



Archaeological and Tribal Cultural Regulations

PLANNING COMMISSION AUGUST 23, 2021

Background

- Part of the Historic Preservation Project since the beginning
- Native American Tribal groups/individuals and community members with an interest in Archaeology/Tribal Cultural Resources engaged in the process
- Planning Commission commenced review of the draft Regulations on June 28, 2021
- Ordinance has been revised to address previous comments and to refine and clarify the process

Purpose (Section 17.43.010)

- Establish standards for development that could impact sensitive and protected Archaeological or Tribal Cultural Resources (Resources).
- Preserve and protect Resources including sites and areas that have traditional cultural significance.
- Foster awareness of Archaeological and Tribal Cultural Resources.
- Protect significant sites.

Desired Outcome

- Sets forth the City's Goals
- Recognizes the importance of Archaeological and Tribal Cultural Resources in Goleta



Exempt Activities 17.43.020

- Establishes Exempt Development and Non- Exempt Development
- Exempt Development includes:
 - Earth disturbing activities affecting non-native soils or 4 cu. ft. or less of native soils
 - Ongoing agricultural activities
 - Interior alterations and improvements that do not require earth disturbance
 - Emergency projects
 - The project site has already been analyzed and minimal potential exists for Archaeological or Tribal Cultural Resources

Exempt Activities 17.43.020

- If meet the criteria to be exempt, then no further review/requirements would apply.
- If project/site does not meet exemption criteria, then subject to requirements of Section 17.43.030 (Site Assessment and Permit Requirement).

Desired Outcome

- Balance preservation of Resources with known resource areas
- Establish tiered review process to focus on areas with known or likely Resources



Requirements for Non-Exempt Development 17.43.030

- ▶ A non-exempt development would undergo an Assessment depending on property conditions.
- ▶ If the Assessment determines there are no known resources and the project has little to no potential for buried Resources, no further review would be necessary, and project would be subject to a Zoning Clearance.
- ▶ If the Assessment revealed that the project site contains or potentially contains a Resource, then the project would require approval of a Minor Conditional Use Permit.

Desired Outcome

- Establishes clear permit path depending on outcome of either a PAA or a Phase 1
- Aid in the developing sensitivity for subsurface Resources



Development Standards 17.43.040

- Establishment of Development Standards to which all earth-disturbing activities will be subject.
- Requires on-site monitoring for development subject to a Minor CUP during grading, excavation, and site preparation.

Desired Outcome

- Establishes standards for earth disturbing activities.
- Includes Native American participation in implementation of standards, as appropriate.



Native American Consultation

17.43.050

- City will consult with California Native American tribes in accordance with Public Resources Code § 21080.3.1.
- All ministerial development for which a PAA or Phase I Report is prepared, the City will make these studies available to the Native American Tribes upon request.

Desired Outcome

- Promotes inclusivity of Native American groups in the review process



Sensitivity Map (Section 17.50.060)

- Creation of a sensitivity map/list for known archaeological, cultural, and prehistoric resources to aid in the determination of PAA or Phase 1 report.
- Developed and updated based on data from local Information Center and in consultation with the Tribal Chairs of the Barbareño, Coastal, Santa Ynez, and Ventureño Bands of Chumash Indians, and a Qualified Archaeologist.
- Will be kept confidential and will not a public record under the Public Records Act.

Desired Outcome

- Development of a tool to aid the Residents/Property Owners and their consulting archaeologists
- Will be based on known data and updated as information becomes available



Planning Commission Consideration

1. Are the proposed regulations regarding Cultural Resources “right-sized” for the City?
2. Do the proposed Cultural Resource provisions/regulations protect the type of resources that were identified to be important in the Context Statement?
3. Is the use of native soils an appropriate metric to use instead of the distance to a documented archaeological resource to require an Assessment?
4. Is the list of typical ministerial activities listed in the applicability section (17.43.020) that would be exempt from the provisions too broad or not broad enough?

Next Steps

- Revise the Draft Regulations
- Return to Planning Commission for additional review/recommendation

