

Why Permits are Needed

Lake Oswego has an abundance of beautiful trees, which provide shade, enhance the skyline, and create habitat for birds and other wildlife while mitigating pollution and soil erosion. Regulation of tree removal through the permit process allows consistent protection of these benefits, providing assurance to all residents that one of our most cherished assets will be protected in accordance with applicable laws, codes, and community standards.

When Is A Permit Needed?

There are a variety of tree permits to address different tree types and situations. Trees with a trunk less than 6 inches in diameter can be cut without a permit. A woody plant with a DBH (defined below) of 6" or more is considered a tree and needs a permit prior to removal. There are exceptions: stumps, shrubs and hedges are not considered a tree. Common examples of shrubs include Rhododendrons, Camellia, English or Portuguese laurel, photinia, arbor vitae, and hazelnuts.

The City has a list of invasive trees which may be removed with an expedited permit, issued over-the-counter at no cost. Please refer to the Invasive Tree Species booklet available at City Hall and on-line. All permit forms can be found at: www.lakeoswego.city/planning/trees.

Cost information

See Planning Section 11 of the Master Fee Schedule at www.lakeoswego.city/finance/master-fees-and-charges for current fees.

Determining DBH

Diameter at Breast Height (DBH) is determined by measuring the circumference of the main trunk 4.5 feet above ground. If the main trunk splits into smaller leaders below 4.5 feet, measure the circumference just below the trunk split. Divide the circumference by pi (3.14) to determine DBH.

Type I Permit

The Type I Permit is issued over the counter for trees between 6 and 15 inches DBH and any number or size of fruit-bearing trees. Type I Permits are only available for residentially zoned property developed with a single family dwelling, and only two trees may be removed per calendar year per residential lot. Type I Permits cannot be issued for trees that are:

- Protected by a condition of approval of a development permit.
- Designated as a Heritage Tree.
- Located within an area that has been placed on the Historic Landmark Designation List.
- Located within a RC or RP District or HBA Protection Area (Sensitive Lands).
- Located within the Willamette River Greenway district.
- Located within the 25-foot Oswego Lake Setback.
- On property dedicated to the public, including parks, open space, public rights-of-way and property owned by the City of Lake Oswego.

Requirements:

1. A Tree Removal Application signed by the property owner.
2. A hand-drawn site plan* showing property boundaries, structures, the location of trees requested for removal, and the location of any creeks, streams or other bodies of water.

Type II Permit

A Type II Permit is for trees that do not qualify for any other tree permit type on all lots within the City. The public may view Type II permits and the status of the permits on the City's website at www.lakeoswego.city/trees. Type II permits require more intensive evaluation and staff time, and take approximately 3 weeks to complete. The applicant posts a sign, obtained from the City, that describes the proposed tree removal. This begins the 14-day public comment period, during which staff reviews the application and makes a site visit. At the end of the comment period, staff posts the tentative decision on the Tree Webpage. There is a 7-day appeal period from the date of tentative decision. During this period, the tentative decision can be appealed by anyone who submitted comments during the comment period, the applicant, or the neighborhood association where the property is located to the Development Review Commission.

Requirements:

1. A Tree Removal Application signed by the property owner.
2. A hand-drawn site plan* showing property boundaries, structures, the location of trees requested for removal, and the location of any Sensitive Lands.
3. A Type II Checklist.
4. Mitigation plan (see next section).
5. Mark trees proposed for removal with yellow ribbon.
6. For trees that are proposed for removal due to construction or remodel, the building envelope and driveways must be staked and a building permit must be active.
7. For trees that are proposed for removal due to landscaping, submit a landscaping plan with the application.

Tree removal permits for the purpose of development are only issued at the same time as Building Permits.

Mitigation

The concept of 'remove a tree, plant a tree' is called mitigation. Mitigation is required for all Type II permits. Mitigation trees must be:

1. A 1.5-in. caliper deciduous tree, or a 6-ft. evergreen.
2. A native tree if a native tree is removed.
3. Planted at a 2:1 ratio for significant trees removed for development purposes.

Shrubs, vine maples, ornamental trees and dwarf specimens do not count as mitigation trees. If there is insufficient space on the property to plant new trees, mitigation trees may be planted:

- On other property in the City owned by the Applicant
- In an open space tract in the same subdivision

If no feasible alternative exists to planting a mitigation tree, the applicant may pay into the tree fund. These alternatives to on-site mitigation must be approved by the City.

Dead Tree Permit

Dead tree permits are usually issued at the Planning counter with appropriate evidence. However, between November 1 and April 15, permits for dead deciduous trees require a site visit by City staff because deciduous trees lose their leaves in the winter. Unless the tree is deemed a hazard to persons or property, Dead Tree Permits cannot be issued for trees located in parks or open spaces required to be preserved as a condition of development approval.

Requirements:

1. A Tree Removal Application signed by the property owner.
2. A hand-drawn site plan* showing property boundaries, structures, the location of trees requested for removal, and the location of any Sensitive Lands.
3. A picture of the dead tree.

* You can create a site plan at: www.lakeoswego.city/trees

I don't want to be surprised by the loss of shade or habitat in my neighborhood. A permit may take a bit of extra work on my part, but it assures me that my neighbor's trees will be subject to the same protections as mine. It takes all of us to protect our trees.

Hazard Tree Permit

A Hazard Tree permit is issued for trees that are cracked, split, leaning or physically damaged to the degree that it is clear that the tree is likely to fall and injure persons or property and where pruning will not alleviate the hazard. A Hazard Evaluation Form completed by a tree risk assessor qualified arborist may be required. To qualify as a hazard tree, the ISA qualitative tree risk assessment rating must be a high or extreme rating. Hazard Tree Permits require staff review.

Requirements:

1. Tree Removal Application signed by the property owner.
2. A hand-drawn site plan* showing property boundaries, structures, the location of trees requested for removal, and the location of any Sensitive Lands.
3. A picture of the hazard tree.
4. A Hazard Evaluation Form completed and signed by a tree risk assessor qualified arborist may be required.

Verification Permit

A Verification Tree Permit is issued for sites that have received development approval through a Major or Minor Development Process during which specific trees were approved for removal.

Requirements:

1. Tree Removal Application signed by the property owner.
2. A hand-drawn site plan* showing property boundaries, structures, the location of trees requested for removal, and the location of any Sensitive Lands.
3. A mitigation plan.
4. Mark trees proposed for removal with yellow ribbon.
5. Building envelope and driveways staked in the field.

Emergency Tree Permit

An Emergency Tree permit is issued for trees that present an immediate danger of collapse and represent a clear hazard to persons or property. "Immediate danger of collapse" means that the tree is already leaning and there is significant likelihood that the tree or a portion of it will fall before a tree cutting permit can be obtained through a non-emergency process.

Requirements:

1. Tree Removal Application signed by the property owner.
2. A hand-drawn site plan* showing property boundaries, structures, the location of trees requested for removal, and the location of Sensitive Lands.
3. Pictures of the emergency tree showing clearly demonstrating the situation that creates the emergency.

Topping Harms Trees

Tree topping makes a tree more susceptible to decay and weakens its structure and health. Tree topping is a violation of City code in Lake Oswego.

Tree Care

There are a number of things you can do to prolong the life of a tree:

1. Prune your tree. Careful, timely pruning enhances the beauty and health of a tree. Pruning encourages a tree to concentrate its growth in selected areas, and eliminates weak or dangerous limbs. If you need help, hire a qualified professional. Dispose of the debris properly.
2. Remove ivy and clematis. Both block the flow of nutrients and over-weigh branches.
3. Avoid stockpiling dirt, construction materials, or chemicals at the base of trees.
4. Avoid compaction of soil around roots.
5. Avoid over-watering and saturating tree root zones.
6. Maintain grass-free mulched rings around trees, but don't pile mulch against tree trunks.

Tree Protection

Prior to any development activity on a property (including clearing, grading, excavation, demolition and construction), tree protection fencing is required to be installed around all trees potentially affected by the development and inspected by the City. For trees whose dripline is close to construction activity (both on-site and off-site, including the abutting property or in the right-of-way), fencing must be placed at the edge of the tree protection zone or dripline and at the boundary of any open space tract, conservation easement, or RP and RC District or HBA Protection Area that abuts the parcel being developed. The fencing must be:

1. Metal, staked with steel posts a minimum of 2 feet long.
2. A minimum of 4 feet tall.

In addition, a sign, provided with the Tree Protection Application form, should be posted on the fence on each 30-foot segment.

Submit a Tree Protection Application to the Planning Department that shows the location of trees, dripline and tree protection fencing as well as any proposed and existing structures and grading (refer to the Tree Protection Application for a full list of requirements). Once the fencing is installed, call the City for an inspection.

Building permits will not be issued prior to the approval of the Tree Protection Plan.

For more information

www.lakeoswego.city/trees
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