



TO: Historic Preservation Commission

FROM: Darryl Mimick, Historic Preservation Commission Secretary
Lisa Prasse, Current Planning Manager

SUBJECT: Discussion regarding the provisions of Chapter 17.43 of the Goleta Municipal Code regarding Archaeological and Tribal Cultural Resources

RECOMMENDATION

Receive a presentation on the provisions of Chapter 17.43 of the Goleta Municipal Code regarding Archaeological and Tribal Cultural Resources and allow public comments.

DISCUSSION

On April 19, 2022, the City Council adopted Ordinance 22-05, which established standards for new development that could impact sensitive and protected Archaeological and/or Tribal Cultural standards, including sites, places, and landscapes of documented traditional cultural significance within the City. These standards have been incorporated into Title 17 of the Municipal Code as Chapter 17.43. City staff will share a slideshow providing an overview of the Archaeological and/or Tribal Cultural Standards, as it pertains to the following:

- Purpose and Intent
- Applicability
- Site Assessment
- Permit Requirements
- Development Standards
- Consultation
- Documentation
- Questions and Comments

Here is the link to Chapter 17.43 of the Goleta Municipal Code to access the applicable code provisions:

https://library.qcode.us/lib/goleta_ca/pub/municipal_code/item/title_17-part_iv-chapter_17_43?view=all

ATTACHMENTS

1. Archaeological and Tribal Cultural Resources Presentation PowerPoint
2. Archaeological and Tribal Cultural Resources Decision Tree

This page intentionally left blank.

Attachment 1
Staff Presentation

This page intentionally left blank.

Archaeological and Tribal Cultural Resources

Chapter 17.43

March 20, 2023

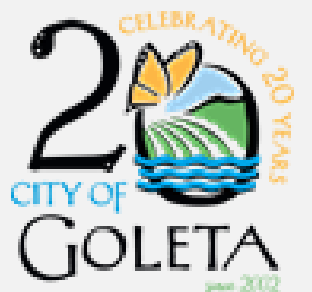


Purpose and Intent

- Preserve and protect Archaeological and/Tribal Cultural Resources
 - Protect cultural character and integrity
 - Protect the traditional use
 - Protect the confidentiality
- Foster awareness, recognition, and stewardship
- Protect, restore, and enhance resources significant resources,

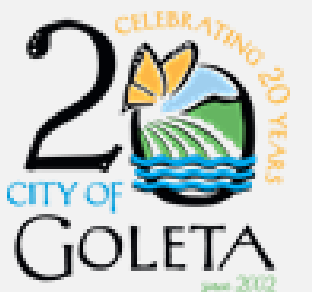
Exempt New Development

- Exempt Development
 - No building permits required
 - Earth-disturbing activities affecting 4 feet or less
 - Earth-disturbing areas located within previous documented areas and not greater in-depth from the previous disturbance
 - Interior alterations to existing structures



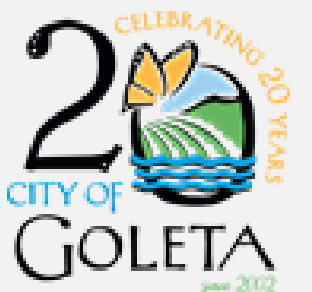
Exempt New Development (Continued)

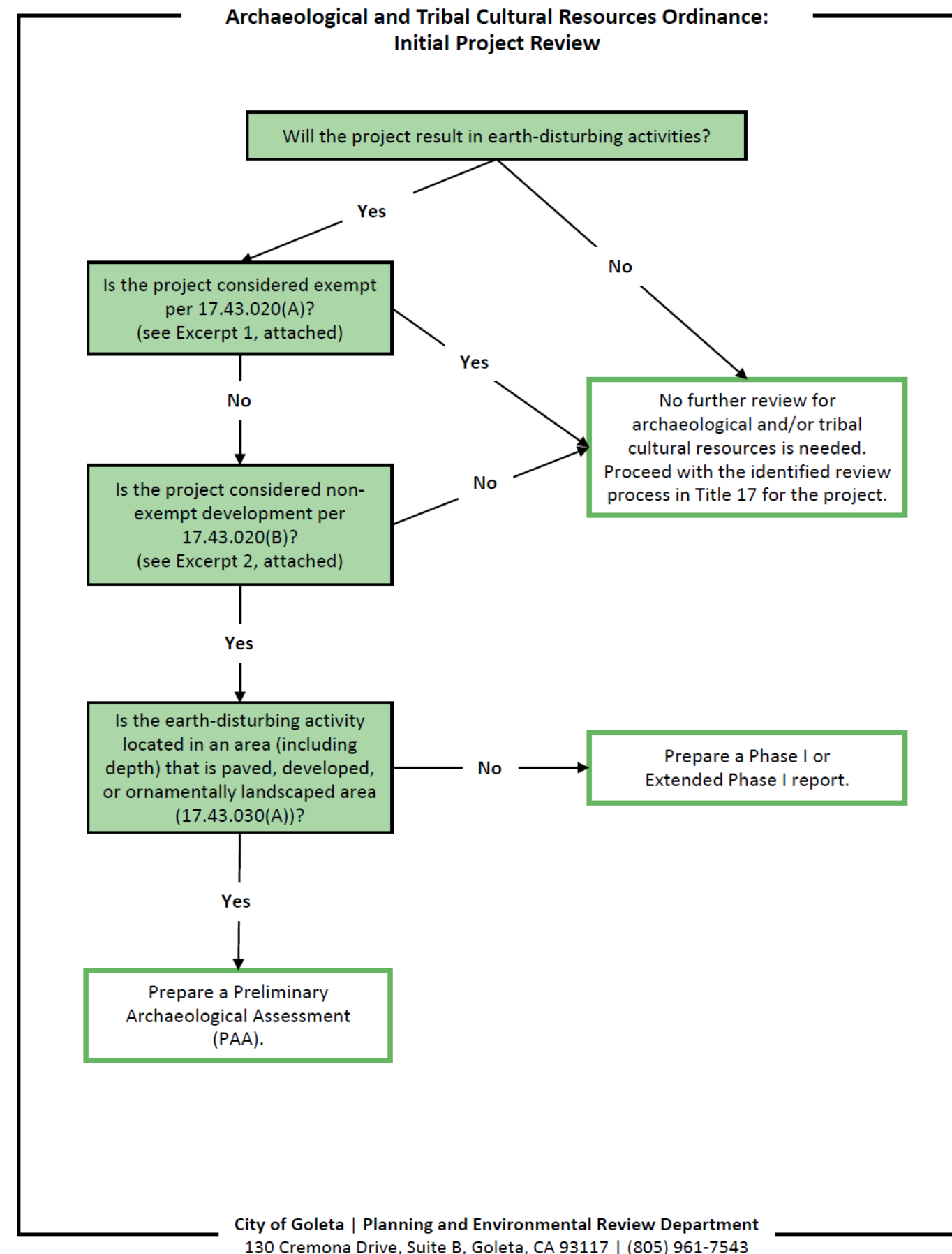
- Exempt Development
 - Planting of trees
 - Earth-disturbing areas of 4 cubic feet or that meet at least one of the following:
 - a) Emergency Project as defined by PRC and undertaken by public agency
 - b) A previous Preliminary Archaeological Assessment (PAA) or Phase 1 Report was prepared for the site within 5 years



Non-Exempt New Development

- Earth-disturbing activities of any size located within a documents Archaeological and/or Tribal Cultural Resource
- Earth-disturbing activities of more than 4 cubic feet of native soils that are not located within a documented site and do meet the exemptions





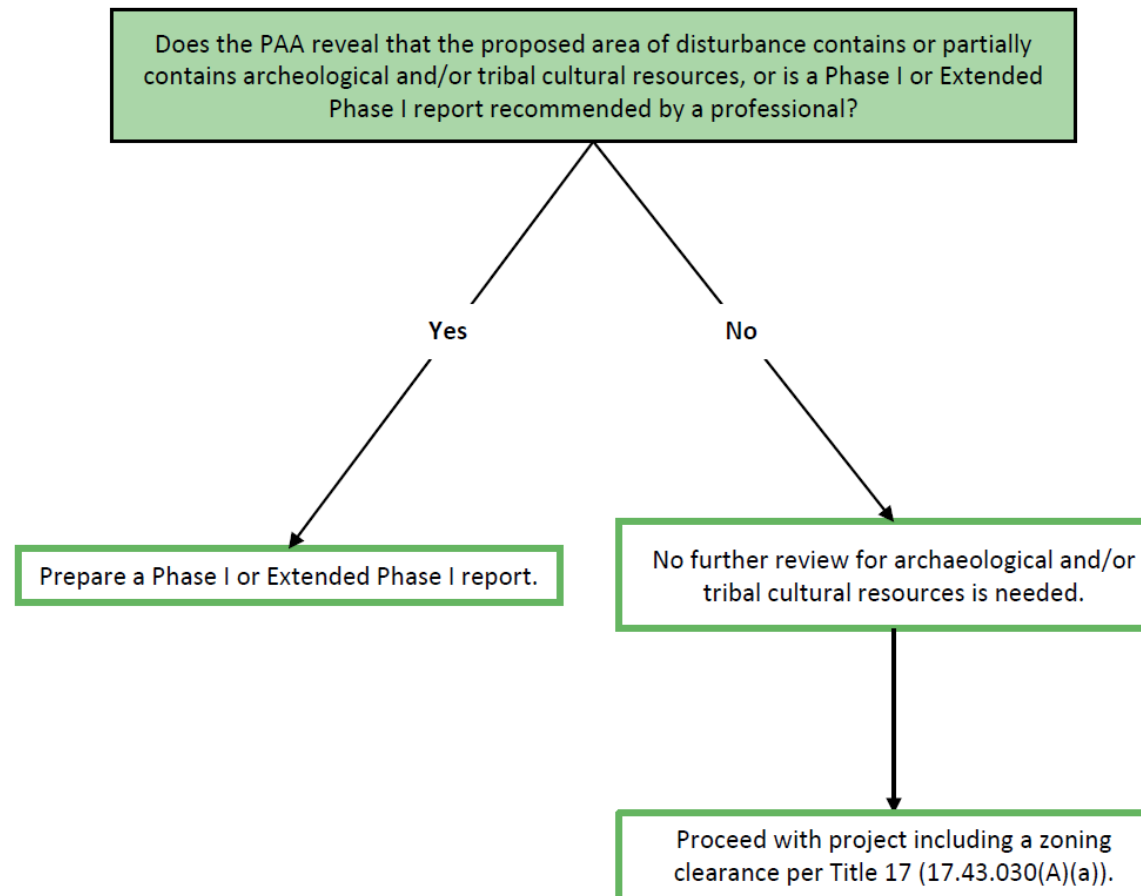
City of Goleta | Planning and Environmental Review Department
130 Cremona Drive, Suite B, Goleta, CA 93117 | (805) 961-7543



Requirements for Non-Exempt Development

- Subject to the Following
 - A PAA is required when earth-disturbing activity is located within a paved, developed, or landscaped area.
 - A Phase 1 Report is required when earth-disturbing activity is located within an area not paved, developed, or landscaped area.
 - An Extended Phase 1 is required if the presence of resources could be present. A local Chumash monitor must be present in observing field work.

Archaeological and Tribal Cultural Resources Ordinance:
Completion of a Preliminary Archaeological Assessment (PAA)

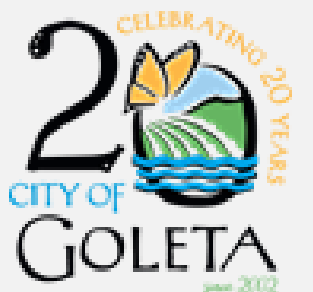


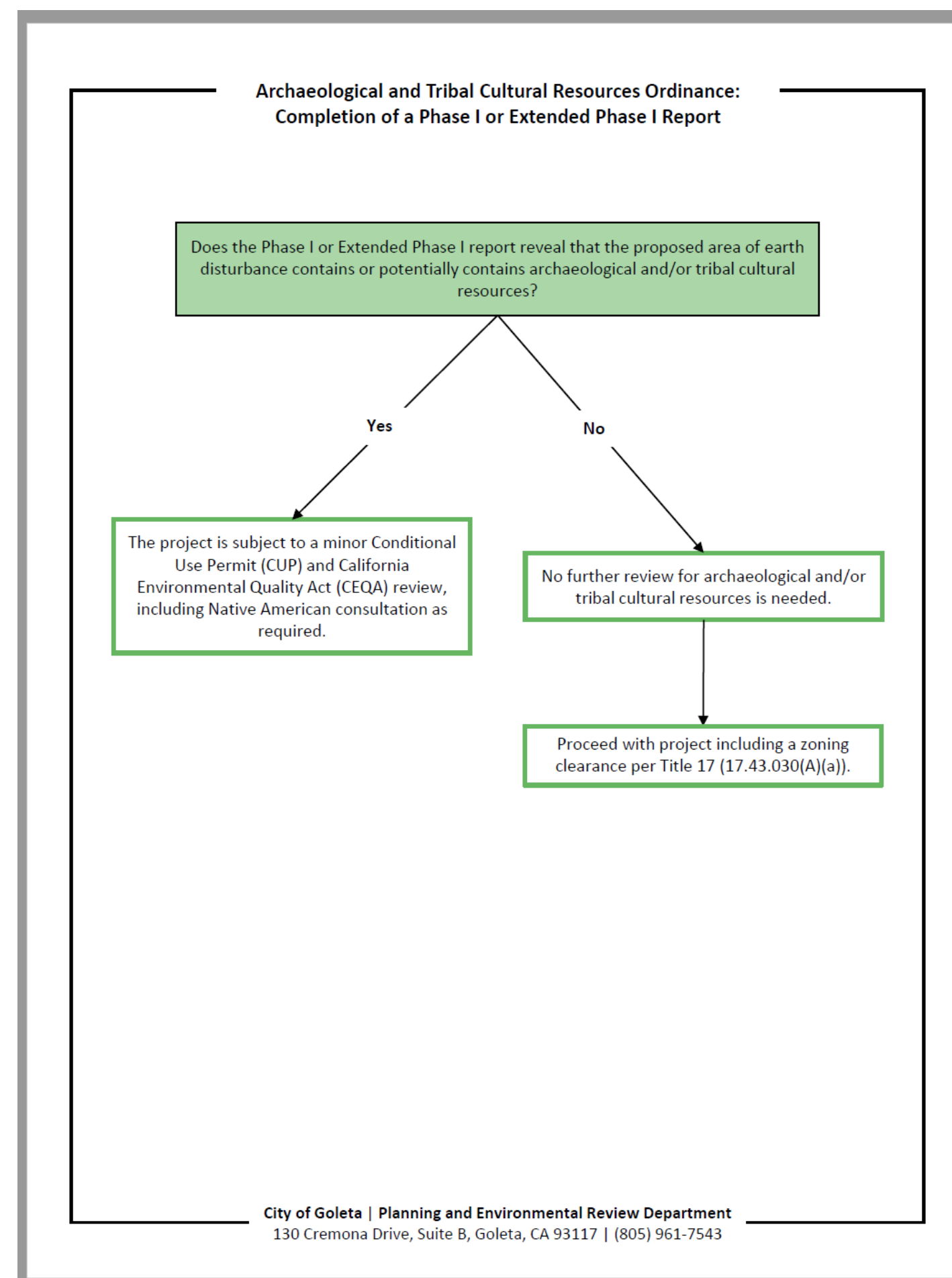
City of Goleta | Planning and Environmental Review Department
130 Cremona Drive, Suite B, Goleta, CA 93117 | (805) 961-7543



Permit Requirements

- Zoning Clearance
 - Required for development subject to site assessment provisions, including a PAA, a Phase 1, and Extended Phase 1
 - Area does not contain Archaeological and/or Tribal Cultural Resource
- Minor Conditional Use Permit
 - Required for development subject on a site that contains Archaeological and/or Tribal Cultural Resources





Development Standards

- Development Standards (17.43.040)
 - Addresses Unanticipated discovery of Resources including human remains
 - Recommendations from the PAA, Phase 1 or Extended Phase 1
 - On-site Monitoring if development is subject to a CUP



Additional Provisions

➤ Native American Consultation

- Follow SB 18 and AB 52 for Discretionary Projects
- Ministerial Projects

➤ Development of An Archaeological Sensitive Map

- Coordination with local Tribal leaders
- Use by Tribal groups and Professionals



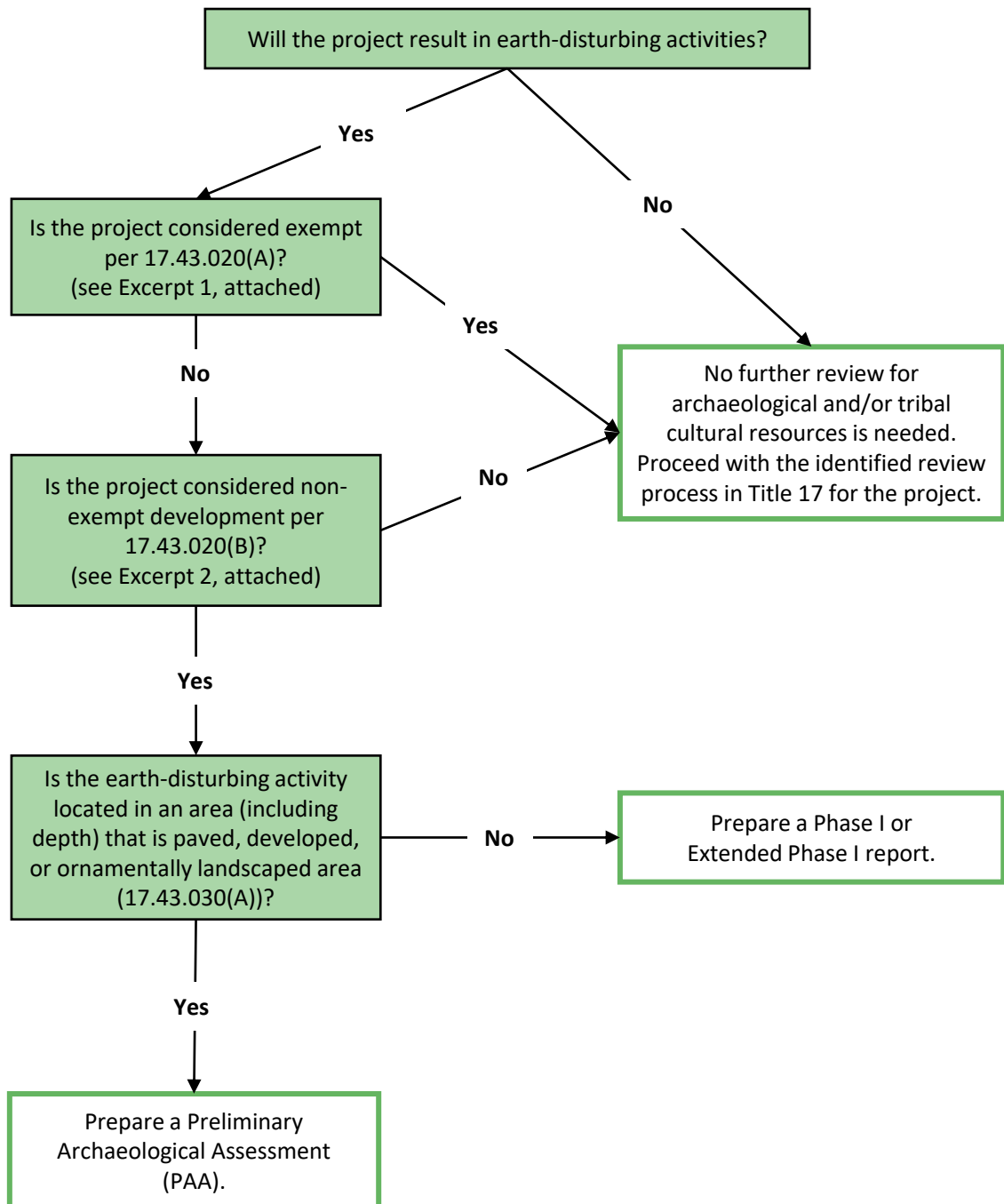
Discussion and Questions

This page intentionally left blank.

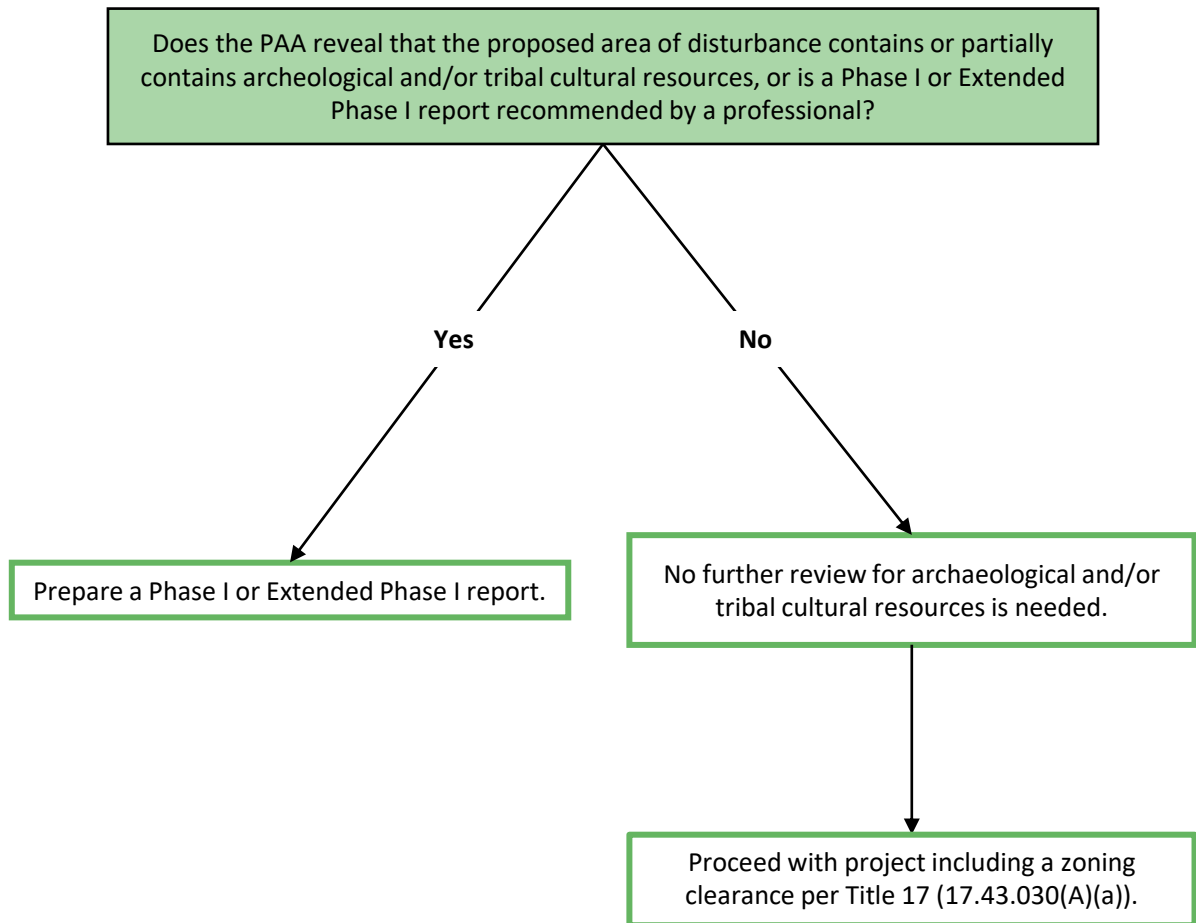
Attachment 2
Archaeological and Tribal Cultural
Decision Trees

This page intentionally left blank.

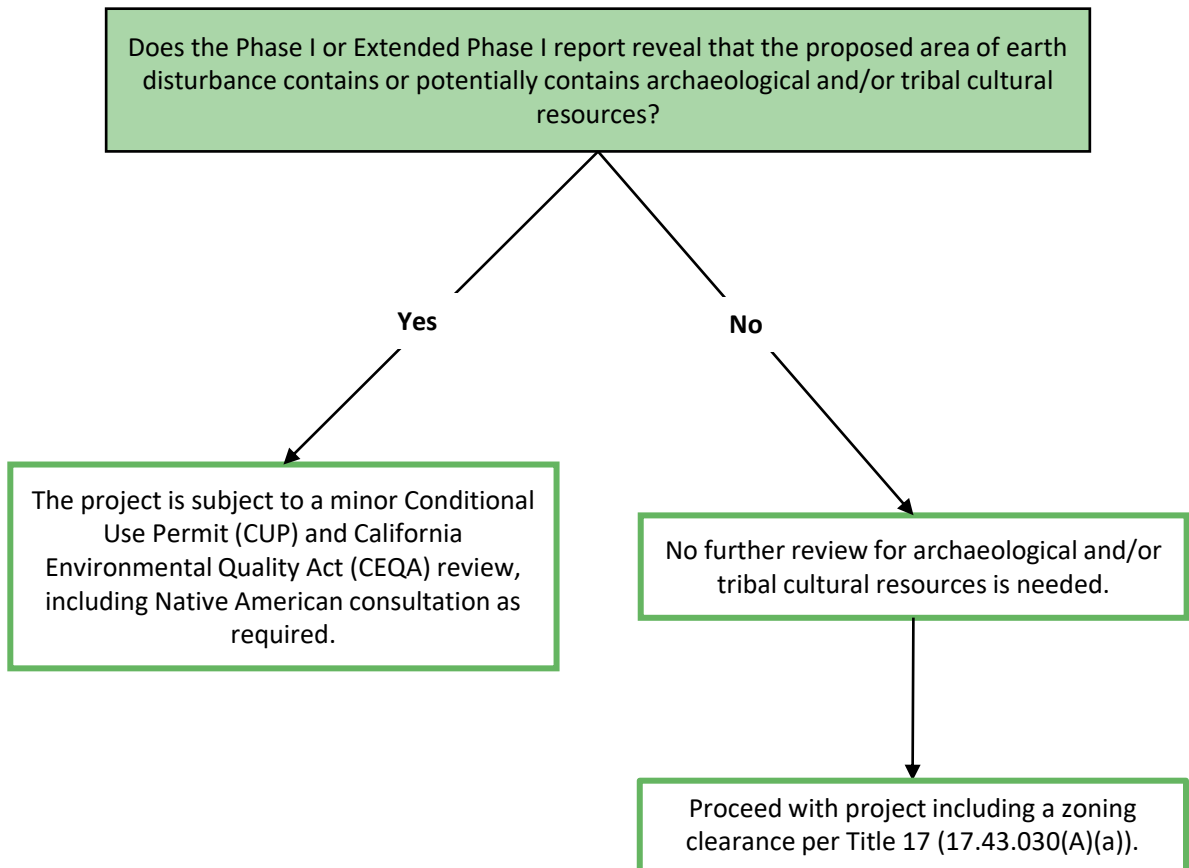
**Archaeological and Tribal Cultural Resources Ordinance:
Initial Project Review**



**Archaeological and Tribal Cultural Resources Ordinance:
Completion of a Preliminary Archaeological Assessment (PAA)**



**Archaeological and Tribal Cultural Resources Ordinance:
Completion of a Phase I or Extended Phase I Report**



Archaeological and Tribal Cultural Resources Ordinance

Excerpt 1

17.43.020(A). Exempt Development. The following development is exempt from the requirements of this Chapter unless development is determined to be subject to 17.43.020(B):

1. Improvements/work that do not require or are expressly exempt from a building permit as provided in Section 105.2 of the 2019 California Building Code as amended irrespective of the presence of native or disturbed soils. As of the 2019 California Building Code, the following improvements/work are exempt from building permit requirements include but are not limited to:
 - a. One-story detached accessory structures of less than 120 square feet without foundation.
 - b. Fences and Block Walls not over 7 feet high.
 - c. Retaining walls that are not over four (4) feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or IIA liquids.
 - d. Sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below and area not part of an accessible route.
 - e. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep, are not greater than 5,000 gallons and are installed entirely above ground level.
 - f. Swings and other playground equipment accessory to detached one- and two-family dwellings.
 - g. Temporary motion picture, television, and theater stage sets and scenery.
 - h. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
 - i. Oil derricks.
 - j. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of the height to diameter or width is not greater than 2:1.
2. Earth-disturbing activities affecting four cubic feet or less of native soils or no native soils and not located within a documented archaeological site and/or Tribal Cultural Resource. Four cubic feet of disturbance of native soils is measured individually unless each disturbance occurs less than eight (8) feet apart (typical distance for footings). Examples include but are not limited to:
 - a. Ongoing, active agricultural operations in areas continuously used for crop cultivation.
 - b. A city project that does not involve earth disturbance beyond the footprint (width, length, and depth) of the existing facility or plant or tree.
 - c. A utility project within an existing road right-of-way that does not exceed the depth of the lowest utility line found within the affected block of road right-of-way where the project is located.
 - d. Irrigation lines, landscaping, and footings for fences, patio covers, and similar minor accessory improvements that reuse previously excavated/disturbed areas.
3. Unless exempted by 17.43.020(A)(1), earth-disturbing area is located within a previously disturbed area where evidence, as documented in as-builts plans, previous grading plans, or other documentary evidence, is provided that the previous earth disturbance affected depths equal to or greater than the development being considered; or
4. Interior alterations and improvements to existing structures that do not involve earth-disturbing activities.
5. Planting of trees.
6. Proposed areas of earth disturbance of more than 4 (four) cubic feet of native soils that meet at least one of the following criteria:
 - a. Emergency Projects as defined by Public Resources Code §21060.3 undertaken by the city, another public agency, or utility.
 - b. A previous Preliminary Archaeological Assessment (PAA) or a Phase 1 Report was prepared within the last five years by a Qualified Archaeologist that includes the proposed disturbance area and documents that there are no documented resources within the proposed earth-disturbing area and the proposed earth-disturbing area has little to no potential to contain subsurface Archaeological and/or Tribal Cultural Resources.

Archaeological and Tribal Cultural Resources Ordinance

Excerpt 2

17.43.020(B). Non-Exempt Development. The following development is not exempt and shall comply with the requirements of this Chapter.

1. Earth-disturbing activities of any depth or size that are located within a documented archaeological site and/or Tribal Cultural Resource; and
2. Earth-disturbing activities of more than four (4) cubic feet of native soils that are not located within a documented archaeological site and/or Tribal Cultural Resource and do not meet the exemptions listed above in subsection 17.43.020(A).

This page intentionally left blank.