



Archaeological and Tribal Cultural Preliminary Regulations

PLANNING COMMISSION JUNE 28, 2021

Background

- Part of the Historic Preservation Project since the beginning
- Chapter 2 of the Context Statement focuses on Archaeology and Tribal Cultural topic including BBCI's powerful statement.
- Native American Tribal groups/individuals and community members with an interest in Archaeology/Tribal Cultural Resources engaged in the process
- Several outreach meetings held in late March/early April to familiarize the new Cultural Resources Consultant with the community members and the issues

Purpose (Section 17.43.010)

- Establish standards for development that could impact sensitive and protected Archaeological or Tribal Cultural Resources (Resources)
- Preserve and protect Archaeological and Tribal Cultural 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

- Ministerial projects will undergo some level of review to ensure Resources are not impacted when earth-disturbing activities are proposed.
- Exempt from review:
 - minor landscaping activities with two cubic feet of soil disturbance.
 - project sites with no known resources within 250 feet & site had previous assessments that conclude there were no archaeological resources present.
 - proposed disturbance area would be within previously disturbed soils and would not intrude into native soils.
- 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 17.43.40 (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



Non-Exempt Activities 17.43.040

- ▶ A non-exempt project shall prepare either a Preliminary Archaeological Assessment or a Phase I Report. No further review would be necessary if report determines little to no potential for buried Resources and site is not within 250 feet of a known Resource.
- ▶ If the Preliminary Archaeological Assessment or the Phase I Report 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



Reporting Requirements 17.43.030

- Earth-disturbing activities that are not exemption are required to prepare either a Preliminary Archaeological Assessment (“PAA”) or a Phase 1 Report.
- PAA is a site- specific desktop assessment by a Qualified Archaeological for a project site that is paved, developed, or landscaped to determine if there is a potential for buried Archaeological or Tribal Cultural Resources only.
- Phase 1 Report is a study by a Qualified Archaeologist for a project site that is not paved, developed, or landscaped to determine if there is a potential for surface and buried Archaeological or Tribal Cultural Resources, and includes a desktop study and field survey.

Desired Outcome

- Earth disturbing activities that are not exempt will either need to prepare a PAA or a Phase 1 based on the location and site condition.
- Aid in developing sensitivity for subsurface Resources



Native American Consultation

17.43.050

- City will consult with California Native American tribes who have submitted a consultation request letter to the City to be added to the notification list to consult on projects under Public Resources Code § 21080.3. 1.
- All properties for which a PAA or Phase I Report is prepared, the City will make these studies available to the Native American Tribal Council groups 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 exemption, PAA or Phase 1 report
- Developed in consultation with the Tribal Chairs of the Barbareño, Santa Ynez and Ventureño Bands of Chumash Indians.
- 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
- 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 distance of 250 feet from a known archaeological resource an appropriate distance to require a PAA/ Phase 1 or should a different distance be used?
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 including the size of the landscape exemption (2 cubic feet)?

Next Steps

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

