

CHEHALIS RESERVATION COMPREHENSIVE LAND USE PLAN

Purpose

The Chehalis Comprehensive Plan is adopted to protect the environment and lands under the jurisdiction of the Confederated Tribes of the Chehalis Reservation (Chehalis Tribe) for the enjoyment and use of present and future generations of Chehalis tribal community members and residents of the Reservation.

The policy recommendations herein and land-use map for the basic land-use plan for the Reservation.

1) Land Use Planning

a) Organization and Intent

- i) The Land Use Plan is prepared to assure the compatibility of land uses on the Reservation; to protect the natural resources native to the area; to assure that adequate locations are available for affordable housing; and to protect the cultural interests and welfare of all residents of the Reservation. In developing this plan, the Tribe finds that:

- (1) The Chehalis Tribe has the jurisdiction and the duty to protect the quality of the environment within the boundaries of the Chehalis Reservation and on all land within Indian Country over which the Chehalis Tribe has jurisdiction.
- (2) The Chehalis Reservation is a small land base that must provide for the economic, residential, cultural, recreational and governmental needs of the Chehalis tribal community, now and in the future.
- (3) The Chehalis Reservation contains ecologically sensitive lands, culturally sensitive historic sites and archaeological sites, and includes portions of the Willamette Creek and Black and Chehalis Rivers. Any action adversely affecting these and all areas within the Reservation ecosystem adversely affects the Chehalis Tribe.

b) Land Use Criteria

- i) The Chehalis Tribe has put forth the following objectives in developing a comprehensive land use plan, as established within the Chehalis Permitting Ordinance, and developed specific criteria for the final land use designation for each area.
 - (1) The protection of the essential Indian and Tribal character of the Reservation in its entirety.
 - (2) The suitability of the natural environment to support a specific land use action and settlement density.
 - (3) The presence (or absence) of existing infrastructure such as roads and utilities and their ease of expandability.
 - (4) The protection of the natural resources and natural features of the Chehalis Reservation from contamination, pollution and other degradation.

- (5) The protection and enhancement of the habitat of all types of fish, forestry and wildlife resources, particularly the Chehalis River Basin and associated habitat that are critical components of the ecosystem that support fish resources.
- (6) Minimizing or eliminating adverse impacts that would result from locating developments in environmentally sensitive areas;
- (7) The preservation of the open, rural environment that has been traditional within the exterior boundaries of the Chehalis Indian Reservation; and
- (8) Sufficient development within this natural environment to enable the development of housing, public services and employment for the residents of the Reservation.
- (9) Conformance with the Chehalis Flood Damage Prevention Ordinance, #1997-44, to ensure that future development meets flood hazard reduction standards, thereby reducing flooding threats and impacts to reservation residents, their property, tribal services and community infrastructure.

2) Land Use Categories

Land use categories are divided into six (6) zones: Chehalis Forested Lands, Rural/Agricultural, Commercial, Residential and (Environmental and Cultural) Sensitive Lands. Sensitive Lands may overlay any other zone.

Chehalis Forested Lands

Established as the homeland for the Chehalis Tribe, it is essential that the natural rural nature of the Reservation be preserved. The Tribe has chosen this designation as the primary designation of lands within its reservation boundaries. An integral part of reservation life is the relation with the homeland and all that it provides. The Chehalis Forested Lands designation is intended to preserve or rehabilitate larger contiguous tracts of land for natural resource management. These lands provide timber, water resources, fisheries and wildlife habitat, spiritual refuge, recreation and open space, and allow for the natural flooding of the Chehalis and Black Rivers.

Preservation of these areas is important to the future well-being of the Tribe. Areas designated as Chehalis Forested lands contain several of the following features: potentially marketable timber or the capacity for timber harvest and replanting, critical watershed basins, significant parcels of Sensitive Lands, lands bordering the rivers, native plants and fish and wildlife habitat. They are typically 10 acres or larger in size and have no improved roads or services. They may be located along the river, or in the interior of the Reservation. They may be located within the flood plain and in the major floodways. Only minor development is allowed in an area designated as Chehalis Forested Lands, for example, unimproved roads to provide fishing and hunting access for the community and utilities crossings.

Recreation uses are permitted within the Chehalis Forested Lands areas. Such uses may include temporary or seasonal activities such as camping, outdoor activities and sports facilities. Due to the limited land base of the Chehalis Tribes, these activities are typically smaller recreation facilities such as parks, picnic areas, river access, and ball fields. Recreational uses will be required to demonstrate potential impacts to rivers, plants, fish and habitat and may be required to mitigate impacts or provide setbacks from natural features.

Property known as the "Railroad Property", located adjacent to the Chehalis River on Independence Rd. is designated as Forested Lands due to its proximity within 300 feet of the Chehalis River. This property is also within the flood plain.

Rural/Agricultural

Rural/Agricultural (R/A) designation applies to rural, small farm land use. The water table, soil types, lack of community water and sewer services, flooding frequency and generally

poor suitability for development support maintaining the existing predominate use of farmland. However, tree farms, hay growing, small horse farms and livestock rearing are all farm activities represented within the area and should be allowed to continue within designated areas of the reservation. Rural/Agricultural may be located within the floodplain.

Industrial

Industrial use is typically designated for heavy industrial uses, those uses typically associated with a business park, and other commercial and agriculture uses that would be too large or disruptive to fit within commercial and agriculture designated land uses. They require special utilities and transportation access and may include large manufacturing, materials storage, heavy shipping and receiving and agricultural production. Industrial areas also require adequate separation of uses, for example, assuring that residential neighborhoods are not disturbed by noises and smells and that safety issues posed by heavy traffic and oversize vehicles are avoided.

The high water table, soil types, lack of community water and sewer services and the fact the reservation is located within an active floodplain discourages industrial uses. Our small land base, located primarily within a natural flood plain, is furthermore bounded by sensitive areas including rivers, creeks, several community cemeteries and areas of significance to the heritage and culture of the Chehalis people. **Location of industrial activities within the reservation significantly impacts the reservation natural features, air and water quality and degrades the quality of life for residents making industrial land uses unsuitable.**

Commercial

Commercial designation allows land to be used for small and medium sized businesses such as wholesale and retail outlets, dealerships, professional services, food and entertainment, commercial storage and warehouse units, hotel/motel complexes and some forms of small and light manufacturing where there is no significant pollution discharge to earth, air or water. Such areas typically occupy 10 acres or less, have full utilities service and access to major transportation routes. Individual businesses will typical occupy 10 acres or less and function independent from one another.

This designation also allows for location of essential government services. New residential development should be discouraged in these areas. Commercial areas may be located within the floodplain within the constrictions of the Chehalis Flood Damage Prevention Ordinance and subject to hydraulic study to assure no net loss of flood storage.

Property known as the "Grand Mound Property", located on Old Hwy 99 in Grand Mound near Interstate 5 is designated commercial.

Future commercial areas are likely to be designated outside the exterior boundaries of the reservation due to the lack of suitable lands for such development.

Residential Areas

Residential areas are critical to the development of sufficient housing resources for tribal members. It is essential to provide adequate space for the housing of present and future generations of all Tribal members. Tribal members are currently experiencing long waits of up to several years to access housing within the reservation boundaries. This designation includes all types of permanent house: individual homes for single families, multiple family units and institutional living such group homes, and assisted living units for elders or juveniles. In addition, uses integral to residents inclusive of schools, churches, fire and police substations, public administration buildings, day care centers, water distribution and treatment facilities, cemeteries and neighborhood parks are permitted. In considering non-residential uses, the primary consideration is the compatible or essential nature of the use with residential lifestyles. New

residential construction is not currently being permitted within and must conform to the Chehalis Flood Damage Prevention Ordinance.

(Environment and Cultural) Sensitive Lands

The Sensitive Lands designation is an overlay of additional land use restriction rather than a land use category in itself. It includes natural floodways, lands with physical limitations such as steep slopes, important archaeological, historic, or cultural sites. It includes tribal ceremonial sites, cemeteries and burial sites and sites used for collecting materials for cultural uses. The Land Use Map shall be used in conjunction with lands identified as “(Environment and Cultural) Sensitive Lands” on the “Sensitive Lands Map” or lands meeting the sensitive lands criteria. These lands may be any shape or size and may be located throughout the Reservation.

All bodies of water on the reservation are designated as sensitive areas including the lands immediately adjacent and bordering waterways as follows:

- Both banks of the Chehalis River, and
- Land from the river bank 300 ft landward from the bank within the Reservation exterior boundaries, and
- Both banks of the Black River, and
- Land adjacent to the Black River 300 ft from the river bank of both sides, and
- Both banks of Willamette Creek, and
- Land adjacent to Willamette Creek 150 ft from the creek banks on both sides.

3) Land Use Classification Summary

A Comprehensive Plan Land Use Map has been prepared reflecting the land uses adopted and designated within this plan.

Each land use category previously described in this plan is intended to be used to determine the general character of an area or zone. Any land use action must be consistent with the intent of each land use classification and zone.

Upon approval and certification of this Comprehensive Plan, it shall be used as the basic source of reference and as a guide reporting upon or recommending any proposed project, public or private, as to the purpose, location, form alignment and timing. The Chehalis Permitting Checklist shall be amended to indicate the zone where a proposed project is located and whether the proposed project does or does not conform to the purpose of the Comprehensive Plan and may include modifications to the proposals which, if implemented, would make the project conform.

4) Designated Land Use Areas

The Chehalis Reservation is located within a major floodplain and subject to minor flooding events up to five times annually. These flood events, while characterized as minor, may limit access to areas of the reservation including residential and commercial areas causing business and homeowners to be isolated from services for periods up to two days and may impact water and waste water systems. These events may require evacuation of non-residents. This type of flooding occurs throughout the reservation, covering up to half of the reservation for periods of one or more days.

Major flooding occurs with a frequency of about every 2.6 years, as determined by the Corps of Engineers, and may limit access to the reservation through the closure of the adjacent state highway and Reservation access roads. These events limit access to significant portions of the reservation for periods of one or more days, isolate all categories of lands, may cause failure to water and waste water systems, require immediate evacuation of non-residents and severely limit access to basic goods and services. This type of flooding may also contribute to

the formation of swift moving floodways capable of significantly endangering residents and their property. Flooding of this type affects about 2/3 of the reservation lands.

Flood events up to and above 15 year frequency cover 75% of the reservation lands and have proportionate increased impacts to all land use areas within the reservation. Flooding of 15 year frequency and above is severe, endangering road and sidewalk facilities, property fences, outbuildings, wells and septic systems and other structures including residences built prior to the adoption of the Chehalis Flood Damage Prevention Ordinance. In the past, such flooding has resulted in evacuation of homes built within the floodplain and significant personal and commercial property damages and losses. During such events, it may be difficult or impossible emergency services for period of up to a week.

All land use designations are subject to the requirements within the Chehalis Flood Damage Prevention Ordinance and are developed to encourage safe and reasonable use within the limitations of the natural floodplain environment of the Reservation.

A. Residential Areas

Where densities have been assigned to land use areas, the lower density assigned represents the plan's recommendation for zoning to initially implement the plan. The zones established by the initial action may be modified over the life of the plan at the discretion of the Chehalis Business Committee through a rezone process. This process may be initiated by the Business Committee to further Tribal economic, social, health and environmental goals. The Business Committee will review each rezone request on a case-by-case basis to determine its consistency with the goals and objectives of this plan. Special use requests are also permissible.

Residential areas that border other land use categories should be zoned or otherwise buffered to provide a transition zone between the two different uses where practical. This can be accomplished by gradually increasing densities of development between residential and non-residential zones, buffer areas between zones, or landscape or architectural design.

Residential use in areas designated as Sensitive Lands must be carefully managed to prevent environmental degradation or flooding impacts. Homes located in or near these areas must be designed to integrate with the natural features of the Reservation to preserve the nature and function of these areas. Likewise, roads and utilities must be located and improved where environmentally, economically, and politically feasible.

A. i. Core Residential

The Core Residential area is located along the north and south sides of Howanut and on both sides of Anderson Rd. Tribal government administration, housing authority, public safety, health and social services are located within this area. Residential uses include HUD housing developments located at Makum Rd. and Tahown Rd, both homeownership developments, and a third HUD rental development on Davis Rd. This area also includes tribal member homes constructed on individual trust allotments. This land has been the traditional development area within the reservation due to its location above the 100 year floodplain. Community water, roads and other utilities have been developed within this area over the past 140 years.

The Tahown neighborhood is a high density HUD Homeownership development bordered by Anderson Rd and Howanut Rd. Utilities are limited and include community water, power, cable and telephone. The development is served by a community septic system.

The Makum neighborhood is a high density HUD Homeownership development along Howanut and bordered on the west by Neiderman Rd., adjacent to the Chehalis Tribal Complex. Utilities are limited and include community water, power, cable and

telephone. All homes are on individual septic systems. Undeveloped land north of Howanut, adjacent to the Makum development is also suitable for residential development

The Davis Rd neighborhood is a high density HUD rental development off Neiderman Rd adjacent to the Chehalis Tribal Complex. Utilities are somewhat limited and include community water, power, cable and telephone. Apartment rental units, multi-family and single family rental units are clustered around the Chehalis Tribal Housing Authority administrative facilities. A community septic system serves the development. Additional housing within this area, known as the Fern Dr. neighborhood, consists of single family rental homes with individual septic system.

Privately owned homes sites and a church are currently located west of Anderson Rd, adjacent to the Tahown area. Lands on both side of 188th from Anderson Rd. west to the parcel occupied by tribal enterprises are designated residential.

The recently constructed water tower, completed Aug 2002, greatly increased the volume of water available to the community system. However, much of this increase merely accommodated demand on the system occurring over many years and is limited in it capacity to meet additional use demands. The configuration of the existing system also limits capacity for additional use demands. A looped system is planned to accommodate additional volume to existing users, fire suppression requirements, and to expand the geographical reach of the system. When completed, this system will allow hook up of individual allotment residents currently using wells and also allow additional residential development within the Core Residential area.

HUD development housing residences are served by the existing community water system, as is the tribal government services complex.

Community septic systems in the Tahown and Davis developments have been replaced on average every eight years due to high usage, soils, and design issues. Individual allotment residents within the Core Residential area are served by individual septic systems. The Core Residential area abuts undeveloped trust and fee properties to the south that may considered for additional residential and community services long-term development.

The Core Residential area is bounded on the south, west and north by the 100- year flood plain. It is bounded by the west by commercial properties. Future development within the area will require either new community systems for high density uses, linkage with the existing community water system and may also be subject to limited lot size to accommodate individual septic system installation until the Tribe is able to construct a reservation-wide waste water system. Community facilities, churches and recreational facilities that provide direct services to the community are also appropriate development for this area subject to water availability and septic system requirements.

A. ii. Oakes Residential

Additional residential uses are provided in The Oakes, a high density, Planned Unit Development located adjacent to the City of Oakville. The Oakes is a 9.52 acre parcel, located above the floodplain and is permitted for up to 15 units, each with individual septic systems. No tribal utilities are provided. The Oakes does not have any tribal water rights and developed parcels are currently served by the City of Oakville. The Mitchell development adjacent to the Oakes is also a platted residential development and is included in this designation.

A. iii. Vosper Residential

A HUD Planned Unit Development is planned off of Balch Rd on 15.26 acres known as the Vosper Property. This property is in trust for the Tribe and federal funds have been committed to its development as a medium density development with mixed low to moderate income, single family housing. Duplex units may also be permitted within the Vosper Residential area. Limited utilities are planned, including a community water system. It is anticipated that community services, such as a police sub-station, a community park, park structures and community meeting space or other such public amenities, will be constructed to serve residents as the Vosper Residential area is developed over the next 20 years. Phased development will fully build out the development as housing demand indicates. The Vosper Residential area is located off Balch Rd and above the 100-year floodplain. Land adjoining the Vosper development area and above the 100 year flood plain is also designated residential as described below.

A. vi. Rural Residential

Low density rural residences have been developed at scattered sites throughout the Reservation, including individual trust allotments and non-Indian residences, as large undeveloped land parcels have been divided over the years into primary use as residences. Typical non-Indian rural residences vary from a density of one unit per acre to densities of one unit per ten acres. Individual trust allotments may have existing greater densities, usually consisting of a main residence and smaller residences of related family members within a larger allotment. Current uses also include individual leisure and recreation uses, such as vacation homes and family camping uses.

Lands in the western portion of the reservation, including those located along Balch, South Bank and Cemetery Roads contain scattered areas of non-Indian and Indian low to medium density residential development on a checkerboard of fee simple and trust lands and are generally suitable for further Indian and non-Indian residential development, up to one unit per five acres. This area abuts the Oakes Residential and Vosper Residential areas, is above the 100-year flood plan and is suitable for further rural residential development.

Development will be permitted on including a review of utilities, suitable soils for septic installation, existing development patterns and environmentally and culturally sensitive areas for rural residential development to densities of one dwelling unit per acre. Development must conform to the Chehalis Building Ordinance and will serve as the primary Rural Residential use area for the Reservation.

C. Commercial

Land from the twin bridges on both sides of 188th Ave. S.W., currently occupied by commercial tribal food and entertainment enterprises and parking areas, is designated Commercial. This area adjoins the Core Residential area on the west and R/A designated lands within the 100-year flood way on the east.

Lands adjoining tribal enterprises on both sides of 188th Ave. S.W., including current agriculture production south of the casino are also designated for Commercial use.

A Commercial zone has been designated along the length of both the east and west sides of Anderson Rd from SR 12 south to the reservation boundaries and includes SR 12 frontage. This area includes 97 acres of tribal trust lands outside the northern reservation boundary, contiguous with the reservation and a 22 acre parcel of tribal trust land adjacent. This area is the main entrance to the Reservation and portions of this are within the floodplain. It is also the only tribal trust property proximate to the reservation located on a major roadway.

The End of the Trail II (EOT II), a convenience store and gas station is located at the intersection of Anderson Rd and SR 12. The 2 ½ acre site plan includes space for further development. The 97 acre parcel includes a small farm operation converted to commercial use as a construction company. The EOT II site and the construction company are on land above the floodplain; however the balance of the parcel is within the flood plain. Planning for the EOT II site included a hydraulic study of the area to assure no net loss of flood storage during major flooding events. Great care was taken by the Tribe to follow the Chehalis Flood Damage Prevention Ordinance and to design the site to accommodate the natural flooding of the area.

Future commercial development of the site requires continued careful planning including conformance with the Chehalis Flood Damage Prevention Ordinance, hydraulic study and no net loss of flood plain storage. Commercial development designed to accommodate seasonal flood waters, commercial forestry and recreational facilities are encouraged within this area. Commercial development within the area must also carefully consider water usage, discharge into the ground water system, waste water systems and environmental impacts. Backup generator capacity must also be included to accommodate frequent local power outages.

Commercial use along both sides of Anderson Rd, immediately adjacent to the road is permitted only for seasonal tribal fireworks sales as is traditional and currently permitted. No other commercial uses are permitted on either side of Anderson Rd from the reservation boundary to the intersection of Howanut/188th with Anderson Rd. due to its location in the severe flood way of the 100-year flood plain. It should also be noted that this portion of Anderson Rd. has been carefully designed for flood plain storage and flood passage and no disturbances of the area are permitted.

Lands traditionally used for fireworks sales, permitted under the Chehalis Tribe Fireworks Ordinance, both in the 'Thunder Valley' area of Anderson Rd., along Anderson Rd. south of Howanut/118th, along 188th near the Moon Rd intersection and in the Balch Rd area, will be zoned to allow for seasonal sales. This designation will be an overlay to existing zoning and will allow commercial fireworks sales and related fireworks activities during timeframes specified and published by the Tribe and subject to tribal fireworks regulations.

Commercial development, including transportation system improvements, should compliment existing uses and transportation patterns. Low impact uses including telecommunications, technology and related enterprises should be encouraged. Commercial uses that support and compliment existing commercial development including existing tribal enterprises are also encouraged.

D. Rural/Agriculture

Low density Rural/Agriculture has been a primary land use since the early 1900's. Horse and cattle ranching, grazing and hay production continue to occupy portions of the reservation and lands adjacent to the Reservation. Rural/Agriculture uses, however, are in significant decline. Most R/A lands are within the 100-floodplain and located between the tribal center complex and the Elma Gate Rd. The area has a high water table, no public utilities and is subject to frequent flooding. Significant portions of this area also may meet the Sensitive Lands criteria and lie within major floodways. It is the Tribe's intention to convert floodplain Rural/Agricultural lands within this area to Chehalis Forested or Recreation use.

Lands in the central portion of the reservation contain rural residential and rural agriculture development along both sides of Howanut Rd. Homes in this area are served either by small community systems or individual septic systems and wells. The oldest of these homes was built over 75 years ago. This area is located within the floodplain and subject to frequent flooding. During severe flooding, this area becomes part of the floodway, swamping wells and septic

systems and isolating residents. At times, it becomes necessary to evacuate residents. Four of these homes were raised in 1998 as part of a FEMA flood remediation project.

Further down Howanut are scattered Indian and non-Indian rural and rural/ agricultural residences. All are within the 100 year floodplain. These lands are generally unsuitable for intense residential development. On a case-by-case basis, under Special Use permitting guidelines, the Tribe will consider additions and improvements to existing residences in this area after careful review of utilities, soils and within the constraints of the Chehalis Flood Damage Prevention Ordinance.

Additional Rural/Agriculture lands are located in the south east portion of the reservation, east of the twin bridges and bounded by Moon Rd, 183rd, and 188th S.W. These lands are subject to frequent flooding and not appropriate for further residential development. Current density within this area is approximately one dwelling per 10 acres. Existing homes have been built up to withstand more frequent floods, though they may not be above the 100-year flood plain. Lands within this area may remain in R/A designation. Existing homes may be permitted for improvements such as remodeling, minor additions and outbuildings subject to the Chehalis Permitting Ordinance and in compliance with the Chehalis Flood Prevention Ordinance. New construction on sites of less than 10 acres is not permitted. This area is also suitable for Forestry use including planting of agriculture forestry crops and for seasonal recreational uses.

Planned Unit Developments

The Chehalis Business Committee may approve Planned Unit Developments containing apartments, duplexes or multi-family units on lots under one acre, and single family dwellings on lots one acre or less to provide affordable housing within residential designations under the Special Permit process.

Planned Unit Developments may not be located within the floodplain due to the chronic nature of flooding on the reservation and the impacts of such flooding on water, waste water and roads systems; the inability of the jurisdiction to assure the safety of residents residing in areas during frequent flood events; and the lack of access to roadways and services during annual flood events.

E. Chehalis Forested Lands

The Chehalis Forested Lands designation comprises the primary land use category on the Chehalis Reservation. Natural resource management has historically been an important use of Reservation lands and will continue to be extremely important in the future. The biggest threat to forested lands in the coming years is urban sprawl. The rapidly increasing costs of land and the cost of land development in south Thurston County has created a strong demand for rural tracts in the northern portion of the county and adjacent Grays Harbor County and Lewis counties. Developers seeking lands for use for housing developments and rural residences increasingly threaten to decimate natural resource lands. Once lost to commercial and residential development, forested lands can rarely be reclaimed.

An important Tribal goal is the reclamation of lands formerly used for agricultural/rural for use as forested lands. These lands are located in the central portion of the reservation, between the Core Residential area and Balch Rd. and lands north of Howanut Rd. excepting those areas previously identified. These lands are subject to annual flooding and not suitable for residential or commercial uses other than forestry and related uses and should be closed to further development or any use other than natural resource management including forestry, groundwater and surface water supply, watershed protection, fisheries and wildlife, passive recreation, ceremonial use, conservation and open space.

Lands currently undeveloped that lie within the floodplain and are not currently used for any commercial or residential designation are considered Chehalis Forested Lands. This includes lands along the Chehalis and Black Rivers and lands east of Anderson Rd. in the floodway. All lands bordering the Chehalis, Black and Willamette waters are considered Chehalis Forested lands.

The lands formerly known as the "Nye Property", extending from Moon Rd to the Nest Best Egg Farm, and bordering the Chehalis River, including the Fish and Wildlife designated conservation zone, will also be designated as Chehalis Forested Lands. The Nye property in its entirety and adjoining property east to and including Allotment 32 are reserved as Chehalis Forested Lands. The conservation of these lands is critical to the Tribe's management of the Chehalis fisheries.

Every possible effort must be made to preserve the Chehalis Forested designated zones and to prevent the gradual loss of the non-renewable land based used for natural resource management.

Recreation uses within the natural areas of the reservation is a traditional and cultural use of the land and are allowed for temporary and/or seasonal activities for the recreational needs of the community. Fee simple land owners along the river should be aware that Federal law prohibits them from constraining river access by tribal members.

Recreational uses are also permissible and encouraged within and adjacent to all Residential and R/A designations.