CHAPTER 33.848
IMPACT MITIGATION PLANS

(Added by Ord. No. 167054, effective 10/25/93. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175966, effective 10/26/01; Ord. No. 177028, effective 12/14/02; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13.)

Sections

33.848.010 Purpose
33.848.020 What is Covered by an Impact Mitigation Plan
33.848.030 When an Impact Mitigation Plan is Required
33.848.040 Procedure
33.848.050 Approval Criteria
33.848.060 Phases and Duration
33.848.070 Impact Mitigation Plan Requirements
33.848.080 Institution Closure or Relocation.
33.848.090 Implementation
33.848.100 Amendment of an Impact Mitigation Plan

33.848.010 Purpose

The Institutional Residential (IR) zone is intended to foster the growth of major institutions providing educational and medical services and employment to Portland's residents. The IR zone was created in recognition of the valuable role these institutions play in the community. The new zone is intended to streamline the review process for the growth and expansion of these institutions. However, these institutions generally are in residential areas. In residential areas the level of public services is scaled to a less intense level of development than is needed by these growing campuses. These campuses are often of a radically different scale and character than the areas in which they are located. Development of a strategy for each campus for resolution of public service and compatibility issues is important to the health of the institution and the City's neighborhoods. Once an institution has an approved impact mitigation plan, a conditional use master plan is not needed and will not be required.

33.848.020 What is Covered by an Impact Mitigation Plan

A. Present uses. An impact mitigation plan is for the entire area within the institutional campus boundary. The impact mitigation plan is applicable to all uses and activities within the boundary, regardless of the base zone, as long as the property is under the control of the institution or institutions located on the campus. Control means the power to decide and direct the use of land, structures and other resources.

B. Future developments. The impact mitigation plan's provisions control the future growth of the campus. The impact mitigation plan's provisions allow the expansion of existing facilities and the development of new facilities after the expected impacts of the development have been mitigated. The impact mitigation plan focuses on impacts of future development or developments. The impact mitigation plan is specifically intended to not focus on the characteristics of individual building projects.

33.848.030 When an Impact Mitigation Plan is Required

A. In an IR Zone. Development occurring in the IR zone in advance of the approval of an impact mitigation plan is subject to the conditional use requirements of the IR zone unless the institution has an approved master plan and the development is consistent with the master plan. When the institution has an approved master plan the institution may continue to develop in accordance with the master plan until such time as the master plan is due to be updated or until the institution desires a development that is not consistent with the master plan. In the IR zone a master plan which is due to be updated, or which the institution wishes to amend, must be replaced by an impact mitigation plan, or by an amended or new conditional use master plan. An institution can also choose to replace an existing impact mitigation plan with a new conditional use master plan. An impact mitigation plan must be approved in accordance with the regulations of this Chapter. A conditional use master plan must be approved in accordance with the regulations of Chapter 33.820.

B. When required as part of another land use review. The review body as part of a land use review, may require an impact mitigation plan when the facility has the potential for creating significant impacts on nearby residential areas or on City infrastructure or services.

C. Voluntarily. An applicant may also voluntarily submit an impact mitigation plan as part of a land use review.

33.848.040 Procedure
A new impact mitigation plan is processed through a Type III procedure.

33.848.050 Approval Criteria
The approval criteria listed in this Section will be used to review impact mitigation plans. These criteria correspond to the regulations governing the content of the Impact Mitigation Plan. The approval criteria are:

A. The mission statement and impact mitigation plan contain the components required by the Institutional Residential Zone (33.848.070).

B. Mitigation.

1. Each planned phase of development includes mitigation activities that offset impacts of that phase of development, except as provided in Paragraph B.2, below;

2. Impacts that cannot be mitigated may be allowed if the public benefits of the proposed institutional campus boundary, mission statement, and impact mitigation plan outweigh the impacts.

C. The proposed uses and possible future uses will be able to comply with all applicable requirements of Title 33 and Title 32, Signs and Related Regulations, except where adjustments are being approved as part of the impact mitigation plan.

D. The proposed institutional zone boundary, mission statement, and impact mitigation plan have been evaluated against the purpose of the IR Zone and on balance have been found to be supportive of the zone's characteristics as stated in Subsection 33.120.030.F.

E. The proposal and impact mitigation plan are supportive of the Transportation Element of the Comprehensive Plan.

F. The transportation system is capable of safely supporting the development proposed in addition to the existing uses in the area, or will be made capable by the time the development is completed.

G. Public services for water supply, police, fire, sanitary waste disposal and storm water disposal are capable of serving the proposed development, or will be made capable by the time the development is completed.

H. City-designated significant resources such as views, landmarks, or habitat areas are protected or enhanced.

I. The appearance, location, and amount of commercial, non-institutional office, industrial service, and manufacturing and production will not, by itself or in combination with other uses, decrease the desirability of adjacent residential areas for the retention of existing housing or development of new housing.

J. The impact mitigation plan includes design, landscape, and multi-modal transportation plans which limits conflicts between the institutional campus and residential, commercial, and industrial uses located within the same neighborhood or neighborhoods as the campus.

K. All relevant declarations of Covenants, Conditions and Restrictions and any other relevant legal instruments will be submitted in advance of any development.

L. Campus institutional, commercial, office, industrial service, and industrial development will, with mitigation, not have significant adverse impacts on the livability of nearby residential and business areas.

M. The impact mitigation plan adequately addresses potential nuisance-related impacts, such as litter, noise, shading, glare and traffic.

N. The proposal is consistent with the policies and objectives of any plans applicable to the campus's location which have been adopted by the City Council as part of the Portland's Comprehensive Plan.

O. The Portland Design Commission has reviewed and approved design guidelines or standards that will ensure:

1. An environment will be created which is attractive, safe, and pleasant for pedestrians; and

2. The edges of the campus will provide smooth and attractive transitions between the institutional campus and adjacent residential and business areas.

33.848.060 Phases and Duration

An impact mitigation plan remains in effect until all phases of development included in the plan have been completed. An impact mitigation plan may include a specific expiration date. After all phases of development provided for in the impact mitigation plan have been completed, the plan remains in effect until it is amended, or updated, or superseded.

33.848.070 Impact Mitigation Plan Requirements
The applicant must submit an impact mitigation plan which includes all the components listed in this Section. The review body may modify the proposal. While it is important to include adequate detail in the plan, the intent of this Chapter and the IR zone is to allow development of a document that guides the nature and timing of mitigation activity rather than one that specifies the nature, size, and location of all future development projects.

A. Mission statement and uses. An impact mitigation plan must include a mission statement. The mission statement is intended to identify the scope of services and defines the range of uses and activities that the institution sees as ultimately occurring within the campus. The mission statement must include the following elements:

1. A statement of the mission of the institution and the campus;

2. A list of all the primary uses expected to occur on the campus with an explanation of the interrelationship between each and the institutional campus mission;

3. A list of all accessory uses expected to occur on the campus with an explanation of the role each accessory activity plays in implementing the campus mission statement. Except for Small Scale Energy Production, activities which provide goods or services to people or facilities that are not on the campus may not be listed as accessory activities;

4. A list of temporary activities and events which are expected to occur on the campus in general and at major event entertainment facilities located on the campus;

5. A list of other retail sales and service, office and industrial activities expected on the campus providing goods or services to people or facilities in the larger community, with a statement for each explaining the interrelationship between the activity and the campus mission statement; and

6. The proposed locations for retail sales and service, office, industrial uses, and major event entertainment facilities must be identified.

B. Institutional campus boundary. The Impact Mitigation Plan must delineate the ultimate area and boundaries of the institution's campus. The proposed boundary may include land that the institution does not presently control. However, sites must be controlled by the institution to be zoned IR.

C. Location sensitive uses. The Impact Mitigation Plan must identify the location on the campus where location sensitive uses are to be placed. Location sensitive uses are:

1. Retail Sales And Service and Office uses which are not listed as primary or accessory uses in the mission statement;

2. Any use or activity which provides goods or services to establishments not on the campus;

3. Major Event Entertainment facilities permitted on the campus as conditional uses; and

4. Industrial Service and Manufacturing And Production uses permitted on the campus as conditional uses.

D. Phasing of mitigation activities. Impact mitigation measures and expected demands for public services should be divided into phases of campus growth. Each phase of campus growth included in the impact mitigation plan must identify the specific mitigation activities which will be implemented in advance of the development activities included in that growth phase. A specific phase of campus growth may include several different development projects. Phases of growth may be described exclusively in terms of the mitigation measures to be implemented. Once the implementation measures for a phase of growth are in place any development project which is otherwise consistent with the campus mission statement and the impact mitigation plan may be undertaken when the project's expected impacts are at or below the levels mitigated for in the current phase of growth. Each phase of growth must identify mitigation measures to be taken to address the elements in Subsections E through I of this Section.

E. Waste disposal. For each phase of campus development, the following service loading must be addressed:

1. Effect on the City's sanitary sewer system;

2. Capacity of the storm water disposal system that serves the campus;

3. Disposal of hazardous solid waste, including preventing hazardous substances from entering the storm water disposal and sanitary sewer systems; and

4. Preventing mud and other debris from campus construction sites from entering the storm water disposal system.

5. Reducing solid waste produced on the campus through recycling;

F. Water supply. For each phase of campus development the following service loading must be addressed:

1. Water needs of the campus; and

2. Water conservation activities and measures.

G. Transportation. For each phase of campus development the following must be addressed in the multi-modal transportation plan.

1. The location and amount of motor vehicle and bicycle parking;

2. Strategies to reduce the number of motor vehicle miles traveled by those traveling to and from the campus, i.e. students, patients, faculty, staff, and visitors, including:

   a. Measures to encourage those traveling to and from the campus to use alternatives to single-occupant auto trips (walking, bicycling, carpooling, and public transit);

   b. The car or van pool programs;

   c. Incentives to be offered to employees and, where applicable, students, and others to use public transit for travel to and from the campus;

d. Incentives to be offered to employees and, where applicable, students, and others to travel on foot or by bicycle to and from the campus. This may include incentives for employees to live within walking distance of the campus;

3. Planned improvements to the routes used by transit patrons between transit stops serving the campus and the campus's circulation system for pedestrians and transit facilities;

4. An on-site circulation system for all modes that meets the City's connectivity standards of no more than 530 feet apart for streets and no more than 330 feet apart for pedestrian/bicycle connections where streets are not feasible, and links to adjacent streets and walkways;

5. Traffic impacts on the streets in the vicinity of the campus and measures which will be taken to ensure that the surrounding streets will function consistent with the Transportation Element of the Comprehensive Plan;

6. Parking mitigation, including an analysis of projected peak parking demand for daily activities and events, and strategies to reduce the supply of parking without impacting nearby land uses; and

7. To address adequacy of transportation services, a multi-modal impact study is required of the applicant by the Office of Transportation. In preparing such a study the applicant should follow the guidelines set forth in the "Transportation Impact Study Guidelines" document available from the Portland Office of Transportation.

H. Environmental, historic, scenic and open space. For each phase of campus development the following must be addressed:

1. A strategy for the protection and enhancement of environmental, scenic and historic resources which have been inventoried by the City, determined to be significant and are located within the land occupied by the campus; and

2. A strategy for the enhancement of the campus's system of open spaces and their linkage to public right-of-ways.

I. Neighborhood livability. For each phase of campus development the following must be addressed:

1. Steps that will be taken to mitigate adverse impacts on the livability of nearby residential neighborhoods and residential developments as well as non-institutionally owned properties within the institution campus boundary. Impacts include noise, odor, traffic, litter, parking, shading of adjacent areas, public safety, vibration and glare;

2. How the institution's development will accommodate continued provision of public services including transportation, police, and fire protection to locations which are within the campus boundary but are not under the institution's control;

3. A schedule for bringing the campus into compliance with all provisions of the zoning code which may be practicably met as well as any conditions attached to the establishment or expansion of the institutional campus or the approval of the campus impact mitigation plan;

4. A plan showing how the campus will comply with the regulations for superblock if the campus is subject to the superblock regulations. If the institution's site includes more than 50,000 square feet of vacated rights-of-way the institutional campus must meet the development regulations for superblocks contained in Chapter 33.293; and

5. Identification of distinct service or amenities the institution will provide for nearby residents.

J. Neighborhood communication and coordination. The institutional campus must provide an ongoing process for communicating with neighbors. The process is to be implemented during all phases of growth provided for by the impact mitigation plan. This process must provide for the following:

1. The institution must host a meeting, at least annually, with representatives from recognized neighborhood and business associations within whose boundaries the institution is located. The purpose of the meeting is to discuss short term and long-range plans for campus building and development.

2. A process for meeting with representatives of recognized neighborhood and business associations within whose boundaries the institution is located, which provides for the following:

   a. The periodic review of the institution's services and activities and potential external impacts;

   b. An opportunity to review and comment upon the design of specific development proposals planned in the current or next growth phase; and

   c. An opportunity to be informed of all land use reviews the institution is applying for at least 30 days before they apply to the City. The institution must provide information on the types of activities, proposed size, and proposed location along with any proposed mitigation plan measures.

K. Design compatibility. The impact mitigation plan must include guidelines or standards that will guide the design review process on the campus. The guidelines or standards must include the following elements:

1. A set of design review guidelines and procedural thresholds to mitigate the potential aesthetic impacts of large scale institutional development upon surrounding non-institutional development and public right-of-ways. For each specific development project located near the campus boundaries or abutting a right-of-way, the applicant must demonstrate compliance with these design guidelines prior to the granting of a building permit. This will be processed through a Type II or a Type Ix design review procedure at the completion of schematic design. A Type II procedure must be followed if the impact mitigation plan's design guidelines take the form of subjective or qualitative statements. The institution may choose a Type Ix procedure if the design guidelines are objective standards;

2. Each building facade within 50 feet of a public right-of-way or pedestrian path or recreational trail (as shown in the Portland Comprehensive Plan Transportation Element) within or bordering the institutional campus must comply with design guidelines which address the following:

a. All developments must create an environment friendly to pedestrians through the:

(1) Orientation of main entrances to facilitate visibility and accessibility to pedestrians and transit patrons;

(2) Treatment of ground floor development;

(3) Provision of pedestrian amenities including seating, informational and directional signs and lighting; and

(4) Treatment of open spaces and other landscaped areas.

b. All development located, in all or part, within 150 feet of a campus boundary abutting a residential or commercial zone must also be designed to smooth the transition between more intense, larger-scale institutional development and nearby residential and commercial areas through the:

(1) Treatment of campus gateways including their location, design and landscaping;

(2) Building design including proportions; building massing; type and color of exterior building materials; window treatment including number, size, location and degree of transparency; building setbacks and landscaping; and masking of roof-mounted mechanical equipment, loading docks and trash collection areas; and

(3) Design, landscaping and location of surface and structured parking.

3. A listing of any specific building design characteristics for which a blanket adjustment to zoning regulations is requested for current and future building projects must be included in the institution's design guidelines.

33.848.080 Institution Closure or Relocation.

A. Phase-down plan. Six months before commencement of an institution's closure or relocation, the institution must develop a phase-down plan. This plan will be reviewed through a Type III review process. To be approved the phase-down plan must meet the approval criteria of Section 33.815.105, Institutional and Other Uses in R Zones.

B. Plan components. The plan must have the following components:

1. The status and potential future of uses associated with the institution must be identified;

2. Approval will be based on continued constraint of impacts and use of mitigation measures contained within the institution's approved impact mitigation plan.

C. Regulations.

1. Uses in compliance with the residential standards and regulations of the IR zone may continue.

2. Other uses may be permitted to remain through the Type III review called for in Subsection A.

3. Uses permitted to remain are required to continue to meet institutional impact mitigation plan standards and requirements.

33.848.090 Implementation
After an impact mitigation plan has been approved, all development must comply with the plan's provisions and phased mitigation schedules as well as all other applicable provisions of this code, unless exempted by the plan. Projects will be reviewed for compliance with the approved impact mitigation plan through a Type II procedure unless another approval process is identified in the IMP. The project will be approved when it is found that the impacts of the proposed development in combination with all existing development on the campus will not exceed the levels mitigated for in the current growth phase. Design review of the project may also be required. When required the design review procedure may occur concurrently with the Type II procedure unless another approval process is identified in the IMP.

33.848.100 Amendment of an Impact Mitigation Plan
A change of occupancy for an industrial service or manufacturing and production use listed in an already approved impact plan's mission statement is processed through a Type II procedure. A use amendment to an approved impact mitigation plan's mission statement is reviewed through a Type III procedure. Other amendments to an approved impact mitigation plan are reviewed through a Type II procedure.