

Town of Yountville
Resolution Number 23-4193

APPROVING THE TREE REMOVAL PERMIT APPLICATION FOR THE YOUNTVILLE COMMUNITY CHURCH (6621 YOUNT STREET; APN 036-053-002) TO PERMIT THE REMOVAL OF THE APPROXIMATELY 33.5" DBH VALLEY OAK TREE LOCATED ON THE NORTH END OF THE PROPERTY.

Recitals

- A. On September 12, 2022, the Town received a Tree Removal Permit application requesting the removal of a Valley Oak, a protected tree under Yountville Municipal Code (YMC) section 17.128.040, located at 6621 Yount Street (APN 036-053-002) (the "Subject Tree").
- B. In September of 2022, an arborist report was prepared by Bill Pramuk regarding the Subject Tree.
- C. On March 3, 2023, the Yountville Town Council Agenda was posted giving notice that the Tree Removal Permit application would be considered at the next regular Town Council meeting on March 7, 2023.
- D. On March 7, 2023, the Yountville Town Council received Staff's presentation, opened the item for public comment, considered all evidence in the record, deliberated, and provided direction to Staff on the approval of the Tree Removal Permit subject to certain mitigation measures and conditions, as authorized by YMC Section 17.128.060 (C).
- E. In accordance with YMC Section 17.128.060 (B) and (C), the Town Council, referred to therein as the "responsible reviewing authority," may conditionally approve the application and authorize a tree removal permit if one or more of the findings therein can be made.

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

- I. The Tree Removal Permit Application for the Yountville Community Church, located at 6621 Yount Street, permitting the removal of the approximately 33.5" DBH Valley Oak tree located on the north end of the property, is hereby approved, based on the following finding:
 - a. Alternative mitigation measures that reduce a structural defect but do not result in removal of the tree(s) are either impractical or would not benefit the longevity of the subject tree(s). This is so because, although the arborist report did not include possible mitigation measures, the arborist report does state the Subject Tree shows very poor to no potential for recovery. It is understood that mitigation measures would likely not revive the health of the tree based on its current condition, and not allowing the tree's removal now would only lead to its needed removal in the near future, the Council finds that the approval is warranted under this finding.
- II. Pursuant to YMC Section 17.128.060 (C) and other applicable law, the Town Council's approval of the Tree Removal Permit Application is subject to the following mitigation measures and conditions:

- a. Removal of any and all foreign items affixed or inserted into any “protected tree” (as that term is defined in YMC Section 17.128.040) at 6621 Yount Street within fifteen (15) days of the adoption of this resolution (e.g., nails, lights, wires, etc.) to enable completion of the required arborist report.
- b. Prior to the removal of the Subject Tree, the applicant shall submit to the Town of Yountville a deposit in the amount of \$5,000 pursuant to the Town’s Master Fee Schedule adopted April 5, 2022. The deposit shall be provided to the Town within fifteen (15) days of the adoption of this resolution.
- c. Prior to the removal of the Subject Tree and at the cost of the applicant, a second arborist report shall be conducted by a certified arborist, approved by the Planning Officer, to inspect the health of both the Subject Tree and the second Valley Oak tree on the south side of the property to analyze whether and to what extent removal of the Subject Tree will impact the second Valley Oak tree. The arborist report shall include but is not limited to providing the following information:
 - i. A review and response of the evaluation of the arborist report prepared by Bill Pramuk in September 2022;
 - ii. Mitigation measures that may help to save other protected trees on the property;
 - iii. A recommendation on the largest Native Oak or similar replacement tree(s) that can be planted on-site while maintaining a high likelihood of success;
 - iv. A recommendation on replacement tree(s) that is well-suited for the location of the Subject Tree; and
 - v. An evaluation of the health of the second Valley Oak, including whether and to what extent its health will be affected by removal of the Subject Tree, and recommended care instructions to improve the health of the second Valley Oak over the course of the next five years.
- d. The applicant shall acquire, at its own cost, a certified arborist to conduct the tree care recommendations made in the required arborist report for the second Valley Oak. Thereafter, on an annual basis for a period of five years, the applicant shall show proof of tree care performance and monitoring of any replacement tree(s) and the effect(s) of removal on the remaining protected tree pursuant to YMC Section 17.128.070 (E).
- e. The applicant shall work with the Planning Officer in a timely manner to coordinate permission for the arborist inspection(s) to take place.
- f. Both the tree removal contractor and the landscape contractor must abide by YMC Chapter 8.04, which states that no person engaged in gardening or landscape maintenance as a contracted service shall operate any tools or equipment which cause intrusive noise except between 9:00 am and 6:00 pm, Monday through Friday, or Saturday between 9:00 am and 12:00 pm on the condition that a property owner is present. Neighbors shall also be notified prior to any work being done, out of courtesy.
- g. Any “code violation,” including but not limited to a violation of any provision of the Yountville Municipal Code, any codes adopted by reference therein, or any violation of any condition

imposed upon issuing any permit, including the Tree Removal Permit Application approved by this Resolution, may be subject to administrative enforcement under YMC Chapter 8.05, including fines, penalties, and/or abatement, in addition to any other enforcement remedy available at law or in equity.

- III. This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15304 (Minor Alterations to Land), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions By Regulatory Agencies for Protection of Natural Resources), and 15321 (Enforcement Actions by Regulatory Agencies).
- IV. 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 21st day of March 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Margie Mohler, Mayor

ATTEST:

Eddy Gomez, Town Clerk