

# TREE REMOVAL, PROTECTION & CARE

## Tree Removal



**Regulation of tree removal through the permit process protects the natural setting in Lake Oswego.** One of the benefits of living in Lake Oswego is the abundance of trees in the city — we live in an urban forest. Trees provide shade, enhance the skyline, and create habitat for birds and other wildlife, among other benefits. Trees also differentiate Lake Oswego from the urban metropolis of Portland. Without its trees, Lake Oswego's landscape would be dramatically different. There would be more pollution, increased erosion, less wildlife and hotter temperatures in the summer. For these reasons, the City of Lake Oswego regulates the removal of trees. Both homeowners and businesses are required to obtain a permit to cut a tree.



**What size and types of trees need a permit?** Generally, any woody plant that has a trunk 5 inches or more in diameter, measured 4.5 feet above the ground, is considered a tree and needs a tree permit prior to removal. English laurel, photinia, arbor vitae, poison oak and English ivy are not considered trees, regardless of size. Shrubs such as rhododendron, camellia, viburnum, etc., and normal tree pruning do not require permits.

**How do I measure the diameter of my tree?** Using a soft measuring tape, measure the circumference of the main trunk 4.5 feet above the ground. If the main trunk splits into smaller leaders below 4.5 feet, measure the circumference at the narrowest point just below where the trunk splits. Divide the circumference by pi (3.14). The result is known as the Diameter at Breast Height (DBH), and is how the City determines whether a tree removal permit is needed and what kind of permit is needed. The six different types of Tree Removal Permits are described below.

## TYPE I PERMIT



The Type I Permit is for trees between 5 and 10 inches DBH. It is issued over the counter. Type I is only available for residentially zoned property developed with a single family dwelling (as defined in LOC 50.02.010), 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 Resource Conservation (RC) or Resource Protection (RP) overlay district;
- Located within the Willamette River Greenway overlay district;
- Located within the 25 foot Oswego Lake Setback;
- Located on property owned by the City of Lake Oswego or dedicated to the public, including parks, open space and public rights-of-way.

**Requirements:** (1) Tree Removal Application signed by property owner; (2) a site plan showing property boundaries, structures, lake, the location of all trees 5" DBH or more, and any creeks or streams, and (3) Fee.

## TYPE II PERMIT



A Type II Permit is for trees that do not qualify for a Type I, Dead, Hazard, Emergency or Verification Permit. This includes trees greater than 5" DBH on all lots within the City. The Type II permit requires more intensive evaluation and staff time, and takes approximately one month to complete. The applicant posts a sign prepared by City staff that describes the proposed tree removal. This begins the 14-day public comment period, during which staff reviews the application, makes a site visit and issues a tentative decision. If the tentative decision is for approval, a second sign will be posted by staff for another 14-day period. During this appeal period, an appellant may request a hearing before the Community Forestry Commission or Development Review Commission.

Requirements: (1) Tree Removal Application signed by property owner; (2) a site plan showing property boundaries, structures, lake, the location of all trees 5" DBH or more, and any creeks or streams; (3) Type II Questionnaire; (4) Mitigation Plan (see next section); (5) Trees proposed for removal marked with a yellow ribbon, and (6) Fee. (7) 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. (8) For trees that are proposed for removal due to landscaping, submit a landscaping plan with the application.

Tree removal for the purposes of housing construction **requires a site visit** by City staff prior to submittal of Tree Removal and Building Permit applications.

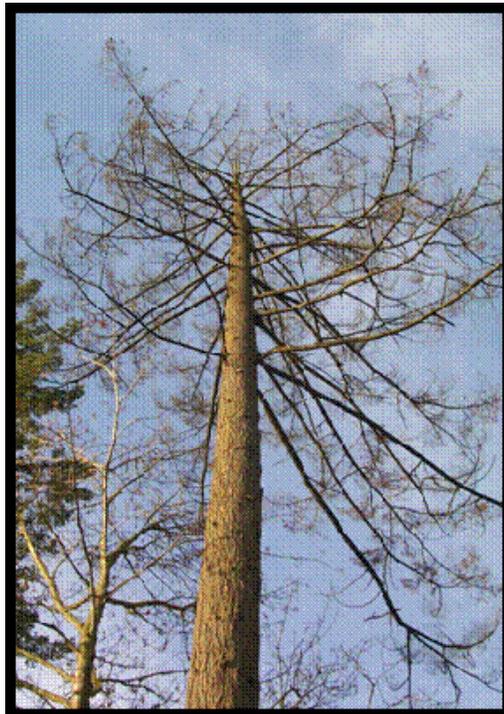
Tree removal permits for the purpose of development are **only issued at the same time as Building Permits.**

Mitigation for Type II Trees: One-to-one mitigation is required for all Type II trees that are removed. Mitigation trees must be either:

- A 2-inch caliper deciduous tree, or
- A 6-8 foot tall evergreen, excluding the leader.

Shrubs, ornamental trees and dwarf specimens cannot count as mitigation trees. If there is insufficient space on the property to plant new trees, mitigation trees may be planted (1) on other property in the City that is owned by the Applicant; (2) in an open space tract in the same subdivision, or (3) in a City-owned open space or park. If no feasible alternative exists to plant a mitigation tree, the applicant may pay into the tree fund. These alternatives to on-site mitigation must be approved by the City staff.

## **DEAD TREE PERMIT**



This permit is for dead trees, and can usually be issued over the counter if the appropriate evidence is presented. However, between November 1 and April 15, permits for dead deciduous trees require a site visit by City staff. Dead Tree Permits cannot be issued for trees that are located in parks or open space areas required to be preserved as a condition of development approval unless the tree is deemed a hazard to persons or property.

Requirements: (1) Tree Removal Application signed by property owner; (2) a site plan showing property boundaries, structures, lake, the location of all trees 5" DBH or more, and any creeks or streams; (3) a picture of the dead tree; (4) the tree marked with yellow ribbon; and (5) Fee.

## HAZARD TREE PERMIT



This 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 fail and injure persons or property and where pruning will not alleviate the hazard. This application requires a Hazard Evaluation Form completed by a Certified Arborist, which gives the tree a hazard rating based on failure potential, size of the part most likely to fail, and what use is under the tree. Most hazard trees are reviewed by staff and are not issued over the counter.

Requirements: (1) Tree Removal Application signed by property owner; (2) a site plan showing property boundaries, structures, lake, the location of all trees 5" DBH or more, and any creeks or streams; (3) a picture of the hazard tree(s); (4) a Hazard Evaluation Form completed, dated and signed by a Certified Arborist; (5) an Arborist's Report; (6) the tree marked with yellow ribbon; and (7) Fee.

## EMERGENCY TREE PERMIT



This permit is for trees that present an immediate danger of collapse and represent a clear and present hazard to persons or property. “Immediate danger of collapse” means that the tree is already leaning, the surrounding soil is heaving, and there is significant likelihood that the tree will topple or otherwise fail before a tree removal permit could be obtained through a non-emergency process (i.e., Hazard Permit). Emergency Tree Permits must be signed off by the City Manager and are not issued over the counter.

Requirements: (1) Tree Removal Application signed by property owner; (2) a site plan showing property boundaries, structures, lake, the location of all trees 5” DBH or more, and any creeks or streams; and (3) pictures of the emergency tree showing both the lean and the heaving soil, or the situation that creates the emergency.

## VERIFICATION TREE 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 identified for removal.

Requirements: (1) Tree Removal Application signed by property owner; (2) a site plan showing property boundaries, structures, lake, the location of all trees 5” DBH or more, and any creeks or streams; (3) a mitigation plan; (4) trees proposed for removal marked with a yellow ribbon, and (5) building envelope and driveways staked in the field.

## Tree Maintenance & Care

Once a tree has fallen, there is no way to restore it. However, there are a number of things you can do to prolong the life of a tree.

Prune Your Tree. Careful, timely pruning will enhance the beauty and health of a tree. Pruning encourages a tree to concentrate its growth in certain areas, and eliminates weak or dangerous limbs. Hire a qualified professional and dispose of the debris properly.

Do Not Top a Tree. Not only is topping illegal in Lake Oswego, it will make a tree more susceptible to crown and root rot, and weaken its strength and health.

Remove: ivy and clematis from trees, because both can cause trees to decline by blocking the flow of nutrients and over-weighting branches.

Do Not: stockpile dirt, construction materials, or chemicals at the base of trees, because these acts can kill the trees.

## Tree Protection

Prior to any development 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 City staff. For trees whose dripline is within 15 feet of any construction activity (both on-site and off-site), fencing must be placed at the edge of the tree protection zone or dripline (as determined by the City Manager), and at the boundary of any open space tract, conservation easement, or RP and RC Overlay District that abuts the parcel being developed. The fencing must be (1) chain link, (2) a minimum of 6 feet tall, and (3) staked with steel posts a minimum of 2 feet long.

Submit a Tree Protection Application to the Planning Division 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 City staff for an inspection.

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

For more information contact:

City of Lake Oswego  
Community Development Department  
Planning Division

380 A Avenue  
Post Office Box 369  
Lake Oswego, OR 97034

Phone: 503-635-0270  
Fax: 503-635-0269

Revised: 5/07