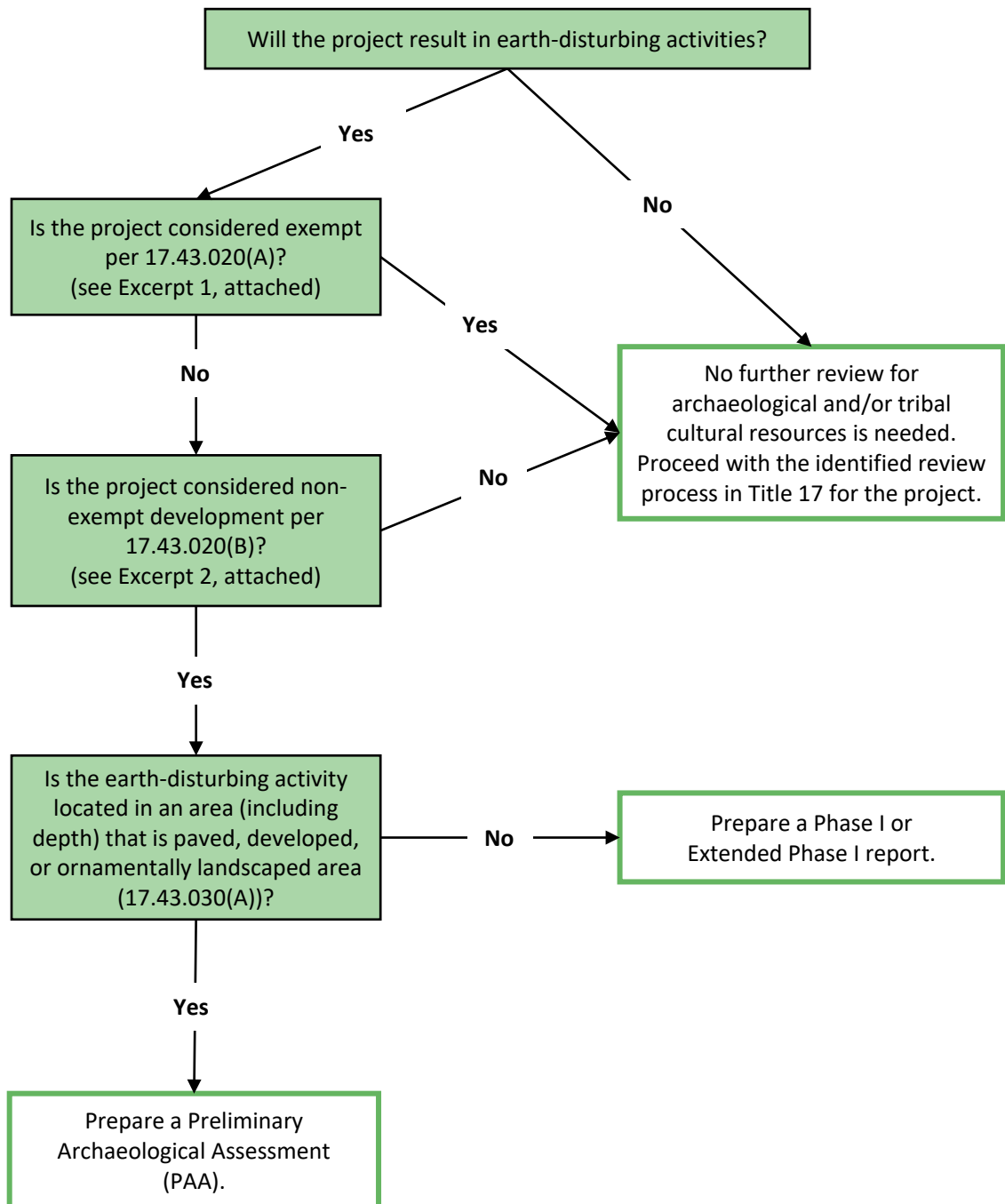


Archaeological and Tribal Cultural Resources Ordinance: Initial Project Review



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

Does the PAA reveal that the proposed area of disturbance contains or partially contains archeological and/or tribal cultural resources, or is a Phase I or Extended Phase I report recommended by a professional?

Yes

No

Prepare a Phase I or Extended Phase I report.

No further review for archaeological and/or tribal cultural resources is needed.

Proceed with project including a zoning clearance per Title 17 (17.43.030(A)(a)).

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

Does the Phase I or Extended Phase I report reveal that the proposed area of earth disturbance contains or potentially contains archaeological and/or tribal cultural resources?

Yes

No

The project is subject to a minor Conditional Use Permit (CUP) and California Environmental Quality Act (CEQA) review, including Native American consultation as required.

No further review for archaeological and/or tribal cultural resources is needed.

Proceed with project including a zoning clearance per Title 17 (17.43.030(A)(a)).

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).