



Permitting Guidance for Resource Enhancement Projects June 2017

Thank you for your interest in natural resource enhancement! The City of Lake Oswego seeks to assist resource enhancement proponents by providing this permitting guidance to support restoration and habitat enhancement projects and routine maintenance work within or adjacent to Sensitive Lands in the City. Sensitive Lands include riparian corridors and streams, wetlands and their buffers, and upland tree groves. Although this document primarily focuses on Lake Oswego land use review processes, it also provides an overview of associated state and federal permit requirements, as these may be triggered by work in Sensitive Lands. Information contained herein reflects current permitting pathways as of February 2017; permitting requirements are subject to change, and applicants should always coordinate with city, state, and federal agency representatives to determine project-specific permitting requirements.

Regulatory Background

The City of Lake Oswego regulates Sensitive Lands overlay districts. These districts include wetlands, stream corridors, associated riparian and wetland buffers, and tree groves as defined in [Lake Oswego Municipal Code \(LOC\) 50.05](#). Sensitive Lands are identified on the City's online Interactive Zoning Map [http://gis.ci.oswego.or.us/public/flexmap/flexmap.html?map=Zoning_Map] and can also be viewed by visiting the City's Planning Department on the 3rd floor of City Hall.

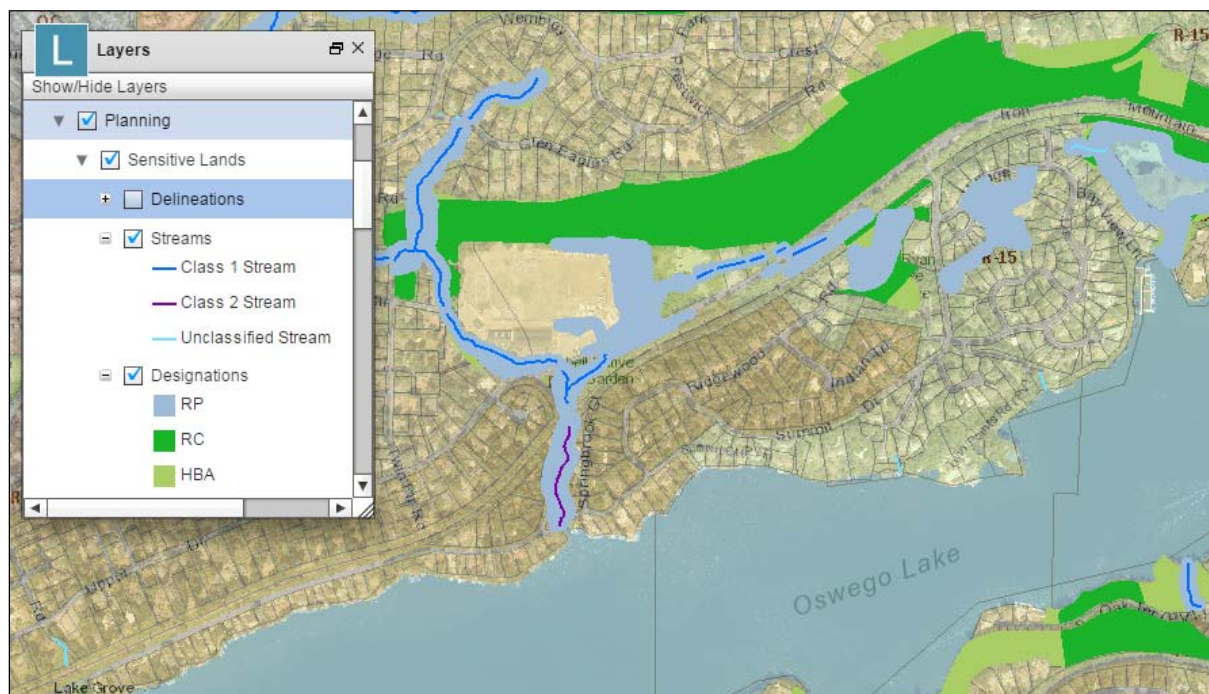


Figure 1. Screen capture of the City's online Interactive Zoning Map showing Sensitive Lands.

Stream corridors, wetlands, and their buffers are identified as Resource Protection (RP) districts, and tree groves are identified as Resource Conservation (RC) districts or Habitat Benefit Areas (HBAs). The purpose of the Sensitive Lands overlay districts is to demonstrate the City's means of complying with the statewide planning goals and the Metro Regional Framework plan, specifically, Goal 5 (Open Spaces and Natural Resources). The City also regulates development within the Greenway Management (GM) overlay district (LOC 50.05.009) and Flood Management Area (LOC 50.05.011). Resource enhancement projects may require land use approval for **development** in all of these overlay zones. The following will help you determine the appropriate steps to complete the permitting review process.

Step 1: Is your project exempt from City Review?

If a project is located within a mapped Sensitive Lands district, but meets the criteria for an exception as described in LOC 50.05.010.2.b and 50.05.010.2.c, it may be exempt from the City's Environmental Review. Exceptions include the following:

- Projects involving resources located within the boundaries of a development permit approved prior to August 21, 1997, if proposed new development complies with existing protective measures.
- Resource restoration required as a result of a violation of Sensitive Lands overlay code.
- Projects involving routine maintenance and repair of existing legal development, including landscaping.
- Development that meets the following criteria:
 - Not located within a wetland or stream (i.e. below the top of a streambank)
 - Not requiring a grading permit
 - Not exceeding 200 square feet cumulatively since August 21, 1997
- Fences that are not within a wetland or flood hazard area, nor below top of bank.
- Other development that does not remove native vegetation or create new permanent structures.

Projects that may be considered exempt include small (<200 square feet) invasive species removal projects; maintenance of existing landscaping; installation of protective fencing around riparian areas; ongoing maintenance and monitoring of existing legal developments; and routine (e.g., annual) maintenance of designated stormwater management facilities. Note that ground disturbance from invasive species removal projects can range from minor surface disturbance to significant alteration of the subsurface soils depending on the method and scope of removal actions. As such, the City differentiates between "weeding" and "clearing." Manual weeding of scattered invasive plants qualifies as "routine maintenance and repair" and is exempt from all code requirements. However, when landscaping involves clearing land, which removes both native and non-native species and exposes the underlying soil, it must meet the construction standards described in LOC 50.05.010.4.d. These standards require submittal of a construction plan and narrative to the City Manager, delineation and protection of RC/RP district

Resource enhancement projects that are intended to improve or maintain the quality of a resource within an RP District may be approved if the applicant demonstrates that:

- a) the project will cause **no permanent degradation or loss of natural features** in the Sensitive Lands district,
- b) there will be **improvement in the quality of at least one function** or value of the resource; and
- c) only **vegetation described in the City Plant List** as appropriate for resource planting is proposed.

Common resource enhancements reviewed by the City include:

- stormwater maintenance/retrofits,
- native riparian plantings, and
- invasive species control/management.

Depending on the location, nature, and scope of these projects, the projects may trigger requirements for local, state, and/or federal permitting.

boundaries (if any), and inspection and approval of protective measures, informational signage, and may also require erosion control measures prior to clearing. If you think your project may be exempt from City Review but are not certain, contact the City Planning Department via e-mail or telephone to discuss your proposed project and verify its exempt status. For small projects this may be a simple e-mail exchange. The City will need the parcel number and some general information about the proposed work and associated dimensions.

Projects that are exempt from Environmental Review may still require other permits from the City. Table 3, below, lists project elements that may trigger the need for these additional permits.

Step 2: Identify Permit Needs

Permitting needs will depend on the location, scope of the project, and extent of impacts (if any) to the resource. Asking the following questions will help the applicant determine what types of permits may be necessary for their proposed project.

1. Is the project in a mapped Sensitive Lands district?

Refer to the [Sensitive Lands layer in the City's online Interactive Zoning Map](#) to determine if any element of the project will encroach upon mapped wetlands, stream corridors, tree groves, or associated buffers. Consider the full impacts of the project, including access routes and staging areas. If the project is on a parcel that contains a mapped Sensitive Lands District or the proposed development is near a mapped District, review will likely be required.

2. Will resources be impacted? Projects that qualify as resource enhancement are exempt from the local requirement for a resource delineation, provided the project complies with other relevant standards (see LOC 50.07.004.8.d.i(4)(iv)); however, if the project is likely to result in impacts to wetlands or surface waters (e.g., in-water work, excavation/fill in a wetland), a boundary delineation report will be required for state/federal permitting. A delineation is a precise, site-specific determination of the location of a water resource, prepared by a qualified professional. An RP or RC delineation will likely be required in order to facilitate review if the project purpose is not strictly resource enhancement.

3. Can impacts be avoided? Can the proposed project be designed to avoid discharge into a wetland, stream, or other water body? If so, it may be possible to avoid the need for Environmental Review or state/federal permits. Some conditions, like installing protective fencing around resource areas, may be required to facilitate impact avoidance.

4. If impacts are unavoidable, can they be minimized? Projects with negligible or temporary impacts as a result of restoration actions generally qualify for expedited land use review and state/federal authorization via General Authorization (GA) from the Oregon Department of State Lands (DSL)

The following is a reference for acronyms used in this guidance document:

CWA- Clean Water Act
DEQ- Oregon Department of Environmental Quality
DSL- Oregon Department of State Lands
ESA- Endangered Species Act
ESH- Essential Salmonid Habitat
GA- General Authorization from DSL
HBA- Habitat Benefit Area (tree conservation incentive areas)
JPA- Joint Permit Application
LOC- Lake Oswego Municipal Code
NHPA- National Historic Preservation Act
NMFS- National Marine Fisheries Service
NWP- Nationwide Permit
OHWL- Ordinary High Water Line
PCN- Pre-construction Notification
RC- Resource Conservation Overlay District (tree groves)
RP- Resource Protection Overlay District (aquatic/riparian habitat)
SHPO- State Historic Preservation Office
SLOPES- Standard Local Operating Procedures for Endangered Species
USACE- US Army Corps of Engineers
USFWS- US Fish and Wildlife Service

and/or Nationwide Permit (NWP) from the US Army Corps of Engineers (USACE). However, federal, state, and city approvals generally require that an applicant provide a discussion of alternative sites or project designs that avoid or minimize impacts to sensitive aquatic habitats (wetlands/waters) and why the chosen design is preferable.

5. **If in-water work is proposed, does the project have the potential to impact Endangered Species Act (ESA)-listed species or cultural resources?** Projects that require a federal permit must be evaluated for effects to ESA-listed species and/or cultural resources if the potential for resource effects is likely. Project proponents will likely need to obtain professional assistance in biological and cultural resources to make these determinations.
6. **If there is uncertainty, who should I talk to?** If it seems likely that work will occur in a Sensitive Lands District, applicants should contact the City Planning Department. If work in waters (including wetlands) is anticipated and more information is needed to understand permitting requirements, applicants should contact the [Oregon Department of State Lands Clackamas County Resource Coordinator](#).¹ If effects on ESA-listed species or cultural resources are anticipated (e.g., in-water work that could affect listed salmon species), initiate consultation with the US Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) early to determine what documentation will be required to move forward with permitting.

A. City of Lake Oswego

Non-exempt development within or adjacent to lands designated RP, RC, or HBA, or lands in the Greenway or Flood Management zones is subject to Environmental Review. Figure 2 identifies the process for determining Environmental Review needs.

B. State of Oregon

Wetlands and streams are regulated at state level by the Oregon Removal-Fill Act, which is administered by the DSL. The DSL generally regulates all wetlands unless they are artificially created from uplands and under one acre in area. The state also regulates most waterways unless they are roadside ditches less than 10 feet wide or an ephemeral drainage. Figure 3 identifies the process for determining Removal-Fill Permit needs.

Projects resulting in greater than a combined 50 cubic yards of removal and/or fill in jurisdictional wetlands or waterways, or any removal or fill in mapped Essential Salmonid Habitat (ESH),² require state authorization, typically through submittal of a Joint Permit Application (JPA) or GA Form to the DSL for review and approval. Work in the Willamette River may also require a lease from the DSL for use of submerged and submersible lands.

If wetlands or other jurisdictional waters are present within the proposed project area, a wetland delineation report is required to determine their horizontal extent and quality. Wetland delineation reports are typically prepared by consultants and submitted to the DSL for review and concurrence. Review of a wetland delineation report can take up to 120 days and requires a fee. Impacts to wetlands and jurisdictional waters, if they cannot be avoided, usually require compensatory mitigation either as part of the project or offsite. Consultants who prepare the delineation report can usually also recommend mitigation strategies or opportunities.

¹ <http://www.oregon.gov/dsl/WW/Pages/WWStaff.aspx>

² Interactive mapping of ESH available at <http://chetco-new.dsl.state.or.us/esh2015/index.html>.

Certain activities conducted in waters of the state are exempt from permit requirements, including some voluntary habitat restoration activities such as planting native woody/herbaceous plants and placement of large wood, boulders, and spawning gravels. Exemptions depend on project-specific circumstances and may require the applicant to notify the DSL prior to commencing project activities; see Chapter 3 of the *DSL Removal-Fill Guide* for details.³

C. Federal

Dredging and fill activities in wetlands and waterways are regulated by the USACE at the federal level under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. In general, most wetlands and waterways are considered jurisdictional (regulated), with the exception of small, hydrologically-isolated wetlands and ephemeral drainages (continuously flowing less than approximately 3 months per year).⁴ Figure 4 identifies the process for determining federal permitting needs.

If restoration or enhancement projects will fill portions of jurisdictional waters (including wetlands), a federal permit may be required. All projects that require a federal permit must also comply with the following federal regulations (Table 1).

Table 1. Other Related Federal Laws and Requirements

Federal Regulation	Regulatory Agency	Typical Process
Section 401 of the Clean Water Act	Oregon Department of Environmental Quality (DEQ)	Projects that could affect waters of the state require 401 Water Quality (WQ) Certification by the DEQ. Most restoration activities covered by a Nationwide Permit (NWP) are pre-certified subject to applicable NWP general conditions; however, it is advised that applicants contact the DEQ 401 WQ Certification Coordinator for permitting guidance, particularly if a restoration project would introduce impervious surfaces, including gravel fill.
Section 7 of the Endangered Species Act (ESA)	US Fish and Wildlife Service (USFWS)/National Marine Fisheries Service (NMFS)	The USACE is required to consult with the USFWS and/or NMFS if project activities may result in impacts to species listed under the ESA. The USFWS regulates all federally-protected aquatic, avian, and terrestrial species that do not go out to sea, whereas NMFS regulates salmon and other species that migrate to the ocean. Permittees must provide USACE with appropriate documentation to demonstrate compliance with ESA where potential impacts are possible, including most work in a waterway that drains to salmon-bearing waters. Most aquatic resource enhancement projects should fit within specified guidelines that allow fast-tracked ESA-listed salmonid review via the Standard Local Operating Procedures for Endangered Species programmatic permit (referred to as SLOPES). Note that these guidelines may be more restrictive than requirements of NWPs.
Section 106 of the National Historic Preservation Act (NHPA)	Oregon State Historic Preservation Office (SHPO)	The USACE is required to consider effects to cultural resources before federal approval is issued. Most areas near waters are considered to have a high potential for cultural resources. If a project involves excavation or alteration of above-ground structures over 50 years old, a cultural resource survey may be required.
National Pollutant Discharge & Elimination System	DEQ	Projects that would result in >1 acre of land disturbance require a Construction Stormwater Permit (1200-C) from the DEQ. This requires preparation of an erosion and sediment control plan and payment of fees.

The USACE administers the Nationwide Permit (NWP) program to authorize activities with only minimal adverse environmental impacts in a timely manner. Most enhancement projects likely qualify for NWP

³ Available at http://www.oregon.gov/DSL/WW/Documents/Removal_Fill_Guide.pdf#page=42.

⁴ Streamflow Duration Assessment Method for Oregon, http://www.oregon.gov/dsl/WW/Documents/sdam_final_manual.pdf

authorization. Depending on the scale of impact, Pre-Construction Notification (PCN) may be required to receive NWP coverage. The submittal of a JPA to the USACE serves as PCN.

Table 2 below provides a summary of the more common NWPs used to authorize habitat enhancement projects within Waters of the US.

Table 2. USACE Nationwide Permits Commonly Used for Resource Enhancement Projects

Nationwide Permit	Project Impact Limits	Pre-Construction Notification (PCN) Threshold	Other Information
NWP13–Bank Stabilization	<ul style="list-style-type: none"> • 500 linear feet along the bank • 1 cubic yard per running foot, as measured along the treated bank, below the ordinary high water mark (OHWM). 	<ul style="list-style-type: none"> • >500 linear feet along the bank • >1 cubic yard per running foot, as measured along the treated bank, below OHWM • Discharges into special aquatic site 	Activity cannot impair surface water flow into or out of waters of the U.S. Temporary fills must be removed in their entirety and affected areas returned to pre-construction contours. Native plant species appropriate for site conditions must be used for bioengineering/ vegetation bank stabilization.
NWP27–Aquatic Habitat Restoration, Establishment, and Enhancement Activities	None	All activities.	Does not authorize stream channelization or relocation/conversion of tidal waters. Does not authorize conversion of natural wetlands or streams, except for relocation activities. Compensatory mitigation not required.
NWP43–Stormwater Management Facilities	<ul style="list-style-type: none"> • 0.5 acre • 300 linear feet of stream bed (but can be waived for intermittent and ephemeral streams) 	All activities involving expansion or construction of stormwater management facilities.	Does not authorize construction of new stormwater management facilities. Maintenance does not require PCN if limited to restoring original design capacities. Authorizes low impact development, integrated management features, and pollutant reduction green infrastructure features.

Source: Summary of the 2017 Nationwide Permits, available at: http://www.usace.army.mil/Portals/2/docs/civilworks/nwp/2017/nwp2017_sumtable_Jan2017.pdf?ver=2017-01-06-091151-173

Note: Any impervious area created or rebuilt by the project will trigger a stormwater review through the 401 certification process and may trigger City stormwater requirements. See the *Lake Oswego Stormwater Management Manual* (<https://www.ci.oswego.or.us/publicworks/stormwater-program>) for details regarding City requirements.

City of Lake Oswego Permitting Flowchart

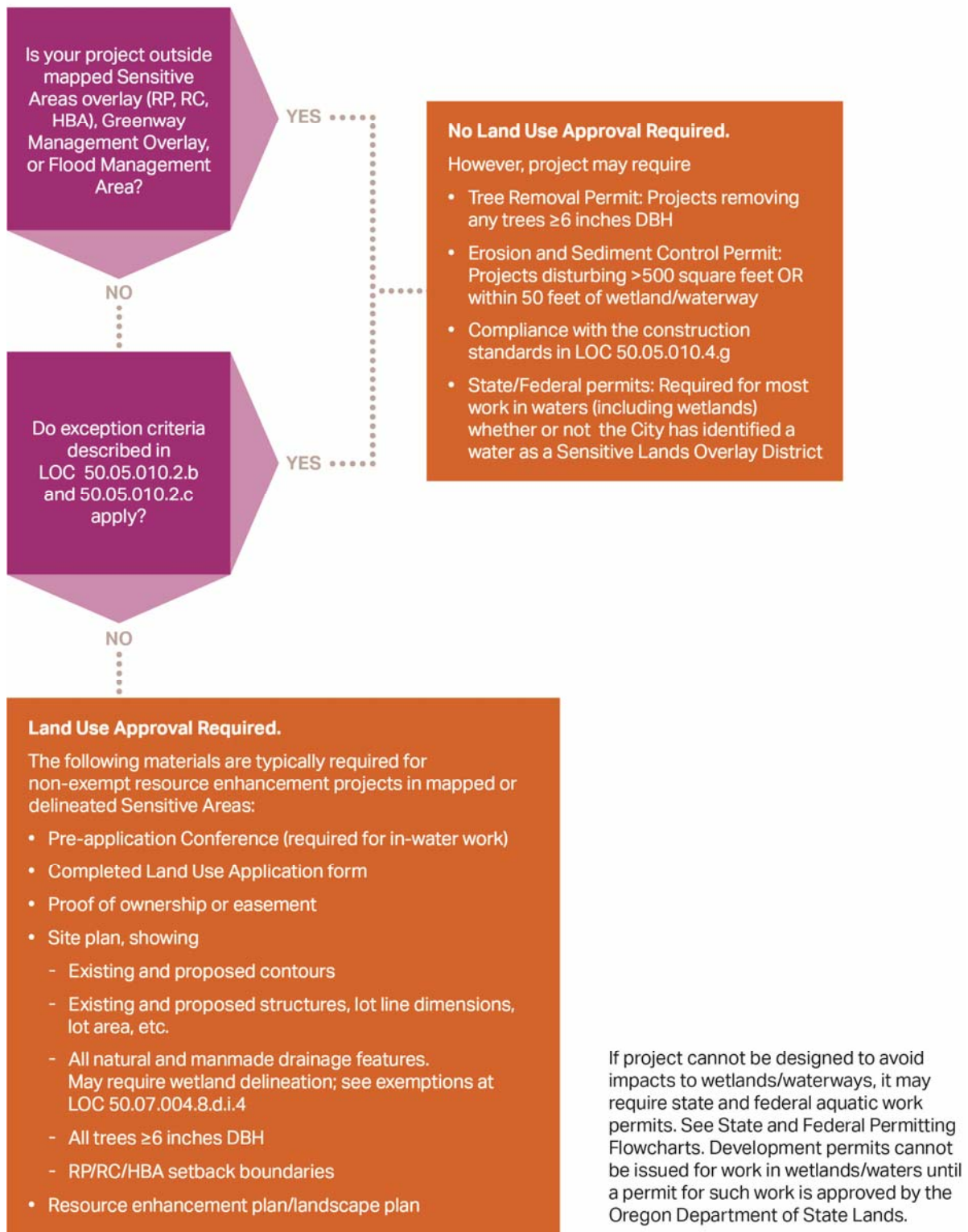


Figure 2. City of Lake Oswego Permitting Flowchart

State Permitting Flowchart

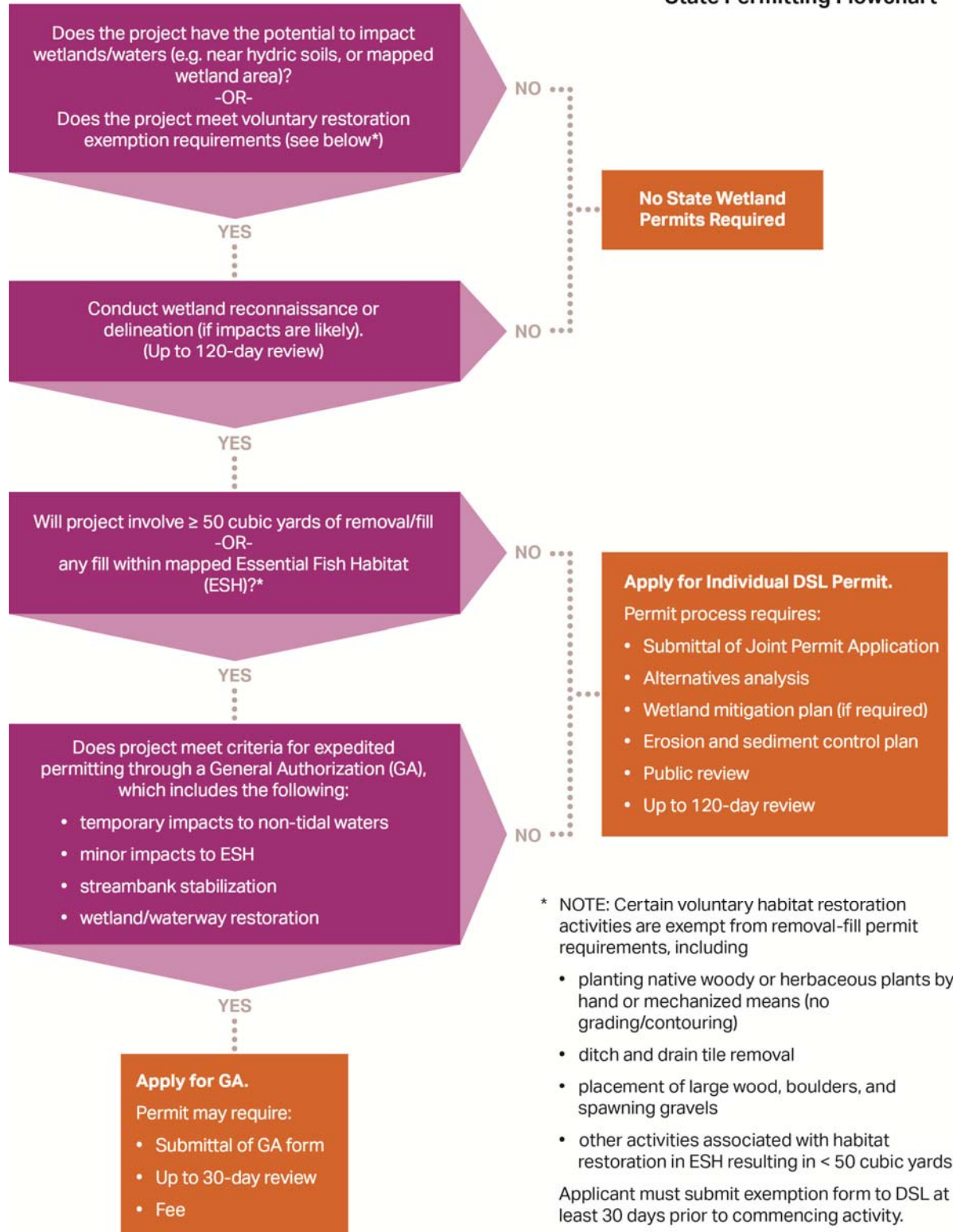


Figure 3. State Permitting Flowchart

Federal Permitting Flowchart

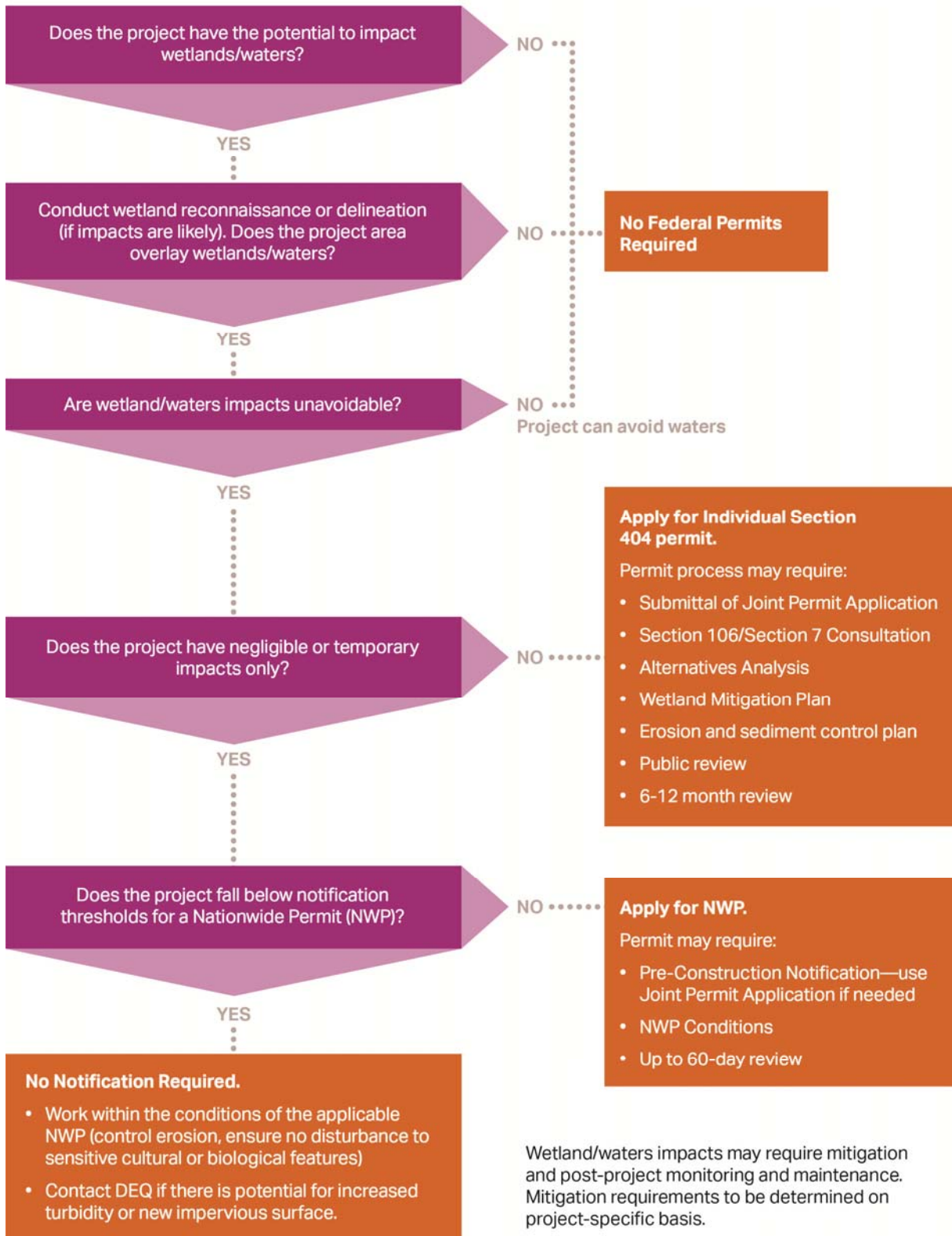


Figure 4. Federal Permitting Flowchart

Step 3: Plan Ahead to Schedule Time for Permits

1. City of Lake Oswego Review Timeline

The general Sensitive Lands review and approval timeline is summarized below:

- A. A Pre-Application (Pre-App) Conference is required for all resource enhancement applications involving in-stream work and is recommended for all other resource enhancement projects that meet the definition of “development.” The purpose of the Pre-App is to discuss the proposal, the applicable approval criteria, and the application requirements. There is no fee.
- B. Following the Pre-App, the applicant files a complete application with the Planning and Building Services Department using the Land Use Application form available at the Planning counter in City Hall or at www.lakeoswego.city/planning. The materials listed at right are typically required for a resource enhancement project; however, as each site and project is unique, additional items may be identified at the Pre-App Conference or during the completeness review by staff.
- C. Submitted applications are routed to all concerned city departments for review. The City has 30 days to determine whether the application is complete. If the application is “incomplete,” a letter will be sent to the applicant indicating what additional information is necessary.
- D. Once the application is deemed complete, planning staff will make the decision on the resource enhancement project. Review and decision may take up to 4 weeks; however, special circumstances may increase certain processing times. The application will be evaluated based on the information provided by the applicant, the criteria listed in the pertinent sections of the City’s Community Development Code, and inspection of the property. For all approved in-stream projects, a pre-construction meeting with contractors and/or the property owners performing the work is required prior to any site activity. Note that, unlike development projects, resource enhancement projects receive only ministerial review, which means they are not subject to public notice or appeal.

Submittals must generally include the following:

1. Completed Land Use Application form.
2. Proof of ownership.
3. A narrative describing the proposed project and estimated construction dates that addresses all applicable zoning standards (LOC Chapter 50) and Sensitive Lands standards (LOC 50.05.010).
4. A site plan or plans (drawn to the same scale) showing:
 - Existing and proposed contours and spot elevations at 2-foot intervals (grading plan).
 - Existing and proposed structures, setbacks, lot line dimensions, lot area, and utility lines and/or easements.
 - All natural and manmade drainage features, including seeps, springs, ponds, streams, pipes, etc. **[Note: LOC 50.07.004.8.d.i (4)(iv) lists exemptions to the requirement for a resource delineation, including projects that qualify as resource enhancement projects or consist solely of landscaping and/or tree removal.]**
 - All trees that are 6 inches in diameter or greater on or in proximity to the site.
 - A resource enhancement plan/landscape plan, showing plant density, species, and size. All plants must be selected from the City’s Native Plant List.
 - Stream restoration design (for in-stream work). Most in-stream projects require a detailed design prepared by a professional registered engineer. The City Engineering Department may also request a stability analysis to support the design on projects with channel re-grading or grade controls.
 - An erosion control permit, if the proposed project disturbs ≥500 square feet OR is within 50 feet of any wetland or waterbody (LOC 52.02.040).
 - Sensitive Lands overlay districts mapped on the property.

2. DSL Timelines

Timelines for state permit review are dependent on permit type. Individual Permits are used for projects with potentially significant impacts. The DSL is allowed up to 120 calendar days from receipt of a complete application to process an Individual Permit. GAs provide an expedited review process for certain categories of projects, including projects with temporary impacts to non-tidal wetlands, streambank stabilization projects, and waterway habitat and wetland ecosystem restoration projects. The DSL is allowed up to 30 days to process a GA. More information on how to apply for a state removal-fill permit can be found at <http://www.oregon.gov/dsl/WW/Pages/Permits.aspx>.

3. USACE Timelines

Under NWP guidelines, the USACE has up to 45 days to confirm whether the proposed activities qualify for NWP authorization. Table 1 lists NWPs that may be applicable to resource enhancement projects. If the proposed project does not meet the conditions of a NWP, the applicant must apply for an individual Section 404 permit, which requires submittal of a JPA. Because the USACE must coordinate with other resource agencies on ESA, 401 Certification, and historic preservation, there is no mandated review time for this process; however, most applications are processed within 6 to 12 months, depending on intensity and complexity of impacts.

Step 4: Identify Other Potential City Permits Needed

Environmental Review approval may not be the only aspect of code compliance applicable to your project. Table 3 below identifies other City permits that may apply to your project.

Table 3. Other City Permits Commonly Required for Habitat Restoration Projects

Permit Name	Permit Trigger	Process
Tree Removal Permit (LOC 55.02)	Removal of any tree \geq 6 inches in diameter	Permit type depends on location and type of tree (e.g., dead/living, native/non-native). See http://www.ci.oswego.or.us/trees#g01 . Mitigation may be required for tree removal.
Erosion and Sediment Control Permit (LOC 52.02)	Development activities (incl. landscaping and vegetation removal) that disturb 500 sq. ft. or more of land surface OR are within 50 feet of any wetland or waterbody.	Applicant must submit an Erosion Control Plan (ECP) for review and approval. See http://www.ci.oswego.or.us/publicworks/erosion-control-permit-and-information . If total site disturbance is 1 acre or more, a DEQ construction stormwater (1200-C) permit will also be required.

If a project requires Environmental Review, any tree removal that is part of the project would be reviewed and approved as part of the land use application. As such, applications for Environmental Review must address the City's tree removal criteria and show the trees to be removed on a site plan/tree removal plan, with mitigation. When processed as part of a land use review, no separate tree removal form is necessary.

Tree removal permits can be applied for over the counter in the Planning Department if they are outside of Sensitive Lands; they do not require land use review. If tree removal is proposed within a Sensitive Lands District, restrictions apply depending on the reason for removal. Consult with the Planning Department regarding permits and procedure for tree removal in Sensitive Lands.

If trees are smaller than 6 inches in diameter (at breast height), no permit is required since they are not regulated as a “tree” under the Tree Code; however, the removal of any native vegetation within Sensitive Lands is generally not permitted except as necessary for a Resource Enhancement project.

Step 5: Identify Expertise Necessary to Prepare Application Materials

Most applicants can obtain approval for simple vegetation enhancements with little or no expertise. However, more complex projects with resource delineation, in-water work permitting, ESA review, archaeological review, and/or engineering aspects may require specific expertise or licensure (Table 4).

Table 4. Common Expertise Necessary to Complete Permitting Process

Action	Expertise
RP, Wetland, Stream Delineation, or permit application	Wetland specialist with experience preparing delineation reports and permit applications for the DSL. City staff is available to delineate stream corridors that do not include wetlands, and to review all delineations
RC Delineation	Arborist or the applicant may request City staff perform the delineation
RP Mitigation Plan	Ecologist or arborist with experience preparing native planting plans and noxious weed control plans
Grading Plan/ Erosion Control Plan	Professional Engineer or other suitable professional (registered in Oregon) and surveyor if contour data is not available. Small erosion control plans may be prepared by other resource professionals with experience in erosion control, including landscape architects, engineering geologists, and Certified Professionals in Erosion and Sediment Control.
Stormwater design	Professional civil/hydraulic/water resources or environmental engineer or landscape architect with experience calculating and designing stormwater features
ESA Compliance	Fish or terrestrial wildlife biologist, botanist, or environmental scientist. PWS (professional wetland scientist) may have this expertise also.
Buried cultural resource review	Archaeologist
Alteration of above-ground structures >50 years old	Architectural historian

Step 6: Contact Review Agency/City Staff for More Information

Table 5. Agency Contact Information

Jurisdiction	Department/Website	Contact Information
City of Lake Oswego	Department of Planning and Building Services www.lakeoswego.city/planning	(503) 635-0290 planning@lakeoswego.city
Oregon Department of State Lands	Permits and Authorizations www.oregon.gov/DSL/WW/Pages/Permits.aspx	Clackamas/Washington County Anita Huffman, Aquatic Resource Coordinator (503)986-5250 Anita.Huffman@state.or.us
US Army Corps of Engineers, Portland District	Regulatory Permits http://www.nwp.usace.army.mil/Missions/Regulatory.aspx	Clackamas County Dominic Yballe dominic.p.yballe@usace.army.mil (503) 808-4392
Oregon Department of Environmental Quality	Section 401 Certification http://www.deq.state.or.us/wq/sec401cert/removalfill.htm	(503) 229-5696 or 1-800-452-4011 Sara Christensen, 401 Water Quality Certification Coordinator ChristensenSara@deq.state.or.us

The following table lists common resource enhancement projects and the local, state, and federal permitting scenarios that are likely to be encountered. Note that permitting for projects with impacts to wetlands and waterways is always project-dependent, and permitting scenarios may vary from the pathways described below due to wetland type, ESA issues, etc.

Table 6. Examples of Common Permitting Scenarios

Common Resource Enhancement Project Types	Within Sensitive Areas Overlay District?	Local (City of Lake Oswego)	State (DSL)	Federal (USACE)
Native Upland Planting	No	No Environmental Review required. Landscaping must comply with underlying base zoning and overlay/design districts. Other local permits may apply if: <ul style="list-style-type: none"> • tree removal is proposed • project disturbs ≥500 square feet of land • project is within 50 feet of wetland/waterway 	No permit required if project is sited in upland and does not impact wetlands/waters.	No permit required if project sited in upland and does not impact wetlands/waters.
Native Wetland/Riparian Planting	Yes	No Environmental Review required if project satisfies general exceptions in LOC 50.05.010.2.b. Other local permits may apply (see above). Planting must comply with Development Standards for Landscaping in Sensitive Lands; see LOC 50.05.010.5 (RC/HBA districts) and 50.05.010.6 (RP districts).	No permit required; native planting is exempt from state permitting requirements. Exemption not applicable if earthwork/grading is proposed. No notification required.	No permit required unless project will discharge fill into a water of the U.S. (which includes wetlands).
Noxious Weed Control	No	No Environmental Review required. Other local permits may apply (see above).	No permit required unless project results in ≥50 cubic yards removal/fill in wetlands/waters or project is located in Essential Salmonid Habitat (ESH).	No permit required unless project will discharge fill into a water of the U.S. (which includes wetlands).
	Yes	No Environmental Review required. Other local permits may apply. For weed removal projects clearing ≤200 square feet, project must comply with construction standards in LOC 50.05.010.4.d.		

Common Resource Enhancement Project Types	Within Sensitive Areas Overlay District?	Local (City of Lake Oswego)	State (DSL)	Federal (USACE)
In-Stream Work (e.g., streambank stabilization, culvert replacement/removal, installation of habitat structures)	No	Work in wetlands, stream corridors, or tree groves NOT shown on the City's Sensitive Lands Map is exempt from City approval requirements unless the work is located within the setback area of a mapped resource.	Removal-fill permit required for projects with ≥ 50 cubic yards removal/fill in wetlands/waters or located in ESH, unless specifically exempted. Review exemption limitations in Chapter 3 of the Removal-Fill Guide (see footnote 3 on page 8 of this document). If not exempt, determine if project qualifies for General Authorization (GA) or Individual Permit.	Section 404 permit likely required. Determine if project qualifies for Nationwide Permit (NWP). Coordinate with Oregon Department of Environmental Quality (DEQ) to determine 401 Water Quality (WQ) Certification needs.
	Yes	Environmental Review required. Pre-application Conference required prior to permitting.		
Stormwater System Maintenance/Retrofit	No	No Environmental Review required. Other local permits may apply (see above). Project must comply with Stormwater Management Code (LOC 38.25).	Removal-fill permit required for projects with ≥ 50 cubic yards removal/fill in wetlands/waters or located in ESH, unless specifically exempted. Review exemption limitations in Chapter 3 of the Removal-Fill Guide. If not exempt, determine if project qualifies for GA or Individual Permit.	Section 404 permit likely required. Determine if project qualifies for NWP. Coordinate with DEQ to determine 401 WQ Certification needs.
	Yes	Environmental Review required unless project satisfies exceptions in LOC 50.05.010.2.b and LOC 50.05.010.2.c. Pre-application Conference highly recommended. Other local permits may apply (see above). Project must also comply with Stormwater Management Code (LOC 38.25).		