



Community Development Department

315 Kennel Ave/PO Box 248

Molalla, OR 97038

Phone 503.759.0205

www.cityofmolalla.com

CHANGE OF USE/OCCUPANCY

(Zoning Checklist)

Process Overview

Change of use/occupancy is comprised of two separate but related processes. The change of “use” process deals with requirements of the Molalla Municipal Code, and the change of “occupancy” process deals with requirements of the Oregon Structural Specialty Code.

First, you must undergo planning review and approval with the City of Molalla Planning Department to determine whether your proposal: 1) conforms with the city’s development code, 2) triggers additional process, and 3) creates impacts to capital improvement systems in excess of existing credits on the site.

Second, upon planning approval you will receive authorization to apply for building code review with the Clackamas County Building Official to determine whether your proposal: 1) constitutes a change of occupancy, and 2) complies with the Oregon Structural Specialty Code.

Finally, you will be required to provide the Molalla Planning Department with proof that you completed the Building Official’s process, or that the Building Official is not requiring any process for your proposal.

Please note that a change of use/occupancy does NOT necessarily involve any physical change to the building or site. The different use and occupancy classifications represent varying levels of hazard and risk to building/site occupants and the community, which require these processes for reconciliation with the Molalla Municipal Code and State of Oregon Building Code.

Process 1 – Change of Use, Molalla Planning Department

I. Application Submittal Requirements

- a. A change of use/occupancy application (this form).
- b. An existing and proposed conditions site plan (see site plan checklist).
- c. Staff verifies ownership using Clackamas County GIS, if the owner on your application does not match this, you will need to submit documentation proving ownership. All owners must sign the application.
- d. Application fee (see the City Fee Schedule for current prices).

II. Completeness Review & Timelines

- a. Planning Staff has 30 days to review your application for completeness.
- b. If your application is deemed incomplete, you will receive a letter outlining the additional information required. You will then have 180 days from the date your application was originally submitted to provide the following or your application will be considered void on the 181st day.
 - i. All the missing information; or
 - ii. Some of the missing information and a writing stating that no more will be provided; or
 - iii. A writing stating that no information will be provided.
- c. Once your application is complete, Planning Staff has 120 days to take final action.

III. Review of Complete Application - Your application will be reviewed to determine if your proposal constitutes a change of use under MMC Table 17-2.2.030.

- a. **If it DOES NOT** constitute a change of use, your proposal will be reviewed for compliance with:
 - i. MMC Title 17, Division II Zoning requirements, and/or MMC 17-1.4 Nonconforming Situations.
 1. If your proposal does not comply with one or both of the above sections, as applicable, it will not be approved. Planning Staff will consult with you if this occurs.
 - ii. MMC 13.14.090 to determine whether your proposal is subject to System Development Charges beyond existing credits on the site.
 1. If SDC's apply to your proposal you will be required to pay them before you receive planning approval.
 - iii. State Fire Code to ensure your proposal comports with fire/safety regulations.
 1. If modifications are required, your approval will be conditioned to make them, and gain approval from the Fire Marshall prior to occupancy.
- b. **If it DOES constitute a change of use**, your proposal will be reviewed for:
 - i. Determination of whether Site Design Review is required under MMC 17-4.2.020.
 1. If site design review is required:
 - a. Your proposal will be reviewed for compliance with MMC Title 17, Division II Zoning requirements, and/or MMC 17-1.4 Nonconforming Situations.
 - b. You will receive an opinion from Planning Staff as to compliance with the above sections and guidance on next steps, also see Site Design Review application. A credit for the cost of the change of use/occupancy application will be given against the cost of the required pre-application meeting before submission of your site design review application.
 2. If site design review is not required, the requirements in section III (a) still apply.

IV. Authorization to Proceed with Process 2

Upon completion of the planning process, you will receive an authorization to apply to the Clackamas County Building Official for Occupancy.

Your change of use/occupancy is not final until your certificate of occupancy is granted by the building official, or you have provided evidence from the Building Official that one is not required. The City of Molalla is required to sign off on all certificates of occupancy prior to issuance.

Process 2 – Change of Occupancy, Clackamas County Building Official

- I. Take your approved packet and authorization letter from the City to the Clackamas County Building Official's office to apply for occupancy.
 - a. You will likely be required to file for a building permit (even if no physical modifications are proposed) for the Building Official's office to review your proposal and issue a Certificate of Occupancy.
- II. You are required to provide the Molalla Planning Department with proof of a new certificate of occupancy, or proof (from the Building Official's Office) that one is not required.

Clackamas County Building Codes Division contact information:

Phone: (503) 742-4240

Email: bldservice@clackamas.us

Address: 150 Beaver Creek Rd., Oregon City, OR 97045

Website: <https://www.clackamas.us/building>

Applicant information (If not the owner)

Name: _____ Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Email: _____

Owner Information

Name: _____ Phone: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Email: _____

Property Information

Site address: _____

Zoned: _____ Overlay: _____ Tax lot # _____

Property dimensions: _____ Property acreage: _____

Surrounding property uses (Residential, Commercial, Industrial, Name of Street, etc)

North: _____ South: _____

East: _____ West: _____

Project Information

Description of Proposal: _____

Describe all existing buildings or structures on property: _____

Prior Use: _____

Current Use: _____

Proposed Use: _____

City Utilities Impacted: ___ Water ___ Sewer ___ Stormwater ___ None

Documents Required

1. Ownership documents if different than Clackamas County CMAP property information.
2. Provide All Easements, Covenants, Conditions, Restrictions, and Encumbrances on the property – Attach to this form.
3. Provide Elevation profiles meeting architectural standards of MCC 17-3.2.030 (D)
4. If your project is subservient to a prior project(s) please provide:
 - Planning File Number(s): _____
 - Subdivision name/date approved: _____
 - Special Planning Permits (attach): ___ Conditional Use ___ Variance Other: _____
 - Planning Conditions of Approval (attach)

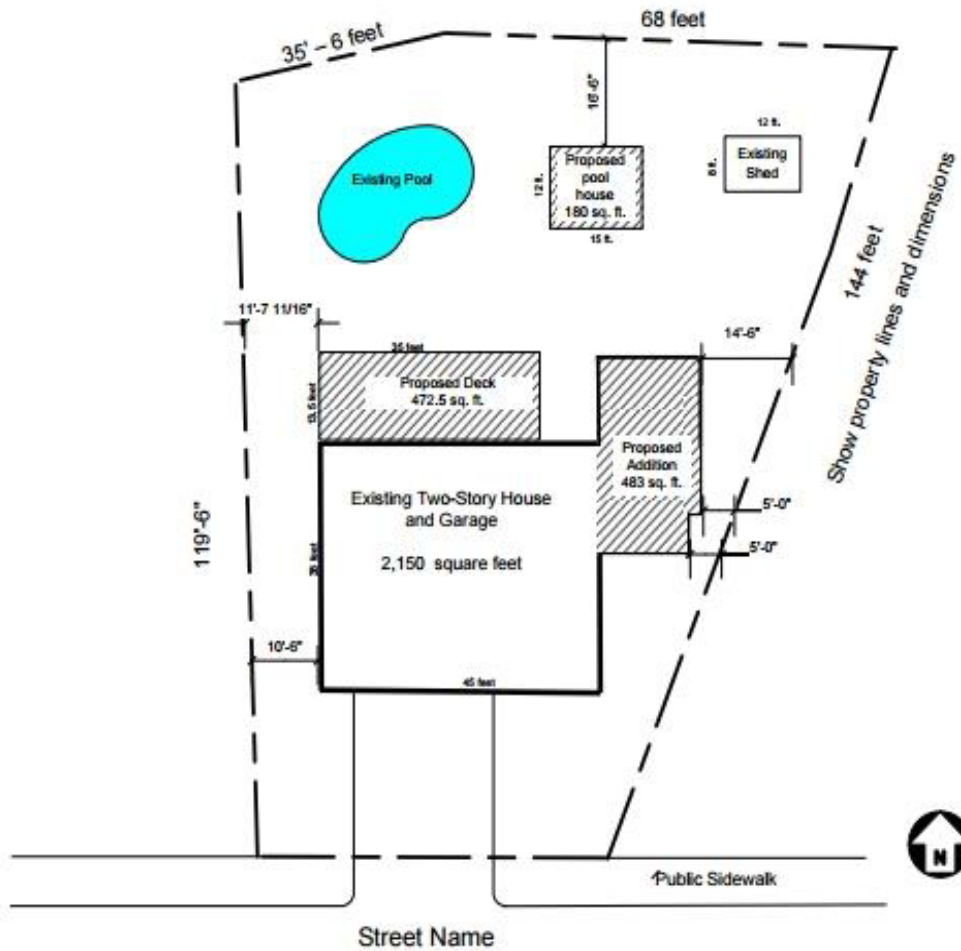
Site/Plot Plan

- Applicant’s name and address.
- Legal description of the property (Township, Range, Section and Tax Lot).
- SITE PLAN MUST INCLUDE DIMENSIONS OF ALL EXISTING AND PROPOSED STRUCTURES, PROPERTY LINES, SETBACKS, AND DRIVEWAYS.
- Direction of North.
- Driveway location and location of adjacent streets.
- Proposed and existing structures.
- Location of any existing wells on the property.
- Walkways, patios, patio slabs, and mechanical units (e.g. air conditioning unit)
- Location of existing and proposed utility connections.
- Approximate ground slope and direction of the slope.
- Property Lines.
- Position of all creeks, streams, ponds, springs, or other drainageways.
- Relative elevations (1) At lot corners or construction area, and (2) At building site.
- Existing and proposed easements.
- All streets abutting the property.
- All existing and proposed site features must be included and labeled as such.
- You must also indicate what is proposed to be removed.

Applicant Signature: _____ Date: _____

Owner Signature(s): _____ Date: _____

Site Plan Example



This sample site plan does not include every element required in the Site Plan Checklist but is an example of an acceptable format to use. This may be hand drawn or computer generated.

PLOT PLAN

Notes: _____

