

Town of Yountville

Resolution Number 22-4138

MAKING DETERMINATIONS UNDER SECTION 17.76.020(E) OF THE YOUNTVILLE MUNICIPAL CODE TO AUTHORIZE RIPARIAN CORRIDOR RESTORATION AND STORMWATER RETENTION DEVELOPMENT WITHIN THE HOPPER CREEK SETBACK LOCATED AT 6630 JEFFERSON STREET AND WITHIN THE HOPPER CREEK SETBACK WITHIN THE TOWN RIGHT OF WAY.

Recitals

- A. WHEREAS, on June 17, 2022, Blue Oak Partners submitted a request to conduct riparian restoration and activities within the Hopper Creek setback for the properties and work identified in Exhibit A, which is fully incorporated herein by this reference.
- B. WHEREAS, the Creekside Overlay in Chapter 17.76 of the Yountville Municipal Code, specifically Section 17.76.020, states that no building or structure shall be erected, constructed, or placed within the Hopper Creek setback and that it is prohibited to deposit, excavate, or remove any material within the Hopper Creek setback area, except that “[c]onditions may be waived by the Town Council only if determined that the proposed work will not increase any danger of flooding to any part of the Town of Yountville, and that the proposed work will assist in achieving the goals stated in Section 17.76.010 of [the Yountville Municipal Code]”;
- C. WHEREAS the Town Council held a public meeting on July 19, 2022 to consider the request and the determinations above to allow the work;
- D. WHEREAS, the Town Engineer and Public Works Director has reviewed the request and determined it would not increase flooding;
- E. WHEREAS, the proposed work intends to protect and enhance the riparian cover and wildlife habitat and the planned increase in bank stabilization would help prevent current and future erosion.
- F. WHEREAS, the proposed restoration work intends to bring the portion of the creek back to a healthier state by removing non-native invasive species and debris and replanting with native and riparian plants, thus preserving the native landscape and environment of the local area and improving it.
- G. WHEREAS, the proposed work will benefit the environment by providing native plants and restoration of the creek to benefit the overall natural cycle.

Now therefore, the Town Council of the Town of Yountville does resolve as follows:

- 1. The Recitals above are true and correct and fully incorporated herein.
- 2. The Town Council hereby finds and determines that the proposed work, detailed in Exhibit A, will not increase any danger of flooding to any part of the Town of Yountville, and that the proposed work will assist in achieving the goals stated in Section 17.76.010 of the Yountville Municipal Code, including: (A) to protect private and public lands from flood damage caused by deposits of debris and other materials collected by flood waters; (B) to protect the riparian cover and wildlife habitat extending along the creek by preventing erosion of the creek’s banks and siltation of the creek’s waters; (C) to preserve the existing natural and visual character of Hopper Creek and its

environs; and (D) to promote the broader social, economic and environmental well-being of the Town.

3. The Town Council hereby authorizes the scope of work and details outlined in Exhibit A.
4. The following conditions are hereby imposed on the proposed work in addition to any of those required as part of the project approved March 8, 2022, and included in the Notice of Action included as Exhibit B.
 - a. Any work conducted within the Town Creek Street right-of-way will require a no-fee encroachment permit approved by the Public Works Director.
 - b. All vegetation planted within the creek setback shall be native and riparian plantings as determined by the Planning and Building Director. Additionally, no tree species listed within Chapter 12.16.050 ("Prohibited Trees") shall be planted and any such existing trees shall be removed.
 - c. For any work performed within the bed or bank of Hopper Creek, or within the creek setback subject to an additional regulatory agency's jurisdiction, the applicant shall be responsible for any permitting through the regulatory agency (e.g., Regional Water Quality Control Board, California Fish and Wildlife, and any others).
 - d. No outdoor lighting shall be allowed within the creek setback area, nor shall light spill from outdoor lighting into the creek setback area.
 - e. No native vegetation or tree that has a trunk larger than three inches in diameter measured at ground level shall be removed within the Hopper Creek setback area.
 - f. Tree protection best management practices shall be adhered to prior to commencement of and during work performed in the creek setback. This includes all applicable regulations within Chapter 17.128 ("Tree Preservation and Management") of the Yountville Municipal Code.
 - g. Debris removal, tree limbing or related work conducted that would require tools beyond non-powered hand tool use, or back filling, shall require the presence of a riparian specialist in addition to the contractor to ensure no soil or debris travel into the creek.
 - h. Irrigation shall comply with Town of Yountville water restrictions and the Model Water Efficient Landscape Ordinance, if applicable.
5. This Resolution is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15304 (Minor Alterations to Land), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions by Regulatory Agencies for Protection of Natural Resources), 15308 (Actions by Regulatory Agencies for Protection of the Environment), 15330 (Minor Actions to Prevent, Minimize, Stabilize, Mitigate, or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances), and 15333 (Small Habitat Restoration Projects).
6. The Resolution is hereby adopted and becomes effective and in full force immediately upon adoption.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Yountville, State of California, held on this 19th day of July, 2022 by the following roll call vote:

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AYES:

NOES:

ABSENT:

ABSTAIN:

John F. Dunbar, Mayor

ATTEST:

Eddy Gomez Town Clerk