

CITY OF OJAI

RESOLUTION NO. 18-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OJAI REQUIRING ANALYSAIS OF POTENTIAL CULTURAL RESOURCES IMPACTS AND DEVELOPMENT OF CULTURAL RESOURCES PROTECTION MEASURES FOR CERTAIN, GENERALLY LARGER, DEVELOPMENT PROJECTS AND CITY PROJECTS INVOLVING EARTH DISTURBING ACTIVITIES.

WHEREAS, by adopting this Resolution, the City Council intends to require certain, generally larger, development projects that entail earth-disturbing activity and require permits from the City to analyze the project's potential impact on cultural resources and implement appropriate cultural resources protection measures developed during that assessment – except for projects relating to emergencies and projects located on parcels under 20,000 square feet in area and/or adjacent portions of the public right-of-way where the project's earth disturbing activity is strictly limited to specific areas within the parcel that have already been disturbed by documented excavation activity, and certain other specified situations.

WHEREAS, the City of Ojai's General Plan designates cultural resources for protection and provides that the City's goal is to ensure the long-term preservation and proper scientific investigation of all known and potentially extant cultural resources. The Conservation Element of the City of Ojai's General Plan further provides that the City "shall develop programs to identify and analyze known cultural resources, attempt to discover potential resources and plan for their appropriate examination and disposition" and provides that the City shall formulate and implement appropriate programs to identify and mitigate cultural resources anticipated to be encountered during the course of a development project.

WHEREAS, state law and the Ojai Municipal Code section 10-2.103 require that all development within the City be consistent with the General Plan. Under the Conservation Element of the City's General Plan, the City must therefore evaluate and seek to mitigate the impact of development on cultural and historical resources located in the City.

WHEREAS, the City of Ojai has a distinctive physical character and a rich history, reflected in its many cultural resources. Cultural resources are a nonrenewable resource and encompass a wide variety of sites which were, and are, significant in local and American history, regional architecture, archaeology and culture. These irreplaceable resources are important to the community's economic vitality, quality of life, and sense of place, and need preservation and protection. Their management and preservation is the responsibility of present generations for use and appreciation by future generations.

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WHEREAS, the entire Ojai Valley is an archaeologically sensitive area with significant prehistoric and historic resources associated with indigenous (Native American) peoples presently known as Chumash, including several known and mapped archaeological sites in the City's boundaries. Given the known information regarding the City and its history, additional unknown sites with significant prehistoric and historic resources associated with indigenous peoples and Ojai's history likely exist within the City. Cultural resources sites have a spiritual and cultural significance for the Chumash Tribe and constitute part of the community's archaeological and historical heritage. Historic resources sites similarly constitute the community's historical heritage and provide important information regarding Ojai's rich history.

WHEREAS, protecting these cultural, historic, and prehistoric resources from adverse impacts is necessary to preserve the public's health and welfare because these resources embody the history of the indigenous peoples and are the history of the previous and present inhabitants of this community. Without adequate analysis and mitigation of the potential impacts of development projects on these cultural resources, the resources, and their accompanying spiritual, historical, and archaeological values would be permanently lost. Whenever possible, cultural resources should be preserved in an undisturbed state for the benefit of future generations.

WHEREAS, to ensure evaluation and identification of potential cultural and historic resources located on the site of proposed development projects or on the site of the City's own projects, the City Council adopts this policy to require the City to prepare and consider archaeological assessments, as specified below, of the site of a project for certain projects that require a City-approved permit that authorizes earth-disturbing activity, including but not limited to, a land use permit under the Zoning Regulations in Chapter 2 of Title 10 of the Ojai Municipal Code, including all permits listed in Table 4-1 of Ojai Municipal Code section 10-2.1801, a building or grading permit under Title 9 of the Ojai Municipal Code, an encroachment permit under Chapter 1 of Title 7 of the Ojai Municipal Code, or a tree permit under Ojai Municipal Code section 4-11.04. The City Council also adopts this policy to require the City to prepare and consider specified archaeological assessments of the site of a project for certain City-sponsored or initiated projects that involve earth disturbing activity.

WHEREAS, this Resolution is intended to and does supersede the requirements of the City Council Resolution No. 15-48, which added a requirement for a preliminary archaeological assessment for certain development projects, as specified therein.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OJAI DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Recitals. That the City Council determines that the above set forth recitals are true and correct.

SECTION 2. Definitions. For the purposes of this resolution, certain words and phrases used in this section are defined as follows:

"Archaeological Resource" means an artifact, object, or site constituting material remains

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of past human life or activities within the Ojai Valley.

“Cultural Resource” means any resource that is one or more of the following: an archaeological resource; a prehistoric resource; a historic resource; or a tribal cultural resource.

“Cultural Resource Monitor” means a person who has at least five years of professional cultural resources monitoring experience in Ventura County, is familiar with the local Chumash culture, and is qualified to monitor on-site compliance during the course of an earth-disturbing project with the City’s cultural resources protection requirements.

“Emergency” means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services, as defined by Public Resources Code section 21060.3.

“Historic Resource” means an artifact, object, or site that is related to a City of Ojai designated landmark or historic district.

“Phase I Archaeological Study” means a study prepared by a Registered Professional Archaeologist qualified in both pre-historic and historical archaeology, who has at least five years of professional archaeology experience in Ventura County, and is familiar with the local Chumash culture, and which consists of an analysis of the property’s potential for cultural, prehistoric, and historic resources and identification of the location, boundaries and extent of any cultural resources located on the property, and a review of all of the following for the subject parcel and surrounding area: (1) environmental factors including geology; geomorphology; ecotones; water sources; availability and types of potentially exploited or used resources; and potential for caves, rock shelters, and mountain peaks; and (2) Google Earth aerial photographs to determine presence of other potential factors affecting the presence or absence of either a prehistoric or historical site (e.g., parcel is in a river bottom). A Phase I Archaeological Study requires consideration of the materials and documents required for review in a Preliminary Archaeological Assessment and further requires on-site evaluation of the property by the Archaeologist, including a pedestrian (ground surface) survey, and also including an evaluation of limited shovel test pits or other subsurface surveys as determined necessary by the Archaeologist for a complete analysis of the property.

“Prehistoric Resource” means an artifact, object, or site that predates recorded history and constitutes material remains of past human life or activities within the Ojai Valley

“Preliminary Archaeological Assessment” means a site-specific records search assessment prepared by a Registered Professional Archaeologist qualified in both pre-historic and historical archaeology, who has at least five years of professional archaeology experience in Ventura County, and is familiar with the local Chumash culture, of the site’s potential for cultural, prehistoric, and historic resources and will recommend the necessity for a Phase I archaeological survey with recommendations as warranted. The assessment shall include review of all of the following for the subject parcel and surrounding area: (1) prior archaeological survey(s) and reports, including all documents on file with the California Historical Records Information System (“CHRIS”); (2)

