



Planning Department

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Applicant Guide Special Use Permit

The following information applies to applications for permits requiring a **Special Use Permit**. If you are reading this Guide, you are applying for a permit in a restricted zoning area. Special Permits are required for building activities on the Chehalis Reservation and off-reservation fee and trust lands that are proposed to be located in 1) a designated flood hazard area or 2) within the Sensitive Lands zoning designation.

1) The Confederated Tribes of the Chehalis adopted a **Flood Disaster Prevention Ordinance** in 1977. Section 4.1-1 requires a special permit prior to construction or development within any area of special flood hazard. Approximately 70% of lands within the reservation boundaries lie within a floodplain prone to frequent flooding. The Tribe has adopted a floodplain management approach directing that floodplain development result in “no net increase” in flooding hazard and “no net loss” of flood plain capacity. Most of the floodplain within the reservation boundaries is designated as agricultural or natural forested (conservation) lands.

2) Sensitive Lands are designated as follows in the **CHEHALIS ZONING ORDINANCE, TITLE 35, 35.01.050 Description of Zones: (f) Sensitive Lands** – The purpose of this designation/overlay is to identify those lands that are either uniquely sensitive to the impacts of development or where development poses an unreasonable threat to the health and welfare of Reservation residents.

- 1) Lands encompassed within this designation/overlay include river or stream channel migration zones; lands containing important archaeological, cultural, historical sites; tribal ceremonial sites; and cemeteries.
- 2) All water bodies, including lakes, flowing within or adjacent to the Reservation, are designated as Sensitive Lands. This designation includes channel migration zones and lands within 300 feet of the banks of the Chehalis and Black rivers; and 150 feet of all wetlands, lakes, and perennial tributaries to these rivers.
- 3) New land disturbing activities, other than Forestry, within Sensitive Lands may only occur pursuant to a special use permit, recommended by the Planning Department and approved by the Business Committee, based on a finding by the Department that the proposed activity shall not harm the function of the Sensitive Lands. Forest practices are governed by the Tribe’s Forest Practices Ordinance.

- 4) Land-disturbing activities within wetlands, as defined under the current Federal Manual, may only occur pursuant to a special use permit, issued by the Planning Department and approved by the Business Committee, based on a finding by the Department that the proposed activity shall not harm the function of the wetland or that the applicant has committed to implement actions that will completely mitigate any impacts to the wetland.

If your proposed development lies within the floodplain or a Sensitive Lands area, you must apply for a Special Use Permit.

35.01.060 Special Use Permit

(a) Purpose

- (1) The special use permit is intended to allow flexibility and creativity in the application of this Ordinance by providing a procedure for the approval of uses not otherwise permitted in a zone where such uses are in conformity with the purpose of the zone and the overall objective of this ordinance.

Please provide the following information.

Application

- (a) Application for special use permits shall be submitted to the Planning Department and shall be reviewed in accordance with the procedures set forth in the Chehalis Zoning Ordinance. When a business license is also required, the applications for a business license and special use permit shall be filed and processed concurrently.

Fill out the appropriate application for your proposed use: Residential or Non-Residential (commercial, government, etc.)

For commercial or enterprise development, a business license application must be submitted at the same time.

The following information must be submitted with a special use permit application in addition to information requested in the building application.

- (1) Name and address of person submitting application
- (2) Name and address of legal owner of property
- (3) Legal description of property
- (4) Type of use proposed
- (5) A description and detailed plan of any anticipated construction on said property or currently owned adjacent property
- (6) Topographical contours and other physical features including all water sources (2 foot contours pre and post project)
- (7) Access right-of-way
- (8) Utility lines and easements
- (9) Solid waste disposal methods
- (10) Sewage disposal methods including soils information where private sewage disposal systems are proposed
- (11) Analysis of traffic patterns
- (12) Landscape plan
- (13) Phasing or timing of the project
- (14) List of restrictive covenants (if any) concerning quality of private structure and landscape to be erected
- (15) Water supply provisions and requirements
- (16) Fire and police protection
- (17) Road standards to be used for drives and roads
- (18) Storm drainage plans
- (19) List of deviations from normal requirements of tribal standards for such building or business
- (20) Any other relevant data requested by the Planning Department or Business Committee.

Your application timeline begins when all requested information is received by the Planning department.

Process for Reviewing Applications for Special Use Permits

- (1) Upon receipt of an application for a Special Use Permit, the Planning Department shall post notice of the pending application at the property in question and at locations within the Chehalis Reservation. The Department shall allow fourteen (14) days for the public to submit written comments on the application. The Department may determine that a meeting should be held to give the public an opportunity to provide oral comments. If the Department has decided that there should be an opportunity for oral comments on the application, the notice provided in this section shall state the time and location of said meeting and shall be published in a newspaper of general circulation within the Chehalis Reservation. Notice of all scheduled comment meetings shall be published and posted at locations within the Chehalis Reservation at least five (5) days prior to any scheduled meeting. The Department shall consider the application and any written or oral comments it receives, make findings, and issue its decision within forty-five (45) days of receiving the application.

Please allow sufficient lead time for the public comment processes. Department review will commence upon receipt of a **complete application**. The Department is not obligated to conduct a review of or to consider incomplete applications.

The following procedures relate to your right to appeal of a decision to deny a Special Use Permit Application or of conditions for issuance of a Special Use Application.

An appeal of the Planning Department's decision regarding issuance of a Special Use Permit must be filed with the Business Committee no later than ten (10) days after the Department issues its decision. The Business Committee shall either grant or deny an appeal within thirty (30) days of receipt of an appeal of the Department's decision. (If because of a lack of quorum, the Business Committee is unable to make a determination within the required timeframe; the timeframe shall be extended to a date not more than the fourth Business Committee meeting following the filing of the appeal.) The Business Committee shall consider the appeal based upon the record before the Planning Department and the findings made by the Department. The Business Committee may, at its discretion, receive additional written or oral testimony, or remand the application to the Planning Department, and may call for additional oral and/or written comments prior to making a final decision. If the Business Committee elects to receive additional testimony, and/or remand the application, it may delay a final decision for an additional thirty (30) days. The Business Committee may extend the time periods set by the Ordinance, for good cause, including but not limited to the need to obtain additional information concerning an application. The Business Committee may issue a permit subject to any limitations or conditions it finds appropriate to achieve the goals of this Ordinance.

Within ten (10) days of its decision, the Business Committee shall notify the applicant indicating the decision, the grounds for the decision and the procedure for petitioning for review of an unfavorable decision to the Chehalis Tribal Court.

Construction work on any structure or use for which a special use permit is required shall be commenced within 1 year of permit issuance and diligently pursued to completion. The permit or special use upon which construction has not commenced within one year or which has been abandoned for six (6) continuous months may be withdrawn by action of the Planning Department.

A petition for review of the denial of a special use permit shall be filed with the Chehalis Tribal Court within 10 days of receipt of the decision.