



LAND USE ELEMENT

ADOPTED 1980
AMENDED FEBRUARY 2011



County of Santa Barbara
Planning and Development
123 E. Anepamu Street
Santa Barbara, CA 93101

SANTA BARBARA COUNTY
COMPREHENSIVE PLAN



County of Santa Barbara Land Use Element

- Land Use Element Republished August 2010 81 HISTORICAL AND ARCHAEOLOGICAL SITES POLICIES
- 1. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.
- 2. When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.
- 3. When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.
- 4. Off-road vehicle use, unauthorized collection of artifacts, and other activities other than development which could destroy or damage archaeological or cultural sites shall be prohibited.
- 5. Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.



COASTAL LAND USE PLAN

ADOPTED 1982
REPUBLISHED JUNE 2009



County of Santa Barbara
Planning and Development
123 E. Anapamu Street
Santa Barbara, CA 93101

SANTA BARBARA COUNTY
COMPREHENSIVE GENERAL PLAN



Coastal Land Use Plan

- **3.10.4 POLICIES**
- **Policy 10-1:** All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, **archaeological**, and other classes of cultural sites.
- **Policy 10-2:** When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids impacts to such cultural sites if possible.
- **Policy 10-3:** When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate mitigation shall be required. Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.
- **Policy 10-4:** Off-road vehicle use, unauthorized collecting of artifacts, and other activities other than development which could destroy or damage archaeological or cultural sites shall be prohibited.
- **Policy 10-5:** Native Americans shall be consulted when development proposals are submitted which impact significant archaeological or cultural sites.



COUNTY OF SANTA BARBARA

Planning and Development

Santa Barbara County Land Use & Development Code



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35.60.040 - Archaeological Resources - Inland Area

The following standards are applicable within the Inland area as indicated below.

A. Inland area requirements.

1. Development proposed on a lot where archaeological or other cultural sites are located shall be designed to **avoid impacts** to the cultural sites if possible.
2. When sufficient planning flexibility does not permit avoiding construction on an archaeological or other cultural site, **adequate mitigation shall be required**. Mitigation shall be designed in compliance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.
3. **Native Americans shall be consulted** when development proposals are submitted that impact significant archaeological or cultural sites.

B. Inland area requirements.

All available measures, including purchase of the site, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological and other classes of cultural sites.





COUNTY OF SANTA BARBARA

Planning and Development

Santa Barbara County Article II Coastal Zoning Ordinance



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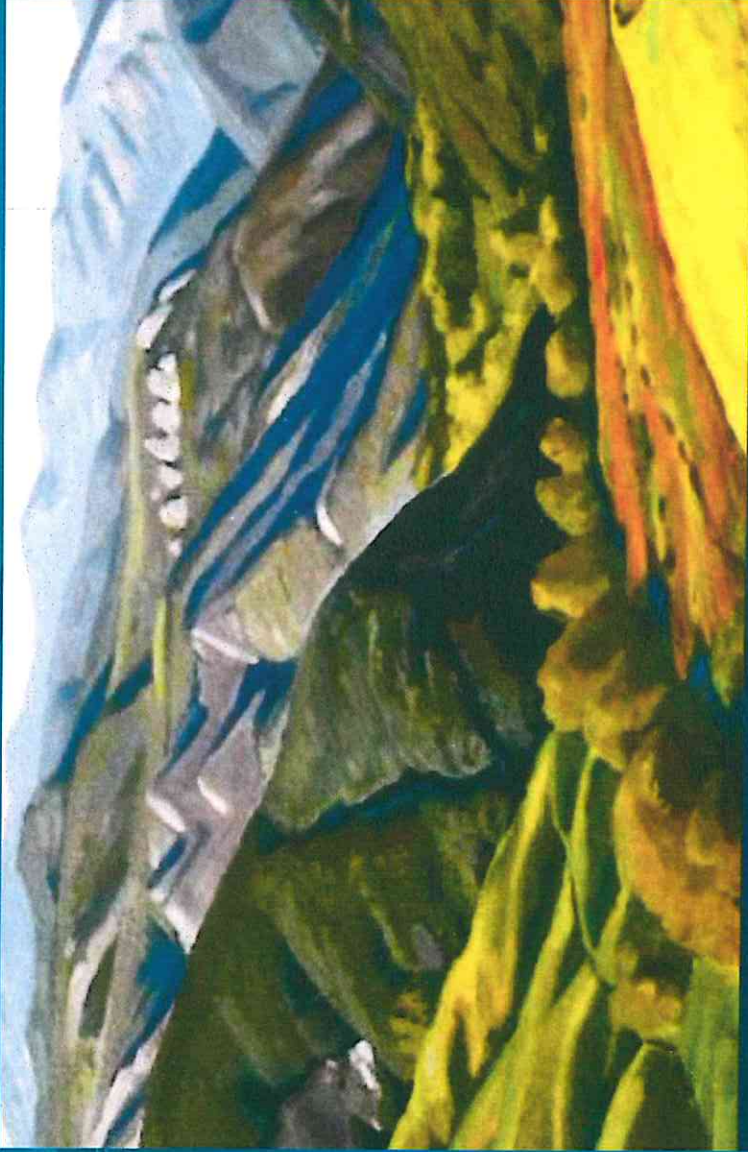


DEVELOPMENT STANDARDS –

Archaeology Sec. 35-65. Archaeology.

1. When developments are proposed for lots where archaeological or other cultural sites are located, project **design shall be required which avoids impacts** to such cultural sites if possible.
2. When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, **adequate mitigation shall be required.** Mitigation shall be designed in accord with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.
3. **Native Americans shall be consulted** when development proposals are submitted which impact significant archaeological or cultural sites.





Gaviota Coast Plan

Board of Supervisors Initiation Draft
December 2013

Planning and Development Department
County of Santa Barbara

DRAFT

Policies and Implementation

a. Cultural Resources Stewardship Policies

Policy CS-1: Cultural Resources Preservation & Protection. Preserve and protect significant cultural, archaeological and historical resources to the maximum extent feasible.

Policy CS-2: Properties of Concern. Significant cultural resources including historic buildings, structures, Rural Historic Landscapes, archaeological sites, Traditional Cultural Properties (TCP), Tribal Cultural Resources, and other traditional tribal cultural places and other places of concern to the Native Americans shall be protected and preserved to the maximum extent feasible.

Policy CS-3: Cultural Resources Education. The County shall encourage and support measures to educate residents and visitors about the Gaviota Coast's cultural resources.

b. Cultural Resources Stewardship Implementing Actions

Action CS-1: Landmarking Buildings, Structures & Places. The County and the community should continue to work with willing landowners to identify buildings, structures, and places, including Rural Historic Landscapes, Traditional Cultural Properties, Tribal Cultural Resources, and other traditional tribal cultural places that qualify for nomination to Historic listing as a County Landmark or Place of Historical Merit Status and forward these requests nominations to the County Historical Landmarks Advisory Commission (HLAC).

Action CS-2: New Development and Rehabilitation Projects. Development resulting in increased building size or demolition of buildings/structures included in the list of historic resources, or buildings and structures over 50-years of age and evaluated as important at the local, state, or national level, shall be reviewed by Planning & Development for consistency with historic resource preservation policies.

Action CS-23: Community Cultural Center. The County and Gaviota Coast residents shall investigate, consider and pursue options to develop a community cultural center and/or other community cultural research and education opportunities including Native American culture.

* **Action CS-34: ~~Government To Government~~ Native American Consultation.** The County shall continue its government-to-government consultations with the tribes identified by the Native American Heritage Commission (NAHC) pursuant to Assembly Bill 52 and Senate Bill 18 to ensure that traditional cultural resources of concern to the Chumash are identified and taken into account in future development planning.

Action CS-45: Confidential Site Locations. The County shall maintain as confidential information about the location of Traditional Cultural Properties, Tribal Cultural Resources, and other traditional tribal cultural places, historical, and spiritual areas as confidential.

Action CS-56: Tribal Access. The County, Chumash representatives and willing landowners should work together to ensure appropriate tribal access to Traditional Cultural Properties (TCP), Tribal Cultural Resources, and other traditional tribal cultural places historical, and spiritual properties while still respecting the rights and privileges of property owners.

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c. Cultural Resources Stewardship Development Standards

Dev Std CS-1: Phase 1 Archaeological Surveys. A Phase 1 archaeological survey shall be performed when identified as necessary by a County archaeologist or contract archaeologist. The survey shall include all areas of the project that would result in ground disturbance. The content, format, and length of the Phase 1 survey report shall be consistent with the nature and size of the project and findings of the survey.

Dev Std CS-2: Phase 2 and 3 Archaeological Studies. If archaeological remains are identified and cannot be avoided through project redesign, the proponent shall fund a Phase 2 study to determine the significance of the resource prior to issuance of any permit for development. All feasible mitigation recommendations resulting from the Phase 1 or Phase 2 work, including completion of additional archaeological analysis (Phase 3) and/or project redesign shall be incorporated into any permit issued for development.

Dev Std CS-3: Identification of Traditional Cultural, Historical, and Spiritual Sites. Native Americans shall be consulted when development proposals are submitted that impact significant archaeological or cultural sites. Cultural sites may include Traditional Cultural Properties (TCP), Tribal Cultural Resources, and other traditional tribal cultural places and cultural landscapes as identified through consultation with by Native Americans.

Dev Std CS-4: Native American Contact List. When existing documentation or a Phase 1 survey indicates that significant prehistoric cultural resources may be affected by a proposed project, the County shall obtain a Native American Contact List from the NAHC and consult with the Chumash in accordance with Assembly Bill 52 during each stage of cultural resources review.

Dev Std CS-5: Integrity of Historic Resources. No permits shall be issued for any development or activity that would adversely affect the integrity of officially designated Historic County Landmarks and Places of Historical Merit, historical resources eligible for the California Register of Historical Resources, or identified historical resources districts unless a professional evaluation of the proposed project has been performed by a qualified Architectural Historian pursuant to the County's most current Regulations Governing Archaeological and Historical Projects. All such professional studies shall be reviewed and approved by the HLAC and Planning and Development and all feasible mitigation measures shall be incorporated into any permit issued for development.

Dev Std CS-6: Historical Resources Studies. A Phase 1, and if required Phase 2, historical resources investigation and report shall be performed when identified as necessary by the Director of Planning and Development. The investigation shall include areas of the project that could result in direct or indirect impacts to historic-age buildings, structures, rural historic landscapes, or districts or that could change the integrity of the setting and context for such resources on adjacent parcels. The content, format, and length of the Phase 1, and if required Phase 2, historic report shall be consistent with the nature and size of the project and findings of the investigation. The investigation shall be performed by a qualified Architectural Historian pursuant to the County's most current regulations governing archaeological and historical projects. All such professional studies shall be reviewed and approved by the HLAC and Planning and Development. All feasible recommendations resulting from the Phase 1, and if required Phase 2, shall be incorporated into any permit approved for development.

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COUNTY OF SANTA BARBARA

Planning and Development

Environmental Thresholds and Guidelines Manual

Revised January 1995

Revised October 2001

Revised October 2002

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Revised January 2008

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8. CULTURAL RESOURCES GUIDELINES, ARCHAEOLOGICAL, HISTORICAL, AND ETHNIC ELEMENTS

INTRODUCTION

This document discusses in general the cultural resource review process used by the Planning and Development Department. A technical document, Regulations Governing Cultural Resource Projects Undertaken in Conformance with Federal and State Environmental Protection Acts, provides procedures for cultural resource consultants to follow in preparing their investigations. These Regulations are available at the Planning and Development Department.

A. Phase 1: Literature Search and Preliminary Assessment. As part of the environmental review process, the Planning and Development Department reviews archaeological site maps to determine if a recorded cultural resource is located within the project site or whether there is a high potential for its presence onsite based on recorded site distribution patterns or historical accounts. If this determination is positive and the project site is not developed, a Phase I archaeological investigation including a systematic inspection of the ground surface is carried out by the Planning and Development Department staff or a County approved professional archaeologist (depending on the size of the parcel) and sub-surface testing to define the presence of archaeological artifacts or site boundaries when vegetation obscures ground visibility. If historical remains are suspected, a professional historian will be retained to evaluate more fully the resource. The Phase I investigation and report will follow the specifications defined in the Cultural Resource Regulations defined above.

B. Phase 2: Cultural Resource Significance Determination. If an archaeological or historical site is observed, the Planning and Development Department will work with the applicant to modify project plan descriptions such that direct impacts on cultural resources are avoided. Avoiding damage may be accomplished by many approaches, including the following:

1. Planning construction to miss cultural resource sites;
2. Planning parks, greenspace or other open space to incorporate archaeological or historical sites;
3. "Capping" or covering prehistoric or historic archaeological sites with a layer of fill soil before building tennis courts, parking lots, or similar facilities. Capping may be used in the following cases:
 - a. The soils to be covered will not suffer serious compaction.
 - b. The covering materials are not chemically active.
 - c. The site is one in which the natural processes of deterioration have been effectively arrested; and
 - d. The site has been recorded.

Although the placement of fill on top of an archaeological site may reduce direct impacts of construction, indirect impacts will possibly result from the loss of access to the site for research purposes and scarification and compaction of soils. To mitigate this impact, a sample of the cultural resource shall be excavated and appropriately curated for research purposes.

4. Deeding archaeological or historical sites into permanent conservation easements.

1. **Ethnic Impact Assessment.** Appendix G, Significant Effects, of CEQA defines the need for evaluating the impacts a project may have on a community, ethnic, or social group.

A project will normally have a significant effect on the environment if it will cause one of the following:

- j. Disrupt or adversely affect a prehistoric or historical archaeological site or a property or historical or cultural significance to a community or ethnic or social group.
- w. Conflict with established recreational, educational, religious, or scientific uses of the area.

In order to evaluate these potential impacts, the County requires that appropriate representatives of affected community groups be contacted to assess their concerns and viewpoints concerning measures to mitigate those impacts. Ethnologists approved by the Planning and Development Department are to carry out this research in accordance with requirements and procedures for assessing ethnic cultural resources and concerns in compliance with the California Environmental Quality Act (Susan Brown n.d.) adopted by the Planning and Development Department, and the Native American Heritage Commission's Guidelines for the Protection of the Native American Heritage Resources. Contact should be made early in the evaluation process during the Phase I investigation as well as subsequent phases of work.

If the affected community does not consider to mitigation measures proposed by consulting archaeologists and incorporated in the project description by the applicant, the project may be considered to result in a significant impact and an EIR (or EIR section) may be prepared.

There are currently four recognized Native American groups in Santa Barbara County representing local Native American individuals of Chumash descent. The United Chumash Council represents various Chumash groups of the South Coast. The Santa Ynez Federally Recognized Elders Council represents Chumash living on the Santa Ynez Reservation. The Santa Ynez Kit Wo' N' Unio represents particular families on the Reservation, and the Candelaria American Indian Council represents South Coast documented Chumash. The Planning and Development Department will contact all groups if prehistoric archaeological sites are to be impacted to evaluate this effect on their ethnic values.

2. **Discovery of Human Remains.** The County policy regarding disposition of human remains disturbed during project construction is defined in CEQA Appendix K, Section VIII. If remains are encountered at any time, the County Coroner shall be contacted to determine the age and the origin of the bones. A qualified physical anthropologist will assist the coroner to make the determination whether human remains are prehistoric or not. If human remains are considered Native American, the individuals most likely to have descended from the individuals represented by the remains will then be contacted who will make recommendations regarding the treatment and re-internment of the remains and associated grave goods. If no descendants can be identified, the Native American Heritage Commission shall select the representative responsible for the disposition of the remains. These arrangements will be made with the landowner and will include an appropriate period of time for a Planning and Development Department approved physical anthropologist to analyze and record the remains and a Planning and Development Department approved archaeologist to analyze the associated grave goods.
3. **Native American Consulting.** Native Americans are retained during all sub-surface