

Guide to Mitigation Plans

**Describing Scottsdale's Requirements for Mitigating
Development Impacts on Archaeological Sites**



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INTRODUCTION

WHO WILL USE THIS GUIDE?

Scottsdale's Preservation Division prepared this guide for the general public, including landowners, developers, and City staff to use to understand local archaeology requirements. This guide can be used by anyone who wishes to become better informed about why identifying and protecting archaeological resources is important to the City, what archaeologists do, what steps are used by archaeologists to properly document and record a site, what the terms mean that archaeologists use, and what can be gained by archaeologists digging up and studying the remnants of past human activities.

WHAT IS A MITIGATION PLAN?

A Mitigation Plan is a plan for the preservation, recovery, excavation, archiving, monitoring and/or documentation of one or more significant archaeological resources or sites in Scottsdale that will be disturbed by a development project.

The City will determine when a Mitigation Plan is required due to the impacts of a development project on archaeological resources. A Mitigation Plan is not required unless a proposed development project will impact significant archaeological resources.

PURPOSES AND OBJECTIVES OF SCOTTSDALE'S ARCHAEOLOGY STANDARDS

Scottsdale City Council adopted the Protection of Archaeological Resources ordinance in July 1999 to identify, protect, and recover significant archaeological resources when necessary. The approved archaeology standards apply Citywide to all activities that will disturb the ground, and are in Chapter 46 - Planning Development and Fees of the Scottsdale Revised Code. The ordinance shows a commitment by the City to ensure that archaeological resources on public or private land are identified and protected.

Scottsdale's General Plan and the archaeology ordinance both describe the purposes and rationale for preserving local archaeological resources. Scottsdale's plans, policies and ordinances reflect the following:

- 1) that archaeology helps us understand how people lived in the desert in the past;
- 2) that it is valuable to gain knowledge of past civilizations;
- 3) that promoting a growing body of knowledge on the Hohokam and other cultures through archaeological research is of interest to the public; and
- 4) that identifying and protecting significant archaeological resources creates a sense of pride in our heritage.

Please see Appendix B. for information on the purposes and objectives of Scottsdale's archaeology standards and Appendix C. for references, more information on Scottsdale's overall Historic Preservation Program, and contacts and/or internet links to other sources on archaeology and historic preservation.

SUMMARY

WHAT IS IN THIS GUIDE?

The list below has the section number, title, page numbers and a quick summary of the section.

1. **ORDINANCE REQUIREMENTS; pages 3-4:** This section uses a question and answer format. It describes what is in the local archaeology ordinance, defines some of the basic activities of archaeologists, and summarizes when field surveys and mitigation plans may be required.
2. **STEPS IN MITIGATION PROCESS FROM PLAN TO FINAL REPORT; pages 5-:** This section contains fifteen steps describing what an archaeologist does to study a site and develop a plan for their research. The steps are:
 - . Land Surveyed By Archaeologist
 - . Significant Site Found And Recorded By Archaeologist And/Or Site Is Recommended For Eligibility Testing
 - . Review Of Survey Report And Decisions On Additional Archaeology Work
 - . A Certificate Of No Effect Is Not Approved
 - . Mitigation Required – Certificate Of Approval Is Required
 - . Preparation Of A Mitigation Plan And Its Contents
 - . Review Of Mitigation Plan
 - . Complete Testing Phase After Plan Approved
 - . Letter Report On Findings
 - . Field Meeting On Testing Results And Plans For Data Recovery - Economic Hardship Option
 - . Complete Fieldwork And Report
 - . City Reviews Report And Approves Certificate Of Approval Or Requires More Work
 - . Lab Analysis Of Specimens Collected And Research On Artifacts Completed
 - . Final Report Prepared And Submitted For Approval
 - . Artifacts May Be Archived In A Repository For Future Research
3. **APPENDIX:** The Appendix contains; A. a glossary of archaeology terms, B. purposes and objectives of Scottsdale's archaeology standards, C. some reference materials including contacts/links, local criteria for significance, and D. the complete text of the Scottsdale archaeology ordinance.

1. ORDINANCE REQUIREMENTS

This section of the guide describes what is in the local archaeology ordinance, defines some of the basic activities of archaeologists, and summarizes when field surveys and mitigation plans may be required. A question (Q) and answer (A) format is used so the reader can go directly to a specific question if desired. Some definitions of the terms used are included. Additional definitions can be found in Appendix A.

Q. Why does Scottsdale have an archaeology ordinance?

A. The purpose of the local ordinance is to identify, protect and recover, when necessary, significant archaeological resources on public and private projects in Scottsdale. Without any local requirements, many significant cultural resources from past human settlements would be lost forever.

Q. When are archaeology surveys and reports required?

A. An archaeology survey and report must be submitted and reviewed by staff early in the review process. City staff will specify in a pre-application meeting if an archaeological survey and report is required to be submitted with other application materials. No development or ground disturbance can occur until all the ordinance requirements on archaeology have been met. All applicable development projects must have an archaeology survey completed (definitions follow).

Definition: A **Development Project** is anything leading to potential ground disturbance, including:

- Rezoning, use permits, master plans, and general plan amendments
- Development Review Board cases, preliminary and final plats
- Lot splits and infrastructure improvements
- Building and grading permits, and native plant removal

Definition: **Survey** means an activity with the purpose of locating, identifying, and evaluating archaeological or paleontological (fossils) sites without causing any disturbance to the ground.

Q. Who can complete the required archaeology surveys, reports and plans?

A. An archaeological survey and report must be prepared for development projects by a “Qualified Archaeologist” as defined in the ordinance, unless a development project is exempt under the ordinance. Applicants for development projects are responsible for hiring an archaeologist. A list of qualified archaeologists in Arizona is available from the City or the Arizona State Museum (www.statemuseum.arizona.edu/profsvcs/permits/permittees.asp).

Q. What types of development projects are exempt from the archaeological survey and report requirement?

A. A variety of development projects are exempt from field surveys based upon the size of the land that will be disturbed. An application for a building permit for a single-family home on one single-family lot is exempt, according to Section 46-132. Exempt projects are expected to disturb little land area and, therefore, are likely to have minimal impact on archaeological resources. Applicants can consult with City staff for a determination on whether their project is exempt.

Q. What criteria do archaeologists use in their reports to determine which resources are significant?

A. The Scottsdale ordinance contains criteria in Section 46-133, on what types of archaeological resources are significant in the City of Scottsdale. The archaeology report must include a summary of whether the resources on each identified site are significant according to local criteria, and whether any significant sites will be disturbed by the project. Archaeology reports must also include a summary on whether the resources on the property are eligible or potentially eligible for the State or National Register of Historic Places, and which local, state, or national eligibility criteria apply to the resources (definitions follow).

Definition: **Archaeological Resources** means any material remains of past human life or activities, which are at least fifty (50) years old, and of historic or pre-historic significance. Such materials include, but are not limited to petroglyphs, pictographs, paintings, ornaments, jewelry, textiles, ceremonial objects, armaments, vessels, ships, vehicles, human skeletal remains, rock art, pottery,

basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, water-control devices, pit houses, rock paintings, rock carvings, intaglios, graves, personal items and clothing, household or business refuse, printed matter, manufactured items, or any piece of any of the foregoing items.

Definition: Archaeological Site means a concentration of archaeological resources inferred to be locations used for past specific human activities.

Definition: Archaeological Site, Significant, shall mean archaeological resources determined by the Historic Preservation Officer, Historic Preservation Commission, or a Committee of the Commission, to be significant in the City of Scottsdale when one or more of the City's nine criteria for significance is contained in the archaeological resources on a property, or designated HP District by City Council. (See also Appendix D. Local Criteria for Significant Resources)

Q. What if the report finds no significant sites and/or that no significant archaeological resources will be disturbed by the project?

A. If the project has no significant resources, then the Certificate of No Effect form can be signed by the City documenting for the file that the archaeology requirements have been met. This form is completed by the applicant and submitted with the archaeology report. The City can also sign a Certificate of No Effect if there are archaeological resources on the property but no significant resources will be impacted by the project. The applicant will be required to submit documentation showing that significant sites identified within the project area will not be disturbed by the project. Documentation could include a conservation or Natural Area Open Space (NAOS) easement or by some other legal restriction acceptable to the City. NAOS is required in the area of the City with the Environmentally Sensitive Lands (ESL) zoning overlay. With a Certificate of No Effect the archaeology requirements have been met and the project may proceed (definition follows).

Definition: Certificate of No Effect shall mean an official form issued by the City stating that no archaeological resources were identified in the archaeological survey and report by a qualified archaeologist, or that the archaeological resources that may be impacted by the proposed work have been determined not to be significant, or that proposed work involving one or more significant archaeological resources or sites will have no detrimental effect on the character of the resources or sites and, therefore, work may proceed as specified in the Certificate without obtaining further authorization under this ordinance. A certificate allows the issuance of any permits for said proposed work.

Q. What happens if the survey identifies a significant site that the project will impact?

A. If during their field survey the archaeologist sees significant resources on the surface and the development will disturb this part of the site, additional work by an archaeologist will be required and/or additional requirements will apply in order to document or protect the archaeological resources on the land. The City will encourage applicants to change their plans so the development will not impact a significant site or impact less of the site. If a Certificate of No Effect is not approved, a Certificate of Approval is required. The applicant will be directed to have an archaeologist prepare and submit a Mitigation Plan for review if the project will impact all or part of a significant site identified in the survey and report. Land disturbance cannot proceed until the Certificate of Approval is signed (definition follows).

Definition: Certificate of Approval shall mean an official form issued by the City stating that the applicant has satisfactorily implemented the approved Mitigation Plan for a significant archaeological resource.

Q. When is a Certificate of Approval granted?

A. The applicant must satisfactorily complete the implementation of an approved Mitigation Plan to receive a Certificate of Approval. If an excavation of artifacts is part of the implementation, the fieldwork must be completed prior to a Certificate of Approval. Construction activity can occur on the site after a Certificate of Approval is signed. A final report on the findings is due within one year of the Certificate of Approval.

2. STEPS IN MITIGATION PROCESS FROM PLAN TO FINAL REPORT

This section contains a description of fifteen steps taken by an archaeologist, typically, to study a site. Applicants, landowners, developers, and City staff can use this manual to understand each step in the mitigation process. Before you review these steps, please keep in mind the following general description of what archaeologists do and how a Mitigation Plan directs the excavating of a site.

Archaeologists do their job using scientific methods and a research design to gather data from a site. A site or a portion of a site is dug up (excavated) by archaeologists to find out what lies beneath the surface and what can be learned about past human activities in our area by studying the remains of the past. However, excavation for archaeological research is basically a destructive activity that destroys all or part of a site in the process of recovering the information that can be gained from studying the location of artifacts on the site, and where each artifact is located in relation to all the other artifacts. Because excavating a site is a destructive activity, the City encourages developers to avoid disturbing significant archaeological sites whenever possible in planning their land development. It is understood that it may be necessary for qualified archaeologists to dig up and study the resources found at a significant site prior to any development, rather than losing forever any information that could be obtained from the site when the land is graded and/or the relationships between ancient objects is destroyed during construction.

The fifteen steps in the process are:

- A. Land Surveyed By Archaeologist
- B. Significant Site Found And Recorded By Archaeologist And/Or Site Is Recommended For Eligibility Testing
- C. Review Of Survey Report And Decisions On Additional Archaeology Work
- D. A Certificate Of No Effect Is Not Approved
- E. Mitigation Required – Certificate Of Approval Is Required
- F. Preparation Of A Mitigation Plan And Its Contents
- G. Review Of Mitigation Plan
- H. Complete Testing Phase After Plan Approved
- I. Letter Report On Findings
- J. Field Meeting On Testing Results And Plans For Data Recovery - Economic Hardship Option
- K. Complete Fieldwork And Report
- L. City Reviews Report And Approves Certificate Of Approval Or Requires More Work
- M. Lab Analysis Of Specimens Collected And Research On Artifacts Completed
- N. Final Report Prepared And Submitted For Approval
- O. Artifacts May Be Archived In A Repository For Future Research

Step A. Land Surveyed by Archaeologist

The first step in the process is for the applicant to hire a qualified archaeologist. Applicants typically find out about the requirement to hire an archaeologist at a pre-application meeting. The archaeologist then conducts a field survey and writes a report on what was found. Any significant archaeological resources on land proposed for development are identified in the archaeologist's report after they walk the land. The City should receive this report for review when an application for a development project is submitted to the City. The preparation and review of this survey report precedes any discussion or planning for mitigation.

Before they survey the proposed development site, archaeologists research the records for previously identified archaeological sites in the area (usually for a 1-mile radius). After completing their research on past records, archaeologists walk the site in a systematic order, such as walking on parallel north-south lines every 10 meters. Archaeologists look for any artifacts or structures visible on the surface. They take notes, photographs and prepare maps on what they find. The archaeologist prepares a written report after

the field survey is completed that contains, but is not limited to: A. a summary of what was found in their review of past records for the area; B. a description of how the area was surveyed; C. documentation on what was found; D. maps showing the locations of identified objects and artifacts; E. descriptions of what is known about the objects and artifacts found; and F. their analysis on whether the resources they have seen are locally significant or are eligible or potentially eligible for the State or National Register of Historic Places.

A one page Abstract at the front of the archaeology report summarizes whether no resources or any significant sites were found, and provides their recommendation. Applicants/owners are encouraged to read the recommendations in this Abstract so they are aware of their archaeologist's conclusions. When resources are identified, they may recommend further study at specific locations where resources were found. If nothing was found, and past records indicate that no sites have been found in the area, the archaeologist will state that no significant resources were found on the land and recommend that a Certificate of No Effect be approved for the project. Based upon the evidence found on the property, archaeologists working for the City review the report and often agree with the conclusions of the archaeologist. However, the survey and report may be returned to the applicant for modifications if it is found to be incomplete and/or inaccurate by the City. Preservation staff will notify the applicant if a Certificate of No Effect has been signed for the proposed project.

Step B. Significant Site Found and Recorded by Archaeologist and/or Site is Recommended for Eligibility Testing

In a small percentage of the total survey reports submitted to the City, the applicant's archaeologist does find evidence of a significant site of past human activity on the land proposed for development. Based upon their findings from the survey or from prior recorded sites, the applicant's archaeologist states that the resources on the land are clearly significant in their conclusion and recommendation. When enough artifacts are concentrated on the surface to qualify as a site according to state standards, they will proceed with filling out forms to record the site with the Arizona State Museum. If the artifacts on the surface do not provide conclusive evidence on the importance of a site, the archaeologist may list the site as potentially eligible as a significant site and recommend in their conclusion that testing be done under the surface of the site to determine the true importance of the site.

Archaeologists working for the City review the report prepared by the applicant's archaeologist and give their comments and recommendations to the City Archaeologist. The City Archaeologist, or acting City Archaeologist, reviews their comments and recommendations on the survey and report, and may approve or disapprove of the report's conclusions on the significance of the archaeological resources. The City ordinance describes the types of resources that meet local criteria to be considered significant and that merit preservation efforts. Archaeologists often recommend leaving significant sites alone. Further archaeology work is generally required when a significant site is identified in the survey, including doing some tests to find out what lies beneath the surface.

Step C. Review of Survey Report and Decisions on Additional Archaeology Work

The City objective is to encourage the preservation and protection of significant sites in their existing location (in situ). The City encourages applicants, whenever feasible, to leave land containing significant archaeological resources undisturbed. There may be cases where a significant archaeological site can be left in dedicated open space, called Natural Area Open Space (NAOS), where the Environmentally Sensitive Lands ordinance (ESLO) standards apply. However, it is recognized that it can be difficult to avoid impacting an archaeology site based upon the plans for cost effective land development. ESLO standards can be found in Section 6.1010 of the Scottsdale Zoning Ordinance (Appendix B. Scottsdale Revised Code), including open space requirements in Section 6.1060.

At this stage applicants will consider their options for: A. leaving a significant site or sites intact; or B. determining that the proposed project will impact the site and the development plans cannot be altered to avoid the site. If the site can be left undisturbed as NAOS, or through some other protection strategy, a

Certificate of No Effect can be approved after the applicant documents that the site will be protected. If a significant site will be disturbed by the development and a Certificate of No Effect is not approved, the developer will need to follow the remaining steps in the process to mitigate the impacts of their development on significant archaeological resources.

Step D. A Certificate of No Effect Is Not Approved

A Certificate of No Effect will not be approved for a project when significant archaeological resources are located on the land, the resources will not be preserved because of the proposed development, and the resources will be disturbed and impacted by the construction of the project. The applicant is notified when a Certificate of Approval and mitigation are required.

Step E. Mitigation Required – Certificate of Approval Is Required

Before any construction of the project and any grading can proceed, a Certificate of Approval will be required by the City when it has been determined that a significant archaeological site exists on the property that is proposed to be impacted by development.

The City Archaeologist shall require the applicant to have a Mitigation Plan prepared by a qualified archaeologist and submitted for review when a significant archaeological site will be impacted. A Mitigation Plan means a plan for the preservation, recovery, excavation, archiving, monitoring and/or documentation of one or more significant archaeological resources or sites. The applicant still has the option of avoiding and protecting an archaeological site rather than having to meet additional archaeology requirements for preparing and implementing a Mitigation Plan.

Step F. Preparation of a Mitigation Plan and Its Contents

The Mitigation Plan is prepared by the applicant's archaeologist. It describes how the artifacts on the land will be dug up, collected, mapped, documented and studied before the data contained on the site is lost forever when the artifacts are destroyed by the proposed development.

The content of a Mitigation Plan includes what some archaeologists and manuals would describe as both the testing and the data recovery (or data collection) phases of the excavation and documentation process used by archaeologists. Some public agencies separate these two phases –testing and data collection – into two separate plans that are reviewed separately for each phase. Scottsdale has chosen to give applicants and their archaeologists the option of preparing Mitigation Plans that combine these two phases into one plan. This option is to keep the review process as efficient as possible, and to save time in implementing the plan after it is approved. Both phases involve digging and excavation, since excavation means a field activity involving ground disturbance for the purpose of intensive examination of subsurface remains, including testing for the purpose of site evaluation.

Before the applicant's archaeologists can begin further research and digging (excavating) at a site, they must prepare a plan for their work that is approved by the City. Part of that plan describes the research questions that they are attempting to gather data on from the site. The Mitigation Plan will also:

- 1) Describe how significant archaeological sites can be protected at their locations from development impacts and/or how significant archaeological resources can be collected, analyzed and archived. The preference of the City is for significant archaeological sites to be preserved in their present locations. The Mitigation Plan can also propose using an archaeologist to monitor construction in progress.
- 2) Describe a resource assessment program to evaluate the significance of impacted archaeological resources.

- 3) Describe an effective excavation, data recovery, documentation and archiving plan for significant archaeological sites impacted by the development. Documentation should include measurements, owners, artifacts, etc., not just photos.
- 4) Describe any involvement of Native Americans in the implementation of the Mitigation Plan. The City supports efforts to cooperate with Native Americans on site management and stewardship.
- 5) Describe any planned interpretation on the site or artifacts collected.

The above list probably sounds rather academic or scientific to the reader. This is normal since a Mitigation Plan describes a scientific study by professional archaeologists based upon scientific principles.

Archaeologists do not typically plan on digging up 100% of the resources located underground on a site, particularly on larger sites. They select methods to obtain data to answer specific research questions and they choose strategies that, in their judgment, will be the most effective and efficient ways to collect what data is available from the site. For example, if there are several structures of the same type in the testing phase, it may not be necessary to uncover every structure, especially when the structures appear to date from the same time period, are similar in size, and were built the same way. The Mitigation Plan may propose plans to excavate some percentage of what is thought to exist underground on a property.

The applicant's archaeologist always has the option of completing a Mitigation Plan in two separate phases – a Testing Plan and a Data Recovery Plan – and having each phase of the plan approved separately by the City for implementation. Some archaeologists prefer using this two-phase approach so they know the results of the testing in order to pick the most appropriate methods and locations for the data recovery. The City recognizes that the results of the testing may require changes in the data recovery plans when the initial Mitigation Plan has been approved for both phases of the work (See also Steps 7-10 below).

Step G. Review of Mitigation Plan

The applicant submits the Mitigation Plan to the City for review. The City uses professional archaeology consultants to review these plans and provide their comments to the City Archaeologist and/or Historic Preservation Officer. The City Archaeologist, or acting City Archaeologist, reviews the Mitigation Plan and the comments from the City's archaeology consultant, and notifies the applicant within ten (10) days after it is submitted if the Mitigation Plan is approved or disapproved. The applicant will be notified when the Mitigation Plan has been approved and when the implementation of the plan can proceed, including fieldwork and digging by an archaeologist. Sometimes other agencies besides the City must approve the Mitigation Plan before it can be implemented, such as the State Land Department, Arizona State Museum (ASM), or the State Historic Preservation Office (SHPO).

If the plan is not approved as submitted, staff will tell the applicant what changes are needed in the Mitigation Plan for it to be approved. If there are differences/conflicts over the Mitigation Plan and what is appropriate for the site, the City Archaeologist and/or Historic Preservation Officer can send the Mitigation Plan to the Historic Preservation Commission for a hearing. When they conduct a hearing on a Mitigation Plan, the Historic Preservation Commission will make the decision on how much testing and data collection is appropriate for a specific project.

Step H. Complete Testing Phase After Plan Approved

Testing in the field can proceed after the Mitigation Plan is approved. The applicant is responsible for funding the implementation. The testing phase section of the Mitigation Plan generally includes text and maps showing where the archaeologist proposes to dig, typically trenches and square testing units, to see what lies beneath the surface. The description of the proposed testing methods will also say what types of tools and equipment will be used in the digging, such as backhoes, hand shoveling or trowel. It is up to the applicant and their archaeologist to coordinate access to the property, equipment needs, and schedules for completing this phase of the investigation. Mitigation Plans may also propose that the archaeologist

monitor construction while it is in progress by examining the sides of the trenches for utility installation and foundations to see if any archaeological resources (pottery, tools, pit houses, canals, weapons, clothing, human remains, etc.) are present.

The testing in the proposed locations may or may not reveal archaeological resources underground, or it could result in more buried archaeological resources being found than expected. When archaeological resources are found in a specific location during the testing, this often leads to additional trenching or digging in the vicinity of where something is found. The archaeologist in charge of a project needs to have the flexibility to alter the initial testing plan in response to what is found during the digging.

Step I. Letter Report on Findings

The City recommends, but does not require, that archaeologists prepare a summary in a short letter report of what they have found during the testing phase. The letter is for the benefit of both the City and the applicant because it can help both determine the next steps in the implementation, or if any changes in the initial approved Mitigation Plan are needed. The letter report format is intended to be a simple way for the applicant to revise the approved Mitigation Plan without having to submit a major new plan for review. The applicant's archaeologist can use the letter report summarizing their initial findings to propose changes in the excavation plans for the site, based upon what has been found in testing. If needed, the archaeologist can also use this step to submit a revised schedule and cost estimate to their client, the applicant.

If the completion of the testing stage finds no archaeological resources underground, the applicant's archaeologist can collect and document the surface artifacts, conclude their fieldwork and write a final report describing everything that was learned from studying the site. If the final report is accepted and the City concurs with a recommendation that no additional fieldwork is required, the applicant can receive a signed Certificate of Approval at this time and will have completed this part of the process.

If the letter summary does not propose any changes in the approved Mitigation Plan, the archaeology work at the site can proceed to the next stage without any additional review or approval by the City. In addition, if the completion of the testing stage finds some archaeological resources underground, but no changes in the initial Mitigation Plan in methods or plans appear necessary, the City can also direct the applicant to proceed promptly with the next stage of data recovery.

If changes in methods, plans, and research questions are proposed in the letter and/or a revised Mitigation Plan is submitted, the City will review the changes, with input will from the City's archaeology consultants, and the City must approve the changes before the applicant instructs their archaeologist to proceed with the field work and data collection. The City can require the submission of a revised Mitigation Plan if a letter report is not sufficient to review the changes being proposed in response to the initial findings.

As noted above in Step 5., the applicant's archaeologist has the option of preparing a Data Recovery Plan after the Testing Plan has been implemented. If this option of completing the Mitigation Plan in two phases is used, the applicant's archaeologist would submit the Data Recovery Plan at this time to the City for review and approval, before the data recovery can proceed.

Step J. Field Meeting on Testing Results and Plans for Data Recovery - Economic Hardship Option

The results of the initial testing phase can raise questions about what needs to be done to complete the fieldwork to gather data on the archaeology site or sites within the project. If the letter causes any concerns by the applicant, owner, City or archaeologists, it can be very beneficial for all to meet in the field to discuss the recommendations in the letter from the applicant's archaeologist and to resolve any issues quickly. A meeting in the field at the site is not required, but it is recommended as needed.

If the applicant, owner, and City have no concerns or questions about the fieldwork, the data collection can proceed immediately without delay or the need for a meeting on site. If the plan prepared by the applicant's archaeologist for collecting and studying artifacts is reasonable, consistent with professional

standards for archaeology, and within the guidelines from the Arizona State Museum, then the City will advise the applicant and their archaeologist to proceed with the next phase, the data recovery.

The applicant has the option of an appeal process if they find archaeology expenditures to be an economic hardship, including when the archaeology cost is high compared to the total estimated project cost. When the implementation of a Mitigation Plan is required, the City often gets questions from owners and/or developers about what is required to complete the required mitigation. A form is available for applicants to request consideration of a Certificate of Economic Hardship. The applicant can prepare documentation on expenses, and ask the City to consider high archaeological expenditures to be an economic hardship, and ask the City to reduce or not require additional archaeology work and expenditures. The Historic Preservation Commission, a citizen's body appointed by Scottsdale City Council to oversee the local historic preservation program, reviews the Certificate of Economic Hardship in a public hearing.

Step K. Complete Fieldwork and Report

As indicated above, the initial underground testing at the site provides the best source of data for proceeding with fieldwork on the site and determining the best locations for additional excavations, such as plans for new trenches or test units (typically 1-meter square holes). If a corner or part of a feature is found with a trench in the testing phase, such as the edge of a residential structure, the archaeologist may plan on unearthing the rest of the feature or structure to complete gathering data. Likewise, the completion of the fieldwork could be aimed at unearthing other areas of activity and the extent of each area of activity or a structure (many times only half a structure is excavated). Experienced archaeologists know when they reach a point of diminishing returns when little new data can be gained from the site by more digging.

Fieldwork is complete when the approved plan has been accomplished, or the approved revised plan is completed as a result of approved changes in methods after a meeting in the field, review of the letter report, or other communications on the findings from the excavation work. If new findings from the excavation result in new questions about when the work is complete, the City is always available for consultation on these types of questions. The City cannot always give a final answer on whether all the fieldwork is done to satisfy local standards until after it reviews a written report.

After the fieldwork is completed, the archaeologist prepares a report on the data collection, including descriptions of the methods used to research the site, what was collected, where it was collected, and some conclusions on what was learned on the research questions they were investigating at the site. Lab tests are not expected to be completed when the first report is submitted for review.

Step L. City Reviews Report and Approves Certificate of Approval or Requires More Work

A report is submitted to the City for review after the fieldwork is done. The report is reviewed by one of the archaeology consultants working with the City. Revisions to the report may be requested. If the Mitigation Plan has been satisfactorily implemented and the report, after being reviewed for the City by a qualified archaeologist, is found to be complete, a Certificate of Approval is signed by the City Archaeologist. From the City perspective relative to the archaeology standards, construction of the proposed project can proceed after the Certificate of Approval is signed.

The City can require that more fieldwork and excavation work be completed when it determines that; A. the fieldwork was insufficient in terms of the approved plan, B. the report does not sufficiently address the research questions under study, C. the number of the resources that were partially or fully excavated, and/or D. the resources that are discovered during the excavations. The City will notify the applicant when additional fieldwork is required, and will indicate in the notice where more work is required, what is expected to be found, and why more work is required prior to approval of a Certificate of Approval.

Some developers will also need to have the archaeology report approved by other required agencies (ASM, ASLD, SHPO, Etc.) in addition to the City. If the report was done under a specific permit for data collection on public land then it will need to be approved by the Arizona State Museum. If the data

collection was undertaken on State Trust Land, with their approval, the report will need to be approved by the State Historic Preservation Office (SHPO).

Step M. Lab Analysis of Collected Specimens Completed and Research on Artifacts Completed

The archaeologist that completed the fieldwork often collects charcoal, pollen, seeds, animal bones or other animal remains (called faunal remains), pottery, and other samples from the site that need to be tested in a laboratory. Some of the materials collected will require lab testing to determine the dates the artifacts, like pottery, were made. Testing what has been collected can reveal additional information about past lifestyles, such as what kinds of plants were used in their diet. Laboratory testing can be completed after the draft report has been completed since it is recognized that lab tests can take months to complete. Therefore, the results of the lab tests are not required to be added to the written report on the site until up to one year after the Certificate of Approval is signed. If needed, the City and its archaeology consultants may be consulted on whether the proposed number of charcoal, pollen, or other samples to be tested is adequate.

Step N. Final Report Prepared and Submitted for Approval

A final report summarizing the findings and describing the resources collected is due within one year after a Certificate of Approval is received. The conclusions in the final report have more data to back them up than the initial conclusions since the final report is based on the completion of more scientific analysis of the artifacts collected from the site and on additional research and analysis. The body of knowledge in local archaeology continues to grow as more evidence is gained from studying more sites.

The final report will be approved if it includes good documentation on what was found on the site and is done according to standards in the field. Archaeologists may disagree over conclusions but that does not mean that a report is not complete. Archaeology is a profession where the practitioners often disagree on each other's conclusions and theories to explain the past. The applicant has completed the City's archaeology requirements after the final report is submitted and approved by the City.

Step O. Artifacts may be Archived in a Repository for Future Research

Final reports must describe how the archaeological resources collected on the land will be archived. The City of Scottsdale does not maintain an archives for depositing archaeological resources. If the artifacts are placed in a museum archives, the materials can be studied by other archaeologists and compared to artifacts collected from other locations. The body of knowledge of past cultures can be expanded through a combination of the written reports on research and by making the collected artifacts available for future studies. The applicant and/or landowner need to decide where the materials collected will be kept as an important step in completing the archaeological research on a significant site.

C. APPENDIX

- 1. GLOSSARY OF ARCHAEOLOGY TERMS**
- 2. PURPOSES AND OBJECTIVES OF SCOTTSDALE’S ARCHAEOLOGY STANDARDS**
- 3. REFERENCES AND CONTACTS/LINKS FOR MORE INFORMATION**
- 4. LOCAL CRITERIA FOR SIGNIFICANT RESOURCES**
- A. TEXT OF ADOPTED ORDINANCE ON ARCHAEOLOGY FROM CHAPTER 46 - PLANNING DEVELOPMENT AND FEES OF THE SCOTTSDALE REVISED CODE**

A. GLOSSARY OF ARCHAEOLOGY TERMS

Archaeological resources: means any material remains of past human life or activities which are at least fifty (50) years old and of historic or pre-historic significance. Such materials include, but are not limited to petroglyphs, pictographs, paintings, ornaments, jewelry, textiles, ceremonial objects, armaments, vessels, ships, vehicles, human skeletal remains, rock art, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, water-control devices, pit houses, rock paintings, rock carvings, intaglios, graves, personal items and clothing, household or business refuse, printed matter, manufactured items, or any piece of any of the forgoing items.

Archaeological site: means any area with material remains of past Indian or non-Indian life or activities that are of archaeological interest, including without limitation, historic and prehistoric ruins, burial grounds and inscriptions made by humans.

Archaeological Site, Recorded: means an archaeological site that has been identified by an archaeologist and has been recorded in a database. The location is mapped and documentation on the archaeological resources found at the location is recorded or collected, and made available for research use. In Arizona, it means an archaeological site that has been identified by a qualified archaeologist and has been recorded in a database at the Arizona State Museum and/or the State Historic Preservation Office (SHPO).

Archaeological Site, Significant: shall mean archaeological resources determined to be significant in the City of Scottsdale when one or more of the City's criteria for significance are contained in the archaeological resources on a property. Significance can be determined by the Historic Preservation Officer, Historic Preservation Commission, or by City Council when a property is designated HP zoning.

Archaeologist, City: shall mean the archaeologist, appointed by the City Manager, to administer the sections of the Scottsdale Zoning Ordinance that are related to archaeological resources.

Archaeologist, Qualified: shall mean an individual or firm meeting the Arizona State Museum's standards and professional qualifications.

Certificate of Approval: shall mean an official form, issued by the City, stating that the applicant has satisfactorily implemented the approved mitigation plan for a significant archaeological resource.

Certificate of No Effect: shall mean an official form, issued by the City, stating that no archaeological resources were identified in the archaeological survey and report, or that the archaeological resources that may be impacted by the proposed work have been determined not to be significant, or that proposed work involving one or more significant archaeological resources or sites will have no detrimental effect on the character of the resources or sites. Therefore, work may proceed as specified in the Certificate without obtaining further authorization under this ordinance, and authorizing the issuance of any permits for said proposed work.

Certificate of Economic Hardship: shall mean an official form, issued by the City, whereby the City grants an exemption from the requirement to implement a mitigation plan for reasons of economic hardship.

Collect: means to remove an object from its surface location, without disturbing the ground at or around that location.

Development: shall mean the performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the division of land into two (2) or more parcels, and the creation or termination of access rights. "Development" includes but is not limited to such activities as the construction, reconstruction, or alteration of the site, or material change in the external

appearance of a structure or land; commencement of mining excavation, trenching, or grading; demolition of a structure or removal of vegetation; deposit of refuse, solid waste or fill; alteration of a floodplain, or bank of a watercourse.

Development Project: shall mean any development resulting from the approval of a building permit, lot split, preliminary or final plat, rezoning application, grading permit, public or private infrastructure improvement, development review, master plans, native plant removal, relocation or revegetation, or use permit.

Excavation: means a field activity involving ground disturbance for the purpose of intensive examination of subsurface remains. An approved Mitigation Plan is required in Scottsdale prior to excavation work.

Historic Preservation Officer: shall mean the person appointed by the City Manager to administer the City's Historic Preservation program and maintain the Scottsdale Historic Register.

Mitigation Plan: shall mean a plan for the preservation, recovery, excavation, archiving, monitoring and/or documentation of one or more significant archaeological resources or sites.

Permit: means an Arizona Antiquities Act Permit for Archaeological or Paleontological Investigations on Lands Owned or Controlled by the State of Arizona. Arizona Antiquities Act permits are generally not required for work on private, tribal or federal lands. A permit may be required in the case of state-funded projects: contact the Arizona State Museum to see if a permit is required.

Petroglyph: shall mean an image pecked into a rock surface, typically lighter in color than the surrounding rock surface. The meanings of these images to their creators are unknown today.

Pictograph: refers to an image painted in pigment on a rock surface. The meanings of these painted designs are unknown today.

Preservation: means permanent protection from disturbance of an archaeological or paleontological site *in situ*, of scientific data recovery to preserve the information and specimens contained in the site.

Preservation Easement: shall mean a nonpossessory interest in real property, granted to the City pursuant to Arizona Revised Statutes Title 33, Chapter 2, Article 4, Conservation Easements, which imposes limitations or affirmative obligations on the property to preserve the historical, architectural, archaeological or cultural aspects of the real property.

Public repository or repository: means an institution that permanently houses and provides curatorial services for scientific or historical collections and records for the benefit of the public.

Survey: means an activity with the purpose of locating, identifying, and evaluating archaeological or paleontological (fossils) sites without causing any disturbance to the ground.

Testing: means using excavation methods to determine if there are any subsurface archaeological remains. A work plan or research design is needed before testing is done. Artifacts are generally not collected when testing an archaeological site.

B. PURPOSES AND OBJECTIVES OF SCOTTSDALE'S ARCHAEOLOGY STANDARDS

Scottsdale's General Plan and the archaeology ordinance both contain text on the purposes and rationale for preserving local archaeological resources. Scottsdale's plans, policies and ordinances reflect the view that: 1) archaeology is beneficial for understanding how people lived in the desert in the past; 2) that it is valuable to gain knowledge of past civilizations; 3) that promoting a growing body of knowledge on the Hohokam and other cultures through archaeological research is of interest to the public; and 4) that identifying and protecting significant archaeological resources creates a sense of pride in our heritage.

Scottsdale City Council adopted the Protection of Archaeological Resources ordinance in July 1999 to identify, protect, and recover significant archaeological sites when necessary. The approved archaeology standards apply Citywide to all ground disturbance activities (digging up the ground) and are in Chapter 46, Planning Development and Fees of the Scottsdale Revised Code. The ordinance shows a commitment by the City to ensure that archaeological resources on public or private land are identified and protected. Please see the Appendix for the text of the ordinance. The purposes of the regulations are to:

- Assure the identification and preservation of archaeological sites in place, and the recovery of cultural remains when appropriate by requiring surveys and test excavations, and provide methods for emergency treatment of archaeological resources found through unexpected discovery; and
- Promote the preservation of the information provided by archaeological resources, within public or private development where appropriate, through procedures to evaluate sites and mitigate unavoidable information loss by providing for the treatment of those resources and with recovery of those resources where applicable.

In many cases applicants developing vacant ground will be required to hire an archaeologist to go to their proposed site and do a field survey to see if any archaeological resources, like pieces of pottery or chipped stone from tool making are visible on the surface, and they prepare a report on their findings to be submitted to the City for review. If no archaeological resources are on the site the applicant can complete the City requirements by submitting a report on the field survey.

The majority of the known archaeological resources in Scottsdale relate to the Hohokam period (from roughly A.D.1 to 1450) with a few sites used by other cultures. Efforts continue to protect known Hohokam or other cultural sites in Scottsdale and to identify additional archaeological resources. Archaeologists estimate that many sites exist in Scottsdale that have not yet been located or recorded. Please see An Overview of Scottsdale's Prehistoric Sites to read more about the Hohokam in Scottsdale. It is likely that future surveys and research by archaeologists will increase our knowledge of how the Hohokam culture survived and flourished in the Sonoran Desert. Although some of the Hohokam canals and settlements in the southern part of the community have been lost and covered by development, Scottsdale has many remaining sites representing the Hohokam, earlier peoples and other cultures (i.e. Yavapai and Apache) that have not yet been impacted by development. These include villages, seasonal camps, quarries, tool-making sites, food producing areas, and rock images called petroglyphs.

C. REFERENCES AND CONTACTS/LINKS FOR MORE INFORMATION

The implementation of the archaeology requirements is through the City's Preservation Division. Preservation staff are responsible for the overall Historic Preservation Program, including both historic and archaeological resources. In addition to local archaeology standards, in July 1999 City Council adopted an ordinance on the identification and protection of Historic Properties and the placement of significant properties on the official Scottsdale Historic Register. Resources that can be listed on the Scottsdale Historic Register include historic buildings, historic neighborhoods, and important archaeological sites. The City Council appointed seven citizens to a Historic Preservation Commission in 1997 to oversee and guide local historic preservation efforts. Preservation staff can be reached at 480-312-7013 for information on the historic preservation program and archaeology requirements. Information on both historic properties and archaeology can also be found on the City's web pages at the historic preservation home page at www.scottsdaleaz.gov/historiczoning.

Information on the City web pages about the archaeology ordinance includes:

- [Summary of ordinance](#)
- [Frequently asked questions](#)
- [Protection of Archaeological Resources ordinance](#)
- [Administrative provisions of archaeology ordinance](#)
- [Archaeology Overview](#)

Information for applicants includes:

- [Applicant fact sheet](#)
- [What projects are exempt?](#)
- [Projects located within master planned communities](#)

For more information you may reach us by e-mail at Preservation@ScottsdaleAZ.gov.

The Preservation Division produced a background report on the archaeological resources in Scottsdale, in the publication [Ancient Peoples in Scottsdale from the First Hunters and Gatherers Through the Hohokam Culture – An Overview of Scottsdale's Prehistoric Sites](#). Please contact the Preservation Division at 480-312-7013 to request a copy or go to the [Archaeology Overview](#) on the web pages above for a PDF version.

OTHER CONTACT GROUPS AND WEB SITES OUTSIDE THE CITY

The State Historic Preservation Office in Arizona State Parks has a number of programs related to historic preservation and archaeology. Their number is 602-542-4009 and their web page is www.pr.state.az.us/partnerships/shpo/shpo.html. Another state site dealing specifically with recording archaeological sites at the Arizona State Museum in Tucson is called AZSITE and is located at www.statemuseum.arizona.edu/azsite/azsite.shtml.

To obtain information on the National Register of Historic Places visit their web site at www.cr.nps.gov/nr or www.nationalregisterofhistoricplaces.com. Another national site related to archaeology is the National Park Service site on Archaeology and Ethnography Program at www.cr.nps.gov/aad/index.htm.

One prominent national organization with information on historic preservation is the National Trust for Historic Preservation. Their web site is www.nationaltrust.org.

The Scottsdale Historical Society operates a local history museum. Their web site is www.scottsdalemuseum.com.

D. LOCAL CRITERIA FOR SIGNIFICANCE

Note: The criteria listed below are an excerpt of Section 46-133.C. from the adopted ordinance on archaeology in Chapter 46 - Planning Development and Fees of the Scottsdale Revised Code.

Archaeological resources are significant in the City of Scottsdale when one or more of the following criteria are present on the property or are contained in the archaeological resources collected from the property:

1. The property represents a period or periods of prehistory or history in Scottsdale more than fifty (50) years old. The property can be evaluated in comparison to similar known sites and compared to what is currently known of Scottsdale and the region's prehistory and history, and/or
2. Important information is present on the property, or from artifacts collected from the property, and/or
3. The property has research potential and research questions can be addressed through artifacts found on or collected from the property. The property has contributed important information regarding past human life and culture in Scottsdale and the desert, and/or
4. The property contains a high frequency, density, diversity, or substantial number of archaeological resources, and/or
5. The property's archaeological resources possess integrity that positively affects their significance and the potential for the resources to yield important information, and/or
6. If artifacts have been excavated from the property, the information yielded from the artifacts and excavation has contributed to the knowledge of past cultures or archaeological techniques, and/or
7. The property possesses resources, such as buildings or structures, which can be documented to be architecturally or historically significant in their own right, and/or
8. The archaeological resources on or from the property have been acknowledged by the Historic Preservation Commission or the City Council as resources of particular importance in the history of human activities or settlement in the City of Scottsdale, and/or
9. In cooperation with any Native American community, the Historic Preservation Commission or City Council has identified the types of resources on the property as important and significant to the prehistory or history of Native Americans.

E. COMPLETE TEXT OF ADOPTED ORDINANCE ON ARCHAEOLOGY FROM CHAPTER 46 - PLANNING DEVELOPMENT AND FEES OF THE SCOTTSDALE REVISED CODE

ARTICLE VI. PROTECTION OF ARCHAEOLOGICAL RESOURCES

Sec. 46-130. Definitions.

In this article:

Archaeological resources mean any material remains of past human life or activities that are at least fifty (50) years old and of historic or pre-historic significance. Such materials include, but are not limited to petroglyphs, pictographs, paintings, ornaments, jewelry, textiles, ceremonial objects, armaments, vessels, ships, vehicles, human skeletal remains, rock art, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, water-control devices, pit houses, rock paintings, rock carvings, intaglios, graves, personal items and clothing, household or business refuse, printed matter, manufactured items, or any piece of any of the forgoing items.

Archaeological Site means a concentration of archaeological resources inferred to be locations used for past specific human activities.

Archaeological Site, Recorded, means an archaeological site in Arizona that has been identified by a qualified archaeologist and has been recorded in a database at the Arizona State Museum and/or the State Historic Preservation Office (SHPO) so that the location is mapped and documentation on the archaeological resources found at the location or collected from the location is available for research use.

Archaeological Site, Significant, shall mean archaeological resources determined by the Historic Preservation Officer, Historic Preservation Commission, or a Committee of the Commission, to be significant in the City of Scottsdale when one or more of the City's nine criteria for significance are contained in the archaeological resources on a property, or designated HP District by City Council.

Archaeologist, City, shall mean the Qualified Archaeologist appointed by the City Manager to administer the sections of the Zoning Ordinance of the City of Scottsdale relating to archaeological resources.

Archaeologist, Qualified, shall mean an individual or firm meeting the Arizona State Museum's standards and professional qualifications.

Certificate of Approval shall mean an official form issued by the City stating that the applicant has satisfactorily implemented the approved mitigation plan for a significant archaeological resource.

Certificate of No Effect shall mean an official form issued by the City stating that no archaeological resources were identified in the archaeological survey and report, or that the archaeological resources that may be impacted by the proposed work have been determined not to be significant, or that proposed work involving one or more significant archaeological resources or sites will have no detrimental effect on the character of the resources or sites and, therefore, work may proceed as specified in the Certificate without obtaining further authorization under this ordinance, and authorizing the issuance of any permits for said proposed work.

Certificate of Economic Hardship shall mean an official form issued by the City whereby the City grants an exemption from the requirement to implement a mitigation plan for reasons of economic hardship.

Development shall mean the performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the division of land into two (2) or more parcels, and the creation or termination of access rights. "Development" includes, but is not limited to, such

activities as the construction, reconstruction, or alteration of the size, or material change in the external appearance of a structure or land; commencement of mining excavation, trenching, or grading; demolition of a structure or removal of vegetation; deposit of refuse, solid waste or fill; alteration of a floodplain, or bank of a watercourse.

Development Project shall mean any development resulting from the approval of a building permit, lot split, preliminary or final plat, rezoning application, grading permit, public or private infrastructure improvement, development review, master plans, native plant removal, relocation or revegetation, or use permit.

Historic Preservation Officer shall mean the person appointed by the City Manager to administer the City's Historic Preservation program and maintain the Scottsdale Historic Register.

Preservation Easement shall mean a nonpossessory interest in real property, granted to the City pursuant to Arizona Revised Statutes Title 33, Chapter 2, Article 4, Conservation Easements, which imposes limitations or affirmative obligations on the property to preserve the historical, architectural, archaeological, or cultural aspects of the real property.

Mitigation Plan shall mean a plan for the preservation, recovery, excavation, archiving, monitoring and/or documentation of one or more significant archaeological resources or sites.

Sec. 46-131. Purposes.

The purposes of these regulations on archaeological resources are to:

- A. Assure the identification and preservation of archaeological sites in place, and the recovery of cultural remains when appropriate by requiring surveys and test excavations, and provide methods for emergency treatment of archaeological resources found through unexpected discovery; and
- B. Promote the preservation of the information provided by archaeological resources, within public or private development where appropriate, through procedures to evaluate sites and mitigate unavoidable information loss by providing for the treatment of those resources and with recovery of those resources where applicable.

Sec. 46-132. Surveys of Archaeological Sites and Exemptions.

An archaeology survey and report by a qualified archaeologist pursuant to guidelines adopted by the Historic Preservation Commission shall be required for all public or private development projects, unless the development project is included in the exemptions in Section 46-132.A. through D. below. Applicants should complete the survey and report early in the application process so the information can be used to evaluate the impacts of the proposed development on any significant archaeological sites, and so the review of the survey and report does not delay the processing of the application.

- A. An archaeology survey and report is not required for the following exempt development projects:
 - 1. A private single family residence on a single family lot.
 - 2. A non-residential development with one (1) acre or less ground disturbance activity by the project. This exemption does not apply to a linear project, such as an underground utility installation, greater than one thousand feet (1000') in length, and with above ground or below ground disturbance of greater than two feet (2') in width or depth.
 - 3. Any development project within a land area that has been mapped by the Historic Preservation Commission to be exempt based upon recent research. The Historic Preservation Commission can establish and modify exempt areas based upon available data.

4. Any approved master planned development with a previously completed and approved archaeological survey and report within the last five (5) years. Development Review Board applications in a master planned development can still be required to complete a mitigation plan if a significant archaeological site is impacted by the development.
 5. Any existing development project subject to a development or redevelopment agreement that contains specific provisions requiring the identification of archaeological resources in a report and the consideration of archaeological resources. The terms of the agreement shall control the requirements for archaeological resources.
- B. Section 46-134 on discoveries during construction still applies to any development project exempt from completing an archaeology survey and report.
 - C. An archaeology survey is not required for a development project on previously disturbed land where fifty percent (50%) or more of the land was built upon prior to the current development project. This exemption applies to archaeological surveys only. Section 46-134 on discoveries during construction still applies to a development project on previously disturbed land.
 - D. The following approved and pending applications, as of the effective date of Ordinance 3243, and subsequent applications relying on the prior approvals listed are exempt from the archaeology survey and report requirement. Section 46-134 on discoveries during construction still applies to any development project exempt from completing an archaeology survey and report.
 1. Building permits.
 2. Single family residential lot splits into two or three lots.
 3. Development Review Board cases including preliminary plats. This exemption does not apply to requests for extensions beyond the one (1) year time period the Development Review Board approval is valid.
 4. Final plats.

Sec. 46-133. Review Procedures for Archaeological Resources

- A. Applicants for development projects are encouraged to pursue HP District designation for archaeological resources determined to be significant.
- B. No development or ground disturbance shall occur, nor shall any structure or building be built upon land containing archaeological resources until the City issues a Certificate of No Effect or a Certificate of Approval. Certificates are required for property at all development projects whether or not these sites have been designated as HP District or are listed on the Scottsdale Historic Register.
- C. Archaeological resources are significant in the City of Scottsdale when one or more of the following criteria are present on the property or are contained in the archaeological resources collected from the property:
 1. The property represents a period or periods of prehistory or history in Scottsdale more than fifty (50) years old. The property can be evaluated in comparison to similar known sites and compared to what is currently known of Scottsdale and the region's prehistory and history, and/or
 2. Important information is present on the property, or from artifacts collected from the property, and/or

3. The property has research potential and research questions can be addressed through artifacts found on or collected from the property. The property has contributed important information regarding past human life and culture in Scottsdale and the desert, and/or
 4. The property contains a high frequency, density, diversity, or substantial number of archaeological resources, and/or
 5. The property's archaeological resources possess integrity that positively affects their significance and the potential for the resources to yield important information, and/or
 6. If artifacts have been excavated from the property, the information yielded from the artifacts and excavation has contributed to the knowledge of past cultures or archaeological techniques, and/or
 7. The property possesses resources, such as buildings or structures, which can be documented to be architecturally or historically significant in their own right, and/or
 8. The archaeological resources on or from the property have been acknowledged by the Historic Preservation Commission or the City Council as resources of particular importance in the history of human activities or settlement in the City of Scottsdale, and/or
 9. In cooperation with any Native American community, the Historic Preservation Commission or City Council has identified the types of resources on the property as important and significant to the prehistory or history of Native Americans.
- D. City staff and the Historic Preservation Commission shall use the archaeological survey and report prepared by a qualified archaeologist, and the criteria for significance in this section and section 6.113.A of the Zoning Code of the City of Scottsdale to identify significant archaeological resources.
- E. Within seven (7) days of submission of an archaeological survey and report the City Archaeologist and/or Historic Preservation Officer shall review the survey and report and shall approve or disapprove the recommendation on the resource's significance, and shall approve a Certificate of No Effect if:
1. No archaeological resources are located on the property according to the archaeological survey and report and based upon the City's review of the report, or
 2. The archaeological resources that may be impacted by the proposed work have been determined not to be significant, or
 3. The proposed development is assessed by staff to have no impact on significant archaeological resources and/or sites, and the applicant has documented that any significant resources will be protected through the use of preservation techniques acceptable to the City staff, such as, but not limited to, a preservation easement, dedication, site planning or zoning.
- The Certificate of No Effect means that the project can proceed without obtaining further authorization under this ordinance when other applicable City permits have been approved.
- F. If a Certificate of No Effect is not approved, a Certificate of Approval shall be required for archaeological resources according to the following procedures:
1. The City Archaeologist and/or Historic Preservation Officer shall review the survey and report and shall approve or disapprove of the recommended significance of archaeological resources impacted by the proposed development. The survey and report can also be returned to the applicant for modifications by a qualified archaeologist if it is found to be incomplete and/or inaccurate by the City Archaeologist and/or Historic Preservation Officer.

2. The Historic Preservation Officer shall require the applicant to have a mitigation plan prepared by a qualified archaeologist and submitted for review when it has been determined that a significant archaeological site exists on the property that is proposed to be impacted by development.
3. The applicant may apply for a Certificate of Economic Hardship if the time and cost of implementing the mitigation plan causes an economic hardship. A Certificate of Economic Hardship may be granted if it is determined that the cost of implementing the mitigation plan is unreasonably disproportionate to the other project costs and/or the time involved in its implementation significantly interferes with the ability to undertake the proposed development project. The Historic Preservation Commission shall review the Certificate of Economic Hardship application for the mitigation plan and shall approve or disapprove the Certificate for Economic Hardship.
4. Review of mitigation plan:
 - a. The City Archaeologist and/or Historic Preservation Officer shall review the mitigation plan and shall approve or disapprove of the recommended mitigation plan within ten (10) days after it is submitted. If the plan is not approved as submitted, staff shall advise the applicant on the changes needed in the mitigation plan for it to be approved.
 - b. The City Archaeologist and Historic Preservation Officer in making a decision on the mitigation plan shall consider methods to avoid, reduce, or mitigate effects on historic and cultural resources, such as a preservation easement, while taking into consideration the current needs of the property owner and reasonable methods for carrying out the recommended plan.
 - c. A Certificate of Approval shall be approved by the City Archaeologist and/or Historic Preservation Officer upon the satisfactory implementation of an approved Mitigation Plan.
 - d. The City Archaeologist and/or Historic Preservation Officer may, at their discretion, send any application for a Certificate of Approval or mitigation plan to the Historic Preservation Commission for a hearing and decision.
 - e. Construction activity on the site can proceed once all the necessary excavation and collecting of archaeological resources is complete. A final report describing the collection and summarizing the finding is due within one year after receiving a Certificate of Approval.

G. Appeals:

1. All appeals of staff determinations of the significance of archaeological sites, Certificates of No Effect, Certificates of Approval and disapproval of mitigation plans shall be made by the applicant within ten (10) days of the decision and shall be appealed to the Historic Preservation Commission.
2. A hearing on appeals regarding archaeological resources and procedures shall be scheduled for the Historic Preservation Commission within fifteen (15) days of the request. The Commission shall hold a hearing and can approve, disapprove, approve with stipulations or remand to the applicant for modifications the significance of archaeological sites, the Certificate of No Effect, the Certificate of Approval or the mitigation plan.
3. The owner or applicant may appeal the Historic Preservation Commission's decision, including a decision on a Certificate of Economic Hardship, in writing to the City Council within twenty (20) days of the Commission's decision. The City Council shall have the right to initiate its own review of any decision of the Historic Preservation Commission by a majority vote of the City Council made within twenty (20) days of the Commission's decision.

4. The City Clerk shall schedule the appeal for a City Council agenda not more than forty (40) nor less than fifteen (15) days following submittal of the appeal. Notice of the hearing shall be mailed by first class mail to the applicant(s) and property owner(s) at least fifteen (15) days prior to the hearing and shall be posted on the property at least fifteen (15) days prior to the hearing.

Sec. 46-134. Discoveries of Archaeological Resources During Construction.

When a previously unidentified archaeological site is discovered in the course of construction, the property owner immediately shall notify the City Archaeologist or Historic Preservation Officer. The property owner shall have a preliminary study made by a qualified archaeologist to determine the effect that the proposed development project may have on the site. The City Archaeologist and/or Historic Preservation Officer, with concurrence from the qualified archaeologist hired by the property owner, shall evaluate on-site the significance of the archaeological finding as soon as possible. When the Historic Preservation Officer, the qualified archaeologist hired by the property owner and the City Archaeologist concur that no adverse effect on the archaeological site will take place, the project may proceed immediately. Where an adverse effect on a significant archaeological site will take place, the project shall be referred to the Historic Preservation Commission at the commission's next regular meeting or a called meeting for review following the same procedure set forth for identified significant archaeological sites.

Section 46-135. Cemeteries and Human Remains

If human remains, funerary objects, sacred ceremonial objects or objects of national or tribal patrimony are discovered, the state laws established for this purpose will be followed.

Section 46-136. Fee Schedule

No fee is required for an application for a Certificate of No Effect, a Mitigation Plan, a Certificate of Economic Hardship, or a Certificate of Approval.

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