



ENCROACHMENT PERMIT GENERAL PROVISIONS

PERMIT: An Encroachment Permit is required any time work is being performed within the public right-of-way (PROW) in accordance with the OMC Title 7, Chapter 1. The below General Provisions apply to all Encroachment Permits issued by the City of Ojai. Failure to abide by these conditions may result in cancellation of your Permit, and or fines imposed for failure to abide by all provisions. Permittee is required to be aware of and to abide by all provisions of Title 7, Chapter 1 of the Ojai Municipal Code ***This permit must be available at the job site and must be available to inspector.***

HOURS OF OPERATION: Normal working Construction hours are Monday through Friday 7:00 a.m. and 5:00 p.m.

No construction work shall be performed on weekends or City holidays (OMC 5-11.05). City observed holidays are as follows:

- New Year's Day
- Dr. Martin Luther King Jr. Day
- President's Day
- Cesar Chavez Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day
- New Years Eve

HARMLESS AGREEMENT: Each applicant for a permit shall agree to hold the City and its officers, agents and employees harmless from any and all causes of action, penalties, liabilities, or loss resulting from claims or court actions arising out of any accidents, loss or damage to persons or property occurring as a result of any work performed pursuant to the permit (OMC 7-1.105).

INSURANCE: Before a permit is issued, the applicant, or contractor who is to perform the work, shall secure, at his own expense, a policy of broad form comprehensive general, liability insurance. If the work to be performed involves any excavation, the policy shall include an endorsement that affords coverage for explosion, collapse and underground hazards. The policy shall name the City and its officers, employees and agents as co-insured and

shall protect them from claims for personal injury, death or property damage suffered by third persons and arising out of the work authorized by the permit and the manner of its installation or construction. The insurance shall be in effect on the date that the work is commenced and shall expire no sooner than one year after the date on which the work is completed. Insurance cancellation clause shall read, "The issuing company shall mail a 30- day written notice of cancellation to the certificate holder named." A certificate of the insurance shall be filed with the Public Works Department (OMC 7-1.106).

INSURANCE LIMITS: If the work to be performed under a permit will involve an excavation in a street more than six (6") inches in depth, the applicant or contractor shall furnish the liability insurance coverage required; in an amount not less than Two Million (\$2,000,000) Dollars combined single limit. For all other permits, the applicant or the contractor shall furnish such liability insurance coverage in an amount not less than One Million (\$1,000,000) Dollars single limit. If an applicant or a contractor maintains with the City a certificate of continuous insurance coverage, such applicant or contractor shall change his insurance coverage to be in compliance with the requirements of this section on or before the renewal date of the policy. The City Council may increase, decrease, or waive the insurance limits set forth above in those cases in which the City Council determines that special circumstances justify such an increase, decrease or waiver, and may be changed by resolution of the Council (OMC 7-1.107).

EXPIRATION OF PERMITS: Encroachment Permits become null and void at the expiration date indicated on the Permit. The Public Works Director may extend the time, if in his opinion; the work for which the Permit was issued was delayed in completion because of inclement

weather, strikes, an act of God, or other causes not within the control of the permittee (OMC 7-1.113).

NOTIFICATION: TO CITY: Prior to commencing any encroachment work (or in the event of an emergency repair, as soon as practical), the Permittee shall notify the City Public Works Department at phone 646-5581 ext. 204 email pwpermits@ojai.ca.gov 72 hours prior to commencing the work and provide the name, address, telephone number, and license number of the contractor who will be performing the work. TO PUBLIC: A sign shall notify the public of work scope,



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beginning and ending date, and contact information (company/name/phone number). If utility will shut down service, affected residents/businesses shall be notified by door hanger with the same information above.

RESTORATION OF RIGHTS-OF-WAY: Upon the completion of the encroachment work authorized by a permit, the permittee shall restore the right-of-way, including bridges and any other structure thereon, by replacing, repairing, or rebuilding the right-of-way in accordance with the specifications or any special requirement, but not less than to its original condition before the encroachment work was commenced. The permittee shall remove all obstructions, materials, and debris upon the right-of-way and shall do any other work necessary to restore the right-of-way to a safe and usable condition, as directed by the Director. Where an excavation occurs within an area already paved, the Director may require temporary paving to be installed within twenty-four (24) hours after the excavated area is backfilled. In the event that the permittee fails to act promptly to restore the right-of-way as provided in this section, or should the nature of any damage to the right-of-way require restoration before the permittee can be notified or can respond to notification, the Director, at his option, may make the necessary restoration. The permittee shall reimburse the City in accordance with the schedule of charges adopted by the Council (OMC Sec. 7-1.214).

OPEN EXCAVATIONS: No open excavation shall be left within the City road right-of-way after normal working hours. At the end of each workday, all excavations within roads, parkways, medians, shoulders, and the like shall be backfilled to a smooth, level grade free of humps or depressions, satisfactory for public use and acceptable to the City, or covered by trench plates if approved by the Director (OMC 7-1.407).

TEMPORARY MAINTENANCE: Temporary trenches shall be consistently maintained by the permittee or contractor during and after working hours to insure a satisfactory surface for public use and acceptable to the City. Unless permanent paving is placed immediately, temporary bituminous resurfacing two (2") inches thick shall be placed and continually maintained wherever an excavation is made through pavement, sidewalks and driveways (OMC 7-1.408).

BACKFILLING AND COMPACTION: Trench backfill material, compaction, and resurfacing shall conform

to the "Standard Specifications for Public Works Construction." Compaction testing and a written compaction report by a registered civil engineer shall be provided by the permittee or contractor as directed by the City. Saw cutting shall be required on all trenches prior to final paving (OMC 7-1.409).

TRAFFIC CONTROL: The permittee or contractor shall provide, and continually maintain, construction area traffic control signs, striping, properly equipped flagmen, and other traffic control devices. All traffic controls shall be in accordance with the California Traffic Manual (most recent edition). Failure to provide acceptable traffic control or to comply with any other condition of the Permit will result in a job shutdown until released by the City (OMC 7-1.410).

REPLACEMENT: All improvements within the road right of way, which include road signs, road striping, road symbols, and the like, which are damaged, removed, or obliterated as a result of the permittee's work shall be repaired and/or replaced. Repairs or replacements shall be equal to, or better than, the existing improvements and shall match them in finish and dimensions (OMC 7-1.411).

RESURFACING: Where the pavement or surface has been removed, the permittee shall replace it to a thickness one inch greater than that of the surrounding pavement or surface, and in no event to a thickness less than three (3") inches. The base course removed shall be replaced with processed base material to the same thickness as that of the surrounding base course, but in no event less than four (4") inches. Asphalt may be substituted for the required processed base material on a ratio of one inch of asphalt for each two (2") inches of required base thickness. When the street surface has been treated with a seal or slurry prior to the work under the permit, the seal and/or slurry shall be replaced upon the portion repaired. Shoulders shall be restored and/or treated with like materials (OMC 7-1.412).

CLEANUP AFTER COMPLETION: Immediately after the completion of the work, the permittee shall clean up and remove all materials, earth, and debris of any kind. If the permittee fails within twenty-four (24) hours after having been notified to do so by the City, the work may be done by the City and the permittee charged for the costs incurred. When a pole, guy-stub, or similar timber is removed and not replaced, the entire length thereof shall be removed from the ground and the hole backfilled and compacted (OMC 7-1.420).



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WHEN TREE PERMITS ARE REQUIRED: A tree permit shall be required when any person wishes to trench, grade, fill, compact or place construction material of any type in the "Drip Line" of an Oak, Sycamore, Mature or Heritage tree. Applications for a tree permit shall be accompanied by a report prepared by an ISA-certified arborist, or deposit funds so that the City can arrange for an arborist's report at the applicant's expense. "Drip Line" shall mean the area around a tree that encompasses a series of points formed by the vertical dripping of water from the outward branches and leaves of a tree, plus five (5') feet beyond those points (OMC Sec. 4-11.03).

SAFETY DEVICES, LIGHTS, AND BARRICADES: In the conduct of any encroachment work, supplies and excavated material shall be properly placed, and the permittee shall provide and maintain such safety devices, including, but not limited to, lights, barricades, signs, watchmen, as are necessary to protect the public (OMC Sec. 7-1.201).

WORK PERFORMED WITH OR WITHOUT PERMITS: Whenever this chapter requires a permittee to perform work, take any action, or be liable for any fee or cost, such requirement also shall apply to any person who commences any work for which a permit is required by this chapter, whether such person obtains such a permit or not (OMC Sec. 7-1.206).

NO PERMIT PROCEDURE: Any person who shall commence any work for which a permit is required by this chapter without first having obtained a permit therefor shall stop the work and apply for such permit. Failure on the part of such person to stop the work and to obtain a proper permit shall make him or her in violation of this chapter and subject to all the penalties therefore (OMC Sec. 7-1.207).

EMERGENCY EXCAVATIONS: Nothing in this article shall prohibit any person from maintaining by virtue of any law, ordinance, or permit any pipe, cable, or conduit in any highway or from making such excavation as may be necessary for the preservation of life or property if the person making such excavation applies for a permit not later than the next business day (OMC Sec. 7-1.422).

STORMWATER: The Permittee is responsible for full compliance with the following: (a) The discharge of pollutants into the storm drain system is prohibited. All discharges of material other than storm water must be in compliance with NPDES

Permit No. CAS063339 or any other NPDES permit issued by the State of California (OMC Sec. 5-12.103). (a) The Director may adopt requirements establishing appropriate BMPs for any activity, operation or facility which may cause or contribute to pollution or contamination of the storm drain system. If relevant BMPs have been promulgated by the City or any federal, State of California and/or regional agency for an activity, operation or facility which would otherwise cause the discharge of pollutants to the storm drain system or watercourses, every person undertaking such activity or operation or owning or operating such facility shall implement such BMPs. (b) Any person engaged in activities or operations or owning facilities or property which will or may result in pollutants entering the storm drain system, or watercourses, as determined by the Director, shall implement applicable BMPs to the extent they are technologically and economically achievable to prevent and/or reduce such pollutants (OMC Sec. 5-12.106).

STREET MORATORIUM ON NEWLY PAVED

STREETS: The City seeks to minimize pavement degradation, maintain structural integrity of streets, maintain a smooth riding surface for all modes, and limit negative visual impacts. Contactors or utility companies with permits that require excavation of roadways shall effectively plan and review conflicts that may be encountered. On a paved, constructed, or reconstructed street, the pavement surface shall not be cut or opened for a period of five (5) years after completion or from the recordation of a notice of completion. The City of Ojai requires all trench cuts to be T-cuts, to reduce the negative impacts of the trench cut.

APPLICANT ACCEPTANCE AND ACKNOWLEDGEMENT OF GENERAL PROVISIONS

Applicant Name

Applicant Signature

Date



STANDARD CONDITIONS FOR CULTURAL MONITORING AND PROTECTED TREES

CULTURAL MONITORING: On April 10, 2018, the City Council adopted Resolution No. 18-13 Requiring Analysis 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.

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 adopted 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.

Permittee shall read and acknowledge the resolution attached to these conditions.

PROTECTED TREES: A tree permit is required in accordance with conditions set forth in within OMC Title 4, Chapter 11. The below standard conditions apply to all tree permits issued by the City of Ojai. Failure to abide by these conditions may result in cancellation of your Permit, and or fines imposed for failure to abide by all provisions. ***Tree Permit must be available at the job site and must be available to inspector.***

PURPOSE AND INTENT: This chapter is established to recognize oak, sycamore, heritage and other mature trees as significant historical, aesthetic and ecological resources and to create favorable conditions for the preservation and propagation of this unique irreplaceable plant heritage for the benefit of current and future residents of the City. It is the intent of this chapter to recognize the special value of tree species that are native to the City because they are especially adapted to the local environment, provide important wildlife habitat and contribute to the goals of a sustainable community. An equally important goal of this chapter is to maintain and enhance the public health, safety and welfare through the mitigation of soil erosion and air pollution. In addition, this chapter is designed to preserve and enhance property values by enhancing the distinctive and unique aesthetic character of many areas of the City in which oak, sycamore, heritage and other mature trees live. OMC Sec. 4-11.01.

SCOPE: The provisions of this chapter shall apply to all oak, sycamore, heritage and designated mature trees, as those terms are defined in Section 4-11.03, on all public and private property. OMC Sec. 4-11.02.

WHEN PERMITS ARE REQUIRED:

Single-family zoned properties with an existing dwelling. *A permit shall be required when any person wishes to perform the following acts on property which is zoned single-family residential:*

(1) Remove, cut down, destroy or relocate an oak or a sycamore or heritage tree; (2) Prune live limbs over four (4") inches in diameter of an oak or a sycamore or heritage tree; (3) Trench, grade, fill, compact or place construction material of any type in the drip line of an oak or a sycamore or heritage tree; (4) Remove more than twenty-five (25%) percent of the canopy of an oak, sycamore, or heritage tree. (b) All other vacant and developed properties. Except as otherwise set forth herein, a permit shall be required when any person wishes to perform the following acts on all vacant and developed property other than property which is zoned



STANDARD CONDITIONS FOR CULTURAL MONITORING AND PROTECTED TREES

single-family residential: (1) Remove, cut down, destroy or relocate an oak or a sycamore, heritage or mature tree; (2) Trench, grade, fill, compact or place construction material of any type in the drip line of an oak or a sycamore, mature or heritage tree; (3) Prune live limbs over four (4") inches in diameter of an oak or a sycamore or heritage tree; (4) Remove more than twenty-five (25%) percent of the canopy of an oak, sycamore, heritage or mature tree. OMC Sec. 4-11.04.

APPLICATION REQUIREMENTS: Prior to the granting of a permit, an application for a permit shall be submitted to the Director. The basic form, content, instructions, procedures and requirements of the application deemed necessary for the proper enforcement of this chapter shall be established by the Director. Sec. 4-11.05.

ARBORIST'S REPORTS: (a) Applications for a permit for removal, destruction or relocation of a tree. Applications for a permit to remove, destroy or relocate an oak or a sycamore, mature or heritage tree shall be accompanied by a report to be prepared by an arborist certified by the International Society of Arboriculture ("ISA") at the applicant's expense. The applicant shall deposit funds with the City for this purpose. (1) The arborist's report shall include an assessment of the health of the affected tree(s) and recommended mitigation measures and/or conditions of approval. The report should also note if there are active birds nests observed in the tree. (2) The arborist's report shall include a monetary valuation of the tree using the ISA's method for appraising trees. (3) The arborist who prepares the report shall not participate in or profit from the removal, destruction or relocation of the tree. (4) If the report determines that the tree is hazardous or in a serious state of decline due to pest infestation or other cause by no fault of the owners, the permit fee shall be waived by the City. In addition, no replacement mitigation shall be required. (b) Applications involving tree pruning or trimming (applies to oaks, sycamores and heritage trees). (1) If the pruning work is

going to be performed by an ISA-certified arborist or under the direct field supervision of an ISA-certified arborist, no arborist's report shall be necessary and permit fees shall be waived. However, the certified arborist shall be required to complete and submit a permit application with proof of current ISA certification. The certified arborist shall state on the application whether active birds' nests are present. (2) If the pruning work is to be performed by a certified tree worker or similar certification deemed acceptable to the Director, a report from a certified arborist shall be required. The applicant shall either submit the tree report with the application or deposit funds so that the City may arrange for the arborist's report at the applicant's expense. The arborist's report shall include the number and location of affected trees and the standards to which the pruning shall be conducted to promote the health of the tree. The standards may include, but are not limited to, the maximum size of the limb or branch which may be pruned and the percentage of the tree limbs and branches which may be removed. The report should note if active birds' nests are present (c) Applications involving grading, trenching, filling or placing construction materials in the drip line of a tree. Applications for a permit involving grading, trenching, filling or placing materials in the drip line of a tree shall be accompanied by a report prepared by an ISA-certified arborist pursuant to Section [4-11.04\(a\)](#) or deposit funds so that the City can arrange for an arborist's report at the applicant's expense.

The report shall list each of the oak, sycamore, heritage and mature trees located on the site, show their location on a development plan and recommend a program for protecting the trees prior to, during and after construction. The tree protection plan may include such things as the installation of fencing around drip lines, the application of mulch or wood chips in sensitive areas, restrictions on construction, trenching and/or grading within the drip line area and other mitigations and conditions designed to protect the entire tree and its root system. (d) Applications involving routine maintenance work performed by public utilities. All public utilities whose retained maintenance includes



STANDARD CONDITIONS FOR CULTURAL MONITORING AND PROTECTED TREES

the pruning or trimming of trees within the City shall, on June 30th of each year, submit to the Director an Annual Notification of Maintenance Activities. This notification shall include, but not be limited to, the following: (1) map of facilities to be maintained; (2) schedule of work to be performed; (3) site plan of protected trees that might be affected; (4) a report from a certified arborist describing tree trimming methods and standards to be used; and (5) certifications and qualifications of tree workers and supervisors. All such work shall require an annual permit and shall be governed by the performance standards and restrictions of this chapter. Applicants will be required to pay a fee for monitoring of routine maintenance by a City retained ISA-certified arborist, which shall be set by resolution, and shall not exceed two thousand five hundred dollars (\$2,500.00) per year. OMC Sec. 4-11.06.

ENFORCEMENT: (a) Violation—Penalty. Any person who cuts, damages, moves or removes any oak, sycamore, heritage or other designated mature tree within the City or encroaches into the drip line of such tree in violation of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, may be punished as set forth in Title 1, Chapter 2, Section [1-2.03](#) of this Code. (b) Violation—Restitution. It has been determined that the oak, sycamore, heritage and other designated trees within the City are valuable assets to the citizens of the City and to the citizens of the Ojai Valley and, as a result, of the loss or damage to any of these trees, the public should be recompensed. In addition to any penalties provided by subsection (a) above, any person who cuts, damages or removes any tree in violation of the terms of this chapter is responsible for property restitution and may be required to do any or all of the following: (1) Replace the oak, sycamore, heritage or other designated mature tree or trees so removed or damaged by the donation of or by replanting two (2) or more of such trees of reasonably equivalent size and value to the tree damaged or removed. The number, size and location of said equivalent replacement tree shall be determined by the Director. (2) Pay double the customary tree permit application fee and provide for

replacement of the damaged or removed trees in an amount that is double their value using the appraisal standards of the ISA or other method of valuation acceptable to the Director. OMC Sec. 4-11.13.

APPLICANT ACCEPTANCE AND ACKNOWLEDGEMENT OF STANDARD CONDITIONS FOR CULTURAL MONITORING AND PROTECTED TREES

Applicant Name

Applicant Signature

Date

Permit #:
Issue Date:
Issued By:



CITY OF OJAI DEPARTMENT OF PUBLIC WORKS

ANNUAL UTILITY ENCROACHMENT PERMIT NOTIFICATION

Instructions: See the Annual Encroachment Permit General Provisions for a complete list of requirements. Each excavation under the Annual Permit must be reported on this form. Please notify pwpermits@ojai.ca.gov at least 72 hours in advance of work commencing or call 805-646-5581 EXT 200.

Date:

Permittee:

Office Contact:

Phone:

Field Contact:

Phone:

DESCRIPTION OF WORK

Location of Excavation:

Description of Work:

Estimated Start Date:

Estimated Completion Date:

NOTIFY

Police (Required if detour needed)

Fire (Required if detour needed; or low to no pressure to fire hydrant or building fire sprinkler)

PERMITTEE

PUBLIC WORKS

Permittee Printed Name

Director Name

Permittee Signature

Director Signature

Date

Date



CITY OF OJAI DEPARTMENT OF PUBLIC WORKS

**ANNUAL UTILITY ENCROACHMENT PERMIT
SIGNIFICANT INCIDENT REPORT FORM**

Instructions: Use this form to report any significant incidents that occur within the City of Ojai. Significant incidents are maintaining by virtue of any law, ordinance, or permit any pipe, cable, or conduit in any highway or from making such excavation as may be necessary for the preservation of life or property. Reports shall be submitted to the City within 48 hours of the incident. Please email pwpermits@ojai.ca.gov

Applicant shall notify the City immediately by phone at (805) 646-5581 ext. 200

Permittee:

Date and Time of Incident:

Location/Address of Incident:

INCIDENT INFORMATION

Please include all relevant information including: Initial Contact/Call to City; name of person spoken to Where did the incident occur? (Specific street address or intersection); Type of break; Impact to the City street/facilities; Planned corrective action and schedule; Additional Comments or Information; Attach photos of the above incident (at least 1 close up, and 1 further back)

A separate attached description may be included with this form.

Permittee Name (please print)

Signature

Date

City of Ojai
Annual Summary of Work

Year:

Permittee:

[illegible]

CITY OF OJAI

RESOLUTION NO. 18-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OJAI REQUIRING ANALYSIS 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)

known archaeological site(s) including distance to subject parcel, nature and type; and (3) known historical resources including distance to subject parcel; nature; location relative to historical town core and historical transportation routes; and locations of structures and infrastructure assessed by inspection of historical maps. Record searches shall have been performed within six months of the project application date. A Preliminary Archaeological Assessment is not a Phase 1 archaeological survey of a parcel and therefore will not include a pedestrian (ground surface) survey or an evaluation of limited shovel test pits or other subsurface surveys.

“Tribal Cultural Resource” means any archaeological, prehistoric, or historic resource that constitutes material remains of past human life within the Ojai Valley and has cultural value to a California Native American Tribe.

SECTION 3. Cultural Resources Protection Requirements for Certain Projects Involving Earth Disturbing Activities.

(A) **Applicability.** Unless exempt as stated within this Resolution, all applications for a City permit that authorizes earth-disturbing activities, including but not limited to, any one or more of the following types of permits are subject to the cultural resources review requirements stated in Table 1 below:

- 1) land use permits for earth-disturbing activities 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, which are: applicant-initiated General Plan amendments, applicant-initiated Zoning Code amendments, conditional use permits, design review permits (including design review permits approved by the Community Development Director under the Director’s Exemption provided for by Ojai Municipal Code section 10-2.2003(b)), development agreements, applicant-initiated formal code interpretations, lot line adjustments, minor conditional use permits, minor variances, development permits, planned development permits, sign permits, specific plans, temporary use permits, tentative, parcel, and final maps, variances, and zoning clearances;
- 2) building or grading permits for earth-disturbing activities under Title 9 of the Ojai Municipal Code;
- 3) encroachment permits for earth-disturbing activities under Chapter 1 of Title 7 of the Ojai Municipal Code, including any encroachment permits issued to other governments, special districts, or utilities; and
- 4) tree permits that entail earth-disturbing activities under Ojai Municipal Code section 4-11.04.

The City must also comply with the requirements set forth in Table 1 for its own projects that involve earth disturbing activity. The cultural resources review and analysis required by this resolution for certain projects is a part of the application materials for each permit stated above

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required under Ojai Municipal Code section 10-2.1805, subdivision (a)(3) for land use permits, under Ojai Municipal Code section 7-1.104 for encroachment permits, under the Building Code for building or grading permits, or under Ojai Municipal Code section 4-11.05 for tree permits. For all projects subject to this resolution, no application for a permit listed in this section for a project that involves earth-disturbing activity can be approved by the City until the required cultural resources review is completed.

(B) Exemptions. Applicants for permits for projects that meet any of the following characteristics are not required by this Resolution to complete a review or analysis of potential cultural resources, except as specified in Footnotes 4 and 5 of Table 1 below. Nothing in this Resolution relieves these projects of the obligation to follow all applicable federal and state laws in the event of discovery of any human remains.

- **Emergencies.** These requirements do not apply when, in the judgment of the Community Development Department or Public Works Department, as applicable to the permit type at issue, an emergency exists and that emergency requires immediate review of a proposed project's permit to protect public health and safety and to respond to an emergency as defined by Public Resources Code section 21060.3. Notwithstanding this exemption, the City may, at its option, require the preparation of a Preliminary Archaeological Assessment and/or archaeological or cultural resources monitoring of an emergency repair, as specified in Footnote 5 of Table 1 below.
- **Ministerial activities** in an area with no known cultural resources except for projects with special circumstances as stated below in Section 3, subsection (D). Notwithstanding this exemption, the City may, at its option, require the preparation of a Preliminary Archaeological Assessment and/or archaeological or cultural resources monitoring of an emergency repair, as specified in Footnote 4 above.
- For projects located on parcels under 20,000 square feet in area and/or adjacent portions of the public right-of-way, regardless of permit type, a Preliminary Archaeological Assessment or other cultural resources review will not be required if the project's earth disturbing activity is strictly limited to specific areas within the parcel, such as utility trenches, that have already been disturbed by documented excavation activity. This exception does not apply to a parcel that contains all or a portion of a known resource.

(C) General Requirements. Table 1 states the City's cultural resources protection requirements, via a matrix of project types and locations that specify applicable cultural resources protection requirements, which vary depending on the project type and the project location. If a project is not exempt as stated in Section 3, subsection (B), applicants for permits for a project subject to this resolution must first determine, via consultation with the Community Development Department, which of three location types the project site is on: 1) on or within 500' feet, measured from the property line of a parcel containing all or a portion of a known cultural resource to the boundary line of the project site ("Known Resource" category in Table 1); 2) on a site for which a Phase I Archaeological Survey has been completed and filed with the City, and which did not identify any known cultural resources on site and did not require or recommend any further cultural resources investigation or monitoring ("No Known Resources" category in Table 1); or 3) is not either of those and instead is a site that does not contain a known cultural resource but also has not been studied via a Phase I survey which did not identify any known cultural resources on site and did not require or recommend any further cultural resources investigation or monitoring ("Possible"

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category in Table 1). Applicants must next determine, via consultation with the Community Development Department and taking into account the applicable state law and Ojai Municipal Code requirements and the activities comprising the project, whether the project's permits are: emergency permits; discretionary permits subject to review under the California Environmental Quality Act; discretionary permits exempt from review under the California Environmental Quality Act; or ministerial permits. The applicant must then complete the cultural resources review specified in Table 1 below based on the requirement in the matrix for the project's location type and permit type, and further must comply with any cultural resources protection requirements imposed by the Community Development Director based on the analysis and recommendations of the cultural resources review. As further stated herein, certain projects are subject to different requirements as set forth in the footnotes to Table 1 below and as set forth in the Exemptions and Special Circumstances sections.

Table 1 – Cultural Resources Protection Requirements Matrix

	LOCATION Check APN # Listing		
	KNOWN RESOURCE On or within 500 feet of known site ³	POSSIBLE Unknown No Previous Phase 1	NO KNOWN RESOURCE Phase 1 Survey On File and No Resources Identified and No Recommendation for further investigation or monitoring
PERMIT TYPE			
Emergency ⁵	NR	NR	NR
Discretionary ⁴			
• Subject to CEQA ⁴	CEQA	CEQA	CEQA
• Exempt from CEQA ⁴	Phase 1 -or- Send to CHRIS ¹	Send to CHRIS ¹	NR
Ministerial ⁴	PAA ²	PAA ²	NR

¹ Ventura County Ojai Area Plan requires archaeological review for all discretionary activities; county uses CHRIS QuickCheck and requires compliance with findings.

² For ministerial activity subject to the PAA requirement: City informs applicant of archaeological requirement (PAA, Phase 1 and/or monitoring) and provides list of City-qualified archaeologists and cultural resources monitors; applicant complies with city requirement and archaeological findings as recommended by PAA and subject to Community Development Director review and approval.

³ Measured from nearest property line of a parcel containing all or a portion of a known resource to the boundary line of the project's area of work.

⁴ The City reserves the right to monitor all excavations on City right-of-way or City owned property with City contracted personnel as part of the City's permit requirement review and inspection process and to suspend activity under the permit at the City's discretion if the circumstances demonstrate a requirement for archaeological or historical resources or artifact

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assessment, recovery, or preservation.

- ⁵ The City requires prior notification to either the Public Works Department or the Ventura County Sheriff's Department's Ojai Police Chief of any and all excavations on City right-of-way and City owned property. The City reserves the right to monitor all excavations on City right-of-way or City owned property with City contracted personnel as part of the City's permit requirement review and inspection process and to suspend activity under the permit at the City's discretion if the circumstances demonstrate a requirement for archaeological or historical resources or artifact assessment, recovery, preservation, or further follow-up analysis.

Abbreviations. The abbreviations used in Table 1 have the following meanings:

CEQA — Cultural resources review is required under the provisions of CEQA, including but not limited to the tribal cultural resources review, analysis, and consultation requirements stated in Public Resources Code section 21080.3.1, et seq, as applicable.

NR – Cultural Resources Review Not Required.

PAA – Preliminary Archaeological Assessment Required.

Phase 1 – Phase 1 Archaeological Study Required.

Send to CHRIS — Applicant must have a Registered Professional Archaeologist conduct a "Quick Check" through the California Historical Records Information System ("CHRIS") and submit the Quick Check recommendation to the City.

(D) Special Circumstances — Applicants for permits for projects that meet the following special circumstances shall be required to comply with the requirements in Table 1, as adjusted by the provisions applicable to that special circumstance as stated below:

1) Review by a PAA, under the rule in footnote #2 below Table 1, is required when any of the following apply:

- Major Earth Disturbance – The proposed activity subject to the permit is estimated to disturb 25 cubic yards or more of earth (e.g., grading, in-ground swimming pool, single family residence); or
- Cumulative Impact - Cumulative impact of successive activities in same parcel over time may result in major earth disturbance, except in cases where the affected soil is documented as imported fill. Cumulative impact is defined as any permit(s) involving earth-disturbing activity after any two previous permits have been issued involved earth-disturbing activity on the same parcel within any prior three year period.

2) As stated above in Section (3), subsection (B), for projects located on parcels under 20,000 square feet in area and/or adjacent portions of the public right-of-way, a Preliminary Archaeological Assessment or other cultural resources review will not be required if earth disturbing activity is strictly limited to specific areas within the parcel, such as utility trenches, that have already been disturbed by documented excavation activity. This exception does not apply to a parcel that contains all or a portion of a known resource.

SECTION 4. City-Prepared List of Known Archaeological and Cultural Resources

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Sites. The City Council hereby directs the Community Development Director to develop a list of parcels within the City that are known by the City to contain all or a portion of a known archaeological, cultural, or pre-historic resource. This list shall be kept confidential and is not a public record under the provisions of Government Code section 6254, subdivision (r) and Government Code section 6254.10. This list shall be used by the City to advise permit applicants whether the site of the proposed project is within 500' of a parcel that contains all or a portion of a known archaeological, cultural, or pre-historic resource. The Community Development Director shall develop this list in consultation with the Tribal Chair of the Barbareño/Ventureño Band of Chumash/Mission Indians and 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. The Community Development Department shall continuously update this list as the City receives new relevant information from archaeological studies, monitoring reports, and other related communications.

SECTION 5. For all projects for which a Preliminary Archaeological Assessment, CHRIS Quick Check, or Phase I Archaeological Study is prepared, the City will provide the results of that study to the Chumash Tribe as part of tribal consultations as required by state law and the City's Municipal Code and applicable policies. The City will also provide the results of that study to the applicant, as part of a confidential information exchange required by this resolution and by the applicable provisions of the Ojai General Plan, Ojai Municipal Code, and, if a project is subject to its provisions, CEQA. The City will not release any archaeological study provided to the City under this Resolution to the public and will maintain them separate from publically accessible and available records, as these records are exempt from disclosure under the Public Records Act under Government Code section 6254, subdivision (r) and section 6254.10. Any disclosure to the applicant is not a disclosure to the general public within the meaning of Government Code section 6254.5, because the City is required to confidentially provide this information to the applicant to enable a complete evaluation of the proposed project and any potential impacts on cultural, prehistoric, and historic resources while maintaining confidentiality as specific information on these resources is protected by state law. The City will include a general description of the results of any archaeological study, without revealing the location or particular details of any known or suspected cultural resources site, in any Administrative Report and formal approval documentation as necessary to inform the public of the basis of the City's decisions, and to document the City's completion of this evaluation as it considers development projects subject to this Resolution.

SECTION 6. Environmental Determination.

The City Council determines that the following findings reflect the independent judgment of the City Council. The City Council finds that the adoption of this resolution is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines sections 15378 and 15061(b)(3) for the following reasons:

(a) Under CEQA Guidelines Section 15061(b)(3), CEQA review is not required because there is no possibility that the adoption of this policy adding to the application requirements for certain earth-disturbing activities or projects may have a significant effect upon the environment. Under CEQA Guidelines Section 15061(b)(3), a project is exempt when there is

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no possibility that it may have a significant effect on the environment. This resolution adopts additional application requirements for certain earth-disturbing activities or projects in the City, but does not approve any activity or development project. Any decision to approve or deny an activity or project will occur after the receipt of an application and its processing via the City's existing development review process and will require a further evaluation of the project under CEQA. Because this resolution adds a new application requirement for certain earth-disturbing activities or projects, but does not approve any such activities or projects, there is no possibility that this resolution will have a significant effect on the environment. Accordingly, the City finds that this resolution is exempt from CEQA under Guidelines Section 15061(b)(3).

(b) Under CEQA Guidelines Section 15378(b)(5), the adoption of this policy adding to the application requirements for certain earth-disturbing activities or projects is not a project under CEQA because it will not cause a "direct physical change in the environment" or a "reasonably foreseeable indirect physical change in the environment" because the policy modifies the City's application requirements for certain activities and projects involving earth-disturbance and does not approve any changes on the ground. Any proposed new activities and projects will require independent review by the City, including appropriate CEQA review. Accordingly, the City finds that these amendments do not qualify as a "project" under CEQA Guidelines Section 15378(b)(5) because they constitute administrative activities of government that do not directly or indirectly result in any physical changes in the environment.

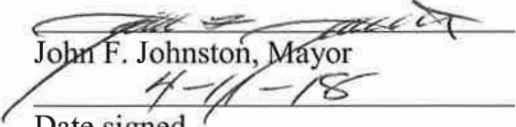
SECTION 7. Public Notification and Addition to City's Application Materials.

The Community Development Director is hereby directed to notify the public of the adoption of this policy via an appropriate mechanism, designed to ensure that the public is aware that this is a new application requirement for certain activities and projects involving earth-disturbance. The Community Development Director, Public Works Director, and Building Official are also hereby directed to add this requirement to the publicly available lists of application requirements for permits under the jurisdiction of their respective departments, including on the City's website.

PASSED, APPROVED and ADOPTED this 10th day of April 2018 by the following vote:

AYES:	Blatz, Haney, Weirick
NOES:	Francina, Johnson
ABSENT:	None
ABSTAIN:	None

CITY OF OJAI, CALIFORNIA



John F. Johnston, Mayor

4-11-18
Date signed

ATTEST:


Gail Davis, Deputy City Clerk

APPROVED AS TO FORM:


Matthew Summers, City Attorney

CITY OF OJAI
5-YEAR STREET MORATORIUM

Year	Street	Limits
<u>Construction Complete: March 2020. Moratorium Expires: April 2025</u>		
	Palomar Rd.	City Limit to north end
	El Camino Rd.	Palomar Rd. to 80' east
	Tico Rd.	El Toro Rd. to 350' south
	Rincon St.	Ojai Ave. to Aliso St.
	Oak St.	Canada St. to west end
	McKee St.	Canada St. to west end
	Signal St.	Ojai Ave. to Matilija St.
	Public Works Yard	Upper parking lot
	N. Montgomery St.	Ojai Ave. to Matilija St.
	Lower Libbey Park	North half parking lot
	N. Montgomery St.	Grand Ave. to north end
	Buena Vista St.	N. Montgomery St. to Daly Dr.
	Douglas St.	N. Montgomery St. to west end
	Franklin St.	N. Montgomery St. to east end
	Topa Topa St.	Fox St. to west end
	Grandview Ave.	Mountain View Ave. to north end
	Park Rd.	Grand Ave. to Mountain View Ave.
	Ayers Ave.	Park Rd. to Pleasant Ave.
	N. Ayers Ct.	Ayers Ave. to west end
	S. Ayers Ct.	Ayers Ave. to east end
	Aliso St.	Park Rd. to east end
	Matilija St.	Park Rd. to east end
	Bryant St.	Ojai Ave. to 500' south
	Del Nido Ct.	Oriole St. to end
	Gregory St.	Golden West Ave. to east end
	Lark Allen Ave.	Gregory St. to north end
	Oak Glen Ave.	Ojai Ave. to south end
<u>Construction Complete: August 2023. Moratorium Expires: September 2028</u>		
	Church Rd	Between Cuyama Rd. and the Maricopa Hwy
	Oakmore St.	As part of Church Rd.
	Eucalyptus	From the cul-de-sac to Canada St.
	Emily St.	Between West Summer St. and Raymond St.
	Crestview	
	Topa Topa St.	Between Blanche St. and Signal St.
	Santa Ana St.	Between Blanche St. and Signal St.
	East Summer	Between Signal St. and Lion St.
	Daly Rd.	
	Pleasant Ave.	Between Daly Rd. and Drown Ave.
	Robin St.	From the dead end to Golden West Ave.
	Cuyama Rd.	Between Sierra Rd. and El Paseo Rd.
	Lion St.	Between Grand Ave. and Aliso St.
	Fairview Rd.	

	Grand Ave.	Between Mercer Ave. and Gridley Ave.
	East Summer	From cul-da-sac to Canada St.
	Drown Ave.	Between Redhill Rd. and Pleasant Ave.
	White Oak Circle	
	Meadowbrook Rd.	Between Pleasant Rd. and Red Hill Rd.