Chapter 20.710

ARCHAEOLOGICAL RESOURCE PROTECTION

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Section 20.710.010 Purpose.

The purposes of this Chapter are to:

A. Identify and preserve resources. Encourage the identification and preservation of cultural, archaeological, and historic resources consistent with the Growth Management Act of 1990, as amended, and Vancouver’s Comprehensive Plan, Visions for the Vancouver Urban Area.

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

C. Use the best technology and techniques. Ensure use of the best available technology and techniques commonly accepted as standards in the profession of archaeology for identification and preservation of cultural, archaeological, and historic resources.

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

E. Provide coordination and consistency. Ensure coordination and consistency in the implementation of the State Environmental Policy Act, the Shoreline Management Act, the Growth Management Act, RCW Chapters 27.34, 27.44, 27.48, and 27.53, and associated regulations.

(M-3643, Added, 01/26/2004)

Section 20.710.020 Applicability.

A. Universal. Notwithstanding 20.710.020(B) and (C) VMC below, 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 (20.710.090 VMC).

2. When the planning official determines that reliable and credible information indicates the probable existence of an archaeological site in a disturbance area for which an application for a permit or approval for a ground-disturbing action or activity has been submitted to the planning official.
B. General. The provisions of this chapter shall apply to all applications for ground-disturbing actions or activities for which a permit or approval is required:

1. Where any portion of the disturbance area is within Predictive Model Probability Level A as shown in Figure 20.710-1.
2. Where the disturbance area is at least five acres in size and wholly within Predictive Model Probability Level B as shown in Figure 20.710-1.

3. Regardless of disturbance area size or Predictive Model Probability Level, when the disturbance area is within 1/4 mile of a known, recorded archaeological site as measured on a horizontal plane extending in all directions. (See 20.710.020(C)(11) VMC for a possible exemption.)

C. Exemptions. Applications for the following permits, approvals or other ground-disturbing activities shall be exempt from the provisions of this Chapter, except where the provisions of 20.710.020(A) VMC apply:

1. Land use permits handled as Type 1 actions under 20.210.040 VMC, except grading and tree removal permits; or
2. Sign permits (20.960 VMC); or
3. Conditional use permits (VMC 20.245) for a change in use only, not involving ground-disturbance for structural modification.
5. Ground-disturbing actions or activities classified as exempt actions under VMC 20.210.030 except landscaping activities and single-family and duplex dwellings not requiring an environmental review; or
6. Ground-disturbing actions or activities where the planning official determines that the disturbance area was adequately investigated and documented [20.710.050(A) VMC] in the past and the existence of an archaeological site was determined not to be probable (prior predetermination) or not to be actual (prior survey); or
7. Applications for permits or approvals for ground-disturbing actions or activities which have vested prior to the effective date of this chapter; or
8. Ground-disturbing actions or activities where the provisions of this chapter were previously applied to a related application for a larger, more comprehensive, ground-disturbing action or activity which encompasses the scope of the current application; or
9. Ground-disturbing actions or activities where a prior application for a larger, more comprehensive ground-disturbing action or activity which encompasses the scope of the current application was exempt from the provisions of this chapter pursuant to 20.710.020(C) VMC; or
10. Ground-disturbing actions or activities where the disturbance area is within 1/4 mile of a known, recorded archaeological site as measured on a horizontal plane extending in all directions may be exempted by the planning official when appropriate due to the effects of a geographic barrier; or
11. Ground-disturbing actions or activities proposed in areas in which the planning official determines that previous substantial disturbance has been documented.

D. Predictive Model Application. When more than one Predictive Model Probability Level traverses a disturbance area, the entire disturbance area shall be considered to be within the level with the greatest probability rating.
E. Coordination

1. Where the provisions of this chapter conflict with each other or with other local, state, or federal laws, ordinances, or programs, the more restrictive provisions shall apply.

2. The provisions of this ordinance shall apply throughout the city, including areas regulated by Vancouver’s Shoreline Management Master Program.

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

4. The provisions of this chapter are intended to coordinate with and supplement the related provisions of state law. [RCW Chapters 27.34, 27.44, 27.48, and 27.53.]

(M-3701, Amended, 05/02/2005, Sec 20; M-3643, Added, 01/26/2004)

Section 20.710.030 Development Review Applications.

A. A development application shall not be determined counter complete until any required predetermination has been completed and the predetermination report has been submitted to the Planning Official.

B. All documents pertaining to archaeology reviews shall be exempt from any public disclosure requests [RCW 27.53.070].

(M-4034, Amended, 12/03/2012, Sec 21-Effective 01/03/2013; M-3643, Added, 01/26/2004)

Section 20.710.040 DAHP Coordination and Permitting.

A. Recording. Any archaeological site identified pursuant to the provisions of this Chapter shall be recorded with the Washington State Department of Archaeology and Historic Preservation (DAHP). A copy of the State of Washington Archaeological Site Inventory form and cover letter to DAHP shall be submitted to the Planning Official with the required survey report VMC 20.710.080 (C).

B. Permit required. A permit from DAHP shall be secured prior to digging, altering, excavating, and/or removing archaeological objects and sites or historic archaeological resources, or removing glyptic or painted records of tribes or peoples, or archaeological resources from native American Indian cairns or graves (WAC 25-48-050, as amended).

(M-3840, Amended, 08/06/2007, Sec 29; M-3643, Added, 01/26/2004)

Section 20.710.050 Documentation and Peer Review.

A. Documentation. Archaeological sites shall be adequately investigated and documented. For purposes of this chapter, adequately investigated and documented shall mean that (1) the investigation method, level of analysis, and area covered are sufficient to meet the requirements of VMC 20.710.070 and VMC 20.710.080, as appropriate; and (2) the documentation is sufficient to allow another archaeologist to repeat the investigation and reach a similar conclusion. Adequacy shall be determined by the Planning Official.

B. When and how to use the peer review process. In the event that there is substantive disagreement of a technical nature between archaeologists concerning an application subject to the provisions of this Chapter, either the Planning Official or the applicant may invoke the peer review process outlined by the US Department of the Interior, National Park Service September, 1993 publication, “The Peer
Review of Public Archaeology Projects: A Procedure Developed by the Departmental Consulting Archaeologist" authored by Bennie C. Keel (ISSN 1057-1574) to resolve the issue. The party who invokes the peer review process shall bear the costs of the proceedings. The applicant and the City shall each appoint one, and together shall agree on the appointment of a third archaeologist to serve on the Peer Review Panel. (M-3643, Added, 01/26/2004)

Section 20.710.060  Tribal Notification.
A. Tribal registration. Any Tribe may register to receive notification of required archaeological resource surveys. Such registration shall be in writing, be addressed to the Planning Official, and include the name of the Tribe and the name, title, and mailing address of the designated representative to whom the notice is to be provided.

B. Updating registration. It is the responsibility of the Tribe to ensure that this registration information is updated by notifying the Planning Official in writing of any change.

C. Notification. Where the Planning Official determines that the existence of an archaeological site is probable and an archaeological resource survey is required (VMC 20.710.080), the Planning Official shall notify the Tribes which have registered with the City of such determination by certified mail, return receipt requested. The Planning Official shall accept comments from registered Tribes for fourteen calendar days from the date the notification was received by the Tribes. (M-3643, Added, 01/26/2004)

Section 20.710.070  Predetermination Process.
A. Predetermination required. A predetermination is an archaeological study similar to, but of less intensity and lower cost than an archaeological resource survey. Its purpose is to determine whether the existence of an archaeological site within a disturbance area is probable. A predetermination is required as follows:

1. For any non-exempt ground-disturbing action or activity for which a permit or approval is required where any portion of the disturbance area is at least partially within Predictive Model Probability Level A.

2. For any non-exempt ground-disturbing action or activity for which a permit or approval is required and where the disturbance area is at least five acres in size and wholly within Predictive Model Probability Level B.

3. For any non-exempt ground-disturbing action or activity for which a permit or approval is required where the disturbance area is proposed within 1/4 mile of a known, recorded archaeological site.

4. When the Planning Official determines that reliable and credible information indicates the probable existence of an archaeological site in a disturbance area for which an application for a permit or approval for a ground-disturbing action or activity has been submitted to the Planning Official.

5. When any item of archaeological interest is discovered during the course of a permitted or approved ground-disturbing action or activity (20.710.090 VMC).
B. **Waiver.** The Planning Official may waive the requirement for a predetermination where the applicant chooses to provide a survey in accordance with the provisions of this Chapter instead of a predetermination.

C. **Pre-application review.** The Planning Official may review a predetermination report and issue a determination of the likelihood that archaeological resources exist prior to the submittal of an application for a permit or approval for a ground-disturbing action or activity subject to the provisions of this Chapter. Such pre-application review shall require permission for the Planning Official to enter and inspect the property.

D. **Predetermination standards.** Predeterminations shall include at a minimum the following elements and be carried out according to the following minimum standards:

1. Predeterminations shall be performed by a professional archaeologist. Documentation shall be sufficient to allow another archaeologist to repeat the investigation and reach a similar conclusion. Adequacy shall be determined by the Planning Official.

2. Predeterminations shall be performed in accordance with the best available technology and techniques commonly accepted as standards in the profession of archaeology.

3. No artifacts shall be collected during a predetermination.

4. A thorough review of records, documentation, maps, and other pertinent literature shall be performed.

5. A visual inspection of the ground surface shall be completed when conditions yield at least 50% visibility of the soil. When conditions yield less than 50% visibility of the soil, subsurface investigation shall be required in accordance with VMC 20.710.070(D)(6) below.

6. Subsurface investigation shall be conducted as follows:

   a. Subsurface investigation shall be performed:

      1. When conditions yield less than 50% visibility of the soil; or

      2. When otherwise considered necessary by the archaeologist.

   b. When performed, 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, no less than 8in/20cm in diameter at the base, 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 or equivalent.

E. **Predetermination reports.** A report shall be completed for each predetermination in accordance with 20.710.070(D) VMC on standardized reporting forms furnished by the Department.
F. **Review of predetermination reports and further action.**

1. Predetermination reports shall be reviewed by the Planning Official.

2. Upon finding that a predetermination report is complete and adequate, the Planning Official shall evaluate the report and determine whether an archaeological site is likely to exist.
   
   a. Where the Director determines that the existence of an archaeological site is not probable, the application may proceed through the remainder of the development review process.

   b. Where the Planning Official determines that the existence of an archaeological site is probable, an archaeological resource survey shall be required and carried out in accordance with the provisions of this Chapter.

   c. Where the Planning Official determines that the existence of an archaeological site is probable and an archaeological resource survey is required, the Planning Official shall notify registered Tribes of such determination in accordance with the provisions of VMC 20.710.150.

(M-3922, Amended, 07/06/2009, Sec 33; M-3643, Added, 01/26/2004)

**Section 20.710.080 Archaeological Resource Survey Process.**

A. **Purpose.** The purpose of an archaeological resource survey is to determine whether an archaeological site actually does exist in a disturbance area, and to make a preliminary assessment of the potential significance of such a site. Surveys are to be conducted under the following circumstances:

1. A survey shall be required when the results of a predetermination indicate further investigation is necessary [VMC 20.710.070(F)] and either:
   
   a. No previous survey has been done; or

   b. A previous survey or documentation is determined by the Planning Official to be inadequate (20.710.050A VMC).

2. An applicant may choose to provide a survey instead of a required predetermination [VMC 20.710.070(B)].

B. **Survey standards.** Surveys shall include at a minimum the following elements and be carried out according to the following minimum standards:

1. Surveys shall be performed by a professional archaeologist. Documentation shall be sufficient to allow another archaeologist to repeat the investigation and reach a similar conclusion. Adequacy shall be determined by the Planning Official.

2. Surveys shall be performed in accordance with the best available technology and techniques commonly accepted as standards in the profession of archaeology.

3. Artifacts may be collected during a survey only after consultation with DAHP.

4. A thorough review of records, documentation, and other pertinent literature shall be performed.
5. A systematic, 100% visual inspection of the ground surface shall be completed when conditions yield at least 50% visibility of the soil.

6. Subsurface probes shall be required for all surveys as follows:
   
   a. Subsurface probes shall be no less than 8in/20cm in diameter (12in/30cm or more preferred) at the ground surface, no less than 8in/20cm in diameter at the base, and delve no less than 20in/50cm deep into natural soil deposits whenever possible.

   b. No less than 4 subsurface probes per acre shall be required. For fractions of an acre, no less than one subsurface probe shall be required for each quarter acre. (For example, on a parcel of 2.33 acres, no less than (2x4) + 1 = 9 subsurface probes would be required.)

   c. The most appropriate locations for the subsurface probes shall be determined by the archaeologist.

   d. All material excavated by subsurface probes shall be screened using both 1/4-inch and 1/8-inch hardware mesh cloths or equivalent.

C. Survey reports. A report shall be completed for each survey in accordance with VMC 20.710.080(A)(1) and state guidelines. Survey reports shall be submitted to the Planning Official and filed with DAHP. When an archaeological site is identified, the State of Washington Archaeological Site Inventory form shall be submitted to DAHP with the survey report [VMC 20.710.040(A)]

D. Review of survey reports and further action.
   
   1. Survey reports shall be filed with DAHP.

   2. Survey reports shall be reviewed by the Planning Official. Upon finding a survey report complete and adequate, the Planning Official shall determine whether an archaeological site has been identified. [20.710.070(F)]

   3. Where the Planning Official determines that no archaeological site has been identified, the application may proceed through the remainder of the development review process.

   4. Where the Planning Official determines that an archaeological site has been identified, the Planning Official shall determine whether the site is likely to be potentially significant in accordance with the significance criteria of VMC 20.710.080(E) and in consultation with DAHP.

   5. Where the Planning Official determines that an archaeological site has been identified and is not likely to be potentially significant, the application may proceed through the remainder of the development review process.

   6. Where the Planning Official determines that an archaeological site has been identified and is likely to be potentially significant, archaeological resources shall be further evaluated, avoided, properly mitigated, or properly recovered in accordance with the Planning Official’s recommendation and the terms of any necessary permit from DAHP [VMC 20.710.040(B)]. Priority for thorough evaluation and data recovery shall be given to potentially significant archaeological sites. Monitoring and future corrective measures may be required to ensure that an archaeological site is not degraded by a permitted development.
7. Where sites are to be avoided, the Planning Official shall require that appropriate land use restrictions be recorded using a proper legal instrument.

8. An escrow or bond shall be required of the applicant to ensure that the site is treated in accordance with the Planning Official’s recommendation and provisions of the state permit.

E. Significance criteria. A potential significant archaeological site is a site which (1) contains archaeological objects at a density of at least 100 per cubic meter per stratigraphic or cultural unit; or (2) includes at least one feature; or (3) includes at least one relatively uncommon archaeological object; or (4) contains skeletal remains; or (5) is otherwise considered potentially significant by the archaeologist.

Section 20.710.090 Discovery Principle.

Uncovering archaeological items. In the event that any item of archaeological interest is uncovered during the course of a permitted or approved ground-disturbing action or activity:

A. Cessation of activity. All ground-disturbing activity shall immediately cease.

B. Notification. The applicant shall immediately notify the Planning Official and DAHP.

C. Predetermination report and determination. The applicant shall provide for a predetermination and a predetermination report prepared in accordance with the provisions of this Chapter. The Planning Official shall review the report and issue a determination in accordance with 20.710.070(F) VMC in a reasonably diligent manner, taking into account all pertinent factors and conditions. Where such determination is that the existence of an archaeological site is not probable, construction may continue. Where such determination is that the existence of an archaeological site is probable, the applicant shall provide a survey and survey report, in accordance with the provisions of this Chapter. The Planning Official 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 a professional archaeologist and monitoring by the Planning Official while the required survey is being completed. The provisions of 20.710.080(D) VMC shall apply.

(M-3922, Amended, 07/06/2009, Sec 34; M-3922, Amended, 07/06/2009, Sec 32; M-3643, Added, 01/26/2004)