

Exhibit A

EXHIBIT A – PROPOSED TITLE 10 TEXT AMENDMENTS

Added text is shown as blue underline and deleted text is shown as ~~red-strikethrough~~.

Section 1. Section 10.01.020 shall be amended to read as follows:

10.01.020 - Definitions.

As used in this chapter:

- A. "Arborist" means a person who is certified by the ~~Western Chapter of the~~ International Society of Arboriculture and who has specific knowledge regarding trees with the ability to determine whether such tree is diseased, and holds themselves out as able to make recommendations regarding preservation, pruning and cutting of trees, and for which they receive remuneration.
- B. "Bond" means a type of financial security; equivalent forms of financial security shall be subject to approval by the City ~~the director~~.
- C. "Caliper" means the diameter of a tree trunk that is taken ~~twelve~~ 12 inches above the ground. Caliper is a basis for measuring oak trees that are less than ~~six~~ 6 inches in diameter at ~~breast~~ standard height.
- D. "Construction area" means any area in which movement of earth, alteration in topography, soil compaction, disruption of vegetation, change in soil chemistry, and any other change in the natural character of the land occurs as a result of site preparation, grading, building construction, or any other construction activity.
- E. "Critical Root Zone" (CR~~2~~Z) means an area of root space that is within a circle circumscribed around the trunk of a tree using a radius of ~~one~~ 1 foot per inch diameter at ~~breast~~ standard height, ~~e.g. for instance a twenty~~20-inch diameter tree has a critical root zone ~~CRZ~~ with a radius of ~~twenty~~ 20 feet as measured from the center of the tree. For trees that do not have a circular trunk, the critical root zone ~~CRZ~~ shall be calculated by measuring the circumference of the tree and dividing that number by "pi" (3.14).
- F. Diameter, "DBH" (Diameter at breast height), and "DSH" (Diameter at standard height) means ~~s~~ the diameter of a tree trunk measured in inches at a height of ~~four and one-half~~ 4.5 feet above the ground. If a tree splits into multiple trunks below ~~four and one-half~~ 4.5 feet, ~~then~~ the trunk is measured at its most narrow point beneath the split.
- ~~G. "Director" means the director of the community development department or his/her designated representative.~~
- H. "Oak tree" means any species of the genus "Quercus" that is native to the El Paso de Robles area, including but not limited to the blue oak (Quercus douglasii), valley oak (Quercus lobata), and coast live oak (Quercus agrifolia).
- I. "Monitor" is a person hired by a certified, licensed arborist. A monitor is required in conjunction with an approval for development of a property that contains one or more oak tree(s) or ~~which is will~~ impacted by the critical root zone ~~CRZ~~ of an oak on an adjacent property. The function of a monitor is to ~~i~~ensure that grading activities are conducted in a manner consistent with the approved development plan relative to oak tree preservation ~~issues~~.
- J. "Permit to prune" means a written authorization by the director of public works that specifically designates the location, number, type, and size of oak trees that a person has permission to remove.
- K. "Permit to remove" means a written authorization by the review authority (director ~~Zoning Administrator,~~ Development Review Committee, Planning Commission, or ~~the eCity eCouncil)~~ that specifically designates the location, number, type, and size of oak trees that a person has permission to remove.
- L. "Person" means individuals, associations, corporations, public agencies, and their agents and employees.
- M. "Pruning" means the removal of any dead parts of a tree, and/or normal seasonal maintenance, shaping, or thinning of a tree necessary to its health, growth, and view maintenance. The intent of pruning is to clean the crown of the tree and enhance the tree's structural strength. Foliage reduction shall not exceed ~~one-quarter~~ 25 percent of the total tree foliage.

Exhibit A

- N. "Review Authority" means the staff member, body, or entity responsible for making decisions related to oak trees, and includes the Director of Public Works, the Zoning Administrator, the Development Review Committee, the Planning Commission, and the City Council as specified in 10.01.050.D.

Section 2. Section 10.01.030 shall be amended to read as follows:

10.01.030 - Permit required.

- A. Permit to Prune. No person shall prune an oak tree growing on private or public property within the city limits of the city of El Paso de Robles if said pruning involves cutting a portion of the tree that is ~~six~~ 6 inches or greater in diameter unless they have first received approval of a permit to prune issued by the city's public works director. The director of public works is authorized to establish standards for pruning of oak trees. Pruning of tree limbs of less than ~~six~~ 6 inches diameter does not require a permit.

Exception to requirement for permit to prune:

Owners of developed properties (parcels with existing buildings and related improvements) that are not being considered for new construction or other development entitlements may prune oak trees on their property without the need for a permit and without limitation as to limb size as long as the pruning does not endanger the health of the oak tree.

- B. Permit to Remove. No person shall remove or otherwise destroy an oak tree of ~~six~~ 6 inches or greater diameter (DBH) growing on private or public property within the city limits of the city of El Paso de Robles unless they have first received approval of a permit to remove as authorized by the appropriate review authority (Section 10.01.050.D). ~~director of community development or the city council.~~ See Section 10.01.050 ("Removal of Oak Tree—Application Process). Removal of oak trees of less than ~~six~~ 6 inches DBH does not require a permit from the city of El Paso de Robles.

(Ord. 835 N.S. (part), 2002)

Section 3. Section 10.01.050 shall be amended to read as follows:

10.01.050 - Removal of oak tree—Application process.

- A. Any person wishing to remove one or more oak trees with diameter of 6 inches or greater from any parcel in the city shall apply in writing to the community development department for a permit to remove. A deposit in an amount to be established by city council resolution shall be made at the time of application for each oak tree proposed to be removed. The ~~director~~ Zoning Administrator shall have the authority to adjust the deposit amount to reflect the city's expected cost of time and materials to process the specific application(s). Administrative costs of processing the permit will be deducted from the deposit, and remaining funds shall be refunded to the applicant; if the city's costs for processing the applications (including the need for consulting arborist assistance) exceeds the deposit amount, the ~~director~~ Zoning Administrator shall request additional funding and may delay work on the application until the additional funding is received.
1. Exceptions to deposit requirement: A property owner may make a written request for authorization to remove a dead or diseased oak tree without the need to provide a deposit if he or she can provide documentation from an arborist concluding that the tree's death or disease is not their fault. Owners of developed properties that are not being considered for new construction or other development entitlements may apply for a permit to remove oak trees on their property without limitation as to tree size and without the need to post a deposit if the trees are located in a manner that is either inconsistent with

Exhibit A

- or interferes with the growth and health of other oak trees (example: trees under the canopy of larger trees can be requested to be removed). The ~~community development director~~ Zoning Administrator shall bring such requests forward to the review authority listed in Chapter 21.08 (Planning Authorities) for the condition and quantity of trees proposed for removal ~~city council for consideration~~.
- B. A permit to remove application shall contain a plot plan showing the location, type and size of tree(s) proposed to be removed, a brief statement of the reason for removal, an arborist report, and other pertinent information that the ~~director~~ Zoning Administrator may require.
- C. The condition (healthy, diseased, dead, etc.) of oak tree(s) proposed to be removed ~~extent to which a tree may be diseased~~ shall be subject to evaluation by an arborist. ~~Based on the recommendation of an arborist the director may authorize removal of a tree that is diseased beyond correction. Except as specifically provided in Section 10.01.050 of this chapter, the director shall not be authorized to approve removal of a healthy oak tree that is six inches or greater DBH. The only oak trees which are six inches or greater DBH whose removal the director is authorized to permit are trees that are in the director's judgment, clearly dead or diseased beyond correction.~~
- D. Review Authority. The review authority for permits to remove oak trees shall be as listed in Chapter 21.08 (Planning Authorities), specifically Section 21.08.020 (City Council), Section 21.08.030 (Planning Commission), Section 21.08.040 (Development Review Committee), and Section 21.08.050 (Zoning Administrator); and as summarized in Table 10.04.050-1 below:

Table 10.04.050-1
Review Authority for Permits to Remove Oak Trees

<u>Condition and Quantity of Oak Trees</u>	<u>Removal Permit Review Authority</u>	<u>Appeal / Referral</u>
<u>Emergencies (Section 10.01.065)</u>	<u>Zoning Administrator, Public Works Director, on-duty members of the police or fire departments</u>	
<u>Dead or diseased beyond correction</u>	<u>Zoning Administrator</u>	<u>Planning Commission</u>
<u>1 without development</u>	<u>Development Review Committee</u>	<u>Planning Commission</u>
<u>1-9 with development</u> <u>2-9 without development</u>	<u>Planning Commission</u>	<u>City Council</u>
<u>10 or more with or without development</u>	<u>City Council</u>	

- ~~D-E~~ E If a request is being made to remove one or more healthy oak trees for which a permit to remove is required, the ~~director~~ Zoning Administrator shall prepare a report to the review authority ~~city council~~, outlining the proposal and ~~his-their~~ recommendation. The review authority shall ~~considering~~ the following factors when determining whether to approve the permit to remove ~~in preparation of his recommendation~~:
1. The condition of the oak tree with respect to its general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and its status as host for a plant, pest or disease endangering other species of trees or plants with infection or infestation;
 2. The necessity of the requested action to allow construction of improvements or otherwise allow reasonable use of the property for the purpose for which it has been zoned. In this context, it shall be the burden of the person seeking the permit to demonstrate to the satisfaction of the ~~director~~ review authority that there are no reasonable alternatives to the proposed design and use of the property. Every reasonable effort shall be made to avoid impacting oak trees, including but not limited to use of custom building design and incurring extraordinary costs to save oak trees;
 3. The topography of land, and the potential effect of the requested tree removal on soil retention, water retention, and diversion or increased flow of surface waters. The ~~director~~ review authority shall consider how either the preservation or removal of the oak tree(s) would relate to grading and drainage. Except

Exhibit A

- as specifically authorized by the ~~review authority-planning commission and city council~~, ravines, stream beds and other natural water-courses that provide a habitat for oak trees shall not be disturbed;
4. The number, species, size and location of existing trees in the area and the effect of the requested action on shade areas, air pollution, historic values, scenic beauty and the general welfare of the city as a whole; and
 5. Good forestry practices such as, but not limited to, the number of healthy trees the subject parcel of land will support.
- EE.** Conditions, including replacement requirements: In conjunction with the intended decision made on an application for a permit, the ~~director~~ Zoning Administrator shall attach or recommend for ~~review authority city council~~ consideration reasonable conditions to ensure compliance with the stated purposes of this chapter, and a condition requiring replacement oaks being equivalent to ~~twenty-five~~ 25 percent of the diameter of the removed tree(s). (For example, the replacement requirement for removal of ~~two~~ 2 trees of ~~fifteen~~ 15-inch DBH (~~thirty~~ 30 total diameter inches), would be ~~seven-and-one-half~~ 7.5 inches (~~thirty~~ 30 inches removed multiplied by ~~0.25~~ twenty-five-hundredths replacement factor). This requirement could be satisfied by planting ~~5-five, one-and-one-half~~ 1.5-inch caliper trees, or ~~3 three, two-and-one-half~~ 2.5-inch caliper trees, or any other combination totaling ~~seven-and-one-half~~ 7.5 inches). A minimum of ~~2two, twenty-four~~ 24-inch box, ~~one-and-one-half~~ 1.5-inch minimum trunk caliper measurement trees shall be required for each oak tree removed. Replacement trees shall be located on the same property as where the tree is approved for removal or, subject to approval of the ~~director~~ Zoning Administrator, arrangements can be made to locate the replacement trees on public property. Planting standards for replacement trees shall be consistent with City Standard Details and Specification L-~~43~~ except that deep root barriers shall not be required if the trees are not adjacent to sidewalk areas. Oak tree preservation and maintenance measures shall be consistent with the provisions of this chapter.
1. Exceptions to replacement requirement: A property owner may make a written request for authorization to remove a dead or diseased oak tree without the need to provide the required replacement trees if he or she can provide documentation from a certified arborist on the city council's approved list concluding that the tree's death or disease is not their fault. Owners of developed properties that are not being considered for new construction or other development entitlements may apply for a permit to remove oak trees on their property without limitation as to tree size and without need for replacements if the trees are located in a manner that is either inconsistent with or interferes with the growth and health of other oak trees. Example: Trees under the canopy of larger trees can be requested to be removed. The ~~community development director~~ Zoning Administrator shall bring such requests forward to ~~city council~~ the review authority for consideration.
- FG.** In conjunction with the development or use of any property where there is a question in the mind of the ~~director~~ Zoning Administrator as to possible impacts on an existing oak tree that is intended to be protected and for which a "Permit to Remove," would be required, the ~~director~~ Zoning Administrator shall require that a tree preservation security be posted, in an amount based on the valuation of the trees according to the guidelines set forth within the council of tree and landscape appraisers "Guide for Plant Appraisal." The purpose of the security is to ensure the intention to preserve trees not approved for removal. The city council may adopt a standard schedule for the value of replacement trees in lieu of utilizing the "Guide for Plant Appraisal".
- GH.** This security shall be held for a reasonable period of time following grading or other development activity on the parcel, not to exceed three years; the security is to be released upon the satisfaction of the ~~director~~ Zoning Administrator that the trees to be preserved have not been endangered. In instances where trees not approved for removal have been destroyed, the security shall be applied, for the value of the destroyed tree(s), and be used for the replacement and preservation of city oak trees, as required by the ~~director~~ Zoning Administrator.
- HJ.** Any fees or deposits to be charged pursuant to the provisions of Chapter 10.01 shall be established by city council resolution.

(Ord. 835 N.S. (part), 2002)

Section 4. Section 10.01.055 shall be amended to read as follows:

Exhibit A

10.01.055 – Review Authority ~~Planning commission~~ role in implementing the oak tree preservation ordinance.

- A. The first step in the city's consideration of any development entitlement that could impact existing oak trees that have a DBH of ~~six~~ 6 inches or greater shall be an inventory and map of the location, size and CRZ of any potentially impacted oak trees. The inventory shall be prepared by an arborist, registered civil engineer, or land surveyor. The size or configuration of proposed parcels of land, and the extent of development on such parcels, shall be planned in a manner so as not to encroach into the CRZ of any oak tree with a DBH of ~~six~~ 6 inches or greater size unless the ~~planning commission~~ review authority can make findings of extenuating circumstances that warrant exception to the rule of not encroaching into the CRZ. In addition to the inventory, a photographic record shall be provided to the city illustrating the nature of oak trees on the subject property.
- B. ~~The planning commission may act as an advisory committee for the director and city council and may, in~~ In the course of reviewing development applications before them, the review authority may require that certain trees be retained and/or protected from destruction. Their decision can be appealed to the next highest review authority ~~city council~~ in the same manner as described within this chapter.
- C. ~~The planning commission shall not have the authority to approve removal of any oak trees that have a DBH of six inches or greater. The commission may, however, a~~ As part of a development review process, a lower review authority may recommend to the final review authority ~~city council~~ that ~~the council permit~~ certain oak trees be permitted to be removed (for instance, the planning commission can make recommendations to the city council when the council has the authority to approve a permit to remove). The criteria to be used ~~by the planning commission~~ in making such recommendation shall be as specified in Section 10.01.050 of this chapter.
- D. The ~~planning commission~~ review authority may approve the relocation of an existing oak tree based on the recommendation of a city-approved certified arborist. The property owner shall post a security equal to the value of the tree proposed to be relocated and the city shall hold the security for three years to have reasonable assurances that the tree has survived the relocation.

(Ord. 835 N.S. (part), 2002)

Section 5. Section 10.01.060 shall be amended to read as follows:

10.01.060 - Appeals of permit decisions.

- A. Any person aggrieved or affected by a decision of a review authority ~~either the director of community development or the director of public works~~ may appeal the decision as described in Section 21.25.030. Decisions of the director of public works shall be treated the same as those of the Zoning Administrator. ~~to the city council by filing a written appeal with the city clerk with fifteen days of the date of the director's notice. Any such appeal shall be accompanied by an appeal fee in the amount established by resolution of the city council.~~
- B. If no appeal is filed within the allowed ~~such~~ time, the review authority ~~director of community development or the director of public works~~ shall promptly implement his intended decision by denying or issuing the permit, with or without conditions. An appeal shall automatically stay execution of the implementation of the intended decision until the appeal has been considered and decided ~~by the city council.~~
- C. ~~The city clerk shall place all such appeals on the agenda of the next regular council meeting and shall give notice to the applicant and/or appellant. The city council~~ review authority shall consider and decide all issues raised in the appeal and may call for expert witness from a consulting certified arborist, for which the city may require to be reimbursed by the applicant. ~~The decision of the council shall be final.~~

(Ord. 835 N.S. (part), 2002)

Section 6. Section 10.01.070 shall be amended to read as follows:

10.01.070 - Preservation and maintenance of existing oak trees.

Exhibit A

As a general rule, the existing ground surface within the CRZ of any oak tree shall not be cut, filled, compacted or paved. Excavation adjacent to any oak tree shall not be permitted where, in the judgment of the ~~director~~ [Zoning Administrator](#), damage to the root system will result. Exceptions may be approved by the ~~director~~ [Zoning Administrator](#) based on consultation with a certified arborist from the city's list of approved arborists, at the cost of the developer, resulting in reasonable assurance that the tree will not be damaged. Anticipated exceptions include making allowances to construct planned public improvements such as roads and sidewalks when it is not feasible to design the public improvements in a manner that will avoid encroachment into the CRZ. The following criteria are to be used when considering permission to encroach into the CRZ of an oak tree:

- A. When proposed developments encroach into the CRZ of any oak tree, whether the tree is located on the property being developed or on an adjacent property, special construction techniques to protect the roots shall be required by the ~~director~~ [Zoning Administrator](#) with respect to any application for a building, grading or development permit. During construction, such protection measures may include, but not be limited to, installing a tree protection fence around the CRZ(s) of a tree or trees to be preserved. All development applications, where oak trees may be affected by development, shall include a certification by a registered civil engineer or land surveyor attesting to the accuracy of the tree trunk and CRZ locations.
- B. In connection with a proposed subdivision of land into two or more parcels, the subdivider shall design the lots such that development within the CRZ of any remaining oak trees can be entirely avoided. Details showing the footprint of the buildings shall be submitted at the time of tentative map approval to satisfy this requirement, and constructive notice shall be required to be recorded to advise future property owners of the limitation on development of the subject parcel(s).
- C. Except unless specifically approved by a certified arborist from the city's list of approved arborists, no trenching whatsoever shall be allowed within the CRZ(s) of oak trees. If it is absolutely necessary to install underground utilities within the CRZ(s) of an oak tree, the trench shall be either bored or drilled unless the certified arborist determines that the trenching can be accomplished without endangering the oak tree.
- D. Landscaping beneath oak trees may include non-plant materials such as boulders, cobbles, wood chips, etc. The only plant species which shall be located within the CRZ(s) of oak trees are plants that are indigenous to the El Paso de Robles area. All landscaping shall be subject to the approval of the city.
- E. Paving within the CRZ(s) of oak trees shall be stringently minimized. When it is absolutely necessary, porous material should be used.
- F. During grading of any property on which there are oak trees of ~~six~~ [6](#) inches or greater DBH, the following standards of oversight shall apply:
 1. If grading, cutting or filling is approved for areas within the CRZ of oaks or within a five foot distance of the CRZ of an oak to be preserved, the work shall be supervised by a certified arborist from the city's list of approved arborists. The arborist shall be responsible for maintaining protective fencing and insuring the oak trees are not damaged by grading related activities. The arborist shall be paid for by the applicant/developer of the property. The city of El Paso de Robles reserves the right to hire an independent certified arborist if it is deemed necessary by the ~~director~~ [Zoning Administrator](#) to provide adequate supervision of grading.
 2. Grading, cutting and filling on property that has oak trees but which is planned to occur at least five feet beyond the CRZ of any oak trees of ~~six~~ [6](#) inches or greater DBH shall not occur unless there is a monitor present to insure that grading occurs in accordance with approved plans and without encroachment into areas within five feet of the CRZ of any oak tree(s) of six inches or greater DBH. The monitor shall be paid for by the applicant/developer of the property and shall be present during all grading related activities. The city of El Paso de Robles reserves the right to hire an independent monitor if it is deemed necessary by the ~~director~~ [Zoning Administrator](#) to provide adequate supervision of grading.

(Ord. 835 N.S. (part), 2002)

Section 7. Section 10.01.080 shall be amended to read as follows:

10.01.080 - Building permits.

Exhibit A

- A. When any building permit is applied for pursuant to this code and the proposed structure would require encroachment into the CRZ of an oak tree or the removal of an oak tree, the official responsible for issuing the permit shall take into consideration the provisions of this chapter in the granting or denying of such permit, and the applicant shall be required to obtain a permit in accordance with the provisions of this chapter.
- B. In the event a permit to remove an oak tree is issued in order to enable the applicant to carry out a development or improvement of his property, such permit shall be valid and effective only in connection with the actual accomplishment of such project.

(Ord. 835 N.S. (part), 2002)

Section 8. Section 10.01.090 shall be amended to read as follows:

10.01.090 - Safeguarding trees during construction.

- A. For the purposes of safeguarding oak trees during construction, the following conditions shall apply:
 - 1. Prior to issuance of a grading or building permit, all oak trees in a construction area shall be inventoried by the owner of such site or by the contractor as to size and location on the site. Such inventory shall be submitted to the ~~director~~ Zoning Administrator, and field checked by city staff to verify the number, size and location of the trees and the adequacy of protective fencing.
 - 2. Damage to any tree during construction shall be immediately reported to the ~~director~~ Zoning Administrator. The property owner shall be responsible for correcting any damage to oak trees on the property in a manner specified by an arborist hired by the city at the applicant's cost.
 - 3. Oil, gasoline, chemicals and other construction materials or equipment which might be harmful to certain oak trees shall not be stored within the CRZ~~2~~ of the tree.
 - 4. Drains shall be installed according to the city specifications so as to avoid harm to the oak trees due to excess watering.
 - 5. Wires, signs and other similar items shall not be attached to the oak trees.
 - 6. Cutting and filling within the CRZ of an oak tree shall be done only after consultation with the ~~director~~ Zoning Administrator, and then only to the extent authorized.
 - 7. No paint thinner, paint, plaster or other liquid or solid excess or waste construction materials or waste water shall be dumped on the ground or into any grate between the CRZ and the base of the oak tree, or uphill from any oak tree where such substance might reach the roots through a leaching process.
 - 8. Tree protection fences, of a type and design subject to the approval of the ~~director~~ Zoning Administrator or his/her designated representative shall be installed at the CRZ to prevent compaction and injury to a tree's surface roots.
 - 9. Wherever cuts are made in the ground near the roots of any oak tree, appropriate measures shall be taken to prevent exposed soil from drying out. All cuts within the CRZ of a tree are to be made with hand tools (no backhoes or graters).
 - 10. All root pruning is to be done by hand.
- B. If the ~~director~~ Zoning Administrator has reason to believe that construction or development activities may endanger an oak tree, he may seek professional consultation, at the expense of the person seeking to undertake construction or development of the property, to recommend measures necessary to safeguard the tree(s).

(Ord. 835 N.S. (part), 2002)

Section 9. Section 10.01.100 shall be amended to read as follows:

10.01.100 - Safeguarding trees after construction.

Oak trees required to be kept on a building site and oak trees required to be planted as a condition of construction shall be maintained after completion of construction according to City requirements for the purpose of maintaining or furthering the health of such trees. The ~~director~~ Zoning Administrator may require that drought-resistant landscaping be installed as an alternative to irrigated landscaping where appropriate.

(Ord. 835 N.S. (part), 2002)

Exhibit A

Section 10. Section 10.01.120 shall be amended to read as follows:

10.01.120 - Enforcement.

- A. The ~~director~~ Zoning Administrator shall be responsible for the enforcement of this chapter in coordination with the director of public works (who is responsible for issuance of Permits to Prune).
(Ord. 835 N.S. (part), 2002)

Section 11. Subparagraph 10.01.130.A.1 shall be amended to read as follows:

10.01.130 - Violation—Penalty—Remedies.

In addition to all other remedies set forth in this code or otherwise provided by law, the following remedies shall be available for the city for violation of this chapter:

A. Against property owners and developers.

1. Stop Work—Temporary Moratorium. If a violation occurs during development, the city may issue a stop-work order suspending and prohibiting further activity on the property pursuant to the grading, demolition, and/or building permit(s) (including construction, inspection, and issuance of Certificates of Occupancy) until a mitigation plan has been filed with and approved by the ~~director~~ Zoning Administrator, agreed to in writing by the property owner(s), and either implemented or guaranteed by the posting of adequate security. The mitigation plan shall include measures for the protection of any remaining trees on the property, and shall provide for replacement of each tree removed on the property or at locations approved by the ~~director of community development~~ Zoning Administrator and by the director of public works, if replacement is to occur on public property. Replacement ratio shall be in accordance with the standard set forth in Section 10.01.050, and shall be at a ratio equal to twice that required where the tree removal is permitted pursuant to the provisions of this chapter.

If a violation occurs in the absence of development, or while an application for building permit or discretionary development approval for the lot upon which the tree is located is pending, the ~~director~~ Zoning Administrator may issue a temporary moratorium on the development of the subject property. not to exceed eighteen months from the date the violation occurred. The purpose of this moratorium is to provide the city an opportunity to study and determine the appropriate mitigation measures for the tree removal, and to ~~i~~ensure measures are incorporated into any future development approvals for the property. Mitigation measures as determined by the ~~director~~ Zoning Administrator shall be imposed as a condition of any subsequent permits for the development on the subject property.