

HIGHWAY 99/BEAR CREEK GREENWAY CORRIDOR Re-Visioning Project



Comprehensive Plan & Development Code Evaluation Memorandum

December 2023

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Prepared by JET Planning, Portland, Oregon, in cooperation with Otak.



I. INTRODUCTION

The Highway 99/Bear Creek Greenway Corridor Re-visioning Project (Hwy99/BCGC) will develop a cohesive vision for future growth and development in the area that was impacted by the Almeda Fire in 2020. The fire destroyed a significant number of structures in its path, including homes and businesses, many of which have yet to be replaced. As the impacted communities continue their rebuilding efforts, this project will provide a guide for where and how to focus their energies in support of community needs and aspirations.

This project is a collaboration among the three jurisdictions most impacted by the fire - the Cities of Talent and Phoenix, and Jackson County - and the State of Oregon's Transportation and Growth Management Program (TGM). This project is also intended to recognize and complement much of the recovery work already being done in this area.

At the beginning of this effort, a set of objectives, guided by the TGM smart development principles, was developed to inform the project. Those objectives are:

- Create a vision for redevelopment of land within the project area.
- Enhance multi-modal transportation connections with an emphasis on walking, biking, and transit options.
- Identify key areas for development that can serve as community activity hubs.
- Provide opportunity for a greater variety of housing types for existing, displaced, and future residents.
- Explore ways to integrate fire resiliency and emergency access into redevelopment plans.
- Develop design and placemaking strategies to strengthen cohesiveness along the corridor and support economic growth.¹

This Comprehensive Plan & Development Code Evaluation Memorandum is intended to help this effort by analyzing existing development regulations in each of the three jurisdictions relative to the project objectives to support multi-modal transportation and mixed-use hubs along the Hwy99/BCGC corridor. The Code Evaluation Memorandum discusses recommendations to better align the development regulations in the three affected communities to support vibrant mixed-use redevelopment.

¹ The preceding introductory text, and some text in Section II: Key Development Subareas are reproduced from the Existing Conditions and Opportunities Report. Credit: Otak.



II. EVALUATION OF JACKSON COUNTY POLICIES & REGULATIONS

There are three segments of the project area within Jackson County jurisdiction: **the northern segment** of the project area (north of Phoenix) that is primarily urban-level residential and commercial uses, **the central segment** between Phoenix and Talent that is more rural including rural-scale residential and agriculture, and **the southern segment** (south of Talent) that is predominately zoned for resource protection. See **Figures 2.1-2.3** showing the applicable zoning for these portions of the project area. A high-level summary of County regulations is provided here because of the limited development expected under County jurisdiction.

Northern segment: The most urban in character, this area has been added to the City of Phoenix's Urban Growth Boundary (UGB) and is known as PH-3. The area is expected to be annexed by the City within the coming year, thus, any future redevelopment will be subject to Phoenix development standards which are analyzed in Section III.B. The existing commercial and residential zones are expected to be given the City of Phoenix zoning that most closely matches existing County zoning upon annexation.

Central segment: The area between Phoenix and Talent within the project boundary is mostly zoned for Exclusive Farm Use (EFU) and various levels of Rural Residential (RR-5, RR-2.5, and RR-00). The RR zones generally allow low-density types of housing (single detached, duplex) and a limited number of agricultural-related uses such as a produce stand or a winery. Commercial and industrial uses are not permitted in the RR zones. The EFU zone is intended to protect land for agricultural uses; other non-agricultural uses are generally not permitted in this zone. A portion of this segment abutting Talent's current City limits and UGB has been identified and planned as Urban Reserve Areas (URAs) for future Talent UGB expansion: TA-4 on the west side of Highway 99 is conceptually planned for future employment and commercial use and TA-5 on the east side of Highway 99 and abutting the Bear Creek Greenway is conceptually planned for a mix of commercial, low-medium density residential, high-density residential, and public uses. The County and City of Talent have signed an Urban Reserve Management Agreement to guide an orderly transition from rural to urban levels of development.² There are also several "island" parcels with County General Commercial (GC) zoning along Highway 99 that are otherwise surrounded by the City of Talent. According to the Urban Growth Boundary Management Agreement, the County and City shall coordinate to review any proposed development and apply City standards.

Southern segment: South of Talent, Jackson County land is zoned a mix of RR-5, EFU, and Open Space Reserve (OSR). The OSR zone is another resource zone similar to EFU and is intended to protect forest lands; non-forest uses are not allowed in this zone.

² https://jacksoncounty.org/ds/DesktopModules/Bring2mind/DMX/API/Entries/Download?Command=Core_Download&EntryId=39609&language=en-US&PortalId=16&TabId=1460



Significant redevelopment is not anticipated for the rural central and southern segments because of the priority to preserve resource areas, and thus, the plan policies and development code regulations for these segments are not analyzed in further detail.

Recommendations: *The County's rural land use regulations appear generally supportive for lands outside of the Cities' urban areas, and agreements provide for orderly future transition from rural to urban development.*

- *Coordinate with City of Phoenix on the annexation of PH-3 to smooth transition from County to City zoning. Coordinate on any development applications received in the interim to review jointly with the City as established in the Urban Growth Boundary Management Agreement to ensure compliance with Phoenix zoning, particularly along the Highway 99 corridor.*
- *Continue to implement the Urban Reserve Management Agreement and coordinate with the City of Talent about future inclusion of URAs within the City's UGB and future development patterns within TA-4 and TA-5.*
- *Explore annexation of the handful of County GC properties that are within Talent's UGB but not city limits along Highway 99. Apply City of Talent commercial zoning standards prior to any annexation, with recommended changes to strengthen the mixed-use, multi-modal development patterns along Highway 99, as part of implementing the Urban Growth Boundary Management Agreement.*
- *Further analysis should explore setbacks, use limitations and/or other buffering techniques for areas along Bear Creek to enhance riparian, aesthetic, and recreational functions consistent with approach within Phoenix and Talent.*



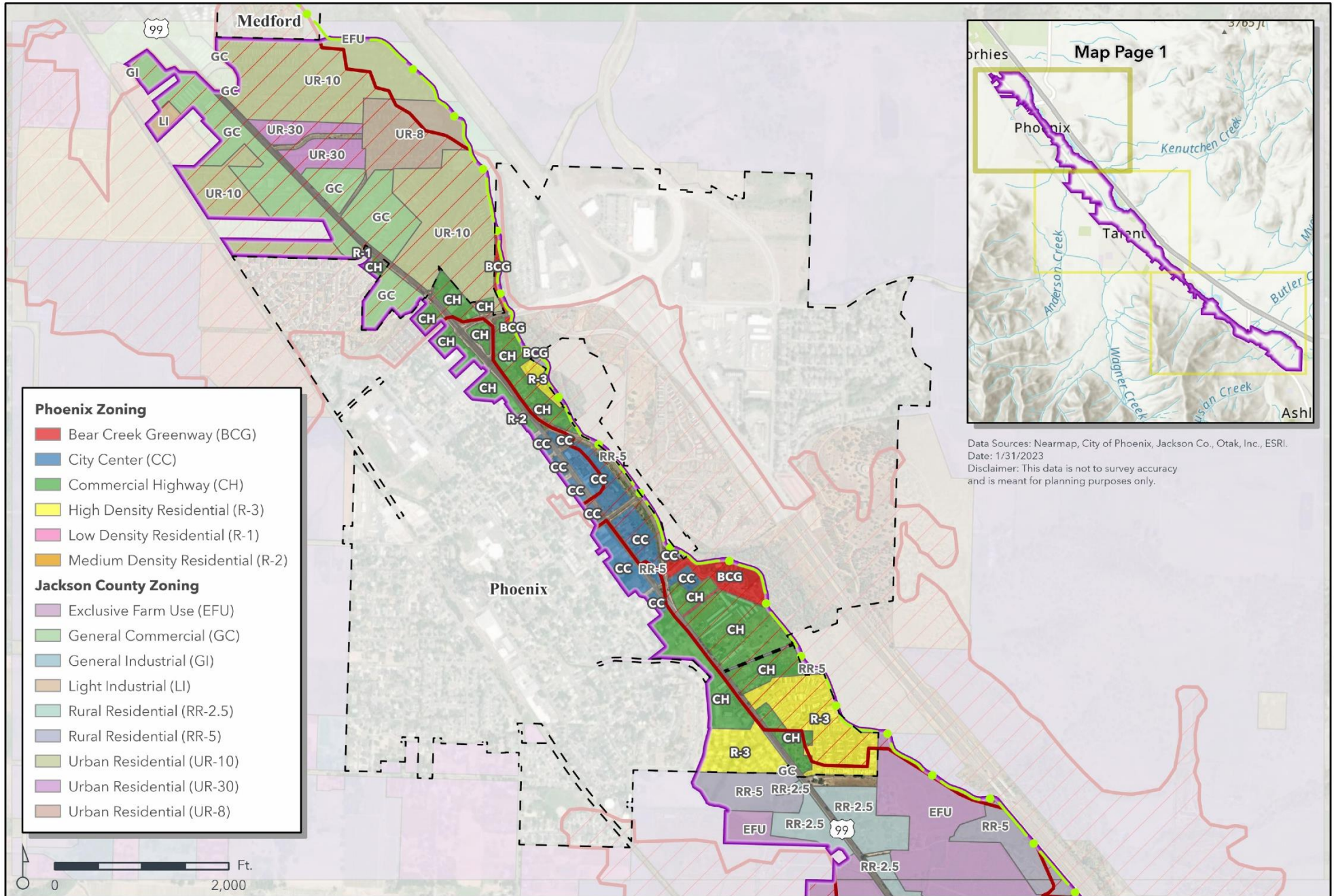


FIGURE 2.1
CURRENT ZONING
 HWY 99 / BEAR CREEK GREENWAY
 CORRIDOR RE-VISIONING PROJECT



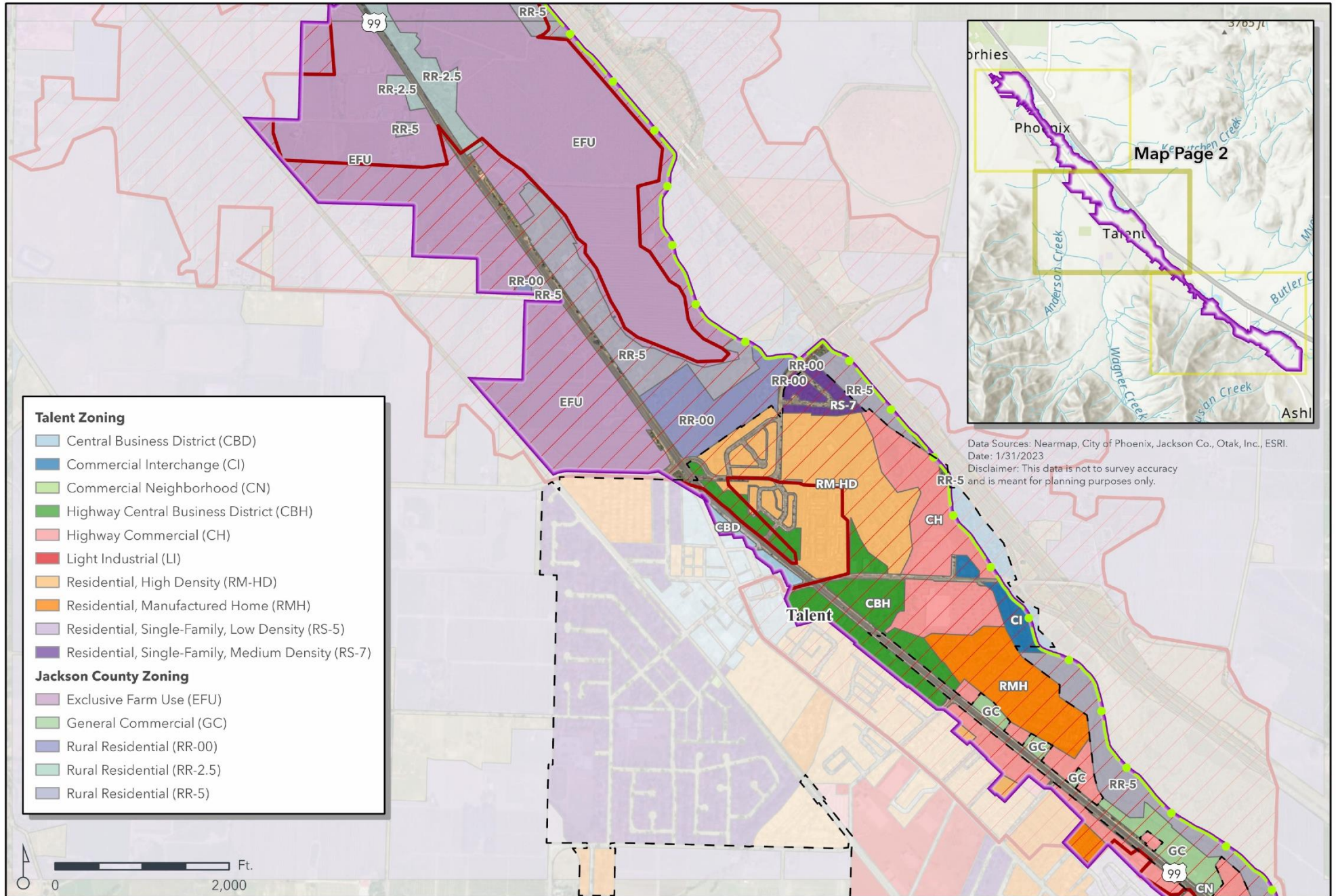


FIGURE 2.2
CURRENT ZONING
 HWY 99 / BEAR CREEK GREENWAY
 CORRIDOR RE-VISIONING PROJECT



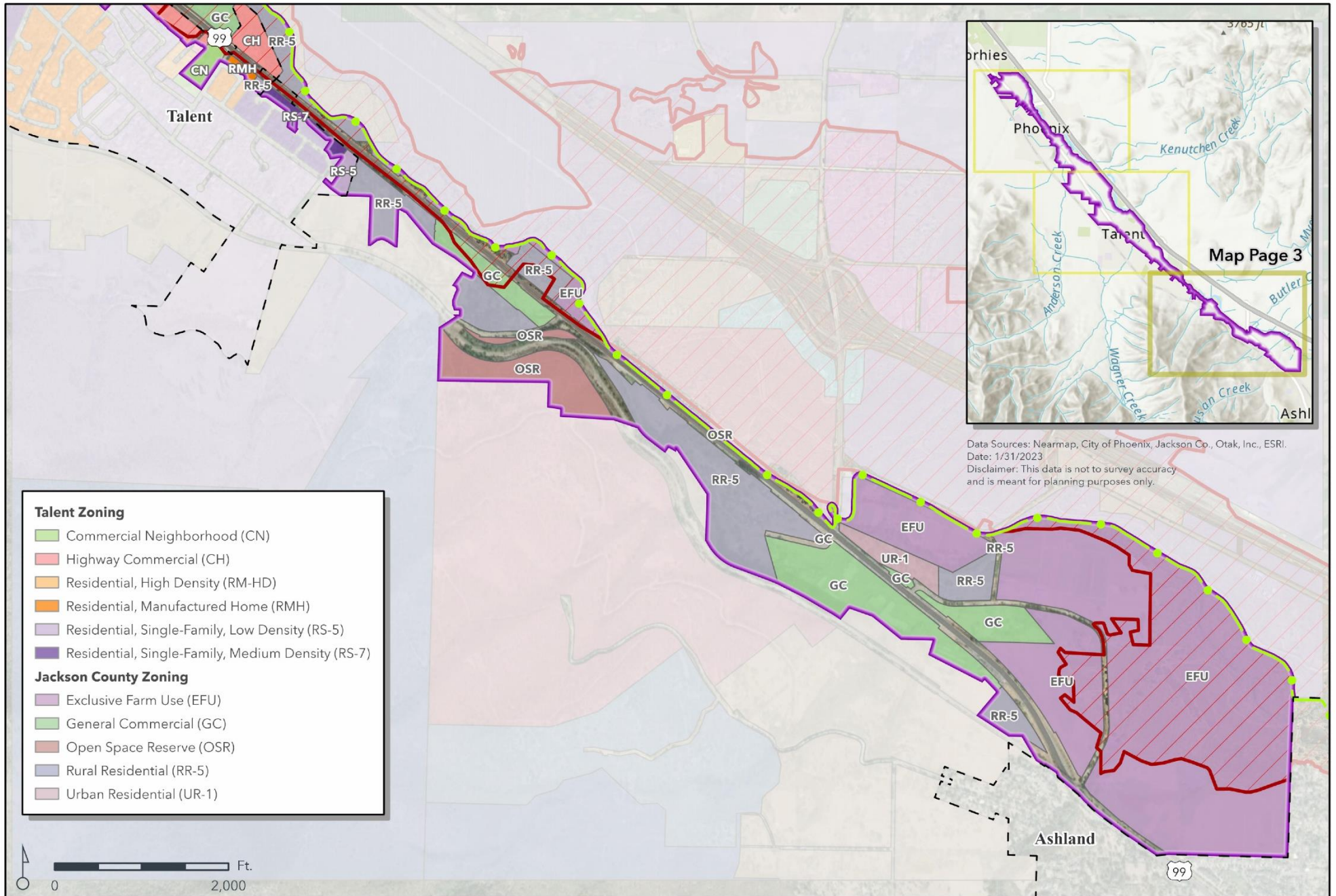


FIGURE 2.3
CURRENT ZONING
HWY 99 / BEAR CREEK GREENWAY
CORRIDOR RE-VISIONING PROJECT



III. EVALUATION OF PHOENIX POLICIES & REGULATIONS

The project area within the City of Phoenix limits—including the PH-3 portion of the City’s UGB poised for annexation—primarily consists of commercial, city center, and residential land uses including higher-density opportunities.

A. COMPREHENSIVE PLAN POLICIES

The **Land Use Element** (2020) of the Comprehensive Plan establishes land use designations and implementing zones for commercial/mixed-use, industrial, residential, and other land uses. The relevant designations, zones, and characteristics within the project area are summarized in Table 1. While together the designations accommodate a mix of uses and the implemented commercial zoning districts do allow some residential uses, the Commercial and City Center designation descriptions do not discuss mixed-use development opportunities. The Commercial designation leans heavily towards accommodating automobile-oriented uses and auto access, while the City Center designation supports multi-modal patterns of access and development. The Land Use goals and policies affirm interest in more mixed-used opportunities: Goal 6 prioritizes using land to support economic and employment development, including opportunities for horizontal and vertical mixed use in Policy 6.3.

TABLE 1 - CITY OF PHOENIX PLAN DESIGNATIONS AND IMPLEMENTING ZONES

Plan Designation	Implementing Zone	Plan Description
Commercial	Commercial Highway (C-H) <i>County General Commercial (GC)</i>	Intended for more intensive commercial operations including retail and service uses. Auto-oriented businesses and businesses dependent on automobile and freight delivery access are accommodated with measures to mitigate negative and off-site impacts. <i>Implementing zone also permits mixed-use development and residential-only development.</i>
City Center	City Center (C-C)	Intended to facilitate the revitalization and redevelopment of the City’s historic downtown in line with the City Center Plan Element. Characterized by commercial uses ranging from national chain restaurants to local specialty goods along with civic uses, within a traditional



Plan Designation	Implementing Zone	Plan Description
		gridded street network that supports easy multi-modal access from adjacent residential areas. <i>Implementing zone also permits mixed-use development with residential.</i>
Low Density Residential	Low Density Residential (R-1) <i>County UR-8</i>	Intended for a range of single- and multi-dwelling residential uses, at densities ranging from 5.5-8 units per net acre.
Medium Density Residential	Medium Density Residential (R-2) <i>County UR-10</i>	Intended for a range of single-and multi-dwelling residential uses, at densities ranging from 8-30 units per net acre.
High Density Residential	High Density Residential (R-3) <i>County UR-30</i>	Intended for a range of multi-dwelling residential uses, at densities of at least 12 units per net acre with no maximum density or height.
Bear Creek Greenway	Bear Creek Greenway (BCG)	Intended to promote trail development, protect wildlife habitat, provide open space, and enhance water quality while providing access to the area along the trail.
Parks & Open Space	None/all: Sites are to be zoned consistent with the most appropriate adjacent land use, often Residential. No 'park zone' exists or is anticipated.	Reflects specific park land needs identified within the Parks and Recreation Element, explicitly identifying and designating park sites.

The **City Center Element** (2002) of the Comprehensive Plan implements a City Center planning process completed in 2001. The element highlights the importance of multi-modal transportation to serve a mix of commercial, civic, and residential uses, noting potential for townhouse and multi-family housing development with easy access to district amenities. The desired building character is identified as 2-3 story structures with large windows, bays, and covered porches, providing retail, office, cottage industrial, and civic uses such as the library. The element also mentions design elements like street trees and small parking areas



behind buildings and highlights the Bear Creek Greenway as a major component of the design and the economic strategy to draw visitors.

The **Economic Element** (2019) explores employment trends and commits to maintaining an adequate supply of employment land for the next 20 years. Goal 2 highlights the importance of the City Center as a contributor to the City's economic growth, with policies to attract "third place" businesses to downtown, provide incentives to support mixed-use development, update the City Center Element and related code language to allow more horizontal and vertical mixed-use development and enhance multi-modal access within the district.

The **Housing Element** (2018), along with the Land Use Element, establishes five different residential plan designations to be implemented by three zones. The designations and zones allow similar types of housing, from single-family detached to multi-family, differentiated by a gradation of density across the zones. The housing goals prioritize a mix of housing types including middle housing and mix-use housing with access to parks, biking, and walking infrastructure within neighborhoods that support socio-economic diversity and integrate a variety of affordable housing opportunities. The 2017 Housing Needs Analysis (HNA) found a shortage of residential land to accommodate housing for the projected population, which was addressed by the 2022 UGB expansion, and a shortage of affordable housing, which has likely only intensified since the Almeda Fire.

The **Transportation System Plan** (2019) serves as the Transportation Element, and intends to guide development of a multi-modal transportation system to address existing and future transportation needs, coordinating transportation system management, access management, transit system, street modal plan, bicycle modal plan emphasizing local access to the Bear Creek Greenway trail, pedestrian modal plan emphasizing safer crossings along Highway 99, parking plan, freight system and economic development, and recognizing connections between transportation and land use patterns.

The TSP describes Highway 99 as a multi-modal facility serving vehicle, bike, pedestrian, and transit modes, with analysis of existing conditions for all modes and prioritizing needed improvements. The preferred corridor configuration north and south of downtown is identified as a five-lane cross section with four travel lanes and a center turn lane, bike lanes in both directions, sidewalks, pedestrian crossings with flashing beacons and medians, and transit service with signing and shelter. Within the downtown couplet, the TSP describes recent changes to add pedestrian crossings and a bike lane to the south-bound Main Street segment with two travel lanes, on-street parking, and sidewalks. The north-bound Bear Creek Drive segment has a more rural highway character with one travel lane, guardrails, limited intersections, and no curbs or sidewalks; a protected bike lane has been added.



The TSP also recognizes the Bear Creek Greenway as a multi-use path, with a special emphasis on adding signage and improving connections/parallel facilities along Highway 99/Bear Creek Drive through downtown.

The **Parks and Recreation Element** (1997) of the Comprehensive Plan identifies the Greenway as a linear park, but the descriptive text has not been updated since 1997 and references plans for trail construction through the City which has already been completed. There are no goals or policies specific to the BCG, beyond general policies to develop master plans, provide for the recreational needs of the community and to pursue funding to support acquisition, construction, and development of parks facilities. The 2016 Parks Master Plan includes more specific details on the BCG, including a recommendation to continue implementing the multijurisdictional Bear Creek Greenway Management Plan to address habitat restoration, safety, and corridor protection.

Recommendation: *The Comprehensive Plan elements, including the TSP, generally support mixed-use development within the project area as well as multi-modal transportation along Highway 99 and the Bear Creek Greenway.*

- *In the **Land Use Element**, minor revisions to the land use designation descriptions and text for the Commercial and City Center designations should highlight opportunities for residential uses and mixed-use within those areas, while de-emphasizing or contextualizing the role of auto-oriented businesses and auto access within the Commercial designation. There should also be a new policy about the desired character and built form of the Highway 99 corridor.*



Recommendations: *The Housing Element generally supports a mix of housing types including options for mixed-use development and neighborhood availability of multi-modal transportation options. Future updates outside the scope of this project could specifically explore:*

- *Changes in housing inventory and housing needs post-fire;*
- *How to permit more middle housing types in existing residential designations/zones at compatible scale, potentially moving towards permitting a broader range of housing types, including those with multiple units on the same size lots as single detached dwellings to align with any proposed changes to the zoning regulations; and*
- *How to integrate manufactured home parks (MHP) into the future housing supply, including protections for existing MHPs and support to transition to cooperative ownership models, if desired.*

Recommendation: *The Parks and Recreation Element should be updated with a current description of the status of the Bear Creek Greenway or by replacing the existing, outdated description with reference to the more recent Parks Master Plan instead.*

B. ZONING & COMPREHENSIVE PLAN MAP DESIGNATIONS

Land within the project area that falls under the jurisdiction of Phoenix is mostly designated and zoned for Commercial Highway (C-H) and City Center (C-C). There is also an area of High-Density Residential (R-3) land located along both sides of Highway 99 at the southern end of city limits, with an area of Bear Creek Greenway (BCG) zoning that applies to Blue Heron Park and two access points from Highway 99 to the park and greenway. Areas within the PH-3 annexation area north of current City limits, currently under Jackson County jurisdiction, are expected to be zoned by the City as Commercial Highway (C-H), Low-Density Residential (R-1) and Medium-Density Residential (R-2) upon annexation to allow similar types and intensities of uses relative to existing development patterns and County zoning. See **Figure 2.1** showing the applicable zoning for this portion of the project area.



Recommendation: *The existing Phoenix comprehensive plan and zoning maps provide ample opportunities for mixed-use, commercial, and residential development at a variety of scales within the project area as well as open space zoning for the Bear Creek Greenway corridor. No map changes are recommended with this project.*

The relevant mapping issues for Phoenix will concern the designation and zoning of parcels in the PH-3 area as they are annexed into the City. The commercial and residential zones can be zoned “like for like” to apply the most similar Phoenix zoning in place of existing County urban zoning, though additional consideration may be given to need for higher-density residential opportunities. Bear Creek Greenway designation and zoning should be applied to parcels along the corridor, which is currently zoned County residential.

C. DEVELOPMENT CODE

The **Phoenix Land Development Code** (May 2023) is the adopted City zoning code.³

Types & Scale of Development Permitted: The C-C zone allows for a variety of commercial, public, and institutional uses that are focused on retail trade, personal services, and entertainment along with multi-family, single-attached home (townhome), and triplex residential uses as part of a mixed-use development. Industrial uses are not permitted in the C-C zone. Both horizontal and vertical mixed-use development is permitted. The C-H zone allows for a mix of commercial retail and service uses, with conditional use review required for large-format uses, light industrial uses, and many auto-oriented uses like drive-throughs and car sales/repair. Mixed-use development is permitted in the C-H zone in both horizontal and vertical configurations, subject to the same standards as the C-C district; stand-alone residential development is also permitted, subject to R-3 standards, if located more than 100 ft from the street. There are no maximum densities for residential development within the C-C or C-H zones, rather a height limit of 35-45 ft and 50 ft, respectively, address the scale of development.

³ The City of Phoenix is working on a comprehensive code clarification project at the same time as this project is underway that will result in significant reorganization and thus code citations are not included here given they will change. The code updates are intended to be policy neutral, and so the standards of the existing code are still expected to apply even as they are reorganized and clarified.



The R-3 high-density zone allows a variety of housing types, including single detached dwellings, townhome, duplex/triplex/fourplex, and multi-family, with a minimum density of 12 dwellings per acre and no maximum. A limited selection of neighborhood commercial uses are allowed but require approval through a conditional use process. The R-1 low-density zone allows the same variety of housing types as the R-3 zone, but within the density range of 5.5-8 units per acre. Civic and institutional uses like schools and parks are permitted conditionally in both R zones.

Uses allowed in the BCG zone are limited to public parks, trails, and similar recreational uses.

The summary of key standards for commercial, residential, and mixed-use developments in Table 2 also notes which land use types analyzed in the Development Feasibility Analysis are supported in each district. There are opportunities for most of the land use types determined to have strong market support within these zones with the exception of industrial uses which are limited by conditional use requirements or prohibited in the C-C and C-H zones. However, those industrial uses are permitted in the City's Industrial zones which are located outside of the project area.

TABLE 2 - CITY OF PHOENIX KEY DEVELOPMENT STANDARDS

	Commercial Highway (C-H)	City Center (C-C)	High-Density Residential (R-3)	Low-Density Residential (R-1)
Commercial/Employment Uses	Retail, service, repair, office, entertainment, and lodging uses broadly permitted except large format uses permitted conditionally. Auto-oriented uses include drive-throughs, service stations, and vehicle sales/service permitted conditionally. Only small-scale manufacturing uses permitted; other light	Retail, service, repair, office, entertainment, and lodging uses broadly permitted. Civic and institutional uses permitted. Auto-oriented and industrial uses prohibited including drive-throughs. Self-storage prohibited.	Neighborhood commercial uses includes cafés, grocery stores, medical offices permitted conditionally, up to 5,000-SF per use and located no closer than ¼ mile to another such use. Civic and institutional uses permitted conditionally.	Only household-scale uses like home occupations and family childcare homes permitted. Civic and institutional uses permitted conditionally.



	Commercial Highway (C-H)	City Center (C-C)	High-Density Residential (R-3)	Low-Density Residential (R-1)
	industrial production, distribution permitted conditionally. Self-storage permitted. Civic and institutional uses permitted.		Auto-oriented uses prohibited including drive-throughs.	
Residential Uses	Stand-alone residential uses permitted set back 100 ft from the street, subject to R-3 standards. No density standards.	Townhome, triplex, multi-family in mixed-use developments only. No density standards.	Single-family detached, townhome, duplex, triplex, multi-family, and manufactured home parks permitted. Minimum density of 12 units per net acre, no maximum.	Single-family detached, ADUs, townhome, duplex, triplex, multi-family, and manufactured home parks permitted. Density range of 5.5-8 units per net acre.
Mixed-Use Development	Vertical and horizontal mixed-use permitted, subject to C-C standards.	Vertical and horizontal mixed-use permitted; residential uses only permitted as mixed-use.	Neighborhood commercial and residential uses may be combined vertically or horizontally.	None.
Significant Development Standards	Maximum height of 50 ft, up to 80% lot coverage. 20% site landscaping. 15-ft setback from Highway 99 required north of downtown, otherwise no setbacks Architectural guidelines address style continuity,	Maximum height of 35 ft (except 45 ft for vertical mixed use), up to 90% lot coverage. 10% site landscaping. 15-ft setback from Highway 99 required, otherwise 0-ft minimum and 10-ft maximum front setback.	No maximum height, up to 75% lot coverage. 20% site landscaping. For multi-family, 3+ townhomes and neighborhood commercial, requirements include architectural design to provide façade detailing	35 ft maximum height, up to 50% lot coverage. 20% site landscaping. Same standards as R-3 apply, but less feasible to develop multi-family and 3+ townhomes because of maximum density.



	Commercial Highway (C-H)	City Center (C-C)	High-Density Residential (R-3)	Low-Density Residential (R-1)
	<p>building design quality, materials, lighting, screening, bike parking, and pedestrian circulation.</p> <p>Specific development standards for uses like drive-throughs, fast-food restaurants, self-storage, outdoor display/storage, and vehicle-related uses.</p>	<p>Sites required to include usable pedestrian space with pedestrian and transit amenities in front of entrances facing the street.</p> <p>Architectural guidelines address detailed storefront design, fence design, and additional detailing for large-scale buildings.</p> <p>Parking areas must be located to the side or rear of the site and limited to 35 spaces in an individual surface lot.</p>	<p>and articulation, primary entrances facing the street, and parking located to side or rear.</p>	
Key Land Use Types Supported¹	<p>Auto-oriented retail.</p> <p>Office business park.</p> <p>Low-rise, standalone office.</p> <p>Vertical mixed use (residential or office over retail).</p>	<p>Small, storefront, pedestrian oriented retail.</p> <p>Low-rise, standalone office.</p> <p>Vertical mixed use (residential or office over retail).</p>	<p>Townhomes, plexes, Apartments.</p> <p>Manufactured home parks.</p> <p>Cottage clusters.</p> <p>Vertical mixed use permitted, with significant limitations.</p>	<p>Detached dwellings, ADUs.</p> <p>Manufactured home parks.</p> <p>Cottage clusters.</p> <p>Townhomes, plexes, and apartments permitted, but less feasible due to max density.</p>

Notes: 1. As identified in the Development Feasibility Analysis.



Detailed Development Standards: Additional Development Code provisions address aspects of site design and feasibility that are crucially related to how effectively development goals for mixed-use, multi-modal accessibility, affordable housing, and other project-specific goals can be achieved. These specific aspects of development standards respond to priorities identified through the Placemaking and Economic Feasibility components of this project.

Mixed use standards: Residential uses can be integrated into commercial zones as either a mixed-use development or a stand-alone residential development that contribute to the overall mix of uses within the district. The C-C zone only allows residential uses in mixed-use configurations: vertical and horizontal arrangements are permitted with a limitation of 50% of ground-level residential along the street frontage.⁴ Common open space is required at a ratio of 75-100 SF per residential unit with lighting and pedestrian amenities, and the same architectural and site design standards apply as for commercial development. The C-H zone permits mixed-use with residential subject to the same C-C standards, or stand-alone residential subject to the R-3 district standards when located at least 100 ft from the adjacent street. On the flip side, the R-3 standards create mixed-use opportunities by permitting limited neighborhood commercial uses up to 5,000 SF in horizontal or vertical mixed-use developments with residential uses.

Multi-family development standards: In the residential zones and the C-H zone, standards apply to multi-family and townhouse projects with 3+ units that address building form and site layout, limiting total building façade length; require offsets, visibility (a high presence of doors, windows, porches and similar features), main entrances facing the street with parking to the side or rear, detailed design (select elements from a menu of features); and provision of common and private open space.

Middle housing standards: Plexes and townhouses are permitted in the low-density R-1 zone. However, they are subject to the same 8 units per acre standard as single detached dwellings which limits the feasibility of development. There are no explicit provisions for cottage cluster development. Recent state legislative changes require that Phoenix permit duplexes on all lots where single detached dwellings are permitted.⁵

⁴ There are additional state requirements to permit residential uses outright that apply to the C-C zone. SB 8 (2021) and HB 3395 (2023) require that regulated affordable residential developments be permitted outright in commercial zones. HB 2984 (2023) also allows conversion of any existing commercial building into residential use without discretionary local review.

⁵ HB 3395 (2023) expands the definition of “Medium Cities” that are required to allow duplexes under HB 2001 (2019) to include cities with a population of 2,500 or greater, effective no later than June 30, 2025.



Manufactured home parks: Manufactured home parks (MHPs) are permitted in all residential zones, subject to siting standards, including a maximum density of 12 units per acre, despite higher densities permitted for other residential uses in the R-2 and R-3 zones. There are three MHPs within the southern end of the project area, all with R-3 zoning, and several additional parks within the PH-3 area currently zoned UR-10; many were damaged by the Almeda Fire and are working to redevelop.

Auto-oriented uses and drive-throughs: Both the C-C and C-H zone have standards limiting auto-oriented uses. Auto-oriented uses such as auto sales, repair and service uses, and any uses with a drive-through, are prohibited in the C-C zone and only permitted conditionally in the C-H district, with standards requiring siting of drive-through facilities to minimize pedestrian conflicts and requiring many vehicle repairs and similar services to be located inside buildings.

Large-format store standards: The C-H zone requires conditional use of many large-format, or 'big box' uses, such as retail uses over 30,000 SF and wholesale uses over 20,000 SF. The limited architectural standards discussed below include a requirement for articulation of walls at 50-ft intervals but otherwise do not specifically address larger buildings. Additional pedestrian circulation improvements are required for lots with more than 50 vehicle parking spaces including bike parking and transit facilities if applicable. The C-C district does not limit uses based on square footage, but uses over 20,000 SF and developments over 40,000 SF trigger large-scale building and development standards requiring a variety of building detailing and entrances at least every 100 ft. The generally small scale of existing parcels as well as a maximum surface parking lot size of 35 spaces also indirectly limit large format uses.

Site & architectural design standards: The code includes a smorgasbord of standards for the C-C and C-H zones, many of which overlap and use different terms for similar concepts, illustrated with graphics that do not always align with the written text of the anticipated scale of development within the districts.⁶ The C-C zone requires a 200 ft by 200 ft block layout (which conflicts with 400-ft block spacing requirements elsewhere in code), buildings oriented to the street without parking between buildings and the street, detailed storefront design with large display windows, and fencing material and design standards. Requirements for both 'usable pedestrian space' and 'pedestrian and transit amenities' overlap to require elements like plazas

⁶ Much of the text and many of the graphics appear to be derived from the Oregon Model Development Code for Small Cities, 2nd edition. (The current 3rd edition is available at <https://www.oregon.gov/lcd/TGM/Pages/Model-Code.aspx>.) While the adapted code standards contain many good ideas, they are not fully integrated into the Phoenix context and the selective use of graphics does not always match the selected/modified standards.



or extra wide sidewalks in front of building entrances, sitting space, canopies, public art, or bus shelters. The C-H district standards use different language to address some similar and some distinct elements including articulation of walls at 50-ft intervals, main entrances, 'high-quality' building materials, consistent architectural detailing, lighting, and screening of mechanical and trash elements. There are no specific standards about pedestrian amenities along the building's street frontage.

Highway 99 corridor setbacks: Setbacks from the Highway 99 ROW vary along the corridor. The downtown segment zoned C-C requires a minimum zero ft with maximum 10-ft setback which is appropriate for creating the more walkable, street-oriented, small-scale development pattern desired. The segment south of downtown is zoned a mix of R-3 with a 20-ft minimum setback and C-H with no required setbacks aside from vision clearance requirements. The segment north of downtown is zoned C-H with an additional Oregon 99 Setback Overlay Zone that requires a 15-ft setback from Main Street/Bear Creek Drive to N Phoenix Road and a 20-ft setback north of N Phoenix Road to reserve space for future planned improvements to widen Highway 99, which supersedes the C-H district standards along this segment. The Oregon 99 Setback Overlay Zone has been recently amended to extend north through the PH-3 annexation area.

Greenway regulations: The Bear Creek Greenway (BCG) District limits uses and scale of development where applied, including standards limiting height of buildings, commercial signs, and development other than public parks, trails, or other resource uses. However, there are no standards that apply to properties abutting the Greenway that are not zoned BCG.

Landscaping & buffers: All districts require an overall percentage of development sites to be landscaped: 10% in the C-C zone and 20% in the C-H and residential zones. A variety of landscaping materials such as shrubs and trees are permitted, but there are not specific standards about the mix and number of plant materials required for specific locations such as setbacks and buffers. There are requirements for parking lot landscaping with additional specifics and for screening and buffering between parking areas and adjacent buildings and around mechanical equipment, outdoor storage, and loading areas. All street sections, except for alleys, require inclusion of a planter strip for new streets, and street trees are required with new development spaced an average of 30 ft apart.



Parking regulations: The City is moving towards removing the minimum vehicle parking standards currently in code in order to comply with changes to state rules as part of the Climate Friendly and Equitable Communities (CFEC) implementation.⁷ There are also minimum bicycle parking standards established based on the type of use. Parking areas must be located to the side or rear of buildings in the residential and C-C district, but there are no similar standards for the C-H district.

Multi-modal improvements: The C-C zone includes detailed, if slightly overlapping, standards for pedestrian amenities along the building's street frontage including plazas or extra wide sidewalks in front of building entrances, sitting space, canopies, public art, and/or bus shelters. The C-C zone includes requirements for pedestrian circulation within parking lots with more than 50 parking spaces. There are no analogous standards in the C-H zone. In all zones, pedestrian access and circulation is required within the site and to connect primary building entrances and adjacent streets with 'safe, direct, and convenient pathways.' There are bike parking design requirements including the location, lighting, security, and spacing of parking areas for all developments to accommodate the minimum required bike parking.

Street connectivity: Maximum block length and perimeter standards support connectivity and circulation with a maximum block length of 800 ft for residential zones and the C-H zone and 400 ft for the C-C zone. Midblock multi-use pathways are also required where block lengths exceed established minimums. New streets are generally built at the time of development or land division.

Access management: The code directly references access spacing standards in OAR 734-051-0115 for driveway/intersection spacing along Highway 99 and additional restrictions on creation of new driveways in the C-C district.

Fire-resistant new construction standards: There has been interest expressed in updating construction standards to reflect best practices for fire resistance. However, changes are expected to be made to the building code rather than zoning code.

Development review requirements: As mentioned throughout, various uses are permitted outright or conditionally in these zones with a Type III quasi-judicial review required for all conditional uses. New development and significant redevelopment of existing permitted uses in all zones triggers the development review and site design review. Development review is a Type I administrative review generally applied to residential projects with up to three units and smaller commercial uses with up to

⁷ As established in OAR Chapter 660 Division 12, Transportation Planning. Based on population and the rules' applicability, Phoenix must only comply with new rules around parking and electric vehicle charging. See further discussion of CFEC components in Section IV below.



14 off-street parking spaces. Type II site design review is more complex in terms of both submittal requirements and review standards and applies to larger developments such as multi-family and commercial with 15 or more off-street parking spaces. The City is currently reconsidering these review requirements to establish categories of exempt development/modifications to existing development, minor projects subject to Type I review, and major projects subject to a Type II review.

Recommendations: *The existing development standards generally permit a range of residential, commercial, and mixed uses at a scale appropriate for each district's context. Some consideration is needed to expand or modify specific types of uses within the general categories permitted. Many of the existing design and development standards address aspects critical to creating a mixed-use, multi-modal corridor but could use refinement, clarification, and/or expansion to address the desired character and function within the project area as articulated in the Market Feasibility Analysis and Placemaking Findings.*

- *Expand middle housing types (duplexes, triplexes, quadplexes, townhomes, and cottage clusters) permitted in the R-1 zone by increasing the allowed density of those housing types or exempting them from density calculations, rather than limiting all housing types to a maximum of 8 units per net acre. At a minimum, permit duplexes on lots the same size as single detached dwellings to comply with new state regulations. Greater variety of homes will increase the diversity within neighborhoods and increase the population of close-in areas able to access businesses within downtown and other commercial development nodes.*
- *Evaluate whether the neighborhood commercial and mixed-use components of the R-3 district are being utilized, and if there are any revisions that could better support integration of these uses at the desired neighborhood scale. Develop standards to enable permitting these uses outright rather than requiring a conditional use review.*
- *Limit self-storage facilities in the C-H zone along the Highway 99 corridor, with standards such as limiting facilities within 100 ft of the highway to direct more active and employment-generating uses along the corridor itself.*



- *Multi-family residential design standards should be reorganized to reduce duplication and minor conflicts, e.g., one section limits building facades to 80 ft while another sets the maximum at 150 ft., and to use consistent design elements for multiple types of buildings, such as main entrances, transparency, articulation, etc. The standards generally appear to be 'clear and objective' but could be more coherently written.*
- *Common open space requirements for mixed-use residential uses in the C-C zone should be evaluated to determine if they are an obstacle to development, given the relatively small size of parcels in downtown and the easy access to nearby parks and trails. The focus instead should be on smaller-scale plazas and other features that could engage with the streetscape at ground-level.*
- *Site and architectural standards for the C-C and C-H zones should be comprehensively revised and organized around consistent design elements, such as main entrances, transparency, materials, articulation, canopies, plazas, etc. The standards themselves should differ based on the scale and desired character of the two districts, but a common framework would improve clarity and applicability. No specific architectural character or theme standards are recommended based on public input, but rather a focus on the relationship between buildings and the street that create visual and physical connections. Clear and objective standards that can be reviewed through a Type I or II staff-level review are recommended rather than discretionary standards that would require design review by Planning Commission or others. Graphics should be updated, or at a minimum the existing graphics that do not clearly relate to the written standards or the development scale in the two districts should be removed.*
 - *Coherent standards for the interaction of buildings and the street frontage should address desired setbacks and amenities within those setbacks to support the desired street character especially along different segments of Highway 99. In the C-C zone new standards should unify the existing 'usable pedestrian space' and 'pedestrian and transit amenities' sections.*



- *Apply some of the large-scale building and development standards in the C-C zone to similar uses in the C-H zone to bolster existing standards for larger uses rather than relying on the conditional use review process to address site design. Consider whether the C-C standards that indirectly make large-scale uses infeasible on many of the smaller parcels are the most effective way to address such uses, or whether to more directly limit or prohibit uses over a certain size. Development standards should be developed that are applicable to large-scale buildings in all zones rather than being specific to each zone.*
- *Introduce minimum and maximum setbacks for development in the C-H zone along Highway 99 to create a more engaging experience for all corridor users, reduce presence of parking areas along the frontage, and decrease distances to the main entrances. Setbacks should differ from the C-C zone due to the district scale: for example, a 10-ft minimum and 20-ft maximum. Add standards to address location of parking areas along street frontages with some limitations on how much parking can be located between the building(s) and the highway.*
- *Further analysis should explore setbacks, use limitations, and/or other buffering techniques for areas along Bear Creek that are not zoned Bear Creek Greenway to enhance riparian, aesthetic, and recreational functions.*
- *Landscaping and buffer standards should be clearer about the widths of required landscaped buffers and mix of materials between types of uses in place of more generic standards addressing buffering, visual interest, privacy and shading. Develop a table of various uses and detail the requirements based on the adjacent uses, including public streets with a particular focus on developing clear and objective standards for residential uses. Standards should also address any desired landscaping in the front yard setbacks along Highway 99 to create a more coherent and modulated corridor feel, potentially differentiated in and outside of downtown. Landscaping requirements should prioritize trees that enhance the pedestrian environment by creating shade, lowering temperatures, and buffering.*



- *Parking lot landscaping standards should be reviewed and updated to meet CFEC standards including large parking lot standards in OAR 660-012-0405.*
- *Continue reviewing and updating vehicle and bike parking standards for compliance with new CFEC standards including improving parking regulations, requiring EV charging, lifting or reforming parking mandates per OAR 660-012-0400 through -0445 and bicycle parking standards in OAR 660-012-0630.*
- *Develop more consistent and consolidated standards for pedestrian circulation within parking areas, likely with the parking standards, rather than separate standards within the C-H zone. The standards should be integrated into and consistent with the existing Pedestrian Access and Circulation standards, which do not currently address connectivity through parking areas specifically.*
- *Decrease the maximum block spacing from 800 ft for residential zones, and/or identify additional measures to create connectivity within neighborhoods such as midblock pathways. Future TSP updates should also consider mechanisms to enhance connectivity particularly in planning future development of the PH-3 area.*
- *Align development code standards as needed with any building code updates for fire-resistant construction.*
- *Continue revising the development review and site design review standards to provide clear procedures proportionate to different scales of new development and modification to existing development. A clear and objective review option must be available for all residential development.*



IV. EVALUATION OF TALENT POLICIES & REGULATIONS

The project area within the City of Talent primarily consists of commercial and residential areas including higher-density opportunities.

A. COMPREHENSIVE PLAN POLICIES

There is no overarching Land Use element or set of policies in the Comprehensive Plan. The Comprehensive Plan map and land use designations discussed in Section IV.B below set the direction for land use.

The **Economic Element** (2016) addresses policy and land use priorities related to commercial and industrial development including particular attention towards redeveloping the city's core downtown area as a walkable commercial and service center which is located adjacent to but outside of the study area, west of Highway 99. Objective 2.2 encourages mixed-use development in downtown and other commercial areas by promoting residential development in ground-floor spaces and by considering the rezoning of undeveloped commercial and industrial land to meet residential needs. Objectives also encourage development of commercial and industrial land to create employment opportunities including large industrial sites planned for Urban Reserve Area TA-4 along Highway 99, revising industrial zoning to allow a retail sales component, and creating zoning incentives for businesses that create above average wage jobs. The Economic Opportunities Analysis identified small-scale manufacturing, small-scale construction, small-scale warehouse and distributing, and professional/business services along with retail, tourism, and services for seniors as potential growth industries.

The **Housing Element** (2017), including the Housing Needs Analysis (HNA), identified the need for additional residential land and greater variety of residential options to accommodate forecasted population growth, a need that has likely only intensified since the Almeda Fire. Adopted policies generally support designating additional land for medium and high density residential and allowing a greater variety of residential types and densities within all zones with an emphasis on housing affordable to low-income households including manufactured home parks. Many strategies to expand the range of permitted housing have been implemented with 2021 code updates. Additional policies support mixed-use development in downtown and other commercial areas.

The **Transportation System Plan** (2015) serves as the Transportation Element and establishes a vision of a safe and efficient transportation system that reduces energy requirements, reduces pollution, and provides alternatives to driving automobiles. Highway 99 and the Bear Creek Greenway are identified as facilities supporting TSP goals for access management, transportation



demand management, parking, streets, bicycles, pedestrians, and transit which encourage land uses that reduce dependency on single-occupancy vehicle trips.

The TSP describes Highway 99 as a primary arterial through town that poses a barrier to pedestrian and bicycle activity because of long spacing between pedestrian signals to cross the highway and high speeds. The corridor is configured as five lanes (four travel lanes and a center turn lane) north of Rapp Road to the City limits and three lanes (two travel lanes and a center turn lane) south of Rapp Road to City limits with bike lanes and sidewalks along most of the highway excluding the portion south of Creel Rd. Identified upgrades to the southern section were completed by ODOT. No further highway projects are planned.

The TSP describes the Bear Creek Greenway as a facility for pedestrians and bicycles, noting however that access to the Greenway is limited to a few access points because the trail is located on the east (far) side of the creek for much of its length. Enhanced access points, crossings, and strategic widening projects are identified in the TSP, along with a major project to develop the Wagner Creek Greenway which would provide a perpendicular multi-use facility and greatly expand the City's greenway network.

The **Parks Element** (1999) of the Comprehensive Plan identifies the Bear Creek Greenway as an open space resource containing a multi-use path, wetlands, ponds, and wildlife habitat along with Lynn Newbry Park that includes a portion of the greenway. The adopted policy to preserve existing parks includes an objective to review the relationship with Jackson County about ownership and management of the Greenway. The recreation policy finds that the Greenway is the largest and most utilized of park resources but notes that access remains an obstacle from Lynn Newbry Park. The subsequently adopted Greenways Master Plan (2001) and Parks Master Plan (2020) continue to affirm the importance of the Greenway and opportunities for additional access to the corridor and connections and co-located parks along the corridor.

The **Natural Resources Element** (1999) of the Comprehensive Plan raises the threat of wildfires and establishes policies to support xeriscaping and other native vegetation as well as site landscaping standards to promote fuel breaks and weed removal, supported by active code enforcement.



Recommendations: *The Comprehensive Plan elements, including the TSP, generally support mixed-use development within the project area and multi-modal facilities along Highway 99 and the Bear Creek Greenway. Both the Economic Element and the Housing Element support integrating more residential uses into commercial areas both as mixed-use developments and through rezoning. These plan elements consider whether the focus on downtown should remain the priority or if there are nuances about how residential could be mixed with commercial uses in other zones and parts of town.*

- *Future updates to the HNA and the Housing Element policies outside of this project could address changed circumstances post-fire and assess the emerging effects of the 2022 residential code updates and whether any further revisions to middle housing standards could better align with desired community outcomes.*
- *The City could also look at a future update of the Natural Hazards Element, which was written in the wake of the 1997 Emigrant Dam Failure and subsequent flooding, in light of the Almeda Fire to more expansively promote wildfire hazard reduction and preparedness.*



B. ZONING & COMPREHENSIVE PLAN MAP DESIGNATIONS

Land in the City of Talent within the project area is mostly designated commercial and zoned for Highway Central Business District (CBH) and Highway Commercial (CH) along the Highway 99 corridor. The project area includes a large area of High-Density Residential (RHD) land in the northeastern portion of the City and smaller pockets zoned for Residential Medium-Density and Manufactured Home further south. See **Figures 2.2 and 2.3** showing the applicable zoning for this portion of the project area.

TABLE 3 - CITY OF TALENT PLAN DESIGNATIONS AND IMPLEMENTING ZONES

Plan Designation	Implementing Zone	Zone Description
Commercial	Commercial Neighborhood (CN) Central Business District (CBD) Highway Central Business District (CBH) Commercial Highway (CH) Commercial Interchange (CI)	Provide for a range of retail and service uses: CN: Small sites up to 1 acre within neighborhoods, allowing upper-story residential. CBD: Civic center that is pedestrian-oriented and incorporates residential uses. CBH: Similar to CBD as civic hub allowing mixed uses accommodating all travel modes but tending to be more automobile oriented. CH: Accommodates auto-oriented uses and can include industrial uses. CI: Accommodates freeway user and tourist-oriented commercial development near the freeway interchange.
Residential High Density	Residential High Density (RHD)	Intended for multi-family and middle housing residential development at densities exceeding 18 units/acre along with options for small neighborhood commercial uses.
Residential Medium Density	Residential Medium Density (RMD)	Intended for a range of residential options in a neighborhood setting at densities of 7.2-10.9 units/acre for single-family detached homes (higher for middle housing).



Plan Designation	Implementing Zone	Zone Description
Residential Manufactured Home	Residential, Manufactured Home (RMH)	Allows manufactured home parks with limited residential alternatives.
Parks	Natural Areas, Parks, and Floodplains Overlay (OFPG) Sites are to be zoned consistent with the most appropriate adjacent land use often Residential. The City may develop a future park zone.	Supports continued improvement and maintenance of greenways to include pedestrian access and protection of natural areas and wildlife habitat.

Recommendations: *The existing Talent comprehensive plan and zoning maps provide ample opportunities for mixed-use, commercial, and residential development at a variety of scales within the project area. No map changes are recommended with this project.*

- *Consider applying the OFPG overlay and/or developing a Parks zone as identified in the Comprehensive Plan to more clearly delineate and guide continued greenway development and protection.*



C. DEVELOPMENT CODE

Title 18 Zoning of the Talent Municipal Code (April 2021) is the adopted City zoning code.

Types & Scale of Development Permitted: Table 4 summarizes key standards in the most broadly applied zones within the project area, the CBH and CH zones which predominate along the Highway 99 corridor. The five commercial zones all support a range of retail trade, personal and business services, office, and civic uses, along with upper-story residential development and limited allowances for ground-floor residential in the CBD, CBH, and CH zones. The scale of development varies somewhat across zones: CBD uses are limited to 6,000-SF except through a discretionary review and CN uses are also intended to be smaller scale compared to the CH, CBH, and CI zones with no business size limits. However, all zones limit buildings to 30 ft unless approved as a conditional use. The CBD zone is centered on downtown and extends along the west side of the northern portion of Highway 99 within the project area. Development within this area is subject to additional Old Town Design Standards and a design review process.

The high-density RHD zone permits development of multi-family and middle housing types, with no maximum density as constrained by a maximum height of 40 ft or three stories. The medium-density RMD zone that applies to smaller pockets of the project area permits a wide range of single-family and middle housing within a density range of 7.2-10.9 units/acre for single dwelling development with densities up to 20-29 units/acre for some middle housing types but does not permit multi-family development. The RMH zone exclusively permits manufactured home parks as primary residential uses. All residential zones allow civic and institutional uses such as parks and schools through a Type III discretionary review.

Table 4 also identifies which land use types analyzed in the Development Feasibility Analysis are supported in each district. There are opportunities for most of the land use types determined to have strong market support within these zones with the exception of industrial uses which are limited to conditional uses in the CH zone only. However, these uses are permitted in the Industrial zone elsewhere in the City.



TABLE 4 - CITY OF TALENT KEY DEVELOPMENT STANDARDS

	Commercial Highway (CH)	Highway Central Business District (CBH)	Residential High-Density (RHD)
Commercial/ Employment Uses	Retail, service, repair, office, entertainment, and lodging uses broadly permitted. Auto-oriented uses including service stations and vehicle sales/service permitted. Drive-throughs permitted conditionally. Self-storage permitted. Light industrial uses permitted conditionally. Civic and institutional uses prohibited.	Retail, service, repair, office, civic, and institutional uses broadly permitted. Auto sales and repair permitted. Gas stations require conditional use review. Industrial uses limited to small-scale craft manufacturing. Drive-throughs permitted conditionally. Self-storage prohibited.	Neighborhood grocery store less than 12,000 SF and professional offices permitted conditionally. Civic and institutional uses permitted conditionally.
Residential Uses	Multi-family housing permitted. Ground-floor residential limited to 50% of the site area and set back from the street frontage. No density standards.	Multi-family housing permitted. Gound-floor residential limited to 50% of the site area and set back from the street frontage. Maximum density of 36.3 units per net acre.	Townhome, duplex, triplex, quadplex, cottage clusters, and multi-family permitted. Minimum density of 18 units per net acre, no maximum.
Mixed-Use Development	Vertical and horizontal mixed-use permitted. Residential uses only permitted as mixed-use.	Vertical and horizontal mixed-use permitted. Residential uses only permitted as mixed-use.	No provisions.
Significant Development Standards	Maximum height of 30 ft (unless greater height approved as a conditional use). Up to 80% lot coverage. 20% site landscaping.	Maximum height of 30 ft (except 40 ft for vertical mixed use with conditional permit). Up to 80% lot coverage. 20% site landscaping.	40-ft maximum height or three stories. Up to 75% lot coverage. 20% site landscaping including recreation area and open space for multi-family dwellings.



	Commercial Highway (CH)	Highway Central Business District (CBH)	Residential High-Density (RHD)
	Minimum 10-ft front setback, no maximum. Parking may be located anywhere on the site including along the street. On-site pedestrian connectivity and connections to the street required. Design standards only apply to large buildings with façades over 100 ft or over 30,000 SF.	Front setbacks at 0-ft minimum and 10-ft maximum for at least 50% of the front façade. Parking prohibited between the building and the street. On-site pedestrian connectivity and connections to the street required. Design standards only apply to large buildings with façades over 100 ft or over 30,000 SF.	Multi-family design standards require architectural details, façade articulation, primary entrances facing the street, and parking located to side or rear.
Key Land Use Types Supported¹	Auto-oriented retail. Office business park. Low-rise, standalone office. Vertical mixed use (residential or office over retail).	Small, storefront, pedestrian oriented retail. Auto-oriented retail. Low-rise, standalone office. Vertical mixed use (residential or office over retail).	Townhomes. Plexes. Apartments. Cottage clusters.

Notes: 1. As identified in the Development Feasibility Analysis.

Detailed Development Standards: Additional zoning provisions address aspects of site design and feasibility that are crucially related to how effectively development goals for mixed-use, multi-modal accessibility, affordable housing, and other project-specific goals can be achieved. These specific aspects of zoning code respond to priorities identified through the Placemaking and Economic Feasibility components of this project.

Mixed use standards: Residential uses can be integrated into commercial zones as either a mixed-use development or a stand-alone residential development that contribute to the overall mix of uses within the district. Such stand-alone residential development is generally limited to existing development across Talent’s commercial zones.⁸ Vertical mixed-use is permitted

⁸ There are additional state requirements to permit residential uses outright that apply to Talent’s commercial zones. SB 8 (2021) and HB 3395 (2023) require that regulated affordable residential developments be permitted outright in commercial zones. HB 2984 (2023) also allows



in all five commercial zones, but horizontal mixed-use with ground-floor residential is limited. The CBH and CH zones allow up to 50% of the ground-floor to be used for residential uses provided “commercial storefronts” are located along the street frontages, and the CBD zone allows up to one ground-floor residential unit behind a nonresidential use. While only the CBH zone has a maximum density, the 30-ft base height for all zones unless increased through a conditional use permit could be the more limiting restriction on residential development capacity.

Multi-family development standards: In the RHD zone design standards apply to multi-family residential projects with 5+ units that address building form and site layout through application of either objective standards or discretionary guidelines. The standards and guidelines address the same design components such as building orientation and entrances, building mass and façade, building design, articulation, roofline modulation, open space, and screening. Developments must minimize impacts of vehicle parking and provide for pedestrian-friendly design, including safe and direct pedestrian circulation to and throughout the site.

Middle housing standards: The City of Talent significantly expanded middle housing uses permitted in all residential zones with code updates adopted in April 2021. Single detached dwellings and duplexes are permitted on the same size lots in all zones which meets the recent state legislative changes.⁹ However, duplexes are subject to additional design standards in TMC 18.95.045 that do not apply to single detached dwellings. Triplexes, quadplexes, townhomes, and cottage clusters are also permitted in the RLD, RMD, and RHD zones with some variation in intensity scaled to the zone.

Manufactured home parks: Manufactured home parks (MHPs) are permitted in the RMH zone and are subject to siting standards including a maximum density of 18 units per acre (TMC 18.180). There is one large MHP within the project area which was damaged by the Almeda Fire and is being redeveloped. City staff report the MHP standards have not caused conflicts with the redevelopment process.

Auto-oriented uses and drive-throughs: Auto-oriented uses like auto sales and repair and gas stations are generally limited in the CN, CBD, and CBH zones with a handful of small exceptions. These uses are permitted in the CH zone. The CI zone

conversion of any existing commercial building into residential use without discretionary local review. The City Council has explored expanding residential uses in commercial zones further but did not opt to exceed the recent state requirements.

⁹ HB 3395 (2023) expands the definition of “Medium Cities” that are required to allow duplexes under HB 2001 (2019) to include cities with a population of 2,500 or greater, effective no later than June 30, 2025.

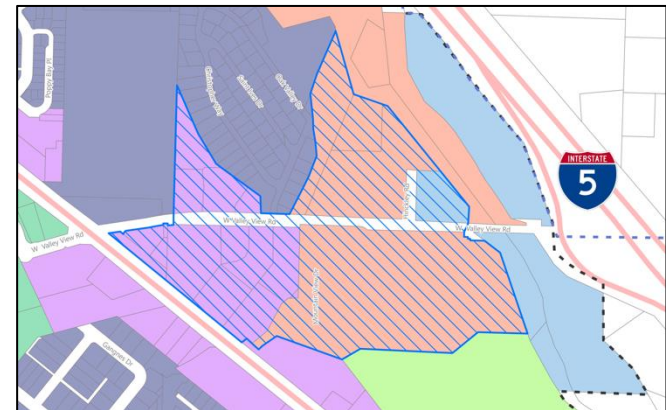


permits gas stations specifically to serve interstate travelers. Drive-throughs are only permitted conditionally in a portion of the CBH, CH, and CI zones identified as the drive-up overlay and must comply with additional development standards to minimize circulation conflicts and provide screening (TMC 18.155.070.H).

Large-format store standards: Additional design standards apply in all zones to 'large retail establishments' over 30,000 SF or with a façade longer than 100 ft in all commercial zones (TMC 18.145). The architectural standards address façade articulation, entrances, roof details, and pedestrian connectivity, and establish build-to lines to create a connection between buildings and the street. Along Highway 99 and all arterials a minimum 10-ft and maximum 25-ft setback is required for at least 30% of the building façade length. The standards include both objective and discretionary elements and trigger a Type III review for all large retail uses.

Site & architectural design standards: There are only specific design standards for the CBD zone and for large-format retail uses in any commercial zone. Commercial and mixed-use developments within the CN, CBH, CH, and CI zones less than 30,000 SF are subject instead to more general development standards such as screening and buffering and pedestrian circulation requirements. Of those zones, only the CBH zone includes development standards for a maximum front setback and a prohibition on parking between buildings and the street. The CN, CH, and CI zones have no base standards to address these basic form aspects.

Highway 99 corridor setbacks: Setbacks from the Highway 99 ROW vary along the corridor because of different zoning district standards and overlap with landscaping standards. A minimum 0-ft and maximum 10-ft setback applies in the CBD and CBH zones along the northern stretch of Highway 99. The CH zone applied along the southern Highway 99 segment within City limits requires a minimum 10-ft setback with no maximum. Buffering standards for all zones, require 10 ft of buffering that includes a line of trees and shrubs between a commercial, office, or mixed-use site and an adjacent arterial street, unless it "conflicts with other provisions of the code" (TMC Table 18.105.050-1). Greater clarification could better address whether those "conflicts" allow or preclude application of the 0-ft minimum front setback.



Drive-ups are permitted along West Valley View Road east of Highway 99 in the CH, CBH and CI zones, shown here as the Drive-Up Overlay with blue cross-hatching.



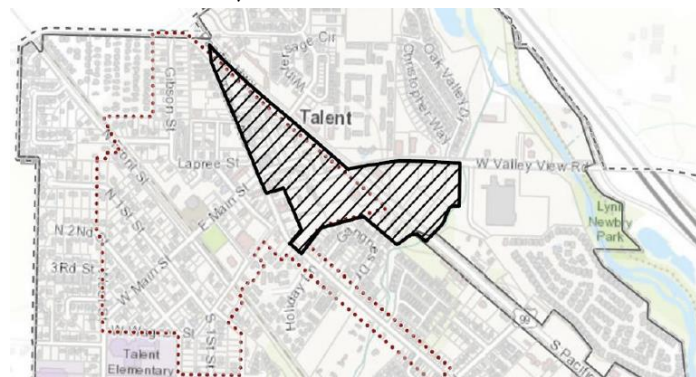
Greenway regulations: The standards for the Floodplain - Parks - Greenway overlay zone (OFPG) include both a 50-ft wetland/riparian setbacks from streams and a 35-ft setback from the floodplain to create the greenway protected area. The more restrictive standard applies to limit development impacts along the Greenway.

Landscaping & buffers: All districts require an overall percentage of development sites to be landscaped: 15% in the CN and CBD zones and 20% in all other commercial and residential zones. Landscaped buffers are also required between specific types of uses, roads, and parking lots. The variety of landscaping materials, such as shrubs and trees, are specified for both the overall site and the buffers with options for xeriscaping. There are requirements for parking lot landscaping that specify tree canopy shade coverage (TMC 18.110.130.F). Street trees are required within planter strips on all arterial and collector streets including Highway 99 (TMC 18.115.040).

Climate Friendly Area: The City has adopted a CFA that overlaps part of the project area in which development standards will need to support mixed-use and walkable development, generally aligning with the same objectives as this project (See pull-out box this page). Talent’s adopted CFA encompasses areas zoned CBD and CBH along a portion of Highway 99. There are currently no minimum or maximum densities within those zones. A minimum of 15 units per acre must be applied within the CFA. Additionally, both zones

The new **Climate Friendly and Equitable Communities (CFEC)** state rules will require changes to city codes to:

- Significantly limit or remove minimum vehicle parking requirements.
- Detail landscaping and tree canopy coverage required for large parking lots.
- Require EV charging for new commercial and multi-family development.
- Update minimum bike parking requirements.
- Establish Climate Friendly Areas (CFAs) totaling at least 25 acres and within those promote mixed-use and walkable development by permitting a range of residential, commercial, and civic uses, setting a minimum residential density of 15 units per acre with no maximum, raising maximum building height to 50 ft, and setting maximum block lengths. (Applies only to Talent based on population with a statutory deadline of December 2024.)



City of Talent Climate Friendly Area Boundary



require a conditional use review for structures over 30 feet tall, up to a maximum of 40 feet. This is less than the 50-foot height required for CFAs.

Parking regulations: Minimum and maximum vehicle parking standards are established in TMC 18.110.060, but the City will need to comply with changes to state rules as part of the Climate Friendly and Equitable Communities (CFEC) implementation that significantly limit or remove parking minimums.¹⁰ There are also minimum bicycle parking standards.

Multi-modal improvements: All zones require pedestrian access and circulation within the site to connect primary building entrances and adjacent streets with “safe, direction and convenient pathways” (TMC 18.115.030). Bike parking requirements in TMC 18.110100 including the location, lighting, security, and spacing of parking areas for all developments to accommodate the minimum required bike parking.

Street connectivity: A maximum block length of 400 ft and a 1,200-ft maximum perimeter is required for the CBD and residential zones (TMC 18.115.050.J.5). No maximums are specified for the other commercial zones. Midblock multi-use pathways can be provided in lieu of meeting the minimums. The existing street network includes few streets that intersect with Highway 99. Gaps between intersections exceed ¼ mile in many cases, and the TSP does not identify any additional future connections.

Access management: The code requires ODOT review and approval of all permits for access to Highway 99 and establishes detailed standards for access management for City roads depending on classification including the spacing of commercial driveways.

Fire-resistant new construction standards: There has been interest expressed in updating construction standards to reflect best practices for fire resistance. However, such requirements would primarily be included in the building code.

Development review requirements: As mentioned throughout, there are four categories of uses in each zone: uses permitted with a Type I permit review, uses permitted subject to Type II Site Development Plan Review, uses permitted subject to Type III Site Development Plan Review, and uses subject to Conditional Use Review which is also Type III. Further, any development subject to the Old Town Design Standards or the Large Retail Establishment Standards requires Type III Design Review (TMC 18.175). The distinction between uses subject to Type II or Type III Site Development Review varies between zones and is

¹⁰ As established in OAR Chapter 660 Division 12, Transportation Planning.



determined by either different categories of uses or different scale of uses. For example, retail and service uses less than 6,000 SF in the CBD zone generally require Type II review whereas larger retail and service uses trigger a Type III review. In the CH zone, gas stations and self-storage require Type II review, and motels over 10 rooms require Type III review. There is not necessarily consistency across zones about how uses are classified. The Type II and III Site Development Plan Reviews trigger different approval criteria and thus review authority. Type II criteria are more objective and are reviewed by staff. The Type III criteria are more discretionary, such as avoiding “adverse effect” on nearby properties and conforming to the intent of the zone where located, and require a public hearing before Planning Commission. The majority of residential uses in residential and commercial zones have a Type I or II review option. However, dwelling units in the CBH require a Type III Site Development Plan Review that likely does not meet the requirement for a ‘clear and objective’ review (TMC 18.55.040.I).

Recommendations: *The existing development standards generally permit a range of residential, commercial, and mixed uses at a scale appropriate for each district’s context with some consideration needed to expand or modify specific types of uses within the general categories permitted. Many of the existing design and development standards address aspects critical to creating a mixed-use, multi-modal corridor but could use refinement, clarification, and/or expansion to address the desired character and function within the project area as articulated in the Market Feasibility Analysis and Placemaking Findings.*

- *Refine middle housing standards to address any implementation issues that have arisen with the new code and to align with state requirements specifically removing duplex standards in TMC 18.95.045 to ensure that duplexes are not subject to any additional standards that do not apply to single-family detached dwellings.*
- *Clarify the ground-floor residential standards in the CBH and CH zones that require “commercial storefronts...along the street frontage” to specify the dimensions and requirements for commercial use within a horizontal mixed-use site configuration (TMC 18.55.040.I).*
- *Implement additional use or development limitations for self-storage facilities in the CH zone along the Highway 99 corridor, such as a limitation on such facilities within 100 ft of the highway, to direct more active and employment-generating uses along the corridor itself.*



- *Review the distinction between uses requiring Type II and III Site Development Plan Review in the commercial zones. Look for opportunities to move more uses into the Type II category and reduce review requirements for City and applicants. Allow all residential uses through the Type II review, specifically multifamily uses in the CBH zone that currently require a Type III review. Additionally, review the approval criteria for Type III review in TMC 18.150.050 and consider whether some of the discretionary aims, such as avoiding adverse impacts, are adequately addressed through more specific standards in the code already, such as buffering and height limitation standards.*
- *Allow additional height for vertical mixed-use developments in the CBH and CH zones by right such as a height bonus to incentivize mixed-use development. Replace the current requirement for conditional use review and approval of any height over 30 ft. At a minimum, up to 50 ft will be required within the CFA; see CFEC recommendations.*
- *Develop more consistent setback, form, and/or design standards for commercial development along the Highway 99 corridor, much like the configuration of the Old Town Design District encompasses the length of Talent Avenue. There are currently four different commercial zones that apply along the corridor. Standards for more consistent minimum and maximum building setbacks, as well as limiting parking areas between buildings and the street, like the existing CBH standards, would be an important start. Additional site and architectural design standards should be developed, but may be less feasible to apply across zones given the variety of development types already present.*
 - *Consider whether 10-ft of landscaping between each building and Highway 99 is the desired character for the corridor, and then align, or at least clarify the overlap between, the front setback standards for each zone and the landscape buffer requirements.*
 - *Landscaping requirements should prioritize trees that enhance the pedestrian environment by creating shade, lowering temperatures, and buffering.*



- Consider how such standards would interact with the existing Old Town Design District and Large Retail Establishment design standards that apply to portions of the corridor. Revise to minimize overlap and conflicts.
- Develop objective standards that can be reviewed through a Type II staff-level review rather than triggering a discretionary Type III review with a public hearing.
- Add cross-references in the CBH, CH, and CI zone chapters that the drive-up facilities permitted conditionally are limited to sites within the Drive-Up Overlay as detailed in TMC 18.155.070.H.
- Further analysis should explore potential further modifications to the OFPG standards to supplement the existing setbacks for areas along Bear Creek to enhance riparian, aesthetic, and recreational functions.
- Reduce the overlapping landscaping and open space standards for multi-family development which include overall site landscaping requirements (TMC 18.105.020.A.1), recreation space per unit (TMC 18.40.080), and common open space per unit (TMC 18.96.030.F).
- Continue working towards CFEC implementation, including a more detailed code audit specific to CFEC standards.
 - Review and update vehicle and bike parking standards for compliance, including improving parking regulations, requiring EV charging, and lifting or reforming parking mandates per OAR 660-012-0400 through -0445 and bicycle parking standards in OAR 660-012-0630.
 - Review and update code standards for areas within the CFA to ensure that land use requirements are met. Generally, the CFA land use standards align with the TGM goals for this project to promote mixed-use, walkable areas, and further code changes will support both sets of objectives. Initial analysis identifies the need to implement minimum densities of 15 units per acre and to increase the maximum height to 50 ft within the CFA as a starting point. DLCD will also be developing a model code to implement the CFA land use requirements in OAR 660-012-0330. Consider whether CFA land use requirements could best be met through changes to base zone standards for the CBH and CBD zones, a new base zone or a new zoning overlay.



- *Add mechanisms in the code and the TSP to support greater connectivity within the project area potentially including new roads perpendicular to Highway 99 and/or multi-modal pathways, such as the planned Wagner Creek Greenway. One tool would be implementing a maximum block length and perimeter standard for the CBH, CH, CI, and CN commercial zones.*
- *Align development code standards as needed with any building code updates for fire-resistant construction.*

