

Article 5

Resource Management

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Chapter 17.500 – Archaeological, Paleontological, and Tribal Cultural Resource Protection

Sections:

- 17.500.010 – Purpose
- 17.500.020 – Applicability
- 17.500.030 – Resource Assessment Procedures

17.500.010 – Purpose

The requirements of this Chapter are intended to ensure that appropriate safeguards are established and followed in order to protect archaeological, paleontological, and tribal cultural resources whose potential location is identified, or which are actually discovered as a result of development activity.

17.500.020 – Applicability

- A. Identified areas with potential archeological, paleontological, and tribal cultural resources.** Areas that have been identified as having the potential for containing archaeological, paleontological, or tribal cultural resources include the following:
1. Areas identified on Figure RM-4 (Cultural Resources) in the General Plan;
 2. Areas identified by the environmental review process (Section 17.600.090 [Environmental Review]); or
 3. Areas brought to the City’s attention through special studies performed after the enactment of this Chapter;
 4. Native soil
- B. Resource assessment before CEQA compliance review.** Within identified areas with potential archeological, paleontological, and tribal cultural resources, resource assessment shall be completed before CEQA compliance review. The Director may require the submittal of a resource assessment report in compliance with Section 17.500.030 (Resource Assessment Procedures).

17.500.030 – Resource Assessment Procedures

- A. Archaeological and paleontological resources.**
1. Where development is proposed for an area in which there are known archaeological or paleontological resources on the site or in the vicinity, and for which the Director determines no adequate prior assessment of on-site resources

has been completed, a report shall be prepared by a qualified professional before CEQA compliance review. The Director may waive the requirement for a report if the Director determines that an existing report satisfies this requirement.

2. The objective of the report shall be to determine if significant archaeological or paleontological resources are potentially present and if the project will significantly impact these resources.
 3. If significant impacts are identified, the review authority may require:
 - a. Modification of the project to avoid impacting the archaeological or paleontological resources;
 - b. Monitoring of soil disturbance activities where the soil has a high potential to contain significant nonrenewable archaeological or paleontological resources; or
 - c. Mitigation measures to mitigate the impacts (i.e., recovering the archaeological or paleontological resources for preservation).
- C. **Tribal cultural resources.** For projects that involve ground disturbing activities on native soil, prior to the issuance of a grading permit, the applicant shall enter a Treatment and Disposition Agreement (TDA) with the Soboba Band of Luiseño Indians to address treatment and disposition of archaeological/cultural resources and human remains associated with Soboba Band of Luiseño Indians that may be uncovered or otherwise discovered during construction of the project. The TDA may establish provisions for tribal monitors. Following execution of the TDA by the developer and Soboba Band of Luiseño Indians, the TDA will be submitted to the Department and be incorporated by reference into the grading permit.
- D. **Discovery of resources.** The City shall make provisions for archaeological or paleontological resources accidentally discovered during construction, or when the City does not have approval authority over the project, shall encourage the lead agency to make provisions. These provisions shall include an immediate evaluation of the find and contingency funding and time allotment sufficient to allow for the recovery of the archeological or paleontological resource or implement measures to avoid disturbing the resource if the resource is determined to be unique.
- E. **Human remains.**
1. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains shall be halted until the County Coroner has been informed and has determined that no investigation of the cause of death is required.

2. If the remains are of Native American origin, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - a. The descendants from the deceased Native Americans have made a recommendation to the landowner or the persons responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
 - b. Confirmation is provided to the City that the Native American Heritage Commission (NAHC) was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the NAHC.

F. Notification to Native American tribes.

1. **Amendments and adoptions.** Before adopting any General Plan, General Plan amendment, specific plan, or specific plan amendment, the City shall in compliance with Government Code Section 65352.3 take the following actions:
 - a. Notify appropriate tribes of the opportunity for consultation for the purpose of preserving, or mitigating impacts to, cultural places located on land within the City's jurisdiction in compliance with Subsection 17.720.030.D. (Notification and consultation with California Native American tribes required).
 - b. Refer the proposed action to those tribes that are on the Native American Heritage Commission (NAHC) contact list and have traditional lands located within the City's jurisdiction for a 45-day comment period.
 - c. At least 10 days before a public hearing, the City shall send notice to tribes that have filed a written request for notice in compliance with Subsection 17.710.020.B. (Method of notice distribution).
2. **Open space designations.** Before designating open space, the City shall consult with tribes if the affected land contains a cultural place and if the affected tribe has requested public notice in compliance with Government Code Section 65092.
3. **Conditions of approval for Conditional Use Permits and Subdivision Maps.**
 - a. Prior to the issuance of a grading permit, the developer shall enter a Treatment and Disposition Agreement (TDA) with the Soboba Band of Luiseno Indians to address treatment and disposition of archaeological/cultural resources and human remains associated with

Soboba Band of Luiseno Indians that may be uncovered or otherwise discovered during construction of the project. The TDA may establish provisions for tribal monitors. Following execution of the TDA by the developer and Soboba Band of Luiseno Indians, the TDA will be submitted to the Department and be incorporated by reference into the grading permit.

- b. If an archeological/cultural assessment demonstrates the potential for archeological/cultural resources to occur on the project site, tribal monitors, including the Soboba Band of Luiseno Indians may be allowed to monitor all grading, excavation, ground-disturbing activities, including further survey. Following the agreement of the developer, the designated archeologist, tribal monitor, and any applicable responsible or trustee agencies, grading, excavation, ground-disturbing activities shall be stopped temporarily and redirected in the event that any archeological/cultural resources are discovered in order to evaluate the significance of any archeological/cultural resource discovered on the property.
- c. If paleontological resources are encountered during grading, ground disturbance activities shall cease so a qualified paleontological monitor can evaluate any paleontological resources exposed during the grading activity. If paleontological resources are encountered, adequate funding shall be provided to collect, curate and report on these resources to ensure the values inherent in the resources are adequately characterized and preserved. Collected specimens shall be sent to the appropriate authorities for collection.
- d. If human remains are encountered on the property, then the Riverside County Coroner's Office must be contacted within 24 hours of the find, and all work halted until a clearance is given by that office and any other involved agencies. If it is determined that the remains might be those of a Native American, the California Native American Heritage Commission and the Soboba Band of Luiseno Indians shall be notified and appropriate measures provided by State law shall be implemented.

Chapter 17.510 – Historic Preservation

Sections:

- 17.510.010 – Purpose
- 17.510.020 – Duties of the Commission
- 17.510.030 – Register of Historic Resources
- 17.510.040 – Designation as Historic Resource
- 17.510.050 – Criteria for Designation
- 17.510.060 – Alteration of Designated Historic Resource
- 17.510.070 – Procedure for Protection of Potential Historic Resources
- 17.510.080 – Appeals

17.510.010 – Purpose

This Chapter provides guidelines to assist in the identification and preservation of historic and cultural resources within the City. These guidelines are intended to preserve those elements of San Jacinto’s heritage, which may now or in the future be endangered as to their existence, or to maintain their historic or cultural integrity.

17.510.020 – Duties of the Commission

The Commission shall have the authority to review and make determinations and recommendations on various matters relating to a proposed or designated historic resource.

17.510.030 – Register of Historic Resources

A San Jacinto Register of Historic Resources is hereby created that shall contain the name, location, pertinent historic data, and date of entry on the register of structures, or natural or manmade features receiving a Historic Resource designation. The San Jacinto Register of Historic Resources shall be maintained in the City Clerk’s office.

17.510.040 – Designation as Historic Resource

- A. **Designation.** Upon the written consent of the property owner, the Commission may upon its own initiative or upon request of a person or government agency, approve a designation for a historic or cultural resource.
- B. **Public hearing.** The Commission shall hold public hearings on requests for designation in compliance with Chapter 17.710 (Public Hearings).
- C. **Findings and decision.** The Commission, after due consideration and public hearing(s), shall by resolution approve or disapprove the request for designation, stating the reasons for the action.

D. Appeal of decision.

1. The decision of the Commission shall be final unless appealed to the Council within 15 days following the decision.
2. If appealed, the City Clerk shall schedule a public hearing before the Council and the Council shall, by resolution, approve or disapprove the request, stating the reasons for the action, in compliance with Chapter 17.715 (Appeals).

E. Notice with City Clerk. Upon approval of a designation, notice shall be placed with the City Clerk and in the Building Permit address file for consideration before issuance of future requested Building or Demolition Permits.

17.510.050 – Criteria for Designation

In considering a request for a designation, the following criteria shall be used in determining eligibility:

- A. Character, interest, or value as part of the heritage of the City.
- B. Location as a site of historical event.
- C. Identification with a person(s) or group(s) who significantly contributed to the culture and development of the City.
- D. Exemplification of a particular architectural style or way of life important to the City.
- E. Identification as the work of a person(s) whose work has influenced the heritage of the City, the State of California, or the United States.
- F. Embodiment of elements of outstanding attention to architectural design, craftsmanship, detail, materials, or the best remaining architectural type in an area.
- G. Relationship to other landmarks, where the preservation of one has a bearing on the preservation of another.
- H. A unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood.
- I. Integrity as a natural environment that strongly contributes to the wellbeing of the people of the City.

17.510.060 – Alteration of Designated Historic Resource

- A. **Rehabilitation criteria.** An alteration of an Historic Resource shall comply with the Secretary of the Interior's "Standards for Rehabilitation of Historic Properties," the State

Historical Building Code (Health and Safety Code Section 18950 *et seq.*), and other design criteria and standards established by resolution of the Council. The primary concern is with the exterior of the Historic Resource unless there are interior features that greatly contribute to the significance of the property.

- B. Maintain historic nature.** Every attempt shall be made to restore or modify the Historic Resource in a way to maintain the historic nature of the property, but not so as to burden the owner of the Historic Resource with the requirements that are not practically or economically available in current markets.
- C. Alterations.** Alterations of an Historic Resource shall be subject to review and approval in compliance with the following procedures.
- 1. Director review.** The following projects shall be subject to the review and approval of the Director. Alternatively, the Director may defer action and refer the request to the Commission.
 - a. Minor alterations, including the addition, change, or removal of exterior architectural features and existing hardscape.
 - b. Minor improvements (e.g., air conditioning units, arbors, fences, greenhouse windows, roof mounted equipment, skylights, and solar panels).
 - c. Expansion of an Historic Resource by less than 10 percent of the existing floor area; provided, the expansion is not readily visible from the public street.
 - d. The construction or demolition of accessory structures that have a floor area less than 500 square feet.
 - 2. Commission review.** The following projects shall be subject to the review and approval of the Commission.
 - a. A proposed alteration that the Director determines to be inconsistent with the design criteria of the Secretary of Interior's "Standards for Rehabilitation of Historic Properties" and/or the State Historical Building Code (Health and Safety Code Section 18950 *et seq.*).
 - b. A proposed alteration that involves the construction of a new, detached structure that has a floor area of 500 square feet or more.
 - c. Expansion of an Historic Resource by more than 10 percent but less than 50 percent of the existing floor area; provided, the expansion does not exceed 500 square feet.

- d. An alteration of an Historic Resource that is readily visible from the public street.
3. **Site Plan and Design Review required.** The following projects shall be reviewed by the Commission and shall require Site Plan and Design Review in compliance with Chapter 17.630. The Commission may approve projects with conditions that the Historic Resource be memorialized by providing a written history of the site, photo documentation, placement of a historic marker signifying the importance of the site, or other means as deemed appropriate by the Commission.
- a. On appeal, a proposed alteration that the Director determines to be inconsistent with the design criteria of the Secretary of Interior’s “Standards for Rehabilitation of Historic Properties” and/or the State Historical Building Code (Health and Safety Code Section 18950 *et seq.*).
 - b. An alteration that results in an Historic Resource being enlarged by more than 50 percent of the existing floor area or more than 500 square feet.
 - c. The demolition of an Historic Resource where all or part of it will be removed from a site either by relocation or destruction.
- D. **Waiver of standards.** The Commission may waive or modify the applicable development standards identified in this Chapter.
- E. **Approval of a land use not otherwise allowed.** In order to preserve an Historic Resource, the Commission may approve a change to a land use that is not otherwise allowed in the subject zone, but which is allowed in other zones.

17.510.070 – Procedure for Protection of Potential Historic Resources

- A. **Report on potential historic resources.** For structures that potentially have historical significance as identified in Figure RM-4 (Cultural Resources) of the General Plan, the City shall require preparation of a study by a qualified professional archaeologist or historian to determine the actual significance of the structure and potential impacts of the proposed development in compliance with CEQA Guidelines Section 15064.5.
- B. **Mitigation.** The Director may require modification of the project and/or mitigation measures to avoid any impact to a historic structure, when feasible, by retaining or rehabilitating historic structures in compliance with the City guidelines.
- C. **Relocation allowed.** If an adverse impact on a historic structure cannot be avoided by the project, the significant historic structure may, as a mitigation measure, be relocated to avoid the adverse impact.

17.510.080 – Appeals

Decisions made by the Director or the Commission may be appealed in compliance with Chapter 17.715 (Appeals).

Chapter 17.520 – Natural Resource Conservation

Sections:

- 17.520.010 – Purpose
- 17.520.020 – Applicability
- 17.520.030 – Plant and Habitat Conservation
- 17.520.040 – Soil Conservation
- 17.520.050 – Water Quality

17.520.010 – Purpose

This Chapter provides uniform standards for proposed development and new land uses within the City to ensure the protection of important habitat, plant, soil, and water resources and to implement applicable provisions of the General Plan.

17.520.020 – Applicability

The provisions of this Chapter apply to all proposed development and new land uses in all zones. Uses of the land that existed on the effective date of this Chapter shall not be altered or modified so as to conflict with, or further conflict with, these standards. If requested by the Director or the review authority, applicants shall provide evidence to the Director that the proposed development is in compliance with the standards in this Chapter and other applicable standards in this Development Code before the issuance of a Building Permit, Business License, or Zoning Clearance.

17.520.030 – Plant and Habitat Conservation

- A. **Multiple Species Habitat Conservation Plan (MSHCP).** Development shall comply with the applicable terms of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) (particularly Section 3.2.13 San Jacinto Valley Area Plan) including, but not limited to, the payment of mitigation fees, narrow endemic surveys, riparian/riverine policy, and other applicable surveys.
- B. **Habitat Evaluation and Acquisition Negotiation Strategy (HANS) application.** Applicants for a discretionary permit for property located in Criteria Area/Criteria Cell(s) as designated in Multiple Species Habitat Conservation Plan shall submit a Habitat Evaluation and Acquisition Negotiation Strategy (HANS) application to the Riverside County Environmental Programs Department and subsequently to the Western Riverside Regional Conservation Authority (RCA) for Joint Project Review (JPR).

17.520.040 — Soil Conservation

See Municipal Code Chapter 15.30 (Dust Control).

17.520.050 — Water Quality

Substances of any kind shall only be discharged into a body of water, public or private sewage or drainage system, watercourse, or into the ground in compliance with Municipal Code Chapter 13.44 (Storm Water Management) and Section 17.600.100 (Water Quality Management Plan [WQMP] Required).