, the following examples:

- compensation data
- financial information
- legal positions
- pending projects and proposals
- research and development strategies
- personnel data

Upon the Township's request, an employee exposed to confidential information must sign a non-disclosure agreement as a condition of employment.

Because we consider security breaches to be very serious, if an employee improperly uses or discloses trade secrets or confidential business or legal information, such employee will be subject to disciplinary action, up to and including termination of employment, along with appropriate legal action, regardless of whether such employee benefits from the use or disclosure of such information.

Job Posting, Recruitment, and Selection Process

Job Posting

Kayenta Township's job posting program provides employees with the opportunity to apply for open positions and advance within the Township according to his or her skills and experience. In general, all regular, full-time job openings will be posted, although the Township reserves the right to not post a particular job opening.

Job openings will normally remain open for five working days. Each job posting notice will include the dates of the posting period, job title, department, location, grade level, job summary, essential duties, and qualifications.

To be eligible for a posted job, you must have performed competently for at least 360 calendar days in your current position. If you have a written warning on file, or are on probation or suspension, you are not eligible for posted jobs. You may only apply for posted jobs for which you possess the required skills, competencies, and qualifications.

To apply for an open position, an employment application must be submitted to the Human Resources Department or Town Manager in the absence of a Human Resources Department or person designated as the Township's Human Resources official (hereinafter, collectively "Human Resources") listing all job-related skills and accomplishments, along with a description of how applicant's current experience with Kayenta Township, education and prior work experience qualifies him/her for the position.

Kayenta Township may contact applicant's supervisor to verify applicant's performance, skills, attendance history, and other circumstances that might affect a possible transfer, such as staffing considerations.

Recruitment

Kayenta Township recruits from within and outside of its workforce to obtain the most qualified applicants in accordance with the NPEA; however, preference will typically be given to current qualified employees in cases where there are equally qualified candidates. Human Resources will be responsible for advertising, receiving applications, rating applications, and informing supervisors of qualified applicants.

All job applications will be considered active for three months from the date of the application, although the Township may maintain certain applications for a longer period of time, in its sole discretion.

Selection Process

Kayenta Township will use non-discriminatory job qualifications and selection criteria in accordance with NPEA requirements. Human Resources will screen applications for required skills, abilities, knowledge, and qualifications. Qualified applications will be sent to the supervisor or manager requesting the position.

Testing may be required to assess clerical ability in typing, shorthand, filing, and spelling or mathematic accuracy. Other testing may be given to assess computer skills, reading, writing, and proofreading abilities. Testing will be given in accordance with the position description.

A interview panel may be convened to interview applicants and may consist of the Town Manager and/or others designated by the Town Manager. The panel will conduct interviews for key personnel positions, such as management positions, and the panel may convey its recommendations to Human Resources.

Employment Categories

Understanding the definitions of the employment classifications at Kayenta Township is important because an employee's classification is one of the factors that determine his/her employment status and benefit eligibility.

Depending upon the position, an employee is designated as either NONEXEMPT or EXEMPT from federal wage and hour laws. NONEXEMPT employees may be entitled to overtime pay under the specific provisions of federal laws. EXEMPT employees are excluded from specific provisions of federal wage and hour laws. An EXEMPT or NONEXEMPT classification may be changed only with written notification by the Town Manager.

In addition to the EXEMPT and NONEXEMPT categories, employees also belong to one of the following employment categories:

REGULAR employees are employees who are not in a temporary or introductory status. Regular full-time employees are employees who are regularly scheduled to work a full-time schedule (40 hours per week) at the Township. Generally, regularly full-time employees are eligible for all benefits offered by the Township, subject to the terms, conditions, and limitations of each benefit program. Regular part-time employees are employees engaged to work less than 40 hours per week. Regular part-time employees may be eligible for certain Township benefits.

INTRODUCTORY employees are employees whose performance is being evaluated to determine whether further employment in a specific position is appropriate. Upon successful completion of an introductory period, employees will be notified of their new employment classification. The employment period of any employee who does not satisfactorily complete the introductory period shall expire at the end of such period, and the employee shall be so informed.

Such introductory period provides all new or rehired employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance. All new, rehired, newly promoted or transferred employees must complete a 90-day introductory period with each reassigned or new position. Any significant absence will automatically extend an introductory period by the length of the absence. If the Kayenta Township determines that the designated introductory period does not allow sufficient time to thoroughly evaluate an employee's performance, the introductory period may be extended an additional 30 days. Except for employees who are serving an introductory period after a transfer or promotion, employees serving in the introductory period are not entitled to Township benefit programs.

TEMPORARY employees are employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a short-term project. Employment beyond the initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until they are notified of

a change. Temporary employees are not eligible for Township benefit programs.

CONTRACT EMPLOYEES are hired under written contract for their specialized knowledge, abilities, and skills. Any benefits to be received by contract employees must be specifically agreed to by all parties and be written into the employment contract.

EMPLOYEES IN GOOD STANDING are employees who have not had any disciplinary action taken against them in the previous 36 months.

Policy No. 202

Personnel Files

A personnel file is maintained on each employee of Kayenta Township. Such file includes employee's job application and related hiring documents, training records, performance documentation, salary history, and other employment records. Personnel files are the property of Kayenta Township. This information is confidential and only persons with a legitimate business reason will be allowed access to personnel files.

Upon reasonable advance notice and with the permission of the Town Manager, an employee may view his or her personnel file in the presence of authorized personnel.

Policy No. 203

Employment Reference Checks

References listed on employment applications will be contacted for verification by Kayenta Township. In addition, the Town Manager may conduct background checks on applicants. A written request may be sent to an applicant's former employer(s) requesting information on position(s) held, salary earned, dates of employment, and any other information deemed appropriate by the Town Manager. An official academic transcript and degree/training certificate will be required for some positions. Some positions may require credit, criminal and driving background checks, including but not limited to any DUI/DWI convictions.

The Town Manager shall provide a consent form for each applicant for a position with the Township. Such consent form shall evidence the applicant's unqualified consent to the Township conducting a thorough background check on the applicant, and shall be signed by the applicant. From and after the date of the adoption of this policy, the minimum qualifications for any position with the Township shall include the candidate's execution of such consent form, and a candidate for any position with the Township shall not be deemed to have minimal qualifications for any position if that candidate is unwilling to sign such consent form.

The Town Manager, or the Human Resources or third-party service provider upon the direction of the Town Manager, shall promptly initiate the background check, which may include, in the sole discretion of the Town Manager, criminal background, civil and bankruptcy

lawsuit background, credit check, obtaining copies of degrees, licenses or certificates, check of outstanding liens, contacts of references, verification of the accuracy of the applicant's materials, contacts with prior employers, and any other information relevant to determining the suitability for employment with the Township. Employment with the Township shall be contingent on satisfactory results of the background check.

This policy shall apply to any person who has separated from the Township and subsequently seeks to be rehired by the Township.

If the Township receives a request for an employment reference of a former employee, the Township will confirm only employment dates, salary information, and any position(s) held.

Policy No. 204

Personnel Data Changes

All employees are required to notify the Township of any changes to his or her personal information. Required information to be updated includes but is not limited to mailing address, telephone numbers, marital status, changes to dependents' information, emergency contact information, educational accomplishments, and other relevant information.
Policy No. 205

Introductory Period

As defined in Policy No. 201, Kayenta Township requires all new, rehired and promoted or transferred employees to complete an introductory period. The Township uses this period to evaluate an employee's capabilities, skills, work habits, and overall job performance.

The introductory period is the first 90 calendar days after the date of hire. Any employee that is promoted or transferred within the Township must complete a secondary introductory period of 90-days upon assuming the new position. This period may be extended as explained in Policy No. 201.

If the Township determines that a transferred or promoted employee is not performing satisfactorily during a second introductory period, such employee may be removed from the new position. Depending upon the positions available, and the Township's business needs, such employee may return to his or her former position, or another comparable position to which he or she is qualified.

If a new employee's performance or conduct is found to be unsatisfactory, the immediate supervisor may terminate the employee for any reason permitted by applicable law. An employee terminated during the introductory period has no rights to the Township's grievance procedures. No paid leave is accrued during the introductory period.

If, at the conclusion of the introductory period, an employee's performance has been

satisfactory in all respects, the employee shall be converted to regular full-time status. Conversion to regular full-time status should be accompanied by a performance appraisal completed by his or her supervisor.

During the initial introductory period, new employees are eligible for legal required benefits, such as workers' compensation and Social Security. After successful completion of the introductory period, regular full-time employees may become eligible for other Township benefit programs, subject to the terms and conditions of each benefit program. It is an employee's obligation to become knowledgeable of the eligibility requirements for each program.

Benefits eligibility and employment status are not changed as a result of a secondary introductory period that results from a promotion or transfer within Kayenta Township.

Policy No. 206

Employment Applications

Kayenta Township relies on the accuracy of the information provided by an applicant on his or her employment application, as well as the accuracy of other data presented during the hiring process and employment. Should the Township discover that any misrepresentations, falsifications, or material omissions were made at any time during the application process, such applicant may be excluded from further consideration. Misrepresentations, falsifications or material omissions made by an employee of the Township may result in termination of employment.

When processing employment applications, Kayenta Township may obtain a consumer credit report for employment purposes only. If an adverse employment action is taken based in whole or in part on the consumer credit report, a copy of the report and a summary of your rights under the Fair Credit Reporting Act will be provided as well as any other documents required by law.

Policy No. 207

Performance Evaluations

Formal written performance evaluations are conducted at the end of your introductory period, in any new position. The introductory period gives the employee and his or her supervisor the opportunity to evaluate job performance, standards, and performance requirements. In addition, such formal evaluations give the employee and his or her supervisor the opportunity to discuss job responsibilities and goals, encourage and recognize strengths, identify and correct weaknesses, develop plans for dealing with any obstacles, and plan for the future. Thereafter, performance evaluations are scheduled approximately every 12 months from the date of hire of the employee.

Merit-based bonuses may be awarded in recognition of superior employee performance. Bonuses are based on numerous factors, including the information documented by the formal performance evaluation process.

Policy No. 208

Salary Review

Kayenta Township is committed to fair employment practices and to offering competitive salaries within the Township's labor market. The Township strives to pay its employees equitable wages that reflect the requirements and responsibilities of each position and pay that is comparable to that received by similarly situated employees in other organizations in the area, consistent with approved budgets.

Compensation is determined by several factors including job analysis and evaluation, the essential duties and responsibilities of the position, and salary survey data on pay practices of other employers. The Township will, at its discretion and conditioned on budget constraints, provide a cost of living pay increase to each employee at the beginning of the fiscal year. Bonuses may be made on an individual basis in conjunction with superior employee performance as documented by the performance evaluation process and subject to the Township's budgetary limitations.

Policy No. 301

Employee Benefits

Kayenta Township provides a wide range of benefit programs to eligible employees. Certain legally required programs (such as Social Security, workers' compensation, disability, and unemployment insurance) cover all employees in the manner as required by applicable laws.

An employee's eligibility for each benefit program depends on a variety of factors, including the employee's classification. An employee can talk to his or her supervisor to get a better understanding of which benefit programs he or she may be eligible for. The following benefit programs are available to eligible employees, subject to the terms and conditions of each program:

- Family Leave
- Holidays
- Medical Leave
- Paid Time Off
- Travel Allowances

In addition, at the request of the Employee, the Township may provide paid time off in lieu of overtime pay ("comp time") for any hours over 80 worked during any pay period. While some of the benefit programs offered may require employees to contribute to the cost, many programs are fully paid by the Township.

Policy No. 302

Holidays

Kayenta Township gives holiday time off to all employees on the following holidays:

- New Years Day
- Martin Luther King Birthday
- Presidents' Day
- Memorial Day
- Navajo Nation Memorial Day
- Navajo Nation Sovereignty Day
- Independence Day
- Navajo Code Talkers Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day
- Day after Christmas

Kayenta Township provides time off with pay to eligible employees who have completed 30 calendar days of service in an eligible employment classification. If an employee is eligible

for paid holidays, the holiday pay will be calculated on an employee's straight-time pay rate as of that holiday multiplied by the number of hours an employee would normally have worked on that day. Employees in the following employment classification are eligible for paid holiday time off:

- Regular full-time employees
- Introductory employees
- Regular part-time employees

It may be necessary for the Township to require some employees to work during holidays. If so, eligible exempt employees will receive an alternate day off with pay in lieu of the holiday. Eligible non-exempt employees will receive pay at one and a half times their usual pay if required to work on a holiday. A non-exempt employee that is required to work on a holiday may request compensatory time off instead of receiving time and a half pay for holiday work. Such request must be in writing and be approved prior to the holiday.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday. If a recognized holiday falls during an eligible employee's paid absence, holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

Policy No. 303

Workers' Compensation Insurance

Kayenta Township participates in the Workers' Compensation program for all of its employees. This program covers injuries or illnesses sustained in the course of employment that require medical, surgical, or hospital treatment.

It is critical that employees immediately inform their supervisor immediately about any work-related injury or illness, regardless of how minor it might appear at the time. Immediate reporting ensures that, if eligible, you will qualify for workers' compensation benefits as quickly as possible and allows the Township to promptly investigate the matter.

Workers' compensation insurance is intended to cover work-related injuries and illnesses only. Neither Kayenta Township nor its insurance carrier will be liable for the payment of workers' compensation benefits for injuries that might occur during employees' voluntary participation in off-duty recreational, social, or athletic activities that may be sponsored by the Township.

Policy No. 304

Unemployment Insurance

Kayenta Township participates in the State unemployment insurance program for all of its employees. Unemployment insurance protects each employee in the event of any loss of employment for which the employee had no fault. The employee may need to meet other eligibility requirements as determined by the Department of Economic Security.

Policy No. 305

Time Off to Vote

Kayenta Township encourages employees to vote in Navajo Nation, federal and state elections. Employees should be able to make time to vote either before or after their work shift, or by early or absentee voting. If employees are unable to vote before or after work or by absentee ballot, the Township will provide up to two hours of paid administrative leave to regular full-time employees who are registered voters. Such leave must be taken and used for voting purposes only. Eligible employees must request time off from their immediate supervisors at least two working days prior to the Election Day. Advance notice is required so necessary time off can be scheduled at the beginning or end of the work shift. Supervisors may require proof of voter registration and/or polling slip to verify that an employee did vote.

Policy No. 306

Bereavement Leave

In the event an employee needs to take time off because of the death of an immediate family member, the Township provides up to three days of paid bereavement leave to regular full-time employees. Employees must notify and receive their immediate supervisor's prior approval for any time off.

During paid bereavement leave, your pay will be calculated based on your pay rate at the time of absence, excluding any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials. Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements that prevent accommodating the request. Employees may also, with supervisory approval, use any available paid leave benefits, such as vacation, for additional time off as necessary.

"Immediate family" is defined as a spouse, parent, child, or sibling, grandparents or grandchildren. Special consideration may be given to a request for bereavement leave for a person whose association with you was similar to any of the above relationships.

Policy No. 307

Jury Duty

Kayenta Township encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees must show the jury duty summons to their supervisor as soon as possible so that arrangements can be made to accommodate an employee's possible absence. Regular full-time employees may request up to one week of paid jury duty leave over any one year period and will be compensated at their base rate of pay for the number of hours normally worked each day. Should the jury duty continue beyond one week per year, employees may use any available paid time off, such as vacation, or request an unpaid jury duty leave of absence.

Should Kayenta believe that the employee's absence would cause a serious operational difficulty for the Township, it may request that the employee be excused from jury duty.

Policy No. 308

Annual Leave/Sick Leave

Kayenta Township provides paid time off for regular full-time employees to use for vacation, illness or injury, and personal business. Before an eligible employee can use any accrued paid time off, he or she must complete an introductory period of 90 calendar days. After the introductory period, an employee can request to use earned paid time off including paid time off that accrued during the introductory period.

Annual (or vacation) leave is accrued at the rate of four hours per pay period. The maximum annual leave hours earned per year for eligible employees is 104 hours. Employees must request advance approval from his or her supervisor of any planned leave. Each request will be reviewed based on a number of factors, including the Township's business needs and staffing requirements.

Employees who resign, giving at least two weeks notice, are entitled to payment of unused accrued annual leave, provided they have been continuously employed by Kayenta Township for at least one year. Employees with over one year of continuous employment who are terminated by the Township may be eligible for payment of unused accrued annual leave, at the Township's sole discretion. Employees may carry over up to but no more than 40 hours of unused accrued annual leave to the next fiscal year. Should a request for annual leave or vacation leave be denied, that employee is eligible for compensation in lieu of actual leave for any hours in excess of 40 hours that are accrued and unused at the end of the fiscal year.

Should an employee have unused accrued annual leave at the end of the fiscal year in excess of the 40 hours allowed for carryover ("excess leave"), he or she may request to be paid for one half of such excess leave up to 32 hours at the employees regular hourly rate. In addition, should an employee have an emergency need for funds at any other time during the

year, the employee may request that the Town Manager pay for up to 32 hours of his or her then accrued annual leave in lieu of taking such leave. The Town Manager will consider each request on a case by case basis and grant such request for good cause. In no case, shall an employee be paid for more than 32 hours of leave per year.

Sick leave is also accrued at the rate of two hours per pay period. The maximum sick leave hours earned per year for eligible employees is 52 hours. Sick leave can only be used for health related purposes. At the request of Kayenta Township, employee may be required to provide a doctor's statement if employee is on sick leave for more than three days. Employees who resign or are terminated are not entitled to payment of unused accrued sick leave. A maximum of a total of 40 hours of unused sick leave may be carried over to the next fiscal year.

Policy No. 309

Health, Life & Disability Insurance

Kayenta Township offers the same group insurance offered by the Navajo Nation to its regular full-time employees. Under this insurance plan, all regular full-time employees will receive a medical, dental, vision, life, accidental death and dismemberment, and disability packet. Dependent coverage under the group insurance plans is optional. All employee and dependent coverage requires payroll deduction. Eligible employees may participate in the health insurance plan subject to the terms and conditions of the agreement between Kayenta and the insurance carrier.

If an employee is terminated or if the employee classification changes that would cause an employee to become ineligible for this health insurance plan, he or she may qualify to continue this benefit under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

For questions about eligibility and cost, employees may contact Human Resources.

Policy No. 310

401k Plan

Kayenta Township offers a 401k/retirement plan to eligible employees. For questions about the plan and enrollment details, please see Human Resources.

Policy No. 401

Timekeeping

Applicable laws and good management practices require Kayenta Township to keep an accurate record of time worked in order to calculate employee pay and benefits. Nonexempt employees are responsible for accurately recording the hours they work. This information helps Kayenta comply with the laws that require Kayenta to keep accurate records of "time worked" in order to correctly calculate employee pay and benefits. "Time worked" is defined as all the time nonexempt staff spend performing assigned duties. Nonexempt employees must accurately record the time they begin and end work, as well as the beginning and ending time of any meal periods, split shifts, or if you leave the workplace for personal reasons. Advance approval must be received before working any overtime hours.

Kayenta considers attempts to falsify timekeeping records to be a very serious matter. Therefore, any of the following actions may result in disciplinary action, up to and including termination: altering, falsifying, tampering with time records, or recording another employee's time record, or attempting to do any of the foregoing.

Employees are responsible for signing their own time records to certify their accuracy. The employee's supervisor will review and initial the time records before submitting them for payroll processing.

Policy No. 402

Paydays

All employees are paid biweekly on every other Friday. Each paycheck includes earnings for all work performed through the end of the previous payroll period. Regular full-time employees who are terminated will be paid for regular hours worked, and, unless terminated for cause, for any unused, accrued annual leave on the next scheduled pay period. Employees on vacation will get paid on the regularly scheduled payday, and will be available on his or her return. If a regularly scheduled payday falls on a day off, such as a holiday, employees will be paid on the following business day.

Employees may have their paycheck deposited directly to their bank accounts by requesting and giving an advance written authorization to the Township. Employees will receive an itemized statement of wages when the Township makes the direct deposit.

Policy No. 403

Deductions and Withholding

Certain deductions required by law will be made from all paychecks. Kayenta Township does not guarantee the payment of any debts owed by any employee to any creditor under any

circumstances.

As specified by federal law, Kayenta is required to withhold federal income tax at specified rates from all pay to employees. The rate for such withholding is determined by the salary level and the exemptions to which the employee is entitled to, as declared by the employee. At the beginning of employment, each employee is required to complete an IRS form W-4 listing his or her social security number and the number of exemptions claimed for deduction purposes. Employees are exclusively responsible for all taxes due on their income. Kayenta Township will be liable only for the actual amount of taxes withheld from each paycheck.

Policy No. 404

Employment Termination

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. These are some of the most common circumstances for employment termination:

- Resignation - voluntary employment termination initiated by an employee
- Discharge - involuntary employment termination initiated by the Township
- Layoff - involuntary employment termination initiated by the Township for non-disciplinary reasons
- Subsequent Disqualification - If an employee made representations or omitted material facts on his or her employment application, that employee shall be subject to termination at any time after Kayenta Township learns of such misrepresentation. If an employee who was qualified for his or her position subsequently becomes disqualified for the position due to a reclassification of the position due to reorganization, or other related reasons, the employee will be subject to termination for cause, but in the sole discretion of Kayenta Township, the employee may be given a reasonable period to re-qualify. If the Township allows the employee time to re-qualify and if after the period for requalification the employee remains unqualified, he/she will be terminated.
- Release - An employee may be released from employment when, due to mental or physical condition or injury, the employee is no longer capable of performing the duties of the position. Kayenta Township may, in its sole discretion, require employees to see medical practitioners of the employee's or Township's choice to determine the nature, extent and probable duration of any incapacity. An employee who is released due to a change in physical or mental condition will typically be given two weeks written notice of the release.

Generally, an exit interview will be scheduled at the time of employment termination. The exit interview is an opportunity to discuss such issues as employee benefits, conversion privileges, or return of Township property. It is also a time for employees to voice any suggestions, concerns, and questions he or she may have.

Benefits are affected by termination in several ways. Accrued, vested benefits that are due and payable at termination will be paid out in the normal course of business. Some benefits may be continued at the expense of the employee, if he or she chooses to do so. Employees will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations for continuing them.

Policy No. 405

Pay Advances

Kayenta Township does not provide pay advances on unearned wages or salaries to our employees.

Policy No. 406

Administrative Pay Corrections

Kayenta Township takes reasonable steps to ensure that employees received the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the event of an error in pay, employees must promptly bring the discrepancy to the attention of their immediate supervisor and payroll personnel. Any pay corrections will be made in the next pay period.

Policy No. 501

Use of Phone and Mail Systems

Employees are not to engage in any business not directly related to the operations and business of Kayenta Township during working hours. Employees shall not use telephones, supplies, or equipment for purposes other than for the business activities of Kayenta Township without specific approval of their immediate supervisor. The Township may require employees to reimburse Kayenta Township for any charges resulting from personal calls.

When answering telephones for the Township, each employee is expected to answer each call promptly and in a courteous, professional, and respectful manner. Each employee and his or her department should be identified at the outset of the call. Employees should be helpful to the needs of the caller and if employee is unable to assist the caller, employee should try to determine who can assist. When taking messages from callers, employees must be accurate in noting the date, time, name of caller, callback number, and any comments or messages conveyed by the caller. Employees are not to release home telephone numbers of other employees without their prior consent.

Policy No. 502

Smoking

Smoking or other tobacco use in and near the Township's offices by employees is prohibited.

Policy No. 503

Rest and Meal Periods

Regular full-time employees are provided two rest periods, up to 15 minutes each, one in the morning and one in the afternoon. Supervisors can stagger meal and rest periods and adjust times for employee breaks. Supervisors can schedule employees' lunch periods for 30 minutes to one hour.

Rest period should be scheduled during the middle of morning and the middle of the afternoon, to the extent possible. This time is considered time worked and is, therefore, paid time. Meal periods are not considered time worked and are not included as paid time.

Policy No. 504

Motor Vehicle Use

Employees must notify supervisors immediately if any equipment, machine, tool, or Township vehicle appears damaged or defective, or is in need of repair. Prompt reporting of

damage, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others, and permits the Township to enforce warranties. Employees found violating this penalty will be subject to disciplinary action, up to and including termination of employment.

Employees involved in an accident while traveling on Kayenta business must promptly report the accident to their immediate supervisor.

Any employee who is arrested, or charged with driving under the influence of alcohol, drugs, or other controlled substances ("DUI/DWI") has a duty to report such arrest or charge immediately and in writing both to his or her immediate supervisor and to the Town Manager. Failure to do so shall be a neglect of duty constituting good cause for the employee's immediate termination.

Because Kayenta requires that employees whose duties include driving a vehicle must maintain at all times a valid state driver's license as a condition of employment, any suspension or revocation of such license by the licensing state, or any adjudication that an employee is guilty of DUI/DWI, or any plea of guilty or no contest to such charge, regardless of whether the employee is using a Kayenta vehicle or is conducting Kayenta business, shall constitute good cause for the employees immediate termination.

A part-time or temporary employee, or a regular full-time employee that is an introductory capacity, that is arrested or charged with DUI/DWI shall be immediately terminated without recourse. Any regular full-time employee who is arrested or charged with DUI/DWI and whose driver's license has not yet been suspended or revoked shall be able to invoke the following procedures, provided that such employee has given the proper notification required above:

- The employee shall be placed on immediate suspension without pay pending a determination by Kayenta of the culpability of the employee, such determination to be made at a hearing held for such purpose promptly after the giving of such notification by Kayenta to the employee.
- Kayenta shall schedule a hearing to determine if it is more likely than not that the employee did in fact drive a vehicle while under the influence of alcohol, drugs, or other controlled substances. The results of any blood test, breath analysis, or other test conducted by law enforcement personnel shall be entitled to a presumption of accuracy that may be rebutted by such employee only by competent proof. A showing that the employee refused to submit to a blood test, breath analysis or other test shall give rise to an irrefutable presumption that such employee is in fact guilty of DUI/DWI, in Kayenta's sole discretion.
- If Kayenta determines that it is more likely than not that the employee did drive a vehicle while under the influence of alcohol, drugs, or other controlled substance, such employee shall be terminated immediately, or Kayenta, in its sole discretion, may reassign such employee to another job not entailing any driving or driving duties.

- If Kayenta determines that it is more likely than not that the employee is not guilty of DUI/DWI and such employee's driver's license has not been suspended or revoked, such employee shall be reinstated to active duty, with pay.

Policy No. 505

Emergency Closings

If the weather affects the entire Kayenta Township, the Town Manager has the discretion to grant hours for late arrival or early dismissal for employees, with pay, not to exceed a total of 8 hours for that day. In such circumstances, supervisors may excuse employees for late arrival or early dismissal on a case-by-case basis as leave without pay.

There could be times when emergencies, such as severe weather, fires, power failures, or earthquakes, may disrupt our normal business operations. In extreme cases, these circumstances may require that we close a work facility. When the decision to close is made AFTER the workday has begun, supervisors will officially notify employees. In these situations, time off from scheduled work will be paid. When the decision to close is made BEFORE the workday has begun, time off from scheduled work will be unpaid. However, employees may request to use any available paid time off they have available, such as vacation time.

If Kayenta is not officially closed during a Kayenta emergency, employees are expected to report to work. If employees do not report to work, they will not be paid for the time off. However, employees may request to use available paid time off, such as vacation time.

There may be circumstances where Kayenta asks essential employees to work on a day when Kayenta is officially closed due to an emergency. In these circumstances, employees who are requested to work will receive their regular pay.

Policy No. 506

Business Travel Expenses

The Kayenta Township will reimburse employees for all authorized out-of-pocket expenses incurred during authorized travel. Employees must complete a Travel Authorization ("TA") form within three days after return from travel and submit it to the Finance Department with the signature of the supervisor who authorized the expense, and with copies of all receipts.

All business travel must be pre-approved by the Town Manager or an authorized designee. Once travel plans have been approved, employees are responsible for making their travel arrangements. When approved, the costs of travel, meals, lodging, and other expenses actually and reasonably incurred, and directly related to Kayenta Township business, will be reimbursed. Employees are expected to keep expenses within reasonable limits.

Travel expenses that generally will be reimbursed include the following:

- The lowest available rate for airfare or train fare.
- Fares for shuttle or airport bus service, where available; costs of public transportation or taxi fares for other ground travel.
- Mileage costs for use of personal cars at the IRS approved rate, but only when less expensive transportation is not available and practicable.
- Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings.
- Cost of meals, not to exceed $75 per day.

In the event of an accident while traveling on business, the involved employee must immediately report the incident to his or her supervisor. If an employee uses a vehicle owned, leased, or rented by Kayenta Township for travel, such vehicle may not be used for personal reasons unless the employee has received prior written approval from an authorized supervisor.

Upon submission of a written request by an employee, Kayenta Township may provide cash advances to cover reasonably anticipated expenses for an approved business trip.

While on authorized travel, employees must remember that they represent the Kayenta Township. Any conduct that might negatively reflect on the Township including without limitation excessive drinking or public disturbances will constitute good cause for disciplinary action, up to and including termination. If an employee is on travel to conduct Township business, the Township prohibits any person not employed by the Township from accompanying such employee, and business trips may not be combined with personal travel. Any non-business expenses incurred by an employee while on travel are solely the responsibility of the employee.

Kayenta Township considers abuse of this policy to be a very serious matter. Abuse of this policy includes falsifying expense reports to reflect costs that were not incurred or were not business-related. Failure to follow this business travel expense policy may be grounds for disciplinary action, up to and including termination of employment.

Policy No. 507

Visitors in the Workplace

To better protect the safety and security of employees as well as Kayenta Township property and facilities, only authorized visitors are allowed in the workplace. Authorized visitors shall remain in the reception area until they can be escorted to their intended destination.

For safety and security reasons, family and friends of employees should not visit. If such a visit is necessary, employees shall meet the personal visitor away from his or her work area and in a public waiting area. The time spent visiting will be deducted from the employee's compensation, at the Township's sole discretion.

Policy No. 508

Computer and Email Usage

Kayenta Township may provide employees with access to computers, computer files, the email system, and software to use to complete their work. Employees shall not use a password, access a file, or retrieve any store communication without authorization. Computer and email usage may be monitored by the Township at any time.

The Township prohibits the use of computers and the email system in ways that are disruptive, offensive to others, or harmful to morale and also prohibits displaying, downloading, or emailing sexually explicit images, messages, and cartoons. Unaccepted computer usage also includes but is not limited to ethnic slurs, racial comments, off-color jokes, or anything that may be reasonably seen by another person as harassment or disrespectful. Email may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.

Kayenta Township purchases and licenses the use of various computer software programs for business purposes and does not own the copyright to this software or its related documentation. Reproduction of software for use on more than one computer is prohibited.

An employee with knowledge of any violation of this policy must notify his or her supervisor. Employees who violate this policy are subject to disciplinary action, up to and including termination of employment.

Policy No. 509

Internet Usage

Kayenta Township may provide access to the internet for certain employees and expects such employees to use the internet responsibly and productively. All internet data that is composed, transmitted, or received via the Township computer system is considered to be part of Kayenta official records. It is subject to monitoring by and disclosure to management, law enforcement or other third parties. Use of the internet may be monitored by the Township at any time and any data that is composed, sent, or received though online connections or stored in the computer system may be retrieved and read by management.

It is prohibited to compose, transmit, access, or receive via the internet any content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Unacceptable content includes, but is not limited to, sexual comments or images, racial slurs, gender-specific comments, or other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by applicable law. In addition, employees are not allowed to download any files from the internet without prior written authorization.

Kayenta Township does not allow the unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the internet. If an employee did not create certain material, he or she does not own the right to it. If an employee has not received authorization for its use, he or she may not put that material on the internet.

In addition to the above prohibited activities, following are examples of additional actions and activities that are prohibited and which could result in disciplinary action:

- Accessing, viewing and posting to MySpace, Facebook, Twitter or any form of personal communication.
- Using Instant Messaging software
- Using Kayenta's time and resources for personal gain.
- Sending or posting confidential material, trade secrets, or proprietary information outside of Kayenta Township.
- Sending or posting messages or material that could damage Kayenta Township's image or reputation.
- Sending or posting message that defame or slander other individuals.
- Refusing to cooperate with a security investigation.
- Using the internet for political causes or activities, religious activities, or any sort of gambling.
- Sending or posting messages that disparage another organization's services.

Any employee who violates laws or this policy is subject to disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy.

Policy No. 510

Workplace Monitoring

Kayenta Township may conduct workplace monitoring to ensure quality control, employee safety, and security. Kayenta reserves the right monitor computer activities and to retrieve and read any computer files or data that are composed, sent, or received through internet connections or stored in the computer system.

The Township may conduct video surveillance of non-private workplace areas to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage and prevent acts of harassment and workplace violence. Kayenta will make reasonable efforts to conduct workplace monitoring in an ethical and respectful manner.

Policy No. 511

Workplace Violence Prevention

All employees, including supervisors and temporary employees, should be treated with

courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Kayenta prohibits firearms, weapons, and other dangerous or hazardous devices and substances on the premises of Kayenta Township without proper authorization.

Kayenta Township prohibits conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods. This includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal or Navajo law.

All threats of (or actual) violence, either direct or indirect, must be reported as soon as possible to a supervisor or the Town Manager. This includes threats by employees as well as threats by customers, vendors, solicitors, or anyone else. When reporting violence or a threat of violence, employees should be as specific and detailed as possible.

Employees should also report any suspicious person or activities as soon as possible to his or her supervisor. Employees should not place themselves in peril and should not try to intercede or try to see what is happening if he or she hears or sees a commotion or disturbance.

Kayenta Township will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the person who made the report will be protected to the extent practical. To maintain workplace safety and the integrity of its investigation, Kayenta may suspend an employee, either with or without pay, pending investigation. Such suspension shall not be considered an adverse employment action.

Any employee who violates these guidelines will be subject to disciplinary action, up to and including termination of employment.

Policy No. 512

Cell Phone Usage

Kayenta Township may provide cellular telephones to some employees as business tools. The phones are provided to assist employees in communicating with management and other employees, clients, and other business-related contacts. Cell phones are intended for business-related calls, however, occasional, brief personal use is permitted within reasonable limits. Kayenta reserves the right to review cell phone invoices and monitor cell phone usage.

The Township fully complies with the *Navajo Nation Motor Vehicle Code Prohibited Activities While Driving Act of 2008.* The purpose of the Act is to ban hand-held wireless mobile telephone use while driving unless the device is configured to allow hands-free listening and talking. This ban also prohibits text messaging while driving.

Violations of this policy, including violation of the *Navajo Nation Motor Vehicle Code Prohibited Activities While Driving Act of 2008,* may result in disciplinary action up to and

including termination of employment.

Policy No. 513

Personal Cell Phone Usage

This policy about cellular phone usage applies to any device that makes or receives phone calls, leaves messages, sends text messages, surfs the internet, or downloads and allows for the reading of and responding to email whether the device is company-supplied or personally owned.

Kayenta Township is aware that employees use their personal or Township-supplied cellular phones for business purposes. However, cells phones in the workplace are a distraction. Employees should only use their cell phone for personal use during authorized breaks throughout the workday. At no time should employees use their cells phones to text, check personal email, or surf the web while working. During meetings, employees will typically be directed to leave all cells phone at their desk. Or, on the unusual occasion of an emergency or anticipated emergency that requires immediate attention, the cell phone may be carried to the meeting on vibrate mode.

Employees who violate this policy will be subject to disciplinary action, up to and including employment termination.

Medical Leave

Kayenta Township provides unpaid medical leaves of absence to regular full-time employees who become temporarily unable to work due to a serious health condition or disability. For medical leave purposes, a serious health condition or disability includes inpatient care in a hospital, hospice, or residential medical care facility; continuing treatment by a health care provider; and temporary disabilities associated with pregnancy, childbirth, and related medical conditions.

Regular full-time employees who have completed at least 12 months of continuous employment may receive unpaid medical leave by specifically requesting such leave of his or her supervisor at least 30 days in advance of the date the leave would start. If the situation requiring medical leave is unexpected, the request should be made as soon as possible. A leave for a planned medical treatment should be scheduled to the extent practicable so as to not unduly disrupt the activities of the Township.

Kayenta requires a health care provider's statement verifying the need for medical leave and the start and expected end dates. Employees are responsible for informing the Township of any subsequent changes to this information. Before returning to work, Kayenta will require verification from a health care provider stating an employee's fitness to return to work.

Unpaid medical leaves are normally for the period of the disability, up to a maximum of six weeks within any 12 month period. The six week maximum applies to any combination of both medical leave and family leave during any 12 month period. If the initial period of approved leave proves insufficient, Kayenta, in its sole discretion, may consider a request for extension. Before beginning an unpaid medical leave, employees must first use any available paid vacation or sick leave.

If an employee incurs a work-related injury, he or she is eligible for a medical leave for the period of disability in accordance with any applicable laws covering occupational disabilities.

Subject to the terms, conditions, and limitations of the applicable plans, Kayenta will continue to provide health insurance benefits for the full period of medical leave. Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during a medical leave and will resume when an employee returns to active employment.

The Township requests that an employee provide at least two weeks notice before his or her expected return date from medical leave. When an employee returns from medical leave, he or she will be reinstated to his or her previous position unless that job is no longer available. If it is not available, Kayenta will strive to place him or her in an equivalent position for which he or she is qualified.

If an employee does not report promptly back to work at the end of a medical leave, he or she will be conclusively deemed to have resigned from employment at the Kayenta Township.

Policy No. 602

Family Leave

Kayenta Township provides unpaid family leaves of absence to regular full-time employees who need to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child. Family leave may also be requested to care for a child, spouse, or parent with a serious health condition. A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility. It also includes continuing treatment by a health care provider.

Eligible employees may request family leaves of absence after completing a full 12 months of continuous employment with the Township. Requests for family leaves must be submitted at least 30 days in advance of the date the leave would start if possible. If an unexpected situation necessitating family leave occurs, employees must request leave as soon as possible.

Kayenta Township may require, in its sole discretion, an employee to submit a health care provider's statement verifying the need for a family leave, the start and expected return dates, and the estimated time required.

Eligible employees may request a maximum of 12 weeks of family leave within any 12 month period. The 12 week maximum applies to any combination of both family leave and medical leave during any 12 months period. If the initial period of absence proves insufficient, Kayenta, in its sole discretion, may also consider a written request for a single extension of no more than 30 calendar days. Before an unpaid family leave of absence begins, an employee must use all accrued available leave, such as vacation and sick leave. Should an employee's spouse also be employed by Kayenta Township, both employee's may be restricted to a combined total of 12 weeks leave within any 12 month period for unpaid family leave.

Subject to the terms, conditions, and limitations of the applicable plans, Kayenta will continue to provide health insurance benefits for the full period of the approved family leave. Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during a family leave and will resume when an employee returns to active full-time employment.

If possible, employees should give two weeks notice of the date he or she plans to return to full-time employment from family leave. Upon return to full-time employment, an employee will be reinstated to his or her position unless that job is no longer available. If it is not available, Kayenta will strive to place him or her in an equivalent position for which he or she is qualified.

If an employee does not report promptly back to work at the end of a family leave, he or she will be conclusively deemed to have resigned from employment at the Kayenta Township.

Policy No. 603

Military Leave

To the extent required by applicable law, Kayenta Township will grant a military leave of absence to regular full-time employees who are absent from work because they are serving in the United States uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Employees are required to give the Town Manager advance notice of upcoming military service, unless military necessity prevents advance notice or it is otherwise impossible or unreasonable.

Continuation of health insurance benefits is available as required by USERRA, to the extent applicable, based on the length of leave and subject to the terms, conditions and limitations of the applicable plans for which you are otherwise eligible.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during military leave and will resume when an employee returns to active employment.

Employees who are on military leave for up to 30 days must return to work on the first regularly schedule work period after service ends (allowing for reasonable travel time). Employees who are on military leave beyond 30 days must apply for reinstatement in accordance with USERRA.

To the extent required by applicable law, when an employee returns from military leave (depending on the length of military service in accordance with USERRA), he or she will be placed either in the position he or she would have attained if he or she had remained continuously employed or in a comparable position. For the purposes of determining benefits that are based on length of service, an employee will be treated as if he or she had been continuously employed.

Please contact the Town Manager for additional information about military leave.

Employee Conduct and Work Rules

To ensure orderly operations and provide the best possible work environment, Kayenta Township expects employees to follow rules of conduct that will protect the interests and safety of all employees and Kayenta Township. The Township does not use progressive discipline; any violation of Kayenta's policies or procedures may result in disciplinary action, up to and including termination of employment.

Although it is not possible to list all forms of behavior that are considered unacceptable at work, the following are some examples of conduct that may result in disciplinary action, up to and including termination of employment.

Unexcused absences or unjustified tardiness.	May result in disciplinary action, up to and including termination of employment.
Theft, misuse, or unauthorized use of Kayenta funds, vehicles, equipment, facilities or other property ("Property").	May result in disciplinary action, up to and including termination of employment.
Fraud and/or conspiracy to commit fraud.	May result in disciplinary action, up to and including termination of employment.
Solicitation or acceptance of gifts of excessive amounts, bribes or kickbacks.	May result in disciplinary action, up to and including termination of employment.
Inappropriate removal or possession or misuse of Kayenta Property or services.	May result in disciplinary action, up to and including termination of employment.
Concealing, removing, mutilating, obliterating or destroying Kayenta records or documents without authorization.	May result in disciplinary action, up to and including termination of employment.
Negligent or improper conduct leading to damage of Kayenta Property.	May result in disciplinary action, up to and including termination of employment.
Intentional or malicious damage to Kayenta Property including, but not limited to, graffiti, vandalism, etc.	May result in disciplinary action, up to and including termination of employment.
Display of intoxication on the job.	May result in disciplinary action, up to and including termination of employment.
Habitual and excessive use of intoxicants which affects job performance.	May result in disciplinary action, up to and including termination of employment.

Violation of any provision contained in the Drug Free Workplace Policy or its procedures.	May result in disciplinary action, up to and including termination of employment.
Operating a vehicle under the influence of alcohol or controlled substances (except when used as prescribed).	May result in disciplinary action, up to and including termination of employment.
If tests indicate an employee has been driving or operating equipment under the influence of drugs or alcohol, with a blood alcohol of .04 or higher.	May result in disciplinary action, up to and including termination of employment.
Tampering with, refusal to submit to, or failure of an alcohol or drug test.	May result in disciplinary action, up to and including termination of employment.
Possession, use, transfer, sale or distribution of alcohol, illegal drugs or controlled substances while on or using Kayenta Property or while on duty.	May result in disciplinary action, up to and including termination of employment.
Not cooperating with supervisors on training, education and implementation of the Drug Free Workplace Policy or its procedures.	May result in disciplinary action, up to and including termination of employment.
Not cooperating with assessment and treatment referrals.	May result in disciplinary action, up to and including termination of employment.
Planning, initiating, participating in or otherwise aiding or assisting in the conduct of any riot or unlawful demonstration or strike.	May result in disciplinary action, up to and including termination of employment.
Fighting or threatening violence in the workplace.	May result in disciplinary action, up to and including termination of employment.
Boisterous or disruptive activity in the workplace.	May result in disciplinary action, up to and including termination of employment.
Endangering the physical well being of any individual.	May result in disciplinary action, up to and including termination of employment.
Mistreatment of any individual which jeopardizes health or safety.	May result in disciplinary action, up to and including termination of employment.

Injury to employees due to inattention, negligence, carelessness or maliciousness.	May result in disciplinary action, up to and including termination of employment.
Striking other employees or individuals while on Kayenta Property or while on duty.	May result in disciplinary action, up to and including termination of employment.
Violation of safety or health regulations which endangers oneself or others.	May result in disciplinary action, up to and including termination of employment.
Possession or use of dangerous firearms and weapons and hazardous materials while on or using Kayenta Property and while on duty.	May result in disciplinary action, up to and including termination of employment.
Use of abusive or vulgar language and/or gestures.	May result in disciplinary action, up to and including termination of employment.
Creating discord among employees leading to decreased productivity or a hostile working environment.	May result in disciplinary action, up to and including termination of employment.
Sexual, physical, or verbal harassment or any unlawful or unwelcome harassment of other individuals.	May result in disciplinary action, up to and including termination of employment.
Possession of dangerous, pornographic or unauthorized materials in the workplace.	May result in disciplinary action, up to and including termination of employment.
Loss of a valid driver's license.	May result in disciplinary action, up to and including termination of employment.
Failure to comply with motor vehicle policies and regulations.	May result in disciplinary action, up to and including termination of employment.
Falsification or unauthorized alteration of any Kayenta record, including without limitation time-keeping cards and records or other personnel records.	May result in disciplinary action, up to and including termination of employment.
False statements of material fact in an employment application or related documents.	May result in disciplinary action, up to and including termination of employment.
False statements of material fact on personnel records.	May result in disciplinary action, up to and including termination of employment.

Abuse of office or position.	May result in disciplinary action, up to and including termination of employment.
Neglect of duty.	May result in disciplinary action, up to and including termination of employment.
Refusal to do an assignment.	May result in disciplinary action, up to and including termination of employment.
Insubordination or other disrespectful conduct.	May result in disciplinary action, up to and including termination of employment.
Excessive absenteeism, including tardiness.	May result in disciplinary action, up to and including termination of employment.
Unauthorized absences, including from the work station during the workday.	May result in disciplinary action, up to and including termination of employment.
Unsatisfactory work performance or conduct.	May result in disciplinary action, up to and including termination of employment.
Failure to complete performance evaluations, goals, and objectives.	May result in disciplinary action, up to and including termination of employment.
Sleeping on the job.	May result in disciplinary action, up to and including termination of employment.
Maintaining second or outside employment without proper approval including but not limited to self-employment.	May result in disciplinary action, up to and including termination of employment.
Performing activities for personal gain while on duty.	May result in disciplinary action, up to and including termination of employment.
Contracting or recommending a contract with a party where the employee has a legal, familial or beneficial interest.	May result in disciplinary action, up to and including termination of employment.
Disclosing confidential information to any unauthorized person.	May result in disciplinary action, up to and including termination of employment.
Circumventing the approved grievance process in violation of Kayenta policies and procedures and Navajo fundamental law.	May result in disciplinary action, up to and including termination of employment.
Violation of any Kayenta policy or procedure.	May result in disciplinary action, up to and including termination of employment.

Drug and Alcohol Use

The Kayenta Township strives to provide a drug-free, healthful, and safe workplace. To meet this goal, employees are expected to report to work in a mental and physical condition that enables them to perform their jobs in a satisfactory manner. The Township acknowledges that Navajo Nation Council Resolution No. CD-111-95 (1995) allows Navajo Nation programs to develop and implement drug and alcohol policies, including testing, in accordance with their program needs.

Kayenta has received federal funds and strives to comply with federal statutes such as the Drug-Free Workplace Act of 1988. Kayenta's policy in this respect provides:

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, as defined by Navajo Nation and federal law, is prohibited in the Kayenta workplace. Disciplinary action will be taken against any employee who violates this prohibition, including a referral to appropriate agencies for criminal prosecution.

All employees will be informed of this policy during orientation through this Handbook. As a condition of employment, each employee must abide by the terms of this policy. The Town Manager will answer any questions about this policy, implementation procedure, penalties for violation, and other related information about drugs and alcohol in the workplace.

Any employee who is arrested, charged with, or convicted of DUI/DWI has a duty to report such arrest or charge immediately and in writing both to his or her immediate supervisor and to the Town Manager. Failure to do so shall be a neglect of duty constituting good cause for the employees immediate termination. In the case of a conviction of DUI/DWI, an employee must report it to management no later than five days after any such conviction.

Kayenta will impose sanctions on the employee which may include disciplinary actions up to and including termination or require satisfactory participation and completion in a drug abuse assistance rehabilitation program by any employee convicted of a criminal drug statute violation, as provided in 41 U.S.C. § 703.

While on Kayenta premises or while conducting business-related activities off Kayenta premises, employees are not permitted to use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. Kayenta permits the legal use of prescribed drugs on the job only if they do not impair an employee's ability to perform the essential job functions of his or her job effectively and safely without endangering others.

RELIGIOUS USE OF PEYOTE

Federal and Navajo Nation law provides that peyote is not an illegal "drug" or a "controlled substance" when used for sincerely held religious purposes associated with the

Native American Church. Accordingly, it is not a violation of Kayenta drug policies to use peyote privately when participating in Native American Church ceremonies. Kayenta reserves the right to set standards, based upon scientific and medical advice, for a period of time between the religious use of peyote and the performance of duties where such use may impair such performance or the operation of any equipment.

REQUIRED DRUG TESTING

Pre-employment Testing. After an applicant is found to be qualified and a pre-employment offer is made, the applicant must take required drug tests prior to being hired. If an applicant tests positive for alcohol or drugs, Kayenta may require a second test at Kayenta's expense before decided whether to hire the applicant. If test results are positive, the applicant will not be hired and may not reapply for six months. If an applicant refuses to take a drug or alcohol test or sign an authorization, he or she will not be hired and may not reapply for six months. In addition, with the applicant's authorization, Kayenta will seek information from previous employers for the prior two years of employment on whether the applicant has had a positive drug test, an alcohol test with an alcohol concentration of at least 0.04, or a refusal to be tested.

Testing on Reasonable Suspicion. When an employee's conduct, speech, or other behavior indicates he or she may be under the influence of drugs or alcohol, that employee may be tested, in Kayenta's sole discretion.

Post Accident. Any employee involved in an accident while operating a motor vehicle, equipment, or tool on or related to the job is required to take an alcohol and drug test immediately after the accident. The employee must remain available for such testing or be deemed to have refused to submit to testing.

Random Drug Testing. Random testing is not triggered by a specific event. All Kayenta employees are subject to random drug testing.

Certain Employees. Any employee who handles money or is responsible for the safekeeping of Kayenta Property and who is in a position to convert that Property to his or her own use and any employee operating heavy equipment and/or vehicles may be tested at any time.

Kayenta will use the method and scope of drug testing recommended by the selected laboratory contractor. Random testing will be unannounced. Any employee who is selected for random testing must proceed immediately to the testing site. Any employee testing positive for alcohol, illegal drugs or controlled substances while on or using Kayenta property or while on duty shall be subject to disciplinary action, up to and including termination.

Any employee who violates this policy may be subject to disciplinary action, up to and including immediate termination of employment, along with possible criminal consequences.

An employee with a drug or alcohol problem may request unpaid time off to participate in a rehabilitation or treatment program, if the employee's substance abuse problem has not already resulted in disciplinary action and the employee is not currently subject to disciplinary action. The time off may be granted in the sole discretion of Kayenta if the employee agrees to abstain from using the problem substance; abides by all Kayenta policies, rules and prohibitions relating to conduct in the workplace; and if granting the time off will not cause Kayenta undue hardship or inconvenience.

Policy No. 703

Sexual and Other Unlawful Harassment

The Kayenta Township is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic will not be tolerated. We may provide sexual harassment training to ensure you the opportunity to work in an environment free of sexual and other unlawful harassment.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- Verbal sexual advances or propositions.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- Physical conduct that includes touching, assaulting, or impeding or blocking movements.

Unwelcome sexual advances (verbal, nonverbal, or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

Any employee experiencing or witnessing sexual or other unlawful harassment in the workplace should report it immediately to his or her supervisor. If the supervisor is unavailable or an employee believes it would be inappropriate to contact that person, he or she must immediately contact the Town Manager or any member of management. Any employee can raise concerns and make reports in good faith without fear of reprisal or retaliation.

All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, confidentiality of the employee who reported the harassment, any witnesses, and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, the employee who raised harassment concerns will be informed of the outcome of the investigation.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the Town Manager or any member of management so that it can be investigated in a timely and confidential manner. Any employee engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

Policy No. 704

Attendance and Punctuality

Kayenta Township's hours of operations are 8:00 a.m. to 5:00 p.m., Monday through Friday. All employees are expected to be reliable and punctual by reporting for work on time and as scheduled. In rare instances when an employee cannot avoid being late or are unable to work as scheduled, that employee must notify his or her supervisor as soon as possible so that appropriate arrangements can be made. Poor attendance and tardiness are disruptive, and Kayenta may enforce this policy by disciplinary action up to and including termination.

A work day may be shortened or cancelled for reasons of safety, health or other reasons deemed appropriate by the Town Manager, with or without pay, in his or her sole discretion.

Policy No. 705

Personal Appearance

Kayenta Township employees should reflect an appropriate business image to customers and visitors. How an employee dresses, his or her grooming and personal cleanliness all contribute to that image and also to the morale of co-workers. During business hours or whenever representing the Township, employees are expected to present a clean, neat and tasteful appearance. Employees should always dress and groom themselves according to the requirements of their position and accepted social standards. This is particularly true if a job involves dealing in person with customers or visitors. Employees are required to keep their work areas neat and in conformity with good business practices.

Supervisors are responsible for establishing reasonable dress standards appropriate to the job performed. If a supervisor feels the employee's personal appearance is inappropriate, he or she may send an employee home without pay until that employee can return properly dressed or groomed. Because personal style can be important to people, Kayenta does not want to restrict individual tastes unnecessarily. However, to give additional guidance, employees are expected to follow the personal appearance guidelines below:

- Shoes must provide safe, secure footing, and offer protection against hazards.
- Canvas or athletic type shoes are not appropriate professional attire.
- Tank tops, tube or halter tops, or shorts may not be worn under any circumstances.
- Long hairstyles should be worn with hair pulled back off the face and neck to avoid interfering with job performance, or creating an unsafe condition.
- Offensive body odor and poor personal hygiene is not professionally acceptable.
- Perfume, cologne, and aftershave lotion should be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances.
- Jewelry should not be functionally restrictive, dangerous to job performance, or excessive.

Policy No. 706

Return of Property

As part of a job, employees may be given temporary possession of Kayenta Property such as the following:

- credit cards
- equipment
- identification badges
- keys
- manuals
- protective equipment
- tools
- uniforms
- vehicles
- cell phone
- laptop and/or other IT equipment

Employees are responsible for the control of Kayenta Property in their possession and are expected to return it promptly when requested or if employment ends. In situation where an employee does not return Kayenta Property, he or she agrees that Kayenta may take steps to recover the item or its cost by withholding the cost of the Property from the employee's regular or final paycheck when allowed by law, or by taking legal action. If legal action is necessary and the Township prevails, the employee shall, and by accepting employment with the Township does agree to, reimburse the Township for its costs and attorney fees incurred in recovering such property.

Policy No. 707

Resignation

Resignation is a voluntary act initiated by an employee to terminate employment with Kayenta Township. Although there is no requirement that an employee give advance notice, Kayenta requests that an employee give advance notice to help reduce the impact on co-workers and productivity. Nonexempt employees should submit a written notice of resignation at least two weeks in advance and exempt employees should give written notice of resignation at least four weeks in advance of the last day.

Policy No. 708

Drug Testing

Kayenta Township is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may post serious safety and health risks. Job applicants may be asked to provide body substance samples (such as urine and/or blood) to check for the illicit or illegal use of drugs and/or alcohol. An applicant who refuses to submit to drug testing will not be hired and may not apply for a job with the Township for one year. Refusal by an employee to submit to drug testing may result in disciplinary action, up to and including termination of employment.

Policy No. 709

Problem Resolution

The Kayenta Township is committed to providing good working conditions for employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from Kayenta supervisors and management. The Township expects supervisors, managers, and employees to treat each other with mutual respect and encourages employees to offer positive and constructive criticism to each other.

If a situation occurs where an employee believes that a condition of employment or a decision is unjust or inequitable, that employee is encouraged to make use of the following steps. These steps may be discontinued at any time by the employee.

CONFLICT RESOLUTION

Kayenta encourages its supervisors to maintain open communication with employees. Employees who disagree with rules of conduct, policies, or practices must express any concerns in a professional, business-like manner. All attempts should be made to resolve such a conflict by the employee and his or her immediate supervisor. However, if the supervisor is unavailable or the employee believes it would be inappropriate to contact him or her, the employee may

present his or her concerns to the Town Manager in written form.

EMPLOYEE GRIEVANCE

Any employee may initiate a grievance procedure to dispute an adverse action taken against him or her by his or her immediate supervisor. Kayenta shall strive to meet the time tables set forth herein, but will not be bound by them. Further, Kayenta retains the authority to waive, abrogate or modify the time guidelines set forth herein at its sole discretion. However, if an employee reasonably believes that Kayenta's response to a grievance is unduly delayed beyond such guidelines and that such delay is causing his or her significant and irreparable harm, that employee may advance his or her grievance to the next step.

The Township will provide employees with information on the grievance policy and the appropriate grievance form to be used. If an employee fails to proceed to the next step within the time period specified, the grievance is terminated and the employee shall be deemed to have withdrawn it. Kayenta is under no obligation to assist any person in pursuing or defending a grievance and Kayenta may deny relief to any grievant who fails to adhere strictly to these procedures. An employee or supervisor who withholds or falsifies information on grievance documents is subject to disciplinary action, up to and including termination of employment. All employee grievances will be kept confidential to the extent Kayenta deems appropriate in its sole discretion.

Grievances will be handled in an informal manner, without attorneys.

Grievance Steps:

Step One. Informal Meeting with Supervisor. An employee shall request in writing a meeting with his or her supervisor within two working days after an adverse action has been taken to discuss the disciplinary action taken and the reasons therefor. The written request shall include:

- a description of the action that took place;
- the section of Kayenta's policy allegedly violated; and
- the remedy the employee is seeking.

The supervisor should respond and meet with the grieved employee within approximately four working days after receiving the written request for a meeting. Within approximately four working days after the meeting, the supervisor shall typically provide the employee with a copy of a written summary of the meeting, reciting the allegations, any response to those allegations, the policy violated by the employee, if any, and the supervisor's proposed means of resolution of the grievance. The Town Manager shall review the summary for acceptance and implementation of the proposed resolution. If the employee continues to have concerns, he or she may proceed to Step Two.

Step Two. Informal Conference with Hearing Officer. Should the employee decide to pursue the grievance process, he or she shall submit a written request, within two days following receipt of the supervisor's written summary, requesting a meeting with a step-two hearing officer. The written request to proceed to step-two shall include:

- the disciplinary action taken against the employee;
- the reasons given for the discipline; and
- the remedy the employee is seeking.

The Town Manager shall appoint a Township employee or an outside consultant, who is impartial to the grievance matter, to be the hearing officer. The hearing officer will complete a written step-two decision and provide a copy to the employee and his or her immediate supervisor, generally within approximately five working days after the conference. The original decision will be hand delivered or sent to the grievant by first-class mail and filed with the Town Manager. The employee shall have exhausted his or her administrative remedies only after this two-step process is complete.

Policy No. 710

Workplace Etiquette

Kayenta strives to maintain a positive work environment where employees treat each other with respect and courtesy. Sometimes issues can arise when employees may be unaware that their behavior at work may be disruptive or annoying to others. Very often an employee can resolved these day-to-day issues by politely talking with his or her co-worker to bring the issue to his or her attention.

In most cases, common sense will dictate an appropriate resolution. Kayenta encourages all employees to keep an open mind and graciously accept constructive feedback or requests for a change in behavior because of the affect it may have on other employees.

The following are some workplace etiquette guidelines and suggestions to help employees be more conscientious and considerate of fellow co-workers. Any comments, concerns, or suggestions about workplace etiquette may be brought to the attention of the Town Manager.

- Avoid public accusations or criticisms of other employees. Address such issues privately with those involved or with your supervisor.
- Try to minimize unscheduled interruptions of other employees while they are working.
- Employees should be aware of how loud his or her voice is in the workplace and all employees should try to lower the volume of their voices when talking on the telephone or to others in open areas.
- Keep socializing to a minimum and try to conduct conversations in areas where the noise will not distract other employees.

- Refrain from using inappropriate language (*e.g.*, swearing) that others may overhear.
- Avoid discussions of personal issues in public conversations that can be overheard.

Policy No. 711

Lay-Offs

A lay-off may be deemed necessary or desirable by the Town Manager or the Commission if one of the following factors apply: one or more non-vacant positions are eliminated, a shortage of funds, financial distress, or a lack of necessary work. In such an event, an employee may be subject to a non-disciplinary, involuntary separation through a lay-off in accordance with the Navajo Preference in Employment Act, 15 N.N.C. § 604(C)(2) (2005), which provides that any Navajo employee "[s]hall be retained by the employer in the case of a reduction-in-force affecting such class of positions until all non-Navajos employed in that class of positions are laid-off, provided that any Navajo who is laid-off in compliance with this provision shall have the right to displace a non-Navajo in any other employment position for which the Navajo demonstrates the necessary qualifications." The Township will typically give greatest weight in its lay-off decision to relative efficiency, but may also consider other factors in its sole discretion, such as seniority and prior disciplinary record.

Any effected employee will be given written notification as practical of the lay-off and the reason(s) therefor. Except in a case where the Township is undergoing severe financial difficulties or financial distress, the Township shall strive to provide up to two (2) weeks' advance notice of the effective date of the lay-off. Upon receipt of the written notification, the affected employee should consult with his or her supervisor and/or the Human Resources Department to discuss any other terms and conditions of the lay-off affecting the employee, including the employee's right to continue health insurance coverage under COBRA and any assistance that the Township may, in its sole discretion, offer to the employee to find other work. This section provides all the rights to which Township employees are entitled when lay-offs occur (in addition to any rights specifically provided by applicable federal or Navajo law), and no additional rights of employees or obligations of the Township should be assumed or inferred. Lay-off decisions shall not be subject to Township grievance proceedings.

Modification of Policies

The Kayenta Township Commission reserves the right to change, reverse, eliminate or add to any of the policies and/or benefits described in this policy. The only authorized revisions to or deviations from these policies are those duly authorized by the Commission.

KAYENTA

TOWNSHIP

EST. 1986

12.

Plan of Operation for Kayenta Transfer Station

KTCD-047-98

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION
Kayenta, Arizona

Approving the Plan of Operation for the Kayenta Transfer Station

WHEREAS:

1. The Kayenta Township Commission (KTC) was established and authorized by the Navajo Nation Council by resolutions CJA-3-96 and CN-76-96, more specifically cited in the Plan of Operation, Section III, Jurisdiction, B., "The KTC shall have the jurisdiction over all planning and control of that area authorized and designated by the Navajo Nation Council in November 1985 (Resolution CN-86-85) and the official Survey Plat filed with Navajo County and submitted to Bureau of Indian Affairs (incorporated by reference herein) hereinafter referred to as the Township area."; and

2. The KTC identified solid waste as one of its priortiy responsibility in the Chapter 9; Retail Sales Tax Ordinance; and

3. The KTC completed construction of a basic one unit compactor transfer station and is operational; and

4. An six month operating budget was approved for the transfer station as part of the Budget Amendment on November 22, 1998, and implementation of the program is underway; and

5. A Plan of Operation for the Kayenta Transfer Station is developed and herein attached as Exhibit A.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Kayenta Township Commission hereby approves the Plan of Operation for the Kayenta Transfer Station, herein attached as Exhibit A.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called meeting at Kayenta, Navajo Nation, (Arizona), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, and 0 abstained, this **20th** day of **December, 1998.**

Motion: Richard P. Mike
Second: Yazzie Leonard

(ACTING)

Chairperson
Kayenta Township Commission

CHAPTER 10. KAYENTA SOLID WASTE ORDINANCES

Article 10-1 GARBAGE AND TRASH COLLECTION

10-1-1 Definition
10-1-2 Collection Agency
10-1-3 Collection Hours
10-1-4 Rates

Section 10-1-1 Definitions

In this chapter unless the context requires otherwise.

A. "Garbage" means all putrescible wastes, except sewage and body wastes, including all organic wastes that have been prepared for, or intended to be used, food or have resulted from the preparation of food, including all such substances from all public and private establishments and residents.

B. "Refuse" means all garbage, trash and brush

C. "Trash" means all nonputrescible waste.

Section 10-1-2 Collection Agency

The Kayenta Township, the collection agent of the Township or other collectors authorized b y the Kayenta Township Commission shall collect all refuse within the township. No person, except as provided in this chapter, shall collect or gather refuse within the Township.

Section 10-1-3 Collect Hours

The hours of collection of refuse shall be designed by the manger

Section 10-1-4 Rates

The Commission shall from time to time fixed the rates and classifications for garbage and trash collection within the township and shall make such other rules and regulations as ma be necessary to properly administer and enforce this chapter.

Article 10-2 PREPARATION OF REFUSE FOR COLLECTION

10-2-1 Preparation of refuse
10-2-2 Location for Pick up
10-2-3 Lids and Covers
10-2-4 Use of Containers

Section 10-2-1 Preparation for Refuse

All refuse be prepared for collection and disposal of as follows:

A. Garbage. The customer shall furnish containers for the accumulation, storage and collection of all garbage. Such containers shall be tightly covered and be of rust-resistant metal or plastic and shall have handles on the outsides. Containers of tear resistant, pliable plastic, reinforced, treated paper, or similar papers of durable, waterproof construction may be approved by the Township for single-service use. The maximum capacity of each container shall not excess thirty-two gallons and loaded for collection shall not exceed eighty pound in weight. Such container shall be kept in good repair and in a sanitary condition. Container found to be no longer serviceable through disrepair or maintained in an unsanitary condition may be condemned by the Township for further use. Legal notice of such condemnation shall consist of a legal or tag affixed to the container. Receptacles not placed in satisfactory condition or replace within fifteen days of said notice may be removed and destroyed by the Township.

B. Trash. Trash shall be placed in containers or tied in bundles by the costumer and set out for collection. Containers may be garbage containers described above, trash bags or boxes not exceeding three square feet by four feet deep. In any event, the weight of a loaded container or bundle shall not exceed fifty pound. Customers wishing to retain disposal boxes should mark the box "SAVE" in a readily seen manner.

C. Brush. Brush, trees and tree limbs shall be cut into such a size not to exceed four feet in length or fifty pounds in weight that one person can readily load the individual pieces into a truck or chipper and shall by piled in a neat order with all long branches parallel to one another, and shall have all metal or foreign materials removed to facilitate chipping.

D. Appliances and Vehicles. The Township or the collection agent of the Township will collect discarded appliances from dwelling premises that two persons can readily lift into a truck. The costumer shall within twenty-four hours remove or cause to be removed all other appliances, vehicles or equipment classified as refuse from their premises or the public right-of-way.

E. Building Materials. All owners, contractors and builders of structures shall, upon the completion of any structure, gather up and haul away, at their sole cost and expense, all refuse of every nature, description or kind which has resulted from building of such structure including all lumber scrapes, shingles, plaster, brick, stone, concrete and other building material, and shall place the lot and all nearby premises utilized in such construction in a sightly condition. Residential costumers may dispose of small amount of building materials from time to time, providing the building materials are placed in a container as described above and contains no concrete, masonry or soil.

F. By-product. Any commercial or manufacturing establishments which by the nature of is operations creates an unusual amount of by-products refuse may be required by the Township to dispose of its own waste as opposed to having the Township provide the service.

G. Dangerous Waste. Dangerous waste shall be place in proper container, plainly marked "DANGER". The Township reserves the right to deny service for certain dangerous wastes and to require the costumer to properly dispose of it by other mans.

H. Soil and Concrete. Waste soil, concrete, masonry blocks, sod and rocks shall be disposed of by the owner, tenant or occupant of the premises.

Section 10-2-2 Locations for Pick Up

A. Garbage (Residential). All collections of garbage in containers will be made from the curb of the streets except that individual household, upon private agreement with the Township or its collection agent, may contract for side yard pickup for such additional charges may be established by the Township.

1. Storage of containers. All garbage containers shall be stored not closer to the street than the front building line of the residents.

2. Location for curbside pickup. Garbage containers to be pickup by curb-side service shall be set behind the front curb or adjoining sidewalk immediate next to the curb or sidewalk on the side lot of the sidewalk and shall be set out after six o'clock p.m. of the day preceding regular collection and shall be removed from the curb by seven o' clock p.m. of the day of collection.

3. Location for side yard pickup. Garbage containers to be picked up at the side yard, where the individual household has provided for such pick up by private agreement shall be placed not closer to the street than the front building line and not more than ten feet behind the front building line on the days of collection, provided, however, on the days of collection they must be placed on the street side of any enclosure.

B. Garbage (Commercial). Commercial garbage containers shall be located in such places as authorized by the manager or his authorized representative but in no case shall they be located between the front building line of a commercial building and street.

C. Trash ad Brush. Trash and brush shall be set at the front of the street curb on the street so as not to block the sidewalk, or gutter or otherwise be a hazard to pedestrian and vehicular traffic. When necessary to set trash and brush at the front curb on the street, they must be set out after six o' clock p.m. of the day preceding regular collection.

D. Nothing contained herein shall prohibit the placement of public litter containers which shall be of such size and be placed as determined by the manager.

Section 10-2-3 Lids and Covers

The lids or covers of all containers shall at all times be kept secure so that flies, insects and other animals may not have access to the contents of the containers and shall be removed while the container and receptacles are being filled, emptied and cleaned.

Section 10-2-4 Use of Containers. *Narrative – type of containers*

A. "Litter" means any rubbish, trash, weeds, filth and debris which shall constitute a hazard to public health and safety and shall include all putrescible and nonputrescible solid waste including garbage, trash, ashes, street cleaning, dead animals, abandoned automobiles, and solid market and industrial waste; any deposit, accumulation, pile or heap of brush, grass, debris, weeds, cans, cloth, paper, wood, rubbish or other unsightly or unsanitary matter of any kind whatsoever; and any growth of weeds, brush, grass or other vegetable growth to a height of over six inches.

B. "Private Property" means and dwelling, house building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporary or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps or vestibules belonging or appurtenant to such dwelling, house, building or other structures.

C. "Public Places" means any and all streets, sidewalk, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and building.

D. "Abandoned automobiles" means any motor vehicle or major portion thereof which is incapable of movement under its own power and will remain so without repair and/or reconstruction. It shall also mean vehicle being repaired when such repairs take in excess of ninety (90) days. The absence of current vehicular registration as required by law shall be prima facie evidence of inoperability under this definition. This definition shall not include any motor vehicle in a n enclosed building or so located upon private property as not to be readily visible from any public place of from surrounding private property. Further, this definition shall not include any motor vehicle on the premises of a business enterprise operated in a lawful place and in a lawful manner, when the keeping or maintaining of such vehicle is necessary to the operation of such business enterprise.

Section 10-4-2 <u>Litter on Private Property</u>

No person shall throw or deposit litter on any occupied or unoccupied private property within the Township, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposit by the elements upon any public place.

Section 10-4-3 <u>Owner to Maintain Premises</u>

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

Section 10-4-4 <u>Procedure to Compel Removal of Litter</u>

The manager shall enforce the provisions of Sections 10-4-2 and 10-4-3 hereby by prosecuting violators of said section in the Kayenta Navajo Nation District Court pursuant to the criminal provisions of this code. If such prosecution fails to secure compliance with the provisions of said sections, or in the event of inability to prosecute violators by reason of failure to secure

Article 10-3 OTHER METHODS OF GARBAGE AND TRASH REMOVAL

10-3-1 Hauling Refuse
10-3-2 Vehicle and Receptacles to be Spillproof
10-3-3 Spilled Refuse
10-3-4 Dumping Refuse

Section 10-3-1 Hauling Refuse

It is unlawful for any person to haul or cause to be hauled any refuse on or along any public street, avenue or alley in the Township, in violation of any of the provisions in this chapter.

Section 10-3-2 Vehicles and Receptacles to be Spillproof

It is unlawful for any person to haul or cause to be hauled any refuse on or along any public street in the Township any garbage, unless such garbage is contained in strong watertight vehicles or vehicles with watertight receptacles, constructed to prevent any such garbage from falling, leaking or spilling any odor from escaping.

Section 10-3-3 Spilled Refuse

Any person hauling any refuse along the streets of the Township shall immediately replace in the conveyance used for such hauling any refuse which may fall upon any street.

Section 10-3-4 Dumping Refuse

It is unlawful for any person to place or cause to be placed any refuse upon any6 public or private property within the Township, except as specifically permitted in this chapter.

Article 10-4 REMOVAL OF LITTER

9-4-1 Definitions
9-4-2 Litter of Private Property
9-4-3 Owner to Maintain Premises
9-4-4 Procedure to Compel Removal of Litter
9-4-5 Notice to Remove
9-4-6 Service of Notice
9-4-7 Appeal to Commission
9-4-8 Removal by Township
9-4-9 Lien fro Removal
9-4-10 Placement of Debris

Section 10-4-1 Definitions

In this chapter unless the context requires otherwise:

jurisdiction over their persons, the manager shall compel the removal of litter by the procedure outlined in Section 10-4-5 through 10-4-9 hereof.

Section 10-4-5 Notice to Remove

To compel the removal of litter through the provisions of this section and of Section 10-4-6, 10-4- 7, 10-4-8 and 10-4-9 hereof, if a person owning or controlling any property fails, neglects or refuses to remove or properly dispose of litter located on property owned or controlled by such person, he shall be given written notice by the manager to remove all litter from such property within thirty (30) days from the date the notice was received by him, and prior to the date of compliance on the notice. Such notice shall be received not less than fifteen days before the date set thereon for compliance, and shall contain an estimate of the cost of removal by the Township, a statement that unless the person owning or controlling such property complies therewith within thirty (30) days from the date such written notice is received that the Township will, at the expense of the person owning or controlling said property, perform the necessary work at a cost not to exceed the estimate given in the notice, and that such person may appeal in writing to the Township within thirty (30) days from the date the notice is received by him and prior to the date of compliance.

Section 10-4-6 Service of Notice

Notice shall be personally served on the owner or person controlling such property, by a Navajo police officer in the Township in the manner provided in Rule___ of the Navajo Nation Rules of Civil Procedure, or mailed to the owner or person controlling such property at his last known address by certified or registered mail. If the owner does not reside on such property, a duplicate notice shall also be sent to him by certified or registered mail at his last known address.

Section 10-4- 7 Appeal to Commission

Prior to the date set for compliance on the notice, the owner or person controlling such property may appeal in writing to the Commission from the demand of the manager. The Commission shall at its next regular meeting after receiving the appeal, hear and determine the same and the decision of the Commission shall be final. The Commission may either affirm or reverse the decision of the manager or modify the scope of the work as required in the notice.

Section 10-4-8 Removal by the Township

When any such person to whom notice, as aforesaid, has been given, and on or before the date of compliance on the notice, or within such further time as may have been granted by the Township on appeal, fails, neglects or refuses to move from such property any or all litter, the manager is authorized and directed to cause same to be removed and disposed of at the expense of the owner or person controlling such property. Upon completion of the work, the manager shall prepare a verified statement of account of the actual cost of such removal or abatement, the date the work was completed and the street address and the legal description of the property on which said work was done, including five percent for additional inspection and other incidental costs in connection therewith, and shall serve a duplicate copy of such verified statement upon the person owning or controlling such property in the manner prescribed in Section 10-4-6 hereof. The

owner or person controlling such shall have thirty days from the date of service upon him to appeal in writing to the Commission from the amount of the assessment as contained in the verified statement. If an appeal is not filed with the manager within such thirty day period, then the amount of the assessment as determined by the manager shall become final and binding. If an appeal is taken, the Commission shall, at its next regular meeting, hear and determine the appeal and may affirm the amount of the assessment, modify the amount thereof, or determine that no assessment at all shall be made. The decision of the Commission shall be final and binding on all persons.

Section 10-4-9 Lien for Removal

If no appeal is taken from the amount of the assessment, or if an appeal is taken and the Commission has affirmed or modified the amount of the assessment, the original assessment or the assessment as so modified shall be recorded in the Navajo Nation District Court and from the date of its recording, shall be lien on said lot or tract of land until paid. Such liens shall be subject and inferior to the lien for Navajo Nation taxes and to all prior recorded mortgages and encumbrances of record. A sale of the property to satisfy a lien obtained under the provisions of this section shall be made upon judgment of foreclosure or order of sale. The Township shall bring an action to enforce the lien in the Navajo Nation District Court at any time after the recording of the assessment, but failure to enforce the lien by such action shall not affect its validity. The recorded assessment shall be prima facie evidence of the truth of all matters recited therein, and of the regularity of all proceedings prior to the recording thereof. A prior assessment for the purposes provided in this section shall not be a bar to subsequent assessment or assessments for such purposes, and any number of liens on the same lot or tract of land may be enforced in the same action.

Section 10-4-10 Placement of Debris

It is unlawful for any person to place any rubbish, trash, filth or debris upon any private or public property not owned or under the control of said person. In addition to any fine which may be imposed for violation of any provision of this section, such person shall be liable for all costs which may be assessed pursuant to this article for the removal of said rubbish, trash, filth or debris.

KAYENTA

TOWNSHIP

EST. 1986

13.

Policies and Procedures for (Commissioner) Reimbursement

Of Travel Expenses and Stipends

KTCMA-06-12

Exhibit "A"
KTCMA-06-12

Kayenta Township Commission
Policies and Procedures for
Reimbursement of Travel Expenses and Stipends

The following policies and procedures shall apply to all requests for travel requests and claims for reimbursement of travel expenses and stipends submitted by members of the Kayenta Township Commission.

A. Travel Plans:

1. All travel plans of any Commissioner shall be approved in advance by the Commission or Chairperson, as the case may be, except in the case of regularly or specially called meetings or workshops, in order for such person to be reimbursed for any expenses or stipends claimed in respect thereto.

2. All travel plans must be requested on a form prepared by the Town Manager.

B. Claims for Travel Reimbursement:

1. All claims for stipends and reimbursement of reasonable travel expenses by any Commissioner shall be approved by the Chairperson and submitted for reimbursement to the Town Manager.

2. All claims shall be submitted on a form prepared by the Town Manager, with documentation evidencing all claimed expenses and, for other than regular and special meetings and workshops, a short written report on the purpose and results of the travel or meeting. Except in instances of disapproval or concerns regarding the propriety of the travel itself or any expense incurred in otherwise appropriate travel, reimbursement shall be made in the ordinary course of the Township's business but no later than fifteen (15) calendar days after submittal of the claim form with appropriate supporting documentation and reports.

C. Questions and Disputes Regarding Travel Requests and Travel Claims:

1. Questions, concerns or disputes about travel requests and related expenses incurred and claimed by a Commissioner may be referred by any person to the Chairperson, who shall either resolve the propriety of such travel request or travel expenses or refer the matter to the full Commission.

2. Questions, concerns or disputes about travel requests and expenses incurred by the Chairperson may be referred by any person to the Commission, who shall resolve the propriety of such travel request or travel expenses.

D. Travel Expenses: Reasonable travel expenses, other than for mileage, for Commissioners shall be permitted for out of town travel only. Mileage for Commissioners shall be paid for a round trip from the residence of the Commissioner to the meeting site and back to the residence. Any reimbursement for mileage reasonably incurred by Commissioners shall be at the IRS-approved rate then in effect.

E. Stipends: Commissioners must attend all meeting in persons. No attendance by telephone is permitted. Compensation for Commissioners to attend meetings shall be as follows:

1. Regular meetings at $400.00 per meeting.

2. Special Board meetings at $300.00 per meeting.

3. Workshops (which shall consist of meetings concerning internal Township matters, including but not limited to orientations, budget deliberations, training on Township matters, and Town Manager interviews) at $200 per meeting.

4. Out of town meetings at $200 per meeting.

5. Other activities, including the following, at $100.00 per meeting:

   a. Committee or subcommittee meetings of the Commission scheduled and approved in advance by the Chairperson.

   b. Conferences and seminars, but only when a Commissioner is specifically requested to give a presentation or to perform a substantial and valuable service on behalf of the Township at the conference or seminar, and travel plans are approved by the Commission or Chairperson prior to attendance. In no event shall a Commissioner be compensated a stipend if he or she voluntarily attends a conference or seminar primarily for his or her own education or other benefit, regardless of any incidental value such attendance may have for the Township, although claims for travel expenses for such conference, workshop or seminar may be reimbursed, provided travel plans were approved in advance by the Commission or Chairperson.

   c. Any other meeting or activity, including without limitation any meeting of the Chapter or Navajo Nation Council or any committee thereof, for which the Commissioner's participation is deemed necessary on behalf of the Township and approved in advance by the Commission or Chairperson.

   d. Any Commissioner who attends any of the meetings, conferences, seminars, or other meeting or activity on behalf of the Township, described in paragraphs (b) or (c) above, which meeting or activity involved significant policies or the mission of the Township, material financial implications, major projects, political support or similar matters, shall provide the Commission with a written summary of such meeting or activity, which shall include significant events, results, educational benefits, and total cost of such meeting or activity.

F. No Commissioner may submit a request for, nor shall be entitled to, reimbursement for mileage, meals, lodging, stipend or other expense when the same has been provided by another person or entity, including, but not limited to, the Navajo Nation or its political subdivisions.

G. The Commission shall have the authority to deny claims made in violation of these policies and procedures and shall have reasonable latitude to apply these policies to effectuate their purpose in conformity with the Township's unique status and its obligation to preserve its assets for the benefit of present and future generations of Kayenta Township.

H. Any change to these policies and procedures shall require an amendment hereof by formal resolution at a meeting of the Commissioners at which a quorum is present, upon advance written notice that such amendment shall be considered.

KTCMA-06-12

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Repealing Resolutions KTCF-13-05 and KTCAU-50-10 and Approving the Kayenta Township Commission Policies and Procedures for Reimbursement of Travel Expenses and Stipends

WHEREAS:

1. The Kayenta Township Commission ("Commission") has the general authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township; and

2. Pursuant to Resolution KTCF-13-05 (Feb. 14, 2005), the Commission adopted new per diem and stipend rates for the Commission as follows: regular monthly meetings at $400 per meeting, special meetings at $300 per meeting, Commission workshops at $200 per meeting, out of town meetings at $200 per day, and no compensation for local meetings within 25 miles; and

3. Pursuant to Resolution KTCAU-50-10 (August 9, 2010), the Commission clarified the definition of a "workshop" to mean work sessions, orientations, conferences, trainings and Town Manager interviews, which would entitle the Commissioners to a stipend; and

4. Management recommends that the Commission adopt formal policies and procedures to define the protocol for approval of travel requests and reimbursement of travel expenses and stipends for all Commissioners; and

5. The Commission deems it in the best interest of the Kayenta Township to repeal Resolutions KTCF-13-05 and KTCAU-50-10 and adopt the Kayenta Township Commission Policies and Procedures for Travel Expenses and Stipends, attached hereto as Exhibit "A."

NOW THEREFORE BE IT RESOLVED THAT:

The Kayenta Township Commission hereby repeals Resolutions KTCF-13-05 and KTCAU-50-10 and approves the Kayenta Township Commission Policies and Procedures for Travel Expenses and Stipends, attached hereto as Exhibit "A."

CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Kayenta Township Commission at a duly called meeting at Kayenta, Navajo Nation (AZ), at which a quorum was present and that the same was passed by a vote of 4 in favor, 0 opposed, and 0 abstained, this 12th day of March, 2012.

Motion: J. Ward
Second: R. Grey
ATTEST: *Andre Cordero, Town Manager*

Carol Todicheen
Chairperson
Kayenta Township Commission

KAYENTA TOWNSHIP
EST. 1986

14.

Procurement Policy and Procedures Manual

KTCO-88-11

1.0 General Provision

2.0 Procurement Methods

3.0 Types of Contracts, Clauses, and Contract Administration

4.0 Bid Protests, disputes, clains and Issues

5.0 Assistance to Small and Other Businesses

6.0 Ethics In Contracting

KAYENTA TOWNSHIP
COMMISSION

PROCURMENT POLICY
AND
PROCEDURES MANUAL

As amended October 12, 2011

Kayenta Township Commission

Procurement Policy and

Procedures Manual

Kayenta Township Commission Procurement Policy

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No copyright is claimed in the text of statutes and regulations. Permission to copy and use of the material from this manual must first be obtained from the Kayenta Township Commission (Finance Department) for non KTC operations.

SECTION 1

GENERAL PROVISION

1.1 PURPOSE. The Kayenta Township, by its Board of Commissioners, adopts these rules to:

a. meet any federal standards to ensure that such property, materials and services are obtained in compliance with the provisions of applicable federal statutes and executive orders;
b. define the specific procedures for each type of purchases;
c. ensure that all purchases in procurement are subject to the proper authorization.

1.2 DEFINITIONS

a. "Bidder prequalification" means determining in accordance with rules adopted pursuant to this policy that a prospective bidder or offer satisfies the criteria for being included on the bidders list.
b. "Quotation Sheet" means a form used to obtain quotes for goods and services in compliance with the Kayenta Township procurement policy.
c. "Business" means any corporation, partnership, limited liability company, limited liability partnership, individual, sole proprietorship, joint venture, or other private legal entity.
d. "Town Manager" means the director of the Township responsible for its operations and is also the contracting officer. All contracts and modifications shall be executed by the Town Manager or his/her designee upon written designation.
e. "Construction" means the process of building, altering, repairing, improving or demolishing any public structure or building, or other public improvements of any kind to any public real property. Construction does not include the routine operation, routine repair or routine maintenance of existing structures, buildings or real property.
f. "Contract" means all types of Kayenta Township agreements for the procurement of materials, services, construction or property.
g. "Contract modification" means any written alteration in the terms and conditions of any contract accomplished by mutual action of the parties to the contract.
h. "Contracting Officer Representative" means the Township employee responsible for (a) receiving and reviewing bids, proposals, and solicitations; (b) reviewing the qualifications of bidders and enforcing the bidder disqualification provisions of the regulation; (c) monitoring and enforcing Township contracts; (d) and doing any and all tasks and functions necessary and relating to ensuring compliance with this policy.
i. "Contractor" means any person who has a contract with the Township.
j. "Data" means documented information, regardless of form or characteristics.
k. "Designee" means a duly authorized representative of the Township or the Town Manager.
l. "Employee" means an individual classified as an employee by the Township personnel policies and procedures.
m. "Invitation for Bids" (IFB) means all documents, whether attached or incorporated by reference, which are used for soliciting bids in accordance with procedures described herein at section 2.2.
n. "Materials" means all property, including equipment, supplies, sand, rock, gravel, printing, insurance and lease of property, but does not include land, a permanent interest in land, fixtures, and real property or leasing space.
o. "Official" means an elected official of the Kayenta Township such as Commissioners and/or members of the ITC Committee such as the Business Leasing Committee and any other committees the Township will established.
p. "Person" means any corporation, business, individual, union, committee, club, or other organization or group of individuals.
q. "Procurement" means buying, purchasing, renting, leasing or otherwise acquiring any

materials, services or construction. Procurement also includes all functions that pertain to the obtaining of any material, service or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

r. "Request for information" means all documents issued to vendors for the sole purpose of seeking information about the availability in the commercial marketplace of materials or services.

s. "Request for Proposals" (RFP) means all documents, whether attached or incorporated by reference, which are used for soliciting proposals in accordance with procedures prescribed at section 2.3.

t. "Responsible bidder or offeror" means a person who has the capability to perform the contract requirements and the integrity and reliability to assure good faith performance.

u. "Responsive bidder or offer" means a person who submits a bid that conforms in all material respects to the invitation for bids or requests for proposals.

v. "Services" means the furnishing of labor, time or effort by a contractor or subcontractor which does not involve the delivery of a specific end product other than required reports and performance. Service does not include employment agreements or collective bargaining agreements.

w. "Subcontractor" means a person who contracts to perform work or render services to a contractor as defined by this section or another subcontractor as a part of a contract with the Township.

1.3 APPLICATION

This Procurement Policy applies to all purchases of materials, services, property, and construction contracts or agreements entered into by the Township after the effective date of this policy. It shall apply to all expenditure of funds by the Township for purchasing, *irrespective of the source of funds; however, nothing in this policy shall prevent the Township from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with law.* The term "procurement," as used in this policy, includes both contracts and modifications (including change orders) for all procurement methods in this policy.

1.4 TOWN MANAGER'S RESPONSIBILITIES

The Town Manager or his/her designee shall ensure that:

a. Procurement requirements are subject to a planning process to assure efficient and economical purchasing with the intention of obtaining adequate and reasonable competition.

b. All purchasing transactions, contracts, agreements or modifications should be in writing, clearly specifying the desired materials, services, or construction, and are supported by sufficient documentation regarding the history of the procurement, including:
    1. The minimum method of procurement chosen;
    2. The selection of the contract type;
    3. The rationale for selecting or rejecting offers;
    4. The basis for the contract price.

c. The contract award is made to the offeror whose proposal offers the greatest value to the Township, considering price, technical, and other factors as specified in the solicitation.

d. Sole sourcing shall be disallowed except for urgent and emergency situations. Sole sourcing must be justified and attached to the contract and/or the vendor quote and quotation sheet.

e. Officers and employees of the Kayenta Township shall disclose conflicts of interest and other factors that may be deemed an impropriety of their participation in the selection of the contractor and recuse themselves of any potential conflicts that will have an adverse effect on the Township. Arms length bargaining should be practiced to the fullest extent possible.

f. The Kayenta Township Personnel Policy & Procedures will be enforced to the fullest extent should there be proof of a conflict of interest or impropriety that is not in compliance with the Kayenta Township policies.

1.5 CONTRACTOR OR VENDOR RESPONSIBILITIES.

Procurements shall be conducted only with responsible contractors, i.e., those who have the technical and financial competence to perform and who have a satisfactory record of integrity. The Township shall review each proposed contractor's ability to perform the contract successfully, considering factors such as the contractor's integrity including a review of the list of "*Parties Excluded from Federal Procurement and Non-procurement Programs*" published by the U.S. General Services Administration; compliance with public policy; and record of past performance including contacting previous clients of the contractor. Contracts shall not be awarded to debarred, suspended, or ineligible contractors. Contractors shall be in compliance with procurement standards of conduct and potential sanctions contained in section (6) of this policies and procedures.

SECTION 2

PROCUREMENT METHODS

One of the three methods of procurement shall be used:

1. Sealed bids
2. Competitive proposals
3. Non-competitive proposals

The three circumstances shall be applied carefully, not for convenience.

2.1 PURCHASING THRESHOLDS

Kayenta Township shall use the following levels of thresholds for purchasing requirements:

a. **Purchases per item $3,000 and below $5,000** - two (2) verbal quotes documented on the bid quotation sheet if the price received is considered reasonable. The selected quote shall be documented on the quotation sheet, signed by the individual who obtained the quotes and submit to the Department Director for approval.

b. **Purchases above $5,001 up to $10,000** - A minimum of three (3) quotations shall be solicited which may be obtained orally, by telephone, facsimile, e-mail or other procedure that shall be documented on the bid quotation sheet request. The selected quote must be documented on the bid quotation sheet, signed by the individual who obtained the quotes and submitted to the Department Director for approval.

c. **Purchases above $10,001** - A minimum of three (3) written quotations shall be solicited, which may be obtained by facsimile, e-mail or other documented correspondence and these quotes shall be followed with a written confirmation by the suppliers/vendors. The selected quote must be documented on the quotation sheet, signed by the individual who obtained the quotes and submit to the Department Director for approval and forwarded to the Finance Director to verify purchasing and budget compliance. All purchases shall be within the approved budget line item allowable cost. The selected quote/vendor must be documented on the quotation sheet.

2.2 SEALED BIDDING

a. **Conditions for Use.** Contracts shall be awarded based on competitive sealed bidding if the following conditions are present:

1. A complete, adequate, and realistic specification or purchase description is available;
2. Two or more responsible bidders are willing and able to compete effectively for the work;
3. The procurement lends itself to a firm fixed price contract;
4. The selection of the successful bidder can be made principally on the basis of price.

SEALED BIDDING PROCEDURES

a. **Invitation for bids format includes the following:**

1. Cover Letter - briefly explains the basic work required. This may include bonding requirements.

2. Face Page - provides information about the IFB; bid opening time, point of contact and address for submission of bids.

   Section a - Prices

   Section b - Specifications of Statement of Work (SOW)

   Section c - Mandatory Clauses

   List any additional contract terms such as, time for performance, bonding requirements, or amount of time which bidders must hold their bids open.

   Section d - Instructions to Bidders/Offerors

b. **Pre-Bid Conference** – is optional and gives bidders an opportunity to discuss the IFB and ask questions. If required, the notice of pre-bid conference must be given in the IFB. A conference shall be scheduled so as to allow bidders time to revise their bid prior to bid opening. Nothing discussed at the conference changes the IFB terms unless a written amendment is issued. A meeting transcript shall be sent to bidders who received the IFB.

c. **Restricted Solicitations for Indian Preference** - The IFB may be restricted to qualified Indian owned economic enterprises in the event federal funds are being utilized and if it is anticipated that two or more qualified Indian organizations or enterprises are likely to satisfactorily respond to procurement.

d. **Bid Opening and Award.** Bids shall be opened on the scheduled date and time listed in the IFB. This information is recorded for the procurement file. Questions or disagreements are not considered at bid opening. The contract award is not made at bid opening and late bids are recorded as a late bid and retained unopened in the contract file.

e. **The bidder who meets the following requirements is awarded the contract:**

   (1) **Responsiveness** - the bidder who submits a bid that conforms in all material respects to the IFB or RFP.

   (2) **Price Reasonability** - the prices to be paid for the specifications are reasonable.

   (3) **Contractor Responsibility** - means that the bidder has the capability to perform the contract requirements and the integrity and reliability to assure good faith performance.

f. **Mistakes in Bids.**

   1. Corrections or withdrawal of inadvertently erroneous bids may be permitted by written or telegraphic notice for bids prior to the time set for bid opening. The bidder is legally bound to the bid, as submitted, after the bids have been opened. The only exception is an obvious mistake in the bid, such as a clerical error or misplaced decimal.
   2. All decisions to allow corrections or withdrawal of bid mistakes shall be supported by a written determination signed by the Contracting Officer Representative. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the Township or fair competition shall be permitted.
   3. Rejection of Bids - Any or all bids or proposals maybe rejected in whole or in part as may be specified in the solicitation if it is in the best interest of the Township. The reason for the rejection shall be made a part of the procurement file and the reasons for rejection shall be provided upon request to any offeror solicited.
   4. Minor informalities may be waived if it is in the best interest of Township.

g. **Wage Rates for Construction Contracts**

   Wage rates on federal projects must be in compliance with applicable federal labor laws as set forth in the Davis-Bacon Act. The Township shall obtain a wage determination at least 45 days before issuing an IFB and incorporate the determination into the IFB.

   Contractors and subcontractors are responsible for paying according to the wage determination and are responsible for compliance. The Township Compliance Officer shall review contractor and subcontractor reports for accuracy and to resolve discrepancies. The Township shall retain all reports (such as certified payroll reports) for 3 years after the date of contract completion and acceptance.

2.3 COMPETITIVE PROPOSALS

a. **Conditions for Use.** Competitive proposals may be used if there is an adequate method of evaluating technical proposals and where the Township determines that conditions are not appropriate for the use of sealed bids. A minimum of three proposals shall be solicited.

b. **Solicitation.** The request for proposals (RFP) shall clearly identify the relative importance of cost/price and other evaluation factors and sub-factors, including the weight given to each technical factor and sub-factor. A mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established before the solicitation is issued. Proposals shall be handled so as to prevent disclosure of the number of offerors, identity of the offerors, and the contents of their proposals. The proposals shall be evaluated only on the criteria stated in the request for proposals. All proposals must be date stamped.

COMPETITIVE PROPOSAL PROCEDURES

a. **Request for Proposals (RFP) format includes the following:**

1. Cover Letter - briefly explains the basic work required and may include bonding requirements.
2. Face Page - provides information about the RFP, closing date and the point of contact and address for submission of proposals.

   Section A - Prices - A blank form that bidders use to insert their prices.

   Section B - Specifications Statement of Work (SOW)

   Section C - Mandatory Clauses

   List additional contract terms such as time for performance, bonding requirements, and the amount of time which offerors must hold their proposals open.

   Section D - Instructions to Offerors – May Include the Following:

   A certificate of Indian preference; also, if necessary, whether samples or descriptive literature are required, and whether optional items will be considered in the evaluation for award.

   Section E - Evaluation Criteria
3. Technical evaluations of proposals received shall be made. (See evaluation process).

   Evaluation Plan

   Develop an evaluation plan prior to receiving proposals describing the process of evaluating & methodology of scoring proposals. Outside information should not be considered when scoring proposals. Ensure the confidentiality of the evaluation process.

   Evaluation Process

   An evaluation team shall be appointed to review the RFP and complete the initial evaluation report.

   The cost and the technical portions of the proposal shall be kept separate. The report shall contain a narrative description of the procurement, a ranking of all proposals, scores for each criterion, and total score. It should also include a discussion of the proposal strength and weaknesses and any reservations regarding the ability to perform. All evaluators must sign the evaluation report.

b. **Mistakes in proposals** – Proposals may be withdrawn or corrected during negotiations and Offerors may modify their proposals. Modifications are will be accepted if submitted prior to

the due date. After the due date, the offeror may withdraw the proposal or the Township may accept a modification if it makes a successful proposal more advantageous to the Township.

c. **Amending the solicitation** – A written addendum will be required if the original RFP needs to be changed before the due date. It must be mailed to each offeror who received the RFP. Offerors may then modify their proposals prior to the due date and they will be automatically accepted. If the change is substantial to the RFP, such as a new requirement, then a new solicitation shall then be issued. Offerors may withdraw their proposal or the Township may accept a modification if it makes a successful proposal more advantageous to the Township.

d. **Negotiations**. Unless there is no need for negotiations with any of the offerors, negotiations shall be conducted with those who submit proposals determined to have a reasonable chance of being selected for award, based on evaluation against the technical and cost/price factors as specified in the RFP. Such offerors shall be afforded fair and equal treatment with respect to any opportunity for negotiation and revision of proposals. The purpose of negotiations shall be to seek clarification with regard to and advise offerors of the deficiencies in both the technical and cost/price aspects of their proposals so as to assure full understanding of and conformance to the solicitation requirements. No offeror shall be provided information about any other offeror's proposal, and no offeror shall be assisted in bringing its proposal up to the level of any other proposal. Offerors shall not be directed to reduce their proposed costs/prices to a specific amount in order to be considered for award. A common deadline shall be established for receipt of proposal revisions based on negotiations.

e. **Award**. After evaluation of proposal revisions, if any, the contract shall be awarded to the responsible firm whose qualifications, cost/price and other factors considered, are the most advantageous to the Township.

2.4 NONCOMPETITIVE PROPOSALS (Sole Source Procurement)

a. **Conditions for use**. Procurements shall be conducted competitively to the maximum extent possible. Procurement by noncompetitive proposals may be used only when the award of a contract is not feasible using sealed bids, or competitive proposals, and one of the following applies:

   1. The item is available only from a single source, based on a good faith review of available sources;
   2. An emergency exists that seriously threatens the public health, welfare, or safety, or endangers property, or would otherwise cause serious injury to the Township, as may arise by reason of a flood, earthquake, epidemic, riot, equipment failure, or similar event. In such cases, there must be an immediate and serious need for supplies, services, or construction such that the need cannot be met through any other procurement methods and the emergency procurement shall be limited to those supplies, services, or construction necessary to meet the emergency;
   3. Urgency exists in which goods or services must be procured expediently to prevent a lost opportunity or financial detriment to the Township or the project itself;
   4. After solicitation of a number of sources, competition is determined inadequate.

b. **Justification**. Each procurement based on noncompetitive proposals, or when only one offer is received, or for other procurements as deemed necessary by the Township (i.e., when contracting for professional, consulting, or architect/engineer services), a cost analysis verifying the proposed cost data, the projections of the data, an evaluation of the specific elements of cost and profit, and a written determination of the basis for the sole source procurement shall be included in the contract file. Sole source procurement shall be avoided, except where no reasonable alternative sources exist.

2.5 CANCELLATION OF SOLICITATIONS

An invitation for bids, request for proposals, or other solicitation may be cancelled before offers are due if:

- The Township no longer requires the supplies, services or construction;
- The Township can no longer reasonably expect to fund the procurement;
- Proposed amendments to the solicitation would be of such magnitude that a new solicitation would be desirable, and;
- Kayenta Township reserves the right to cancel any and all procurement prior to the receipt of goods and services or commencement of work for sealed bids and competitive proposals. The Township will not be responsible for costs incurred by bidders up to time of cancellation.

The reasons for cancellation shall be documented in the procurement file and the reasons for cancellation shall be provided upon request to any offeror solicited.

SECTION 3

TYPES OF CONTRACTS, CLAUSES, AND CONTRACT ADMINISTRATION

3.1 CONTRACT TYPES

Any type of contract which is appropriate to the procurement and which will promote the best interests of the Township may be used.

3.2 OPTIONS

Options for additional quantities or performance periods may be included in contracts, provided that:

1. The option is contained in the solicitation;
2. The option is a unilateral right of the Township;
3. The contract states a limit on the additional quantities and the overall term of the contract;
4. The options are evaluated as part of the initial competition;
5. The contract states the period within which the options may be exercised;
6. The option may be exercised only at the price specified in or reasonably determinable from the contract;
7. The option may be exercised only if determined to be more advantageous to the Township than solicitation for a new procurement.

3.3 CONTRACT CLAUSES

In addition to containing a clause identifying the contract type, all contracts shall include any clauses if they are required by federal statutes, executive orders, and their implementing regulations, such as the following:

a. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, with such sanctions as may be appropriate;
b. Termination for causes and convenience by the Township, including the manner by which it will be effected and the basis for settlement (all contracts in excess of $10,000);
c. Termination for default by contractor;
d. Equal employment opportunity compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity" as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor Regulations (41 CFR Chapter 60). (All Construction contracts awarded in excess of $10,000);
e. Anti-kickback act - compliance with the Copeland "Anti-Kickback" Act (18 USC 276a 59 a-7) as supplemented by Department of Labor regulations (29 CFR Part 5). (All construction contracts awarded in excess of $10,000 by the Township);
f. Davis-Bacon Act - the required prevailing wage statement of 24 CFR 1000.16;
g. Compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR Part 5) (All construction contracts in excess of $2,000 and in excess of $2,500 for contracts which involve the employment of mechanics or laborers);
h. Reporting requirements & patent rights - notice of awarding agency requirements and regulations pertaining to reporting and patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract, copy rights and rights in data;

i. Awarding agency requirements and regulations pertaining to copyrights and rights in data;
j. Examination of records by the Comptroller General and retention of records for three years after final payment and closeout;
k. Clean air and water - compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857 (h), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15).(Contracts and sub-grants in excess of $10,000);
l. Energy efficiency standards - mandatory standards and policies relating to energy efficiency which are contained in the state or tribal energy conservation plans issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163);
m. The mandatory Section 7 (b) clause incorporating provisions of the Indian Self Determination and Education Assistance Act (24 U.S.C. Sec. 450e (b) found at 24 CFR Sec.1000.50 (a) (1) ;
n. Any required and applicable tribal requirements with respect to contract terms.

3.4 CONTRACT ADMINISTRATION

The Town Manager or his/her designee shall be responsible for efficient contract administration, including the following:

a. Monitoring contract performance and being aware of contract terms and conditions;
b. Work inspection and contract compliance;
c. Contract and warranty filing and retention;
d. Monitoring contractor performance through inspections;
e. Evaluating contract work and performance upon the receipt of request and prior to such payment;
f. Verifying payment requests;
g. Monitoring contract progress in accordance with the Township approved time schedules and making certain such time schedules are followed;
h. At the completion of the contract, the Town Manager or his/her designee shall ensure that each contract is properly closed out. The contractor shall submit a final pay request to the Township. All property and equipment belonging to the Township shall be returned with the final pay request.

SECTION 4

BID PROTESTS, DISPUTES, CLAIMS AND ISSUES

4.1. GENERAL

It is the Township's policy to resolve all contractual issues informally at the Township level without litigation.

4.2 BIDDER PROTESTS

Any bidder or disputant of a decision made pursuant to this rule (4.2) must exhaust the administrative remedy as set forth in this rule. This rule shall govern complaints and protests with respect to Indian preference procedures and any other procurement decision under these rules.

a. Only a person or business entity claiming to have been adversely and directly affected by an action or inaction of the Township regarding the provision of preference to Indians in contracting, subcontracting, employment, or training, or regarding a Township decision under these rules of federal procurement regulation may make a complaint;
b. A complaint or protest must be filed with the Town Manager of the Township no later than twenty (20) calendar days following the action, event or omission upon which the complaint or protest is based;
c. All complaints must be in writing and signed by the complainant and must reasonably specify the action or omission which the complainant contends constitutes a violation of this policy;
d. The Township shall stamp all complaints with the date and time upon receipt;
e. The Township shall acknowledge receipt of the complaint in writing to the complainant immediately upon receipt;
f. The Town Manager or his designee shall investigate the complaint and within 20 days of acknowledging the receipt of the complaint, meet or communicate by mail or telephone with the complaining party in order to attempt a resolution of the matter, The Town Manager shall make a written determination upon the complaint within thirty (30) days after the receipt of the complaint;
g. The Town Manager may undertake discussion, negotiation, mediation, or other methods to resolve the complaint, using that method of resolving the matter, which, in his or her discretion, services the best interests of the Township. All complaints must be resolved as expeditiously as possible;
h. If the Town Manager finds noncompliance with this policy, he or she may grant reasonable relief to resolve the complaint or the protest may be dismissed.
i. Procurement awards or contracts affected by complaints under this rule shall not be finally awarded unless the Town Manager has determined that the complainant is not a proper party under this rule or that no violation of the policies has occurred. Where the Town Manager has determined that the person is a proper complainant and that he or she may have a valid claim, the Township may proceed with the award or contract where the circumstances require, providing for the rights of the affected parties;
j. The decision of the Town Manager shall be in writing, state the reasons for it, and copies shall be provided the complainant. The written decision of the Town Manager shall constitute final Township action on the matter.

SECTION 5

ASSISTANCE TO SMALL AND OTHER BUSINESSES

5.1 REQUIRED EFFORTS

The Township shall make efforts to ensure that individuals or firms located in or owned in substantial part by persons residing in the area of a Township project are used when possible. Such efforts shall include, but shall not be limited to:

a. Including such firms, when qualified, on solicitation mailing lists;
b. Encouraging their participation through direct solicitation of bids or proposals whenever they are potential sources;
c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such firms;
d. Including in contracts a clause requiring contractors, to the greatest extent feasible, to provide award subcontracts for work in connection with the project to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
e. Requiring prime contractors, when subcontracting is anticipated, to take the positive steps listed in a. through d. above.

5.2 INDIAN PREFERENCE

Preference in the award of contracts and subcontracts shall be given to Indian-owned economic enterprises and Indian organizations. The definitions of "Indian", "economic enterprise", and "Indian Organization" shall be defined in 24 CFR 1000.48; 1000.50; 1000.52, respectively.

a. Exception: Navajo Preference, as implemented by Navajo Law, shall apply in the award and implementation of contracts where the source of funding can be clearly identified as non-federal funds, but only to that portion of work to be accomplished with the non-federal funds.
b. Kayenta Township shall require the following information from offerors and bidders seeking to qualify as Indian organizations or Indian-owned economic enterprise before submitting a bid or proposal or at the time of submission.

    (1) Evidence showing fully the extent of at least fifty one per cent (51%) Indian ownership and interest;
    (2) Evidence sufficient to demonstrate to the satisfaction of the Township that the offeror or bidder has the technical, administrative, and financial capability to perform contract work of the size and type involved.
    (3) Evidence showing an independent and continuing operation for profit, performing a commercially useful function which is owned and controlled by one or more Indians. The ownership and control by an Indian or Indian organization or Indian-owned economic enterprise shall be real and substantial, and shall be indicated by customary incidents of ownership, as demonstrated by an examination of the substance rather than the form of ownership and operating arrangements.
    (4) Evidence that an individual or business entity has been certified by the Navajo Nation as being Indian, an Indian organization, or an Indian – owned economic enterprise award shall be sufficient to qualify under this or any succeeding plan, unless it is determined by the Township that a further review is necessary.

c. Where the Township has a reasonable expectation that two or more qualified. Indian organizations or enterprises are likely to satisfactorily respond to procurement, the procurement solicitation, bid, or requests for proposals may be restricted to such qualified firms or persons. The Township may prefer not to restrict the solicitation and procurement to qualified Indian enterprises or organizations where such appears to be in the best interests of the Township or where greater competition may result in a superior product, better services, or a lower cost.

d. Certification Investigation:

Kayenta Township shall investigate Indian ownership arrangements beyond formal documents submitted by each entity if:

(1) The firm is applying for certification with the Township for the first time;
(2) The firm is newly formed or the firm has Indian ownership of less than 100 percent.
(3) There is previous or continuing employer-employee relationship between or among present owners;
(4) A business which is not an Indian or Indian organization or Indian-owned economic enterprise has an interest in the firm.
(5) The ownership of the firm has changed since documents have been submitted to the Township; and/or
(6) Review of the documents submitted with the application raises serious concerns regarding either ownership or control of the firm.

SECTION 6

ETHICS IN CONTRACTING

6.1 GENERAL.

The Township shall adhere to the following code of conduct and shall establish a system of sanctions for violations, consistent with applicable federal or local law.

6.2 CODE OF CONDUCT

No employee, officer or agent of the Township shall participate or be involved in the selection, award or administration of any contract if a conflict of interest, real or apparent, would be involved. Such conflict would arise when:

a. His/her immediate family, partner, or relatives (by marriage, adoptive, or extended family) are involved in making an award;
b. An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment with any of the above;
c. An organization which has a financial or other interest in the business or contractor selected for award;
d. A former Township employee bids who terminated within the last 365 days of proposed contract; however, further review shall be conducted to determine if there would be a conflict of interest;
e. Employees, officers, contract employees or agents of the Township solicit or accept gratuities, favors, or anything of monetary value from contractors, subcontractors, potential contractors, or parties to sub-agreements with the Township. Employees, Commissioners, or agents of the Township shall report in writing any and all unsolicited offers from any contractor, subcontractor, potential contractor, or from a party to a sub-agreement with the Township.

6.3 CONFLICT OF INTEREST - Gifts of Nominal Intrinsic Value

Nothing in rule 6.2 above shall prohibit any employee, officer, or agent, from accepting a gift where the financial interest of the donor (i.e., one who gives a gift) is not substantial or where the gift is unsolicited item of nominal intrinsic value, and the employee, officer, or agent has made a determination that no conflict of interest exists.

a. A financial interest is "not substantial" where the person or firm offering the gift does not do so for the purpose of immediately influencing the decision of an officer or employee of the Township, but intends to generate general business good will, and where the gift is appropriate under the circumstances as a matter of normal business practice.
b. An "unsolicited item of nominal intrinsic value" means the kind of gift or gratuity which is normally and customarily given to another in business practice. Examples of such gifts include meals and refreshments, pens, calendars, samples, or other items which businesses normally or customarily offer to those with whom they do business. The events which businesses customarily use as an occasion to give such nominal gifts include initial or out-of-town business meetings (for meals and refreshments), conventions and conferences, birthdays, Christmas, the birth of a child, or other occasions where businesses recognize individuals as a matter of business good will. In no event, shall a gift of a value of $ 100 or more in any one calendar year be considered of "nominal intrinsic value" and in no event shall a gift of money, or other monetary items (i.e. check, gift certificate, discount, rebate, etc.,) be accepted.

The prohibition against soliciting or receiving gifts shall not apply to solicitations for contributions by employees for operations or functions of the Township, so long as no employee receives any personal benefits as a result of any contribution and so long as prior written approval of the Town Manager is obtained. "Personal benefit" does not include enjoyment of a facility, refreshments, meals, or other items purchased or contributed for the general benefit of the Township employees.

All employees, officers, contract employees or agents of the Township who accepts a gift pursuant to this section shall report in writing the acceptance of that gift to the executive director by the next business day.

6.4 Penalties or Disciplinary Action

Any employees, officers, contract employees or agents of the Township who violate these rules may be subject to disciplinary action. Any actions against employees will be consistent with the requirements of the Township Personnel Policies. The degree of discipline applied shall be reasonable and take into account the circumstances as a whole and whether or not a violation was willful.

6.5 Sanctions

a. Any agent, contractor, subcontractor, officer or employee of a business doing contract work for the Township who violates the rules of this part may be subject to sanctions ranging from a written warning to debarment from doing business with the Township or revocation of a contract with the Township. This part constitutes notice to contractors, subcontractors, and others of both the standards of conduct and potential sanctions under this part and the dissemination of these rules.
b. Depending upon the severity of the offense, the range of sanctions shall include a written warning, suspension, debarment, or revocation of an existing contract. A suspension from contracting with the Township shall not exceed one year unless allowed by these rules. A debarment shall not be less than one year unless allowed by these rules.
c. The causes for suspension or debarment include the following:
    (1) Conviction of any person or any subsidiary or affiliate of any person for the commission of a criminal offense arising out of obtaining or attempting to obtain a public of private contract or sub-contract; or in the performance of such contract or subcontract.
    (2) Conviction of any person or any subsidiary or affiliate of any person under any Navajo, state or federal statute for embezzlement, theft, fraudulent schemes and artifices, fraudulent schemes and practices, bid rigging, perjury, forger, bribery, falsification or destruction of records, receiving stolen property or any other offense indicating a lack of business integrity or business honesty.
    (3) Conviction or civil judgment finding a violation by any person or any subsidiary or affiliate of any person under any state or federal antitrust statute.
    (4) Violations of contract provisions of a character that are deemed to be so serious as to justify debarment action, such as any of the following:
        a. Knowingly fails without good cause to perform in accordance with the specification or the time limit provided in the contract;
        b. Failure to perform or unsatisfactory performance in accordance with the terms of one or more contracts, except that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered as a basis for debarment;
        c. Failure to pay or reimburse the Township for outstanding liabilities;
        d. Non-compliance with the Navajo Nation Code;

e. Disbarment by a state; and/or
f. Any other cause deemed to affect the responsibility as a Township contractor including suspension or debarment of such person or subsidiary or affiliate of such person of any other governmental entity for any cause listed herein.

d. A written determination to suspend or debar shall be issued by the Town Manager which shall:
   (1) State the reason for the action taken;
   (2) Inform any suspended or debarred person involved of the right to administrative review as provided in the policy;
   (3) A copy of the determination under this sub-section shall be mailed or otherwise furnished to any debarred or suspended person;

e. A copy of any sanction notice imposed pursuant to this rule shall be sent to the Contracting Officer (designee) who shall maintain permanent record of the sanctions.

6.6 Unauthorized Business Transaction Effect

All purchases, procurement, contracts, and other business transactions of the Township which obligate the Township to pay monies or transfer property require the approval of the Town Manager, and where required, the approval of the Commissioners.

The actions of any officer or employee procuring goods, materials, equipment, work, or services are subject to these rules, and any transaction taken in violation of these rules is void or voidable by the Township, acting through its Town Manager and Finance Director. Strict compliance with these rules and other applicable grantor/program requirements is a condition precedent to the validity of any contract or business transaction of the Township.

Other than permitted by these rules, no officer, employee, or agent of the Township has the authority to bind the Township to procurement, purchases, or other financial transactions, and any such contract is void or voidable, at the option of the Township, and such is punishable as provided in Rule 6.4. Any person or entity doing business with the Township who violates this rule may be subject to sanctions under Rule 6.5.

6.7 Reimbursement for Prohibited Transactions

Any employee, contract employee, officer or agent of the Township and any person or entity who enters into prohibited transactions in violation of these rules will be required to reimburse the Township for any expenditure of its funds, damages, or other losses; and any officer, employee, contract employee or agent of the Township and any person or entity receiving a gift or engaging in a conflict of interest in violation of these rules will be required the same or make whole the Township for its value.

6.8 Nondiscrimination

To the extent required by the Indian Civil Rights Act of 1968 and any applicable federal or Navajo law, the Township and its officers, employees, agents and contracts or subcontractors shall not discriminate against any person in the enjoyment of their rights or privileges under this policy nor shall the Township, its officers, employees, agents and contractors or subcontractors discriminate against any person on the basis of race, color, religion, gender, national origin, age, or handicap status in employment or contracting.

KTCO-88-11

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Rescinding the Kayenta Township Commission Purchasing Policy and Adopting and Approving the recently developed Procurement Policy and Procedures Manual.

WHEREAS:

1. The Kayenta Township Commission ("KTC") has the general authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township; and

2. The KTC is empowered to adopt rules and regulations, both substantive and procedural, such as may be necessary to the proper and efficient administration of Township operations. The KTC has found that the proper and efficient administration and enforcement of policies for purchasing and procuring of materials, services, property, and construction contracts or agreements entered into the Township by employees and officials require procedural regulations; and

3. The commission, by Resolution KTCS-55-10 (September 13, 2010) enacted the Purchasing Policy for guidance in dealing with procurement issues, and for compliance with Navajo Nation and Federal Laws applicable to purchasing, (hereby attached as Exhibit "B"); and

4. Subsequent and additional review required the need to replace the Purchasing Policy in its entirety with a Procurement and Procedures Manual (hereby attached as Exhibit "A") that will ensure KTC purchases meet the Federal Standards of OMB Circular A-110, the Federal Procurement Policy Act, and Housing and Urban Development (HUD) regulations in procurement, and to ensure all purchases are subject to the proper budget authorizations; and

5. The KTC Procurement Policy and Procedures Manual (attached as Exhibit "A") was reviewed by the KTC Commissioners on October 05, 2011 at a duly called Commissioner Work Session and a consensus was reached to adopt the new procurement policy at the next regular KTC Commissioner's meeting.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Kayenta Township Commission hereby rescinds Resolution KTCS-55-10 that has adopted and approved the Purchasing Policy and Procedures on September 13, 2010.

2. The Kayenta Township Commission hereby adopts and approves the KTC Procurement Policy and Procedures Manual hereby attached as Exhibit "A" to replace in its entirety the KTC Purchasing Policy and Procedures as approved.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called meeting in Kayenta, Navajo Nation (AZ), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed and 0 abstained, this 12th day of October, 2011.

Motion: Rodger Grey

Second: Delores Greyeyes

Carol Todecheene

Carol Todecheene, Chairperson
Kayenta Township Commission

KAYENTA TOWNSHIP
EST. 1986

15.

Property Policy and Procedures

KTCO-60-10

KTCO-60-10

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Adopting and Approving the Property Policy and Procedures for the Kayenta Township Commission and Administration

WHEREAS:

1. The Kayenta Township Commission ("KTC") has the general authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township; and

2. The KTC is empowered to adopt rules and regulations as may be necessary to effectively and efficiently operate the Township operations and to be in compliance with the Navajo Nation and Federal Laws as required and applicable to all property management rules and regulations; and

3. The Township Property Policy and Procedures (Policy) is prepared to provide guidance, the procedurals, to properly maintain and to be accountable for the property of the KTC and to appropriately use the policy as guidance in following all practices and protocols hereby attached as Exhibit A; and

4. The Commission and Administration reviewed, discussed the Policy and recommended minimal changes at a work session on April 03, 2010, to which changes were made.

5. The Commission tabled a September 13. 2010 resolution due to forms were not attached to the Property Policy and Procedures. KTC considered the Policy to be in the best interest of the Township.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Kayenta Township Commission hereby adopts and approves the Property Policy and Procedures with attached forms as required, attached hereto as Exhibit "A" and incorporated herein by reference, to be effective immediately.

2. The Kayenta Township Commission hereby authorizes the Town Manager and Management to modify and amend the Policy from time to time to be in compliant with all applicable rules and regulations relevant to the property management.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called meeting in Kayenta, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, and 0 abstained, this **11th** day of **October, 2010.**

Motion: Commissioner Greyeyes
Second: Commissioner Yazzie

KAYENTA TOWNSHIP COMMISSION

Helen Bonnaha

Helen Bonnaha, Chairperson

EXHIBIT "A"

Kayenta Township Commission
P.O. Box 1490
Kayenta, Arizona 86033
(928) 697-8451

KAYENTA TOWNSHIP PROPERTY POLICY & PROCEDURES

Submitted by
Director of Economic Development Department

EXHIBIT "A"

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EXHIBIT "A"

KAYENTA TOWNSHIP COMMISSION
PROPERTY POLICIES AND PROCEDURES

I. PURPOSE

This policy sets forth the authority, principles and policies governing the accounting of Kayenta Township Commission property in terms of both dollar value and units of location, and prescribes Kayenta Township Commission Administration responsibilities for their execution and supervision. This policy also provided the basis for implementation of and general supervision over procedures necessary for all Township assets through the maintenance records; performance of inventories; insure the provision of adequate an economical warehousing; receipt and delivery Township property.

II. SCOPE OF POLICY

The general principle of this policy is applicable to all employees and components of the Kayenta Township Commission including Commissioners who will monitor to ensure that property records are maintained and that this policy is administered.

III. ACCOUNTABILITY AND RESPONSIBILITY

A. Role of the Kayenta Township Commission:
The Kayenta Township Commission is formally obligated for all of it property and assets. Therefore, is responsible for any debts for payment, and is also responsible for the maintenance and safeguards of all records.

B. These policies and procedures can only be amended by the Kayenta Township Commission at a duly called meeting upon recommendation by the Town Manager.

C. The Town Manager and Support Staff is vested with the accountability and responsibility for all Township property and maintenance records in connection with possession of others to whom it had been officially entrusted temporary use or for care and safekeeping. This accountability is not terminated until transferred to another accountable individual is accomplished, or until items of property have been dropped from accountability disposition of the said property. In addition, the Administration Staff is hereby vested and entrusted with the care for safekeeping of all Township inventoried properties whether in use or in storage.

D. Physical inventory shall be taken on an annual basis, which will be an alignment with Township annual financial audit. The inventory will include all property classified as real property, equipment, supplies, materials with an acquisition cost of $200.00 or more, and any items designated by the Town Manager.

IV. GENERAL PROVISION CONCERNING KAYENTA TOWNSHIP COMMISSION PROPERTY

A. Individuals to whom Township property is entrusted are charged with responsibility for its care and safekeeping and they should be prepared to show, in the event of loss, the precautions taken by them personally to guard against loss damage, etc.

B. An individual will not be assigned to duty that will separate him/her from property for which he/she is responsible. Individuals will be required to assume accountability for property remotely located. In such instances, they are required to maintain records which show at all time, the general location of such property and the individuals responsible for its care and safekeeping.

C. The sale, gift, loan or exchange, or other disposition of any Township property not specifically authorized by regulations or other directives issued by the Township is illegal.

D. Any person who, without authority, sells, or otherwise disposes of Township property or through neglect allows Township property to be lost, or damaged, destroyed, sold or wrongly disposed of, maybe punished as local regulations and/or laws may direct.

E. All Township property shall be identified by marking and/or tagging unless such making would impair the utility of item.

F. Records of accountability for property will list serial numbers for positive identification of like items and report losses.

G. All Township personal property shall be kept on the Township premises except where it has been approved otherwise.

H. All property that is discovered, tagged or not, by an accountable individual will be taken up and accounted for shall also be the duty of the individual reporting the existence of property as indicated above to take charge of and protect such property until responsibility has been assumed by property authority.

I. No rewards, favors, gifts or other form of remunerations shall be received from any vendors, contractor, individual, firm or any other sources having relations with the Township or its Commission.

V. INVENTORY OF PROPERTY

A. It shall be the policy of the Kayenta Township Commission to maintain a complete, detailed and accurate physical inventory of property assigned and to be reconciled annually, or upon a change of an accountable individual(s) within Township Administration. A physical inventory will involve an actual observation and count of the property. A proper condition check is part of inventory. Damaged or destroyed will be handled as prescribed in section VII of the manual.

B. The Kayenta Township Administration Support Staff will conduct the physical inventory using a number code system. All property with the acquisition cost of $200.00 or more will be inventoried. All property with the acquisition cost of $500.00 will be considered a capitalized asset and must be tagged with Kayenta Township property tag.

C. Pertinent records and documentation of all Township property shall be kept, which include requisitions, purchase order, receiving records, invoices, warranties and copies of cancelled checks. The information contained in the inventory will include date of purchase, purchase price, serial number, description, Township property number, date of disposition and salvage value.

D. A copy of the most current inventory listing will be provided to the Department of Risk Management, Navajo Nation, on an annual basis, or upon new purchases or disposition of any real property.

E. The inventory listing shall be verified by the Property Manager for accuracy and accountability on a periodic basis.

F. The Kayenta Township shall use only those approved Township property form(s) and kept in a safe place under lock and key. The Property Manager will utilize the appropriate forms for accounting of Township property.

VI. ADJUSTMENT OF DISCREPANCIES BY INVENTORY

A. In the event unmarked/untagged property is found, ownership will be determined and if proven to be Township owned, it shall be marked/tagged as such. If ownership cannot be determined, the property will be marked/tagged as Township property and recorded as "found property". Property not located during the inventory and after a reasonable time and effort, will be considered lost or stolen and will be handled as prescribed by the Township Officials.

VII. PROCEDURES FOR LOST, STOLEN OR DAMAGED TOWNSHIP PROPERTY ITEMS

A. It shall be the responsibility of the Town Manager to immediately notify law enforcement and request for a written police report on the lost, stolen or damaged property; obtain a police report number and reporting Officer's name.
   1. Immediately provide a written notification to the Kayenta Township Officials to inform them of the incident.
   2. If the Kayenta Township property is insured under the Navajo Nation Group Insurance a copy of the written incident police report in memorandum shall be submitted to the Risk Management Department of the Navajo Nation.
   3. Compile information fro the last/latest physical inventory sheets; obtain copies of purchase order and property record on lost, stolen or damaged items, to assist Risk Management Department to decide on repairs and/or replacement through new purchases.
   4. Take any damaged an/or recovered property from the Kayenta Township and send it to a repair shop to obtain estimates on; (a) repair cost; (b) replacement cost through new purchases if the repair cost exceeds acquisition cost.
   5. Reporting of all property identified as capitalized asset which are covered by the Navajo Nation Risk Management will be in compliance and be consistent with the Navajo Nation Property Management Policy and Procedures, as applicable.

VIII. EQUIPMENT LOAN/RENTAL and FEES PROCEDURES

A. It shall be the policy of the Kayenta Township to minimized property loan or rental as much as possible in adherence to Township Procurement Policy and Procedures.

B. It shall be the policy of the Kayenta Township that no Township property shall be loaned or rented without the approval of the Town Manager on a Township approved form. This loan/rent property policy is intended for the privileges of the community membership only.

C. The Kayenta Township Administration will be responsible for assuring the equipment is used for its intended purpose and enforcement of the standard rental fees.

D. The procedures for requesting to rent a Kayenta Township Commission property will be as follows:
   1. Requestor must be employees of the Kayenta Township Commission and possesses a valid I.D. and must be over 18.
   2. Requestor must fill out a rental form at the administration office specifying which of the Township property is to be rented.
   3. The Township Administration will be responsible for assisting and making sure all documents are available and ready for appropriate approval.
   4. The Township Administration will review the request and forward to the Town Manager for approval and signature.
   5. The person renting will be responsible for fuel and safekeeping of the Township property during the time of his/her possession.
   6. The Township property must be returned at the specified time, unless an extension is granted by the Town Manager; otherwise, additional charges will be assessed for usage.
   7. All returned Township property will be returned to the Property Management Office and inspected by the Township Administration and documented.

E. It shall be the policy of the Kayenta Township Commission that it may lease/rent equipment from other chapters, entities, and organizations with the approval of the Town Manager on a Township approved forms.

IX. UTILIZATION OF KAYENTA TOWNSHIP COMMISSION FACILITIES POLICY

A. From time to time, it may become necessary for the Township to receive request from chapter and non-chapter organization(s), or individual(s), for utilization of the Township facilities to conduct activities for charitable and non-charitable purposes. In these cases, it shall be the general policy that any request to utilize the Township property must be approved on a case by case basis by the Town Manager or his/her designee at a duly called Kayenta Township Commission meeting, except where an individual(s), request to sell food items, or other items, either on behalf of an organization, the Town Manager or his/she designee will be responsible to receive and approve those request through an appropriate application form, and nominal fee will be charged for each vendor(s).

B. A valid food handler's permit will be required of the vendor(s) to prepare food for public consumption.

C. Kayenta Township Commission will not assume any responsibilities for loss or theft of any valuables of the vendor, nor will it be liable for any injury that may be caused due to negligence and carelessness of the individuals renting the facilities.

D. The individual vendor(s) is responsible for making sure that all Township property remains on the premises and that the area is clean before leaving.

X. PROPERTY CONTROL/PROTECTION

A. Liability: Liability coverage for damages and injuries to the third party shall be mandatory for all Township vehicles and equipment. The Kayenta Township may seek coverage under

the Navajo Nation Group Insurance, or by another insurance carrier. Other coverage including collision, fire/smoke damage, theft/vandalism and workmen's compensation should also be included.

B. Security Responsibility: It shall be the responsibility of the Town Manager to prevent property from being stolen or damaged by keeping all Township property on the Township premises either in a warehouse, or other Township secured facilities.

C. Custodial Responsibility: The Township Administration shall maintain a property maintenance record of all accountable, non-expendable and personal property. In addition, the Town Manager will be required to establish a preventive maintenance repair program and to implement guidelines for the utilization of the property. Only authorized individuals shall operate the Township property.

D. Inventory & Property Records: Periodic physical inventory will be required of all capitalized items of personal property. A physical inventory record should provide an actual basis and observation of all property identified by the Property Manager. The inventory should reflect also the condition and the physical presence of the item.

XI. DISPOSAL OF PROPERTY:

It shall the policy of the Kayenta Township Commission to properly dispose of its property which will involve not only the physical disposition but also reconciliation of the accounting records to reflect such disposal.

A. Types of Disposal:
   1. Ordinary disposal will include property disposed through normal wear, etc.
   2. Extra-ordinary disposal are property that are stolen, lost, damaged or destroyed which requires inventory reports.

B. Non-Required Property: Personal property of the Kayenta Township which is no longer needed and is thus available for transfer to other components for utilization. The item is used but unusable without repairs and is in excellent condition and costs individually more than $300,000 per item, or one which could be economically transferred even though its condition is less than usable without repairs.

C. Excess Property: This second category in ordinary disposal is non-required property which is available for transfer outside the Township. Such property cannot be used by another component of the Kayenta Township.

D. Surplus Property: This is excess property for which there is no longer a need within the Kayenta Township, if the Township does not identify a need for such property, the Town Manager will inform the Township staff that such a property exists so that the chapter membership may have the opportunity to purchase said property.

E. Sale of Property: When a sale is made, documentation that the sale has occurred must be provided to the Kayenta Township Administration so that such sales income can be recognized by the Township and recorded.

F. Scrap or Salvage Property: Any property which has lost its original value but retains a minimal worth shall be disposed of upon recommendation by the Town Manager.

When property is destroyed by fire, flood or other such disaster, adjustments must be made to the property record to reflect the disposition of the property. The remains of the property can be disposed by classifying the property as abandoned. The Town Manager must certify that the property is to be abandoned if destruction by fire, flood or natural disaster has occurred.

XII. ADMENDMENTS

This policy may be amended at a duly called Kayenta Township Commission meeting.

XIII. DEFINITIONS

The following terms are pertinent to this regulation and to all other regulations with property accounting.

1. Accountability involves the basic obligation of accounting for property, whereas responsibility arises from possession of property and/or the obligation of supervision of others who are in possession of property. Either or both of these concepts may attach to one individual. Accountability will be assigned by the Town Manager. In the appointment of accountable individuals, consideration should be given to the fact that accounting for and familiarity with property should constitute an important part in the experience and knowledge of the individual.

2. Town Manager shall be the executive-level professional that is hired by the Kayenta Township Commission to oversee the management of the Kayenta Township government.

3. Kayenta Township Commission Officials will consist of the President, Vice-President and the Secretary/Treasurer plus two (2) members.

4. Responsibility is the obligation of an individual with respect to the proper custody, care and safekeeping of the Navajo Nation Entity's property entrusted to his/her possession and supervision. The Township's assigned Accountable Individual, by virtue of assignment, is responsible for all the property of the Township. In the case of temporary absence, so responsibility may be delegated to the Town Manager for specific period. The Accountable Individual will attend personally to the security of the property of the Township to make determination of individual responsibility for loss or damage.

5. Pecuniary Liability is defined as referring to a persona, joint or corporate monetary obligation for any lost, damaged or destroyed property, resulting from misconduct of negligence.

    a. **Property List Accountability** refers to the obligation to maintain records of certain classes of property under condition specified in policies or specified instruction of the Township. This obligation includes that of property responsibility. Such records, as well as book of account, are subject to examination by auditors or others as may be authorized or required.
    b. **Property Record** is a basic record showing, by item, the receipt, use and disposition of property and such other identifying data as may be required by property authority.
    c. **Loan Form** is a signed document acknowledging acceptance of responsibility of items or property listed therein which as loaned or issued for use and are to be returned.
    d. **Kayenta Township Property Listing** is a record of personal property accountability maintained by the Township.
    e. **Installed Building Equipment** are the items of equipment and furnishings, including materials for installation thereof which are required to make the facility usable and are affixed as a permanent part of the structure. These items will include plumbing fixtures and equipment; fixed heating, ventilating, cooling air conditioning, electrical and fixed tire protection systems, counters, cabinets and similar fixed equipment.
    f. **Sensitive Items** are items costing more than $300, but having a high intrinsic value or high degree of utility, i.e., firearms, calculators, camera, etc.
    g. **Equipment in Place** is personal property of a movable nature which has been in place or attached to real property but which may be severed or removed from

buildings without destroying the usefulness of the structures. It does not include installed building equipment.

h. **Capitalized Assets** consist of real property, installed building equipment, personal property and non-expendable supplies which meet criteria (1), (2) and (3) below:
    1. Has a value of $300. or more;
    2. Is classified non-expendable in accordance with Kayenta Township Commission or Navajo Nation Council Resolution; and
    3. Has been determined to be a sensitive item by the Controller of the Kayenta Township or the Navajo Nation.

i. **Real Property** is land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment. It includes piers, docks, warehouses, right-of-way and casements, whether temporary or permanent underground conduits and associated manholes, utility systems and parts, and all other improvements permanently attached and ordinarily considered real estate. It does not include machinery, equipment, fixed signal communication system, etc., which may be severed or removed from buildings without impairing or destroying the usefulness of structures.

j. **Personal Property** is all property other than real. Such property can be further classified as expendable and non-expendable property.

k. **Expendable Property** is property which is of relatively low dollar value, or is property which is consumed in the performance of a function or is incorporated into an end item. The cost or appraise value of such items are to be charged as an expense.

l. **Non-Expendable Property** is an item, or personal property of dollar value, which retains its identity throughout its useful life and has a dollar value high enough to warrant maintenance of items accountability. Property is defined as those categories or specific items of property which, for property management and/or accounting purposes, are to be carried as capital assets until disposed of by transfer, sale or other means.

Attachment "A"

KAYENTA TOWNSHIP COMMISSION
PROPERTY INVENTORY FORM

DEPARTMENT: _____ LOCATION: _____

OFFICE: _____ INVENTORY DATE: _____

Item Description	Quantity	Model Number	Serial Number	KTC Property Number	Acquisition Date	Account Number	Acquisition Cost	Condition

PERSONNEL ACKNOWLEDGEMENT: DATE:

_____ _____

Signature

Attachment "B"

KAYENTA TOWNSHIP
PROPERTY DISPOSAL AUTHORIZATION FORM

TERMS AND CONDITIONS:
The following property was identified to be disposed of as prescribed below. It was deemed that the consignee will be liable in disposing of the property in compliance with the Property Policy and Procedures Section XI. The properties to be disposed by consignee are as follows:

REASON FOR REQUEST:

_____

_____

PROPERTY DISPOSAL (Check One):

- ☐ External Transfer
- ☐ External Sale
- ☐ Donation
- ☐ Scrap
- ☐ Other _____

	Property Description:	Model/Serial No.:	KT Property No.:	Condition:
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

I, _____, verify to dispose of the property as described above and agree to the above terms and conditions to be in compliance set forth in the Property Policy and Procedures.

Department: _____ Location: _____

Signature: _____ Date: _____

Approved: _____ Date: _____

Attachment "C"

KAYENTA TOWNSHIP
PROPERTY LOAN REQUISITION FORM

TERMS AND CONDITIONS:
The following property was identified to be loaned as prescribed below. It was deemed that the consignee will be liable in receiving the said property and to be in compliance with the Property Policy and Procedures Section VIII. Consignee will be responsible for the safe keeping, maintenance and proper use of property. Consignee further agrees to return the property upon completion of his/her assignment with Township, in its original condition with due consideration to the normal wear and tear expected during the period the property is loaned. If the property is lost or stolen, the consignee agrees to replace the borrowed property at its current fair market value. Further, consignee agrees to pay to the property repaired, if broken while in his/her possession or during the period of property loan.

The properties to be loaned to consignee are as follows:

	Property:	Model/Serial No.:	Condition:	Quantity:
1.				
2.				
3.				
4.				
5.				
6.				

I, _____, verify to receive of the property as described above and agree to the above terms and conditions and to in compliance set forth in the Property Policy and Procedures. I hereby indemnify Township from any loss, damages, liability or injury that may occur as a result of property used as requested herein.

Department: _____ Individual or Firm: _____

Borrower
Signature: _____ Date: _____

Official Approval: _____ Date: _____

Attachment "D"

KAYENTA TOWNSHIP
PROPERTY TRANSFER FORM

The following property was identified to be transferred as prescribed below. It was deemed that the consignee will be liable in transferring of the property and to be in compliance with the Property Policy and Procedures.

The properties to be transferred by are as follows:

	Property:	Model/Serial No.:	Condition:	Quantity:
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

I, _____, verify to transfer of the property as described above and agree to the above terms and conditions and to be in compliance set forth in the Property Policy and Procedures.

From Department: _____ To Department: _____

Acknowledged:

_____ _____

Signature Date Signature Date

Approved: _____ Date: _____

KAYENTA TOWNSHIP
EST. 1986

16.

Reimbursement of Travel Expenses

Policies and Procedures

KTCF-09-05

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Enacting the Travel Policies and Procedures Manual Implementing Section 6-113, of the Finance and Fiscal Policies and Procedures Ordinance.

WHEREAS:

1. The Kayenta Township Commission ("KTC") has the authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township; and

2. The Kayenta Township is empowered to adopt rules and regulations, both substantive and procedural, such as may be necessary to the proper and efficient administration of Township operations. The KTC has found that the proper and efficient administration and enforcement of policies for travel by employees and officials require substantive and procedural regulations.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Kayenta Township commission hereby enacts the Travel Policies and Procedures Manual. The Travel Policies and Procedures Manual is attached hereto as Exhibit "A" and incorporated herein by reference, to be effective immediately.

2. The Township Contracted Legal Counsel is hereby authorized to codify these regulations, making technical and grammatical corrections as he deems necessary.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called meeting at Kayenta, Navajo Nation (AZ), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, and 0 abstained this 14th day of **February, 2005.**

Motion: Anthony Peterman
Second: Richard P. Mike

Eugene Badonie

Chairperson, Eugene Badonie
Kayenta Township Commission

EXHIBIT "A"

KAYENTA TOWNSHIP

TRAVEL POLICY AND PROCEDURES MANUAL

February 14, 2005

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PART I. GENERAL PROVISIONS

Section 6.101 Purpose; Applicability; Compliance

A. This Manual provides travel policies and procedures to implement Section 6-113 of the Finance and Fiscal Policies and Procedures Ordinance.

B. This Manual enumerates the Township's official travel policies and procedures. Pursuant to Section 113 of the Finance and Fiscal Policies and Procedures Ordinance, this Manual is applicable to all employees (permanent or temporary), the Town Manager and the Township Commissioners and the law requires that they shall attest that they have read the Manual, understand it and will comply with the policies and procedures. Thus, it is the personal responsibility of all employees, the Town Manager and the Commissioners to read and understand the Manual. Questions concerning the Manual or the implementation or interpretation of the provisions are to be directed to the Finance Manager. The Finance Manager shall have the discretion to refer complex matters or questions that require policy determination to the Town Manager, Legal Counsel and/or the Commission.

C. Compliance with these policies and procedures is required. Non-compliance will result in denial of the travel authorization or the travel claim. Furthermore, non-compliance may result in disciplinary action.

Section 6.102 Definitions

A. "Approving Official" means the official or employee designated by Section 113(B) of the Finance and Fiscal Policies and Procedures Ordinance or the Town Manager, Finance Manager, department director, or other official or employee who has delegated authority, in writing, to authorize, direct or approve official travel.

B. "Blanket Travel Authorization" means a memorandum attached to a Travel Authorization form signed by an approving official authorizing travel for a group. The memorandum must indicate the travelers, time, destination, purpose, and mode of transportation.

C. "Common Carrier" means mass commercial transportation furnished as a public service under rates prescribed by lawful authority. This includes railroad, bus and airplane. Taxicabs are not a common carrier.

D. "Official Travel" means duly authorized travel by an official or employee for the performance of government business on behalf of the Township.

E. "Per Diem" means a computed daily allowance paid to a traveler for subsistence necessary to the transacting of official business.

F. "POV" means privately owned vehicle.

G. "Residence" means place of abode from which the traveler commutes daily to his/her official station.

H. "Temporary Duty Station" means a traveler's temporary place of business away from his/her official duty station.

I. "Travel Advance" means a check issued to a traveler prior to travel for business.

J. "Travel Authorization" means the form initiating and authorizing travel which indicates traveler, time, destination, purpose, mode of transportation and amount of travel advance.

K. "Travel Expense Report" means the form used upon completion of travel requesting reimbursement of travel expenses.

L. "Trip Report" means the form used to report all activities, accomplishments, and mileage while on travel. This form is required to be submitted with the Travel Expense Report.

Section 6.103 Authorizations and Responsibilities

A. Requirements:

1 All travel requiring overnight stay off the Navajo Nation , except travel to the border towns identified at Section 6-113 (B), shall be authorized in advance by the Approving Official. The authorization shall be specific with respect to the purpose of travel, location, and dates. Exceptions to this requirement of prior approval may apply to travel by officials or employees who are summoned to appear in court cases or administrative hearings.

2. A Travel Authorization is required for all travel in connection with a change of official work station, and prior to incurring any transportation and other travel expenses.

3. Authorization of an uncustomary transportation method (e.g. charter airplane) will require the KTC Chairperson's, Vice Chairperson's or the Secretary/Treasurer's approval for commissioners or the Town Manager's approval for employees and a showing of cost feasibility. In the case of an emergency situation, no cost feasibility will be required.

4. Blanket Travel Authorizations must be properly approved by an Approving Official. Such authorization provides for travel only for the period approved.

B. Responsibilities:

1. All Approving Officials are responsible for implementing these travel policies and procedures. They are acknowledging by their signature that these policies and procedures have been complied with.

2. The Approving Official who approved the Travel Authorization shall also be responsible for approving Travel Advances prior to submittal for payment.

3. The Finance and Accounting Department is responsible for ensuring the accuracy and proper justification of all reimbursement claims and control and payment of travel advances, expense claims and payroll deductions.

4. The final decision regarding questions and disputes arising out of requests for Travel Authorization, Travel Advance, Travel Expense Report and payment rest jointly with the Finance Manager and the Town Manager.

5. Approving Officials are also responsible for:

   a. Exercising care and practicing economy in all travel matters;

   b. Ensuring that travel furthers the objectives, goals and needs of the Township;

   c. Authorizing the method of transportation that is most advantageous or economical for the Township;

   d. Ensuring that requests for Travel Authorization or Travel Advance and Travel Expense Reports are complete, contain all required certifications, statements or other information and that required receipts are attached; and

6. Travelers on official business are responsible for exercising the same care in incurring expenses that a prudent person would exercise if traveling at his/her own personal expense. All travelers are expected to reside in economical, adequate and reasonable accommodations. Travelers are also responsible for:

   a. Taking advantage of special government, weekly and other reduced rates offered by hotels, motels, etc.;

   b. Planning itineraries to utilize the most economical excursion, round trip and group fares offered by airlines and other common carriers;

   c. Ensuring that itineraries and mode of travel are approved prior to the travel;

   d. When required, taking odometer readings and obtaining and filing receipts;

   e. Preparing accurate and factual Travel Expense Reports for reimbursement of travel expenses, whether for actual or per diem basis;

   f. Including on the Travel Expense Report, all leave taken while on travel status;

   g. Submitting Travel Expense Reports within ten working days from the date of return. If the travel occurred during the last two weeks of the fiscal year, which ends May

31st, Travel Expense Reports shall be submitted sooner but no later than the cut-off date as set by the Finance Manager; the immediate submittal of travel expense reports is needed to close the fiscal year's obligations and expenditures; and

h. Paying back to the Township by personal check, traveler's check, certified check or money order any Travel Advance that exceeds the amount claimed on the Travel Expense Report; said amount to be determined by the Finance and Accounting Department. If the traveler does not pay back the owed amount within ten (10) days after the traveler's return, said amount shall be deducted from the next traveler's paycheck or stipend.

Section 6.104 Managing and Controlling Travel

A. Travel must be carefully and prudently planned, managed and controlled to eliminate unnecessary travel and to minimize travel costs. The following guidelines shall be followed by all Approving Officials in the management and control of travel:

1. Do not permit travel when the matter can be handled by mail, e-mail, telephone or fax;

2. Minimize the number of people who must travel for a single purpose; i.e., never allow two or more persons to travel when one is sufficient;

3. Screen all proposed work assignments to be done while on travel, and limit the number of trips, the number of individuals, the number of places or points to be visited, and the duration of trips; approve only that which is essential to the performance of the mission of the Township;

4. Limit the duration of travel. Do not permit extremely early departure or late return to the duty station. For example, travel shall not begin on Saturday or early Sunday when official business at the temporary duty station is not scheduled to begin until Monday morning and the traveler has sufficient time to travel the distance.

5. Eliminate attendance or minimize participation at conferences, meetings, and seminars when attendance is not directly related to the accomplishment of the Township business;

6. Ensure that contract provisions provide that travel expenses incurred by contractors and which are to be paid by the Township are limited to that which is essential and that such expenses are to be minimized; and

7. Ensure that trainings and meetings shall be held at the Township Town Hall or conference room when at all possible.

PART II. SPECIAL TRAVEL SITUATIONS

Section 6.105 Amendment to Travel Authorization

A. A previously approved Travel Authorization may be amended when the need develops. All amendments shall be submitted with a memorandum of justification explaining reasons for modification of the original Travel Authorization.

B. The Travel Authorization may not be revoked or modified retroactively so as to increase or decrease the rights and benefits after travel has been performed. An exception to this may be made to correct errors or to complete an incomplete Travel Authorization in accordance with the original intent.

Section 6.106 Mandated Travel

Travel by officials or employees at the direction of the KTC, the Town Manager or the delegated official authorized to direct the travel, to attend Township sponsored events shall be deemed mandated travel.

A. The department sponsoring the event for which travel is mandated is responsible for the overall control and coordination of workshops, training and orientation. Mandated travel shall be planned far enough in advance to allow sufficient time prior to commencement of travel for coordination and transmittal of travel authorizations and their receipt by the traveler.

1. The principal staff involved in the control and coordination of the planned event shall advise personnel of the proposed travel to ensure that it does not conflict with previously scheduled events or create excessive vacancies in a specific office. This should be done at least two weeks in advance of the proposed travel.

2. Travel Authorizations shall be prepared and forwarded to the Finance and Accounting Department at least five (5) working days before the scheduled travel for timely processing.

3. Officials and employees shall be furnished with travel authorizations in time for receipt of their travel advance prior to commencement of travel.

Section 6.107 Unplanned or Unexpected Travel

Unusual circumstances sometimes require unplanned travel and a Travel Authorization cannot be obtained prior to the trip. In such cases, a Travel Authorization shall be prepared by the Township to document the travel for insurance purposes and will be approved by the appropriate Approving Official as soon as possible. Upon completion of travel the Travel Expense Report and Trip Report approved by the Chairperson or Vice Chairperson or the Town Manager must be attached to the Travel Authorization.

Section 6.108 Death While on Travel

A. The Township shall allow and be responsible for certain expenses and costs enumerated herein incurred for the preparation and transportation of the body of an official or employee

whose death occurred while on official travel even though the death may have occurred while absent from duty at a temporary duty station. This provision is applicable regardless of whether or not the employee's death is work-related. The allowable expenses and costs shall be as follows:

1. Preparation of the body:

   a. Embalming;

   b. Necessary clothing;

   c. A casket or container suitable for shipment to place of burial;

   d. Expenses necessary to comply with local laws at the port of entry in the United States; and

   e. Transportation of body by common carrier, hearse, or other means to the official's or employee's residence or place of burial, including but not limited to:

      i. Movement from place of death to a mortuary and/or cemetery;

      ii. Shipping permits;

      iii. Outside case for shipment and sealing of the case if necessary;

      iv. Removal to and from the common carrier; and

      v. Ferry fares, bridge tolls, and similar charges.

2. Transportation costs to return the deceased's baggage to the residence or duty station; and

3. Travel expenses of no more than two persons who are to escort the body back to the residence of place of burial.

B. The KTC shall appropriate $5,000 as a donation for funeral expenses; and

C. The Town Manager and the KTC Chairperson, upon being informed of the traveler's death, shall immediately inform the decedent's next of kin or legal representative of this provision. The Township shall render assistance in arranging for preparation and transportation of the remains.

PART III. TRANSPORTATION

Section 6.109 Selecting Transportation; Allowable Expenditures

The objective of selecting how to travel and what can be claimed as expenses is to reasonably limit the total cost to the Township.

A. In selecting the means of transportation, the following factors shall be considered:

1. Cost, including without limitation, per diem, overtime, lost work time, and actual transportation costs;

2. Total distance of travel;

3. The number of points visited;

4. The number of travelers;

5. Energy conservation; and

6. Routing of travel:

   a. All travel shall be by the usual or the most direct route; and

   b. When a person, for his/her own convenience, travels by an indirect route or interrupts travel by direct route, the extra expenses shall be paid by him/her. Reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled or most direct route.

B. Allowable transportation expenditures shall be:

1. Transportation fares;

2. Rental fees;

3. Mileage payments; and

4. Other incidental expenses incidental, including, without limitation:

   a. Use of bus, rental car, subway, streetcar or taxicab between a temporary duty station and lodging or restaurants; and

   b. Transportation expenses necessary to return to the normal post of duty whenever the traveler becomes incapacitated due to illness or injury not due to his/her own misconduct while en route to or while at a temporary duty station prior to completion of the temporary duty assignment.

C. Allowable means of transportation shall be:

1. Railroad;

2. Airline;

3. Streetcar;

4. Taxicab;

5. Subway;

6. Township vehicle;

7. Rental automobile and airplane;

   a. Travel by private air transportation shall require a cost analysis, comparing the cost of air travel with the cost of vehicle travel or other means of transportation. Anticipated travel expenses and staff time shall be included in the cost analysis.

   b. This analysis shall be submitted five (5) days prior to the date of travel; and

8. Other reasonable means of transportation.

Section 6.110 Accidents; Traffic Violations

A. All auto accidents which occur during the conduct of official business shall be reported immediately to the local police and the Township central office.

B. Officials and employees are expected to obey all traffic laws. Payment of fines for parking or speeding tickets or other traffic violations while on official business are the responsibility of the official or employee. Any expenses in connection with traffic violations are not reimbursable.

Section 6.111 Passengers; Disclaimer of Liability

A. An official or employee on travel status and operating a motor vehicle on official business shall not transport a passenger except when the passenger is a Township official or employee on official business or an individual (not a Township official or employee) conducting official business with the Township.

B. The Township shall neither be liable for the expenses of a passenger who does not qualify as an authorized passenger as stated above nor shall the Township be liable whatsoever for damages, lost of property and injuries of such a passenger.

Section 6.112 Use of Common Carrier Transportation

A. Since travel by common carrier is generally the most efficient, the least costly and most expeditious, common carriers shall be used whenever it is available. The determination to use another mode of transportation shall not be based solely on common carrier scheduling.

B. First class travel shall not be allowed, unless it is certified by the traveler that only first-class accommodations are available and that there is no additional cost.

C. Reduced rates or use of special lower fares such as thorough fares, commutation fares, excursion fares, and reduced rate round-trip fares shall be used when it can be determined prior to the start of a trip that any such service is practical and economical to the Township.

D. When a common carrier furnishes the same method of travel at different fares between the same points for the same type of accommodations, the lowest cost service shall be used unless use of a higher cost service is administratively determined to be more advantageous to the Township.

E. When accommodations which have been reserved can not be used, the traveler shall release such accommodations within the time limits specified by the carrier. Failure to take such action may subject the traveler to liability for any resulting money losses.

F. Penalty payments made by carriers to customers for oversold reserved accommodations are due to the Township and not the traveler when they result from business travel. Tickets shall be picked up as soon as possible after reservations are made, and in all instances within the time limit prescribed by the carrier's ticketing agent.

Section 6.113 Use of Taxicabs

A. The use of taxicabs while of travel may be approved for local transportation when it is advantageous to the Township and when other suitable public, Township owned or rental transportation service is not available.

B. Reimbursement will be allowed for the usual taxicab fares, plus tips, from and to common carriers or other terminals and to and from the employee's lodging or place of temporary business.

Section 6.114 Use of Township Vehicle While on Travel Status

A. Use of a Township vehicle shall be limited to transportation between places where the official's or employee's presence is required for official business and places of lodging and when use of public transportation is unavailable or impractical. This also includes suitable eating places, drug stores, barber shops, places of worship, cleaning establishments, and similar places necessary for the subsistence, comfort, or health of the employee.

B. Mileage that is claimed in excess of the travel authorization must be justified by written narrative.

Section 6.115 Use of POV; Disclaimer of Liability; Mileage

A. A POV may be authorized only when a Township vehicle or a common carrier is not available.

B. The Township shall not be liable for any physical damages to a POV used in carrying out Township business. All travelers shall be required to show proof of financial responsibility with full coverage insurance prior to operating a POV for official Township business.

C. Mileage payment for use of a POV is subject to the following requirements:

1. Mileage shall be determined as follows: the mileage indicated on the Rand McNally mileage chart shall be used. Only roundtrip mileage from the point of residence or from the official duty station to the destination point is eligible for reimbursement. Mileage for local travel while on travel status is not eligible for reimbursement, e.g. travel from hotel to eating places, or to additional meetings. Odometer readings or actual mileage shall not be used.

2. Mileage shall be from the residence or duty station, whichever is less.

3. Reimbursement for parking fees and bridge, road, and tunnel tolls shall be allowed in addition to the mileage allowance. These shall be supported by original receipts.

4. Mileage shall be payable only to the owner or authorized driver of the POV.

5. Mileage must exceed twenty five (25) miles one way before a claim can be made.

6. Mileage shall be reimbursed at the maximum current rate established by the United States Government-40.5 cents a mile.

Section 6.116 Rental of Commercial Vehicles

A. Rental of a commercial vehicle shall be authorized only when a Township vehicle, reasonable public transportation or a POV are not available.

1. When one or more officials or employees travel together, joint use of rental vehicle is required. The rule of thumb shall be one rental vehicle allowed for every one to four officials or employees.

2. When the use of a rental vehicle is necessary to conduct official business, the traveler shall:

a. Obtain prior written approval.

b. Obtain an economy vehicle and assure that any available discounts are applied against the rental charge.

c. Observe the hours-of-use schedule in order to prevent payment for and additional day(s).

B. Commercial vehicle rental contracts generally include full insurance coverage for property damage, personal injury or death to lessee. Physical damage to the rented vehicle, however, usually includes a deductible amount specified in the rental contract for which a lessee (Township) is responsible. Where physical damage is sustained by a rented vehicle, the Finance Manager shall determine whether the Township or the official or employee is personally responsible for the deductible in accordance with the Personnel Policies and Procedures.

C. Personal accident insurance is a personal expense and the deductible and other fees and cost of such insurance is not reimbursable by the Township.

D. Travelers shall be responsible for reserving commercial vehicle rentals.

E. If rental payment must be made in cash, an advance of funds may be obtained for the estimated cost. When costs are charged to a traveler's personal account, the rental receipts shall be submitted to support the claim for reimbursement. The receipt must show that the employee is liable for the cost.

Part IV. Payment for Meals, Incidental Expenses and Lodging

Section 6.117 Allowable Expenses

A. The following expenses, including taxes and service charges, shall be reimbursable:

1. Meals (for employees only);

2. Incidental Expenses, such as fees and tips to waiters, porters, bell boys, hotel maids, and dining room waitresses (these are limited to 15% of the cost of services obtained) and business expenses such as fees for fax, business phone calls and copying fees; and

3. Lodging (for employees and Commissioners).

B. Expenses for meals, incidental expenses and lodging are not allowable unless the travel is to a location more than twenty-five (25) miles one way; travel must be more than 65 miles one way from the Township to be eligible for lodging reimbursement and receipts for lodging are required.

C. Reimbursement for meals shall be at actual cost for employees. Reimbursement for incidental expenses and lodging shall be at actual cost for all officials and employees.

D. Any payment required for unused room reservations is the personal responsibility of the traveler. Reservations which cannot be kept shall be canceled as soon as possible by the traveler.

E. When lodging is furnished by the Township or other source, or is otherwise obtained without cost (i.e., lodging with friends or relatives, sleeping accommodations on trains) the lodging cost for that night shall be zero.

Section 6.118 Per Diem

Per Diem is a computed daily allowance instead of reimbursement of actual meals expenses. Per Diem shall be $45.00 per day and shall be allowed only for Commissioners. Per Diem shall not be paid unless the travel exceeds twenty five (25) miles one way.

Section 6.119 Travel Advance

Travel Advance is made to minimize the use of personal funds to pay for the expenses enumerated in Part IV and are to be cleared pursuant to Section 6.103(B)(6)(h).

A. The following shall apply to Travel Advance:

1. A Travel Advance shall not be made to an official or employee who has not paid back a prior Travel Advance.

2. All travel advances must be cleared (accounted for by a Travel Expense Report and/or paid back) prior to separation by an official or employee from the Township. The Township may deduct any Travel Advance not duly cleared from any reimbursement to be received, retirement credit, final payroll check or any other amounts held on behalf of the official or employee.

3. Travel lasting less than 24 hours shall not be eligible for Travel Advance unless such travel requires lodging.

4. Temporary employees are not eligible for Travel Advance. Exceptions may be made for special circumstances upon written approval by the Town Manager.

Section 6.120 Travel Expense Report

A. All travelers shall file a Travel Expense Report on the form provided by the Township.

B. The Travel Expense Report shall report all Travel Advance and all meals and lodging obtained without cost.

C. The traveler shall attach the original receipts for lodging. Travel Advance for lodging will be deducted if receipts are not attached. Lodging Receipts shall have all charges incurred; room, taxes, and other authorized incidental charges.

D. The traveler shall report all departure, arrival and return times.

E. The traveler shall attach a Trip Report on the form provided by the Township. The traveler shall report the activities, accomplishments and any further activity or action that may be needed for his/her supervisor's review upon completion of travel. A Trip Report that has been reviewed by the employee's supervisor or by a KTC officer (for a Commissioner' Trip Report) is required for reimbursement of travel expenses.

F. A claim for reimbursement of travel expenses shall be forfeited if the claim is fraudulent. Severe penalties may be imposed on a traveler who knowingly presents a false, fictitious or altered claim in accordance with the Personnel Policies and Procedures. The traveler may also be prosecuted under Township and Navajo Nation laws for such conduct.

G. An incomplete Travel Expense Report shall be returned to the traveler for appropriate action prior to approval.

H. The Finance and Accounting Department shall provide a written explanation of any disallowances.

I. Any altered receipts shall be considered void.

J. Travelers whose Travel Expense Report has been denied or whose receipts which have been voided may submit further justification or evidence to supplement the claim.

KAYENTA TOWNSHIP
EST. 1986

17.

Records Management Policy and Procedures

KTCJY-39-10

EXHIBIT "A"

KAYENTA TOWNSHIP RECORDS MANAGEMENT POLICIES AND PROCEDURES

Prepared and Submitted by
Director of Economic Development Department

Kayenta Township Commission
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KAYENTA TOWNSHIP COMMISSION
RECORDS MANAGEMENT POLICIES AND PROCEDURES

INTRODUCTION

Records Management Office has the responsibilities to initiate, develop and implement records management policies and procedures. The purpose of the policies and procedures is to provide guidance and internal control of records that are created and received by the Kayenta Township Municipal Government. The management system will also provide guidance, reliability, efficient, accessible and safe guard of records.

In general, Township is responsible for making and keeping records of their work, Township have three (3) basic obligations regarding the Township records as follows.

- Create Records to do the business of the Township and administer those records thereof.
- Security Care of Records so that information can be found when needed. Set up good directories and files and filing records on a timely fashion in a manner that allows them to be safely stored and efficiently retrieved.
- Retention and Disposition in maintaining and monitoring records until such records is ready to be destroyed or archived.

GOALS AND OBJECTIVES

- Maintain a safe environment for records
- To preserve and enhance the system
- Administer services efficiently
- Provide professionalism in service delivery
- Concern of productive use of available resources
- Openness and responsiveness to customer/community

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100. AUTHORIZATION

101. Pursuant to 26 N.N.C., Section 101(A), The Kayenta Township Commission in compliance with principles of the Local Governance Act will adopt and operate under a Five Management System to ensure accountability. Accordingly, The Kayenta Township Commission shall also develop policies and procedures for the Five Management System consistent with applicable Navajo Nation Law.

102. Pursuant to Title 2 Navajo Nation Government, Chapter 1 Establishment, Subchapter 4 Privacy and Access to Information, the Kayenta Township Commission hereby be consistent to and be compliance with the Navajo Nation Privacy Act.

103. Pursuant to the Kayenta Township Commission Resolution #XXXX, the Records Management and Procedures Policies are hereby approved.

200. PURPOSE AND SCOPE OF POLICY

201. To set forth the authority, principles and procedures governing the creation, classification, maintenance, retrieval, disposal and safeguard of the Kayenta Township Commission records management; and prescribes the KTC Staff are Administration administrative functions and the Kayenta Township Commissioner's oversight function.

202. The general principles of this policy are applicable to all employees and members of Kayenta Township, including Kayenta Township Commissioners who will monitor to ensure that records management is maintained and that this policy is enforced.

300. AMENDMENTS

301. Any amendments to the Records Management Policies and Procedures may be recommended by any of the Kayenta Township Staff or Kayenta Township Commissioner for review by the Township Manager. All proposed amendments would be presented at a regular Commission meeting.

400. GENERAL STATEMENT OF POLICIES

401. All Kayenta Township Commission records are public information except those that are specifically defined as protected records by the Navajo Nation Privacy and Access to Information Act.

402. The control and management of all Kayenta Township records shall be properly segregated to insure that employees are not in the position to handle all aspects of records control.

1. All Kayenta Township Commission records shall be complete, kept current and kept at the Kayenta Township Records Office at all times under lock and key in a filing cabinets.

2. All Kayenta Township Commission records and property shall be made available upon request to the Kayenta Township Records Office.

3. No personnel records shall be removed or destroyed without proper documentation or authorization from the Town Manager and Records Manager.
4. Kayenta Township Commission shall ensure compliance with the Navajo Nation Privacy and Access to Information Act, and other applicable Navajo Nation laws, rules, regulations, policies and procedures.

5. The Kayenta Township Commissioners and administrative staff shall understand that Kayenta Township Commission records are the property of the Kayenta Township.

6. Confidential Records shall be protected at all times. Confidential records are protected records that contain data on persons or government entities in private or otherwise protected pursuant to Navajo Nation Privacy Act. The records includes, but not limited to any and all records of the Township that have been created, developed, discovered, disclosed to , or received by or on behalf of Commission, staff and employees.

7. The Kayenta Township Commission shall ensure records that have reached the end of their retention period be properly authorized for destruction.

500. GENERAL DUTIES AND RESPONSIBILITIES KAYENTA TOWNSHIP STAFF AND COMMISSIONERS

501. The Records Manager will be responsible for:
   501a. The inventory of all Township records
   501b. Keeping all Township records complete and current at all times.
   501c. The maintenance and safeguarding of all Township records by securing the file cabinets with a lock/key.
   501d. Accessing and retrieving Township records by authorized request or court order and for inspection.
   501e. Labeling all Protected Records as CONFIDENTIAL.
   501f. Obtaining approval from the Town Manager for retrieval of confidential records.
   501g. Performing back up of records on a bi-weekly basis by updating to the Computer Server set up as the Township Records Automatic Records System (OnBase).

502. Kayenta Township Town Manager will be responsible for:
   502a. The creation, classification, retention, protection, retrieval and disposal of all Township records.
   502b. The preparation of retention schedule for Township records.
   502c. The documents and preparation of all written reports to the Kayenta Township Commissioners concerning any damages or accidental loss of Township records.

503. The Kayenta Township commission Responsibilities:
   503a. Annual report may be reported to the Commission on a timely basis regarding compliance issues.

600. FILES

601. It shall be the policy of the Kayenta Township Commission to maintain a complete and updated permanent filing system that will enable records to be easily accessed and retrieved. Refer to Section 8 of this policy manual for accessibility and retrieval process.

602. The following types of filing methods, with a guide, to identify each section for ease of accessibility will be applied:
   a. Alphabetical – filed alphabetically
   b. Geographic - filed alphabetically according to location and/or address
   c. Numerical - filed by an assigned number
   d. Subject - filed alphabetically according to subject
   e. Chronological – filed by time or date.

700. CLASSIFICATION OF RECORDS

701. The Kayenta Township Records Office shall maintain a classification of all records to ensure confidentiality of certain records and documents be safeguarded in compliance with the Navajo Nation Privacy and Access to Information Act, 2 N.N.C., Sections (s) 84, 85.

701a. All inventory documentation of Kayenta Township Commission records shall include date of record, description, location, retention period and disposal date.

702b. The Kayenta Township Commission records shall be classified according to their importance and categorized in the Kayenta Township files.

702. Protected Records – Confidential Records that contain data on persons or governmental entities that is private or otherwise protected as provided by 2 N.N.C. Section 85, of the Navajo Nation Privacy and Access to Information Act. These records cannot be replaced and are valuable to the Kayenta Township; and should be kept on file and permanently stored. They are, but not limited to the following:

i. Township Residents
ii. Personnel Files
iii. Client assistance listing and information (financial, housing veterans, senior citizens),
iv. Emergency, etc. (hospital data, death certificate, etc)
v. Kayenta Township contracts
vi. Employee payroll records

703. Essential Records – Records that characterizes and identifies the Kayenta Township; and are essential for full operation of the Kayenta Township government. These records cannot be replaced and are valuable to the Kayenta Township; and should be kept on file and permanently stored. They are, but not limited to the following:

i. Kayenta Township Ordinances
ii. Kayenta Township Plan of Operation
iii. Kayenta Township Master Land Use Plan
ix. Kayenta Township Profile
v. KTC and Other related Resolutions
vi. Deeds and Legal Documents
vii. Real Estate Documents
viii. Property Inventory Listings, Records (buildings, equipment, records)
ix. Municipal and Administrative Policies and Procedures Manual.

704. Important Records – Records that are of great value and importance to the Kayenta Township government. These records shall be kept on file and stored for a minimum period of five (5) years. They are, but not limited to the following:

i. Financial records (bank statements, ledgers, reports, requisitions, etc.)
ii. Audit reports
iii. Planning and regular Kayenta Township meeting agendas and minutes.

705. Useful Records – Records used and store by the Kayenta Township for information of previous activities and projects. These records have some significant values but may cost considerably to replace if lost or misplaced. These records shall be filed and stored for a minimum period of two (2) years. They are, but not limited to the following:

i. Correspondence (administrative letters and memos)
ii. Forms (financial and administrative forms)
iii. Logs (phone, mail, activities, etc)
iv. Resale Inventory Records

706. Non-essential Records – Records of no value to the Kayenta Township operation. Once their useful purpose has been fulfilled they can be destroyed. They are, but not limited to the following:

i. Publications
ii. Flyers, bulletins
iii. Junk mail
iv. Internal Office memos

800. ACCESSIBILITY AND RETRIEVAL

801. It shall be the policy of Kayenta Township Commission that all Kayenta Township records are public information for public access upon request, except those records that are specifically defined and treated as protected pursuant to 2 N.N.C., Section 85 of the Navajo Nation Privacy and Access to Information Act.

802. No Personnel Record or other confidential documents shall be duplicated without written permission from the individual whose record(s) is to be duplicated. However, the personnel records may be disclosed in compliance with a lawful investigation or subpoena.

803. Procedures for accessing Public Records:
Upon request, the Kayenta Township Commission administration will make available for disclosure, protected records as follows:

i. The requesting party shall complete a Kayenta Township Commission Request Kayenta Township Records form with the Administrative Assistant.
ii. Any person making the request for a record shall complete a Kayenta Township Commission Request for Kayenta Township Records or Documents form containing title of record or document(s), purpose,

iii. Requested by, date, mailing address and telephone number pursuant to Section X, Exhibit A.
iv. The requesting party will be responsible for reproduction cost or may examine the records at the Kayenta Township Commission Administration under the supervision of a staff member.

804. Procedures for accessing Protected Records:
Upon request, the Kayenta Township Administration will make available for disclosure, protected records as follows:
i. All requests for Kayenta Township documents will be made to the Administrative Assistant.
ii. Any person making the request for a record shall complete a Kayenta Township Commission Request for Kayenta Township Records or Documents form containing, title or records or document(s), purpose, requested by, date, mailing address and telephone number pursuant to Section X, Exhibit A.
iii. The Administrative Assistant will explain the policy regarding protected records, and submit the request to the Town Manager.

iv. The Town Manager will be responsible for assuring the information or records requested meet following conditions:

(1). The information shall be available for criminal and civil law enforcement for prosecution purposes, internal audit, as a result of a court order, to further an individual's medical treatment, and to address public health needs.

(2). The information relating to an individual shall be available to the individual who is the subject of the record, or if a minor, shall be available to the parent or guardian.

(3). Individual records may be released to third parties with a written permission, by means of a notarized release, of the individual who is the subject of those records, if a minor, his or her parents or legal guardian.

(4). Individual records may be used for statistical and other purposes provided that any information, which could be used to identify the individual specifically, is removed or withheld.

(5). The Town Manager/Records Manager shall obtain evidence of the requestor's identity.

Before releasing a protected record, the Town Manager shall inform the requestor that he or she is prohibited from disclosing or providing a copy(s) of the protected record(s) to any other person and shall obtain the requestor's written acknowledgement of this prohibition.

Within ninety (90) days, the Town Manager shall respond to the request by:

~Approving the request and providing the records.

~Denying the request by providing a written explanation of why the record(s) are protected from disclosure. In making such determinations, the Town Manager shall consult with the Kayenta Township Commissioners and the Navajo Nation Department of Justice for advice and assistance.

~Notifying the requestor that it does not maintain the record(s) and providing, if known, the name and address of the governmental entity that does maintain the record.

(6). Upon approval of the request, the requesting party may receive copies of records any applicable fees will be paid to Administrative Assistant or may examine the records at the Kayenta Township Administration Office under the supervision of Kayenta Township Administration staff members. Any reproduction cost will be the responsibility of the requesting party.

900. DENIAL AND APPEAL

901. The Kayenta Township Commission recognizes that the general public be provided a means to access records and information relating to the operation of its government while preserving the privacy interest of individuals and entities. Therefore, Kayenta Township Commission will deny access to information in the record if the information is exempt from disclosure to the requestor, issuing a notice of denial as provided in 1 N.N.C., Section 89 of the Navajo Nation Privacy and Access to Information Act.

902. If the request for protected records is denied, in whole or in part, the Town Manager shall provide notice of denial to the requestor either in person or by sending the notice to the requestor's address.

903. The notice of denial shall contain the following information:

903a. A description of the record or portions of the record to which access was denied, provided that the description does not disclose protected information.

903b. Court rule or order, state or federal statute or regulation that exempt the record or portions of the record from disclosure, provided that the citation does not disclose protected information.

903c. A statement that the requester has the right to make an application to the Navajo Nation District Court for an order releasing the record and the time limits for filing the application.

903d. Unless otherwise required by a court of competent jurisdiction, Kayenta Township Commission may not destroy or give up custody of any records to which access was denied until the period for a court appeal has expired, or the end of the appeal process.

904. In the event Kayenta Township Commission determines that the requested record is protected from disclosure or fails to respond to the request within ninety (90) day period. The requesting party may make an application to the Navajo Nation District Court, as defined in 7N.N.C. Section 253, in accordance with the proper processes of the Court for an order compelling the release of the record.

904a. This application must meet the notice and filing requirements of the Navajo Nation Sovereign Immunity Act, 1 N.N.C., Section 551 et.seq.

904b. Any person who may have an interest in maintaining the confidentiality of the record may appear and demonstrate the need for maintaining the confidentiality of such records.

1000. PROTECTION AND BACKUP OF PUBLIC AND PROTECTED RECORDS

a. All essential, useful, important records shall be preserved by a backup document in case of damage or accidental loss. It shall be the responsibility of the Administrative Assistant to perform backup procedures on a bi-weekly basis; and the Town Manager will authorize access to the back up system if needed.

1002. The backup and protection mechanism will be applied in any of the following methods:
1002a. Records will be scanned and stored on Township electronic records management.
1002b. Records will be photocopied and stored at a separate, secured location.
1002c. Records stored on microfiche at a separate and secured location.
1002d. Backup records stored on computer disks at a separate and secured location.

1003. Damage or Accidental Loss of Records.
1003a. The Town Manager shall document by written report to the Kayenta Township Commissioners, any damage or accidental loss of essential records. Proper authorities shall be notified immediately.
1003b. Every effort will be made to replace the public or protected records from the backup source as soon as possible.
1003c. Kayenta Township Commission funds will not be used to cover cost of replacing lost records. Cost of lost records will be the obligation of the responsible individual.
1003d. Due to unforeseen circumstances, replacement of records will be the responsibility of the Kayenta Township Commission.

1100. DISPOSAL

1101. It shall be the policy of Kayenta Township Commission to classify inactive and historical files according to their importance and establish the retention period, disposal and transfer to adequately secured storage area.

1101a. Transfer Procedures for Inactive Records:

i. The Administrative Assistant will be responsible for keeping all records complete and current at all times by reviewing the records inventory list to assure those records that have reached their retention period are brought to the Town Manager's attention and request for transfer.

ii. The Kayenta Township Manager will authorize the Administrative Assistant to transfer those records, after consulting with the Kayenta Township Commissioners.

iii. The Administrative Assistant will transfer all inactive records to a storage area separate from the Kayenta Township Records Office that is properly secured to ensure adequate safekeeping.

iv. The Administrative Assistant will label all storage boxes as protected, essential, useful, and important records for easy accessibility and retrieval if necessary pursuant to Section VII, (C).

v. The Town Manager will be authorized to have direct access to inactive files in storage.

1101b. Disposal Procedures:

i. The Administrative Assistant will be responsible for keeping all records complete and current at all times by reviewing the records inventory list to assure those records that have reached their retention period are brought to the Town Managers attention and request for disposal.

ii. The Town Manager, in consultation with the Kayenta Township Commissioners will authorize the Administrative Assistant to destroy those records, by shredding and that those records are removed from the records inventory list.

iii. The Town Manager will monitor all disposals of records.

iv. All remaining inactive records will be stored in an adequately secured storage area separate from the Kayenta Township Records Office during their retention period.

v. The retention period for all inactive records in storage will be pursuant to Section IV, (1).

1200. DEFINITIONS

The language contained in this section applies generally to this policy manual except as otherwise provided elsewhere in the Kayenta Township's Municipal and Administrative Policies and Procedures.

1201. Protected Record means any record containing data on persons or governmental entities that is private or otherwise protected as provided by 2 N.N.C. Section 85, et.seq., of the Navajo Nation Privacy and Access to Information Act.

1202. Public Record means any record that is not private or otherwise protected and that is not exempt from disclosure as provided in 2 N.N.C. Section 84, et.seq. of the Navajo Nation Privacy and Access to Information Act.

1203. Record means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, electronic data, or other documentary materials regardless of physical form or characteristics which are prepared, owned, received, or retained by Kayenta Township Commission and where all of the information in the original is reproducible by photocopy or other mechanical or electronic means.

Record does not mean:

1. Materials that are legally owned by an individual in his private capacity.
2. Materials to which access is limited by the laws of copyright or patent is owned by Kayenta Township Commission.
3. Books and other materials that are cataloged, indexed, or inventoried and contained in the collections of library open to the public.
4. Daily calendars and other personal notes prepared by the originator for the originator's personal use or for personal use of an individual for whom he/she is working.
5. Computer programs that are developed or purchased by Kayenta Township Commission for its own use.

1204. Right to Privacy means the right of a person to be free from unwarranted intrusion by a governmental unit.

KTCJY-39-10

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Adopting and Approving the Records Management Policy and Procedures for the Kayenta Township Commission and Administration

WHEREAS:

1. The Kayenta Township Commission ("KTC") has the general authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township; and

2. The Township is empowered to adopt rules and regulations as may be necessary to effectively and efficiently operate the Township operations and to be in compliance with the Navajo Nation and Federal Laws applicable to all records management system rules and regulations; and

3. The Township Records Management Policy and Procedures (Policy) is designed to provide guide, safe guard, accessibility, reliability and prevents unethical violations of records and to appropriately use the policy as guidance in following all practices and protocols hereby attached as Exhibit A; and

4. The Commission and Township Administration reviewed and discussed the Policy at a work session on April 02 & 03, 2010 and considered it to be in the best interest of the Township.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Kayenta Township Commission hereby adopts and approves the Records Management Policy and Procedures, attached hereto as Exhibit "A" and incorporated herein by reference, to be effective immediately.

2. The Kayenta Township Commission hereby authorizes the Town Manager and Management to modify and amend the Policy from time to time to be in compliant with all applicable laws relevant to the records management.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called meeting in Kayenta, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, and 0 abstained, this 12th day of July, 2010.

Motion: Commissioner Greyeyes
Second: Commissioner Todecheene

KAYENTA TOWNSHIP COMMISSION

Helen Bonnaha

Helen Bonnaha, Chairperson

KAYENTA TOWNSHIP
EST. 1986

18.

Travel Poicies and Procedures Manual

KTCAU-47-09

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Amending the Kayenta Township Commission Travel Policies and Procedures Manual.

WHEREAS:

1. The Kayenta Township Commission ("KTC") has the general authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and it residents, including the enactment of such ordinances, rules and regulations as it deem in the best interest of the Township; and

2. The Kayenta Township is empowered to adopt rules and regulations, both substantive and procedural,, such as may be necessary to the proper and efficient administration of Township operations. The KTC has found that the proper and efficient administration and enforcement of policies for travel by employees and officials require substantive and procedural regulations.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Kayenta Township Commission hereby amends the Travel Policies and Procedures Manual. The Travel Policies and Procedures Manual is attached hereto as Exhibit "A" including GSA Privately Owned Vehicle (POV) Mileage Reimbursement Rates and GSA Meals and Incidental Expenses (M&IE) and incorporated herein by reference, to be effective immediately.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called meeting in Kayenta, Navajo Nation (AZ), at which a quorum was present and that same was passed by a vote of **4** in favor, **0** opposed, and **0** abstained, this **10th** day of **August, 2009.**

Motion: Commissioner Yazzie
Second: Commissioner Greyeyes

Helen Bonnaha

Chairperson, Helen Bonnaha
Kayenta Township Commission

KAYENTA TOWNSHIP COMMISSION

TRAVEL POLICY

Revision Date:
August 10, 2009

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PART I. GENERAL PROVISIONS

Section 6.101 Purpose; Applicability; Compliance

A. This Manual shall implement all Kayenta Township Commission official business travel in an orderly and organize matter to carry out the mission of the Township. This Manual enumerates the Township's official travel policies and procedures **as amended**.

B. This Manual is applicable to all employees (permanent or temporary), the Town Manager and the Township Commissioners and the law requires that they shall attest that they have read the Manual, understand it and comply with the policies and procedures. Thus, it is the personal responsibility of all employees, the Town Manager and the Commissioners to read and understand the Manual. Questions concerning the Manual or the implementation or interpretation of the provisions are to be directed to the Finance Director. The Finance Director shall have the discretion to refer complex matters or questions that require policy determination to the Town Manager, Legal Counsel and/or the Commission.

C. Compliance with these policies and procedures is required. Non-compliance will result in denial of the travel authorization or the travel claim. Furthermore, non-compliance may result in disciplinary action.

Section 6.102 Definitions

A. **"Immediate Supervisor"** means the official or employee designated by Section 113(B) of the Finance and Fiscal Policies and Procedures Ordinance or the Town Manager, Finance Manager, department director, or other official or employee who has delegated authority, in writing, to authorize, direct or approve official travel.

B. "Blanket Travel Authorization" means a memorandum attached to a Travel Authorization form signed by an approving official authorizing travel for a group. The memorandum must indicate the travelers, time, destination, purpose, and mode of transportation.

C. "Common Carrier" means mass commercial transportation furnished as a public service under rates prescribed by lawful authority. This includes railroad, bus and airplane. Taxicabs are not a common carrier.

D. "KTC" means Kayenta Township Commission or Township.

E. "Official Travel" means duly authorized travel by an official or employee for the performance of government business on behalf of the Township.

F. "Per Diem" means an allowance for lodging, meals, and incidental expenses paid to a traveler for conducting official business.

G. "POV" means privately owned vehicle.

H. "Residence" means place of abode from which the traveler commutes daily to his/her official station.

I. "Temporary Duty Station" means a traveler's temporary place of business away from his/her official duty station.

J. "Travel Advance" means a check issued to a traveler prior to travel for business.

K. "Travel Authorization" means the form initiating and authorizing travel which indicates traveler, time, destination, purpose, mode of transportation and amount of travel advance.

L. "Travel Expense Report" means the form used upon completion of travel requesting reimbursement of travel expenses.

M. "Trip Report" means the form used to report all activities, accomplishments, and mileage while on travel. This form is required to be submitted with the Travel Expense Report.

Section 6.103 Authorizations and Responsibilities

A. Requirements:

1. All travel shall be authorized in advance by the immediate supervisor. The authorization shall be specific with respect to the purpose of travel, location, and dates. Exceptions to this requirement of prior approval may apply to travel by officials or employees who are summoned to appear in court cases or administrative hearings.

2. A travel authorization is required for all travel in connection with a change of official work station, and prior to incurring any transportation and other travel expenses.

3. Authorization of an uncustomary transportation method (e.g. charter airplane) will require the KTC Chairperson's, Vice Chairperson's or the Secretary/Treasurer's approval for commissioners and the Town Manager. For employees' uncustomary transportation method will require the Town Manager's approval including a showing of cost feasibility. No cost feasibility will be required in the case of an emergency situation.

4. Blanket Travel Authorizations must be properly approved by an immediate supervisor. Such authorization provides for travel only for the period approved.

B. Responsibilities:

1. All supervisors and officials including in acting capacity are responsible for implementing the travel policies and procedures to the highest standard by a showing of signature on the Travel Authorization form.

2. The immediate supervisor who approved the Travel Authorization shall be responsible for approving any travel advance requested prior to submittal **to accounts payable**.

3. The Finance and Accounting Department is responsible for ensuring the accuracy and proper justification of all reimbursement claims for travel advances, expenses, and collections of outstanding travel advances through reimbursement to KTC or payroll deduction method. All required documents must be attached before travel reimbursement is process by **accounts payable**.

4. The final decision regarding questions and disputes arising out of requests for travel advance, travel expenses and payment rest jointly with the Finance Director and the Town Manager.

5. Approving Supervisors are responsible for:

   a. Exercise care and practice cost effective measures in all travel matters;

   b. Ensure that travel furthers the objectives, goals and needs of the Township;

   c. Authorize the method of transportation that is most advantageous or economical for the Township;

   d. Ensure that requests for Travel Authorization, Travel Advance, and Travel Expense Reports are complete, contain all required certifications, statements or other information required; and are attached; and

6. Travelers on official business are responsible for exercising the same care in incurring expenses that a prudent person would exercise if traveling at his/her own personal expense. All travelers are expected to reside in economical, adequate and reasonable accommodations. Travelers are also responsible for:

   a. Taking advantage of special government, weekly and other reduced rates offered by hotels, motels, etc.;

b. Plan itineraries to utilize the most economical excursion, round trip and group fares offered by airlines and other common carriers;

c. Ensure that itineraries and mode of travel are approved prior to the travel and travel itinerary on the travel authorization shall accurately reflect the employee or official's travel from the point of destination to the end of travel;

d. Preparing accurate and factual Travel Expense Reports for reimbursement of travel expenses, whether for actual or per diem basis;

e. Personal leave while on travel status shall be documented on the Travel Expense Report;

f. Submit Travel Expense Reports within (10) working days from the date of return. If the travel occurred during the last two weeks of the fiscal year, which ends May 31st, Travel Expense Reports shall be submitted sooner but no later than the cut-off date as set by the Finance Director; the immediate submittal of travel expense reports is needed to close the fiscal year's obligations and expenditures;

g. Any travel advance that exceeds the amount claimed on the Travel Expense Report shall be reimbursed to the Township by personal check, traveler's check, certified check or money order. The outstanding amount shall be deducted from the next traveler's paycheck or stipend if the traveler does not reimburse the outstanding amount within ten (10) days after the traveler's return.

h. Employees shall notify their immediate supervisor of any medical or health related conditions that restrict their driving or traveling.

Section 6.104 Managing and Controlling Travel

A. Travel must be carefully and prudently planned, managed and controlled to eliminate unnecessary travel and to minimize travel costs. The following guidelines shall be followed by all Approving Supervisors in the management and control of travel:

1. Do not permit travel when the matter can be handled by mail, e-mail, telephone or fax;

2. Minimize the number of people who must travel for a single purpose; i.e., never allow two or more persons to travel when one is sufficient;

3. Screen all proposed work assignments to be done while on travel, and limit the number of trips, the number of individuals, the number of places or points to be visited, and the duration of trips; approve only that which is essential to the performance of the mission of the Township;

4. Limit the duration of travel. Do not permit extremely early departure or late return to the duty station. For example, travel shall not begin on Saturday or early Sunday

when official business at the temporary duty station is not scheduled to begin until Monday morning and the traveler has sufficient time to travel the distance.

5. Eliminate attendance or minimize participation at conferences, meetings, and seminars when attendance is not directly related to the accomplishment of the Township business;

6. Ensure that contract provisions provide that travel expenses incurred by contractors which are to be paid by the Township are limited to that which is essential and that such expenses are to be minimized; and

7. Ensure that trainings and meetings shall be held at the Township Town Hall or conference room when at all possible.

8. Employee on travel may encounter unexpected meetings or KTC business going beyond normal working hours which may result in return travel back to the work station or residence over or beyond normal work shift shall be recognized as compensatory time for reason of economy and liability.

PART II. SPECIAL TRAVEL SITUATIONS

Section 6.105 Amendment to Travel Authorization

A. A previously approved Travel Authorization may be amended when the need develops. All amendments shall be submitted with a memorandum of justification explaining reasons for modification of the original Travel Authorization to the accounts payable.

B. The Travel Authorization may not be revoked or modified retroactively so as to increase or decrease the rights and benefits after travel has been performed. An exception to this may be made to correct errors or to complete an incomplete Travel Authorization in accordance with the original intent.

Section 6.106 Mandated Travels

Travel by officials or employees at the direction of the KTC, the Town Manager, or the delegated supervisors, authorized to direct the travel, to attend Township sponsored events shall be deemed mandated travel.

A. The department sponsoring the event for which travel is mandated is responsible for the overall control and coordination of workshops, training and orientation. Mandated travel shall be planned far in advance to allow sufficient time prior to commencement of travel for coordination and transmittal of travel authorizations and travel advances.

1. The principal staff involved in the control and coordination of the planned event shall advise personnel of the proposed travel to ensure that it does not conflict with

previously scheduled events or create excessive vacancies in a specific office. This should be done at least two weeks in advance of the proposed travel.

2. Travel Authorizations shall be prepared and forwarded to the Finance and Accounting Department at least five (5) working days before the scheduled travel for timely processing of travel advances request.

3. Officials and employees shall be furnished with travel authorizations in time for receipt of their travel advance prior to commencement of travel.

Section 6.107 Unplanned or Unexpected Travels

Unusual circumstances sometimes require unplanned travel and a Travel Authorization cannot be obtained prior to the trip. In such cases, a Travel Authorization shall be prepared by the Township to document the travel for insurance purposes and will be approved by the appropriate immediate supervisor as soon as possible. Upon completion of travel, the Travel Expense Report approved by the Chairperson or Vice Chairperson or the Town Manager must be attached to the Travel Authorization.

Section 6.108 Death while on Travel

A. The Township shall only be responsible for certain expenses and costs enumerated herein for the preparation and transportation of the body of an official or employee whose death occurred while on KTC official travel as shown on the approved travel authorization

B. The Town Manager upon being informed of the traveler's death shall immediately inform the decedent's next of kin or legal representative of this provision.

C. The Township shall render assistance in arranging for preparation and transportation of the remains at the request of the decedent's family.

D. The KTC may appropriate funds not to exceed $3,000 as a donation for funeral expenses

E. The Township will immediately notify Workmen's Compensation Insurance Office and Risk Management.

Section 6.109 Death while not on Mandated Travel; Disclaimer of Liability

A. The Township shall not be liable for any incurred expenses directly or indirectly relating to the death of an employee or official if travel was not approved by an immediate supervisor or travel that is outside the scope of the approved travel authorization and purpose. See Section 6.103 and Section 6.106.

PART III. TRANSPORTATION

Section 6.110 Selecting Transportation; Allowable Expenditures

The objective of selecting how to travel and what can be claimed as expenses is to reasonably limit the total cost to the Township.

A. In selecting the means of transportation, the following factors shall be considered:

1. Cost, including without limitation, per diem, overtime, lost work time, and actual transportation costs;

2. Total distance of travel;

3. The number of points visited;

4. The number of travelers;

5. Energy conservation; and

6. Routing of travel:

   a. All travel shall be by the usual or the most direct route; and

   b. When a person, for his/her own convenience, travels by an indirect route or interrupts travel by direct route, the extra expenses shall be paid by him/her. Reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled or most direct route.

B. Allowable transportation expenditures shall be:

1. Transportation fares;

2. Rental fees;

3. Mileage payments; and

4. Other incidental expenses, including, without limitation:

a. Use of bus, rental car, subway, streetcar or taxicab between a temporary duty station and lodging or restaurants; and

b. Transportation expenses necessary to return to the normal post of duty whenever the traveler becomes incapacitated due to illness or injury not due to his/her own misconduct while en route to or while at a temporary duty station prior to completion of the temporary duty assignment.

C. Allowable means of transportation shall be:

1. Railroad;

2. Airline;

3. Streetcar;

4. Taxicab;

5. Subway;

6. Township vehicle;

7. Rental automobile and airplane;

a. Travel by private air transportation shall require a cost analysis, comparing the cost of air travel with the cost of vehicle travel or other means of transportation. Anticipated travel expenses and staff time shall be included in the cost analysis.

b. This analysis shall be submitted five (5) days prior to the date of travel; and

8. Other reasonable means of transportation.

Section 6.111 Accidents; Traffic Violations

A. All auto accidents which occur during the conduct of official business shall be report immediately to the local police and the Township central office. A police report shall be given to the township for insurance purpose.

B. Officials and employees are expected to obey all traffic laws. Payment of fines for parking or speeding tickets or other traffic violations while on official business are the responsibility of the official or employee. Any expenses in connection with traffic violations are not reimbursable.

Section 6.112 Passengers; Disclaimer of Liability

A. An official or employee on travel status and operating a motor vehicle on official business

shall not transport a passenger except when the passenger is a Township official or employee on official business or an individual (not a Township official or employee) conducting official business with the Township.

B. The Township shall neither be liable for the expenses of a passenger who does not qualify as an authorized passenger as stated above nor shall the Township be liable whatsoever for damages, lost of property and injuries of such a passenger.

Section 6.113 Use of Common Carrier Transportation

A. Since travel by common carrier is generally the most efficient, the least costly and most expeditious, common carriers shall be used whenever it is available. The determination to use another mode of transportation shall not be based solely on common carrier scheduling.

B. First class travel shall not be allowed, unless it is certified by the traveler that only first-class accommodations are available and that there is no additional cost.

C. Reduced rates or use of special lower fares such as thorough fares, commutation fares, excursion fares, and reduced rate round-trip fares shall be used when it can be determined prior to the start of a trip that any such service is practical and economical to the Township.

D. When a common carrier furnishes the same method of travel at different fares between the same points for the same type of accommodations, the lowest cost service shall be used unless use of a higher cost service is administratively determined to be more advantageous to the Township.

E. When accommodations which have been reserved can not be used, the traveler shall release such accommodations within the time limits specified by the carrier. Failure to take such action may subject the traveler to liability for any resulting money losses.

F. Penalty payments made by carriers to customers for oversold reserved accommodations are due to the Township and not the traveler when they result from business travel. Tickets shall be picked up as soon as possible after reservations are made, and in all instances within the time limit prescribed by the carrier's ticketing agent.

Section 6.114 Use of Taxicabs

A. The use of taxicabs while on travel may be approved for local transportation when it is advantageous to the Township and when other suitable public, Township owned or rental transportation service is not available.

B. Reimbursement will be allowed for the usual taxicab fares, plus tips, from and to common carriers or other terminals and to and from the employee's lodging or place of temporary business.

Section 6.115 Use of Township Vehicle While on Travel Status

A. Use of a Township vehicle shall be limited to transportation between places where the official's or employee's presence is required for official business and places of lodging and when use of public transportation is unavailable or impractical. This also includes suitable eating places, drug stores, barber shops, places of worship, cleaning establishments, and similar places necessary for the subsistence, comfort, or health of the employee.

Mileage that is claimed in excess of the travel authorization must be justified by a written narrative justification.

Section 6.116 Use of POV; Disclaimer of Liability; Mileage

A. A POV may be authorized only when a Township vehicle or a common carrier is not available.

B. The Township shall not be liable for any physical damages to a POV used in carrying out Township business. All travelers shall be required to show proof of financial responsibility with full coverage insurance prior to operating a POV for official Township business. A copy of the insurance must be attached to the Travel Authorization.

C. Mileage payment for use of a POV is subject to the following requirements:

1. Mileage shall be determined as follows: the mileage indicated on the Rand McNally Mileage chart shall be used. Only roundtrip mileage from the point of residence or from the official duty station to the destination point is eligible for reimbursement. Mileage for local travel while on travel status is not eligible for reimbursement, e.g. travel from hotel to eating places, or to additional meetings. Odometer readings or actual mileage shall not be used.

2. Mileage shall be from the residence or duty station, whichever is less.

3. Reimbursement for parking fees and bridge, road, and tunnel tolls shall be allowed in addition to the mileage allowance. These shall be supported by original receipts.

4. Mileage shall be payable only to the owner or authorized driver of the POV.

5. Mileage must exceed twenty five (25) miles one way before a claim can be made.

6. **Mileage shall be reimbursed at the maximum current rate established by the United States General Services Administration (GSA) Privately Owned Vehicle (POV) Mileage Reimbursement Rates which is attached and/or can be obtained at website www.gsa.gov. The mileage rate shall be adjusted concurrent to the United States Government as revised.**

Section 6.117 Rental of Commercial Vehicles

A. Rental of a commercial vehicle shall be authorized only when a Township vehicle, reasonable public transportation or a POV are not available.

1. When one or more officials or employees travel together, joint use of rental vehicle is required. The rule of thumb shall be one rental vehicle allowed for every one to four officials or employees.

2. When the use of a rental vehicle is necessary to conduct official business, the traveler shall:

   a. Obtain prior written approval.

   b. Obtain an economy vehicle and assure that any available discounts are applied against the rental charge.

   c. Observe the hours-of-use schedule in order to prevent payment for and additional day(s).

B. Commercial vehicle rental contracts generally include full insurance coverage for property damage, personal injury or death to lessee. Physical damage to the rented vehicle, however, usually includes a deductible amount specified in the rental contract for which a lessee (Township) is responsible. Where physical damage is sustained by a rented vehicle, the Finance Director shall determine whether the Township or the official or employee is personally responsible for the deductible in accordance with the Personnel Policies and Procedures.

C. Personal accident insurance is a personal expense and the deductible and other fees and cost of such insurance is not reimbursable by the Township.

D. Travelers shall be responsible for reserving commercial vehicle rentals.

E. If rental payment must be made in cash, an advance of funds may be obtained for the estimated cost. When costs are charged to a traveler's personal account, the rental receipts shall be submitted to support the claim for reimbursement. The receipt must show that the employee is liable for the cost.

Part IV. Payment for Meals, Incidental Expenses and Lodging

Section 6.118 Per Diem

A. Per Diem is the allowance for lodging, meals, and incidental expenses. The United States General Services Administration (GSA) establishes per diem rates for destinations within the Continental United States (CONUS) which can be obtained at website www.gsa.gov .

1. The KTC will use the GSA CONUS per diem method for all travel expenses for travel that exceeds twenty five (25) miles one way. The per diem will cover breakfast, lunch, dinner and incidentals according to the attached CONUS per diem rate.

2. **The date and time of travel shall accurately reflect the employee's actual departure and arrival to and from their official duty station or residence on the travel authorization form to receive the required per diem rate for all KTC official travel.**

3. **If a city is not listed, but the county is, then the per diem rate is the rate for the entire county. If the city and the county are not listed, then that area is considered to be a Standard CONUS location.**

4. **KTC employees will be eligible for 75 percent of the total per diem rate for the location to which they are traveling on the first and last day travel.**

Section 6.119 Allowable Expenses

A. The following expenses, including taxes and services charges, shall be reimbursable:

1. Meals (for employees only)

2. Incidental Expenses, such as fees and tips to waiter/waitresses, porters, baggage carriers, bellhops, and hotel maids (these are limited to 15% of the cost of services obtained) and business expenses such as fees for fax, business phone calls and copying fees; and

3. Lodging (for employees and Commissioners).

4. Expenses for meals, incidental expenses and lodging are not allowable unless the travel is to a location more than twenty-five (25) miles one way; travel must be more than sixty-five (65) miles one way from the Township to be eligible for lodging reimbursement. **Actual lodging receipts are required and shall be attached to the travel expense report.**

5. Any payment required for unused room reservations is the personal responsibility of the traveler. Reservations which cannot be kept shall be canceled as soon as possible by the traveler

6. When lodging is furnished by the Township or other source, or is otherwise obtained without cost (i.e., lodging with friends or relatives, sleeping accommodations on trains) the lodging cost for that shall be zero.

Section 6.120 Travel Advance

Travel Advance is made to minimize the use of personal funds to pay for the expenses enumerated in Part IV and are to be cleared pursuant to Section 6.103(B)(6)(h).

A. The following shall apply to Travel Advance:

1. A Travel Advance shall not be made to an official or employee who has not paid back a prior Travel Advance.

2. All travel advances must be cleared (accounted for by a Travel Expense Report and/or paid back to KTC) prior to separation by an official or employee from the Township. The Township may deduct any Travel Advance not duly cleared from any reimbursement to be received, retirement credit, final payroll check or any other amounts held on behalf of the official or employee.

3. Travel lasting less than 24 hours shall not be eligible for Travel Advance unless such travel requires lodging.

4. Temporary employees are not eligible for Travel Advance. Exceptions may be made for special circumstances upon written approval by the Town Manager.

Section 6.121 Travel Expense Report

A. All travelers shall file a Travel Expense Report on the form provided by the Township.

B. The Travel Expense Report shall report all Travel Advance and all meals and lodging obtained without cost.

C. The traveler shall attach the original receipts for lodging. Travel Advance for lodging will be deducted if receipts are not attached. Lodging Receipts shall have all charges incurred; room, taxes, and other authorized incidental charges.

D. The traveler shall report all departure, arrival and return times.

E. The traveler shall attach a Trip Report on the form provided by the Township. The traveler shall report the activities, accomplishments and any further activity or action that may be needed for his/her supervisor's review upon completion of travel. A Trip Report that has been reviewed by the employee's supervisor or by a KTC officer (for a Commissioner' Trip Report) is required for reimbursement of travel expenses.

F. A claim for reimbursement of travel expenses shall be forfeited if the claim is fraudulent. Severe penalties may be imposed on a traveler who knowingly presents a false, fictitious or altered claim in accordance with the Personnel Policies and Procedures. The traveler may also be prosecuted under Township and Navajo Nation laws for such conduct.

G. An incomplete Travel Expense Report shall be returned to the traveler for appropriate action prior to approval.

H. The Finance and Accounting Department shall provide a written explanation of any disallowances.

I. Any altered receipts shall be considered void.

J. Travelers whose Travel Expense Report has been denied or whose receipts which have been voided may submit further justification or evidence to supplement the claim.

Exhibit B – Travel Authorization

TRAVEL AUTHORIZATION

TRAVEL ADVANCE

TRAVEL EXPENSE REPORT

Travel Advance Required
O Yes O No

Dept of Traveler → Kayenta Township

Date of Travel Request

I REQUEST AUTHORIZATION TO TRAVEL AS INDICATED BELOW AND TO INCUR NECESSARY EXPENSES IN ACCORDANCE WITH APPLICABLE TRAVEL PROCEDURES.

Traveler _____ Phone 697-8451 Signature of Traveler _____

Date of Departure	Date of Return	Purpose of Travel →

Mode of Travel and Estimated Cost Check one ✓ — O KTC Vehicle, O Private Vehicle — Mileage Estimate .405 C/Mile — O Bus, O Air (Commercial), O Rail, O Air (Charter) → FARE ESTIMATE $ 0.00

Other Possible Expense (Itemize) → Lodging Pd by KTC:
Per Diem: $ 15.00 per day. Meal expense reimbursed upon submittal of actual receipts.

ITINERARY →

I HEREBY APPROVE THIS REQUEST — ACCOUNT NUMBER — DATE APPROVED — / / — TOTAL COST ESTIMATE →
DEPARTMENT HEAD

TRAVEL ADVANCE AUTHORIZED — DATE APPROVED / / — CHECK NUMBER — TOTAL ADVANCE ESTIMATE →
DEPARTMENT HEAD

TRAVEL EXPENSE REPORT

(ATTACH ALL PAID RECEIPTS AND TICKET STUBS)

										ACCOUNTING USE ONLY
1 PERIOD	DAY									
	DATE									
TIME OF	DEPARTURE									
	ARRIVAL									
3 CITY	FROM									
	TO									
	TO									
4 LODGING										TOTALS
5 MEALS	BREAKFAST									$
	LUNCH									$
	DINNER					****Reimbursed upon submittal of actual receipts.				$
6 TRANS-PORTA-TION	CITY FARES RENTAL CAR									$
	PERS CAR: 584 @ .405									
	PARKING TOLL,ETC.									
SPECIAL FEES TELE/FAX EXP.										$
										$
MISC.										$
										$
TOTAL (Line 4-9) →		$	$	$	$	$	$	$	$	

DATE / / SIGNATURE OF TRAVELER _____ APPROVED BY _____

ACCOUNTING DISTRIBUTION

	CHARGE ACCT NO.	AMOUNT
RE.....		
LEAGE.....		
PENSE.....		

EXPENSE RECONCILIATION:

Previous Balance Due KTC	
Advance this Report	
Expense this Report	
Amount Due Employee	
Amount Due KTC	

Exhibit C – Trip Report

KAYENTA TOWNSHIP COMMISSION

TRIP REPORT

Name: _____ Date Submitted: _____

Date of Travel: _____

Locations Visited: _____

_____

Purpose of Trip:

Trip Results (Including Accomplishments and Problems):

Follow-up Needed:

Reported by: _____ Date: _____

Approved by: _____ Date: _____

KAYENTA

TOWNSHIP

EST. 1986

19.

Zoning Code

KTCA-13-12

KTCA-13-12

RESOLUTION OF THE
KAYENTA TOWNSHIP COMMISSION

ADOPTING AN ORDINANCE OF THE KAYENTA TOWNSHIP, KAYENTA, NAVAJO NATION, ARIZONA, ADOPTING THE "ZONING ORDINANCE" FOR THE KAYENTA TOWNSHIP; PROVIDING FOR THE REGULATION OF PROPERTY IN THE TOWNSHIP; ADOPTING THE OFFICIAL ZONING MAP OF THE TOWNSHIP AND ESTABLISHING AN EFFECTIVE DATE OF APRIL 17, 2012.

WHEREAS:

1. The Kayenta Township Commission ("KTC") has the general authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township; and
2. Township Commission of Kayenta Township over an 11 month period beginning in January of 2011, held public meetings including: **one (1) week-long design charrette; four (4) community conversations; and a one (1) day youth design charrette** where in depth deliberations and formulation of concepts and a draft Comprehensive Plan was conducted; and
3. Comments and participation were sought from the public and interested and affected Navajo departments, and Navajo and non-Navajo agencies; and
4. The following ordinance is necessary for the public health safety and general welfare of Kayenta Township; and
5. That certain compilation identified as "Kayenta Township Zoning Code", noted as Ordinance No. 20110001, one copy of which has been and is on file in the Township office for use and examination by the public is hereby incorporated in full by this reference attached as "Exhibit A"; and
6. The Official Zoning Map identified as "Kayenta Township Zoning Map", noted as Ordinance No. 20110001, one copy of which has been and is on file in the Township office for use and examination by the public is hereby incorporated in full by this reference attached as "Exhibit A"; and
7. The Kayenta Township Commission conducted a public hearing on the Zoning Ordinance on December 15, 2011 regarding adoption of the Zoning Ordinance.
8. The Kayenta Township administration recommends to the Kayenta Township Commission to approve of the entire compilation of the "Kayenta Zoning Ordinance".

NOW, THEREFORE BE IT RESOLVED THAT:

1. That certain compilation identified as "Kayenta Township Zoning Code", noted as

Ordinance No. 20110001, one copy of which has been and is on file in the Township office for use and examination by the public is hereby incorporated in full by this reference attached as "Exhibit A"; and is hereby adopted as the zoning code for the Kayenta Township; and

2. The Official Zoning Map identified as "Kayenta Township Zoning Map", noted as Ordinance No. 20110001, one copy of which has been and is on file in the Township office for use and examination by the public is hereby incorporated in full by this reference attached as "Exhibit A"; and is hereby adopted as the Official Zoning Map for Kayenta Township; and

3. The Kayenta Township Commission declares that this ordinance be in full force in effect on April 17, 2012.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called special meeting at Kayenta, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, and 0 abstained, this 17th day of April 2012.

Motion: Bonahaa

Second: Grey

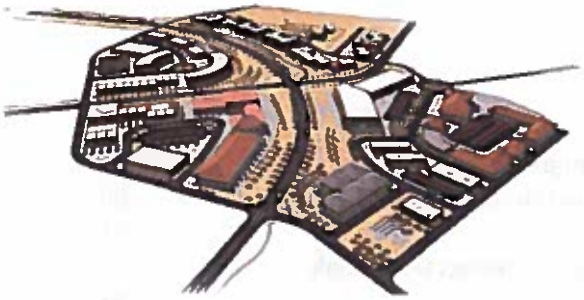
Carol Todecheene

Chairperson, Carol Todecheene

Kayenta Township Zoning Ordinance

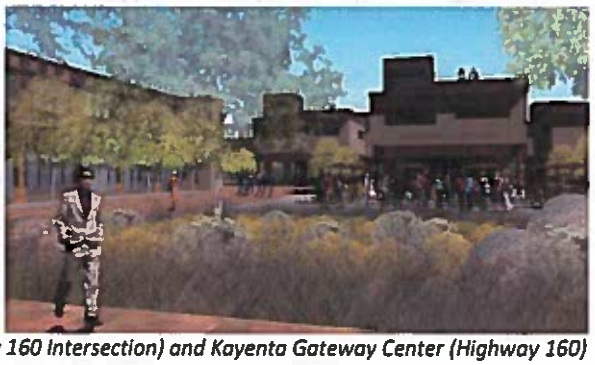
COMPREHENSIVE ZONING REGULATION FOR THE TOWNSHIP OF KAYENTA, ARIZONA

ORDINANCE NO. 20110001



Kayenta Old Town Center (Highway 163)

Kayenta Main Street (Highway 163)



Kayenta Four Corners (Highway 163 and Highway 160 Intersection) and Kayenta Gateway Center (Highway 160)

Grow green with us!

THE PLANNING CENTER
a division of TPC Group, Inc

ARROWHEAD ENGINEERING, INC.

ORDINANCE NO. 20110001

ORDINANCE ADOPTING A COMPREHENSIVE ZONING REGULATION FOR THE TOWNSHIP OF KAYENTA, ARIZONA

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SECTION 1: TITLE AND INTENT

1.1 This Ordinance shall be known as the Kayenta Township Zoning Ordinance (Zoning Ordinance).

1.2 It is the intent and purpose of the Kayenta Commission, by adopting this Zoning Ordinance, to promote the health, safety, order, and general welfare of the present and future inhabitants of the Township, and specifically to:

1.2.1 Encourage and facilitate orderly growth and development within the Township in a smart and sustainable manner;

1.2.2 Improve the character, identity and sense of place of the Township and its neighborhoods;

1.2.3 Secure economy in Township expenditures;

1.2.4 Facilitate adequate provision for transportation, water, sewerage, parks, schools, and other community needs;

1.2.5 Lessen congestion in the streets;

1.2.6 Provide adequate light and air;

1.2.7 Secure safety from fires, floods, traffic hazards, and other dangers;

1.2.8 Protect the social and economic stability of existing and future commercial, residential, and other land uses within the Township.

1.2.9 Stabilize and procure adequate housing;

1.2.10 Develop an attractive, wholesome, vibrant, self-sufficient and serviceable destination;

1.2.11 Create conditions favorable to prosperity and civic activities;

1.2.12 Provide quality recreational, educational, and cultural opportunities;

1.2.13 Provide a regulatory mechanism to address the development review process in a clear and straightforward manner;

1.2.14 Prevent the adverse impacts of uncontrolled development on available water, water quality, air quality, roads, and public services within the Township;

1.2.15 Provide opportunities for community living, working, housing, and recreation for all residents of the Township;

1.2.16 Encourage compact development, mixed-use and the efficient use of land and public services;

1.2.17 Define the public realm to encourage walkability;

1.2.18 Meet and achieve those objectives that promote quality of life;

1.2.19 Provide a safe, efficient, and convenient multimodal transportation system that includes access to different mobility needs;

1.2.20 Encourage seamless connectivity throughout the Township and all its planning areas; and

1.2.21 Support the vision and implement the Kayenta Comprehensive Plan

SECTION 2: AUTHORITY

2.1 This Ordinance is adopted pursuant to the Township's authority as set forth and contained in Navajo Nation Council resolution CJA-3-96 which authorizes the Township to adopt and enforce zoning ordinances.

2.2 Whenever any provisions of this Ordinance refers to or cites a section of the Arizona Statutes and that section is hereafter amended or suspended, this Ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

SECTION 3: JURISDICTION AND APPLICATION

3.1 This Ordinance is intended to apply to all lands, buildings and structures within the incorporated areas of the Township as such areas now exists or shall exist in the future.

3.2 This Ordinance is not applicable to federal activities on federally-owned lands where the Federal Government has retained such right. This Ordinance is also not applicable to Kayenta Chapter boundaries and activities in Chapter governed lands. However, private activities or development for private purposes on such lands shall be subject to this Ordinance.

3.3 All property within the Township is governed according to the District in which it is located. Any use in a District is specifically designated for that District, absent from granting of a variance for Conditional Use.

3.4 Where a land proposed for development is located in Chapter land, outside of the Township boundary and within the Kayenta Designated Growth Area, such land shall require an annexation process prior to development. Once annexation is completed, such land shall be developed in accordance to the District shown in the Zoning Map.

3.5 Property that is annexed into the corporate limits of the Township for which a Zoning District is provided in the Official Zoning Map (Zoning Map) in conformance with the Kayenta Comprehensive Plan Future Land Use Map (Future Land Use Map) shall be initially included under such zoning district, unless a property owner submits an application for a different District and such different zoning is granted or the Township otherwise chooses to designate the property as a different District.

3.6 The approval of an annex, a zone amendment or a specific development does not necessarily obligate the Township to provide water or sewer service to such area.

SECTION 4: INTERPRETATION AND CONFLICT

4.1 The regulations set forth in this Zoning Ordinance include the minimum standards necessary to carry out the purposes of this Zoning Ordinance. More stringent provisions may be required if it is demonstrated that different standards are necessary to protect the public health, safety, and general welfare within the Township. This Zoning Ordinance is not intended to interfere with, abrogate or annul any existing easement, right of way or other valid ordinance. However, where the provisions of this Zoning Ordinance conflict with other rules, regulations, easements, right of ways or Township resolutions, the provisions of this Zoning Ordinance shall be controlling unless otherwise provided by specific provision of an ordinance.

4.2 Unless a different intent is indicated herein or in an adopted Township plan, uses allowed under the terms of this Zoning Ordinance shall be understood to be allowed within structures only if the structures are constructed according to the International Building Code and any other codes as adopted by the State of Arizona or by the Federal Government as of the date of the structure's construction.

4.3 Where uncertainty exists as to the boundaries of any of the Districts as shown on the Official Zoning Map, the following rules of interpretation shall apply.

4.3.1 Lands not included within the boundaries of any District shall be deemed Residential.

4.3.2 Where boundary lines are indicated by a Street and Alley, it shall be construed as following the Centerline thereof.

4.3.3 Where District boundaries are indicated by approximating existing lot lines, such lines shall be construed to be such boundaries.

4.3.4 Where a District boundary divides a lot, the location of such boundary shall be determined by use of the scale appearing on the Map, unless the boundary is indicated by dimensions.

4.3.5 In case of further uncertainty the Development Services Department may determine (subject to Commission review) the specific location of such boundaries.

SECTION 5: RESERVED

SECTION 6: CONFORMITY OF LAND/BUILDINGS USE OR SALE

6.1 Subject to the conditions of Section 33 hereof, no person may use, occupy or sell any land or buildings or authorize or permit the use, occupancy or sale of land or buildings under his/her control except in accordance with all of the applicable provisions of this Zoning Ordinance.

6.1.1 The provisions as set forth in Navajo Nation Business Site Lease agreements shall be adhered to during any transfer of lease agreements.

6.2 For the purposes of this section, the use or occupancy of a building or land relates to anything and everything that is done to, on, or in that building or land.

SECTION 7: SEVERABILITY

7.1 If any section, subsection, sentence, clause or phrase of this Zoning Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Zoning Ordinance.

SECTION 8: REPEAL OF INCONSISTENT ORDINANCES

8.1 All ordinances and portions of ordinances of the Kayenta Township in conflict with this Zoning Ordinance are hereby expressly repealed.

SECTION 9: RELATIONSHIP TO LAND USE PLANS AND POLICIES

9.1 It is intended that this Zoning Ordinance provide for the implementation over time of the land use and development vision, goals, and policies of the Kayenta Comprehensive Plan.

SECTION 10: REFERENCE TO NATIONAL, GREEN, OR UNIFORM CODES

10.1 Whenever reference is made in this Zoning Ordinance to the Uniform Building Code, Uniform Plumbing Code, Uniform Mechanical Code, National Electrical Code and Uniform Fire Code, Green Code, the edition of that specific Code to be utilized in the enforcement of this Zoning Ordinance shall be the most recent edition of that Code. Upon the adoption of any new editions of revisions in the foregoing Codes, the Building Official shall order not less than three (3) copies of that new edition or revision, which copies shall be maintained in the office of the Township Clerk for public inspection at all times. Any new editions or revisions to the foregoing Codes shall become effective and incorporated into this Zoning Ordinance ten (10) days after three (3) copies of said new editions/revisions are received by the Town Clerk.

SECTION 11-15: RESERVED

ARTICLE B. DEFINITIONS AND WORD CONSTRUCTION

SECTION 16: WORD CONSTRUCTION

16.1 Unless otherwise expressly stated, the following terms shall, for the purposes of the Zoning Ordinance, have the meaning herein indicated. Words used in the present tense include the future; and words in the singular include the plural. The word "building" includes the word "structure", and the word "shall" is mandatory while the word "may" is permissive. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual both masculine and feminine.

SECTION 17: DEFINITIONS

Accessory Building- A detached subordinate building, the use of which is incidental to that of the main building on the same lot, or the use of the land of the same lot.

Accessory Dwelling Unit A- second unit on a parcel occupied as a single family residence, equipped with kitchen facilities, attached to the main building and designed for use in conjunction with the main residence.

Advertising- Any announcement, description or presentation calling public attention to goods or services offered as sale, lease or information.

Agriculture- Farming, dairying, pasturage, apiaries, horticulture, floriculture, viticulture and animal or poultry husbandry, but agriculture does not include the commercial feeding of garbage to swine or other animals.

Alley- A public access driveway or lane which provides a secondary means of access to abutting property.

Animal Hospital- A facility providing medical care for small and/or large animals and may include the boarding of animals for such purposes.

Apartments- A multi-family dwelling in which the three (3) or more units of which are available or are rented.

Bed and Breakfast Establishment- A residential structure used as a lodging establishment in which the manager is an occupant in the structure and receives compensation in exchange for providing overnight or longer but temporary sleeping accommodations which accommodations contain no cooking facilities.

Bill boards- A sign, other than a small directional sign, which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a place other than on the parcel where the sign is erected.

Buffering-The on-site use of landscaping elements, screening, fencing, open space and landforms for reduction of the potentially adverse impacts of adjoining dissimilar land use.

Buildable Area- The area of a lot excluding the set back areas.

Building- A structure having a roof, walls and intended for housing or shelter for persons, animals or goods.

Building, Government- A building use for governmental functions of the Township or the Navajo Nation.

Building, Modular- **Modular buildings** or modular homes are sectional prefabricated buildings or houses that consist of multiple modules or sections which are manufactured in a remote facility and then delivered to their intended site of use. The modules are assembled into a single residential building using either a crane or trucks. Off-frame modular dwellings differ from mobile homes largely in their absence of axles or a frame, meaning that they are typically transported to their site by means of flat-bed trucks; however, some modular dwellings are built on a steel frame (on-frame modular), which can be used for transportation to the site. Many modular homes are of multi-level design, and are often set in place using a crane.

Building Height- The vertical distance measured from the average finished soil grade at the base of the exterior wall to the highest point of the roof, ridge, or parapet wall of the Building.

Building Official- The individual designated by the Township to implement and enforce this ordinance.

Building Site- The land area of a Lot, which may be occupied by the permitted Building.

Business- A commercial entity operating in the Township with an approved business site leasing agreement.

Carport- A shelter for one (1) or more automobiles which is not enclosed.

Centerline- A line halfway between the exterior street lines.

Clinic- A facility occupied by one or more members of the medical or dental or other licensed health service professions for the principal purpose of providing such health services.

Club- Any membership organization catering exclusively to members and their guests and whose facilities are limited to meeting, eating, social and/or recreational uses and further whose activities are not conducted for profit including but not limited to civic, fraternal, charitable, religious, social and patriotic organizations.

Clustering- The practice of grouping residential units within a close proximity and utilizing the surplus land thus saved for common space, landscaping, recreation, or similar uses.

Commercial Garage- Any building or structure where automobiles, trucks, tractors, or other vehicles are stored, painted, repaired, or equipped for a charge, and where the service and sale of gasoline and oil are incidental to their principal building use.

Commission- The Kayenta Township Commission.

Committee- The Planning and Zoning Committee.

Comprehensive Plan- The Kayenta Comprehensive Plan adopted by the Township and guiding the long-rage development of the Township.

Conditional Use- A land use specifically identified in this Ordinance as being conditionally acceptable to a given District but which must be first reviewed and approved by the Commission.

Condominium- A distinct unit, under separate ownership, which is a portion of a multi-unit building or development in which individual ownership includes an interest in certain common areas.

Contiguous- Touching or, if not, then separated only by an Alley or Street

Corner Lot- Any lot located at the intersection of and having frontage on two or more streets.

Day Care Center- A facility in which the primary use is the provision of childcare services done in accordance with applicable laws and regulations of the Navajo Nation.

Development Agreement- A binding agreement reached by the Township and other party(s) which memorializes all the responsible entities for the provision of roadways, drainage, infrastructure, utilities and other public services.

District- Any section of the Township with common regulations governing the type of construction, occupancy, use, lot size, setbacks and area of structures/lands as show on the Zoning Map.

District, School- The Kayenta Unified School District.

Double Frontage Lot- The boundary of a lot bordering on two (2) streets. For the purpose of determining setback requirements on Corner Lot and double frontage lots, all sides bordering on a Street shall be considered as the front.

Drainage- The removal of excess water from the soil, either by a system of surface ditches, or by underground conducts.

Duplex Residential Unit- A building arranged and intended to be occupied by two (2) families living independently of each other separated by a fire rated wall from each dwelling unit.

Equine Boarding Stable- A commercial facility designed to board or to take care of horses for a fee.

Easement, Right-of-Way (ROW) for Infrastructure and Utilities- An **easement** is a certain right to use the real property of another without possessing it. Easements are helpful for providing pathways across two or more pieces of property allowing access for the maintenance of infrastructure and utilities.

Family- Two (2) or more persons related by blood or marriage or a group or not more than five (5) persons who need not be related by blood or marriage, living together as a single housekeeping unit, occupying a dwelling primarily non-transient in nature.

Farm- An area which is used for the growing of agricultural products such as vegetables, fruit, fodder, trees and grains with the storage of on the same lot.

Fence- any structure made combustible and non-combustible material forming a physical barrier which supports no load other than its own weight, which is designed to delineate, screen or enclose a field, yard, Lot or other land area on a Lot.

Floor Area- the gross horizontal useable area of the total number of floors of a building.

Floor Area Ratio- The relationship of the Floor Area to the lot area computed by dividing the Floor Area by the Lot area.

Front Lot Line- The property line along a Lot's street frontage.

Front Yard- The required setback extending across the front of the Lot between the Side Lot Lines and measured from the Front Lot Line to the front setback line.

Frontage- The distance along a street line from one intersecting street to another or from one intersecting street to the end of a dead-end street. Lot frontage is the width of a Lot measured along a Street.

Future Land Use Map- The land use map adopted as part of the Kayenta Comprehensive Plan delineating designated land uses permitted in Kayenta Township.

Garage- An enclosed structure or potion of which is designated to enclose one (1) or more vehicles.

Grade- the average ground level surrounding a building or structure.

Grazing Permit- The permit conferred by the Nation to a person giving such person access to land for the purpose of livestock grazing.

Home Occupation or Home-based business- A routine accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building that:

1) Is conducted primarily by a permanent resident of the dwelling;

2) Meets the definition, standards and limitations of a general home occupation and light home occupation provided in this Zoning Ordinance.
3) Only includes uses that are clearly incidental and secondary to the principal residential use;
4) Does not include any retail or wholesale sales on the premises (other than over the phone and through the mail) nor any industrial use (other than custom crafts and sewing)

Hospital- A facility where sick or injured persons are given medical care and which has the capacity for overnight accommodations.

Hotel- Any Building, portion of a Building, or group of Buildings containing guest rooms which are designed, used or intended for use for the accommodation of overnight or temporary lodging (accessed from an interior corridor).

Junkyard- An area of one hundred (100) square feet or more used for storage or dismantling of materials salvaged from wrecked or demolished buildings, automobiles, machinery or equipment.

Laundromat- An establishment where patrons wash or dry garments in machines operated by the patron.

Livestock- Any domestic livestock including but not limited to horses, cattle, goats, swine, sheep and fowls.

Loft-style or loft - Development where a street-level business occupies the first floor while apartment "lofts" are placed above the first floor.

Lot- A parcel of land platted and placed in record in accordance with state laws and local ordinances, being used or capable of being used under the regulation of this Ordinance.

Lot Area- The total aggregate lot area measured to its property lines.

Lot Depth- The shortest distance between the front and rear lot lines measured along the Side Lot Lines.

Lot Width- The narrowest distance between the two (2) Side Lot Lines.

Manufactured Homes- Multi-section homes assembled off site and transported to location.

Map- The Official Zoning Map for the Township. Unless amended, the Map as approved when this Zoning Ordinance was adopted shall constitute the Map herein referenced.

Master Plan- A document that describes, in narrative and with maps, an integrated development concept. The *master plan* is used to coordinate the preparation of more detailed plans or may be a collection of detailed plans. The plan may be prepared by the Township to guide private and public development or by a developer on a specific project.

Mini Storage or Self Storage- **Self storage** is an industry in which storage space is rented to tenants, usually on a monthly basis. A self storage business provides rooms, lockers, containers, and/or outdoor space in which tenants can store and access their goods. Self storage tenants include businesses and individuals.

Mixed-use Development- The use of a building, set of buildings, or neighborhood for more than one purpose. Mixed-use development provides a range of commercial and residential unit sizes and options. Any development that includes a combination of residential, commercial, industrial, office, institutional, or other land uses.

Mobile Home- A movable or transportable housing structure.

Mobile Home Park- A parcel of land capable for the continuous accommodation of twelve (12) or more occupied mobile homes and operated directly or indirectly for financial benefit of the owner/lessee of the parcel of land.

Mobile Home Space- A parcel of land within a Mobile Home Park designated by the management to accommodate one (1) Mobile Home and its accessory buildings and to which the required sewer and utility connections are provided by the Mobile Home Park.

Mobile Home Subdivision- A parcel of land, five (5) acres or more in size, which is subdivided into lots individually owned and utilized as the sites for placement of individual mobile homes.

Motel- A building or group of buildings on the same lot, containing guest rooms, used or designed for the accommodation of overnight lodging on a commercial basis, which are each independently accessed from the outside.

Multiple Family Dwelling- A building or structure designed and intended to be occupied as living quarters by three (3) or more families, living independently of each other separated by a fire rated wall from each dwelling unit.

Non-Conforming Construction- A building or structure existing on the effective date of this Ordinance or amendment to this Ordinance, which must comply with current building codes if structurally altered or if change of Occupancy applies.

Non-Conforming Lot- A lot existing on the effective date of this Ordinance or amendment to this Ordinance whose dimensions does not conform to the District within which it is located.

Non-Conforming Use- A utilization or occupancy of any site utilized or occupied on the effective date of this Ordinance or amendment to this Ordinance, which is not now a permitted use for the District in which it is located.

Park- A playground, swimming pool, athletic field or open space under the control and maintained by the Township.

Parking Lot- An area of land or a lot legally used for and designed for parking by standard motor vehicles.

Parking Space- Space which is intended for and used or designed to be used for a single standing vehicle.

Planned Area Development (PAD) - An integrated residential, commercial, industrial, or mixed-use plan offering an imaginative and flexible design approach to development projects than would otherwise be permitted under the more conventional zoning designations. This flexibility may include such concepts as the flexibility in the location of structures; clustering; variation in yards and setbacks; the reservation of open space; and provision of neighborhood amenities. The flexibility also allows a developer to address geologic, topographical, and environmental factors in a creative, comprehensive, and integrated manner. The PAD district must conform to the requirements of the Kayenta Comprehensive Plan, the PAD requirements, and any other applicable requirements provided in this Zoning Ordinance.

Premises- Any lot or combination of contiguous lots held in single ownership, together with all development thereon.

Rear Lot Line- The lot boundary line which is opposite and most distant from and not coterminous with the Front Lot Line.

Rear Yard- The required setback area extending across the full width of the Lot and measured between the Rear Lot Line and the Rear Setback Line.

Recreational Vehicle- A vehicle with a camping body that either has its own motive power or is drawn by another vehicle.

Religious Institution- A building which is used primarily for religious worship and/or related religious activities.

Residence- A building used as a residence.

Residential Care Home- A resident occupied dwelling, operated by a licensed person(s) as required by the State of Arizona, in which children and/or adults are cared for on a full-time, live-in basis.

Retaining Wall- A wall designed to contain soil at a higher elevation than that on the other side of the wall.

School- An institution of learning whether public or private.

Setback Line- A line established by this Ordinance to govern the placement of a building or a structure with respect to its Lot boundary lines.

Shopping Center- A commercial complex having at least four (4) distinct business occupants.

Side Lot Line- Any Lot boundary line not a Front/Rear Lot Line.

Side Yard- The area between the side lot line and the Side Setback Line and extending from the Front Lot Line to the Rear Lot Line.

Signs:

Temporary Sign- A sign, constructed of combustible materials, displayed for a total of thirty (30) days or less.

Area Sign- The entire area of a sign within a single continuous perimeter enclosing the writing, representation, emblem, or any figure of similar characters.

Attached Sign- A sign, which is affixed to and made an integral part of a structure. Attached signs may include wall signs, roof signs, and projecting signs.

Double-faced Sign- A sign designed to be viewed from opposing directions.

Freestanding Sign- A sign which is wholly or partly supported by a structural element which is not an integral part of a structure. Portable signs and sign on fences shall be considered freestanding signs.

Height Sign- The vertical distance from the grade level of the surrounding area to the highest point of the sign or any vertical projection.

Identification Sign- A sign which is limited to the name, address and telephone number of a business, institution, or person and to the activity or product carried of the person(s) as are located therein.

Monument Sign- A low profile, freestanding sign five (5) feet or less in height subject to Township review and right of way (Authorities Having Jurisdiction) approval.

Non-Conforming Sign- A sign, which was lawfully erected but does not comply due to placement prior to this Ordinance or due to an annexation of surrounding property by the Township.

Off-Site Sign- A sign, such as a billboard, which is not located on the same parcel of land as the entity or product it advertises.

Political Sign- A sign intended to influence the vote for the passage or defeat of a measure or the nomination, election, or defeat of a candidate in any government election.

Projecting Sign- A sign erected on the wall of a building or structure, or suspended from an overhang, with display surfaces above the public right of way.

Roof Sign- An attached sign erected on a roof or projecting above the eave of the building.

Wall Sign- A sign attached to a wall or fascia to a building or structure, the face of which is parallel to the wall or fascia.

Window Sign- A sign which is displayed in or through a window and is visible from a street, walkway, or parking lot.

Single Family Dwelling- A building designed for occupancy by one (1) family.

Sound Wall Fence- A wall fence, constructed of materials designed to reduce the level of nearby sound.

Street- A thoroughfare that is wider than an alley or lane and usually includes sidewalks.

Structural Alterations- Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists, ceiling joists or roof rafters.

Structure- Anything constructed or erected upon the ground or attached to such construction having location on the ground, but excluding swimming pools and uncovered areas such as patios and parking lots.

Transfer of Grazing Rights- when a prime development land subject to development pressures is under a Grazing Permit, the Township may work with the holder of the Grazing Permit to transfer the grazing permit or access to land for the purpose of livestock grazing to another land parcel that is not subject to development pressures.

Town Planner- The person or his/her designee charged by the Township with the responsibilities as administrator of this ordinance.

Townhouse- A Condominium dwelling unit, which is the sole dwelling unit on a parcel of land, with no dwelling units above and below.

Township - The Township of Kayenta and when used in the context of requiring action or approval shall mean the Township acting in its official capacity.

Township Clerk - The administrative officer of the Township and the official who keeps the records of the Township.

Trailer- a vehicle without motive power with dimensions not exceeding any of the following: forty (40) feet in overall length, eight (8) feet in width and twelve (12) feet overall height.

Recreational Vehicle Campground- Any lot, tract, or parcel of land licensed and used or offered for use in whole or part, for the parking of occupied travel trailers, pick up campers, converted buses, recreational vehicles, tent trailers, tents or similar devices used for temporary portable housing and used solely for living and/or sleeping purposes but not to be utilized for more than one hundred and eighty (180) continuous days by any one guest or tenant.

Unit- A single building inclusive of a Single Family Dwelling.

Variance- A relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance may be authorized only for use, area, height, dimension, distance, setback, off-street parking, and off-street loading requirements.

Warehouse- An industry place in which goods or merchandise are stored for later distribution.

Wire Mesh Fencing- Fence material which derives its strength from metal strands crossing in a regular pattern, including, but not limited to, those materials known as chain link or chicken wire, but not including ornamental wrought iron fencing.

Yard- An open space, unoccupied and unobstructed by any structure or portion of on a Lot.

Xeriscapes- A type of landscaping utilizing drought tolerant plants and ground cover which needs little maintenance or water.

SECTION 18-20: RESERVED

ARTICLE C. ZONING DISTRICTS AND BOUNDARIES

SECTION 21: DIVISION OF TOWNSHIP INTO DISTRICTS: PURPOSE

21.1 Purpose. The Town is hereby zoned and divided into districts. The purpose of establishing these districts is to:

A. Implement the Kayenta Comprehensive Plan;
B. Conserve and promote the public health, safety, and general welfare of the Township;
C. Encourage the most appropriate use of land throughout the Township;
D. Ensure mart, logical and orderly growth and development of the physical elements of the Township;
E. Prevent scattered and haphazard growth and guide orderly transition of urban areas;
F. Conserve and enhance economic, cultural, social and aesthetic values;
G. Enhance, protect and maintain the integrity and character of existing neighborhoods;
H. Facilitate adequate provision of transportation, water, sewage, schools, parks, and other public and commercial facilities and services;
I. Promote the development of convenient and beneficial clusters of uses, including business and shopping facilities where satisfactory proof is made that the same are reasonably necessary and desirable for the public convenience and welfare;
J. Provide for adequate light and clean air;
K. Aid in preventing traffic congestion in the streets and public ways of the Township;
L. Prevent unduly noisome and/or injurious substances, conditions and operations; and
M. Secure safety from fire, flood and other dangers.

SECTION 22: ZONING DISTRICTS ENUMERATION

22.2 Enumeration. The Kayenta Township Commission adopted the following zoning system to meet the needs of Kayenta Township, provide an environment that is vibrant, economically viable, self-sufficient, sustainable, and people friendly, and allow for flexibility in land use. The Zoning System provided in this Zoning Ordinance classifies, regulates, restricts and separates the use of land, buildings and structures. It regulates and limits the type, height and bulk of buildings and structures. It also regulates yards and other open areas around and between buildings and structures and the density of dwelling units. The Township is hereby divided into the following zoning districts:

22.3 Specific Plan Zones.

22.3.1 Agriculture/Equestrian Districts

A. A-1 Agriculture District
B. A-2 Equestrian Center District
C. A-3 Horse Ranch District

22.3.2 Residential Districts
- C. R-1 Residential Single-Family District (Low Density)
- D. R-2 Residential Single-Family District (Low Density)
- E. R-3 Residential Single-Family District (Low Density)
- F. R-4 Residential Single-Family District (Medium Density)
- G. R-5 Residential Single-Family District (High Density)

22.3.3 Mixed Use Districts
- A. MU-1 Corridor Development Mixed Use
- B. MU-2 Kayenta Main Street Mixed Use
- C. MU-3 Kayenta Old Town District Mixed Use
- D. MU-4 Kayenta Gateway Center

22.3.4 Transit Oriented Development Districts
- A. TOD-1 Employment Oriented Mixed Use
- B. TOD-2 Entertainment Oriented Mixed Use

22.3.5 Commercial Districts
- A. C-1 Neighborhood Commercial District
- B. C-2 Community Commercial District
- C. C-3 Highway Commercial District
- D. C-4 Truck Service Corridor District
- E. AHC Airport Highway Commercial District
- F. HE Hospitality/Entertainment District
- E. RSG Resort, Spa, and Golf Course District

22.3.6 Employment Districts
- A. E-1 Employment
- B. E-2 Health Support Services District
- C. E-3 Technology and Innovation District

22.3.7 Community Facilities Districts
- A. CF-1 School District
- B. CF-2 Public Utilities and Facilities Districts

22.3.8 Industrial Districts
- A. I-1 General Industry District

22.3.9 Planned Recreation District (PR)
- A. OR-1 Community Parks District
- B. OR-2 Regional Recreation, Parks and Open Space District

22.3.10 PAD (Planned Area Development) Districts

22.4 <u>The Official Zoning Map</u>

The Official Zoning Map delineates the zoning districts and is declared a part of this Zoning Ordinance and shall constitute the official description of the location and boundaries of each District in the Township. The Official Zoning Map is located at the end of this Zoning Ordinance.

SECTION 23: AGRICULTURAL DISTRICTS

23.1 A1 - AGRICULTURE DISTRICT

Community gardens, organic hydroponics, green houses, contained farming

23.1.1 Purpose and Permitted Uses

The purpose of the A-1 District is to protect the Township's historical agricultural areas and to increase the Township's self sufficiency by providing space for communal agricultural enterprises including areas for low intensity agricultural operations such as small communal row crop fields, community gardens, green houses, organic hydroponics, permaculture, and contained farming. Community gardens provide fresh produce and plants as well as satisfying labor, neighborhood improvement, sense of community and connection to the environment. Activities supporting such agricultural industries such as community farmers market, small packing plants, olive mills, art gardens, orchards, vineyards, feed stores, tourist-oriented horse stables and opportunities for community gathering, social activities, beautification, education and passive recreation are also permitted. Small structures for the sell of agricultural products are permitted. This District does not permit residential development. The A-1 District implements the *Agriculture/Equestrian Oriented* future land use classification of the Kayenta Township Comprehensive Plan.

23.1.2 Site and Building Requirements

A	Minimum Lot Area:	There is no "standard" community garden plot size. Individual plot sizes vary widely depending on many factors, including location, land available for gardening, demand, and physical and time limitations of the gardeners, among others. Typical lot sizes: 20 ft × 20 ft; 10 ft × 10 ft or 10 ft × 15 ft
B	Minimum Lot Width:	Not applicable
C	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 20 feet Side Yard: 10 feet Rear Yard: 10 feet
	Minimum Required Setbacks for Garden Plots	Front Yard: 5 feet Side Yard: 5 feet Rear Yard: 5 feet
D	Maximum Building Height:	35 Feet

23.2 A2 – EQUESTRIAN CENTER DISTRICT

Rodeo and Fair Grounds

23.2.1 Purpose and Permitted Uses

The purpose of the A-2 District is to protect the Township's long history of equestrian functions and to increase the Township's self sufficiency by providing space for the expansion of equestrian enterprises including rodeo and fair grounds, flee markets, annual equestrian festivals and tourist-oriented equestrian activities. The Equestrian Center serves as an anchor for Kayenta's Hospitality and Entertainment District and provides activities for all age groups. Activities supporting the equestrian center such as horse stables, training and performing arenas, concession stands, restrooms, tourist-oriented horse functions and opportunities for community gathering, social activities, beautification, equestrian education and passive recreation are also permitted. Structures and buildings designed to provide space for vendors to sell flea market, rodeo and fair ground related products are permitted. Structures and buildings housing functions, classes or training space for horse shows, gymkhana, Omoksee (barrel racing, keyhole race, keg race or down-and-back, flag race and pole bending), cutting, ranch sorting, reigning, roping, tie-down roping, breakaway roping, bronc riding, and bull riding are permitted. This District does not permit residential development. The A-2 District implements the *Agriculture/Equestrian Oriented* future land use classification of the Kayenta Township Comprehensive Plan.

23.2.2 Site and Building Requirements:

A	Minimum Lot Area:	As per accepted horse and fair grounds industry standards
B	Minimum Lot Width:	As per accepted horse and fair grounds industry standards
C	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 40 feet Side Yard: 20 feet Rear Yard: 40 feet
	Minimum Required Setbacks for Animal Stables	Front Yard: 60 feet Side Yard: 30 feet Rear Yard: 60 feet
D	Maximum Building Height:	55 feet
E	Required Continuous Buffer Along Hospital/ Medical Support Uses:	100 feet*

* Parking, sidewalks, perimeter fence, and internal drives are permitted within the 100 feet buffer yard.

23.3 A3 – HORSE RANCH DISTRICT

Horse Raising and Horse Ranching

23.3.1 Purpose and Permitted Uses

The purpose of the A-3 District is to protect the Township's long history of horse keeping, to increase the Township's self sufficiency by protecting existing horse ranches along Highway 163, and to provide additional opportunities for horse ranches on these areas to complement the establishment of Mustang Trail. The A-3 District is a low density rural residential district. The A-3 District implements the *Agriculture/Equestrian Oriented* future land use classification of the Kayenta Township Comprehensive Plan.

23.3.2 Permitted Uses (Primary Uses)

A. Single-family residences (detached), modular homes, and manufactured homes, provided they are attached to a permanent foundation. Mobile homes are not permitted within this District.
C. Parks, recreation, trails, and open space.
D. Utility corridors (underground transmission lines).
E. Satellite dish antennas for private residential use.
F. Up to 5 horses per acre, or up to five (5) other farm stock or animals, including grazing cattle, sheep, and goats, excluding hogs.
G. Uses and activities supporting or complementing farm stock, including veterinary facilities.
H. Tourist-oriented commercial uses including horse tours, horse renting, and horse arenas compatible with the rural residential intent of this area.
I. The grazing of livestock is permitted within this district.

23.3.3 Accessory Uses

Uses permitted only as an accessory use to a primary use on the same lot or parcel within the A-3 District include:

A. Home-based occupations.
B. Barns and stables designed to shelter horses or farm stock, provided these comply with all other applicable requirements included in this Zoning Ordinance for the keeping of animals in residential areas.

D. Guest houses.
E. Swimming pools.
F. Temporary signs.
G. Temporary construction uses and signs.
H. Temporary uses such as Christmas tree, pumpkin and seasonal sale lots.

23.3.4 Conditional Uses

The following conditional uses are permitted within the A-3 District after review and approval of a Conditional Use Permit in accordance with the review procedures provided in this Zoning Ordinance:

A. All other utilities and transmission lines (above ground).
B. Convenience retail sales and services.
C. Campgrounds and camps.
D. Commercial ranch, commercial stable and outdoor guest ranch.
E. Cabins and lodges.
F. Equestrian-oriented outdoor commercial amusement.
G. Temporary retail sales.

23.3.5 Site and Building Requirements:

A.	Density:	1 single family unit per acre
B.	Minimum Lot Area:	1 acre
C.	Minimum Lot Width:	100 feet
D.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 60 feet Side Yard: 10 feet Rear Yard: 10 feet
	Minimum Required Setbacks for Animal Stables	Front Yard: 60 feet Side Yard: 30 feet Rear Yard: 10 feet
E.	Maximum Building Height:	35 feet
F.	Required Continuous Buffer Yard Along Laguna Creek:	100 feet*
G.	Additional Requirements	Appropriate fencing to keep horses and farm stock secured at all times within the parcel is required.

* Utility easements, trails, horse back riding trails, Township owned and maintained perimeter fence, and Township owned and maintained roads are permitted within the 100 feet buffer yard.

SECTION 24: RESIDENTIAL DISTRICTS

24.1 R-1 – RESIDENTIAL SINGLE FAMILY DISTRICT (LOW DENSITY)

Variety of Single Family Energy Efficient Homes at Walking Distance to Linear Parks and Neighborhood Parks

24.1.1 Purpose

The purpose of the R-1 District is to provide areas within the Township for single family dwelling and low density clustering. The land uses and development requirements within the R-1 District promote, enhance and protect the Township's residential neighborhoods while providing opportunities for sustainable practices that increase the Township self-sufficiency, including agriculture and farming. The R-1 District implements the *Low Density Residential* future land use classification of the Kayenta Township Comprehensive Plan.

24.1.2 Permitted Uses (Primary Uses)

The land uses permitted in this District include:

A. Single-family residences (detached), modular homes, and manufactured homes, provided they are attached to a permanent foundation. Mobile homes are not permitted within this District.
B. Water works facilities, both public and private, intended primarily for the production and distribution of water for irrigation purposes.
C. Parks, recreation, trails, and open space.
D. Utility corridors (underground transmission lines).
E. Satellite dish antennas for private residential use.
F. Up to 5 horses per acre, or up to five (5) other farm stock or animals, including grazing cattle, sheep, and goats, and excluding hogs.
G. Uses and activities supporting or complementing farm stock, including veterinary facilities.
H. Tourist-oriented commercial uses including horse tours, horse renting, and horse arenas compatible with the rural residential intent of this area.
I. Cemeteries.
J. Community services and facilities such as schools, day care (1-6 children).
K. Community buildings such as police, fire, emergency services

L. Houses of worship.
M. Utility facilities and utility service yards.
N. Nurseries, general agriculture, agribusiness, greenhouses, contained farming, orchards, aviaries, apiaries, field crop, tree crops, berry and bush crops, vegetables, flowers and herb gardening in a commercial scale, and vegetables gardening used only for purposes of propagation and culture, including the sale thereof from the premises and one unlighted sign that does not exceed two square feet in size pertaining to the sale of products.
O. The drying, canning, packing, freezing and other accepted methods of processing the produce resulting from such permitted uses, when such processing is primarily in conjunction with a farming operation and further provided that the permanent buildings and structures used in conjunction with such drying, packing and processing operations are not nearer than 20 feet from the boundaries of the premises and 40 feet from any adjacent dwelling unit other than the dwelling unit they are associated with.
P. The grazing of cattle, horses, sheep, goats or other farm stock or animals, not including hogs, including the supplementary feeding thereof, not to exceed five animals per acre of all the land available
   1. The systematic rotation of animals with more than five animals per acre is permitted so long as the total number of permitted animals is not exceeded.
   2. For the grazing of sheep or goats, the permissible number of animals per acre may be multiplied by three.
   3. There shall be no limit to the permissible number of sheep which may be grazed per acre when the grazing is for the purpose of cleaning up unharvested crops, provided that such grazing is not conducted for more than four weeks in any six month period.

   The provisions of this paragraph apply to mature breeding stock, maintenance stock and similar farm stock, and shall not apply to the offspring thereof, if such offspring are being kept, fed or maintained solely for sale, marketing or slaughtering at the earliest practical age of maturity. In all cases the permissible number of animals per acre shall be computed upon the basis of the nearest equivalent ratio.
Q. The noncommercial keeping of horses, cattle, sheep, and goats on lots or parcels over 20,000 square feet in area and 100 feet in width, provided they are kept, fed and maintained not less than 50 feet from any residence existing at the time such use is established. Two such animals may be kept on each 20,000 square feet up to one acre and two such animals for each additional acre.
R. Antennas or towers on land controlled by the Township and satellite dish antennas for private residential use.

24.1.3 Accessory Uses

Uses permitted only as an accessory use to a primary use on the same lot or parcel within the R-1 District include all those accessory uses listed in A-3 District.

24.1.4 Conditional Uses

The following conditional uses are permitted within the R-1 District after review and approval of a Conditional Use Permit in accordance with the review procedures provided in this Zoning Ordinance:

A. Agricultural extension university campus.
B. All other utilities and transmission lines (above ground).
C. Convenience retail sales and services.
D. Campgrounds and camps.
E. Commercial ranch, commercial stable and outdoor guest ranch.
F. Cabins and lodges.
G. Temporary retail sales.
H. College campus.
I. Child care (7 or more children).
J. Bed and breakfast.
K. Resorts, cabins and lodges.
L. Temporary retail sales.
M. Promotional activities involving the display of goods and merchandise; special events and activities; and temporary uses not specified.

24.1.5 Site and Building Requirements:

A.	Maximum Density:	1 dwelling per acre (farms) 2 dwellings per acre (non-farms)
B.	Minimum Lot Area:	1 acre (farms) 20,000 sq. ft. (non-farms)
C.	Minimum Lot Width:	100 feet
	Minimum Lot Depth:	150 feet
D.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 20 feet Side Yard: 5 feet Rear Yard: 10 feet
E.	Minimum Required Setbacks for Animal Stables	Front Yard: 30 feet Side Yard: 15 feet Rear Yard: 15 feet And 50 feet from any dwelling unit other than the dwelling unit on the subject lot.
F.	Maximum Building Height:	35 feet for single family residence and 40-55 feet for other buildings or structures
G.	Required Continuous Buffer Yard Along Laguna Creek Linear Park and Kayenta Airport Linear Park	50 feet*

* Utility easements, trails, horse back riding trails, Township owned and maintained perimeter fence, and Township owned and maintained roads are permitted within the 50 feet buffer yard.

24.2 R-2 – RESIDENTIAL SINGLE FAMILY DISTRICT (LOW DENSITY)

Variety of Single Family Energy Efficient Homes in Close Proximity to Transit, Linear Parks and Resort Golf Course

24.2.1 Purpose

The purpose of the R-2 District is to provide areas within the Township for single family dwelling and low density clustering. The land uses and development requirements within the R-2 District promote, enhance and protect the Township's residential neighborhoods. New infill development, redevelopment and expansion of existing residential uses located inside the designated Kayenta Redevelopment/Rehabilitation Planning Area must comply with this section and with all applicable requirements set forth in the Kayenta Comprehensive Plan and in this Zoning Ordinance. The R-2 District implements the *Low Density Residential* future land use classification of the Kayenta Township Comprehensive Plan.

24.2.2 Permitted Uses (Primary Uses)

The land uses permitted in this District include:

A. Single-family residences (detached), modular homes, and manufactured homes, provided they are attached to a permanent foundation. Mobile homes are not permitted within this District.
C. Parks, recreation, trails, and open space.
D. Utility corridors (underground transmission lines).
E. Satellite dish antennas for private residential use.
F. Cemeteries.
G. Community services and facilities such as schools, day care (1-6 children).
H. Community buildings such as police, fire, emergency services
I. Houses of worship.
J. Utility facilities and utility service yards.
K. Antennas or towers on land controlled by the Township and satellite dish antennas for private residential use.

24.2.3 Accessory Uses

Uses permitted only as an accessory use to a primary use on the same lot or parcel within the R-2 District include:

A. Home-based occupations.
B. Guest houses.

C. Swimming pools.
D. Temporary signs.

24.2.4 Conditional Uses

The following conditional uses are permitted within the R-2 District after review and approval of a Conditional Use Permit in accordance with the review procedures provided in this Zoning Ordinance:

A. All other utilities and transmission lines (above ground).
B. College or university campus.
C. Child care (7 or more children).
D. Bed and breakfast.

24.2.5 Site and Building Requirements:

A.	Maximum Density:	4 dwelling units per acre
B.	Minimum Lot Area:	10,000 sq. ft.
C.	Minimum Lot Width:	100 feet
	Minimum Lot Depth:	100 feet
D.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 20 feet Side Yard: 5 feet Rear Yard: 10 feet
F.	Maximum Building Height:	30 feet
G.	Required Continuous Buffer Yard Along Kayenta Airport Linear Park:	50 feet*

* Utility easements, trails, horse back riding trails, Township owned and maintained perimeter fence, and Township owned and maintained roads are permitted within the 50 feet buffer yard.

24.3 R-3 – RESIDENTIAL SINGLE FAMILY DISTRICT

Variety of Single Family Energy Efficient Homes in Close Proximity to Civic Center, Town Center and Kayenta Main Street

24.3.1 Purpose

The purpose of the R-3 District is to provide areas within the Township for single family dwelling and low density clustering. The land uses and development requirements within the R-3 District promote, enhance and protect the Township's residential neighborhoods. The R-3 District implements the *Low Density Residential* future land use classification of the Kayenta Township Comprehensive Plan.

24.3.2 Permitted Uses (Primary Uses)

All the uses permitted in the R-2 District, including attached single family dwelling units.

24.3.3 Accessory Uses

All the accessory uses permitted in the R-2 District.

24.3.4 Conditional Uses

All the conditional uses permitted within the R-2 District after review and approval of a Conditional Use Permit in accordance with the procedures provided in this Zoning Ordinance.

24.3.5 Site and Building Requirements:

A.	Maximum Density:	8 dwelling units per acre
B.	Minimum Lot Area:	5,000 sq. ft.
C.	Minimum Lot Width:	90 feet
	Minimum Lot Depth:	60 feet
D.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 20 feet Side Yard: 5 feet Rear Yard: 10 feet
F.	Maximum Building Height:	30 feet
G.	Required Continuous Buffer Yard Along Laguna Creek Linear	50 feet*

* Utility easements, trails, horse back riding trails, Township owned and maintained perimeter fence, and Township owned and maintained roads are permitted within the 50 feet buffer yard.

24.4 R-4 – RESIDENTIAL SINGLE FAMILY DISTRICT (MEDIUM DENSITY)

Variety of Single Family Energy Efficient Homes in Close Proximity to Transit, Employment and Civic Center

24.4.1 Purpose

The purpose of the R-4 District is to provide areas within the Township for medium density single family dwelling and medium density clustering. The land uses and development requirements within the R-4 District promote, enhance and protect the Township's residential neighborhoods. The R-4 District implements the *Medium Density Residential* future land use classification of the Kayenta Township Comprehensive Plan.

24.4.2 Permitted Uses (Primary Uses)

All the uses permitted in the R-2 District, including attached single family dwelling units.

24.4.3 Accessory Uses

All the accessory uses permitted in the R-2 District.

24.4.4 Conditional Uses

All the conditional uses permitted within the R-2 District after review and approval of a Conditional Use Permit in accordance with the review procedures provided in this Zoning Ordinance.

24.4.5 Site and Building Requirements:

A.	Maximum Density:	10 dwelling units per acre
B.	Minimum Lot Area:	4,000 sq. ft.
C.	Minimum Lot Width:	80 feet
	Minimum Lot Depth:	50 feet
D.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 10 feet Side Yard: 5 feet Rear Yard: 5 feet
F.	Maximum Building Height:	30 feet
G.	Required Continuous Buffer Yard Along Laguna Creek Linear Park	50 feet*

* Utility easements, trails, horse back riding trails, Township owned and maintained perimeter fence, and Township owned and maintained roads are permitted within the 50 feet buffer yard.

24.5 R-5 – RESIDENTIAL MULTIFAMILY DISTRICT (HIGH DENSITY)

Variety of Single Family Energy Efficient Townhomes and Multifamily Homes in Close to the Old Town Center

24.5.1 Purpose

The purpose of the R-5 District is to provide areas within the Township for high density workforce and student residential development at walking distance to the Old Town Center, schools, parks, Mustang Trail and Kayenta Main Street. The land uses and development requirements within the R-5 District promote, enhance and protect the Township's residential neighborhoods. The R-5 District implements the *Kayenta Township Core* future land use classification of the Kayenta Township Comprehensive Plan.

24.5.2 Permitted Uses (Primary Uses)

All the uses permitted in the R-2, R3, and R4 District, including townhomes and multifamily apartment units.

24.5.3 Accessory Uses

All the accessory uses permitted in the R-2 District, plus amenities typical of multifamily dwelling such as club house, fitness center, communal swimming pool, open space. Such amenities must be provided in an integrated manner.

24.5.4 Conditional Uses

All the conditional uses permitted within the R-2 District after review and approval of a Conditional Use Permit in accordance with the review procedures provided in this Zoning Ordinance.

24.5.5 Site and Building Requirements:

A.	Maximum Density:	12 dwelling units per acre
B.	Minimum Lot Area:	3,500 sq. ft.
C.	Minimum Lot Width:	40 feet
	Minimum Lot Depth:	80 feet
D.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 10 feet Side Yard: 5 feet Rear Yard: 10 feet
F.	Maximum Building Height:	40 feet

SECTION 25: MIXED USE DISTRICTS

The Kayenta Township Comprehensive Plan promotes mixed-use development in appropriate locations in order to allow people to live, work, learn, play and shop. Mixed-use development provides housing, retail, parks and services within the same neighborhood, either in the same building or in close proximity.

Mixed-use development offers a variety of housing options, including affordable housing. Transportation impacts are minimized by reducing reliance on the automobile to get to commercial areas, and increasing walking, bicycling, and transit opportunities. Mixed-use development is designed to facilitate interaction among people, provide opportunities for social intimacy, and cultivate a sense of community and place.

Kayenta Township has four mixed-use zoning districts. Some of these districts are currently outside of the Township boundary. Lands currently located within the Kayenta Chapter may become part of Kayenta Township through annexation. At such time when annexation occurs, those lands will be regulated by this Zoning Ordinance.

25.1 MU-1 – CORRIDOR DEVELOPMENT MIXED USE

Variety of Single Lofts and Mixed-use Energy Efficient Development in Close Proximity to Transit and Entertainment Center

25.1.1 Purpose

The MU-1 District provides areas within the Township for mixed-use development that is more urban in character. The land uses and development requirements within the MU-1 District promote, enhance and protect the Township's residential neighborhoods, encourage walkability, support the Township retail revenue base, and offer an integrated environment where residents and visitors can live, work, shop, and play. The MU-1 District implements the *Corridor Development* future land use classification of the Kayenta Township Comprehensive Plan.

The purpose of the MU-1 District is to:

A. Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space;
B. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
C. Promote the health and well-being of Kayenta residents by encouraging physical activity, alternative transportation, and greater social interaction.

25.1.2 Permitted Uses (Primary Uses) and Conditional Uses

As provided in Table 1.

25.1.3 Commercial Establishment Size Limits

The MU-1 District is a neighborhood-oriented district. Commercial uses within the MU-1 District are geared toward a neighborhood market area. The gross floor area of commercial establishments in the MU-1 District shall not exceed 15,000 square feet. Commercial establishment exceeding 15,000 square feet require a Conditional Use permit.

25.1.4 Indoor/Outdoor Operations

All permitted uses in the MU-1 District must be conducted within completely enclosed buildings unless otherwise expressly authorized by the Township. This requirement does not apply to off-street parking, loading and service areas, automated teller machines, information kiosks, outdoor sitting areas, parks, courtyards, plazas, or gathering spaces.

The following temporary outdoor operations are permitted in the MU-1 District provided the users acquire all appropriate permits and/or licenses:

A. Art shows.
B. Holiday shows.
C. The exhibit of automobiles for sale in a plaza setting.
D. Outdoor performances, theater and film festivals.
E. Cultural events.
F. Artisans and farmers markets.
G. Information booths.
H. Coffee, snacks, and Flower Kiosks.
I. Newspaper and Magazine Stands.

25.1.5 Floor-to-Floor Heights and Floor Area of Ground-floor Space

A. All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of eleven (11) feet.
B. All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:
   1. At least eight hundred (800) square feet or twenty-five (25) percent of the lot area, which ever is greater, on lots with street frontage of less than fifty (50) feet; or
   2. At least twenty (20) percent of the lot area on lots with fifty (50) feet of street frontage or more.

25.1.6 Lot Area per Unit (Density)

Mixed-use buildings are desired and rewarded with more flexible development standards. Higher residential densities are allowed in mixed-use buildings than in single-use buildings in accordance to the following criteria:

A. The minimum lot area per dwelling unit for mixed-use buildings shall be 1,000 square feet.
B. The minimum lot area per dwelling unit for single-use buildings shall be 1,500 square feet.

25.1.7 Floor Area Ratio (FAR)

A. The minimum FAR for mixed-use buildings shall be 2.0.
B. The minimum FAR for single-use buildings shall be 1.25.

25.1.8 Setbacks

A. **Front Setback:**
   Rather than mandating a *zero-foot* "build-to" line for all properties in the MU-1 District, flexibility is allowed to accommodate shallow building setbacks that are sometimes necessary to accommodate features such as outdoor seating/display areas, stoops and sidewalk widening that add interest and make more attractive the street scene. The entire building façade must abut front and side street property lines or be located within ten (10) feet of such property line.
B. **Rear Setback:**
   The appropriate rear building setback will depend on lot and development patterns in the area, consistent with the following criteria:
   1. The minimum rear setback is 0 to 30 percent of the lot depth.
   2. When alleys abut the rear of the MU-1 District lots, no rear setback may be necessary, except for upper floors.

3. When MU-1 District abut the rear property line of residential lots, buildings in the MU-1 District shall set back from the rear property line a distance equivalent to the residential building required rear setback to protect the privacy and open feeling expected within residential rear yards.

C. **Interior Setback:**
Most pedestrian-oriented shopping streets are lined with buildings that span the entire width of the lot. The standard proposed here helps reinforce that pattern, while also ensuring that if the MU-1 District abuts a residential zoning district, a "typical" residential side yard shall be provided.

1. No interior side setbacks are required in the MU-1 District, except when MU-1-zoned property abuts residential zoned property, in which case the minimum side setback required in the MU-1 District shall be the same as required for a residential use on the abutting residential zoning district.

25.1.9 Building Heights

Regulating building heights by stories rather than feet above grade allow for greater flexibility. The standards below allow greater height for mixed-use buildings than for single-use buildings because mixed-used buildings are required to have taller floor-to-ceiling heights on the ground floor. The standards below accommodate for three- or four-story buildings.

A. **Maximum Building Height for Mixed-use Buildings:**
The maximum building height for mixed-used buildings in the MU-1 District shall not exceed fifty (50) feet.

B. **Maximum Building Height for Single-use Buildings:**
The maximum building height for single-used buildings in the MU-1 District shall not exceed forty-seven (47) feet.

25.1.10 Off-Street Parking

Small retail uses are exempted from compliance with the off-street parking requirements to promote walkability and pedestrian-oriented character and to encourage use/reuse of storefront retail space. Shared and off-site parking arrangement options are favored. The following criteria apply:

A. No off-street parking is required for nonresidential uses in the MU-1 District unless such uses exceed three-thousand (3,000) square feet of gross floor area, in which case, off-street parking shall be provided for the floor area in excess of three-thousand (3,000) feet at the rates provided in the Parking regulations section of this Zoning Ordinance.

B. Off-street parking spaces shall be located to the rear of the principal building or they shall be screened so that these are not visible from the public right-of-way or residential zoning districts.

25.1.11 Transparency

Ground-floor windows help make for a more pleasant pedestrian environment or public realm.

A. A minimum of 60 to 75 percent of the street-facing building façade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas.
B. The bottom of any window or product display window used to satisfy the transparency standards of paragraph A above shall not be more than 3 to 4.5 feet above the adjacent sidewalk.
C. Product display windows used to satisfy these requirements must have a minimum height of four (4) feet and be internally lighted.

25.1.12 Doors and Entrances

Sidewalk-facing entrances help make for a more pleasant pedestrian environment or public realm.

A. Buildings shall have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.
B. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyards entrances to a cluster of shops or businesses.
C. Doors and entrances shall be pedestrian-scaled.

25.1.13 Vehicles and Driveway Access

Driveways that cross sidewalks disrupt pedestrian movements and pose safety threats. They should be the rare exception in the neighborhood-oriented MU-1 District.

A. No curbs are allowed for lots that abut alleys.
B. Driveways that cross sidewalks require an approved Conditional Permit.

25.1.14 Additional Development Standards and Design Guidelines

Development within the MU-1 District must comply with all development standards and design guidelines included in the Kayenta Comprehensive Plan Urban Design Element and all other applicable design standards and guidelines provided in this Zoning Ordinance.

25.2 MU-2 – KAYENTA MAIN STREET MIXED USE

Kayenta Main Street Mixed-use Concept, The Planning Center

25.2.1 Purpose

The MU-2 District provides for mixed-use development that is more urban in character along Highway 163, defining a Main Street environment that serves as the spinal chord connecting the Four Corners at the intersection of Highway 160 and Highway 163, the Kayenta Gateway area, and Kayenta Old Town. The land uses and development requirements within the MU-2 District promote, enhance and protect the Township's residential neighborhoods, encourage walkability, support the Township retail revenue base, offer an integrated environment where residents and visitors can live, work, shop, and play, defines a Main Street for Kayenta Township and serves as a main tool for redevelopment and rehabilitation. The MU-2 District implements the *Kayenta Township Core* future land use classification of the Kayenta Township Comprehensive Plan.

The purpose of the MU-2 District is to:

A. Accommodate mixed-use buildings with neighborhood/student-serving and visitor-oriented retail, service, and other uses on the ground floor and residential units above the nonresidential space in a Main Street environment;
B. Support the development of a veteran center as one of the anchor community service facilities along Main Street;

C. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets along a Main Street;
D. Promote the health and well-being of Kayenta residents by encouraging physical activity, alternative transportation, and greater social interaction;
E. Support the Kayenta Civic Center and the Kayenta Schools located in proximity to this area; and
F. Define Mustang Trail, a multimodal trail providing multimodal (pedestrian, bicycle, equestrian, transit and vehicular) connectivity to all major planning areas within the Township; and
G. Contribute to the revitalization of the *Kayenta Township Core* redevelopment/revitalization planning area.

25.2.2 Permitted Uses (Primary Uses) and Conditional Uses

As provided in Table 1.

25.2.3 Commercial Establishment Size Limits

The MU-2 District is a neighborhood-oriented district. Commercial uses within the MU-2 District are geared toward a neighborhood market area that includes employees working at the Kayenta Civic Center and the Kayenta Justice Center, faculty and students attending the surrounding schools. The gross floor area of commercial and community service establishments in the MU-2 District shall not exceed 20,000 square feet. Commercial establishment exceeding 20,000 square feet require a Conditional Use permit.

25.2.4 Indoor/Outdoor Operations

Same as in MU-1 District.

25.2.5 Floor-to-Floor Heights and Floor Area of Ground-floor Space

A. All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of eleven (11) feet.
B. All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:
   1. At least eight hundred (800) square feet or twenty-five (25) percent of the lot area, which ever is greater, on lots with street frontage of less than fifty (50) feet; or
   2. at least twenty (20) percent of the lot area on lots with fifty (50) feet of street frontage or more.

25.2.6 Lot Area per Unit (Density)

Mixed-use buildings are desired and rewarded with more flexible development standards. Higher residential densities are allowed in mixed-use buildings than in single-use buildings in accordance to the following criteria:

A. The minimum lot area per dwelling unit for mixed-use buildings shall be 900 square feet.
B. The minimum lot area per dwelling unit for single-use buildings shall be 1,000 square feet.
C. The minimum lot area per dwelling unit for student housing in mixed-use buildings shall be 600 square feet.
D. The minimum lot area per dwelling unit for student housing in single-use buildings shall be 700 square feet.

25.2.7 Floor Area Ratio (FAR)

Same requirements as in the MU-1 District apply.

25.2.8 Setbacks

A. **Front Setback:**
The entire building façade must abut front and side street property lines or be located within twenty (20) feet of such property lines if there is a promenade, plaza, courtyard or public gathering area built in front of the building.
B. **Rear Setback:**
The appropriate rear building setback will depend on lot and development patterns in the area, consistent with the following criteria:
1. The minimum rear setback is 0 to 30 percent of the lot depth.
2. When alleys or parking areas abut the rear of the MU-2 District lots, no rear setback may be necessary, except for upper floors.
3. The MU-2 District shall provide a landscape amenity that includes pedestrian and writing connectivity along the edge of the District abutting residential lots.
4. The MU-2 District shall set back from the rear property line a distance equivalent to the residential building required rear setback to protect the privacy and open feeling expected within residential rear yards.
5. Off-street surface parking shall be located on the rear of MU-2 District buildings within the rear setback area. Off-street parking located in the rear setback shall be appropriately screened where abutting residential uses and public right-of-ways.
C. **Interior Setback:**
Where the MU-2 District abuts a residential zoning district, a "typical" residential side yard shall be provided.

1. No interior side setbacks are required in the MU-2 District, except when MU-2 zoned property abuts residential zoned property, in which case the minimum side setback required in the MU-2 District shall be the same as required for a residential use on the abutting residential zoning district.

25.2.9 Building Heights

Regulating building heights by stories rather than feet above grade allow for greater flexibility. The standards below allow greater height for mixed-use buildings than for single-use buildings because mixed-used buildings are required to have taller floor-to-ceiling heights on the ground floor. The standards below accommodate for two- or three-story buildings.

A. **Maximum Building Height for Mixed-use Buildings:**
The maximum building height for mixed-used buildings in the MU-2 District shall not exceed forty (40) feet.

B. **Maximum Building Height for Single-use Buildings:**
The maximum building height for single-used buildings in the MU-1 District shall not exceed thirty-five (35) feet.

25.2.10 Off-Street Parking

Same requirements as in the MU-1 District apply.

25.2.11 Transparency

Same requirements as in the MU-1 District apply.

25.2.12 Doors and Entrances

Same requirements as in the MU-1 District apply.

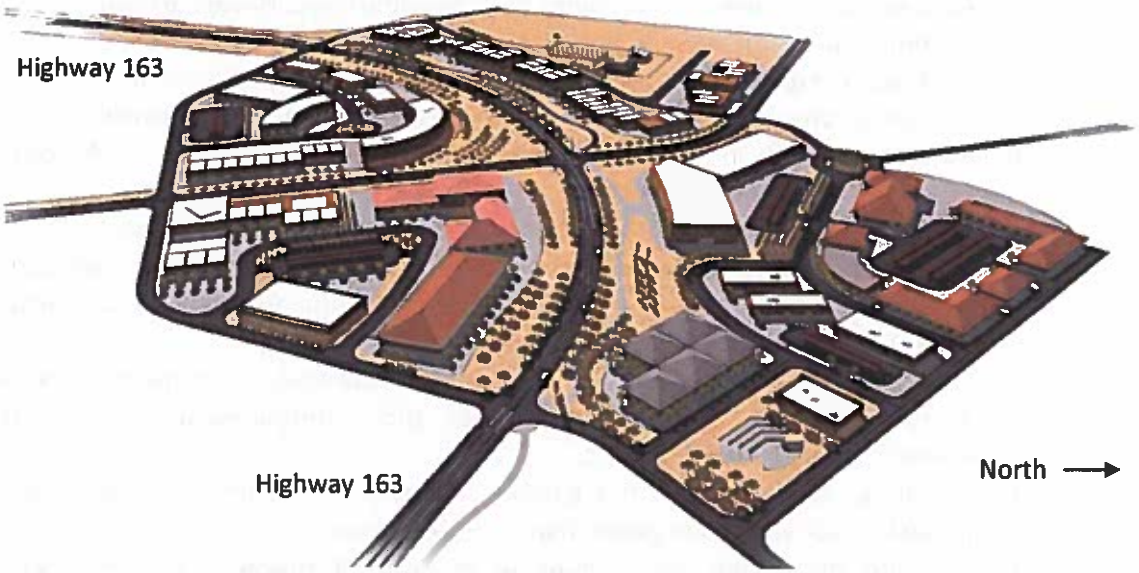
25.2.13 Vehicles and Driveway Access

Same requirements as in the MU-1 District apply.

25.2.14 Additional Development Standards and Design Guidelines

Development within the MU-2 District must comply with all development standards and design guidelines included in the Kayenta Comprehensive Plan Urban Design Element and any other applicable requirements of this Zoning Ordinance.

25.3 MU-3 – KAYENTA OLD TOWN DISTRICT



Kayenta Old Town Mixed-use Concept, The Planning Center

25.3.1 Purpose

The MU-3 District provides for mixed-use development that is more urban in character along Highway 163, defining the historic core of Kayenta. The Kayenta Old Town Center (Old Town) is a mixed-used, walkable urban core where historic preservation, restoration, revitalization and redevelopment play a key role. These combined efforts strengthen Kayenta's image, enhances its sense of place, defines its identity and increases its revenue generating retail base. This area incorporates opportunities for mixed-use, multifamily residential and for the establishment of a community-oriented Navajo Artisans village offering lofts to Navajo artist studios located on the ground floor and residential areas on the second floor. The area incorporates community arts center and market space.

The land uses and development requirements within the MU-3 District promote, enhance and protect the Township's residential neighborhoods, encourage walkability, support the Township retail revenue base, offer an integrated environment where residents can live, work, shop, and play, defines the northern most activity center along Kayenta Main Street and serves as a main tool for redevelopment and rehabilitation. The MU-3 District implements the *Kayenta Township Core* future land use classification of the Kayenta Township Comprehensive Plan.

The purpose of the MU-3 District is to:

A. Accommodate mixed-use buildings with neighborhood, Navajo artisans, student, and visitor services and retail focus, providing gallery space, artisans work space, community services and other uses on the ground floor and residential units above the nonresidential space in a town core environment;
B. Provide a window into the Navajo arts and cultures with space for workshops, art center and multi-media space;
C. Promote development of a compact, pedestrian-oriented town center consisting of a employment, library, arts center, vibrant and dynamic boutique style mixed-use areas, and residential living environments that provide a broad range of housing types for an array of housing needs;
D. Promote a diverse mix of residential, business, commercial, office, institutional, educational, and cultural and entertainment activities for workers, visitors, and residents;
E. Encourage development that exhibits the physical design characteristics of pedestrian-oriented and pedestrian scaled old town;
F. Promote the health and well-being of Kayenta residents by encouraging physical activity, alternative transportation, and greater social interaction;
G. Support the Kayenta Civic Center and the Kayenta Schools located in proximity to this area;
H. Define Mustang Trail, a multimodal trail providing multimodal (pedestrian, bicycle, equestrian, transit and vehicular) connectivity to all major planning areas within the Township;
I. Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help support transit usage and town center businesses;
J. Create a place that represents a unique, attractive, and memorable destination for visitors and residents;
K. Enhance the community's character through the promotion of high-quality urban design.
L. Provide stables for visitors to have the option to experience the old ways by riding horses from the different equestrian destinations throughout the Township to Old Town; and
M. Contribute to the revitalization of the *Kayenta Township Core* redevelopment and revitalization planning area.

25.3.2 <u>Permitted Uses (Primary Uses) and Conditional Uses</u>

As provided in Table 1.

25.3.3 Commercial Establishment Size Limits

The MU-3 District is a neighborhood-oriented district. Commercial uses within the MU-3 District are geared toward a neighborhood market area that includes employees working at the Kayenta Civic Center, Kayenta Justice and Detention Center, the Kayenta Public Library, the Kayenta Arts Center and the faculty and students attending the surrounding schools. The gross floor area of commercial and community service establishments in the MU-3 District shall not exceed 10,000 square feet. Commercial establishment exceeding 10,000 square feet require a Conditional Use permit.

25.3.4 Indoor/Outdoor Operations

Old Town celebrates the horse keeping tradition of Navajo people by being a focal point along Mustang Trail and providing opportunities for the creation of horse stables in proximity to the existing feed house, placing emphasis of outdoor amenities and features. The multifamily uses within this area provide housing opportunities for employees of the Kayenta Justice and Detention Center at walking distance to adjacent schools. This dynamic and vibrant focal point exudes civic pride, and functions as a mixed–use art district with an integrated work force, adequate affordable housing and thriving revenue generating businesses. Old Town serves as the historic and cultural heart of Kayenta from which Kayenta Main Street radiates.

This core includes a vital retail base, services, courtyards and plazas with outdoor performance space, art galleries, art studios, residences, parks, small family-owned restaurants, outdoor cafés, showcasing Navajo arts, culinary arts and traditions and creating an atmosphere that attracts visitors and residents. Old Town offers well-defined pedestrian-scaled streets and places to live, work, play, shop, learn rest, celebrate, and perform. Boutique style mixed-use where buildings are arranged around courtyards and plazas, providing ample opportunities for public art and gathering is the preferred option for the Old Town area.

25.3.5 Floor-to-Floor Heights and Floor Area of Ground-floor Space

Same requirements as in the MU-1 District apply.

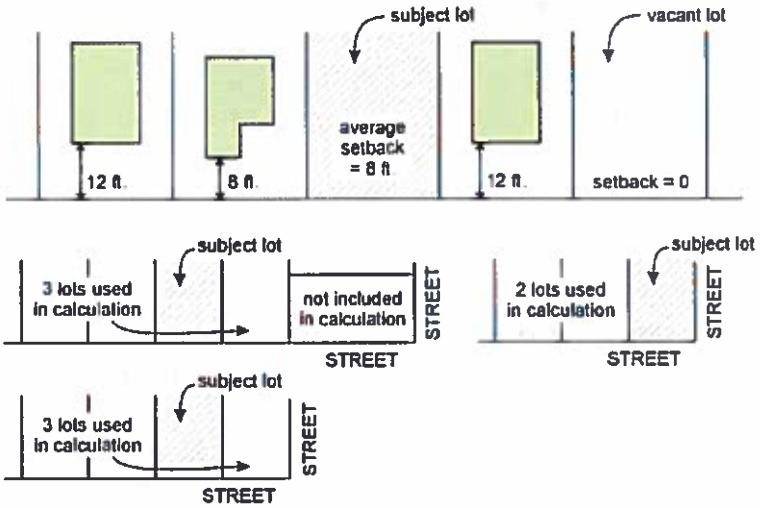
25.3.6 Lot Area per Unit (Density)

Same requirements as in the MU-1 District apply.

25.3.7 Setbacks

A. **Front and Side Setback:**
   1. No minimum front or street side building setback is required.
   2. The maximum front and street side building setback may not exceed the average front yard depth of the nearest two lots on either side of the subject lot or 12 feet, whichever is less.
   3. If one or more of the lots required to be included in the averaging calculation are vacant, such vacant lots will be deemed to have a yard depth of 0 feet. (See Figure 1)
   4. Lots fronting a different street than the subject lot or separated from the subject lot by a street or alley may not be used in computing the average. (See Figure 1)
   5. When the subject lot is a corner lot, the average setback will be computed on the basis of the 2 adjacent lots that front on the same street as the subject lot. (See Figure 1)
   6. When the subject lot abuts a corner lot fronting on the same street, the average setback will be computed on the basis of the abutting corner lot and the nearest two lots that front on the same street as the subject lot. (See Figure 1)

Figure 1: Calculating Setbacks



Example: (12 ft. + 8 ft. + 12 ft. + 0 ft.)/4 = 8 ft.

7. The following exceptions to the maximum front and street side building setbacks apply:
   a. A portion of the building may be set back from the maximum setback line in order to provide an articulated façade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of building frontage.
   b. A building may be set back farther than the maximum setback in order to accommodate an outdoor eating area. In order to preserve the continuity of the street wall, the building may be set back no more than 12 feet from the front or street side property line or at least 40 percent of the building façade must be located at the maximum setback line. The total area of an outdoor eating area that is located between a public sidewalk and the building façade may not exceed 12 times the building's street frontage in linear feet.

B. **Rear Setback:**

The appropriate rear building setback will depend on lot and development patterns in the area, consistent with the following criteria:

1. The minimum rear setback is 0 to 30 percent of the lot depth.
2. When alleys or parking areas abut the rear of the MU-3 District lots, no rear setback may be necessary, except for upper floors.
3. The MU-3 District shall provide a landscape amenity that includes pedestrian and writing connectivity along the edge of the District abutting residential lots.
4. When abutting lower density residential development, the MU-3 District shall set back from the rear property line a distance equivalent to the lower density residential building required rear setback to protect the privacy and open feeling expected within residential rear yards.
5. Off-street surface parking within the MU-3 District shall be located on the rear or internally, serving several uses. Off-street surface parking is permitted within the rear setback area. Off-street parking located in the rear setback shall be appropriately screened where abutting lower density residential uses and public right-of-ways.

C. **Interior Setback:**

Where the MU-3 District abuts a residential zoning district, a "typical" residential side yard shall be provided.

1. No interior side setbacks are required in the MU-3 District, except when MU-3 zoned property abuts lower density residential zoned property, in which case the minimum side setback required in the MU-3 District shall be the same as that required for a residential use on the abutting residential zoning district.

25.3.8 Building Heights

Regulating building heights by stories rather than feet above grade allow for greater flexibility. The standards below allow greater height for mixed-use buildings than for single-use buildings because mixed-used buildings are required to have taller floor-to-ceiling heights on the ground floor. The standards below accommodate for two- or three-story buildings. Building height within the Old Town shall not exceed 3 stories.

A. **Maximum Building Height for Mixed-use Buildings:**
The maximum building height for mixed-used buildings in the MU-3 District shall not exceed forty (40) feet.

B. **Maximum Building Height for Single-use Buildings:**
The maximum building height for single-used buildings in the MU-3 District shall not exceed thirty-five (35) feet.

25.3.9 Off-Street Parking

A. One off-street parking space must be provided for each dwelling unit.
B. Off-street parking spaces for nonresidential uses must comply with the ratios and standards provided in the Parking Regulations included in this Zoning Ordinance.
C. All off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.

25.3.10 Transparency

Same requirements as in the MU-1 District apply.

25.3.11 Doors and Entrances

Same requirements as in the MU-1 District apply.

25.3.12 Vehicles and Driveway Access

Same requirements as in the MU-1 District apply.

25.3.13 Additional Development Standards and Design Guidelines

Development within the MU-2 District must comply with all development standards and design guidelines included in the Kayenta Comprehensive Plan and any other applicable standards included in this Zoning Ordinance.

25.3.14 Drive-through Facilities

Drive-through facilities are not permitted in the MU-3 District.

25.4 MU-4 – KAYENTA GATEWAY CENTER

Kayenta Gateway Center and Mixed-use Artisan Village Concept along Highway 160, The Planning Center

25.4.1 Purpose

The MU-4 District includes the Kayenta Gateway Center. This center functions as the main gateway into Kayenta and Monument Valley. It includes the Kayenta Visitors Center, the Kayenta Convention Center, the Navajo Center for the Performing Arts, tourist and visitor oriented retail and services, the Navajo Artisans Courtyard incorporating a variety of activities and mixed-use live/work.

The Navajo Artisans Courtyard offers opportunities for Navajo Artist as well as artists from around the world for long term residency programs that allows them to rent space for art studio and living quarters in a layout that is inspiring and at walking distance from a variety of entertainment and art venues aimed at enliven visitors' experience. The Artisans Courtyard offers common space for resident artist to teach their art media to visitors and to the community, creating a center for arts and crafts that teaches and showcases Navajo Arts to the world and brings art from the world into the Navajo Nation. The MU-4 District implements the *Highway Oriented Corridor* future land use classification of the Kayenta Township Comprehensive Plan.

The purpose of the MU-4 District is to:

A. Serve as the world's main gateway into Monument Valley, offering the design synergies necessary to attract visitors from around the world;
B. Accommodate mixed-use buildings that incorporate high-end artists lofts for professional Navajo artists as well as world artists, and the services and retail necessary to attract and retain these two groups, including high-end gallery space, artists studio space, and other complementary retail and service uses on the ground floor and residential units above the nonresidential space in a main gateway environment;
C. Promote development of a destination gateway including convention center, art museums and a vibrant and dynamic mixed-use area;
D. Promote a diverse mix of business, commercial, cultural and large scale entertainment activities for the Navajo Nation, visitors, and residents;
E. Encourage development that exhibits the physical design characteristics of a destination gateway;
F. Support the Hospitality and Entertainment District located in proximity to this area;
G. Benefit from the proximity to the Transit Oriented Development District abutting the gateway area;
H. Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help support transit usage and gateway oriented businesses;
I. Create a focal point that represents a unique, attractive, and memorable placemaking destination for the Navajo Nation, world visitors and area residents;
J. Enhance the community's character through the promotion of high-quality urban design that reflects Navajo traditions and iconography.

25.4.2 Permitted Uses (Primary Uses) and Conditional Uses

As provided in Table 1.

25.4.3 Commercial Establishment Size Limits

The MU-4 District is a destination gateway-oriented district. Commercial uses within the MU-4 District are geared toward an eco-destination market area that includes world visitors, Navajo people and regional residents. The gross floor area of commercial establishments in the MU-4 District shall not exceed 15,000 square feet. Commercial establishment exceeding 15,000 square feet require a Conditional Use permit. Theaters, convention centers, visitor centers, Navajo Center for the Performing Arts and museums are exempted.

25.4.4 Indoor/Outdoor Operations

This destination gateway celebrates the arts, culture and traditions of the Dine people and has such it provides opportunities for a rich outdoor fabric that mirrors the indoor qualities of the gateway. Such reach outdoor fabric articulates the role of water, earth, wind, sun, moon and seasons, providing ample opportunities for public art that is interpretative and reflects the magic of Monument Valley, one of the wonders of the world. An outdoor amphitheater serves as a venue for concerts and story telling under the moon and the stars. The gateway is designed in an integrative manner placing close attention to walkways and wayfinding. Cascading waterfalls utilize recycled water and are powered by solar and wind energy. These features coalesce to bridge the past, the present, and the future in the same manner that Monument Valley does. Outdoor spaces are vibrant and lush reminiscence of the Dine people beautiful ways. The passage from outdoor to indoor spaces is ceremonial with the main entrance to convention center and the Navajo Center for the Performing Arts facing the east.

25.4.5 Additional Development Standards and Design Guidelines

A. The MU-4 District shall be designed in an integrated manner and requires the preparation of a Planned Area Development in accordance with all applicable requirements included in the Planned Area Development and any other applicable regulations included in this Zoning Ordinance.

B Development within the MU-4 District must comply with all development standards and design guidelines included in the Kayenta Comprehensive Plan.

25.4.6 Drive-through Facilities

Drive-through facilities are not permitted in the MU-4 District.

25.5 Mixed-Use District Permitted Uses (Primary Uses) and Conditional Uses (Table 1)

USE GROUP/CATEGORY	MU-1	MU-2	MU-3	MU-4
RESIDENTIAL				
Artist Live/Work Space Located above the ground floor	P	P	P	P
Artist Live/Work Space, ground floor	C	C	P	C
Dwelling Units located above the ground floor	P	P	P	P
Multifamily Residential (More than 4 units)	P	C	P	C
Single-Room Occupancy	C	C	C	C
GROUP LIVING FACILITIES				
Assisted Living	C	C	P	N
Group Home	P	C	C	N
Nursing Home	C	C	P	N
Temporary Overnight Shelter and Hostels	C	P	N	N
Transitional Shelters/Transition Residences	C	C	C	N
Veterans Centers	N	P	C	N
PUBLIC AND CIVIC				
Colleges and Universities Art Extensions	N	C	C	C
Cultural Exhibits and Libraries	C	P	P	C
Day Care	P	C	C	C
Parks and Recreation (including courtyards, plazas, and gathering spaces)	P	P	P	P
Postal Service	P	P	C	C
Public Safety Services	P	P	P	C
School	C	C	C	C
Utilities and Services, Minor	P	P	P	N
Utilities and Services, Mayor	C	N	N	N
COMMERCIAL				
Artisan (hand tools, jewelry, ceramics, etc.)	C	P	P	P
Animal Services – Sales and Grooming	P	N	N	N
Veterinary	P	N	N	N
Artist Work or Sales Space	P	P	P	P
Drive-Through Facilities	C	N	N	N
Retail Sales - General	P	P	P	P
EATING AND EATING ESTABLISHMENTS				
Restaurant, Café, Bakery, Eatery, Ice Cream, etc.	P	P	P	P
Food and Beverage Retail	P	P	P	P
ENTERTAINMENT AND SPECTATOR SPORTS				
Small (1-149 seats)	P	C	C	C
OFFICE AND SERVICES				
Financial Services	P	P	P	C
Medical Services (Professional offices, drug stores and other similar uses)	P	P	P	C
Office	P	P	P	C
Personal Services, Including Health Clubs, Gyms and Fitness Centers	P	C	C	C
Repair Services, Consumer, including bicycle repair	P	C	N	N
Tourist Oriented Services	P	P	C	P
WIRELESS COMMUNICATION FACILITIES				
Co-located	P	P	P	P
Freestanding Towers	C	C	C	C
LODGING				
Small (1-16 guest rooms)	P	P	P	P
Large (17 + guest rooms)	C	C	C	P
PARKING				
Parking, Accessory (Serving the Primary Use and including loading and service areas)	P	P	P	P
Parking, Commercial (Non-accessory, parking garages or structures)	C	C	C	P
TOURIST ORIENTED				
Visitor Center	N	C	N	P
Navajo Performing Arts Center and Convention Center	N	N	N	P

Key: P = Permitted By-Right; C = Requires a Conditional Use Permit in accordance with the review procedures provided in this Zoning Ordinance; N = Not Permitted.

SECTION 26: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

Transit Oriented Mixed-Use Including Commercial and Residential in Close Proximity to Transit Station

26.1 TOD DISTRICTS PURPOSE

Transit Oriented Development (TOD) refers to mixed-use residential and commercial centers designed to maximize access by transit and non-motorized transportation, and with other features to encourage transit ridership. The typical TOD has a rail or bus station at its center, surrounded by relatively high-density development, with progressively lower-density spreading outwards one-quarter to one-half mile, which represents pedestrian scale distances. Kayenta TOD Districts include these design features:

26.1.1 The neighborhood is designed for cycling and walking, with adequate facilities and attractive street conditions.

26.1.2 Streets have good connectivity and traffic calming features to control vehicle traffic speeds.

26.1.3 Mixed-use development that includes shops, schools and other public services, and a variety of housing types and prices, within each neighborhood.

26.1.4 Parking management reduces the amount of land devoted to parking compared with conventional development, and takes advantage of the parking cost savings associated with reduced automobile use.

26.1.5 Transit stops and stations are convenient, comfortable and safe with features such as comfortable waiting areas, venders selling refreshments and periodicals, washrooms, wayfinding and multi-modal navigation tools.

Transit Oriented Development is a particular category of *Smart Growth*, *New Urbanism* and *Location Efficient Development*. It can do more than simply shift some car trips to transit: it also increases accessibility and transportation options through land use clustering, mixed-use, and non-motorized transportation improvements.

This reduces the distance required for car trips, allows a greater portion of trips to be made by walking, cycling, and transit and allows some households to reduce their car ownership, which together can result in large reductions in vehicle travel. This decreases total transportation costs and helps create a more livable and self-sufficient community.

The purpose of the Transit Oriented Development (TOD) zoning districts is to create a compact and higher density mix of residential, office, retail, institutional, and civic uses to promote the creation and retention of uses in areas with high potential for enhanced transit and pedestrian activity. Pedestrian circulation and transit access are especially important and have an increased emphasis in the TOD zoning districts. The development standards provided in this Zoning Ordinance are designed to require compact urban growth, opportunities for increased choice of transportation modes, and a safe and pleasant pedestrian environment by ensuring an attractive streetscape, a functional mix of complementary uses, and the provision of facilities that support transit use, bicycling, and walking. The TOD Districts implement the *Transit Oriented Development* future land use classification of the Kayenta Township Comprehensive Plan.

These zoning districts are meant to create higher density transit supportive development around transit stations typically the area within one-half (1/2) mile walking distance from the transit station, which represents a 7 to 10-minute walk.

There are two (2) Transit Oriented Development zoning districts in Kayenta: Employment-oriented TOD District (TOD-1); and Entertainment-oriented TOD District (TOD-2).

26.2 TOD-1 EMPLOYMENT-ORIENTED TOD DISTRICT

Employment TOD District is a Mixed-Use TOD District Located in Close Proximity to the Kayenta Employment Uses and Includes a Transit station for the Internal Transit Circulator of the Township Connecting all Planning Areas

26.2.1 Purpose

This mixed-use district is established to support higher-density residential land uses that also accommodate a limited amount of retail, institutional, civic, restaurant, service, and small employment uses in a pedestrian friendly environment along the Kayenta Local Transit Loop Route. The TOD-1 District is located at walking distance from the major employment center and at a short distance from the Kayenta Airport. The TOD-1 District is located on Highway 160 at the east gateway of Kayenta inside of the Township boundary.

This TOD District serves a multiple function. It includes a transit service station and a park-and-ride facility for employees who live outside of the Township with shuttle service to the different employment centers and destinations within the Township. The residential component serves Kayenta residents employed at major employment centers located in proximity to this district and provides them with bus and shuttle ridership to the different entertainment and shopping areas within the Township.

Large scale park-and-ride facilities tend to conflict with Transit Oriented Development, since a transit station surrounded by large parking lots and arterials with heavy traffic is unlikely to provide a good environment for residential development or pedestrian access. Such facilities must be properly located, designed and managed to minimize such conflicts. The park-and-ride facility can be a parking structure, depending on park-and-ride parking volumes and it should include spaces for commuter vans and at least two electric car recharge spaces.

The purpose of the TOD-1 District is to:

A. Provide compact, higher density residential development at a walking distance from the transit station and the adjacent employment center;
B. Include bus and/or shuttle service to all the employment and entertainment areas of the Township via the Kayenta Transit Loop Road;
D. Promote a diverse mix of service, business, commercial, and retail uses at walking distance from home and employment;
E. Encourage development that exhibits the physical design characteristics of a TOD district;
F. Support the Employment and Airport land uses located in proximity to this area;
H. Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help support transit usage and minimize dependence on automobile;
I. Provide park-and-ride facility for those commuting to Kayenta for work; and
J. Enhance the community's character through the promotion of high-quality urban design.

26.2.3 Permitted Uses (Primary Uses) and Conditional Uses

An approved station area plan shall classify parcels according to whether they are within the ¼ mile walking distance or between the ¼ mile to ½ mile walking distance. The following uses are permitted:

A. Mixed housing types, including multi-family;
B. Horizontal (side-by-side) and vertical (within the same building) mixed use;
C. Office and retail, particularly on main streets; and
D. Institutional, civic, service and office uses.

All permitted uses shall comply with the following characteristics:

A. Grid street pattern;
B. Higher densities;
C. Limited surface parking and efficient parking management; and
D. Pedestrian- and bicycle–oriented design.

26.2.4 Densities and Intensities within the TOD-1 District

Residential developments and residential components located in this TOD-1 District shall comply with the following density requirements:

A. Development located within ¼ mile walking distance from the transit station:
   1. **Minimum Density:** Twelve (12) dwelling units per acre

2. **Maximum Density**: Twenty (20) dwelling units per acre

B. Development located between ¼ mile and ½ mile walking distance from the transit station:
   1. **Minimum Density**: ten (10) units per acre
   2. **Maximum Density**: fifteen (15) dwelling units per acre.

C. The density calculations shall be based on the residential portion of the site.

26.2.5 Commercial Establishment Size Limits

The TOD-1 District is a residential/employment-oriented district. Commercial uses within the TOD-1 District are geared toward uses that provide services to employment centers and to the residents of the District. These include a variety of small service shops, coffee houses, cafes, restaurants, professional services, and banking and financial institutions. The gross floor area of commercial establishments in the TOD-1 District shall not exceed 3,000 square feet. Commercial establishment exceeding 3,000 square feet require a Conditional Use permit.

26.2.6 Indoor/Outdoor Operations

All permitted uses in the TOD-1 District must be conducted within completely enclosed buildings unless otherwise expressly authorized by the Township. This requirement does not apply to off-street parking, loading and service areas, automated teller machines, information kiosks, outdoor sitting areas, parks, courtyards, plazas, or gathering spaces.

The following temporary outdoor operations are permitted in the TOD-1 District provided the users acquire all appropriate permits and/or licenses:

A. Information booths.
B. Coffee, snacks, and Flower Kiosks.
C. Newspaper and Magazine Stands.

26.2.7 Floor-to-Floor Heights and Floor Area of Ground-floor Space

Same requirements as in the MU-1 District apply.

26.2.8 Setbacks

A. **Front and Side Setback:**

Same setback standards as in the MU-3 District Apply

B. **Rear Setback:**

The appropriate rear building setback will depend on lot and development patterns in the area, consistent with the following criteria:

1. The minimum rear setback is 0 to 30 percent of the lot depth.

2. When alleys or parking areas abut the rear of the TOD-1 District lots, no rear setback may be necessary.
3. The TOD-1 District shall provide a landscape amenity that includes pedestrian and writing connectivity along the edge of the District and into the core of the District.
5. Off-street surface parking within the TOD-1 District shall be located on the rear or internally, serving several uses. Off-street surface parking is permitted within the rear setback area.
6. Park-and-ride structure parking or facility located in the rear setback shall be appropriately screened where abutting residential uses and public right-of-ways.

C. **Interior Setback:**
No interior side setbacks are required in the TOD-1 District, except when transit station abuts residential or mixed-use zoned property, in which case the minimum side setback required in the TOD-1 District shall be the same as that required for a residential or commercial use on the abutting residential or commercial zoning district.

26.2.9 Building Heights

Building height within the TOD-1 District shall not exceed 4 stories from grade, including mechanical equipment and screening parapets.

A. **Maximum Building Height for Mixed-use Buildings:**
The maximum building height for mixed-used buildings in the TOD-1 District shall not exceed forty (45) feet.
B. **Maximum Building Height for Single-use Buildings:**
The maximum building height for single-used buildings in the TOD-1 District shall not exceed thirty-five (35) feet.

26.2.10 Off-Street Parking

A. One off-street parking space must be provided for each dwelling unit.
B. Off-street parking spaces for nonresidential uses must comply with the ratios and standards provided in the Parking Regulations included in this Zoning Ordinance.
C. All off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way.

26.2.11 Parking Reduction Strategies within the TOD-1 District

By increasing transit accessibility and combining a mixture of land uses, the TOD-1 District offers significant opportunities to reduce the number of parking spaces below conventional parking requirements for retail, office and residential land uses. TODs should have less parking than conventional development.

Increased densities in the TOD-1 District coupled with the goal of improving pedestrian accessibility to the transit or shuttle stations may require building a structured parking garage to serve this District and the employment center across the street.

Parking spaces in structures can cost from $10,000 to $25,000 each, compared to $5,000 per space for surface parking. These increased costs can negatively affect the financial feasibility of the TOD District if parking is not programmed taking into consideration employment center needs and regional needs. The design and location of the TOD-1 District can enable a reduction in the number of parking spaces needed. This can result in significant cost savings.

A. **Parking Reduction Strategies for the TOD-1 District:** Kayenta's TOD-1 Districts reduces parking requirements to reflect the availability and proximity to transit. Parking can be reduced utilizing the following parking reduction strategies.
B. **Shared Parking:** Shared parking is publicly and/or privately-owned parking that is used by two or more separate land uses without conflict. The success of shared parking depends on the specific uses on the site and the interaction of uses. In particular, shared parking works best when adjacent land uses have different peak activity periods (e.g., an office building and cinema).
C. **District Parking:** District parking is a large-scale application of shared parking, and is usually implemented in urban commercial and retail areas using multiple parking facilities. District parking can be particularly beneficial to new development, as it can reduce the marginal costs of new construction. Many districts allow developers to contribute cash in lieu of providing parking themselves.
D. **Satellite Parking:** This strategy has single employers, groups of employers, or a transportation management association (TMA) providing dedicated off-site parking for employees, which is then served by specialized transportation (e.g., direct shuttle van service) or public transportation. This replaces expensive on-site parking with lower cost

off-site parking, and is primarily a means to manage on-site supply and demand.

E. **Carpool Parking:** With this strategy, employers or TMAs convert a significant share of preferentially located single occupant vehicle (SOV) parking to preferentially-priced high occupancy vehicle (HOV) parking. The effectiveness of this strategy will be greater in regions with a robust system of HOV lanes.

F. **Transit Pass Programs:** The TOD-1 District offers a good opportunity to implement transit pass programs to attract residents and workers to transit (and transit passes are tax-deductible for employers and tax-free for employees).

G. **Unbundling housing and parking:** Housing and parking can be unbundled and sold through separate markets. In this case, vehicles are parked off the street in parking garages independent of housing units, creating a direct incentive to reduce car ownership and use.

H. **Car sharing:** This is an alternative to owning a personal car for people who do not need to drive often. Car sharing groups (i.e., TODs) give car sharing members access to a car on a reservation basis, and members only pay for the time and miles they drive.

I. **Intent of Parking Reduction Programs:**
Reduce parking requirements to:

1. Reflect increased transit use. Both Kayenta residents and employees commuting to Kayenta's employment centers will be able to increase transit ridership reducing parking needs.
2. Reduced vehicle use. Residents and commuters to the site will live and work close enough to a variety of uses to be able to walk, bike or use transit to satisfy many of their daily needs, thus reducing auto use and demand for vehicle ownership.
3. Reduce off-street parking by crediting adjacent on-street parking towards fulfilling on-site parking requirements. This strategy makes on-street parking critical to meeting both parking supply and urban design goals (such as calming traffic).
4. Establish a station area-wide parking entity to integrate and manage all parking recommended by the TOD strategy. The entity's responsibilities could include:
   a. Ensuring that each phase of development takes advantage of underutilized, excess parking in the station area. Excess parking could be used by adjacent new development, could be leased by other users or could be additional commuter parking.
   b. Enforcing a residential permit program.
   c. Establishing a parking meter program to regulate on-street commercial parking.

d. Allocating parking revenues to ensure that the established parking management program is successful.
e. Administering a transit pass program for station area residents.
f. Executing "car-sharing" agreements with providers, and reserving spaces for "car-sharing" vehicles.
g. Coordinate a transit shuttle bus service linking the station area to Township neighborhoods and different destinations within Kayenta.

J. **Range of Parking Configuration:**
The complete range of parking configurations may include a combination of the following strategies:
1. Parking structures;
2. Tuck under parking;
3. Private garages;
4. Car sharing (flex car) spaces;
5. Alley spaces;
6. Well-designed off street surface lots, and
7. On-street spaces.

26.2.12 Parking Structures or Park-and-Ride Facilities in TOD-1 District

Parking structures and park-and-ride facilities within the TOD-1 District shall comply with the following requirements:

A. Require the preparation of a Planned Area Development for the TOD-1 District that:
1. Includes safe, convenient, multimodal and integrated circulation system that promotes pedestrian, bicycle, and transit use and minimizes conflicts among different travel modes.
2. Locates access (ingress and egress) to parking structures and park-and-ride facilities in a manner that does not conflict with transit and shuttle station operation, and overall circulation of the TOD-1 District.
3. Manages access points to Highway 160 in compliance with all applicable access management requirements of the Arizona Department of Transportation for ADOT maintained roadways and highway system.
4. Complies with all applicable requirements and standards provided in the Parking Regulations section of this Zoning Ordinance.

26.2.13 Transparency

Same requirements as in the MU-1 District apply.

26.2.14 Doors and Entrances

Same requirements as in the MU-1 District apply.

26.2.15 Additional Development Standards and Design Guidelines

A. The TOD-1 District shall be designed in an integrative manner with close attention to walkability and connectivity and it requires the preparation of a Planned Area Development in accordance with all applicable requirements included in the Planned Area Development section of this Zoning Ordinance and any other applicable regulations included in this Zoning Ordinance.

B Development within the TOD-1 District must comply with all development standards and design guidelines included in the Kayenta Comprehensive Plan.

26.2.16 Drive-through Facilities

Drive-through facilities are not permitted in the TOD-1 District.

26.3 TOD-2 ENTERTAINMENT-ORIENTED TOD DISTRICT

2.6.3.1 Purpose

This mixed-use district is established to support higher-density residential land uses that also accommodate a limited amount of tourist-oriented retail, lodging, restaurant, service, and small employment uses in a pedestrian friendly environment along the Kayenta Local Transit Loop Route in proximity to the Kayenta Gateway Center and the Kayenta Entertainment districts. The TOD-2 District is located at walking distance from the convention center, the visitor center, the Navajo Center for the Performing Arts, the Four Corners Center and at a short distance from the Kayenta Airport. The TOD-2 District is located on Highway 160 at the west gateway of Kayenta outside of the Township boundary. This TOD District serves as a destination for visitors to Monument Valley and is tourist and visitor oriented.

This TOD District serves a multiple function. It includes a transit service station and a park-and-ride facility for visitors with shuttle service to the different destinations within the Township. The residential component serves Kayenta residents employed at major entertainment centers located in proximity to this district and provides them with bus and shuttle ridership to the different entertainment and shopping areas within the Township.

Large scale park-and-ride facilities tend to conflict with Transit Oriented Development, since a transit station surrounded by large parking lots and arterials with heavy traffic is unlikely to provide a good environment for residential development or pedestrian access. Such facilities must be properly located, designed and managed to minimize such conflicts. The park-and-ride facility can be a parking structure, depending on park-and-ride parking volumes and it shall include spaces for commuter vans and at least two electric car recharge spaces.

The purpose of the TOD-2 District is to:

A. Provide compact, higher density residential development at a walking distance from the transit station and the adjacent entertainment and gateway employment areas;
B. Include bus and/or shuttle service to all major destinations within the Township via the Kayenta Transit Loop Road;
D. Promote a diverse mix of service, business, commercial, and retail uses at walking distance from home, employment and entertainment district;
E. Encourage development that exhibits the physical design characteristics of a TOD district;
F. Support the Kayenta Gateway Center, the Four Corners Center, the Kayenta Entertainment Center, the Old Town Center, Kayenta Main Street, and Airport land uses located in proximity to this area;
H. Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help support transit usage and minimize dependence on automobile;
I. Provide park-and-ride facility for road travelers;
J. Include a Grey Hound Station for visitors traveling via bus;
K. Provide easy, convenient, efficient, and safe access to the Kayenta Recreational Vehicles (RV) Park and to adjacent campgrounds;
J. Enhance the community's character through the promotion of high-quality urban design.

26.3.2 <u>TOD-2 District Applicability and Restrictions</u>

The TOD-2 District is located outside of the Kayenta Township boundary, which is under the Kayenta Chapter jurisdiction. This section shall apply only if:

A. Annexation takes place;
B. Kayenta Township and Kayenta Chapter enter a partnership memorialized via a Development Agreement (DA) or a Memorandum of Understanding (MOU); or
C. Kayenta Township and Kayenta Chapter establish an Intergovernmental Agreement (IGA).

Shall any of the above occur, development within the TOD-2 District shall comply with all applicable requirements within this section of the Zoning Ordinance.

26.3.3 Permitted Uses (Primary Uses) and Conditional Uses

An approved station area plan shall classify parcels according to whether they are within the ¼ mile walking distance or between the ¼ mile to ½ mile walking distance. The following uses are permitted:

A. Mixed housing types, including multi-family;
B. Horizontal (side-by-side) and vertical (within the same building) mixed use;
C. Office and retail, particularly on main streets; and
D. Tourist-oriented, service and office uses.

All permitted uses shall comply with the following characteristics:

A. Grid street pattern;
B. Higher densities;
C. Limited surface parking and efficient parking management; and
D. Pedestrian- and bicycle–oriented design.

26.3.4 Densities and Intensities within the TOD-2 District

Residential developments and residential components located in this TOD-2 District shall comply with the following density requirements:

A. Development located within ¼ mile walking distance from the transit station:
B. **Minimum Density**: ten (10) dwelling units per acre
C. **Maximum Density**: Twenty (20) dwelling units per acre
D. Development located between ¼ mile and ½ mile walking distance from the transit station:
E. **Minimum Density**: eight (8) units per acre
F. **Maximum Density**: fifteen (15) dwelling units per acre.
G. The density calculations shall be based on the residential portion of the site.

26.3.5 Commercial Establishment Size Limits

The TOD-2 District is an entertainment-oriented district. Commercial uses within the TOD-2District are geared toward uses that provide services to tourists and visitors on their way to Monument Valley. These include a variety of small service shops, coffee houses, cafes, restaurants, professional services, bed and breakfasts, lodging, and banking and financial institutions. The gross floor area of commercial establishments in the TOD-2 District shall not exceed 4,000 square feet. Commercial establishment exceeding 4,000 square feet require a Conditional Use permit.

26.3.6 Indoor/Outdoor Operations

All permitted uses in the TOD-2 District must be conducted within completely enclosed buildings unless otherwise expressly authorized by the Township. This requirement does not apply to off-street parking, loading and service areas, automated teller machines, information kiosks, outdoor sitting areas, parks, courtyards, plazas, or gathering spaces.

The following temporary outdoor operations are permitted in the TOD-2 District provided the users acquire all appropriate permits and/or licenses:

A. Information booths.
B. Coffee, snacks, and Flower Kiosks.
C. Newspaper and Magazine Stands.
D. Souvenir Kiosks
E. Navajo Artist Kiosks

26.3.7 Floor-to-Floor Heights and Floor Area of Ground-floor Space

Same requirements as in the MU-1 District apply.

26.3.8 Setbacks

A. **Front and Side Setback:**
Same setback standards as in the MU-3 District Apply

B. **Rear Setback:**
The appropriate rear building setback will depend on lot and development patterns in the area, consistent with the following criteria:
1. The minimum rear setback is 0 to 30 percent of the lot depth.
2. When alleys or parking areas abut the rear of the TOD-2 District lots, no rear setback may be necessary.
3. The TOD-2 District shall provide a landscape amenity that includes pedestrian and walking connectivity along the edge of the District and into the core of the District.
5. Off-street surface parking within the TOD-2 District shall be located on the rear or internally, serving several uses. Off-street surface parking is permitted within the rear setback area.

6. Park-and-ride facility or structure parking located in the rear setback shall be appropriately screened where abutting residential uses and public right-of-ways.

C. **Interior Setback:**
No interior side setbacks are required in the TOD-2 District, except when transit station abuts residential or mixed-use zoned districts, in which case the minimum side setback required in the TOD-2 District shall be the same as that required for a residential or commercial use on the abutting residential or commercial zoning district.

26.3.9 Building Heights
Same standards as in the TOD-1 District apply.

26.3.10 Off-Street Parking
Same standards as in the TOD-1 District apply.

26.3.11 Parking Reduction Strategies within the TOD-2 District
Same standards as in the TOD-1 District apply.

26.3.12 Parking Structures or Park-and-Ride Facilities in TOD-1 District
Same standards as in the TOD-1 District apply.

26.3.13 Transparency
Same requirements as in the MU-1 District apply.

26.3.14 Doors and Entrances
Same requirements as in the MU-1 District apply.

26.3.15 Additional Development Standards and Design Guidelines
Same standards as in the TOD-1 District apply.

26.3.16 Drive-through Facilities
Drive-through facilities are not permitted in the TOD-2 District.

SECTION 27: COMMERCIAL DISTRICTS

27.1 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

27.1.1 Purpose

The purpose of the C-1 District is to serve adjacent neighborhoods. This District is designed to accommodate the development of small-scale retail stores and professional offices within close proximity to residential neighborhoods, along with those appropriate related facilities necessary to serve such an area. This zoning district encourages development that is pedestrian-oriented and blends harmoniously with surrounding housing units. The C-1 District implements the *Neighborhood Commercial* future land use classification of the Kayenta Township Comprehensive Plan.

27.1.2 Permitted Uses (Primary Uses)

The C-1 District allows a variety of low impact activities such as small-scale retail and personal service establishments. Examples include, bakeries, coffee shops, small restaurants, dry cleaning, jewelry stores, shoe and apparel stores, fitness center, neighborhood center, tailor, barber and hair styling salons, toy stores, and health food stores, professional uses such as small offices (chiropractors, massage, and therapy), childcare, and recreation.

27.1.3 Conditional Uses

Neighborhood-scaled power centers require review and approval of a Conditional Use Permit in accordance with the review procedures provided in this Zoning Ordinance. Minimum building footprint does not apply to this type of development.

27.1.4 Site and Building Requirements:

A.	Minimum Site Area:	10,000 square feet
B.	Minimum Building Footprint:	2,500 square feet on the ground level for retail and service establishments only
C.	Minimum Lot Width: Minimum Lot Depth:	None None
D.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: Varied 10 to 20 feet Side Yard: 5 feet on regular lot, 10 feet on corner lot along street side Rear Yard: 10 feet
F.	Maximum Building Height:	35 feet
G.	Maximum Impervious Surface Ratio:	65 percent
H.	Minimum Open Space Ratio:	20 percent

27.1.5 Additional Requirements and Design Criteria

The design of the neighborhood center should incorporate pedestrian and bicycle accessibility for neighborhood residents and have a small town square or plaza feel to create an active, all-seasons neighborhood gathering place. A smaller commercial area with a convenience center/gas station may be located at the edge of the neighborhoods along the Kayenta Transit Bus Loop arterial street. Guidelines to address these neighborhood commercial goals are listed below:

A. Incorporate direct access to the uses within the District from a side or frontage street, not from the arterial street.
B. Design the area facing the arterial road with a pedestrian orientation and a "main street" feel that incorporates features, such as:
   1. On-street parking;
   2. Sidewalk;
   3. Shading trees and accent plants;
   4. Hardscape features such as benches;
   5. Bicycle lane access;
   6. Minimal or no building setback from the sidewalk adjacent to the arterial street;
   7. Traffic calming pavement and pedestrian crosswalk; and
   8. Bus stop.
C. Locate off street surface parking lots internally, behind or between buildings. Surface parking shall not be visible from adjacent residential areas or public right-of-ways.
D. Include public spaces, plazas or courtyards in the design
E. Provide connectivity to adjacent neighborhoods and trail system.
F. Develop the neighborhood commercial at a smaller scale on a site that is seven to ten acres in size, and include a mix of small businesses as well as civic and institutional uses to serve the day to day needs of the adjacent neighborhoods.
G. Encourage small-scaled commercial and institutional uses, including light retail businesses, pharmacy, a transit stop, a branch bank, small restaurants, outpatient medical/dental clinics, adult and child daycare centers, a postal substation, a convenience store, a neighborhood center, a recreation center, or neighborhood-scaled grocery stores.
H. Incorporate a green space or plaza into the design to provide opportunities for neighborhood gatherings and recreation.
I. Connect the neighborhood center to the loop trail system and open spaces in the South District through the use of bicycle/pedestrian trails.
J. Locate a small convenience commercial area of approximately one-half acre, containing a gas station/convenience store, at the edge of the neighborhoods,
K. Provide adequate separation from the C-1 District (one-half mile minimum) and direct access to an arterial street.

L. Provide adequate buffering and minimize paving for the convenience commercial area to ensure compatibility with adjacent residential districts.

27.2 C-2 COMMUNITY COMMERCIAL DISTRICT

27.2.1 PURPOSE

The C-2 zoning district applies to commercial areas of the Township where retail goods and services are available to serve neighborhood and community-wide needs. Typical land uses include larger shopping centers, specialty shopping centers, tourism-oriented retail and services and other retail establishments that serve the community at large and its visitors. The purpose of the C-2 District is to allow for locations to conduct commercial activities that serve the community and its visitors on a regular basis. This is a walkable general shopping center zone district, which is intended to encourage organized concentration of a wide variety of retail goods and services for the community and its visitors. Pedestrian oriented development is encouraged to facilitate more opportunities for community interaction and social intimacy. Residential districts border this District, encouraging a mix of land uses in this area. The C-2 District complements the *Highway Oriented Corridor* future land use and implements the *Kayenta Township Core* future land use adopted in the Kayenta Comprehensive Plan.

27.2.2 Permitted Uses (Primary Uses)

As provided in Table 2.

27.2.3 Conditional Uses

As provided in Table 2.

27.2.4 Site and Building Requirements:

A.	Minimum Lot Size:	None
B.	Minimum Lot Width:	None
	Minimum Lot Depth:	None
C.	Minimum Required Setbacks for Buildings and Structures:	Five (5) around entire perimeter
D.	Maximum Building Height:	45 feet

27.2.5 Additional Requirements and Design Criteria

New development as well as redevelopment in the C-2 District shall incorporate pedestrian and bicycle connectivity to adjacent neighborhood and include gathering spaces. The following requirements apply:

A. Incorporate direct access to the uses within the District from a secondary street, minimizing access points to Highway 160.
B. Design the area facing Highway 160 with a pedestrian orientation that incorporates features, such as:
   1. Sidewalk;
   2. Shading trees and accent plants;
   3. Hardscape features such as benches;
   4. Bicycle lane access; and
   5. Shaded bus stop.
C. Locate off street surface parking lots internally, behind or between buildings. Surface parking shall not be visible from adjacent residential areas.
D. Include gathering spaces in the design
E. Provide connectivity to adjacent neighborhoods and trail system.
F. Revitalize this area by planning redevelopment and new development in an unified manner to prevent disjointed uses, incorporate safe and convenient pedestrian, bicycle, and vehicular circulation.
G. Incorporate gathering spaces into the design.
H. Provide adequate separation between access points (one-half mile minimum) providing direct access (ingress/egress to Highway 160.
I. Provide adequate buffering and along areas adjacent to residential districts.

27.3 C-3 HIGHWAY COMMERCIAL DISTRICT

27.3.1 PURPOSE

The purpose of the C-3 District is to provide opportunities for regional scale highway-oriented commercial uses designed to serve Kayenta as we as the traveling public. The District located on the southeast corner at the intersection of Highway 160 and Highway 163. The C-3 District is intended to deliver an interactive shopping, dining and entertainment experience in a vibrant pedestrian-oriented outdoor setting that highlights a destination atmosphere. The C-3 District will serve as a regional power center, providing easy access from Highway 160 and Highway 163. The C-3 District implements the *Highway Oriented Corridor* future land use of the Kayenta Township Comprehensive Plan.

27.3.2 Permitted Uses (Primary Uses)

Permitted uses in this area include power center anchors, national retailers, specialty stores, restaurants, boutiques, theaters and entertainment venues and mixed-use developments in conformance with Table 2.

27.3.3 Conditional Uses

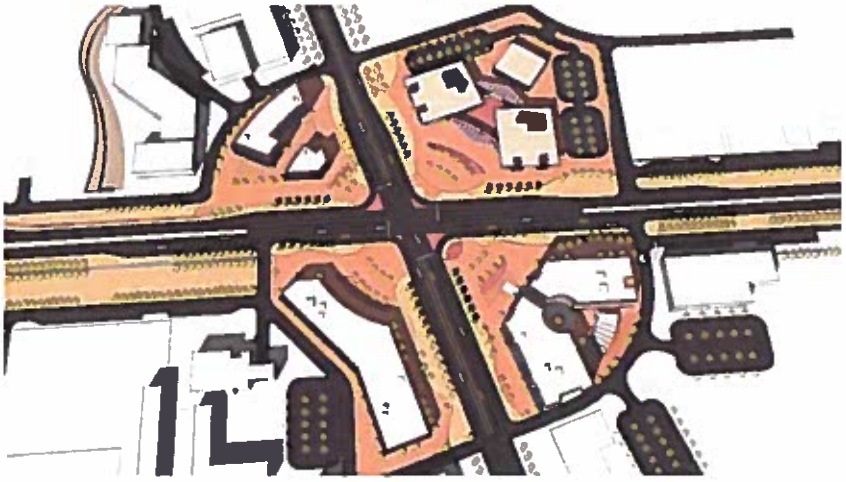
As provided in Table 2.

27.3.4 Site and Building Requirements

A.	Minimum Lot Site:	None
B.	Minimum Lot Width:	None
C.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: Twenty (20) feet if adjacent to a street, if the property is contiguous with another District, the front, side and rear yard depths shall match the setback required for the adjacent District (if the requirements for such Districts are greater)
D.	Maximum Building Height:	65 feet
E.	Minimum Open Space Ratio:	20 percent

27.3.5 Additional Requirements and Design Criteria

The portion of the C-3 District closest to the Highway 160/Highway 163 intersection shall incorporate the design features of The Four Corners Center, in conformance with the direction provided in the Kayenta Comprehensive Plan. The design of this corner shall complement the adjacent Kayenta Gateway Center and the Kayenta Main Street. The design should be that of a placemaking destination and entice travelers to visit the Township. Parking, landscaping and creative design must be programmed in an integrated manner in this District.



Four Corners Center Concept, Kayenta Comprehensive Plan

The regional commercial uses within this area must reflect the quality and character of a major gateway. The following guidelines apply:

A. Incorporate direct access to the uses within the District from a secondary street, minimizing access points to Highway 160.
B. Design the area facing Highway 160 with a pedestrian orientation that incorporates features, such as:
   1. Sidewalk;
   2. Shading trees and accent plants;
   3. Hardscape features such as benches;
   4. Bicycle lane access; and
   5. Shaded bus stop.
C. Incorporate pedestrian and bicycle connectivity to adjacent uses.
D. Include well designed gathering spaces.
E. Locate off street surface parking lots internally, behind or between buildings. Surface parking shall not be visible from adjacent residential areas.
F. Include gathering spaces in the design
G. Provide connectivity to adjacent neighborhoods and trail system.
H. Revitalize this area by planning redevelopment and new development in an unified manner to prevent disjointed uses, incorporate safe and convenient pedestrian, bicycle, and vehicular circulation.
I. Power centers located behind the Four Corners Center must be designed using placemaking standards of design.

27.4 C-4 TRUCK SERVICE CORRIDOR

27.4.1 PURPOSE

The C-4 District provides opportunities for highway-oriented/truck service commercial uses and for warehousing and distribution and other light industrial services designed to serve and support the truck service industry. The C-4 District is located along the proposed Truck Alternate Route, which bypasses the Kayenta Main Street business route.

27.4.2 Permitted Uses (Primary Uses)

As provided in Table 2.

27.4.3 Conditional Uses

As provided in Table 2.

27.4.4 Site and Building Requirements

A.	Minimum Site Area:	10,000 square feet
B.	Minimum Lot Width:	Two hundred (200) feet
	Minimum Lot Depth:	None
C.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 30 feet Side Yard: 10 feet Adjacent to Street (Side Yard): 20 feet Rear Yard: 10 feet Residential Districts: 50 feet landscape buffer required
D.	Maximum Building Height:	45 feet

27.4.5 C-4 District Applicability and Restrictions

The C-4 District is located outside of the Kayenta Township boundary and is under the Kayenta Chapter jurisdiction. This section shall apply only if:

A. Annexation takes place; or
B. Kayenta Township and Kayenta Chapter enter a partnership memorialized via a Development Agreement (DA) or a Memorandum of Understanding (MOU); or
C. Kayenta Township and Kayenta Chapter establish an Intergovernmental Agreement (IGA).

Shall any of the above occur, development within the C-4 District shall comply with all applicable requirements within this section of the Zoning Ordinance.

27.4.6 Additional Requirements and Design Criteria

The C-4 District shall incorporate truck service and lodging uses. The following guidelines apply:

A. Incorporate direct access to the uses within the District from a secondary street, minimizing access points to the Alternate Truck Route.

B. Locate off street surface parking lots internally, behind or between buildings. Surface parking shall not be visible from adjacent residential areas.
C. Include truck rest areas in the design.
D. Provide a landscape buffer and linear park along the east side of the C-4 District adjacent to residential districts that includes walking and bicycle connectivity to adjacent neighborhoods, Kayenta Old Town, the Kayenta Civic Center, and the Kayenta Main Street.
E. Planned the infrastructure and roadway system of this area in an unified manner to prevent disjointed uses, incorporate safe and convenient pedestrian, bicycle, and vehicular circulation, and minimize access points to the Alternate Truck Route.
F. Lodging within this area must be geared to the truck service industry and offer low cost lodging opportunities to incidental travelers (motels and roadway-oriented lodging).

27.5 AHC AIRPORT HIGHWAY COMMERCIAL DISTRICT

27.5.1 PURPOSE

The AHC District includes the strip of the Kayenta Airport extending along the north side of Highway 160. This District shall further the intent of the Kayenta Airport Master Plan, comply with the Compatible Land Use Zoning Ordinance provided in Appendix C of the Kayenta Airport Master Plan, and conform to all applicable requirements included in Part 77 Air Space of the Federal Aviation Regulations (FAR). The AHC District implements the *Kayenta Airport* future land use of the Kayenta Comprehensive Plan.

27.5.2 Permitted Uses (Primary Uses)

As provided in Table 2.

27.5.3 Conditional Uses

As provided in Table 2.

27.5.4 Site and Building Requirements

A.	Minimum Lot Size:	None
B.	Minimum Lot Width:	None
C.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 20 feet Side Yard: 5 feet Rear Yard: 5 feet
D.	Maximum Building Height:	50 feet in accordance with FAR airspace requirements

27.5.5 Additional Requirements and Design Criteria

Development within the AHC District shall comply with the following guidelines:

A. Incorporate direct access to the uses within the District from a secondary street or entry driveway, minimizing access points to Highway 160.
B. Provide vehicular and pedestrian connectivity to the adjacent Employment District.
C. Locate off street surface parking lots internally, behind or between buildings. Surface parking shall not be visible from the public right-of-way.
D. Provide connectivity to the Kayenta Main Street.
E. Planned the infrastructure and roadway system of this area in a unified manner to prevent disjointed uses, incorporate safe and convenient pedestrian and vehicular circulation, and minimize access points to Highway 160.
F. Encourage airport support uses such as shuttle services, taxi services, car rental services and commercial hangars.
G. Include opportunities for highway-oriented uses such as automobile sales, automobile repair and service.
H. Provide opportunities for airport oriented lodging.

27.6 HE HOSPITALITY/ENTERTAINMENT DISTRICT

27.6.1 PURPOSE

The HE District supports the development of destination business-class hotel, with executive training conference center, hospitality casitas or villages, and support retail facilities in close proximity to the Kayenta Gateway Center, the Kayenta Four Corners Center and the Kayenta Rodeo and Fair Grounds, providing a variety of amenities. The HE District also includes boutique hotels designed to convey Navajo arts, iconography and traditions in an integrative setting that offers intimate, usually luxurious or unique environments. Boutique hotels differ from larger chain/branded hotels by providing personalized accommodation and services/facilities with a variety of onsite 24-hour amenities. Sometimes known as "design hotels" or "lifestyle hotels", boutique hotels are furnished in a themed, stylish manner reflecting Navajo traditions, art and iconography. The area of the HE District located adjacent from the Kayenta Rodeo and Fair Grounds offers opportunities for equestrian type entertainment and include space for a Recreational Vehicle (RV) Park. Development within this area must be programmed carefully and provide equestrian and pedestrian connectivity in a safe, convenient and efficient manner.

27.6.2 Permitted Uses (Primary Uses)

As provided in Table 2.

27.6.3 Conditional Uses

As provided in Table 2.

27.6.4 Site and Building Requirements

A.	Minimum Site Area:	None
B.	Minimum Lot Width:	None
D.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 20 feet Side Yard: 5 feet Rear Yard: 10 feet 50 feet setback if adjacent to residential uses 20 feet setback from regional linear park
E.	Maximum Building Height:	65 feet

27.6.5 Additional Requirements and Design Criteria

Development within the HE District shall comply with the following guidelines:

A. Incorporate direct access to the uses within the District from a secondary street or loop road, minimizing access points to Highway 160.
B. Provide safe, convenient and efficient equestrian and pedestrian connectivity to the adjacent Kayenta Rodeo and Fair Grounds, the Kayenta Horse Pass Linear Park and Mustang Trail along Kayenta Main Street.
C. Locate off street surface parking lots internally, behind or between buildings. Surface parking shall not be visible from the public right-of-way.
D. Provide connectivity to the Kayenta Main Street.
E. Planned the infrastructure and roadway system of this area in a unified manner to prevent disjointed uses, incorporate safe, convenient, and efficient pedestrian, equestrian and vehicular circulation, and minimize access points to Highway 160 and the Alternate Route.
F. Include shuttle services, taxi services, and transit service to the different destinations within the Township.

27.7 RESSORT, SPA, AND GOLF COURSE DISTRICT (RSG)

27.7.1 PURPOSE

The RSG District offers space for healing, mind/body relaxation, rejuvenation, and recreation in a destination resort atmosphere, attracting visitors for holidays and vacations. The resort is a self-contained commercial establishment providing food, drink, lodging, sports, entertainment, spa, shopping, equestrian center, and golf course in a well-integrated setting that offers an array of amenities, entertainment and recreational activities. The destination resort is designed to contain the necessary guest attraction capabilities to attract its public. Strategically located along Highway 163 and adjacent to Laguna Creek Linear Park, the destination resort,

spa and golf course is designed in a setting that offers spectacular views at the Gateway to Monument Valley. Equestrian center, a recreational area including a golf course, jeep and equestrian tours to Monument Valley, a healing spa, scenic views, equestrian theme park with connection to the Laguna Creek Linear Park and Mustang Trail, and other tourist attractions makes the RDG District a destination.

27.7.2 Permitted Uses (Primary Uses)

As provided in Table 2.

27.7.3 Conditional Uses

As provided in Table 2.

27.7.4 Site and Building Requirements

A.	Minimum Site Area:	None
B.	Minimum Lot Width:	None
C.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 20 feet from streets and a 20 feet setback along the perimeter Horse Center and Horse Stables: 50 feet setback from any residential zone
D.	Maximum Building Height:	75 feet
E.	Open Space Requirement:	20 percent (in addition of golf course)
F.	Laguna Creek Linear Park:	50 feet setback (setback can include active and passive recreation, trail head and trail connectors, open space and utility easements)

27.7.5 Additional Requirements and Design Criteria

Development within the RSG District shall comply with the following guidelines:

A. Incorporate direct access to the destination resort from signature entry road connecting to the Kayenta Transit Loop road.
B. Provide safe, convenient and efficient equestrian, pedestrian and bicycle pedestrian connectivity to Laguna Creek Linear Park, Mustang Trail, Kayenta Old Town, and Kayenta Main Street.
C. Locate off street surface parking lots internally, behind or between buildings, serving the different lodging, restaurant, and recreational areas. Surface parking shall not be visible from the public right-of-way or from adjacent neighborhoods.
D. Require the preparation of a Planned Area Development in conformance with criteria provided in the Planned Area Development section of this Zoning Ordinance.
E. Include shuttle services, taxi services, and transit service to the different destinations within the Township.

27.8 PERMITTED AND CONDITIONAL USES IN COMMERCIAL DISTRICTS (Table 2)

Use	C-1	C-2	C-3	C-4	AHC	HE	RSG	Additional Regulations
General Retail								
New merchandise sales-less than 5,000 square feet	P	P	P	C	C	P	P	Note 1,11
New merchandise sales-greater than 5,000 square feet	-	P	P	C	C	C	-	
Antique and collectibles shop	-	P	C	-	-	P	C	
Building and landscape material sales	-	-	-	C	C	-	-	
Department store, less than 80,000 square feet	-	-	P	C	-	-	-	
Department store, more than 80,000 square feet	-	-	P	C	-	-	-	
Furniture, fixtures, and appliance sales	-	P	C	C	-	-	-	Note 11
Market, convenience	C	C	C	P	C	C	C	Note 2
Market, Neighborhood-scale grocery or supermarket	P	P	P	C	-	C	-	
Market, Power Center	-	P	P	C	-	-	-	
Market, specialty food and beverage	P	P	P	C	C	P	P	
Pawn shop	-	C	-	-	-	-	-	
Plant nursery - landscape	C	-	-	-	C	C	-	
Tobacco Sales (Specialty) and Smoke Shops	C	C	-	C		-	-	
Used merchandise sales	C	C	-	-	-	-	-	
Education and Training								
Child daycare center	C	-	-	-	-	C	C	
Museum, library, or gallery	-	-	-	-	-	P	C	
Personal instruction studio	C	C	C	-	C	P	P	
Reading room	-	-	C	-	-	C	-	
School, business	-	-	-	-	-	C	C	
School, college or university (private)	-	-	-	-	-	C	C	
School, Personal and Social Development	-	-	-	-	-	C	C	
School, elementary and secondary (private)	-	-	-	-	-	-	-	
School, vocational	-	-	-	-	C	C	C	

Use	C-1	C-2	C-3	C-4	AHC	HE	RSG	Additional Regulations
Entertainment and Recreation Related								
Adult entertainment business	-	-	-	-	C	P	P	
Equestrian Center	-	-	-	-	-	C	P	
Resort and Golf Club	-	-	-	-	-	P	P	
Campground	-	-	-	-	C	-	-	
Commercial recreation	C	C	C	-	C	P	P	
Stadium or arena	-	-	-	-	-	C	C	
Theater (indoor)	-	P	P	-	-	P	-	
Theater (outdoor)	-	-	-	-	-	P	-	
Food Service								
Bar and Sports Bar	-	C	C	C	C	P	P	
Catering services	-	P	C	-	C	P	P	
Food and beverage sales	P	P	P	P	P	P	P	
Restaurant, counter service	P	P	P	P	P	P	P	
Restaurant, table service	P	P	P	P	P	P	P	
Drive-through sales (with any food service)	-	P	C	P	C	C	C	
Entertainment (with any food service)	C	C	C	C	C	C	C	
Health and Veterinary Services								
Ambulance service	-	-	-	-	P	C	-	
Animal clinic or grooming	C	P	P	C	P	C	-	
Animal hospital	-	P	C	C	C	P	-	
Animal kennel	-	C	C	-	C	C	C	
Emergency medical care	-	-	-	C	C	-	-	
Hospital	-	-	-	C	C	-	-	
Nursing home	C	-	-	-	-	-	-	
Spa, Massage, Holistic Healing in a Resort Setting	-	-	-	-	-	P	P	

Use	C-1	C-2	C-3	C-4	AHC	HE	RSG	Additional Regulations
General Services								
Auction (indoor)	-	-	-	-	P	P	P	
Auction (outdoor)	-	-	-	-	P	C	C	
Bed and breakfast inn	C	-	-	-	-	C	-	
Business support services	-	C	P	C	C	C	C	
Equipment rental (indoor)	-	C	C	-	C	C	-	
Equipment rental (outdoor)	-	C	C	-	C	C	-	
Funeral and internment services	-	-	-	C	C	-	-	
Hotel/motel	-	-	-	P	P	P	P	
Hotel/motel, Extended Stay	-	-	-	P	C	P	P	
Hotel/Destination Resort and Golf Course	-	-	-	-	-	-	P	
Maintenance & repair, machinery & small engine	-	C	-	P	P	-	-	
Maintenance & repair, personal and household items	C	P	C	-	-	-	-	
Mini-storage	-	-	-	P	P	C	-	
Personal care and domestic services	P	P	P	-	-	C	-	Note 13
Personal care and domestic services - Limited	C	C	C	-	-	C	-	
Recycling collection facility - small	-	-	-	P	P	-	-	
Offices and Financial Services								
Banks	C	P	P	P	P	P	C	
Bail bond service	-	-	-	P	-	-	-	
Check cashing service	-	P	-	P	-	-	-	
Offices, Administrative, business, and professional	-	-	C	P	C	C	C	
Offices, Government	C	C	C	P	P	C	-	
Offices, Medical and dental	-	-	C	-	-	-	-	
Industry								
Aquaculture	-	-	-	C	-	-	-	
Contractor's yard	-	-	-	-	P	-	-	

Use	C-1	C-2	C-3	C-4	AHC	HE	RSG	Additional Regulations
Industrial services	-	-	-	-	P	-	-	
Laboratory, processing	-	-	-	C	C	-	-	
Manufacturing and assembly - light	-	-	-	P	C	-	-	
Wholesale, distribution, and storage - light	-	-	-	P	P	-	-	

Public, Quasi-public, and Assembly (see Note 5)

Auditorium or exhibition hall, public	-	-	C	-	-	C	C	
Church or other place of worship	-	-	-	-	-	C	-	Note 3,
Club, lodge, or meeting hall	-	-	-	C	-	C	P	
Community Center/Banquet Hall	C	C	C	-	-	C	-	
Public safety facility	C	C	-	P	P	C	C	
Utilities, Public or quasi-public - major	C	C	C	C	C	C	C	Note 4
Utilities, Public or quasi-public - minor	P	P	P	P	P	P	P	Note 4

Residential

Duplex	-	-	C	-	-	C	C	Note 5
Dwelling, multi-family	-	-	C	-	-	P	P	
Dwelling, single family detached	-	-	-	-	-	C	P	Note 5

Transportation and Communication

Antenna or communication facility	-	C	C	C	C	C	C	
Helipad	-	-	-	-	C	-	-	
Heliport	-	-	-	-	C	-	-	
Moving and Storage Services	-	-	-	P	C	-	-	
Parking garage, non-residential	-	-	C	-	-	P	P	
Private transportation service	-	C	-	P	P	C	C	
Truck stop/Truck Service	-	-	-	P	C	-	-	

Vehicle Sales and Service

Automobile and truck rental	-	-	-	P	P	C	C	Note 6

Use	C-1	C-2	C-3	C-4	AHC	HE	RSG	Additional Regulations
Automobile and vehicle major repair	-	-	-	P	P	-	-	Note 7, Note 12
Automobile maintenance and minor repair	C	-	-	P	P	-	-	Note 12
Large truck and machinery - sales and leasing	-	-	-	P	P	-	-	
Recreational vehicle, boats, trailer sales	-	-	-	P	P	-	-	
Service station	C	P	C	P	P	C	C	Note 8
Vehicle, accessory equipment sales	-	-	-	P	P	-	-	
Vehicle sales - antique and collector	-	-	-	P	P	-	-	Note 6, Note 9
Vehicle sales (greater than one acre)	-	-	-	P	C	-	-	Note 6, Note 9
Vehicle sales (less than one acre)	-	-	-	P	P	-	-	Note 6, Note 9
Vehicle storage or impound yard	-	-	-	P	C	-	-	

Key: P=Permitted; C= Conditional; and - = Not Permitted.

Notes:

1. In the C-1 district, a Conditional Use Permit is required for retail sales when the sale of products is a primary use. A CUP is not required for retail sales that occur as an ancillary or accessory use, such as the sale of items associated with a repair or service business, or the sale of products produced, repaired, or refurbished on-site.

2. A Conditional Use Permit shall be required for any convenience market located within 1,000 feet of any elementary or secondary school or any publicly owned park or open space (this requirement shall be measured from property line of convenience market to property line of school, park, or open space) or any convenience market in which the sale of alcoholic beverages, i.e., beer, wine, or distilled spirits, is proposed.

3. Houses of worship are only permitted as a conditional use as indicated in this table.

4. Township regulations, standards, and design guidelines shall apply to Public and quasi-public utility facilities only to the extent that the Township is not preempted by Federal and State law.

5. Residential land uses shall only be allowed in conjunction with a commercial land use where permitted.

6. Conditional Use Permit approval shall be required for any automobile or vehicle sales or leasing in any multi-tenant building.

7. Major repair use is also permitted as an ancillary use to vehicle sales dealerships which occupy sites of greater than one acre.

8. A Conditional Use Permit shall be required for any service station in which the sale of alcoholic beverages, i.e., beer, wine, or distilled spirits, is proposed as part of the convenience market associated with the service station use.

9. No vehicle may be stored or displayed on any vacant site or at any vacant commercial/industrial location except when approved as part of an auto dealership.

10. Only office uses open to foot traffic and with regular walk-in customers shall be permitted.

11. Business spaces shall incorporate more than 70% of the floor area for retail display with no more than 30% of the area devoted to warehousing or storage of merchandise. The business shall be open to foot traffic during periods of typical business hours.

12. All auto repair shall be conducted within an enclosed building or in a rear or side yard behind a solid masonry wall. No work shall occur in parking lots or driveways.

13. Spa and massage therapy facilities shall comply with all required industry certification standards.

SECTION 28: EMPLOMENT DISTRICTS

28.1 E-1 EMPLOYMENT DISTRICT

Employment District Providing Opportunities for Single-tenant and Multi-tenant Facilities in an Integrated Campus Atmosphere

28.1.1 PURPOSE

The employment E-1 District primarily provides land uses that function as the major employment center in Kayenta, attracting major employers to the area. The E-1 District is suitable for the development of single- or multi-tenant typical class A and/or B facilities. These stand-alone/single-tenant and multi-tenant structures may serve as corporate headquarters. The entire E-1 Employment District shall be master planned to provide an integrated circulation system that incorporates usable open space. Business support uses are allowed within this land District. The E-1 District implements the *Employment* land use designation of the Kayenta Future Land Use Plan. The purpose of the E-1 District is to promote, encourage, and accommodate innovatively designed, master-planned office employment core with an open space framework that incorporates attractive streetscapes, functional pedestrian spaces, enhanced view corridors and other community environmental amenities. The E-1 District shall:

A. Serve as the major employment core of Kayenta.
B. Attract high wage industry.
C. Accommodate mixed-use commerce and employment center in a campus-style, incorporating service and retail in ground floors and office/commerce on subsequent floors.

D. Provide a dynamic complement to the TOD-1 District, the Kayenta Health Support Services District and to the Kayenta Technology and Innovation District and their ancillary retail and residential uses.
E. Promote an integrated, efficient, convenient, and safe circulation system, including separate travel modes for vehicles, pedestrians, and bicycle and incorporating access of all travel modes.
F. Reduce the trip generation of the site trough the provision of transit connections to the adjacent TOD-1 District and park-and-ride facility.
G. Provide one gateway access point to I-160 and one gateway access point to the Kayenta Transit Loop.
H. Promote architectural excellence and creative design through aesthetically oriented development standards to create a character for structures, site plans, and streetscapes that reflects the values of the Navajo culture, heritage and traditions.
I. Protect adjacent development by encouraging innovative site planning and environmental sensitivity through more flexible interior development standards.
J. Utilize green building materials and attain a Platinum LEED standard to create a sustainable campus that serves as a model.
K. Provide connectivity and take advantage of the proximity to the Kayenta Airport.
L. Incorporate water and energy conservation.

28.1.2 General Provisions

A. The E-1 District shall be developed under an approved overall site development master plan and other master plans listed in this subsection.
B. All development within the E-1 District shall comply with a master development plan for the entire area.
C. Submittal Requirements. Submittal package shall include:
    1. Site development master plan
    2. Circulation master plan
    3. Phasing master plan
    4. Open space master plan
    5. Parking master plan
    6. Drainage master plan
    7. Infrastructure master plan
    8. Landscaping and buffers master plan
    9. Master design guidelines
    10. Master sign program based on best principles of wayfinding.

D. The master development plan, and each required part of the plan, shall be prepared, submitted, and approved in accordance with this section and shall comply with Kayenta Comprehensive Plan and all other applicable guidelines and standards included in this Zoning Ordinance.

E. Additional Requirements: The Town Planner may require additional information deemed necessary to review any applications.

F. Timing of Submittals.

1. Site Plan Approval: a development plan shall be accompanied by the site development, circulation, phasing, and open space master plans for the entire area.
2. Permits and Plats: Prior to any grading, plant relocation or removal, infrastructure construction, applications for preliminary plat approval, or the construction of on-site or off-site improvements, the following master plans shall be submitted for the entire development:
   a. Parking master plan.
   b. Drainage master plan.
   c. Infrastructure master plan.
   d. Landscaping and buffers master plan.
3. Development Review: Prior to submitting any applications for development for individual parcels, structures or buildings, the developer shall submit master design guidelines and master sign program for the entire area to the Town Planner. Such master design guidelines shall be reviewed by the Planning and Zoning Committee and approved by the Township Commission.

G. Required Approvals:

1. Site plan shall not be approved without the concurrent approval by the Township Commission of the site development, circulation, phasing, and open space master plans for the entire area.
2. No on-site or off-site development associated with an approved site plan shall began until the parking, drainage, infrastructure, and landscaping and buffers master plans for the entire development have been approved by the Township Commission.
3. Development approvals for individual buildings or pads shall not be granted until the master development plan, including all the required parts of the plan, is approved by the Township Commission.
4. No structure, building, or landscaping shall be built, installed in the E-1 prior to obtaining Township Commission approval. The landscaping and buffers master plan, master design guidelines, and master sign program for the

entire development shall be reviewed by the Planning and Zoning Committee.

H. Modifications to Approved Master Development Plans.

1. Minor changes, defined as changes to master development plan or other required master plans affecting less than ten (10) percent of the entire land area or gross square footage, may be approved by the Town Planner. Modifications shall comply with the development and other requirements of the E-1 District and any other applicable requirements set forth in this Zoning Ordinance.
2. Major changes to the required master plans or to the permitted uses shall be approved by the Township Commission.

28.1.3 Use Regulations and Permitted Uses

A. General Provisions:

1. Primary uses include regional and corporate headquarters and are those uses that generate high wage employment. Table 3 includes permitted and conditional uses.
2. Service and commercial uses within the E-1 District are ancillary uses and support the employment core.
3. All uses permitted shall be established by the approved site development master plan based upon the list of permitted uses provided in Table 3.
4. All uses shall be determined by the compatibility of such uses with each other and with the surrounding land uses.
5. Buildings, structures or premises shall be developed, altered, or enlarged, only within the provisions of this section.

B. Permitted Uses: See Table 3.

C. Additional Standards for Permitted Uses:

1. Commercial Uses: Commercial uses shall be of an ancillary nature, support the development master plan, and shall be predominantly integrated into the building masses and design theme and conform to the following:
   a. Freestanding pads for individual commercial uses shall not be located along street frontages on the perimeter of the site unless integrated into the overall site design and design theme.
   b. The commercial floor areas shall not exceed twenty (20) percent of the total floor area of the development master plan.

c. If the development is constructed in phases, the commercial floor areas shall not exceed twenty (20) percent of the total floor area of the corresponding phase of the development master plan.

2. Residential Uses: Residential uses in the E-1 District shall be workforce dwelling and provide housing to employees working on the District.
   a. Residential dwelling types and densities shall be established by the site development master plan.
   b. Residential development shall not be permitted within the fifty-five (55) LDN noise contour as defined by the Kayenta Airport Master Plan.
   c. If the noise contours are not defined in the Kayenta Airport Master Plan, a noise compatibility program will need to be prepared prior to the approval of any residential uses within the E-1 District.
   d. Residential development shall not exceed twenty-five (25) dwelling units per acre on the land designated residential use on the site development master plan.
   e. Residential uses shall be designated on the site plan in gross floor area and shall not exceed thirty (30) percent of the total floor area of the development master plan.

28.1.4 Development Standards

A. Maximum Permitted Heights:
   1. No building or parking structure in this District shall exceed fifty-six (56) feet.
   2. A site development master plan in the E-1 District shall have an average height of thirty-eight (38) feet or less.
   3. Height shall be the vertical distance measured from grade to top of the rood or structure.
   4. Mechanical equipment, utility penthouses, elevator penthouses and similar structures, including screening shall be set back a minimum of ten (10) feet from the outside edge of the roof on which they are located. The structures and the screening themselves shall not cover more than twenty-five (25) percent of the lot coverage of the building on which they are accessory.
   5. Building heights shall meet all applicable requirements of Part II of the Federal Aviation Regulations (FAR) as applicable.

B. Floor to Floor Height: Sixteen (16) feet typical. Eighteen (18) feet on loading dock level.

C. Lot Coverage: Lot coverage is limited to sixty-five (65) percent of the net lot area if the maximum building height of any building is equal to or less than thirty-

eight (38) feet. For each additional two (2) feet of maximum building height above thirty-eight (38) feet the lot coverage shall be reduced by one (1) percent.

D. Maximum Building Intensity:
   1. Industrial/Office Uses: Not to exceed 20,000 square feet/acre
   2. Commercial Uses: Not to exceed 15,000 square feet/acre
   3. Greater intensities can be permitted if multi-story buildings and multi-level parking are utilized and the amount of functional open space can be shown to increase.
   4. Necessary infrastructure, including fire protection must be adequately provided.

E. Open Space: The following standards apply:
   1. The net open space area shall be twenty (20) percent of the net lot area up to thirty-eight (38) feet of height and twenty-five (25) percent of the net lot area for buildings thirty-nine (39) feet of height or higher.
   2. Open space shall include setback areas with the exception of any parking or driveway areas.
   3. Open space calculations shall be based upon the highest building height and not the average building height.
   4. Open space shall be programmed in an integrative manner providing connectivity to building entrances, plazas, courtyards and parks, adjacent uses, pedestrian, bicycle, transit and vehicular traffic networks, creating a campus-like atmosphere.

F. Setbacks: The following setbacks apply:
   1. Front Yards:
      a. Along Street Frontages: Buildings and parking structure shall be setback forty (40) feet from the planned right-of-way line of a major collector or higher functional classification street.
      b. All areas between a building and a street frontage, except for access drives and walks, shall be meaningful open space or space that can be enjoyed by people. This could include landscaped areas, plazas, grass and trees, fountains, sitting areas, etc., and it is meant to provide an open garden atmosphere. Open space does not include parking areas or any other space that does not contribute to the quality of the built environment.
      c. Parking Areas: There shall be a minimum of forty (40) feet between any parking area and the planned right-of-way.

2. Side and Rear Yards:
   a. Adjacent to Residential Uses: Office and commercial buildings that are thirty-eight (38) feet or less in height shall be set back sixty (60) feet. An additional two (2) feet of setback shall be provided for buildings for every one (1) foot of additional building height above thirty-eight (38) feet. Surface parking shall be setback a minimum of twenty (20) feet.
   b. Adjacent to Non-residential Uses: Buildings and parking structure that are thirty-eight (38) feet or less in height shall be set back not less than thirty (30) feet. An additional one (1) foot of setback shall be provided for individual buildings for every one (1) foot of additional building height above thirty-eight (38) feet.
   c. Measuring Setbacks: All setbacks are measured from the parcel line or planned right-of-way to the building wall.

G. Required Screening:
   1. All mechanical structures and appurtenances shall be screened.
   2. All storage and refuse areas shall be screened from public right-of-way.

H. Parking Requirements: See Parking Regulations.

I. Additional Requirements: Development within this area most comply with all applicable design guidelines included in the Urban Design Element of the Kayenta Comprehensive Plan.

28.1.5 Master Development Plan Contents

A. Performance Standards: The site master development master plan shall clearly depict and demonstrate:
   1. Related uses shall be located in close proximity. Larger separations and/or buffers shall uses when one (1) activity may have an adverse impact on the health, safety and welfare of the users of an adjacent activity, either within or adjacent to the development.
   2. Uses shall be located where they are most compatible and have least negative impacts on the surrounding uses. Negative impacts of a proposed land use include those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict, pose an obstruction to navigable flight operation of the airport, or otherwise be deemed incompatible with surrounding development.
   3. The massing of buildings shall be designed to provide outdoor pedestrian areas, adequate light and circulation, few obstructions to important views, and a similar scale to adjacent uses.

4. Scenic views and environmental features shall be incorporated into the plan. The plan shall preserve and capitalize upon the amenities of the location. Physical amenities include: natural features which, if disturbed, may cause hazards or stress to the life and property, e.g., floodplains; vegetation performing beneficial microclimatic functions such as abating noise and glare, entrapping dust, and reducing energy costs; and land or water resource areas such as washes, groundwater recharge zones, and prime wildlife habitats.
5. The site plan shall reflect Navajo character, heritage, and sense of place, incorporate green principles of development, and use local materials as appropriate.

B. Plan Elements: The site development master plan shall include detailed information on the following:
1. Site dimensions and the size of all proposed parcels.
2. Buildings and structures location and the uses proposed for each building and structure.
3. Setbacks between buildings and other structures, and setbacks from planned right-of-way, and district boundaries.
4. Building heights, building footprints, square footage of buildings for each building or structure.
5. Total acreage of the site broken into acreage for each land use proposed.
6. Total gross square footage on the site broken into the gross square feet for each building or structure proposed.
7. A three-dimensional model, photomontage, or perspective drawings depicting the relationship between proposed buildings and existing buildings within three hundred (300) feet of the proposed E-1 District boundaries.
8. Any additional information necessary to process the application.

C. Circulation Master Plan:
1. Provide coherent and integrated internal and external circulation system that includes safe, efficient, and convenient mobility and access needs for all travel modes.
2. Assure safe, efficient and convenient ingress and egress.
3. In no case shall the development result in traffic levels of service (LOS) less than D on any street or intersections impacted by the development.
4. The construction of circulation facilities, including traffic signals, shall be concurrent with the creation of traffic demands by the development and

with the maintenance of planned traffic operational conditions and proper safety.

5. Follow the standards and guidelines included in the ADOT Multimodal Transportation Plan.
6. Plan Elements: The circulation master plan shall include the following:
   a. A detailed traffic impact study to determine the need for internal and external street and circulation improvements. The study shall be conducted by a qualified traffic consultant. The study shall comply with the Transportation Element in the Kayenta Comprehensive Plan and with the ADOT Multimodal Transportation Plan.
   b. Programs for pedestrian, bicycle and transit circulation and connectivity.
   c. Locations, typical dimensions, and design capacity for all external and internal streets and major driveways, bus bays, transit routes, bikeways, trails, pedestrian paths, intersection signalization, grade separations, park-and-ride lots and other such facility.
   d. Any plans for phasing the improvements or any plans for interim or major planned circulation improvements needed to accommodate the proposed development and the planned construction schedule.
   e. Any other additional information necessary to process the application.

D. Phasing Master Plan: The phasing master plan shall clearly depict and demonstrate:
   1. That the development shall proceed along with provisions for adequate capacity in the infrastructure systems.
   2. The development of the ancillary commercial and residential uses shall occur on a percentage based on the needs of the primary uses.
   3. Internal and external improvements shall be timed to be available before, or concurrently with, the phased development.
   4. The phasing master plan shall be consistent with the phasing described in traffic studies and other studies.
   5. Each phase of the development shall be in compliance with all the applicable district requirements including open space, parking, landscaping, and lot coverage.
   6. Plan Elements: The phasing master plan shall include the following:
      a. Location and conceptual size of the land uses.
      b. The phasing and capacity needs of the local infrastructure necessary to serve each sequence.
      c. A timetable for required dedications shall be submitted.

d. Any additional information as necessary to process the master plan.

E. Open Space Master Plan: The open space master plan shall clearly depict and demonstrate:

1. Open spaces such as scenic corridors, vista corridors, major buffers, etc., shall be coordinated as an integral component of the campus-like development.
2. The defined open spaces along roadways, pedestrian walkways, or between buildings shall capitalize on mountain views or other scenic views.
3. The choice of open space location should consider the vertical and horizontal dimensions of structures in meeting the objective of creating usable open space areas in a campus-style environment.
4. Avoid allocating very generous quantities of open space to one (1) parcel or building while providing little or no open space for other parcels or buildings. Open space shall be evenly distributed throughout the master plan.
5. Plan Elements: The open space plan shall include the following:
   a. Typical locations and dimensions for open space areas.
   b. A detailed description of the relationship between open space areas to proposed parcels or buildings. Calculations should demonstrate that the opens space proximity to individual buildings is adequate for that portion of the site.
   c. A chart including acreage and types of open space.
   d. Plan view illustrating the open space concept and the circulation concept
   e. Any additional information as necessary to process the master plan.

F. Parking Master Plan: The parking master plan shall clearly depict and demonstrate:

1. Conform to all parking requirements included in the parking regulations provided in this Zoning Ordinance.
2. Provide sufficient number and types of spaces to serve the uses identified on the site.
3. Include adequate provisions for the safety of all parking facility users, including motorists, transit users, bicyclists and pedestrians.
4. Design to minimize or alleviate traffic problems.
5. Locate parking spaces near the uses they are intended to serve.
6. Adequate on-site parking shall be provided during each phase of development of the district.
7. The plan shall provide opportunities for shared parking and for other reductions in trip generation through the adoption of Transportation

Demand Management (TDM) techniques to reduce trip generation, such as car pools, van pools, bicycles, employer transit subsidies, compressed work hours, and High Occupancy Vehicle (HOV) parking preference.

8. Include connectivity to the transit station located in the TOD-1 and shuttle service to the E-1 District.
9. Include at least (2) electric vehicle charge stations.
10. Surfacing of the parking lot shall be dust-proof.
11. The parking master plan shall attempt to reduce environmental problems and to further Kayenta Township's compliance with the federal Clean Air Act amendments of 1990 through appropriate site planning techniques, such as but not limited to reduced impervious surfaces and pedestrian connections.
12. Reduction in the number of parking spaces shall be related to significant factors such as, but not limited to:
    a. Share parking opportunities;
    b. Hours of operation;
    c. The availability and incorporation of transit services and facilities;
    d. Opportunities for reduced trip generation through pedestrian circulation between mixed uses;
    e. Off-site traffic mitigation measures;
    f. Recognized variations in standards due to the scale of the facilities;
    g. Parking demand for a specific use; and
    h. The provision of accessible parking spaces beyond those required in the parking regulations included in this Zoning Ordinance.
13. Reduction in the number of parking spaces for neighborhood-oriented uses may be granted at a rate of one (1) space for every existing or planned residential unit located within two (2) blocks from a transit or shuttle stop and one-half (0.5) spaces for every existing or planned residential unit located within four (4) blocks of the proposed use.
14. <u>Plan Elements</u>: the parking master plan shall include the following:
    a. A plan which graphically depicts where the spaces and parking structure are to be located.
    b. A report, which demonstrates how everything shown on the plan complies with or varies from applicable standards and procedures included in this Zoning Ordinance.
    c. Show all entrances and exits for any structured parking and the relationship between parking lots or structures and circulation master plan.

d. The plan, supported by the report, shall show the use, number, location, and typical dimensions of parking for various vehicle types including passenger vehicles, trucks, vehicles for mobility impaired persons, buses, shuttles, other transit vehicles, pedestrian and bicycles.
e. The plan, supported by the report, shall include phasing plans for the construction of parking facilities and any interim facilities planned.
f. Whenever the applicant requests any reductions in the number of required parking spaces as provided for in this Zoning Ordinance, the required report shall be prepared by a registered civil engineer licensed to practiced in the State of Arizona and shall document how any reductions were calculated and upon what assumptions such calculations were based.
g. Provide a table including all scheduled parking ratios per land use designation and per phase. Parking ratios used within the report shall be based upon uses or categories of uses listed in the parking regulations included in this Zoning Ordinance.
h. Such other information necessary to process the parking master plan.

G. Drainage Master Plan: The drainage master plan shall clearly depict and demonstrate:

1. The development shall provide drainage facilities which protect the site and adjacent sites from excessive storm flows and associated erosion and sedimentation.
2. Whenever a community-wide drainage solution is required, the drainage master plan for the development shall provide for participation in a community drainage facility. The plan shall comply whit any Township approved drainage plans for the area.
3. Ensure that stormwater management and site drainage are designed to utilize naturally occurring drainage patterns on the site and to minimize downstream impacts.
4. Keep washes in their natural state or enhanced them with natural vegetation where applicable.
5. Where modifications to natural drainage facilities are either necessary or desirable, design such facilities to be visually appealing and include recreational amenities such as natural trails.
6. Provide a building setback of at least fifty (50) feet from washes.
7. Control stormwater runoff from individual building sites through the utilization of detention/retention facilities.

8. Design drainage concept comprehensively for all phases of development.
9. Incorporate onsite detention and water harvesting into the site design.
10. Design onsite drainage to minimize water collection at building foundations, entrances and service areas.
11. Prohibit the use of dry wells.
12. Use Detention and retention ponds to drain sites, buildings and parking lots.
13. Design detention areas with natural appearance and seed them with native vegetation.
14. Incorporate natural trails adjacent to drainage pathways along riparian areas.
15. Incorporate principles of habitat integration along riparian areas.
16. Plan Elements: The drainage master plan shall contain the following:
    a. A plan which graphically depicts the location and capacity of all retention, detention, or other drainage facilities and the proposed design and character of drainage facilities.
    b. A narrative technical report which shall demonstrate that everything shown on the plan complies with the performance standard included in this section.
    c. Both the plan and report elements of the drainage master plan shall be prepared by a registered civil engineer licensed to practice in the State of Arizona.
    d. Any additional information necessary to process the master plan.

H. Infrastructure Master Plan: The infrastructure master plan shall clearly depict and describe:
1. The development provides sufficient water, wastewater, and utility systems capacity to serve the demands of the development.
2. The infrastructure systems shall be consistent and compatible with the master plans of Kayenta Township.
3. The infrastructure master plan shall be consistent with the policies to conserve water, to recharge the groundwater supply, and to reuse wastewater.
4. Plan Elements: The infrastructure master plan for water, wastewater, and utility systems shall include:
    a. A plan which graphically depicts the locations and sizes of each system, supported by a narrative technical report which shall demonstrate that everything shown on the plan complies with the Township performance standards and current administrative procedures.

b. Both the plan and report elements of the infrastructure master plan shall be prepared by a registered civil engineer licensed to practice in the State of Arizona.

c. Any additional information as necessary to process the master plan.

I. Landscaping and Buffers Master Plan: The landscaping and buffers master plan shall clearly depict and demonstrate:

1. Landscaping shall provide a lush well-screened setting, which includes the timely maturity of plant materials, strong consideration of water conservation, and the needs for shade and/or functional landscaping of the different uses, facilities, or spaces.
2. Landscaping shall be compatible with the urban design intent and character of the planning area and with the themes and character provided in the Urban Design Element of the Kayenta Comprehensive Plan.
3. Landscape themes shall show sensitivity to local vegetation characteristics and environmental conditions.
4. Landscape buffers shall apply to buildings and above-ground parking deck structures.
5. Plan Elements: The landscape buffers master plan shall indicate or show:
   a. Typical locations, dimensions, and treatments for any washes, retention areas, or utility corridors.
   b. The uses, typical locations and dimensions of any common recreation, pedestrian, or service open space areas.
   c. Plan view and elevation drawings illustrating proposed plant palettes and landscape design along streetscapes, buffers, trail system, recreation, plazas, courtyards, bus stops, and open space areas, showing connectivity with pedestrian, bicycle, transit and motorist systems.
   d. The type of buffer being used, the location of the buffer zone, any setback and height limits, and the location of adjacent land use categories.
   e. Maintenance provisions for all landscaping materials installed as part of the development.

J. Master Design Guidelines: The master design guidelines shall clearly depict and demonstrate:

1. Architectural Character: architectural character shall reflect:
   a. An overall mixed-use development campus park theme to the various uses and facilities.

b. The character area intent and urban design qualities established in the Kayenta Comprehensive Plan.

c. Aesthetically-oriented design standards to create a definitive character for structures, site plans, and streetscapes.

d. Plan Elements: The master design guidelines shall include the following:

(1) Typical architectural design themes, styles, unifying elements, and materials.

(2) Typical design treatments and materials for details such as windows, entries, roofs, parapets and building forms.

(3) Typical walkway design and treatments.

(4) Any additional information as necessary to process the master plan.

K. Master Sign Program:

1. The master sign program shall comply with the sign provisions included in this Zoning Ordinance and reflect the character area intent defined in the Kayenta Comprehensive Plan.

2. Plan Elements: The master sign program shall be consistent with the current guidelines and shall include such additional information as necessary to process the master sign program.

28.2 E-2 HEALTH SUPPORT SERVICES DISTRICT

28.2.1 PURPOSE

The E-2 Health Support Services District campus is envisioned to be a mixed-use healthcare workforce development campus supporting the full-service hospital located south of this District. The E-2 campus will provide a one-of-a-kind setting in the Navajo Nation for training workers in the higher paying healthcare fields, as well as address the critical existing (and growing) shortage of trained workers needed at every level throughout the continuum of care. This district will also include health care support services, long-term care facilities, alternative healing facilities, long-term residence housing for extended-care patients and their families, workforce housing and commercial uses, and other support services.

This District calls for public-private collaboration to develop a health care workforce plan designed to meet the needs of the 21st Century Arizona. The district essentially consolidates the community's major healthcare-related workforce training at one large campus. The academic and clinical resources will allow for a great expansion in the number of healthcare students, which in turn will result in a major increase in the number of healthcare-related employees throughout the community and the Navajo Nation.

The E-2 District functions as a major employment center in Kayenta, attracting health care professionals to the area. It is suitable for the development of single- or multi-tenant typical facilities. These stand-alone/single-tenant and multi-tenant structures may serve as outpatient clinics, private practice medical offices, insurance offices and any other related service. The entire E-2 Employment District shall be master planned to provide an integrated circulation system that incorporates usable open space. Business support uses are allowed within this District. The E-2 District implements the *Medical Service* land use designation of the Kayenta Future Land Use Plan. The purpose of the E-2 District is to promote, encourage, and accommodate innovatively designed, master-planned health care and medical service employment core with an open space framework that incorporates attractive streetscapes, functional pedestrian spaces, enhanced view corridors and other community environmental amenities. The E-2 District shall:

A. Serve as a major employment center.
B. Attract health care and medical service industry.
C. Accommodate mixed-use commerce and medical service in a campus-style, incorporating service and retail in ground floors and service/commerce on subsequent floors.

D. Provide a dynamic complement to the adjacent Kayenta Health Care Center and its ancillary retail and residential uses.
E. Promote an integrated, efficient, convenient, and safe circulation system, including separate travel modes for vehicles, pedestrians, electric cart for patient mobility, and bicycle and incorporating access to all travel modes.
F. Reduce the trip generation of the site trough the provision of transit connections.
G. Provide one gateway access point to I-160 and one gateway access point to the Kayenta Transit Loop south of the parcel.
H. Promote architectural excellence and creative design through aesthetically oriented development standards to create a character for structures, site plans, and streetscapes that reflects the values of the Navajo culture, heritage and traditions.
I. Protect adjacent development by encouraging innovative site planning and environmental sensitivity through more flexible interior development standards.
J. Utilize green building materials and attain a Platinum LEED standard to create a sustainable campus that serves as a model.
K. Provide connectivity to the Kayenta Emergency Hangar and take advantage of the proximity to the Kayenta Airport for emergency service.
L. Incorporate water and energy conservation.

28.2.2 General Provisions

The same provisions of the E-1 District apply.

28.2.3 Use Regulations and Permitted Uses

A. General Provisions:
   1. Primary uses include health care and medical support service. Table 3 includes permitted and conditional uses.
   2. Service and commercial uses within the E-2 District are ancillary uses and support the medical service core.
   3. All uses permitted shall be established by the approved site development master plan based upon the list of permitted uses provided in Table 3.
   4. All uses shall be determined by the compatibility of such uses with each other and with the surrounding land uses.
   5. Buildings, structures or premises shall be developed, altered, or enlarged, only within the provisions of this section.
B. Permitted Uses: See Table 3.

C. Additional Standards for Permitted Uses:
All applicable standards for commercial, service and residential uses provided in the E-1 District apply with a focus on health care and medical service.

28.2.4 Development Standards
All applicable development standards provided in the E-1 District apply with a focus on health care and medical service.

28.2.5 Master Development Plan Contents
All master development plan contents requirements listed in the E-1 District apply with a focus on health care and medical service.

28.3 E-3 TECHNOLOGY AND INNOVATION DISTRICT

28.3.1 PURPOSE
The E-3 technology and Innovation District campus is envisioned to be a mixed-use technology and bio-industry cluster campus supporting research and development of new technologies facilitating the transfer of new technology from the laboratory to the market place and providing opportunities for the commercialization of new technologies. This district supports higher education extensions and facilities needed to feed these synergies.

The E-3 campus will provide a one-of-a-kind setting in the Navajo Nation for training workers in the higher paying optics/photonics, information technology, aerospace, environmental technology, solar, wind and alternative clean energy production, advance materials, life sciences. This District supports the type of business incubators that benefit from proximity to laboratory space and higher education research. Medical research and medical new technologies are encouraged in this District as well as residential, commercial, support services and hospitality uses geared at serving this industry cluster. The E-3 District is currently located in the Kayenta Designated Growth Area outside of the current Township boundary. Development within this area requires either annexation into Kayenta prior to development or coordination with Kayenta Chapter.

Research Park land uses are suitable for offices, science and laboratory space, educational facilities, and research facilities for high technology companies. These single-tenant and multi-tenant facilities accommodate the sophisticated needs and demands of a large variety of scientific and technology-based disciplines.

Employers locating within this area must be involved in the development or enhancement of technologies related to one of the following industry clusters:

- Optics/Photonics
- Information Technology
- Aerospace
- Environmental Technology
- Advanced Materials
- Life Sciences
- Solar/Wind Energy Production and Research

In addition, companies must be willing to develop a working relationship with Northern Arizona University (NAU), NATIVE and DINE College. This relationship may include, but is not limited to:

- Joint research projects
- Vocational training and certification
- Use of NAU, Native and Dine students as interns or employees,
- Participation of company personnel in teaching programs and activities, boards or committees, and
- Use of university facilities.

The E-3 District functions as a major employment center in Kayenta, attracting high technology professionals to the area. It is suitable for the development of single- or multi-tenant typical facilities. The entire E-3 District shall be master planned to provide an integrated circulation system that incorporates usable open space. Business support uses are allowed within this District. The E-3 District implements the *Technology and Innovation* land use designation of the Kayenta Future Land Use Plan.

The purpose of the E-3 District is to promote, encourage, and accommodate innovatively designed, master-planned research and development campus with an open space framework that incorporates attractive streetscapes, functional pedestrian spaces, enhanced view corridors and other community environmental amenities. The E-3 District shall:

A. Serve as a major employment center.
B. Attract technology, innovation, research and development, business incubators, and research facilities.

C. Accommodate mixed-use research and development and other support services in a campus-style, incorporating service and retail in ground floors and service/commerce on subsequent floors.
D. Provide a dynamic complement to the adjacent Kayenta Health Care Center and its ancillary retail and residential uses and to other major employment centers.
E. Include space for additional civic uses and for the location of Navajo agencies.
F. Promote an integrated, efficient, convenient, and safe circulation system, including separate travel modes for vehicles, pedestrians, and bicycle and incorporating access to all travel modes.
G. Reduce the trip generation of the site trough the provision of transit connections.
H. Provide one gateway access point to I-160 and one gateway access point to the Kayenta Transit Loop northwest of the parcel.
I. Promote architectural excellence and creative design through aesthetically oriented development standards to create a character for structures, site plans, and streetscapes that reflects the values of the Navajo culture, heritage and traditions.
J. Protect adjacent development by encouraging innovative site planning and environmental sensitivity through more flexible interior development standards.
K. Utilize green building materials and attain a Platinum LEED standard to create a sustainable campus that serves as a model.
L. Incorporate water and energy conservation.

28.3.2 General Provisions

The same provisions of the E-1 District apply.

28.3.3 Use Regulations and Permitted Uses

A. General Provisions:
   1. Primary uses include research, development, laboratory, energy distribution and generation and education. Table 3 includes permitted and conditional uses.
   2. Research and development uses shall consist of uses engaged in the study, testing, design, analysis and experiment of products, processes, or services to others.
   3. Research and development shall include business incubators and manufacturing (limited to the development of prototypes), and ancillary administrative offices.

4. Service and commercial uses within the E-3 District are ancillary uses and support the research and development core.
5. All uses permitted shall be established by the approved site development master plan based upon the list of permitted uses provided in Table 3.
6. All uses shall be determined by the compatibility of such uses with each other and with the surrounding land uses.
7. Buildings, structures or premises shall be developed, altered, or enlarged, only within the provisions of this section.

B. Permitted Uses: See Table 3.

C. Additional Standards for Permitted Uses:
All applicable standards for commercial, service and residential uses provided in the E-1 District apply with a focus on technology and innovation.

28.3.4 Development Standards
All applicable development standards provided in the E-1 District apply with a focus on technology and innovation.

28.3.5 Master Development Plan Contents
All master development plan contents requirements listed in the E-1 District apply with a focus on technology and innovation.

28.4 PERMITTED AND CONDITIONAL USES IN EMPLOYMENT DISTRICTS (Table 3)

USE	E-1	E-2	E-3	Additional Regulations
Alternative Healing	N	P	N	
Art gallery	P	N	N	
Bakery	P	P	P	
Blueprinting, reprographics, printing, lithograph, publishing, photography	P	P	P	
Camera/computer store	P	C	P	
Candy shop	P	P	P	
Day care center	P	P	P	
College extension	C	P	P	Note 1
Dry cleaners	P	P	P	
Financial service/institutions	P	P	P	
Florist	C	P	C	
Gasoline sales (integrated)	P	N	P	Note 2
Government uses	P	P	P	Note 3
Convenience, small market (integrated)	P	P	P	Note 2
Gift shop	C	P	C	Note 4
Health and fitness	P	P	P	
Ice cream parlor	P	P	P	
Jewelry store	C	P	C	
Hotels and motels	P	P	P	Note 4
Manufacturing uses (electronic assembly, instrument and electronic devices manufacturing, pharmaceuticals compounding, solar equipment assembling and manufacturing, and other similar biomedical and/or high-technology fabrication, assembly or manufacture.	N	N	P	
Minor automobile repair and servicing including oil changes, tune-ups, brake or muffler repair, detailing, hand washing, and window tinting, excluding body and paint shops, and major engine or transmission repair (uses must be integrated with other facilities)	P	N	P	Note 2
Music store and video rental stores	P	C	N	
Office, major (corporate headquarters)	P	C	C	Note 5
Office, minor (smaller scale)	P	P	P	Note 5
Optical store	N	P	N	
Out-patient clinics	N	P	N	
Pharmacy	N	P	N	
Research and Development (educational facilities dedicated to research, laboratories)	N	N	P	
Residential uses in a mixed-use or multi-family context	P	P	P	Note 4
Residential uses assisted living	N	P	N	
Residential uses long-term care	N	P	N	
Restaurant or café	P	P	P	Note 4

P= Permitted; C=Conditional; N=Not Permitted

See notes at the end of this table.

28.4 PERMITTED AND CONDITIONAL USES IN EMPLOYMENT DISTRICTS (Table 3) - Continued

USE	E-1	E-2	E-3	Additional Regulations
Schools (Higher education)	P	P	P	Note 1
Schools (Laboratory and Science Focus)	N	P	P	Note 1
Schools (Medical Focus)	N	P	N	
Stationary store	C	C	C	
Solar power and wind power generating facilities	N	N	P	Note 6

P= Permitted; C=Conditional; N=Not Permitted

Notes:

1. Education program must focus on the intent of the area:
   a. E-1 District: Business and workforce development focus
   b. E-2 District: Health care, alternative/integrative medicine, and medical training focus.
   c. E-3 District: Technology and innovation focus.
2. Gas stations, gas stations including convenience, and minor automobile repair and services are permitted ancillary uses provided that they serve the primary uses and are designed in an integrated manner as part of the overall campus development. These uses must be located in close proximity to the main gateways to the campus with direct access to Highway 160. Stand-alone gas stations, convenience and minor automobile repair and services shall not be permitted.
3. Government uses and Navajo agencies must be located in accordance to focus area intent to support the economic development intent of the District, enhance programmatic functions, increase walkability, and decrease dependency on motorized vehicles.
4. Ancillary to and supporting the focus of the respective employment district.
5. Must support the overall intent of the respective District in which the use is located.
6. Solar features incorporated on roofs, covered parking, streetlights, irrigation systems and such are not considered power generating. These features are permitted and encouraged everywhere within the Township.

28.5 CF-1 SCHOOL DISTRICT

The CF-1 District is a major employer in Kayenta. This District includes a variety of existing educational institutions serving both Kayenta and the Navajo Nation. Development of new schools must comply with all applicable school construction standards and the adopted Green Code for Kayenta. New Schools shall obtain LEED certification of Gold or above and be energy efficient.

28.6 CF-2 PUBLIC UTILITIES AND PUBLIC FACILITIES SYSTEM

The CF-2 District is also major employer in Kayenta. This District includes a variety of utilities and facilities regulated by Navajo Nation agencies. Development of new utilities and public facilities must comply with all applicable Navajo regulations. New public facilities shall obtain LEED certification of Gold or above and be energy efficient.

SECTION 29: I-1 INDUSTRIAL DISTRICT

29.1 PURPOSE

The purpose of the I-1 District is to provide areas in the Township suitable for manufacturing, assembly, storage, distribution and wholesaling of materials. Because of its potential environmental impacts, it is intended that this District be located in areas which will avoid conflict with more sensitive land uses. Good transportation access is required to serve this area. This District implements the *Industrial* land use on the Kayenta Future Land Use map. The land uses permitted in this District are those enumerated in Table 1 of this Ordinance.

29.2 SITE AND BUILDING REQUIREMENTS

29.2.1 Minimum Requirements:

A.	Minimum Lot Size:	10,000 Square feet
C.	Minimum Lot Width:	200 feet
D.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 30 feet Side Yard: 10 feet Adjacent to Street Side Yard: 20 Feet Rear Yard: 10 feet
E.	Maximum Building Height:	45 feet
F.	Required Continuous Landscape Buffer Along Southern Boundary:	25 feet

29.3 ACTIVITY STANDARDS

All activities shall be conducted as follows:

29.3.1 Noise, smoke, dust, odors, and waste of any kind are confined and/or purified so as to control pollution of air, soil, or water to eliminate any detrimental effect to the public health, safety, welfare and to be otherwise in harmony with the objectives of this Zoning Ordinance.

29.3.2 Illumination of sign, facades, buildings, parking areas and loading facilities shall be arranged or shielded so as to eliminate glare to roadways and streets and shall be directed away from properties lying outside the District.

29.3.3 All manufacturing and fabrication operations shall be conducted entirely within buildings.

29.3.4 All equipment and material storage areas shall be screened by solid walls, fences or adequate landscaping not less than six (6) feet in height.

29.3.5 Whenever a lot is contiguous to another District, a five (5) foot in height and full width landscaped buffering shall be permanently maintained.

SECTION 30: MHD - MOBILE HOME DISTRICT

30.1 PURPOSE

The purpose of the MH District is to provide a lot with utilities in place ready to receive connections from a mobile or transportable dwelling unit. For the purpose of conformity the mobile home must be certified under the National Manufactured Home Construction and Safety Act of 1974 and anchored to the ground in accordance with manufacture's specifications.

There is only one mobile home district in Kayenta Township. This district is permitted as a non-conforming use in the R-3 Residential District located east of Kayenta Main Street within the Kayenta Township Core. Construction of new mobile homes, mobile home accessory buildings and/or expansions on current uses shall conform to the following requirements.

30.2 SITE AND BUILDING REQUIREMENTS

30.2.1 Minimum Requirements:

A.	Minimum Lot Area:	2,800 square feet
B.	Minimum Lot Width:	35 feet
C.	Minimum Lot Depth:	80 feet
D.	Minimum Required Setbacks for Buildings and Structures:	5 feet around entire perimeter, except on corner lot where it shall be 10 feet.
E.	Maximum Building Height:	35 feet
F.	Required Continuous Buffer Yard Along Laguna Creek:	100 feet

SECTION 31: PRD - PLANNED RECREATION DISTRICT, OR-1 DISTRICT AND OR-2 DISTRICT

31.1 PURPOSE

The PRD is a floating district. Its purpose is to provide for the future development of tracts of land that will allow flexible designs intended for recreational use. This overlay zone shall not be confused with the OR-1 and OR-2 Districts.

31.2 INTENT

The intent of the PRD is to locate enough community and neighborhood parks throughout the Township as development occurs to serve the needs of the current and projected population and to ensure the even distribution of recreation, parks and open space.

31.1.1 The PRD shall:

A. Implement the vision, goals and policies of the Parks, Recreation and Open Space Element of the Kayenta Comprehensive Plan;
B. Implements the Recreation, Parks, Trails and Open Space Standards provided in Table 3 of the Parks, Recreation and Open Space Element of the Kayenta Comprehensive Plan;
C. Encourage recreational variety and amenities;
D. Conserve desirable natural and historical features;
E. Provide connectivity to existing and planned parks, recreation, trails and open space system;
F. Reduce, when appropriate, the degree of public and private improvements normally required by developments;
G. Provide appropriate public and private open spaces; and

Reflect the Hierarchy of parks established in the Kayenta Comprehensive Plan.

31.3 LOCATION AND SITE AREA:

A PRD may be located in any area of the Township provided that the site area is of sufficient size, but in no case shall it be less than the recommended space requirements provided in Table 3: Recreation, Parks, Trails and Open Space, included in the Kayenta Comprehensive Plan Policy Volume.

31.4 PRD REQUIREMENTS

As an overlay zone, the PRD does not require a re-zoning application. A PRD can be processed administratively by the Building Official. Once approved by the Commission, the

PRD shall comply with all applicable requirements and development standards contained herein.

31.4.1 The PRD shall:

A. Result in a significantly better environment;
B. Be compatible with and have meaningful relationship to the District in which it is located;
C. Not result in significantly adverse environmental impacts;
D. Be integrated with and provide connectivity to the Regional Recreation, Parks and Open Space system; and
E. Further the vision and intent of the Kayenta Comprehensive Plan.

31.4.2 If the preceding requirements are meet, the following elements shall be considered:

A. Quantity and quality of natural open space areas, retention of significant natural areas, prominent features of the land and existing vegetation.
B. Quantity and quality of usable open space areas.
C. Site design factors such as the building orientation and clustering building coverage, balance between individual buildings and overall variety design of pedestrian and vehicular circulation, design of parking and landscape design.

31.5 DEDICATION OF OPEN SPACE AND STREET

Open space areas and/or street to be preserved or created in the PRD may be required to be dedicated to the Township as a permanent open space and as a public right-of-way or may be required to be permanently reserved by dedication of a visual open space easement across certain portions of the property.

31.6 OR-1 COMMUNITY PARK DISTRICT

The purpose of the OR-1 District is to provide for a community park serving the recreation needs of east Kayenta as this area develops. The OR-1 District shall provide a diverse range of active and passive recreation opportunities. Connectivity to the OR-2 District Regional Park District is required. This District implements the *Regional Recreation, Parks and Open* Space future land use adopted in the Kayenta Comprehensive Plan. Development of this community part shall comply with the standards provided in Table 3: Recreation, Parks, Trails and Open Space Standards and with all other applicable guidelines and standards provided in the Parks, Recreation, Trails and Open Space System Element of the Kayenta Comprehensive Plan and with all applicable requirements set forth in this Zoning Ordinance.

31.7 OR-2 REGIONAL RECREATION, PARKS AND OPEN SPACE

The purpose of the OR-2 District is to provide for a system of interconnected regional system of linear parks serving all the planning areas of Kayenta and providing pedestrian, equestrian and bicycle connectivity. This District implements the *Regional Recreation, Parks and Open* Space future land use adopted in the Kayenta Comprehensive Plan. Development of the regional linear park system shall comply with the standards provided in Table 2: Mustang Trail Character Areas by Trail Segment and Table 3: Recreation, Parks, Trails and Open Space Standards and with all other applicable guidelines and standards provided in the Parks, Recreation, Trails and Open Space System Element of provided in the Kayenta Comprehensive Plan and with all applicable requirements set forth in this Zoning Ordinance.

SECTION 32: OVERLAY ZONES

32.1 RV – RECREATIONAL VEHICLE OVERLAY ZONE

32.1.1 Purpose:

The purpose of the Recreational Vehicle Park Overlay Zone is to accommodate recreational vehicle park development at higher residential densities with sufficient open space provided for park users. This overlay zone is designed to allow for an economical use of land while creating an attractive, functional and safe environment that is compatible with surrounding properties. This RV Overlay Zone overlays the Hospitality and Entertainment District and features accessibility from an arterial street, available utilities, and close proximity to services which will meet the needs of anticipated users.

32.1.2 Intent:

This zone is intended to:

A. Provide adequate sites for temporary parking of recreational vehicles whose occupants are visiting or passing through Kayenta.
B. Support the Kayenta Rodeo, the Kayenta Gateway Center and the Hospitality and Entertainment District.
C. Minimize the adverse impacts between a recreational vehicle park and surrounding land uses.
D. Provide health and safety standards to protect both the users of the park and the community.
E. Include horse for the temporary upkeep of horses traveling with visitors attending the Kayenta Rodeo.

32.1.3 Definitions:

The following definitions apply to this section only:

A. "Recreational vehicle" is a motor home, travel trailer, truck camper, or camping trailer with or without motive power designed for human habitation for recreational or emergency occupancy.

B. "Recreational vehicle park" is any property where one or more lots are rented to users of recreational vehicles and which are occupied for temporary purposes.

C. "Recreational vehicle site" is a plot of ground within a recreational vehicle park for one recreational vehicle, automobile and camping party.

D. "Camping party" is a person or group of not more than ten persons occupying any site within a park for not more than thirty (30) days annually.

32.1.4. PERMITTED USES

Recreational vehicle parks and accessory uses limited to a permanent residence for the manager, vending machines, horse stables, and recreational facilities for the exclusive use of the park occupants.

32.1.5 CONDITIONAL USES

Any commercial activity necessary for the operation of the park may be established only by first securing a Conditional Use Permit in conformance with this Zoning Ordinance. No signs advertising the presence of such commercial activity shall be visible from a public street.

32.1.6 OCCUPANCY

Occupancy of each site is limited to one recreational vehicle, one motorcycle, one horse trailer, and one automobile or truck, accommodating one camping party. The length of stay is limited to a maximum of thirty (30) days in any twelve (12)-month period. No buildings or storage sheds are permitted on the recreational vehicle sites.

32.1.7 RECREATIONAL VEHICLE PARK DESIGN STANDARDS

The following standards apply:

A.	Minimum Lot Area:	3 acres
B.	Minimum Lot Width:	100 feet
C.	Minimum Required Setbacks for Buildings and Structures:	Front Yard: 15 feet Street Side Yard: 15 feet Side Yard: 5 feet Interior Yard Adjacent to any Residential Property: 30 feet, including 5 feet of landscaping adjacent to property line and 25 foot drive.
D.	Maximum Building Height:	35 feet

E.	Landscaping:	A five (5) foot strip landscaped buffer along the perimeter of the RV Park planted with a native tree species that will form a screen.
F.	Fences:	A six (6) foot high Design Review Board-approved fence is required on all interior property lines and on the front and street side yard setback lines. On property lines adjacent to any R district the fence shall be masonry.
G.	Parking:	One (1) visitor parking space shall be provided for every fifteen (15) recreational vehicle sites or fraction thereof.

32.1.8 Standards for Facilities:

A. Recreation: A recreation area of at least five thousand (5,000) square feet shall be provided in addition to the required landscaping. Recreation equipment, such as a pool, playground, and picnic tables, and a service building, including toilets, showers, and laundry, can be located within the recreation area.

B. Sanitation:

1. A minimum of one toilet and one lavatory for each sex shall be provided for the exclusive use of the park occupants.
2. An additional toilet and lavatory for each sex shall be provided for each fifteen (15) sites or fraction thereof which is not provided with a water connection and a three-inch drain inlet for connection to a vehicle equipped with a toilet.
3. A minimum of one shower for each sex and one washer and dryer is required.
4. Trailer sanitation stations designed to receive the discharge of sewage holding tanks for self-contained vehicles shall be installed in an accessible location in every recreational vehicle park in which there are sites not provided with drain inlets designed to receive the discharge of toilets. Trailer sanitation stations shall be provided on the basis of one station for each one hundred (100) such sites or fraction thereof.
5. Trash containers shall be located within three hundred (300) feet of every recreational vehicle site and enclosed with a solid wood or masonry fence six (6) feet in height and properly screened from the public right-of-way.

32.1.9 Site Design Standards:

A. Minimum site size: one thousand two hundred (1,200) square feet.

B. Separation. Recreational vehicle parking pads shall be located to maintain a ten-foot separation between recreational vehicles.

C. Landscaping. At least twenty-five percent (25%) of each site shall be landscaped and shall include a native tree of at least fifteen (15)-gallon size.

D. Parking. Each site shall include parking space for one automobile.

E. Access. Each site shall have direct access to a driveway.

32.2: PLANNED AREA DEVELOPMENT OVERLAY ZONE

32.2.1 Purpose

The purpose of the Planned Area Development (PAD) District is to promote the development of mixed use developments and/or residential subdivisions that include residential, commercial or business park development according to an overall plan. It is the intent of the PAD District to:

A. Encourage creative and innovative planning principles by providing greater flexibility in design.
B. Establish mixed use developments or residential neighborhoods that have a distinct character and an established sense of place.
C. Create residential communities with a mix of lot sizes and complementary uses.
D. Provide a process which relates the architecture, urban design and scale of the project to the unique characteristics of the site.
E. Require the nature and intensity of development to be supported by adequate utilities, transportation, drainage and open spaces to serve the development and to minimize impact on existing or future adjacent development.
F. Encourage the provision of open space within the development.
G. Encourage development that is consistent with the policies and the guidelines established in the Kayenta Comprehensive Plan.

32.2.2 General Provisions

The following general provisions apply to all PAD Districts:

A. PAD Uses and Development Standards. All uses and development standards in a PAD District shall be established through the zoning approval process. All uses and development standards of a PAD District shall conform, to the extent possible, to a comparable zoning district, or districts.
B. Comparable Zoning District(s) Definition: Wherever used in this section, the phrase "comparable zoning district" shall mean to the most closely similar zoning district based upon the land use designation provided in the Kayenta Comprehensive Plan Land Use Element, the Kayenta Comprehensive Plan Future Land Use Map, and the zoning districts, proposed uses, densities, lot sizes, and development standards included in this Zoning Ordinance.
C. Comparable Zoning District(s) Determination. The Town Planner and/or his/her designee shall determine the comparable zoning district(s) based on conformance with the Kayenta Comprehensive Plan and with this Zoning Ordinance in compliance with B above.
D. Modification of Development Standards. The approved PAD Narrative clearly delineates the uses and development standards and shall provide justification and mitigation for development standards that deviate from the standard Zoning Ordinance requirements for the comparable zoning district. Based upon a recommendation of the Planning and Zoning Commission, the Township

Commission may eliminate otherwise permitted uses in any comparable zoning district and may specify modification of the regulations, requirements and standards than might be otherwise permitted by the comparable zoning district. No modification of development standards shall be permitted unless the applicant provides substantial evidence indicating that the modifications will produce an environment superior to that which could have been produced

E. Coordination with Subdivision regulations. It is the intent of these PAD regulations that the review of the requirements of the Township Subdivision Regulations be carried out simultaneously with the review of the PAD, when and if those regulations are adopted by the Township.

F. Conformance. All approved plans, documents and permits shall conform to the approved PAD Narrative.

G. Design standards. Site layout, architecture and landscaping shall be consistent with the with all applicable design guidelines provided in the Kayenta Comprehensive Plan and with all applicable development standards included in this Zoning Ordinance and with any other applicable design manuals adopted by the Township and as maintained by the Zoning Administrator or his designee.

H. Phasing. The PAD may provide for certain on-site and off-site infrastructure to be constructed in phases, subject to the following limitations.

1. The first phase infrastructure improvements shall commence prior to expiration of the PAD zoning as set forth in this Zoning Ordinance.
2. Complete construction of all public infrastructure improvements within the public right-of-way on the exterior of the PAD site shall be included within the first phase of development, unless the Township Commission, in its sole discretion, allows for an alternate infrastructure improvement schedule as part of a development agreement adopted pursuant to Ariz. Rev. Stat. § 9-500.05, as amended.
3. Prior to commencement of the first phase infrastructure improvements, the owner/applicant shall provide financial assurances in the amount determined by the Township Engineer and in the form approved by the Township Attorney, for construction of such portions of the infrastructure improvements located within the public right-of-way on the exterior of the PAD.

32.2.3 Establishment of a PAD District:

The following requirements apply:

A. Approvals; required findings. The applicant shall address each of the required findings (set forth below) individually, and shall demonstrate with sufficient, objective information, how the proposed PAD complies with each. The City Township Commission, following a recommendation from the Planning and Zoning Commission, may approve an amendment of the Kayenta Township

Zoning Map to reflect establishment of the PAD on the subject property upon determining that all of the following findings have been met:

1. The proposed PAD is in conformance with the Kayenta Comprehensive Plan and any applicable area plan(s).
2. The proposed PAD meets the PAD requirements of the Zoning Ordinance, subdivision regulations, design manuals and other applicable regulations and requirements, unless otherwise modified by the PAD Narrative.
3. That either there exist adequate public infrastructure and services to serve the proposed development or all necessary public infrastructure and services to serve the proposed development will be completed in connection with development within the PAD.
4. The proposed PAD will result in compatible land use relationships within the proposed development and with adjacent properties.
5. The development standards of the proposed PAD are consistent with or exceed the desired character and development intent of development for the area.

B. Conditions and Stipulations of Approval. The Township Commission may, in its sole discretion, approve a PAD subject to conditions or stipulations. Conditions and stipulations included in the Township Commission action establishing a PAD District shall become part of the regulations governing the use and development of the PAD.

C. PAD Regulations. The PAD Narrative, site plan, design standards and any other documents, exhibits or plans associated with the PAD, in the form approved by the Township Commission, shall become part of the regulations governing the use and development of the PAD and the Zoning Map shall be amended to reflect adoption of the PAD and the related documents and plans.

D. Expiration. Approval of any PAD zoning is conditioned on development of the first phase of the project commencing within three (3) years of the effective date of the ordinance approving the PAD zoning on the property. Prior to the expiration of the three (3) year time condition, the property owner or authorized representative may submit an application for an extension to the city. A submittal of an application for extension of the three (3) year time condition does not toll the running of the time condition. Should the three (3) year time condition expire between the submittal of an application for a time extension and the public hearing on the requested extension, the PAD shall be subject to reversion as set forth in this Zoning Ordinance.

1. Upon receipt of a request for extension, the Zoning Administrator shall submit the request to the Township Commission for consideration at a public hearing held pursuant to this Zoning Ordinance.
2. The Township Commission shall, after notices via certified mail to the property owner and authorized representative have been provided at least fifteen (15) days prior to the date of the scheduled hearing, hold a public

hearing on the extension request. The Township Commission may, in its sole discretion, grant an extension of the time condition, subject to the limitation on the number of extensions set forth in this Zoning Ordinance. If the public hearing is held after expiration of the time condition, the Township Commission may also, at that public hearing, take action to revert the zoning on the property to its prior zoning classification.

3. In the event the project's first phase has not commenced within the three (3) year time period and no request for time extension has been received, the Zoning Administrator may submit the PAD to the Township Commission for consideration of reversion, pursuant to the hearing procedure set forth in this section.
4. The Zoning Administrator shall notify the property owner and authorized representative by certified mail of the Township Commission's intention to hold a hearing to determine compliance with the three (3) year time condition, and to revert the zoning on the property to its former classification if the condition is determined by the Township Commission to have not been met. All such notices shall be made at least fifteen (15) days prior to the date of the scheduled hearing. The Township Commission may, in its sole discretion, either grant an extension of the time condition, subject to the limitation on the number of extensions, or revert the zoning on the property to its prior zoning classification.
5. The Township Commission may grant up to four (4) one-year extensions of the time condition.
6. Following the commencement of the first phase of the project, the Zoning Administrator shall monitor the project to ensure compliance with the approved PAD phasing schedule. Upon the Zoning Administrator's initial determination that the phasing schedule is not being met, no further review or approval of any project site plan or plat shall occur until it is determined that good cause exists for delay in the construction of the project. Should the project fail to proceed as scheduled, a public hearing shall be held by the Township Commission to determine the cause of the delay. At the public hearing on the matter, if the Township Commission determines that there is not good cause for the delay, it may impose additional conditions on the PAD to ensure compliance with the phasing schedule. If such additional conditions and the phasing schedule are not met, the Zoning Administrator may set the matter for public hearing, according to the process set forth above, on a possible reversion of the PAD zoning. If the Township Commission determines that good cause exists, it may amend the PAD development phasing schedule.
7. For purposes of this section, the terms "commence," "commencing" and "commencement" shall mean:

a. For a PAD smaller than five (5) acres, physical vertical construction activity in accordance with a valid building permit issued by the Township; and
b. For a PAD five (5) acres and larger, beginning of construction of on-site and off-site infrastructure including streets, sidewalks, water and wastewater, so long as such infrastructure is completed prior to expiration of the Township-issued development permit issued therefore.

8. The provisions of this subsection shall apply to all PADs, including those PADs approved prior to the adoption of this Zoning Ordinance.

E. Amendment. The Zoning Administrator or designee shall determine whether a proposed deviation from the approved PAD District is a major or minor amendment. Major amendments shall require Township Commission approval with the advice and recommendation of the Planning and Zoning Commission. Minor amendments shall require administrative approval by the Zoning Administrator or designee only. No amendment to a PAD will be approved without concurrent revision of its development plan.

1. Major amendment. Any one of the following shall be considered a major amendment of a PAD:
   a. A ten (10) percent or more increase in the number of dwelling units or in the acreages devoted to commercial or industrial uses.
   b. A significant change in boundary lines of development units.
   c. Any change which could have significant impact on areas adjoining the PAD.
   d. Any change which could have a significant traffic impact on roadways adjacent or external to the PAD.
   e. Amending the uses allowed by adding a permitted use, a use permitted with conditions or a use requiring a conditional use permit, unless the Zoning Administrator has determined that the use to be added is analogous to a permitted use.
   f. Changes to, or addition of, phasing for a PAD when such changes impact twenty-five (25) percent or more of the land area contained within the PAD district.
2. Minor amendment. All amendments of a PAD District not determined by the Zoning Administrator to be a major amendment shall be a minor amendment.

32.2.4 PAD Narrative and Development Plan

The narrative text shall provide uses and development standards for the PAD District. The PAD Narrative shall be both prescriptive and concise. The PAD Narrative shall conform in formatting and organization to the PAD application maintained by the Zoning Administrator or designee. The PAD Narrative shall sufficiently address all of the following as individual sections:

32.2.5 Introduction and Opening Statements

A. Describe the general location within the Township, the property boundaries and the surrounding properties.
B. Identify the land use designation(s) of the subject property in the Kayenta Comprehensive Plan and the Kayenta Comprehensive Future Land Use Map and the current zoning and the improvements existing on the subject property (for example, vacant or buildings to be demolished).
C. Provide the following statement - "The requirements of the Zoning Ordinance, as amended, and Kayenta Subdivision Regulations, as amended, shall apply except where explicitly stated otherwise herein by this PAD."

32.2.6 Proposed Uses.

A. List permitted uses.
B. List uses permitted with conditions.
C. List uses permitted with a conditional use permit.
D. Provide the following statement - "All uses not specifically provided for herein are prohibited, unless a subsequent determination by the Zoning Administrator finds a specific use to be an analogous use to a permitted use."

32.2.7 Density (residential only). State the density for the overall project as well as the densities of each specific development subsection or neighborhood.

A. The density shall not exceed the target density identified in this Zoning Ordinance for a comparable zoning district unless justification and mitigation are provided.
B. Providing open space in excess of the minimum amount may be used as justification and mitigation for exceeding the target density. The density bonus should be in proportion to the amount of open space provided.

32.2.8 Development Standards. State development standards that deviate from the Zoning Ordinance. In the case where no development standard is provided in the PAD Narrative, the Zoning Administrator shall determine the applicable development standard to apply. Residential developments shall provide different sizes of lots. The size differentials and their respective quantities shall compliment the character of the area and demonstrate superior design and a unique housing product mixture.

32.2.9 Open Space. Open space shall be an integral part of a PAD development, shall be provided in an amount commensurate to the size of the development, in minimum amounts not less than set forth below and shall, to the extent possible, be designed central to the internal functions of the site.

A. Single Family Residential Open Space.

1. A minimum of fifteen (15) percent of the net development area shall be provided as open space.
2. The following areas shall count as open space:
   a. Dedicated park sites, provided that the location, size and geometry are acceptable to the Township.
   b. Dedicated tracts for bicycle, equestrian, hiking or multi-use trails.
   c. Private park and recreation areas dedicated to, and maintained by, an Owners' Association that meets the park improvement standards as determined by the Zoning Administrator or designee.
   d. Reserved or dedicated steep slope areas.
   e. Up to a maximum of fifty (50) percent of an area identified as a golf course.
   f. Basketball, tennis or other sport courts, baseball, softball and soccer fields, tot lots and ramadas with barbeque areas.
   g. Stormwater detention and floodway areas, but only those proportions containing un-sloped turf areas.
   h. Any other areas deemed acceptable as determined by the Zoning Administrator or designee.
3. The following areas that shall not count as open space:
   a. Areas less than five thousand (5,000) contiguous square feet, unless such areas either are part of a larger trail system or contain significant project amenities, as determined by the Zoning Administrator.
   b. Public rights-of-way, dedicated streets and alleys, vehicular drives, parking, parking landscape areas, loading and storage areas.
   c. Required setback areas unless such areas contain significant project amenities, as determined by the Zoning Administrator.
   d. Reserved school and park sites.
   e. Concrete or rock-lined areas or drainage channels designated primarily for the conveyance of water.
   f. Utility corridor easements, unless substantially improved to make the area usable for outdoor activities. Only that proportion substantially improved shall be counted as open space. "Substantially improved" shall include any of the improvements listed in residential open space above, or any other improvements deemed substantial by the Zoning Administrator.

g. Meaningful open space areas shall be included within all phases of a PAD project and such open space shall be provided proportional to the amount of development related to each phase, unless otherwise permitted by the Zoning Administrator and included in the phasing schedule.

A. Commercial/Industrial/Multi-family Residential Open Space.
   1. Open space shall be provided in consistent with the planning area character and development intent established in the Kayenta Comprehensive Plan.
   2. Open space shall be provided in the form of pedestrian refuge areas with shaded seating, landscaped and hardscape plaza areas and public art features when appropriate.

32.2.10 Architectural Design. Architectural design shall conform to the Urban Design Element of the Kayenta Comprehensive Plan and articulate the Navajo arts, culture and traditions, particularly on those character areas that are considered destinations in the Kayenta Comprehensive Plan.

32.2.11 Landscaping. Landscaping provided along street frontages, around the property perimeter, internal to the site and in parking areas shall conform to the standards set forth in this Zoning Ordinance for the most closely comparable zoning district and conform to the Urban Design and Land Use elements of the Kayenta Comprehensive Plan.

32.2.12 Perimeter and Internal Walls, Gates and Entry Feature Designs and Materials. All perimeter and internal walls, gates and entry feature designs and materials shall conform to all the requirements set forth in this Zoning Ordinance and to the Urban Design element of the Kayenta Comprehensive Plan. In areas with mixed uses, the intent of the planning area and character area shall be taken into consideration.

32.2.13 Signage. Unless signage is approved as part of a comprehensive sign package, signage shall conform to the comparable zoning category and comply with all signage requirements included in the Kayenta Comprehensive Plan and in this Zoning Ordinance.

32.2.14 Maintenance of Common Areas and Adjacent Rights-of-way.

A. Open space areas shall be identified and reserved as tracts or parcels on a plat, or as easements when no plat is necessary. Maintenance of these areas shall be provided for by an Owners' Association.
B. A statement shall also be placed on the approved site plan or plat, as appropriate, stating that landscaping in adjacent rights-of-way areas shall be maintained by the Owners' Association.

32.2.15 Justification and Mitigation. Substantial justification and mitigation is required for proposed PAD standards that do not meet the standards of the comparable zoning district.

32.2.16 Exhibits. The following exhibits shall be provided with the Development Plan for a PAD:

A. Property boundary and legal description.
B. Areas designating lot sizes, densities and land use(s).
C. Circulation plan to include arterial and collector streets, and vehicular and pedestrian circulation routes as well as:
   1. Access Points (ingress and egress)
   2. Driveways and internal circulations.
   3. Transit stops.
   4. Connectivity to adjacent uses depicted on the Future Land Use Map.
D. Phasing schedule, which shall include all of the following:
   1. Type of development.
   2. Density.
   3. Floor area ratios for each phase.
   4. Map of the development designating the phases and sequence of development. The map shall include a schedule of development with action dates. All infrastructure improvements shall be shown and scheduled for the entire development.
E. The applicant shall document the location and acreage of open space as well as listing amenities to be provided at each location and include trail connectivity to the regional trail system.

ARTICLE D: REGULATIONS APPLYING TO ALL DISTRICTS

SECTION 33: NON-CONFORMING USES, BUILDINGS AND PARCELS

33.1 Any use of land lawfully existing on the effective date of this Zoning Ordinance, or its subsequent amendments, that does not conform to the regulations herein shall be deemed to be a non-conforming use and may be continued, until alterations of structures on such land are initiated or as deemed by the Building Official to protect public safety.

33.2 Any building or structure lawfully existing on the effective date of this Zoning Ordinance, or its subsequent amendments, that is wholly or partially used, or designed for use, contrary to the regulations of this Zoning Ordinance, shall be deemed as non-conforming building or structure and may continue in such use.

33.2.1 Any Structure, for which a permit has been lawfully granted prior to the effective date of the Ordinance, or of subsequent amendment to it, must be completed in

accordance with the approved plans; provided that construction has not seized for a period exceeding six (6) months.

33.2.2 The term construction for the purposes of this Section is intended and shall be construed to mean the performance of any meaningful work or labor on the construction of the Structure.

33.3 A variance will be granted to permit the continuation of any building, structure or improvement, existing immediately prior to the time this Ordinance or any amendment to this Ordinance, if such existing building, structure or improvement too, has been constructed with the acknowledgment of a nationally recognized building code or standard.

33.4 This Section does not authorize the extension, expansion or enlargement of existing non-conforming use/construction except as provided below.

33.3.1 The proposed extension, expansion or enlargement is limited to a maximum of twenty-five percent (25%) of the gross floor area of the non-conforming structure;

33.3.2 The proposed extension, expansion or enlargement will not adversely impact adjoining properties; and

33.3.3 The proposed extension, expansion or enlargement will comply with all applicable building codes requirements and other applicable State and/or Federal requirements.

33.5 Nothing in this Ordinance shall be construed to prevent the restoration and resumption of a formerly lawful use of any Building that is damaged or partially destroyed by fire or other calamity, or by an act of God, to the extent it requires seventy-five (75%) percent or less in restoration; provided that such restoration is started within one (1) year after such damage and construction does not seize for a period exceeding six (6) months.

33.5.1 A non-conforming structure that is completely destroyed or damaged or partially destroyed in any of the above manner to a greater extent than seventy-five (75%) percent, or voluntarily demolished or required by law to be demolished, shall not thereafter be restored except in full conformity with all the provisions of this Ordinance and to current Building Code standards.

33.6 Pre-existing, non-conforming uses as otherwise permitted herein are permitted to continue. No change in the type, scale or intensity of the use is permitted.

33.7 A non-conforming use which has been abandoned or discontinued for one (1) year or longer shall not be allowed to resume except in conformity with the applicable requirements of this Zoning Ordinance.

33.8 A parcel which has less area or width than required in the zone applicable to the parcel may be used as a separate parcel for a use permitted within the zone if:

33.8.1 The parcel was legally created and placed on the records of the Kayenta Chapter prior to the effective date of this Zoning Ordinance and complies with any ordinances, regulations or requirements then applicable;

33.8.2 The use and structure have previously been permitted or are legally non-conforming, or if it is a new use or a new construction, it will have a use which is the use, which most nearly meets lot and width requirements.

33.8.4 The use or construction is approved by the Development Services Department.

SECTION 34: HOME OCCUPATIONS

34.1 The purpose of this section is to facilitate businesses conducted in the home, also regulating these businesses to be compatible with other homes on the adjacent properties.

34.2 Businesses conducted within homes shall qualify as permissible home occupations if they meet the following standards:

34.2.1 Primary sale of goods or services in connection with such home occupation shall generally be that which is prepared, performed, produced or grown on the premises;

34.2.2 The goods, stock-in-trade, or other commodities are not displayed outside the residence in high volume;

34.2.3 The home occupation shall not be of a nature likely to generate traffic in larger numbers than would normally be expected in just such a dwelling;

34.2.4 No more than two (2) other persons, in addition to the members of the family, are employed in connection with the home occupation;

34.2.5 No objectionable operational characteristics or effect, including noise, odor, fumes, dust, lighting, vibration, electrical disturbance, and smoke discernible from the exterior boundaries of the lot site which would identify the premises as serving a non-residential purpose shall be allowed;

34.2.6 No more than twenty-five percent (25%) of the total gross floor area of the dwelling be used for home occupation purposes nor more than six hundred (600) feet for any Accessory Building shall be so utilized;

34.2.7 No change is made in the outside appearance of the building or premises, which is not of a residential character other than one (1) sign so stating the name and nature of the business which is not more than four (12) square feet and is not illuminated.

34.2.8 No show windows, window displays or advertising on signs, structures or vehicles on or near the site designed to attract customers, clients or the general public to the premises; and

34.2.9 Adequate off-street parking consistent with the nature of the business conducted is included, provided that such parking is contained within the parcel or lot, does not overflow into adjacent parcels, and does not create adverse traffic.

34.3 An application for a home occupation may be submitted to the Township and subsequently administratively reviewed by the Development Services Department to ensure it satisfies the standards contained herein. The Building Official shall issue a Home Occupation Permit to the applicant, if the application is approved, upon payment of the applicable business license fees. No such permit shall be required for a child care service if five (5) or fewer children are cared for in total.

34.3.1 If the application does not satisfy the standards contained herein, the Development Services Department shall deny the application for a home occupation permit.

SECTION 35: TEMPORARY USE PERMITS

35.1 Certain temporary uses of property may be permitted in any District, and the permit may be made contingent upon such conditions and reasonable time limitations are necessary to protect the public welfare. The violation of any such conditions imposed shall be grounds for the revocation of the permit. The Building Official may require an additional guarantee to assure removal of any debris, refuse, or structures as to restore the premises to prior condition of the temporary use permit.

35.2 Temporary structures and uses incidental to the construction of a building or group of buildings on the same or adjacent premises may be permitted in any District, where the use of such temporary structures conforms to uses permitted in such District.

35.3 Permits for outdoor yard or garage sales may be granted, merchandise shall not be displayed on any sidewalk, right of way, or adjacent property. Such sales shall be restricted to dawn and dusk hours.

35.4 In addition, any of the following uses may be permitted, subject to a specific time limit not to exceed thirty (30) days;

35.4.1 Neighborhood bazaar, celebration or festival in any district, when sponsored by an organized group;

35.4.2 Open-air sale of Christmas trees or

35.4.3 Other temporary outdoor sales that meet all other conditions of this Zoning Ordinance and where the Building Official determines that no safety or health hazards will result from the proposed temporary use.

SECTION 36: LANDSCAPING, BUFFERING AND SCREENING

36.1 INTENT

The intent of this Section is to address the advantages and need for landscaped parcels in relation to aesthetics and to improve adverse impacts between potentially incompatible uses including uses of different districts which may border or be generally adjacent, by requiring buffering and screening.

36.1.1 The contents of this Section include the obligation to:

H. Reduce irrigation water consumption with no decline in landscape quality;
I. Reduce the heat and glare absorbed and radiated by any development and improvements;
J. Control soil erosion;
K. Utilize water harvesting techniques and methods;
L. Preserve property values and the character of neighborhoods; and
M. Encourage the use of Xeriscapes or drought tolerant planting materials.

36.2 LANDSCAPING STANDARDS

36.2.1 The following landscaping standards apply:

A. Preservation of native, on-site vegetation shall be a primary objective of site planning for development.
B. New planting materials shall be drought-tolerant and appropriate to the semi-desert environment of the Township.
C. The following requirements apply to turf:
   1. The use of turf is prohibited unless reclaimed water is available for the maintenance of such turf.

2. If reclaimed water is available, the use of turf shall not exceed 20% of the landscaped area and shall be located, when used, to mitigate glare and reduce heat near buildings and to enhance pedestrian ways.
3. Turf may be used in golf course area within gold tees.

36.2.2 Earth beams shall be designed for transition to existing grades, shall not exceed a slope of 2:1, and shall be adequately covered with plant materials, ground cover or riprap.

36.2.3 Natural drainage ways and existing natural vegetation may be used for screening.

36.4 LANDSCAPING REQUIREMENTS

3.6.4.1 The following landscaping requirements apply:

A. All new construction within non-residential Districts shall require an area of not less than ten (10) percent of the site's parking area to be landscaped.
B. All commercial development shall provide landscaping at equal intervals within the areas of the development most visible from the adjacent streets and public rights-of-way.
C. All industrial developments shall landscape the front and side yard areas adjacent to streets which are not specifically used for parking, driveways, walkways, or similar purposes. Additional landscaping may be required to fully screen exposed storage when abutting less intense uses and/or at the discretion of the Development Services Department.
D. All new construction within residential Districts shall provide one (1) two (2) inch caliper tree every one-hundred (100) feet along the street frontage within the front yard setback, except when on corner lots where it must be 10 feet setback from the corner of the lot.

36.5 PLANTING SIZES, BOULDERS, AND TURF:

36.5.1 The following planting sizes are required:

A. **Trees:** Trees may not be less than fifteen (15) gallon size, with a two (2) inch caliper trunk measured from two (2) feet above grade. A minimum of two (2) live trees shall be provided for every one thousand (1000) square feet of required landscaped area.
B. **Shrubs:** Shrubs not less than five (5) gallon size, which are one (1) foot in height and one (1) foot in width at the time of planting. A minimum of ten (10) live shrubs shall be provided for every one thousand (1000) square feet of required landscaped area.
C.

36.5.2 <u>EXCEPTION:</u> Large boulders indigenous to the Kayenta area may substitute for up to half (1/2), of the required shrubbery. Size of boulders shall be a minimum of three (3) feet by four (4) feet.

36.5.3 Irrigated turf shall comply with all applicable requirements provided in 36.2.1.C.

SECTION 37: FENCE REQUIREMENTS

37.1 REQUIRED FENCING

37.1.1 Commercial and industrial development abutting any residential zone shall install a sound wall fence six (6) feet high. However, such fencing shall not extend into the required front yard area if the property is adjacent to a residential zone.

37.1.2 Other than short-term storage, all storage of building materials, junk, scrap, or waste shall be screened from public view with a solid fence six (6) feet high or landscaped buffering.

37.2 LOCATION AND HEIGHT

37.2.1 Residential Districts. Fences and hedges in residential districts are permitted up to six (6) feet in height, measured from the finished grade on the higher grade side of the fence. The following exceptions apply:

A. Fences or walls shall not be higher than four (4) feet above the street elevation along the front yard.
B. On a corner lot, fences, hedges, or visual obstructions over three (3) feet above grade shall be set back at least ten (10) feet from the corner of the lot.
C. Fences or walls within the Buildable Area are permitted up to eight (8) feet in height; and
D. Fences immediately adjacent to alleys are permitted up to seven (7) feet in height.
E. Fences or walls shall not be higher than four (4) feet along a driveway to a point ten (10) feet from the street.

37.2.2 Commercial and Industrial Districts. Fences, and hedges in commercial or industrial districts are permitted up to six (6) feet in height, measured from the finished grade on the higher grade side of the fence. The following exceptions apply:

A. Fences or walls higher than four (4) feet shall not be built within any required front setback.
B. Fences, hedges or other visual obstructions shall not be over three (3) feet high above the curb on a corner lot and a line connecting those lines from points thereon which lie twenty (20) feet from the intersection.
C. Fences or walls within the building areas as required for a main building are permitted up to ten (12) feet in height, except when property is abutting any residential zone.

37.3 PROHIBITED MATERIALS

37.3.1 Barbed wire, razor wire or similar fences shall not be installed within the Township except for security fences in the I-1 District which are not visible from any public street and placed six (6) feet above grade;

37.3.2 EXCEPTION: Right-of-way fence materials shall be selected at the discretion of the Authority having Jurisdiction.

37.3.3 Electrified fences of any kind shall not be permitted within the Township.

37.3.4. Petroleum based materials shall not be used as fencing within the Township.

SECTION 38: OFF-STREET PARKING

38.1 INTENT

It is the intent of this Section to require and provide for adequate off-street parking and loading spaces on each parcel or lot sufficient in size and number to reasonably accommodate all vehicles of residents, employees, customers, clients, and others, which may congregate at any point in time in order to reduce on-street parking and improve traffic and pedestrian flow and safety.

38.2 PARKING RATIOS

At the time any activity is established or any building or structure is erected, enlarged, or otherwise increased in capacity, or whenever there is a substitution of activities or a change in the nature of an existing activity likely to increase traffic and/or parking need, off-street parking for vehicles shall be provided in conformance with this Section:

38.2.1 Residential

Type of Use	Parking Requirements
A. Single Family Dwelling and Duplex Residential Unit	Two (2) parking spaces per dwelling unit, one (1) of which may be covered carport or garage.
B. Accessory Dwelling Units	One (1) Parking Space per unit.
C. Multiple Family Dwellings (3 units or greater)	1. One and one-half (1 ½) parking spaces per dwelling unit having two (2) or less bedrooms. 2. Two (2) parking spaces per dwelling unit having three (3) or more bedrooms. 3. Plus one (1) parking space for every four (4) dwelling units for Guests. 4. One (1) parking space for each unit shall be a garage or carport.

D. Bed and Breakfast Establishments	In addition to those required for the owner or manager of the premises, require: 1. Two (2) parking spaces, one of which may be a covered carport or garage. 2. Plus one(1) additional parking space for every additional guest room beyond two (2) guest rooms.

38.2.2 RECREATIONAL USE OFF-STREET PARKING REQUIREMENTS

Type of Use	Parking Requirements
A. Theaters and Auditoriums (with fixed seats)	One (1) parking space for every four (4) seats.
B. Auditoriums and Exhibit Halls (without fixed seats)	One (1) parking space per hundred (100) gross feet of bench.
C. Dance Halls	One (1) parking space for each five (5) seats or per fifty (50) square feet of dance floor, whichever is greater.
D. Bowling Center	1. Six (6) parking spaces per alley 2. Plus one (1) parking space for each shift employee.
E. Commercial Swimming Pools	One (1) parking space per one hundred (100) square feet of floor.
F. Tennis and Racket Courts	1. Two (2) parking spaces per court 2. Plus one (1) parking space for each shift employee.
G. Private clubs Without Overnight Accommodations	1. One (1) Parking Space for every four (4) persons of maximum occupancy of the facility 2. Plus one (1) Parking Space for each regular employee.

38.2.3 INSTITUTIONAL USE OFF-STREET PARKING REQUIREMENTS

Type of Use	Parking Requirements
A. Hospitals	1. One (1) parking space per doctor, 2. One (1) parking space for every three (3) employees, and 3. One (1) parking space for each three (3) beds.
B. Convalescent homes, nursing homes	1. One (1) parking space for each visiting doctor, 2. One (1) parking space for every two (2) employees, and

	3. One (1) parking space for each four (4) beds.
C. Day care center and nursery schools	1. One (1) parking space for each employee 2. Two (2) parking spaces for every five (5) children, and 3. One (1) loading space.
D. Churches and Mortuaries	One (1) parking space every four (4) seats or for every seven (7) linear feet of bench.
E. Public or Private High Schools	1. One (1) parking space for each employee 2. One (1) parking space for every ten (10) students of planned capacity or one (1) parking space for each four (4) auditorium seats, whichever is greater 3. Plus one (1) bus loading area

38.2.4 OFFICE, MEDICAL AND FINANCIAL OFFICES

Type of Use	Parking Requirements
A. Medical, Dental, Optometry, Chiropractor, Acupuncture and other Healing Practitioners Office	One (1) parking space per every hundred and fifty (150) square feet of gross area, or six (6) parking spaces per doctor or practitioner, whichever is greater.
B. Veterinarian Offices or Clinics	One (1) parking space per every hundred and fifty (150) square feet of gross area, or six (6) parking spaces per veterinarian, whichever is greater.
C. Banks, Lending Agencies, Financial Institutions, Governmental Institutions, Public Facilities and Utility Companies	One (1) parking space per every three hundred (300) square feet of gross floor area.
D. All Other Professional Offices (other than those listed in A, B and C above)	One (1) parking space per every three hundred (300) square feet of gross floor area.

38.2.5 RETAIL AND COMMERCIAL

Type of Use	Parking Requirements
A. General Retail Sales, Repair and Service.	One (1) parking space per every two fifty (250) square feet of gross floor area.
B. Retail Sales of Large Appliances, Automobiles, Furniture, and Other	One (1) parking space per every four hundred (400) square feet of gross floor area.

Similar Bulky Merchandise.	
C. Restaurants, Bars, Taverns, Night Clubs, Cocktail Lounges.	1. One (1) parking space per every three (3) seats or one hundred (100) square feet of gross floor area devoted to dining, whichever is greater 2. Plus one (1) parking space for each shift employee.
D. Restaurants and Other Retail Establishments with Take-out Service, Walk-up, Drive-up Windows and Roadside Stands	1. One (1) parking space per every three (3) seats or one hundred (100) square feet of gross floor area devoted to dining, whichever is greater 2. One (1) parking space for each shift employee. 3. Plus eight (8) parking spaces for each exterior service window.
E. Barber and Beauty Shops	1. One (1) parking space per every one hundred (100) square feet of gross floor area.
F. Uncovered Retail Sales Area for Landscaping Nurseries, Vehicles and Construction Materials	One (1) parking space per every four thousand (4,000) square feet of gross area, plus one (1) parking space per employee, but not less than four (4) parking spaces in total.
G. Service Stations and Vehicle Repair Garages	1. One (1) parking space per every four hundred (400) square feet of gross floor area. 2. Plus one (1) parking space per employee, but not less than three (3) parking spaces in total. 3. Service bays shall not count as part of the required parking.
H. Restaurants, Bars, Taverns, Night Clubs, Cocktail Lounges.	1. One (1) parking space per every three (3) seats or one hundred (100) square feet of gross floor area devoted to dining, whichever is greater 2. Plus one (1) parking space for each shift employee.
I. Hotels and Motels	1. One (1) parking space per each guest room or key. 2. One (1) additional parking space per every staff. 3. Plus six (6) additional parking spaces
J. Power Shopping Centers	Four (4) parking spaces per every one thousand (1000) square feet of gross floor area.

38.2.6 INDUSTRIAL

Type of Use	Parking Requirements
A. Warehouses under ten thousand (10,000) square feet of gross area	One (1) parking space per every six hundred (600) square feet of gross floor area with a minimum of ten (10) parking spaces.
B. Warehouses over ten thousand (10,000) square feet of gross area	One (1) parking space per every five thousand (5000) square feet of gross floor area with a minimum of ten (10) parking spaces.
C. Wholesale sales (with only limited retail)	One (1) parking space per every six hundred (600) Square feet of gross floor area.
D. Manufacturing plants, light industrial uses, and wholesales service establishments	One (1) Parking Space per three hundred fifty (350) square feet of gross floor area.

38.2 Where there is a combination of uses for one facility on a parcel, the total required off-street parking shall be the sum of the requirements for the various uses calculated separately.

38.3.1 The parking provided for one use may not be used to satisfy the parking requirements for another use on the same site, unless all of the following conditions are met:

A. Structures on the site clearly can be used only during limited time periods;
B. Uses occur during completely different periods of time;
C. The Town Planner determines there will be no conflicts or safety hazards between the proposed uses; and
D. A Conditional Use Permit is obtained.

38.4 The parking ratio shall be determined by the Town Planner for uses that are not specifically included herein.

38.5 Proposed commercial buildings without identified uses specified shall provide one (1) parking space for every two hundred fifty (250) square feet of gross floor area subject to adjustment once an intended use is identified.

38.6 Every use shall provide the required parking on the same parcel except that the owners of adjoining properties may provide parking space in common if said parking area is secured by easement or other sufficient legal document, and provided the total number of parking spaces provided is equal to the sum of the individual needs.

38.7 All residential parking spaces shall be at least ten (10) feet wide, twenty (20) feet long, with a minimum of twenty-four (24) feet if back-up space is required. Parking spaces shall not be permitted within the back-up space needed to exit from another parking space.

38.8 SPECIAL PARKING REQUIREMENTS

38.8.1 Compact car parking spaces may be provided in commercial or industrial developments for up to thirty percent (30%) of the required off-street parking spaces where at least fifteen (15) parking spaces are to be provided or required.

38.8.2 Handicap parking shall comply with all applicable requirements of the Township Building Code.

38.8.3 Each handicap parking space shall be delineated by blue painted curb and boundary lines and shall also be clearly labeled with the standard handicap symbol or clearly labeled for "handicapped only." Each compact car parking space shall be clearly labeled for "compact car only." Each electrical charging station shall be labeled for "electrical vehicles only." Employee parking spaces shall clearly be labeled for "employee only."

38.8.4 All retail and wholesale stores, warehouses, supply houses, buildings devoted to manufacturing, trade, hotel, hospitality, entertainment, hospitals or other buildings where large amounts of goods are received or shipped shall provide loading and unloading space adequate to handle the volume and frequency of actual or anticipated truck traffic. The number and minimum dimensions of loading spaces shall be as determined by the Town Planner.

38.8.5 All parking spaces abutting sidewalks, planters, buildings and landscapes shall be provided with a permanent curb, bumper, wheel stop or similar device. The stopping edge of such protective wheel stops shall be placed two (2) feet from the edge of sidewalks, planters or landscaped areas and from any buildings.

38.8.6 All off-street parking for all uses, except single family uses, shall be designed such that vehicles need not back out of the parking area into a public street. Utilizing a public alley for back-up space is acceptable.

38.8.7 Required off-street for any residential use may not be located in the required front yard setback area or required side yard setback area if adjacent to a street.

38.8.8 All required parking areas shall be of an impervious surface except for parking spaces adjacent to an alley or street for single family residential uses, which may be surfaced with crushed rock.

38.8.9 Any building or use whose parking becomes in effect substandard by the adoption of this Section but which were lawful prior to the adoption of this Section, shall be considered a non-conforming use. Such non-conforming use may continue. Any enlargement or expansion of such non-conforming use shall provide the required number of parking spaces or parking area for the entire building or use as specified in this Section. Any change in occupancy or use in an existing building or lot which requires more parking spaces shall provide the additional parking area as required by this Section.

SECTION 39: ACCESSORY BUILDINGS, DWELLINGS, AND USES

39.1 Intent

The intent of this Section is to provide regulations for buildings or structures which are not the main or primary buildings on parcels, and in which the principal use for the land does not occur.

39.2 Accessory buildings if permitted in any district are so permitted whether constructed or located at the same time as the main building on the parcel or subsequent thereto.

39.3 Accessory buildings in any non-residential zone shall be built subject to the same restrictions as apply to the main building.

39.4 Adequate buffering is required to screen all accessory buildings from the public right-of-way.

39.5 Accessory dwelling units are permitted in residential zones only when they comply with the following restrictions:

39.5.1 The unit is not for sale but may be rented;

39.5.2 The lot contains an existing single family detached unit;

39.5.3 The second unit is located with the Buildable Area of the existing dwelling;

39.5.4 The unit shall not exceed twenty-five percent (25%) of the living area of the existing dwelling;

39.5.5 Any construction shall conform to height, setback, lot coverage and other zoning requirements generally applicable to residential construction in the District in which the property is located; and

39.5.6 The accessory unit shall be serviced by existing sewer and utility connections, and no separate water, gas or electric meters shall be permitted.

SECTION 40: WATER AND SEWER CONNECTIONS

40.1 Water and Sewer Connection

Any structure requiring water and sewer shall be connected to the public water and sewer system. Individual septic systems are not permitted.

SECTION 41: SIGNS

41.1 **Intent.** The intent of this Section is to provide the minimum standards to safeguard life, health, property and public welfare by regulating and controlling the location, placement, size, numbers, surface area, illumination, materials, and maintenance of signs and sign structures. The intent of this Section is also to maintain and improve the aesthetics of the Township's appearance.

41.2 **Permitted Signs.** No sign permit shall be required for the signs listed below. In no case shall a sign be deemed to be exempt if it is listed as a prohibited sign herein.

41.2.1 One name plate less than four (4) square feet in area and located adjacent to one entryway, for each business or occupant in any District.

41.2.2 Memorial signs, names of buildings and dates of the building's construction which do not exceed four (4) square feet in area.

41.2.3 Traffic or other municipal signs, legal notices, railroad crossing signs, temporary or emergency non-advertising signs and signs identifying the existence or location of public utility facilities.

41.2.4 Temporary Signs of a directional nature, on-site directional signs, including no trespassing and no dumping signs, up to four (4) square feet in area and not exceeding four (4) feet in height.

41.2.5 Temporary Signs and banners of a civic, charitable, educational or municipal nature including public events and parades.

41.2.6 Up to four (4) on-site temporary garage and yard sale signs not to exceed a total of sixteen (16) square feet.

41.2.7 Temporary Signs on windows of commercial buildings, provided no more than twenty-five (25%) percent of the window surface is covered, for a time period not exceeding fifteen (15) days.

41.2.8 One (1) on-site construction sign not to exceed six (6) feet in height erected by a building contractor, subcontractor, architect or engineer while actually engaged in construction of the building.

41.2.9 One (1) on-site real estate sign pertaining to the sale, lease, rental or display of a structure or of a land which shall not exceed four (4) square feet in area.

41.2.10 Political Signs shall not be placed on any portion of a street, sidewalk, or other public right of way.

41.3 PROHIBITED SIGNS

Except as otherwise provided in this Zoning Ordinance, the following signs shall be prohibited throughout the Kayenta Township.

41.3.1 Signs on or projecting above the roof or the canopy of a structure, or signs, which appear to be roof signs from the public right-of-way.

41.3.2 Lighted signs that flash on or off and any sign feature which moves or is designed to move.

41.3.3 Lighted signs whose surface brightness is a detriment to surrounding properties, signs which prevent the peaceful enjoyment of surrounding property or that conflict with safe traffic movement or advertising displays which emit audible sound, odor or visible matter.

41.3.4 Signs located in such a manner as to obstruct free and clear vision or the view of any authorized traffic sign, signal or device.

41.3.5 Any sign, which because of its location, would prevent free ingress to or egress from any door, window, fire escape, driveway, sidewalk or would obstruct an outward view from any living or occupied area.

41.3.6 Signs placed on any portion of a street, sidewalk, or public right-of-way excluding signs on a newspaper vending machines.

41.3.7 Abandoned signs or signs which no longer identify a bonafide business entity.

41.3.7 Any signs placed on traffic signs or pedestals.

41.4 SIGNS IN RESIDENTIAL DISTRICTS:

Only signs which are permissible in Section 41.2 or which meet the following Standards will be permitted in any residential district.

41.4.1 Only one (1) Freestanding Sign or one (1) Wall Sign, located flat against a wall, shall be permitted for each Multiple Family Dwelling or Mobile Home Park. The Freestanding Sign shall not exceed six (6) square feet in area, shall not be illuminated nor rotating, shall not exceed five (5) feet in height, and shall be set back at least five (5) feet from Lot Line. The Wall Sign shall not exceed sixteen (16) square feet in area, and shall not be illuminated.

41.4.2 Residential subdivision signs, advertising a tract having five (5) or more units for sale, and may include one (1) Freestanding or Wall Sign on-site which does not exceed thirty-two (32) square feet in area. If otherwise permissible hereunder, the subdivision may also locate up to three (3) off-site Directional Signs, up to thirty-two (32) square feet each. Such signs shall be removed immediately after completion of sales or after one (1) year, whichever occurs first, unless granted an extension by the Town Planner.

41.4.3 Bed and Breakfast establishments shall be allowed one (1) sign as described in Section 41.2.1.

41.5 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS

Only signs meeting the following standards will be permitted in commercial or industrial districts, provided that there is compliance with all other applicable provisions of this Zoning Ordinance.

41.5.1 Signs shall be located and erected only upon the premises occupied by the person or business to be identified or advertised by such signs. The location of all signs shall also be in compliance with the building, electrical and fire prevention codes of the Kayenta Township.

41.5.2 The maximum permissible total sign area for all signs including free standing signs (but excluding highway signs) for all commercial or industrial uses shall not exceed the maximum total sign area for each business, according to the following table.

Zoning District	Maximum Total Sign Area Permitted (in square feet) for Each Lineal Foot of Building Frontage	Maximum Total Sign Area Permitted (in square feet) Regardless of Building Frontage
C-1 Neighborhood Commercial	1	50
C-2 Community Commercial	1 1/2	75
C-3 Highway Commercial	2	150
I-1 General Industry	1	350

41.5.3 The permitted signs may be mounted freestanding or located on any side of a building. The lineal footage of a building shall be that distance of building frontage facing a public street. The maximum sign are for buildings which front on more than one (1) street shall be calculated by using the longest of any such one such frontage.

41.5.4 The maximum number of freestanding signs shall be one (1) per business, building or parcel, whichever is most restrictive. The area of the freestanding signs shall be included in the maximum area allowed. The maximum height for any freestanding sign shall be eight (8) feet, except for highway-oriented signs.

41.5.5 The maximum allowable sign area for all service station signs shall be one hundred (100) square feet. All service station freestanding signs shall meet the requirements as listed in Section 41.6.2 for the district in which it is located, except that one (1) ground sign per station for price display is permitted up to fifteen (15) square feet in area. Such ground signs shall not exceed five (5) feet in height and shall be located so as not to obstruct free and clear vision of traffic. Price signs that comply with these regulations will be permitted in addition to the maximum allowable sign area. A maximum of two (2) square feet of signs and information mounted directly to the top of gasoline pumps will be permitted in addition to the total allowable sign area.

41.6 One (1) on-site highway-oriented sign may be permitted in addition to one (1) monument sign. The highway-oriented sign shall not exceed sixty (60) feet in height and shall not exceed one hundred (100) square feet in sign area.

41.7 Every sign and all parts and materials together with the frame, background, supports or anchorage shall be maintained in proper repair. The display surface of all signs shall be kept

neatly painted and/or posted. Failure to maintain signs shall constitute a violation of this Zoning Ordinance, and removal may be ordered.

41.8 A variance will be granted to permit the continuation of the use of any sign which existed immediately prior to the effective date of this Zoning Ordinance if such sign was not in violation of any other existing Ordinance or law.

41.9 All signs on corner lots in any District shall not be higher than three (3) feet above grade and a line connecting those points thereon would lie twenty (20) feet from the intersection, too preserve corner lot sight clearance.

SECTION 42: TRAILERS AND RECREATIONAL VEHICLES

42.1 INTENT

It is the intent of this Section of the Zoning Ordinance to establish regulations that apply to the storage and parking of Trailers and Recreational Vehicles in the Township. For Recreational Vehicle Park Design Standards see Section 32.7 of this Zoning Ordinance.

42.2 An operable Recreational Vehicle or Trailer may be parked for storage in all zones as follows.

42.2.1 Enclosed Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zone where it is located;

42.2.2 Uncovered parking is permitted in a side yard or in a rear yard, provided such parking has a minimum setback of five (5) feet from the lot line. Recreational Vehicle may be parked temporarily anywhere on the property during active loading and unloading.

42.2.3 A setback of five (5) feet from the lot lime is required for the duration of parking. Such parking shall not exceed thirty (30) days and shall comply with Section 42.2.4.

42.2.4 Parking is for storage purposes only, and any Recreational Vehicle or Trailer shall not be:

A. Used for dwelling purposes;
B. Permanently connected to sewer lines, water lines, or electricity except for a temporary electrical connection for the charging batteries and other related purposes; or
C. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential to its immediate use.

42.2.5 In residential zones, Recreational Vehicles shall be parked for storage only on property on which the vehicle's owner resides. Such parking is permitted outside a structure in the Rear or Side Yard. Recreational Vehicles can only be parked in the Front Yard if on a paved or graveled driveway and provided that all of the following conditions exist:

A. Space is not available in the Rear Yard or Side Yard, or the Lot is not on a corner and has no reasonable access to either the Side Yard or Rear Yard;
B. Inside parking is not possible;
C. The vehicle is parked perpendicular to the Front Lot Line;
D. No part of the vehicle extends over the public sidewalk or public thoroughfare (right-of-way)
E. No more than one (1) recreational vehicle or trailer is parked in the Front Yard of each residential unit;
F. The vehicle is parked at least five (f) feet from the Side Lot Line.

SECTION 43: YARDS

43.1 It is the intent of this Section of the Ordinance to establish regulations which apply to yard areas of parcels within the Township.

43.2 Every building hereafter constructed upon a building site shall be located on the site so as to provide for the yards specified in the regulations for the district in which the site is located.

43.2.1 Every Front or Rear Yard shall extend along a lot line the full width of the Lot, and every Side Yard shall extend along a lot line from the Front Yard or the Front Lot line to the Rear Yard. A required yard shall be open and unobstructed, except as otherwise provided herein. The required minimum depth or width of any yard shall be measured generally at the right angles to the lot line and from the nearest point of the building.

43.2.2 Where the building wall is not parallel to a Side or a Rear Lot Line that required least dimension of the Side Yard or the Rear Yard along such line may be applied to the average, provided that no Side Yard shall be less than three (3) feet width at any point, and no Rear Yard shall be less than ten (10) feet in depth at any point.

43.3 The following exceptions shall apply to all required yards:

43.3.1 In any residential district where twenty-five (25%) percent or more of the lots in any block, with the exception of the frontage along the side of a corner lot, have been improved with at least six (6) buildings at the time of the passage of this Zoning Ordinance (or any prior Ordinance) and the Front Yards on such lots vary in depth to

an extent not greater than six (6) feet, then the required Front Yard depth for such district shall be disregarded in such block and in lieu thereof the Front Yard required on each lot in such block shall be of a depth not less than the average depth of the Front Yards on the lots on which such existing buildings are located.

SECTION 44: HAZARDOUS MATERIALS STORAGE

44.1 Hazardous materials and wastes shall not be released into a sewer, on-site liquid waste disposal system, storm drain, ditch, drainage canal, lake or river or upon the ground, sidewalk, street, highway or into the subsurface or atmosphere.

44.1.1 Exceptions

The following exceptions apply:

A. Pesticide products and materials intended for use in weed abatement, pest control, erosion control, soil amendment or similar applications when applied in accordance with the manufacturer's instructions, and in accordance with nationally recognized standards.

B. Materials released in accordance with Federal, State or local governing regulations with a National Pollutant Discharge Elimination System Permit, with waste discharge requirements established by the Navajo Nation Water Quality Control Commission or with local sewer pretreatment requirements.

44.2 Hazardous materials and wastes are those chemicals or substances classifieds as hazardous materials in Article 80 of the 1991 Uniform Fire Code that pose physical hazards or health hazards, regardless of whether the materials are in usable or waste condition.

44.3 Conditional Use Permits shall be required to manufacture, store, dispense, use, or handle hazardous materials and wastes at facilities within the Township.

44.3.1 The following conditions apply:

A. The facility is located within an appropriate district; and

B. Hazardous materials and wastes are present in excess of quantities listed in Article 80 of the 1991 Uniform Fire Code. Such permit shall not take the place of any license as otherwise required by law.

44.4 The Development Services Department shall review and approve plans and issue a permit prior to issuance of building permits for new construction and major remodeling for those seeking the issuance of such Conditional Use Permits. Permits shall also be issued prior to commencement of new business activities in existing facilities.

44.5 Permits shall not be transferable and any change in use, occupancy, operation, or ownership shall require a new permit. Permits shall be renewed annually.

44.6 The Development Services Department is authorized to suspend or revoke a permit when it is determined after review that:

44.6.1 The permit has been used by a person other than the person to whom the permit was issued;

44.6.2 The permit has been used for a location other than that for which it was issued;

44.6.3 Any of the conditions or limitations set forth in the permit, have been violated;

44.6.4 The permit failed, refused, or neglected to comply with orders or notices duty served;

44.6.5 There has been a false statement or misrepresentation to a material fact in the application or plans on which the permit or application was based; or

44.6.6 The permit has caused an unabated release of hazardous materials to the environment.

44.7 No quantity greater than fifty-five (55) gallons of any material listed in Article 80 of the 1991 Uniform Fire Code shall be stored within four hundred (400) feet of any residential district or water well in the Township.

SECTION 45: DEVELOPMENT STANDARDS FOR NON-RESIDENTIAL USES

45.1 INTENT

It is the intent of this Section of the Zoning Ordinance to establish development standards for non-residential uses within the Kayenta's Employment Districts. The development standards and guidelines provided in this section are required in addition to all applicable guidelines and standards provided in the Kayenta Comprehensive Plan Urban Design Element and in the respective zoning districts included in this Zoning Ordinance.

45.2 SETBACK AND LANDSCAPE AMENITY REQUIREMENTS

Setbacks are established to create variation in the placement of buildings and parking lots along street frontages and to provide adequate spatial separation between adjoining uses.

44.2.1 Setback distances of non-residential buildings will differ depending on the land use intensity, the type of building, and the location within the Township. This section includes setbacks for non-residential development.

44.2.2 Set back all non-residential buildings from interior and perimeter roads to create areas for landscape, sidewalks and other pedestrian pathways, entry features,

monumentation, water features, signage and buffering between buildings, parking areas and streets in conformance with development standards and guidelines provided in this section.

44.2.3 Except for designated pedestrian routes and multiuse paths, non-residential development should convey a cohesive character from all major roadways.

44.2.4 All buildings should be set back from interior and perimeter roads in sufficient dimensions to create a landscape zone between buildings, parking and the street.

44.2.5 Varying building setbacks should be encouraged to enhance visual interest.

Building Setback Including Landscaped Areas, Parkway, and Sidewalk

45.3 **Interior Setbacks.** Establish appropriate interior setbacks as follows.

44.3.1 Convey an urban, pedestrian-friendly character where the street sidewalks are inviting routes for pedestrian access between employment uses, residential, retail and support services, and educational facilities.

44.3.2 Require a minimal front setback with street-side entries and parking on the side or in the rear of buildings along designated pedestrian routes and buildings.

44.3.3 **Primary and Secondary Street Setbacks and Landscape Amenities.** Primary and secondary streets include major arterials and collectors roadways. Establish appropriate setbacks for primary and secondary streets as follows:

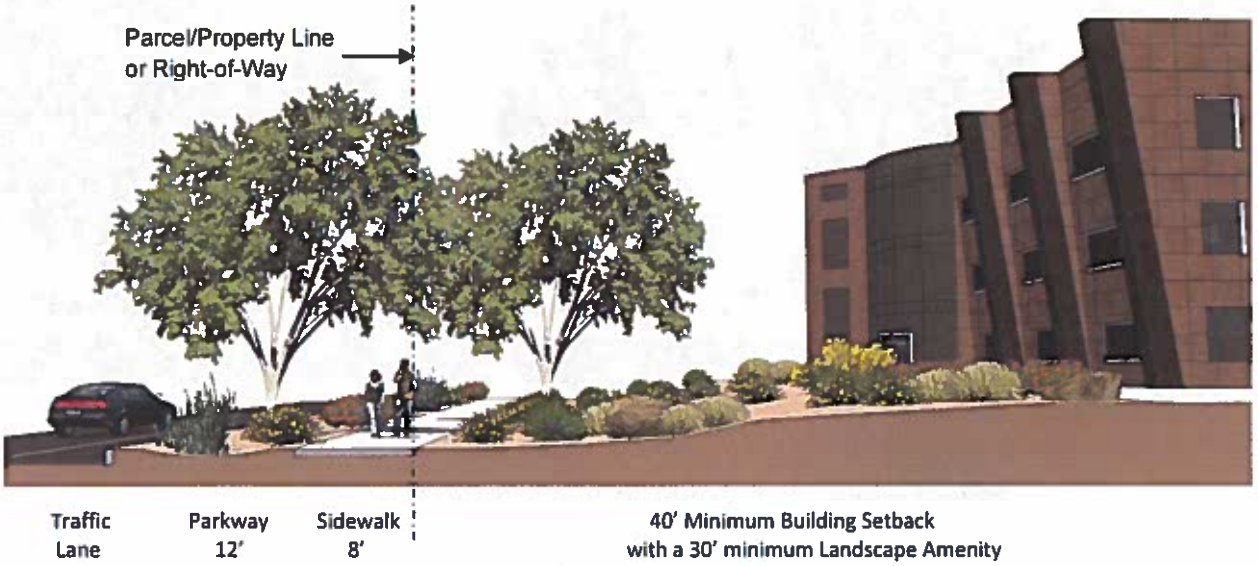
A. Provide a minimum thirty feet (30') landscape amenity area within the forty feet (40') building setback.

B. The parkway area shall be a minimum of twelve (12') feet in width. The parkway area is defined as the landscaped area separating the sidewalk from a vehicular lane.

C. The sidewalk area shall be a minimum of eight (8') feet.

D. Traffic lanes, parkway area and sidewalk are parts of the right-of-way. The right-of-way begins at the property/parcel line.

Building Setback and Landscape Amenity for Primary and Secondary Streets



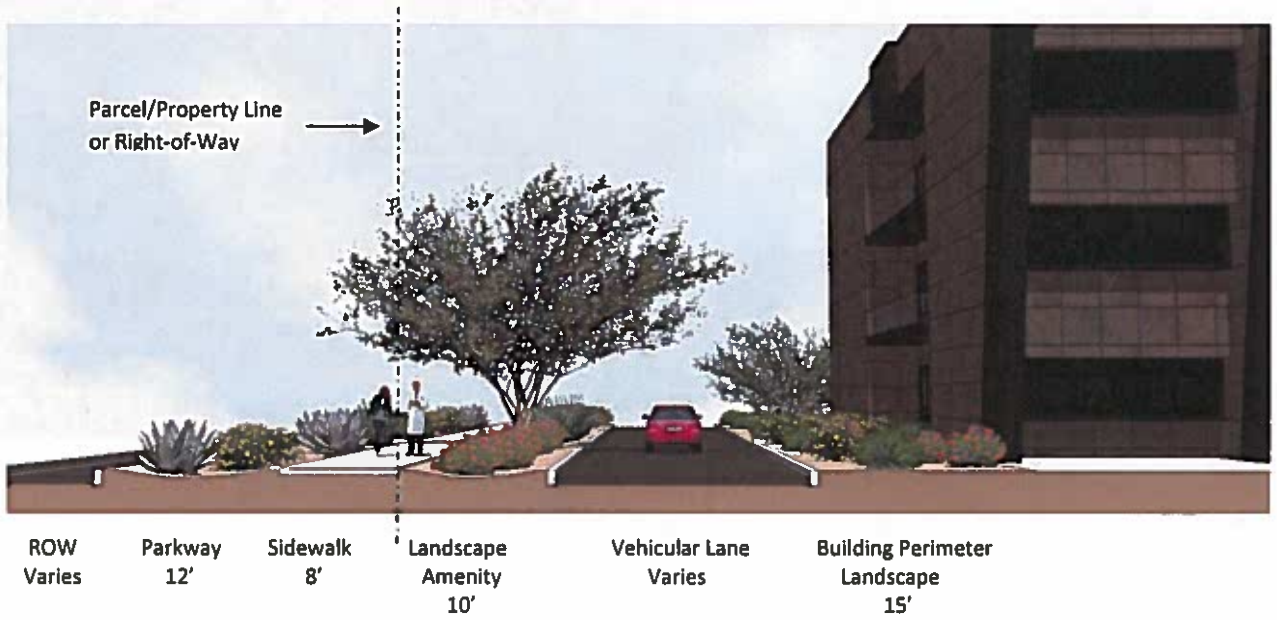
44.3.4 **Internal Drive Frontage Building Setback and Landscape Amenity.** Require internal drives frontage building minimum setbacks for all buildings as follows:

A. Set back all buildings a minimum of one foot (1.0') for every one foot (1.0') of building height, but not less than forty feet (40') from the property/parcel line or right-of-way line.

B. Landscape amenity areas within this setback shall be a minimum of ten feet (10') in width with a fifteen feet (15') minimum building perimeter landscape.

C. The sidewalk area shall be a minimum of eight (8') feet in employment and commercial districts and six (6') feet industrial districts.

Internal Drive Frontage Building Setback and Landscape Amenity



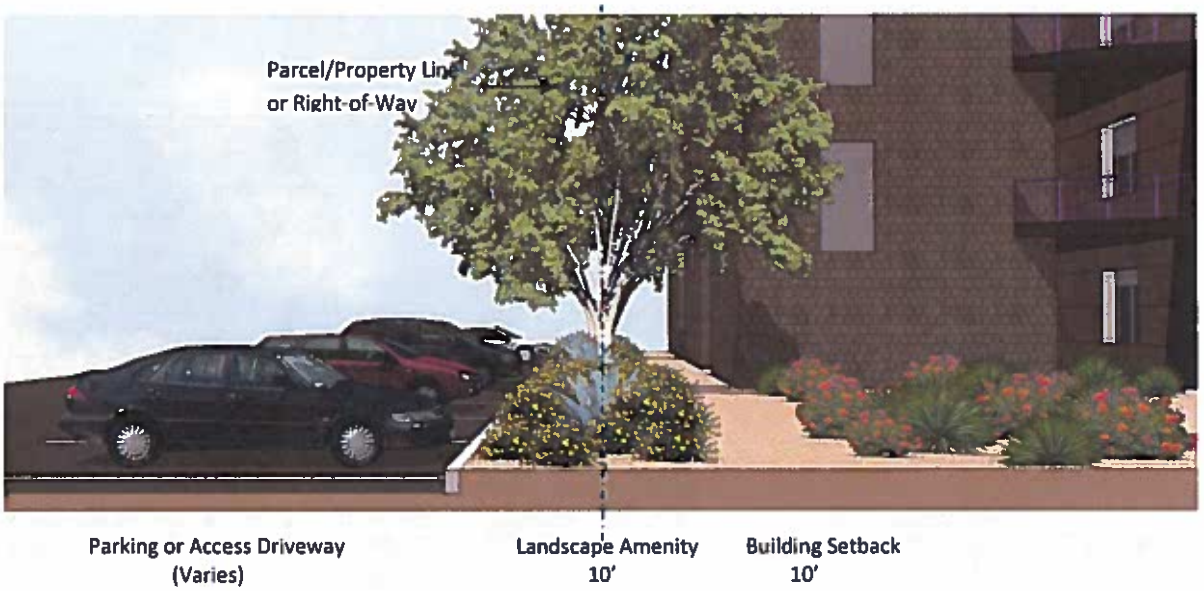
44.3.5 **Internal Drive Side and Rear Building Setback and Landscape Amenity.** Require internal drives side and rear building minimum setbacks for all buildings as follows:

A. Set back all buildings a minimum of ten feet (10') from the property/parcel line.

B. Set back all buildings a minimum of fifteen feet (15') from the parking or access driveway curb, and ten feet (10') from the property/parcel or right-of-way line.

C. Landscape amenity areas within this setback shall be a minimum of five feet (5') in width on either side of the property/parcel line, or a total of ten feet (10) with a minimum of five feet (5') building perimeter landscape area.

Side and Rear Building Setback and Landscape Amenity for Internal Drive.



44.3.6 **Sidewalks, Crosswalks and Pedestrian Pathways within Setbacks.** The following apply:

A. Sidewalks and other pathways shall be provided throughout Kayenta Township and along public roadways.

B. Crosswalks shall be provided at every major intersection and wherever appropriate (i.e., between integrated uses, between parking areas and buildings, and at all entrances/exits to major employment areas).

44.3.7 **Interior Setbacks in Major Pedestrian Routes (Kayenta Main Street/Mustang Trail).** The following apply:

A. Front setbacks should be established at a maximum of five feet (5') from the edge of the sidewalk. Larger setbacks are allowed for arcades, patios, parks and plazas.

B. Parking should be located in the rear or on the side of buildings. If located in the side of the building, front setbacks should be established at a minimum of five feet (5') with adequate screening and buffering including berms and landscaping.

45.4 **Utilities and Communication Devices**. All exterior on-site utilities such as water lines, gas lines, sewer and drainage systems, electrical and telephone wires and equipment must be installed and maintained underground, trenched, be in a spine, or be in a truss as indicated in the following guidelines.

44.4.1 All permanent utility lines should be installed underground.

44.4.2 Design and install utilities to minimize disruption of off-site activity during construction and maintenance.

44.4.3 Permit temporary overhead power and telephone facilities during construction only.

44.4.4 The developer should locate all data transmission and receiving telecommunication service in a central location. Individual roof-mounted or ground mounted data transmission and receiving installations are not permitted on individual parcels. Exceptions may be allowed where special user security or technical needs cannot be met with a central facility. In such a case, the following guidelines apply:

A. Screen from view any devices for transmission or reception of communication signals.

B. Maintain rooftop devices, to include, but not limited to, mechanical equipment, satellite dishes, platforms, and antennas below the building's highest architectural elements so they are not visible within a horizontal line of sight.

C. Screen ground-mounted devices from view from adjacent streets and properties and design them to integrate with the site with subdued use of colors that blend in with their surroundings.

44.4.5 Sound levels from transformers, air condenser units and other equipment should not exceed 5db at the property/parcel line.

44.4.6 All structures at ground level, such as manhole covers and grates, should be flush with the pavement to avoid tripping pedestrians. Grates should be spaced ½" or less to allow passage of bicycle and wheelchair tires.

45.5 **Service, Deliver and Storage Areas Screening**. Screenings are such things as vegetation, walls or other such structures that are used to conceal or minimize negative visual and auditory impacts of on-site activities and land uses from adjacent streets or development. The visual and auditory impact of utilities, data transmission dishes, transformers, and related facilities should be minimized in all development.

44.5.1 To ensure a clean and orderly image, locate and screen exterior elements such as utilities and communication devices, storage areas, loading/service areas, data transmission dishes, transformers, and related facilities that could cause undesirable visual and audio impacts to the environment in accordance to the following guidelines.

A. Screen all transformers, switching boxes and other utility cabinets from view.

B. Use plant materials or architectural screens.

C. Avoid leaving meters exposed where visible to the public.

D. Locate transformers away from major pedestrian routes and outdoor seating areas, and screen them when feasible.

E. Accommodate all loading docks and service areas so that their impact to views from adjacent streets, properties, pedestrian pathways, and open space corridors are minimized.

F. Locate loading docks and service and delivery areas on the side or rear of a building or underground.

G. Locate loading docks and service and delivery areas so that they do not encroach into any setback area.

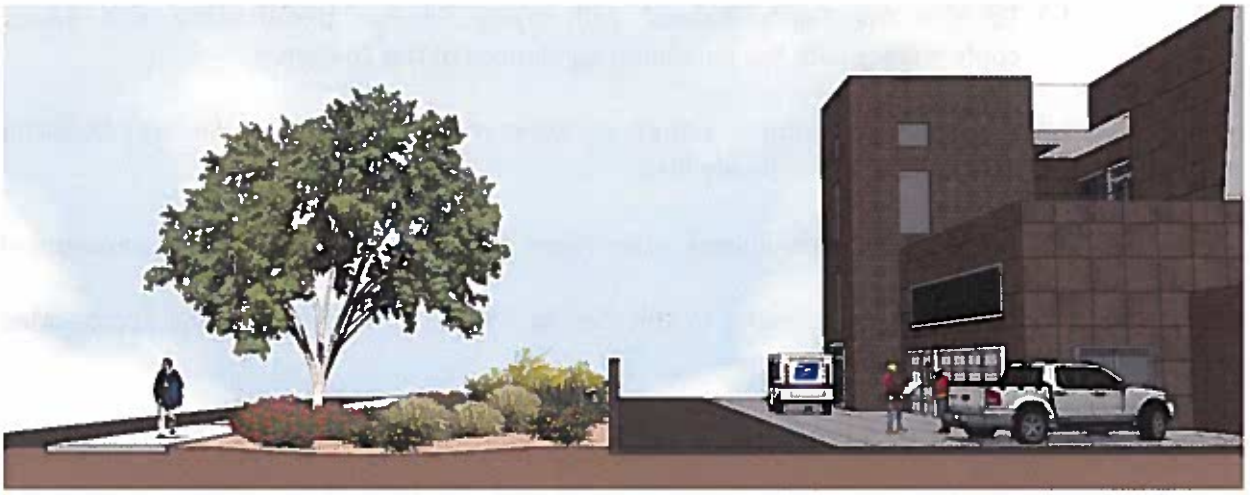
H. Locate parking areas for equipment trucks, research trailers and service vehicles away from public parking lots and major pedestrian circulation routes and screen them architecturally and with landscaping:

1. Screening for loading docks and service areas should be a minimum of six feet (6') high, noncombustible, and constructed of materials and finishes that harmonize with the main building.

2. Store all materials, supplies, trucks and equipment inside a building or behind a visual barrier screen such that they are not visible from streets and adjacent properties. Visual barriers can be dense landscape screen or a combination of a wall with landscape materials.

3. Clearly identify service entrances with signs to discourage use of the main entrances for deliveries.
4. Locate air intakes away from loading docks or other areas where exhaust fumes from vehicles may be drawn into the building.
5. Screen service entrances, air intakes, and loading decks as to prevent looking down into these areas from building windows.
6. Contain all refuse generated on-site in enclosures hidden from street frontages and adjacent properties. Located such enclosures in areas with convenient access for refuse vehicles.
7. Construct refuse enclosure walls with a minimum 6 feet in height, and of material and color similar or complementary to the adjacent buildings.
8. Locate necessary aboveground utilities, such as double detection check assemblies, behind the street hedge.

Service, Deliver and Storage Area Screening



45.6 **Noise Mitigation Areas**. Uses located within the noise contours of the Kayenta Airport, except assembly, manufacturing, maintenance and public facilities, shall be provided with appropriate noise insulation or otherwise designed to reduce the interior noise level to 40 DNL or less.

45.7 **Childcare and School Facilities**. Child care and school facilities are allowed in residential, commercial and employment districts, provided that such facilities are located outside of airport noise contours incompatible with this type of use.

SECTIONS 46-50: RESERVED

ARTICLE E. ADMINISTRATION

SECTION 51: Kayenta Township Commission

51.1 In addition to the responsibilities conferred by Navajo Nation Statutes upon the Commission as the governing body of the Township, the Commission shall have the following powers and duties under the provisions of this Ordinance:

51.1.1 To approve members of the Planning and Zoning Committee as nominated by the Development Services Department and to assign appropriate planning-related projects to the Commission for review and advice;

51.1.2 To hire the Building Official and review his/her performance and duties in conformance with the personnel regulations of the Township;

51.1.3 To hire the Town Planner and review his/her performance and duties in conformance with the personnel regulations of the Township;

51.1.4 To accept and enforce written decisions of the Development Services Department unless an appeal is timely filed;

51.1.5 To hear and decide appeals of decisions of the Development Services Department;

51.1.6 To enact amendments to this Zoning Ordinance and the Official Zoning Map as appropriate;

51.1.7 To interpret the provisions of this Zoning Ordinance and the Official Zoning Map; and

51.1.8 To establish from time to time such policies and rules as it may deem necessary to assure the proper administration and enforcement of this Zoning Ordinance.

SECTION 52: PLANNING AND ZONING COMMITTEE

52.1 The Committee shall consist of five (5) members, all but one (1) of whom shall be residents of the Township. The one (1) exception may an individual residing in a residence receiving water service from the Township. All members shall be nominated by the Development Services Department with the consent of the Commission. Initially three (3) members will be appointed for a three (3) year term and two members will be appointed for a two (2) year term. Members may be re-appointed by Township for unlimited terms. Members shall generally be appointed during the month of June.

52.2 Annually, in July, or more frequently at the discretion of the commission, the members of the Committee shall elect a chairperson, a Vice Chairperson and any other officials which seem appropriate by a majority vote. The Chairperson or Vice Chairperson may from subcommittees of the members of the Committee in order to expedite the planning process and to carry out the duties and the responsibilities of the Committee.

52.3 The Committee shall adopt rules and regulations for the conduct of business as seem appropriate to its members and make available for review by the public such rules and regulations. A quorum of three (3) members of the Committee shall be required to take any action or make any decisions. All actions may be decided by a simple majority of those present.

52.4 Any member of the Committee who has a financial interest in the outcome of any policy, decision or determination before the Committee on which he/she serves shall, as soon as possible after such interest becomes apparent, disclose to each of the other members of the nature of his/her financial interest in the issue and shall be disqualified from participating in any debate, decision or vote relating on the matter.

52.5 The Committee shall hold its meetings in conformance with the Open Meetings Act and shall meet at least quarterly. The Committee may hold additional meetings as may be called by the Chairperson or Vice Chairperson. All meetings will be open to the public unless closed as allowed by applicable provisions of the Open Meeting Act.

52.6 The Town Planner or his/her designee shall keep minutes of all meetings of the Committee. The minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and voted taken that show how each member voted. The minutes shall be kept available for public inspection at reasonable times. The minutes must be presented to members of the Committee within ten (10) working days after the meeting.

52.7 In addition to its general duties and responsibilities, the Committee shall specifically undertake the following:

52.7.1 Initiate, review and make recommendations to the Commission concerning the preparation, update and/or amendments to the Kayenta Comprehensive Plan;

52.7.2 Administer and enforce the provisions of this Zoning Ordinance as provided herein;

52.7.3 Review and make recommendations to the Commission concerning amendments to the Official Zoning Map and to the text of this Zoning Ordinance;

52.7.4 Review and make recommendations on requests for annexation;

52.7.5 Promote understanding among public officials as well as the residents of the Township on matters as set forth in this Zoning Ordinance;

52.7.6 Review and recommend approval, conditional approval or denial of applications for development according to the requirements of this Zoning Ordinance;

52.7.7 Hold a public hearing on any appeal to an administrative decision of the Town Planner or Building Official when it is alleged that there is an error in the order, requirement, or determination made by the Town Planner or Building Official, and to reverse, affirm or modify the administrative decision of the Town Planner or Building Official; and

52.7.8 To decide any question involving the interpretation of any provision of this Zoning Ordinance. The decision of the Committee shall be final unless an appeal is taken to the Commission.

52.8 The Committee shall have the authority to recommend from time to time such policies and rules not in conflict with other laws as it may deem necessary to assure the proper administration and enforcement of this Ordinance. Such policies and/or rules shall be forwarded to the Commission for final consideration and adoption.

SECTION 53: BUILDING OFFICIAL

53.1 The Building Official shall assist the Commission with the enforcement of this Zoning Ordinance and shall have the following duties and responsibilities:

53.1.1 Receive applications for processing pursuant to the terms of this Zoning Ordinance and to determine if such applications are complete;

53.1.2 Review and make administrative decisions for the disposition of applications for home occupation permits, sign permits, mobile home installation permits and site plan review certifications;

53.1.3 Review and make recommendations to the Committee regarding applications for conditional use permits, variances, beneficial use determinations and amendments to the Official Zoning Map and to the text of this Zoning Ordinance.

53.1.4 Ensure that adequate public notice is provided pursuant to the terms of this Zoning Ordinance;

53.1.5 Maintain the permanent files of each application and for each enforcement action undertaken pursuant to the provisions of this Zoning Ordinance;

53.1.6 Maintain the Official Zoning Map;

53.1.7 Initiate requests to the Township Legal representatives through the Township Manager to institute proceedings against violators of this Zoning Ordinance;

53.1.8 Review, as necessary, but at least annually, the Kayenta Comprehensive Plan (as it exists) and this Zoning Ordinance and recommend amendments to the Commission as appropriate;

53.1.9 Inspect buildings, uses, developments or other activities for compliance with this Zoning Ordinance;

53.2.0 Make such investigations and written reports as the Commission, and/or the Town Planner may direct;

53.2.1 Enforce all laws relating to the construction, alternation, repair, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures;

53.2.2 Issue such notices and orders as may be deemed necessary for the purpose of enforcing compliance with the provisions of this Zoning Ordinance.

SECTION 54: RESERVED

SECTION 55: APPLICATIONS AND FEES

55.1 Applications shall be made on forms provided by the Township.

55.1.1 When the applicant is not the owner of record, the application shall be accompanied by an owner's affidavit approving the application and authorizing the agent to act on the owner's behalf in processing the application. When the owner of record reside out-of-state, the affidavit shall designate a local agent capable of receiving notices and service of process.

55.2 The applicant may request an informal pre-application conference with the Building Official.

55.2.1 The purpose of the pre-application conference is to expedite the application process, to reduce design and development costs and to assist that applicant in understanding the requirements and procedures of this Ordinance.

55.2.2 No fee shall be required at the pre-application stage.

55.2.3 Neither the applicant, Township Staff, nor the Commission, shall be necessarily bound by any statements or determinations made during the pre-application conference.

55.3 Applications shall be submitted to the Building Official, who shall have responsibility for determining whether the submitted application is complete.

55.3.1 If the Building Official deems the application complete, the time frames herein for review and action will begin.

55.3.2 If the Building Official determines that the application is not complete, he/she will mail the applicant with a written statement within ten (10) days of submission of the application of the additional items required to complete the application.

55.3.3 No review or hearings shall be conducted for incomplete applications.

55.4 Reasonable fees sufficient to cover the cost of administration, inspection, publication of notice and similar matter may be charged to applicants.

55.4.1 Applications shall not be deemed complete unless the applicable fee is paid.

55.4.2 Reasonable fees for consultants (planners, architects, engineers, and other qualified professionals) may be charged in those cases where the proposed development is complex and necessitates a higher level of review beyond the scope of expertise and resources of Township Staff.

55.4.3 The amount of the fees shall be established from time to time by resolution to the Commission and as filed in the office of the Township Clerk.

55.4.4 The following criteria apply for withdrawn and denied applications:

A. Applications Withdrawn Prior to the Commission Public Hearing. Fees for applications that are withdrawn prior to the Commission public hearing shall be returned with eighty (80) percent retention.

B. Denied Applications: Fees for applications that are denied by the Commission during the public hearing shall not be returned.

C. Abandoned Applications: Fees for applications that are abandoned shall not be returned

55.5 All applications filed pursuant to this Zoning Ordinance shall be numbered consecutively in the order of their filing and shall become a part of the permanent records of the Building Official.

55.5.1 The permanent record shall include copies of all notices and actions with certificates and affidavits of posting, mailing or publications pertaining to the application.

55.5.2 All mailings pertaining to the application shall be sent via certified mail with a return receipt to be filed in conjunction with the application.

55.5.2 A summary of all pertinent testimony offered at public hearing held in connection with an application filed pursuant to this Zoning Ordinance, and the names of persons testifying at the hearing, shall be part of the permanent records.

55.6 Applications for permits or approvals, pursuant to this Zoning Ordinance, shall be deemed to have been abandoned when information and/or fees necessary for the completion of the application have been requested in writing and not received by the Building Official within ninety (90) days of notification.

55.6.1 The applicant may request (within the 90 day time period) an extension of up to one hundred eighty (180) days.

55.6.2 No further action shall be taken on an application, and no fees will be refunded once the application is abandoned.

SECTION 56: COMPUTATION OF TIME

56.1 Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal holiday, deadline shall be extended to the next regular business day. When the period time prescribed is less than seven (7) days, intermediate Saturdays, Sundays, and Holidays shall be excluded. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him/her and the notice of paper is served by mail, three (3) days shall be added to the prescribed period.

SECTION 57: NOTICE REQUIREMENTS

57.1 Notices required pursuant to this Zoning Ordinance shall conform to the requirements this Section in order to afford the applicant, the public and interested citizens the opportunity to fully participate in the process required hereunder.

57.2 The Building Official, upon certifying that the application is deemed complete shall place the application on the agenda for the Commission for a public hearing which permits sufficient time for fifteen (15) days notice to all appropriate.

57.3 The Building Official shall prepare a summary of the application, the permanent record and his/her recommendation. This summary shall be provided to both the Commission and the applicant no later than five (5) days prior to the public hearing at which the application will be considered.

57.4 All notices required by this Section shall include the date, time and place of the public hearing, a brief description of the application to be considered and the place where copies of the application may be examined.

57.5 The Building Official shall give notice of a public hearing as follows:

57.5.1 Notice of any public hearing required by this Zoning Ordinance shall be given to the applicant and any other person who makes a written request by mailing a notice to such persons at least seven (7) days prior to the public hearing.

57.5.2 In addition to the other notices required by this Section, notice for amendments to the Official Zoning Map shall be given to all owners of property within the area proposed to be changed and to all owners of property within 100 feet of the exterior boundaries of the area proposed to be changed, using for this purpose the last known name and address of the owners as shown in the current records of the Navajo County Assessor.

57.5.3 Notice shall also be given in a newspaper of general circulation in the Township at least fifteen (15) days before the date of the hearing.

57.5.4 Reasonable effort shall be made to give notice to all persons who have made a written request to the Building Official for advance notice of the hearings.

57.6 The applicant shall post one (1) or more signs regarding the public hearing as provided by the Building Official at least fifteen (15) days before the date of the hearing. The sign(s) shall be posted in a location visible from the nearest public right-of-way. The applicant shall be responsible for removing the sign(s) within five (5) days following the hearing. Failure to properly post signs is grounds for deferral or denial of the application.

57.7 An advertised hearing may be continued to a time and place announced at the hearing without re-advertising or reposting of signs.

57.8 Amendments to the Official Zoning Map or this Zoning Ordinance shall be by ordinance. Following approval of the amendments, the Building Official shall publish the title and general summary as otherwise required for ordinances. Such ordinance shall be effective as provided by law of ordinances.

SECTION 58: CONDUCT OF PUBLIC HEARINGS

58.1 The Building Official shall prepare summary minutes of all public hearings conducted pursuant to this ordinance and they shall be kept available for public inspection. A copy of the summary minutes shall be kept in the permanent file for the application.

58.2 The Commission shall neither:

58.2.1 Communicate, directly or indirectly, outside of a hearing with any party (excluding the Building Official) or his representatives in connection with the merits of any issue involved;

58.2.2 Use nor rely upon any communication, reports, staff memos or other materials, (excluding Building Official), prepared in connection with the particular case unless it is made part of the record.

58.3 The Commission may impose reasonable limitations on the number of witnesses heard and on the nature and length of their testimony. All testimony at the hearing shall be under oath or affirmation. Reasonable cross-examination shall be permitted.

58.4 The Commission may either render a decision following the close of public testimony or take the matter under advisement and render a decision at the next regularly scheduled meeting.

SECTION 59: RESERVED

ARTICLE F: PERMITS AND PROCESSES

SECTION 60: BUILDING PERMITS

60.1 A building permit shall be required for all construction within the Township as specified in the International Building Code. Applications for building permits shall be reviewed and approved or denied by the Building Official.

60.2 Applicants for a building permit shall be required to present a Site Plan to the Development Services Department prior to issuance of a building permit and prior to the commencement of any construction activities.

SECTION 61: MOBILE HOME INSTALLATION PERMITS

61.1 A mobile home installation permit shall be required prior to the placement of any mobile home in the Township. An application of a mobile home installation permit shall be submitted to the Building Official on the form(s) prescribed by the Township.

61.2 Prior to issuance of a mobile home installation permit, the applicant shall provide a copy of the Manufacture Certification to the Building Official.

61.3 The Building Official shall have the responsibility to review the application and to issue a Township mobile home installation permit if the application meets the requirements of this Zoning Ordinance.

SECTION 62: SITE PLAN REVIEW

62.1 For the purpose of ensuring that land use or construction activities are compatible with the requirements of this Zoning Ordinance, a Site Plan Review shall be required prior to the commencement of any land use or construction within the Township.

62.2 An application for Site Plan Review shall be presented to the Development Services Department on the form(s) prescribed by the Township. The Town Planner shall have the responsibility to review the application and to issue Site Plan Review Approval if the application meets the requirements of this Zoning Ordinance.

62.3 The decision of the Town Planner is final unless an appeal is taken to the Commission, as provided herein.

62.4 Site Plan Approval Process and Requirements. Site Plan approval is required for small commercial, mixed-use, and multi-family projects of less than one (1) acre in size unless otherwise specified in the respective zoning district. When site plan approval is required by this Zoning Ordinance, an application will be submitted to the Development Services Department for Town Planner review and will be accompanied by a non-refundable fee per the Kayenta Township Fee Schedule. No separate site plan application is required when a site plan is filed with a Special Use Permit. The Town Planner shall approve the Site Plan only after determining the following:

62.4.1 The proposed use is permitted by this Zoning Ordinance;

62.4.2 The proposed use and development conforms to the Kayenta Comprehensive Plan;

62.4.2 The dimensional arrangement of the buildings and structures within the lot for which the site plan is prepared conform with the development standards of this Zoning Ordinance; and

62.4.3 The lot, which is the requested location for the proposed use, has been created in compliance with State and Local subdivision requirements as well as this Zoning Ordinance.

62.4.3 The application shall be accompanied by the following information for the proposed development:

A. Site Plan, drawn to scale showing:
   1. Name of applicant and agent.
   2. Scale. Not greater than 1"=100"
   3. Date, title and any required notations.
   4. Legal Description.
   5. Lot dimensions.
   6. All existing and proposed building and structures: location, size, height and materials.
   7. Yards, setbacks and space between buildings.
   8. Walls, fences, and landscaping: location, height and materials.
   9. Off Street parking: location, number of spaces and/or dimensions of parking area, arrangement of spaces, internal circulation pattern, and landscaping.
   10. Pedestrian, bicycle, vehicular, transit, and service access: points of ingress and egress.
   11. Loading: Location, dimensions, number of spaces, internal circulation.
   12. Signs: Location, dimensions, materials.
   13. Lighting: location and general nature, hooding devices.
   14. Existing streets;
   15. Proposed streets and street improvements, showing the proposed circulation and including all proposed rights-of-ways.
   16. Landscaping, where required by or relevant to the provisions of this Zoning Ordinance.

17. Outdoor storage and activities, where permitted in the district: type, location, height of screening devices.
18. Drainage and Grading.
19. Waste disposal facilities.
20. Traffic Impact Analysis.
21. Renderings (elevations and cross-sections) and other data as may be required to permit the staff to make the required findings.

B. The applicant shall ten (10) prints of the site plan and all relevant documentation and studies to the Town Planner for any applicable agency review.

SECTION 63: SIGN PERMITS

63.1 Permits shall be required for all signs in the Kayenta Township, except those signs specifically exempted in Section 41. No sign, outdoor advertising structure, billboard or display shall be erected, installed, located and maintained in any District, except in conformance with these regulations and the approved sign permit. Additional sign and relocations or alternations of existing signs after the sign permit has been issued must conform to and be approved in the same manner as the original application. A building permit from the Building Safety Division may also be required.

63.2 All applications for sign permits shall be accompanied by sketches and diagrams of suitable scale and clarity to fully describe the design, materials, colors, dimensions, proposed placement, structural and electrical characteristics and appearance of the sign or signs.

63.3 An application for a sign permit shall be presented to the Building Official on the form(s) prescribed by the Township. The Building Official shall have the responsibility to review the application and to issue a sign permit if the applications meets the requirements of this Zoning Ordinance.

63.4 The decision of the Building Official is final unless an appeal is taken to the Commission, as provided herein.

63.5 Signs, which are not constructed in conformance with the permit application and drawings and diagrams shall be deemed not to have been issued a valid sign permit.

63.6 If the work as authorized under the approved sign permit has not been completed within six (6) months after the date of its issuance, such permit shall become null and void.

SECTION 64: HOME OCCUPATION PERMITS

64.1 For the purpose of ensuring that businesses and occupations conducted within the home are compatible with the requirements of this Zoning Ordinance, a Home Occupation permit shall be required prior to the commencement of any home occupation.

64.2 An application for a Home Occupation Permit shall be submitted to the Town Planner on the form(s) prescribed by the Township. The Town Planner shall have the responsibility to review the application and to issue a Home Occupation Permit if the application meets the requirements of this Ordinance.

64.3 The decision of the Town Planner is final unless an appeal is taken to the Commission as provided herein.

SECTION 65: CONDITIONAL USE PERMITS

The requirements and procedures specified below shall apply to all requests for conditional use permits:

65.1 Limitations and Grounds for Conditional Use Permits:

65.1.1 Authority to Grant. Conditional use permits shall only be granted for a conditional use which the Township is specifically authorized to pass judgment on by virtue of the use being listed as conditional for that particular District. Since conditional uses may only be appropriate at certain locations within a particular zoning district and with additional safeguards, it is the Development Services Departments' responsibility to exercise proper discretion in granting permits for such uses.

65.1.2 Grounds for Requesting and Granting. Acceptable grounds for requesting and granting a conditional use permit are if the requested use at the specific location proposed would meet the following criteria:

A. The use will not have significant adverse effect on the character and value of adjacent properties or the surrounding neighborhood.
B. The use furthers the intent of the character area in which is located.
C. The use will not create a hazard, a public nuisance or be injurious to individuals or to the public.
D. The use will not generate undue traffic congestion.
E. The use will not cause noise which is excessive for the particular area.
F. The use will not have a significant adverse effect on the natural environment and attractiveness of an area.
G. The use will not be contrary to the public interest.

H. The applicant will be able to meet any particular requirements specified for such a use in this title and any additional conditions that the Commission may impose.
I. The applicant will be able to meet all requirements imposed by applicable state and federal laws and regulations.
J. The use is consistent with the policies and recommendations of the Kayenta Comprehensive Plan.

65.2 Initiation of Requests: Any property owner who believes he/she has acceptable grounds for a conditional use permit may submit an application for such a permit for his own property.

65.3 Procedures for Filing:

65.3.1 Application Form: A written application for a conditional use permit shall be submitted to the Development Services Department on a form prescribed by the Township.

65.3.2 Required Information: The application shall include the following information:
A. The name and address of the applicant.
B. The legal description of the property involved in the request.
C. The District designation of the property.
D. A full and exact description of the use which is being requested and under which named use listed in this title the request is being made.
E. A written discussion statement demonstrating the likelihood of being able to meet the acceptable grounds for a conditional use permit as provided in this Zoning Ordinance.
F. A preliminary site plan, drawn to scale, with enough detail to allow a generalized assessment of the effects of the proposed development. The site plan should show the proposed placement of buildings and structures on the property, provisions for vehicular ingress or egress, off street parking and loading areas, proposed utility and storm drainage ways, screening and landscaped buffers.
G. Any additional information deemed necessary by the Town Planner.

65.3.3 Transmittal to Committee: The Town Planner shall be responsible for transmitting to the Planning and Zoning Committee the application materials, any written protests or comments by interested persons relating to the application and his/her written advisory recommendation no later than five (5) days prior to the hearing. The Committee shall submit their recommend of granting of disapproving to the Commission.

65.4 Charges: The charges for conditional use permits shall be as fixed from time to time by the Township through resolution with due public notice. Such charges shall be paid by the applicant to the Township at the time of filing the application. Application charges are non-refundable.

65.5 Time of Hearing, Public Notice: A public hearing before the Commission shall be scheduled for considering an application for a conditional use permit within a reasonable time but no later than sixty (60) days after the filing of the application, unless the applicant agrees otherwise, in writing. Due public notice shall be given of the hearing. An advertised hearing may be continued to a time and place announced at the hearing without re-advertising.

65.6 Public Hearing: At the public hearing, the applicant may appear in person or be represented by this agent or attorney. The Commission shall give due consideration to the application materials, the recommendation of Township staff, any written protests or comments by interested persons and any public testimony by interested persons before making a decision on the application at its final hearing. A decision shall be rendered within a reasonable period of time but at no later than sixty (60) days after filing of the application, unless the applicant agrees otherwise, in writing.

65.7 Action Taken:

65.7.1 Authority to Grant Or Disapprove: The Commission shall either grant or disapprove the request for the conditional use permit.

65.7.2 Conditions For Approval: However, the Commission may grant a conditional use in a particular case only if it finds, and so states in the minutes of the hearing, that the following conditions have been met:

A. The granting of the conditional use permit would be consistent with the acceptable grounds for conditional use permits as specified in this Zoning Ordinance.
B. The applicant demonstrates an ability to meet any particular requirements specified for such a use in this Zoning Ordinance.
C. The applicant agrees to meet any additional safeguards and conditions which may be imposed by the Commission and which are in conformity with the intent and purpose of this Zoning Ordinance and which are necessary to protect the public interest. Additional conditions may involve, but are not limited to, such matters as special screening and landscaped buffering, lot and yard areas larger than the minimum required in the zoning district, noise control measures, special restrictions regarding hours of operation, special restrictions on the maximum building floor area and lot area which may be devoted to the use, and special restrictions on signs. Violation of such conditions or safeguards as may be imposed by the Commission may result in a revocation of any conditional use permit in addition to any other remedy for such violations provided for in this title. The Commission may revoke a conditional use permit subject to such violations only after a public hearing where the alleged violator is given the opportunity to be heard.

SECTIONS 66-70: RESERVED

ARTICLE G: VARIANCES AND BENEFICIAL USE DETERMINATIONS

SECTION 71: VARIANCES

71.1 The Commission shall have the power to grant variances from the requirements of this Zoning Ordinance as may be reasonable and within the general purpose and intent of this Zoning Ordinance. Variances shall be granted sparingly because this Zoning Ordinance is designed to provide the maximum amount of flexibility in the development process while ensuring that the public health, safety and general welfare are preserved.

71.2 Application for variances shall be filed with the Town Planner on the form(s) provided for such purpose. The application shall state the specific provision of this Zoning Ordinance for which a variance is sought.

71.3 The Town Planner, upon certifying that the requirements of subsection 71.2 above have been met, shall place the request on the Commission's agenda for a public hearing, which permits sufficient time for fifteen (15) days notice.

71.4 The Town Planner shall prepare a staff report containing his recommendation regarding the appeal. This report shall be provided to the Commission and the applicant no later than five (5) days prior to the public hearing at which the application for a variance will be considered.

71.5 A variance may be granted if strict enforcement of the Zoning Ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of this Zoning Ordinance will be observed and public safety and welfare secured. This conclusion may be reached if any one (1) or more of the following findings can be made:

71.5.1 If the applicant complies strictly with the provisions of this Zoning Ordinance but can make no reasonable use of his/her property.

71.5.2 The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public.

71.5.3 The hardship relates to the applicant's land rather than personal circumstances.

71.5.4 The hardship is unique, or nearly so, rather than one shared by many surrounding properties.

71.5.5 The hardship is not the result of the applicant's own actions;

71.5.6 The variance:

A. Shall not result in the extension of a non conforming use, building or structure in violation with this Zoning Ordinance; and
B. Shall not initiate a nonconforming use of land, building or structure.

71.5.7 The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Zoning Ordinance and shall not be injurious to the neighboring property owners or otherwise detrimental to the public welfare;

71.5.8 The granting of the variance shall not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other lands, structures, or buildings; and

71.5.9 Financial gain or loss to the applicant shall not be a determining factor in granting or denying a variance request.

71.6 Within thirty (30) days following the public hearing, the Commission shall make a written decision, setting forth the reasons for the decision, which shall be accompanied by findings of fact(s) specifying the reason(s) for such decision.

71.6.1 In granting variances, the Commission may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties and furthers the character of the area in conformance to the Kayenta Comprehensive Plan. A variance may be issued for an identified period of time or for a specified period of time. The nature of the variance and any conditions attached to it shall be entered on the conditional use permit. All such conditions are enforceable in the same manner as any other applicable requirement of this Zoning Ordinance.

71.7 The decision of the Commission to approve or deny the application for a variance shall be final.

SECTION 72: BENEFICIAL USE DETERMINATIONS

72.1 In the event that a property owner in the Township believes that all beneficial use of his/her property has been denied, or taken by the application of this Zoning Ordinance, then he/she shall submit an application for a beneficial use determination under the provisions of this Section. The procedures provided herein shall be used prior to seeking any other relief in order that any denial of beneficial use of property may be possibly so remedied.

72.2 The purpose and intent of this section of the Zoning Ordinance is that every property owner in the Township should enjoy a beneficial use of his property. A beneficial use determination will be a process by which the Township evaluates all allegations that there is no beneficial use, and can provide relief from the regulation by granting additional development potential to permit a beneficial use of the property. However, it is also the intent of this Section that such relief shall not increase the potential for damaging the health, safety, or welfare of future users of the property or neighbors that might reasonably be anticipated if the property owner was permitted to build.

72.3 The notice requirements and public hearing procedures for a beneficial use determination shall be the same as that provided for variances as herein.

72.4 The nature of this request requires detailed financial information on the property that is not required or desired in normal applications. The following data shall accompany all application for a beneficial use determination:

72.4.1 Documentation of the date of purchase and the purchase price of the property;

72.4.2 A description of the physical features present on the property, the property's total acreage, and the present use of the property, and the use of the property at the time of the adoption of this Zoning Ordinance.

72.4.3 A description of the specific portions of the regulations which are alleged to result in an elimination of all beneficial use of the property together with all appraisals, studies, any other supporting evidence, and any actions taken by the Township related to the property; and

73.4.4 A description of the use which the property owner believes represents the minimum beneficial use of the property and all documentation, studies, and other evidence supporting that position.

72.5 In determining if a property owner has been deprived of beneficial use of his property, the Commission shall take into account the following factors:

72.5.1 The value of the property prior to adoption of this Zoning Ordinance which caused the property owner to apply for relief shall be compared to the value of the property with the regulations as applied. A mere diminution in value does not deprive the property owner of a beneficial use; the diminution must be so drastic that it effectively deprives the property owner of any significant use or enjoyment of the property.

72.5.2 A use common to the Township and/or the area of the subject site, although it may not involve further development of the land, is considered a beneficial use. Attention shall also be given to land uses that are considered to be the lowest intensity to the Township or adjoining areas but which uses still provide for occupation and living by the property owner. These land uses shall be considered beneficial uses.

72.5.3 Whether the property is being singled out for different treatment than similarly situated properties under this Zoning Ordinance.

72.5.4 If such a governmental subsidy exists for the property, then is should be reflected in considering minimum beneficial use on a valuation basis. The public costs of a subsidy should be considered as a payment to the property owner for the restriction on the property if there is an annual subsidy that enhances the economic return of the existing use to the property owner.

72.5.5 The extent to which the regulations protect users or neighbors from threats to health or safety shall be fully accounted for. A use that seriously threatens the health of future residents or neighbors is not a beneficial use.

72.5.6 Pure expectations, in general, shall not be considered. Only expectations backed by investments made prior to the adoption of the restrictions in question that are substantially above the cost of the land and normal planning investments shall be considered.

72.5.7 In no case shall a use that is a nuisance per se or a use that in its particular location constitutes a nuisance be granted relief. Such uses are not legal uses of the land, and thus no taking of the beneficial use of the land would occur.

72.6 If the Commission finds the property owner has been denied all beneficial use of his property, then the following relief may be granted:

72.6.1 The property owner shall be given the minimum increase in development intensity or other possible concessions from this Zoning Ordinance in order to permit a beneficial use of the land. The highest use, or even an average reasonable

expectation, is not required or intended as the appropriate remedy. The following guidelines shall be used for determining the minimum beneficial use of property and, therefore, the amount of relief to be granted a property owner.

A. The limited development potential, given the natural condition of the property, shall not be attributed to the regulations applied to the property. If the property is such that it cannot safely accommodate development with normal grading and clearing practices, this fact shall be taken into account in identifying the best site for development that minimizes cost of development.

B. The potential for damage to either residents or property shall be assessed in determining a beneficial use. Conditions shall be placed on sites where damage from building or hazardous conditions is likely. The conditions may include location restrictions, size limitation, and construction practices and shall require a building to be built so it will not be damaged.

72.7 The Commission shall make its decision by resolution. The decision of the commission shall be final and conclusive.

SECTIONS 73-74: RESERVED

ARTICLE H. AMENDMENTS AND APPEALS

SECTION 75: AMENDMENT TO THIS ORDINANCE

75.1 Boundaries of the zoning districts established by this Zoning Ordinance, the classifications of property use therein or other provisions of this Zoning Ordinance may be amended whenever public necessity, convenience and general welfare require.

75.2 Amendments to this Zoning Ordinance or the Official Zoning Map may be initiated by:

75.2.1 The verified application of one (1) or more property owners proposing to be rezoned or

75.2.2 Motion of the Commission

75.3 The Commission shall conduct at least one work session on the application to amend this Ordinance or the Official Zoning Map.

75.4 The Commission shall announce its findings not later that the next regular meeting following the closing of the public hearing unless this time limit is extended by agreement of the parties having an interest in the proceedings. The resolution shall recite the facts and reasons which, in the opinion of the Commission, make the approval or denial of the amendment necessary to carry out the general purpose of this Zoning Ordinance, and the

relationship of the proposed zone change or amendment to applicable Township plans and policies.

75.4.1 Within fifteen (15) days from the date of their action, the Commission shall notify the applicant by forwarding a copy of the resolution to the applicant.

75.5 The Township shall conduct at least one (1) public hearing on the application to amend this Zoning Ordinance or the Official Zoning Map following receipt of the resolution from the Commission.

75.5.1 The Commission may approve, modify or disapprove the recommendation of the Town Planner, provided that the Commission may, because of a desire for additional information, or due to the submission of significant new material or evidence, refer any modification of the application back to the Town Planner for further study and report.

75.5.2 The Commission shall announce its findings and make its decision by ordinance. The ordinance shall recite the facts and reasons which, in the opinion of the Commission, make the approval or denial of the application necessary to carry out the general purposes of this Zoning Ordinance and the Kayenta Comprehensive Plan.

75.5.3 The action by the Commission on the application for a zone change or Zoning Ordinance amendment shall be final and conclusive.

75.5.4 If an application of a zone change is denied by the Commission, another request for the same rezoning on the same property shall not be accepted within one (1) year of the denial.

SECTION 76: APPEALS

76.1 No permit, certificate or other form of authorization shall be issued for any applications approved pursuant to this Zoning Ordinance until period to file an appeal has expired.

76.2 Any aggrieved person may file an appeal of a decision of the Development Services Department to the Commission within twenty (20) days of the decision being appealed. The following persons may be considered aggrieved and deemed to have a personal or monetary interest or property right adversely affected by the decision, which right or interest is more than merely nominal or remote:

76.2.1 The applicant;

76.2.2 Persons who were parties or could have been parties at the public hearing before the Commission;

76.2.3 Persons who own a property interest within 100 feet of the subject-site;

76.2.4 Organized neighborhood association, if the boundaries of the organization include any part of the subject parcel or any land within 100 feet thereof or;

76.2.5 The Commission by its motion.

76.3 Applications for an appeal shall be filed with the Township Clerk and shall state the reasons for the appeal. The reasons shall specifically cite and explain one or more alleged errors:

76.3.1 In applying adopted Township plans, policies, and ordinances in arriving at the decision;

76.3.2 In the facts considered at the public hearing; or

76.3.3 In acting arbitrarily or capriciously or abusive of discretion.

76.3.4 The Commission if taking on an appeal on its own motion need not specify an error.

76.4 The Commission may hold a public hearing and reserve, affirm, or modify the decision appealed.

76.4.1 If it appears to the Commission that some additional evidence is necessary for the proper disposition of the matter, it may allow evidence to be taken.

76.4.2 The Commission may remand the matter to the Development Services Department for reconsideration. If the matter is remanded, the Commission shall state specifically the matters to be reconsidered and the reasons for the remand on which the action is based.

76.5 The Commission may state its decision and adopt findings of fact at the conclusion of the public hearing at which the appeal is considered, or the Commission may postpone its decision until its next scheduled meeting.

76.5.1 The Commission may reverse any order, requirement, decision or determination of the Building Official, Town Planner or Town Manager;

76.5.2 The Commission may decide in favor of the appellant; or

76.5.3 The Commission may make any change in order, requirement, decision or determination of the Building Official, Town Planner or Town Manager.

76.6 Within fifteen (15) days from the date of the decision of the Commission, the Town Planner shall notify the applicant of the decision in writing.

76.7 Action by the Commission on any appeal shall be final and conclusive.

SECTION 77: RESERVED

ARTICLE I. ENFORCEMENT AND VIOLATIONS

SECTION 78: ENFORCEMENT

78.1 All departments, officials and public employees of the Township who are vested with the duty or authority to issue permits or undertake enforcement actions pursuant to the terms of this Zoning Ordinance shall conform to the provisions of this Zoning Ordinance and shall issue no permits or undertake such enforcement actions where the same would conflict with the provisions of this Zoning Ordinance.

78.2 It shall be the duty of the Town Planner, the Building Official or their designated agents to enforce or cause to be enforced the provisions of this Zoning Ordinance.

78.3 Complaints alleging a violation of this Zoning Ordinance shall be in writing and presented to the Building Official.

78.3.1 The Building Official shall make a preliminary investigation of the complaint and inform the complainant in writing what actions have been or will be taken.

78.3.2 The Building Official may request the assistance of the Town Planner and/or the Town Legal Representatives (through the Town Manager) during the investigation.

78.3.3 The Building Official shall make written report to the Town Planner concerning all complaints he has received and all actions taken in response to those complaints.

78.4 If the Building Official determines that any provision of this Zoning Ordinance is being violated, he/she will send a written notice (by certified mail, return receipt requested) to the property owner, indicating the nature of the violation and ordering the action necessary to correct it. Actual receipt of the notice by the property owner is not required.

78.4.1 The notice shall establish a reasonable time limit for abatement of the violation, which limit shall not be less than two (2) days of more than fifteen (15) days. The first notice shall be in the form of a violation notice.

78.4.2 The property owner may request an extension of time within which to comply. The request shall be in writing and the decision to grant or deny an extension shall be within the discretion of the Building Official. His/her decision will be in writing.

78.4.3 Not withstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Zoning Ordinance or pose a danger to the public health, safety or general welfare, the Building Official may seek enforcement without prior written notice.

78.5 An inspection will be conducted by the Building Official or his designee following the expiration of the time specified above. If compliance is still not met, the Building Official will either proceed with the abatement of the nuisance or with the filing of a complaint in the local Municipal Court.

78.6 Within the scope of this authority, the Building Official or his authorized inspector(s) may conduct an inspectorial search, with the voluntary consent of an occupant or custodian of the premises, who reasonably appears to the Building Official to be in control of the places to be inspected or otherwise authorized to give such consent.

78.6.1 Before requesting consent for an inspectorial search, the Building Official shall inform the person to whom the request is directed of the authority under and purposes for which the inspection is to be made and shall, upon demand, exhibit an identification card or document evidencing his authority to make such inspections.

78.6.2 Inspections undertaken pursuant to this section shall be carried out with due regard for the convenience and privacy of the occupants, and during the daytime unless, because of the nature of the premises, the convenience of the occupants, the nature of the possible violation or other circumstances, there is a reasonable basis for carrying out the inspection after business hours (5 pm).

78.6.3 Unless advance notice would be likely to cause the suspected violation to be temporarily eliminated so as to frustrate enforcement, notice of the purpose and approximate time of an inspectorial search of an area not open to the general public shall be sent to the occupants or custodians of the premises not less than seven (7) days before the inspection in undertaken.

78.7 Upon sufficient showing that required consent to an inspectorial search has been refused or is otherwise unobtainable within a reasonable period of time, the Building Official may

make application for an inspection order/search warrant. Such application shall be made to the district court having jurisdiction over the premises to be searched.

78.7.1 Such application shall set forth:

A. The particular premises or portion thereof sought to be inspected;
B. That the owner or occupant of the premises has refused entry;
C. That inspection of the premises is necessary to determine whether they comply with the requirements of this Zoning Ordinance;
D. Any other reason necessitating the inspection, including knowledge or belief that a particular condition; and
E. That the Building Official or his/her inspector is authorized by the Township to make the inspection.

78.7.2 The application may be granted and the inspection order/search warrant issued upon a sufficient showing that inspection of the particular premises is in accordance with reasonable legislative or administrative standards, and that the circumstances of the particular inspection for which application is made are otherwise reasonable.

78.7.3 The Building Official executing the inspection order/search warrant shall, if the premises in question are unoccupied at the time of execution, be authorized to use such force as is reasonably necessary to affect entry and make the inspection.

78.7.4 The Building Official conducting the search shall, if authorized by the district court on proper showing, be accompanied by one or more law enforcement officers authorized to serve search warrants.

78.7.5 After execution of the order or after unsuccessful efforts to execute the order, as the case may be, the Building Official shall return the order to the district court with a sworn report authorized to serve search warrants.

78.8 If compliance is not met by the stated date, a second and final notice will be served in as another other legal process may be served pursuant to law. This second notice will be a Pending Prosecution Notice and/or Notice to Abate.

SECTION 79: VIOLATIONS

79.1 In the event a building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained or used in violation of this Zoning Ordinance. The Building Official in addition to other remedies may institute an appropriate action or proceeding to prevent the unlawful action, to restrain, correct, or abate the violation; to prevent the occupation of the building, structure or land; or to prevent an illegal act, conduct, business, or use in or about the premises. Violations of this Ordinance shall be prosecuted in the manner

provided by law in order to ensure the health, safety and welfare of the citizens of the Township. The remedies proved for herein shall be cumulative and not exclusive.

79.2 Declaration of Nuisance. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Ordinance and/or any use of any land, building or premises conducted, operated or maintained contrary to the provisions of this Zoning Ordinance shall be and the same is hereby declared to be unlawful and public nuisance and the Township attorney shall, upon order of the Commission, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law and shall apply to such court as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using any property contrary to the provisions of this Zoning Ordinance.

79.3 Abatement. The Notice to Abate shall include the following:

79.3.1 An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances.

79.3.2 The location of the nuisance.

79.3.3 A description of what constitutes the nuisance.

79.3.4 A statement that if the nuisance is not abated as directed and no request of hearing is made within the prescribed time, the Township will abate the nuisance and asses the cost thereof against the property owner and any applicable property.

79.4 Upon the failure of the person upon whom the notice to abate a nuisance was served, the Building Official or his/her designee shall proceed to secure abatement of the same and shall prepare a statement of costs incurred in the abatement action.

79.5 Any and all costs incurred by the Township in the abatement of a nuisance under the provisions of this Zoning Ordinance shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided by law. Such lien shall be notice to all persons from the time of the recording, and shall bear interest at the legal rate thereafter until satisfied.

79.6 Except as herein provided, an action for the abatement of a public nuisance shall governed by the general rules of civil procedure.

79.6.1 A civil action to abate a public nuisance may be brought, by verified complaint in the name of the Township without cost, by any public officer or private citizen, in the local Municipal Court against any person who shall create, perform or maintain a public nuisance.

79.6.2 When judgment is against the defendant in an action to abate a public nuisance, he shall be adjudged to pay all court costs and a reasonable fee for the complaint's attorney.

79.6.3 If the Municipal Judge places a person violating this Zoning Ordinance on probation, one of the conditions of probation shall be the abatement of the nuisance within the time period of the probation.

79.7 Prosecution: Violation of the provisions of this Ordinance may be enforced by prosecution in Municipal court. Prosecution of violations under this Section may be commenced by the issuance of a citation charging the violation as provided herein.

79.8 Permit Revocation: Any discretionary permits issued by the Township pursuant to the provisions of this Zoning Ordinance may be revoked if the permit recipient fails to develop or maintain the property in accordance with the approved plans, the requirements of this Zoning Ordinance, or any additional conditions or requirements lawfully imposed upon the permit.

79.8.1 Before a permit may be revoked, the permit recipient shall receive notice of a hearing before the Commission to consider revocation of a permit. The notice shall inform the permit recipient of the date, time and place of the hearing as well as the alleged grounds for revocation.

79.8.2 A decision to revoke the permit shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the decision.

79.8.3 No person may continue to make use of land or buildings in the manner authorized by the permit after such permit has been revoked in accordance with this Section.

This ordinance is passed, adopted and approved by the Kayenta Township Commission on December 30, 2011 and is effective on January 30, 2012.

_____

Kayenta Township Commission, Chairperson

ARTICLE J. OFFICIAL ZONING MAP

Section 80: Kayenta Official Zoning Map

Zoning Districts:

Agricultural Districts:
A-1 Agriculture District
A-2 Equestrian Center District
A-3 Horse Ranch District

Residential Districts:
R-1 Residential Single Family District (Very Low Density)
R-2 Residential Single Family District (Low Density)
R-3 Residential Single Family District (Low Density)
R-4 Residential Single Family District (Medium Density)
R-5 Residential Multifamily District (High Density)

Mixed Use Districts
MU-1 Corridor Development Mixed Use District
MU-2 Kayenta Main Street Mixed Use District
MU-3 Kayenta Old Town District
MU-4 Kayenta Gateway Center District

Transit Oriented Development (TOD) Mixed Use Districts
TOD-1 Employment-oriented TOD District
TOD-2 Entertainment-oriented TOD District

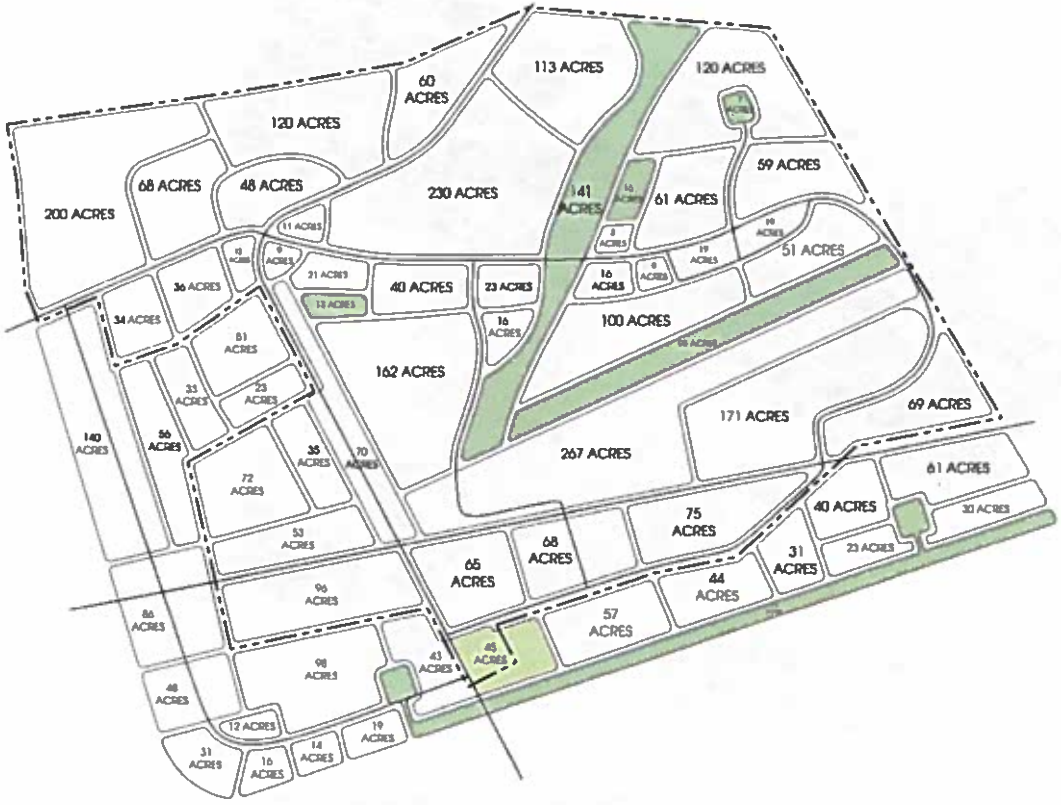
Commercial Districts
C-1 Neighborhood Commercial District
C-2 Community Commercial District
C-3 Highway Commercial District
C-4 Truck Service Corridor District
AHC Airport Highway Commercial District
HE HospitalityEntertainment District
RSG Resort, Spa, and Golf Course District

Employment Districts
E-1 Employment District
E-2 Health Support Services District
E-3 Technology and Innovation District

Open Space, Parks and Planned Recreation Districts
OR-1 Community Parks
OR-2 Regional Recreation, Parks and Open Space

Community Facilities Districts
CF-1 School District
CF-2 Public Utilities and Facilities Districts

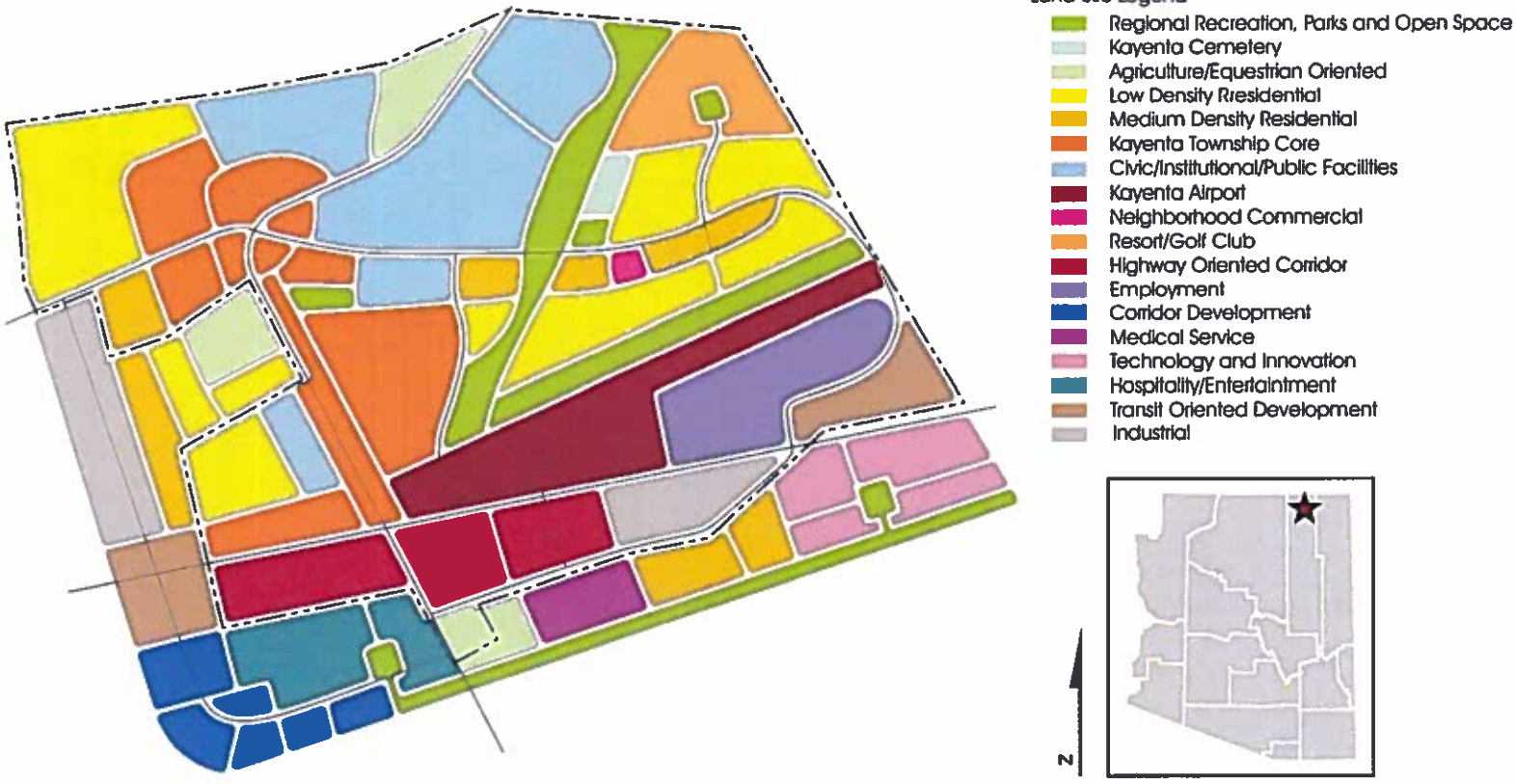
Appendix A: Kayenta Zoning District Acreages



Legend

- Designated Open Pace, Regional and Community Parks
- Rodeo and Fair Grounds

Appendix B: Kayenta Future Land Use Map (As Adopted in the Kayenta Comprehensive Plan)



KAYENTA

TOWNSHIP

EST. 1986

20.

Comprehensive Plan

KTCA-14-12

KTCA-14-12

RESOLUTION OF THE KAYENTA TOWNSHIP COMMISSION

Adopting the Kayenta Comprehensive plan

WHEREAS:

1. The Kayenta Township Commission ("KTC") has the general authority and responsibility to govern for the welfare of the Kayenta Township ("Township") and its residents, including the enactment of such ordinances, rules and regulations as it deems in the best interest of the Township; and
2. Township Commission of Kayenta Township over an 11 month period beginning in January of 2011, held public meetings including: **a one (1) week-long design charrette; four (4) community conversations; and a one (1) day youth design charrette** where in depth deliberations and formulation of concepts and a draft Comprehensive Plan was conducted; and
3. Comments and participation were sought from the public and interested and affected Navajo departments, and Navajo and non-Navajo agencies; and
4. The Comprehensive Plan update includes these interrelated documents: The Kayenta Township Comprehensive Plan Background and Current Conditions volume, containing all pertinent data and analysis and serving as the foundation to the Comprehensive Plan; and the Kayenta Township Comprehensive Plan Policy volume, containing the vision, elements, goals, design concepts, and policy framework directing development within Kayenta Township; and
5. The Comprehensive Plan includes a Vision Statement which provides a sense of purpose and mission for the Comprehensive Plan and sets the foundation for the guiding principles, goals, policies and actions in the Plan; and
6. The Comprehensive Plan has been developed to be comprehensive, internally consistent, long term and to address all pertinent Navajo Nation laws; and
7. The Kayenta Township Commission conducted a public hearing on the Comprehensive Plan on December 15, 2011 regarding adoption of the Comprehensive Plan.

NOW, THEREFORE BE IT RESOLVED THAT:

1. **Findings**

   The Township Commission makes the following findings:

   a. The Comprehensive Plan constitutes a comprehensive, long-term document capable of guiding the future development of Kayenta Township.
   b. The Comprehensive Plan meets all the requirements for such plans as provided in Navajo laws.
   d. The Comprehensive Plan has been prepared and adopted in accordance with the requirements of Kayenta Township and the Navajo Nation.

e. The Comprehensive Plan includes goals, policies and actions related to smart growth, multi-modal transportation and access to all mobility needs, land use, urban design, natural resources protection and conservation, preservation of Navajo culture and ways, economic development, heritage and eco-tourism, reduction of greenhouse emissions and sustainable best practices.

f. The Comprehensive Plan provided is consistent with the direction of Kayenta Township Green Code.

h. The Goals, Policies, Actions and other relevant content contained in the Comprehensive Plan, are consistent with and does not conflict with applicable airport/land use compatibility policies and criteria contained in the Kayenta Airport Master Plan as amended for the environs of Kayenta Airport.

2. Adoption

a. The Kayenta Township Commission adopts the Comprehensive Plan as set forth in Exhibit "A".

CERTIFICATION

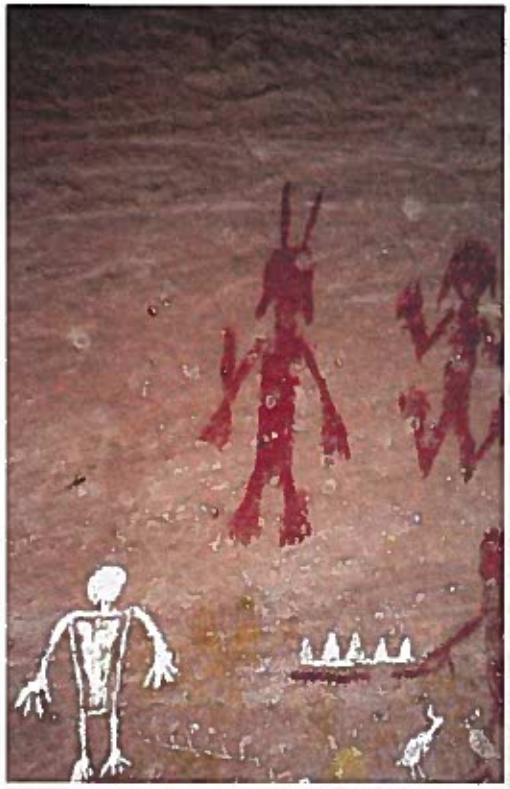
I hereby certify that the foregoing resolution was duly considered by the Kayenta Township Commission at a duly called special meeting at Kayenta, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 3 in favor, 0 opposed, and 0 abstained, this 17th day of April 2012.

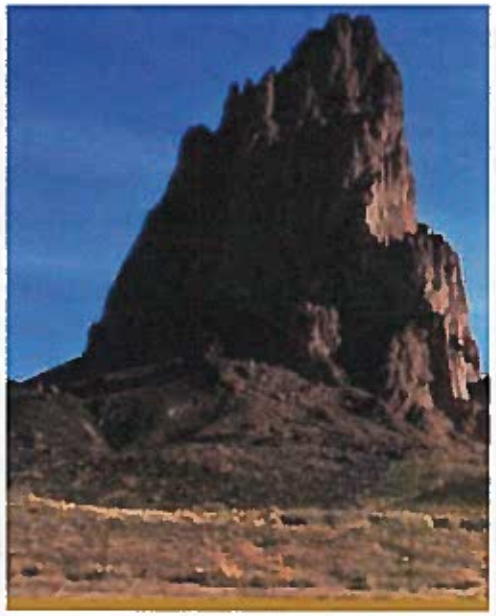
Motion: Bonnaha

Second: Grey

Chairperson, Carol Todecheene

Kayenta Township Comprehensive Plan





THE PLANNING CENTER
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ARROWHEAD
ENGINEERING, INC.

Policy Plan Volume

Kayenta Township, Navajo Nation, Arizona

Kayenta Township Comprehensive Plan

Prepared for

Kayenta Township
P.O. Box 1490
Kayenta, AZ 86033

Prepared by

The Planning Center
110 South Church Avenue, Suite 6320
Tucson, Arizona

With Assistance from

Arrowhead Engineering
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November 30 2011

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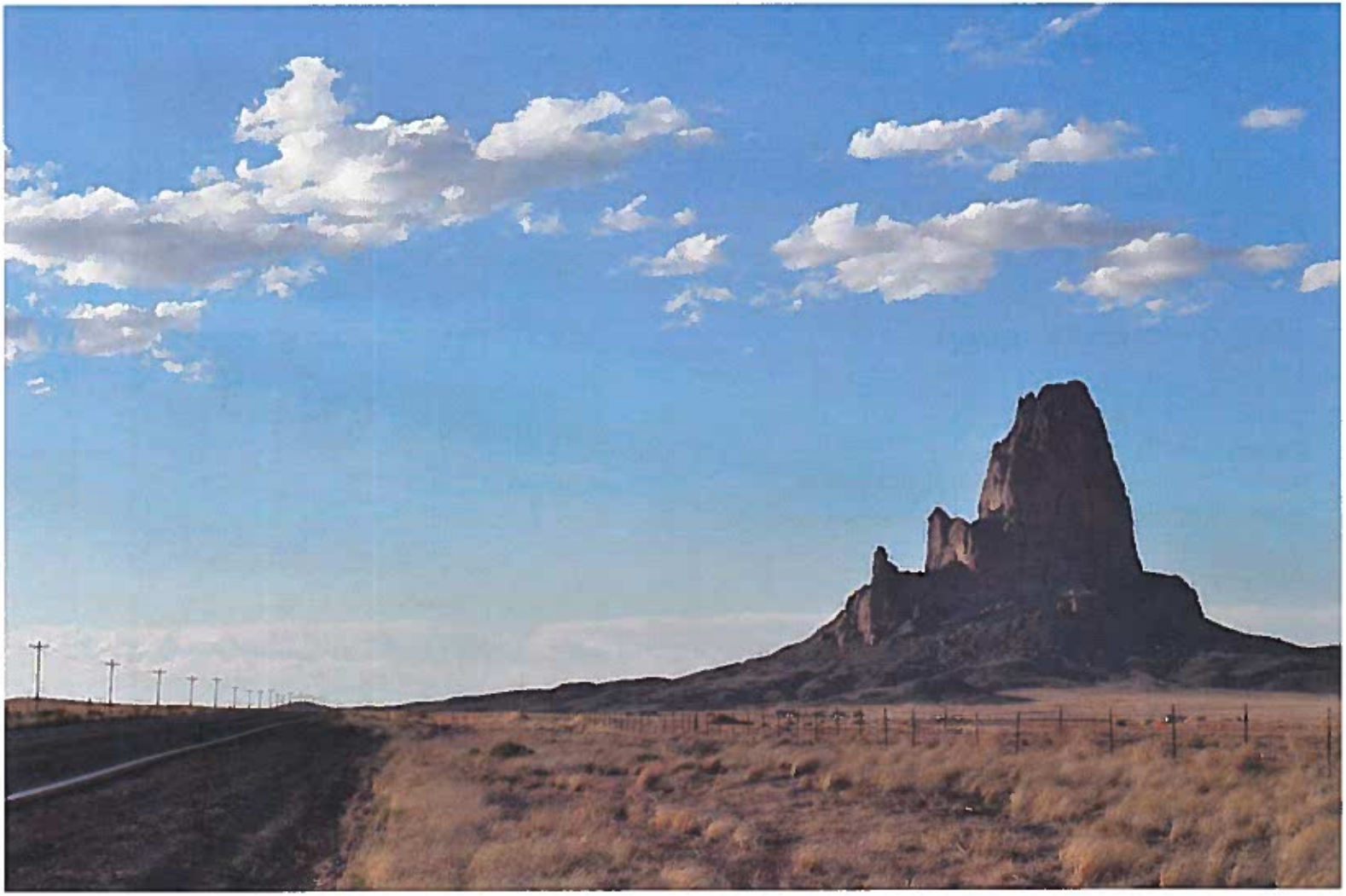
Policy Plan Volume



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Policy Plan Volume

Kayenta Township Comprehensive Plan

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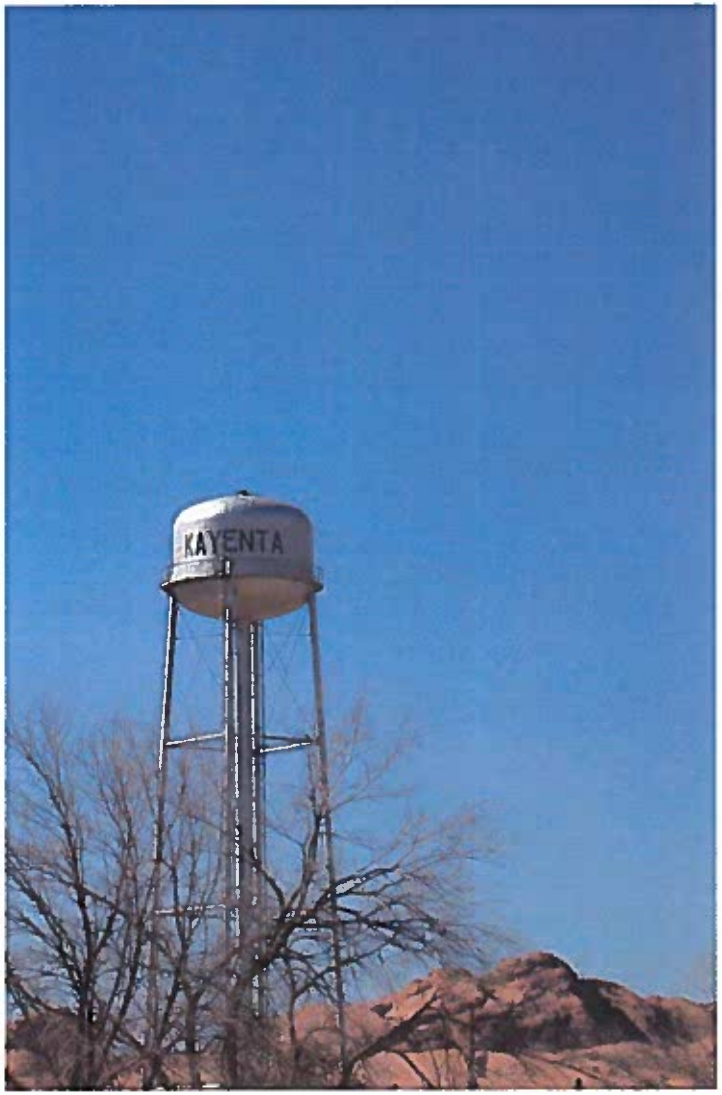

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Kayenta Township Commission

Helen Bonnaha, Commissioner
Carol Todecheene, Commissioner
Dolores Greyeyes, Commissioner
Jodonna Hall-Ward, Commissioner
Rodger Grey, Commissioner
Andre Cordero, Commissioner

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Ruth Gilmore, Vice President
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Andre Cordero, Town Manager

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Carol Todecheene, Kayenta Unified School District, Transportation Dir.
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Marti Gilmore, Kayenta Unified School District, KMS Principal
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Velma Eisenberger, Kayenta Community School, Principal
Karen Lesher, Native, Superintendent
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Marie Etsitty, Dine College, Interim President
Lorraine Benally, Northland Pioneer College, Center Supervisor
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Dana Denny, Director

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Travis Honanie, Frontier Communications, Network Engineer
Julene Price, Amigo Café, Owner
Genevieve Crawley, Golden Sands Café, Co-Owner
Richard Mike and Nina Heflin, Burger King, Owners
Richard Mike and Nina Heflin, Hampton Inn of Kayenta, Owners
Eva Workman, Eagle Air Med, Outreach Specialist
Abe Martinez, McDonald's of Kayenta, Owner
Bonnie Frazier, 7-2-11 Food Store,
Kim Forsyth, Conoco Giant Industries
Mark Nicholson, Speedy's, Owner
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Nathaniel Begay, Navajo Nation Shopping Center, CEO
Juanita Yazzie, Navajo Nation Shopping Center, Leasing Specialist
Daniel Fuller, Kayenta Post Office, Post Master
Mike G. Paulowsky, Sonic's Drive In
B&B Consultants Inc.
Tanner Jeffs, Rising Sun Materials, Supervisor
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Michael W. Eggleston, Ferrell Gas,
Randal Brouchard, Kayenta Chiropractor, Owner - Co
Cheryl Harvey, Kayenta Dialysis,
Ms. Lavina Smith, Kayenta Monument Valley Inn, General Manager
Desiree LaFont Wetherill Inn Best Western, Manager
Wayland LaFont, NAPA Auto Parts, Owner

Fenessa Dayish, Navajo Arts & Crafts Enterprise, General Manager
Gregory and Myra Draper, Draper's Glass, Owners
Paul Frye, Frye Law Firm, P.C.

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John Austin, Church of Christ, Preacher
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Father Jerome Heriff, Our Lady Guadaloupe, Father
LDS Church, President

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Kayenta Township Comprehensive Plan

Kayenta Township, Navajo Nation, Arizona

Kayenta, Navajo: **Tó Dinéeshzhee** is located in northeastern Navajo County, Arizona, about 20 miles south of the Utah border on U.S. 163, 148 miles north-northeast of Flagstaff, and 99 miles west of Shiprock, New Mexico. Because of its remoteness, in the early days the Kayenta region was seldom visited by non-Indians.

Kayenta Township is the only municipal-style government within the Navajo Nation. It is regarded as a political sub-division of the Navajo Nation. The Township is managed by a five-member elected town board, which hires the township manager.

Kayenta is the name for the Chapter, as well as the township. Kayenta Chapter (a political division within the Navajo Nation that is analogous to a county within a state) encompasses land in both Utah and Arizona. As a result, the Navajo Nation's census figures for Kayenta Chapter are significantly different from those of Kayenta Township.

Kayenta is a Census Designated Place (CDP) with a 2000 census population of 4,922. According to the United States Bureau of the Census, the CDP has a total area of 13.2 square miles (34.3 km²). Kayenta is located at an elevation of 5,640 feet (1,719 m).

Major Scenic Attractions

Twenty-seven miles north of Kayenta is the Navajo Nation's most famous attraction, Monument Valley Tribal Park. Betatakin, Navajo for "houses in rock shelves," and Keet Seel Ruins are about 20 miles away. The Four Corners area, a junction of Arizona, Utah, Colorado and New Mexico, the only spot in the United States where four states meet, is less than 80 miles away.

Within a 150- mile radius are a variety of parks and recreational facilities including: Grand Canyon National Park, Glen Canyon National Recreation Area, Lake Powell and Glen Canyon Dam on the Colorado River. The prehistoric Indian dwellings of Canyon de Chelly National Monument and the monoliths and arches of Monument Valley, Rainbow Bridge National Monument and the Navajo Scenic Area are nearby.

Main Gateway to Monument Valley

Located immediately south of Monument Valley, the Township serves as its main gateway, providing a variety of hotels and motels and guided tour services to visitors attracted to the area. The area offers spectacular views of geological formations that have been amply recorded in film, photography and art.

The Comprehensive Plan

The Kayenta Township Comprehensive Plan is a long-range policy document designed to improve the quality of life of the Township. The Comprehensive Plan:

- Includes direction for development, redevelopment, infill development based on the principles of sustainability and smart growth
- Serves as a guide or road map for decision making
- Includes strategies for redevelopment of blighted areas
- Responds to the legal state mandate for all Arizona jurisdictions outside of the Navajo Nation.
- Guides the development standards and design guidelines provided in the Zoning Ordinance
- Includes the implementation measures necessary to make Kayenta a self-sufficient, economically resilient, and vibrant sustainable community
- Establishes the development parameters necessary to make Kayenta the Gateway to Monument Valley and a major destination within the Navajo Nation

As the roadmap guiding development, infill development and redevelopment within the Township, this planning tool includes the vision of the community, a thorough analysis of opportunities and challenges, the policy framework guiding development and the implementation strategies necessary to implement the plan.

The Comprehensive Plan serves as a smart growth guide for Township officials during the:

- Evaluation of proposals for development and redevelopment
- Management of orderly growth
- Prioritization of community needs
- Identification of partnerships
- Evaluation of capital improvements projects
- Development of more specific studies needed to appropriately manage growth
- Coordination with other agencies regarding infrastructure improvements
- Implementation of economic development strategies
- Preparation of grants and funding applications

It includes background data and current conditions and provides a policy framework for the refinement of implementation tools such as the zoning ordinance. It also defines all the administrative and monitoring mechanisms necessary to administer and manage the Comprehensive Plan.

The Comprehensive Plan Volumes

The Kayenta Township Comprehensive Plan consists of two volumes. This *Policy Plan* volume serves as the regulatory document guiding development and redevelopment. This volume includes the community vision, guiding principles, goals, policies and implementation measures.

The *Background and Current Conditions* volume includes an analysis of opportunities and constraints, serves as the backbone of the *Policy Plan* and provides a comprehensive look of the physical, regulatory, demographic, socioeconomic and fiscal conditions impacting development within the Township.

The Comprehensive Plan Purpose

The purpose of this Comprehensive Plan is to ensure that future growth proceeds in a manner consistent with the vision of Kayenta Township. The guiding principles, goals, policies and implementation strategies provided in this Policy Plan and the map series and analysis included in the *Background and Current Conditions* volume are intended to provide guidance in the evaluation of future decisions related to land use, urban design, economic development, community facilities, transportation and circulation, utilities and infrastructure improvements.

The Comprehensive Plan serves as a guide for appointed and elected officials in the evaluation of proposals for development, in the scheduling of community improvements and capital improvements programming, and in the development of more specific studies. It includes supporting background and current conditions and provides a policy framework for the refinement of existing implementation tools such as the zoning ordinance. The Comprehensive Plan serves as the road map for the development of Kayenta Township, the Main Gateway to Monument Valley, Arizona.

The Kayenta Zoning Ordinance

The Kayenta Zoning Ordinance provides includes development precepts, standards, and design guidelines for all the zoning districts within the Township. It also includes the Development Review Process for development within the Township and establishes a Design Review Committee. The Zoning Ordinance serves as the implementation tool of the Kayenta Comprehensive Plan.

Previous Land Planning Efforts in Kayenta

The form and character of Kayenta Township has been molded by the collaborative efforts of a variety of individuals, a multiplicity of Navajo Nation departments, and a wide diversity of public agencies under the leadership of the Navajo Nation's decision makers. Each planning process undertaken in the past has influenced the character of the community and its sense of place. In addition, such processes have assisted Kayenta in its transition from a rural to a more urban setting. Two major previous planning efforts include the Kayenta Chapter Comprehensive Land Use Plan and the Kayenta Airport Master Plan.

Kayenta Chapter Comprehensive Land Use Plan

A Kayenta Chapter Comprehensive Land Use Plan was adopted by Resolution of the Navajo Tribal Council CN-86-85 in November of 1985. The Comprehensive Plan approved the overall concept of the Land Use Planning Authority and extended local governing capacity to the community of Kayenta, officially designating the planning area as the "Kayenta Township Pilot Project". This planning process is further described in the *Background and Current Conditions* volume.

Kayenta Airport Master Plan

Completed in 2005, the Kayenta Airport Master Plan was financed, in part, by the Airport Improvement Program financial assistance from the Federal Aviation Administration (FAA) as provided under Title 49, United States Code, and Section 47104. This master plan describes the overall long-range development concept for the Kayenta Airport and is further described in the *Background and Current Conditions* volume.

Why is Planning Necessary?

Planning, like life, is a dynamic process. Environmental conditions, market forces and individual needs and preferences change over time. As Kayenta continues to change from a rural to a more urban community, it benefits from ongoing planning efforts that acknowledge previous planning processes and addresses changes and trends not foreseen in previous exercises. Such foresight provides the continuity needed to ensure the long-term viability and sustainability of the community. Without a continuous planning process, the future character and sense of place of the community would be determined by a series of unrelated decisions leading to unintended and often undesirable results.

The planning process is a holistic process. It provides a framework by which decisions and actions can be coordinated with other community plans and development proposals. This insures that the end result will be of benefit to the whole community.

Comprehensive Plan Intent

This Comprehensive Plan seeks to support the community's vision in a manner that ensures the livability, viability, sustainability and fiscal solvency of the community for generations to come.

This Comprehensive Plan is created to provide specific guidance for Kayenta Township to support its community and to further the rich culture, tradition, identity and economic base of Kayenta as a unique place to live, work, learn, visit and play.

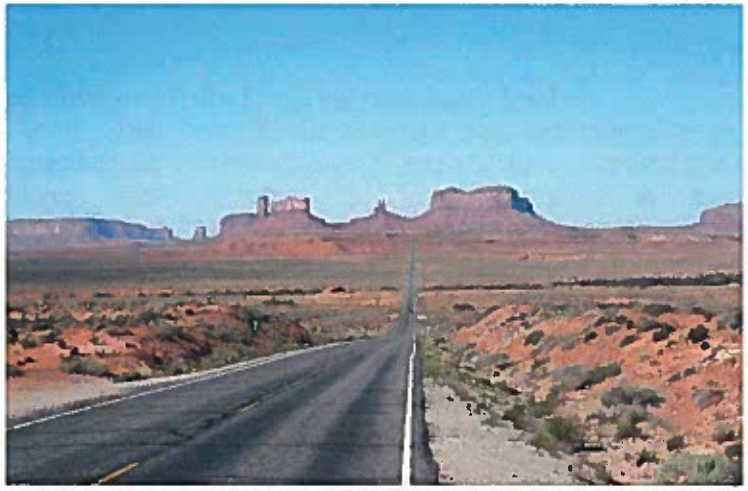
Comprehensive Plan Legislative Framework

All jurisdictions in the State of Arizona are required by the Arizona Revised Statutes (ARS) 9-461.05 to adopt a general or comprehensive plan to guide future development. The elements included in such plan are determined by the size of the jurisdiction's population.

Sustainable Planning and Design

This Comprehensive Plan incorporates the latest sustainable design principles to help Kayenta Township become a sustainable destination where community members can live, work, learn and play. Such balanced approach ensures that its environment, economy, society, culture, heritage and technology are preserved and enhanced for future generations. This *Policy Plan* volume incorporates these sustainable principles in its policy framework. These principles are further defined in the *Background and Current Conditions* volume of this Comprehensive Plan and include:

- Environmental Infrastructure
- Economic Base
- Culture and Heritage
- Social Services
- Technology and Innovation



Sustainability as an Economic Development Tool

Kayenta Township was the fourth community in the country to adopt the *International Green Construction Code*. As a result, the community has been asked to join a work group being facilitated by the International Code Council (ICC) to assist other communities in the nation in the adoption and enforcement of this code.

Sustainable development aims at balancing community needs with environmental infrastructure and ecosystem needs. It focuses on community needs while prioritizing the environment that sustains such community without destroying the ecological systems that sustain it.

The focus of this approach is to meet the needs of current and future generations in three categories of needs: environmental, social, and economic. Its approach examines the systems required by a project and proactively applies sustainable design principles that incorporate U.S. Green Building Council strategies as well as a LEED (Leadership in Energy and Environmental Design) approach.

By doing so, the community creates an environment that can also serve as an economic development tool, increasing the livability and fiscal viability of the community and ensuring the quality of life desired by community members.

Arizona Smart Growth Scorecard

The Arizona Smart Growth Scorecard is a voluntary, self-assessment tool that local jurisdictions can use to evaluate the effectiveness of their planning and development efforts. Planning and zoning decisions have considerable influence on the quality of life of current and future generations. How land use decisions are implemented impacts every resident of every community - from travel to work and school, to which parks have picnic areas and pools, to the safety of neighborhoods.

The Smart Growth Scorecard assists local officials to plan for growth and development. The Scorecard is based on the *Principles of Smart Growth.*

Growth is smart when it gives us great communities; with more choices and personal freedom, good return on investment, greater opportunity across the community, a thriving natural environment, and a legacy we can be proud to leave our children and grandchildren. (Source: Smart Growth Network, "This is Smart Growth")

All different sized communities, counties, and Tribal governments, can complete a Scorecard. An array of questions relating to environmental benefits, infrastructure efficiency, mobility choices, economic development, social equity, and healthy community concepts are intertwined throughout. Individual questions correspond to the population size of the jurisdiction to acknowledge the variety of local characters and values in a state as diverse as Arizona.

Over 80 communities and counties have completed a Scorecard. Some are using it to reframe development policies to create new choices and opportunities to advance economic sustainability. Some have tied it to performance measurements in their general and comprehensive plans. Its overall objective is to be an available resource to improve capacity for better planning resulting in positive environmental, social, and economic benefits for communities and regions throughout Arizona.

Some state discretionary programs have used the Scorecard in their grant and loan applications to encourage utilization of the tool. For example, a completed Scorecard has been required in a number of programs' funding applications just to be part of an administratively complete grant submittal.

Other state funding programs have awarded additional incentives to communities with advanced scores or offered technical assistance to those needing support. Individual state granting agencies publish notice of applicable criteria, and will include consideration of the Smart Growth Scorecard if it is to be an included factor in the respective program.

The *Arizona Smart Growth Scorecard* is a valuable tool for community self-assessment developed by a working group of the Growth Cabinet with input from public and private stakeholders. It is designed to strengthen the ability of Township officials to plan for future growth and development and to adopt comprehensive strategies that address growth related pressures. As Arizona continues to attract unprecedented population growth, all levels of government must play a role in wisely planning and managing both the challenges and opportunities that new growth and development present.

What is Smart Growth?

Growth itself is neither positive nor negative, but the cumulative effects of population growth, its patterns and form have long-term social, environmental, and economic consequences. Smart growth is guiding growth in ways that result in vibrant communities, strong economies, and a healthy environment. Smart growth means adding new homes, schools, businesses, jobs and infrastructure to Arizona in a way that makes sense and promotes balance.

Smart growth enhances the communities where we live, but does not over-burden our transportation and infrastructure systems, pollute our air and waters, or deplete our open spaces and magnificent natural landscapes. Smart growth embodies qualities that make communities great places to live and gives them a sense of place – recreational amenities, historic spaces, vibrant downtowns, choices in transportation and housing, prudent investments in capital facilities and infrastructure, and opportunities for diversity and citizen involvement.

Characteristics of Smart Growth

The Smart Growth Network states that "the features that distinguish smart growth in a community vary from place to place. In general, smart growth invests time, attention, and resources in restoring community vitality to center cities and older suburbs. New smart growth:

- Is Town-centered;
- It is affordable;
- Is transit and pedestrian oriented;
- Has a greater mix of housing, commercial and retail uses;
- It incorporates access to different mobility needs;
- Includes compact development; and
- Preserves open space and environmental amenities.

The American Planning Association (APA) defines smart growth as using comprehensive planning to guide, design, develop, revitalize and build communities that:

- Have a unique identity, character, sense of community and sense of place;
- Preserve and enhance valuable natural and cultural resources;
- Equitably distribute the costs and benefits of development;
- Expand the range of transportation, employment and housing choices in a fiscally responsible manner;
- Value long-range, regional considerations of sustainability over short term incremental geographically isolated actions; and
- Promotes public health and healthy communities.

The Urban Land Institute characterizes smart growth as development that is environmentally sensitive, economically viable, community-oriented, and sustainable.

The National Homebuilders Association is in agreement, stating that smart growth will help meet the demands of the ever increasing population and a prosperous economy while also building a political consensus to:

- Support comprehensive local plans employing market-sensitive and innovative land-use planning concepts to achieve a wide range of housing choices for all Americans;
- Fairly and fully finance infrastructure to support necessary new residential, commercial, and industrial growth and
- Preserve meaningful open space and protect the environment.

How Does the Scorecard Work?

The Scorecard is an incentive-based tool to help cities, towns, counties and Tribal governments evaluate their growth planning efforts. All entities applying for grants and loans from state discretionary funding must reference a Scorecard. This approach encourages citizens, non-profit organizations, and other entities to talk with their community leaders, make sure a Scorecard is filled out, and ultimately encourage them to implement smart growth practices.

Existing agency grant program guidelines and standards remain the same; however, the score determines whether financial incentives or technical assistance will be provided by the granting program. The Scorecard is designed to provide incentive-based advantages to communities engaged in smart growth planning and implementation and help build the capacity of those communities that need assistance.

Tribal Governments and Tribal political subdivisions

Tribes and Tribal subdivisions must complete and submit their own Scorecard, use a scorecard of the county they are located within, or use a nearby community's scorecard.

Financial Incentives

For smart growth communities (i.e. a community that has a high score), a variety of incentives will be available depending on the individual funding agency and program. Some examples include additional funding, basis points off loans and lower interest rates.

Technical and Financial Assistance

For communities that are transitioning toward smarter growth and development (i.e. a community that has a score that could use improvement), the agency will offer technical and/or financial assistance. Note that a low score may also give an entity priority for certain grants, such as technical assistance grants.

How Are the Scores Determined?

The Scorecard is comprised of the *Growing Smarter Guiding Principles* criteria along with a list of associated smart growth and planning indicators.

The overall calculation of these criteria and indicators is used to obtain a "score" for your community. Smart growth criteria and indicators are applied differently to each of the three size categories of community and county populations as mandated in the Growing Smarter statutes (A.R.S. §9-461.05 and §11-821).

The larger the jurisdiction, the more criteria will apply. This separate application of criteria acknowledges that planning techniques and funding to support smart growth may differ by the growth pressures facing your community and that the level of technical and financial resources available to small, mid-size or large towns, cities, counties, and Tribal governments may be significantly different in a state as diverse as Arizona. The Scorecard will indicate where each criterion applies to different sized communities.

The separate criteria and indicators were developed for different sized communities, counties and Tribal governments within the population thresholds of the Growing Smarter statutes using current state population estimates. Tribal governments (and Tribal political subdivisions) fit within the small category.

Small and medium communities are encouraged but not required to complete the entire Scorecard to assess their strengths and challenges for managing future growth. State discretionary loan and grant process will only consider scores appropriate to community size in determining incentives and assistance.

Principles of Smart Growth

The Smart Growth Network developed a set of ten principles that reflect the new ways that many communities are positively affecting land use and development:

- Mixed use development;
- Take advantage of compact building design;
- Create a range of housing opportunities and choices;
- Create walkable neighborhoods;
- Foster distinctive, attractive communities with a strong sense of place;

- Preserve open space, farmland, natural beauty and critical environmental areas;
- Strengthen and direct development towards existing communities;
- Provide a variety of transportation choices;
- Make development decisions predictable, fair and cost effective; and
- Encourage community and stakeholder collaboration in development decisions.

Community Involvement Program

The Kayenta Comprehensive Plan is the product of an extensive outreach effort that involved residents, business owners, other major stakeholders, elected and appointed officials, adjacent jurisdictions, Navajo Nation representatives, regional agencies, investors, spiritual leaders, developers and other interested parties. The community involvement process included a total of three Community Conversations at major milestones of the project, a week-long design Charrette, a one day student leaders design Charrette, and an ongoing partnership with the Arizona Department of Transportation (ADOT) and the Planning Assistance for Rural Areas (PARA) Multimodal Transportation Program running concurrently with this Comprehensive Plan, including consultant team participation in the PARA Technical Advisory Committee.

Kayenta Township Community Conversations

The Kayenta Comprehensive Plan included three focused community conversations with three different stakeholders groups. These groups included representatives from: the Navajo Nation, Navajo Agencies, Navajo judicial system and law enforcement, Kayenta Chapter, state and national agencies, Bureau of Indian Affairs, Kayenta department heads, school districts, community facilities, social institutions, cultural groups, social programs, local businesses, spiritual community, and area residents.

Community Conversation 1

During the first conversation, a visioning process aiming at identifying major community needs was conducted. The input provided during this community conversation is summarized in the Meeting Minutes Report included in Appendix A: Kayenta Comprehensive Plan Public Input Results.

Community Conversation 2

During the second conversation, the results from the week-long design Charrette and the Kayenta Comprehensive Plan draft were shared with the stakeholder groups. Additional input was provided during this conversation and incorporated in the Comprehensive Plan. The input provided during this community conversation is summarized in the Meeting Minutes Report.

Kayenta Comprehensive Plan Youth Design Charrette
Monument Valley High School Honor Society Students

Community Conversation 3

During the third conversation, the Draft of the Kayenta Zoning Ordinance draft were shared with the stakeholder groups. Additional input was provided during this conversation and incorporated in the Zoning Ordinance. The input provided during this community conversation is summarized in the Meeting Minutes Report.

Kayenta Township Youth Design Charrette

The Kayenta Comprehensive Plan Youth Design Charrette included thirty honor students who participated in an imagine session. During these sessions, participants were asked to map their community desires. The results of these sessions are summarized in the Meeting Minutes Report.

Kayenta Township Design Charrette

As defined by the *National Charrette Institute*, the French word, **"charrette"** means **"cart"** and is often used to describe the final, intense work effort expended by art and architecture students to meet a project deadline.

Kayenta Comprehensive Plan Youth Design Charrette
Monument Valley High School Honor Society Students

This term originated in the *École des Beaux Arts* in Paris during the 19th century, where proctors circulated a cart, or "charrette", to collect final drawings while students frantically put finishing touches on their work. This intense process allows the fast transfer of public ideas into graphics, illustrations, guiding principles, and major goals illustrating the community vision.

Consultant Team Design/Work Sessions

A Design Charrette is a three-phase holistic, collaborative planning process during which a multiple-day charrette is held as the central transformative event. The process commences with the Charrette Preparation Phase, followed by the Charrette acting as a fulcrum at the middle phase, and closes with the Plan Implementation Phase.

The charrette is the catalytic event of the dynamic planning process. It is a collaborative event that lasts four to seven days. The goal of the charrette is to produce a feasible plan that benefits from the support of all stakeholders through its implementation. A multidisciplinary charrette team, consisting of stakeholders, community, support staff and consultants, produces this plan.

During the charrette, the consultant team solicits the values, vision, and needs of the stakeholders. The team then breaks off to create alternative plans, testing and refining them with the goal of producing a preferred plan.

The charrette is organized as a series of feedback loops through which different stakeholder groups and community members are engaged at critical decision-making points. These decision-making points occur during stakeholder meetings, community visioning and imagine sessions, and open houses throughout the course of the charrette. The Design Charrette final products are incorporated in the Comprehensive Plan and in the Zoning Ordinance.

Kayenta Township Design Charrette Walkabout

During the first day of the Design Charrette, the Design Charrette team, accompanied by the designated ADOT representative of the PARA Multimodal Transportation Program, conducted a walkabout within specific areas of Kayenta and drove all areas of the Township. The purpose of this site visit was to identify:

- Growth, redevelopment/revitalization and infill planning areas
- Character areas
- Major Infrastructure barriers
- Circulation/Transportation barriers
- Land use compatibility
- Sustainable design toolbox

Black Mesa, Kayenta, Arizona

Regional Context

Kayenta is located in northeastern Navajo County, Arizona, about 20 miles south of the Utah border on U.S. 163, 148 miles north-northeast of Flagstaff, and 99 miles west of Shiprock, New Mexico.

With an elevation of 5,660 feet, Kayenta's most prominent land feature and reference point is Black Mesa. Black Mesa is located to the immediate southwest of Kayenta and towers above the townsite at an elevation of 8,000 feet at its highest point. In addition to its spectacular scenic beauty and religious significance, Black Mesa contains within its womb an abundance of coal, sizable as a portion of the nation's coal reserve, and rich as valuable resource for the Navajo people.

Kayenta is encircled by a varied and remarkable set of land features: the red faced canyon walls of Skeleton Mesa to the west; the "Five Toes" sandstone hills of the Kayenta Formation to the North; and the solemn volcanic Church Rock and El Capitan rising to the east and northeast. Exhibit 1 shows Kayenta's regional context.

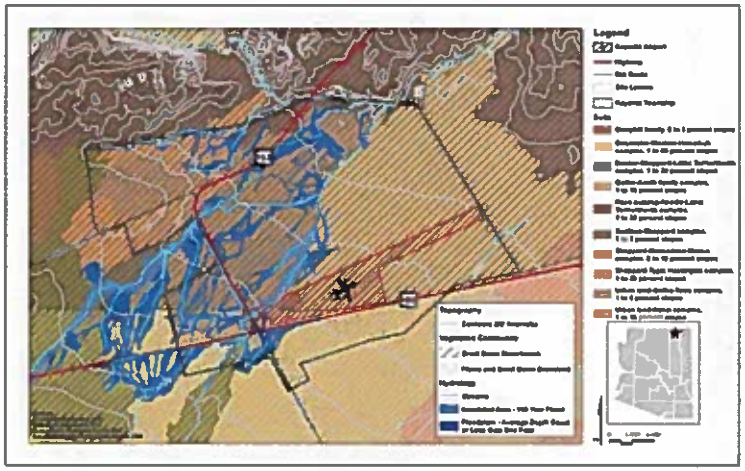
Local Context

Located at the intersection of Highways 160 and 163, Kayenta stands as one of the most remotes communities in Arizona. The nearest off-reservation towns of any significance are at distances of 90 and 130 miles away. Politically, Kayenta lies within District 8 of the Navajo Nation and within the Navajo County of the State of Arizona. Exhibit 2 shows Kayenta's local context.

Physical Environment

A community's infrastructure provides water supply, waste disposal, and pollution control services. It includes extensive networks of aqueducts, reservoirs, water distribution pipes, sewer pipes, and pumping stations. It also includes treatment systems such as sedimentation tanks and aeration tanks, filters, and septic tanks, desalination plants, incinerators and waste disposal facilities such as sanitary land fields and secured hazardous-waste storage impoundments. Such infrastructure serves two important purposes: it protects human health, and it safeguards environmental quality.

On the other end, the physical environment provides a setting, comprises the ecological system, and serves as the environmental infrastructure of a locale or region. It determines the type of development that is most suitable for its characteristics, including climate, landforms, hydrology and drainage, vegetation, view sheds, and wildlife. While the community's infrastructure protects human health and safeguard environmental quality, a balanced environmental infrastructure is vital for the community's long range sustainability and success. The following sections describe Kayenta's environmental infrastructure or physical environment.



Kayenta Township Opportunities and Constraints, Background and Current Conditions Volume, The Planning Center, 2011

Opportunities and Constraints Analysis

The *Kayenta Comprehensive Plan Background and Current Conditions* volume of the Comprehensive Plan, provided under separate cover, includes the opportunities and constraints analysis, the community profile, the socio-economic and demographic analysis, the economic framework and the opportunities and constraints map series. The *Background and Current Conditions* volume is as ancillary document of this Comprehensive Plan. It also serves as the backbone of the Comprehensive Plan.

EXHIBIT 1: Regional Context

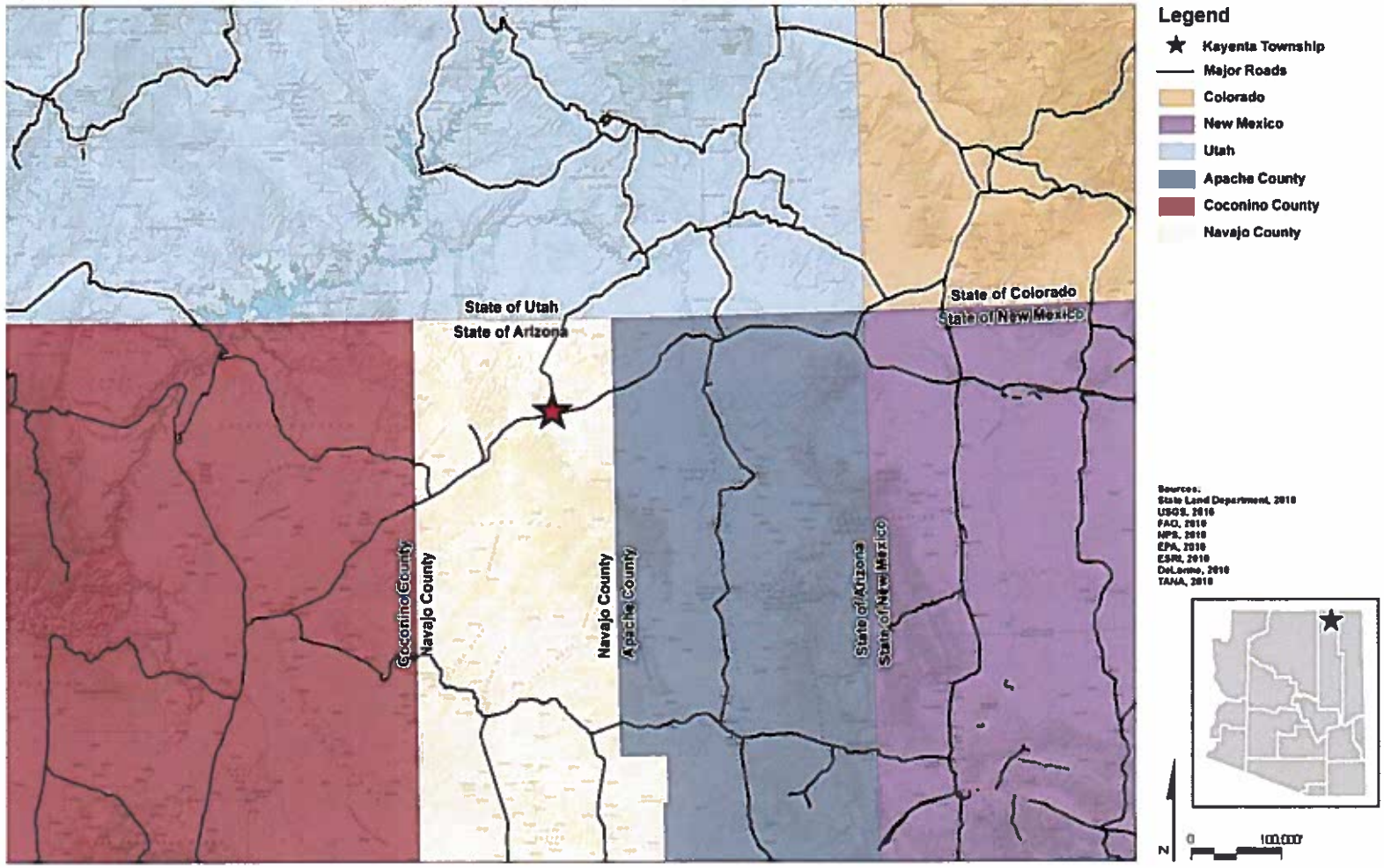
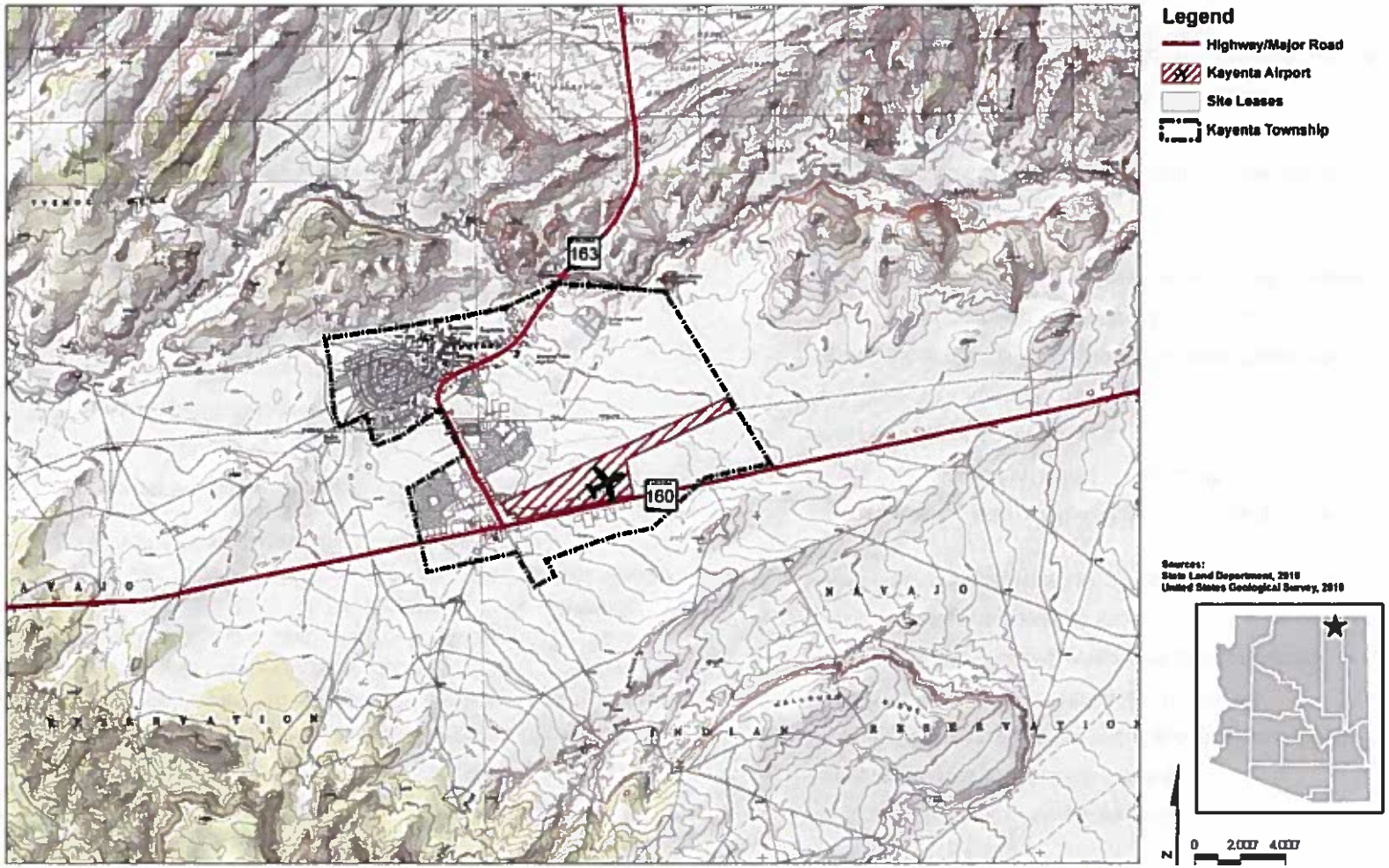


EXHIBIT 2: Local Context



Community Values

The statements provided during the community involvement program are summarized in this section. These statements reflect the community values. Together with the analysis of opportunities and constraints provided in the Background and Current Conditions volume, such statements constitute the basis for the preparation of the Community Vision, the Major Guiding Principles and the goals, policies and implementation strategies included in this Comprehensive Plan.

- Incorporate solar energy in new development
- Increase community safety
- Provide the infrastructure necessary to attract businesses
- Proactively attract new revenue generating businesses
- Explore possibility of having 99-year leases
- Diversify the economic base
- Take competitive advantage of heritage tourism (Navajo arts and culture) eco-tourism (scenic environment)
- Address wildcat dumping and create programs for trash collection, solid waste collection and recycling
- Provide opportunities for animal sanctuary and animal show facility
- Expand rodeo grounds to create support uses
- Improve sidewalks and provide community linkages for pedestrians and bicycle users
- Provide opportunities for mixed-use development
- Develop apartments and multifamily residential
- Provide needed services and retail in Township
- Establish 3-tier property tax zones (residential, commercial, hospitality)
- Establish liquor license for hotels to increase tax revenues
- Include a hierarchy of roads with development appropriate access
- Provide opportunities for transit (bus routes)
- Include opportunities for resort and golf course development in the Township
- Develop a veterans center, a visitors center and a convention center
- Develop a user-friendly development review process
- Adopt regulations for livestock
- Keep horses off the highway
- Provide health support services in proximity to the new health center
- Improve the overall circulation and access of the Township
- Create housing opportunities for new health center and judicial complex employees
- Upgrade the exiting housing inventory
- Provide opportunities for Navajo agency location within the Township
- Expand the tourist service sector
- Improve police, fire and emergency services response time
- Work with the Kayenta Business Association in the establishment of a Chamber of Commerce or a Development Authority
- Soften the appearance of the new Judicial center by incorporating elements of landscape architecture

Community Vision

Comments provided by community members during the different stages of the community involvement process were weaved with the Township Mission statement to create the Community Vision that will guide the development of land. The community vision was presented to participants during the week-long design Charrette. The goals, policies and implementation strategies of this plan support this vision. It states:

Kayenta Township is a model self-sustaining community with the autonomy needed for its citizens to bring Health, Wellness and Harmony to the community in our traditional Sihasin (Hope). As the major destination in the Navajo Nation, Kayenta serves as the gateway to Monument Valley, offers a variety of affordable housing types, includes all the amenities, parks, recreation, trails and open space, schools, community services and programs, and the infrastructure necessary to create a thriving and diversified economic base that takes competitive advantage of our environment, arts, culture, heritage and visitors in a sustainable manner.

Comprehensive Plan Major Guiding Principles

Comments provided by community members during the different stages of the community involvement process were weaved to create the Comprehensive Plan Major Guiding Principles. These will guide the development of land. The community vision was presented to participants during the week-long design Charrette. The goals, policies and implementation strategies of this plan support these principles.

Land Use

Create a land use approach that balances the built and natural environment in consistency with Navajo tradition. Such balance promotes the synergies, partnerships and strategies necessary to attract: high-wage employment; revenue generating retail and service industry in an appropriate scale to each planning area, including: Navajo arts, performing arts and healing traditions public education and higher education; comprehensive medical services; hotel, resort and hospitality services; compact mixed-use development and affordable quality housing in a setting that offers the amenities needed to attain long-range livability and sustainability.

Housing

Derive the housing policy of Kayenta from a concrete assessment of the existing housing types, characteristics and condition. Housing policy should recognize the fact that good housing is the building block of excellent neighborhoods and that those excellent neighborhoods are the building blocks of great communities. Designate a redevelopment area that includes all the neighborhoods in need of rehabilitation and pursue grant funds for the preparation of the Kayenta Township Core Redevelopment and Rehabilitation Plan. Include strategies for housing improvement within this plan.

Cultural Heritage

Kayenta Township has a unique and extensive patrimony of historic and arts resources that contributes to a strong "sense of place" and is a fundamental and irreplaceable asset from which our community can built its future. The two largest Navajo rugs in the world are part of this patrimony. Protection, preservation, and celebration of our Navajo heritage, arts, culture, and patrimony is essential to the prosperity and welfare of our community.

Community Services, Infrastructure, Utilities, and Communication

Kayenta Townships provides all the community services, infrastructure, utilities, and state-of-the-arts communication technologies needed to serve our current and future populations.

Environmental Sustainability

Kayenta Township reduces its carbon footprint by promoting energy efficiency as well as resource conservation, enforcing its "Green Code," adopting smart growth best practices, supporting the existing environmental infrastructure of the region and preserving valuable resources such as wildlife corridors, habitats, washes, groundwater, open space and mountain views.

Community Character, Identity and Sense of Place

New development in Kayenta includes design features that further the vision of our community and reflect our Navajo heritage and traditions. These features include: well-designed gateways at major entrances of the Township; compact and compatible land uses; landscape amenities; inviting, safe, efficient and pedestrian-scaled streetscapes, overall beautification; and a trail system that incorporates linear parks providing multi-use path connectivity to all planning areas and functioning as recreational amenities that enliven our community identity and sense of place.

Transportation and Circulation

A safe, efficient, convenient, multimodal transportation network including transit, shuttle, street car, vehicular, pedestrian, bicycle and equestrian modes and 911 street addresses serves the specific access, way-finding and mobility needs of each planning area, provides access to people with different access and mobility needs and serves as the unifying element providing connectivity to the urban fabric throughout the Township.

Parks, Recreation, Trails and Open Space

Develop an integrated system of parks, recreation, trails and open space that provides intuitive and seamless connectivity to the Mustang Trail, the multi-use path along Kayenta Main Street, the residential areas, the equestrian center, the Old Town Center, the resort area, the entertainment and artisans centers and throughout the Township.

Growth Areas Element

The Growth Areas Element is based on the principle that not all undesirable conditions can be addressed by a blanket approach, nor can all opportunities be addressed with a single policy. This element identifies those areas of Kayenta Township that are particularly suitable for planned multimodal transportation and infrastructure expansion and improvements, which are designed to support a concentration of urban densities, including mixed-use, residential, office, commercial, tourism and industry. This Growth Areas Element includes overarching policies and implementation strategies to:

1. Support smart growth, compact development as well as needed redevelopment and rehabilitation efforts.
2. Provide the diversified economic and employment base needed to secure the long-term fiscal viability of the Township.
3. Provide a safe, convenient, accessible and efficient multimodal transportation system that includes fully integrated vehicular, transit, pedestrian, equestrian and bicycle modes.
4. Support the phased infrastructure expansion required to sustain both the anticipated and fiscally desired growth.
5. Develop sustainable mixed-use corridors along Highway 160 and Highway 163 that take full economic advantage of these major highways traversing the Township by establishing compatible urban densities and intensities based on sustainable principles, integrating natural resources, open spaces and regional recreational amenities.
6. Prioritize infrastructure needs necessary to support smart growth and mixed-use, compact development.
7. Support the public and private construction of timely and financially sound infrastructure expansion through the use of infrastructure funding and financial planning that is coordinated with development activity.

Recognizing the need for both a broad policy framework that directs overall Township growth and a specific one that addresses the particular needs of each growth, infill and redevelopment area, this Growth Areas Element includes the general policy direction for all development. The specific policy direction and development intent for each identified growth, infill and redevelopment area is provided in the land use element.

Although the Navajo Nation is not required to adhere to State of Arizona Growing Smart mandates, this Growth Areas Element responds to such legislative mandates by creating a broader policy framework which more fully recognizes the complexities impacting Kayenta Township. Within this framework, investment decisions regarding infrastructure and other capital improvements, redevelopment, or revitalization can be phased and pursued in a Township wide context. This effort allows for greater recognition and understanding of the implications of such decisions. This element is premised on the existing and projected population growth of the Township. It recognizes the potential of Kayenta becoming the Navajo Nation largest growth center, and it prioritizes the need to attract new growth to insure the Township's long-range fiscal viability.

This Growth Area Element balances the needs, desires, and decisions of the residents, businesses, major stakeholders, organizations, and decision-makers that comprise the community and serves as the foundation guiding the preparation of all other Comprehensive Plan Elements.

Conformance with the Comprehensive Plan

Within the context of this Comprehensive Plan, the term "development" is used in the broadest sense to include new construction as well as redevelopment and rehabilitation efforts and expansion of existing development. All new development, redevelopment and/or expansion of existing development as well as all Township or developer initiated development plans, specific plans, planned area developments and master plans must further the policy direction provided in the all the elements of this Comprehensive Plan.

For the purpose of this Comprehensive Plan, the term "developer" is defined as the entity intending to develop land and includes both public and private entities. On those instances when the Township initiates the development, the Township is the developer. In those instances where the Navajo Nation initiates the development the Nation is the developer. In those instances where the Chapter initiates the development, the Chapter is the developer.

Growth Element Goals

The following goals serve as the foundation for all other elements of the Comprehensive Plan:

GOAL 1: ALIGN PLANNING AREA, CHARACTER AREA AND LAND USE DESIGNATIONS WITH ECONOMIC DEVELOPMENT PRIORITIES

Rationale: A primary goal of Kayenta is to create a healthy balance between jobs and households throughout the Township. Kayenta facilitates balanced growth by achieving and maintaining a sustainable tax base. Policy direction for achieving the desired economic development goals provided throughout this Comprehensive Plan.

Policy 1: Establish and define major growth, redevelopment and infill planning areas.

Policy 2: Establish and define major character areas based on economic development potential identified in the Kayenta Market Study.

Policy 3: Identify in the Urban Design Element the Sustainable Design Toolbox necessary to guide development within character areas to achieve fiscal viability.

Policy 3: Based on the Market Study Conducted for the Township, identify in the Land Use Element the appropriate land use mix within each character area to achieve community cohesion, fiscal viability and long-range sustainability.

IMPLEMENTATION MEASURES

a. Determine and delineate the Kayenta Township Designated Growth Area to include:

   (1) Areas of Kayenta Township within the existing Township boundary; and

   (2) Areas currently in Kayenta Chapter that will benefit from annexation into Kayenta Township.

   (3) Work closely with the Nation and the Chapter to ensure that major growth is directed to the Kayenta Township Designated Growth Area in conformance to best smart growth practices.

b. Identify and delineate the following planning areas within the Designated Growth Area to guide development efforts within the Township:

   (1) Growth Area

   (2) Redevelopment/Rehabilitation

   (3) Infill

   (4) Kayenta Airport

c. Utilize the most appropriate implementation tools (Area Plan, Master Plan, Planned Area Development, Development Plan as defined in the Kayenta Zoning Ordinance) for each established planning area as follows, unless otherwise indicated in the corresponding Zoning District in the Kayenta Zoning Ordinance:

Kayenta Township Planning Area	Type of Use	Proposed Acreage	Required Implementation Tool/Responsible Entity
Growth Area	Single Use	Less that 40	Development Plan/Developer
		40 acres or More	Master Plan/Developer
	Multiple Uses	Less than 40 acres	Planned Area Development/ Developer
		40 Acres or more	Master Plan/Developer
Redevelopment Area	Entire Area	Entire Area	Redevelopment Plan or Area Plan/Township
Infill	Project Basis	Project Basis	Development Plan/Developer
Airport	Project Basis	Project Basis	Development Plan/Developer

d. Establish performance-based standards for infrastructure and utility expansion that include the infrastructure phasing required to achieve a healthy balance of commerce, employment, and housing within the community.

e. Establish a Development Monitoring System to monitor development within each planning area and anticipate changes in infrastructure phasing according to changes in development patterns.

f. Apply for Economic Development Agency grants for the infrastructure improvements needed to have shovel-ready sites.

g. Promote consistency across all plans.

GOAL 2: PROVIDE GROWTH MANAGEMENT GUIDANCE FOR ALL MAJOR PLANNING AREAS INSIDE THE KAYENTA DESIGNATED GROWTH AREA

Rationale: This section provides the broad growth management policy framework needed to guide development within in conformance with smart growth best practices. The Land Use Element provides specific land use policy guidance for each character area. The *Background and Current Conditions* volume includes land coverage and amount of vacant or developable land and an analysis of opportunities and constraints.

Policy 1: All new development within the Kayenta Designated Growth Area furthers the policy direction of this Policy Plan.

IMPLEMENTATION MEASURES

a. Establish a user-friendly step-by-step Development Review Process as part of the Zoning Ordinance that provides consistent guidance to applicants, Kayenta Township officials and Kayenta Staff in charge of reviewing development applications.

b. Require that all development proposals comply with the policy direction and with all applicable requirements provided in all the elements of this Policy Plan.

c. Ensure that all developer or Township initiated implementation tools such as Area Plans, Master Plans, or Planned Area Development:

(1) Further the Development intent of the character area;

(2) Comply with the policy direction included in all applicable elements of this Policy Plan; and

(3) Meet all applicable requirements provided in the Kayenta Zoning Ordinance.

GOAL 3: IMPLEMENT A DEVELOPMENT MONITORING SYSTEM TO MANAGE GROWTH

Rationale: The Kayenta Development Monitoring System (KDMS) monitors development within the major planning areas identified in this Policy Plan. This monitoring system provides an early warning system if goals and policies are not being met. It is a great smart growth managing, evaluating and monitoring tool. The KDMS is the primary evaluation tool for plan implementation.

Policy 1: Monitor key benchmarks based on target growth for each planning area.

IMPLEMENTATION MEASURES

a. Periodically measure the success of the Policy Plan by tracking changes in land use, jobs, housing and levels of investment for each major planning area as part of the KDMS.

b. Anticipates how much additional growth can be accommodated in accordance to infrastructure phases provided.

c. Monitor building permit activity and infrastructure improvements as part of the KDMS.

d. Use the KDMS to trigger services and infrastructure needed to accommodate targeted growth.

e. Monitor variances and development applications to identify Comprehensive Plan, Area Plans, and Zoning Ordinance Code amendments needed to achieve Kayenta's Vision.

GOAL 4: INCORPARATE SUSTAINABILITY IN ALL ASPECTS OF GROWTH MANAGEMENT

Rationale: Achieving self-sufficiency is a long-range goal of Kayenta Township. Therefore, sustainability in the Township is generative and integrated in all aspects and practices of the Township. It generates a vibrant, safe, and compact community with a strong identity and a placemaking sense of place where its members live, learn, work, shop and play and visitors return. It contributes to the fiscal and economic vitality of the Township and the Navajo Nation. It secures the future for next generations. And it balances the built and natural environment to protect the environmental infrastructure of the Township.

Policy 1: Incorporate generative sustainable practices in all elements of the Comprehensive Plan.

IMPLEMENTATION MEASURES

a. Work with other agencies and the nonprofit sector to develop a Sustainability Rating System for monitoring quality of life based on the development of measurable sustainable benchmarks for:

(1) Home ownership;

(2) Affordable housing for all income levels;

(3) High-wage employment;

(4) Workforce training;

(5) Re-use and recycling;

(6) Reduction of commuting travel trips;

(7) Walkability and multimodal access;

(8) Connectivity;

(9) Reduction of Township carbon footprint;

(10) Decrease dependence on fossil fuels;

(11) Water harvesting;

(12) Reduction of "heat island effect";

(13) Solar and wind energy generation;

(14) Protection of natural and cultural resources;

(15) Contained farming and roof gardens;

(16) Air and water quality.

b. Identify funds, prepare, and adopt a Climate Change action strategy to assist Kayenta in achieving its long-range sustainability and economic development goals.

Passive Water Harvesting

Belowground Water Cisterns

Active Water Harvesting

Contained Farming

Solar Shingles

Solar Energy Generation

Kayenta Major Planning Areas

The identification of major planning areas provides the framework necessary to formulate the area-specific plans and the economic development strategies that will support Kayenta's community vision and assist in the implementation of this Comprehensive Plan. Each of these areas presents a set of unique characteristics, opportunities and challenges. Based on the analysis of opportunities and constraints and on the analysis of vacant or developable land provided in the *Background and Current Conditions* volume, this Growth Area Element identifies four major planning areas in Kayenta. Based on such analysis, each of these areas presents unique opportunities for development, redevelopment and infill. See Exhibit 3: Major Planning Areas.

The major planning areas within the Township conform to the following criteria:

1. Growth Areas: Areas with large amount of vacant or developable land located primarily east of Highway 163, south of Highway 160 and along the proposed alternate truck route. These areas are designated growth areas due to their growth potential and economic development value.

2. Redevelopment Area: The area of the built environment encompassing most of Kayenta Township today, which is in need of revitalization, rehabilitation, urban renewal or redevelopment, is designated a redevelopment area. This area includes most of the existing residential uses within the city. Most of the housing stock within this area is substandard. The roads are unpaved dirt roads. There is a lack of circulation and intuitive connectivity is entirely missing. In addition, there are no 911 addresses within this area, making it extremely difficult for emergency vehicles to provide emergency services. This area also includes the historic Township center, which is currently deteriorated and in need of redevelopment. Highway 163 divides this area into east and west and connects the area to Highway 160. Visitors in their way to Monument Valley travel along Highway 163 without noticing Kayenta, taking their business somewhere else. This redevelopment area can be redevelop to position Kayenta as a destination by:

   a. Defining the historic Kayenta Town Center

   b. Defining Highway 163 as Kayenta Main Street

   c. Providing Connectivity to Highway 160 Corridor

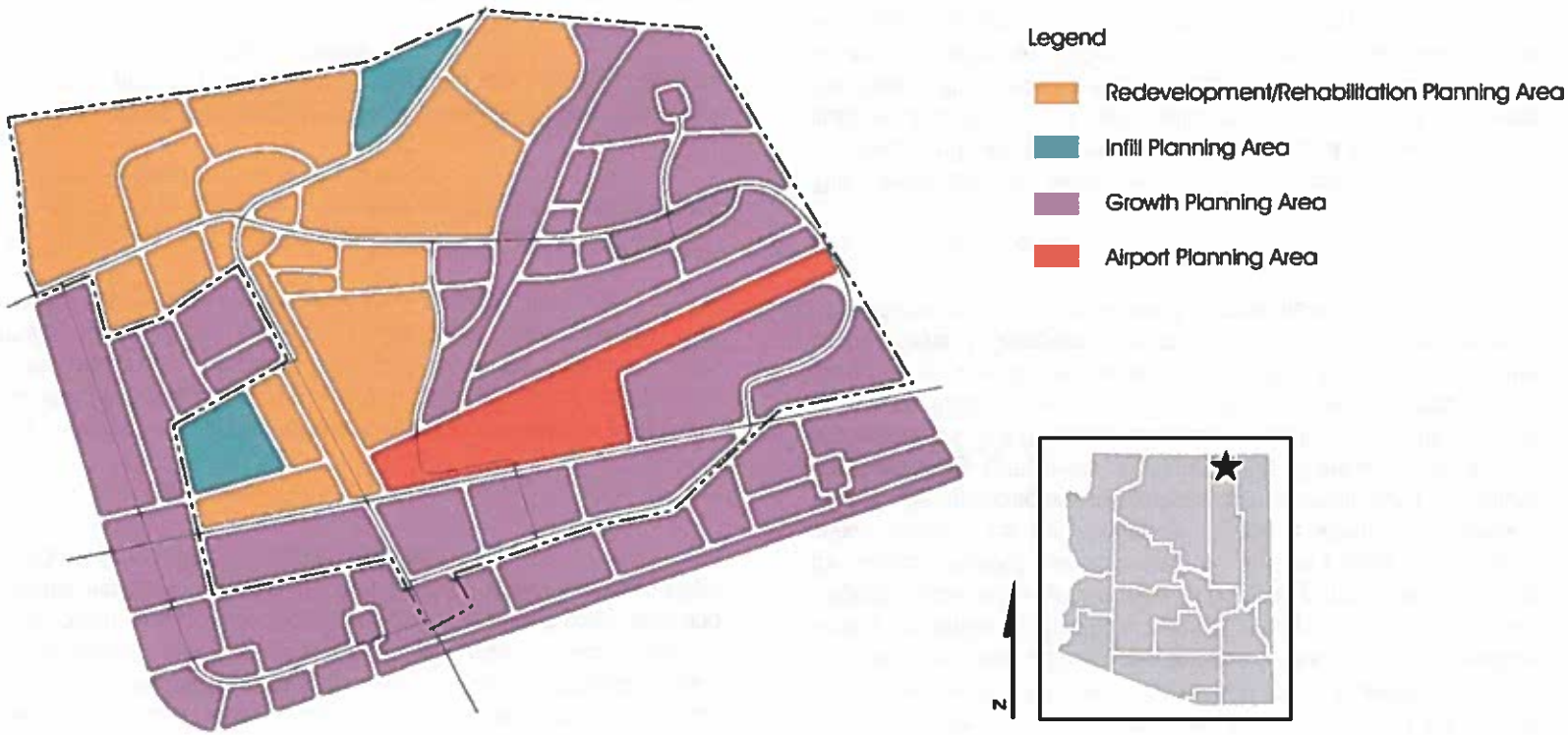
   d. Upgrading and or replacing the housing stock

   e. Defining the circulation within this planning area to include: safe, convenient and efficient multimodal streets (vehicles, pedestrian, bicycle, transit)

3. Infill Area: Includes the areas of the built environment with few infill parcels available for development is considered infill areas.

4. Airport Area: Includes development airport support commercial areas along the north side of Highway 160 in conformance to development precepts included in the Kayenta Airport Master Plan.

EXHIBIT 3: Kayenta Major Planning Areas



Kayenta Character Areas

Kayenta character areas guide the development intent, land use patterns, development character and densities/intensities. Such characteristics are determined best on area location, existing development, adjacent development, opportunities and constraints and potential economic impact of the area. Exhibit 4 shows Kayenta's Major Character Areas. These character areas are:

Agriculture/Equestrian Oriented

This character area evokes the agricultural and equestrian past of the Township and aims to bridge Kayenta's historic past with its progressive future, preserving the culture and heritage of the community while embracing innovation and new technologies. This character area includes three distinct parcels within the Township. These are:

1. Rodeo and Fair Grounds Area: located south of Highway 160 along Indian Route 591, this area includes the Kayenta Rodeo and the Kayenta Flee Market grounds.

2. The Historic Agricultural Area: located west of Highway 163 and in close proximity to the Historic Kayenta Town Center, this area includes the community garden.

3. The Horse Property Area: located at the Township gateway along Highway 163, this area includes horse raising residential properties.

Kayenta Neighborhoods

This growth area is located north of the Airport and east of the Laguna Greek Conservation Area and extends east to the Township boundary. This character area includes opportunities for future low and medium density residential neighborhoods along the proposed bus route. These neighborhoods will be served by neighborhood commercial uses along this corridor. Nestled east and north of Kayenta's major natural open space system, the Neighborhoods include a variety of recreation opportunities including and integrated system of linear parks and nature trails providing connectivity throughout this character area and to adjacent areas. Due to the scenic quality of Laguna Greek, this area will include the Kayenta Resort and Golf Club, which will offer employment opportunities to adjacent neighborhoods. Within this area is also the historic Kayenta Cemetery. This memorial lands will be preserved to honor ancestors and safeguard the Township history.

Kayenta Township Core

This redevelopment area extends from Highway 160 to the northwestern Township boundary on both sides of Highway 163 and includes a variety of civic and institutional uses, including Township Hall, new Judicial and Detention Center, schools, the Historic Kayenta Township, most of the existing housing and the NTUA Lagoons . There is a need to redefine this area through a combination of redevelopment and rehabilitation efforts. The area lacks paved roads and most of the housing stock is substandard and in need of rehabilitation, upgrade, or demolition. The Kayenta Township Core character area is designated a redevelopment area.

Kayenta Airport

The Kayenta Airport includes all lands within the Kayenta Airport Master Plan. In addition to the airport's runways, facilities, infrastructure and accident potential zones, the Airport Master Plan includes development directives to attract airport support commercial uses along the Highway 160 corridor. These support uses may include a variety of retail and service uses in keep with the Airport Master Plan.

Highway 160 Corridor

This major corridor crosses Kayenta, dividing the southern and northern portions of the community and functioning as the major east-west spine road within the Township. It includes a major intersection where Highway 160 and Highway 163 meet. The portion of Kayenta located north of Highway 160 comprises the Kayenta Township Core and includes most of the developed areas as well as major redevelopment areas, and few infill opportunities along west of Highway 163 along Highway 160. This northern portion of the corridor is more private and geared to providing community services while the southern portion is more public and offers ample opportunities for tourist and visitor oriented businesses, general services, regional commercial and employment generating industry. The southern portion of the 160 Corridor provides the opportunity for development of an integrated web of land uses, including ample opportunities for mixed-use. The intersection of highways 160 and 163 calls for a mixed use activity center geared to becoming the magnet attracting visitors to the adjacent areas. Adjacent areas will benefit from the location of convention center, visitors, center and museums in a mixed-use concept that includes artisan courtyard lofts and support retail and services in keep with the development intent of this area.

Medical Support Services

This character area focus is to develop an integrated medical campus atmosphere that includes medical and alternative medicine retail, services and light medical equipment and pharmaceutical industry incubators supporting, research and laboratory, mixed-use, higher density residential for Kayenta Medical Center employees and open space amenities in a master planned fashion.

Technology and Innovation

This character area is located south of Highway 160 at the eastern gateway of the Township and it has access to the highway and to the proposed bus route loop. It is also in close proximity to the medical campus and medical services, providing opportunities for medical industry and research to locate within this area. A portion of the area can be dedicated for park and ride. This character area provides opportunities for additional civic, education and institutional uses, research and development campuses, new technology and innovation incubators and mixed-use development.

Hospitality and Entertainment

This character area focuses on providing employment generating visitor and Navajo Nation oriented hospitality and entertainment industry needed to support and expand the current rodeo and equestrian themes while capitalizing on Navajo arts, culture and traditions.

Major Gateway Areas

Gateway areas are major entrances to the community where visitors have the first impression of the community. Due to their location along major highways, gateway areas, if properly defined, can articulate the type of experience that will invite visitors to stay longer, leave their money in the community, return on a future trip and go home to tell their families, friends and coworkers to visit the place. If properly developed, gateway areas can become major economic development players in the long-range viability a community.

The Comprehensive Plan planning process identified a total of three gateways areas within the Kayenta Township. Two of these gateway areas are urban in character and one is rural in character.

1. West Urban Gateway: located along Highway 160 west of Highway 163, due to: (a) its proximity to the proposed transit center, the Intersection of two major highways and Kayenta's Main Street; and (b) the fact that a large number of visitors drive through this entrance of the Township on their way to Monument Valley, this gateway offers the perfect location for destination uses that serve the Navajo Nation, Kayenta Township and Kayenta Chapter and include mixed-use artisan villages, visitor center, Navajo performing arts center, museums, retail and hospitality uses in close proximity to the hotel and hospitality area.

2. East Urban Gateway: located along Highway 160 at the eastern entrance to the Township, this area provides opportunities for transit oriented mixed-use development, park-and-ride facilities, employment, progress and innovation, and commerce serving the new Kayenta Medical Center.

3. Rural Gateway: Located along Highway 163, this gateway is rural in character and includes Kayenta's horse property. This area is highly scenic in character, provides safe equestrian connectivity to the Kayenta historic town center via Mustang Trail. It also provides multimodal connectivity to the Laguna Greek Resort and Golf Course, including equestrian trails through the Laguna Creek Canyon.

Transit Oriented Development Areas

There is a need within the Township to provide bus services at both local and commuting levels. A bus route loop has been identified in the 2009 Navajo Nation Long-range Transportation Plan. This bus route will assist the township develop a comprehensive multi-modal transportation system that integrates movement of people within the community as well as to and from the community.

In addition, an alternate truck route connecting to Indian Route 591 on the south and to Navajo Service Road 6486 on the north west of Highway 163 provides opportunities for the development of a transit station at the intersection of Highway 160 and the proposed Alternate Truck Route on the west gateway to the Township.

Another opportunity for transit oriented developed at a lower scale occurs at the intersection of the proposed bus route loop and Highway 160 on the east gateway of the Township.

These two transit stations will be different in service, capacity and target users. The west one will be larger in scale servicing the Navajo Nation and visitors to Kayenta, with higher density mixed-use characterizing the type of development. The east one will have a smaller scale and local focus, including shuttle services between residential areas, employment, services, Township center, Laguna Creek Resort and Golf Course area, health center, civic uses, schools, parks, recreation and open space, and other planning areas.

Employment

This character area is located north of Highway 160, east of the Kayenta Airport and west of the local bus route loop. This area will encourage development of business and industry parks as well as business incubators and business campuses that serve as major local and regional employers. Access to Highway 160 and proximity to Kayenta Airport, the bus route loop, the proposed local transit station, adjacent neighborhoods, commerce, services and open space enmities makes this area ideal for employment.

Truck Route/Trucking Services

This character area is located north of Highway 160 and south of Navajo Service Road 6486 along the proposed alternate Truck Route outside of the Township west boundary. This area will support trucking services such as truck stops, hotels, and truck service stations. Offering an alternate route along to heavy trucks will allow Kayenta to develop a formal main street along Highway 163.

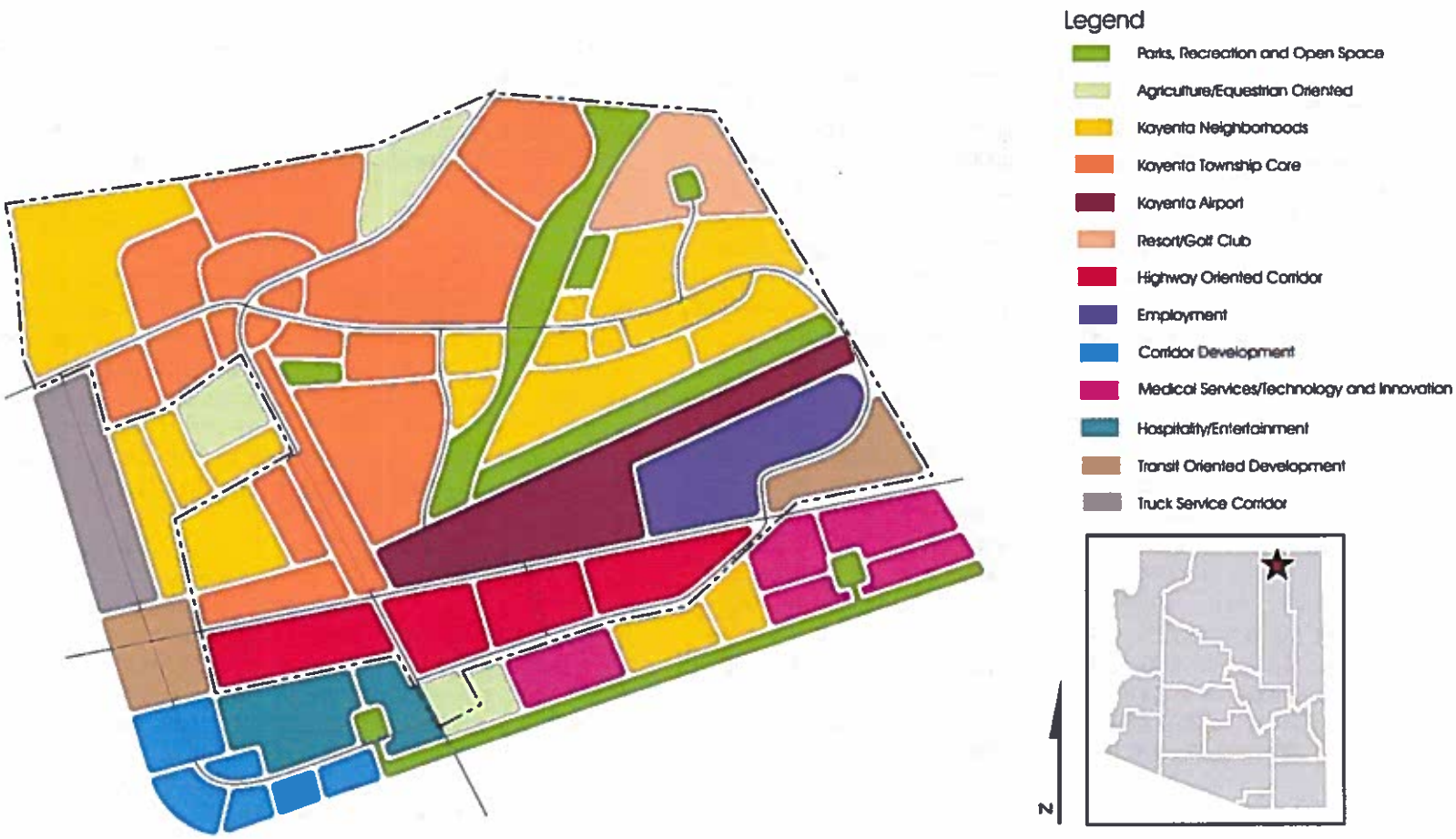
Corridor Development

This character area is located south of Highway 160 and west of Indian Route 591 along the proposed road functioning as the Alternate Truck Rout north of Highway 160 and as a connector to the Kayenta Medical Center south of Highway 160. This road corridor connects to Highway 163 and Indian Route 591, providing a service route for regional commercial, hospitality/entertainment, Highway 160 Corridor and medical support services uses. Corridor development can incorporate a variety of mixed-use and medium density uses providing residential opportunities for employees working in the hospitality/entertainment. This area also provides an ideal location for RV Park for rodeo and Monument Valley visitors.

Parks, Recreation, Trails and Open Space

This character area defines the edges by integrating rather than separating all land uses within Kayenta Township. It serves as a continuous thread connecting all the planning areas, increasing access, including multi-modal opportunities and providing seamless continuity. Only the major regional parks, open space and trail system are identified in the Major Character Areas and Land Use maps. All new development and redevelopment within the Township is required to provide parks, recreation, trails, open space and connectivity to the regional system in consistency with the standards provided in the Parks, Recreation, Trails and Open Space element of this Comprehensive Plan.

EXHIBIT 4: Kayenta Major Character Areas



Urban Design Element

This Urban Design Element seeks to define the character and identity envisioned by the community through the identification of placemaking Township-wide design themes for the entire Designated Growth Area. Specific design direction for each designated planning area is provided in the Sustainable Design Toolbox included in this element. The Urban Design Element provides the policy framework for planning and designing the built and natural environments in an integrative manner. Goals, policies and the implementation measures included in this element further the vision of the Kayenta community.

The main objective of this element is to establish the broad guidance necessary to guide the preparation of implementation tools such as area plans, master plans, planned area developments, development plans and zoning regulations governing site planning, circulation and access, architectural design, signage and lighting. This element also establishes overall design themes for Kayenta gateways, including circulation system, streetscapes, civic spaces, landscapes, open spaces, squares, plazas and parks scaled to enhance both the pedestrian and the driver's experience.

This element complements the Land Use Element by providing the urban design guidance necessary to achieve the desired urban form. While this element defines the placemaking character of streetscapes, development and the public realm for each of the gateways and activity centers identified in Kayenta, the Land Use element provides policy direction regarding land use, density, intensity and compatibility.

Overall Urban Design Element Goals

GOAL 1: CREATE PLACEMAKING THROUGH WALKABILITY

Policy 1: Design and develop Kayenta's public realm to create pedestrian-friendly streetscapes.

Rationale: Designing the public realm to include pedestrian-friendly streetscapes and requiring new development to provide pedestrian-oriented amenities such as promenades, gathering spaces, court yards and plazas encourages walkability as a mode of transportation, decreases vehicular usage, increases connectivity among different uses, promotes community health, increases quality of life, reduces vehicular emissions and traffic congestion, improves air quality, supports community sustainability, and attracts visitors and investors.

GUIDELINES

- Provide arcades, awnings and other architectural features that promote a human scale and offer protection from rain and the summer heat.
- Include pedestrian plazas and landscaped open spaces that serve multiple functions:
  a. Offer interesting public places for people to gather and enjoy the street experience;
  b. Serve as performing arts stage for Navajo dancers, musicians and story tellers;
  c. Provide space for art festivals, art fairs and community events;
  d. Invite farmers market venues;
  e. Celebrate Navajo Nation significant dates.

- Incorporate water features, sculptures, public art or special architectural features that reflect Navajo heritage and iconography as focal points.
- Include public art, benches, trash receptacles, water fountains, bike racks and other amenities to enhance the quality of the pedestrian experience.
- Differentiate the pedestrian space from the auto realm by utilizing materials with a tactile quality to define walkways, sidewalks and pedestrian crossings.
- Incorporate pedestrian-scaled street lighting and accent lighting to increase safety, placemaking and reduce the impact of light pollution into dark skies.
- Enhance the pedestrian experience by requiring drought tolerant trees and other landscaping to enhance the visual quality, provide shade and create a cooler microclimate that reduces the "heat island effect".
- Require that walkways from building entrances lead directly to the sidewalk.
- Screen parking lots adjacent to the street with landscape features that provide a pleasant visual screen and include shaded parking with solar panels on top.
- Require new development to provide underground utilities.
- Locate utility boxes in the rear of the development and provide appropriate screening to enhance the pedestrian experience.

IMPLEMENTATION MEASURES

a. Incorporate urban design standards for walkability in the preparation of development plans area plans, master plans, plan area developments, and any other implementation tools.

b. Adopt a Thoroughfare Plan to accommodate *Context Sensitive Design* principles and develop a Context Sensitive Design manual that is consistent with urban design standards for each planning area.

c. Work with NTUA providers to increase options for street light fixtures that encourage walking and safety and resolve maintenance issues.

d. Allocate Township funds and identify funding to include pedestrian amenities on streets in priority areas.

GOAL 2: CREATE PLACEMAKING THROUGH SITE PLANNING

Policy 1: Site and orient buildings to:

(1) Support the overall visual character of the character area;

(2) Enhance the value of existing and new development;

(3) Maintain view corridors;

(4) Create multi-functional spaces for social interaction;

(5) Minimize adverse visual impacts;

(6) Maximize solar energy utilization (passive solar);

(7) Reduce site disturbance and environmental impacts; and

(8) Facilitate access for residents, employees, visitors, customers and suppliers.

Rationale: Building siting and orientation are important components of placemaking. They create the visual character desired by maximizing site opportunities and minimizing adverse visual impact.

GUIDELINES

- Site buildings to blend with the natural contours of the land and to conserve, where applicable and to the maximum extent possible, the natural scenic beauty and vegetation of the site if applicable.
- Minimize cut and fill and maximize on-site and off-site views by requiring that building form is complementary to the landform.
- Orient buildings along the Laguna Creek Regional Linear Parks to allow views through and into the parks and to provide connections and visual access where possible to the its trails, recreation areas and open spaces.
- Provide primary entrances that are immediately identifiable from the public right-of-way.
- Provide secondary entrances that are conveniently accessible from the parking areas and the delivery areas that serve the building.
- Create interesting street scenes through the development of pedestrian promenades that invite interaction.
- Create plazas, courtyard spaces and pedestrian walks through coordinated placement and orientation of buildings.
- Maximize solar energy efficiency through building siting and orientation.
- Site buildings to maximize Walkability and minimize the visual impact of parking areas.

IMPLEMENTATION MEASURES

a. Adopt site planning standards for building siting and orientation in the Kayenta Zoning Ordinance.

b. Require developers to incorporate site planning standards for building siting and orientation in the preparation of development plans, area plans, master plans, planned area developments and any other implementation tools.

GOAL 3: CREATE PLACEMAKING BY IMPLEMENTING A STREET HIERARCHY

Policy 1: Develop and adopt a hierarchy of streets appropriate for each designated planning area.

Rationale: There is a functional hierarchy to streets in Kayenta. This hierarchy is expressed in the street design and the landscape treatment along the street. The primary goal of the Township's transportation element is to ensure safe, efficient and convenient circulation and access for all transportation modes through the establishment of a functional hierarchy of streets that provides the placemaking necessary to distinguish the distinct character of each planning area while providing a cohesive palette distinctive to Kayenta.

GUIDELINES

- Establish signature boulevards along Highway 160 and Highway 163 that:
  - Convey the character of the planning areas along these corridors in form and scale;
  - Instill a sense of arrival to and traveling through a destination; and
  - Provide the placemaking identity designed to enhance community members/visitors' experience as they travel on these roads.
- Enhance signature boulevards with plant materials and street furniture typical of urban settings.
- Pay attention to detail, color, shapes and textures to provide for a greater variety of materials along signature boulevards to distinguish them from other arterial roads or local roads.
- Design signature boulevards to minimize conflicts between different modes and provide connectivity to adjacent uses.

- Employ a landscape theme that is consistent with and complementary to the area.
- Utilize decorative paving patterns with varying natural colors to accentuate the vehicular, pedestrian, bicycle and equestrian entries.

IMPLEMENTATION MEASURES

a. Include development standards for signature boulevards in the Kayenta Zoning Ordinance.

b. Require all new development to incorporate signature boulevard standards in the preparation of development plans, area plans, master plans, planned area developments and any other implementation tools.

GOAL 4: CREATE PLACEMAKING BY ESTABLISHING MAJOR GATEWAYS AND ENTRY FEATURES

Policy 1: Develop and adopt a hierarchy of gateways and entry features that distinguishes the unique placemaking character of each character area:

(1) **Kayenta Gateway Center**: Main urban gateway along Highway 160 located at the west entrance of the Township.

(2) **Kayenta East Gateway**: Secondary urban gateway along Highway 160 located at the east entrance of the Township.

(3) **Laguna Creek Gateway**: Rural gateway along Highway 163 located at the northeast entrance of the Township.

(4) **Area Entry Features**: Establish primary entry features at main entrances of each major activity center that reflect the distinct placemaking character of that area for:

a. Kayenta Gateway Center;

b. The Four Corners Activity Center at the Intersection of Highway 160 and Highway 163;

c. Kayenta Main Street;

d. Kayenta Old Town Center.

(5) **Neighborhood Entry Features**: Provide entrances to residential areas that discourage through traffic and provide access to the multimodal network.

(6) **Resort and Golf Club Entry Feature**: Provide signature entrances at the resort and gulf club area that invite access to the amenities provided by the resort.

Rationale: Gateway features convey a placemaking sense of arrival that enhances the experience of travelers. They define the entrances to the Township and to the different character areas within it.

GUIDELINES

- Provide a formal landscape theme at gateway areas that is consistent with the overall landscape theme of the character area.
- Utilize decorative paving patterns at gateways and entryways with varying natural colors to accentuate the vehicular, pedestrian, equestrian and bicycle entries.
- Utilize landscape features such as monument walls, solar lighting, solar accent lighting, ornamental plantings and signage that convey a sense of arrival and reflects the placemaking identity of the area.
- Ensure that safety visibility triangles are provided at gateways and entryways.
- Employ a landscape theme that is consistent with the placemaking themes of signature boulevards and with the overall distinct placemaking character of each character area.

IMPLEMENTATION MEASURES

a. Include development standards for gateways and entryways in the Kayenta Zoning Ordinance.

b. Require new development to incorporate gateways and entryway standards in the preparation of development plans, area plans, master plans, planned area development and any other implementation tools.

GOAL 5: CREATE PLACEMAKING THROUGH THE ESTABLISHMENT OF REGIONAL MULTIUSE PATH ALONG DESIGNATED OPEN SPACE CORRIDORS

Policy 1: Develop the Laguna Creek Regional Linear Park and the Airport Regional Linear Park as continuous signature multifunctional open space corridors designed to minimize conflicts and safety hazards.

Rationale: The Laguna Creek corridor encompasses a mix of riparian habitat, naturally occurring washes, and regional signature recreational uses such as linear park, nature trails, scenic overlooks, nature study areas, equestrian trails and bicycle routes.

The Airport Regional Linear corridor allows for the development of linear park traversing a diversity of activity-oriented recreational amenities such a multi-use sport fields, ramadas and pocket parks. This regional linear park serves buffers adjacent airport uses and provides recreational amenities to the Kayenta Neighborhoods.

GUIDELINES

- Permit pedestrian promenades, amphitheaters, multi-use trails, trail nodes and parking within the 100-foot buffer from any existing wash.
- Integrate habitat to adjacent land uses through the use of principles of habitat integration.
- Permit parks, recreational facilities, multiuse trails, picnic areas, parking areas, ramadas, scenic outlooks, trail directories and sheltered structures within the 100-foot buffer along wash corridors within trail segments designated for recreation uses.
- Developed regional linear parks to provide continuity of regional recreation amenities through development areas and recreation centers.
- Design separate trails facilities for bicycle, pedestrian and equestrian users.
- Design each trail facility wide enough to permit users to travel in both directions.
- Provide a clear zone of two (2) feet or greater between bicycle and pedestrian trails.
- Maintain a clear zone of two (2) feet from each trail to any fence, tree or planted cactus.
- Develop accessible pedestrian facilities that meet the needs of older adults and ADA Standards for Accessible Design.
- Develop parking areas with vehicular access off arterial roads.
- Design interpretive nodes, trail heads, rest areas, nature study areas, and overlooks or vista areas to include: seating area under shade structure, picnic area, bicycle racks, solar lighting, drinking water fountain, restroom facilities and signage.
- Design interpretive nodes to include signage with high quality graphics that engage users of all ages indicating significant cultural, historical, or natural resources.
- Include visible directional signs with trail names, direction arrows, mileage to points of interest and mileage to major Township areas and landmark areas such as the Kayenta Main Street, Kayenta Gateway Center, Laguna Creek Resort and Golf Course, Kayenta Entertainment District, Kayenta Medical Center, Kayenta Township, Kayenta Old Town Center, Kayenta Rodeo and other relevant locations.

IMPLEMENTATION MEASURES

a. Include development standards for these multifunctional open space corridors in the Kayenta Zoning Ordinance.

b. Require all proposed development adjacent to these major regional linear parks to provide connectivity to these areas.

GOAL 6: CREATE PLACEMAKING THROUGH ARCHITECTURAL DESIGN

Policy 1: Require that buildings within the major character areas relate to each other in architectural style, massing, scale, color palettes and form.

Rationale: Architectural guidelines are established to promote a distinct, unique, recognizable and consistent architectural character for Kayenta. These guidelines are intended to promote flexibility and pertain primarily to development within the designated major character areas. They allow individuality of building character, while maintaining a sense of overall harmony throughout the Township. These guidelines also define how buildings complement each other through coordination of size, materials, colors, building mass, height, and spatial articulation. Building design also meets all applicable building codes and Federal Aviation Administration regulations where these are required. Architectural design must be reviewed and approved by the Kayenta Design Review Committee. Criteria for the formation of this committee are included in this section.

GUIDELINES

- Encourage placemaking architectural styles that incorporate Navajo Heritage and iconography, are contemporary, progressive in style, and reflect current state-of-the-art green construction technology in design and concept.
- Rely on the dynamic contrast and balance between individual building expression and the ability of new structures to interact visually with neighboring buildings to create a strong sense of unity and community.
- Provide easily identifiable building form, using building numbers, directories, maps, signs, and information kiosks where feasible and appropriate.
- Minimize the large-scale visual impact of buildings by incorporating fenestration, recesses, and projections to segment an otherwise unarticulated wall surface.
- Make provisions for outdoor "people places" such as plazas, courtyards and atriums.
- Use cantilever-style catwalks to physically and symbolically link adjacent buildings, to provide shade and to create a modern architectural effect particularly in proximity to the Gateway Center and the Transit Station Area that invites people to walk during hot Arizona summers.
- Incorporate energy-efficient building design and materials into all new buildings.
- Express the unique, special character, function and nature of the building while respecting and harmonizing with surrounding architecture.
- The building placemaking character incorporates design characteristics that define a pedestrian-oriented, compact urban environment with parking integrated into buildings.
- Encourage a "four-sided façade" architectural treatment on Kayenta Gateway Center, the Kayenta Old Town Center and along Kayenta Main Street.

Policy 2: Design building placement, orientation, and massing to create visual interest from off-site as well as on-site and to ensure efficient use of a development parcel.

GUIDELINES

- Create aesthetically interesting and functional exterior spaces such as plazas, courtyards and pedestrian walkways through coordinated placement and orientation of buildings.
- Orient buildings to maximize view potential to the open spaces and to mountain views.
- Internalize and group together service and loading areas, creating a shared service zone, or design service areas underground and away from view where feasible.
- Place and orient buildings to maximize visibility from Highway 160 and Highway 163.
- Minimize the impact of large paved parking areas by providing parking structures and shared parking where appropriate.

Policy 3: Design structures and buildings with a variety of heights to create visual interest and minimize monotony along the street frontage, provided that the maximum building height established in the Land Use Element is not exceeded.

GUIDELINES

- Require that building heights comply with all related Federal Aviation Administration safety regulations on areas adjacent to Airport where required.
- Require higher buildings to vary their heights at building entrance and lobby area, to provide a scaled transition from the public realm.
- Incorporate Context Sensitive Design solutions.

Policy 4: Design building façades and details to convey a hierarchy or order and to create visual interest through the interplay of light, shadow, color and texture.

GUIDELINES

- Define building entrances through the use of building recesses, projections, colonnades, space frames or other appropriate architectural features.
- Design building mass and fenestration in proper proportion and scale with the site, adjacent streets and developments.
- Utilize window panels, reveals, recesses, projections and other decorative elements such as molding and arches to segment an otherwise massive, unarticulated exterior wall surface.
- Discourage monotonous façades such as large glass curtain walls.

Policy 5: Encourage façades with a high level of visual interest, both at vehicular and pedestrian viewpoints.

GUIDELINES

- Define building entrances through the use of building recesses, projections, colonnades, space frames or other appropriate architectural features with a high level of visual interest for vehicular and pedestrian viewpoints.
- Enhance pedestrian approach to building with landscape, lighting, and walkway materials.
- Avoid large unbroken wall surfaces.

Policy 6: Require that building materials and colors are complementary to each other and to adjacent buildings and reflect the overall intent of the character area in which the building is located.

GUIDELINES

- Ensure that building colors and materials are harmonious and complementary to each other and reflect the color palettes and heritage of Navajo arts and culture.
- Require buildings to have an overall color theme with accent colors applied at main entrances or other special focal areas.
- Require that accent colors are not painted on wall surfaces or used as wide bands.
- Ensure that roof colors are complementary to the overall color theme of the building and harmonize with the environment natural color palettes.

Policy 7: Require that all mounted mechanical equipment is screened from public view and architecturally integrated with the main structure in terms of materials, shape, color and size.

GUIDELINES

- Encourage the use of southwest style roofs that reflect a contemporary character.
- Use sloped and curved forms at entries or other focal areas.
- Construct roof-mounted mechanical equipment and penthouses of materials compatible with the building façades.
- All roof screens shall be solid and continuous.
- Continuous grills or louvers must cover mechanical equipment.
- Communication devices such as satellite dishes, solar water heater, solar panels and antennas should be roof-mounted in a manner that the top of the equipment must be below the top of the parapet or equipment screen to be invisible from the ground. These types of devices may be integrated into the structure.
- Solar panels installed of roof surfaces must be integrated in a manner that does not negatively impact the view or produce glare that impacts other uses.
- The use of solar shingles is encouraged.

Policy 8: Require that all loading, service and delivery areas are accommodated on-site, on the side or rear of a building or underground and not visible from the public right-of-way to maximize site efficiency and minimize adverse visual impact.

GUIDELINES

- Ensure that loading docks and service and delivery areas are not visible from the streets, open spaces, or public right-of-ways.
- Provide screening such as screen walls, landscaping and/or extensions of the building wall where loading docks and service and delivery areas front public streets, open space or public right-of-ways.
- Ensure that screening walls for the service areas are compatible with the main building structure in color, design, form and materials.
- Design service areas to provide for backing and maneuvering on-site and not from a public street.
- Integrate truck docks and loading doors into the building design.

Policy 9: Establish the Kayenta Design Review Committee to review all large-scale development plans for compliance with this Urban Design Element and the specific design themes and direction provided in the Kayenta Zoning Ordinance.

GUIDELINES

- Require that the Kayenta Design Review Committee includes at least seven (7) active members appointed by the Township.

IMPLEMENTATION MEASURES

a. Establish the Kayenta Design Review Committee.

b. Require all new development to incorporate these architectural guidelines in the preparation of development plans, area plans, master plans, planned area developments and any other implementation tools.

GOAL 7: CREATE PLACEMAKING THROUGH LANDSCAPE DESIGN

Policy 1: Prepare and adopt landscape themes and guidelines for each designated planning area that reflect the area's primary purpose, instill a cohesive and seamless placemaking identity and incorporate minimum requirements for:

(1) Streetscape definition at major gateway areas;

(2) Streetscape definition along primary and secondary transportation corridors;

(3) On-site landscapes;

(4) Entry zone landscapes;

(5) Parking lot landscapes;

(6) Open space/trail system landscapes;

(7) Walls, fences and paving patterns;

(8) Water conservation and water harvesting methods; and

(9) Plant palettes that include native non-allergenic, drought-tolerant plants or xeriscapes, requiring very low water, maintenance and upkeep, having a non-invasive root system and being pest and disease resistant.

Rationale: The landscape themes render a distinct identity that reflects the placemaking character of each character area while maintaining consistency with the established urban design framework of adjacent areas. The image is clean, inviting, and composed of desert palettes that harmonize from one area to the next providing seamless continuity. In general, planting design is organic, innovative, colorful, and in some instances repetitive. The plant palette is simple yet exuberant, comprised of native vegetation, drought tolerant plants or xeriscapes and other suitable vegetation requiring very little water, maintenance and upkeep. Plants selected are also non-allergenic, have a non-invasive root system, and are pest and disease resistant. All landscape areas are of high quality and well maintained year round.

GUIDELINES (Streetscape Treatments)

- Ensure that streetscape treatment is clean, simple, modern and bold in character and reflects the placemaking identity of the character area.
- Develop a hierarchy of street scenes that reflects the area's placemaking identity and clearly defines the landscape treatments for each road segment in accordance to the density/intensities and urban design intent of the area:

1. Highway 160: Primary east/west spine road traversing the Township:

   a. Segment 1: at major west entrance of the Township.

   b. Segment 2: form Township west boundary to intersection of Highway 163.

   c. Segment 3: at intersection of Highway 160 and Highway 163.

   d. Segment 4: from Intersection with Highway 163 to the Township east entrance.

   e. Segment 5: at major east entrance of the Township.

2. Highway 163: Primary north-south road traversing the Township.
   a. Segment 1: at intersection with Highway 160.
   b. Segment 2: Kayenta Main Street, from intersection with Highway 160 to Kayenta Old Town Center.
   c. Segment 3: from Kayenta Old Town Center to the northeast entrance of the Township.
   d. Segment 4: at the northeast entrance of the Township
3. Kayenta Bus Route Loop: Secondary road linking all the planning areas.
4. Kayenta Truck Route: Truck route bypassing Main Street.

- Prepare and adopt a Plant Palette of drought-tolerant plants and xeriscapes for all the different character areas within the Township.
- Use trees and accent plants listed in the plant palette as the primary theme for streetscape definition.
- Use trees to frame the street section and create a placemaking identity along major primary roads.
- Accentuate the streetscape with massings of flowering bushes, grasses and shrubs listed in the plant palette to add a unique textural quality to the landscape.
- Design primary roads to be visually cohesive and reflect the distinct placemaking identity of the character area they serve.
- Use similar landscape elements at intersections in accordance to hierarchy of entrance.
- Ensure that plant material massing, spacing and height provide visual clues to motorists and users about the road hierarchy.
- Require that roadway planning and grading creates a variety of experiences along the road.
- Require that adjoining parcels for future phase development have the required streetscape fully implemented when the first phase of development occurs. This will include the planting of street trees and the hedges for parking lot screening.
- Have a designated landscape architect registered in the State of Arizona review impacts of proposed landscape plans on underground utilities prior to the preparation of a final landscape plan.
- Require all trees to be a minimum 24 inches box and shrubs/hedges to be a minimum 1 gallon size when installed.

GUIDELINES (On-Site Landscapes)

- Ensure that on-site landscaping has simple and geometric composition, is in scale with the building mass, parking areas and adjacent street width, incorporates visibility triangles and reflects the placemaking identity and urban design intent of the area.
- Use a limited plant palette in conformance with the adopted Plant Palette.
- Establish a theme plant palette throughout the development that expresses the urban design intent of the area, instills a sense of landscape consistency and order and brings attention to areas of significance.
- Plant large sweeps of single species along street frontages and vehicular entries.
- Include massing of similar plant materials in side and rear yards and parking lot areas.
- Encourage more detailed treatments, such as accent trees and shrubs, at formal building entries, pedestrian plazas and courtyards.
- Require that on-site finished grades meet existing street grades.
- Require coordination with adjacent properties when landscaping abuts: (1) common driveways shared with adjoining parcels; and (2) driveways along common property lines.

GUIDELINES (Pedestrian Streets)

- Provide amenities that enhance the pedestrian experience within common areas that reflect the placemaking identity of the area.
- Use plant materials appropriate in scale with the placemaking theme of the area.
- Provide seating opportunities under shaded areas along pedestrian pathways, trails and sidewalks in the form of fixed benches, informal berms, and seat walls.
- Provide picnic tables, trash receptacles and bicycle racks in pedestrian gathering areas within the street corridor at pocket parks, and along the Laguna Creek and Airport regional linear parks.

GUIDELINES (Individual Building Parcels)

- Ensure that the landscape treatment for each development parcel complements the roadway landscape, conveys the design intent of the area, creates a distinctive setting for the building and helps reinforce the pedestrian green belt system.
- Require a landscape plan prepared by a registered landscape architect and approved by the Design Review Committee as a condition for plan approval.
- Use plant materials listed in the adopted Plant Palette.
- Provide landscape amenities within setbacks.
- Provide landscape amenity areas within building setback areas that contour the ground plane to create a natural progression.
- Create opportunities for water harvesting.

GUIDELINES (Building Entry Zones)

- Provide an entry zone or a transition area between the public street access point and the private building entrance that includes the entry driveway, access to shared parking areas, visitor parking and drop-off area, and building entry area.
- Set the image and identity of a development parcel at the entry zone by providing landscape treatments that are applied in conformance with all entry zone guidelines.
- Require that project entry signage complies with all applicable signage guidelines and is integrated into the surrounding landscape.
- Require that no trees or shrubs are planted within the visibility triangle area of any entry driveway for traffic visibility purpose.
- Prohibit parking along the major signature entry driveways to the regional commerce/employment campus to showcase signature landscapes along these entry zones.
- Provide accent plant materials or specimen trees at formal building entries that do not encroach into the streetscape setback at the site entries or at sign locations.
- Clearly define visitor parking and drop-off areas with special landscape materials and enriched paving.
- Permit accent plant materials or specimen trees not listed in the Plant Palette with approval from the Design Review Committee.

GUIDELINES (Parking Lot Landscape)

- Mitigate heat/glare and "heat island effect" through the provision of landscapes that minimize the visual impact of parking areas, provide accessible, safe circulation within and adjacent to parking areas, including parking stalls, parking aisles, drive aisles, and other associated on-site vehicular areas.
- Landscape parking areas to screen them from view from adjacent streets and other properties and to reduce the adverse visual impact of large paved areas.
- Ensure that landscape materials are compatible with adjacent streetscapes and overall on-site landscape themes.
- Ensure that landscape areas within parking setback areas provide contouring of the ground plane to create a natural progression.
- Require parking lot trees at a ratio of one (1) per every four (4) linear stalls.
- Ensure that trees in parking lot areas are geometrically arranged in regularly spaced planter bays to create a formal look.
- Plant additional trees in front of stalls in bays or planters.
- Require that tree wells or planter bays within paved parking areas have a minimum-planting dimension of 8 feet.
- Locate trees in planter bays to provide shading effect to the asphalt areas.
- Ensure that visitor parking and drop-off areas are clearly defined with special landscape materials and enriched paving.
- Provide appropriate landscape screens around parking areas to reduce adverse visual impact of large paved areas.
- Utilize drought-tolerant plants and xeriscapes for parking areas listed in the adopted Plant Palette.

IMPLEMENTATION MEASURES

a. Require new development to incorporate these landscape guidelines in the preparation of development plans, area plans, master plans, planned area developments and any other implementation tools.

GOAL 8: CREATE PLACEMAKING THROUGH SIGNAGE

Policy 1: Prepare and adopt a signage ordinance that provides the specific signage guidelines for each designated planning area that is necessary to convey a cohesive and seamless placemaking identity.

Rationale: These general signage guidelines are intended to ensure consistent signage standards to reinforce the overall placemaking image of the Township, while fostering the individual identity of each area. Nonconforming or unapproved signs are brought into conformance at the expense of the property owner. Signage design, location, size and number of signs conform to these guidelines and are subject to review and approval by the Design Review Committee. Signs further the scale and urban design intent of the area.

GUIDELINES

- Ensure that sign palettes and sign themes provide visual continuity throughout the Township, further the placemaking identity of each designated planning area, are subordinate to landscape and architectural elements, and comply with all applicable building and electrical codes.
- Develop a hierarchy of signs to ensure way finding by conveying information that is needed for the visitor to understand the location of businesses and activities.
- Require that all permanent signs have a life expectancy of at least ten years and that sign materials do not delaminate, fade, distort or deteriorate within this time period.

- Require the exposed backs of all signs that are visible to the public to be concealed, finished, and properly maintained.
- Require that the number of signs, size, location and design of each sign do not exceed the maximum limitations established for each category in the signage guidelines.

IMPLEMENTATION MEASURES

a. Require new development to incorporate these signage guidelines in the preparation of development plans, area plans, master plans, planned area development and any other implementation tools.

GOAL 9: CREATE PLACEMAKING THROUGH THE ESTABLISHMENT OF SPECIFIC URBAN DESIGN CRITERIA FOR MAJOR CHARACTER AREAS

Policy 1: Provide specific urban design direction, design themes and streetscape options for major character areas.

Rationale: The Urban Design Element serves as the framework for the preparation of development plans, area plans, master plans, planned area development plans and other implementation tools, providing Township wide placemaking urban design direction and overall guidelines. This approach allows designers, architects, developers, Township reviewing staff and decision-makers to streamline the development review process without compromising the envisioned placemaking quality of development desired by the community.

IMPLEMENTATION MEASURE

a. Identify core issues, overarching goals, guiding principles and specific design criteria for major character areas.

GOAL 10: CREATE PLACEMAKING THROUGH THE PROVISION OF PUBLIC ART

Policy 1: Encourage public art throughout the Township that celebrate Navajo traditions and heritage and reflects the desired identity, urban design intent and scale of each character area.

Rationale: Public art instills community pride, enhances the visual quality of a place and contributes to its identity and sense of place. Encouraging Navajo artists to participate in the design of public art creates the identity envisioned by the community and a sense of ownership. Public art in plazas, terraces, and courtyards in between buildings visually attracts visitors by creating art forms that offer a window into the Navajo ways.

GUIDELINES

- Require that all developers dedicate one (1) percent of construction value for the provision of outdoor public art.
- Locate public art so that is reasonably visible or accessible to the public from a major road, open space, plaza, courtyard or building entrance area.
- Consider durability of the art material prior to approving design.
- Require Design Review Committee approval for all public art projects.
- Require building owners to provide ongoing maintenance of public art projects.

IMPLEMENTATION MEASURE

a. Require all new development to incorporate these public art guidelines in the preparation of development plans, area plans, master plans, development plans and any other implementation tools.

GOAL 11: CREATE PLACEMAKING THROUGH THE CREATION OF AN ARTS DISTRICT

Policy 1: Support the redevelopment and revitalization efforts of Kayenta Township by establishing a Navajo Artist Relocation Program and a Navajo Arts District.

Rationale: The guidelines included in this section serve as catalysts to provide new areas of collaboration and cooperation in the creation of implementation tools. In order to be effective, the creation of the Arts District involves artists in the design and planning process. This approach ensures that urban design complements cultural planning and provides a strong foundation to guide the economic development strategy that furthers the placemaking identity envisioned by Kayenta artists and the community. The main objectives of this approach are to establish thematic continuity, identify the most appropriate scale and cognitive structure; attract investment, and establish a distinct identity for the Arts District.

GUIDELINES

- Work with Navajo artists to redefine the historic Kayenta Old Town Center and to define the Kayenta Gateway Center to serve lower scale uses such as mixed-use artist home/studio, boutique art galleries, small restaurants and cafés and larger scale land uses such as art museums performing arts/convention center and art institutes.
- Address urban design considerations such as access, flow, parking, multimodal connectivity, walkability, interfaces, edge definition and functional relationships to the Kayenta Main Street, which connects the historic Kayenta Old Town and the Kayenta Gateway Center.
- Encourage a well defined and contiguous public realm to draw these two Art District together by requiring that all buildings gather around shared spaces instead of fragmenting the public realm and ground plane.
- Promote clear wayfinding and connectivity to the historic Old Town Center, the entertainment district, the adjacent neighborhoods and employment areas.
- Articulate the circulation concept for these Arts District areas to distinguish the different forms of mobility by applying appropriate widths and streetscape landscape palettes. These include:
  - *Mobility Streets:* these streets constitute the essential public element upon which the fabric of the Arts District is built. They convey the placemaking character unique to the Arts District and fall into three categories:
  - *Center Streets:* these streets serve the center of the Arts District and thereby attract a distinctive density or quality of use (public and private). These streets will attract the landmarks and land uses that define the placemaking identity of the Arts District.
  - *Peripheral Streets:* these streets circumscribe the core area of the Arts District and set a particular urban pattern of sub-districts. They define recognizable design elements such as main entries into the Arts District and locate reference points that give greater legibility to the Arts District structure but do not necessarily define edges.

- *Contextual Streets:* these streets serve vehicular functions over pedestrian functions and provide opportunity to access parking, deliver services, and dissipate traffic generated by regional art events. These streets include mixed-used corridors such as Kayenta Main Street with a pedestrian-oriented public realm with functional sidewalks that encourage pedestrian movement, and vehicular travel lanes that allow access to parking areas and loading docks.

  Central and peripheral streets allow more directed vehicular movement and allow more randomness in pedestrian movement. These different functions are reflected in the visual identity of the right-of-way to create placemaking legibility and wayfinding for the Arts District. The Arts District should impress itself upon the street design so that its sense of place is expressed in the public realm.

IMPLEMENTATION MEASURE

a. Require that all development support the revitalization efforts and recommendations of the Artist Relocation Program and incorporate these guidelines.

Sustainable Design Toolbox

The development standards included in the Kayenta Zoning Ordinance are derived from the overarching design themes, guiding principles and specific design criteria provided in the Sustainable Design Toolbox included in this section. The Sustainable Design Toolbox incorporates the latest sustainable best practice, zoning tools, development precepts and design standards necessary for the Township to attain long-range sustainability.

Sustainability in Kayenta is generative. It goes beyond the current practice of isolation by adopting an integrative approach. The Sustainable Design Toolbox includes the results of three community walkabouts conducted by Arrowhead Engineering and The Planning Center during the Kayenta Design Charrette. A representative from ADOT Multimodal Division also attended one of these walkabouts. The *EPA Technical Assistance for Sustainable Communities Summary* provided by the Township was also reviewed. The Sustainable Design Toolbox is incorporated in Table 1. This table identifies:

1. Core Issues
2. Overarching Design Themes
3. Guiding Principles
4. Specific Design Criteria
5. Design Concepts Illustrating the Specific Design Criteria where applicable.

Core Issues

The core issues, from a planning point of view, are the major blocks to progress and development in a community. Once identified, measures can be defined to transcend those impediments and turn them into opportunities. Kayenta Township core issues were identified during the three walkabouts conducted as part of the Kayenta Design Charrette. These core issues are addressed in the design concepts and in the policy framework included under each respective Comprehensive Plan element. These core issues are also addressed in the Kayenta Zoning Ordinance through the inclusion of best practice zoning, development standards and design guidelines. Core issues are identified in Table 1.

Overarching Design Themes

Overarching design themes identify the desired outcome needed to guide sustainable development and economic development while appropriately managing growth within the Township. They respond to each core issue by identifying the most sustainable approach to address each issue. These are provided in Table 1.

Guiding Principles

Guiding principles support the overarching design themes by providing the design precepts guiding sustainable development and economic development while appropriately managing growth within the Township. They expand on the overarching design themes by identifying the most sustainable approach needed to support such themes. These are provided in Table 1.

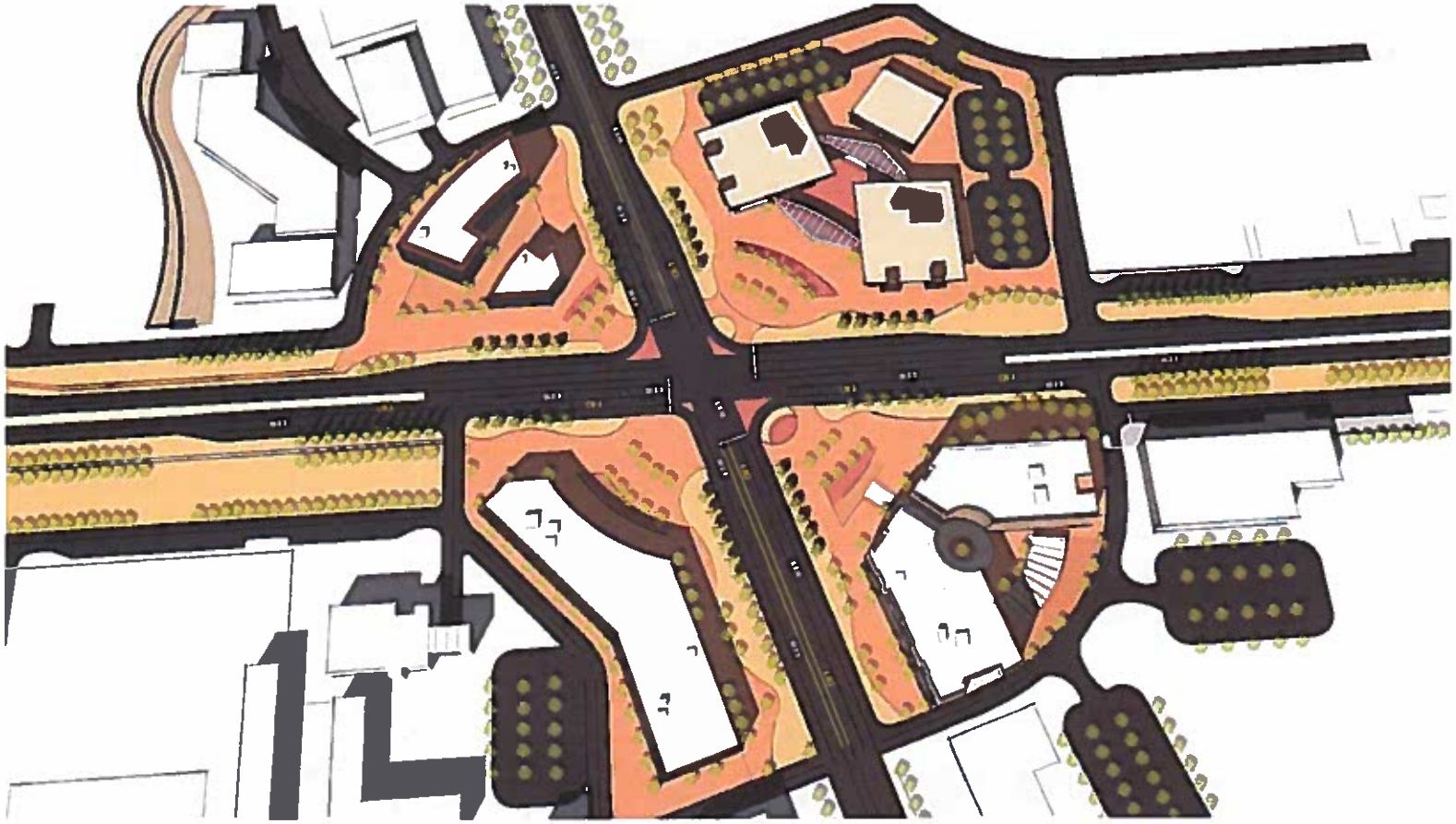
Specific Design Criteria

Specific design criteria support established Guiding Principles by providing the detailed step-by-step action plan or course of action required to support each principle. Comparable to policy statements in the policy section of the Comprehensive Plan, these are design steps that must be taken to ultimately address the core issues identified. These are provided in Table 1.

Table 1
Kayenta Township Sustainable Design Toolbox

Key Issue Identified	Overarching Design Themes	Guiding Principles	Specific Design Criteria
Character/Sense of Place Kayenta is the Main Gateway to Monument Valley, Arizona. Currently, there is no sense of arrival to a destination. Travelers drive by unaware of the Township, taking their business elsewhere.	Establish Gateways to distinguish Kayenta as a major destination and the Main Gateway to Monument Valley	Establish a hierarchy of gateways that instills a sense of arrival at all major entry points of the Township.	1. Develop a major gateway at the western entrance of the Township on Highway 160. 2. Articulate this Kayenta Gateway Center as the tourist destination and include access to visitor center and convention. 3. Establish secondary gateways on Highway 160 at the east entrance to the Township and on Highway 163 at the main entrance from those driving from Monument Valley
Circulation/Transportation Wayfinding within the Township is difficult due to lack of circulation and absence of sidewalks, paved roads and street names. Visitors wander without knowing where to go. Residents must get in the car to go few blocks away. There is no connectivity between major areas of the Township. These increase community dependency on automobile and fossil fuels.	Define a safe, efficient, convenient, accessible, intuitive and sustainable circulation network that meets the needs of both community and visitors.	Ensure that the circulation network: 1. Provides sustainable alternate modes of transportation that include access for all mobility needs; 2. Increases connectivity among all areas of the Township; 3. Defines Kayenta's Main Street; 4. Identifies best area for transit station; 5. Defines bus and shuttle routes; 6. Provides alternative Truck Servicing route; 7. Explores opportunities for park and ride; 8. Includes 911 address system for emergency services; and 9. Reduces dependency on automobile and fossil fuels.	1. Define Highway 160 and Highway 163 as the major spines or multimodal roads providing connectivity to all the planning areas. 2. Establish a hierarchy of streets that includes major highways, arterials, collectors and local streets. 3. Establish a Main Street along Highway 163 that provides connectivity to the Kayenta Gateway Center, the major activity centers at the intersection of Highway 160 and Highway 163 and the Kayenta Township Center. 4. Take advantage of the intersection of Highways 160 and 163 and of major entrances to the Township along Highway 160 to create the mixed-use synergies necessary to foster economic development.

Source: Kayenta Comprehensive Plan Design Charrette Walkabout and Site Visits, The Planning Center, 2011



Creating Character by Including Navajo Iconography in Building Design, Activity Center Concept at the Intersection of Highways 160 and 163, The Planning Center, 2011

Table 1
Kayenta Township Sustainable Design Toolbox
(Continued)

Key Issue Identified	Overarching Design Themes	Guiding Principles	Specific Design Criteria
Streetscapes The Township lacks street definition. Most of the areas with sidewalk, lack any form of landscape amenities.	Establish a circulation system of well-defined streetscapes that instill pride and provide connectivity throughout the Township.	Create hierarchy of streetscapes that include area appropriate landscape amenities that offer shade, provide seamless continuity and invite both visitors and residents to exercise and experience the spectacular outdoors.	Ensure continuity of streetscapes by: 1. Establishing specific design and landscape criteria for each type of streetscape in the hierarchy; 2. Providing continuous shade for people to be able to walk during hot summer days; 3. Defining a drought tolerant landscape palate that harmonizes with the local and regional vegetative communities; 4. Incorporating plazas, court yards, nature areas and rest areas in the overall design; and 5. Requiring all new development to provide landscaped streetscapes in conformance with the established streetscape hierarchy, landscape guidelines and plant palates.
Connectivity The Township lacks overall vehicular, pedestrian, bicycle, equestrian and trail connectivity. Horses roam free along Highway 163, crossing the highway and creating a safety hazard for horses and moving traffic.	Articulate connectivity throughout the Township while minimizing conflicts among different mobility modes.	Carefully define all mobility modes in a manner that promotes seamless connectivity, ensures safety and minimizes conflicts.	Promote connectivity by: 1. Clearly defining multi-use paths; 2. Providing clear separations between vehicular and non vehicular traffic; 3. Providing safe crosswalks; 4. Defining bicycle routes; 5. Separating equestrian trails from other transportation modes; and 6. Establishing fenced equestrian trails

Source: Kayenta Comprehensive Plan Design Charrette Walkabout and Site Visits, The Planning Center, 2011

Streetscape Concept Along Kayenta's Main Street (Highway 163) Providing Connectivity Through Different Traffic Modes to Other Planning Areas, The Planning Center, 2011

Table 1
Kayenta Township Sustainable Design Toolbox
(Continued)

Key Issue Identified	Overarching Design Themes	Guiding Principles	Specific Design Criteria
Walkability Kayenta is not a walkable community. The Township is automobile-dependent with a very low Walk Score. All errands require a vehicle. This results in a high dependence on automobile. A walkable place is lively, physically and financially healthy, fashionable, affordable, sustainable, sociable and safe. Walkability is the highest indicator of quality of life. Almost by definition, an attractive community is walkable and an unpleasant community is unwalkable.	Create and sustainable walkable community that promotes a high quality of life by increasing the Walk Score of Kayenta. Promote walking, not just for recreation, but also for trips to: work; school; shops; community services and facilities; and entertainment venues.	A walkable lifestyle is the most sustainable, low-impact, convivial way of living. Achieving and sustaining a walkable community is the most effective way to promote a high quality of life. More walking, not just for recreation, but also for trips to work, to school, to shops, is an ideal way to: 1. Improve health. 2. Increase affordability 3. Get to know your neighbors 4. Promote travel choice. 5. Reduce air and noise pollution 6. Promote a human-scaled neighborhood, 7. Reduce "heat island" effect 8. Increase Township viability 9. Increase citizen surveillance 10. Increase safety 11. Retain youth and 12. Attract the "creative class"	Arrange land uses, buildings, circulation, parking and landscape in a manner that maximizes walkability by adhering to the following criteria: • **Building Orientation and Setback** Orient buildings toward and in proximity to adjacent thoroughfares. Direct pedestrian connections to the building entry from the thoroughfare. Integrate buildings into the thoroughfare's street side with arcades, cafes, plazas, courtyards and so forth. In these locations, buildings may form a continuous built edge or street wall (a row of buildings that have no side yards and consistent setback at the thoroughfare edge). • **Definition of the Public Realm** Define the public realm in a manner that supports pedestrian travel and incorporates resting areas as well as activity areas in high pedestrian traffic areas. • **Human Scale** Ensure that higher density mixed use preserves the human scale.

Source: Kayenta Comprehensive Plan Design Charrette Walkabout and Site Visits, The Planning Center, 2011

Pedestrian-oriented Concept, Kayenta Main Street (Highway 163) Including Sidewalk, Promenade, Courtyards, Multi-Use Plazas and Public Art, The Planning Center, 2011

Table 1
Kayenta Township Sustainable Design Toolbox
(Continued)

Key Issue Identified	Overarching Design Themes	Guiding Principle	Specific Design Criteria
Walkability (continued)			• **Parking type and orientation** Parking provided in surface lots between buildings and streets defines a vehicle-dominated context with a lower priority for walking. On-street parking, and parking under or behind buildings and accessed by alleys is an urban characteristic. Thoroughfares should have a higher priority for walking. • **Block length** Development patterns with traditional urban characteristics usually have short block lengths with a system of highly connected thoroughfares, local streets and alleys. Vehicle-dominated contexts, such as power stores, have larger blocks, less complete street connectivity and usually no alleys; this pattern makes walking distances longer and, therefore, it is likely that fewer people will walk between destinations. Generally, the desirable block length is 200 to 400 feet and should not exceed 600 feet. • **Pedestrian Crossings** Pedestrian crossings along major highways should be minimized as to not obstruct traffic flow and clearly defined with special paving at traffic lights.

Source: Kayenta Comprehensive Plan Design Charrette Walkabout and Site Visits, The Planning Center, 2011

Well-defined Pedestrian Crossing Concept along Kayenta Main Street (Highway 163) at Traffic Light Intersection, The Planning Center 2011

Table 1
Kayenta Township Sustainable Design Toolbox
(Continued)

Key Issue Identified	Overarching Design Themes	Guiding Principles	Specific Design Criteria
Mixed-Use Development Kayenta's current layout follows the old Euclidian zoning. This land use and zoning pattern is highly dependant on automobile use. Smart growth incorporates sustainable city layout principles that include mixed-use development, where home, work, shops, and entertainment are at walking distance or one a short shuttle or bus ride away, substantially reducing reliance on automobile and air pollution and promoting a life style that offers a high quality of life and enhanced health and fitness. Mixed-use development creates 24-hour neighborhoods, increasing the economic potential of the area, reducing opportunities for crime, and creating the level of activity necessary for businesses to thrive. Areas designated commercial lack the roofs and activity necessary for businesses to prosper and offer little public safety after business hours. Mixing residential with commercial land use designations improves viability, increases the public safety, making mixed-use a sustainable alternative.	Identify and designate areas of the Township that can benefit from mixed-use development.	All different types of compact mixed-use development must address the specific needs of the area being served by: 1. Identifying appropriate densities and intensities; 2. Defining commercial and support business in keep with the overall intent of the area they serve; 3. Including artisan lofts, lofts, live work, and other compatible residential and commercial mixes; 4. Providing housing opportunities for new health care center, detention center and N.A.T.I.V.E Training Center. These are currently under construction and will bring new employment to the Township that will require housing; and 5. Permitting uses that support and are compatible with the main employment focus of the area.	• **Artisan Courtyards Mixed-Use** This type of mixed use is appropriate in proximity to Kayenta Gateway Center and its vital convention center, museum, and performing arts center. The artisan Courtyards combine residential, gallery and studio space for high-end world artists looking for short-term and long-term art residence near Monument Valley. • **Kayenta Old Town Center Mixed-Use** The Old Town Center is the historic core of Kayenta. It is planned to include a mix of residential, retail, shops that serve the adjacent community, bring in tourists and support Navajo artists. Mustang Trail, a multimodal path including separate equestrian trail will feature a trail node at the Old Town, incorporating the existing feed store and stables in the design. • **Kayenta Main Street Mixed-Use** This type of corridor mixed-use is intended to provide the Kayenta Main Street along Highway 163. This main street corridor will feature lower densities than the Kayenta Gateway Center. It is designed to connect the Kayenta Old Town Center and the Kayenta Gateway Center.

Source: Kayenta Comprehensive Plan Design Charrette Walkabout and Site Visits, The Planning Center, 2011

Artisans Courtyard Mixed-Use at the Kayenta Gateway Center (Highway 160), The Planning Center 2011

Table 1
Kayenta Township Sustainable Design Toolbox
(Continued)

Key Issue Identified	Overarching Design Themes	Guiding Principles	Specific Design Criteria
Mixed-Use Development (continued)			• **Kayenta Gateway Center Mixed-Use** The Kayenta Gateway Center along Highway 160 is the primary west entrance into the Township. This destination mixed-use will include live/work, lofts, convention center, Navajo Art Museum, visitor center, hotels and hospitality and Navajo Performing Arts center. • **Transit Oriented Mixed-Use** The Transit Oriented (TOD) Mixed-Use is a designation appropriate in proximity to the transit stations and shuttle stations along Highway 160 at both the east and west entrances of the Township. The transit station for visitors is located in the west entrance to the Township in close proximity to the Entertainment District and the Kayenta Gateway Center at the intersection of Highway 160 and the proposed Truck road loop. The transit station for commuters is located in the east entrance of the Township in close proximity to major employment uses. This TOD is served by the proposed bus route. Both stations will include shuttle services to the Entertainment District, the Kayenta Gateway Center the Old Town Center, the Kayenta Main Street, the Resort and Golf Club and major area attractions and respond to the needs of their users.

Source: Kayenta Comprehensive Plan Design Charrette Walkabout and Site Visits, The Planning Center, 2011

Kayenta Old Town Center Mixed-Use (Highway 163), The Planning Center 2011

Table 1
Kayenta Township Sustainable Design Toolbox
(Continued)

Key Issue Identified	Overarching Design Themes	Guiding Principles	Specific Design Criteria
Mixed-Use Development (continued)			• **Health Care Support Mixed-Use** This mixed-use designation includes housing, retail and office space designed to support the new Kayenta Health Center in an integrated health care campus layout. The Kayenta Health Care campus is envisioned to be a healthcare workforce development campus. In addition to its full-service hospital, the campus will provide a one-of-a-kind setting in Navajo Nation for training workers in the higher paying healthcare fields, as well as address the critical existing (and growing) shortage of trained workers needed at every level throughout the continuum of care. This plan's vision is in accordance with the Governor's Executive Order 2008-03, which calls for public-private collaboration "to develop a health care workforce plan designed to meet the needs of the 21st Century Arizona." • **General Mixed-Use** The General Mixed-Use land use designation provides a mix of residential, retail and office uses at lower densities.

Source: Kayenta Comprehensive Plan Design Charrette Walkabout and Site Visits, The Planning Center, 2011

Kayenta Main Street Mixed-Use (Highway 163), The Planning Center 2011

Table 1
Kayenta Township Sustainable Design Toolbox
(Continued)

Key Issue Identified	Overarching Design Themes	Guiding Principles	Specific Design Criteria
Housing A large portion of the existing housing stock in Kayenta is substandard. With three major employment generators in construction, the Kayenta Health Care Center, the detention center and the N.A.T.I.V.E Training Center, the township has a shortage of housing.	Identify all development and redevelopment efforts necessary to ensure a variety of housing types designed to meet the needs of all income ranges.	Ensure that housing development and redevelopment efforts are prioritized according to specific area needs by: 1. Inventorying the existing housing stock to determined substandard units that need: - Air conditioning/heater - Kitchen - Pluming - Roof Work - Additional room (overcrowded) - Demolition or removal 2. Establishing a redevelopment and rehabilitation area that includes all areas affected by blight to funnel funding to those area 3. Identifying areas for new housing development to serve the needs of new major employers, Kayenta Health Care Center, Kayenta Detention Center, and N.T.I.V.E. Training Center as well as the needs of the current and the projected population.	1. Utilize a mixed-use development design Toolbox that mixes residential, commercial and office uses and incorporates open space in the form of plazas and courtyards providing connectivity to planned multi-use paths (pedestrian, bicycle and equestrian), transit routes and adjacent planning areas. 2. Incorporate a variety of housing types including: single family detached and attached; multi-family and mixed-use development. 3. Locate high density multi-family development in proximity to the N.A.T.I.V.E. Training Center, the Kayenta Detention Center and the Kayenta Health Care Center. 4. Organize housing around central open space to create neighborhood amenities. 5. Locate low density residential development on the east and northwest areas of the Township along proposed bus route.

Source: Kayenta Comprehensive Plan Design Charrette Walkabout and Site Visits, The Planning Center, 2011

Kayenta Gateway Center Mixed-Use (Highway 160), The Planning Center 2011

Table 1
Kayenta Township Sustainable Design Toolbox
(Continued)

Key Issue Identified	Overarching Design Themes	Guiding Principles	Specific Design Criteria
Street Lights and Safety Kayenta currently lacks a street light and pedestrian light systems. This creates a safety issue within the Township.	Utilize energy efficient, Safe-by Design principles to increase safety while promoting dark skies.	Ensure that the integrated safe, convenient and efficient network of streets and multi-use paths providing connectivity to all planning areas include energy-efficient lighting that promotes dark skies.	1. Adopt a dark sky ordinance that promotes responsible outdoor lighting and addresses types of street, pedestrian, multi-use paths, equestrian trails and accent lights. 2. Create a hierarchy for outdoor lighting for the different modes of transportation (streets, walkways and sidewalks, multi-use paths, equestrian paths, bicycle routes, trails and bus stops) and provide standards for lighting in the Zoning Ordinance. 3. Ensure that outdoor lighting is solar powered. 4. Include development standards for building entrance accent lighting in the Zoning Ordinance.

Source: Kayenta Comprehensive Plan Design Charrette Walkabout and Site Visits, The Planning Center, 2011

Table 1
Kayenta Township Sustainable Design Toolbox
(Continued)

Key Issue Identified	Overarching Design Themes	Guiding Principles	Specific Design Criteria
Energy Efficiency Although current development within the Township does not incorporate energy efficient standards, Kayenta Township was the fourth community in the country to adopt the *International Green Construction Code (IGCC)*. As a result, the community has been asked to join a work group being facilitated by the International Code Council (ICC) to assist other communities in the nation in the adoption and enforcement of this code. With the adoption of IGCC, Kayenta has made a commitment to become an energy efficient community. As a model community, this commitment should be reflected in all future development and redevelopment efforts within the Township.	All new development and redevelopment within Kayenta Township should incorporate the latest energy performance standards.	Optimize the Township energy performance by adopting energy efficient development standards and design guidelines that support the Kayenta IGCC.	**Energy Performance** 1. Incorporate passive and active solar in all new development and redevelopment efforts. 2. Incorporate passive heating and cooling strategies in all design. 3. Provide development standards and design guidelines in the Zoning Ordinance for site and building orientation that are based on solar orientation to capture energy and maximize shade space. 4. Create a radiant barrier on south facing walls or provide cooling elements such as landscape treatments. 5. Build all new development to Platinum LEED standards. **Onsite Renewable Energy** 1. Incorporate solar panels on tops. 2. Investigate appropriate net-metering programs to offset cost of solar installation 3. Take advantage of high winds by incorporate small wind energy generators in public art and public facilities. **Green Building Materials** 1. Reuse construction materials. 2. Utilize materials with high recycled index. 3. Utilize locally available materials. 4. Incorporate rammed earth walls in design 5. Utilize reflective paint to reduce heat gain.

Source: Kayenta Comprehensive Plan Design Charrette Walkabout and Site Visits, The Planning Center, 2011

Table 1
Kayenta Township Sustainable Design Toolbox
(Continued)

Key Issue Identified	Overarching Design Themes	Guiding Principles	Specific Design Criteria
Water Conservation Kayenta currently engages in several water conservation strategies. Recycled water from the sewer lagoons is used as an irrigation sources for recreation and sport fields. This practice should continue. In addition, there are very few lawns with grass in the Township.	Conserve water by reducing potable and non-potable water uses and adopting water conservation measures and strategies as part of the design palate.	Implement a water use reduction program that incorporates a variety of strategies and education programs. Water conservation is extremely tied to climate change. Adopt a climate change program for the township that outlines the actions to be taken to reduce Kayenta's carbon footprint by 50 percent within the next 15 years.	**Reducing Water Usage** 1. Continue to use recycled water from sewer lagoons for irrigation of all recreation, sport fields and golf courses within the Township. 2. Prohibit the use of loans within the Township. 3. Require all new development or redevelopment to utilize drought tolerant and low maintenance xeriscapes with drip irrigation. 4. Adopt a plant palate that includes Kayenta native drought tolerant plants. 5. Incorporate water harvesting principles and strategies in all new development. 6. Adopt standards to reduce "heat island" effect
Infrastructure Infrastructure along Highway 163 is aging. In some cases, it has limited capacity. Insufficient water pressure near the intersection of Highway 163 and Highway 160 limits the viability of two story, compact, mixed-use development.	Prioritize infrastructure system improvements needed to support the desired development.	Ensure that major infrastructure is planned or in place to support the development patterns and land uses adopted in this Comprehensive Plan.	**Water and Wastewater Master Plan** Identify funds and conduct a Water and Wastewater Master Plan that identifies and prioritizes infrastructure needs to create shovel ready opportunities for development. **Capital Improvements Priorities** Prioritize infrastructure improvements along major development corridors, Highway 160 and Highway 163, which serve as the primary spines of the Township.

Source: Kayenta Comprehensive Plan Design Charrette Walkabout and Site Visits, The Planning Center, 2011

Table 1
Kayenta Township Sustainable Design Toolbox
(Continued)

Key Issue Identified	Overarching Design Themes	Guiding Principles	Specific Design Criteria
Parking and Service Areas Currently, most businesses in Kayenta are arranged in the old strip mall fashion and include excess parking with little shade or amenities. Service areas and loading zones are visible from public the right-of-way.	Sustainable practices that make better use of space and include beautification amenities, shade and screening measures ensure a pleasant experience for users.	All new infill, development and redevelopment efforts within Kayenta should maximize open space, reduce the amount of impervious surface and contribute to the aesthetic quality desired by the community	**Parking** 1. Establish a variety of alternatives to parking such as shared parking, parking structures, shuttle services, and park and ride facilities to minimize the sea of surface parking lots. 2. Adopt sustainable development standards and parking ratios for on-street and off street surface parking as part of the Zoning Ordinance. 3. Adopt design guidelines for parking that include a variety of strategies to reduce impervious surfaces 4. Utilize air pave and other "heat island" effect mitigation and dust abetment strategies for parking lots. 5. Incorporate landscape standards for parking lots in the Zoning Ordinance. 6. Include appropriate shading in parking lot design to minimize "heat island" effect and provide an enhanced experience for users. 7. Define appropriate landscape palate for parking areas that utilize drought tolerant plants or xeriscapes. 8. Incorporate drip irrigation and water harvesting measures in parking lot design. **Service Areas** 1. Adopt development standards and design guidelines for service areas in the Zoning Ordinance.

Source: Kayenta Comprehensive Plan Design Charrette Walkabout and Site Visits, The Planning Center, 2011

Table 1
Kayenta Township Sustainable Design Toolbox
(Continued)

Key Issue Identified	Overarching Design Themes	Guiding Principles	Specific Design Criteria
Infrastructure Infrastructure along Highway 163 is aging. In some cases, it has limited capacity. Insufficient water pressure near the intersection of Highway 163 and Highway 160 limits the viability of two story, compact, mixed-use development.	Infrastructure improvements are key to support the development densities/intensities and quality development desired by the community.	Ensure that major infrastructure has planned or in place capacity to support the development patterns and land use designations adopted in this Comprehensive Plan.	**Water and Wastewater Master Plan** Identify funds and conduct a Water and Wastewater Master Plan that identifies and prioritizes infrastructure needs to create shovel ready opportunities for development. **Capital Improvements Priorities** Prioritize infrastructure improvements along major development corridors, Highway 160 and Highway 163, which serve as the primary spines of the Township. **Transportation Network** Take advantage of ADOT multimodal transportation system improvements programs o ensure that major spine roads, truck service route and bus route are built in a manner that support this Comprehensive Plan. **Drainage and Stormwater Management** Adopt development standards for grading that detain storm water to prevent erosion, provide flood control, and incorporate water harvesting principles such as kit filters to clean run-off for irrigation reuse.

Source: Kayenta Comprehensive Plan Design Charrette Walkabout and Site Visits, The Planning Center, 2011

Land Use Element

This Land Use Element provides the broad goals, policies and implementation measures directing development in Kayenta Township. They make up the broad land use policy framework guiding all development and redevelopment decisions within the Kayenta Designated Growth Area. This Land Use Element provides an integrative land development strategy to achieve the Kayenta Community vision. This element of the Kayenta Comprehensive Plan is based on the:

- Analysis of existing conditions summarized in the *Background and Current Conditions* volume;
- Overarching design goals, guiding principles and specific design criteria included in the Sustainable Design Toolbox;
- Direction provided in the Growth Areas Element, the Urban Design Element, the Transportation Element and the Parks, Recreation, Trails and Open Space Element.

During the week-long design Charrette the community and major stakeholders identified the need to implement a flexible land use approach that:

1. Manages growth in an ordered and responsible manner based on growing smart principles.
2. Responds to changing market forces to ensure the long-term viability of Kayenta.
3. Provides a streamlined and consistent development review process.
4. Departs from traditional land use designations by adopting an integrative approach that focuses on planning area needs.
5. Directs development by establishing a strong policy framework.
6. Incorporates implementation tools such as Master Plans and Planned Area Development that include flexibility in design while requiring high quality development.
7. Promotes the synergies, partnerships and strategies necessary to establish and expand a diversified economy that includes:
    a. High-wage employment generating industry.
    b. Retail, restaurant and service revenue generating industry.
    c. Compact, mixed-use high and high quality development
    d. Navajo art, film, theater and performing arts.
    e. Tourism and eco-tourism.
    f. Technology and innovation.
8. Ensures land use compatibility through the establishment of major planning areas and the provision of transitional elements, landscaped buffers and connectivity.
9. Encourage new development to create a mix of housing opportunities that is affordable to all income ranges.
10. Integrate parks, recreation, open space and trail systems to increase connectivity, walkability and promote health.
11. Directs mixed-use development to areas that will benefit from it.
12. Furthers the revitalization and redevelopment of the Kayenta Township Core planning area as a compact, historic, mixed-used central business core.
13. Addresses the infrastructure, mobility and multimodal access needed to promote circulation throughout the planning area.

Land Use Element Goals and Policies

GOAL 1: ALIGN LAND USE STRATEGIES, URBAN DESIGN AND ECONOMIC DEVELOPMENT PRIORITIES

Policy 1: Ensure that each planning area provides the balance of land uses needed to achieve and maintain a sustainable tax revenue base and supports the urban design and economic development goals of the Township.

Rationale: A primary goal is to create a healthy balance between jobs and households throughout the Township to make Kayenta a self sustaining community. The Township facilitates balanced growth with the goal of achieving and maintaining a sustainable tax base.

IMPLEMENTATION MEASURE

a. Coordinate planning area land use decisions with the Urban Design Element, the Transportation Element and the Parks, Recreation, Trails and Open Space Element.

b. Achieve self-sufficiency by allowing flexibility while ensuring a cohesive land use approach.

GOAL 2: DEVELOP KAYENTA AS A SELF-SUFFICIENT, COMPACT, SUSTAINABLE DESTINATION

Policy 1: Provide an appropriate mix of land uses that encourages compact development, supports economic development, expands the retail, services, tourism, employment and industry sectors and promotes the efficient use of infrastructure and services to achieve self-sufficiency.

Rationale: Compact development promotes the efficient use of infrastructure, increases access, supports walkability and reduces the Township's carbon footprint. Mixed-use is a form of compact development desirable within areas of Kayenta Township that benefit from this type of development. The land use mix for Kayenta must support community needs and attract and engage tourists by capitalizing on Kayenta's uniqueness.

Examples of Mixed-use Compact Development Appropriate for a Main Street
Santa Fe Arts District, Denver, Colorado

IMPLEMENTATION MEASURE

a. Designate and maintain the appropriate mix of land uses needed to develop a self-sufficient sustainable destination.

b. Adopt specific policy direction for all major planning areas that includes the mix of land uses necessary to support economic development goals, quality of life and the efficient use of infrastructure and services.

c. Identify areas where mixed-use development is appropriate.

d. Ensure that the land use mix takes competitive advantage of the proximity to Monument Valley and serves as a magnet attracting visitors by providing a mix of retail, service, hotel and hospitality, restaurants, arts and culture and entertainment opportunities that showcase Navajo heritage and traditions to strengthen and diversify the Township's economic base.

e. Integrate the established rodeo and the horse keeping tradition of the Navajo people by providing a land use mix that fully recognizes this heritage and showcases it as part of Kayenta's uniqueness.

f. Require development plans, area plans, master plans, and planned area developments to incorporate integrated open space, parks and trails and foster walkability, as well as pedestrian and bicycle connectivity to achieve the desired quality of life.

g. Revitalize, redevelop and develop the Kayenta Township Core character area by making Kayenta Main Street and the Kayenta Old Town Center mixed-use areas a priority and by upgrading the housing stock within this area.

h. Support and expand the truck service and industry sectors of Kayenta by designated industrial land uses along the proposed Truck Service Corridor character area and the Highway Oriented Corridor along Highway 160.

i. Designate land for the Kayenta Cemetery to create a memorial park/memorial garden that serves the function of a cemetery and provides opportunities for Navajo people to pay respect to ancestors.

j. Designate regional parks, recreation, trails and open space in the Future Land Use map to ensure that connectivity to this network is provided when development adjacent areas.

k. Designate lands for the development of a resort and golf club that take opportunity of the adjacent scenery and provide connectivity to designated equestrian trails.

l. Designate lands were mixed-use Transit Oriented Development (TOD) is appropriate in the vicinity of transit station areas.

m. Define the Highway Oriented Corridor character area to include the Kayenta Gateway Center, the Kayenta Four Corners Activity Center, regional commercial, and medical support services in proximity to the Kayenta Medical Center.

n. Designate lands for the development of technology and innovation uses, research parks, business incubators and solar generation.

o. Identify land uses and strategies compatible with the intent of the Airport Master Plan to infuse vitality to the airport character area.

p. Designate lands for employment in close proximity to the airport and the proposed transit route.

q. Designated areas for low, medium and high density residential.

r. Support the vitality of the Kayenta Gateway Center, the Four Corners Center and the Kayenta Rodeo by designating lands for hospitality and entertainment in close proximity to these uses.

s. Strengthen existing and develop new public/private partnerships with all applicable Navajo agencies, Kayenta Chapter, federal, state, regional, local entities, school districts, educational institutions, chambers of commerce, non-profit organizations, private developers, investors, the Kayenta Business Association and other stakeholders to market attract and retain the diversity of land uses needed to strengthen and diversify the Township economic base.

GOAL 3: INCREASE LAND USE COMPATIBILITY BY ENHANCING THE CHARACTER OF EXISTING DEVELOPMENT.

Policy 1: Enhance the character of existing development through the provision of adequate landscape buffers or landscape amenity areas, density/intensity transitions and appropriate grading.

Implementation Measures:

a. Require that development plans, area plans, master plans and planned area development include site-appropriate land use compatibility techniques.

b. Promote land use compatibility throughout the Kayenta Designated Growth Area by implementing all applicable buffers, transition elements, setback requirements and development standards identified in the Zoning Ordinance.

c. Cluster higher-density/intensity development to allow for integrated open space.

d. Define the edges by providing seamless pedestrian, bicycle, equestrian, and nature trail connectivity and other adequate transition elements that create an integrated and smooth transition to development that is lower in density/intensity.

e. Include the option for lower-density residential cluster development in areas including topographic variations, riparian areas and/or other physical/environmental constraints.

f. Incorporate linear parks and/or natural habitat corridors where appropriate.

g. Utilize the Planned Area Development (PAD) as an implementation tool that fosters flexibility, creativity and land use compatibility.

h. Comply with the intent, policy direction and implementation strategies of each character area.

i. Locate higher-density residential uses and mixed-uses in areas served by public transit with access to commerce and public services.

j. Mitigate in an aesthetically pleasing manner all visual, noise and vibration impacts arising from major thoroughfares and the Kayenta Airport.

GOAL 4: LOCATE REGIONAL COMMERCIAL, INDUSTRIAL DEVELOPMENT AND INDUSTRIAL PARKS IN AREAS SUITED FOR SUCH DEVELOPMENT.

Policy 1: Require that regional commercial, industrial development and industrial parks comply with all applicable requirements of this comprehensive plan and of the Kayenta Zoning Ordinance.

Implementation Measures:

a. Direct high-intensity regional commercial and industrial development to character areas designated for such development along major highway corridors and thoroughfares.

b. Require that regional commercial uses prepare a master plan or planned area development in conformance with the Kayenta Zoning Ordinance.

c. Require that industrial development prepares a development plan in compliance with all applicable requirements provided in the Kayenta Zoning Ordinance.

Goal 5: SUPPORT RESIDENTIAL AREAS BY PROVIDING OPPORTUNITIES FOR NEIGHBORHOOD COMMERCIAL AND NEIGHBORHOOD-ORIENTED SERVICES.

Policy 1: Locate neighborhood commercial and neighborhood-oriented services in close proximity to the residential areas being served.

Implementation Measures:

a. Require that development plans for neighborhood commercial and neighborhood-oriented development:

(1) Mitigate all adverse visual, sound and odor impacts.

(2) Support, complement and enhance the neighborhoods being served by providing access to all mobility needs and travel modes.

(3) Include enhancements that provide visual relief and harmonize in massing, height, scale and style with the character envisioned for Kayenta.

(4) Require that such development occurs at the intersection of arterial or collector roads.

Goal 6: **Provide an adequate mix of housing types.**

Policy 1: Ensure that new residential development includes a mix of housing types that are affordable to all income ranges within Kayenta Township.

Implementation Measures:

a. Require that all new residential development complies with the intent and policy direction of the Housing Element.

GOAL 7: BALANCE PUBLIC INFRASTRUCTURE AND COMMUNITY FACILITIES PROJECTS WITH PLANNING AND ECONOMIC DEVELOPMENT EFFORTS.

Policy 1: Coordinate and anticipate infrastructure and community facilities needs and updates with existing and planned development to support economic development efforts.

Implementation Measures:

a. Prepare master plans for water, sewer, solid waste and recycling that:

(1) Include an inventory of existing infrastructure;

(2) Provide an assessment of existing and projected public facilities capacity and life expectancy based on projected growth; and

(3) Delineate service and priority expansion areas.

b. Update the Kayenta Capital Improvements Plan to provide a systematic approach to coordinate and anticipate infrastructure needs and updates.

c. Develop an efficient mechanism to coordinate and monitor new development and capital improvements.

d. Take advantage of Kayenta's strategic location with respect to Monument Valley by conducting a regional studies that identifies regional infrastructure needs that may further economic development opportunities.

e. Work with the Federal Emergency Management Agency (FEMA) to obtain Flood Insurance Rate Maps (FIRM) status.

f. Work with Kayenta Chapter to coordinate annexation strategies and develop intergovernmental agreements that allows Kayenta to expand its current boundary into the Designated Growth Boundary.

g. Continue to work with Navajo agencies to ensure that Kayenta receives adequate infrastructure and highway improvement funds.

h. Work to improve Township-wide telecommunication infrastructure through a variety of public and private efforts;

i. Collaborate with NTUA and other utility companies/agencies serving the planning area to incorporate sustainable alternative energy sources (solar, wind, biomass) as tools for economic development.

GOAL 8: IMPROVE THE DEVELOPMENT REVIEW PROCESS.

Policy 1: Establish a consistent and streamlined process for development review.

Implementation Measure:

a. Establish a flexible, efficient and equitable development process that helps navigate unique site constraint issues while ensuring high quality development.

b. Adopt and implement user-friendly Development Review Process procedures in the Kayenta Zoning Ordinance to standardize and expedite the development review process.

Policy 2: Coordinate planning efforts with all applicable agencies and Township departments to streamline the development review process.

Implementation Measures:

a. Require a pre-application conference that includes representatives from all applicable Township department heads and Navajo agencies.

b. Involved all applicable Navajo agencies and Chapter representatives as applicable from early stages of the process.

Policy 3: Evaluate development proposals for consistency with the intent and policy direction of the respective character area during the development review process.

Implementation Measures:

a. Require that all development plans, area plans, master plans and planned area developments conform to all applicable policy statements contained in this comprehensive plan and in the Kayenta Zoning Ordinance.

b. Periodically review and update zoning requirements and development standards to ensure market feasibility.

GOAL 9: ENSURE THE EFFECTIVENESS OF IMPLEMENTATION MECHANISMS.

Policy 1: Periodically review, evaluate and update ordinances for their effectiveness and to minimize conflicts.

Implementation Measures:

a. Prepare, adopt and implement the Kayenta Zoning Ordinance.

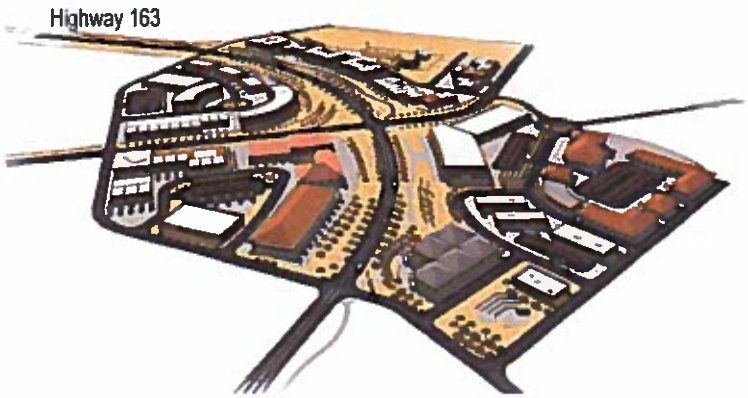
b. Discuss staff recommendations regarding ordinance revisions at Department heads meetings to establish consensus prior to issuing a staff report.

Kayenta Township Core Character Area

This character area comprises the core of Kayenta and includes Kayenta's historic downtown and most of Kayenta's developed areas. Most of this character area is located within the Kayenta Redevelopment/ Rehabilitation Planning Area. This redevelopment area extends from Highway 160 to Kayenta's northern boundary and includes areas on both sides of Highway 163 as shown on Exhibit 4, included in the Growth Areas Element.

This area includes Kayenta Township, the new judicial and detention center, schools, the Kayenta community park, the historic Kayenta Township, and the NTUA lagoons. The proposed land use designations for this area include: Civic/Institutional and Public Facilities, which include existing civic, community and public facilities, educational institutions, parks, commercial uses along Highway 160 in need for redevelopment, low, medium and high density residential uses and mixed-use development defining the Kayenta Main Street and the Kayenta Old Town Center, and the northern portion of the Four Corners Activity Center at the Intersection of Highway 160 and Highway 163.

Kayenta Old Town Center



Land Use Concept

The Kayenta Old Town Center (Old Town) is a mixed-used, walkable urban core where historic preservation, restoration, revitalization and redevelopment play a key role. These combined efforts strengthen Kayenta's image, enhances its sense of place, defines its identity and increases its revenue generating retail base. This area incorporates opportunities for mixed-use, multifamily residential and for the establishment of a community-oriented Navajo Artisans village offering lofts to Navajo artist studios located on the ground floor and residential areas on the second floor. The area incorporates community arts center and market space.

Mustang Trail at Agricultural Area, Showing Stables near Old Town.

Old Town celebrates the horse keeping tradition of Navajo people by being a focal point along Mustang Trail and providing opportunities for the creation of horse stables in proximity to the existing feed house. The multifamily uses within this area provide housing opportunities for employees of the new justice and detention center at walking distance to adjacent schools. This dynamic and vibrant focal point exudes civic pride, and functions as a mixed–use art district with an integrated work force, adequate affordable housing and thriving revenue generating businesses. Old Town serves as the historic and cultural heart of Kayenta from which Kayenta Main Street radiates.

This core includes a vital retail base, services, courtyards and plazas with outdoor performance space, art galleries, art studios, residences, parks, small family-owned restaurants, outdoor cafés creating an atmosphere that attracts visitors and residents. Old Town offers well-defined pedestrian-scaled streets and places to live, work, play, shop, learn rest, celebrate, and perform.

GOAL 1: PROMOTE OLD TOWN AS A VIBRANT, ENERGETIC COMMUNITY CULTURAL HUB OF ACTIVITY THAT DRAWS PEOPLE OF ALL AGES TO LIVE, WORK, PLAY, SHOP, DINE, AND CELEBRATE THE ARTS AND HORSEMANSHIP OF THE NAVAJO CULTURE.

Policy 1: Revitalize and redevelop the Kayenta Historic Downtown to serve as the thriving historic heart of Kayenta.

Implementation Measures:

a. Identify funding, prepare, adopt and implement the Kayenta Township Core Revitalization Plan and prioritize Old Town as part of the redevelopment strategy.

b. Identifies community reinvestment programs.

c. Strengthen and enliven the existing retail base.

d. Attracts uses that support and enhance the existing retail base.

e. Encourage the preservation, restoration and adaptive reuse of underutilized historic buildings.

f. Provide opportunities for mixed-use development (first story retail, second story residential);

g. Identify appropriate zoning mechanisms for mixed-use development in the Kayenta Zoning Ordinance;

h. Prepare, adopt and implement a Navajo Artist Relocation Program to boost Old Town redevelopment efforts.

i. Make the area vibrant, attractive and safe by utilizing Safe-by-Design principles.

j. Establishes design themes including hardscapes and landscapes for the enhancement of the entire planning area that:

Mustang Trail along Kayenta's Main Street

(1) Include well-defined, authentic and high-quality streetscapes that create a vibrant street scene;

(2) Incorporate hardscapes that reflect Navajo arts and iconography and are complementary to the historic character of the area;

(3) Take into consideration all streets and alleys in the design process to create safe, efficient and convenient circulation that includes a cohesive pedestrian-friendly network;

(4) Provide multi-modal connectivity (vehicular, pedestrian, bicycle, equestrian and transit) to all adjacent planning areas via Mustang Trail and Kayenta Main Street.

k. Include boutique style small community-oriented commercial uses integrated with the mixed use that:

(1) Serves the adjacent neighborhoods;

(2) Complements the retail focus of Kayenta Main Street;

(3) Incorporates new mixed-use development that includes retail, offices and residences;

(4) Mixed-use development must comply with all applicable requirements for Mixed-Use Development provided in the Kayenta Zoning Ordinance.

l. Create shade throughout the area with shade structures that incorporate photo voltaic fabric to generate electricity for street lights, bollards, and accent lights.

m. Carefully integrate Mustang trail along Old Town.

n. Evaluate options for solar covered surface parking and/or parking structures.

o. Incorporate options for public transit including shuttle services

p. Providing aesthetically-attractive, safe and comfortably accessible crossings for all transportation modes (pedestrian, bicycle and equestrian).

q. Provide opportunities for Navajo owned bed and breakfasts within this area.

r. Identify funding, resources and partnerships to establish shuttle service and equestrian transportation to other major destinations within the Township.

s. Serve as an anchor and generator of new urban efficiency and smart growth.

t. Provides easy and convenient access to all the different planning and activity areas within Kayenta.

u. Serves as a catalyst of urban transformation.

v. Provides a solution to auto traffic and parking challenges.

Kayenta Main Street

Kayenta Main Street (Highway 163)

Kayenta Main Street Mixed-use (retail in ground level/residential in upper level)

Land Use Concept

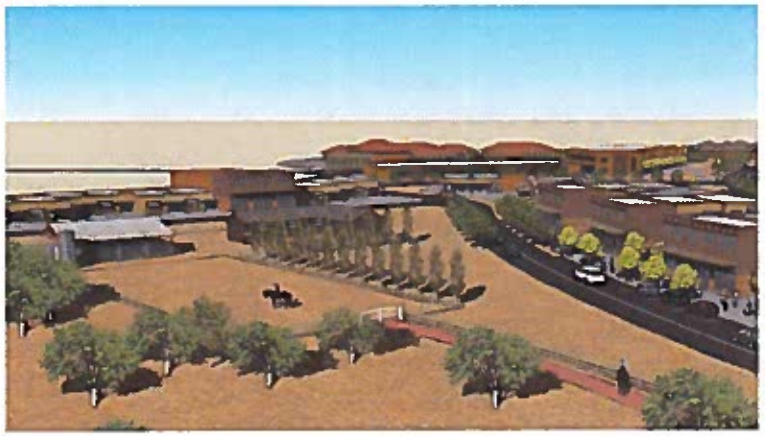
The Kayenta Main Street is located within the Kayenta Township Core character area and spans along Highway 163. This mixed-use main street corridor serves as the primary road connecting the Four Corners Center and the Kayenta Gateway Center to the Kayenta Old Town. This mixed use corridor includes residential, retail, and community centers such as the Veterans Affairs building, serving the community as well as visitors.

It provides housing opportunities for adjacent civic uses and for students attending N.A.T.I.V.E and Dine College. Main Street also serves its adjacent neighborhoods and residential areas and provides connectivity to the Laguna Creek and the Kayenta Airport regional linear parks. Kayenta Main Street also offers ample opportunities for public art as well as outdoor performance space. It incorporates small restaurants and cafes for those working on the adjacent civic uses.

Kayenta Main Street Community Centers and Outdoors Multi-use Performance Space

Kayenta Main Street Showing Mustang Trail West of Highway 163

Mustang Trail West of Highway 163



Kayenta Main Street Entrance to Equestrian Center in Old Town Next to Agricultural Area Via Mustang Trail

Kayenta Main Street includes a destination multiuse path, Mustang Trail, along the west side of the street. Mustang trail provides pedestrian, bicycle and equestrian connectivity to most planning areas within Kayenta.

GOAL 1: CREATE A VIBRANT KAYENTA MAIN STREET

Policy 1: Create the synergies necessary to develop a vibrant Kayenta Main Street that serves as a major destination corridor connecting Kayenta's major activity centers and as a focal point within this planning area.

Implementation Measures

a) Work with the Navajo Nation, the Kayenta business community and with the Kayenta Business Association to identify the public/private partnerships and funding mechanisms necessary to plan, design and develop Kayenta Main Street.

Kayenta Main Street Mixed-use (retail in ground level/residential in upper level)

b) Design Kayenta Main Street as a destination main street corridor that incorporates retail, office, restaurants, cafés, residences, community services, integrated parking and other complementary uses in a mixed-use environment.

c) Integrate open spaces, outdoor amphitheaters, gathering spaces, parks, promenades, sidewalks and trail linkages that provide connectivity to adjacent uses, parks and trails, creating a setting that makes Kayenta a destination.

d) Create shaded outdoor spaces with benches, water fountains, low walls that serve as sitting areas.

e) Incorporate landscape amenities that serve as an oasis during the summer heat for the community to gather, rest and play.

f) Provide pedestrian connectivity to transit and shuttle stops.

g) Include a shaded shuttle stop for along Main Street.

Four Corners Center

Four Corners Center (Intersection of Highway 160 and Highway 163)

Land Use Concept

The Four Corners Center is a major activity node located at the intersection of Highway 160 and Highway 163. The northern portion of the center serves as the gateway to Kayenta Main Street. Its southern portion functions as a transitional element between the higher intensity Kayenta Gateway Center located west of Highway 163 and the lower intensity regional commercial uses located east of this highway. The design of the Four Corners Centers integrates its multiple functions creating a dynamic intersection while responding to the specific needs of each corner. The design incorporates elements of Navajo believed system and Navajo iconography that can only be observe as one flies into Kayenta from the air.

Four Corners Center (Intersection of Highway 160 and Highway 163)
Plan View, Layout Design Evokes Navajo Themes and Iconography.

Northeast Corner

The Northeast Corner serves as a gateway to the Kayenta Airport including uses that greet visitors traveling by airplane. Uses appropriate for this area include airport-oriented retail, cafes, information booths, bicycle rental, car rental, greeting services, horse and jeep tours of Monument Valley, artist kiosks and any other retail and service opportunities supporting the Kayenta Airport user. This corner also serves as the main entrance or gateway to Kayenta Main Street. Providing information at this corner about Old Town in the form of directories will enhance the probability of visitors to visit the Kayenta's Old Town.

Southeast Corner

The Southeast Corner offers integrated convenience services, retail, office and hotel opportunities for families having patients at the Kayenta Health Center near by. The corner greets travelers driving from the east and serves as a transition to the adjacent regional commercial uses offering opportunities for a market place with large scale super centers serving as anchors and their accompanying retail department stores, regular retail, restaurants and services.

Southwest Corner

The Southwest Corner responds to the adjacent Kayenta Gateway Center, offering a window into the Navajo heritage, culture and traditions, inviting visitors to flow into the Gateway area for more. Appropriate uses within this corner include a Navajo Museum of Art, film industry museum showcasing the cinematography of the Southwest and the Navajo land as it appears in old westerns, equestrian museum. Additional uses include thematic restaurants featuring the Navajo culinary world, and small shops related to these museums. This corner also serves as the major point of pedestrian, equestrian and bicycle crossing for Kayenta community into the Kayenta Gateway Center, the Hospitality and Entertainment areas and the Rodeo and Fair Grounds along Mustang Trail.

Northwest Corner

The Northwest Corner responds to the adjacent Kayenta civic uses and residential neighborhoods, providing integrated convenience opportunities and gas stations and serves as a community gateway into Kayenta Main Street. This corner also serves as the major point of pedestrian, equestrian and bicycle crossing for Kayenta community into the Kayenta Gateway Center, the Hospitality and Entertainment areas and the Rodeo and Fair Grounds along Mustang Trail.

GOAL 5: DEVELOP A VIBRANT ACTIVITY NODE THAT SERVES THE MAIN FOUR CORNERS OF KAYENTA AND THEIR DISTINCT LAND USE NEEDS.

Policy 1: Create the synergies necessary to develop a vibrant Four Corners Center that serves as a dynamic activity node responding to the specific land use needs of each corner while serving as a transitional element as one moves to and from:

(1) Kayenta Airport

(2) Kayenta Main Street

(3) Regional Commercial Uses

(4) Kayenta Gateway Center

(5) Kayenta Civic Center

(6) Mustang Trail

Implementation Measures

a. Work with Navajo agencies, developers, investors and non-profit organizations to identify potential funding and to market the Four Corners to the different interest groups.

b. Engage and strengthen private/public partnerships to develop the Museum of Navajo Art.

c. Prepare an economic development strategy that targets the revival of the film industry in the Monument Valley area and identifies sponsors for the creation of a Navajo in the Films museum.

d. Design the Four Corners Center in keep with the concepts for each respective corner, responding to adjacent land use needs, serving as a transition to adjacent needs and programming the layout as an integrated activity node.

e. Incorporate plazas, courtyards, small event spaces, Navajo spirituality and iconography and Navajo public art in an integrated setting.

f. Provide connectivity to other destinations and include wayfinding elements such as directories that direct users to the different destinations radiating from the Four Corners Center.

g. Provide safe, convenient, and efficient connectivity and properly marked paved crossings on Highway 160 for pedestrians, bicycle and equestrian traveling modes along Mustang Trail.

h. Provide bicycle parking in close proximity to buildings.

i. Provide clear directional signs for equestrian users to stables located at the Hospitality and Entertainment area across from the Rodeo and Fair Grounds.

j. Provide pedestrian and bicycle connectivity to adjacent airport uses on the Northeast Corner.

k. Provide pedestrian and bicycle connectivity to adjacent regional commercial uses at the Southeast Corner.

l. Require compliance with all applicable requirements set forth in this Comprehensive Plan and in the Kayenta Zoning Ordinance.

Highway Oriented Corridor Character Area

This character area the stretch of land south of the east-west segment of Highway 160 extending from the western to the eastern urban gateways of the Township along this corridor. All land uses along this corridor require access from a primary spine road or Highway 160. The uses along this corridor are higher density/intensity revenue generating uses serving Kayenta Township and its visitors.

However, the uses along this corridor are very distinct and respond to different community needs. Appropriate transitions and treatments are required for each of these distinct uses while providing seamless continuity among the different traveling modes, streetscapes, design elements and landscape themes through cohesive and integrative site design. A master plan or a planned area development that addresses all the different components is required for development along this corridor.

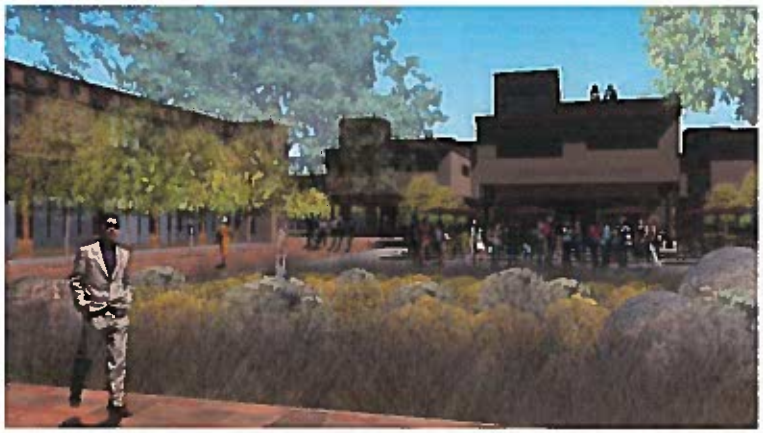
Kayenta Gateway Center, Highway 160

Kayenta Gateway Center

Kayenta Gateway Center, Highway 160

The Kayenta Gateway Center functions as the main gateway into Kayenta and Monument Valley. It includes the Kayenta Visitors Center, the Kayenta Convention Center or the Navajo Center for the Performing Arts, tourist and visitor oriented retail and services, the Navajo Artisans Courtyard incorporating a variety of activities and mixed-use live/work.

The Navajo Artisans Courtyard offers opportunities for Navajo Artist as well as artists from around the world for long term residency programs that allows them to rent space for art studio and living quarters in a layout that is inspiring and at walking distance from a variety of entertainment and art venues aimed at enliven visitors experience. The Artisans Courtyards offers common space for resident artist to teach their art media to visitors and to the community, creating a center for arts and crafts that teaches and showcases Navajo Arts to the world.



Navajo Artisans Courtyard at the Kayenta Gateway Center, Highway 160

GOAL 5: BUILD A CONVENTION CENTER OR CENTER FOR THE NAVAJO PERFORMING ARTS AND PROVIDES VENUES FOR EVENTS, MEETINGS AND CULTURAL EXPERIENCES.

Policy 1: Create the synergies necessary to develop a vibrant Kayenta Convention Center (KCC) that serves as a key contributor to the economic and cultural vitality of the Kayenta Gateway Center.

Implementation Measures

a. Work with Navajo agencies, developers, investors and non-profit organizations to identify potential funding and to market the Kayenta Gateway Center to the different interest groups.

b. Engage and strengthen private/public partnerships to develop the Kayenta Convention Center or Navajo Center for the Performing Arts.

c. Work with Dine College, N.A.T.I.V.E., Northern Arizona University and other interested universities to create an Arts Extension Campus in Kayenta that focuses on Navajo arts and to adopt an Artist Residency Program that identifies sponsors for the creation of a Navajo Arts Center.

d. Program adjacencies in an integrated manner within the Kayenta Gateway Center.

e. Incorporate plazas, courtyards, small event spaces, Navajo spirituality and iconography and Navajo public art in an integrated setting.

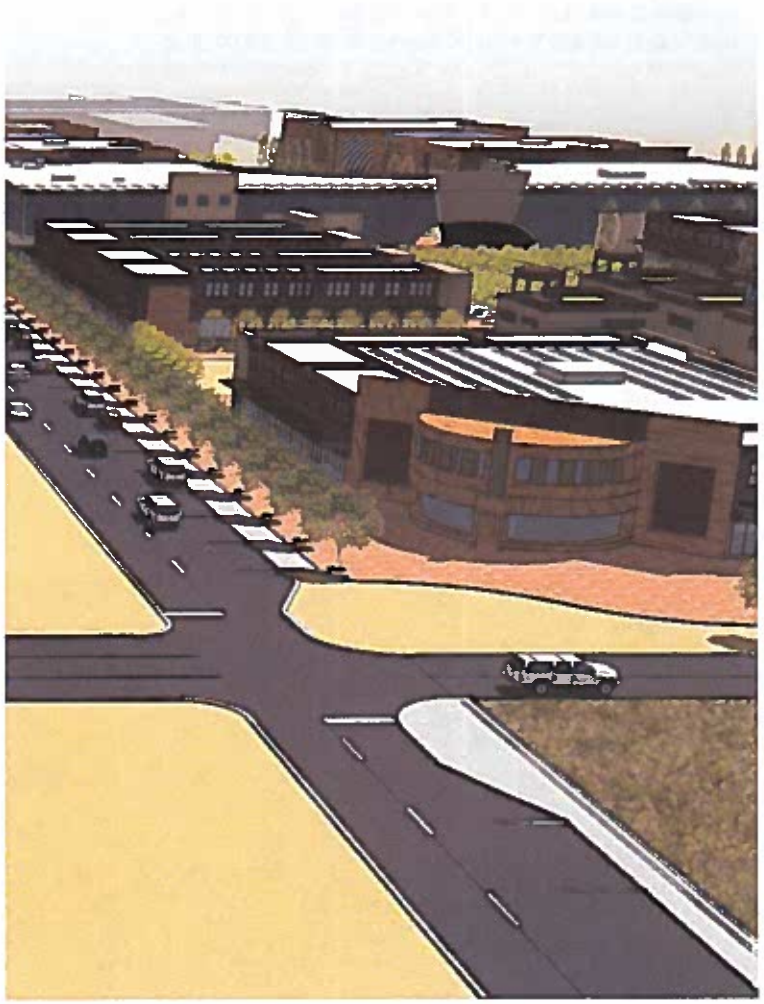
f. Provide connectivity to other destinations and include wayfinding elements such as directories that direct users to the different destinations.

g. Provide bicycle parking in close proximity to buildings.

h. Provide pedestrian and bicycle connectivity to adjacent uses.

i. Require compliance with all applicable requirements set forth in this Comprehensive Plan and in the Kayenta Zoning Ordinance.

j. Require that all new development prepare a master plan or planned area development to ensure that all programmatic design elements are kept consistent throughout the Kayenta Gateway Center.



Internal Circulator Street Serving the Kayenta Gateway Center Located Along Highway 160

GOAL 6: CREATE AN ART DISTRICT THAT IS A FOCUS OF COMMUNITY AND VISITORS ACTIVITIES, OFFERING ATTRACTIVE GATHERING PLACES AND SERVING AS THE CULTURAL HEART OF THE CITY.

Arts districts are a great tool to create placemaking or place-based destinations. If properly designed, they offer an attractive mix of gathering places, residences for artists, studio spaces, indoor and outdoor galleries, farmers markets, crafts and arts shows, community art learning center, cafés and restaurants. This type of mixed-use activity serves as the cultural heart of a community. By tapping into the creative talent of Navajo' artists, the Kayenta Navajo Arts District can become the focus of community and visitors activities, further enhancing Kayenta's sense of place and identity, and reaffirming its culture, heritage and history.

Policy 1: Create, adopt and implement the Kayenta Navajo Arts District overlay zone as part of the Kayenta Gateway Area.

Implementation Measures:

a. Develop and strengthen public/private partnerships and multi-agency collaboration from the Navajo Nation, the Arizona Office of the Governor, ADOT, Dine College, NAU, N.A.T.I.V.E., investors, philanthropists, art foundations, and non-profit organizations necessary to delineate, establish and develop the Kayenta Arts District.

b. Identify strategies to attract higher education institutions that could bring fine arts, performance, film, theater, and music programs to Kayenta to assist in the development of the Kayenta Arts District as an attractive destination that celebrates the Navajo arts, culture, traditions and folklore.

c. Establish and benefit from a Navajo Artist Relocation Program that supports the development of artist-space and residence for

Navajo artists desiring to relocate and serves as a tool for economic development.

d. Establish and benefit from the development of an Artist Residency Program through a major university Arts Extension Program to attract art students from abroad for full term residency programs to learn the techniques and art styles of the Navajo people.

e. Offer an attractive mix of gathering places, residences for artists, studio spaces, indoor and outdoor galleries, farmers markets, crafts and arts shows, cafés and restaurants within the Art District.

f. Create the synergies necessary to make the Art District function as the cultural heart of the community.

g. Require development within this overlay zone to provide connectivity to adjacent Hospitality/Entertainment District and Transit Station and Four Corners Center.

h. Provide opportunities for shared parking structures that minimize the use of the land and also service the adjacent areas.

i. Require all development within this overlay zone to prepare a Master Plan that conforms to all requirements set forth in this Comprehensive Plan and in the Kayenta Zoning Ordinance.

Kayenta Market Place (Regional Commercial)

A key element on the Highway Oriented Corridor is the Regional Commercial land or Kayenta Market Place. This commerce destination is located southeast of the Four Corners Center and east of Highway 163 along Highway 160. This land use includes large, contemporary automobile-scaled retail. Due to its location, it functions as the commerce center of Kayenta and provides opportunities for the creation of a vibrant commercial center that serves Kayenta's neighborhoods, employment centers, and tourist destination areas.

Uses permitted within this land use include highway-oriented commercial, automobile-scaled commercial, power centers, auto malls, theater and entertainment, high density commercial and mixed-use development that incorporates retail and office on the ground floor.

Currently, visitors bypass Kayenta on their way to Monument Valley and other destinations. Developing this area as a revenue-generating commerce destination that caters to both community and visitors provides opportunities to recapture a percentage of travelers utilizing Highway 160 and Highway 163. Bridging the Kayenta Market Center with all adjacent development makes a successful economic development strategy for the Township.

GOAL 1: PROMOTE KAYENTA MARKET CENTER AS THE COMMERCE DESTINATION OF THE TOWNSHIP.

Policy 1: Provide opportunities for automobile-scaled retail, outlet malls, destination power centers, high density residential, mixed-use, and landscape amenities needed to articulate the area's identity as a place making commerce destination.

Implementation Measures:

a. Establish incentives to attract automobile-scaled retail, outlet malls, power centers, boutique commerce, high-density residential and mixed-use development.

b. Identify funding mechanisms to finance and prioritize the infrastructure needed to serve these land uses.

c. Provide a shuttle or transit stop within this area.

d. Provide opportunities for public transit from the Kayenta Market Place to the different destinations within the Township.

e. Locate higher density residential and mixed-use development in close proximity to the Medical Services and Medical Support Services land uses to provide walking access to the medical services employment center.

f. Articulate the architectural and site elements of the Kayenta Market Place area as a commerce destination.

g. Requires the preparation of a PAD that integrates open space, parks, recreation and trails into the residential areas.

h. Incorporate pedestrian, bicycle, transit and shuttle connectivity to the different activity centers.

i. Ensure that all land uses within this planning area are programmed to provide seamless continuity.

j. Include appropriate landscape buffers and/or height and density/intensity transitions between residential and non-residential development.

k. Contribute to the creation of a place making destination that invites visitors as well as the residents of Kayenta.

l. Incorporate appropriate passive and active recreation courtyards in the residential areas.

m. Include signature streetscapes along Highway 160.

Highway Oriented Corridor (Medical Support Services)

A key element on the Highway Oriented Corridor, the Medical Support Services land use, or Health Services Plaza, is located east of the Kayenta Market Place along Highway 160. This land use supports the Kayenta Medical Center by providing complementary uses to the medical facilities.

Uses permitted within this land use include medical, dental and holistic or natural healing offices, outpatient clinics, medical education, research and long-term care, residences for out-patients undergoing long-term treatment, residences for families of patients who are in long-term critical care, healing spas, medical support retail, including coffee shops, restaurants, florists, gifts shops, and other support services, mixed-use residential and high density residential supporting the housing needs of the Kayenta Health Center.

Development within this area should be designed in an integrated manner, providing connectivity and clear wayfinding to the different uses and including connectivity to adjacent uses. Circulations as well as recreation and open space are integral components of the site layout. A master plan or a PAD is required within this area.

GOAL 1: DESIGN THE KAYENTA HEALTH SERVICES PLAZA AS AN INTEGRATED HOLISTIC HEALTH CAMPUS.

Policy 1: Provide opportunities for the design of a health services plaza that includes the landscape amenities needed to articulate the area's identity as a holistic health campus.

Implementation Measures:

a. Establish incentives to attract all forms of holistic healing and medical support services that complement the Kayenta Health Center located south of this land use without replicating the uses included in it.

b. Identify funding mechanisms to finance and prioritize the infrastructure needed to serve these land uses.

c. Provide a shuttle or transit stop within this area.

d. Provide opportunities for public transit from the Kayenta Market Place to the different destinations within the Township.

e. Locate higher density residential and mixed-use development in close proximity to the Kayenta Health Care Center to provide walking access to this employment center.

f. Articulate the architectural and site elements of the Kayenta Health Services Plaza as a holistic health spa destination.

g. Requires the preparation of a PAD that integrates open space, parks, recreation and trails into the residential and non-residential areas.

h. Provide opportunities for the development of a healing garden based on Navajo spiritual and holistic healing traditions.

i. Incorporate pedestrian, bicycle, transit and shuttle connectivity to the different activity centers.

j. Ensure that all land uses within this area are programmed to provide seamless continuity.

k. Include appropriate landscape buffers and/or height and density/intensity transitions between residential and non-residential development.

l. Incorporate appropriate passive and active recreation courtyards in the residential areas.

m. Include signature streetscapes along Highway 160.

Kayenta Airport

The Kayenta Airport is located north of Highway 160 and includes a strip of commercial uses along this highway corridor. Development within the Kayenta Airport planning area must support the airport and comply with the requirements set forth in the Kayenta Master Plan.

GOAL 1: WORK WITH THE KAYENTA AIRPORT AUTHORITY TO SUPPORT AND PROMOTE THE KAYENTA AIRPORT.

Policy 1: Attract compatible land uses that support the expansion and long-term viability of the Kayenta Airport.

Implementation Measures:

a. Work with the Kayenta Airport Authority to implement the Airport Master Plan and attract compatible land uses that support the expansion and long-term viability of the airport.

b. Prohibit new residential development within the Airport's Accident Potential Zones and the 65 Ldn noise contour or higher.

c. Comply with all applicable Federal Aviation Regulations requirements.

Kayenta Civic Center

Located west of Kayenta Main Street within the Kayenta Township Core Character Area, the Kayenta Civic Center includes government uses, Township buildings, and the Kayenta Justice and Detention Center. Due to its location and existing activities, this area functions as the civic heart of Kayenta.

GOAL 1: PROMOTE THE KAYENTA CIVIC CENTER AS A FUNCTIONAL AND VIBRANT CIVIC CENTER.

Policy 1: Enhance the Civic Center with courtyards, plaza, pedestrian promenades, ramadas, connectivity to adjacent uses, and attractive landscape themes to create the synergies necessary for the revitalization of the Kayenta Township Core Character Area.

Implementation Measures:

a. Establish community reinvestment programs and incentives to encourage façade improvements and the revitalization of existing Township buildings and other existing civic uses within this area.

b. Identify area for the location of a Civic Plaza that provides gathering opportunities for employees working at the Kayenta Civic Center.

c. Provide connectivity to Main Street, Mustang Trail, Old Town, and Kayenta Gateway Center.

d. Address ways to integrate court and police department facilities as well as the location of government annex buildings in an integrative manner that takes into consideration the programmatic functions and needed adjacencies of these services.

Kayenta Cemetery

Located east of the Laguna Creek Regional Linear Park and adjacent to the Kayenta residential areas, the Kayenta Cemetery offers a beautiful and private garden environment for Navajo families to honor, commemorate and remember our ancestors and loved ones. This area is not open to the public and it is only accessible by Navajo people visiting the site.

GOAL 2: ADDRESS KAYENTA CEMETERY EXPANSION NEEDS AS A LAND USE PLANNING EFFORT.

Policy 1: Work with the Kayenta Cemetery Advisory Committee to design and maintain a private, aesthetically pleasing and professionally administered municipal Cemetery.

Implementation Measures:

a. Establish a Kayenta Cemetery Advisory Committee to ensure the respectful and proper maintenance of cemetery grounds.

b. Ensure that any expansions or additions to the Kayenta Cemetery follow the guidance of the Cemetery Advisory Committee and adhere to all applicable Navajo ordinances and mandates.

c. Ensure that expansions or additions are safe, accessible, and well maintained, offer a peaceful and visually pleasing atmosphere conducive to meditation and reflection, are adequately funded for on-going maintenance, meet the needs of Kayenta community, and operate under the guidance of the Cemetery Advisory Committee according to all applicable ordinances.

Kayenta Neighborhoods Character Area

The Kayenta Neighborhoods character area is primarily a growth area including opportunities for future low-density and medium-density residential development in close proximity to employment centers, schools, regional parks, recreational facilities and neighborhood commercial land uses serving these residential areas.

Development within this character area integrates circulation, multimodal transportation, parks, recreation and open space in a seamless manner. Access to schools, neighborhood commercial services and transit are incorporated in the design of these residential areas. Neighborhood commercial activity nodes within this planning area serve the adjacent neighborhoods and provide appropriate transitions and connectivity to adjacent residential land uses. Residential areas incorporate pocket parks and community parks in conformance with the Parks, Recreation, Trails and Open Space Element.

GOAL 1: DESIGN THE KAYENTA NEIGHBORHOODS IN AN INTEGRATIVE AND SUSTAINABLE MANNER.

Policy 1: Provide opportunities for the development of high quality residential development and neighborhood commercial uses that incorporate the latest principles of sustainable design.

Implementation Measures:

Neighborhood Commercial:

a. Ensure that neighborhood commercial/activity nodes within this character area are located along the proposed bus route as shown on Exhibit 5: Kayenta Future Land Use Map.

b. Are compatible with the desired residential character of the adjacent neighborhoods.

c. Include appropriate transitions and/or landscape buffers between residential and nonresidential development.

d. Provide needed services to adjacent neighborhoods.

e. Provide connectivity to residential development, schools, open space, parks, recreation and trails.

f. Enhance the overall character of adjacent neighborhoods by providing landscape amenities and sidewalk/trail connectivity along streetscapes and perimeter buffer areas.

g. Include bus stop for transit system.

h. Comply with all applicable development standards provided in this Comprehensive Plan and In the Kayenta Zoning Ordinance.

Residential Development:

a. Comply with all applicable development standards provided in this Comprehensive Plan and in the Kayenta Zoning Ordinance.

b. Include appropriate transitions and/or landscape buffers when located adjacent to lower-density development.

c. Provide connectivity to existing schools, neighborhood commercial uses, open space, parks, recreation and trails.

d. Provide landscape amenities and sidewalk connectivity along streetscapes and perimeter buffer areas.

Industrial

There are two types of light industrial use designations within the Kayenta Designated Development Area. These are general light industrial uses and Truck Service Corridor uses. The general light industrial uses are located across the Kayenta Airport planning area along Highway 160. The Truck Service Corridor is located along the proposed Alternative Truck Route. Exhibit 5: Kayenta Future Land Use Map shows the location of these two industrial land use designations.

GOAL 1: SUPPORT THE DEVELOPMENT OF A LIGHT INDUSTRIAL INDUSTRY SECTOR TO DIVERSIFY THE ECONOMIC BASE OF THE TOWNSHIP.

Policy 1: Provide additional opportunities for industry, industry parks, distribution, warehouses, truck service corridor and industry support services within the Kayenta Designated Growth Area while ensuring land use compatibility.

Implementation Measures:

a. Include appropriate transitions and/or landscape buffers between industrial uses and lower intensity/lower density development and provide trail connectivity along buffer areas.

b. Comply with all applicable federal and state industry standards.

c. Comply with all applicable requirements included in the Kayenta Zoning Ordinance and the Kayenta Green Building Code.

Truck Service Corridor:

a. Direct truck dependent development such as distribution and warehouse, truck service stations and truck service plazas to the Truck Service Corridor.

b. Incorporate opportunities for highway oriented uses along the Truck Service Corridor that include retail sale of goods and services which appeal to the motorist and to truck service stations and hotels.

c. Includes establishments which display, rent, sell, and service trucks, motor vehicles, boats, and other related equipment.

d. Includes retail trade, personal services, and professional service that serve the motorists.

e. Permit the establishment of facilities serving the traveling public and conveniently providing needed services without endangering the movement along, as well as to and from.

f. Permit hotels, motels, gas stations, restaurants, and a motorist oriented retail activities.

General Light Industrial:

a. Direct general light industrial uses such as light manufacture and assembly uses, and auto repair and maintenance services servicing the community to the industrial area in close proximity to employment centers.

Technology and Innovation

This land use is located within the Kayenta Designated Growth Area along highway 160 at Kayenta's eastern gateway and next to the Industrial land use. This innovation zone positions Kayenta at the leading edge of technology by providing opportunities to develop high-tech industry parks, eco-parks, , high-production green-houses and contained farming, high-tech assembly/manufacture, biosciences research and development, university research park extensions, business incubators, alternative energy generation (solar/wind), solar components manufacture, and other major high-tech industry benefiting from proximity to the four states corner area, serving four adjacent states and the Kayenta Airport.

GOAL 1: TAKE FULL ADVANTAGE OF THE STRATEGIC LOCATION OF THIS PLANNING AREA IN PROXIMITY TO THE FOUR STATES CORNERS AREA AND THE KAYENTA AIRPORT.

Policy 1: Develop this planning area as innovation zone that takes full competitive advantage of its strategic location.

Implementation Measures:

a. Prepare an Economic Development Strategy designed to market, recruit and retain industry sectors appropriate for innovation zones.

b. Comply with all applicable federal and state industry standards.

c. Comply with all requirements of this Comprehensive Plan and the Kayenta Zoning Ordinance.

d. Plan, design and developed this planning area in an integrated manner that incorporates site design with the latest best practices for industry, technology and innovation, energy efficiency, and LEED standards of development.

e. Require the preparation of a PAD or master plan for this area that includes the amenities desired by today's major employers in a diversity of industry sectors.

Transit Oriented Development

This land use directs compact mixed-use development to areas designated as Transit Oriented Development in the Kayenta Future Land Use Map. The Navajo Long Range Transportation Plan 2009 identifies the location of a transit station at the intersection of the proposed Alternate Truck Route and Highway 160 west of the current Township boundary and within the Kayenta Designated Growth Area. This transit station will provide long-distance transit services to all growth areas within the Navajo Nation and other destinations. A smaller scale local transit or shuttle station is located on Kayenta's eastern gateway along the proposed bus route serving Kayenta planning areas. This local transit station includes shuttle services to all the planning areas and benefits from its proximity to major employment areas. There is opportunity to incorporate smaller scale mixed-use within the local transit station.

GOAL 1: ALIGN GROWTH MANAGEMENT TOOLS WITH ECONOMIC DEVELOPMENT PRIORITIES TO CREATE VIBRANT TRANSIT CENTERS

Policy 1: Provide opportunities for Transit Oriented Development at the West Kayenta Transit Station that supports development within Kayenta by providing:

(1) Connectivity to the Kayenta Gateway Center, the Kayenta Art District, the Kayenta Four Corners Center, and the Hospitality and Entertainment District.

(2) Access to the local shuttle and transit service.

(3) A real alternative to regional and local traffic congestion.

(4) Access to tourists from a variety of destinations via Gray Hound or other alternative transit services.

Policy 2: Provide opportunities for Transit Oriented Development at the East Kayenta Local Transit Station that supports development within Kayenta by providing:

(1) Connectivity to all employment centers, residential, commercial, industrial, hospitality, resort and golf course land uses and all destinations within the Township.

(2) Access to the regional bus transit station.

(3) A real alternative to local traffic congestion.

(4) Access to tourists from a variety of destinations inside the Township.

Implementation Measures:

a. Provide transitional elements such as height and density transitions.

b. Include landscape buffers along edges abutting lower density/intensity development.

c. Provide pedestrian-friendly landscaped streetscapes along the connecting edges that incorporate opportunities for multimodal connectivity.

b. Provide multimodal access (pedestrian, bicycle, transit, vehicular) for people with different mobility needs.

c. Comply with all applicable standards.

d. Comply with all applicable requirements provided in the different Elements of this Comprehensive Plan and in the Kayenta Zoning Ordinance.

Regional TOD Transit Station (West)

e. Work with the Navajo Nation, Kayenta Chapter, ADOT and all appropriate entities to develop the Regional Transit Station on the west side of the Kayenta Designated Growth Boundary.

f. Support a variety of mixed-use development within this TOD area that is compatible in density/intensity with the intent of this area.

g. Required the preparation of a master plan for development within this TOD area.

Local TOD Transit Station (East)

a. Work with the Navajo Nation, ADOT and all appropriate entities to develop the Local Transit Station on the east side of the Kayenta Township.

b. Support a variety of mixed-use development within this TOD area that is compatible in density/intensity with the intent of this area.

c. Required the preparation of a master plan for development within this TOD area.

Kayenta Annual Navajo Rodeo, Navajo Times, Donovan Quintero

Hospitality and Entertainment

This character area establishes a hospitality and entertainment district that supports all the surrounding land uses while serving as a catalyst for eco-tourism and economic development.

The parcel located along Indian Route 591 across from the existing Kayenta Rodeo and Fair Grounds includes the trail head for Mustang Trail and the horse stables. These uses are located adjacent to the Kayenta Rodeo and Fair Grounds and the Animal Sanctuary. This parcel provides opportunities for western type saloons celebrating the equestrian history of the Kayenta Rodeo. A small horse arena for horse training and daily shows, allowing visitors to learn the arts of roping, horse tending and horseback riding is also appropriate within this area. Establishing the Navajo Museum of Equestrian History featuring photo exhibits that display the history of horse tending in the Navajo culture could bring additional revenues while safeguarding Navajo history for future generations.

The area is designed as a tourist attraction offering a variety of rides, stables for the seasoned riders who bring their horses, and horseback riding tours of the adjacent desert lands and guided tours to Monument Valley. A variety of local enterprises spur from this area, having the Kayenta Rodeo as the focal point.

At the Kayenta Stables visitors will experience the breathtaking desert landscape on horseback rides and enjoy the valley trails, vivid sunsets, wildlife and expansive views. Economic development activities such as riding lessons, horse rides, moonlight rides, breakfast rides, steak rides and chili rides where the food is cooked on fire pits in the desert allow local vendors to incorporate their cuisine for small groups wanting to explore the Navajo ways.

The adjacent parcel offers opportunities for hotel uses, RV Park and a variety of hospitality uses catering to both the equestrian center and the Kayenta Gateway Center.

GOAL 1: PLAN DEVELOPMENT WITHIN THE HOSPITALITY AND ENTERTAINMENT AREA TO GENERATE REVENUES AND MINIMIZE THE IMPACT OF THESE LAND USES ON ADJACENT AREAS

Policy 1: Provide opportunities for small-scale and large-scale tourist-oriented businesses within this character area to employ locals and provide a variety of revenue generating activities.

Implementation Measures:

a. Work with the Central Navajo Rodeo Association and the All Indian Rodeo Cowboy Association to identify the specific needs of this area and prepare an action plan.

b. Develop the Kayenta Stables as a cohesive and integrated activity center designed to honor the environment and evoke and celebrate the Navajo ways in a respectful and culturally appropriate way.

c. Incorporate a cohesive internal circulation system providing separate horse and pedestrian connectivity to all activity areas within this character area to minimize conflicts between pedestrian and horses.

d. Develop the RV Park and parking areas in a manner that minimizes conflicts between horses, pedestrians and vehicles.

e. Provide pedestrian-friendly landscaped streetscapes along the edges that include equestrian and pedestrian connectivity.

h. Provide multimodal access to the character area (pedestrian, bicycle, transit, vehicular) for people with different mobility needs.

i. Comply with all applicable requirements provided in the different Elements of this Comprehensive Plan and in the Kayenta Zoning Ordinance.

Employment

The employment land use designation includes single-tenant or multi-tenant buildings arranged in a business park manner. This land use provides opportunities for the location of corporate headquarters, basic office space, light manufacturing, research and development, airport related facilities supporting the Kayenta Airport, and business support services, including retail servicing the needs of businesses such as coffee houses, bakeries, restaurants, cafeterias, reprographic services, and any other use complementing the activities of a well-designed and integrated business park. Development within this land use is intended to be high-intensity and highway accessible and to serve as a regional employment center.

The intent of this character area is to create an employment destination in an urban environment. Such environment includes buildings, pedestrian amenities, street-level retail or services, shared off street parking or shared parking structures integrated within buildings, outdoor amenities and access to the adjacent Kayenta Airport Linear Park and transit facilities located at the local transit station. The local transit station will provide shuttle connectivity to the Kayenta Neighborhoods and to all the planning areas.

The employment campus is built in a master planned manner to ensure circulation and access, programmatic functionality, wayfinding, and operation of facilities. Natural areas, landscape amenities, stormwater detention and collection facilities, parks and gardens, ramadas, bicycle, jogging and pedestrian paths, recreational areas, and connectivity to shuttle and transit system must be addressed in an integrative manner.

All development within this area must achieve the highest feasible LEED certification, conform to all applicable industry standards, comply with all applicable restrictions listed in the Kayenta Airport Master Plan and with all requirements in the Kayenta Zoning Ordinance and in the Kayenta Green Building Code and be energy efficient.

GOAL 1: MASTER PLAN ALL DEVELOPMENT WITHIN THE EMPLOYMENT CHARACTER AREA IN AN INTEGRATIVE MANNER

Policy 1: Require that all development within the Employment character area is planned and designed in an integrative manner by requiring the preparation of a master plan in conformance with the Kayenta Zoning Ordinance.

Implementation Measures:

a. Work with NTUA, all appropriate Navajo Nation agencies, and the U.S. Economic Development Administration (EPA) to identify the infrastructure improvements needed to make this site shovel ready to attract employment opportunities.

b. Require development within this area to comply with all applicable industry standards and with all applicable requirements listed in this Comprehensive Plan, in the Kayenta Zoning Ordinance and in the Kayenta Green Building Code.

c. Prepare a Business Park Master Plan that addresses the design character and circulation of the overall business park in accordance to the following guidelines.

d. Require development within this area to meet the highest feasible LEED accreditation and be energy efficient.

Site Planning:

a. This parcel is unique in that it is located adjacent to the proposed transit loop road. Buildings in this area must be sited with sensitivity to: each other; the Kayenta Business Park Signature Entry Boulevard; the Kayenta Business Park Signature entry and Highway 160.

b. Design buildings on this area with four-way facades.

c. Respect and utilize scenic views within this area by maintaining view corridors.

d. Buildings shall be carefully oriented as to complement the Signature entrance to the Business Park, and the intersection of this entrance and the proposed transit loop road.

e. Site buildings to leave adequate space at the intersection of Rite Road Signature Entry Boulevard with the Business Development entry road to provide for more enriched landscaping areas.

Circulation and Access:

a. Site the signature entry access to the Kayenta Business Park along the proposed transit loop road. Ensure that the entrance to the business park matches the entrance to the Transit Oriented Development area across the street and provide safe pedestrian, bicycle, and vehicular signalized crossings between these two planning areas.

b. Surface parking areas shall not be easily visible from the public right-of-way.

c. Vehicular access to the parking areas shall be at a safe distance from the intersection, and shall correspond to access ways on the opposite side of the street, as well as median breaks on the Signature Entry Boulevard.

d. Incorporate shuttle service stops in the site layout and circulation system of the Business Park.

Architectural Design:

a. The form, scale, and massing of the buildings shall respond to each other and the intersection, and shall help define the intersection as a signature entryway into the Business Park.

b. Buildings shall be contemporary in form and style, but should reflect their office or support service function, and incorporate elements of southwestern architecture.

c. A diversity of setbacks and architecture features is preferred rather than uniformity, provided that the overall Business Park maintains a cohesive identity.

Landscape:

a. Landscaping shall reflect the Signature Entry as a main gateway/focal point to the Business Park.

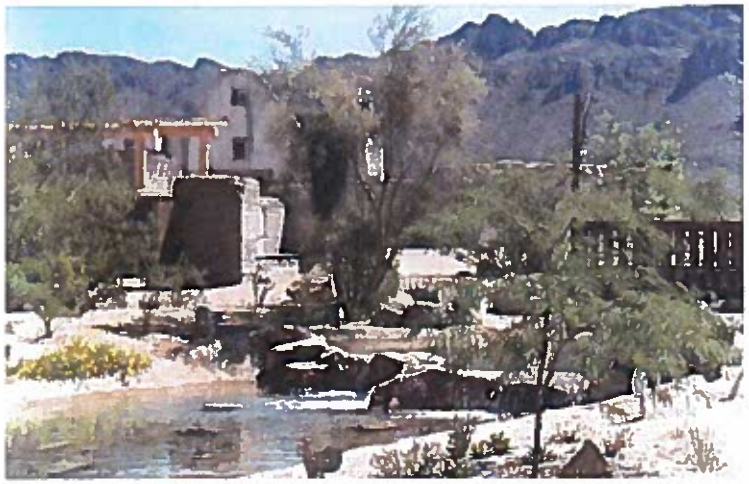
b. Accent trees with flowering color and/or palm trees should be used as plantings in accordance with the plant palette selected for the Business Park.

c. Trees should be massed to create an effect similar to native plantings in undisturbed areas.

d. Enriched paving treatments, such as interlocking brick pavers, should be used to denote crosswalks.

e. Clear views for traffic safety shall be a primary consideration when landscaping.

f. Landscaping along parcel or building entrances shall reflect the intersection as an entryway, but shall not denote the same significance given to the signature gateway into the Business Park.



Parks, Recreation, Trails and Open Space

An integrated park, recreation, trails and open space system is a critical component of any community's quality of life. In Kayenta, it is a defining element of the Township itself. The City's open space system provides places for activity and engagement, for peace and enjoyment, and for freedom and relief from the built world. It serves the social and environmental health of the Township, providing a sustainable environment. The Kayenta parks, recreation, trails and open space system is fully addressed in the Parks, Recreation, Trails and Opens Space element of this Comprehensive Plan.

GOAL 1: DEVELOP A SYSTEM OF PARKS, RECREATION, TRAILS AND OPEN SPACE THAT PROMOTES ENVIRONMENTAL STEWARDSHIP AND QUALITY OF LIFE

Policy 1: Designate land for the development of an integrate system of parks, recreation, trails and open space that provides connectivity to all the planning areas, supports a high quality of life, promotes long-term sustainability and environmental stewardship, protects environmental infrastructure and wildlife corridors and incorporates principles of habitat integration.

Implementation Measures:

a. Provide recreational opportunities that respond to the demographics of users and emerging industry trends.

b. Include innovative community-driven uses such as food production, education, and improved streetscapes as part of the parks, recreation, trails and open space system.

c. Design open spaces that include both active and passive uses.

d. Provide programming for a healthy, active lifestyle.

e. Add amenities such as concessions, where appropriate to serve and attract visitors.

f. Expand opportunities for temporary uses such as festivals, art, music concerts and farmers markets.

g. Allow active engagement with natural areas (public access/trail, wildlife observation, birding and education displays).

h. Increase cultural programming and activities based on neighborhood needs.

i. Comply with all additional requirements included in this Comprehensive Plan and in the Kayenta Zoning Ordinance.

Dove Mountain Resort Golf Course, Marana, Arizona

Resort and Golf Course

High visual quality, equestrian and pedestrian access along Laguna Wash and seclusion make the northeast corner of Kayenta the ideal place for the location of the Laguna Creek Resort and Golf Course.

The Laguna Creek Resort functions as a luxury destination spa offering a variety of holistic healing and spa services. Horseback riding tours along the Mustang Trail and Laguna Creek Regional Linear Park provide access to different destinations in Kayenta.

A small stable for horse rental and horse keeping can be developed at the resort or it can be located on the Agricultural/Equestrian Oriented lands along Highway 163, a short horseback ride away from the resort area along Laguna Creek. It is recommended that the resort provides equestrian access to the facilities.

A 9-hole executive golf course could be developed in association with the resort provided there is sufficient reclaimed water for irrigation. A passive recreation park is proposed on top of the closed landfill. Mitigation measures will need to be incorporated in the park for methane ventilation such as sealing the top of the landfill and careful turf irrigation practices.

GOAL 1: MASTER PLAN ALL DEVELOPMENT WITHIN THE RESORT AND GOLF CLUB CHARACTER AREA IN AN INTEGRATIVE MANNER

Policy 1: Require that all development within the Resort and Golf Course character area is planned and designed in an integrative manner by requiring the preparation of a master plan in conformance with the Kayenta Zoning Ordinance.

Implementation Measures:

a. Work with NTUA and all appropriate Navajo Nation agencies to identify the infrastructure improvements needed to support the development of this area.

b. Require development within this area to comply with all applicable industry standards and with all applicable requirements listed in this Comprehensive Plan, in the Kayenta Zoning Ordinance and in the Kayenta Green Building Code.

c. Require development within this area to meet the highest feasible LEED accreditation and be an energy efficient and green hotel and golf course.

d. Include a mix of hotel, conference, retail, spa services, support services, recreational facilities, golf course and golf club house within this area.

Development Standards and Design Guidelines:

a. Harmonize patterns of the past (e.g. Southwest architectural themes and styles) while introducing entirely new dynamics of community character by orienting hotel, retail, and support facilities in a manner that is responsive to adjacent residential development, Laguna Creek and spectacular views.

b. Include public art, courts, plazas, paseos, and pocket parks in the overall design.

c. Provide connectivity to Kayenta's pedestrian walkways, bicycle routes, and nature trail systems.

d. Include multimodal linkages to adjacent land uses, golf course, and golf clubhouse.

e. Design street and avenue scenes to convey arrival to a destination luxury spa hotel.

f. Provide a mix of uses that include, but are not limited to, conference center, 9-hole golf course and associated golf club house, community amenities such as health centers, fitness centers and spas, recreational facilities, and associated retail, service, and support facilities.

g. Locate golf course tees in a manner that it does not constitute a nuisance to adjacent residential areas

h. Provide convenient, accessible, and visually pleasing parking areas.

i. Parking structures within this area could liberate additional land for other desired land uses, allowing more efficient, cohesive, and user friendly design, provided that the parking structure height does not exceed the permitted height within the this area.

j. Uses in close proximity to the resort's signature entry boulevard will be hospitality, commercial and retail-dominant and serve spa, adjacent golf course and area neighborhoods

k. Uses adjacent to residential areas should be lower in both density and intensity, more community oriented, and serve the adjacent residential areas and provide appropriate density/intensity transitions or landscape buffers.

l. Casitas or hospitality villages should be located in close proximity to the golf course, club house, and recreational amenities.

m. Require that casitas or hospitality villages are located in close proximity to the residential areas in order to provide a desired density/intensity transition from resort uses to residential uses.

Site Planning:

a. The hotel and retail buildings shall physically define the entry node from the arterial road through position, size, verticality, detailing, and open space treatment.

b. The position of the buildings in relation to the Signature Entry Boulevard area shall not block the vista to the center of the development and shall incorporate view corridors with mountain views.

c. There shall be an emphasis on the interior-exterior relationship of the siting and design of the buildings where the desert setting harmonizes with architectural themes and styles.

d. The siting of hotel, golf club house, and retail buildings shall reflect sensitivity to the potential differences in scale between these uses.

e. The siting of the buildings shall acknowledge and enhance the pedestrian experience, as well as the linkages to adjacent uses and open space.

f. Unique setback distances are encouraged around access points to accommodate more intensive landscaping and hardscape treatment.

g. Retail and service-oriented uses not directly related to hospitality complex must be human scale in design and articulate the concept of a village center.

Circulation and Access:

a. It is recommended that the hotel buildings provide a turnabout/drop-off area that would enhance the entry area from the access road.

b. Major entryways to hotel buildings and retail parking areas should be staggered to avoid congestion.

c. Bicycle, pedestrian and equestrian paths should be incorporated into the design and siting of hotel and retail areas.

Architectural Design:

a. In general, hospitality areas (and grounds) should have more enhanced architectural and landscaping provisions than the retail buildings and public spaces.

b. Hotel and retail buildings should have compatible architectural styles.

c. The main entrance to the hotel is particularly important and should reflect a sense of arrival through attractive landscaping and exterior architectural treatment that makes it distinct from the rest of the buildings.

d. An atrium or lobby at the hotel entrance should be supplemented with small commercial uses to make the hotel more "visible" to the general public, and provide a source of revenue through leasing of ground-level space to retailers.

e. Materials should be local and reflect southwest architectural styles.

f. Southwestern architectural styles with stucco surfaces are preferred over stone and wood.

g. Wood cladding is not appropriate for buildings in the desert climate and should not be used.

h. Retail buildings should be pedestrian scaled with glazing at street level to allow for "window shopping".

i. Terraces and balconies are recommended as façade treatments on the hotel to provide amenity space, create shadows on the building façade, and visually break-up the building mass.

j. Metal shading screens could add a contemporary flare to the southwestern architectural features.

Landscape:

a. Accent trees with flowering color should be used as identity plantings in the Signature Entry area.

b. Shrubs and ground covers with annual or perennial color should be used to highlight key areas.

c. Provide primary landscape treatments at the signature entry, hotel main entrance and major intersections and secondary landscape treatments at driveways to clearly convey the hierarchy of the circulation system.

d. Trees should be massed to create an effect similar to native plantings in undisturbed areas.

e. Road surfaces at the Signature entry area shall be enhanced with enriched paving treatments, which should also be considered for high volume pedestrian and equestrian crossing points.

f. Parking areas should be located to minimize their visual impact, buffered with vegetation from the street, and landscaped accordingly; the emphasis in this area shall be on the "pedestrian" rather than the "vehicle".

Agriculture/Equestrian Oriented

This character area includes two distinct land uses, agriculture and equestrian oriented uses located in three distinct parcels along Mustang Trail as indicated in Exhibit 5: Kayenta Future Land Use Map.

The equestrian-oriented parcel located east of Indian Route 591 corresponds to the Kayenta Rodeo and Fair Grounds. This area is carefully planned in coordination with its adjacent Hospitality and Entertainment character area and is the home of the Kayenta Rodeo. Careful definition of the equestrian, pedestrian and vehicular circulation system providing access to this area aims at minimizing conflicts among these different travel modes.

The equestrian-oriented parcel located at the rural gateway of Kayenta along Highway 163 includes residential uses with horse property. These uses are very important in helping define the overall equestrian theme brought up by the rodeo. This area can also provide space for horse keeping and horse rental and serve the adjacent Laguna Greek Resort and Golf Course as well as horseback riders traveling along Mustang Trail. Currently horses in this area roam freely across Highway 163, creating a safety hazard for moving traffic and equines. There is a need to establish livestock regulations in the Kayenta Zoning Ordinance to keep horses properly fenced and provide fenced areas where they can roam free without becoming a safety hazard.

The agriculture parcel is located along Highway 160 and it is the historic agriculture field of Kayenta. This area continue to play a significant role in food production by including community gardens, agriculture fields and permitting new uses including Mustang Trail and contained farming

GOAL 1: PROTECT THE AGRICULTURE AND EQUESTRIAN HERITAGE OF KAYENTA

Policy 1: Protect the agricultural and equestrian heritage of Kayenta by incorporating these in the overall design of a self-sufficient community.

Implementation Measures:

e. Work with the Central Navajo Rodeo Association and the All Indian Rodeo Cowboy Association to coordinate all the equestrian uses within Kayenta in an integrative manner.

f. Protect the agricultural heritage of Kayenta by providing venues that tie food production with economic development.

g. Allow opportunities for community gardens and contained farming within the Agricultural land use designation.

h. Provide connectivity to different planning areas via Mustang Trail.

i. Adopt regulations for livestock keeping in residential areas in the Kayenta Zoning Ordinance

j. Require development within these areas to comply with all applicable industry standards and with all applicable requirements listed in this Comprehensive Plan, in the Kayenta Zoning Ordinance and in the Kayenta Green Building Code.

Corridor Development

This character area provides opportunities for the development of commercial, mixed-use, live/work and higher density residential corridor development serving the adjacent tourist oriented areas. It is anticipated that development pressures will not impact these areas until adjacent uses are developed. Therefore, this corridor will not be a priority until the Hospitality and Entertainment, the Regional Transit Station and the Kayenta Gateway Area are developed.

GOAL 1: DIRECT COMPACT LAND USES TO THE CORRIDOR DEVELOPMENT AREA THAT SUPPORT THE TOURIST ORIENTED USES IN ADJACENT PLANNING AREAS.

Policy 1: Provide opportunities for the development of compact commercial, mixed-use, live/work and higher density residential designed to serve the adjacent tourist oriented areas along this corridor as development pressure arises.

Implementation Measures:

a. Allow flexibility for market forces to better define the types of land uses appropriate within this corridor as development pressures arise.

b. Provide multimodal connectivity to adjacent areas.

c. Require development within these areas to comply with all applicable industry standards and with all applicable requirements listed in this Comprehensive Plan, in the Kayenta Zoning Ordinance and in the Kayenta Green Building Code.

Mixed-Use Development

The most important aspect of mixed-use development is the way that the project is integrated physically and functionally as to encourage pedestrian activity and walking as the primary means of moving through and around the development. Mixed-use development is encouraged in different character areas within the Kayenta Designated Growth Area.

GOAL 1: PROVIDE INTEREST AT THE STREET LEVEL TO ENCOURAGE WALKING AND TO ENHANCE THE PEDESTRIAN EXPERIENCE.

Policy 1: Align building fronts with the sidewalk or right-of-way edge providing opportunities for public art, promenades, courtyards and plazas along pedestrian corridors and including activities that enhance the pedestrian experience.

Implementation Measures:

a. Develop the ground level of a building to encourage pedestrian activity by including pedestrian-oriented elements, such as:

(1) Transparent display windows.

(2) Outdoor dining areas (cafes).

(3) Provide storefront continuity from the sidewalk

(4) Include public art or other public amenities such as fountains, benches, and sitting walls.

b. Locate on-site parking to minimize visibility from the sidewalk.

(1) Place on-site parking behind the buildings, either at-grade or within a parking structure.

(2) Provide access to parking areas through the rear of parcels.

(3) Design driveways to parking areas as part of the rhythm of the storefronts, in a way that is safe and convenient to pedestrians, providing good pedestrian visibility to drivers, and including a change in material on the sidewalk or promenade, to "warn" pedestrians where the access to the parking is located.

(4) The entrance to parking facilities should be located on a secondary street and not along highways or primary streets.

c. Locate mechanical equipment and service areas out of the public view.

d. Black, mirrored, or other opaque surfaces are prohibited.

e. Delineate new buildings and additions vertically and horizontally to reflect the human scale.

f. Incorporate a clear visual division between upper and lower floors through a change in materials, colors and use of canopies and awnings.

g. Incorporate human scale detailing through the use of reveals, belt courses, cornices, expressions of structural or architectural bays, recessed windows or doors, material or material module changes, color and/or texture differences, or strongly expressed mullions on facades of buildings that face the street.

h. Each building including a principal non-residential use (restaurants, cafes, bookstores, community centers, etc.) must incorporate at least two (2) of the following additional features on all building facades facing a public street, public plaza, or public open space:

(1) Arcades;

(2) Arbors;

(3) Contrasting building materials or textures;

(4) Street furniture at the ground floor;

(5) Outdoor eating or seating areas at the ground floor;

(6) Variations in rooflines along a single block face; or

(7) Transparent windows that allow views into and out of the building.

i. Use simple rectangular forms with horizontal roof forms on commercial and mixed-use structures.

j. Use of pitched rooflines on residential structures is appropriate provided it harmonizes with the roof geometry of adjacent buildings.

k. Use parapet walls detailed with cornice features for screening flat roofs.

l. Clearly identify the primary entrance to the building and oriented to the street.

m. Use Architectural features to provide weather protection and highlight building entrances and features.

n. Design buildings with careful incorporation of signage and lighting.

o. Design outdoor spaces to enliven the sidewalk level and provide for private open space for shoppers, employees, and residents.

p. Comply with all additional requirements included in this Comprehensive Plan and the Kayenta Zoning Ordinance.

<u>Kayenta Main Street:</u>

a. Divide buildings into modules that provide visual interest and serve to create a traditional Main Street.

b. Create modules of 25 to 50 foot wide as traditionally found in Main Street environments.

EXHIBIT 5: Kayenta Future Land Use Map

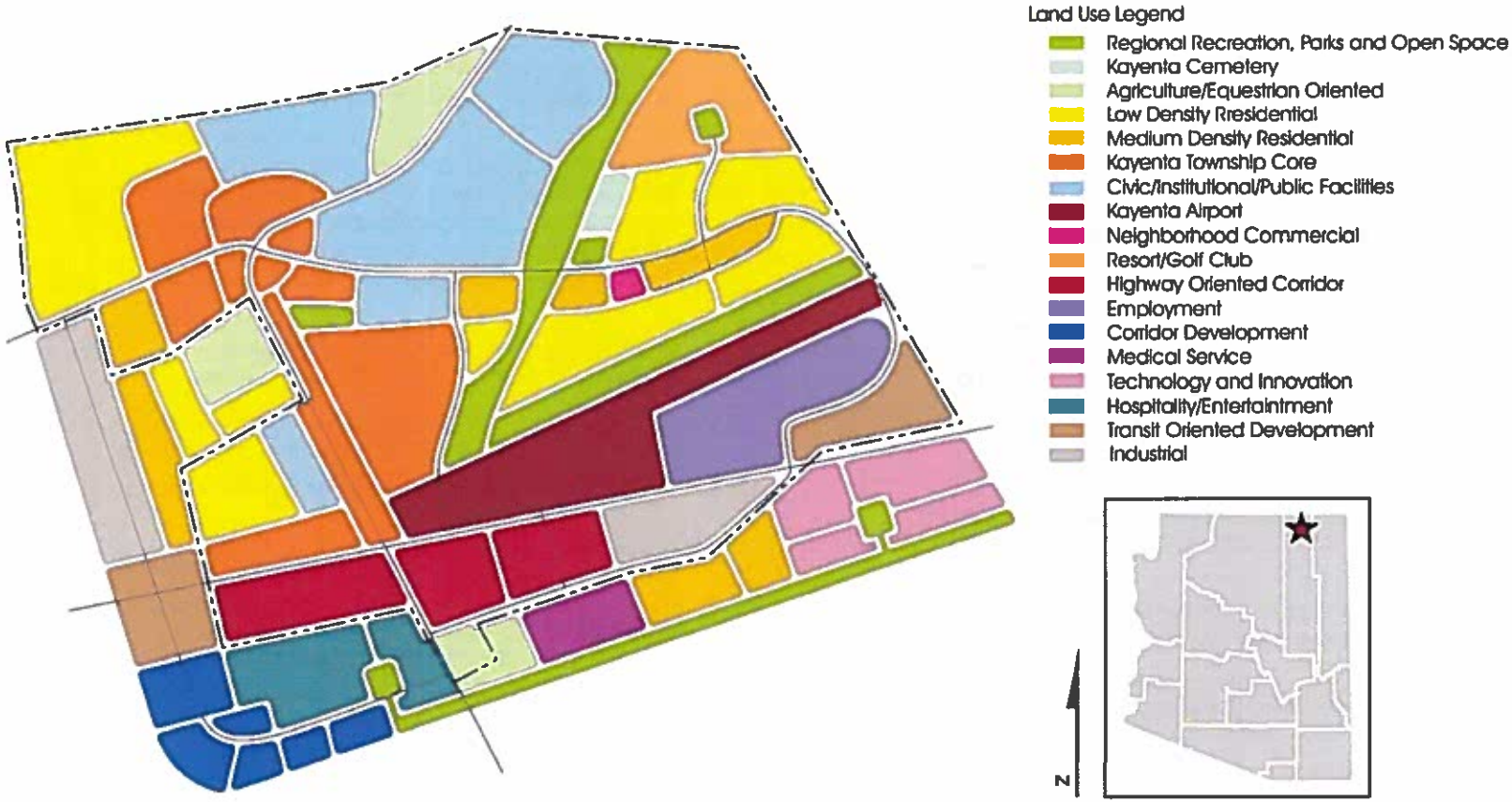
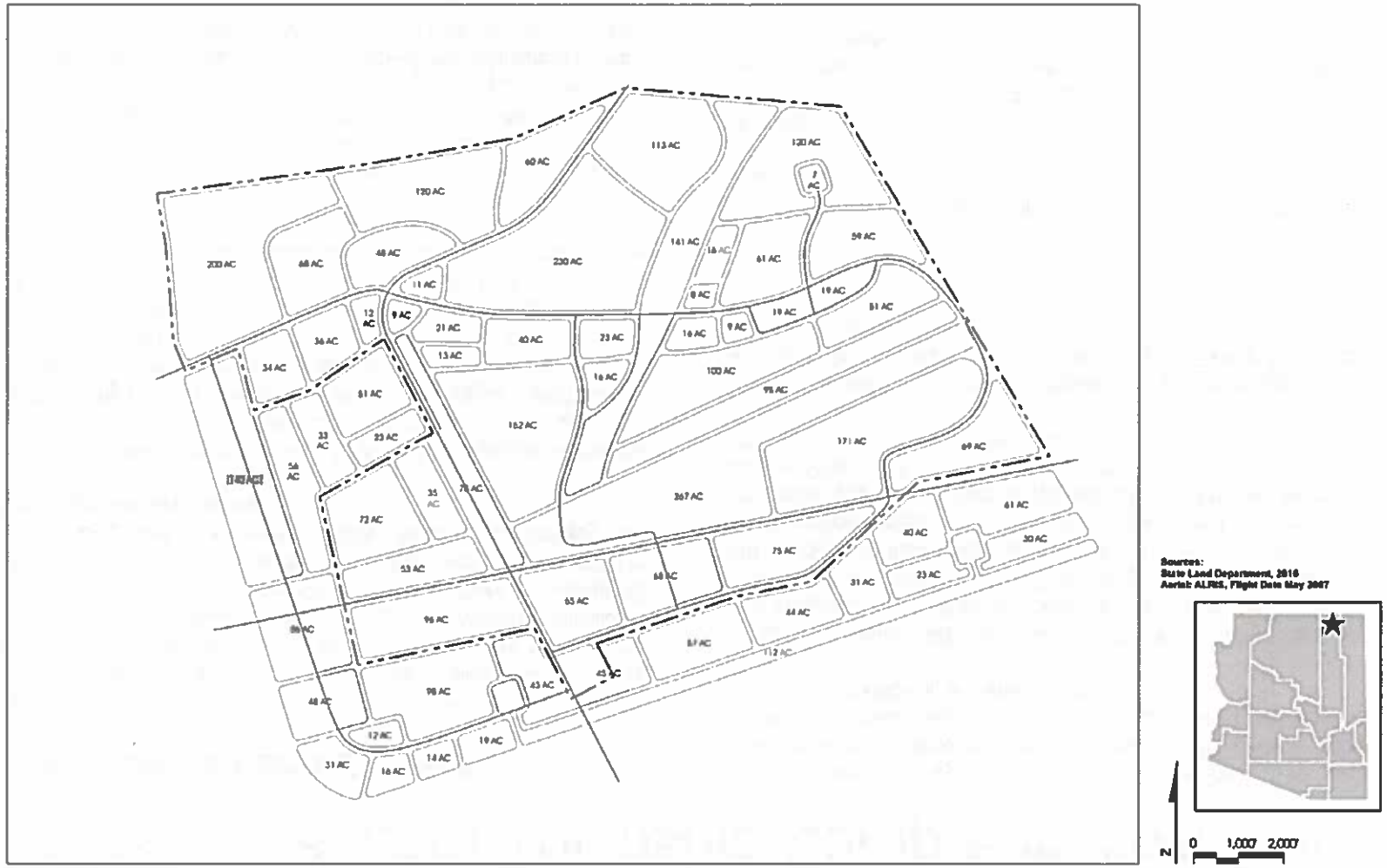


EXHIBIT 6: Kayenta Future Land Use Map (Land Use Acreage)



Transportation and Circulation

All the land, water, and air routes make up the transportation and circulation system of a community. Such system allows the movement of people and goods and is a key factor in the economic success of a region. A safe, efficient, accessible and convenient multimodal transportation system providing access and connectivity via a variety of transportation modes to all the destination areas within the Township is a vital component to Kayenta's viability, livability, sustainability and long-range economic success.

The primary and often only means of transportation across the Navajo Nation is cars and trucks. These are the primary forms of mobility for families living in the different growth centers. The Navajo Nation Growth Centers are small satellite urban communities designated for development and economic activity. Kayenta is the only Township within the Navajo Nation that functions as an urban destination. Its strategic location as the gateway to Monument Valley requires a transportation and circulation system that addresses both regional as well as local transportation and circulation needs.

The close proximity between these growth centers and their satellite communities creates commuter, home-to-work traffic and other trips between these communities. Development along the connecting corridor cannot be planned in isolation and require regional planning. Such comprehensive regional transportation efforts, addressing corridor connections between these growth centers and their satellites must also integrate street, pedestrian and bicycle circulation systems between these communities as well as the inter-modal connection needs at each community.

Currently, convenient, safe and efficient walkways defining the public realm, creating a sense of place and providing shortcuts and connectivity to goods, services, amenities, recreation, parks, trails and open space, do not exist for community members or visitors to shop, visit, or exercise. Bicycle routes are none existent. This high dependency on automobiles, makes these growth centers highly dependant on fossil fuels. As a result, both community health and the environmental wellbeing are adversely impacted.

In Kayenta, approximately ninety-seven (97) percent of the population uses the typical means of travel. These are automobiles, pick-up trucks, motorcycles and some bicycles. The Navajo Nation Transit System (NNTS) provides transit services throughout the Navajo Reservation. NNTS provides transit services between Kayenta and Window Rock. The transit bus system departs Kayenta at 6:00 AM and arrives in Window Rock at 10:00 AM. The return trip departs Window Rock at 2:00 PM and arrives in Kayenta at 6:00 PM.

There is a need to define the internal circulation of Kayenta to accommodate the future land uses designated in Exhibit 5: Kayenta Future Land Use Map.

Multimodal Long Range Transportation

Concurrent to the preparation of this Comprehensive Plan, The Arizona Department of Transportation (ADOT) is conducting the Planning Assistance for Rural Areas (PARA) study for Kayenta Township. Multimodal Long Range Transportation Study is prepared for the Navajo Nation Division of Transportation (NNDT) and addresses the needs of multiple jurisdictions as well as the needs of neighborhoods within such jurisdictions.

The principal focus of the proposed study is to address the most critical transportation planning needs identified by the Navajo Nation Division of Transportation (NNDT). Development growth centers within the Nation lack the updated transportation plans to guide their development into larger urbanized centers. There are few planned and developed streets, sidewalks and walkways around schools and housing tracts. As

a result, comprehensive planning is needed for strategic, controlled development and access management.

The multimodal transportation plan will include the following objectives:

- Develop transportation plans for rural communities of the Navajo Nation in order to promote travel safety, mobility, enhance economic vitality and improve community livability and increase community sustainability.
- Support current and long-range planning for economic and community development.
- Address transportation needs for each Navajo community in regards to multi-modal transportation needs for vehicular, pedestrian and bicycle transportation that promotes safety for community residents, commuters and visitors while enhancing the quality of life.
- Address inter-modal connections between vehicular, airport and transit systems for commuter and emergency needs.
- Recommend transportation improvements of the State and BIA and other road systems within and between these communities, including impacts to Navajo Nation's transportation network and other regional transportation systems.
- Recommend improvements of multi-modal and inter-modal transportation to address such needs within and between the communities including impacts to the Navajo Nation's total transportation network and the regional transportation system.

An extensive public participation program is included as part of this study that will allow the NNDT to actively seek input from neighbors, business owners and major stakeholders and incorporated their priorities into the plan and their program for improvements. Extensive community outreach will result in stronger community support for funding transportation improvements. A technical Advisory Committee (TAC) has been established to closely coordinate this study. The following agencies are represented on this Committee:

- Navajo Division of Transportation
- ADOT Holbrook District Engineer
- Many Farms Chapter Representative
- St. Michaels Chapter Representative
- Fort Defiance Chapter Representative
- ADOT Multimodal Planning Division
- Navajo Region Bureau of Indian Affairs
- BIA Roads Agency Engineers, Ft. Defiance and Chinle
- ADOT Environmental Planning Group
- Arizona State Land Department
- Apache County
- ADOT Communication & Community Partnership

Navajo Nation/Navajo DOT/ADOT/FHWA/Navajo County Partnership

The Navajo Nation is largely based in Arizona. The Nation also extends into Utah and New Mexico. The reservation is 27,000 square miles and is larger than 10 of the 50 states in the United States. Navajo land has a vast diversity in terrain ranging from the high desert to mountainous regions. It is well known for the majestic Red Rocks that are a breathtaking view in the Arizona sunset.

There are six scenic routes on Navajo land. One is Navajo Mountain Road that traverses 58 miles along SR98 from Page, Arizona to the intersection of US160. This route is a great way to enter the Nation for first time visitors. Second is the Kayenta-Monument Valley Scenic Byway located on US163 and is known as the "Gateway to Monument Valley." It begins in Kayenta, AZ and ends at the Utah border. Third is the Flat Mesa Rock Scenic Road that is located on US191 between milepost 467 and 510. The road weaves through northeastern Arizona. Fourth is the Fredonia-Vermilion Cliffs Scenic Road that traverses 82 miles along SR89A between mileposts 525 and 607. This is known as the gateway to the Colorado River in Marble Canyon and to the North Rim of the Grand Canyon. The fifth scenic route is Among the People Scenic Road that weaves through the high desert, mountains, valley, canyon country and lakes. It is 105 miles long from I-40 near the Arizona and New Mexico Border and north towards Canyon De Chelly National Monument on Navajo Routes 12 and 64. The last one is a road network that encompasses a web roadway in Utah and New Mexico (Navajo Scenic Roads).

2009 Navajo Nation Long-Range Transportation Plan

The 2009 Navajo Nation Long Range Transportation Plan (LRTP) is a twenty-year comprehensive plan developed and updated by the Navajo Division of Transportation (Navajo DOT) in a five-year cycle. The 2009 LRTP identifies the Nation's multi-modal transportation needs over the next 20 years and develops strategies to meet them. The plan provides long range planning policies and implementation strategies for the Navajo Indian Reservation Roads (IRR) Program improvements. It is based on a comprehensive analysis of all pertinent factors and issues affecting the Navajo Nation's existing and future transportation needs.

This transportation element builds from previous studies and defines the transportation and circulation system needed to support the vision of the community.

Transportation and Circulation Element Goals

Establishing a safe and efficient transportation network that includes access to alternate modes (vehicular, pedestrian, bicycle, transit and equestrian) is a key component for the development of Kayenta as a self-sufficient and sustainable community. This element reaffirms a commitment to the future of the Township and seeks to provide an integrated transportation and circulation system that:

1. Provides an attractive and pedestrian-friendly gateway to a revitalized Kayenta;
2. Articulates a placemaking sense of arrival to a destination;

3. Defines the different planning areas by providing a seamless and intuitive transportation and circulation network that connects all areas of the Township;

4. Serves as the main gateway to Monument Valley;

5. Improves the regional transportation system;

6. Establishes a safe, efficient and convenient regional transportation system by minimizing number of access points to Highway 160 and Highway 163 and by establishing a hierarchy of arterial, collectors, local and ring roads;

7. Minimizes local and regional traffic congestion; and

8. Includes multi-modal (pedestrian, bicycle, transit, equestrian) connectivity to the different destinations within the Township.

The implementation of the overall direction provided in this Transportation and Circulation Element, the Land Use Element, the Parks, Recreation, Trails and Open Space Element, and the Urban Design Element allows Kayenta to become a sustainable and vibrant destination with a strong placemaking identity, character and sense of place.

GOAL 1: PROVIDE A SAFE, CONVENIENT AND EFFICIENT MULTIMODAL TRANSPORTATION NETWORK THAT FURTHERS ECONOMIC DEVELOPMENT GOALS.

Policy 1: Establish and maintain a safe, convenient and efficient level of service standard for all motorized and non-motorized transportation systems within the Designated Growth Area that:

(1) Meets the community's current and projected transportation and circulation needs;

(2) Furthers the Township's economic development goals;

(3) Ensures appropriate traffic flow throughout the Kayenta Designated Growth Area; and

(4) Supports regional long-range regional transportation goals;

Policy 2: The road network supports the development intent of each character area and furthers the placemaking direction established in the Urban Design Element.

Rationale: A primary goal is to create a destination environment that serves residents and attracts visitors to the area. Kayenta's parks, recreation, trails and open space system offers a broad range of local and regional opportunities in keeping with the Township's economic development goals. Likewise, successful and functional activity centers rely on pedestrian environments that are safe and convenient with short walking distances, and include comfortable placemaking surroundings.

In addition to development adjacent to the street, this environment is also shaped by the design of the public realm, including public streets, sidewalks and gathering spaces. The circulation concept provided in this element complements the land use, urban design and economic development concepts by incorporating pleasant and convenient walking facilities, and amenities within the public street right-of-way and public spaces, such as streets, landscaped areas and plazas.

IMPLEMENTATION MEASURES

(1) Continue to coordinate regional route improvements with NDOT, ADOT, FHWA, and BIA.

(2) Ensure that all regional route improvements further Kayenta's vision and economic development goals.

(3) Require that all major and minor arterials within the Kayenta Designated Growth Area maintain a "D" Level of Service or higher in order to maintain traffic flow.

(4) Integrate the proposed Alternate Truck Route and the Proposed Transit Route as major components in the Future Land Use Plan.

(5) Require that all development proposals analyze proposed development traffic impact on the existing roadway network.

(6) Revitalize and redevelop the area of the Township designated as the Redevelopment/Rehabilitation Planning Area or Kayenta Township Core Area to incorporate an integrated and well defined system of local streets that incorporate paved, streets, sidewalks, streetscapes, multimodal connectivity to other planning areas, and 911 address system.

(7) Review all proposed roadway improvements prior to scheduling such improvement in the Capital Improvements Plan to determine if such improvement furthers the policy direction provided in this Comprehensive Plan.

(8) Where the roadway is maintained and/or operated by another jurisdictional authority, notify such jurisdiction in writing if any identified roadway improvement plans are not consistent with the policy direction of this Comprehensive Plan.

(9) Require that all development plans, area plans, master plans and planned area developments conform to the policy direction provided in this element.

GOAL 2: REDUCE THE DEPENDENCE ON AUTOMOBILE BY ENSURING THAT ALTERNATE TRANSPORTATION MODES ARE AVILABLE WITHIN THE DESIGNATED GROWTH AREA

Policy 1: Provide a comprehensive multimodal transportation network that serves existing and planned development.

Rationale: A comprehensive multimodal transportation network that integrates commuter/express service needs, circulator (local) transit needs, special service needs (such as dial-a-ride), transit service, pedestrian and bicycle access, and equestrian trails in those areas designated for equestrian mobility is integral to the long-range viability of Kayenta.

IMPLEMENTATION MEASURES

a. Conduct a Comprehensive Transit Study that addresses:

(1) Commuter/express shuttle service needs;

(2) Circulator or local transit needs;

(3) Special service needs, including Dial-a-Ride services;

(4) Regional transit and tourist traveling needs;

(5) Size and scale of regional transit station and local transit station.

b. Prepare a Kayenta Transportation Master Plan that incorporates the Comprehensive Transit Study results and the PARA Study results in conformance with the policy direction of this Comprehensive Plan.

c. Require that all development plans, area plans, master plans and planned area developments conform to policy direction provided in Kayenta Transportation Master Plan.

GOAL 3: SYSTEMATICALLY IMPLEMENT ALL APPLICABLE REGIONAL TRANSPORTATION GOALS IN A LOGICAL, EQUITABLE AND TIMELY FASHION TO ENSURE THAT ADOPTED LEVEL OF SERVICE IS MAINTAINED THROUGHOUT THE KAYENTA DESIGNATED GROWTH AREA

Policy 1: Adopt standards for fund identification, right-of-way and roadway design phasing.

Rationale: The systematic implementation of regional transportation goals in a logical, equitable and timely fashion requires the adoption of standards for fund identification, rights-of-way and roadway design phasing.

IMPLEMENTATION MEASURES

a. Establish a mechanism for the identification and allocation of funds necessary for the timely development of roadway improvements as part of the Capital Improvements Plan.

b. Require, where feasible and applicable, that road improvements are designed so they may be easily and economically upgraded to their ultimate configurations without requiring major reconstruction of the original roadway infrastructure.

c. Prepare, adopt and implement a Major Streets and Routes Plan as part of the Kayenta Transportation Master Plan that identifies the location and width of required right-of-way dedications for all Township arterial roadways at buildout.

d. Protect future right-of-way from building encroachment by establishing right-of-way setback requirements for all buildings and structures along new or improved arterial roads.

e. Require new development or expansion of existing development to provide the established right-of-way.

f. Require that roadway improvement projects are phased as recommended by the Township Engineer.

g. Require that all development plans, area plans, master plans and planned area developments conform to policy direction provided in Kayenta Transportation Master Plan and in this Comprehensive Plan.

GOAL 5: LIMIT THE NUMBER AND FREQUENCY OF CONNECTIONS AND ACCESS POINTS TO ARTERIAL ROADS

Policy 1: Limit the number and frequency of connections and access points to arterial roads by incorporating access management concepts where feasible and appropriate.

Rationale: Access Management is the process that provides access to land development while simultaneously preserving the flow of traffic on the surrounding road system in terms of safety, capacity, and speed. Access Management involves changing land use planning and roadway design practices to limit the number of driveways and intersections on arterials and highways, constructing medians to control turning movements, encouraging clustered development, creating more pedestrian-oriented streetscapes, improving connectivity, and road space reallocation to encourage efficiency.
Although Access Management is primarily intended to improve motor vehicle traffic flow, it can integrate transportation and land use planning. It can help convert automobile-oriented strip development into more accessible land use patterns that are better suited to walking, cycling and public transit.

By adopting an Access Management Program, the Township establishes a mechanism that discourages strip development by limiting direct access to arterial streets from individual parcels. A variety of techniques such as the use of median divided arterials, frontage roads, and collector streets are used to limit access points to arterial roads and provide shared access where feasible and appropriate. This approach assists the Township in maintaining the established Level of Service while providing a safe, convenient and efficient multi-modal transportation network with a well-defined public realm.

IMPLEMENTATION MEASURES

a. Work with ADOT to establish the Access Management Program.

b. Adopt an Access Management Program for highways and arterials within the Kayenta Designated Growth Area that identifies all the actions Kayenta will take to maintain the safety and traffic carrying capacity of major arterials. These actions may include enacting ordinances that control driveway location as well as design guidelines and standards for limited access that support ADOT roadway design standards as well as the development intent of each designated planning area.

c. Simplify timing for an orderly progression of traffic signal phasing through a uniform spacing pattern of all new driveways and median breaks.

d. Require that all development plans, area plans, master plans and planned area developments reflects the standards for ingress and egress adopted in the Access Management Program.

Concept Showing a Business Park with a Shared Entry Drive that Offers Limited Access

GOAL 6: PROVIDE SAFE AND CONVENIENT MULTIMODAL CROSSINGS THAT CONNECT DESTINATIONS WITHIN THE TOWNSHIP.

Policy 1: Establish safe and convenient multimodal crossings access points along Highway 160, Kayenta Main Street and at the regional and local transit stations.

Rationale: Safe pedestrian, bicycle and equestrian access points ensure the vitality of a planning area.

Safe At-Grade Pedestrian, Bicycle, and Equestrian Crossing Concept Connecting the Kayenta Civic Center and the Kayenta Main Street

IMPLEMENTATION MEASURE

a. Require all development plans, area plans, master plans and planned area developments to incorporate safe and convenient multimodal crossings at designated access points.

GOAL 7: ENSURE SAFE, CONVENIENT AND EFFICIENT MULTIMODAL TRANPORTATION IN KEEPING WITH THE DEVELOPMENT INTENT OF EACH CHARACTER AREA

Policy 1: Require that all new development respond to the specific transportation and circulation needs and the development intent of the character area where such development is located.

Rationale: Each planning and character area defined in the Growth Areas and in the Land Use elements, includes policy direction for safe, convenient and efficient multimodal transportation in keeping with the development intent of the respective area.

IMPLEMENTATION MEASURE

b. Require all development plans, area plans, master plans and planned area developments to incorporate safe, efficient and convenient multimodal transportation and support the specific development intent of the planning or character area in which such development is located.

GOAL 7: DEFINE MUSTANG TRAIL IN ACCORDANCE TO CHARACTER AREA NEEDS WITHOUT COMPROMISING SAFETY

Policy 1: Ensure that each segment of Mustang Trail is designed to reflect the character and intent of the land uses and character areas it traverses without compromising safety.

Rationale: Each planning and character area defined in the Growth Areas and in the Land Use elements, includes policy direction for safe, convenient and efficient multimodal transportation in keeping with the development intent of the respective area. It has several character segments.

Mustang Trail Segment 1: Urban

Form Rodeo Trailhead located on the west side of Indian Route 591 across from the Kayenta Rodeo and Fair Grounds to the Highway 160 crossing access point.

Mustang Trail Segment 2: Urban

Form the Highway 160 crossing access point to Kayenta Old Town Stables along Main Street.

Mustang Trail Segment 3: Urban/Rural

Form Kayenta Old Town Stables to the Laguna Creek crossing (Highway 163 natural underpass).

Mustang Trail Segment 4: Rural

Form the Laguna Creek crossing (Highway 163 natural underpass) to the Laguna Creek Resort and Golf Course.

Mustang Trail Segment 5: Rural

Form the Laguna Creek crossing (Highway 163 natural underpass) to the Kayenta Airport via the Laguna Creek Regional Linear Park.

Mustang Trail Segment 6: Urban

Form the Kayenta Airport Regional Linear Park to Kayenta Main Street with one crossing access point at Highway 163.

IMPLEMENTATION MEASURE

c. Require all development plans, area plans, master plans and planned area developments to include connectivity to Mustang Trail in conformance with the specific development intent of the planning or character area in which such development is located and in compliance with the character of the Mustang Trail segment within such area.

d. Equestrian Trail must conform with the following guidelines:

(1) Design separate trail facilities for equestrian users.

(2) Design equestrian trails wide enough to permit users to travel in both directions.

(3) Provide appropriate fencing to avoid conflicts with other travel modes.

(4) Provide a clear zone of five (5) feet or greater between equestrian trails and bicycle and pedestrian routes and trails.

(5) Provide a vegetated buffer between bicycle/pedestrian and equestrian trails with a planted median separating equestrian trails from other trail modes.

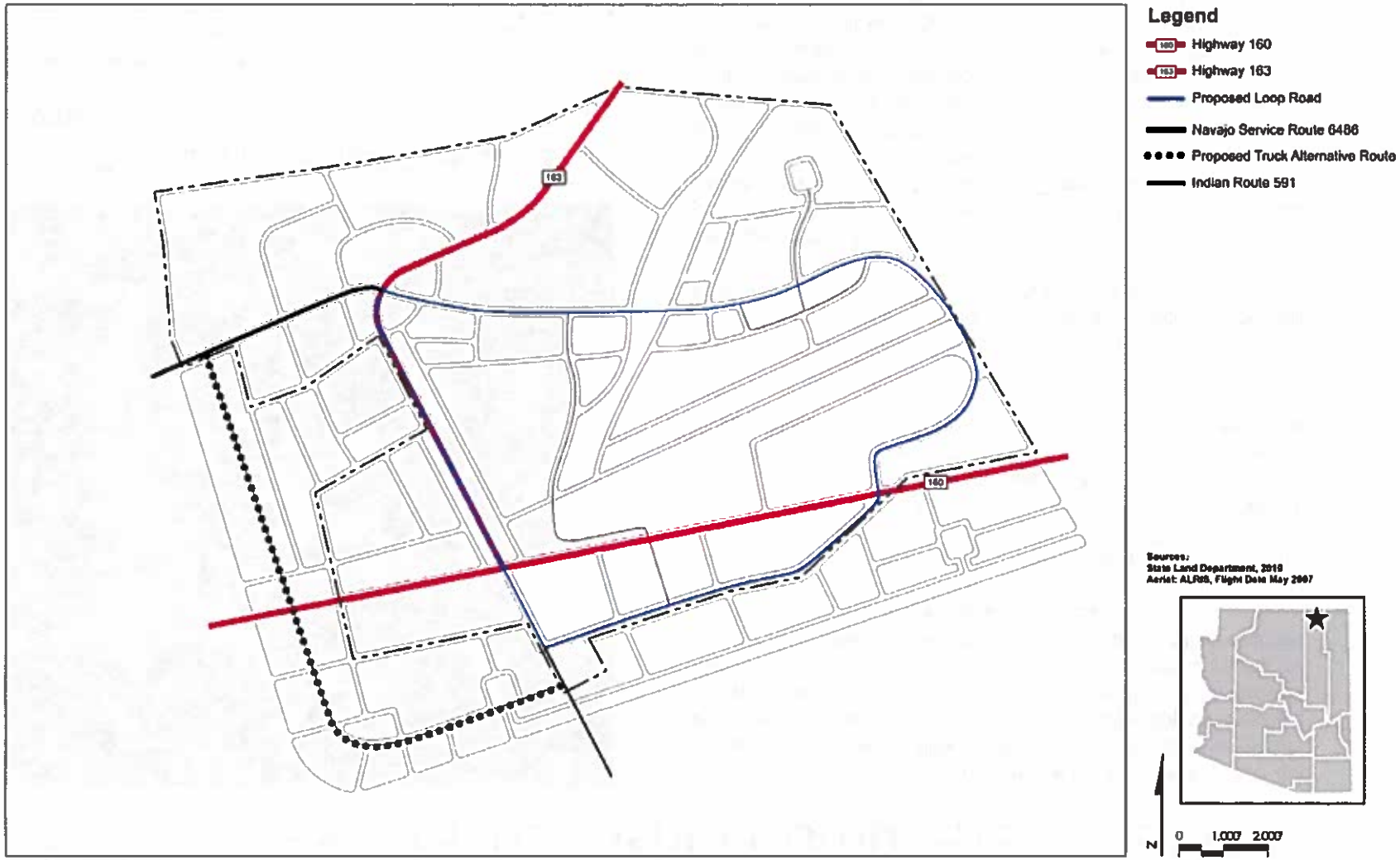
(6) Maintain a clear zone of two (2) feet from each equestrian trail to any fence or tree.

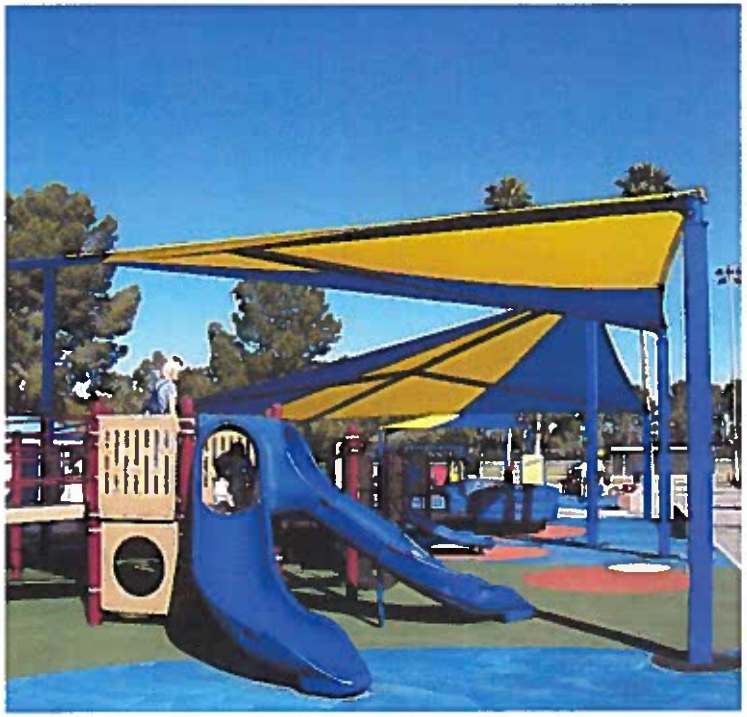
(7) Only two at-grade equestrian crossing access points are permitted along Mustang Trail: one connecting Main Street and the Kayenta Civic Center; the other one across Highway 160.

(8) Include directional signs with trail names, direction arrows, mileage to points of interest, and other relevant information where they will be clearly visible

Kayenta Township Comprehensive Plan

EXHIBIT 7: Kayenta Planned Transportation and Circulation





Parks, Recreation, Trails and Open Space Element

Kayenta residents place a high priority in the development of an integrated system of parks, recreation, trails and open space. Such system provides connectivity throughout the Kayenta Designated Growth Area. Parks, recreation, trails and open space should make up part of the natural fabric of the community and provide a sense of place and identity.

Many visitors come from all over the world to adventure into the wonders of Monument Valley. A strong system of parks, recreation, trials and open spaces lures visitors to have a longer stay and provide a variety of passive and active recreation opportunities for community members. This system functions as the unifying thread connecting all areas of the Township in a seamless manner. It also contributes to the health of the community by increasing its quality of life.

The surrounding desert valleys and mountain peaks contribute scenic beauty to the Kayenta Designated Growth Area and offer a multitude of recreational opportunities such as nature and bird watching, horseback riding, camping and outdoor activities. Kayenta's great outdoors, weather, abundant birding, hiking and biking opportunities, and its beautiful landscapes and mountain views draw visitors from around the world.

Developing Mustang Trail as a multiuse signature trail will provide the necessary connectivity desired by Kayenta's residents and will contribute substantially to the community's identity and sense of place.

This element provides a 20 year vision and the broad policy direction for parks, recreation, trails and open space within the Kayenta Designated Growth Area. In conjunction with the Transportation and Circulation Element, it provides the framework to define parks, recreation, trails, and open spaces with the placemaking quality envisioned by the community. The main objective of this element is to provide guidance for the establishment of appropriate Levels of Service for the provision of parks, recreation, trails and open space within the Kayenta Designated Growth Area. Additional policy direction for each character area is provided in the Growth Areas Element, the Land Use Element and the Transportation and Circulation Elements.

Parks, Recreation, Trails and Open Space Goals and Policies

Parks, recreation, trails and open spaces provide the community with a sense of place and identity and enhance the livability of the Township. A diverse range of active and passive recreation opportunities will meet the needs of existing and future neighborhoods and further the vision of Kayenta as a destination. The Township already has recreational amenities but lacks a comprehensive master plan to ensure coordinated planning efforts for future and existing recreational amenities.

GOAL 1: PROVIDE A DIVERSE RANGE OF ACTIVE AND PASSIVE RECREATION OPPORTUNITIES IN KEEPING WITH THE DIFFERENT CHARACTER AREAS.

Policy 1: Prepare, adopt and implement a Parks, Recreation, Trail and Open Space System Master Plan that addresses all these needs in an integrated manner.

Policy 2: Provide for a variety of recreation facilities and programs that meet the community's current and projected needs.

Policy 3: Require new development to provide connectivity to existing and proposed parks, pedestrian, bicycle, equestrian and nature trail systems to enhance the sense of place and character of the Township and link its different character areas.

Implementation Measures:

a. Prepare an Parks, Recreation, Trails and Open Space, Master Plan that:

(1) Defines walking, biking, horseback riding and hiking system throughout Kayenta in conformance with the direction of this Comprehensive Plan;

(2) Provides connectivity to Monument Valley and other regional open spaces and riparian areas;

(3) Identifies standards for passive and active recreation that exceed national minimum standards;

(4) Establishes a hierarchy of parks that includes pocket parks, neighborhood parks, community parks, and regional parks and provides appropriate standards for the development of these parks;

(5) Identifies the types of passive and active user-based recreation facilities needed to support the needs of the existing and projected population;

(6) Identifies funding opportunities for acquisition and maintenance of parks and trails;

(7) Identifies public/private partnerships that will foster this endeavor; and

b. Require all new developments to install sidewalks and provide bicycle and trail connectivity.

c. Require protection of high value ecological features including existing wildlife corridors and riparian areas.

d. Provide opportunities for community input in the planning, site selection, and design of parks or recreation facilities to ensure neighborhood and community needs are met.

e. Establish annual events such as a "Runner's Run" tour connecting all current parks and major landmarks and an annual "Kayenta Bike Tour" to Monument Valley.

GOAL 2: PRESERVE AND ENHANCE THE INTEGRITY AND QUALITY OF EXISTING PARKS AND RECREATION.

Policy 1: Protect, maintain and upgrade existing public parks and recreational facilities.

Implementation Measures:

a. Protect existing public parks and recreation facilities from new non-residential development encroachment through the provision of landscaped buffers and density/intensity transitions.

b. Identify and secure funding as part of the annual Capital Improvements Program for protecting, preserving, maintaining and upgrading public parks and recreation facilities and programs.

c. Consider charging park user fees or permits at park locations to visitors and users that live outside of the Kayenta designated service area.

d. Maintain and expand recreation programs to keep up with demographic changes.

e. Work in partnership with Home Owner Associations to ensure maintenance of existing parks within private developments.

f. Require that all development plans, area plans, master plans and planned area developments comply with all requirements included in this Comprehensive Plan.

g. Adopt and maintain Level of Service for parks, recreation trails and open space.

GOAL 3: PROVIDE CONNECTIVITY AND ACCESSIBILITY TO MAJOR DESTINATIONS WITHIN THE KAYENTA DESIGNATED GROWTH AREA.

Policy 1: Develop an integrated park, recreation, trails and open space system that provides connectivity and accessibility to:

(1) Major character areas and destinations within the Kayenta Designated Growth Area;

(2) Mustang Trail,

(3) Airport Regional Linear Park;

(4) Laguna Creek Regional Linear Park;

(5) Resort and Golf Course;

(6) Rodeo and Fair Grounds;

(7) Historic trails;

(8) Washes and riparian corridors

(9) Local and regional attractions;

(10) Monument Valley.

Implementation Measures:

b. Develop Mustang Trail as a multiuse path designed to enhance Township connectivity, provide access to all destinations and mobility needs, reduce automobile use and encourage alternative modes of travel.

c. Locate new parks and recreation facilities within walking distance of existing residential, commercial, mixed-use and employment centers.

d. Require the equal distribution of regional and community parks and recreational facilities throughout the Kayenta Designated Growth Area and in locations that provide accessibility through several modes of travel (pedestrian, bicycle, vehicular, public transit).

e. Require, wherever possible, that new parks and recreation facilities include access to public transit routes for persons with different mobility needs, elderly, teens and the economically disadvantaged.

f. Provide new and upgraded parks and recreation facilities that employ barrier-free design principles that make them accessible and safe to all community members regardless of age or physical ability.

g. Require residential areas to incorporate parks and a well-defined, integrated and accessible trail system that provides connectivity to nearby bike routes, trail systems, parks and open space.

h. Require mixed-use areas to incorporate walkways, promenades, plazas, courtyards and connectivity to nearby bike routes, trail systems, parks and open space.

i. Include a balance between programmed and non-programmed use of recreational facilities throughout the Kayenta Designated Growth Area to increase availability to the greatest variety of users.

j. Require that all development plans, area plans, master plans, and conform to the policy direction provided in this element and satisfy the connectivity, opportunity and availability components for locating and designing new parks and recreation facilities.

GOAL 4: DEVELOP MUSTAND TRAIL AS AN INTEGRATED MULTIUSE PATH LINKING ALL THE MAJOR DESTINATIONS WHILE REFELCTING CHARACTER AREA CHARACTERISTICS.

Policy 1: Develop Mustang Trail as a cohesive and integrated multi-use trail that unifies all major destinations of Kayenta while reflecting the characteristic of the character area by identifying segment character areas.

Implementation Measures:

a. Work with ADOT, as well as major local, regional and state agencies and stakeholders, to plan, design and develop Mustang Trail in accordance to criteria provided in the Transportation and Circulation Element and the guidelines provided in Table 2.

b. Provide signalized, safe and separate pedestrian and equestrian crossings at Kayenta Main Street and at Highway 160.

GOAL 5: DEVELOP THE LAGUNA CREEK REGIONAL LINEAR PARK AS A REGIONAL RECREATIONAL AMENITY THAT CONTRIBUTES TO KAYENTA'S IDENTITY AND SENSE OF PLACE.

Policy 1: Develop an integrated system of nature trails, equestrian trails, and mountain bike trails that provides connectivity to adjacent community parks, recreation facilities and land uses.

Implementation Measures:

a. Develop the Laguna Creek linear park as a regional amenity that contributes to Kayenta's identity and sense of place, serves as a regional recreational amenity and as the rural segment of Mustang Trail.

b. Include specific guidelines and design criteria necessary to implement the community's vision for the Laguna Creek Regional Linear Park in the Parks, Recreation, Trails and Open Space Master Plan.

c. Require all development adjacent to the Laguna Creek Regional Linear Park to provide pedestrian and mountain bike connectivity to this park.

GOAL 5: DEVELOP THE AIRPORT REGIONAL LINEAR PARK AS A REGIONAL RECREATIONAL AMENITY THAT CONTRIBUTES TO KAYENTA'S IDENTITY AND SENSE OF PLACE.

Policy 1: Develop an integrated system of nature trails, equestrian trails, bicycle routes, mountain bike trails that provides connectivity to regional sport fields located along this linear park and adjacent community parks, recreation facilities and land uses.

Implementation Measures:

a. Develop the Airport linear park as a regional amenity that contributes to Kayenta's identity and sense of place, serves as a regional recreational amenity, includes active and passive recreation, and functions as an urban segment of Mustang Trail.

b. Include specific guidelines and design criteria necessary to implement the community's vision for the Kayenta Airport Regional Linear Park in the Parks, Recreation, Trails and Open Space Master Plan.

c. Require all development adjacent to the Kayenta Airport Regional Linear Park to provide pedestrian and mountain bike connectivity to this park.

GOAL 6: PROVIDE AN APPROPRIATE MIX OF PASSIVE AND ACTIVE RECREATION WITHIN EACH CHARACTER AREA THAT SUPPORTS THE DEVELOPMENT INTENT OF SUCH AREA.

Policy 1: Support the development intent of each planning area by:

(1) Providing specific direction for the provision of passive and active recreation;

(2) Establishing a hierarchy of parks that serves the specific needs of the area; and

(3) Adopting standards for the provision of active and passive recreation in the Parks, Recreation, Trails and Open Space Master Plan.

Implementation Measures:

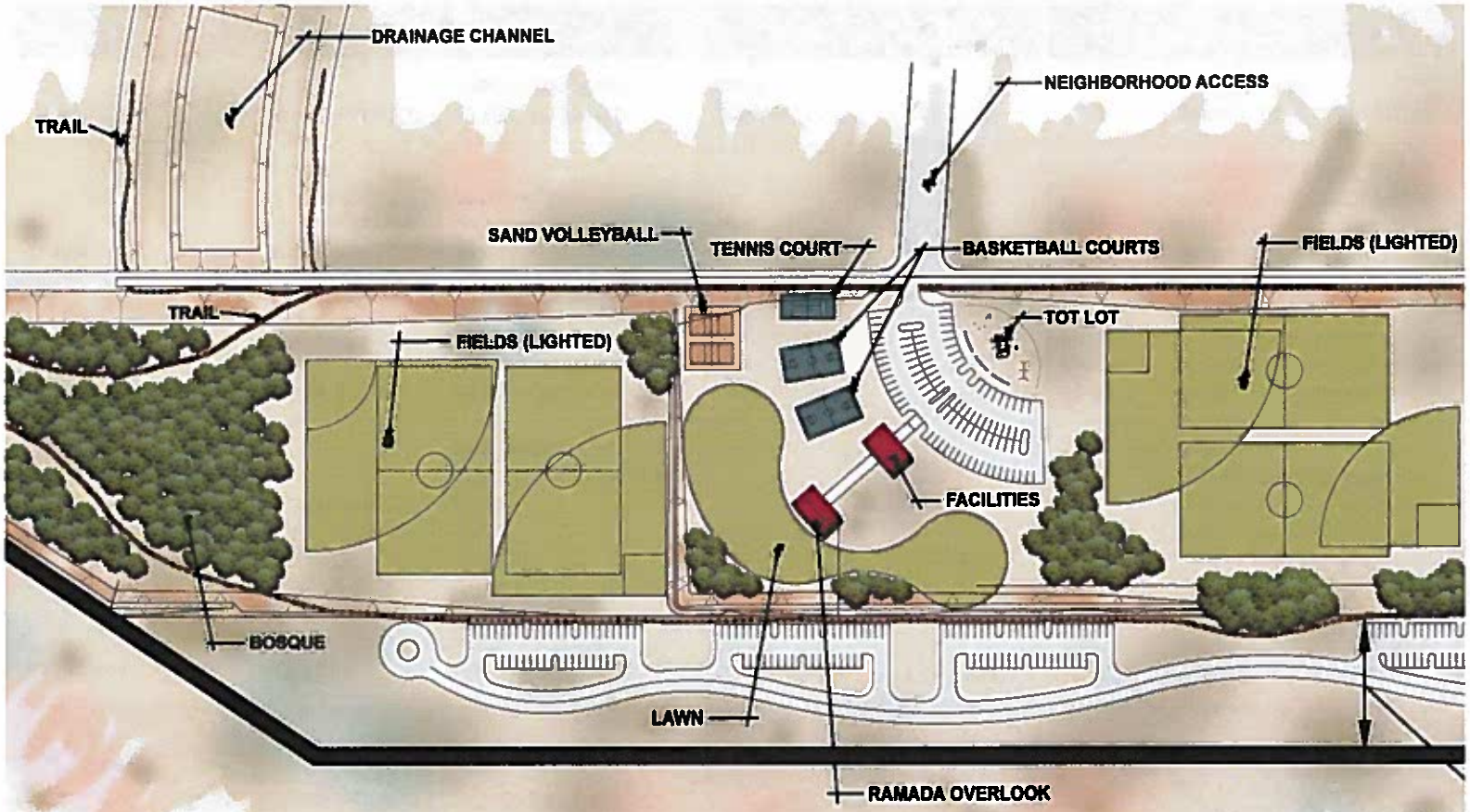
a. Prepare and adopt a Parks, Recreation, Trails and Open Space Master Plan to implement the concepts provided in this Comprehensive Plan.

b. Until the Kayenta Parks, Recreation, Trails and Open Space Master Plan is completed, provide forms of passive and active recreation selected by the community based on the national standards provided in Table 3. Table 3 includes widely accepted standards for active and passive recreation. Active recreation includes fields, courts, swimming pools, trails, and facilities that promote recreation activities. Passive recreation includes ramadas, gardens, picnic areas and facilities that allow its users to gather, relax and contemplate nature without needing to engage in a specific sports or activity.

Table 2
Mustang Trail Character Areas by Trail Segment

Trail Segment	Segment Length	Type	Bicycle	Equestrian	Sidewalk	Nature Trail	Mountain Bike
1	Form Rodeo Trailhead located on the west side of Indian Route 591 across from the Kayenta Rodeo and Fair Grounds to the Highway 160 crossing access point.	Urban	Yes	Yes	Yes	No	No
2	Form the Highway 160 crossing access point to Kayenta Old Town Stables along the west side of Kayenta Main Street.	Urban	Yes	Yes	Yes	No	No
3	Form Kayenta Old Town Stables to the Laguna Creek crossing (Highway 163 natural underpass) along the west side of Highway 163.	Urban/ Rural	Yes	Yes	Yes	No	No
4	Form the Laguna Creek crossing (Highway 163 natural underpass) to the Laguna Creek Resort and Golf Course.	Rural	No	Yes	No	Yes	Yes
5	Form the Laguna Creek crossing (Highway 163 natural underpass) to the Kayenta Airport via the Laguna Creek Regional Linear Park.	Rural	No	Yes	No	Yes	Yes
6	Form the Kayenta Airport Regional Linear Park to Kayenta Main Street with one crossing access point at Highway 163.	Urban	Yes	Yes	Yes	Yes	Yes

Notes: Fencing is required for equestrian trails along those segments that are urban in character.
Separation between equestrian and non-equestrian trails, including vegetation buffer, is required on multi-use trails that are rural in character.



Example of Active Recreation: Sand Volleyball, Basketball, Tennis Courts, Fields, The Planning Center

Table 3
Recreation, Parks, Trails and Open Space Standards

ACTIVITY/ FACILITY	RECOMMENDED SPACE REQUIREMENTS	RECOMMENDED SIZE AND DIMENSIONS	RECOMMENDED ORIENTATION	NO. OF UNITS PER POPULATION	SERVICE RADIUS	LOCATION NOTES
Badminton	1620 sq. ft.	Singles – 17'x44' Doubles – 20'x44'	Long axis north-south	1 per 5000	¼ -1/2 mile	Usually in school, recreation center or church facility. Safe walking or bike access.
Basketball 1. **Youth** 2. **High School** 3. **Collegiate**	2400-3036 sq. ft. 5040-7280 sq. ft. 5600-7980 sq. ft.	46-50'x84' 50'x84' 50'x94' with 5' unobstructed space on all sides	Long axis north-south	1 per 5000	¼ - ½ mile	Same as badminton. Outdoor courts in neighborhood and community parks, plus active recreation areas in other park settings.
Handball (3-4 wall)	800 sq. ft. for 4-wall 1000 for 3-wall	20'x40' – Minimum of 10' to rear of 3-wall court. Minimum 20' overhead clearance	Long axis north-south. Front wall at north end.	1 per 20,000	15-30 minute travel time	4-wall usually indoor as part of multi-purpose facility. 3-wall usually outdoor in park or school setting
Tennis	Minimum of 7,200 sq. ft. single court (2 acres for complex)	36'x78'. 12' clearance on both sides; 21' clearance on both ends.	Long axis north – south	1 court per 2000	¼-1/2 mile	Best in batteries of 2-4. Located in neighborhood/community park or adjacent to school
Volleyball	Minimum of 4,000 sq. ft.	30'X60'. Minimum 6' clearance on all sides	Long axis north-south	1 per 5000	¼ - ½ mile	Same as other court activities (e.g. badminton)

Source: Lancaster, R.A. (Ed.). (1990), Recreation, Parks and Open Space Standards and Guidelines, Ashburn, VA. National Recreation and Parks Association.

Table 3
Recreation, Parks, Trails and Open Space Standards
(Continued)

ACTIVITY/ FACILITY	RECOMMENDED SPACE REQUIREMENTS	RECOMMENDED SIZE AND DIMENSIONS	RECOMMENDED ORIENTATION	NO. OF UNITS PER POPULATION	SERVICE RADIUS	LOCATION NOTES
Baseball 1. **Official** 2. **Little League**	3.0-3.85 A minimum 1.2 A minimum	Baselines – 90' Pitching distance 60 ½' foul lines – min. 320' Center field – 400'+ Baselines – 60' Pitching distance – 46' Foul lines – 200' Center field – 200' – 250'	Locate home plate to pitcher throwing across sun and batter not facing it. Line from home plate through pitchers mound run east-north-east.	1 per 5000 Lighted 1 per 30,000	¼ - ½ mile	Part of neighborhood complex. Lighted fields part of community complex.
Field Hockey	Minimum 1.5 A	180' x 300' with a minimum of 6' clearance on all sides.	Fall season – long axis northwest to southwest. For longer periods north-south	1 per 20,000	15-30 minutes travel time	Usually part of baseball, football, soccer complex in community park or adjacent to high school.
Football	Minimum 1.5 A	160' x 360' with a minimum of 6' clearance on all sides.	Same as field hockey.	1 per 20,000	15-30 minutes travel time	Same as field hockey.

Source: Lancaster, R.A. (Ed.). (1990), Recreation, Parks and Open Space Standards and Guidelines, Ashburn, VA. National Recreation and Parks Association.

Table 3
Recreation, Parks, Trails and Open Space Standards
(Continued)

ACTIVITY/ FACILITY	RECOMMENDED SPACE REQUIREMENTS	RECOMMENDED SIZE AND DIMENSIONS	RECOMMENDED ORIENTATION	NO. OF UNITS PER POPULATION	SERVICE RADIUS	LOCATION NOTES
Soccer	1.7 – 2.1 A	195' to 225'x330' to 360' with a minimum 10' clearance all sides.	Same as field hockey.	1 per 10,000	1-2 miles	Number of units depends on popularity. Youth soccer on smaller fields adjacent to schools or neighborhood parks.
Golf-driving Range	13.5 A for minimum of 25 tees	900'x690' wide. Add 12' width for each additional tee.	Long axis south-west-northeast with golfer driving toward northeast.	1 per 50,000	30 minutes travel time.	Part of a golf course complex. As separate unit may be privately owned.
¼ Mile Running Track	4.3 A	Overall width – 276' Length – 600.02' Track width for 8 to 4 lanes is 32'.	Long axis in sector from north to south to north-west-south-east with finish line at northerly end.	1 per 20,000	15-30 minutes travel time	Usually part of high school, or in community park complex in combination with football, soccer, etc.

Source: Lancaster, R.A. (Ed.). (1990), Recreation, Parks and Open Space Standards and Guidelines, Ashburn, VA. National Recreation and Parks Association.

Table 3
Recreation, Parks, Trails and Open Space Standards
(Continued)

ACTIVITY/ FACILITY	RECOMMENDED SPACE REQUIREMENTS	RECOMMENDED SIZE AND DIMENSIONS	RECOMMENDED ORIENTATION	NO. OF UNITS PER POPULATION	SERVICE RADIUS	LOCATION NOTES
Softball	1.5 to 2.0 A	Baselines – 60 ' Pitching distance- 46' min. 40' women. Fast pitch field Radius from Plate – 225' Between foul Lines. Slow Pitch – 275' (men) 250'(women)	Same as baseball	1 per 5,000 (if also used for youth baseball)	¼ - ½ mile	Slight differences in dimensions for 16" slow pitch. May also be used for youth baseball.
Multiple Recreation Court (basketball, volleyball, tennis)	9, 840 sq. ft.	120' x 80'	Long axis of courts with *primary* use is north-south	1 per 10,000	1-2 miles.	
Trails	N/A	Well defined head maximum 10' width, maximum average grade is 5% not to exceed 15%. Capacity rural trails – 40 hikers/day/mile. Urban trails – 90 hikers/day/mile.	N/A	1 system per region	N/A	

Source: Lancaster, R.A. (Ed.). (1990), Recreation, Parks and Open Space Standards and Guidelines, Ashburn, VA. National Recreation and Parks Association.

Table 3
Recreation, Parks, Trails and Open Space Standards
(Continued)

ACTIVITY/ FACILITY	RECOMMENDED SPACE REQUIREMENTS	RECOMMENDED SIZE AND DIMENSIONS	RECOMMENDED ORIENTATION	NO. OF UNITS PER POPULATION	SERVICE RADIUS	LOCATION NOTES
Archery Range	Minimum 0.65 A	300' Length x Minimum 10' wide between targets. Roped clear space on sides of range minimum 30', clear space behind targets minimum of 90'x45' with bunker.	Archer facing north = or – 45 degrees.	1 per 50,000	30 minutes travel time	Part of regional or metro park complex.
Golf **1. Par 3 (18 hole)** **2. 9-hole standard** **3. 18-hole standard**	 50-60 A Minimum 50 A Minimum 110 A	Average length vary 600-2700 yd. Average length –2250 yards Average length 6500 yards	Majority of holes on north-south axis	-- 1/25,000 1/50,000	½ to 1 hour travel time	9 hole course can accommodate 350 people/day. 18 hole course can accommodate 500-550 people/day. Course may be located in community or district park, but should not be over 20 miles from population center.

Source: Lancaster, R.A. (Ed.). (1990), Recreation, Parks and Open Space Standards and Guidelines, Ashburn, VA. National Recreation and Parks Association.

Table 3
Recreation, Parks, Trails and Open Space Standards
(Continued)

ACTIVITY/ FACILITY	RECOMMENDED SPACE REQUIREMENTS	RECOMMENDED SIZE AND DIMENSIONS	RECOMMENDED ORIENTATION	NO. OF UNITS PER POPULATION	SERVICE RADIUS	LOCATION NOTES
Swimming Pools	Varies on size of pool and amenities. Usually ½ to 2 A site.	*Teaching*- minimum of 25 yards x 45' even depth of 3 to 4 ft. *Competitive* – minimum of 25 m x 16 m. Minimum of 27 square feet of water surface per swimmer. Ratios of 2:1 deck vs. water.	None-although care must be taken in siting of lifeguard stations in relation to afternoon sun.	1 per 20,000 (Pools should accommodate 3 to 5% of total population at a time.)	15 to 30 minutes travel time	Pools for general community use should be planned for teaching, competitive and recreational purposes with enough depth (3.4m) to accommodate 1m and 3m diving boards. Located in community park or school site.

Source: Lancaster, R.A. (Ed.). (1990), Recreation, Parks and Open Space Standards and Guidelines, Ashburn, VA. National Recreation and Parks Association.

Hierarchy of Parks

The National Recreation and Parks Association developed a park classification system that includes guidelines for the establishment of a hierarchy of parks. These guidelines serve as a foundation from which communities can adopt level of service standards for parks, trails, and open space. A hierarchy of parks based on these national guidelines is provided in the following section.

Typical Pocket Park Design by The Planning Center

Pocket Park

A pocket park is the smallest park in the park classification system and should be considered as an alternative when providing a typical neighborhood park is impractical. Pocket parks provide open space and meet the recreational needs in high density urban neighborhoods. The site should be residential in scale and character and provide a quiet setting for park use. It should have a strong emphasis on passive uses such as picnic and sitting areas, include shade, and provide visibility from all adjoining streets to provide an inviting and safe environment. Table 1 lists standards for pocket parks.

Typical Pocket Park Design by The Planning Center

Neighborhood Park

A neighborhood park is the basic unit of the park system and serves as the recreational focus of an individual neighborhood. Surrounding uses should be predominantly single family or multi-family residential. Playgrounds, trails and usable open spaces are generally given the highest priority.

Park development should achieve a balance between active use areas such as sport fields and game courts and passive use areas intended for sitting, picnicking and relaxing. About half of the park area should incorporate passive activities and natural features. Uses requiring chain link fencing should be minimized in order to make the park visually attractive.

Typical Neighborhood Parks Designed by The Planning Center

Neighborhood parks are not intended for programmed activities that attract users from outside the neighborhood. Noise, glare, parking problems and street congestion should be minimized to provide a secured environment.

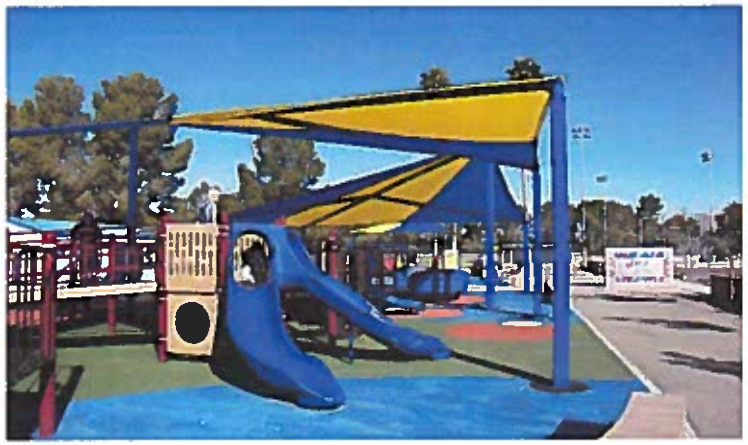
Typical Neighborhood Parks Designed by The Planning Center

Community Park

Community parks are typically larger in size than neighborhood parks and serve several neighborhoods with both active and passive recreational facilities. Group activities are well integrated and may include highly used recreational facilities such as programmed athletic sports fields, swimming pools and recreation centers, which are less appropriate for neighborhood parks due to the noise and vehicular traffic they generate.

Community parks may also contain large passive open space areas or preserve unique landscapes. About 25-50% should be undeveloped green or open space. This type of park, due to their location on major thoroughfares, provides a visual break in the built environment.

Most of the park should be visible from adjoining streets. When located abutting a linear park, it provides opportunities to connect with adjacent neighborhoods, art districts or schools via hiking, nature or biking trails along the linear park.



Example of Community Park

Typical Regional Park Designed by The Planning Center

Regional Park

Regional parks supplement community and neighborhood parks, serving broader based recreation needs in addition to those addressed in smaller parks. The increased size permits larger development of both active and passive facilities, providing a wide range of recreational pursuits.

Regional parks should include sizeable areas of undeveloped land with natural vegetation and/or water features. When possible, major thoroughfares should be routed around regional parks rather than through them. Regional parks can also incorporate linear parks and provide connectivity to the regional trail system.

Linear Park

Linear parks are greenways of open space that offer scenic beauty and allow safe, uninterrupted pedestrian, bicycle or equestrian movement along natural or built corridors. They are generally located along washes, creeks, streams or in association with major thoroughfares or boulevards. This type of park is ideal along major washes or riparian habitats or wildlife corridors. They can also serve to buffer residential areas from higher intensity uses such as the Kayenta airport. When linked to trails, walkway and bikeway systems, linear parks can provide connectivity to other parks, residential neighborhoods, schools, libraries and businesses. Linear parks provide breaks in the urban development pattern, conserve ecologically unique areas along riparian corridors, incorporate habitat restoration, and provide long stretches of open space well suited for multi-use trail systems.

Environmental Planning Element

The *General Plan Background and Current Conditions* volume provides analysis of environmental opportunities and challenges impacting the Designated Growth Area. This element includes the policy framework necessary to minimize the impacts of development on air quality, water quality, energy conservation and natural resources. The goals, policies and implementation strategies provided in this element address community wide concerns.

The policies and strategies under this element have communitywide applicability and shall not require the production of any additional environmental impact statement or similar analysis beyond the requirements of state and federal law.

This Environmental Planning Element ensures that growth and development is balanced with the protection and enhancement of the environmental infrastructure of the Township, including natural resources, open space, wildlife habitats, washes and floodplains through the use of sustainable principles. This element also addresses energy conservation, recycling, air and water quality, identifies potential flood hazards and provides policy direction for the mitigation of such hazards.

Environmental Planning Goals and Policies

GOAL 1: ACHIEVE SELF SUFFICIENCY BY REDUCING THE CARBON FOOTPRINT, PROMOTING ENERGY EFFICIENCY AND RESOURCE CONSERVATION, AND PRESERVING WILDLIFE CORRIDORS, HABITATS, WASHES, GROUNDWATER AND VIEWSHEDS.

Policy 1: Protect environmentally sensitive and riparian areas as a resource for eco-tourism.

Policy 2: Cluster development and provide integrated open space.

Policy 3: Incorporate passive and active solar methods and/or wind turbines in new development and redevelopment when feasible.

Policy 4: Investigate new technology that may reduce waste disposal costs and support alternative energy production.

Policy 5: Utilize drought-tolerant vegetation to protect environmental resources, provide shade and protection from summer heat and help reduce the heat island effect.

Implementation Measures:

a. Create guidelines to preserve and maintain undisturbed riparian vegetation and wildlife habitat and to ensure consistency in staff review.

b. Promote cluster development that provides integrated open space in new developments using implementation tools such as master plans and planned area development.

c. Establish a Utility Incentive Program to motivate customers to incorporate alternative energy sources into new and existing developments.

d. Explore opportunities in cutting-edge technology to reduce solid waste disposal and produce biomass energy.

e. Adopt a drought-tolerant plant palette that provides guidance for future development along corridors and within the major planning areas to create a distinct sense of arrival to a destination.

GOAL 2: ESTABLISH MECHANISMS TO MANAGE WATER CONSUMPTION.

Policy 1: Incorporate water conservation, reuse, and rainwater harvesting principles into new development.

Policy 2: Establish an education program that educates the community on the benefits of water harvesting, drip irrigation and sustainable options for water use and reuse as mechanisms to manage water consumption.

Implementation Measures:

a. Require that landscape plans for new development include water harvesting and drip irrigation.

b. Establish a Public Awareness Water Conservation education program that educates the community on the benefits of water harvesting, drip irrigation, and water use and reuse as mechanisms to reduce water consumption.

c. Establish a Utility Incentive Program for commercial and industrial customers designed to motivate water customers to update or replace their equipment to become more water efficient.

d. Major sources of emission in Kayenta include unpaved roads and cleared areas. Implementing programs designed to improve air quality increases the sustainability, livability and viability of the Township.

GOAL 3: PROTECT AND IMPROVE AIR QUALITY BY REDUCING SOURCES OF AIR POLLUTION.

Policy 1: Meet Federal and State Air Quality Standards by implementing programs and providing incentives designed to increase air quality and to reduce dust or fine particulate matter and carbon monoxide pollution.

Policy 2: Promote preservation of existing vegetation and revegetation of disturbed areas and limit premature removal of vegetation to assist in dust control.

Implementation Measures:

a. Implement programs to reduce dust pollution, such as paving roadways, and adopt and enforce ordinances relating to grading, dust control and construction regulations.

b. Develop programs to improve connectivity and walkability throughout the Township to encourage alternative modes of transportation that reduce emissions.

c. Implement programs designed to reduce emissions from industrial, manufacturing and vehicular sources.

d. Require preservation of existing vegetation and revegetation of disturbed areas and limit premature removal of vegetation whenever possible through the use of mitigation techniques in development plans, master plans, planned area developments and other implementation tools.

GOAL 4: PROTECT WATER QUALITY BY REDUCING SOURCES OF WATER POLLUTION.

Policy 1: Meet Federal and State Water Quality Standards by implementing programs designed to increase water quality.

Implementation Measures:

a. Continue to work with all appropriate agencies and ADEQ to ensure water quality.

b. Create an education and outreach campaign that educates the community on water quality management.

GOAL 5: MAINTAIN, PRESERVE AND PROTECT THE DESERT CHARACTER AND ENVIRONMENT OF KAYENTA TO FURTHER THE COMMUNITY SUSTAINABILITY AND ECONOMIC DEVELOPMENT GOALS

Policy 1: Retain and enhance where possible, the desert character of the area through the use of context sensitive solutions.

Policy 2: Enhance the connectivity and walkability of the Township to provide adequate access to natural features.

Policy 3: Promote Kayenta as a destination for eco-tourism.

Implementation Measures:

a. Incorporate Context Sensitive Design into planning decisions whenever possible.

b. Develop programs to preserve important riparian areas and wildlife habitats.

c. Develop programs to improve connectivity and walkability and ensure adequate access to natural features in accordance with the direction provided in this Comprehensive Plan.

GOAL 6: PREVENT FLOOD HAZARDS IN AREAS ALONG THE WASHES AND MAJOR DRAINAGEWAYS.

Policy 1: Work with the Federal Emergency Management Agency (FEMA) to minimize flood hazards and to build a resilient community.

Implementation Measures:

a. Work with Navajo Agencies and FEMA to obtain FEMA Letter of Map Revision adopting most recently completed floodplain maps.

b. Apply for Flood Insurance Rate Maps (FIRM) status with FEMA.

Community Facilities and Services Element

Community facilities include all public utilities, such as water collection, treatment, and distribution; wastewater collection and treatment; waste treatment and storage facilities; electrical utilities; schools; fire, rescue and emergency medical services; police protection; and libraries. Community facilities may also include hospitals, community centers, and other public and quasi-public facilities.

Community facilities provide services to the community. For land to be developable there must be access to a network of supporting infrastructure and community facilities, such as road frontage, potable water, and waste disposal. Property without these services generally has a lower value in land planning and development. Community facilities are integral parts of commercial centers, industrial and office parks, employment centers, civic centers and residential neighborhoods.

The Kayenta Civic Center includes governmental offices and it is a land use designation in the Kayenta Future Land Use Plan Map. A power plant may be planned in conjunction with an industrial land use. Other facilities, such as waterworks, sewage treatment plants, power substations, recycling centers and landfills have special location considerations and can be planned for separately. However, it is important to keep in mind the effect of such facilities on the future development of the areas in which they are located.

The *Background and Current Conditions* volume assesses community facilities and services adequacy for serving present and future needs. This element includes goals to achieve the placemaking character and long-range viability expressed in the community vision that will make the Township a self-sufficient sustainable destination. It also includes the policy direction and associated implementation measures for providing the desired level of public facilities and services throughout the planning horizon. The purpose of this element is to provide policy direction needed to:

1. Assist the Township in coordinating the planning of public facilities and services to make the most efficient use of existing infrastructure;
2. Align infrastructure needs with Township Economic Development Goals.
3. Facilitate identification of future investments and expenditures for capital improvements and long-term operation and maintenance costs for each character area; and
4. Provide a monitoring system that assists the Township in monitoring and managing growth.

Community Facilities and Services Element Goals

GOAL 1: ALIGN ECONOMIC DEVELOPMENT GOALS WITH THE PROVISION OF FUNCTIONAL, EFFECTIVE AND EFFICIENT PUBLIC AND PRIVATE FACILITIES AND SERVICES

Policy 1: Adopt a Community Facilities Management System that facilitates the functional, effective and efficient delivery of public infrastructure needed to sustain existing and planned development and includes:

(1) Stormwater management system;

(2) Potable water distribution system;

(3) Wastewater collection and disposal system;

(4) Solid waste collection and recycling; and

(5) Water harvesting and greywater systems.

Rationale: A primary goal of the Township is to create a self-sufficient sustainable destination. A Community Facilities Management System facilitates identification of priorities for the Capital Improvements Plan. Such integrated approach allows the Township to respond to prioritized needs and to phase infrastructure.

IMPLEMENTATION MEASURES

a. Promote joint use of stormwater detention areas for parks, sports fields and open space.

b. Identify funding options for the phased provision of a functional, effective and efficient water distribution and delivery system to major character areas.

c. Identify funding options for the phased provision of effective and efficient sanitary sewer collection, disposal and treatment system and for the treatment of effluent to provide safe wastewater disposal to major growth areas designated in the Growth Area Element.

d. Expand the existing sanitary sewer to include areas where septic tanks exist with a housing density of one (1) dwelling unit per acre or with non-residential users.

e. Prepare a Water and Wastewater Master Plan that reflects the development intent of each major character area.

f. Develop a waste management collection system that includes recycling options.

g. Identify options in the Community Facilities Management System for water harvesting, water use and reuse and greywater systems for residences, employment, commerce and industry.

h. Require that all development plans, area plans, master plans and planned area developments reflect the policy direction provided in this element.

GOAL 2: ALIGN ECONOMIC DEVELOPMENT GOALS WITH PUBLIC PROTECTION AND SAFETY

Policy 1: Include the Police Department, Fire and EMS needs in the Community Facilities Management Systems to facilitate the functional, effective and efficient delivery of public protection and safety.

Rationale: Public protection and safety is a primary goal of the Township. Therefore, in prioritizing the cost of safety and protection and identifying pro-active safety programs as the designated character areas are developed is essential.

IMPLEMENTATION MEASURES

a. Support the needs of Kayenta Police Department by:

(1) Planning the replacement of police vehicles as part of the Capital Improvements Plan;

(2) Identifying opportunities to provide maintenance to police and other Township vehicles with a Township maintenance shop.

(3) Coordinating transportation improvements with the Police Department to ensure safe, efficient and effective delivery of services.

b. Meet the administrative and operational space needs of a growing Police Department by planning for adequate location, operation and office space for the Police Department so that response time is maintained as the growth areas develop.

Policy 2: Ensure appropriate Police, Fire and EMS response times.

Rationale: As major growth areas develop, future fire and EMS station locations are must be determined. The Township promotes joint use locations for fire, police protection and EMS where feasible and appropriate to minimize costs and maintain response times. A detriment to response times in Kayenta is the lack of street definition and the absence of a 911 address system. These need to be addressed as part of the redevelopment and rehabilitation efforts of the Kayenta Redevelopment/Rehabilitation area delineated in the Growth Areas Element.

IMPLEMENTATION MEASURES

a. Support fire protection needs by:

(1) Maintaining adequate water supplies and facilities for emergency response.

(2) Studying, and revising as necessary, the location of fire hydrants in underserved areas.

(3) Coordinating transportation improvements with the Fire Department to ensure safe, efficient and effective access and maintain response times.

b. Include a Fire Department and Emergency Management Services needs assessment in the Community Facilities Management System and monitor development to anticipate the need for:

(1) Fire Department administrative office and fire station space;

(2) Training facility, equipment and staff;

(3) Fire prevention and safety education and awareness programs and materials;

(4) Emergency vehicle access to new development as designated growth areas develop; and

(5) Emergency vehicle access during flood events by providing appropriate stormwater management.

c. Require that adequate water supply and water pressure are available on-site at the time of development or redevelopment.

d. Develop and maintain programs that remove or renovate structures that are fire hazards.

e. Encourage the use of fire-proof or fire resistant materials in new construction.

f. Update zoning, building and fire codes to meet accepted fire insurance requirements.

g. Require that all area plans, master plans and planned area developments conform to policy direction provided in this element.

GOAL 3: DEVELOP QUALITY EDUCATION FACILITIES IN KEEPING WITH ECONOMIC DEVELOPMENT GOALS

Policy 1: Support the establishment of a high-quality public education system offering a full range of educational opportunities.

Rationale: A sustainable community benefits from the creation of a strong working force that becomes a magnet for industry attraction.

IMPLEMENTATION MEASURES

a. Work with NAU, Dine College, N.A.T.I.V.E, and Kayenta School District to identify high-quality job training programs to increase the skill level of the Township work force.

b. Promote opportunities for post-secondary, continuing education and vocational training by actively:

(1) Supporting development of vocational training centers, and junior college facility to serve residents and businesses;

(2) Increasing work force skills to attract high-wage paying industries;

(3) Supporting the public library system;

(4) Supporting the development of technology and innovation, agricultural extensions and a sustainability program; and

(5) Pursuing a variety of arts programs to complement the Arts District.

GOAL 4: ADOPT WASTE MANAGEMENT PROGRAM IN KEEPING WITH ECONOMIC DEVELOPMENT GOALS

Policy 1: Establish a comprehensive waste management program that includes solid waste, recycling, wildcat dumping, littering and trash reduction programs.

Rationale: Maintaining the community clean and recycling are major goals of any sustainable community. Currently, the honor students at the Monument Valley High School have a clean up and litter collection program. Educational programs are beneficial, instilling a sense of pride and improving the sense of place.

IMPLEMENTATION MEASURES

a. Work with NAU, Dine College, N.A.T.I.V.E, Monument Valley High School and Kayenta School District to develop curriculum on litter, recycling, adopt a highway, weed and seed, back to basics and any other program suitable for students to learn about these concepts at an early age and to develop adult education programs addressing these.

b. Work with Kayenta Business Association, community association, non-profit organizations to identify volunteer groups for litter removal.

c. Work with detention center to identify prisoners with good conduct that can participate in community trash removal programs.

d. Continue efforts to identify other locations to implement the "Adopt a Highway Program."

e. Apply for grants to establish a comprehensive waste management program that includes solid waste collection and reduction, recycling, wildcat dumping, littering and trash reduction programs.

f. Establish a comprehensive waste management education program that includes literature, videos and brochures.

g. Adopt, implement and enforce a litter fine for both visitors and community members.

Water Resources Element

GOAL 1: ALIGN ECONOMIC DEVELOPMENT GOALS WITH THE ADEQUATE HIGH-QUALITY SUPPLY OF WATER NEEDED TO SUSTAIN THE CURRENT AND PROJECTED POPULATION AND ACHIEVE SELF-SUFFICIENCY

Policy 1: Provide an adequate water supply of potable and non-potable water to serve the current and projected population, commerce, employment and industrial needs of the Kayenta Designated Growth Area.

IMPLEMENTATION MEASURES

a. Ensure adequate water supply to meet current and future needs.

b. Identifying various methods to recharge water to the ground sub-basin.

c. Recharging treated effluent in the Laguna Creek bed to support riparian vegetation and wildlife corridor creation.

d. Removing lands from the floodplain and recharge treated effluent to reconstruct a portion of Laguna Creek.

e. Locate and develop additional sources of groundwater for potable and non-potable needs.

f. Require that the Water and Wastewater Master Plan to identify the adequate water supply to serve current and forecasted population, commerce and industry in conformance with the:

(1) Economic development intent of each character area provided in this Comprehensive Plan;

(2) Land use distribution, densities and intensities included in this Comprehensive Plan; and

(3) Policy direction provided in the Community Facilities and Infrastructure Element.

(4) Implement water reuse and recharge opportunities to provide a reliable and high-quality water supply;

(5) Implement water conservation/drought management measures.

GOAL 2: ENCOURAGE THE ESTABLISHMENT OF WATER CONSERVATION STRATEGIES TO MANAGE WATER CONSUMPTION AND ENSURE FUTURE WATER SUPPLY

Policy 1: Identify water conservation strategies for each character area.

Rationale: Encouraging water conservation strategies supports the sustainability goals of the Township and assists in providing the water supply needed to serve current and future residential, employment, commerce and industry needs.

MPLEMENTATION MEASURES

a. Discourage the use of turf in residential, employment, commercial and industrial landscapes and along roadways in the public realm.

b. Encourage the use of air paved gravel and air grass systems in lieu of turf for sports arenas and golf courses.

c. Adopt a drought tolerant plant palette and provide incentives for the use of xeriscapes.

d. Encourage the use of efficient irrigation systems (drip/low flow) and water harvesting features in all new development or redevelopment.

e. Continue to inspect new constructions for low-water use equipment as specified in the green building code.

f. Balance water management with urban heat island mitigation by furthering the heat island mitigation goals and policies provided in the Environmental Planning Element.

g. Require that all development conform to the policy direction provided in this element.

GOAL 3: IMPLEMENT SUSTAINABLE WATER MANAGEMENT WITHIN THE DESIGNATED GROWTH AREA

Policy 1: Include supply-side sustainable water management measures such as water reuse and alternative water supplies.

Rationale: Sustainable water management involves supply-side measures such as water reuse, effluent and other alternative water supplies like appropriately treated rainwater.

IMPLEMENTATION MEASURES

a. Utilize recycled water for landscape irrigation and irrigation purposes and for large turf areas such as golf courses, sports fields, community parks and street landscapes.

b. Supports the use of greywater in residential development.

c. Utilize appropriately treated rainwater as an alternative water supply (water harvesting).

GOAL 4: EDUCATE COMMUNITY ON WATER CONSERVATION MEASURES

Policy 1: Continue to promote public awareness to reduce water use.

Rationale: Sustainable water management measures involve educating the public on demand-side water conservation measures such as installing water-efficient appliances, bathroom fittings and being 'waterwise'.

IMPLEMENTATION MEASURES

a. Continue to work with school districts and Navajo agencies to enhance awareness.

b. Support creative and effective water conservation educational programs.

c. Participation in regional advertising campaigns to enhance awareness.

d. Support voluntary programs to retrofit residential and commercial structures with low flow fixtures and recirculating hot water systems.

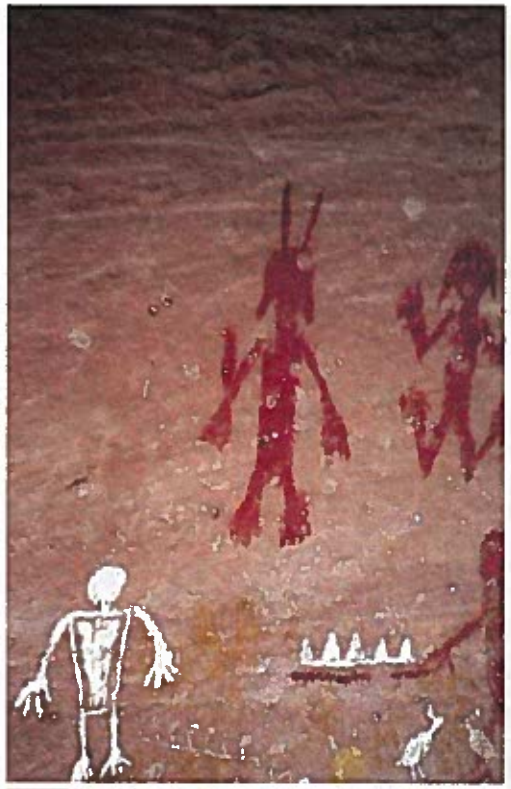
KAYENTA TOWNSHIP

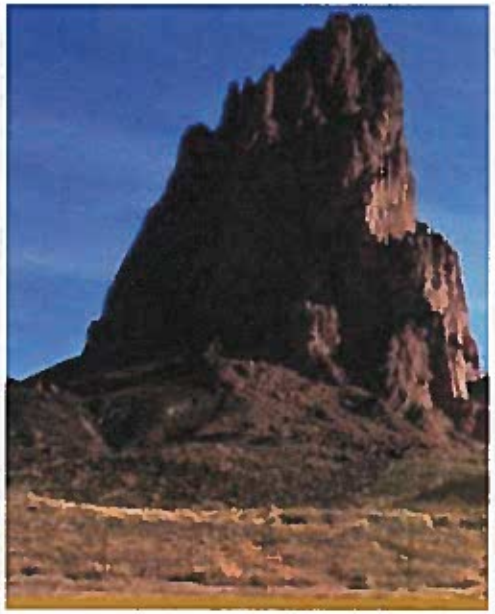
COMPREHENSIVE PLAN

BACKGROUND AND

CURRENT CONDITIONS VOLUME

Kayenta Township Comprehensive Plan





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ARROWHEAD
ENGINEERING, INC

Background and Current Conditions Volume

Kayenta Township, Navajo Nation, Arizona

Kayenta Township Comprehensive Plan

Prepared for

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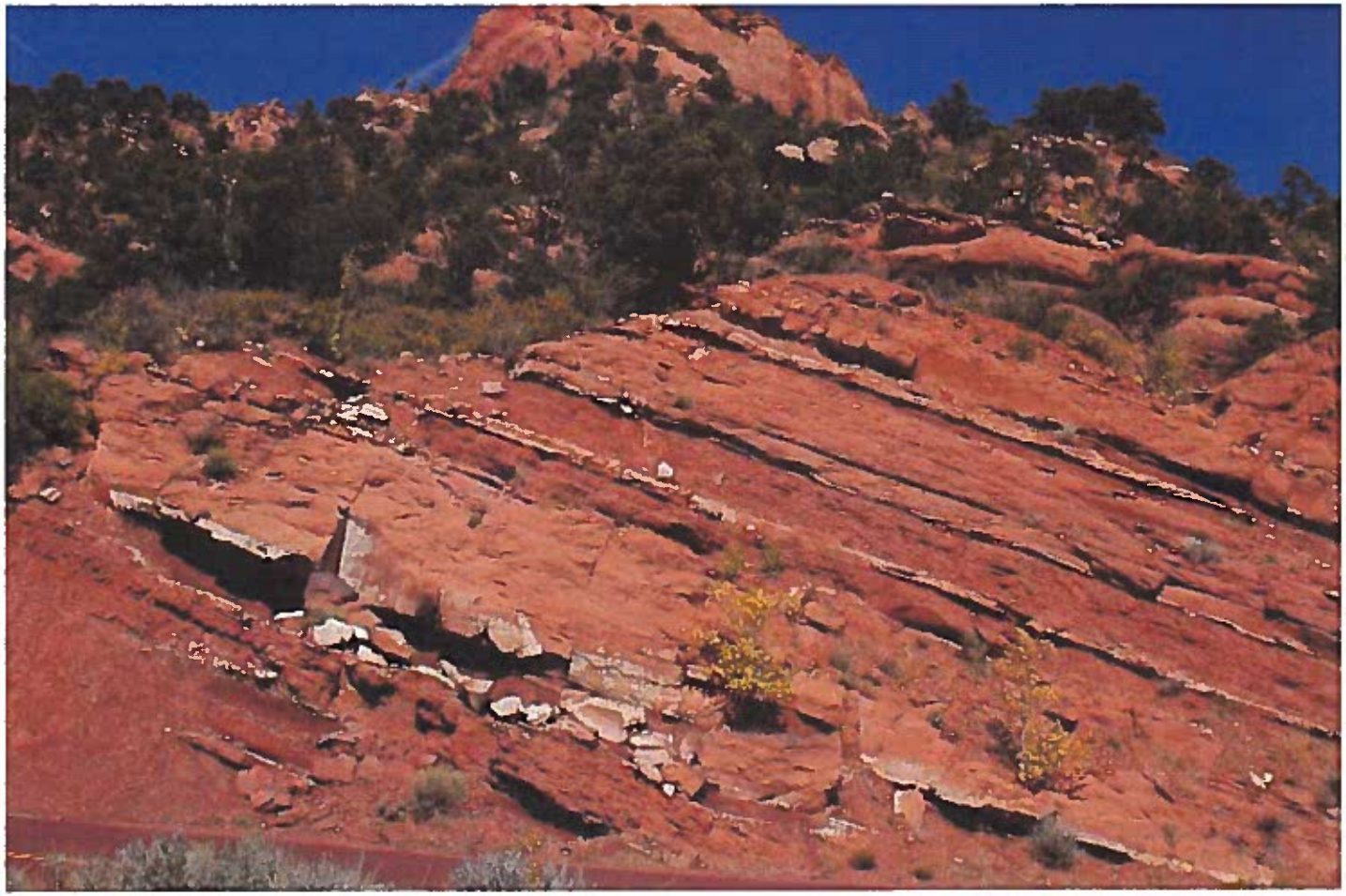

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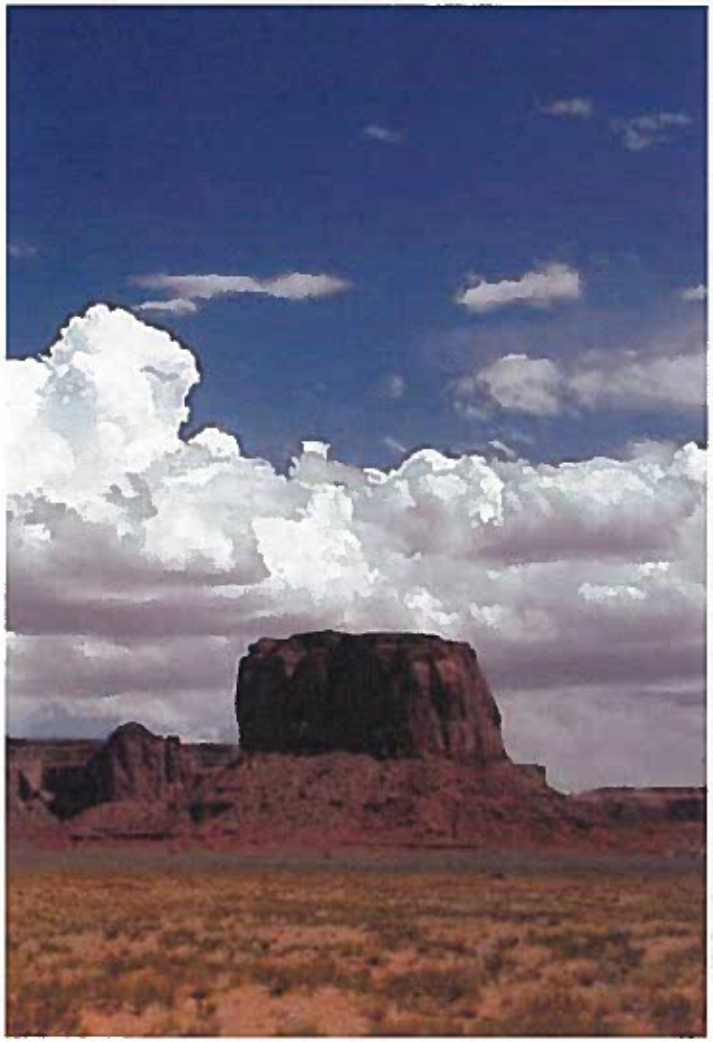
Background and Current Conditions Volume

Kayenta Township Comprehensive Plan



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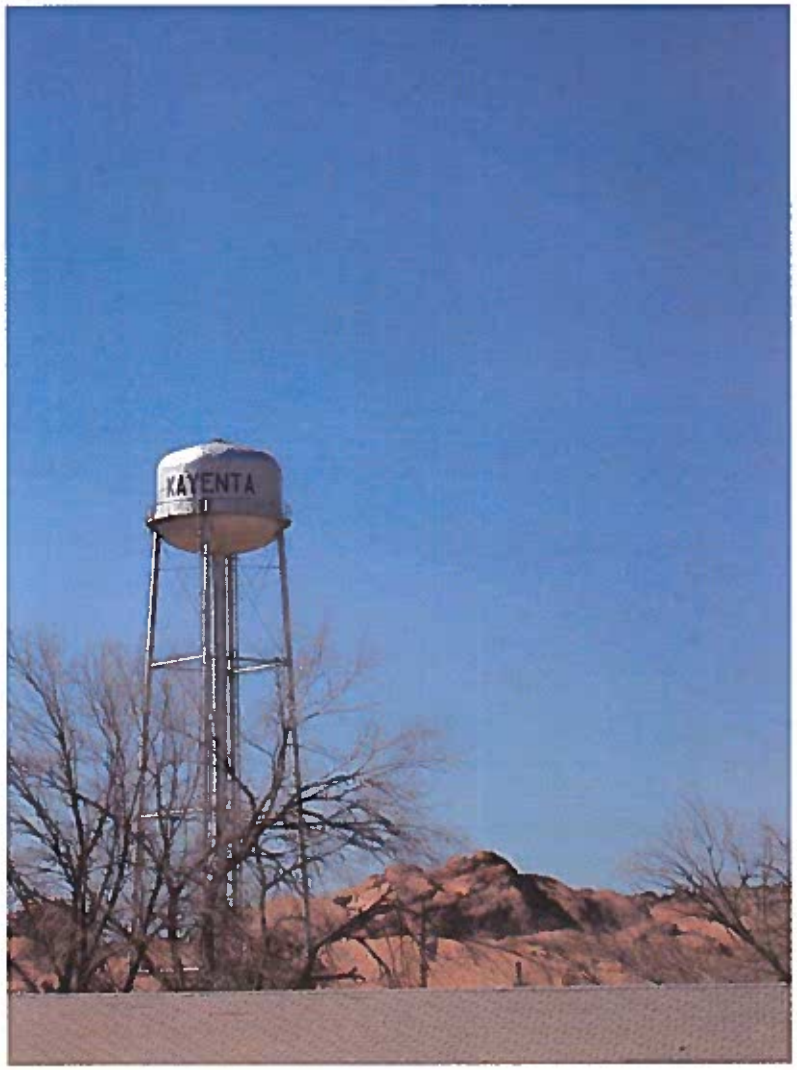

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Kayenta Township Comprehensive Plan

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Kayenta Township Comprehensive Plan

Kayenta Township, Navajo Nation, Arizona

Kayenta, Navajo: **Tó Dinéeshzhee** is located in northeastern Navajo County, Arizona, about 20 miles south of the Utah border on U.S. 163, 148 miles north-northeast of Flagstaff, and 99 miles west of Shiprock, New Mexico. Because of its remoteness, in the early days the Kayenta region was seldom visited by non-Indians.

Kayenta Township is the only municipal-style government within the Navajo Nation. It is regarded as a political sub-division of the Navajo Nation. The Township is managed by a five-member elected town board, which hires the township manager.

Kayenta is the name for the Chapter, as well as the township. Kayenta Chapter (a political division within the Navajo Nation that is analogous to a county within a state) encompasses land in both Utah and Arizona. As a result, the Navajo Nation's census figures for Kayenta Chapter are significantly different from those of Kayenta Township.

Kayenta is a Census Designated Place (CDP) with a 2000 census population of 4,922. According to the United States Bureau of the Census, the CDP has a total area of 13.2 square miles (34.3 km²). Kayenta is located at an elevation of 5,640 feet (1,719 m).

Major Scenic Attractions

Twenty-seven miles north of Kayenta is the Navajo Nation's most famous attraction, Monument Valley Tribal Park. Betatakin, Navajo for "houses in rock shelves," and Keet Seel Ruins are about 20 miles away. The Four Corners area, a junction of Arizona, Utah, Colorado and New Mexico, the only spot in the United States where four states meet, is less than 80 miles away.

Within a 150- mile radius are a variety of parks and recreational facilities including: Grand Canyon National Park, Glen Canyon National Recreation Area, Lake Powell and Glen Canyon Dam on the Colorado River. The prehistoric Indian dwellings of Canyon de Chelly National Monument and the monoliths and arches of Monument Valley, Rainbow Bridge National Monument and the Navajo Scenic Area are nearby.

Main Gateway to Monument Valley

Located immediately south of Monument Valley, the Township serves as its main gateway, providing a variety of hotels and motels and guided tour services to visitors attracted to the area. The area offers spectacular views of geological formations that have been amply recorded in film, photography and art.

History as a Trading Post

Because of its remoteness, in the early days the Kayenta region was seldom visited by non-Indians. In 1874, Mormon emigrants traveled through on their way from Tuba City to Aneth. In 1910, the first trading post opened at Kayenta. In 1914, the March Pass School opened. In 1916, the second trading post opened. Since that time, especially with road paving through the area, Kayenta has had considerably more traffic and has been designated a "growth center" of the Navajo Nation. Navajos refer to Kayenta as Tohdenasshai.

Major Annual Community Events

The Kayenta Fourth of July Rodeo is an annual multi-day event taking place from July 1–4. Various events take place daily. The "Best of the Best" show and fireworks happen on the fourth.

The Kayenta Fourth of July Rodeo has been recognized six times as the "Rodeo of the Year" and twice as the "Outstanding Rodeo" by the All Indian Rodeo Cowboys Association, making it one of the premier rodeos in the Southwest.

Another major annual community event is the 4th of July Pow Wow. In addition, Kayenta annual events include the Monument Valley Film, Arts and Blues Festival. This Festival is the first and only Native American festival of its kind to be held on the Navajo Nation. The goal of the film festival is to bring Native made films to the people of the Navajo Nation who otherwise would not have the opportunity or means to see these films. It is also an opportunity for emerging and seasoned film makers to present their work to a primarily all Native audience. The festival is also seeks Native blues groups and artists for the opening night Blues Festival.

The Monument Valley Film, Blues and Arts Festival seeks sponsorship from businesses, organizations and individuals for on an ongoing basis. Sponsorship is what keeps this film festival free. Volunteers are also invited on an ongoing basis.

Education

Kayenta is served by the Kayenta Unified School District. Several schools within the district serve the community. Kayenta Primary School, Kayenta Intermediate School, Kayenta Middle School, and Monument Valley High School are the public schools. Part of the Bureau of Indian Affairs, the Kayenta Community School, is a boarding school serving both day and dorm students. There is also a branch of the Diné College in Kayenta. In addition, Kayenta includes the Northeast Arizona Technological Institute of Vocational Studies (N.A.T.I.V.E) District and the North Arizona University (NAU) Kayenta Campus. Educational institutions and school districts are addressed in the Community Services and Public Facilities section of this document.

Community Facilities

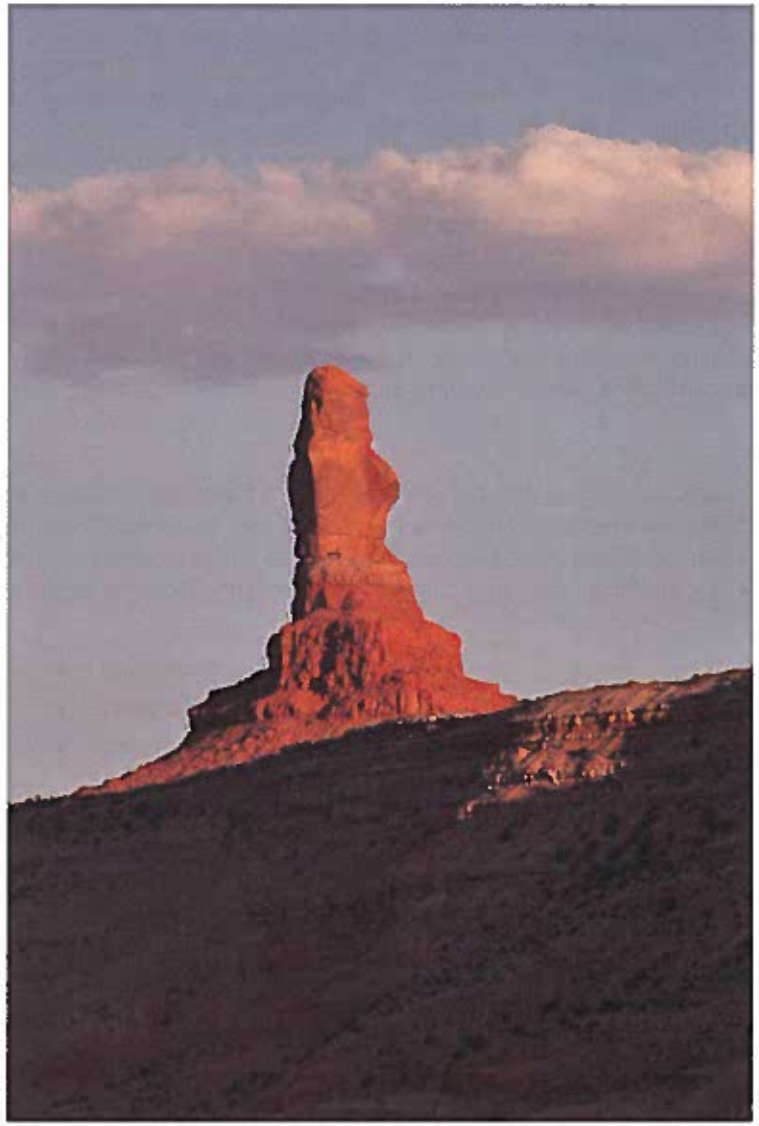
Kayenta Township offers a wide range of facilities including a Tribal Chapter House, the Kayenta Field House, five gas stations, a variety of restaurants, rodeo grounds and three gymnasiums, two softball and two football fields at the high school and BIA school. In addition there is a recreation center that includes a softball field. Additional information on community facilities is provided in the Community Services and Public Facilities section of this document.

Utility Companies

Utility companies serving the Township include the Navajo Tribal Utility Authority (NTUA) Natural Gas, Frontier Communications, and Water & Sewer Navajo Tribal Utility Authority. Utility companies and services are addressed in the Community Services and Public Facilities section of this document. There is an adopted Utility Ordinance that requires ongoing coordination with NTUA. Additional information on community facilities is provided in the Community Services and Public Facilities section of this document. Additional information on utilities is provided in the Community Services and Public Facilities section of this document.

Kayenta Airport

The Kayenta Airport is a general aviation airport located in northeastern Arizona. The airport is approximately one mile southeast of the Town of Kayenta immediately north of Highway 160. The airport encompasses approximately 140 acres of land and is owned and operated by Kayenta Township. The airport's primary mission is to serve as a medical evacuation facility. The Kayenta Airport is addressed in the Transportation section of this document.



The Comprehensive Plan

The Kayenta Township Comprehensive Plan is a long-range policy document designed to improve the quality of life of the Township. The Comprehensive Plan:

- Includes direction for development, redevelopment, infill development and compact smart growth
- Serves as a guide for decision making
- Includes strategies for redevelopment of decayed areas
- Is a legal state mandate for all Arizona jurisdictions (counties and municipalities) outside of the Navajo Nation.
- Guides the development standards and design guidelines provided in the Zoning Ordinance

As the roadmap guiding development, infill development and redevelopment within the Township, this planning tool includes the vision of the community, a thorough analysis of opportunities and challenges, the policy framework guiding development and the implementation strategies necessary to implement the plan.

The Comprehensive Plan serves as a guide for Township officials in the:

- Evaluation of proposals for development and redevelopment
- Identification of capital improvements projects
- Development of more specific studies.

It includes background data and current conditions and provides a policy framework for the refinement of implementation tools such as the zoning ordinance. It also defines all the administrative and monitoring mechanisms necessary to administer and manage the Comprehensive Plan.

The Comprehensive Plan document consists of two volumes. The *Policy Plan* volume serves as the regulatory document guiding development and redevelopment. This volume includes the community vision, guiding principles, goals, policies and implementation measures.

The *Background and Current Conditions* volume includes an analysis of opportunities and constraints, serves as the backbone of the *Policy Plan* and provides a comprehensive look of the physical, regulatory, demographic, socioeconomic and fiscal conditions impacting development within the Township.

Previous Land Planning Efforts in Kayenta

The form and character of Kayenta Township has been molded by the collaborative efforts of a variety of individuals, a multiplicity of Navajo Nation departments, and a wide diversity of public agencies under the leadership of the Navajo Nation's decision makers. Each planning process undertaken in the past has influenced the character of the community and its sense of place. In addition, such processes have assisted Kayenta in its transition from a rural to a more urban setting. Two major previous planning efforts include the Kayenta Chapter Comprehensive Land Use Plan and the Kayenta Airport Master Plan.

Kayenta Chapter Comprehensive Land Use Plan

A Kayenta Chapter Comprehensive Land Use Plan was adopted by Resolution of the Navajo Tribal Council CN-86-85 in November of 1985. The Comprehensive Plan approved the overall concept of the Land Use Planning Authority and extended local governing capacity to the community of Kayenta, officially designating the planning area as the "Kayenta Township Pilot Project".

The Advisory Committee of the Navajo Tribal Council has the authority to create a Navajo Nation entity by adoption of its Plan of Operation. Under Navajo Tribal Council direction, the Kayenta Chapter undertook the effort to develop a Land Use Plan for the Kayenta Community with the goal of developing an improved local government system that would meet the policies, expectations and hopes of the local residents and the Navajo Nation's policy of decentralizing the Government.

The Kayenta Chapter delegated to the Kayenta Planning Board (KPB) to spearhead this effort. The KPB, with the assistance of the Division of Economic Development, prepared a concept paper which provides a general description of the envisioned local land use planning and the community government recommended for the Kayenta Community and the Kayenta Township Pilot Project.

The Economic and Community Development Committee of the Navajo Tribal Council recommended support of the Kayenta Township Pilot Project concept by Resolution EDCAU-01-85. The Advisory Committee of the Navajo Tribal Council recommended to the Navajo Tribal Council approval of the overall concept of a local land use planning authority and local governing capacity in the community of Kayenta, officially designating the Comprehensive Land Use Plan as the "Kayenta Township Pilot Project" and approving the Plan of Operation for the Kayenta Pilot Project by Resolution ACO-186-85.

Per directive of the Advisory Committee of the Navajo Tribal Council, a map of the proposed land use to be withdrawn was prepared by the Kayenta Planning Board detailing the proposed jurisdiction of the Kayenta Planning Board under the plan of operation. The Navajo Tribal Council approved the concept of local government development, the overall concept of the local land use planning authority, the Plan of Operation and granted jurisdiction to the Kayenta Planning Board over the proposed area contingent upon consistency and compliance with existing policies and regulatory status of the Navajo Nation and the Federal Government.

The Navajo Tribal Council supported the Memorandum of Understanding between the Kayenta Planning Board and the Division of Economic Development and further directed these two entities to coordinate their efforts, as authorized by the Plan of Operation, with all other appropriate Tribal Divisions and Departments.

The Kayenta Comprehensive Land Use Plan was the first phase component of the overall plan for the implementation of the Kayenta Township Pilot Project. It was the product of an extensive process of community involvement and decision-making.

The purpose of the Kayenta Comprehensive Land Use Plan was to include the following:

1. An Open Space Plan which preserves for the people certain areas to be retained in their natural state or developed for recreational purposes.
2. A Land Use Plan which projects future community land needs, showing by location and extent, areas to be used for residential, commercial, industrial and public purposes.
3. A Thoroughfare Plan which improves a system of and provides design criteria for major existing and proposed streets, distinguishing between limited access, primary and secondary thoroughfares, and relating major thoroughfares to the road network and land use of the surrounding area.
4. A Community Facilities Plan which shows the location, type, area served including, but not limited to, recreation areas, schools, libraries, and other public buildings, related public utilities and services.

Kayenta Airport Master Plan

Completed in 2005, the Kayenta Airport Master Plan was financed, in part, by the Airport Improvement Program financial assistance from the Federal Aviation Administration (FAA) as provided under Title 49, United States Code, and Section 47104.
This master plan describes the overall long-range development concept for the Kayenta Airport. The concepts are illustrated in the Airport Layout Plan (ALP). The master plan document includes the data and the rationale that served as the backbone of this report. The purpose of this master plan is to provide guidelines for future airport development that satisfy aviation demand in a financially feasible manner, while balancing the aviation, environmental and socioeconomic impact of the airport in the community.

The primary objectives of the Airport Master Plan are to:

1. Develop a viably phased development plan concept that satisfies the needs of the airport in a safe, efficient, economically and environmentally sound manner.
2. Serve as a guide to decision makers, airport users and the general public for implementing airport development actions in line with both airport and community concerns and objectives.
3. Identify optimum land uses that enhance the economic benefits of the airport and that are compatible with airside development.
4. Prepare a compatible land-use and height restriction plan for the airport vicinity, including recommended zoning protection within the airport influence zone.
5. Prepare a Capital Improvements Plan that schedules development projects and reasonable cost estimates to implement the necessary to implement the Airport Master Plan.

Why is Planning Necessary

Planning, like life, is a dynamic process. Environmental conditions, market forces and individual needs and preferences change over time. As Kayenta continues to change from a rural to a more urban community, it benefits from ongoing planning efforts that acknowledge previous planning processes and addresses changes and trends not foreseen in previous exercises. Such foresight provides the continuity needed to ensure the long-term viability and sustainability of the community. Without a continuous planning process, the future character and sense of place of the community would be determined by a series of unrelated decisions leading to unintended and often undesirable results.

The planning process is a holistic process. It provides a framework by which decisions and actions can be coordinated with other community plans and development proposals. This insures that the end result will be of benefit to the whole community.

As Kayenta stands ready to accept new growth, many new and complex social, economic and environmental opportunities and constraints arise. Such opportunities and constraints must be addressed as they will impact the future of the community. Planning is the process of examining such opportunities and constraints and outlining a plan of action designed to achieve the community vision.

Comprehensive Plan Intent

This Comprehensive Plan seeks to support the community's vision in a manner that ensures the livability, viability and sustainability of the community for generations to come.

This Comprehensive Plan is created to provide specific guidance for Kayenta Township to support its community and to further the rich culture, tradition, identity and economic base of Kayenta as a unique place to live, work, learn, visit and play.

Planning Approach

The Planning Center utilizes a *Comprehensive, Systematic, and Inclusive* (CSI) approach to land planning. This approach allows us to tailor the planning process to meet the unique needs of the community and resolve controversial issues. As part of this approach, we modify the public participation program to meet community needs and include a variety of outreach strategies designed to increase community participation. This CSI approach embraces practical urban design with marketable, innovative ideas owned by the community. By understanding the roles and needs of community members, major stakeholders, Kayenta Township, and the wide array of public agencies involved in the planning process, we assist the community in creating a shared vision.

Benchmarking

Also referred to as "best practice benchmarking" or "process benchmarking", it is a process used in planning and urban design, in which the community evaluates various aspects of their processes in relation to best practices, usually within comparable communities. This process strengthens the planning process by allowing community members to see what has been successful in similar communities.

Analysis of Opportunities and Challenges

This includes a thorough analysis of physical and regulatory opportunities and constraints impacting development within the Township such as hydrology, topography, zoning and airport noise contours. It also incorporates an overview of economic trends and demographic conditions impacting development.

Market and Economic Trends

An assessment of local, regional, state, national and global market and economic trends assists the planning process in strategically formulating a set of goals and measurable objectives that can be implemented to allow the community to gain competitive advantage of current and predicted market and economic trends.

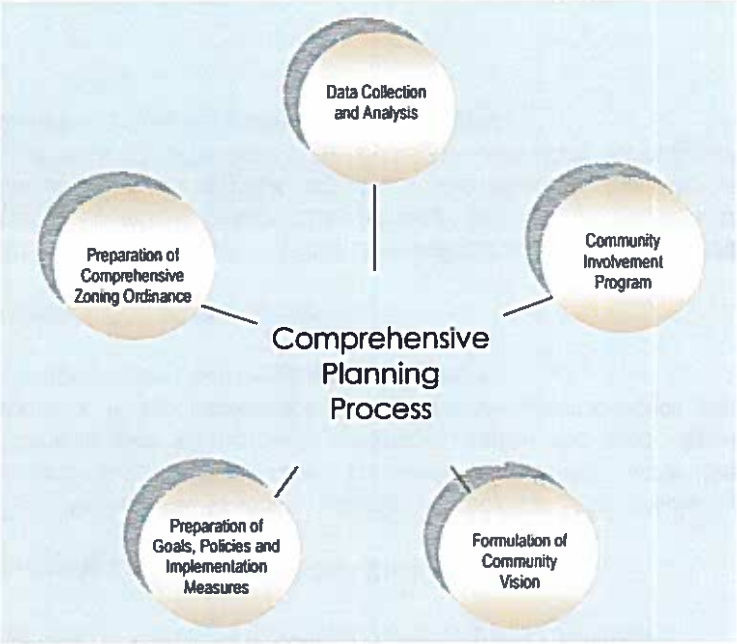
Community Visioning

Provides an opportunity for major stakeholders, residents, business owners, potential investors and developers to create a successful partnership in describing what they would like their community to be in the future. It culminates in the preparation of the Vision Statement that will guide development within the Kayenta Township.

Planning Process

The Comprehensive Plan planning process involves five basic steps:

- The collection and analysis of pertinent data concerning the physical and socio-economic characteristics of the area, which has been accomplished through the preparation of this *Background and Current Conditions* document. Although not an adopted document with legal status, it provides the foundation and basis for the formulation of the Comprehensive Plan;
- The preparation, coordination and facilitation of an all-inclusive *Community Involvement Program*;
- The formulation of a vision statement based on community priorities for future growth and development;
- The preparation of guiding principles, goals, policy framework and implementation measures that serve as the road map for future development; and
- The implementation of the Comprehensive Plan is accomplished through the preparation of implementation measures or strategies that assist in the implementation of action steps.



The Five Legged Kayenta Township Comprehensive Planning Process

Sustainable Planning and Design

This Comprehensive Plan incorporates the latest sustainable design principles to help Kayenta Township become a sustainable destination where community members can live, work, learn and play. Such balanced approach ensures that its environment, economy, society, culture and heritage and technology are preserved and enhanced for future generations. This plan takes the following sustainable design elements into consideration throughout this planning process, and incorporates these elements in the policy framework included in the *Policy Plan* volume.

Environmental Infrastructure

Creating a sustainable community requires balancing economic, social, cultural, environmental and technological forces to ensure the quality of life desired. This process begins with the assessment of the environmental infrastructure. The environmental infrastructure encompasses all the natural resources, renewable and non-renewable, including geology, topography, hydrology, drainage, soils, water, and air. Such assessment provides the foundation for sustainable development and balances natural resources with best practices to create a self sustaining community.

Economic Base

Establishing a revenue generating, vibrant and diversified economic base is a key ingredient in achieving long-range viability. Such economic base capitalizes on providing opportunities for the development of a diversified economic development portfolio that includes: retail/services; ecotourism and heritage or cultural tourism; historic cultural district establishment; and emerging new technologies.

These combined can assist the Township in becoming a sustainable destination where its residents can celebrate culture and heritage, live, work, learn and play and visitors feel the urge to have a longer stay and come back again. Such economic base will allow the community to achieve the quality of life desired.

Social Services

A sustainable community is a place where individuals can work, live, learn and play. Such place offers affordable, convenient and desirable housing, the facilities and services needed to sustain the current and projected population, an integrated health care system, a state-of-the-art education system, a diversified job training program, aging in place opportunities for elders, empowering and engaging youth programs, sacred space for seclusion and spiritual practice, space to celebrate cultural heritage and the arts, the recreation, open space, trails, and connectivity needed to sustain healthy lifestyles. Such a community provides a variety of community services and programs designed to protect, support and sustain its population.

Technology and Innovation

As the high-technology and biotechnology market sectors expand their influence, great attention has been given to creating work environments that support it. Proactively supporting the location of emerging solar and wind alternative energy industries provide an opportunity to create a sustainable energy-efficient community.

Concentrating Solar Power (CSP) offers a utility-scale, firm, dispatchable renewable energy option that can help meet the Nation's demand for electricity. Given the amount of unpopulated rural lands within the Navajo Nation, CSP could supply clean energy to the Nation's growing centers, decrease the reliance on fossil fuels, reduce the carbon footprint, and serve as a viable economic development strategy by connecting into the grid.

Contained Farming Green House

As the Nation's growth centers became more urbanized, agriculture practices receded. Currently there is no agriculture in Kayenta. This implies that all the produce consumed by the community must be transported from somewhere else.

In order to become more sustainable and self-sufficient, the Township may consider permitting contained organic farming as an alternative to more land and water consuming raw crop field agricultural practices. Contained farming occurs in contained environments that increase productivity and product quality while decreasing electricity, land and water consumption and costs. It can be established in the form of community gardens, roof gardens and green houses.

This green alternative provides an opportunity to grow pesticide free, high-quality organic produce at a fraction of the cost of raw crop agricultural practices, which require extensive fields, complex irrigation systems and large quantities of water. Kayenta Township could benefit from exploring and implementing such sustainable technologies.

Sustainability as an Economic Development Tool

Kayenta Township was the fourth community in the country to adopt the *International Green Construction Code*. As a result, the community has been asked to join a work group being facilitated by the International Code Council (ICC) to assist other communities in the nation in the adoption and enforcement of this code.

Sustainable development aims at balancing community needs with environmental infrastructure and ecosystem needs. It focuses on community needs while prioritizing the environment that sustains such community without destroying the ecological systems that sustain us.

This practice focus on meeting the needs of current and future generations in three categories of needs: environmental, social, and economic. Its approach examines the systems required by a project and proactively applies sustainable design principles whenever possible that incorporate U.S. Green Building Council strategies as well as a LEED (Leadership in Energy and Environmental Design) approach. By doing so, the community creates an environment that can also serve as an economic development tool, increasing the livability and viability of the community.

Such practice includes the following strategies:

- Planning and Analyses
- Community Character and Sense of Place
- Sustainable Development Training
- Environmentally Sensitive Site Selection
- Housing Affordability for all Income Groups
- Job Creation
- Geomorphic Grading and Drainage
- Multi-Modal Transportation and Connectivity
- Pedestrian-friendly and Bicycle-oriented Urban Fabric

- Integrated Open Space, Parks, Recreation and Trail System
- Wildlife Corridor Definition
- Urban/Rural Interface Definition
- Optimization of Pervious Surfaces
- Minimization of Heat Island Effect
- Use of Recycled or Harvested Materials
- Stormwater Quantity and Quality Control
- Wastewater Reduction and Reuse/Water Harvesting
- Utilization of Drought Tolerant Plant Palettes
- Landscape Treatments and Streescapes Amenities
- Erosion Control Using Natural Materials
- Onsite Demolition/Construction Recycling
- LEED Documentation for Certification
- Ecological Restoration
- Energy Efficiency/Alternative Energy Generation (Solar, Wind, etc)

At the larger scale, the practice of contained farming as an economic function can provide competitive advantages to economic activities related to ecotourism and heritage tourism. Local restaurants, grocery stores and hotels can benefit from purchasing high quality organic produce at a fraction of the cost. Serving organic produce in restaurants and hotels is becoming an economic trend. Tourists are more health-conscious today than they were decades ago.

Such practice also benefits the community by providing accessible, low cost, high-quality produce within a farmers' market setting. A farmers' market setting can incorporate arts and crafts, creating a new revenue opportunity for community artists, performers, story tellers and artisans. Merging new technologies with heritage and culture is an innovative and low cost way to increase revenues while achieving sustainability and celebrating community pride.

Typical Farmer's Market

Black Mesa, Kayenta, Arizona

Regional Context

Kayenta is located in northeastern Navajo County, Arizona, about 20 miles south of the Utah border on U.S. 163, 148 miles north-northeast of Flagstaff, and 99 miles west of Shiprock, New Mexico.

With an elevation of 5,660 feet, Kayenta's most prominent land feature and reference point is Black Mesa. Black Mesa is located to the immediate southwest of Kayenta and towers above the townsite at an elevation of 8,000 feet at its highest point. In addition to its spectacular scenic beauty and religious significance, Black Mesa contains within its womb an abundance of coal, sizable as a portion of the nation's coal reserve, and rich as valuable resource for the Navajo people.

Kayenta is encircled by a varied and remarkable set of land features: the red faced canyon walls of Skeleton Mesa to the west; the "Five Toes" sandstone hills of the Kayenta Formation to the North; and the solemn volcanic Church Rock and El Capitan rising to the east and northeast. Exhibit 1 shows Kayenta's regional context.

Local Context

Located at the intersection of Highways 160 and 163, Kayenta stands as one of the most remotes communities in Arizona. The nearest off-reservation towns of any significance are at distances of 90 and 130 miles away. Politically, Kayenta lies within District 8 of the Navajo Nation and within the Navajo County of the State of Arizona. Exhibit 2 shows Kayenta's local context.

Physical Environment

A community's infrastructure provides water supply, waste disposal, and pollution control services. It includes extensive networks of aqueducts, reservoirs, water distribution pipes, sewer pipes, and pumping stations. It also includes treatment systems such as sedimentation tanks and aeration tanks, filters, and septic tanks, desalination plants, incinerators and waste disposal facilities such as sanitary land fields and secured hazardous-waste storage impoundments. Such infrastructure serves two important purposes: it protects human health, and it safeguards environmental quality.

On the other end, the physical environment provides a setting, comprises the ecological system, and serves as the environmental infrastructure of a locale or region. It determines the type of development that is most suitable for its characteristics, including climate, landforms, hydrology and drainage, vegetation, view sheds, and wildlife. While the community's infrastructure protects human health and safeguard environmental quality, a balanced environmental infrastructure is vital for the community's long range sustainability and success. The following sections describe Kayenta's environmental infrastructure or physical environment.

Climate and Rainfall

Kayenta's climate is characterized as arid to semi-arid. The prevailing wind direction is from the southwest to the northeast. Based on the National Climatic Data Center from the Betatakin weather station, located 15.66 miles from Kayenta, the annual average precipitation in Kayenta is 12.81 inches. Approximately seventy (70) percent of the water precipitation falls as snow. The wettest month of the year is August with an average rainfall of 1.74 inches. However, most of the annual precipitation occurs between July and the end of October from storms originating on the Gulf of Mexico. The rainfall data's period of record is from July, 1948 to 2011.

Landforms and Topography

The Kayenta Chapter land area is located on the Colorado Plateau at elevations that range from 5,600 to 5,800 feet above sea level. The topography of the greater Kayenta area includes an array of land features, the beauty of which not only distinguishes it within the state of Arizona and the southwestern U.S. region, but it also draws worldwide visitors as an international eco-tourism and heritage tourism destination.

The internationally recognized Monument Valley, thought by some as the *Eight Wonder of the World*, and featured in John Wayne's films, is located twenty-two (22) miles to the north of Kayenta. The topography is defined by the Black Mesa, to the immediate southwest; Skeleton Mesa to the west; the "Five Toes" sandstone hills of the Kayenta formation to the North; and the volcanic Church Rock and El Capita rises to the east and northeast. These mountain ranges encircle the community of Kayenta that lies on the valley floor at an elevation of about 5,600 feet above sea level. Other scenic monuments are Owl Rock, Agathla Peak, Chaistle Buite, Comb Ridge, and Church Rock.

Owl Rock is situated in a petrified forest and is a part of the Chinle Formation. Agathla Peak, Chaistle Butte, and Church Rock are all tertiary volcanic instructive outcroppings located in the north central and north western sector of the Navajo Nation. Agathla Peak, also known as "El Capitan", stands as one of the most prominent of these volcanic outcrops, rising to height of 1,225 feet above the surrounding plains north of Kayenta. Comb Ridge, an exposure of the Red Navajo sandstone, begins its southern ridge just north east of Kayenta and extends in a northeastern direction some twenty to thirty miles. Kayenta is nestled in a unique geological setting. The township area can be generally characterized as a "flat valley" area with a slight plateau rising to the northwest. Exhibit 3 shows landforms and topography.

EXHIBIT 1: Regional Context

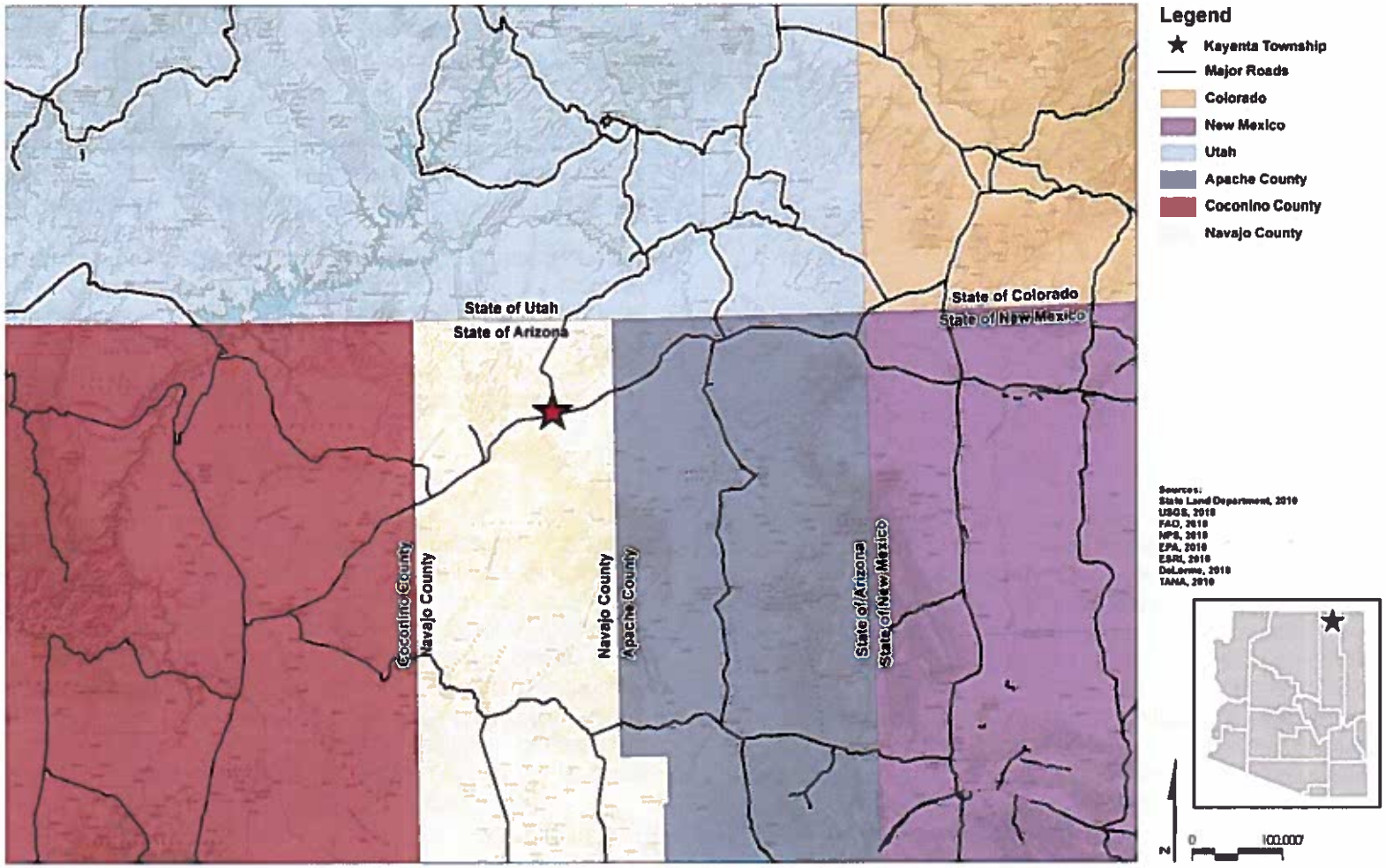


EXHIBIT 2: Local Context

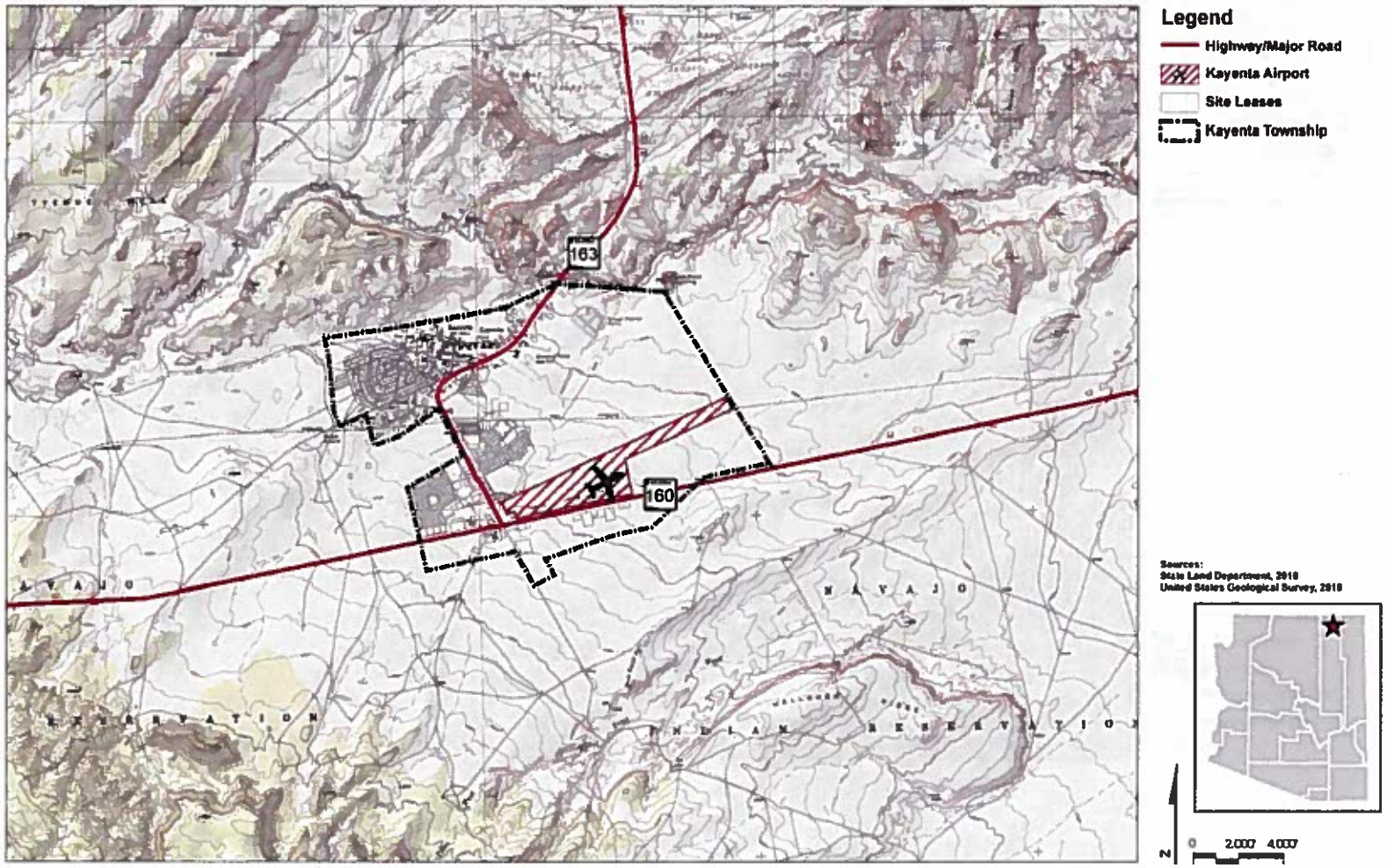
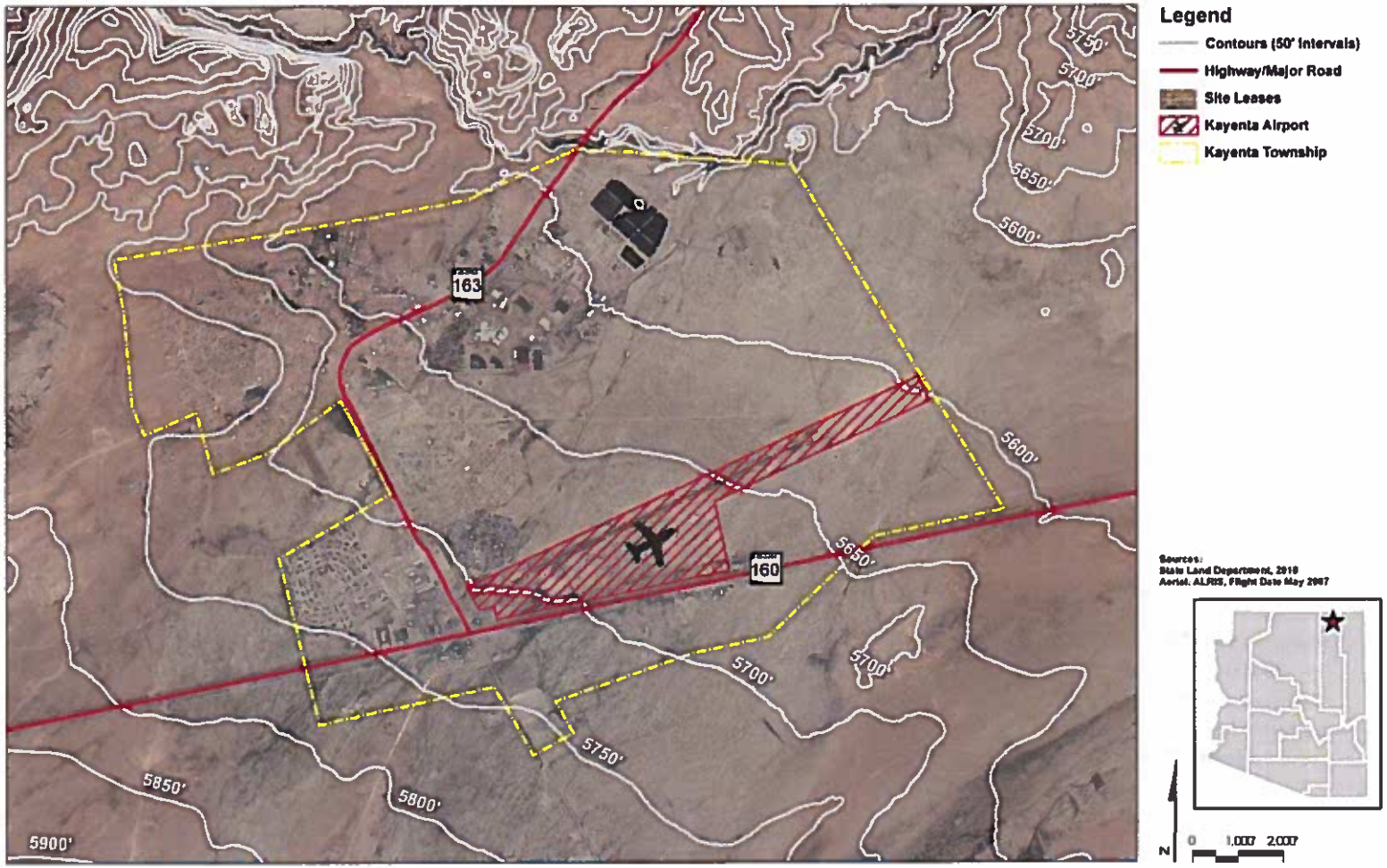


EXHIBIT 3: Land Forms and Topography



Hydrology and Floodplains

In 2011, the Arizona State Land Department and the United State Geological Survey were consulted as part of the preparation of this *Background and Current Conditions* volume. These agencies provided geospatially referenced data for the preparation of Exhibit 4. This exhibit delineates floodplain and washes consistent with 2010 state data provided by the aforementioned agencies.

Methodology

As part of the hydrology opportunities and constraints analysis, the Kayenta Township furnished Arrowhead Engineering, Inc., (AEI) with a copy of the Floodplain Management Study for the Kayenta Community and a paper copy of the corresponding Flood Hazard Area Map.

In addition, AEI utilized GIS data provided by Arizona Land Resource Information System (ALRIS) and available aerial imagery. The Flood Hazard Area Map was scanned into a digital image. The spatial reference for all maps coincides with the ALRIS datum which is NAD83 Arizona East Zone State Plane (US survey foot).

AEI digitized the Q100 floodplain into Civil 3D. Major areas of development that have changed since 1988 were also identified. Exhibit 5 shows the revised floodplain. Exhibit 6 shows new development within the Kayenta Township since 1998. As part of this opportunities and constraints analysis, AIE:

1. Reviewed P\previous studies,
2. Assessed methodologies and input data sources used in the preparation of such studies;
3. Reviewed hydrologic analysis results included in such studies;
4. Assessed recommendations provided at the time the study was conducted;
5. Provided current status for each recommendation included in such studies;
6. Included recommended actions for each recommendation proposed in previous studies; and
7. Identified deficiencies in previous studies.

Previous Floodplain Management Studies

In December 1988, the United States Department of Agriculture Soil Conservation Service prepared a Flood Management Study (FPMS) for the Kayenta Township. The purpose of the FPMS was to derive water surface elevations and frequency estimates. The results of this study were plotted in cross-sections, and subsequently used for mapping flood boundaries and identifying areas within the 100-year floodplain.

The FPMS included recommendations for floodplain management. Since the completion of this study, significant development has occurred in Kayenta.

Methodologies Used

The FPMS used the Soil Conservation Service rainfall-runoff simulation model TR-20 to estimate peak flow-frequency. Hydraulic computations were made using the U.S. Army Corps of Engineers computer program HEC-2. The output from this analysis provided the basic rating relationship for each cross section. The results were plotted on cross sections and subsequently used for mapping flood boundaries.

Data Sources Used

The FPMS utilized USGS 7.5 minute quadrangle for watershed delineation. Roughness coefficients were estimated and mapped in the field. The FPMS recommended utilizing the New Mexico Type II-75 storm distribution. A 24-hour storm duration was considered to provide the appropriate intensities.

Hydrologic Analysis Results

The annual peak flow estimates, resulting from the TR-20 analyses, for selected recurrence intervals and locations are shown in Table 1. These peak discharge estimates are considered to be representative of the land uses in place in 1988.

Recommendations and Current Status

The FPMS recommended local improvements to manage the discharge into the Kayenta Community. The document did not distinguish the responsible party charged with implementing the recommendations. Table 2 provides an overview of recommendations for non-structural measures. In addition, Table 2 includes the current status for each non-structural recommendation.

In the study a more comprehensive system considered the installation of several structural components at five locations where significant damage can be expected. These five areas are discussed in Table 3. This table provides an overview of recommendations for structural measures. In addition, Table 3 includes the current status for each structural recommendation.

FPMS Identified Deficiencies

The purpose of this section is to identify deficiencies in the 1988 FPMS prepared for the Kayenta Community. This assessment was divided into two major components. These two components include the identification of the:

1. Areas where the hydrology changed in Kayenta as a result of new development occurring since 1988; and
2. Data that is deficient in the FPMS.

Development Occurring Since1988

In the last few years, the Kayenta Township has experienced much growth. The major areas of development within Kayenta Township are shown in Exhibit 17, Existing Land Uses, provided in page 130 of this document. The location of major development is summarized on Table 4.

Table 1:
Peak Discharge Estimates
1988

Flooding Source and Location	Drainage Area (mi²)	Annual Peak Discharge (cfs)			
		10-Year	50-Year	100-Year	500-Year
Stream Channel "A"					
Above Boarding School Tributary	1.66	1280	2330	2760	3680
At outlet into Laguna Creek	2.06	1410	2580	3050	4120
Boarding School Tributary to Channel "A" at outlet	0.14	120	230	280	420
Stream Channel "B"					
At Highway 160	1.61	340	790	1030	1680
Approximately 0.4 miles below dam	2.36	330	770	990	1670
At Highway 163	3.63	410	1060	1390	2490
Above confluence with Channel "C"	4.1	400	830	1050	1420
At outlet into Laguna Creek	11.4	890	2100	2720	4160
Stream Channel "C"					
At Highway 160 Vicinity of Highway 160-163 intersection	3.51	260	740	1020	1570
Above confluence with Channel "B"	6.65	500	1260	1660	2710

Sources: Floodplain Management Study (FPMS) for the Kayenta Community, United States Department of Agriculture Soil Conservation Services, December 1988.

Table 1:
Peak Discharge Estimates
1988
(Continued)

Flooding Source and Location	Drainage Area (mi^2)	Annual Peak Discharge (cfs)			
		10-Year	50-Year	100-Year	500-Year
Channel in Kayenta Public School Complex					
Overflow of old dike	--	25	340	490	1280
At outlet into Laguna Creek	0.41	160	300	420	1130

Sources: Floodplain Management Study (FPMS) for the Kayenta Community, United States Department of Agriculture Soil Conservation Services, December 1988.

Table 2:
Floodplain Management Study Non-Structural Recommendations 1988 and Current Status 2011

Category	Recommendation (1998)	Current Status (2011)	Recommended Actions
1. Flood Hazard Information	Develop flood hazard information to be readily available to the public.	No current Flood Hazard pamphlets or information flyers are available at the Kayenta Chapter House or Kayenta Township Office.	Include policy direction in the Comprehensive Plan to take action on items 1 to 4.
2. Flood Insurance	The Kayenta Chapter may desire to become qualified for the National Flood Insurance Program.	No action has been taken toward this endeavor.	
3. Floodplain Use Regulations	Floodplain use regulations can be imposed to protect those who might consider development in the hazard areas.	No action has been taken toward this endeavor.	
4. Flood proofing	Flood proofing of existing building could provide suitable protection.	No action has been taken toward this endeavor.	
5. Relocation	The study results indicate that it may be most feasible to relocate structures.	Structures were not identified in the study.	Include policy direction in the Comprehensive Plan to conduct a study that identifies all structures within the Township that need relocation and/or retrofitting.

Sources: Floodplain Management Study (FPMS) for the Kayenta Community, United States Department of Agriculture Soil Conservation Services, December 1988. Arrowhead Engineering Current Status Review, 2011.

Table 3:
Floodplain Management Study Structural Recommendations 1988 and Current Status 2011

Locations Where Significant Damage can be Expected	Recommendation (1998)	Current Status (2011)	Recommended Actions
Kayenta Boarding School	Local runoff passed through the school grounds in a shallow depression. There is an existing low capacity pipeline that conveys some runoff though the lower part of the school property. It was decided to consider a pipeline to convey the flood flows through the school, thereby, providing a closed conduit that will give safety to the school occupants. Outlet conditions would require a flood channel to control and convey the floods to a safe discharge point.	Pending field inspection.	
Kayenta Public School Complex	When this school complex was constructed a dike and flood channel was installed along the major lengths of the southern (upstream) edge of the complex. The system was sized such to satisfactorily control what has been determined in this study as the 100-year peak flow. At the head and upstream of this system an older Dike (predating 1970) intercepts floodwater and diverts it into this dike/channel system. This study shows that the older dike will be overtopped by the 100-year flood and that it is in a weakened condition that probably will fail by action of smaller, more frequent floods. Overtopping and/or breaching of this older dike will cause flood damage to the Kayenta Public School Complex and poses the most risk to life of any of the identified problem areas. This study considered the replacement of this older dike and installing a supplemental dike to tie into the adequate dike/channel.	Pending field inspection. Records of replacement or employees involved are very difficult to track down due to the time elapsed.	

Sources: Floodplain Management Study (FPMS) for the Kayenta Community, United States Department of Agriculture Soil Conservation Services, December 1988. Arrowhead Engineering Current Status Review, 2011.

Table 3:
Floodplain Management Study Structural Recommendations 1988 and Current Status 2011
(Continued)

Locations Where Significant Damage can be Expected	Recommendation (1998)	Current Status (2011)	Recommended Actions
The Navajo Housing Project	Flood waters overflowing Highway 163 and along the road drainage ditches are the major sources of damage to this development. The existing diking along the upstream (southwest) edge of this housing along with the culverts under the entrance road into the development are inadequate to divert and control a 100-year flood thereby allowing significant flooding. This examination considered raising the existing dike, extending the diking upstream to intercept flows coming across highway 163, installing larger culverts, and constructing a downstream flood channel to a safe outlet point.	Highway 163 in recent years has been retrofitted to include a major trapezoidal channel on its western side. This channel intercepts all storm water and conveys under US 163 immediately west of the Kayenta Field House via (3) 6'x8' concrete box culverts. The Navajo Housing also has been built up approximately 2-3' in some areas and directs storm water around its development via earthen triangular channels.	
Kayenta Mobile Home PArk	Stream Channel "C" presents a major threat to this trailer court, especially along the southern and southeastern edge of the development. A 100-year flood is expected to inundate about 20 trailer spaces and cause major structural and contents damage to two or three trailers. This study examined a dike to prevent flooding of these properties. Considering that only two or three structures are damaged and that they are readily movable the obvious least cost action is relocation.	Pending field inspection	

Sources: Floodplain Management Study (FPMS) for the Kayenta Community, United States Department of Agriculture Soil Conservation Services, December 1988. Arrowhead Engineering Current Status Review, 2011

Table 3:
Floodplain Management Study Structural Recommendations 1988 and Current Status 2011
(Continued)

Locations Where Significant Damage can be Expected	Recommendation (1998)	Current Status (2011)	Recommended Actions
The intersection of Highway 160 and 163	This intersection is vulnerable from the flood flows from three major flow paths. The existing culvert under Highway 160 is inadequate and the culvert installation under the immediate downstream road is very limits. These channel constrictions can be expected to contribute to the major overtopping of both highways during a 100-year flood. The overflow will be shallow but rather high velocities. To protect the commercial facilities in this area a dike was considered to extend upstream from Highway 160, to the south, to prevent overflow of this highway and the Holiday Inn parking area. This diking would train the flow through a new battery of culverts relocated to the west in alignment with the existing downstream channel (this would eliminate the old road/culvert constriction). Another dike would extend downstream (northward) from Highway 160, from the culvert outlet to the turn in the existing channel. This diking would prevent overflow of this channel into the intersection area.	Structures were not identified in study.	

Sources: Floodplain Management Study (FPMS) for the Kayenta Community, United States Department of Agriculture Soil Conservation Services, December 1988. Arrowhead Engineering Current Status Review, 2011.

1998 FPMS Deficiencies

The USDA-SCS FPMS is an important document because it serves as Kayenta Township's best available information for floodplain management. Conducted in 1988 and given the growth occurring in the Township since this date, the FPMS is due for an update. As with most historical documents back up calculations or appendices are lost over time. Arrowhead Engineering, Inc. has reviewed the document and finds the following items are necessary to verify the historical calculations and salvage the completed work:

- Scaled maps with delineated watersheds are not provided.
- No datum references were provided in the report or flood map.
- Due to the Flood Hazard Map condition and lack of a datum reference, it was scaled to best fit the aerial survey. The limitation offered by this approach is that the floodplain delineation serves only as a visual representation. It is not an accurately surveyed boundary.
- SCS curve numbers used were not provided in the report, it only mentions that they were estimated and mapped in the field.
- Time of concentration calculations was not provided in the report.
- Rainfall data was not provided in the report, it only states the source being NOAA Atlas No. 2 Volume VIII-Arizona
- Channel's Roughness Coefficients were not provided in the report. It only mentions that they were estimated and mapped in the field.
- Plots of modeled and observed hydrographs were not included in the report.
- Plots of the channel cross sections referenced in the report were not provided only channel profiles are provided.
- Channel flood routing calculations were not provided in the report
- The aerial base map the Flood Hazard Map was generated on is outdated.
- Recommendations for Floodplain Use Regulations were not included in the study.
- Information for the National Flood Insurance Program was not provided.

Floodplain Opportunities and Constraints

Stormwater mitigation and Floodplain management must be considered during any planning effort. Floodplain constraints determine the developable capability of an area. This section includes a discussion of the opportunities and constraints related to floodplain management in Kayenta.

Floodplain Opportunities

Areas Outside of the Designated 100-Year Floodplain
It is anticipated that construction of new buildings and structures in Kayenta Township will occur outside of the designated floodway delineated on Exhibit 5. Properties outside of the designated floodways are not subject to floodplain regulations.

Table 4:
Location of Major Development s within the Kayenta Township
1988 to 2011

Development	Location
Teeh In Deeh Estates	½ mile northwest of the intersection of Highway 160 and 163.
Navajo Housing Authority Project No AZ12-148/150 Tract	1/2 mile northwest on US-163 from the intersection of US-160 & US-163, on the east side US-163.
Kayenta Community School	2 miles northwest on US-163 N from the intersection of US-160 & US-163, approximately a 1/2 mile west of US-163.
Kayenta Unified School District Housing	2 miles northwest on US-163 from the intersection of US-160 and US-163, 1/2 mile east of US-163.
Kayenta Township Offices	0.3 miles northwest on US-163 from the intersection of US-160 and US-163 on the west side of US-163.
Kayenta Recreation Area	1 mile northwest on US-163 from the intersection of US-160 and US-163 on the east side of US-163.
US Post Office	1.3 mile northwest on US-163 from the intersection of US-160 and US-163 on the east side of US-163.
Kayenta Women's Shelter	1.7 miles northwest on US-163 from the intersection of US-160 and US-163, 1/4 mile west of Comb Ridge Rd.
Holiday Inn Additional Rooms	On south west corner of US-160 and US-163.
Hampton Inn Hotel	0.3 miles west on US-160 from the intersection of US-160 and US-163, on the north side of US-160.
Kayenta Dialysis Center	0.1 miles northwest on US-163 from the intersection of US-160 and US-163 on the east side of US-163.
Sonic Drive Inn	0.4 miles west on US-160 from the intersection of US-160 and US-163, on the north side of US-160.
McDonald's	0.2 miles west on US-160 from the intersection of US-160 and US-163, on the north side of US-160.

Sources: Arrowhead Engineering, 2011.

Black Mesa Wash

Areas within the 100-year floodway fringe

It is recommended that floodway fringe areas include recreational uses, open space, and other non-structural uses. Promoting the development of an integrated system of open space, parks and trails in floodplain areas increases the community connectivity, livability and sustainability while providing a circulation system that links neighborhoods, parks, schools, commerce and other recreational and cultural facilities. Such system includes creek way corridors that can support trail development and interconnected parkways or linear parks.

These provide opportunities for the creation of nature trails that include interpretive nodes with a comprehensive signage system describing the geology, wildlife and vegetative communities of the area and including rest areas as well as exercise areas.

Nature trails along floodway fringe assist in the definition of wildlife corridors and provide opportunities for habitat integration. In addition to serving the community with a sustainable amenity, they serve as a community economic development tool, inviting and alluring visitors and enhancing their experience.

Areas within the 100-year floodway

It may be desirable, appropriate and legally permissible to construct some structures such as trail system bridges and observation decks within the designated 100-year floodway. Such structures must comply with all applicable federal regulations. Such structures must be constructed using either cantilever or pier foundations. Any structure placed below the level of the 100-year flood must be flood-proofed, designed to withstand the forces associated with floodwaters and must not impede the flood flow.

National Flood Insurance Program (NFIP)

The NFIP is based on a mutual agreement between the Federal Government and the community. Federally backed flood insurance is made available in those communities that agree to regulate development in their mapped floodplains. If the communities do their part in making sure future floodplain development meets certain criteria, FEMA will provide flood insurance for properties in the community.

Participation in the NFIP is voluntary. There is no Federal law that requires a community to join, although some states have requirements. However, a nonparticipating community faces sanctions, such as:

- Flood insurance will not be available. No resident will be able to purchase a flood insurance policy.
- If the community withdraws or is suspended, existing flood insurance policies will not be renewed.
- No Federal grants or loans for the acquisition or construction of buildings may be made in identified flood hazard areas under programs administered by Federal agencies such as HUD, EPA, and SBA.
- No Federal disaster assistance may be provided to repair insurable buildings located in identified flood hazard areas for damage caused by a flood.
- No Federal mortgage insurance or loan guarantees may be provided in identified flood hazard areas. This includes policies written by FHA, VA, and others.
- Federally insured or regulated lending institutions, such as banks and credit unions, must notify applicants seeking loans for insurable buildings in flood hazard areas that:
    a. There is a flood hazard and
    b. The property is not eligible for Federal disaster relief.

These sanctions make participation a very important decision for many communities. To join the Program, the community must submit an application. Application information is provided on Appendix A.

Floodplain Constraints

Floodplain Management Study (USDA-SCS 1988)

Water flow and drainage patterns have changed in the 23 years since the first Flood Hazard Maps were produced for Kayenta. These changes can be related to land use and erosion or other natural forces.

In the last 23 years, the Kayenta Township has experienced significant growth. An increase in development activity consequently increases the amount of impervious surfaces. Such increase results in appreciable changes in runoff patterns or volume stormwater runoff. These changes can also affect the 100-year water surface profiles and their corresponding floodplain boundaries.

The FPMS prepared in 1988 is a solid foundation to base planning decisions. However, calculations provided in the 1988 FPMS for the Kayenta Community need update to incorporate community growth since the time the study was completed. In order to quantify current Q100 peak discharges, accurately locate floodplain and start a basis for stormwater and floodplain management the FPMS should be updated. Such update should include new hydrology and floodplain calculations based on current and anticipated conditions.

To achieve this, it is highly recommended that the Kayenta Township invite the Navajo Nation Water Resources Department, the Navajo Nation EPA, and NTUA as stakeholders during the 2011 Kayenta Comprehensive Plan community engagement process to begin the conversation on how their respective standards can be implemented, or enhanced to guide future development within the Kayenta Township.

The Flood Hazard Map is a hard copy. The floodplain map was scanned, scaled and visually overlaid to best fit an aerial photo. As a result the floodplain boundaries have limitation to their use as well. The floodplain limits mapped are only for a visual representation. The floodplain limits are not available for survey verification. Flood prone areas will not be field located, platted, or recorded without survey information. An update of the Flood Hazard Map should also be conducted.

Floodplain

According to the Floodplain Management Study for the Kayenta Community (USDA-SCS 1988), the 100-year floodplain, within the study area, inundates about 960 acres. This size of flood will cover about 70 acres of urban land, 110 acres of cropland and 780 acres of rangeland.

As a result, there is significant maintenance and retrofitting costs associated with structures and facilities that are located within areas that flood. The potential for damage or destruction of property by flood makes improvements in these flood-prone areas risky. Funds could be obtained from FEMA for the preparation of a Mitigation Strategy that identifies critical facilities in need of relocation and includes a cost benefit analysis for retrofitting critical facilities in flood-prone areas.

Development of buildings and structures within the 100-year floodplains should be avoided. The areas of the town that are in 100-year floodplains are presented in Exhibit 5 as "Inundated Area 100 Year Flood." Development in areas of shallow flooding where the average depth is one foot or less should be regulated by floodplain ordinances. The areas of the town experiencing shallow flooding where the average depth is one foot or less are presented in Exhibit 5 as "Average depth Equal or Less Than One Foot"

Stormwater Ordinance

The increase in impervious surfaces causes an increase in runoff beyond that identified in the FPMS. It is recommended that a Stormwater Ordinance be drafted to enable the Kayenta Township to reduce further impact on the surrounding floodplain in these areas.

The most common approach is to require each developer to construct retention and/or detention facilities to restrict the rate at which the increased runoff leaves the property.

A volume of stormwater runoff is required to be stored on the developer's site. It is released at a restricted rate after the runoff subside (stormwater detention). A developer may store stormwater runoff for irrigation or groundwater recharge or to reduce pollution.

Watershed and Surface Water

The watershed is located in the mixed grass plains and sage brush grasslands sub-resource areas. During periods of high rainfall there is a minimum penetration of surface water because the soil contains exceptionally high concentrations of salt. A list of both indigenous and exotic vegetation is included in the Vegetative Communities section.

The drainage area associated with Kayenta involves eighteen different unnamed channels. Three of these discharge directly into Laguna Creek. Therefore, the watershed area consists of three major subareas:

1. The first major subarea is in the vicinity of Kayenta Primary School and Kayenta Community School. The total drainage area for this watershed is 2.06 mi^2. (Channel "A")
2. The second major subarea includes a channel that drains the area around Monument Valley High School. The total drainage area for this watershed is 0.41 mi^2.

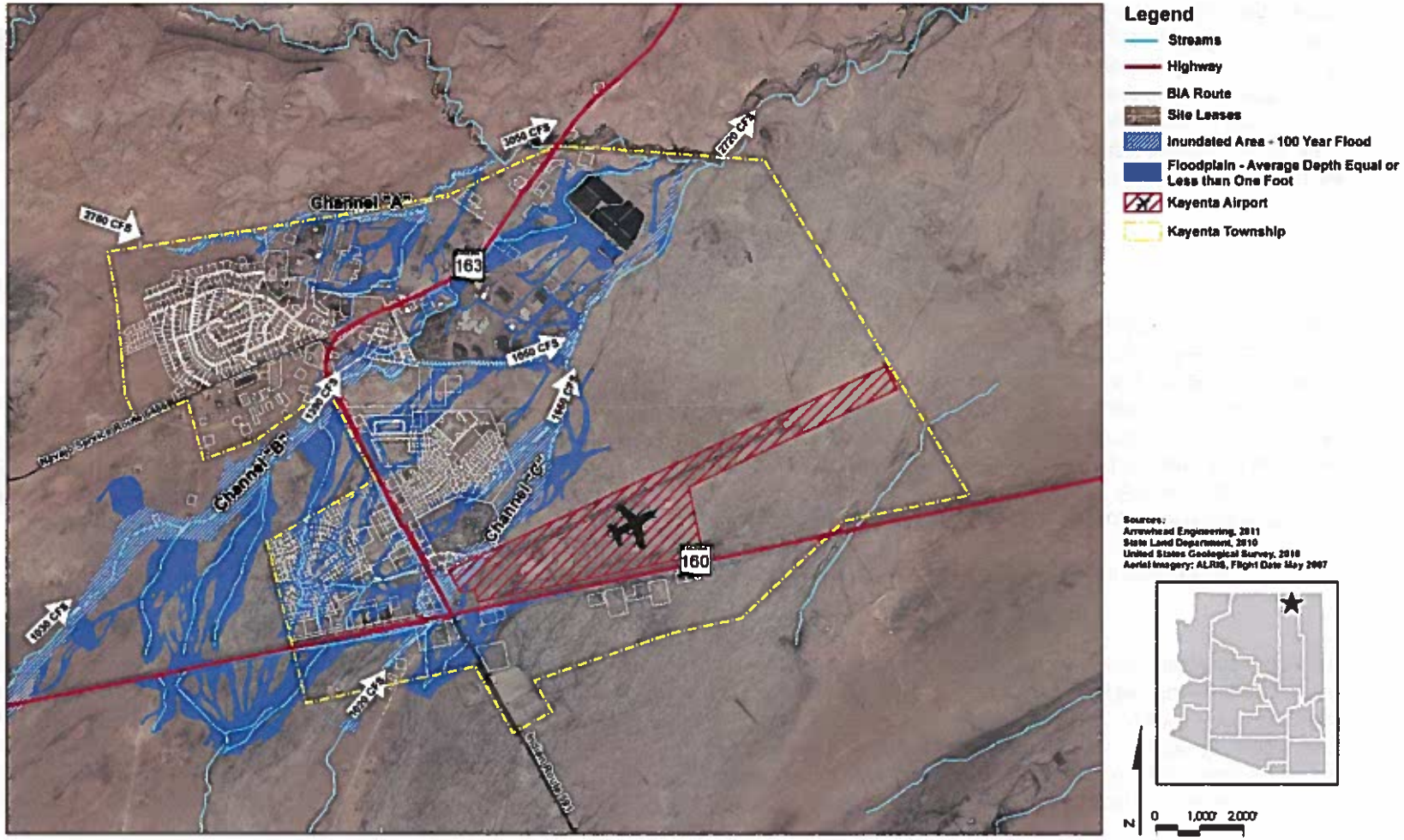
3. The third major subarea is the largest of the three, with a total drainage area of 11.40 mi². This watershed is made up of 15 streams with the longest flow path being 17.97 miles. (Channel "B" and "C".)

Natural watercourses, major washes and floodplain within Kayenta Township's drainage area are shown in Exhibit 4.

Water Resources and Water Quality

Kayenta is located at the edge of the Navajo Sandstone Aquifer which receives its recharge from an outcrop area of about 75 square miles north and west of Kayenta. The Navajo Sandstone Aquifer at Kayenta has a saturated thickness of between six and seven hundred feet. 1998 estimates indicated that the unstatic pump levels were dropping at the rate of ten (10) per 10 year period. The relative location of Kayenta near the northern edge of the Navajo Sandstone Aquifer places a limitation on the absolute capacity of wells to produce water in the immediate area because of the shallowness of the aquifer.

EXHIBIT 4: Watercourses, Major Washes and Floodplain



Soil Associations

Generalized soil associations for the Kayenta area were assessed utilizing Arizona State Land Department and Natural Resources Conservation Services 2010 soil data. Table 5 includes soil types within the Kayenta planning area. Exhibit 5 delineates generalized soil associations within the Kayenta planning area.

Table 5:
Generalized Soil Associations for the Kayenta Planning Area

Soil Association	Slopes
Berryhill family	0 to 3 percent slopes
Cauncelor-Moclom-Hawaikuh complex	1 to 60 slopes
Denzar-Sheppard-Lithic Torriorthents complex	1 to 10 percent slopes
Gotho-Aneth family complex	1 to 10 percent slopes
Rock outcrop-Needle-Lithic Torriorthents complex	1 to 25 percent slopes
Sanfeco-Sheppard complex	1 to 3 percent slopes
Sheppard-Massadona-Monue complex	0 to 10 percent slopes
Sheppard-Typic Haplargids complex	1 to 20 percent slopes
Urban land-Gotho-Tewa complex	1 to 5 percent
Urban land-Nakai Complex	1 to 5 percent slopes

Sources: State Land Department, 2010 and Natural Resources Conservation Service, 2010

The soil types in the Kayenta planning area are characterized by a number of activities, including the formation of active sand dunes and blowouts with accompanying wind erosion. Historically, while these factors cause some hindrance in vegetation growth, there are large sectors of farm land within the Kayenta Chapter. However, as Kayenta moved from a rural to a more urban community, farmlands within the township are sparse and rare.

Vegetation and Vegetative Communities

Vegetation within the Kayenta planning area consists primarily of grama grass, wheat grass, greasewood and shrubs. Scattered piñon-juniper is found in the higher elevations. The rangeland is made up of salt-desert shrub vegetation type with the dominant species consisting of mound salt brush, Russian thistle, Greene rabitbrush, annual weeds, cheat grass and galleta. Shortgrass vegetation type is located on the board, level to rolling plains and mesas at a slightly higher elevation. The dominant species are blue grama and galleta. Exhibits 6 shows generalized vegetative communities.

Wildlife

Wildlife within the Kayenta Chapter area includes deer, rabbits (cottontail and jack rabbit) prairie dogs, coyotes, bobcats and the black footed ferret. Some of the major fowl in the area include the peregrine falcon, the bald eagle, the fenugmous hawk, and the raven, which is the most numerous species. No endangered species of plants or animals were discovered during a field survey conducted in 1981 of the 19.47 acres set aside for construction of the Kayenta Shopping Center. However, the Navajo Fish and Wildlife Department believes that there are certain endangered animal species in other areas of the chapter.

Exhibit 7 overlays all opportunities and constraints described in this chapter.

EXHIBIT 5: Generalized Soil Associations

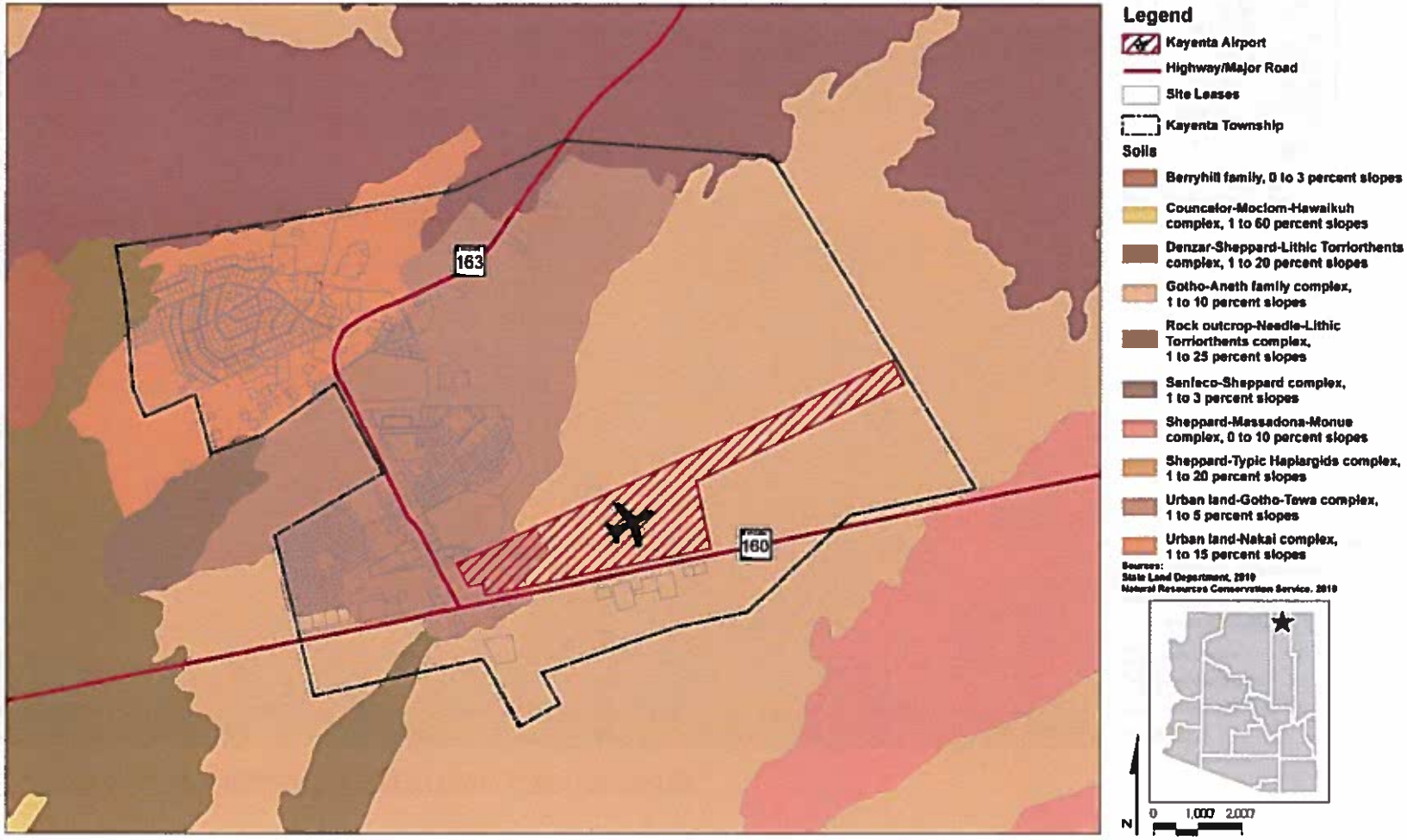


EXHIBIT 6: Generalized Vegetative Communities

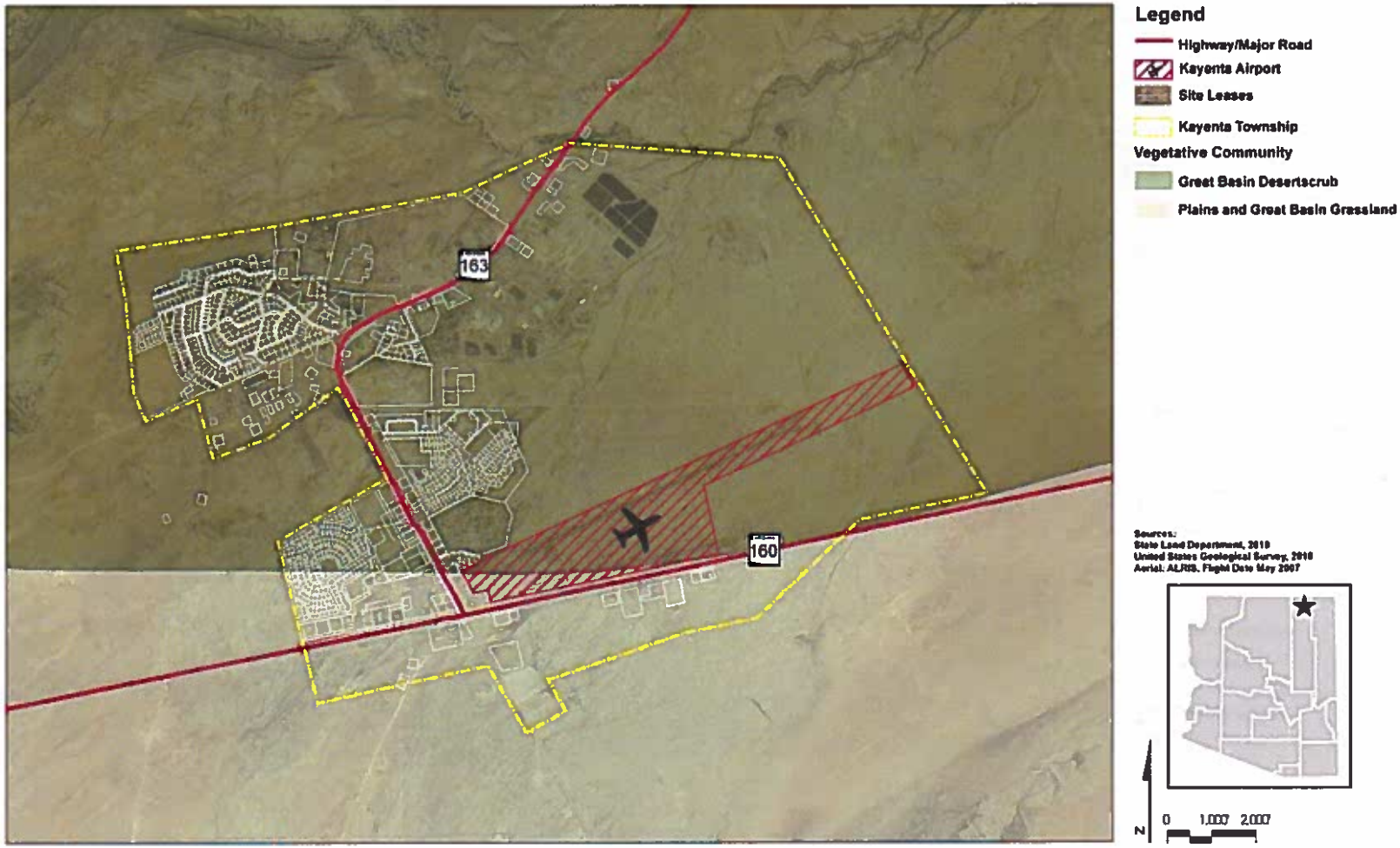
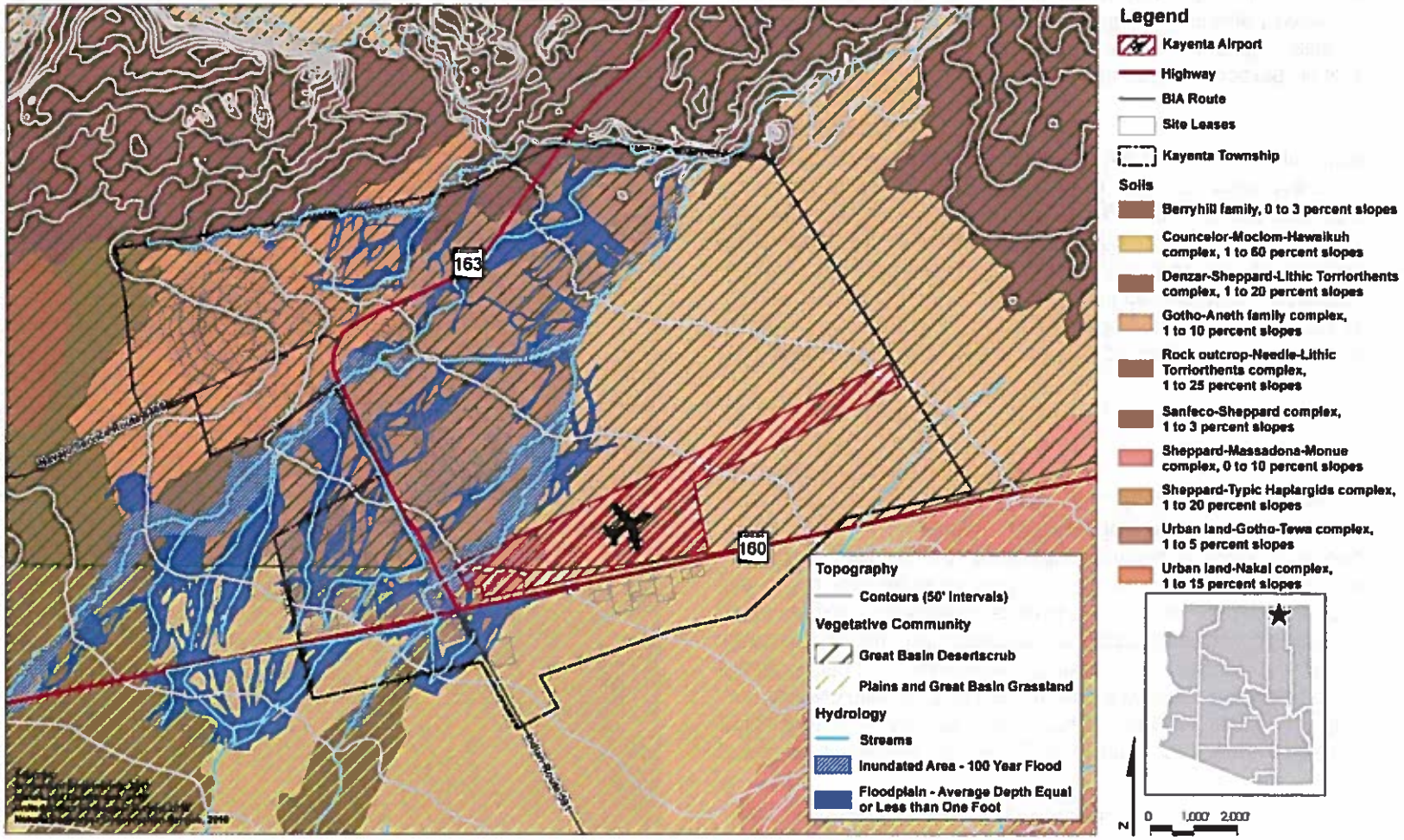
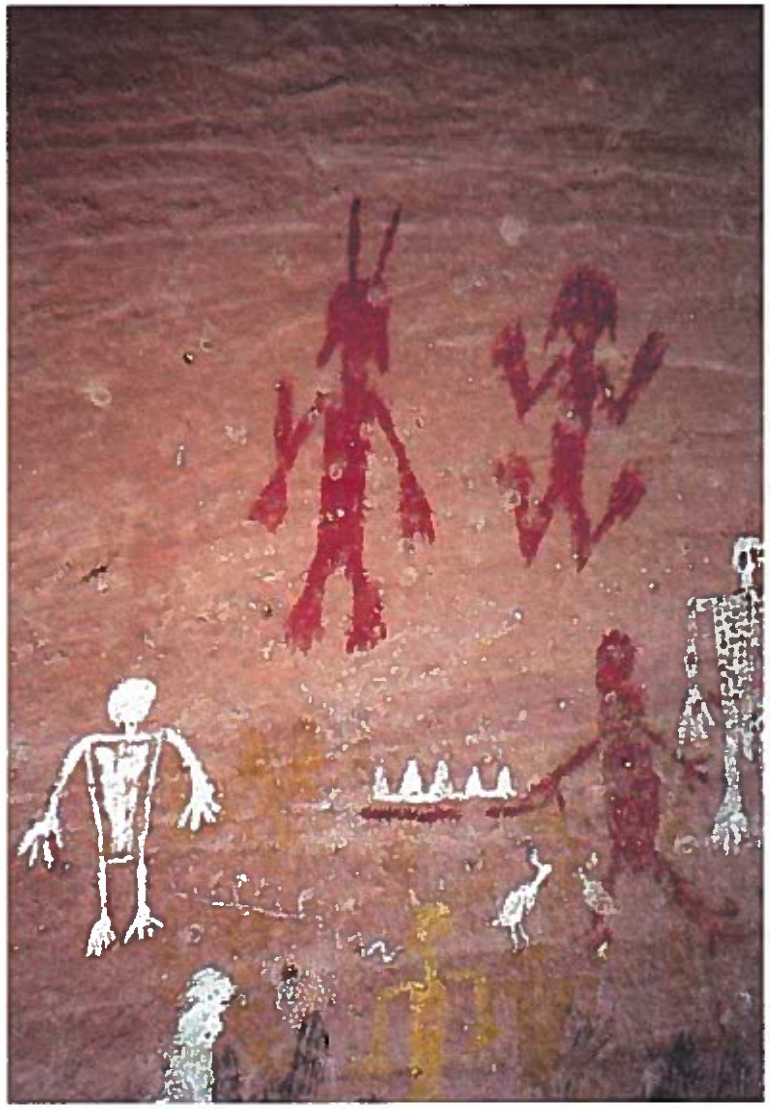


EXHIBIT 7: Opportunities and Constraints





Cultural Resources - Archaeology

There is widespread archaeological evidence of intense prehistoric occupation of the Kayenta region. This is highlighted by the Keet Seel and Batatikin ruins in Tsegi Canyon west of Kayenta. Eastwardly along Combs Ridge are innumerable cliff and pueblo dwellings. Oye House provides a striking illustration of this prehistoric population. Unconfirmed estimates place the Kayenta region at the same period of occupation in the 1100's level as Mesa Verde and Chaco Canyon. Existence of a major kiva comparable to those sites identified at Mesa Verde and Chaco Canyon is unverified. Relatively few sectors of the township area have been archaeologically surveyed. The Bureau of Indian Affairs archives include few survey maps.

Cultural Resources - Historic

The earliest report of European colonists passing within the vicinity of Kayenta dates from 1823 when a detachment of Spanish forces led by Colonel Francisco Salazar came north from the Hopi Mesa and thence eastward into the Chinle Valley to rejoin the main body of Vizcona's Navajo campaign force near Chinle. In 1892-1830 caravans of traders from New Mexico traveled the area going both back and forth from California. During the early 1800's Marsh Pass was called Puerla de Las Lemita, which in Spanish referred to the three leafed siemac that still grows in the region.

In 1885, a group of Mormons, headed by Ethan Pettit, explored the area and traded with the Navajo people. The region was rarely visited by non-Indians until 1874 when another group of Mormons traveling in their wagon from Tuba City to Aneth through Marsh Pass along the San Juan River. For many years after these brief encounters only an intermittent stream of traders and wandering prospectors who disturbed the Navajo and their Paiute allies in the northern sector of the region visited the area.

Kayenta's beginning as a community can be attributed to the first white settlers in the area, John and Louisa Wetherill, who moved from Oljato to Kayenta and built a home and a trading post in 1909. Because of the many springs in the area, the Indians name the site "To-dan-nas-sha" which means in Navajo "Flowing Springs". Two years after the Waterhills settled, a post office was established. Shortly thereafter, work began on the construction of the first school building. A year later the building was completed and named Marsh Pass School.

Coincident to this event was the official naming of the community as "Kayenta" which means "Bottomless Springs". The name was inspired by a large waterhole located approximately five miles west of the town in the Laguna Creek, nearby the current site of the Diversion Dam. The waterhole had a reputation of a drowning site for both humans and animals, some of which were never seen again. Navajo tradition explains the beginning of the "bottomless spring" to have been the home of water monsters, who having lived underground, left the present subterranean caverns when they disappeared.

A number of other developments have contributed to Kayenta's steady growth as a major community within the north central sector of the Navajo Nation. The Diversion Dam was built by the U.S. Works Project Administration in the early 1930's and was soon picked up and enhanced by workers from the Civilian Conservation Corps.

Unfortunately, the onset of World War II halted work on the dam. The dam was conceived and supported as an irrigation project by the Bureau of Indian Affairs whose primary objective was to develop better farming and grazing techniques. Their second objective was to educate farmers and younger residents of the area.

There was interfering with the Diversion Dam project, the older people guarded their traditional methods of farming, grazing and breeding and opposed the "new way" of life. The knowledge of stock raising and land use offered by farmers and stockmen from various parts of nearby states was rejected by the traditional people, resulting in the project's failure. During this period of time, there was one Council member for each district.

The Navajo Nation is also home to the Navajo Code Talkers of World War II. The Navajo language was used to create a secret code to battle the Japanese. Navajo men were selected to create codes and serve on the front line to overcome and deceive those on the other side of the battlefield. These men exemplify the unequaled bravery and patriotism of the Navajo people.

Land Ownership

Land within the Navajo Reservation is owned by the Navajo Nation. Exhibit 8 shows land ownership. A variety of private developments occur within the township in the form of land leases.

The Navajo Nation Council established the Kayenta Township Commission by Resolution CJA-3-96. The Commission oversees leases within the township following the procedures adopted in Chapter 9: Lease and Procedures ordinance (Lease Ordinance). The Commission currently has authority to process business site leases. Home site leases are submitted to the Navajo Nation Land Administration.

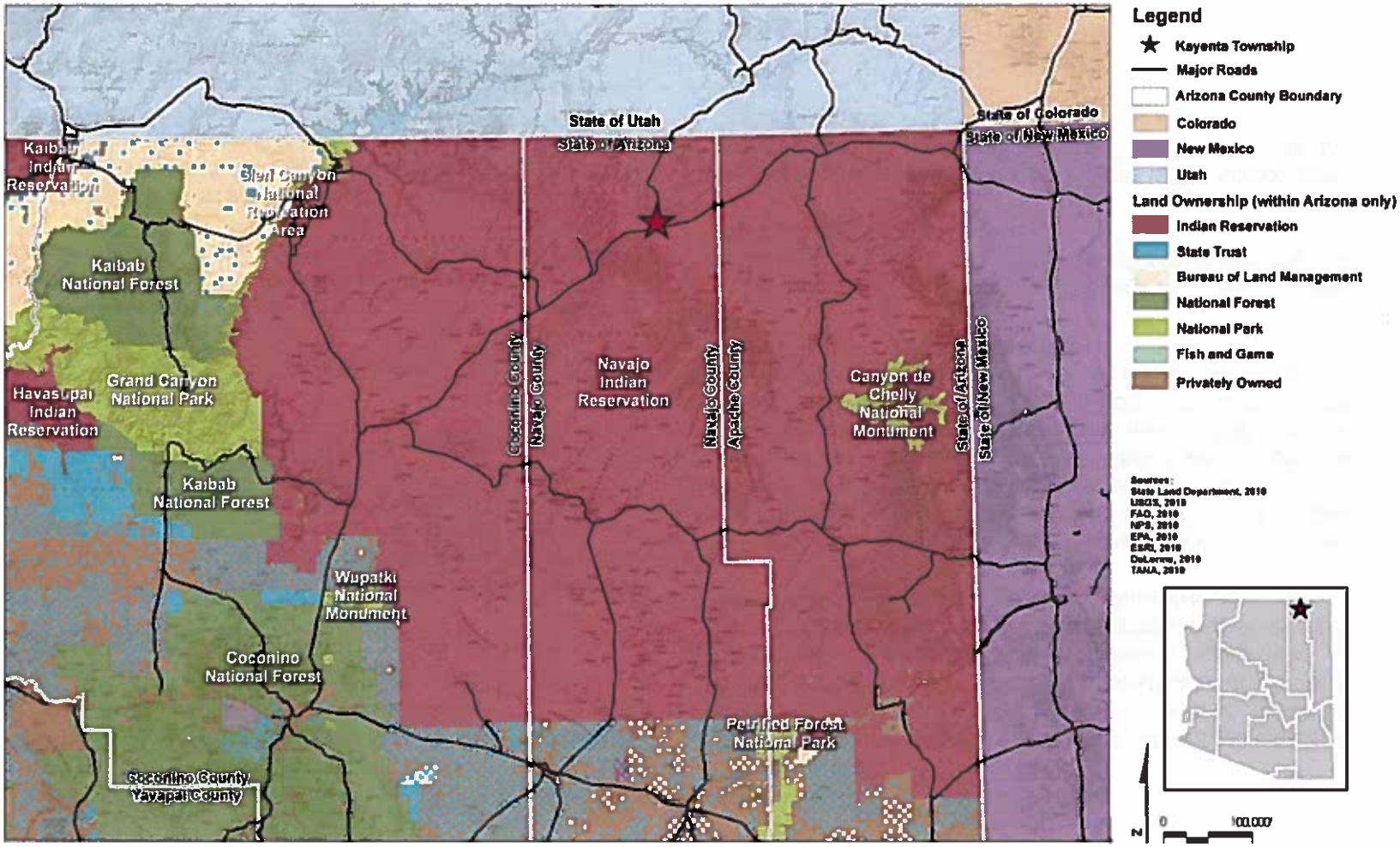
The Lease Ordinance applies to new leases, permits, licenses, right-of-ways and easements executed on or after October 16, 1998 within the Kayenta Township site. It also applies to existing leases where a current lessee wishes to renegotiate a lease, provided that there are no past due rental, or unpaid taxes on the lease.

All new leases involving surface occupancy of land within the Kayenta Township site entered into between the Kayenta Township Commission, Navajo Nation, and any lessee after the adoption of the lease ordinance is governed by the provisions enumerated in it. This includes leases between the Kayenta Township Commission, Navajo Nation, and individual members of the Navajo Tribe. It also includes leases with entities registered with the Navajo Commerce Department or its successors, partnerships and joint ventures between Navajo and non-Navajo entities, and other outside legal entities.

This ordinance also governs leases on previously withdrawn or leased land, including but not limited to industrial parks, shopping centers, trading post sites and other commercial leases. Leases may be granted for a term up to 99 years or less. The regulations included in the ordinance set forth standards for determining the term of a lease.

A developer proposing for the leasing of land within the Kayenta Township site on the Navajo Reservation is required to submit an application for a lease with a development plan, a business plan, and/or financial plan as specified by the Kayenta Township Commission.

EXHIBIT 8: Land Ownership



Community Services and Public Facilities

This chapter identifies the community services and public facilities providing services to the Kayenta community.

Education Services

The growth of the two Kayenta school systems, the Bureau of Indian Affairs (B.I.A) and the state supported public schools have had a direct economic impact on the development of the community and was the community's economic backbone during the 50's and 60's. Since then, the Black Mesa Mines became a major economic development force. The school system will continue to play a significant role in the economic development of Kayenta.

The first school to open in Kayenta was the B.I.A Kayenta Boarding School in 1910. It operated until 1935, when the school closed until 1939 when it reopened as a day school only. In 1955, a new boarding school was built which was later expanded in 1961 to its present size. Since then, the B.I.A. school's enrolment has fluctuated over the years.

The Kayenta Public District #27 began with one school room in 1930. In 1955 the public schools were utilizing classrooms in the new B.I.A. school building. It was not until 1960 that an elementary school was built. The high school was built in the fall of 1964. This facility burned down in June of 1978. Shortly thereafter, construction began on a new high school that was soon completed in the early spring of 1979.

In the spring of 1981, a new middle school was completed on the same site of the old high school. On December of 1982, a new intermediate school began construction. It was completed on January of 1983.

Kayenta Unified School District

The Kayenta Unified District is located in Kayenta, AZ and includes 4 schools that serve 2,179 students in grades PK through 12. The District spends $10,875 per pupil in current expenditures. Of this total, approximately 43 percent is spent on instruction, approximately 52 percent is spent on support services, and approximately 4 percent is spent on other elementary and secondary expenditures.

In terms of student-teacher ratio, the Kayenta Unified School District has 15 students for every full-time equivalent teacher, with the AZ state average being 20 students per full-time equivalent teacher. The Kayenta Unified District had a grades 9-12 dropout rate of 4 percent in 2008. The national grades 9-12 dropout rate in 2007 was 4.4 percent. In the Kayenta Unified District, 10 percent of students have an IEP (Individualized Education Program). An IEP is a written plan for students eligible for special needs services.

The Kayenta Unified District serves 25 percent English Language Learners (ELL). ELL students are in the process of acquiring and learning English Language skills.

Table 6 lists public schools within the Kayenta Unified School District and provides their characteristics. Table 7 lists schools within the Central Navajo Education.

Table 6:
Public Schools within the Kayenta School District 2011

School	Grades	Enrolment
Kayenta Intermediate School N. Hwy 189 Kayenta, AZ 86033	3-5	452
Kayenta Primary School Hwy 163, Kayenta, AZ 86033	PK-K-2	405
Kayenta Middle School North U.S. Hwy 163, Kayenta, AZ 86033	6-8	445
Monument Valley High School Hwy 163, Kayenta, AZ 86033	9-12	876

Sources: U.S. Department of Education, 2011

Northeast Arizona Technological Institute of Vocational Education

The Northeast Arizona Technological Institute of Vocational Education (NATIVE) is a joint technological education district in the Arizona portion of the Navajo Nation. Its programs are available to students at the member schools. The member schools include:

- Chinle High School
- Ganado High School
- Monument Valley High School
- Pinon High School
- Red Mesa High School
- Valley High School (Apache County, Arizona)
- Tuba City High School
- Window Rock High School

Northern Arizona University Kayenta Campus

Northern Arizona University (NAU) includes a Kayenta Campus. This campus includes the following degrees:

- Counseling/School Counseling (MEd) (Masters)
- Educational Leadership - Principal (K-12) (MEd) (Masters)
- Elementary Education (BSEd) (Bachelors)
- Elementary Education-Continuing Professional Emphasis (MEd) (Masters)
- Non Degree - Personal Enrichment (Graduate)
- Principal Certificate (Certificate)
- Reading Specialist Endorsement (K-8) (Endorsement)

Online Bachelor's Degree Programs offered at NAU Kayenta include:

- Certificate in Hotel & Restaurant Management
- Bachelor of Science in Health Sciences
- Bachelor of Business Administration
- BA/BS in Interdisciplinary Studies-Administration of Justice (90/30)
- BA/BS in Interdisciplinary Studies-Emergency Services Administration (90/30)
- BA/BS in Interdisciplinary Studies-Public Management (90/30)

Native Monument Valley High

Native Monument Valley High School is located in Kayenta, AZ and is one of 8 high schools in Northeast Arizona Technological Institute of Vocational Education School District. It is a voc/tech school that serves students in grades 9-12.

Arizona Virtual Academy

The Arizona Virtual Academy (AZVA) is a charter school that gives Arizona kids in grades K-12 the chance to learn in the ways that are right for them. AZVA offers:

- The award-winning K[12] curriculum
- Full-time, tuition-free online public school option
- Support from highly qualified, state-certified teachers
- An active, supportive school community
- A range of extracurricular activities
- A robust Advanced Learner Program
- A program that has achieved Adequate Yearly Progress (AYP) six out of the last seven years
- A high school diploma that meets all state requirements for graduates

Chilchinbeto Community School

Chilchinbeto Community School is located in Kayenta, AZ and is in Chilchinbeto Community School District. This school is one of 13 schools in Western Navajo Education Line Office School District. It is a public school that serves students in grades K-8.

Kayenta Community School

Kayenta Community School is located in Kayenta, AZ and is one of 13 schools in Western Navajo Education Line Office School District. It is a public school that serves students in grades K-8. Highway 163, PO Box 188 Kayenta, AZ 86033 (928) 697-3439.

Diné College

Diné College is a two-year, tribally controlled community college, serving the 27,000 square-mile (about 70,000 km²) Navajo Indian Reservation, which spans the states of Arizona, New Mexico, and Utah.

Its main campus is in Tsaile, an unincorporated community in Apache County, Arizona. It also has seven other campuses on the reservation in Arizona (three in Apache County (Chinle, Ganado and Window Rock), one in Coconino County (Tuba City), and one in Navajo County (Kayenta), one in McKinley County, New Mexico (Crownpoint) and one in San Juan County, New Mexico (Shiprock).

The college is directed by an eight-member Board of Regents confirmed by the Government Services Committee of the Navajo Nation Council. The name Diné comes from the traditional name for the Navajo, meaning "the people."

Current enrollment is 1,830 students, of which 210 are degree-seeking transfer students for four-year institutions. The main Tsaile campus includes eight 15-room dormitories housing about 150 students. Each octagonally-shaped unit has a fireplace in the center, and is described by the college as a "hooghan away from hogan" -- a reference to the traditional circular Navajo *hogan* dwelling.

The college first opened in 1968 as the Navajo Community College, the first college established by Native Americans for Native Americans. It was originally housed at the Rough Rock Community School while current location was under constructions. Dr. Robert Roessel was an advocate for the Navajo language and culture. Although Rosessel was white the Navajo had much respect and considered him a Navajo Elder. He stayed at Rough Rock while the College moved to Tsaile.

Dr. Ned Hatathli became the first president of Navajo Community College in 1969 when it relocated to its new location in Tsaile. Dr. Tommy Lewis became president in August 1992. At this time, funding from the BIA was around $4 million a year. Under his leadership, funding from the BIA increased to about $7.3 million a year in 2000.

The usage of the Navajo Language Culture was strengthened and the Board made a decision to use it throughout the institution. Under the 1994 Equity in Education legislation of the US Congress, it became a Land Grant Institution, joining the ranks of the 1864 and 1890 land grant colleges.

During the summer of 1997 the Administration changed their name from Navajo Community College to Diné College to reflect their name for themselves meaning The People. In 1998, Diné College bestowed its first baccalaureate degrees under the Diné Teacher Education Program, accredited under a partnership with Arizona State University. In 1998, the Library was rededicated the Kinyaa'áanii Charlie Benally.

Diné College offers Associate of Arts (AA), Associates of Science (AS), and Associate of Applied Science (AAS) programs. The Center for Diné Studies, applies Navajo Sa'ąh Naagháí Bi'keh Hózhǫǫn principles to advance quality student learning through Nitsáhákees (Thinking), Nahat'á (Planning), Iiná (Living) and Siihasin (Assurance). It also prepares its students by offering courses of the Diné language, history, and culture in preparation for further studies and employment in a multi-cultural and technological world.

The Uranium Education Program at the Shiprock campus is an empowerment program for Navajo concerning radiation and environmental health issues arising from the legacy of former uranium mining/milling operations and other serious environmental impacts on the Navajo reservation.

The Institute for Integrated Rural Development (IIRD) was established in 1996 by the Diné College Board of Regents as part of their Strategic Plan for carrying out their responsibilities as a 1994 Land-Grant Institution. IIRD is charged with developing and administering education, research, economic, and community-based projects that promote and demonstrate sustainability in food production, agriculture sciences, rural community development, health and environment, government, economic development, and natural resource management.

Other Regional Educational Facilities Serving Kayenta Township

Other educational facilities serving Kayenta students are included in this section.

Shonto Preparatory Technology High School

Shonto Preparatory Technology High School also is a state charter high school in Shonto, Arizona. The school is part of the Shonto Preparatory School district, which also includes a K-8 Bureau of Indian Affairs school.

The Indian Affairs education facilities were founded in 1933 out of a local desire to have students attend a school closer to home. It moved to its current location in 1966.

The Shonto Boarding School, as it was called, became a BIA/charter school in 1996, and the charter high school was added in 1997. The school serves students from rural areas such as Black Mesa, Inscription House, and Kayenta, with children being bussed in from as far as forty miles away. The current high school site was built in 2005-06 and includes 17 classrooms, a vocational school, and multi-purpose hall.

The district has 618 students. Of that number, 99.6% are Native American, and over 90% are eligible for free or reduced lunch programs.

Dennehotso Boarding School

The Dennehotso Boarding School is a KG-08 public school. It is one of 13 schools within the Western Navajo Education Line Office District. It is located in East Highway 160 in Dennehotso, Arizona.

Education as a Principal Economic Activity

In 1986, approximately 323 people were employed by the Kayenta Public School system. As provided by the Arizona Commerce Authority, the *educational and health services* economic activity sector in Kayenta employed approximately 3,425 persons in 2008. This economic activity sector is second to the *government* activity sector, which employs approximately 10,800 in Kayenta. The Kayenta Unified School Districts includes 4 schools that serve 2,179 students in grades PK through 12.

Central Navajo Education Office District

The Central Navajo Education Line Office District includes 10 schools. These schools are listed in Table 7.

Table 7:
Central Navajo Education Line Office District
2011

School	Grades	Enrolment
Rough Rock Community School Chinle AZ, 86503	KG-12	563
Many Farms High School Many Farms AZ, 86538	9-12	526
Rock Point Community School Highway 191, Rock Point AZ, 86545	KG-12	500
Lukachukai Navajo Route 13, Lukachukai AZ, 86507	KG-8	469
Chinle Boarding School PO Box 70, Many Farms AZ, 86538	KG-8	445
Jeehdees'a Academy Inc. (Low Mountain) PO Box 1073, Pinon AZ, 86510	KG-8	268
Cottonwood Day School PO Box 6003, Chinle AZ, 86503	KG-8	244
Pinon Community School PO Box 159, Pinon AZ, 86510	KG-12	163
Nazlini Community School PO Box 35, Ganado AZ, 86505	KG-6	125
Black Mesa Community School PO Box 97, Pinon AZ, 86510	KG-8	37

Sources: U.S. Department of Education, 2011

Exhibit 9 shows schools within the region. Exhibit 10 shows schools within the Kayenta Unified School District office.

EXHIBIT 9: Schools within the Navajo Nation Region Serving Kayenta

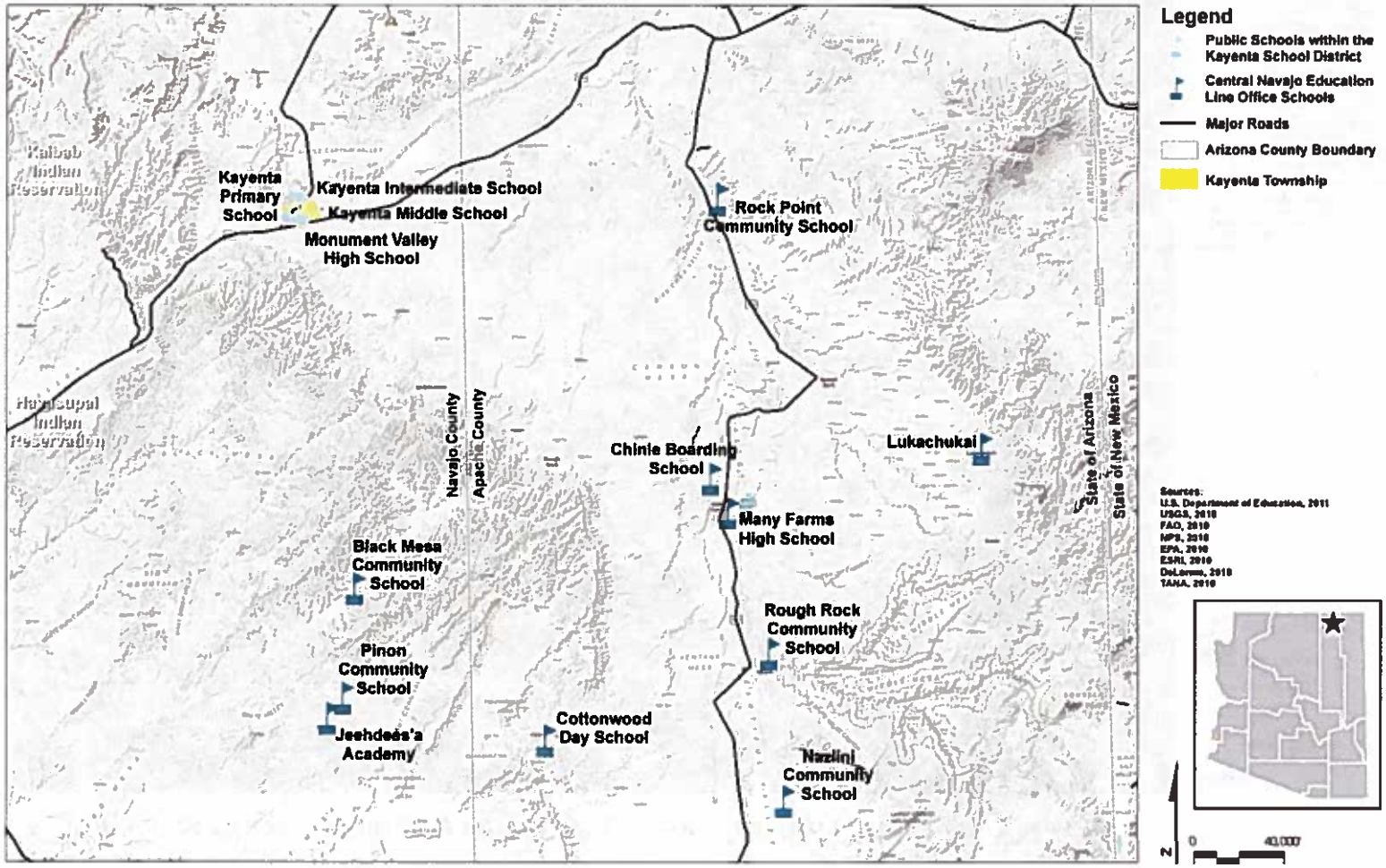


EXHIBIT 10: Schools within the Kayenta Unified School District and N.A.T.I.V.E

Health Care Services

In 1935, the Tuberculosis Sanatorium, a 52 bed facility, opens in Kayenta Township. The sanatorium remained open until January 1944, when it closed due to World War II and the lack of doctors. When the facility was closed, the government asked Mrs. McGaffin, the wife of the Presbyterian missionary, if she would dispense necessary medicines to the sick. After consenting, her services included the taking the very ill to the Tuba City Hospital and Ganado Hospital.

During the 1950's, The Ganado Presbyterian Hospital sent medical teams to Kayenta once a month for medical treatment at the church. Two of three patients were seen during these monthly visits.

In 1959, the U.S.P.H.S clinic was built and became the core for four other clinics which are located in Dennehotso, Chilchinbeto, Inscription House and Shonto. Outpatient medical services, community health and dental services as well as environmental health services are provided out of the Kayenta Clinic. Twenty-four (24) hour, seven (7) day a week emergency services are available at the Kayenta I.H.S. Clinic. Most inpatients were hospitalized at the Tuba City I.H.S. Hospital, 75 miles from Kayenta.

In the spring of 1981, an additional health services facility was established. This facility became the Kayenta Designated Community Health Services (K.C.H.S). This health service facility was obtained through the cooperative efforts of several citizens who saw the need for local medical services for many of the Peabody employees and others who could pay for health services. Outpatient medical and dental services are available at this facility five (5) days a week.

The Navajo Area Indian Health Service (NAIHS) is the primary health care provider on the Navajo Nation. NAIHS program administration is divided into 8 service units: Chinle, Crownpoint, Fort Defiance, Gallup, Kayenta, Shiprock, Tuba City, and Winslow Service Units. Within these service units, NAIHS facilities include 6 hospitals, 9 health centers, 12 health stations, and 18 dental clinics (2007). NAIHS also provides over 50 primary care services at schools and about 60 at Chapter.

Other health care facilities are contract facilities located within or near the Navajo Nation. These include Sage Memorial Hospital (Ganado, AZ), Presbyterian Medical Services (Cuba, NM and Farmington, NM),

Winslow Memorial Hospital (Winslow, AZ), and San Juan Health Care Services (Montezuma Creek, UT). These facilities generated approximately 78,000 outpatient visits and 2,300 inpatient admissions annually. Others are private facilities, mostly small dental clinics, and one private clinic provides family care in St. Michael, AZ.

The Monument Valley Adventist Hospital is located some 30 miles away from Kayenta. This facility is utilized by township and regional residents. Monument Valley Adventist Hospital is a 27 bed facility with 4 doctors, 2 dentists and six nurses. This facility is antiquated and it need of renovation.

As population grew, the outpatient services were delivered in a building that was too small to serve the needs of the population. Multiple trailers were used for health services delivery. In response to a need for additional space, temporary holding capabilities for certain types of emergencies, as well as the need to offer needed services such as a block bank, a blood gas machine, and nighttime support staff, the new Kayenta hospital is under construction. This new facility is being built to accommodate the health care needs of the current and projected populations.

Kayenta Health Care Center

The Kayenta Health Care Center is currently under construction. The Center includes 25 dental chairs, surgery facilities, 13 hospital beds, 129 staff quarters, and 150 new employment positions in addition to current health care staff.

Public Utilities

Navajo Tribal Utility Authority (NTUA) is the major utility provider on the Navajo Nation. NTUA provides service for the community's Water, Sanitary Sewer, Gas and Electric. NTUA is an enterprise of the Navajo Nation. Data, cable, and telephone services are provided by Frontier Communications. The Kayenta Township handles all solid waste through its waste transfer station.

Arrowhead Engineering, Inc (AEI) was commissioned by Kayenta Township to review future and current capacity utilizing existing data. The township's objective is to manage its public utilities by ensuring their capacity to support current and future growth. In general, all utilities will require increased capacity. This section summarizes Arrowhead Engineering, Inc.'s review of the available utility capacity based on data provided by NTUA.

Methodology

The Kayenta Township furnished Arrowhead Engineering, Inc. with digital copies of NTUA's existing infrastructure in Kayenta. In addition, AEI has made use of GIS data provided by Arizona Land Resource Information System (ALRIS), GIS data provided by NTUA, and available aerial surveys.

Based on such data, AEI developed spatially correct utility infrastructure maps. The spatial referencing for the maps are set at NAD83 Arizona East Zone State Plane (US survey foot). These maps overlaid the utility infrastructure onto current color aerial imagery to delineate water, sewer, gas, and electric utilities.

Water System Assessment

The Navajo Tribal Utility Authority (NTUA) Kayenta District operates and maintains the public water system within Kayenta. NTUA is responsible for providing safe drinking water. The water system is intended to serve all areas within the Township Limits, as well as other communities outside the Township Limit.

Presently, the only source of potable water for Kayenta is groundwater from the Navajo Aquifer. The Navajo aquifer is the source of water for industrial and municipal uses in the Kayenta area. "The Navajo aquifer is composed of three hydraulically connected formations - the Navajo Sandstone, the Kayenta Formation, and the Lukachukai Member of the Wingate Sandstone - that function as a single aquifer."(USGS 2010-1038)

The Kayenta Wells Chart, a study completed by the Indian Health Service Engineering Department of Kayenta in 1984, reported the static water levels and pumping capacity (gallons per minute) for each well in the study area. Such study also indicated that the Kayenta water system consisted of seven (7) wells and four (4) water storage tanks at the time the study was prepared. It also reported that the Township was pumping all seven wells at near capacity levels. The pump that served the Wetherill Heights sector pumped 24 hours per day to meet water demands.

The study also indicated that the storage water tanks were located at elevations which did not provide the pressure per square inch (psi) ratings necessary for sprinkler systems in large commercial and public buildings. At the time this study was prepared, Kayenta used approximately five thousand (5,000) acre feet of water per year.

NTUA reports that the township water system currently consists of seven (7) wells that feed into seven (7) water storage tanks, the largest of which holds one million gallons. The current total water storage a capacity is 2,640,000 gallons. There are approximately 98 miles of water distribution lines serving a population of approximately 5,280 people with 983 service connections. Exhibit 11 delineates the existing water system mains.

Water Wells

NTUA provided pump performance data for each existing water well serving the Kayenta water system. Exhibit 11 identifies water well location. Table 8 describes well location and well production capacity in gallons per minute (gpm). In addition to the existing wells list provided by NTUA on Table 8, the Township recently drilled a new well. This well is located southeast of Chief propane.

Currently, the Kayenta well system has the capability to produce 1,298,880 gallons per day (gpd) or 902 gpm.

Storage Tanks

According to NTUA, seven (7) water storage tanks serve the Kayenta water system. The capacity of each storage facility is included in Table 9. Exhibit 11 shows location of storage tanks. Currently, Kayenta has a total storage capacity of 2,640,000 gallons. Exhibit 11 shows existing water reservoirs.

Table 8
Kayenta Township Water Well Location and Production
in Gallons per Minute (gpm)

NTUA Well	Well Location	Well Production (gpm)
1	±600 feet northwest of the intersection of Diversion Dam Rd. and Laguna Wash Rd.	95
2	On the southwest portion of the Kayenta Unified School District parcel in the vicinity of NTUA's substation.	95
3	Approximately 1 mile northwest of the intersection of US-160 & US-163 in the vicinity of the Kayenta Field House.	125
4	½ mile southwest of the intersection of US-160 & US-163.	95
5	1.3 miles southwest of the intersection of US-160 & US-163 and ¼ mile south off of US-160.	225
6	1 mile south of the intersection of US-160 & US-163 on the west side Navajo Route 591.	175
7	Approximately 1 mile east of the intersection of US-160 & US-163 in the vicinity of the Navajo County Office.	92
	Total Well Production	**902**

Sources: Navajo Tribal Utility Authority, 2011

EXHIBIT 11: Existing Water System (Water Mains, Water Tanks and Water Wells)

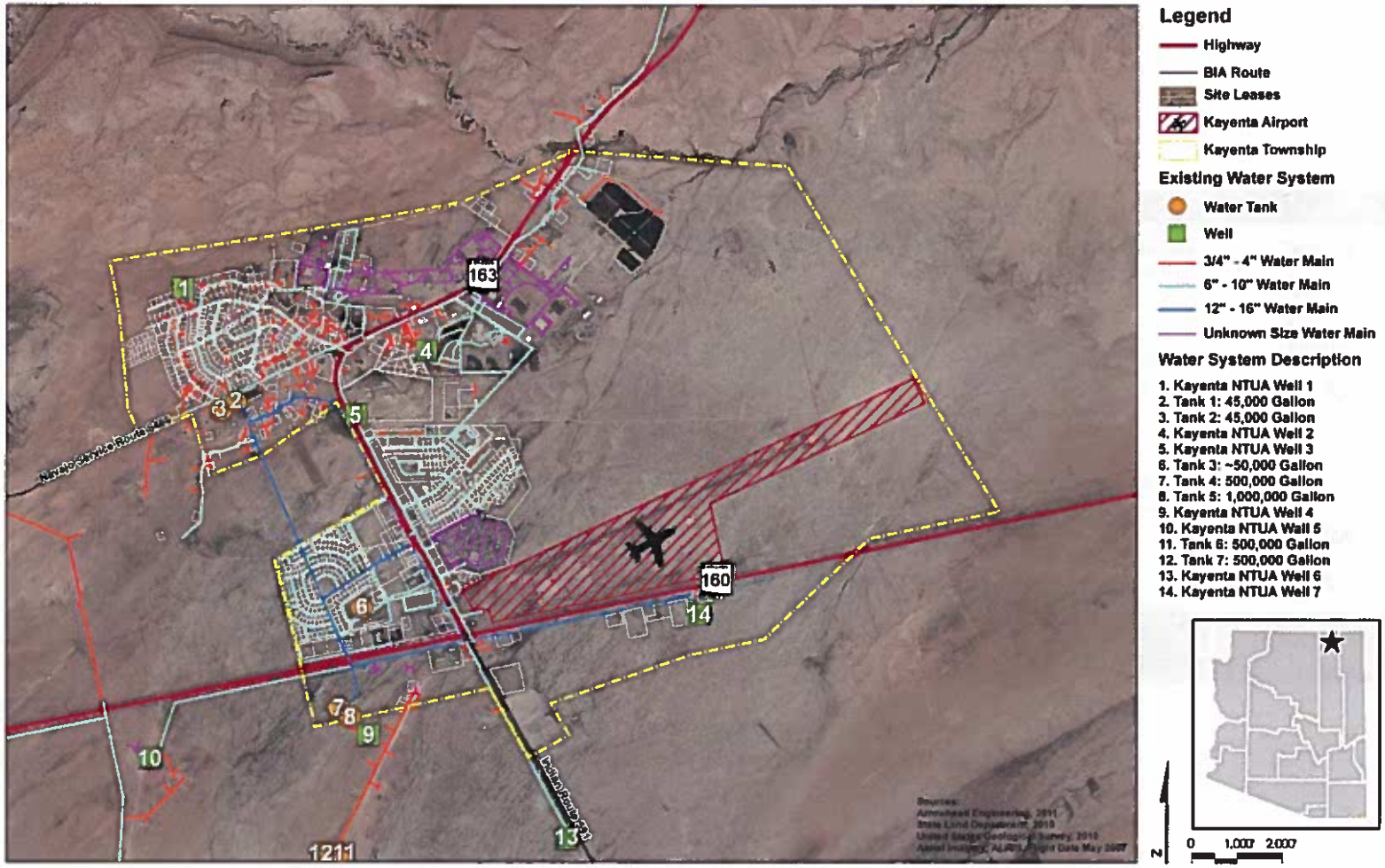


Table 9:
Kayenta Township Water Storage Tank Location and Capacity
in Gallons per Minute (gpm)

Storage Tanks	Storage Tank Location	Tank Capacity (gpm)
1	½ mile southwest of the intersection of Wetherill Rd and US-163 on the south side of Wetherill Rd.	45,000
2	½ mile southwest of the intersection of Wetherill Rd and US-163 on the south side of Wetherill Rd.	45,000
3	Approximately 1/4 mile north of the intersection of Bailey Dr. and US-160 in the vicinity of Kayenta Head Start.	50,000
4	Approximately ½ mile southwest of the intersection of US-160 & US-163.	500,000
5	Approximately ½ mile southwest of the intersection of US-160 & US-163.	1,000,000
6	Approximately 3 miles southwest of the intersection of US-160 & US-163.	500,000
7	Approximately 3 miles southwest of the intersection of US-160 & US-163.	500,000
	Total Well Production	**2,640,000**

Sources: Navajo Tribal Utility Authority, 2011

Water Distribution System

AIE compiled data received from NTUA and Kayenta Township to determine the total length and sizes of pipe within the system. The water distribution system includes differing pipe sizes and pipe materials. Table 10 shows total length in feet per type of pipe.

Table 10
Kayenta Water System Total Pipe Length

Pipe Diameter (Inches)	Total Pipe Length (Feet)
Laterals (Unknown size)	30,326
3/4	156
1	38
2	62,144
4	83,476
6	230,778
8	37,765
10	2,737
12	15,939
16	10,083
Unknown Size	42,990

Sources: Navajo Tribal Utility Authority, 2011

The following data deficiencies were observed:

- Approximately 8 miles of water pipe are identified as having unknown pipe sizes.
- Approximately 6 miles of water pipes are identified as water laterals. These pipe sizes are unknown. They were assumed as being in the ¾-inch to 4-inch category.

According to Table 10, of approximately 98 miles of pipe, about 33 miles (34 %) is 3/4-inch to 4-inch, about 51 miles (53%) is 6-inch to 10-inch, about 5 miles (5%) is 12-inch to 16-inch, and there is about 8 miles (8%) of water pipe identified as having an unknown pipe size.

Water Supply

AEI was not provided with historical records of well production for the NTUA wells. Such records are required to provide and assessment of water supply.

Water Demand

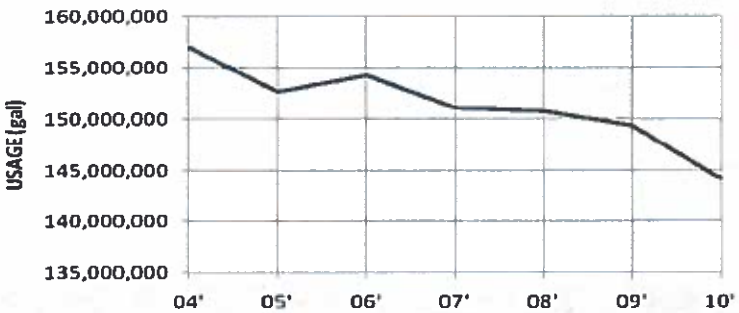
The daily demands for the Kayenta water service area were extracted from the NTUA SAP Consumption and Sales Report, dated 01/01/04 to 12/31/10. The average daily total usage is 414,626 gallons per day (gpd) or 288 gpm. This report will utilize the average usage per day of 288 gpm to calculate the remaining demands.

The following equations were used to determine average day peak month (ADPM, peak day demand (PDD) and peak hour demand (PHD). Figure 1 illustrates the historical usage demand.

- 1.5 average day peak month (ADPM) factor
- 2.0 peak day demand (PDD) peaking factor
- peak hour day (PHD) peaking factor

- Average Day Demand (ADD) = 414,626 gpd = 288 gpm
- ADPM = 1.5 * ADD = 621,939 gpd = 432 gpm
- PDD = 2.0 * ADD = 829,252 gpd = 576 gpm
- PHD = 3.5 * ADD = 1,451,191 gpd = 1008 gpm

Figure 1
Historical Usage Demand



Source: Navajo Tribal Utility Authority, SAP Consumption and Sales Report, dated 01/01/04 to 12/31/10

The historical water usage graphic provided in Figure 1 depicts a significant reduction in water consumption of approximately 13 million gallons of water consumption from 2004 to 2010. Such reduction in water consumption may be attributed to a decrease in agricultural land uses that rely heavily on water irrigation and an increase in urban land uses with lower water consumption rates as a result of steady urban growth. According to Figure 1, there are approximately 13 million gallons of water available for future development.

Total Water Capacity

A comparison between the existing water demand and the total storage capacity indicates that the Kayenta Water System has capacity for the existing land uses. Water capacity necessary to support the land uses depicted in the future land use map is provided in the Water Resources Element of the Comprehensive Plan volume.

ADEQ Bulletin 10, standards, recommends water for one day of average day peak month is recommended for storage sizing. Fire flow is not provided and not included in the storage calculations. The ADPM is 621,939 gallons. Kayenta has a total storage capacity of 2,640,000 gallons per Table 9, and can provide approximately 4.2 days of storage for the system, which is 4.2 times the minimum sizing requirement.

Water System Opportunities

The Kayenta Township is in a unique position. The Township infrastructure is provided by an independent entity outside of township government. This creates opportunities for interagency agreements as well as for capital improvements coordination and prioritization. It also provides an opportunity for NTUA to be involved in the preparation of the Kayenta Township 2011 Comprehensive Plan and Zoning Ordinance from its early stages. NTUA can provide valuable insight with respect to planned growth criteria and capitol improvements priorities.

Water System Constraints

There were no records provided describing the relationship between Kayenta Township and NTUA, regarding planned future development in Kayenta.

Wastewater Treatment System Assessment

NTUA Kayenta district is responsible for collecting and treating wastewater or sanitary sewer within the Kayenta Township. Kayenta utilizes a lagoon sewerage treatment system. NTUA also performs all water quality testing, chemical composition analysis, and performs maintenance of the treatment plant, aeration ponds, pumping stations, piping systems, and other sewage treatment facilities. Exhibit 12 shows Existing Sewer System.

The Kayenta community wastewater treatment facility provides services to all education facilities, commercial and housing areas. Six stabilization ponds are located northeast of Kayenta Public School. The effluent from the lagoon is filtered and chlorinated to 100% purity before being discharged into the Laguna Wash. Part of this discharged wastewater is utilized by the Kayenta School District to water their football field and lawns.

To maintain the 100% water purity, water samples area taken each month for analysis. Estimates indicate that the sewer system can handle twice the current load. NTUA avoids the use of lift stations because of significant maintenance costs. Lift stations are only used when the wastewater nears the lagoons. The system is dependent on gravity flow. Unconfirmed observations concerning the east central sector of the township indicates this area to be lower than the sewer lagoons.

Existing Wastewater System Collection and Treatment

The NTUA-Kayenta wastewater treatment lagoon facility is located in north east side of town, east of US-163. The Kayenta Lagoon Wastewater System encompasses approximately 37 acres, with facilities that include the headworks, aeration ponds and percolation ponds.

The treatment plant consist of six facultative lagoon operated in series. Currently only two (2) ponds out of the six (6) are being used. The only pretreatment of wastewater flows at this facility is a barscreen with a two-inch opening. There is an influent gate box that can direct the influent flow to either cell 1 or to cell 2. The lagoon system is equipped with ultra-sonic meters to measure the influent and effluent. Effluent is chlorinated and discharged from an 8-inch pipe from Cell #6 to a discharge outfall, to Laguna Wash.

The daily Influent and effluent flows for the Kayenta wastewater treatment lagoon facility were extracted from the NTUA Daily Flow Records, dated January 2011.The Kayenta Lagoon System currently treats an average daily flow of 0.53 mgd with a design capacity of 0.9 mgd and an average effluent flow of 0.286 mgd. The lagoon system currently has an average daily storage of.245 mgd or 32,710 cubic feet per day.

Distribution System

AEI compiled data received from NTUA and Kayenta Township to determine the total length and sizes of pipe within the system. The sewer system includes differing pipe sizes and pipe materials. Pipe length and diameter is shown in Table 11.

Table 11
Kayenta Wastewater System Total Pipe Length

Pipe Diameter (Inches)	Total Pipe Length (Feet)
3"	178
4"	12,358
6"	16,424
8"	68,509
10"	21,077
12"	25,891
16"	1,928
3"	178
4"	12,358
6"	16,424
8"	68,509

Sources: Navajo Tribal Utility Authority, 2011

As provided on Table 11, of approximately 28 miles of pipe, about 2 miles (9 %) is 3-inch to 4-inch, about 20 miles (72%) is 6-inch to 10-inch, and about 5 miles (19%) is 12-inch to 16-in.

Wastewater System Opportunities

The NTUA sewer lagoon is near capacity while the Township is proposing several large scale projects in the immediate future. In order to provide adequate wastewater treatment capacity, the preparation of a Wastewater System Master Plan is recommended. The 2011 Comprehensive Plan provides an opportunity to include the policy direction needed to prioritize wastewater system capacity improvements. NTUA's involvement in the 2011 Comprehensive Plan is highly recommended.

Wastewater System Constraints

Regulatory and Permitting Requirements

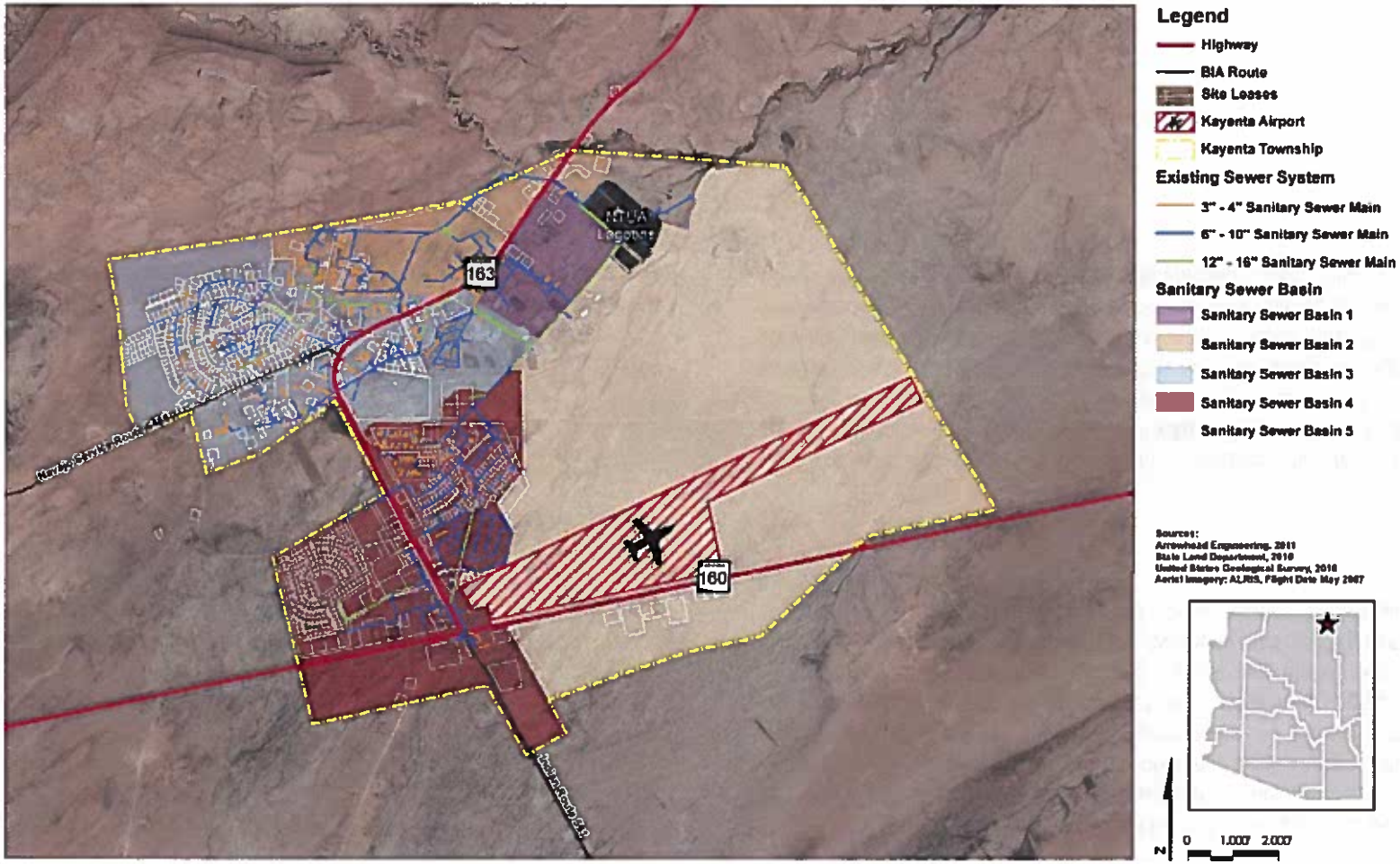
NTUA has jurisdiction of the sewer infrastructure in Kayenta. Coordination with NTUA will be required for all infrastructure improvements and additions. NTUA administers the design and permitting processes throughout the entire life of the project. NTUA has adopted regulations intended to protect the public health, safety and welfare, as well as to protect the environment. NTUA is also regulated by the Navajo Nation Environmental Protection, Water Quality Act of 1987 and the "EPA Policy for the Administration of Environmental Programs on Indian Reservation" (Nov 8, 1987). However, the review procedures and costs associated with compliance may serve to delay or preclude some activities and/or projects.

Existing Sewer System

Kayenta's sewer collection and treatment system are adequate for the current population. However, the system requires expansion in order to support the projected population. Changes in land use patterns and/or land use density/intensity will require utility upgrades. Exhibit 12 depicts the sewer basin.

AEI was not provided with analysis or evaluations necessary to determine deficiencies throughout the collection and treatment system currently in place. It is assumed that it is NTUA's responsibility to evaluate the sewer system to ensure that infrastructure deficiencies are adequately addressed and that infrastructure is in place prior to the approval and/or construction of future development. The type of comprehensive assessment of the community's wastewater treatment system provided in a Wastewater Master Plan would benefit Kayenta. This type of facility capacity master planning will assist in determining if existing sewer system facilities can accommodate the planned future developments.

EXHIBIT 12: Existing Wastewater System



Solid Waste Disposal System

The Kayenta Township Public Works Department operates the public facilities for the safe and sanitary disposal of solid waste generated within Kayenta under authority from the Navajo Nation. The Transfer Station is located northwest of the Kayenta Lagoon System. The Kayenta Township Public Work Department Transfer Station Enterprise offers trash pickup service, but the majority of the public haul their solid waste to the transfer station. Since Kayenta does not have a landfill, during the week, a truck has to deliver that week's trash to The White Mesa Landfill just past Bluff, Utah, which is about 89 mile one way.

Data, Cable and Telephone Service

Data, cable, and telephone services are provided by Frontier Communications. Consistent with the provision of electrical service, it is assumed that all of the existing overhead telephone and cable television facilities will be placed underground, and all new facilities will be placed underground in all new public and private streets.

Electrical

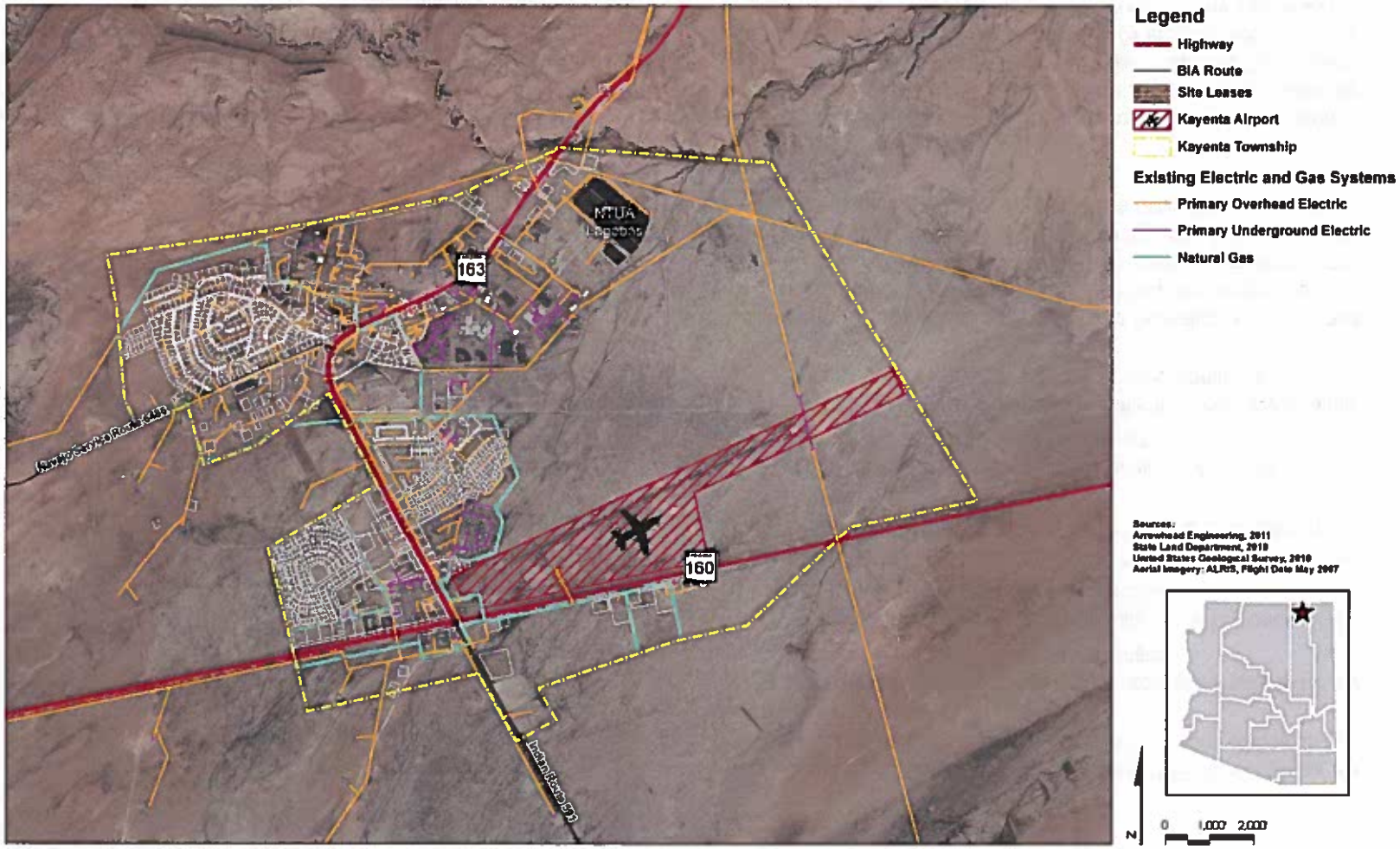
NTUA provides electrical services throughout the Navajo Nation. In addition to serving Kayenta, the Kayenta NTUA regional station service area includes the chapter areas of Chilchinbeto, Oljato, Dennehotso, Shonto, Inscription House, Black Mesa, Mexican Water, Tuba City, LaChee, Bodaway, and Rock Point. The office provided electricity to 3,155 customers in Kayenta in 1986. The number increased to 4,922 customers in 2,000 and it currently provides all the electrical needs for the Township. NTUA will continue to plan for growth and expansion.

The majority of the electric lines provide 14.4 and 24.9-kilovolt service, and nearly all the lines are located overhead. Future development within Kayenta would increase electric demand, since many of the existing land uses have low electric requirements. As development proceeds and as streets are constructed or reconfigured, upgraded service may be required. It is assumed that all new streets within specific planned areas will incorporate overhead and underground 14.4 and 24.9-kilovolt service. Exhibit 13 Shows existing electric and gas facilities.

Gas Service

NTUA provides gas service to the Kayenta Township. The source of their gas is delivered by Questar Southern Trails Pipeline from a 16" natural gas transporter. Exhibit 13 Shows existing electric and gas facilities. The 7 ½ miles of gas lines within Kayenta consist of high-pressure polyethylene lines. Future development within Kayenta is anticipated to increase demand for gas service, and existing and new streets within the plan area may require high-pressure plastic lines.

EXHIBIT 13: Existing Electrical and Gas Utility Systems



Recreation, Parks, Trails and Open Space

A well integrated system of parks, trails and natural open spaces is an essential component of a sustainable community. Such an integrated system provides opportunities for recreation, enjoyment, exercise and beautification essential for the health and well being of community members. Incorporating these throughout the community and providing connectivity among these areas establishes a strong community identity, contributes to the area character and instills a strong sense of place. It also preserves valuable natural resources, and improves air quality. A system of natural open spaces, parks, and trails that is regionally unique and that blends recreation and the natural and built environments assists a community in achieving its vision of becoming a sustainable community. Protecting the ecological infrastructure of the area is an essential step towards this goal.

Standards and Guidelines

The National Recreation and Park Association (NRPA) recognizes the importance of establishing and using park and recreation standards as:

1. A national expression of minimum acceptable facilities for the residents of urban and rural communities.
2. A guideline to determine land requirements for various kinds of park and recreation areas and facilities.
3. A basis for relating recreational needs to spatial analysis within a community-wide system of parks and open space areas.
4. One of the major structuring elements that can be used to guide and assist regional development.
5. A means to justify the need for parks and open space within the overall land-use pattern of a region or community.

The purpose of such guidelines is to present recreation, park, trail and open space standards that are applicable nationwide for planning, land acquisition, and development of active and passive recreation, park, trail and open space, primarily at the community level. These standards should be viewed as a guide. They address minimum, not maximum, goals to be achieved.

These standards are interpreted according to the particular situation to which they are applied and specific local needs must be addressed during the preparation of a Recreation, parks, Trails and Open Space Master Plan. The standard derived from early studies. Recommended park acreages are based on nationwide averages. The expression of acres of park land per unit of population or the standard of 10 acres per 1,000 of population came to be the commonly accepted standard used by most communities in the United States.

Other standards adopted include the "percent of area" approach, determined by user characteristics and participation projections, and area use based on the carrying capacity of the land. Changes in standards are a measure of the growing awareness and understanding of both participant and resource (land, water, etc.) limitations. Parks are for people. Park, recreation, and planning professionals must integrate the art and science of park management in order to balance such park and open space resource values as water supply, air quality, wildlife habitat, vegetative communities, overall sustainability, etc.

Hierarchy of Parks

The desired quality of life in a community includes recreational amenities, habitat restoration and integration, as well as preservation of open space, particularly along major washes and riparian corridors. It balances the built and natural environments. It also includes access to and integrated trail system. Such trail system includes access to pedestrian, bicycle and equestrian users and provides connectivity to the different areas, or land uses, within the community, including residential areas, schools, parks and recreational facilities. It also provides access to all segments of the population to a variety of recreation programs.

A first step towards achieving such quality of life is the adoption of levels of service standards for the provision of recreation, parks, trails, and open space. These standards can be used as general guidelines until a Recreation, Parks, Trails and Open Space Master Plan is prepared and adopted by the community. The policy direction in the form of action steps required to procure such open space is included in the community comprehensive or Comprehensive Plan. Such framework guides the preparation of future documents and the incorporation of implementation tools for recreation, parks, trails and open space. The following section and the table provided in the following page include recommended national guidelines for parks and recreational facilities.

The National Recreation and Parks Association developed a park classification system that includes guidelines for the establishment of a hierarchy of parks. These guidelines serve as a foundation from which communities can adopt level of service standards for parks, trails, and open space. A hierarchy of parks based on these national guidelines is provided in the following section.

Typical Pocket Park Design by The Planning Center

Pocket Park

A pocket park is the smallest park in the park classification system and should be considered as an alternative when providing a typical neighborhood park is impractical. Pocket parks provide open space and meet the recreational needs in high density urban neighborhoods. The site should be residential in scale and character and provide a quiet setting for park use. It should have a strong emphasis on passive uses such as picnic and sitting areas, include shade, and provide visibility from all adjoining streets to provide an inviting and safe environment. Table 1 lists standards for pocket parks.

Typical Pocket Park Design by The Planning Center

Neighborhood Park

A neighborhood park is the basic unit of the park system and serves as the recreational focus of an individual neighborhood. Surrounding uses should be predominantly single family or multi-family residential. Playgrounds, trails and usable open spaces are generally given the highest priority.

Park development should achieve a balance between active use areas such as sport fields and game courts and passive use areas intended for sitting, picnicking and relaxing. About half of the park area should incorporate passive activities and natural features. Uses requiring chain link fencing should be minimized in order to make the park visually attractive.

Typical Neighborhood Parks Designed by The Planning Center

Neighborhood parks are not intended for programmed activities that attract users from outside the neighborhood. Noise, glare, parking problems and street congestion should be minimized to provide a secured environment.

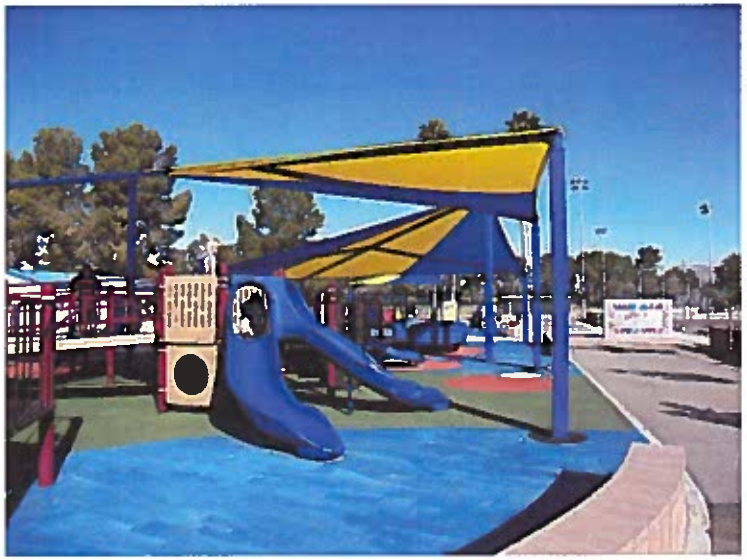
Typical Neighborhood Parks Designed by The Planning Center

Community Park

Community parks are typically larger in size than neighborhood parks and serve several neighborhoods with both active and passive recreational facilities. Group activities are well integrated and may include highly used recreational facilities such as programmed athletic sports fields, swimming pools and recreation centers, which are less appropriate for neighborhood parks due to the noise and vehicular traffic they generate.

Community parks may also contain large passive open space areas or preserve unique landscapes. About 25-50% should be undeveloped green or open space. This type of park, due to their location on major thoroughfares, provides a visual break in built environment.

Most of the park should be visible from adjoining streets. When located abutting a linear park, it provides opportunities to connect with adjacent neighborhoods, art districts or schools via hiking, nature or biking trails along the linear park.



Example of Community Park

Regional Park

Regional parks supplement community and neighborhood parks, serving broader based recreation needs in addition to those addressed in smaller parks. The increased size permits larger development of both active and passive facilities, providing a wide range of recreational pursuits.

Regional parks should include sizeable areas of undeveloped land with natural vegetation and/or water features. When possible, major thoroughfares should be routed around regional parks rather than through them. Regional parks can also incorporate linear parks and provide connectivity to the regional trail system.

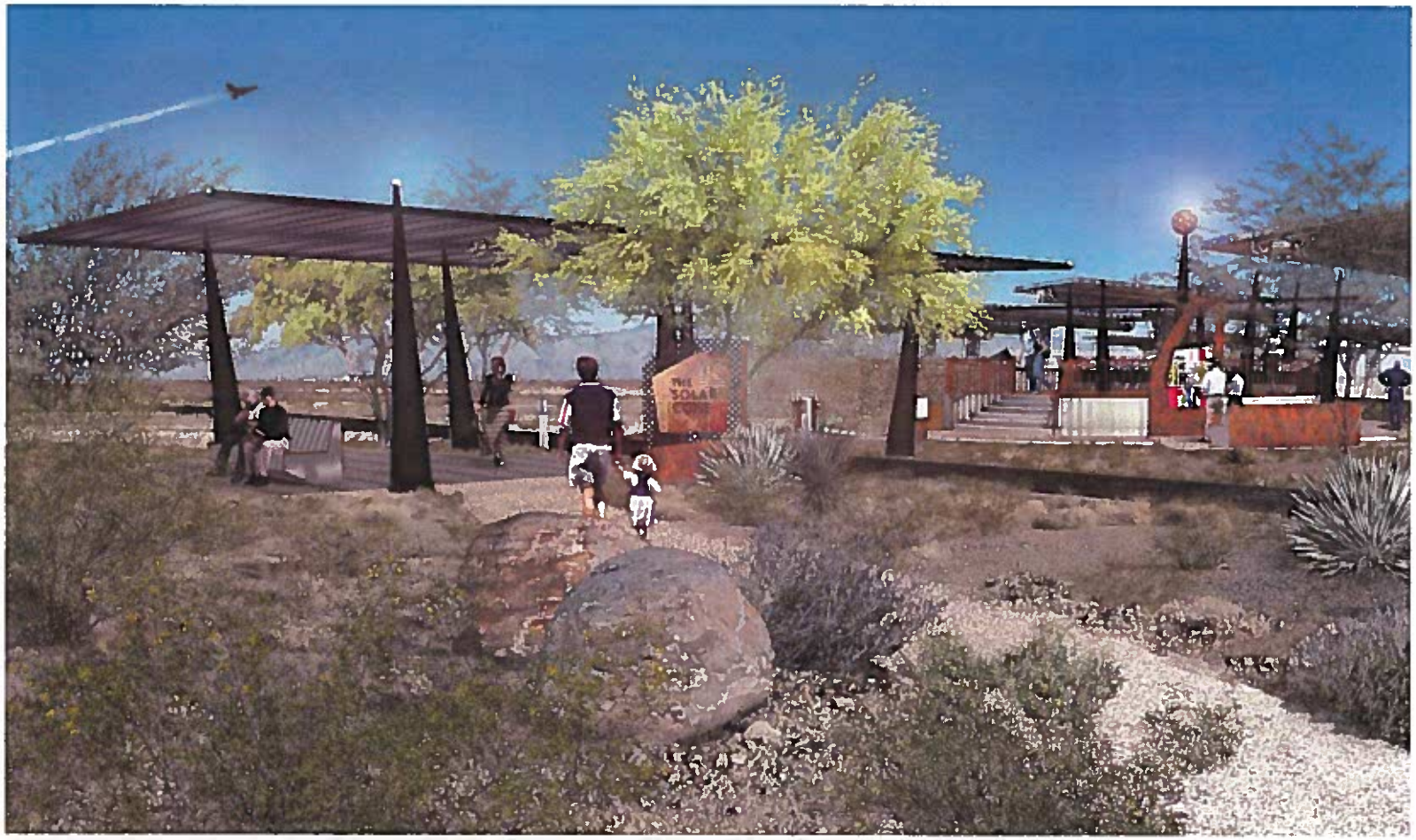
Typical Regional Park Designed by The Planning Center

Linear Park

Linear parks are greenways of open space that offer scenic beauty and allow safe, uninterrupted pedestrian, bicycle or equestrian movement along natural or built corridors. They are generally located along rivers, streams or in association with major thoroughfares or boulevards. This type of park is ideal along major washes or riparian habitats or wildlife corridors. They can also serve to buffer residential areas from higher intensity uses such as the Kayenta airport. When linked to trails, walkway and bikeway systems, linear parks can provide connectivity to other parks, residential neighborhoods, schools, libraries and businesses.

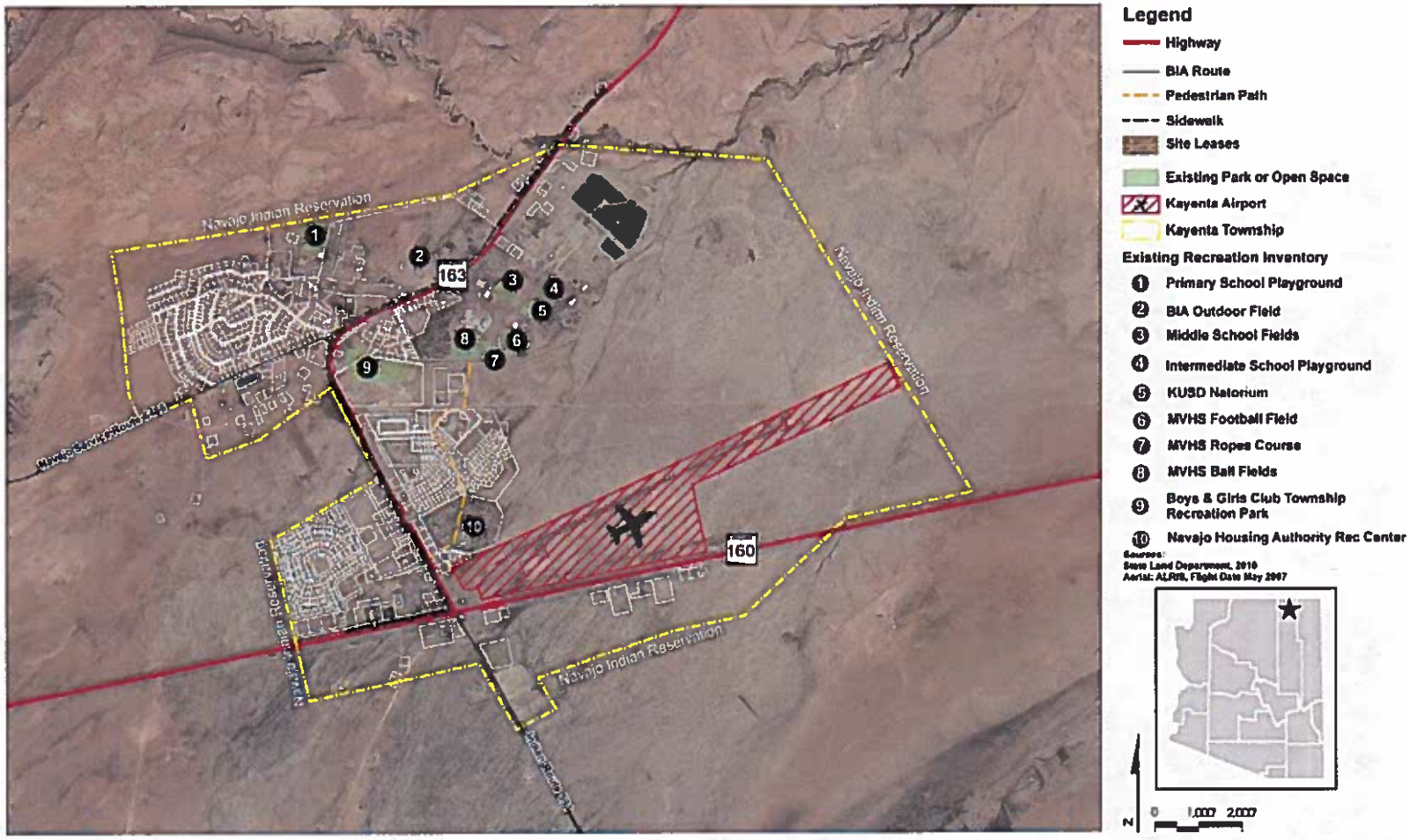
Linear parks provide breaks in the urban development pattern, conserve ecologically unique areas along river corridors, incorporate habitat restoration, and provide long stretches of open space well suited for multi-use trail systems.

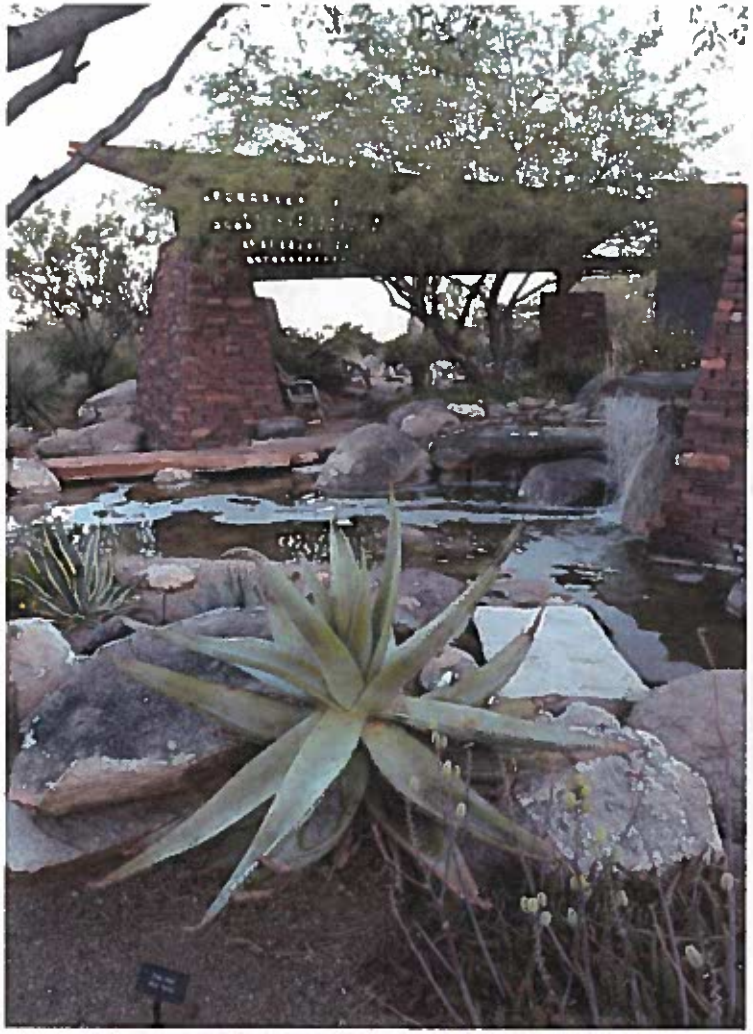
Exhibit 14 shows parkas, recreation, trails and open space facilities within Kayenta Township.



Interpretive Node on Natural Trail System Designed by The Planning Center

EXHIBIT 14: Kayenta Township Existing Parks, Recreation, Trails and Open Space.

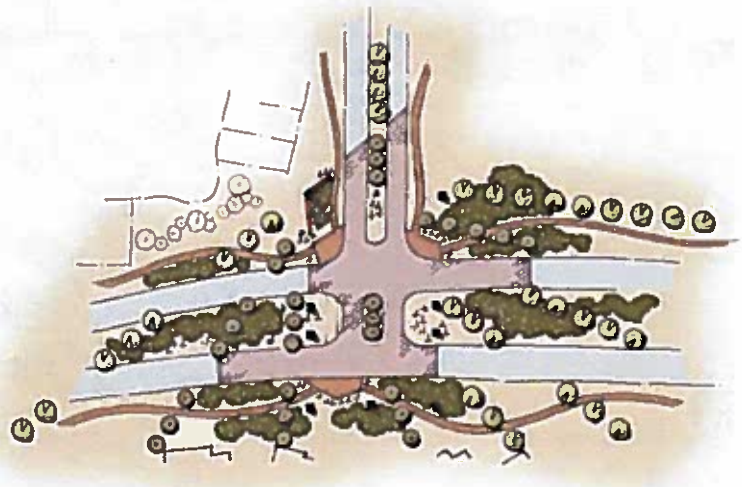




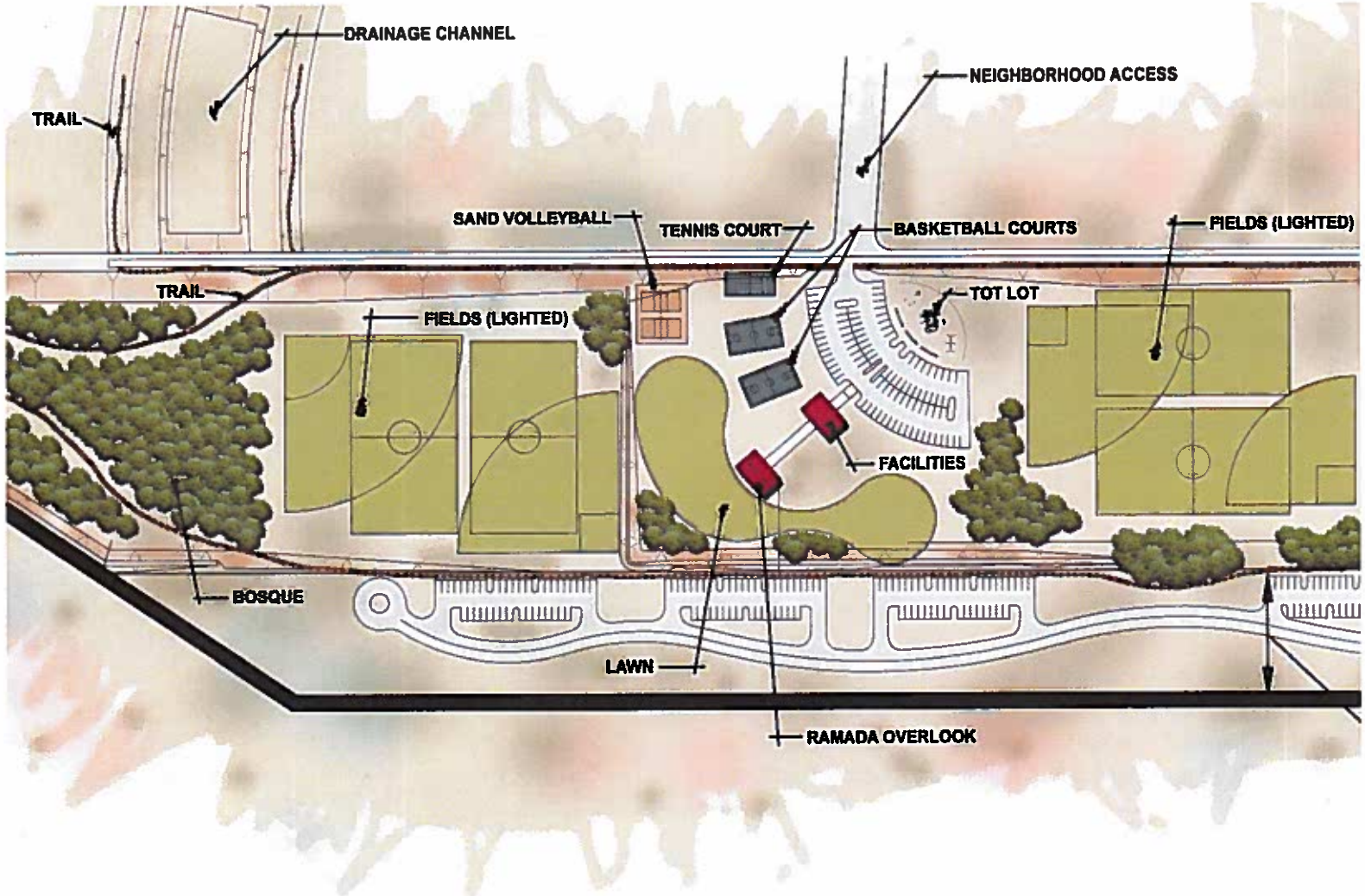
Example of Passive Recreation: Community Garden, Pima Canyon, Pima County, Arizona, The Planning Center

Standards for Active and Passive Recreation

Table 12 includes widely accepted standards for active and passive recreation. Active recreation includes fields, courts, swimming pools, trails, fishing areas, and facilities that promote recreation activities. Passive recreation includes ramadas, gardens, picnic areas and facilities that allow its users to gather, relax and contemplate nature without needing to engage in a specific sports or activity.



Example of Active Recreation: Multi-Use Path, Including Opportunities for Jogging, Hiking and Bicycle Riding, The Planning Center



Example of Active Recreation: Sand Volleyball, Basketball, Tennis Courts, Fields, The Planning Center

Table 12
Recreation, Parks, Trails and Open Space Standards

ACTIVITY/ FACILITY	RECOMMENDED SPACE REQUIREMENTS	RECOMMENDED SIZE AND DIMENSIONS	RECOMMENDED ORIENTATION	NO. OF UNITS PER POPULATION	SERVICE RADIUS	LOCATION NOTES
Badminton	1620 sq. ft.	Singles – 17'x44' Doubles – 20'x44'	Long axis north-south	1 per 5000	¼ -1/2 mile	Usually in school, recreation center or church facility. Safe walking or bike access.
Basketball **1. Youth** **2. High School** **3. Collegiate**	2400-3036 sq. ft. 5040-7280 sq. ft. 5600-7980 sq. ft.	46-50'x84' 50'x84' 50'x94' with 5' unobstructed space on all sides	Long axis north-south	1 per 5000	¼ - ½ mile	Same as badminton. Outdoor courts in neighborhood and community parks, plus active recreation areas in other park settings.
Handball (3-4 wall)	800 sq. ft. for 4-wall 1000 for 3-wall	20'x40' – Minimum of 10' to rear of 3-wall court. Minimum 20' overhead clearance	Long axis north-south. Front wall at north end.	1 per 20,000	15-30 minute travel time	4-wall usually indoor as part of multi-purpose facility. 3-wall usually outdoor in park or school setting
Tennis	Minimum of 7,200 sq. ft. single court (2 acres for complex)	36'x78'. 12' clearance on both sides; 21' clearance on both ends.	Long axis north – south	1 court per 2000	¼-1/2 mile	Best in batteries of 2-4. Located in neighborhood/community park or adjacent to school
Volleyball	Minimum of 4,000 sq. ft.	30'X60'. Minimum 6' clearance on all sides	Long axis north-south	1 per 5000	¼ - ½ mile	Same as other court activities (e.g. badminton)

Source: Lancaster, R.A. (Ed.). (1990), Recreation, Parks and Open Space Standards and Guidelines, Ashburn, VA. National Recreation and Parks Association.

Table 12
Recreation, Parks, Trails and Open Space Standards
(Continued)

ACTIVITY/ FACILITY	RECOMMENDED SPACE REQUIREMENTS	RECOMMENDED SIZE AND DIMENSIONS	RECOMMENDED ORIENTATION	NO. OF UNITS PER POPULATION	SERVICE RADIUS	LOCATION NOTES
Baseball 1. **Official** 2. **Little League**	3.0-3.85 A minimum 1.2 A minimum	Baselines – 90' Pitching distance 60 ½' foul lines – min. 320' Center field – 400'+ Baselines – 60' Pitching distance – 46' Foul lines – 200' Center field – 200' – 250'	Locate home plate to pitcher throwing across sun and batter not facing it. Line from home plate through pitchers mound run east-north-east.	1 per 5000 Lighted 1 per 30,000	¼ - ½ mile	Part of neighborhood complex. Lighted fields part of community complex.
Field Hockey	Minimum 1.5 A	180' x 300' with a minimum of 6' clearance on all sides.	Fall season – long axis northwest to southwest. For longer periods north-south	1 per 20,000	15-30 minutes travel time	Usually part of baseball, football, soccer complex in community park or adjacent to high school.
Football	Minimum 1.5 A	160' x 360' with a minimum of 6' clearance on all sides.	Same as field hockey.	1 per 20,000	15-30 minutes travel time	Same as field hockey.

Source: Lancaster, R.A. (Ed.). (1990), Recreation, Parks and Open Space Standards and Guidelines, Ashburn, VA. National Recreation and Parks Association.

Table 12
Recreation, Parks, Trails and Open Space Standards
(Continued)

ACTIVITY/ FACILITY	RECOMMENDED SPACE REQUIREMENTS	RECOMMENDED SIZE AND DIMENSIONS	RECOMMENDED ORIENTATION	NO. OF UNITS PER POPULATION	SERVICE RADIUS	LOCATION NOTES
Soccer	1.7 – 2.1 A	195' to 225'x330' to 360' with a minimum 10' clearance all sides.	Same as field hockey.	1 per 10,000	1-2 miles	Number of units depends on popularity. Youth soccer on smaller fields adjacent to schools or neighborhood parks.
Golf-driving Range	13.5 A for minimum of 25 tees	900'x690' wide. Add 12' width for each additional tee.	Long axis south-west-northeast with golfer driving toward northeast.	1 per 50,000	30 minutes travel time.	Part of a golf course complex. As separate unit may be privately owned.
¼ Mile Running Track	4.3 A	Overall width – 276' Length – 600.02' Track width for 8 to 4 lanes is 32'.	Long axis in sector from north to south to north-west-south-east with finish line at northerly end.	1 per 20,000	15-30 minutes travel time	Usually part of high school, or in community park complex in combination with football, soccer, etc.

Source: Lancaster, R.A. (Ed.). (1990), Recreation, Parks and Open Space Standards and Guidelines, Ashburn, VA. National Recreation and Parks Association.

Table 12
Recreation, Parks, Trails and Open Space Standards
(Continued)

ACTIVITY/ FACILITY	RECOMMENDED SPACE REQUIREMENTS	RECOMMENDED SIZE AND DIMENSIONS	RECOMMENDED ORIENTATION	NO. OF UNITS PER POPULATION	SERVICE RADIUS	LOCATION NOTES
Softball	1.5 to 2.0 A	Baselines – 60 ' Pitching distance- 46' min. 40' women. Fast pitch field Radius from Plate – 225' Between foul Lines. Slow Pitch – 275' (men) 250'(women)	Same as baseball	1 per 5,000 (if also used for youth baseball)	¼ - ½ mile	Slight differences in dimensions for 16" slow pitch. May also be used for youth baseball.
Multiple Recreation Court (basketball, volleyball, tennis)	9, 840 sq. ft.	120' x 80'	Long axis of courts with *primary* use is north-south	1 per 10,000	1-2 miles.	
Trails	N/A	Well defined head maximum 10' width, maximum average grade is 5% not to exceed 15%. Capacity rural trails – 40 hikers/day/mile. Urban trails – 90 hikers/day/mile.	N/A	1 system per region	N/A	

Source: Lancaster, R.A. (Ed.). (1990), Recreation, Parks and Open Space Standards and Guidelines, Ashburn, VA. National Recreation and Parks Association.

Table 12
Recreation, Parks, Trails and Open Space Standards
(Continued)

ACTIVITY/ FACILITY	RECOMMENDED SPACE REQUIREMENTS	RECOMMENDED SIZE AND DIMENSIONS	RECOMMENDED ORIENTATION	NO. OF UNITS PER POPULATION	SERVICE RADIUS	LOCATION NOTES
Archery Range	Minimum 0.65 A	300' Length x Minimum 10' wide between targets. Roped clear space on sides of range minimum 30', clear space behind targets minimum of 90'x45' with bunker.	Archer facing north = or – 45 degrees.	1 per 50,000	30 minutes travel time	Part of regional or metro park complex.
Golf **1. Par 3 (18 hole)** **2. 9-hole standard** **3. 18-hole standard**	50-60 A Minimum 50 A Minimum 110 A	Average length vary 600-2700 yd. Average length –2250 yards Average length 6500 yards	Majority of holes on north-south axis	– 1/25,000 1/50,000	½ to 1 hour travel time	9 hole course can accommodate 350 people/day. 18 hole course can accommodate 500-550 people/day. Course may be located in community or district park, but should not be over 20 miles from population center.

Source: Lancaster, R.A. (Ed.). (1990), Recreation, Parks and Open Space Standards and Guidelines, Ashburn, VA. National Recreation and Parks Association.

Table 12
Recreation, Parks, Trails and Open Space Standards
(Continued)

ACTIVITY/ FACILITY	RECOMMENDED SPACE REQUIREMENTS	RECOMMENDED SIZE AND DIMENSIONS	RECOMMENDED ORIENTATION	NO. OF UNITS PER POPULATION	SERVICE RADIUS	LOCATION NOTES
Swimming Pools	Varies on size of pool and amenities. Usually ½ to 2 A site.	*Teaching*- minimum of 25 yards x 45' even depth of 3 to 4 ft. *Competitive* – minimum of 25 m x 16 m. Minimum of 27 square feet of water surface per swimmer. Ratios of 2:1 deck vs. water.	None-although care must be taken in siting of lifeguard stations in relation to afternoon sun.	1 per 20,000 (Pools should accommodate 3 to 5% of total population at a time.)	15 to 30 minutes travel time	Pools for general community use should be planned for teaching, competitive and recreational purposes with enough depth (3.4m) to accommodate 1m and 3m diving boards. Located in community park or school site.

Source: Lancaster, R.A. (Ed.). (1990), Recreation, Parks and Open Space Standards and Guidelines, Ashburn, VA. National Recreation and Parks Association.

Transportation and Circulation

All the land, water, and air routes make up the transportation and circulation system of a community. Such system allows the movement of people and goods and is a key factor in the economic success of a region. A safe, efficient and convenient multimodal transportation system providing access and connectivity to a variety of transportation modes is a vital component to Kayenta's viability, livability, sustainability and long-range economic success.

The primary and often only means of transportation across the Navajo Nation is cars and trucks. These are the primary forms of mobility for families living in the different growth centers. The Navajo Nation Growth Centers are small satellite urban communities designated for development and economic activity.

Although internally, these growth centers offer better accessibility to markets, services and highways, most people still walk or drive to their destinations.

The close proximity between these growth centers and their satellite communities creates commuter, home-to-work traffic and other trips between these communities. Development along the connecting corridor cannot be planned in isolation and require regional planning. Such comprehensive regional transportation efforts, addressing corridor connections between these growth centers and their satellites must also integrate street, pedestrian and bicycle circulation systems between these communities as well as the inter-modal connection needs at each community.

Currently, convenient, safe and efficient walkways defining the public realm, creating a sense of place and providing shortcuts and connectivity to goods, services, amenities, recreation, parks, trails and open space, do not exist for community members or visitors to shop, visit, or exercise. Bicycle routes are none existent. This high dependency on automobiles, makes these growth centers highly dependant on fossil fuels. As a result, both community health and the environmental wellbeing are adversely impacted.

In Kayenta, approximately ninety-seven (97) percent of the population uses the typical means of travel. These are automobiles, pick-up trucks, motorcycles and some bicycles. The Navajo Nation Transit System (NNTS) provides transit services throughout the Navajo Reservation. NNTS provides transit services between Kayenta and Window Rock. The transit bus system departs Kayenta at 6:00 AM and arrives in Window Rock at 10:00 AM. The return trip departs Window Rock at 2:00 PM and arrives in Kayenta at 6:00 PM.

Multimodal Long Range Transportation

Concurrent to the preparation of this Comprehensive Plan, The Arizona Department of Transportation (ADOT) is seeking proposals to prepare and ADOT Planning Assistance for Rural Areas (PARA) study. This PARA study titled Chinle-Many Farms and St. Michaels-Windo Rock-Ft. Defiance Multimodal Long Range Transportation Study will be prepared for the Navajo Nation Division of Transportation (NNDT). This PARA study will address the needs of multiple jurisdictions as well as the needs of neighborhoods within such jurisdictions. The major product of this study will be two final multimodal transportation plans for: (1) Chinle-Many Farms; and (2) St. Michaels-Window Rock-Ft. Defiance.

Each plan will contain a refined plan for improvements over five, ten, and twenty year periods, incorporating both roadway system and the multimodal needs of the area. While each community possesses the potential to grow independently into larger townships, this study will consider Chinle-Many Farms as one study and St. Michaels –Window Rock-Ft. Defiance as another study.

The principal focus of the proposed study is to address the most critical transportation planning needs identified by the Navajo Nation Division of Transportation (NNDT). Development growth centers within the Nation lack the updated transportation plans to guide their development into larger urbanized centers. There are few planned and developed streets, sidewalks and walkways around schools and housing tracts. As a result, comprehensive planning is needed for strategic, controlled development and access management.

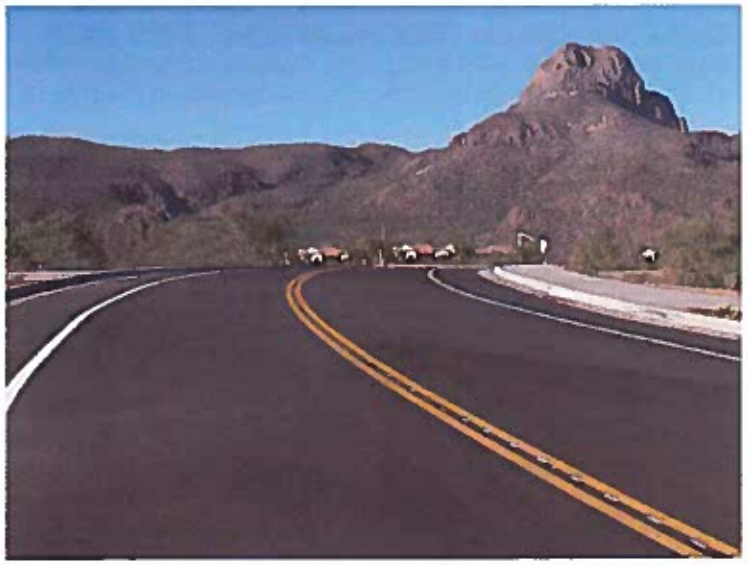
Although each community is growing and now supports economic development, employment, schools, housing and health care, they are confined to only one or two main thoroughfares (state and or BIA roads) to meet their transportation needs. With the majority of vehicular traffic confined to the main thoroughfares, traffic congestion is a problem when community members attempt to be at the same place at the same time. As a consequence, safety is compromised. This situation is exacerbated when there is competition for the same space with large diesel trucks and interstate travelers. As such, motor vehicle, pedestrian and biker safety and accessibility are compromised. These in turn pose very apparent transportation issues for the growth centers within these studies.

Effective measures for planned development have to be implemented or problems will only increase with the Navajo Nation population and proportionate needs in transportation facilities and infrastructure to meet the demand. A multimodal transportation plan for each growth center will include the following objectives:

- Develop transportation plans for rural communities of the Navajo Nation in order to promote travel safety, mobility, enhance economic vitality and improve community livability and increase community sustainability.
- Support current and long-range planning for economic and community development.
- Address transportation needs for each Navajo community in regards to multi-modal transportation needs for vehicular, pedestrian and bicycle transportation that promotes safety for community residents, commuters and visitors while enhancing the quality of life.
- Address inter-modal connections between vehicular, airport and transit systems for commuter and emergency needs.
- Recommend transportation improvements of the State and BIA and other road systems within and between these communities, including impacts to Navajo Nation's transportation network and other regional transportation systems.
- Recommend improvements of multi-modal and inter-modal transportation to address such needs within and between the communities including impacts to the Navajo Nation's total transportation network and the regional transportation system.

An extensive public participation program is included as part of this study that will allow the NNDT to actively seek input from neighbors, business owners and major stakeholders and incorporated their priorities into the plan and their program for improvements. Extensive community outreach will result in stronger community support for funding transportation improvements. A technical Advisory Committee (TAC) has been established to closely coordinate this study. The following agencies are represented on this Committee:

- Navajo Division of Transportation
- ADOT Holbrook District Engineer
- Many Farms Chapter Representative
- St. Michaels Chapter Representative
- Fort Defiance Chapter Representative
- ADOT Multimodal Planning Division
- Navajo Region Bureau of Indian Affairs
- BIA Roads Agency Engineers, Ft. Defiance and Chinle
- ADOT Environmental Planning Group
- Arizona State Land Department
- Apache County
- ADOT Communication & Community Partnership



It is anticipated that the study will be completed concurrent to the preparation of this document. Therefore, the Kayenta Comprehensive Plan Transportation Element will reflect the findings of the study.

Navajo Nation/Navajo DOT/ADOT/FHWA/Navajo County Partnership

The Navajo Nation is largely based in Arizona. The Nation also extends into Utah and New Mexico. The reservation is 27,000 square miles and is larger than 10 of the 50 states in the United States. Navajo land has a vast diversity in terrain ranging from the high desert to mountainous regions. It is well known for the majestic Red Rocks that are a breathtaking view in the Arizona sunset.

There are six scenic routes on Navajo land. One is Navajo Mountain Road that traverses 58 miles along SR98 from Page, Arizona to the intersection of US160. This route is a great way to enter the Nation for first time visitors. Second is the Kayenta-Monument Valley Scenic Byway located on US163 and is known as the "Gateway to Monument Valley." It begins in Kayenta, AZ and ends at the Utah border. Third is the Flat Mesa Rock Scenic Road that is located on US191 between milepost 467 and 510. The road weaves through northeastern Arizona. Fourth is the Fredonia-Vermilion Cliffs Scenic Road that traverses 82 miles along SR89A between mileposts 525 and 607. This is known as the gateway to the Colorado River in Marble Canyon and to the North Rim of the Grand Canyon. The fifth scenic route is Among the People Scenic Road that weaves through the high desert, mountains, valley, canyon country and lakes. It is 105 miles long from I-40 near the Arizona and New Mexico Border and north towards Canyon De Chelly National Monument on Navajo Routes 12 and 64. The last one is a road network that encompasses a web roadway in Utah and New Mexico (Navajo Scenic Roads).

2009 Navajo Nation Long-Range Transportation Plan

The 2009 Navajo Nation Long Range Transportation Plan (LRTP) is a twenty-year comprehensive plan developed and updated by the Navajo Division of Transportation (Navajo DOT) in a five-year cycle. The 2009 LRTP identifies the Nation's multi-modal transportation needs over the next 20 years and develops strategies to meet them. The plan provides long range planning policies and implementation strategies for the Navajo Indian Reservation Roads (IRR) Program improvements. It is based on a comprehensive analysis of all pertinent factors and issues affecting the Navajo Nation's existing and future transportation needs.

The 2009 LRTP followed a planning process which included examination of tribal and IRR program policies and transportation issues; socioeconomic data and development plans; all modes of transportation data (roads, bridges, airports, transit and rails (including road inventory data for future traffic volume and transportation improvement needs according to highway design guidelines and pavement management requirements); and crash data analysis for safety needs. The review process included public involvement at public hearings and final approval by the tribal transportation committees. Figure 2 illustrates the long-range transportation plan planning process.

The LRTP is an important component in obtaining Federal funding for roadway improvements through the IRR Program. The Navajo IRR Program is administered jointly by the Bureau of Indian Affairs Division of Transportation and the Federal Lands Highways Program (FLHP) of the Federal Highway Administration.
The BIA Navajo Regional Office – Division of Transportation (BIA-NRODOT) administers Navajo Region of the IRR Program construction and maintenance. To qualify for the funding, each Indian Reservation must establish an approved long range transportation plan and Tribal Transportation Improvement Program (TTIP) which is a 3- to 5-year road and bridge construction priority schedule. The Navajo Nation will use this 2009 LRTP to satisfy the long range transportation plan requirement, and will utilize the findings and recommendations of the LRTP to define a 3-5 year road and bridge construction of the Navajo Nation Transportation Improvement Program (TIP).

The purpose of this plan, as required by federal agency regulations, is to identify transportation improvement needs for funding Navajo Nation long range transportation improvements. This LRTP is also intended to be a transportation planning tool for the Transportation and Community Development Committee (TCDC) of the Navajo Nation Council and the Agency Roads Committees (ARC). It further provides recommendations for long range improvements for Navajo-BIA, State, and County roads, bridge, airport as well as transit improvements. The recommendations of the LRTP will provide guidance to the Navajo Nation, Navajo DOT, the State Departments of Transportation, Chapter communities within the Reservation, and private interests when considering future development plans.

The Navajo Nation LRTP is the Navajo Nation's vision of future transportation construction to fulfill and meet the Nation's long term transportation needs. The planning process and methodology used in this plan includes examination of tribal and IRR program goals and objectives, highway design criteria, and transportation issues to identify future needs.

Transportation Goals

The goals of the LRTP are to:

1. Provide a comprehensive transportation system that encompasses all modes of transportation, including rail, bus, and air.
2. Provide safe and efficient transportation network to and within the Navajo Reservation.
3. Improve overall road and bridge conditions to achieve a reduction in the number and severity of traffic accidents.
4. Develop the necessary multimodal transportation system to foster and support economic development and increase employment opportunities.
5. Provide a high level of connectivity between Growth Centers including Shiprock, Tuba City, Chinle, Fort Defiance, Window Rock, Crownpoint, and Kayenta.

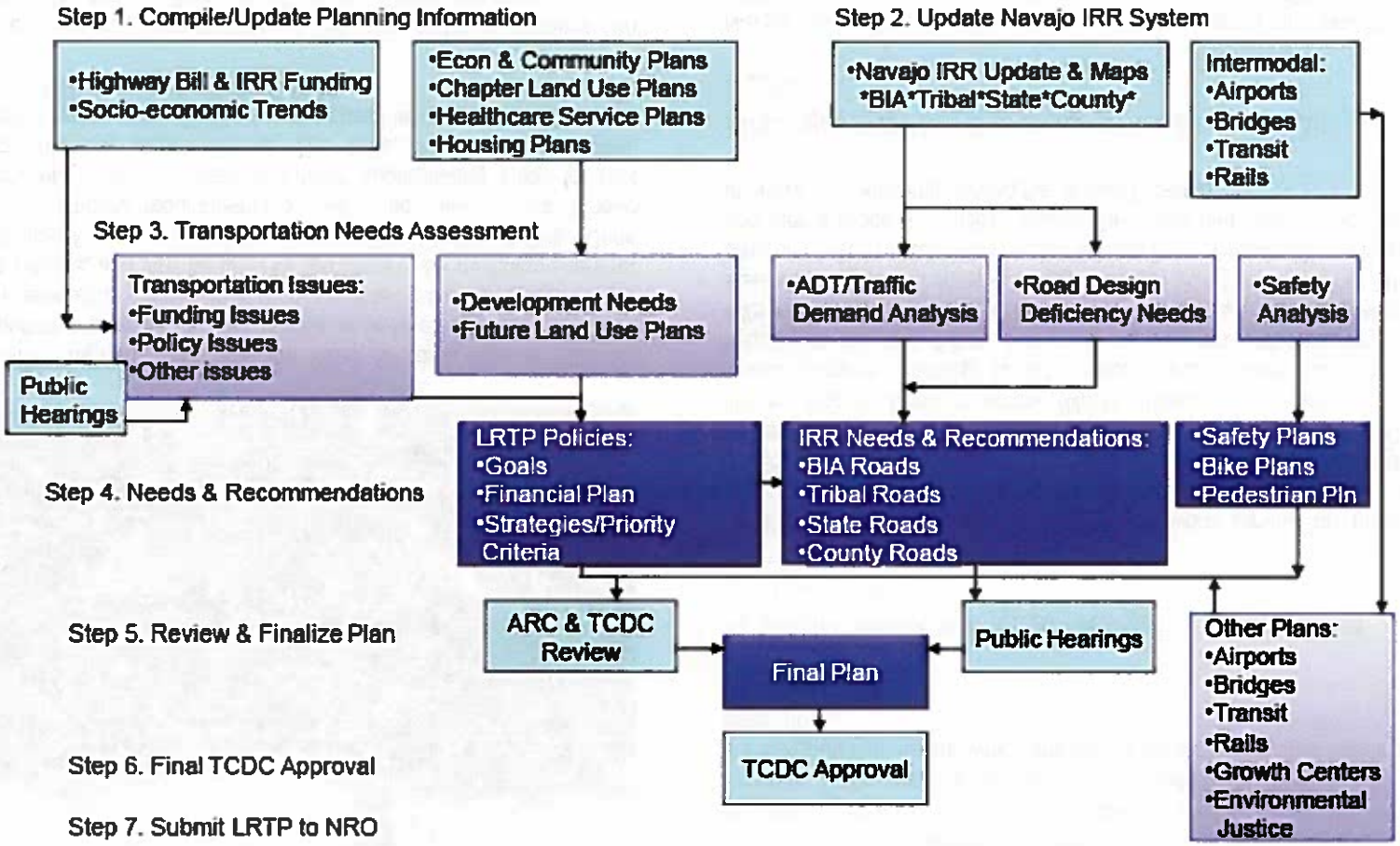
Federal Funding of Indian Reservation Road System

The IRR program was established to provide for construction of public roads and bridges under Bureau of Indian Affairs (BIA) administration. Its funding is authorized under the Federal Lands Highway Program (FLHP) and through the Bureau of Indian Affairs-Division of Transportation. The 1948 and subsequent memorandum of agreements between the BIA and Federal Highway Administration (FHWA) established their joint responsibilities for the IRR program.

The purpose of the IRR program is to provide safe and adequate transportation facilities including public road access to and within Indian reservations, Indian trust land, or Native American communities. Indian Reservation Roads by definition include BIA, state, county, and other local government public roads.

In 1998, a funding distribution formula was developed for the IRR Program under the Transportation Equity Act for the 21st Century (TEA-21). Originally, tribal allocations were distributed according to the Relative Needs Distribution Formula (RNDF). In July 2004, a new distribution formula and updated IRR regulations, referred to as the Tribal Transportation Allocation Methodology (TTAM), as documented in the IRR Program final regulation, 25 CFR Part 170. The TTAM uses an inventory of IRR facilities as the major factor in determining the funding amounts that each Tribe receives. The updated regulation removed growth limitations in the inventory and initiated significant incentives for Tribes to add all eligible tribal, State, and county routes to the inventory with somewhat negative impacts to the larger land based tribes. Using the TTAM allocation formula, the IRR funds are distributed to twelve (12) BIA regional offices.

Figure 2:
Long-range Transportation Plan Planning Process



Source: 2009 Navajo Nation Long-Range Transportation Plan.

The IRR Program funds can be used for any type of Title 23 transportation project providing access to or located within Federal or Indian reservations, Indian trust land, restricted Indian land, and Alaska native villages, and may be used for the State Local matching share for apportioned Federal-aid Highway Funds. Title 23, United State Code provides statutory requirements for IRR and other federal funded highway programs. Congress has been appropriating funds for IRR through highway appropriations. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) authorized IRR funding for FY2005-2009.

As a condition for the continuance of IRR funds and in accordance with 23 USC 116, the BIA Regional Offices and Tribes are responsible for road maintenance of BIA and tribal roads respectively using Department of the Interior (DOI) funds appropriated annually under DOI Appropriation Acts, tribal funds, and up to 25% of IRR construction funds authorized under SAFETEA_LU.

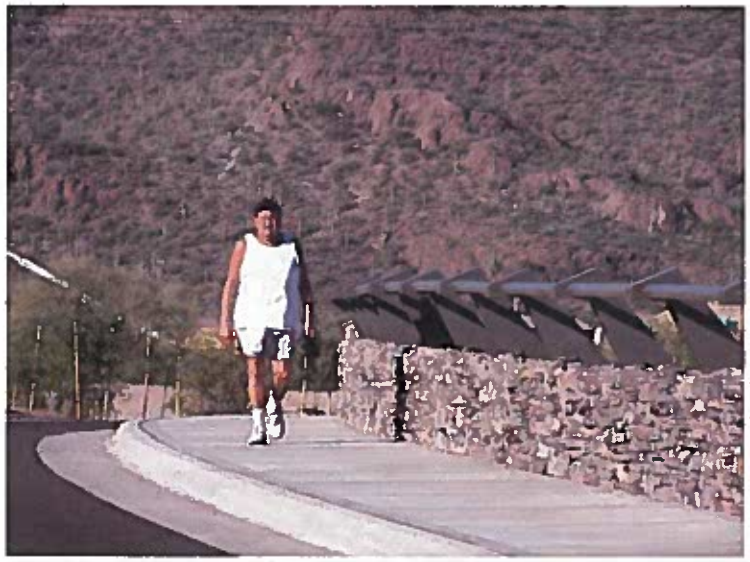
The current SAFETEA-LU highway authorization contains a statute that directs the Secretary of Transportation, in cooperation with the Secretary of the Interior, to complete a comprehensive national inventory review of transportation facilities eligible under the IRR Program. Each year, the inventory may be updated by tribes to reflect the transportation needs, which are ranked against the relative needs of other tribes.

Navajo Nation Indian Reservation Road System (IRR)

An IRR System is defined as a road network serving an Indian reservation, comprised of public road systems located within, or providing access to it. Navajo IRR roads are funded and administered by various government highway programs. According to the 2008 Navajo Region Road Inventory (NRRI) database, the Navajo IRR system consists overall of 12,631.5 miles of public roads that can be subdivided by right-of-way ownership or program administration as follows: Navajo-BIA roads (6,147.9 miles); tribal roads (2,895.7 miles); state roads (1,595.5 miles); county roads (1,907.5 miles); other BIA programs' roads (46.9 miles); other federal agency roads (37.2 miles), and others roads (0.8 miles). Navajo-BIA, state and county roads are the main road systems serving the Navajo Reservation.

Navajo Nation Bureau of Indian Affairs Roads

Navajo Nation BIA Road System consists of existing and proposed public roads within the Navajo Reservation that meet the IRR definition and for which the BIA Navajo Regional Office Division of Transportation (BIA-NRODOT) has or plans to obtain a legal right-of-way.



The Navajo-BIA road system or Navajo Routes include arterial roads, streets and other local public roads either linking to the state highway network or providing access to local Navajo communities. The Navajo-BIA road system, totaling 6,147.9 miles, is the largest component of the Navajo IRR systems. The Navajo-BIA road system is subdivided into seven agencies for administrative and inventory purposes: Shiprock/Northern, Western, Eastern, Chinle, Ft. Defiance, NIIP, and New Lands Agencies.

Existing Roadways Functional Classification

This section provides a description of the various roadway classifications, or hierarchy of roads, as defined in the DOI-BIA IRR Coding Guide, October 2004.

Class 1 - Major Arterial Roads

The Navajo-BIA Class 1 roads are major arterial roads providing an integrated network with characteristics for serving traffic between large population centers, generally without stub connections and having average daily traffic volumes of 10,000 vehicles per day or more with more that two lanes of traffic. Class 1 roads constitute 4.1 miles or only 0.07% of the total Navajo-BIA system.

Class 2 - Rural Minor Arterial Roads

The Navajo-BIA Class 2 roads are rural minor arterial roads providing an integrated network having characteristics for serving traffic between large population centers, generally without stub connections. These roads typically link smaller towns and communities to major resort areas that attract travel over long distances and generally provide for relatively high overall travel speeds with minimum interference to through traffic movement. Class 2 roads generally provide for at least inter-county or interstate service and are spaced at intervals consistent with population density. This class of road will have less than 10,000 vehicles per day. Class 2 roads constitute 816.0 miles or 13% of the entire Navajo-BIA system.

Class 3 - Streets

Street type roads are located within communities serving residential and other urban areas. These are streets at Navajo Growth Center communities, Navajo Housing Authority housing streets, etc. Class 3 streets amount to 58.1 miles or 1.0% of the total Navajo-BIA system.

Class 4 - Rural Collector Roads

The Navajo-BIA Class 4 roads are rural major collector roads that serve as a collector to rural local roads. The Navajo-BIA Class 4 roads make up most of the Navajo-BIA system, 3,827.4 miles or 62%.

Class 5 - Rural Local Roads

These roads are rural local roads that may be either section line or stub type roads, which make connections within the grid of the IRR system. This class of road may serve areas around villages, into farming areas, to schools, tourist attractions, or various small enterprises. This class also includes roads and motorized trails for administration of forests, grazing, mining, oil, recreation, or other use purposes. Class 5 roads amount to 1,438.8 miles of the total Navajo-BIA system, or 24%.

Class 6 - City Minor Arterial Roads

These roads consist of minor arterial streets that are located within communities and serve as access to major arterials. Class 6 roads amount to 3.5 mile or only 0.06% of the total Navajo-BIA system.

Class 7 - City Collector Streets

These are streets located within communities and serve as collectors to the city local streets. The Navajo Nation currently has none of this road class.

Classes 8-10

These are classification for non-road and other intermodal transportation facilities. The Navajo Nation has yet to inventory these.

Class 11

This is a classification to indicate an overlapping or previously inventoried road section (s) and is used to indicate that it is not to be used for accumulating needs data. This class is used for reporting and identification only.

Navajo-BIA Roads by Surface Type

The majority of Navajo-BIA roads are unpaved. Out of 6,147.9 miles total Navajo-BIA roads, only 1,494.4 miles (24%) are paved, 105.7 miles (2%) are gravel, 4,203.0 miles (68%) are earth, 291.7 miles (5%) are primitive roads, and 8.5 miles (0.1%) are proposed roads.

State Roads

There are 1,595.5 miles of Arizona, New Mexico, and Utah state highways that provide access for the Navajo Nation and connections to the surrounding region. State routes are main arterials/thoroughfares of the Navajo Reservation linking the nation's capital, Window Rock, Arizona and the other Navajo population/growth centers.

State highway systems on the Navajo Reservation include 937.1 miles in Arizona, 590.8 miles in New Mexico, and 67.6 miles in Utah. All state highways are paved roads except for the NM57 of which its entire length of 40.1 miles is earth.

County Roads

County roads on the Navajo Reservation are primarily local collector roads extending from nearby off reservation communities. The majority of county roads are in the Navajo Eastern Agency and Checkerboard areas of that agency where they provide access to Navajo Chapter areas. Other county roads are in Chinle, Shiprock, Western, Ft. Defiance, and NIIP Agencies respectively. Of the total 1,907.5 miles of county roads, 1,511.1 miles or 79% are earth roads, 110.3 miles or 6% are gravel, 134.9 miles or 7% are paved, and 151.2 miles or 8% are primitive roads.

Other BIA Program Roads

This category describes a small group of roads, of which rights-of-way belong to various programs in the BIA (i.e., Forestry, BIA schools and facilities). Of the total 46.9 miles, 16.1 miles are earth roads and 30.8 miles are paved roads. There are no roads under this category in Eastern, NIIP, and New Lands Agencies.

Other Federal Agency Roads

These roads are under federal agencies, e.g., National Park Service (NPS), BLM that own land/properties within the boundary of the Navajo Reservation. Of the total 37.2 miles, 12.3 miles are earth roads and 24.9 miles are paved roads. There are no roads under this category in Shiprock, NIIP and New Lands Agencies.

Other Roads

This category describes other private and public roads not included to any other categories previously described, such as petroleum and mining, and utility companies. There are only 0.8 miles of other roads in the Western Navajo Agency.

Existing Traffic Volume

The Navajo-BIA road system is generally characterized as rural low volume roads. Out of a total of 6,147.9 miles of the Navajo-BIA roads, 46 percent or 2,831.4 miles have average daily traffic (ADT) volumes less than 250 vehicles per day (vpd). Approximately 2,830.3 miles of these have an ADT volume between 50-249 vpd and 1.1 miles of these have an ADT volume less than 50 vpd.

Approximately 28 percent, or 1,742.9 miles of the Navajo-BIA road system have ADT volumes between 250-9999 vpd, and 0.1 percent, or 4.9 miles have ADT volumes of 10,000 vpd and greater.

Traffic Demand Forecast

Twenty-Year Traffic Volume

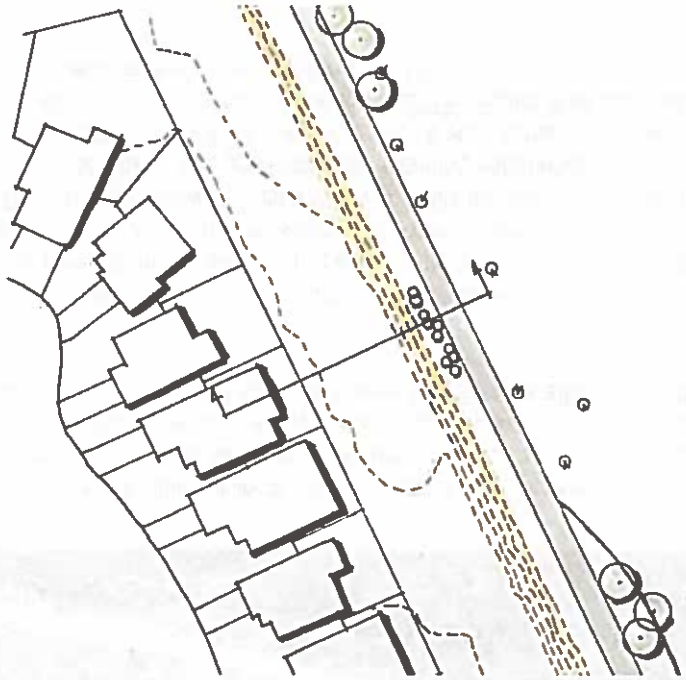
The 2008 Navajo Region Road Inventory Field Data Module (RIFDS) estimates a 2% annual traffic growth rate for all Navajo-BIA roads. Similarly the Arizona Department of Transportation (ADOT) also estimates and uses a 2% annual traffic growth rate for all state routes on the Navajo and Hopi reservations.

Based on this projected traffic growth, within the next 20 years 39 percent, or 2,420.9 miles, of Navajo-BIA roads will have ADT volumes between 250-9999 vehicles per day (vpd) and 0.2 percent, or 11.9 miles, will have ADT volumes of 10,000 vpd and greater. The majority, 60 percent or 3,715.1 miles, will have ADT volumes between 50-249 and 1 percent, or 44.7 miles, will have ADT volumes less than 50 vpd.

The 2009 LRTP shows a significant increase in the next 20 years in Navajo-BIA roads mileage with ADT volumes from less than 50, 50-250 vpd, 250-9999 vpd and those with ADT volumes of 10,000 vpd and greater.

Estimate of Daily Persons-Trips

For planning and estimating purposes, it is assumed that drivers on Navajo-BIA roads follow rural vehicle occupancy patterns, with 1.5 persons per vehicle for passenger cars and one (1) person per vehicle for trucks. ADOT uses these same figures in its planning for state highways on the Navajo Nation.



Estimate of Current and Future Modal Split

Modal split for Navajo transportation is virtually insignificant. Of the total 45,435 Navajo Nation residents commuting to work, 34,824 or 77 percent drove alone to work, 5,394 or 12 percent carpooled, 2,154 walked, and only 288 or 0.6 percent used transit to go to work (Census 2007, American Community Survey). Similar percentages are expected for the future because of the Navajo Nation's rural setting and vast distance between communities.

Travel Patterns

Based on the Transportation Planning Program's origin-destination survey conducted in 2001, a Navajo family has an average of 1.98 cars per household. On a weekday, commuter/driving to work trips generates approximately 41 percent of trips; driving children to school 31 percent; and school buses (picking up school children from bus stops to school) make up another 28 percent of total trips.

On average, a Navajo family makes approximately eight trips a year to healthcare facilities, and five trips a month to nearby border towns (usually on the weekend).

Major Transportation Issues

The Navajo Nation is the largest tribe in both land area and population, but due to inadequate funding for the Navajo IRR Program, seventy-six (76) percent of the Navajo-BIA road system is unpaved. Community transportation survey respondents identified the following important topics:

1. Safety improvements were the highest transportation goal, ranked above economic development, access to recreation, connection to transit and connection to freight;
2. Safety improvements (roadway striping, signage, traffic control, guard rail and street lights);
3. Road improvements (paving existing dirt or gravel roads);
4. Road maintenance (pothole repair and blading of dirt roads); and
5. Bridge improvements.

The poor condition of local roads, coupled with increased traffic and safety issues have become a primary concern for chapters, school administrators, health care providers, and tribal and transportation leaders. Lack of paved roads has been identified as affecting quality of life.

The Navajo Nation's transportation issues above, and road inventory and other planning data form the basis for determining transportation needs. The 2008 Navajo Region Road Inventory Field Data System (RIFDS) data, Navajo Nation Census 2000 demographic data, 1999-2007 crash data, and other pertinent planning information were used to analyze and identify the Navajo Nation's 20 year transportation needs in a systematic way as part of the 2009 LRTP. Figure 4 shows planning needs assessment process of the 2009 LRTP.

Navajo-BIA Road Issues and Needs

As provided in the 2009 LRTP, the Navajo-BIA road issues and needs are summarized in the next eleven sections, described as Needs 1 through 11. The needs were developed based on available data sources and public outreach.

NEED 1: Highway Geometric Design Deficiencies

To meet the Navajo IRR program objectives, design and construction of roads, bridges, and other transportation facilities must be done to current acceptable engineering standards for anticipated 20-year traffic volume.

Based on the highway geometric design guidelines and 20-year projected traffic volume, of the total Navajo-BIA roadway system, 97 percent of total Navajo-BIA road system or 5,955.4 miles have geometric design deficiencies including upgrades in road geometry, surfacing, and/or highway capacity.

Need 2: Network Connectivity Needs

BIA Class 1 (Major Arterial), Class 2 (Rural Minor Arterial) and Class 4 (Rural Major Collector) roads together work to provide network connectivity from Class 5 (Rural Local) roads to population centers, state road systems and regional network. However, the connectivity of Navajo-BIA roads system is hardly efficient due to the fact that much of these roads are unpaved: 11 percent of the Navajo-BIA Class 2 roads; 83 percent of Class 4 roads; and 93 percent of Class 5 road are unpaved.

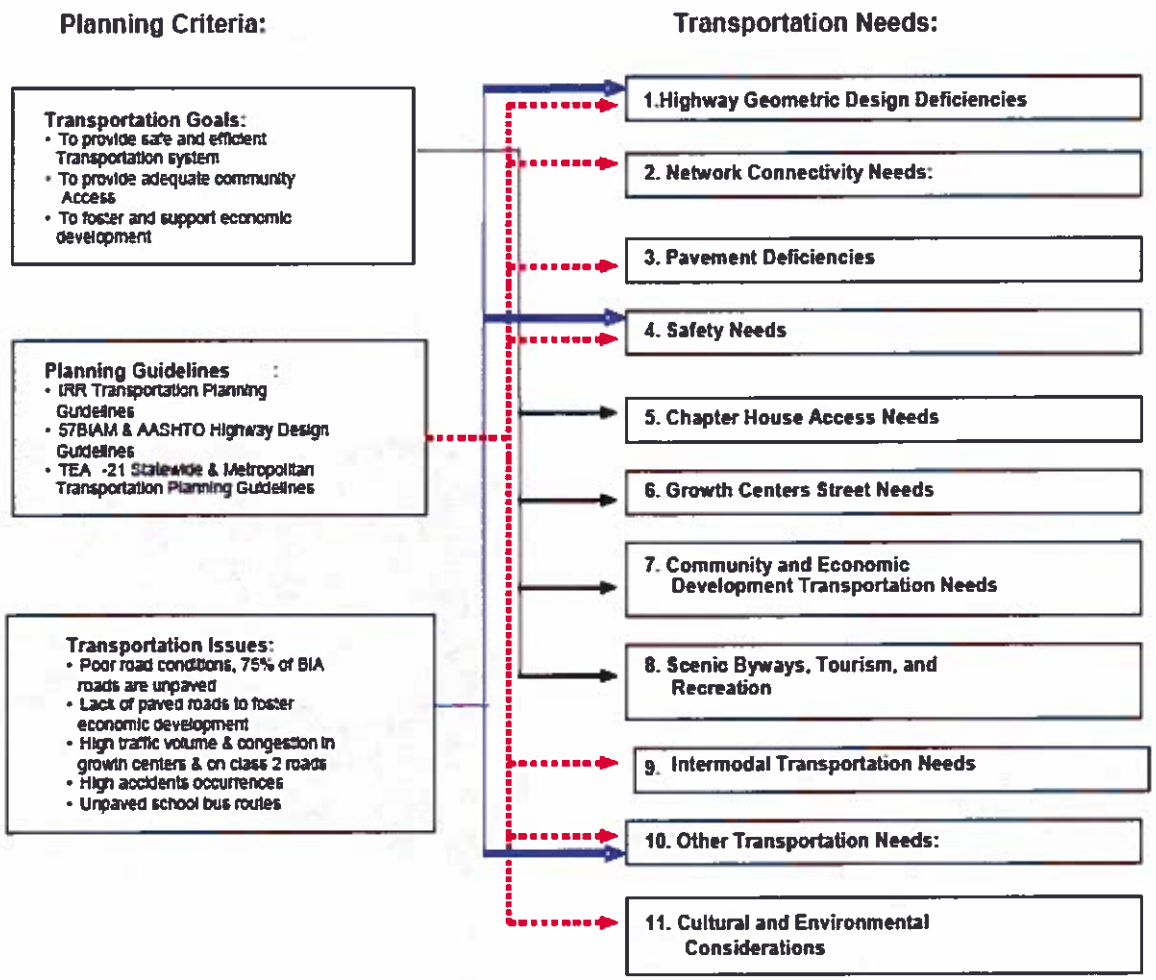
Missing roads or gaps in the transportation network clearly show that the paved segments are not continuous throughout the network thus demonstrates poor continuity or inefficiency of the network when the arterials and major collectors are not paved.

Need 3: Pavement Deficiencies

Of the total 6,147.9 miles of Navajo-BIA roadways, 24 percent or 1,494.4 miles are paved. To meet the Pavement Management System (PMS) requirement, pavement deficiencies of Navajo BIA road sections were identified based on BIADOT wearing surface or pavement rating standards.

Per the 2008 inventory, a total of 1,313.8 miles of Navajo BIA paved roads have pavement and/or design deficiencies and require reconstruction of the roadway. There are 1.3 miles of Navajo BIA paved roads that have moderate pavement deficiencies and require pavement rehabilitation, while 26.3 miles require minor rehabilitation. A total of 153.0 miles have slight deficiencies or are in good surface condition and only require routine maintenance to extend the life of their pavement.

Figure 4:
2009 LRTP Planning Needs Assessment Process



Source: 2009 Navajo Nation Long-Range Transportation Plan, Arizona Tribal Transportation.

Need 4: Safety

BIA policy requires that IRR program development include identification of sites with high crash potential so they can be brought to the attention of road design engineers. Another requirement is identification of sites with high crash occurrences so that safety projects or a highway safety program can be developed to help reduce the number of crashes.

The 2007 Motor Vehicle Crash Facts prepared by ADOT reports that Native Americans made up 15.34 percent of total crash fatalities (the third largest group after White and Hispanic), while their population was only 5.25 percent of Arizona. This indicates the seriousness of traffic crashes and safety issues on the Navajo Nation.

In the years 1999-2007, a total of 11,273 traffic crashes occurred on the Navajo Nation. The majority of the crashes happened on state and Navajo-BIA roads. Approximately 52.3 percent or 5,899 crashes occurred on state highways; 41.4 percent or 4,669 crashes on Navajo BIA roads; 3.7 percent or 414 crashes on county roads; 1.6 percent or 182 crashes on other public roads; and 0.8 percent on other tribal and government program roads.

A total of 1,200 crashes or 10.6 percent of all crashes occurred at turnoffs or access to development (stores, schools, etc). The Navajo Nation growth centers commercial strips were high among places where crashes occurred. Traffic congestion at multiple access points to convenience stores, fast food restaurants, banks, and shopping centers seemed to be a cause of crashes on main highways within the Growth Center communities. Lack of street lights and access control seemed to be a cause of crashes in these communities. Commercial strips in the growth center areas experienced high number of crashes.

Locations of Frequent Crashes at Development Access

The 2009 LRTP reported the intersection of US160/US163 in Kayenta as one having high accidents with a number of 41 accidents recorded. In addition, the 2009 LRTP reports location with frequent crashes at development access resulting from poor access management. Of the total crashes reported at development access points, 148 crashes occurred along US 163 and 34 crashes occurred within US Highway 160 in Kayenta Township.

Turns offs to schools, chapter houses, and tourist attractions were other locations where crashes occurred frequently. NHA housing access roads also produced significant numbers of crashes. This plan classifies crashes at turnoffs to NHA housing sites as intersection crashes. Lack of accelerating and decelerating lanes and poor lighting may have contributed to the cause of these crashes.

Need 5: Chapter House Access Needs

Accessibility is a federal policy guiding IRR program development.3 Accessibility to local government and services is an issue in every one of the Navajo Nation's 110 chapters. The Navajo Nation and BIANRODOT have an affirmative responsibility to provide all-weather access to chapter houses that provide community based government services and facilities.

The 1998 Navajo Nation Local Governance Act (LGA) allows the decentralizing of the Navajo Nation government's authority and functions to the chapters. When a chapter house becomes a center for government services and functions, traffic to it will be dramatically elevated. Aside from housing government programs, a Navajo chapter house is a central place in Navajo community life. A chapter house is where residents can use telephones, pick up mail, receive personal messages, have meetings and social gatherings. Other community facilities such as recreation areas, nursery, schools, housing, and business sites, are generally situated nearby.

Sixteen (16) chapters still lack paved access roads to their chapter houses. Access roads to these chapter houses are impassible during severe weather. A total of 164.8 miles of roads providing access to chapter houses are unpaved. These unpaved access roads include149.8 miles of BIA Class 4 roads and 15.0 miles of County roads.

Need 6: Growth Center Street Needs

IRR Program planning regulations require that long range transportation planning consider impacts of existing and future traffic generators and land uses. Navajo Nation policies, combined with population growth are driving development of the Navajo Primary Growth Centers. Expansion of infrastructure, including transportation systems, will be required to support this development. While many of Navajo primary growth centers qualify as small urban areas (a community with a total 5,000 population is classified as a small urban area), their transportation systems typically are comprised of only a few paved roads. A typical Navajo Primary Growth Center transportation system consists of a state highway and/or a Navajo-BIA Class 2 road, NHA housing subdivision streets, short access roads to government facilities, and miscellaneous unpaved system and non-system roads. Table V-16 shows existing signalization, miles of streets and street lights at the Primary Growth Centers.

Future Transportation Needs:

Population at Navajo Primary Growth Centers Community is estimated to increase at 2.5 percent growth rate annually. Shiprock, Tuba City, Chinle, Kayenta, Fort Defiance, and Window Rock will be among the most populated communities with populations well over 5,000. School, healthcare, and other community services will be needed as well as employment and economic development. Existing traffic congestion has already strained the main streets in Growth Centers. Traffic crashes were reported high on the primary growth centers' main streets. More streets and an efficient street network are needed for each primary growth center to provide alternate routes in order to reduce traffic congestion and accidents.

Need 7: Community Economic Development Transportation Needs

To meet program objectives, IRR must provide access to development and for land use. Health care facilities, public residential projects, schools, shopping centers, industrial development, coal mines, etc. generate considerable traffic. They are major community and economic development providing employment and are major traffic generators on the Navajo Nation. Access as well as safety improvement needs for existing and future development must be taken into consideration when preparing land use and transportation maps.

Health Care Facilities

Navajo Area Indian Health Service Existing Facilities

The Navajo Area Indian Health Service (NAIHS) is the primary health care provider on the Navajo Nation. NAIHS program administration is divided into 8 service units: Chinle, Crownpoint, Fort Defiance, Gallup, Kayenta, Shiprock, Tuba City, and Winslow Service Units. Within these service units, NAIHS facilities include 6 hospitals, 9 health centers, 12 health stations, and 18 dental clinics (2007) (see Map V-10). NAIHS also provides over 50 primary care services at schools and about 60 at Chapter.

Other health care facilities are contract facilities located within or near the Navajo Nation. These include Sage Memorial Hospital (Ganado, AZ), Presbyterian Medical Services (Cuba, NM and Farmington, NM), Winslow Memorial Hospital (Winslow, AZ), and San Juan Health Care Services (Montezuma Creek, UT). These facilities generated approximately 78,000 outpatient visits and 2,300 inpatient admissions annually. Others are private facilities, mostly small dental clinics, and one private clinic provides family care in St. Michael, AZ.

Navajo Area Indian Health Service Proposed Facilities

NAIHS has proposed replacement and new facilities to meet its short and long range goals. In its FY2011 IHS Planned Health Care facility Construction Budget, NAIHS proposes outpatient facilities for underserved areas of the Navajo Nation. Table 13 summarizes existing and proposed NAIHS facilities on the Navajo Nation.

As provided on Table 13 the new Kayenta Health Care Facility is currently under construction. This healthcare facility will include 129 staff members per quarter units and will generate considerable amount of traffic. Navajo communities depend on transportation to provide access to health care facilities for emergency and routine care. Road development priority should be given to the maintenance and improvement of roads serving health care facilities, especially roads that are major routes for emergency care and air and ambulance transport. To accomplish this, the reservation road network must be efficient, in good condition, and well maintained.

Table 13
Proposed NAIS and Contract Health Care Facilities

Estimated Opening Year	Proposed New Facility/ Staff per Quarter Units	Chapter
2012	Kayenta Health Center/129	Kayenta
2020	Dilkon Health Station/109	Dilkon
2014	Alamo Health Station/33	Alamo
2015	Pueblo Pintado Health Station	Pueblo Pintado
2014	Bodaway Gap Health Station	Gap/Coppermine

Sources: NAIHS Profile 2007, Navajo Nation Long Range Transportation Plan, 2009

Residential Development

NHA housing subdivisions are major traffic generators throughout the reservation. The Navajo Housing Authority (NHA), funded by the federal Department of Housing and Urban Development (HUD), is the major tribal agency building housing for low income families. NHA has planned and constructed less of subdivision housing and more of scattered homes recently. NHA however, cannot provide any planned NHA housing development for the 2009 LRTP update.

Schools

In 2006-2007 school year only 46 percent or 42,492 of total 92,260 Navajo Nation school children attended 140 public schools located on the Navajo Nation. Of these, 80 are public (state/county) schools and 60 are BIA schools (these figures do not include private, church schools and headstart programs).

The other 54 percent attended public schools at Border Towns such as Flagstaff, Winslow, Holbrook and Page in Arizona; Gallup, Cuba, Aztec, Bloomfields and Farmington in New Mexico; and Mexican Hat and Montezuma in Utah.

Economic Development

The Navajo Nation Division of Economic Development has three major development goals for the near future: industrial, tourism, and commercial and real estate development. Development in these areas will produce base industry growth and job creation.

Industrial Development

Economic development and manufacturing is considered to be the most important aspect of industry. There are five industrial plants in operation on the Navajo Nation:

- Raytheon at the NAPI Industrial Park.
- MechTronics of Arizona in the Fort Defiance Industrial Park.
- TDI in the Leupp Industrial Park.
- Southwest Cabinet at the Church Rock Industrial Park.
- Gallup Camper Sales.

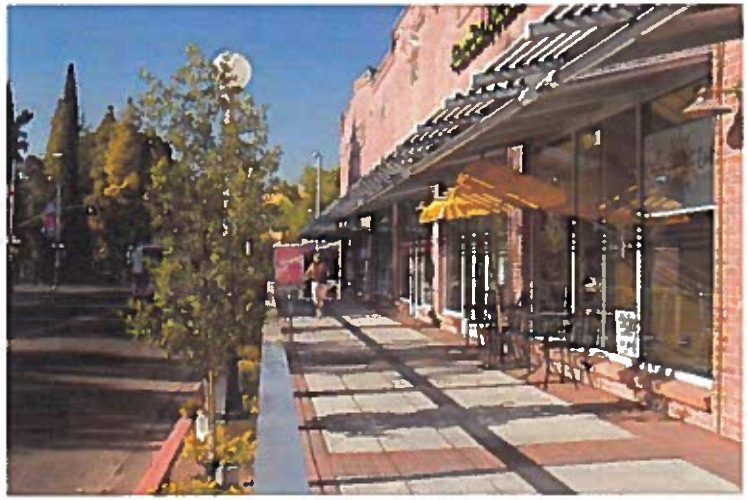
Considering the paramount importance of manufacturing, the Division is actively recruiting new industrial businesses, of which the important ones are:

- Latex Glove Manufacturing Plant
- Montezuma Creek Sewing Factory
- BCDS Manufacturing Operation
- Housing Panel Manufacturing
- Indian Tribal Economic Alliance (ITEA)

Tourism Development

Tourism has the potential of generating a substantial amount of income for the Navajo Nation. According to a recent study, the tourism industry has an economic impact of $100 million dollars and supports 3,506 jobs. To promote tourism in the Navajo Nation and to capture more of the tourist dollars, the Navajo Nation Division of Economic Development has planned a number of projects:

- Completion of Phase II and Phase III-Antelope Marina & Resort
- Shiprock RV Park
- Monument Valley Interpretive Center
- Dine Biitah Scenic Road
- Dine Tourism Corridor



Commercial and Real Estate Development

Office and retail space development has been initiated by Chuska/Sahara, utilizing private financing and using the Bureau of Indian Affairs loan guarantee program at various sites. The sites are:

- White Cone Commercial Development - Phase I development is in the bid process to prepare a acre tract of land in White Cone, AZ, a southwestern community for future business. The target business is an 8,000-10,000 square foot retail center that includes a gas station, convenience store, laundry and a small sit-down eating operation.
- Karigan Housing Development Phase II - Phase II development of housing on Karigan Estates in St. Michaels, AZ began in July, 2004. The project is a continuation of home ownership on fee lands located at Karigan Estates.
- Sawmill Retail Center - Site Development for a small retail center currently being advertised for bids. Attract business for the 3.0 acre tract of land in Sawmill, AZ includes a gas station and convenience store.
- Newlands Shopping Center - Infrastructure planning and development to accommodate a future full-scale shopping center at Sanders, AZ is in the architect and engineering stages. The project will provide for tenant recruitment and construction of a commercial facility to accommodate the Newlands community.
- Tuba City Office and Retail Complex (42,000 sq. ft.) Completion date is June, 2004
- Kayenta Office and Retail Complex
- Shiprock Office and Retail Complex
- Dilkon Office and Retail Complex
- Fort Defiance Office and Retail Complex
- Crownpoint Office and Retail Complex

In addition to the Division of Economic Development priority projects, several Chapters have also planned several more economic development projects for their chapters to be funded under Capital Improvement Programming. The Navajo Nation Gaming Enterprise has also proposed to build three more casinos.

New access roads, turnoffs, traffic signals, street lights, and accelerate/decelerate lanes are recommended for safety and accessibility for these planned economic developments. Overall transportation system connectivity is also crucial to the Navajo Nation's economic future. Without an adequate transportation system, the Nation's future economic growth will be severely constrained.

Energy Development

Energy development is now an important part to the Navajo Nation's overall economic development strategies. The Dine' Power Authority (DPA) oversees energy development for the Navajo Nation has proposed four major projects as follows:

- **Navajo Transmission Project:** The Navajo Transmission Project (NTP) is a 469-mile high voltage transmission line to supply electricity from the Four Corners region power plants to Arizona, Nevada and California substations. This project will supplant the aging existing transmission system eliminating a supply gap in the Southwest grid and providing stability and reliability in the event of outage and impacts to the power plants.
- **Desert Rock Power Plant:** Desert Rock is a coal-fired 1,500 megawatts (MW) power plant planned to start operating in 2010. The project is located in Burnham Chapter. The power plant will create 400 jobs. The project will add commuter and heavy truck traffic impacting N5082, N5, NM371 and US491. There is also a proposed road to be built by BHP Billiton Navajo Coal Company to provide access to its mining sites north of the Desert Rock plant and to Desert Rock Power Plant access road. This road will replace approximately 18.4 miles of N5082 north of N5.
- **Dine' Wind Project:** DPA has identified potential three (3) high wind resource sites in Grey Mountain/Cameron, Oljatoh/Kayenta and Black Mesa areas. These sites have strong wind that can generate electricity of 200-700 MW, 50-100 MW, and 50-100 MW respectively. Aside from Wind resource, DPA also found potential sites for solar energy development.
- **Coalbed Methane Production Plant:** The Navajo Oil and Gas Company is hoping to add revenue to the Navajo Nation's coffer by planning to tap into more than 220 billion cubic feet gas reserve in the San Juan Basin. This is a methane gas reserve underneath Upper Fruitland, Nenahnezad and San Juan Chapters. The project will be located east of the BHP Billington Mine and includes gas gathering and compression station. The product will be delivered into some of the existing major interstate pipelines that already exist on the Navajo Nation.

Community Development:

The Navajo Nation and its chapters are actively pursuing community development. The majority of the Navajo Nation Capital Improvement Program (CIP) projects are located within the chapter house tracts.
Paving the access roads to chapter houses will also provide better transportation access to these facilities. The LRTP 2009 lists Navajo Nation CIP projects with related transportation needs for each CIP project. These CIP projects include construction and access of the detention building along US Highway 163 in Kayenta.

Need 8: Scenic Byways, Tourism and Recreation Needs

Tourism is a major industry that can generate $100 million dollars and it supports 3,500 jobs on the Navajo Nation according to the Division of Economic Development. To promote tourism on the Navajo Nation, the Navajo Nation Tourism Department has developed a comprehensive Navajo Nation Scenic Byways Plan identifying scenic routes that links all of the Nation's attractions that are most scenic, culturally significant and have naturally intrinsic qualities. Among these are the:

- Canyon de Chelly National Monument,
- Lake Powell,
- Monument Valley,
- Navajo National Monument,
- Antelope Canyon,
- Four Corners Monument and
- Chaco Culture National Historical Park.

These natural and cultural resources have provided new sources of income to Navajo people and the surrounding communities. The Navajo Nation Tourism Department, Parks and Recreation, Navajo Division of Transportation, Chapters and Non-profit organizations all support scenic byways development and provide matching funds to state and federal grants in order to implement the Navajo Nation Scenic Byways plan and projects.

Scenic Byways and Projects

The Navajo Nation Scenic Byways Plan shows the Navajo Nation designated scenic byway corridors. Each corridor has been named based on its intrinsic quality whether it is natural, scenic or of Navajo cultural and historical characters. Transportation improvements that are needed to enhance and support each byway development project.

Recreation

The U.S. National Park Service operates the Canyon De Chelly National Monument, Lake Powell, Chaco Culture National Historical Park and Navajo National Monument. The Navajo Parks and Recreation Department, established in 1958, manages tribal parks, monuments, a zoo, five fairgrounds and administers fair events and youth recreational programs.

Many Navajo parks and recreation areas have poor access. Lack of reasonable access to most Navajo recreation sites, many of which are potential tourist attractions, has discouraged their use. The Navajo Parks and Recreation Department's revenue is mainly generated from entrance fees collected from Monument Valley Tribal Park and tribal fairs. Other park facilities have no entrance fee. Revenues are primarily used for facility maintenance, and are often insufficient to cover major road improvements.

Improvement of access roads to tribal parks and tourist attractions will attract more park users and tourists alike. Good roads to the tribal parks will also extend tourists' time of stay because there will be more places to explore and things to do.

Need 9: Multimodal Transportation Needs

To meet SAFETEA-LU requirements regarding multimodal transportation, transportation planning must promote the use of other modes of transportation. The multimodal needs related to sidewalks and bicycle mobility in the growth centers are included in the Growth Center Mobility Improvements section. Need 9 focuses on aviation, railroad and transit related improvements only.

Airport Access Needs

The 2009 LRTP lists Navajo Nation airport development needs and provides recommendations based on State aviation studies and Navajo DOT estimates. The recommendations include new construction of one primary airport in Oljatoh and improvement of eight (8) secondary airports in Ramah Navajo, Rock Point, Navajo Mountain, Monument Valley, Huerfano, Pinon, Dilcon, Alamo and Nahat'a Dziil (New Lands) communities. Priority will be given to the primary airports that are already recognized by the Federal Aviation Administration (FAA) in its National Plan of Integrated Airport Systems (NPIAS) and are therefore, eligible for FAA funding. However, improvement and new construction of secondary airports are also recommended to provide air transportation to health care facilities and provide emergency landing strips in remote areas. The planned airport developments will help improve air service coverage for the entire reservation including Navajo satellite communities such as Ramah. Approximately 8.5 miles of new access road construction and paving of existing roads are needed to serve the proposed airport development.

Navajo Transit Route Needs

Navajo Transit System Five Year Plan

According to the Navajo Transit System Five Year Plan dated May 2009, ridership in 2008 was approximately 70,000 trips per year; however, it is forecasted that there is an estimated demand for transit of nearly 700,000 one-way passenger trips per year. The plan addresses five key areas: Management/Administration, Operations/Service, Marketing, Coordination, and Funding.

The Navajo Transit System (NTS) provides public transportation services on the Navajo Reservation, serving 57 of 110 chapters. NTS operates intercity bus service on (13) fixed routes linking Navajo growth centers and adjacent border towns. The Tuba City-Window Rock, Toyei-Window Rock, Kayenta-Ft. Defiance, Crownpoint-Ft. Defiance, Dilkon-Window Rock and routes operate one round trip per day Monday to Friday. Window Rock and Gallup routes are core service routes operating four and two round trips each weekday, respectively. In January 2009, the Flagstaff to Tuba City Route was started; this is a one hour trip that will run four times per day. In 2009, the Kayenta to Tuba City route began to provide a one-hour, one-way trip.

NTS connects with Hopi Transit System, Greyhound Busline, Amtrak Passenger Train, Gallup Transit Express, Red Apple Transit, and Flagstaff Mountain Line. NTS has several connections with Navajo Senior Centers along the routes. Most NTS fixed routes operate along state highways. NTS fixed route ridership has increased over the years. Ridership was 65,513 in 2008 and it is expected to increase by 20 percent in FY 2009, due to the $1.00 per day ride fee that was established in November 2008 and will remain in place until November 2010. Fixed route customers are classified as 51 percent general, 22 percent elderly, 20 percent commuters and disabled, youth and students making up the rest. NTS buses pick up riders at designated stops, but no NTS stations have been constructed. NTS charters provide transportation for groups, organizations and private tours on and off the Navajo Nation twelve months a year. NTS charter service includes transportation to Arizona State University, University of New Mexico, Haskell University, and other colleges.

At the public open house meetings held for the LRTP, many people noted that there was a need for additional signage to designate the available transit routes, the stop locations, and the schedules. It is recommended that a transit signage program be pursued to encourage ridership and awareness of the transit system that is available.

Navajo Transit provides long-haul type routes between the population centers. Additional investigation should be done to identify if local circulator, call-n-ride or other short trip/demand response type system is supportable with in the growth centers.

Transit System Long Range Plan

The Navajo Transit System (NTS) Program under the Division of General Services completed the NTS Five Year Plan in 2009. The NTS plan projects transit demand to increase at 1.4 percent annually estimating approximately 700,000 passenger trips, generally for and between the primary and secondary growth centers in 2025. The plan outlines strategic goals and objectives for NTS to meet the future demand including increasing ridership and enhancing service quality, capabilities and efficiency. Implementing the NTS strategic plan will be a long-term activity.

The Navajo Transit Long Range Plan recommends construction of eight (8) Regional Transportation Hubs. These facilities will serve as the central location for feeder bus routes to neighboring chapters and secondary growth centers. Kayenta is one of the potential locations listed for a Regional Transportation Hub.

The Transit Long Range Plan also recommends adding Trunk Routes to connect a significant amount of the Reservation's population together in a network of intercity bus routes. These trunk routes include the Kayenta-Tuba City Trunk Route and the Kayenta-Page Trunk Route.

Arizona Rural Transit Needs Study

The State of Arizona Rural Transit Needs Study provides regionally-based solutions to rural public transportation in Arizona. The Study intended to serve as an objective, analytical basis for establishing Arizona's long-term strategic direction of rural transit service provision. The study found that transit demand in rural Arizona is projected to increase 34 percent from year 2007 to 2016. There are numerous unmet needs for rural transit services in Arizona. Only 18 percent of the estimated demand for rural transit services is currently being met; while only 13 percent is projected to be met by year 2016. Thus additional rural transit service is needed to meet future demand. Establishing roles and responsibilities between the State, COGs, local governments, tribal governments and transit operators will facilitate the development of public transportation service in rural Arizona.

The study noted that additional rural transit services are needed in multiple cities, town, Tribal Reservations, and intercity corridors throughout the State of Arizona. The key market segments should be elderly persons, persons with disabilities, and persons of low income. The primary purpose for rural transit trips include medical appointments, shopping, work, education, personal business and recreation. These findings are consistent with the Navajo Transit System study, discussed previously.

The study documented that expanded 5311 local program services have been identified for the Navajo Transit System, namely between the cities of Flagstaff and Tuba City, Tuba City and Page, and Tuba City and Kayenta.

Road Improvement Needs

To support the implementation of the NTS long range strategic plan, assuming all of the new truck and feeder routes are established, road improvements of these existing and future NTS routes would ensure safety of both transit riders and general public. Routine pavement preservation is needed on NTS routes to keep them in good condition and safe.

Most of the existing NTS Fixed Routes operate on State highways with three routes on N59 from Many Farms to US160; N12 from Navajo, NM to Window Rock; and N9 from US491 to Crownpoint. The NTS Long Range Plan has also proposed numerous Feeder Routes to provide additional transit services to smaller communities. These are communities with 5,000 - 10,000 transit trips per year and are appropriate for feeder transit services using smaller vehicles to operate on an ad-hoc basis.

Paving chapter house access will provide all-weather roads for most of the needed feeder routes. Improvement of IRR routes used for transit operation is necessary for safety of NTS riders and traveling public sharing the roads.

Railroad Need:

The Burlington Northern Santa Fe (BNSF) railroad runs along interstate I-40 south of the reservation, and is the only major freight and passenger railroad crossing the Navajo Nation. BNSF connects Albuquerque, NM to the west coast at Los Angeles, CA, and crosses the Navajo Reservation at Nahat'a Dziil (New Lands) Chapter, Church Rock Chapter and checkerboard area in the Eastern Navajo Agency.

Freight trains and Amtrak share the BNSF railroad, with stations/stops in Flagstaff, AZ and Gallup, NM. Rail development is complex and involves various businesses (freight and passenger rail companies), government entities, as well as economic considerations (demand versus supply).

Need 10: Other Transportation Needs

These are transportation needs related to or identified in other tribal and state plans. They include plans to implement rural addressing, to provide emergency services during snow and mud emergencies and hazardous shipment accidents, to provide road access in regions that are underdeveloped because of land disputes, to improve non-system public roads, proposed state and regional transportation plans.

Rural Addressing

The Telecommunications and Utilities Department under the Division of General Services is taking a lead in the Navajo Nation 9-1-1 and Rural Addressing. Its primary goal is to link each telephone number to a physical address in order to enhance efficiency of emergency and public safety responses to 911 calls. A pilot project is being implemented in Tohajiilee with New Mexico State funds for addressing, road naming and signage installation.

Snow and Mud Emergencies

Much of the Navajo Reservation soils have high clay content and little ground cover and a large number of the unpaved Navajo-BIA roads pass through low lying areas where snow and rain water collect. Navajo Nation residents thus encounter snow and mud emergencies almost every winter and spring. The majority of Navajos live in scattered homes raising sheep and cattle for supplemental income. Families, seniors and school children getting stranded for days or even weeks due to impassible roads has become a norm of life on the Navajo Reservation. Emergency rescue operations are often difficult or delayed until the weather permits.

The Navajo Nation needs more paved roads and maintenance funds to keep roads passable, to reduce the snow and mud emergencies. It needs to build a network of all-weather roads to serve those areas of the reservation where the people live.

Hazardous Materials Shipments

U.S. Department of Energy (DOE) programs transport approximately 5,000 shipments annually of nonclassified radioactive materials and waste for cleanup, research, and development for medical or industrial uses and national defense purposes. The DOE Waste Isolation Pilot Plant near Carlsbad, NM disposes of transuranic waste shipments from other DOE sites. US 666 and I-40 are the main DOE shipment routes going through the Navajo Nation. DOE reported 22 and 50 shipments of hazardous materials through the Navajo Nation in 1998 and 1999 respectively.

Numerous other hazardous material shipments from private and public sectors also cross the Navajo reservation. Emergencies involving hazardous material releases and transportation of such materials across the Navajo Nation have been reported (U.S. Environmental Protection Agency, Region IX). State highways on the Navajo Nation are major hazardous material shipment routes. To make hazardous material transportation on the Navajo Nation safe, all shipment routes should be paved. Approximately 10.5 miles of N4 from Pinon to the Hopi reservation needs to be paved, so all hazardous shipments can be shipped on paved routes. This will improve safety and pose less danger for the surrounding Navajo communities. Routine maintenance for these routes is also necessary to keep them safe.

Other hazardous material shipments are transported by the Burlington Northern Santa Fe (BNSF) Railroad crossing the southeast corner of the Navajo Reservation. Approximately 14,000+ shipments of hazardous materials are transported annually on the BNSF

ADOT I-40 Emergency Plan

ADOT has developed an I-40 Emergency Interstate Closure Plan (Map V-16) to detour traffic around Interstate closures in cases of emergencies. These plans would only be used in extreme situations such as earthquakes, hazardous material spills or complete roadway failures. The Navajo BIA routes that are part of the I-40 detours are: N15 from the reservation line west of Leupp to AZ264/US191 intersection in Burnside, N6 from AZ77 at the reservation line to N15 intersection 6 miles north of Bitahochee, and N12 from I-40 in Lupton to St. Michaels.

To safely accommodate heavy traffic during the I-40 emergency detours and prevent pavement deterioration due to excess load, these Navajo routes will need pavement and sub-base reconstruction, redesign of culverts, and roadway widening for N15 and N6 (N12 has been reconstructed and met standards). Estimated detour period is 48 hours with 8,000 trucks per day (ADOT, Holbrook District).

The proposed emergency detours cross 1 bridge on N6, 3 bridges on N12, and 8 bridges on N15. All 12 bridges are rated in good condition and meet standard design load and operating ratings. These IRR bridges should safely carry detour traffic without improvement. However, these bridges are not new and for safety reasons, no more than one truck should be allowed to cross a bridge at a time at a speed no greater than 35 miles per hour.

Need 11: Cultural and Environmental Considerations

IRR long-range transportation plans are required to consider the impacts of existing and proposed transportation system on the environment, and balance the needs of development and the environment (i.e., wildlife, plant life, clean air and water, etc.). This Navajo Nation's cultural and environmental resources are protected under the National Historic Preservation Act, NEPA, Endangered Species Act, Clean Water Act and Clean Air Act. They are considered as follows.

Archeological and Historical Resources

Any federally-funded action requires the identification and evaluation of historic properties in accordance with the requirements of Title 36, Code of Federal Regulations (CFR) Part 800, Section 106- the review process established in the National Historic Preservation Act. Title 49, United States Code (USC), Section 303 (originally Section 4(f) of the Department of Transportation Act of 1966) specifies that special efforts be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges and historic sites. For these reasons, listed or eligible historic properties and areas expected to have high density of historic properties have been identified as important considerations associated with the transportation planning of the Navajo Nation.

The entire Navajo Nation is rich with archeological and historical resources. Evidence of prehistoric Navajo habitation on the present day Navajo Reservation and surrounding area is recorded in various archeological investigations, studies required for development on the reservation, the Navajo and Hopi land dispute litigation and fuel resources development. These archeological investigations, including studies of Navajo migration, and other publications cite evidence of Navajo settlements throughout the region. In general, the Navajo settlement in the area ranges from one ruin per 4 square miles for highest density site to one ruin per 33-167 square miles. The concentration of ruin sites appears to be related to pinon-juniper zones where hunting, gathering and alluvial farming could be practiced.

Evidence of Hopi and Anasazi occupations is also found near the Hopi reservation and the surrounding areas making the Navajo lands bordering the Hopi Reservation particularly rich in archeological and historical sites. This greatly impacts planning of the road construction. Clearances of past road construction projects have taken longer time due to the many archeological sites.

Planning for new road construction, such as new street expansion for Growth Center communities (NEED 6) and proposed airports' access roads (NEED 9) will require longer time for archaeological clearance. Other road construction projects involving widening or realignments such as N7 from Canyon De Chelly to Sawmill (NEED 1), N4 from Pinon to Hopi Reservation (NEED 10) will also be subject to additional archeological clearance work thus, will need extra project planning time.

Wildlife

The Navajo Nation is unique for its natural resources. It is a large Indian reservation with low population and development density and a rich natural environment. The reservation has become a sanctuary for wildlife, rare animals and plant life. The Fort Defiance Plateau and Chuska Mountains have been identified one of the Arizona habitats for the endangered Mexican Spotted Owls.

The Endangered Species Act protects populations and habitat of a variety of listed species of plants and animals on federal lands. The Navajo Reservation, as trust land, is subject to all provisions of the Act. All projects on the reservation which require federal or tribal review, even commercial and home site leases, must be reviewed for possible impacts on listed species. These must be documented in the Environmental Assessment (EA), which accompanies the project documents in the review package.

Planning and design of road projects must meet the Endangered Species Act requirements when applying for right of way clearance. Project planning should provide enough lead time for a lengthy review process and required species surveys. When planning for widening of an existing roadway, environmental clearance will be required as well.

Three years should be a nominal time for project R.O.W clearance in general. Proposed road projects in Fort Defiance Plateau and Chuska Mountains such as N13 over the Buffalo Pass will require a lengthy survey and review process since it is in sensitive habitat. The road R.O.W. width should also be reduced to the minimum requirement to minimize impacts to the habitat of the endangered species.

Wetlands

Federal law on wetlands (E.O. 11990) mandates protection of all wetlands on public lands. Wetlands in an arid region are groundwater recharge areas. Wetlands house rich wildlife habitats and plant communities. Wetlands that are part of drainage channels/systems are crucial to the overall drainage system. They connect the system and maintain the existence of the ecosystem. Wetlands contribute to groundwater recharge. Alluvial deposits such as in wetlands allow water to infiltrate through underlying rock fractures, allowing the recharge of ephemeral streams. Wetlands in high altitude/headwater areas that are often found interwoven with forested areas allow water to percolate through underlying unconsolidated rocks.

The Navajo Nation wetlands are of both permanent and seasonal characteristics influenced by its climatic condition, drainage pattern and soil development. Permanent wetlands are found along washes and major drainage channels such as the Little Colorado River, San Juan River, Chaco River and Chinle Wash and their tributaries. Most seasonal wetlands are often a part of pond and lake system.
The Nation wetlands are found more in the eastern region than in the western part of the reservation. The majority of them are found around headwater areas in the Defiance Plateau, Chuska and Carizzo mountains. Others are often small sparse ephemeral wetlands created by seasonal floods or rain storms. Wetlands in the western region are found at high altitudes where precipitation concentrates, such as Navajo Mountain and Black Mesa areas. Others are perennial lakes that are part of interrupted drainage systems and ephemeral streams. There are many small ephemeral lakes, as typified in Red Lake/Tonalea Chapter along Moenkopi Wash and Tolani Lake in the Oraibi Wash drainage.

Wetlands on the Navajo Reservation are sensitive. Prolonged drought can eliminate a wetland completely. Other mechanisms that sustain wetlands include groundwater discharge, non-disruption of surface drainage system and ground cover. Destruction of wetlands may interrupt or even destroy the entire ecosystem--drainage system, plant or animal communities or drying up our water supply. Road development should avoid wetlands, especially those that are part of an overall drainage system. Road development should be carefully planned to avoid the destruction of wetlands especially at headwater recharge areas such as in the Defiance Plateau, Chuska and Carizzo Mountains and Black Mesa.

Water Quality

The federal Clean Water Act of 1972, (33 U.S.C., Sec. 1251-1376) contains provisions for regulating and maintaining ground and water surface quality. The Clean Water Act is administered by the U.S. EPA and by the Navajo Nation EPA.
The main impact of the Clean Water Act on highway development and construction is through its regulation of non-point sources of water pollution. Unimproved dirt roads erode easily, their sediments often entering surface drainage watercourses. Since a high proportion of Navajo Reservation roads are unimproved dirt, upgrading these roads could be a significant element of future Navajo Nation plans for controlling non-point source pollution of surface waters.

Future road construction projects will in all likelihood have to meet some standards for runoff control, and will require permits by Navajo EPA. Compliance with applicable Clean Water Act provisions as administered by Navajo EPA should be factored into funding and scheduling calculations for future road projects.

Air Quality

The Clean Air Act amendment of 1990 requirements applies mostly to metropolitan transportation planning. Transportation-related pollutants must be addressed in planning for an area designated nonattainment (not attained to the National Ambient Air Quality Standards) or a maintenance plan must be implemented under Clean Air Act section 175 A (i.e. ozone, carbon monoxide, nitrogen dioxide, and particles with an aerodynamic diameter of less than or equal to a nominal 10 micrometers, etc.). The Act requires incorporation of appropriate measures for air pollution control or congestion reduction to protect the public health. A program such as the implementation of high occupancy vehicle lane in some metropolitan areas is an example of a congestion reduction measure.

Most communities and areas on the Navajo Reservation are classified as attainment or unclassifiable, except for a small area in the northwest New Mexico that is classified as non-attainment area due to generation stations emission. Nonetheless, this is not a transportation-related non-attainment designation.

The Navajo Nation has approved its air quality codes (Air Pollution Prevention and Control). These codes mostly deal with industrial pollutants. The Navajo Nation Environmental Protection Agency is currently concerned about road construction projects. On the Navajo Reservation, air pollution from transportation-related activities is usually caused by road construction, since during road construction particulates may be produced beyond the acceptable level. The Navajo EPA follows State and Federal EPA criteria and procedures for determining conformity for the reservation attainment areas regarding road construction.

The Navajo Nation Growth Centers have become urbanized. Traffic congestion occurs briefly during rush hours in some communities because these communities are served by few roads. Development mainly clusters along the main roads or at intersections.

Growth Centers are the fastest growing communities, fueled by development planned by the Navajo Nation. These communities will need urban street systems soon to accommodate future traffic and provide even distribution of traffic to prevent air pollution caused by the traffic congestion.

Chinle, Kayenta, Tuba City, and Shiprock have high population as well as tourist traffic. Their needs for urban street systems have become apparent, especially during the tourist season.

Considerations and Needs

In all, a balance between development and protecting these delicate resources must be exercised to minimize the impacts of road construction and promote development without destroying the Navajo Nation's valuable cultural and natural heritages. A balance can be achieved through careful planning and engineering.

- **Future Transportation Plans:** Future planning such as street expansion and plans have been proposed for the Navajo Growth Centers to cope with growing population and development at these communities in the future. Good street system, such as those in other urban areas can prevent traffic congestion and air pollution by distributing traffic more evenly. No new roads are proposed to avoid opening up of new areas and disturbance to archeological, wildlife habitats, wetlands and drainage channels. Paving unimproved roads have been proposed and given priority to reduce erosion and sediments to water courses and particulate air pollution.
- **Project Planning:** Adequate time is recommended for surveys of archeological as well as environmental resources, and the R.O.W review process for most projects. Project planning should include three years for R.O.W assessment and clearance process prior to construction. To assure minimum disturbance to the environment, problems must be identified during these surveys and assessments and engineering solutions must be developed.

- **Engineering:** Engineering and design of road projects must identify and mitigate drainage problems, soil erosion, channel erosion, and other environmental impacts. Road improvements in sensitive areas must minimize impacts to the surrounding environment such as minimizing R.O.W. width to minimize disturbance to archeological resources, and plant and animal communities (e.g.., N7 from Canyon De Chelly to Sawmill).
- **Environmental Studies:** The R.O.W. clearance process is a crucial element in identifying and protecting cultural and environmental resources. Sound and complete archeological and environmental studies should be completed for all construction. These studies should be structured to include strong and useful alternatives for protecting cultural and environmental resources or mitigating a project's impacts on them. Based on past Navajo IRR budget, the estimated need for project environmental and archaeological assessments are $100 million for 20 years or $5 million per year.

Other Resources Issues

Aggregate and water resources costs for road construction on the Navajo Nation have become more and more expensive. Great distance between projects, availability and transportation of construction materials all contribute to the high cost.

Aggregate Resources

In 2005 the Division of Natural Resources Minerals Department completed the survey and mapping of all aggregate resources on the Navajo Nation. The findings show that the Navajo Nation has aggregate resources that make available for road construction and maintenance. These aggregate resources are scattered throughout the Navajo Nation.

Water Resources

Well water is the source of water used in road construction. In general, contractors will drill a well near the road construction site. For the most part of the Navajo Nation, groundwater is available and this is preferred practice than the costly hauling of water to the construction sites.

Groundwater is found in four major aquifers underlining the Navajo Nation: 413, 290, 50 and 1.18 million acre-feet are estimated water storage capacity for Coconino, Navajo, Dakota and San Juan Aquifers. Also available are alluvial aquifers underlining many of the washes on the Navajo Nation. Drilling depth is ranging from 200-1000 feet deep. For the most part of the Navajo Nation, contractors can drill a 200-foot deep well for road construction usage except in the farther west of the Western Navajo Agency and a certain area within the Chinle Agency.

Implementation Strategies

To address the Navajo Nation's long range transportation needs, the 2009 LRTP recommends planning and implementation strategies. These strategies should be adopted and meticulously followed by Navajo Indian Reservation Roads transportation decision-makers at all levels. Decision-makers should set long-term and short-range road improvement goals and objectives to meet these needs. Long-term and short-range road improvement planning and prioritization criteria must have the same objective of meeting the transportation needs and goals.

The 2009 LRTP also recommends seeking other sources of funds to supplement the Indian Reservation Roads. Those funding sources are listed in the Funding Strategies subsection.

Long Range Goals and Objectives

To address the Navajo Nation's long range transportation needs and issues, the long range planning and implementation of the Navajo-BIA road improvements must address and include the following long range goals and objectives as follows:

- Upgrade roads to meet design standards and management system requirements to correct deficiencies as well as to improve overall network connectivity, travel mobility and accessibility.
- Improve travel safety and reduce accidents on the Navajo-BIA roads.
- Meet existing and future transportation needs in order to promote community and economic vitality.

Funding Strategies

To meet the Navajo-BIA roads' long range transportation needs, the Navajo Nation's transportation decision-makers must explore all avenues to increase funding of Navajo-BIA road long range improvements. The 2009 LRTP recommends the following strategies:

- Seek to increase the Navajo IRR funding level through lobbying. Under the Federal Lands Highway Program, IRR Program funding needs are factored by population and development growth (through ADT) unlike other FLHP programs, (i.e., Park roads and Parkways, Public Lands Highway Discretionary, Forest Highway and Refuge Roads). These other FLHP roads do not carry the high levels of daily traffic that wear out roads at greater rate: their road miles and traffic volumes are relatively constant. Legislative formula should be established to allocate funds among FLHP programs based on actual needs, instead of each program's relative share.
- Seek funding from the IRR Nationwide Bridge Priority Program to help meet the Navajo IRR bridge improvement needs.

- Seek other funding sources such as the Indian Highway Safety Program ($1.1 million annually) federal Hazard Elimination Program ($550 million annually) which funds safety improvements on highways administered by State and the BIA.
- Seek other funding sources such as Public Land Highway Discretionary Funds for Navajo scenic byways projects and/or State Transportation Enhancement Fund for bicycle and pedestrian paths.
- Seek state/federal share of funding for improvement of Navajo-BIA routes to be used as detours during I-40 emergency closures.
- Use the Navajo Nation Fuel Excise Tax to supplement the IRR funds.
- Fund projects according to project/need priority.
- Taxing: Currently, Kayenta is the only primary growth center with a self imposed sales tax of 2.5 percent. It is recommended that the primary and secondary growth center communities work with the Division of Economic Development to identify and implement self funding mechanisms to aid in enhancing infrastructure investment, ultimately improving economic development opportunities for those that wish to invest within Navajo Nation. The funding opportunities that are identified should be integrated into the ARCs and overall strategic Implementation Program for any recommended transportation improvements within the communities. This provides an opportunity for community, Agency, and ultimately Nation buy-in for ultimate investment and community growth.

These funding strategies should be included in the transportation element policy framework of the Kayenta Comprehensive Plan.

Master Planning

The 2009 LRTP directs each Primary and Secondary Growth Center, including Kayenta Tonship, to develop a community 20-year plan that examines future land use, multi-modal transportation needs, infrastructure needs, environmental considerations and unique characteristics of the community.

The future land use map should examine the type, density, distribution and locations of land uses throughout the growth center, and be balanced with the anticipated infrastructure/transportation needs to accommodate the additional growth. The layout of each growth center has a direct correlation to the amount of infrastructure investment, economic development potential, and ultimately the community context and livability that is equated to the quality of life for the growth center residents.

The 2009 LRTP is a needs-based plan. It considers the existing transportation system and facilities and identifies current and future needs based on socioeconomic and transportation projections. The process for analyzing the transportation needs is cumbersome and highly data intensive. The analysis process is currently being undertaken every five years by the Navajo DOT to update the LRTP.

Planning for the Navajo Nation transportation system is a monumental task and requires the efforts and skills of multiple agencies and the several communities that make up the Nation. Therefore, the LRTP encompasses recommendations and considerations from a variety of planning documents prepared by other agencies. With the contribution from these various groups, these plans should provide a consistent and accurate description of the transportation needs of the Navajo Nation and the opportunities for improvement.

In an effort to streamline the long-range transportation planning process and to provide increased flexibility, it is recommended that the Navajo Nation consider producing Comprehensive Plans at an Agency level, as well as at the Growth Center level. This would allow for bottom-up transportation planning that will build upon the efforts of the prior plan. The growth center plans would feed into the agency plans, and agency plans would feed into the LRTP.

Community plans would incorporate a land use element as well as a transportation element. There is a strong relationship between land use and transportation: they are directly related. The issue of population growth and resulting transportation needs should be addressed cooperatively to effectively identify and implement improvements.

Land use planning efforts are already being undertaken at many of the primary growth centers. Kayenta is currently preparing its Comprehensive Plan. These future land use plans are serving to accommodate the future growth trends of the communities. To support these plans, each will require an associated transportation system plan. The transportation and land use plans may be developed with close coordination from the public to specifically identify the needs of the community and capture the vision of that particular growth center.

Agency level planning would allow for the comprehensive planning of an entire Agency's land area, including the primary and secondary growth centers, and the supporting transportation system. The specific transportation needs and priorities of each agency could be highlighted within its plan. This would allow each Agency to develop its own vision for future development and focus its efforts on the needs it feels are most important to serving its communities and future needs.

For example, one Agency could envision it strength is in serving future tourism needs and providing services that will promote and sustain those efforts; while another Agency will value community connectivity and wants to focus on the needs of all-weather access to its residents. Each agency would be able to develop a list of prioritized transportation projects that reflect their vision for the future.

The prioritized list of projects from each Agency plan's transportation element could then be provided to the ARC for incorporation into the nation-wide LRTP. In developing the Navajo Nation's prioritized list of transportation projects, the ARC would need to remain cognizant of the individual goals of each Agency and treat them as relatively important, based on the Agency's prioritization.

Other considerations that should be included in master planning efforts could include topics such as:

- Drainage improvements
- Energy corridors
- Freight movement
- Environmentally sensitive areas (cultural/historic/archeological, wildlife, etc.)

Title VI and Environmental Justice Implications

Transportation projects that utilize United States federal aid are required to certify non-discrimination under the requirements of Title VI of the Civil Rights Act of 1964. Also, in 1997, the U.S. Department of Transportation issued *DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations* to summarize and expand upon the requirements of *Executive Order 12898 on Environmental Justice.*

In accordance with the intent of these federal requirements, a preliminary assessment was completed for the 2009 LRTP plan to identify impacted minority and low-income populations within the Navajo Reservation area and any affects to those populations by proposed transportation improvements.

Coordination with DOT

The Navajo Nation has 10,076 miles of roadway, including approximately 1,678 miles of state routes that provide the primary routes between growth center communities and Navajo Transit System routes. The Arizona, New Mexico and Utah departments of transportation must be true partners to invest in roadway and safety improvements on the state system within Navajo Nation. Understanding that DOTs must balance the needs of the state highways within Navajo Nation with the needs outside of Navajo Nation, and with shrinking budgets, the need for additional coordination between the Navajo Division of highways within Navajo Nation is key.

Understanding the State Transportation Improvement Program cycles, each state's process for project prioritization and areas of investment are crucial for a true partnership. Each state has individual goals, just like Navajo Nation.

Based on agency and legislative direction, each state may weigh safety improvements, maintenance, freight, multi-modal or capacity improvements differently based on their programs. Because of this, common reoccurring coordination between the Navajo Division of Transportation and the state DOTs should occur, either in the form of semi-annual or quarterly meetings to ensure that the needs of the various Divisions within Navajo Nation and the state DOTs have a common understanding of needs, priorities and processes.

Additionally, state DOTs generally guide and prioritize projects that are community driven, plan and agency supported. These plan driven requests are those that are supported by Community Plans, programs such as the Safety Improvement Program mentioned above, the Long Range Transportation Plan and other planning processes that show redundancy based on broad-based adopted and accepted support.

Growth Center Mobility Improvements – Kayenta Township

Kayenta had a population of 4,922 in 2000 and is expected to grow to 10,323 by 2030. Kayenta is the only Navajo community that has become a township. Its economy is tied to Monument Valley, a national and international tourist destination. Kayenta collects its own sales tax, passes laws and enforces its land use plan and ordinances. The first Kayenta land use plan was developed and approved in 1986. The township covers approximately 5.6 square miles of land.

US160 and US163 are Kayenta's main thoroughfares. Other existing paved roads are NHA and school access. The junction of US160/US163 has experienced very high levels of crashes. US160 from US163 to N59 and US163 from N6485 to UT state line/Monument Valley also had a high number of crashes.

Kayenta Township has been progressive in establishing a township commission, administration and in planning for development. Land use regulations and development policies have been developed and enforced. With an independent revenue source from its sales tax, Kayenta is likely to be the fastest growing Navajo Nation Growth Center in economic development.

Street Plan Goals and Objectives:

The 2009 LRTP identifies the following goals and objectives for Kayenta Township: (1) Establish a multimodal network that supports the land use plan by providing managed access to different land areas/uses; and (2) Develop an efficient street system that provides a comprehensive transportation network for effective connectivity, distribution of traffic and enhances pedestrian and bicycle mobility. Exhibit ___ shows 2009 Navajo Nation LRTP mobility improvements for Kayenta Township.

Kayenta Township Current Roadway System Conditions

There are only two functionally classified roads serving Kayenta Township, State Highway 163 and State Highway 160. Local streets feed directly from the highway system, some of these being unpaved roads. In addition, there are strip mall commercial and other type of parcels providing direct access to the highway system with little or no connectivity to other modes of transportation, making Kayenta Township highly reliant on automobile. This creates a lack of connectivity and safety concerns. Currently, the Township is applying for the Safe Routes to School Planning Assistance Program. It is critical to the long range viability of the Township to provide guidelines for connectivity and walkability as well as to adopt a safe route to school plan.

Exhibit 15 shows 2009 Navajo Nation LRTP Mobility Improvements for Kayenta Township. Exhibit 16 shows functionally classified roadways serving Kayenta Township.

EXHIBIT 15: 2009 Navajo Nation LRTP Mobility Improvements for Kayenta Township

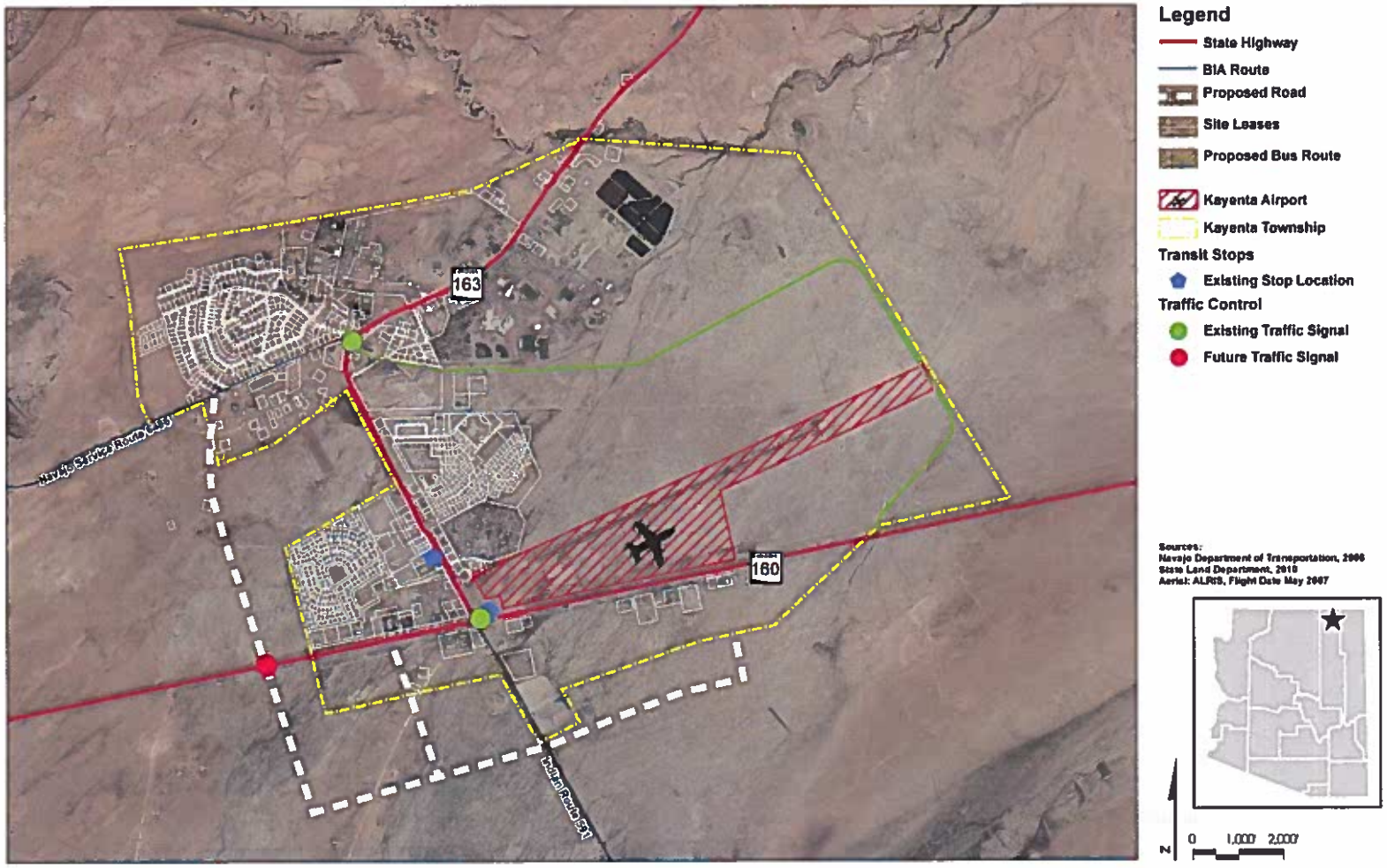


EXHIBIT 16: Existing Roadway Functional Classification

Existing Railroad and Train Services

The Burlington Northern Santa Fe (BNSF) Railroad, a transcontinental railway that connects Los Angeles to Chicago, crosses northern Arizona and New Mexico. The BNSF rail line generally runs east-west just south of the Navajo Reservation boundary except in Arizona through the Nahata Dziil (New Lands) Chapter area, and in New Mexico through the Church Rock Chapter and checkerboard area in the Eastern Navajo Agency, where the BNSF line runs on the reservation.

The Black Mesa and Lake Powell (BLKM) Railroad operates within the western potion of the Navajo Reservation for the sole purpose of transporting coal from a strip mine at Black Mesa to the Salt River Project Navajo Generating Station near Page, Arizona. The generating station provides power to three southwestern states.

Passenger Rail Service

Passenger rail service is provided by Amtrak on the BNSF Railroad line. Amtrak stations closest to the Navajo Nation are in Gallup, New Mexico and in Winslow and Flagstaff, Arizona. Flagstaff had the highest passenger stop/boardings of 39,723 in 2008, while Winslow had 4,767 and Gallup had 12,517. In comparison and based on information in the 2003 LRTP, Flagstaff had the highest passenger stop/boardings of 54,200 in 1993 of 109,700 total passengers boarding in Arizona At the time that figure was anticipated to reach 172,000 by the year 2015, a 57% increase.

Freight Rail Service

Freight service on the BNSF Railroad also stops in Gallup, Winslow and Flagstaff. In 2005, approximately 135,000,000 tons of freight moved by rail in Arizona.4 This compares to 175,000,000 tons in 1993 which at that time was estimated to increase to 275,000,000 tons by 2015. This includes material shipped in crates and containers and bulk materials such as coal, copper ore, and liquids. The 78-mile BLKM Railroad was constructed in 1972 it is isolated and not connected with any other railroad; and it and hauls 8.4 million tons of coal annually. There is a tribal plan to build rail freight access at New Lands for economic development. However, the project is only conceptual. Information on proposed railroad needs is referenced in Chapter 5, NEED 9-Railroads.

Kayenta Airport

Kayenta Airport is a public-use general aviation airport located two miles (3 km) southeast of the central business district of Kayenta, in Navajo County, Arizona. One of the airport's main objective is to serve as a medical evacuation facility.

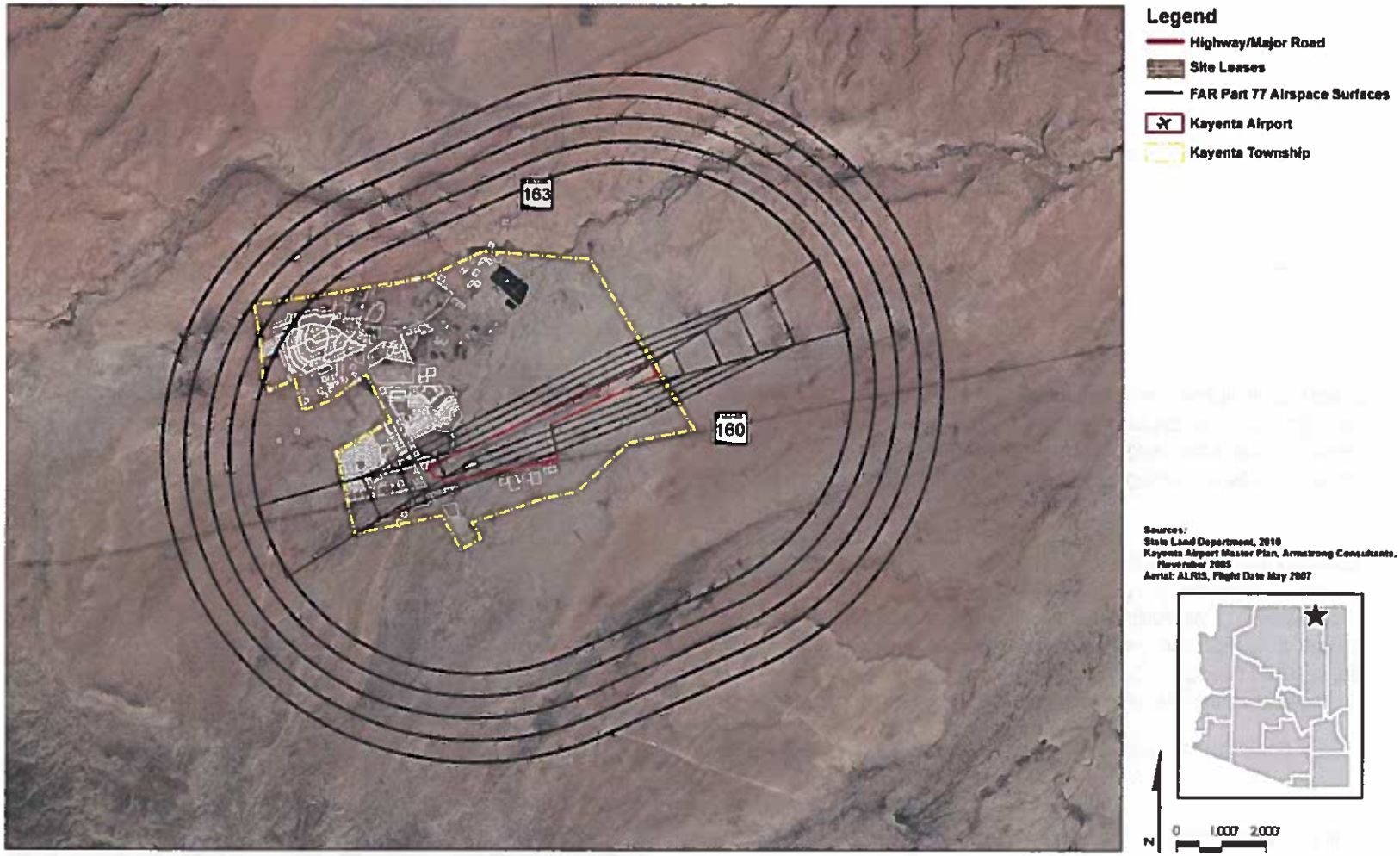
As per Federal Aviation Administration records, records, the airport had 584 passenger boardings (enplanements) in calendar year 2005 and 1,535 enplanements in 2006. According to the FAA's National Plan of Integrated Airport Systems for 2007–2011, Kayenta is a general aviation airport. The commercial service category requires at least 2,500 passenger boardings per year).

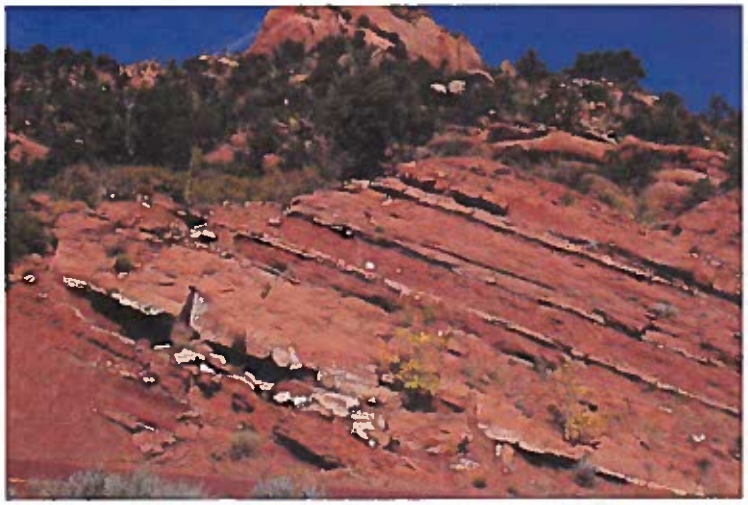
The Kayenta Airport is one of six airports owned by the Navajo Nation. The other five are Chinle Airport (E91), Tuba City Airport (T03) and Window Rock Airport (RQE) in Arizona, plus Crownpoint Airport (0E8) and Shiprock Airport (5V5) in New Mexico.

Facilities and Aircraft

Kayenta Airport covers an area of 140 acres (57 ha) and contains one asphalt paved runway designated 5/23 and measuring 7,140 x 75 ft (2,176 x 23 m). For the 12-month period ending May 4, 2007, the airport had 2,000 aircraft operations, an average of 5 per day. Of this total, 75 percent general aviation and 25 percent air taxi. Exhibit 17 shows Kayenta Airport.

EXHIBIT 17: Kayenta Airport Accident Potential Zones and FAR Air Space Surface





Kayenta Economic Base

This chapter is based on best available data available at the time of preparation of this Comprehensive Plan. Such data includes the study *Economy of the Kayenta Area*, prepared in January 2008 by the Center for Competitiveness and Prosperity Research L. William Seidman Research Institute of the W. P. Carey School of Business, Arizona State University, Tempe. The study was prepared for the Arizona Department of Commerce with funding from the Commerce and Economic Development Commission. Data from 2004 was the most recent available data available at the time of preparation of the 2008 study.

This chapter also includes data provided in the *Kayenta Community Profile* prepared by the Arizona Department of Commerce. Data from 2008 is the most recent available data at the time of preparation of the *Kayenta Community Profile*.

In addition, the U.S. Department of Commerce, Bureau of the Census County Business Patterns was consulted in the preparation of this chapter.

Principal Economic Activities in Kayenta

Services and mining comprise the principal economic activities in Kayenta. Peabody Coal Company owns and operates two mines in the area, Kayenta mine and Black Mesa Mine, as well as a central warehouse. The service sector has grown significantly. This scenic area has motels, restaurants, gasoline service stations, convenience stores, curio shops, trading posts, parks and recreational facilities for tourists' enjoyment.

The 44,700-squarefoot Kayenta Shopping Center houses numerous businesses. Table 14shows principal economic activities in Navajo County by employment sector for 2008. Figures shown on this table are organized under the North American Industrial Classification System (NAICS).

Table 14
Navajo County Principal Economic Activities by Economic Sector
2008

County Employment Sector	2008
Educational and Health Services	3,425
Government	10,800
Financial Activities	600
Information	800
Leisure and Hospitality	2,975
Manufacturing	725
Mining and Construction	2,525
Other Services	625
Professional and Business Services	1,225
Trade, Transportation, and Utilities	5,725

Sources: Arizona Department of Commerce 2011

Economy of the Kayenta Area in 2004

The *Economy of the Kayenta Area* study reports coal mining is the primary activity driving the economy of the Kayenta area. Tourism and the federal government also contribute. Government provides the most employment of any sector in the Kayenta area.

According to this study, one zip code (86033) is used as an approximation for the Kayenta area, one of seven unincorporated areas in the Navajo/Hopi region of Arizona. According to the 2000 decennial census, this unincorporated area consists of 1,549 square miles and had 8,491 residents.

Nearly two-thirds of the residents lived in one of three Census Designated Places: Chilchinbito, Kayenta (which had more than 4,900 residents), and Olijato-Monument Valley. The 2004 population of the Kayenta area, as defined by this zip code, was estimated at 9,276.

Total Employment

Total employment in the Kayenta area was estimated to have been approximately 2,300 in 2004. Total employment was only 249 per 1,000 residents. This figure was 42 to 48 percent less than the national and state averages, but considerably more than the median value of 37 Arizona unincorporated areas.

The demographics of residents of the Kayenta area contributed to this low per capita figure. According to the 2000 census, a much lower-than-average share of the residents were of working age (the proportion of children was very high), a much lower-than-average percentage of the working-age population were part of the labor force, and the unemployment rate was very high. However, the number of jobs located in the Kayenta area (in 2001) was more than the 1,775 employed residents of the Kayenta area counted in the 2000 census. Thus, residents of other communities commuted to the Kayenta area to work.

Agriculture and Government

Agriculture largely is a basic activity that includes agricultural support activities as well as farming and ranching. No agriculture employment is estimated to have been in the zip code of the Kayenta area in 2004.

The government sector represents a mix of basic and non-basic activities. Most federal government employment (both civilian and military) is basic to both the community and the state.

State government employment may be basic to the community, but is it not basic to the state. Similarly, county government and community college employment may be basic to the community (for example, a portion of the employment at the county seat is basic in that some workers serve other communities in the county), but not to the county or the state. Other local government, municipal, tribal, school district and special district, only rarely is basic to a community.

Government employment in the Kayenta area in 2004 was approximately 1,075 — by far the highest of the 20 sectors, accounting for 46 percent of all jobs. Government employment per 1,000 residents was 115 in the Kayenta area. This is 43 to 60 percent more than the national and state averages. Excess employment was around 325 relative to the national average and 400 compared to the state average.

The Navajo Nation's workforce in the Kayenta area is roughly estimated to have been between 275 and 300. This includes tribal enterprises, such as utilities. The federal government employed a similar number, with most working for the Indian Health Service or at Bureau of Indian Affairs schools. The federal and tribal employment figures were largely responsible for government's high location quotient. Federal government and the portion of tribal government funded by federal monies can be considered basic. The federal government and the tribe, along with the Kayenta Unified School District (which employed approximately 450), were among the largest employers in the community.

Table 15
Wage and Salary Employment by Sector Kayenta Area (Zip Code 86033)
2004

Sector	Number of Establishments	Employment	Relative to Nation		Relative to Arizona	
			Location Quotient	Excess Employment	Location Quotient	Excess Employment
Total	**61**	**2,310**	**0.52**	**0**	**0.58**	**0**
Agriculture	0	0	0.00	0	0.00	0
Government	6	1,070	1.43	322	1.60	399
Total, Non-agriculture Private Sector	**55**	**1,240**	**0.34**	**0**	**0.38**	**0**
Mining	2	568	38.24	553	44.54	555
Utilities	0	0	0.00	0	0.00	0
Construction	2	8	0.04	0	0.03	0
Manufacturing	0	0	0.00	0	0.00	0
Wholesale Trade	2	4	0.02	0	0.03	0
Retail Trade	11	191	0.39	0	0.41	0
Transportation and Warehousing	2	32	0.25	0	0.28	0
Information	1	14	0.13	0	0.17	0
Finance and Insurance	1	7	0.03	0	0.03	0
Real Estate and Rental and Leasing	3	15	0.22	0	0.21	0
Professional, Scientific and Technical Services	2	8	0.03	0	0.04	0
Management of Companies and Enterprises	1	72	0.80	0	0.77	0

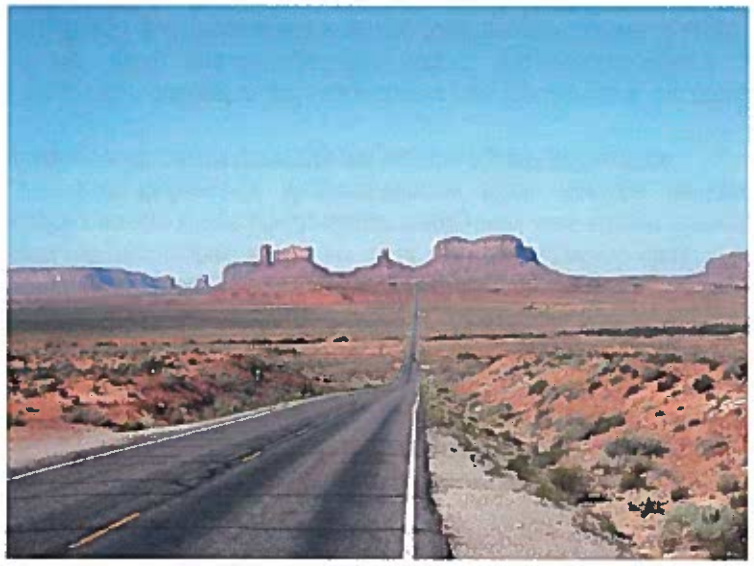
Source: Economy of the Kayenta Area (January 2008) Center for Competitiveness and Prosperity Research L. William Seidman Research Institute, W. P. Carey School of Business,, Arizona State University, Tempe.

Table 15
Wage and Salary Employment by Sector Kayenta Area (Zip Code 86033)
2004
(Continued)

Sector	Number of Establishments	Employment	Relative to Nation		Relative to Arizona	
			Location Quotient	Excess Employment	Location Quotient	Excess Employment
Total	**61**	**2,310**	**0.52**	**0**	**0.58**	**0**
Management of Companies and Enterprises	1	72	0.80	0	0.77	0
Administrative, Support, Waste Management, Remediation Services	1	2	0.01	0	0.01	0
Educational Services	1	32	0.35	0	0.56	0
Health Care and Social Assistance	5	31	0.06	0	0.08	0
Arts, Entertainment and Recreation	1	1	0.02	0	0.02	0
Accommodation and Food Services	11	219	0.64	0	0.62	0
Other Services (except public administration)	8	36	0.21	0	0.28	0
Unclassified Establishments	1	1	0.40	0	0.66	0

Source: Economy of the Kayenta Area (January 2008) Center for Competitiveness and Prosperity Research L. William Seidman Research Institute, W. P. Carey School of Business,, Arizona State University, Tempe.

Notes: Non-agriculture private sector estimated from U.S. Department of Commerce, Census Bureau, Zip Business Patterns 2004. Agricultural production employees, most government employees, railroad employees, self-employed individuals and employees of private households are not included in this data source. The agriculture and government sectors are estimated. The concept of establishment for agriculture and government differs from that used for the non-agriculture private sector.



Non-Agricultural Private-Sector Economy

Non-agriculture private-sector employment in the Kayenta area was approximately 1,250 in 2004. Employment was only 134 per 1,000 residents. This is 62 to 66 percent less than the national and state averages, but more than the median value of the unincorporated areas.

Employment estimates for 2004 for the broad sectors of the Kayenta area economy are shown in Table 15. Other than government, the mining sector provided the most employment. In addition to government, per capita employment was above the national average in the mining sector (see the "location quotient relative to nation" column of the table).

Mining employed substantially more than if the sector's per capita employment had been equal to the national per capita average (see the "excess employment relative to nation" column of the table). Mining is an important export activity.

Per capita employment was far below the national average in other largely basic sectors, including agriculture, manufacturing, wholesale trade, and transportation and warehousing. Tourism had some presence in the Kayenta area with per capita employment 26 percent higher than the U.S. average in the accommodation sub-sector. However, per capita employment was 48 percent below average in the food services sub-sector. Many lodging places have restaurants, which are classified in the accommodation sub-sector. More generally, the location quotient was less than 0.5 in 16 of the 20 sectors, and below 0.25 in 13 of these.

More sectorally detailed data show that six industries provided excess employment of at least 15 in the Kayenta area, five of which have a basic component. By far the most important was the coal mining industry, which in 2004 consisted of one establishment with between 250 and 499 employees and another with between 100 and 249 employees, according to the Census Bureau. These were the two largest private-sector establishments in the area. Local sources report that both of these are Peabody facilities. Pipeline transportation is a related industry, with one employer (Black Mesa Pipeline) of between 20 and 49 in 2004.

Tourists impact the other three industries with excess basic employment, including the hotels and motels industry. The gasoline stations and restaurants industries are partially basic since some of the customers are tourists or other nonresidents passing through the area. Thus, coal mining was the primary activity driving the economy of the Kayenta area. Tourism and the federal government also contributed.

Kayenta Area and Comparison Areas

Employment per 1,000 residents in the Kayenta area in 2004 was 16 percent more than the regional average. The area's per capita employment was the third highest in the Navajo/Hopi region, behind the Fort Defiance-St. Michaels-Window Rock and Chinle areas. In the non-agriculture private sector, employment per 1,000 residents in the Kayenta area in 2004 was 82 percent more than the regional average. This was the second-highest figure in the region, barely less than in the Fort Defiance-St. Michaels-Window Rock area.

Average nonfarm private-sector payroll per employee in the Kayenta area in 2004 was a very high $47,100. This is 30 percent more than the national average, 47 percent higher than the state average, and 69 percent above the regional average. This was the highest figure in the region and second highest in the state.

The Kayenta area's location quotients in mining, transportation, and management of companies and enterprises were the highest in the region. Kayenta ranked average in the remaining sectors, except for health care and educational services, where it ranked last.

Five nearby or otherwise similar unincorporated areas were selected as comparison areas. Per capita employment in the Kayenta area in 2004 was the third highest of the six areas in this comparison group. Per capita non-agriculture private-sector employment was second highest, after Fort Defiance-St Michaels-Window Rock. Average nonfarm private-sector payroll per employee was the highest of the group.

The location quotient in the Kayenta area was the highest of the group in the mining and transportation sectors and second highest in information and accommodations and food services (where it ranked tied with Chinle). It was among the last in manufacturing.

Changes in the Economy Between 2001 and 2004

Between 2001 and 2004, the Kayenta area's employment fell approximately 300 (12 percent), but this is based on rough estimates of the employment by the Navajo Nation. Employment per 1,000 residents dropped, as did the location quotients relative to the national and state averages.

The Kayenta area experienced a lesser decrease of 3 percent in nonfarm private-sector employment between 2001 and 2004, compared to the regional gain of 9 percent, the Arizona average of 5 percent, and the barely positive national change. The location quotient relative to the national average fell 0.02 between 2001 and 2004 in the Kayenta area, similar to the decline in the state's location quotient; the regional average advanced marginally.

The area's employment growth was accompanied by a slight increase in inflation-adjusted payroll per employee. The less than 1 percent rise was a little less than the regional average but better than the decreases in the state and national averages. Some of the sectoral location quotients changed substantially between 2001 and 2004. Large gains were registered in mining and management of companies. In contrast, the location quotient in the accommodation and food services sector fell, due to the hotels and motels industry.

Labor Force Data Kayenta Township

Table 16 shows labor force data for Kayenta Township based on Arizona Department of Commerce and U.S. Bureau of the Census.

Table 16
Navajo County Principal Economic Activities by Economic Sector
2008

Labor Force Data	1990	2000	2008
Civilian Labor Force	1,175	1,554	1,813
Unemployment	37	189	274
Unemployment Rate (percent)	3.1	12.2	15.1

Sources: Arizona Department of Commerce 2011

The U.S. Bureau of the Census Bureau's Population Estimates Program estimated a labor force for Kayenta of 1,551 for the year 2009. This figure shows a decrease in civilian labor force of 262 people from the total 1,813 reported in the 2008 estimates shown on Table 16. Since unemployment and unemployed rate estimates are not currently available for the year 2009, it is hard to make an assessment. However, such decrease in labor force from 2008 to 2009 may be attributed to the current economic climate. An update of the Economy of the Kayenta Area prepared in 2008 and based on 2004 data is recommended.

Currently, major development within the Township includes a prison and a major health care center. These two developments will generate additional employment within the Kayenta Township.

The *Chinle-Many Farms and St. Michaels-Window Rock for Defiance Multimodal Long Range Transportation Study*, which includes the Kayenta Township area, spearheaded by the Arizona Department of Transportation (ADOT) is anticipated to run concurrently with this Comprehensive Plan planning process. The scope of work of this study includes an inventory of current conditions. Such study includes an assessment of demographics and socioeconomic characteristics. The results of such assessment will feed the policy framework of this Comprehensive Plan.

Economic Development Strategy

It is anticipated that government, trade, transportation and utilities, education and health services, leisure and hospitality and mining will continue to be the primary sources of employment.

A successful place-base economic development strategy for Kayenta Township is needed in order to sustain the long-range viability of the township. Such economic development strategy must consider all the placemaking components needed to make Kayenta a destination. It must take into consideration:

- Employment diversification
- Ecotourism (available natural resources)
- Heritage tourism (available cultural resources, including Navajo-centered arts, crafts, music, performing arts, film making, story telling, festivals, healing and spiritual practices
- Emerging clean technologies (potential for solar, wind and other alternative energy)
- Contained farming (green-house based agriculture with lower land and water usage)

Destination Kayenta

Twenty-seven miles north of Kayenta is the Navajo Nation's most famous attraction, Monument Valley Tribal Park. Betatakin, Navajo for "houses in rock shelves," and Keet Seel Ruins are about 20 miles away. The Four Corners area, a junction of Arizona, Utah, Colorado and New Mexico (the only spot in the United States where four states meet) is less than 80 miles away.

Within a 150- mile radius are a variety of parks and recreational facilities: Grand Canyon National Park, Glen Canyon National Recreation Area, Lake Powell and Glen Canyon Dam on the Colorado River. The prehistoric Indian dwellings of Canyon de Chelly National Monument and the monoliths and arches of Monument Valley, Rainbow Bridge National Monument and the Navajo Scenic Area are nearby.

Leisure and hospitality is a major economic activity in the township. Taking competitive advantage of eco-tourism and heritage tourism is necessary to make Kayenta a destination.

Cultural or Heritage Tourism

Cultural heritage tourism (or just heritage tourism) is a branch of tourism oriented towards the cultural heritage of the location where tourism is taking place. The National Trust for Historic Preservation defines heritage tourism as "traveling to experience the places and activities that authentically represent the stories and people of the past." It also defines cultural heritage tourism as "traveling to experience the places and activities that authentically represent the stories and people of the past and present."

Culture has always been a major driver for travelers. Cultural attractions play an important role in tourism at all levels, from the global highlights of world culture to attractions that showcase local identities.

Culture, heritage and the arts create a sense of destination that lures tourists. In recent years 'culture' has been rediscovered as an important marketing tool to attract those travelers with special interests in heritage and arts. Cultural heritage tourism is one of the fastest growing segments of the tourism industry today.

This is correlated to an increase specialization among tourists. This trend is evident in the rise in the volume of tourists who seek adventure, culture, history, archaeology and interaction with local people.

In addition to serving as an economic engine, Cultural heritage tourism has a positive economic and social impact, it establishes and reinforces community identity, it helps preserve the community cultural heritage, and it enriches the human experience by facilitating harmony among a variety of groups.

Cultural heritage tourism has a number of objectives that must be met within the context of sustainable development. These include the conservation of cultural resources, accurate interpretation of resources, authentic visitor experience, and the stimulation of the earned revenues of cultural resources. Therefore, cultural heritage tourism is not only concerned with identification, management and protection of the heritage and cultural values but it must also be involved in understanding the impact of tourism on communities and regions, achieving economic and social benefits, providing financial resources for protection, as well as marketing and promotion.

Cultural or heritage tourism and ecotourism feed each other. Hence, it is necessary to embrace an integrative economic development strategy that markets these two complementary economic activities. Low cost programs such as art studio space, arts and crafts markets and guided horse or jeep tours can be used to lure visitors. The revenue generated by such low cost programs, may be used to generate larger projects such as RV parks for visitors, resorts, healing spas and so on.

Sustainable Ecotourism

The tourism industry defines sustainable eco-tourism as "environmentally responsible travel to relatively undisturbed areas, to enjoy and appreciate nature and accompanying cultural features and to become aware of the need for preserving natural capital and cultural capital. Ecotourism should have low visitor impact and should contribute to the well-being of local populations." Many global environmental organizations and aid agencies favor ecotourism as a vehicle to sustainable development.

Sustainable ecotourism must satisfy the following criteria:

- Conserve, protect and preserve biological diversity and cultural diversity through ecosystem protection;
- Promote sustainable use and best practices of biodiversity by providing jobs to local populations;
- Share socio-economical benefits with local communities and by having their informed consent and participation in management of ecotourism business;
- Increase awareness and knowledge of environmental and cultural resources;
- Minimize tourism's own environmental impact; and
- Promote affordability

For many communities, ecotourism is not so much seen as a marginal activity intended to finance protection of the environmental infrastructure than as a major sector of national economy and as a means of getting currencies. For example, in countries such as Kenya, Ecuador, Nepal, Costa Rica, and Madagascar, ecotourism represents a significant chunk of foreign revenue.

Critics claim that ecotourism as practiced and abused often consists in placing a hotel in a splendid landscape, to the detriment of the ecosystem. Ecotourism must above all sensitize people with the beauty and the fragility of nature. Using the label of "eco-tourism" and "green-friendly", while behaving in environmentally irresponsible ways is not conducive to sustainability. Policy direction for the establishment of sustainable best practices is necessary to ensure that the environmental infrastructure and the long-range sustainability of the township are protected.

Emerging Clean "Green" Technologies

Setting an example, Kayenta was the fourth community in the country to adopt the International Green Construction Code. As a result, the community has been asked to join a work group being facilitated by the International Code Council (ICC) to assist other communities in the nation in the adoption and enforcement of this code. Nationwide, government initiatives are creating growth in the green industry. With a projection of five million new green jobs in the next decade, embracing today's emerging technologies could be the pathway to a stable, rewarding and a sustainable economy.

The federal government is funneling funds to solar and wind generation, as well as weatherization and climate change programs. The U.S. Green Building Council, Leaders in Energy and Environmental Design (LEED) is providing a concise framework for identifying and implementing practical and measurable green building design, construction, operations and maintenance solutions.

With increased public awareness and available government funding, more and more people are turning towards careers in today's emerging green technologies.

Several hundred cities and local governments around the world are actively planning or implementing renewable energy policies. This means that the demand for qualified professionals is going to grow even further. Sustainable building, solar PV systems and other renewable energy fields will provide the pathway to a solid, reliable, and sustainable future that makes a difference every day. It is important for the Township to embrace these new technologies to create a sustainable economy.

Solar Power

In a world where demand for energy is growing as non-renewable supplies are diminishing, many nations are rapidly developing renewable energy sources as a way to secure their future energy demand. In 2008, the world's solar photovoltaic market installations reached a record high of 5.95 Gigawatts, representing growth of 110% over the previous year.

Europe accounted for 82 percent of world demand, while Spain's growth of 28.5 percent pushed Germany into second place in the market ranking. The United States advanced to number three, and rapid growth in Korea allowed it to become the fourth largest market, closely followed by Italy and Japan.

Even with these tremendous growth increases, cumulative solar energy production accounts for less than 0.01 percent of total Global Primary Energy demand. As technology for solar energy advances and the costs are lowered, research has confirmed that the Asia Pacific, European and United States are projected to have strong growth over the next five years.

Resulting from the increasing attraction of solar energy as the world's future primary energy source, global, national, state and local organizations have launched campaigns to help bring solar energy development into the next century. These organizations advance energy efficiency, promote renewable energies, and provide research and policy analysis in solar energy technologies.

In 2010, the US Bureau of Land Management (BLM) launched an aggressive program to build large scale solar generating fields on BLM owned lands within the states of Arizona, California, New Mexico and Nevada.

The National Renewable Energy Laboratory (NREL) recently released a study showing the solar potential of states in the Southwest, and in particular, Arizona. Arizona has long been known for its sunny, dry climate, receiving a total of 296 days of sunshine annually. Although Arizona currently lags behind others in solar energy deployment, the vast natural resource offers tremendous potential in solar energy development and production.

In addition to solar energy deployment-related revenues, solar fields may incorporate research and development in association with a college or university research campus or station as well as assembly and manufacturing uses fostering technology development from the laboratory to the marketplace. As discoveries are made in research and development facilities, solar energy companies can rapidly move new technologies into the marketplace, providing consumers with up-to-the-minute market-based solutions and communities with additional revenue sources. This combined economic development strategy enhances opportunities for local employment and increases the sustainability of the community.

Utility-Scale Wind Power

Utility-scale wind power in Arizona began in 2009 with the commissioning of the first phase of the Dry Lake Wind Power Project in Navajo County. On February 11, 2010, the National Renewable Energy Laboratory released the first comprehensive update of the wind energy potential by state since 1993, showing that Arizona had potential to install up to 10.9 GW of onshore wind power nameplate capacity, generating 30.6 Terawatt per hour (TWh) annually.

For comparison, Arizona consumed 69.391 TWh of electricity in 2005; the entire U.S. wind power industry was producing at an annual rate of approximately 50 TWh at the end of 2008; Arizona's Palo Verde Nuclear Generating Station produced 26.782 TWh in 2007; and Three Gorges Dam, the world's largest electricity-generating station, produced an average of 80 TWh/yr in 2008 and 2009.

Continue to invest in utility-scale solar and wind power generation facilities will be beneficial to the township as well as to the Navajo Nation.

Land Use Determination

Prior to determining what types of future land use designations are appropriate for a site or community, an extensive analysis of site opportunities and constraints must be conducted to determine the amount of developable land available for development. Such analysis includes detail studies completed in the previous chapters of this document and encompass the following:

- Topography and Land Forms
- Soils Types
- Hydrology, Water Flows and Drainage
- Washes and Riparian Corridors
- Wildlife Corridors and Vegetative Communities
- Community Facilities Needed to Support the Current and Future Populations (Recreation, Parks, Trails, Open Space, Schools, Libraries, Police, Fire Protection, Emergency Management Services)
- Existing Transportation Network Needed to Support the Current and Future Populations
- Utilities and Infrastructure Needed to Support Current and Future (Water, Sewer, Solid Waste, Electricity, Gas, Alternative Energy Sources)
- Existing Airports' Runways, Accident Potential Zones, and Noise Contours.
- Existing Land Use Patterns
- Population projections

Once the opportunities and constraints analysis is completed and maps are generated a report is prepared summarizing all these conditions and identifying areas that can support different types of land uses. This chapter summarizes existing developable land based on an analysis of existing vacant land.

After this stage, planners engage the community in a visioning process to determine what type of development is desired by the community in question. Once the community agrees on a vision statement that summarizes the desires of the community regarding the types of land uses, planners recommend one or few scenarios based on the public input and on the analysis of opportunities and constraints.

Type of land uses varied from community to community as they are tied to site opportunities and constraints, local and regional economic trends, population being served and community desires.

Kayenta Township Existing Land Uses

The developed areas are located in the lower elevations of the watershed. The Kayenta Unified School District and Kayenta Community School complexes include school buildings and housing. U.S. Public Health Service housing, B.I.A. Kayenta Boarding School, Kayenta Chapter House, Kayenta Field house, various commercial facilities and houses located on the "hill" make up the urban development. Industrial land use is at a minimum and commercial land uses account for the majority of the business along the US Highway 163 and 160 corridors. The remaining land areas are parks, public facilities, airport, roadways, and undeveloped land. Table 17 shows acreage for all existing land use categories within the Township. Exhibit 17 shows existing land uses. Exhibit 18 shows commercial uses and retail inventory within Kayenta Township.

EXHIBIT 17: Kayenta Township Existing Land Uses

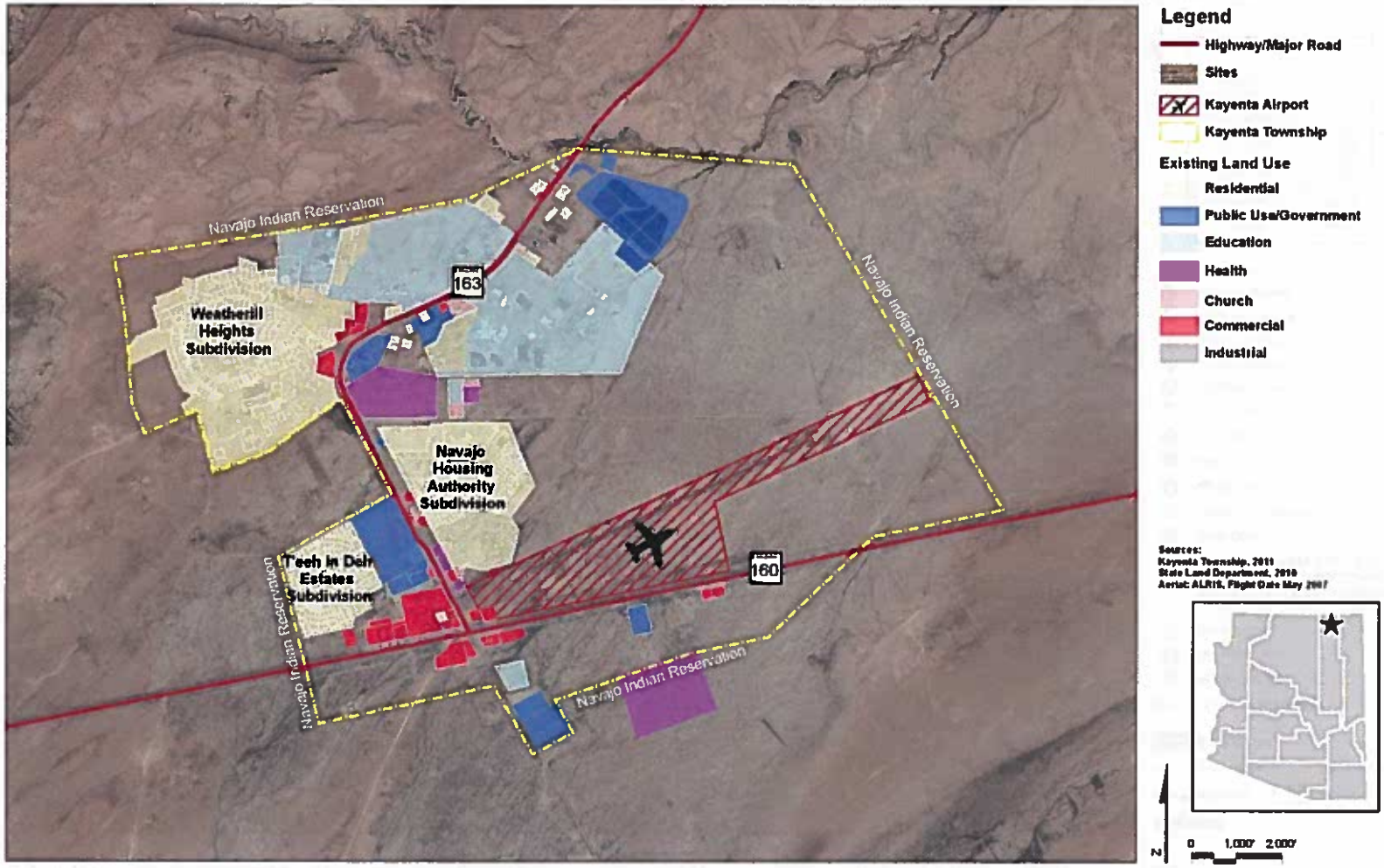


EXHIBIT 18: Kayenta Township Existing Commercial and Retail Uses (Retail Inventory)

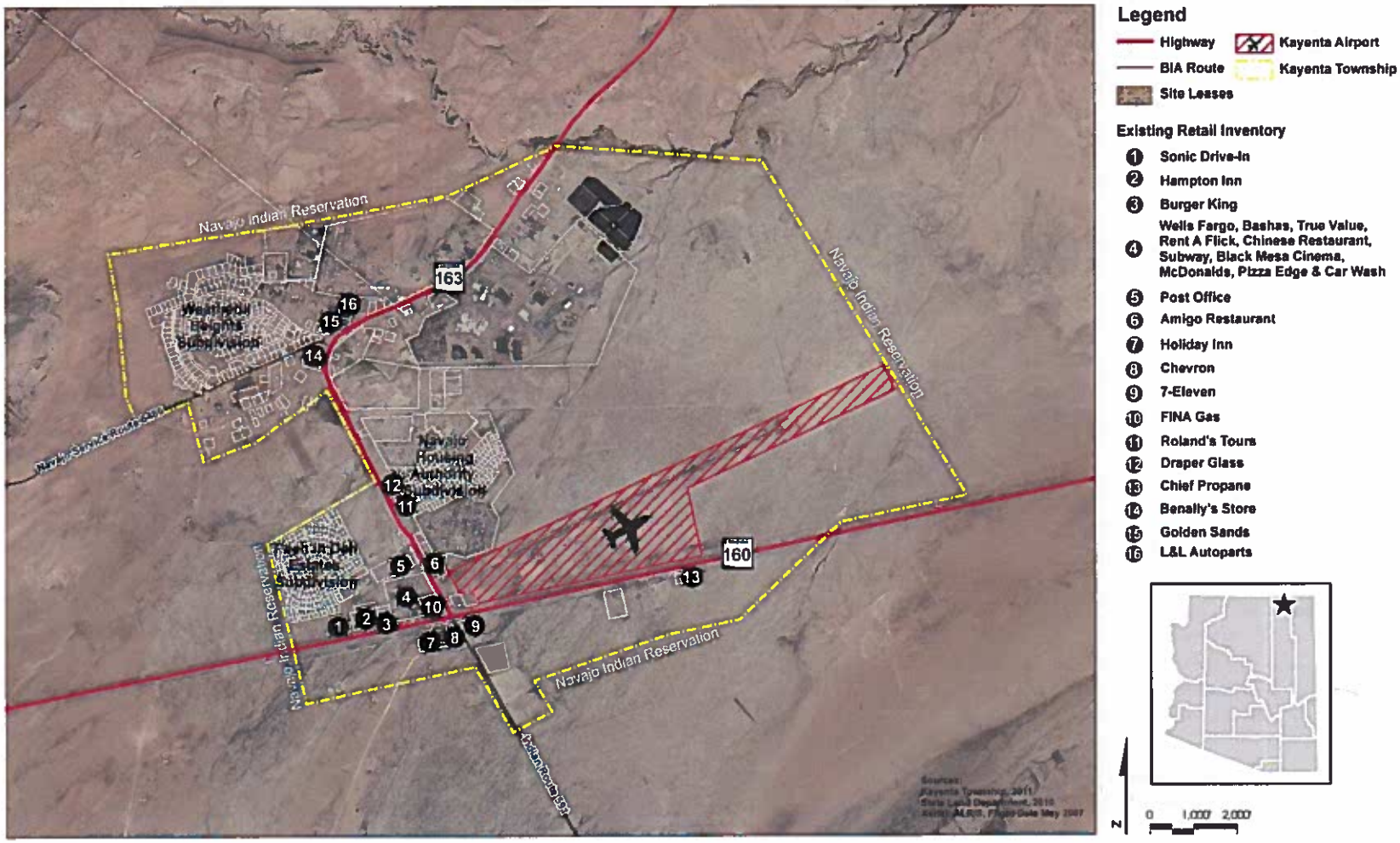


Table 17
Existing Land Uses Within Township Boundary
2011

Land Use	Acres	Percent
Residential	623	17.3
Education	414	11.5
Kayenta Airport	267	7.4
Government	172	4.7
Commercial	70	1.9
Health	50	1.4
Church	11	0.3
Industrial	2	0.1
Vacant	1,995	55.4
Total	**3,604**	**100**

Sources: Existing Land Use Inventory, The Planning Center, 2011

Note: Total does not include 59 acres located outside the Township.

Existing Land Use Analysis

As shown on Table 17, of the total 3,604 acres within the Township, approximately 2,262 acres, or 62.8 percent, are vacant lands and 1,342 acres, or 37.2 percent, are developed lands.

Of the total 3,604 acres within the Township, approximately 623 acres, or 17.3 percent, are residential land uses; approximately 414 acres, or 11.5 percent, are education land uses; approximately 267 acres, or 7.4 percent, are airport uses; approximately 172 acres, or 4.7 percent are government uses, approximately 70 acres, or 1.9 percent are commercial land uses; approximately 50 acres, or 1.4 percent are health care facility uses; approximately 11 acres or 0.3 percent, correspond to churches; approximately 2 acres, or 0.1 percent are industrial land uses; and approximately 1,995 acres, or 55.4 percent correspond to vacant or undeveloped lands.

The new health care facility located outside the Township boundary encompasses 59 acres of land. Parks and recreation are primarily within educational facilities, therefore, a separate acreage for this land use was not provided.

Commercial, Industrial and Retail Uses

In Kayenta Township, existing commercial, industrial and retail uses are primarily located along highway corridors 160 and 163 as shown on Exhibits 18 and 19. An opportunity exists for development a major activity node at the intersection of both highways. Additional opportunities for commercial and industrial development exist in proximity to the Kayenta Airport as provided in conformance with the Kayenta Airport Master Plan.

Analysis of Vacant and Developable Land

Vacant or undeveloped land includes flood prone areas shown on Exhibits 4, Watercourses, Major Washes and Floodplains, provided in the Opportunities and Constraints chapter of this document. Development within floodplain areas needs to conform to all applicable FEMA regulations for development within the floodplains, if the Township decides to pursue flood insurance FIRM status from FEMA.

Opportunities for the development of an integrated trail system along major washes exist along major washes. Table 18 shows analysis of developable lands based on opportunities and constraints analyzed in the Opportunities and Constraints chapter of this document.

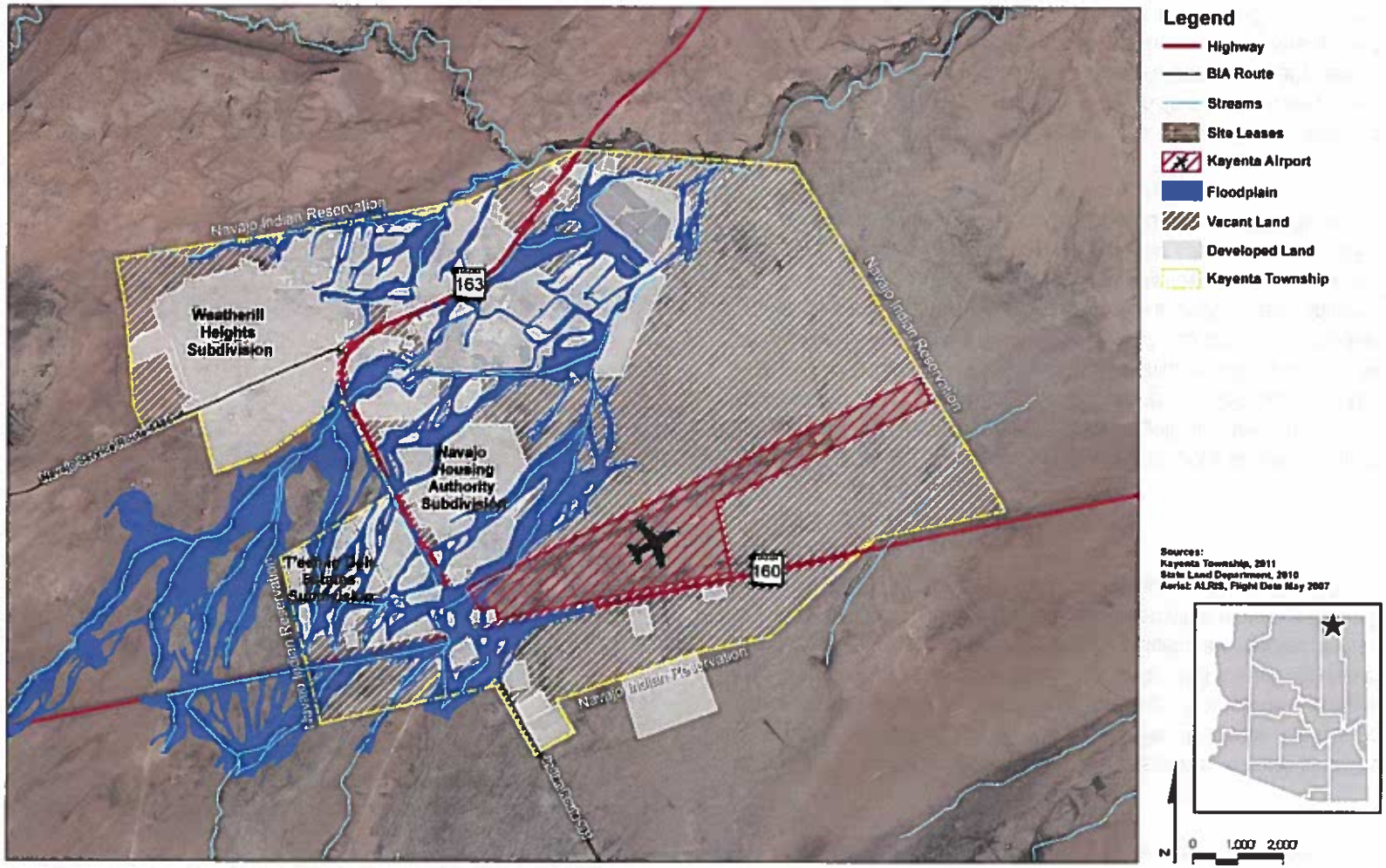
Table 18
Analysis of Vacant and Developable Lands
2011

Land Use	Acres	Percent
Vacant Land Outside Floodplain	1,727	86.6
Vacant Land Inside Floodplain	268	13.4
Total	**1,995**	**100**

Sources: Vacant Land Inventory, The Planning Center, 2011

As shown on the Table 18, of the total 1,995 acres of vacant or undeveloped land, approximately 1,727 acres, or 86.6 percent constitute vacant lands immediately available for development; and 268 acres, or 13.4 percent, includes vacant lands currently included within floodplains. Development within these lands must meet FEMA criteria, if the Township decides to pursue FIRM status with FEMA. Vacant lands within the floodplain provide opportunities for regional trail system and wildlife corridors. Exhibit 19 shows development potential based on this analysis of vacant land.

EXHIBIT 19: Development Potential



Kayenta Township Demographic Profile

Although the decennial census was completed in 2010 by the US Bureau of the Census, the most recent available data for Kayenta Township are the 2008 UA Bureau of the Census population estimates. According to such data, the 2008 population was estimated at 4,694 people. This represents a decrease of 228 persons from the 2000 census counts provided in Table 19.

Table 19
Kayenta Township, Navajo County and Arizona
Population Comparisons1990 and 2000 Counts and
2008 Estimates

Location	1990	2000	2008
Kayenta	4,372	4,922	4,694
Navajo County	77,674	97,470	114,780
Arizona	3,665,228	5,130,632	6,629,455

Sources: 1990 and 2000 Population Counts and 2008 Population Estimates, U.S Bureau of the Census; Kayenta, Community Profile, Arizona Department of Commerce, 2010.

Socio-economic Characteristics

According to the US Bureau of the Census 2005-2009 American Family Survey 5-Year Estimates Data Profile Highlights, the average household size for Kayenta during the 2005-2009 period was 3.72 persons, or 1.12 higher than the U.S. average household size of 2.60 persons.

According to the same source, the average family size in Kayenta was 4.30 persons, or 1.11 higher than the U.S. average family size of 3.19 persons.

Of the total 4,694 population living in households, a total of 2,526 persons, or 53 percent, are 25 years and older. Currently, there is no group quarter population within the Township. The civilian veterans population 18 years or older is 187 persons. Of the total population living in households, 621 persons, or 13.2 percent, are married women 15 years and older and 556 persons, or 11 percent are married men 15 years or older. A total of 3,179 speak a language other than English.

Economic Characteristics

According to the US Bureau of the Census 2005-2009 American Family Survey 5-Year Estimates Data Profile Highlights, the labor force population 16 years and older for this period is 1,551 persons. The median household income in 2009 inflation-adjusted dollars was 35,94 dollars, or 15,476 dollars lower than the 51,425 dollar U.S median household income. The median family income in 2009 inflation-adjusted dollars was 37,116 dollars, or 25,247 dollars lower than the 62,363 dollar U.S. median household income. The per capita income in 2009 inflation-adjusted dollars for the same period was 12,336 dollars, or 14,705 dollars lower than the U.S. per capita income.

Based on the same data source and time period, 26.6 percent of families within Kayenta Township lived below the poverty level compared to the 9.9 percent of families living under the poverty level in the U.S. and 27.4 percent of individuals within Kayenta Township lived under the poverty level compared to the 13.5 percent individuals living under the poverty level in the U.S.

Housing Characteristics

According to the US Bureau of the Census 2005-2009 American Family Survey 5-Year Estimates Data Profile Highlights, there were a total of 1,767 housing units within Kayenta Township. Table 20 shows housing characteristics.

Table 20
Kayenta Township Housing Characteristics
Compared to U.S. Housing Characteristics
2005-2009 Period

Housing Units	Estimate	Kayenta (Percent)	U.S. (Percent)
Occupied Units	1,261	71.4	88.2
Owner-occupied Units	639	50.7	66.9
Renter-occupied Units	622	49.3	33.1
Vacant Housing Units	506	28.6	11.8
Total Housing Units	1,767		

Source: US Bureau of the Census 2005-2009 American Family Survey 5-Year Estimates Data Profile Highlights.

According to the same source and time period, the median value of owner-occupied homes in Kayenta Township is 58,000 dollars, or 127,400 dollars lower than the 185,400 U.S. median value of owner-occupied homes.

Other Demographic Estimates

According to the US Bureau of the Census 2005-2009 American Family Survey 5-Year Estimates Data Profile Highlights, of the total 4,675 population, a total of 2,440 are female and a total of 2,254 are male. The median age in years is 27 compared to the U.S. median age in years of 36.5 years. Table 21 shows age distribution of the Kayenta population during the 2005-2009 period.

Table 21
Kayenta Township Age Distribution
2005-2009 Period

Housing Units	Estimate	Kayenta (Percent)	U.S. (Percent)
Under 5 years	371	7.9	6.9
18 Years and Over	2,947	62.8	75.4
65 Years and Over	177	3.8	12.6
Total Population	4,675		

Source: US Bureau of the Census 2005-2009 American Family Survey 5-Year Estimates Data Profile Highlights.

Table 22

Kayenta Township Race Distribution
2005-2009 Period

Housing Units	Estimate	Kayenta (Percent)	U.S. (Percent)
White	342	7.3	74.5
Black or African American	29	0.6	12.4
American Indian and Alaska Native	4,304	91.7	0.8
Asian	0	0.0	4.4
Native Hawaiian and Other Pacific Islander	0	0.0	0.1
Some other race	0	0.0	5.6
Two or more races	19	0.4	2.2
Hispanic or Latino (of any race)	119	2.5	15.1
Total Population	4,675		

Source: US Bureau of the Census 2005-2009 American Family Survey 5-Year Estimates Data Profile Highlights.

As provided in table 22 and according to the US Bureau of the Census 2005-2009 American Family Survey 5-Year Estimates Data Profile Highlights, of the total 4,675 persons living in Kayenta Township, 4,304, or 92 percent, are Navajo people. The remaining 8 percent is primarily composed of white and Hispanic/Latino or any race.

Legend
Contours (50' Intervals)
Highway/Major Road
Site Leases
Kayenta Airport
Kayenta Township
Sources:
State Land Department, 2010
Aerial: AL/RS, Flight Date May 2007
163
160
5750'
5700'
5650'
5600'
5850'
5800'
5900'
0 1,000' 2,000'
N

Bibliogrphy and References

1. U.S. Department of Agriculture Soil Conservation Service, 1988, Flood Plain Management Study for the Kayenta Community: 51p.
2. National Weather Service, NOAA, HDSC; NOAA Atlas No. 14 Precipitation Frequency Data Server: [http://hdsc.nws.noaa.gov/hdsc/pfds/]
3. Macy, J.P., 2010, Groundwater, Surface-Water, and Water-Chemistry Data, Black Mesa Area, Northeastern Arizona, 2008-2009: U.S. Geological Survey Open-File Report 2010-1038, 43p.
4. Arizona Department of Environmental Quality, 1978, Engineering Bulletin No. 10 – Guidelines for the Construction of Water Systems: 332p. [http://www.azdeq.gov/function/compliance/download/eb10.pdf]
5. *25 CFR 81 Indian Affairs Manual, Draft, October 2009.*
6. Arizona DOT, *2008 Arizona State Airports System Plan (Draft)*, 2009
7. *Arizona Multimodal Freight Analysis Study*, 2009.
8. *Arizona Railroad Inventory and Assessment*, 2007.
9. Chinle Comprehensive Plan 2006
10. BIADOT, *Condition Rating of Service Levels for Roads (Paved/Unpaved)*, No Date.
11. Division of Community Development Website (WIND), *2009 CIP Project Priorities.*
12. Division of Economic Development Website, *Navajo Nation Land Area*, 2008.
13. Division of Economic Development, *2005-2006 Comprehensive Economic Development Strategy of the*
14. *Navajo Nation.*
15. Division of Economic Development, *FY2009 Project Priority Listing.*
16. Federal Register, *25 CFR Part 170 Indian Reservation Roads Program; Final Rule, July 19, 2004.*
17. FHWA, *Highway Functional Classification - Concepts, Criteria and Procedures.*
18. FHWA, *IRR Program Comprehensive Inventory Report, January 2008.*
19. *Fort Defiance Land Use Plan*, 2004.
20. Indian Health Services, *2005 Navajo Community Health Status Assessment.*
21. Indian Health Services, *2007 Navajo Area Health Service Profile.*
22. *Kayenta Chapter Comprehensive Plan 1986*
23. *Kayenta Land Use Plan*, 2001.
24. Land Department, *Title Section 03/31/98.*
25. Navajo Department of Education, *2006-2007 School Year Statistics.*
26. Navajo DOT, *1999-2007 Navajo Nation Crash Data.*
27. Navajo DOT, *2009 Long Range Transportation Plan Questionnaire.*
28. Navajo DOT, *Origin-Destination Survey, 2001.*
29. NRODOT, *2007 National Bridge Inventory*

30. NRODOT, *2008 Navajo Region Road Inventory Field Data System (RIFDS).*
31. NRODOT, *Spreadsheet titled ROADS_def_maint_N_FY2008_Q4, BIA-NRODOT.*
32. *P.L. 109-59; Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.*
33. *Shiprock Land Use Plan*, 2006.
34. *St. Michaels Land Use Plan*, 2005.
35. Transportation Research Board, Access Management Manual, 2003
36. *Tuba City Land Use Plan*, 2007.
37. U.S. Census Bureau, *2007 and 2008 American Community Survey.*
38. U.S. Census Bureau, *Census 2000.*
39. USDOI, *Government Performance and Result Act, Road Maintenance, FY09, 3rd Quarter*
40. USDOI-DOT, *IRR Coding Guide and Instructions for the IRR Inventory, 10-19-07 Draft.*
41. WHPacific Inc., *Former Bennett Freeze Area (FBFA) Recovery Plan(Draft)*, 2008.
42. Kayenta Township, Arizona, Community Profile, Arizona Department of Commerce, Phoenix, Arizona, 2011.
43. Navajo County, Arizona, Community Profile, Arizona Department of Commerce, Phoenix, Arizona, 2011.
44. Reynolds, S.J., 1988, Geologic Map of Arizona: Arizona Geological Survey Map 26, scale 1:1,000,000.
45. Saxton, K. E., and Shiau, S.Y., 1990, Surface waters of North America; Influence of land and vegetation on streamflow in Wolman, M.G., and Riggs, H.C., eds., The geology of North America Vol. 0-1, Surface water hydrology, The geologic society of America.
46. Strahler, A.N., 1964, Quantitative geomorphology of drainage basins and channel networks, in Chow, V.T., ed., Handbook of Applied Hydrology, section 4- II: New York, McGraw-Hill, p. 4.39-4.76.
47. Student Enrollment and Teacher Student Ratio, National Center for Education Statistics, 2011.
48. 1990, 2000 and 2010 census counts, American Fact Finder, U.S. Bureau of the Census.
49. USDA-NRCS, 1995, State soil geographic (STATSGO) data base data use information. USDA NRCS, National Soil Survey Center. Miscellaneous publication number 1492.
50. Economy of Kayenta Area (January 2008) Center for Competitiveness and Prosperity Research L. William Seidman Research Institute W. P. Carey School of Business Arizona State University Tempe, Arizona
51. Solarbuzz. 2009. World PV Industry Report Summary. Available at: www.solarbuzz.com
52. Solarbuzz. 2009. Fast Facts. Available at: www.solarbuzz.com

Application for Participation in the National Flood Insurance Program (FEMA Form 81-64):

This one-page form asks for the following information:

- Community name
- Chief Executive Officer
- Person responsible for administering the community's floodplain management program
- Community repository for public inspection of flood maps
- Estimates of land area, population, and number of structures in and outside the floodplain

Resolution of Intent: The community must adopt a resolution of intent, which indicates an explicit desire to participate in the NFIP and commitment to recognize flood hazards and carry out the objectives of the Program.

Floodplain Management Regulations: The community must adopt and submit floodplain management regulations that meet or exceed the minimum floodplain management requirements of the NFIP. Follow this link to see FEMA's regulations: www.fema.gov.

For more information about joining the program:
Please read *Joining the National Flood Insurance Program* at http://www.fema.gov/library/viewRecord.do?id=3310

Please contact FEMA Regional Office or the NFIP State Coordinating Agency for information about joining the Program. These offices will provide an application, sample resolution, and a model floodplain management ordinance.

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