

Chapter 80  
UNLISTED USES; AUTHORIZATION OF SIMILAR USES

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80.010 PURPOSE

It is not possible to contemplate all of the various uses which will be compatible within a particular zone. Therefore, unintentional omissions occur. The purpose of these provisions is to establish a procedure for determining whether certain specific uses would have been permitted in a zone had they been contemplated, and whether such unlisted uses are compatible with the listed uses. (Ord. 1339, 1993)

80.030 DETERMINATION PROCESS

A. Upon application and payment of fees, the determination regarding an unlisted use shall be made by the Commission pursuant to the provisions of CDC 80.050 subject to the limitation set forth in CDC 80.040.

B. The Planning Director shall maintain a list by zone of approved unlisted uses, and the list shall have the same effect as an amendment to the use provisions of the applicable zone. (Ord. 1339, 1993)

80.040 LIMITATION

The Commission shall not authorize an unlisted use in a zone if the use is specifically listed in another zone as either a permitted use or a conditional use. (Ord. 1339, 1993)

80.050 APPROVAL STANDARDS

Approval or denial of an unlisted use application by the Commission shall be based on findings that:

- A. The use is consistent with the Comprehensive Plan;
- B. The use is consistent with the intent and purpose of the applicable zone;
- C. The use is similar to and of the same general type as the uses listed in the zone;

D. The use has similar intensity, density, and off-site impacts as the uses listed in the zone; and

E. The use has similar impacts on the community facilities as the listed use. (Ord. 1339, 1993)

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The West Linn Community Development Code is current through Ordinance 1655, passed December 12, 2016.

Disclaimer: The City Recorder's Office has the official version of the West Linn Community Development Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

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Type III lands. These lands are considered within the major portion of the City's developable lands. Standard development criteria can be applied through normal implementation measures.

Type III lands have slopes between 15 percent to 25 percent on more than 50 percent of the site, as shown on the RLIS topography GIS layer.

Type IV lands. These lands are considered to have few, if any, constraints to development and are within the major portion of the City's developable lands. Normal development standards will apply in these areas.

Type IV lands have slopes between 25 percent to 35 percent on more than 50 percent of the site, as shown on the RLIS topography GIS layer.

Unhealthy or disturbed state. Defines an area of a WRA that is dominated by non-native vegetation and/or grading which is an appropriate candidate for restoration to its natural condition.

Unlisted use. A use that is not listed as either a use permitted outright or a conditional use in a particular zone.

Urgent care. A facility which provides emergency medical care on a non-appointment basis, but does not have overnight sleeping facilities.

Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Utilities. All lines, facilities and services related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity, or similar service. There are two classes of utilities - major and minor:

Utility, major. A major utility facility or service includes, but is not limited to: a substation; pump station; water storage tank; sewerage treatment plant; water treatment plant; and transmission lines for water, drainage or sewerage collection systems, gas or electric, or other similar use.

Utility, minor. A minor utility facility or service includes, but is not limited to: overhead or underground electric, telephone or cable television poles and wires, and distribution lines for electric, gas, water, drainage or sewerage collection systems, or other similar use.

Variance. A discretionary decision to permit modification of the terms of an implementing ordinance based upon specific findings delineated in the Community