



Town of Yountville

6550 Yount Street
Yountville, CA 94599

Staff Report

Agenda Item #: {{section.number}}A

Yountville Town Council Staff Report

DATE: October 3, 2023

TO: Mayor and Town Council

FROM: Diane Levine, Assistant Planner

PREPARED BY: Diane Levine, Assistant Planner

RECOMMENDATION

Introduce and Wave First Reading of Ordinance 23-524 Amending Sections 17.128.030, 17.128.040, and 17.128.050 of Chapter 17.128 and Section 17.236.010 of Chapter 17.236 of Title 17 of the Yountville Municipal Code to Require a Public Notice and Comment Period for Tree Removal Permits, Require Arborist Reports be Conducted by the Town Consulting Arborist for Tree Removal Permit Applications and Define Town Consulting Arborist, and Finding Amendments Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Regulations 15061(b)(3), 15307, and 15308.

DISCUSSION/BACKGROUND

June 20, 2023, Town Council Meeting

During the Town Council meeting held June 20, 2023, members of the Town Council requested to receive an informational report from the Planning and Building Staff regarding a summary of and historical context of Title 17's Tree Preservation and Management Chapter 17.128 (the "Tree Ordinance"), including information on Heritage Trees.

July 18, 2023, Town Council Meeting

On July 18, 2023, the Planning & Building Department Staff presented a Staff Report for discussion and potential direction from the Town Council regarding Yountville Municipal Code (YMC) Chapter 17.128, Tree Preservation and Management. During the presentation of that Staff Report, Planning & Building Director Irene Borba provided potential additional measures that could strengthen the Town's review process and increase transparency as to the removal of protected trees that are approved at an administrative level. After a broad discussion regarding trees, Town Manager Raulston suggested an approach to strengthening the Town's Tree Ordinance in a reasonable manner, which was to take a two (or more) step approach to strengthening the Town's tree ordinance policies. It is important to note that approaching this extensive topic in multiple steps enables Staff and eventually hired experts (the Town Consulting Arborist) to address each facet appropriately and thoroughly, which will foster a comprehensive analysis while also being considerate of Staff's workload capacity, and that the amendments discussed herein are just one segment of items that will be brought forward over time based on the discussions and desired outcomes of the Town Council. In addition to the amendments herein, Staff has been working to obtain a Town Consulting Arborist, which will enable the Town Council and Staff to rely on expert opinion prior to making changes to the Code as needed.

With that in mind, Staff brings forward minor text amendments to the Town's Municipal Code based on direction from the July 18, 2023 Town Council meeting with the intention of strengthening the Town's Tree Removal Application process. As proposed, the text amendments will require notice be sent to all property owners within

300 feet of a property containing a tree subject to a Tree Removal Permit Application before such permit is approved, to increase transparency with such matters. The notice will also allow for a 10-day comment period. Subsequently, comments received can be taken as additional information analyzed during the determination process. This text amendment and all other text amendments can be seen in Exhibit A. The text amendments will also require that the Town Consulting Arborist conduct any opinions/reports related to proposed tree removals to ensure an impartial assessment by a well-qualified certified arborist who is familiar with the Town's dedication to tree preservation and management as well as all regulations related to tree removals. Engaging a Town Consulting Arborist will not only facilitate the assessment of proposed tree removals but also provide expertise in enhancing the broader undertaking of this initiative. This expert will be able to delve into additional significant improvements to the tree ordinance and address more specific questions that require more in-depth knowledge and analysis. Staff intends to promote the revised procedure by utilizing water bill mailings, including an informational letter informing individuals that the Town's Consulting Arborist will now be involved in generating arborist reports in relation to proposed tree removals.

After hiring the Town Consulting Arborist, it is the goal of the Planning & Building Department to conduct further analysis of the Tree Ordinance to the satisfaction of the Town Council.

September 12, 2023, Zoning & Design Review Board Meeting Public Comment

The Town received two public comments at the September 12th Zoning & Design Review Board (ZDRB) meeting in response to the proposed amendments, which have been included as Attachment B. One comment explicitly stated the commenter's encouragement for the ZDRB to recommend approval of the amendments. The second comment intended to make a connection between the value of trees as they relate to climate change and recognized that Yountville is making efforts towards the necessary shifts to support the fight against climate change.

Zoning & Design Review Board Recommendation and Discussion

The ZDRB made a recommendation to the Town Council to adopt the amendments as presented with the modification that the Town Arborist report be conducted prior to the notice and comment period. The recommended modification allows the Town Consulting Arborist's determination of tree removal eligibility to be included in the notice followed by the 10-day comment period. This would also prevent notices being sent out to neighbors pertaining to an Applicant's request should it ultimately result in a denial. The recommended modification does not result in a need to revise the text amendments presented at the September 12, 2023 ZDRB meeting nor text amendments presented to the Town Council on October 3, 2023.

One comment made by the ZDRB was whether the amendments met a portion of number two (#2) of the findings required by Section 17.184.060, which can be found below. The comment suggested that the amendments would make the Tree Removal Application process more difficult for the applicant and therefore, to say the amendments would not be detrimental to the convenience of the Town would be inaccurate. Staff explained the amendments should not be viewed as detrimental to the Town's convenience. Rather, the inclusion of a Town Consulting Arborist, along with the utilization of their expertise, would provide Staff with convenient and reliable expert opinions for tree reports and in turn instill greater confidence in tree reports by both the Town and hopefully the community.

The ZDRB asked clarifying questions of Staff pertaining to when an application is required, what trees require a Tree Removal Permit Application, whether trees excepted from the Tree Removal Permit requirement should also require an application and the like. These inquiries/discussion items did not pertain to the subject matter for vote, but the Board was told these are items that can be brought to the Town Council for consideration be that through public participation at the Town Council meeting or as part of a later segment of the Tree Ordinance review process. That portion of the discussion and the full ZDRB item discussion can be accessed through the Town website or by copying and pasting the following link into your web browser: <https://yountvilleca.new.swagit.com/videos/271390> .

FINDINGS REQUIRED BY YMC 17.184.060

Staff believes the Town Council can make the findings required by Section 17.184.060 to adopt this amendment

to the Town's Zoning Ordinance, based on the following:

1. The proposed amendment(s) would further the goals, objectives, policies and programs and is consistent with the intent of the General Plan;

Yountville has existing policies and programs aimed at tree preservation and management. The proposed Ordinance is consistent with the General Plan objectives, policies, and implementation programs of the Open Space + Conservation Element. The following goals and policies are furthered by the proposed text amendments.

- *General Plan Goal OS-5: Protect and preserve trees, native vegetation, riparian habitat, and sensitive natural communities that provide ecological, economic, and aesthetic benefit.*
 - *OS-5.1a: Tree Management. Continue to regulate the removal, cutting, and other activities detrimental to trees, and require replanting of replacement trees as feasible.*
- *General Plan Goal QL-1: Maintain a high quality of life in Yountville.*
 - *QL-1.1: Preserve and enhance the quality of life in Yountville by prioritizing the needs and desires of the residents in governmental decision-making and delivery of services.*

Because the amendment will require public notice with a 10-day comment period to review Tree Removal applications, the amendment allows for more input from residents prior to decisions made on an administrative level.

Additionally, the adoption of an Ordinance that would require a Public Notice with a 10-day comment period and require the use of a Town consulting arborist for Tree Removal Permit applications would help strengthen existing processes and procedures outlined in the Yountville Municipal Code.

The proposed ordinance amendments are also consistent with the General Plan Sustainability Theme.

2. The proposed amendment(s) would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town;

The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town because the Town seeks to preserve and enhance the environmental setting, unique characteristics, and aesthetic quality of the Town of Yountville.

3. For amendments involving a zoning or land use map amendment, the site is physically suitable, including consideration of physical constraints, access, compatibility with surrounding land uses, and provision of utilities, for the requested or potential land uses.

The proposed amendments would not impact Zoning or Land Use Maps.

ENVIRONMENTAL REVIEW

Exempt per California Environmental Act (CEQA) Guideline, Section 15061(b)(3)

Staff considers the Zoning Ordinance to be exempt pursuant to CEQA Guidelines section 15061(b)(3) (no potential for causing a significant effect on the environment). To the extent the Ordinance is a project subject to the requirements of CEQA, it is categorically exempt pursuant to CEQA Guidelines sections 15307 (actions by regulatory agencies for the protection of natural resources) and 15308 (actions by regulatory agencies for the protection of the environment); based on the following:

CEQA Guidelines Section 15061(b)(3) exempts projects from environmental review where it can be seen with

certainty there is no possibility the activity in question may have a significant effect on the environment. The proposed Zoning Ordinance text amendments at issue herein require the Town to issue a Public Notice and allow for a 10-day comment period and require the use of the Town's consulting arborist for Tree Removal Permit applications in all zoning districts. No increase in tree removal activity would occur because of the text amendments. It is likely that if any change occurs, it will be that of fewer tree removal approvals due to a Town consulting arborist implementing the Town's desires for tree protection and mitigation over removal.

CEQA Guidelines Section 15307 exempts projects undertaken by regulatory agencies, such as the Town of Yountville, to assure the maintenance, restoration, or enhancement of a natural resource(s) where the regulatory process involves procedures for the protection of the environment. The amendments at issue herein represent an action of the Town, consistent with the policies of the Town's General Plan, to maintain and protect natural resources. Specifically, the amendments aim to strengthen the existing regulatory process by incorporating a 10-day comment period and protection of natural resources by ensuring arborist reports accompanying Tree Removal Permit applications are conducted by an unbiased party.

CEQA Guidelines Section 15308 exempts projects undertaken by regulatory agencies, such as the Town of Yountville, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment. The Zoning Ordinance text amendments at issue herein represent an action of the Town, consistent with the policies of the Town's General Plan, to protect the environment. Specifically, the amendments aim to reduce the margin of error in the applicability of exceptions to the Tree Removal Permitting process

FISCAL IMPACT

Is there a Fiscal Impact? Yes

Is it Currently Budgeted? No

Where is it Budgeted? N/A

Is it Mandatory or Discretionary? Discretionary

Is there a Staff Resource Impact? Yes

STRATEGIC PLAN GOAL

Is item Identified in Strategic Plan? Indirectly

If yes, Identify Strategic Goal and Objective. **Quality of Life:** The Town enhances the livability of Yountville by providing well-maintained public facilities, parks, and trails, and quality programs and events.

Briefly Explain Relationship to Strategic Plan Goal and Objective. The Town enhances the livability of Yountville by providing well-maintained public facilities, parks, trails, and quality programs and events. The Town's tree removal process ensures that appropriate consideration is given to each request to remove a tree to maintain the Town's urban forest.