

EXHIBIT A

*Red text indicates new language. Strike-through indicates language to be removed.

Section 17.128.050, *Permit Application* of Title 17 of the Yountville Municipal Code is hereby amended to read as follows:

Applications for tree removal permits shall be submitted to the Town on forms provided by the Planning & Building Department. There shall be a fee for this permit as established by resolution of the Town Council as a part of the Town's Master Fee Schedule. **The fee shall cover the full costs to the Town to process the application including, without limitation, the costs of the Town Consulting Arborist. Upon completion of the application and submittal of all supporting documents and fees, the Planning & Building Department shall send notice to all property owners within 300 feet of the subject property and adhere to a 10-day comment period before issuing a Tree Removal Permit.**

A. An application for tree removal permit shall be required for all protected trees.

B. Applications shall be submitted to the Planning & Building Department and shall be accompanied by the following information.

1. When combined with a larger development application, a preliminary site plan and grading plan showing the number, size, type, and location of tree(s) to be removed and trees to be preserved, and the location of all existing and proposed improvements on the property. The plan shall include the approximate driplines of all trees on-site and trees located on adjacent properties with canopies overhanging the project site.
2. When not combined with a larger development application, a site plan showing the number, size, type, and location of the tree(s) to be removed and all existing improvements on the property.
3. The property owner's name, address, and telephone number.
4. The name, address, phone number, and business license number of the company or individual to remove the tree(s).
5. Specific reasons for requesting removal of the tree(s).

C. ~~An arborist report shall be submitted as part of the permit application if determined necessary by the Planning Officer. The adequacy of the tree report shall be subject to determination by the Planning Officer, who may hire a consulting arborist at the expense of the applicant to provide a peer review of the methodology, sufficiency, and conclusions of the submitted report.~~ **The Town Consulting Arborist shall prepare an**

arborist report for review and use by the Planning & Building Department in reviewing the application and making decisions and findings pursuant to Section 17.128.060.

D. Application for and granting of a permit may be jointly considered with an application for any other development entitlement which may be required.

Section 17.128.030, *Hazard Reduction and Prevention* of Title 17 of the Yountville Municipal Code is hereby amended to read as follows:

A. The following preventative measures shall be taken to reduce hazard risks.

1. Plant trees that are not problematic and that fit the site. The International Society of Arboriculture (ISA) has developed a list to assist property owners in avoiding trees that may become a problem.

2. A healthy, vigorous tree that receives regular care is less likely to become hazardous than one that is ignored. Prevention is the best solution to the tree hazard problem.

3. The risk of hazard may be reduced by removing dead and broken branches, reducing branch end weights, by mechanically supporting weak branches from below, or by cabling and bracing.

4. In some cases, hazards may be eliminated by removing picnic tables or other items beneath a precarious tree, fencing to prevent access to such trees, or rerouting pedestrian or vehicular traffic.

B. Where a hazard can be reduced to a less than significant level or hazard, as determined by **the Town Consulting Arborist or other** a certified arborist in a written tree report, all reasonable mitigation measures shall be taken.

C. Where there are two or more conflicting tree reports, the **Planning Officer in consultation with the Town consulting arborist Consulting Arborist** shall make the final determination on a hazardous rating.

Section 17.128.040, *Permit Required* of Title 17 of the Yountville Municipal Code is hereby amended to read as follows:

A. **Applicability.** Except as provided in subsection B of this section, no person may destroy or remove any of the following protected trees from any private property without first obtaining a tree removal permit, in accordance with ~~Section 17.128.060~~ Section 17.128.060 of this chapter:

1. A heritage tree identified in the Heritage Tree Survey;

2. Any native oak tree with a trunk that measures 10 inches diameter at breast height (DBH) (equal to 31 inches in circumference) or more;
3. Any tree with a trunk that measures 12 inches DBH (equal to 38 inches in circumference) or more or a multi-stemmed perennial plant having an aggregate DBH of 20 inches (equal to 63 inches in circumference) or more;
4. A tree shown to be preserved on an approved development entitlement or specifically required by the Town Council or Zoning and Design Review Board to be retained as a condition of approval of an entitlement; or
5. A tree required to be planted as a replacement tree.

B. Exceptions. A tree removal permit is not required under subsection A if:

1. ~~Prior to removal, the owner submits a tree report by a certified arborist verifying the tree as dead and receives approval for removal from the Planning Officer.~~ **Prior to removal, the Town Consulting Arborist concludes, with an arborist report paid for by the property owner if deemed necessary by the Planning Officer, that the tree is dead and the Planning Officer approves the removal.**
2. The removal of the tree was specifically approved as part of a previously approved development entitlement.
3. The work to be performed is routine maintenance necessary for the health of the tree or protection of property; provided, however, that non-routine maintenance shall be subject to fines and penalties as provided in this **code** chapter.
4. ~~Prior to removal, the Planning Officer determines that the tree constitutes a hazard or threat to the public health and safety or property in the vicinity in cases where one or more of the following apply:~~
 - i. The tree (or trees) in question is dying, diseased or has been substantially damaged and will likely in the near term threaten the health and safety of persons or property improvements in the immediate vicinity and such disease or threat is verified in writing by a licensed tree surgeon or certified arborist. Prior history of poor maintenance affecting the health of the tree may invalidate grounds for removal of an unhealthy tree; or
 - ii. The tree (or trees) in question is classified as a pyrophyte, including Monterey Pine, Bishop Pine, Acacia, and Eucalyptus species; or

iii. Tree removal or alteration is by a public agency or public utility to provide for the routine maintenance of public land or public utilities; or

iv. Tree removal or alteration is by a homeowner or a homeowner's association when it can be demonstrated that the tree is causing damage to a utility that cannot be relocated and mitigation measures are not feasible.

Section 17.236.010, *Definitions* of Title 17 of the Yountville Municipal Code is hereby amended to add the following definition in alphabetical order:

"Town Consulting Arborist" means a certified arborist employed or retained by the Town to conduct tree reports, review third party tree reports, or otherwise administer Yountville Municipal Code Chapter 17.128.