

ORDINANCE NO. 2137

AN ORDINANCE adopting regulation for the preservation of archaeological resources establishing procedures for predetermination standards and reports, for archaeological resource surveys, and providing for the enforcement of such standards.

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

There is hereby adopted a new Chapter of the Camas Municipal Code to be entitled Chapter 16.08 Archaeological Resource Preservation. Said ordinance shall be in the form attached hereto as Exhibit "A" and by this reference incorporated herein.

Section II

This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED by the Council and APPROVED by the Mayor this 10<sup>th</sup> day of November 1997.

SIGNED: Gwen Hahn  
Mayor *Pro Tem*

ATTEST: John M. Sargin  
Clerk

APPROVED as to form:

Shawn R. MacPhee  
City Attorney

## ARCHAEOLOGICAL RESOURCE PRESERVATION ORDINANCE

**16.08.010 PURPOSE.** The purposes of this chapter are to:

A. Encourage the identification and preservation of cultural, archaeological, and historic resources consistent with the Growth Management Act of 1990, as amended, and Camas's Comprehensive Plan.

B. Establish clear procedures and specific standards for identifying, documenting, and preserving Camas's cultural, archaeological, and historic resources.

C. Ensure use of the best available technology and techniques commonly accepted as standards in the profession of archaeology.

D. Establish a fair and equitable process for balancing the identification and preservation of cultural, archaeological, and historic resources with economic development.

E. Ensure coordination and consistency in the implementation of the State Environmental Policy Act, the Shoreline Management Act, and the Growth Management Act.

**16.08.020 DEFINITIONS.** In carrying out the provisions of this chapter, the following definitions shall apply:

A. "Adequately Surveyed and Documented" means that (1) the survey method, level of analysis, and area covered are sufficient to meet the requirements of this chapter; and (2) the documentation is sufficient to allow another archaeologist to repeat the survey and reach the same conclusion. Adequacy shall be determined by the Director.

B. "Archaeological Object" means an object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products. (WAC 25-48-020(8)).

C. "Archaeological Resources" are any material remains of human life or activities which are of archaeological interest. This shall include all sites, objects, structures, artifacts, implements, and locations of prehistoric or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material (WAC 25-48-020(10)). This shall also include any material remains of human life or activities from historic periods which are located at least partially below the ground surface necessitating the use of archaeological methods for study or recovery.

D. "Archaeological Resource Survey" is procedure by which an archaeologist makes an assessment of the presence or absence of an archaeological site on a parcel, a preliminary assessment of a site's significance, and a recommendation for further evaluation, avoidance, mitigation, or recovery of resources.

E. "Archaeological Site" means a geographic locality in Washington, including but not limited to, submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects (WAC 25-48-020(9)).

F. "Archaeologist" means either a qualified archaeologist (RCW 27.53.030(9)) or a professional archaeologist (RCW 27.53.030(8) and WAC 25-48-020(4)) who has been approved by the City. Both qualified archaeologists and professional archaeologists may perform predeterminations and surveys. Only professional archaeologists may perform services such as evaluation and data recovery for which a state permit is needed.

G. "Department" means the Public Works Department.

H. "Director" means the Director of the Public Works Department or his or her designee.

I. "Feature" means an artifact or set of artifacts which loses its integrity when moved due to its size and complexity (e.g., a hearth or a house floor).

J. "Known, Recorded Archaeological Site" means an archaeological site which has been recorded with OAHP.

K. "OAHP" means the Washington State Office of Archaeology and Historic Preservation.

L. "Of Archaeological Interest" means capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation (WAC 25-48-020(12)).

M. "Predetermination" is a procedure similar to, but of less intensity than an archaeological resource survey. Its purpose is to determine whether an archaeological site is likely to be present or absent on a parcel, and based on that determination recommend whether or not to proceed with an archaeological resource survey.

N. "Probability Level" means account classification of property according to the probability of its having archaeological resources. The probability levels are low (zero to 20 percent), low-moderate (20—40 percent), moderate (40—60 percent), moderate-high (60—80 percent), and high (80—100 percent). The probability levels assigned to property within the urban growth boundary of the City of Camas are identified in that map entitled "City of Camas Archaeological Site Study, June 3, 1997".

O. "Significant Archaeological Site" means an archaeological site which has been determined by a professional archaeologist to contain: (1) archaeological objects at a density of at least 100 per cubic meter per stratigraphic or cultural unit; or (2) at least one feature; or (3) at least one relatively uncommon archaeological object; or (4) skeletal remains.

P. "Survey" means archaeological resource survey.

Q. "Tribes" means any federally recognized or other local Native American Government organization which may consider the site to be of historic or cultural significance.

#### **16.08.030 COORDINATION.**

A. General. Where the provisions of this chapter conflict with each other or with other laws, ordinances, or programs, the more restrictive provisions shall apply.

B. SMA. The provisions of this ordinance shall apply throughout Camas, including areas regulated by Camas's Shoreline Management Master Program.

C. SEPA. The regulations of the State Environmental Policy Act shall supplement the provisions of this ordinance.

D. Development Review. For projects subject to Title 14 of the Camas Municipal Code, a determination that an application is complete shall not be made until any required predetermination has been completed and a predetermination report has been submitted. For projects not subject to Title 14 of the Camas Municipal Code, an application shall not be accepted until any required predetermination has been completed and a predetermination report has been submitted.

**16.08.040 RECORDING.** Any archaeological site identified pursuant to the provisions of this chapter shall be recorded with OAHP.

**16.08.050 PERMIT REQUIRED.** A permit from OAHP shall be secured prior to digging, altering, excavating, and/or removing archaeological objects and sites or historic archaeological resources, or proposing to remove glyptic or painted records of tribes or peoples, or archaeological resources from native Indian cairns or graves (WAC 25-48-050).

**16.08.070 APPLICABILITY.**

- A. The provisions of this chapter shall apply:
1. When any item of archaeological interest is discovered during the course of a permitted ground-disturbing action or activity (16.08.160).
  2. When the Director determines that reliable information indicates the possible existence of an archaeological site on a parcel for which an application for a permit or approval for a ground-disturbing action or activity has been submitted.
- B. The provisions of this chapter shall apply, EXCEPT as provided herein and in 16.08.070C below, to all ground-disturbing actions or activities for which a permit or approval is required:
1. On all parcels in Probability Level High.
  2. On parcels of at least five acres in Probability Levels Moderate-High and Moderate.
  3. Regardless of parcel size or probability level, when proposed within 1/4 mile of a known, recorded archaeological site as measured on a horizontal plane extending in all directions. Such an action or activity may be exempted by the Director, when appropriate, during the predetermination process due to the effects of a geographic barrier (16.08.080(F)).
- C. The following shall not trigger or shall be exempted from the provisions of this chapter:
1. Accessory dwelling units; or
  2. Land use permits issued under clear and objective standards, such as those for fences, sheds, decks, patios, or driveways; or
  3. Sign permits; or
  4. Conditional use permits for a change in use only, not involving ground disturbance for structural modification.
  5. Zoning variance approvals.
  6. Ground-disturbing actions or activities which constitute normal maintenance and

- repair of existing structures and facilities; or
7. Ground-disturbing actions or activities proposed in areas which the Director determines to have been adequately surveyed and documented (16.08.020A) in the past and within which no archaeological resources have been discovered.
- D. When more than one probability level traverses a parcel, the entire parcel shall be considered to be within the level with the greatest probability rating.

**16.08.080 PREDETERMINATION REQUIRED.**

- A. A predetermination shall be required for any non-exempt ground-disturbing action or activity for which a permit or approval is required within Probability Level High.
- B. A predetermination shall be required for any non-exempt ground-disturbing action or activity for which a permit or approval is required and which is located on a parcel of at least five acres within Probability Levels Moderate-High and Moderate.
- C. A predetermination shall be required for all non-exempt ground-disturbing actions or activities for which a permit or approval is required which are proposed within 1/4 mile of a known, recorded archaeological site.
- D. A predetermination shall be required when the Director determines that reliable information indicates the possible existence of an archaeological site on a parcel for which an application for a permit or approval for a ground-disturbing action or activity has been submitted.
- E. A predetermination shall be required when any item of archaeological interest is discovered during the course of a permitted ground-disturbing action or activity.
- F. During the predetermination process, the Director will determine whether a ground-disturbing action or activity is exempt under 16.08.070B3, or 16.08.070C7. In the event that the Director is able to make such a determination of exemption based solely upon background research (16.08.090C), the City shall reduce the applicant's total fee obligation for the project by one-half of the predetermination fee.
- G. A predetermination shall not be performed when a survey is required under 16.08.120.
- H. The Director may waive the requirement for a predetermination if the applicant chooses to provide a survey in accordance with 16.08.120 and 16.08.140.

**16.08.090 PREDETERMINATION STANDARDS.** Predeterminations shall include at a minimum the following elements and be carried out according to the following standards:

- A. Predeterminations shall be performed by a qualified or professional archaeologist.
- B. Predeterminations shall be performed to the high standard of quality which fulfills the purposes of this chapter.
- C. Background Research. A thorough review of records, documentation, maps, and other pertinent literature shall be performed.
- D. Surface Inspection. A visual inspection of the ground surface shall be completed when conditions yield at least 50% visibility.
- E. Subsurface Investigation. Subsurface investigation shall be performed when considered necessary by the archaeologist. When necessary, the following standards shall apply:
  1. Subsurface probes shall be no less than 8in./20cm in diameter (12in/30cm or more

preferred) at the ground surface, and shall delve no less than 20in/50cm deep into natural soil deposits whenever possible.

2. The most appropriate number of and locations for subsurface probes shall be determined by the archaeologist.
3. All material excavated by subsurface probes shall be screened using both 1/4-inch and 1/8-inch hardware mesh cloths.

<sup>090</sup>  
**16.08.100**     **PREDETERMINATION REPORTS.** A report shall be completed for each predetermination to the high standard of quality which fulfills the purposes of this chapter and standardized guidelines furnished by the Department. A completed report shall be submitted to OAHP as well as the City.

<sup>100</sup>  
**16.08.110**     **REVIEW OF PREDETERMINATION REPORTS and FURTHER ACTION.**

- A. Predetermination reports shall be reviewed by the Director.
- B. When the Director determines that a predetermination report is complete and adequate, the Director shall, based upon the information contained in the report, determine whether an archaeological site is likely to exist.
- C. Where the Director determines that an archaeological site is not likely to exist, the application may proceed through the remainder of the development review process.
- D. Where the Director determines that an archaeological site is likely to exist, an archaeological resource survey shall be required and carried out in accordance with the provisions of this chapter.

<sup>110</sup>  
**16.08.120**     **ARCHAEOLOGICAL RESOURCE SURVEY REQUIRED.** A survey shall be required when the results of a predetermination indicate further investigation is necessary and either:

- A. no previous survey has been done; or
- B. a previous survey or documentation is determined by the Director to be inadequate.

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**16.08.130**     **SURVEY STANDARDS.** Surveys shall include at a minimum the following elements and be carried out according to the following standards:

- A. Surveys shall be performed by professional archaeologist.
- B. Surveys shall be performed to the high standard of quality which fulfills the purposes of this chapter.
- C. Background Research. A thorough review of records, documentation, and other pertinent literature shall be performed.
- D. Surface Inspection. A systematic, 100% visual inspection of the ground surface shall be completed when conditions yield at least 50% visibility.
- E. Subsurface Investigation. Subsurface investigation shall be performed when considered necessary by the archaeologist, utilizing the same standards set forth within CMC 16.08.090E.

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**16.08.140 SURVEY REPORTS.** A report shall be completed for each survey in accordance with state guidelines and to the high standard of quality which fulfills the purposes of this chapter. A completed report shall be submitted to OAHP as well as the City.

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**16.08.150 REVIEW OF SURVEY REPORTS and FURTHER ACTION.**

- A. Survey reports shall be reviewed by the Director.
- B. When the Director determines that a survey report is complete and adequate, the Director shall, based upon the information contained in the report, determine whether an archaeological site has been identified.
- C. Where the Director determines that no archaeological site has been identified, the application may proceed through the remainder of the development review process.
- D. Where the Director determines that an archaeological site has been identified and is not likely to be significant, the application may proceed through the remainder of the development review process.
- E. Where the Director determines that an archaeological site has been identified and is likely to be significant, archaeological resources shall be further evaluated, avoided, properly mitigated, or properly recovered in accordance with the Director's recommendation and subject to state regulations. Priority for protection in-place and thorough evaluation and data recovery shall be given to significant archaeological sites. Bonding may be required to ensure that the site is treated in accordance with the Director's recommendation and provisions of the state permit. Monitoring and future corrective measures may be required to ensure that an archaeological site is not degraded by a permitted development.

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**16.08.160 DISCOVERY PRINCIPLE.** In the event that any item of archaeological interest is uncovered during the course of a permitted ground-disturbing action or activity:

- A. All ground-disturbing activity shall immediately cease.
- B. The applicant shall notify the Department and OAHP.
- C. The applicant shall provide for a predetermination and a predetermination report prepared in accordance with the provisions of this chapter. The Director shall review the report and issue a determination in accordance with 16.08.170 in a reasonably diligent manner, taking into account all pertinent factors and conditions (within 7 calendar days whenever feasible). Where such determination is that an archaeological site is not likely to exist, construction may continue. Where such determination is that an archaeological site is likely to exist, the applicant shall provide a survey and survey report. The Director shall produce a map of the parcel indicating clearly the portion(s) of the parcel, if any, within which construction may continue under the supervision of an archaeologist and monitoring by the Director while the required survey is being completed. The provisions of 16.08.150 shall apply.

<sup>6</sup>  
**16.08.170 NOTIFICATION TO TRIBES.** Whenever a predetermination or survey is required, the applicant shall provide the tribes with a copy of the application and all supporting materials, and shall provide proof of compliance with this requirement to the Director. Upon City receipt of a predetermination or survey, the Director shall notify the tribes, in writing, that

said predetermination or survey will be submitted to the tribes by the applicant. When the Director determines that the existence of an archaeological site is probable and an archaeological resource survey is required, the Director shall notify the tribes of such determination by certified mail, return receipt requested. Comments from the tribes shall be accepted by the Director until 5:00 p.m. on the fourteenth (14<sup>th</sup>) day from the date notification was mailed to the tribes. Should the fourteenth (14<sup>th</sup>) day fall on a nonbusiness day, the comment period shall be extended until 5:00 p.m. on the next business day.

**16.08.180<sup>7</sup> ENFORCEMENT.** The provisions of this ordinance shall be enforced in accordance with the provisions of CMC 14.13.