



Tree Mitigation

Trees maintain and enhance the character of Lake Oswego with the shade and wildlife habitat they provide, their capacity to provide natural buffering and screening between neighbors, and their ability to help manage stormwater, just to name a few of their benefits.



Under certain circumstances, the Tree Code requires a property owner to replant a tree when a tree is removed. This is called “mitigation”. This brochure describes the types of tree removal permits that require mitigation, how to choose the best mitigation tree for the site, and planting recommendations. The information below is a summary of the Tree Code Mitigation Requirements [LOC 55.02.084]. The complete regulations are available online at the City’s website, www.ci.oswego.or.us.

Type II and Verification Tree Removal Permits. Mitigation trees are required to replace trees removed under these permits. The removal of a non-significant tree requires one (1) mitigation tree for each tree removed. The removal of a tree identified as a significant tree for development purposes requires two (2) mitigation trees for each tree removal. A permit approval may be conditioned to provide more than a one-to-one ratio or a mitigation tree of a greater size than the minimum required. For instance, two evergreen trees may be required to replace the removal of one large Douglas fir to mitigate the loss of screening and buffering benefits.

Invasive Species Tree Removal Permits. Mitigation trees are only required in the following circumstances : when removal is from the public right-of-way, from an approved landscape plan approved as a part of a land use application, or from a Resource Conservation (RC) or Resource Preservation (RP) District. Mitigation trees in RC or RP Districts are also allowed to be smaller at the time of planting than is otherwise required.

Other Tree Removal Permits. Other tree removal permits such as Type I, Hazardous, and Dead do not typically require mitigation; however, per LOC 50.02.094(1), any tree removal permit may be conditioned. The City may impose conditions of approval on any tree cutting permit if the condition is reasonable related to preventing, eliminating or mitigation a negative impact or potential impact on natural features or the built environment (neighborhood). The circumstances in which this will happen are unusual and typically occur when a tree provides multiple community and environmental benefits that will be lost with removal.

Special Districts. The West Lake Grove Design District and the Lake Grove Village Center Overlay District have additional or special requirements regarding tree removal and mitigation. Please contact staff to determine if your property is subject to these regulations and how to comply.

Mitigation Plan. When mitigation is required, a plan shall be submitted at the time of application for the tree removal permit. The plan shall demonstrate:

- a. Location proposed for each mitigation tree;
- b. Size at the time of planting (e.g., 1.5-inch caliper if a deciduous tree or a 6-foot evergreen); and,
- c. Species of each proposed mitigation tree (e.g., Bigleaf maple, Douglas fir, etc).



Tree Species Selection. Generally, a mitigation tree at maturity should reflect the size and character of the tree that it is replacing. When selecting the tree species, here are some helpful tips to consider:

- a. Is the species compatible with adjacent buildings and infrastructure (both above and underground) with room for the canopy and roots to grow?
- b. Does it fit the existing environmental conditions such as access to the optimal amount of sun or shade, shading your house or your neighbor's house and yard, the type of soil (dry, clay, or wet soils), amount of leaf litter, etc?
- c. Does it improve aspects of the streetscape and neighborhood tree canopy?
 - i. Helps maintain a variety of evergreen and deciduous trees
 - ii. Provides a mix of heights (under and upper story trees)
 - iii. Offers native habitat for wildlife.

Size Requirements. Mitigation trees are required to meet or exceed the following sizes at the time of planting:

Type II or Verification Trees:

- a. Deciduous Tree – 1.5 inch caliper diameter measured at six inches above the top of the root ball.
- b. Evergreen Tree – 6 feet tall as measured from the top of the root ball to the top of the tree (excluding the dominant leader of the tree).

Invasive Trees:

- a. Same size requirements as above if removal is from the public right-of-way or an approved landscape plan as conditioned in a land use application approval.
- b. If from an RP or RC District:
 - i. Deciduous Tree – ½ inch caliper diameter measured at six inches above the top of the root ball.
 - ii. Evergreen Tree – 2 feet tall as measured from the top of the root ball to the top of the tree (excluding the dominant leader of the tree).

Planting Standards. Mitigation trees shall be planted in compliance with the “City of Lake Oswego Tree Planting and Maintenance Guidelines”. A copy of the Guidelines is attached.

Planting Schedule. Mitigation trees shall be planted by the date required on the Type II or Verification Tree Removal Permit. Typically this date is tied to the expiration of the permit and is 60 days from the date of the permit issuance.

Site Inspection. Once the mitigation tree is planted, the applicant is responsible for contacting the Planning Division at 503-635-0290 to request a site inspection. The applicant is also responsible for marking the mitigation tree with a bright ribbon to help staff identify the tree.

Replanting Options. If, in the City's determination, there is insufficient available space on the property to plant the mitigation tree, the applicant may be able to utilize the following options:

- a. Plant the mitigation tree on a property the applicant owns or controls elsewhere in the City; or,
- b. Plant mitigation trees in an open space tract that is part of the same subdivision as the lot where the trees were removed. This option is subject to applicable CC&Rs managed by the applicant's Home Owners Association; or,
- c. **Payment in Lieu of Planting Option.** If the City determines that there is no feasible option that exists to planting (per the first three options), the applicant shall pay a fee, established by the City Council, into the City's Tree Fund.

