



Planning and Building Services Department

380 A Avenue

Post Office Box 369

Lake Oswego, OR 97034

503-635-0290

[www.ci.oswego.or.us](http://www.ci.oswego.or.us)

## CHANGE OF USE OR ACCESS/PARKING STUDY

### WHAT IS A CHANGE OF USE?

A Change of Use is a change from one permitted use to another, including from the use assumed in a development review approval, that:

- Changes access requirements pursuant to LOC 50.06.003.1, Access/Access Lanes (Flag Lots), or that will result in the construction of private streets, driveways; or
- Involves the use of a parking study pursuant to LOC 50.06.002.

For the situations described above, a Change of Use development permit is required. In the portion of the downtown shopping and business district illustrated in Figure 50.05.004-K of the Lake Oswego Community Development Code, a Change of Use permit is **not required** when a new retail use locates in an existing structure.

### PRE-APPLICATION CONFERENCE REQUIRED

A Change of Use permit is a Minor Development. A Pre-Application (Pre-App) Conference is required prior to submitting the land use application. The purpose of the Pre-App is to discuss the development proposal, the applicable criteria, and the requirements for completing an application. Please refer to the City's Pre-App handout for more detailed information on this process.

### APPLICATION PROCEDURE

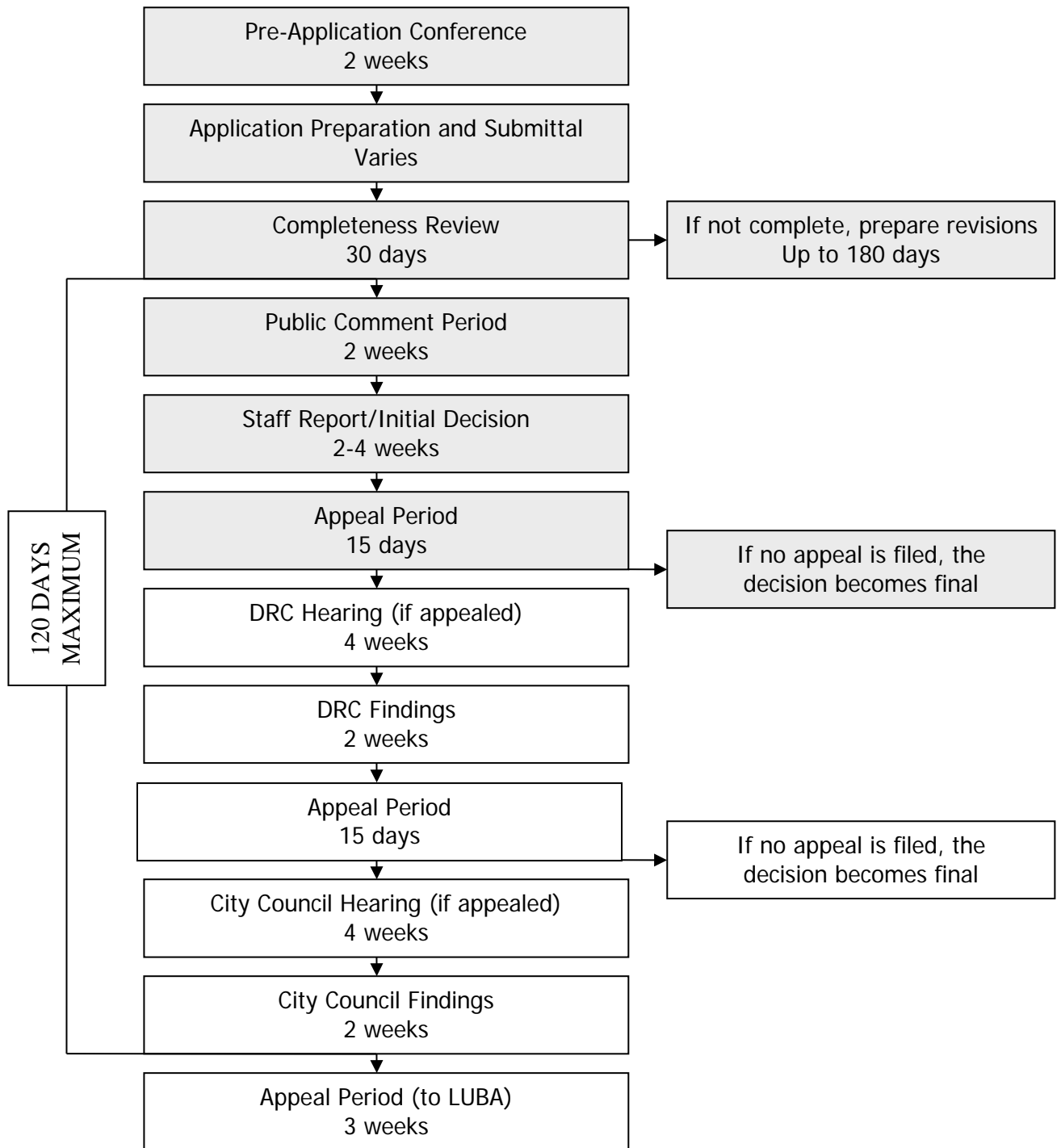
Following the Pre-App, the applicant (owner or owner's appointed agent) files a complete application with the Planning and Building Services Department using the Land Use Application form available at the department (and on our website at [www.lakeoswego.city](http://www.lakeoswego.city)). The applicant also provides information and materials specified in the Pre-App Checklist. Please refer to the attached "Submittal Requirements" section for a list of the materials that are typically required for a Change of Use application. A complete list of the actual required application materials for your proposal will be provided at the Pre-App.

Submitted plans and attachments are routed to all concerned City departments for review. The City has 30 days to determine whether the Change of Use application is complete. If the application is "incomplete," a letter will be sent to the applicant indicating what additional information is necessary. When the application is "complete," the City mails a Notice of Application to surrounding property owners, which begins a 14-day comment period.

### WHO MAKES THE DECISION

In most cases, planning staff will make the decision on a Change of Use application following the comment period. The application will be evaluated on the basis of the information provided by the

applicant, the criteria listed in the pertinent sections of the City’s Community Development Code and other codes, public comment, and inspection of the property. Appeals of the staff decision can be made to the Development Review Commission (DRC). If staff finds that the Change of Use request will be controversial or that there is a high likelihood that the staff decision will be appealed, staff will forward the application to the DRC for a public hearing for the initial decision. Appeals of the DRC’s decision can be made to the City Council. The flow chart below identifies the typical review process for a Change of Use; however, special circumstances may increase certain processing times. A staff decision becomes final after expiration of the 15-day appeal period unless an appeal is filed.



# SUBMITTAL REQUIREMENTS

A complete application is required before the City can proceed with technical analysis and make an informed decision on your application. Following is a list of materials that are typically required for Change of Use applications; however, as each request is unique, additional items may be identified at the Pre-App. Only digital submissions of materials will be accepted. Please do not submit your application until all the items on the list that apply to your proposal have been included. Consult with the Planning and Building Services Department if you have a question. All application materials become public record.

## GENERAL

Please submit an electronic copy of each of the following items, including any additional items requested by the City in the Pre-Application Checklist:

- Completed Land Use Application form signed by the property owner(s). Agent authorization is required if application is not signed by owners of all subject parcels.
- Proof of ownership such as a copy of deed or title report.
- An accurate and scaled site plan that illustrates the existing structure(s) on the site, parking spaces, access drives, existing setbacks, two-foot contour lines and easements (if any).
- All relevant graphic information such as a scaled floor plans with tenant information.
- If a parking study is proposed, a parking study prepared by a registered traffic engineer.
- If tree removal is proposed, a site plan illustrating the location, size, and species of all trees that are 6" in diameter or greater on or in close proximity to the site, and identifying trees designated for removal. Be sure to address the Type II tree removal criteria [LOC 55.02.080 of the Tree Code] and include a mitigation plan. Tag trees requested for removal with a yellow ribbon.
- A narrative addressing all applicable standards listed in the Pre-App Checklist in detail.
- Payment of application fee.