

Memorandum

Date: June 26, 2020

To: West Linn Planning Commission

From: Darren Wyss, Interim Senior Planner

Subject: Final Review: Major/Minor Utility Definitions

The Planning Commission (PC) has engaged in a long running discussion on the lack of specific “use” language for stormwater detention/treatment facilities (primarily ponds) in the Community Development Code (CDC). The most closely associated “uses” listed in the CDC are major and minor utilities, however neither one directly identifies stormwater detention/treatment facilities in its definition.

The PC has held three work sessions in 2020 (February 5, 2020; May 6; June 3) to discuss the issue and recommend a solution. At the June 3rd meeting, the PC found consensus on the following:

1. An amendment to the major/minor utility definitions to clarify stormwater detention/treatment facilities are a minor utility will appropriately address the issue;
2. Both the 1983 and 2011 definitions (see below) contain language that is more clear, as opposed to the last change in 2014, in distinguishing between the two “uses”;
3. Add stormwater facility language to the minor utility definition; and
4. Staff will draft definition amendments for final review.

Based on the direction above, staff has developed the following draft definitions:

Utility, Major – **A utility facility or service that will have, or the installation of which will have, a significant impact on the surrounding uses or the community in terms of generating or disrupting traffic, interfering with access to adjacent properties, creating noise or causing adverse visual effects.** A major utility facility or service includes, but is not limited to: a substation; **regional sewer** 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 utility facility or service that will have, or the installation of which will have, a minor impact on the surrounding uses or on the community in terms of generating or disrupting traffic, interfering with access to adjacent properties, creating noise or causing adverse visual effects. A minor utility facility or service includes, but is not limited to: overhead or underground electric, telephone or cable television poles and wires, stormwater water quality and quantity facilities required as part of development, and distribution lines for electric, gas, water, drainage or sewerage collection systems, or other similar use.

If you have questions about the work session or materials, please feel free to email or call me at dwys@westlinnoregon.gov or 503-742-6064. As always, please submit questions before the meeting to increase the efficiency and effectiveness of the discussion as it allows staff to prepare materials and distribute them for your consideration. Thanks and hope to see everyone on the 1st.

1983 (initial adoption of the CDC)

Utility, Major – A utility which may have a significant impact on the surrounding uses or the community in terms of generating traffic or creating noise or visual effects and includes utility, substation, pump station, water storage tank, sewer plant or other similar use essential for the proper function of the community.

Utility, Minor – A utility which has a minor impact on the surrounding uses or on the community in terms of generating traffic or creating noise or visual effects and includes the overhead or underground electric, telephone or cable television poles and wires, the underground gas and water distribution systems and the drainage or sewerage collection systems or other similar use essential for the proper functioning of the community.

2011 (adopted in Ordinance 1604)

Utility, Major – A utility facility or service that will have, or the installation of which will have, a significant impact on the surrounding uses or the community in terms of generating or disrupting traffic, interfering with access to adjacent properties, creating noise or causing adverse visual effects. “Major utility” includes, but is not limited to, a substation, pump station, water storage tank, sewer plant, transmission lines for water, drainage or sewerage collection systems, gas or electric, or other similar use.

Utility, Minor – A utility facility or service that will have, or the installation of which will have, a minor impact on the surrounding uses or on the community in terms of generating or disrupting traffic or access to adjacent properties, creating noise or causing adverse visual effects. “Minor utility” includes, but is not limited to, overhead or underground electric, telephone or cable television poles and wires, distribution lines for electric, gas, water, drainage or sewerage collection systems, or other similar use.