

**POCATELLO CITY COUNCIL
HEARING: OCTOBER 1, 2026
EXECUTIVE SUMMARY**

REQUEST:

The 2026 Legislative Session of the State of Idaho passed a series of bills that will require changes to Pocatello's Comprehensive Plan and the Zoning Ordinance. The Planning & Development Services Department is seeking the Council's approval regarding proposed amendments to Comprehensive Plan 2040 and Title 17: Zoning Regulations (see attachment A).

RECOMMENDATION:

In consideration of the application, the Planning & Zoning Commission recommended approval of the Comprehensive Plan Text Amendments and the Zoning Ordinance Text Amendments with the proposed revisions as presented by Staff with the exception of the proposed amendments to 17.02.160: "Variances" and 17.05.300: "Infill and Redevelopment Standards" and recommended that these proposed amendments not be considered for approval seeing that they are not in the community's best interest. (see attachment B). The original proposal has been included as attachment C.

ATTACHMENTS:

- A. Revised Text Amendment Proposal
- B. Planning & Zoning Commission Findings of Fact & Recommendation
- C. Planning & Zoning Commission Staff Report Packets

ATTACHMENT A
CITY COUNCIL
OCTOBER 1, 2026

SUMMARY OF PROPOSED AMENDMENTS

Pocatello Comprehensive Plan 2040:

- Add addenda at the end of the Plan to include Idaho Statute language as mandated.

17.01.150: Definitions:

- Amend definitions related to “Manufactured Homes” to better reflect definitions and provisions in Idaho Legislature Bills & Idaho Code

17.06.100: Accessory Dwelling Units:

- Allow an ADU to have a maximum square footage of 1,000ft² or 75% of the size of the primary single-family dwelling
- Do not require off-street parking for an ADU as long as the primary residence meets required standards
- Allow required walkways that lead to ADUs to come from the primary street or an adjacent alley
- Clarify language regarding naming conventions, as well as height and design compatibility provisions (Height language also addressed in 17.06.200: Accessory Structures)
- Remove the deed restriction requirement for owner to live on-site

17.06.200: Accessory Structures:

- Amend language for clarity

17.06.300: Manufactured/Mobile Home and Recreational Vehicle Parks:

- Remove “insignia home” requirement and replace with alignment with Idaho Code
- Allow for single or multi-sectional homes with a minimum square footage of 400 and 800 respectively

17.06.700: Starter Home Subdivisions:

- Single-Family Detached Dwelling Unit Subdivisions as defined by State Code
 - Allow in all residential zoning districts
 - Require 4 acres or more for development in all residential zones
 - Maximum lot sizes of 1,500ft²
 - Minimum setback requirements:
 - Front & Rear: 15’ or minimum of underlying zoning whichever is less
 - Side facing street: 5’
 - Side: 5’

POCATELLO COMPREHENSIVE PLAN 2040 ADDENDA

Addendum 1 - Idaho Statute: Title 67 - State Government and State Affairs: Chapter 65 - Local Land Use Planning: 67-6509A. Siting of manufactured homes in residential areas — Plan to be amended.

(1) By resolution or ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, each governing board shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses, except for lands falling within an area defined as a historic district under section 67-4607, Idaho Code, to allow for siting of manufactured homes as defined in section 39-4105, Idaho Code. For purposes of siting, a manufactured home consisting of a single dwelling unit may be sited on lots where single-family dwellings are allowed. A multidwelling unit manufactured home may be sited only in areas where multifamily dwellings are allowed.

(2) Manufactured homes on individual lots zoned for single-family residential uses as provided in subsection (1) of this section shall be in addition to manufactured homes on lots within designated mobile home parks or manufactured home subdivisions.

(3) This section shall not be construed as abrogating a recorded restrictive covenant.

(4) A governing board may adopt any or all of the following placement standards, or any less restrictive standards, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home may be either a single section or multisectional and shall enclose a space of at least four hundred (400) square feet for a single section or eight hundred (800) square feet for a multisectional manufactured home;

(b) The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade, except when placed on a basement foundation;

(c) The manufactured home shall have a pitched roof, except that no standards shall require a slope of greater than a nominal three (3) feet in height for each twelve (12) feet in width;

(d) The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority;

(e) The manufactured home shall have a garage or carport constructed of like materials if zoning ordinances would require a newly constructed nonmanufactured home to have a garage or carport;

(f) In addition to the provisions of paragraphs (a) through (e) of this subsection, a city or county may subject a manufactured home and the lot on which it is sited to any development standard, architectural requirement, and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected.

(5) Any approval standards, special conditions and the procedures for approval adopted by a local government shall be clear and objective and shall not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

Addendum 2 – Idaho Statute: Title 67 - State Government and State Affairs: Chapter 65 – Local Land Use Planning: 67 67-6541. Accessory Dwelling Units.

(1) No city shall enact or enforce any ordinance, rule, regulation, or policy that bans accessory dwelling units in any residential zoning area within its jurisdiction. An accessory dwelling unit shall be classified as a residential land use for zoning purposes subject to all applicable zoning requirements. "Accessory dwelling unit" means a self-contained living unit that includes its own cooking, sleeping, and sanitation facilities and that is located on the same lot as a single-family primary dwelling. An accessory dwelling unit may be internal, attached, or detached but does not include a motorhome, camper, recreational vehicle, tiny home on wheels, or other such similar dwellings on wheels.

(2) By February 1, 2027, by resolution or ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, each city governing board shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses, except for lands falling within an area defined as a historic district under section 67-4607, Idaho Code, or designated as a historic property pursuant to section 67-4614, Idaho Code, to:

- (a) Allow for either one (1) internal accessory dwelling unit within the single-family dwelling or one (1) detached accessory dwelling unit per lot in the rear yard or subject to setbacks required of the primary dwelling;
- (b) Prohibit requiring any off-street parking or guest parking for any accessory dwelling unit unless the principal dwelling unit does not have off-street parking or the street is not paved and designed or constructed for on-street parking or unless the principal dwelling unit is within one-fourth (1/4) mile of transit, an employment area, or commercial services;
- (c) Prohibit imposing impact fees or utility connection fees on accessory dwelling units that are greater than those imposed on other single-family dwellings;
- (d) Prohibit limiting the size of an accessory dwelling unit to less than one thousand (1000) square feet or seventy-five percent (75%) of the size of the primary dwelling;
- (e) Prohibit an owner-occupancy requirement for the primary dwelling or for the accessory dwelling unit;
- (f) Prohibit imposing a limit on building height that is less than the height of an existing single-family primary dwelling on a lot; and
- (g) Prohibit restrictions for accessory dwelling units that are more restrictive than restrictions for single-family dwellings within the same zoning district with regard to setbacks, lot size, or coverage or building frontage.

(3) Accessory dwelling unit projects that meet the jurisdiction's established land use requirements shall be approved administratively and as a matter of right, without the need for discretionary approval.

(4) Any approval standards, special conditions, and procedures for approval adopted by a local government shall be clear and objective and shall not have the effect, either singularly or cumulatively, of discouraging the development of accessory dwelling units through unreasonable cost or delay.

(5) Nothing in this section shall prohibit a city from enacting a regulation, standard, or condition that is less restrictive than the requirements of this section.

(6) The provisions of this section shall apply only to cities with a population greater than ten thousand (10,000).

(7) The provisions of this section shall not supersede state or local laws that protect public health, safety, and welfare, including:

- (a) Building codes, fire safety standards, and flood plain regulations;
- (b) Laws regarding water, sewer, storm drainage, road access, and utility services necessary to support the required density;
- (c) Laws regarding environmental hazards, aquifer recharge zones, steep slopes, and critical habitat protections; and
- (d) Laws and regulations regarding setback requirements for rights-of-way and easements.

Addendum 3 – Idaho Statute: Title 67 – State Government and State Affairs: Chapter 65 – Local Land Use Planning: 67 67-6542. Starter Home Subdivisions.

(1) No city shall enact or enforce any ordinance within its jurisdiction that bans starter home subdivisions in any residential zoning area. "Starter home subdivision" means a residential subdivision on at least four (4) acres of land that is designed to provide attainable homeownership opportunities with single-family detached dwellings on smaller lots that are no greater than one thousand five hundred (1,500) square feet per lot, have compact home sizes, and have efficient site design that reduces development costs while maintaining compatibility with surrounding neighborhoods.

(2) By February 1, 2027, by resolution or ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code, each city governing board shall amend its comprehensive plan and land use regulations to allow starter home subdivisions in residential zoning districts, except for lands falling within an area defined as a historic district in section 67-4607, Idaho Code, or designated as a historic property pursuant to section 67-4614, Idaho Code. For starter home subdivisions, a city's comprehensive plan and land use regulations shall be amended to:

- (a) Prohibit requiring minimum lot sizes exceeding one thousand five hundred (1,500) square feet for lots located in starter home subdivisions unless infrastructure limitations, lot configuration, or environmental constraints make it unfeasible;
- (b) Prohibit requiring front or rear setbacks exceeding fifteen (15) feet or side setbacks exceeding five (5) feet for a primary residential structure on a lot, provided, however, that setbacks along the perimeter of a project may be required to match setbacks of abutting zoning districts;
- (c) Prohibit requiring lot front widths exceeding thirty (30) feet for narrow lots;
- (d) Prohibit requiring lot depths exceeding seventy (70) feet, unless overall lot shape, topography, or environmental or infrastructure constraints require it; and
- (e) Prohibit imposing permit fees, development impact fees, or utility connection fees for starter home subdivisions exceeding those that would be imposed on other single-family home subdivisions. A local government may provide incentives to builders through fee reductions or waivers for compliance with smaller lot and setback options.

(3) The provisions of this section shall not supersede state or local laws that protect public health, safety, and welfare, including:

- (a) Building codes, fire safety standards, and flood plain regulations;
- (b) Laws regarding water, sewer, storm drainage, road access, roadway classifications or conditions, infrastructure capacity constraints, and utility services necessary to support the required density;

(c) Laws regarding environmental hazards, aquifer recharge zones, steep slopes, or critical habitat protections; and

(d) Laws and regulations regarding setback requirements for rights-of-way and easements.

(4) The provisions of this section shall apply only to cities with a population greater than ten thousand (10,000).

(5) Cities may condition or deny approval of a starter home subdivision where the city determines that existing or planned infrastructure is inadequate to support the subdivision, to the same extent and under the same standards the city applies to other residential subdivisions.

(6) Nothing in this section shall prohibit a city from enacting regulations, standards, or conditions that are less restrictive than the requirements provided in this section.

CHAPTER 17.01: GENERAL PROVISIONS:

17.01.150: DEFINITIONS:

MANUFACTURED HOME: Any dwelling unit(s) constructed after June 1976, in accordance with the U.S. department of housing and urban development (HUD) manufactured home construction and safety standards, that is ~~factory built house structure~~ transportable in one (1) or more sections built on a permanent chassis and designed ~~to be used as a dwelling unit~~ with or without a permanent foundation when connected to the required utilities. Said dwelling unit(s) shall bear an insignia or certification demonstrating its compliance with the standards of the Idaho State Department of Labor and Industries pursuant to RCWW 43.22 for homes built between 1968 and 1976 and as required by HUD standards established under 42 U.S.C. 5401 et seq. See Idaho Code section 39-4105. Contrast with commercial coach, recreational vehicle or motor home, which are not manufactured homes.

~~MANUFACTURED HOME, INSIGNIA: Any manufactured home that bears an insignia or certification label showing that its construction complies with the standards established by the Idaho state department of labor and industries pursuant to RCWW 43.22 for homes built between 1968 and 1976, or by the U.S. department of housing and urban development pursuant to the national manufactured home construction and safety standards act of 1974 (42 USC 5401-5426 as now existing and in accordance with any amendments that may hereafter be made thereto) for homes built since June 1976.~~

MANUFACTURED HOME LOT: Any portion of a manufactured/mobile home park designated as the location for one manufactured home and its accessory structures.

~~MANUFACTURED HOME, NONINSIGNIA: Any manufactured home that does not bear the insignia or certification referenced above; sometimes referred to as a mobile home.~~

MANUFACTURED/MOBILE HOME PARK: Real property under single ownership and management, or multiple ownerships and a single management, which is used as the location for two (2) or more manufactured homes that are, or are intended to be, occupied as dwelling units on a nontransient basis.

MOBILE HOME: Any dwelling unit that does not bear an insignia or certification demonstrating compliance with Idaho state department of labor and industries or HUD standards, is factory-assembled and generally constructed prior to June 1976 and equipped with necessary service connections and made so as to be readily moveable as a unit or units on their own running gear and designed with or without a permanent foundation. See Idaho Code section 39-4105

CHAPTER 17.06: SPECIAL USE STANDARDS:

17.06.100: ACCESSORY DWELLING UNITS:

A. Purpose: The purpose of this section is to encourage provision of a wider variety of dwelling units, a mix of housing types that responds to changing family needs, a means for residents to remain in their neighborhoods, as well as allowing new housing while preserving the existing neighborhood character.

B. Applicability: Accessory dwellings are permitted in all residential, commercial, and mixed use zoning districts, provided they are in compliance with the provisions set forth in this section. If conflicts occur between these and other standards of this title, the more restrictive shall apply.

C. Accessory Dwelling Standards:

1. Accessory ~~Residential~~ Dwelling Unit: An accessory ~~residential~~ dwelling unit is a second dwelling unit either within or added to an ~~existing~~ detached single-family dwelling, or constructed as a separate accessory structure on the same lot as the single-family dwelling. The accessory dwelling unit functions as a complete, independent living facility, with provisions within the unit for a separate kitchen, bathroom, and sleeping area. All standards of this code shall be met, except as modified herein.

2. Density: One (1) accessory ~~residential~~ dwelling unit is permitted within or added to a detached single-family dwelling or constructed as a separate accessory structure. An accessory dwelling unit may be allowed as an accessory use to a primary single-family dwelling on any residential lot ~~that meets the minimum lot size of the applicable residential district~~. Accessory dwelling units will not be counted in density calculations.

3. Unit Size: An accessory dwelling ~~residential~~ unit shall not exceed ~~seven hundred fifty (750) one thousand (1,000)~~ square feet in size or seventy-five percent (75%) of the size of the primary single-family dwelling unit. ~~and shall not have more than one bedroom or sleeping room.~~

4. Off Street Parking: Accessory dwelling units do not require off-street parking in addition to what is required for the primary single-family dwelling. ~~If on-street parking is available adjacent to the primary dwelling and off-site parking standards are met for the primary dwelling, only one additional off-street parking space shall be required for the accessory residential unit. If on-street parking is not available for the primary structure, two (2) off-street parking spaces shall be provided for the accessory dwelling unit.~~

5. Building Height: The height of the accessory ~~residential~~ dwelling unit shall not exceed the height of the ~~main structure~~ primary single-family dwelling unit, measured at the peak, or twenty feet (20') in height, whichever is greater. ~~or as permitted by the underlying zoning district, whichever is less.~~

6. Orientation And Access: For accessory residential units in structures other than the primary dwelling on a lot, a walkway shall be provided from the unit to the street on which the primary dwelling fronts or an adjacent alley. The walkway shall be a minimum of three feet (3') wide and shall be finished with a hard, all weather surface. On corner lots, the accessory residential unit may be oriented to a different street than the primary dwelling, and the walkway may be provided to a street other than the front street. If the entrances to both the primary and accessory dwelling unit face the same street, the entrance to the accessory dwelling unit shall be minimized in appearance.

7. Design Compatibility: In order to maintain an exterior consistent with the primary dwelling, the accessory dwelling unit shall have siding, roofing materials, exterior paint colors, window trim, and roof style that are compatible to match that of the primary dwelling unit; ~~unless a case can be made for alternative designs.~~

8. Utility Hookups: Shared or separate utility hookups must comply with city requirements.

~~—9. Deed Restriction: A deed restriction shall be recorded requiring that either the primary unit or the accessory unit be owner occupied.~~

~~109.~~ Substandard Lots Prohibited: Subdivision or other lot split into substandard lots shall be prohibited.

17.06.200: ACCESSORY STRUCTURES:

A. Residential Zoning Districts: Accessory structures are permitted by right in all residential zoning districts, subject to the following:

1. Dimensional Requirements:

a. The combined footprint of all accessory structures shall be no larger than the square foot area of the primary structure;

b. Accessory structures ~~may~~ shall not exceed the height of the primary structure, measured at the peak, or twenty feet (20') in height, whichever is greater;

c. Accessory structures shall not be located within the front yard setback, nor the corner setback as required by the underlying zoning district;

d. Container units, railroad cars, semitrailers, or the like shall not be used as or considered accessory structures;

e. Accessory structures greater than two hundred (200) square feet shall maintain a minimum five foot (5') interior side and rear yard setback;

f. Accessory structures less than two hundred (200) square feet in size shall be subject to retaining all stormwater on site and maintaining the required fire separation of the building code;

g. In no event shall accessory structures be located within designated easements.

2. Nondimensional Requirements:

a. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right of way including, but not limited to, streets, alleys and public and private easements;

b. An accessory structure shall comply with all of the requirements of the international building code, as adopted. Building permits shall be obtained for accessory structures as required by adopted building codes;

c. An accessory structure that is nonconforming is subject to the provisions of section 17.01.170 of this title, when alteration, expansion or reconstruction is requested;

~~d. The erection of video programming receiving dishes or antennas shall meet the requirements of the federal communications commission.~~

17.06.300: MANUFACTURED/MOBILE HOME AND RECREATIONAL VEHICLE PARKS:

D. Manufactured Homes On Individual Lots: Any manufactured home proposed for placement on an individual lot outside of a manufactured/mobile home park shall meet the following standards:

1. ~~Be an insignia home~~ Adhere to all standards as required by Idaho Code section 39-4105;
2. Be either a single section or multisectional and shall enclose a space of at least four hundred (400) square feet for a single section or eight hundred (800) square feet for a multisectional manufactured home. ~~Be multisectional and enclose a space of not less than one thousand (1,000) square feet,~~ not including garage or other noninhabitable space;
3. Be placed on a permanent foundation that meets the applicable building codes;
4. Have a pitched roof with not less than a three to twelve (3:12) ratio;
5. Have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings;
6. Adhere to all performance standards required by the underlying zoning district, such as, but not limited to, lot size and coverage, parking provisions, height, and setbacks.

17.06.700: STARTER HOME SUBDIVISIONS:

A. Purpose: The purpose of this section is to allow for starter home subdivisions which enable additional housing opportunities and compact neighborhood design as defined by the State of Idaho (see Idaho Code §67-6541).

B. Applicability: Starter home subdivisions are permitted provided they are in compliance with the provisions set forth in this section as well as all applicable provisions set forth in Title 16: Subdivision Regulations. Infill development standards and administrative adjustments outlined in this Title shall not apply to starter home subdivisions. The provisions of this section shall be applied in conjunction with the provisions of the underlying zoning district and all applicable development standards as required in this Title. Where the provisions of this section and the underlying zoning district conflict, the requirements of this section shall apply. The provisions of this section shall not supersede state or local laws that protect public health, safety, and welfare.

C. Starter Home Subdivision Criteria: All starter home subdivisions shall meet the following criteria:

1. Housing Types: A starter home subdivision shall be comprised of single-family detached dwellings only.

2. Zoning Districts: A starter home subdivision shall be located in one of the following zones:

a. Residential Estate (RE);

b. Residential Low Density (RL);

c. Residential Medium Density Single-Family (RMS);

d. Residential Medium Density Multi-Family (RMM);

e. Residential High Density (RH).

3. Acreage: A starter home subdivision shall be located on at least four (4) acres of land.

4. Density: Lots shall not exceed one thousand five hundred (1,500) square feet in size unless infrastructure limitations, lot configuration, or environmental constraints make it unfeasible.

5. Setbacks: Minimum setback requirements shall include the following, all other setbacks not listed shall adhere to the requirements set forth in the underlying zoning district:

a. Front and Rear: fifteen feet (15') or the minimum setback requirement of the underlying zoning district, whichever is less;

b. Side Facing Street: five feet (5');

c. Side: five feet (5').

ATTACHMENT B
CITY COUNCIL
OCTOBER 1, 2026

FINDINGS OF FACT & RECOMMENDATION

CITY OF POCATELLO

PLANNING & ZONING COMMISSION

HEARING SEPTEMBER 9, 2026

APPLICANT: City of Pocatello

REQUEST: Comprehensive Plan & Zoning Ordinance Text Amendments

FILE: CPA26-001 & ZOTA26-002

STAFF: Jim Anglesey, Long-Range Senior Planner

- I. GENERAL BACKGROUND:** The 2026 Legislative Session of the State of Idaho passed a series of bills that requires changes to Pocatello's Comprehensive Plan and Zoning Ordinance. In response, Planning & Development Services staff sought the Commission's recommendation to either approve or deny the proposed amendments and prepare a draft for the City Council to consider. Planning staff is charged with overseeing the orderly growth and development of the City of Pocatello. One function of this work is the administration of the City's Comprehensive Plan and land use related ordinances. During the July and August City Council Work Sessions, Staff presented the proposed changes and Council directed staff to prepare the proposed amendments for the hearing process.
- II. PUBLIC HEARING:** A public hearing was held before the Planning & Zoning Commission on the evening of September 9, 2026. Jim Anglesey, representing the City of Pocatello, provided a summary of the proposed Comprehensive Plan and Zoning Ordinance Text Amendment applications. Comments were provided from the public in support, neutral, and opposed to the applications.
- III. NOTIFICATION:** Notice was posted on the subject property and published in the Idaho State Journal on August 25, 2026. All property owners within three hundred feet (300') of the external boundaries of the subject property were provided notice of the public hearing in order that they may provide comment on the proposed map amendments. One written comment was received from the public.
- IV. CRITERIA FOR REVIEW:** The Planning and Zoning Commission and City Council shall review the facts and circumstances of each proposal in terms of the standards listed in the table below:

Table 1. Zoning Map Amendment Review Criteria Analysis

REVIEW CRITERIA (17.02.170.F & 17.02.120.C):				
Compliant			City Code and P&Z Findings	
Yes	No	N/A	Code Section	Analysis
☒	☒	☐	17.02.170.F1	The proposed text amendment would be in the community's best interest.
			<i>Finding</i>	The community's best interests are generally outlined within the long-range plans adopted by the City, especially as these go through a rigorous planning and public engagement process. Comprehensive Plan 2040 outlines a planning approach that should be incorporated into the City's zoning regulations. The proposed amendments proposed for sections 17.02.160 and 17.05.300 are have presented significant concern to the public and the Commission finds that as proposed, they are not in the community's best interest.
☒	☐	☐	17.02.170.F2	The proposed text amendment is consistent with the existing provisions of the zoning ordinance.
			<i>Staff Review</i>	All related provisions of the zoning ordinance are consistent with the proposed changes and will apply where stated without any anticipated conflicts.
☒	☐	☐	17.02.170.F3	The proposed text amendment is consistent with existing provisions of the comprehensive plan.
			<i>Finding</i>	The following items in the City's Comprehensive Plan are consistent with the proposed amendments:

			<u>Planning Approach</u> Compact Building Design: Compact design means making more efficient use of land that has already been developed. Encouraging development to grow up, rather than out, is one way to do this. Infill development, building on empty or underutilized lots, is another. Building within an existing neighborhood can attract more people to the jobs, homes, and businesses already there while also making the most of public investments in things like water and sewer lines, roads, and emergency services. Housing Opportunities & Choices: Building quality housing for families of all life stages and income levels is an integral part of a Smart Growth approach. Housing constitutes a significant share of new construction and development in any city, but its economic importance is sometimes overlooked. Adding housing in commercial districts can breathe new life into these neighborhoods in evenings and on weekends. More importantly, the housing options available in a community will influence families' economic opportunity, costs of living, and time spent commuting each day. Diversifying housing options within existing neighborhoods can give everyone more choices about where to live. Walkable Neighborhoods: Walkable neighborhoods are in high demand across the country and it's hardly a mystery why. Walking is a convenient, affordable, and healthy way to get around that never goes out of style, as long as people can do it safely and conveniently. Walkable places are created in part by mixing land uses and taking advantage of compact design, but are activated by street design that prioritizes the pedestrian experience to make walking not only practical but safe and convenient to enjoy. Infill Development: Developing within existing neighborhoods and commercial corridors and districts, rather than building on previously undeveloped land on the edge of town, makes the most of the investments we've already made in roads, bridges, water pipes, and other infrastructure, while strengthening local tax bases and protecting open space. Regulations, zoning, and other public policies sometimes make this approach unnecessarily difficult for developers. City leaders can and should change policy to encourage infill development. <u>Environmentally Resilient</u> Goal 4. Cultivate compact development patterns and enhanced aesthetics that promote walkability, community health, reduced infrastructure, and energy costs. <u>Authentic & Affordable Neighborhoods</u> Goal 1. Create Complete Neighborhoods by implementing development criteria informed by unique neighborhood plans. Strategy C. Adopt incentives that encourage the development of affordable, missing middle, intergenerational, and mixed-income housing, especially where key community services and transit options already exist. Goal 5. Develop form-based code standards to guide new development within each neighborhood. Strategy A. Provide City standards that enable a range of flexible housing options in all neighborhoods.
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V. PLANNING & ZONING COMMISSION RECOMMENDATION: In consideration of the application, the Planning & Zoning Commission recommended approval of the Comprehensive Plan Text Amendments and the Zoning Ordinance Text Amendments with the proposed revisions as presented by Staff with the exception of the proposed amendments to 17.02.160 and 17.05.300 and recommended that these proposed amendments not be considered for approval seeing that they are not in the community's best interest.



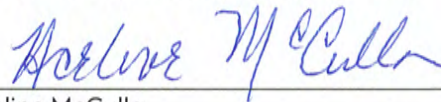
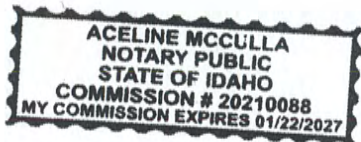
Rich Phillips, Chairman
City of Pocatello Planning & Zoning Commission
Authorized to sign 9/9/2026

STATE OF IDAHO)
County of Bannock) SS:

On this 11th day of September 2026, before me, the undersigned, a Notary Public in and for the Idaho State, personally appeared Chairman Rich Phillips of the City of Pocatello Planning and Zoning Commission, known to me or proved to me to be the person whose name is subscribed to the foregoing instrument, and being duly sworn, acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Seal



Aceline McCulla
Notary Public for Idaho
Residing in Pocatello, Idaho

ATTACHMENT C
CITY COUNCIL
OCTOBER 1, 2026

**PLANNING & ZONING COMMISSION
HEARING: SEPTEMBER 9, 2026
STAFF REPORT**

FILE: CPA26-001

APPLICANT: City of Pocatello
REPRESENTATIVE: Planning & Development Services
REQUEST: Comprehensive Plan Text Amendment
STAFF: Jim Anglesey, Long-Range Senior Planner

STAFF RECOMMENDATION:

Staff finds that the proposed Comprehensive Plan text amendment meets the standards of City Code 17.02.120.C as the amendment is required by Idaho State legislation. Staff recommends that the Commission consider the proposed amendments to Comprehensive Plan 2040 and act to recommend: approval; approval with modifications; or denial of the proposed changes to City Council.

OPTIONAL MOTIONS:

- 1. Approval of the Application:** “Move to recommend approval of the proposed amendments to Comprehensive Plan 2040, finding the amendments are in compliance with Idaho State Statutes and the criteria listed in section 17.02.120 of Pocatello City Code, [insert any conditions of approval], and to authorize the Chair to sign the findings of fact.”
- 2. Denial of the Application:** “Move to recommend denial of the proposed amendment to Comprehensive Plan 2040, finding the amendments are not in compliance with the criteria listed in section 17.02.120 of Pocatello City Code, finding that: [cite findings for denial], and to authorize the Chair to sign the findings of fact.”

GENERAL BACKGROUND:

The 2026 Legislative Session of the State of Idaho passed a series of bills that will require changes to Pocatello’s Comprehensive Plan. In response, Planning & Development Services staff is seeking the Commission’s recommendation to either approve or deny the proposed amendments to Comprehensive Plan 2040, and prepare a draft for the City Council to consider. Planning staff is charged with overseeing the orderly growth and development of the City of Pocatello. One function of this work is the administration of the City’s Comprehensive Plan. During the July and August City Council Work Sessions, Staff presented the proposed changes and Council directed staff to prepare the proposed Comprehensive Plan amendments for the hearing process. **Attachment A** contains the proposed text as an addendum to be included at the end of the Plan’s appendix.

Pursuant to City Code 17.02.120, the City Council, Planning & Zoning Commission or the Planning and Development Services Director may initiate action to amend the text of Comprehensive Plan

2040. Pursuant to City Code 17.02.120.C, Criteria for Comprehensive Plan Text Amendments, the Planning and Zoning Commission and the City Council shall review the facts and circumstances of the proposed amendment to the text of the Comprehensive Plan based on the following standards:

1. To correct errors in the plan;
2. To recognize substantial changes in the actual conditions of the area.

Notification: Notice was published in the Idaho State Journal on August 25, 2026 and again on September 1, 2026 both as display ads and legal notices as required in City Code §17.02.300.A.3. Notice information was also provided to local television and radio stations to include in their public announcements. Additionally, notice information was posted on City social media platforms. No written comments were received from the public prior to the publishing of this staff report.

ATTACHMENTS:

- A. Proposed Text Amendments to Comprehensive Plan 2040

CRITERIA FOR REVIEW: The Planning and Zoning Commission and City Council shall review the facts and circumstances of each proposal in terms of the standards listed in the table below:

Table 1. Comprehensive Plan Text Amendment Review Criteria Analysis

REVIEW CRITERIA (17.02.120.C):				
Compliant			City Code and Staff Review	
Yes	No	N/A	Code Section	Analysis
☒	☐	☐	17.02.120.C.1	If the request is to correct an error in the plan.
			<i>Staff Review</i>	The following Idaho State Legislative Bills require that the language of the amended State Code be included within the City's Comprehensive Plan: House Bill 800, Senate Bill 1352, Senate Bill 1354.
☐	☐	☒	17.02.120.C.2	If the request is to recognize substantial changes in the actual conditions of the area, please describe the changes.
			<i>Staff Review</i>	This criteria is not applicable to the proposal.

POCATELLO COMPREHENSIVE PLAN 2040 ADDENDA

Addendum 1 - Idaho Statute: Title 67 - State Government and State Affairs: Chapter 65 - Local Land Use Planning: 67-6509A. Siting of manufactured homes in residential areas — Plan to be amended.

(1) By resolution or ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, each governing board shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses, except for lands falling within an area defined as a historic district under section 67-4607, Idaho Code, to allow for siting of manufactured homes as defined in section 39-4105, Idaho Code. For purposes of siting, a manufactured home consisting of a single dwelling unit may be sited on lots where single-family dwellings are allowed. A multidwelling unit manufactured home may be sited only in areas where multifamily dwellings are allowed.

(2) Manufactured homes on individual lots zoned for single-family residential uses as provided in subsection (1) of this section shall be in addition to manufactured homes on lots within designated mobile home parks or manufactured home subdivisions.

(3) This section shall not be construed as abrogating a recorded restrictive covenant.

(4) A governing board may adopt any or all of the following placement standards, or any less restrictive standards, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home may be either a single section or multisectional and shall enclose a space of at least four hundred (400) square feet for a single section or eight hundred (800) square feet for a multisectional manufactured home;

(b) The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the home is located not more than twelve (12) inches above grade, except when placed on a basement foundation;

(c) The manufactured home shall have a pitched roof, except that no standards shall require a slope of greater than a nominal three (3) feet in height for each twelve (12) feet in width;

(d) The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority;

(e) The manufactured home shall have a garage or carport constructed of like materials if zoning ordinances would require a newly constructed nonmanufactured home to have a garage or carport;

(f) In addition to the provisions of paragraphs (a) through (e) of this subsection, a city or county may subject a manufactured home and the lot on which it is sited to any development standard, architectural requirement, and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected.

(5) Any approval standards, special conditions and the procedures for approval adopted by a local government shall be clear and objective and shall not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

Addendum 2 – Idaho Statute: Title 67 - State Government and State Affairs: Chapter 65 – Local Land Use Planning: 67 67-6541. Accessory Dwelling Units.

(1) No city shall enact or enforce any ordinance, rule, regulation, or policy that bans accessory dwelling units in any residential zoning area within its jurisdiction. An accessory dwelling unit shall be classified as a residential land use for zoning purposes subject to all applicable zoning requirements. "Accessory dwelling unit" means a self-contained living unit that includes its own cooking, sleeping, and sanitation facilities and that is located on the same lot as a single-family primary dwelling. An accessory dwelling unit may be internal, attached, or detached but does not include a motorhome, camper, recreational vehicle, tiny home on wheels, or other such similar dwellings on wheels.

(2) By February 1, 2027, by resolution or ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, each city governing board shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses, except for lands falling within an area defined as a historic district under section 67-4607, Idaho Code, or designated as a historic property pursuant to section 67-4614, Idaho Code, to:

- (a) Allow for either one (1) internal accessory dwelling unit within the single-family dwelling or one (1) detached accessory dwelling unit per lot in the rear yard or subject to setbacks required of the primary dwelling;
- (b) Prohibit requiring any off-street parking or guest parking for any accessory dwelling unit unless the principal dwelling unit does not have off-street parking or the street is not paved and designed or constructed for on-street parking or unless the principal dwelling unit is within one-fourth (1/4) mile of transit, an employment area, or commercial services;
- (c) Prohibit imposing impact fees or utility connection fees on accessory dwelling units that are greater than those imposed on other single-family dwellings;
- (d) Prohibit limiting the size of an accessory dwelling unit to less than one thousand (1000) square feet or seventy-five percent (75%) of the size of the primary dwelling;
- (e) Prohibit an owner-occupancy requirement for the primary dwelling or for the accessory dwelling unit;
- (f) Prohibit imposing a limit on building height that is less than the height of an existing single-family primary dwelling on a lot; and
- (g) Prohibit restrictions for accessory dwelling units that are more restrictive than restrictions for single-family dwellings within the same zoning district with regard to setbacks, lot size, or coverage or building frontage.

(3) Accessory dwelling unit projects that meet the jurisdiction's established land use requirements shall be approved administratively and as a matter of right, without the need for discretionary approval.

(4) Any approval standards, special conditions, and procedures for approval adopted by a local government shall be clear and objective and shall not have the effect, either singularly or cumulatively, of discouraging the development of accessory dwelling units through unreasonable cost or delay.

(5) Nothing in this section shall prohibit a city from enacting a regulation, standard, or condition that is less restrictive than the requirements of this section.

(6) The provisions of this section shall apply only to cities with a population greater than ten thousand (10,000).

(7) The provisions of this section shall not supersede state or local laws that protect public health, safety, and welfare, including:

- (a) Building codes, fire safety standards, and flood plain regulations;
- (b) Laws regarding water, sewer, storm drainage, road access, and utility services necessary to support the required density;
- (c) Laws regarding environmental hazards, aquifer recharge zones, steep slopes, and critical habitat protections; and
- (d) Laws and regulations regarding setback requirements for rights-of-way and easements.

Addendum 3 – Idaho Statute: Title 67 – State Government and State Affairs: Chapter 65 – Local Land Use Planning: 67 67-6542. Starter Home Subdivisions.

(1) No city shall enact or enforce any ordinance within its jurisdiction that bans starter home subdivisions in any residential zoning area. "Starter home subdivision" means a residential subdivision on at least four (4) acres of land that is designed to provide attainable homeownership opportunities with single-family detached dwellings on smaller lots that are no greater than one thousand five hundred (1,500) square feet per lot, have compact home sizes, and have efficient site design that reduces development costs while maintaining compatibility with surrounding neighborhoods.

(2) By February 1, 2027, by resolution or ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code, each city governing board shall amend its comprehensive plan and land use regulations to allow starter home subdivisions in residential zoning districts, except for lands falling within an area defined as a historic district in section 67-4607, Idaho Code, or designated as a historic property pursuant to section 67-4614, Idaho Code. For starter home subdivisions, a city's comprehensive plan and land use regulations shall be amended to:

- (a) Prohibit requiring minimum lot sizes exceeding one thousand five hundred (1,500) square feet for lots located in starter home subdivisions unless infrastructure limitations, lot configuration, or environmental constraints make it unfeasible;
- (b) Prohibit requiring front or rear setbacks exceeding fifteen (15) feet or side setbacks exceeding five (5) feet for a primary residential structure on a lot, provided, however, that setbacks along the perimeter of a project may be required to match setbacks of abutting zoning districts;
- (c) Prohibit requiring lot front widths exceeding thirty (30) feet for narrow lots;
- (d) Prohibit requiring lot depths exceeding seventy (70) feet, unless overall lot shape, topography, or environmental or infrastructure constraints require it; and
- (e) Prohibit imposing permit fees, development impact fees, or utility connection fees for starter home subdivisions exceeding those that would be imposed on other single-family home subdivisions. A local government may provide incentives to builders through fee reductions or waivers for compliance with smaller lot and setback options.

(3) The provisions of this section shall not supersede state or local laws that protect public health, safety, and welfare, including:

- (a) Building codes, fire safety standards, and flood plain regulations;
- (b) Laws regarding water, sewer, storm drainage, road access, roadway classifications or conditions, infrastructure capacity constraints, and utility services necessary to support the required density;

(c) Laws regarding environmental hazards, aquifer recharge zones, steep slopes, or critical habitat protections; and

(d) Laws and regulations regarding setback requirements for rights-of-way and easements.

(4) The provisions of this section shall apply only to cities with a population greater than ten thousand (10,000).

(5) Cities may condition or deny approval of a starter home subdivision where the city determines that existing or planned infrastructure is inadequate to support the subdivision, to the same extent and under the same standards the city applies to other residential subdivisions.

(6) Nothing in this section shall prohibit a city from enacting regulations, standards, or conditions that are less restrictive than the requirements provided in this section.

**PLANNING & ZONING COMMISSION
HEARING: SEPTEMBER 9, 2026
STAFF REPORT**

FILE: ZOTA26-002

APPLICANT: City of Pocatello
REPRESENTATIVE: Planning & Development Services
REQUEST: Zoning Ordinance Text Amendment
STAFF: Jim Anglesey, Long-Range Senior Planner

STAFF RECOMMENDATION:

Staff finds that the proposed text amendment meets the standards of City Code 17.02.170.F as the amendment is in the community's best interest, is consistent with the existing provisions of the Zoning Ordinance, is consistent with the existing provisions of the Comprehensive Plan, and ultimately is required by Idaho State legislation. Staff recommends that the Commission consider the proposed amendments to Title 17: Zoning Regulations and act to recommend: approval; approval with modifications; or denial of the proposed changes to City Council.

OPTIONAL MOTIONS:

- 1. Approval of the Application:** "Move to recommend approval of the proposed amendments to Title 17: Zoning Regulations, finding the amendments are in compliance with the Comprehensive Plan and the criteria listed in section 17.02.170 of Pocatello City Code, [insert any conditions of approval], and to authorize the Chair to sign the findings of fact."
- 2. Denial of the Application:** "Move to recommend denial of the proposed amendment to Title 17: Zoning Regulations, finding the amendments are not in compliance with the Comprehensive Plan and the criteria listed in section 17.02.170 of Pocatello City Code, finding that: [cite findings for denial], and to authorize the Chair to sign the findings of fact."

GENERAL BACKGROUND:

The 2026 Legislative Session of the State of Idaho passed a series of bills that will require changes to Pocatello's Zoning Ordinance. In response, Planning & Development Services staff is seeking the Commission's recommendation to either approve or deny the proposed amendments to Title 17: Zoning Regulations, and prepare a draft for the City Council to consider. Planning staff is charged with overseeing the orderly growth and development of the City of Pocatello. One function of this work is the administration of the City's land use related ordinances. During the July and August City Council Work Sessions, Staff presented the proposed changes and Council directed staff to prepare the proposed Title 17 amendments for the hearing process. This staff report contains a brief summary of the proposed amendments, and **Attachment A** contains the proposed text.

Pursuant to City Code 17.02.170, the City Council, Planning & Zoning Commission or the Planning and Development Services Director may initiate action to amend the text of Title 17. Pursuant to City Code 17.02.170.F, Criteria for Zoning Ordinance Text Amendment, the Planning and Zoning Commission and the City Council shall review the facts and circumstances of the proposed amendment to the text of the zoning ordinance based on the following standards:

1. The proposed text amendment would be in the community's best interest.
2. The proposed text amendment is consistent with the existing provisions of the zoning ordinance.
3. The proposed text amendment is consistent with the provisions of the Comprehensive Plan.

Notification: Notice was published in the Idaho State Journal on August 25, 2026 and again on September 1, 2026 both as display ads and legal notices as required in City Code §17.02.300.A.3. Notice information was also provided to local television and radio stations to include in their public announcements. Additionally, notice information was posted on City social media platforms. No written comments were received from the public prior to the publishing of this staff report.

ATTACHMENTS:

- A. Proposed Text Amendments

CRITERIA FOR REVIEW: The Planning and Zoning Commission and City Council shall review the facts and circumstances of each proposal in terms of the standards listed in the table below:

Table 1. Zoning Ordinance Text Amendment Review Criteria Analysis

REVIEW CRITERIA (17.02.170.F):				
Compliant			City Code and Staff Review	
Yes	No	N/A	Code Section	Analysis
☒	☐	☐	17.02.170.F1	The proposed text amendment would be in the community's best interest.
			<i>Staff Review</i>	The community's best interests are generally outlined within the long-range plans adopted by the City, especially as these go through a rigorous planning and public engagement process. Comprehensive Plan 2040 outlines a planning approach that should be incorporated into the City's zoning regulations. See Table 2: "Compliance with Comprehensive Plan 2040".
☒	☐	☐	17.02.170.F2	The proposed text amendment is consistent with the existing provisions of the zoning ordinance.
			<i>Staff Review</i>	All related provisions of the zoning ordinance are consistent with the proposed changes and will apply where stated without any anticipated conflicts.
☒	☐	☐	17.02.170.F3	The proposed text amendment is consistent with existing provisions of the comprehensive plan.
			<i>Staff Review</i>	See Table 2 regarding consistency with the Comprehensive Plan.

SUMMARY OF PROPOSED AMENDMENTS

17.01.150: Definitions:

- Add a “Cottage Court” definition
- Amend definitions related to “Manufactured Homes” to better reflect definitions and provisions in Idaho Legislature Bills & Idaho Code

17.02.160: Variances:

- Amend definition of “variance” to exclude “use of property” to match Idaho state definition

17.05.300: Infill and Redevelopment Standards:

- Amend chapter to include standards similar to but that are unable to meet the criteria of a “starter home subdivision”
 - Remove utility requirement
 - Reduce platting requirement from 25 years to 5 years
 - Amend acreage requirement to “less than 4 acres”
 - Include separate sections for infill standards of individual parcels vs. subdivisions
 - Infill subdivision standards are a development option where starter home subdivisions are not feasible
 - Includes regular subdivisions and cottage court subdivisions
 - Minimum setback requirements:
 - Front & Rear: 15’ or minimum of underlying zoning whichever is less
 - Side facing street: 5’
 - Side: 5’
 - Cottage Court Starter Home Subdivisions
 - Minimum setback requirements:
 - Front Units (closest to the street): 15’ or minimum of underlying zoning whichever is less
 - Interior Sides (between lot line and structure in between units): 5’
 - Unit Front (facing common space): 0’
 - Unit Rear (opposite side of common space): 5’
 - Open Space requirements including certain amenities
 - Minimum 400ft² of open space per unit required
 - Units required to orient toward common space. Front units (closest to the street) may orient toward the street if desired.
 - Parking:
 - Located between rear or side lot line and structures

17.06.100: Accessory Dwelling Units:

- Allow an ADU to have a maximum square footage of 1,000ft² or 75% of the size of the primary single-family dwelling, whichever is less
- Do not require off-street parking for an ADU as long as the primary residence meets required standards

- Allow required walkways that lead to ADUs to come from the primary street or an adjacent alley
- Clarify language regarding naming conventions, as well as height and design compatibility provisions (Height language also addressed in 17.06.200: Accessory Structures)
- Remove the deed restriction requirement for owner to live on-site

17.06.200: Accessory Structures:

- Amend language for clarity

17.06.300: Manufactured/Mobile Home and Recreational Vehicle Parks:

- Remove “insignia home” requirement and replace with alignment with Idaho Code
- Allow for single or multi-sectional homes with a minimum square footage of 400 and 800 respectively

17.06.700: Starter Home Subdivisions:

- New section
- Single-Family Detached Dwelling Unit Subdivisions as defined by State Code
 - Allow in all residential zoning districts
 - Require 4 acres or more for development in all residential zones
 - Maximum lot sizes of 1,500ft²
 - Minimum setback requirements:
 - Front & Rear: 15’ or minimum of underlying zoning whichever is less
 - Side facing street: 5’
 - Side: 5’

Table 2. Compliance with Comprehensive Plan 2040

Planning Approach
Compact Building Design: Compact design means making more efficient use of land that has already been developed. Encouraging development to grow up, rather than out, is one way to do this. Infill development, building on empty or underutilized lots, is another. Building within an existing neighborhood can attract more people to the jobs, homes, and businesses already there while also making the most of public investments in things like water and sewer lines, roads, and emergency services. Housing Opportunities & Choices: Building quality housing for families of all life stages and income levels is an integral part of a Smart Growth approach. Housing constitutes a significant share of new construction and development in any city, but its economic importance is sometimes overlooked. Adding housing in commercial districts can breathe new life into these neighborhoods in evenings and on weekends. More importantly, the housing options available in a community will influence families’ economic opportunity, costs of living, and time spent commuting each day. Diversifying housing options within existing neighborhoods can give everyone more choices about where to live. Walkable Neighborhoods: Walkable neighborhoods are in high demand across the country and it’s hardly a mystery why. Walking is a convenient, affordable, and healthy way to get around that never goes out of style, as long as people can do it safely and conveniently. Walkable places are created in part by mixing land uses and taking advantage of compact

design, but are activated by street design that prioritizes the pedestrian experience to make walking not only practical but safe and convenient to enjoy.

Infill Development: Developing within existing neighborhoods and commercial corridors and districts, rather than building on previously undeveloped land on the edge of town, makes the most of the investments we've already made in roads, bridges, water pipes, and other infrastructure, while strengthening local tax bases and protecting open space. Regulations, zoning, and other public policies sometimes make this approach unnecessarily difficult for developers. City leaders can and should change policy to encourage infill development.

Environmentally Resilient

Goal 4. Cultivate compact development patterns and enhanced aesthetics that promote walkability, community health, reduced infrastructure, and energy costs.

Authentic & Affordable Neighborhoods

Goal 1. Create Complete Neighborhoods by implementing development criteria informed by unique neighborhood plans.

Strategy C. Adopt incentives that encourage the development of affordable, missing middle, intergenerational, and mixed-income housing, especially where key community services and transit options already exist.

Goal 5. Develop form-based code standards to guide new development within each neighborhood.

Strategy A. Provide City standards that enable a range of flexible housing options in all neighborhoods.

CHAPTER 17.01: GENERAL PROVISIONS:

17.01.150: DEFINITIONS:

COTTAGE COURT: A residential development comprised of at least four (4) detached single-family dwelling units, either individually subdivided or collectively on one lot (detached multi-family dwelling units) and arranged on at least two sides of a common open space.

MANUFACTURED HOME: Any dwelling unit(s) constructed after June 1976, in accordance with the U.S. department of housing and urban development (HUD) manufactured home construction and safety standards, that is ~~factory built house structure~~ transportable in one (1) or more sections built on a permanent chassis and designed ~~to be used as a dwelling unit~~ with or without a permanent foundation when connected to the required utilities. Said dwelling unit(s) shall bear an insignia or certification demonstrating its compliance with the standards of the Idaho State Department of Labor and Industries pursuant to RCWW 43.22 for homes built between 1968 and 1976 and as required by HUD standards established under 42 U.S.C. 5401 et seq. See Idaho Code section 39-4105. Contrast with commercial coach, recreational vehicle or motor home, which are not manufactured homes.

~~MANUFACTURED HOME, INSIGNIA: Any manufactured home that bears an insignia or certification label showing that its construction complies with the standards established by the Idaho state department of labor and industries pursuant to RCWW 43.22 for homes built between 1968 and 1976, or by the U.S. department of housing and urban development pursuant to the national manufactured home construction and safety standards act of 1974 (42 USC 5401-5426 as now existing and in accordance with any amendments that may hereafter be made thereto) for homes built since June 1976.~~

MANUFACTURED HOME LOT: Any portion of a manufactured/mobile home park designated as the location for one manufactured home and its accessory structures.

~~MANUFACTURED HOME, NONINSIGNIA: Any manufactured home that does not bear the insignia or certification referenced above; sometimes referred to as a mobile home.~~

MANUFACTURED/MOBILE HOME PARK: Real property under single ownership and management, or multiple ownerships and a single management, which is used as the location for two (2) or more manufactured homes that are, or are intended to be, occupied as dwelling units on a nontransient basis.

MOBILE HOME: Any dwelling unit that does not bear an insignia or certification demonstrating compliance with Idaho state department of labor and industries or HUD standards, is factory-

assembled and generally constructed prior to June 1976 and equipped with necessary service connections and made so as to be readily moveable as a unit or units on their own running gear and designed with or without a permanent foundation. See Idaho Code section 39-4105

17.02.160: VARIANCES:

A. Definition: A variance is a modification of the bulk and placement requirements of this title as to lot size, lot width, lot depth; front yard, side yard, rear yard setbacks; parking space requirements, height of buildings, or other ordinance provisions adversely affecting the development ~~or use~~ of property. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of the characteristics of the site and that the variance is not in conflict with the public interest.

CHAPTER 17.05.300: INFILL AND REDEVELOPMENT STANDARDS:

17.05.310: PURPOSE:

The purpose of the infill and redevelopment standards is to encourage compatible development in established areas on vacant, under utilized, or partially used land. Except as specifically provided in this section, the standards and requirements of the underlying zoning regulations, other sections of this title, and other provisions of this code shall apply. The following standards are intended to allow greater flexibility for development to achieve the following community objectives:

- A. Efficient use of existing infrastructure and services (i.e., streets, water, sewer, solid waste disposal);
- B. Provision of affordable housing;
- C. Accomplishment of comprehensive plan goals related to compact development;
- D. More efficient use of developable land;
- E. Increased walkability and the reduction of vehicle miles traveled by creation of a more compact form of development;
- F. Avoidance of urban sprawl.

17.05.320: APPLICABILITY:

Infill and redevelopment standards shall apply only if all of the provisions of this section are met. All infill development parcels must comply with the requirements of the zoning district in which the parcel is located, except as modified by the provisions of this section, which shall supersede the requirements of the underlying zoning district. Infill development standards may be applied to several parcels of land assembled for redevelopment only if each individual parcel within the said assemblage meets the definition of an infill development parcel.

The provisions of this section shall only apply to new land subdivisions and developments that meet the criteria of section 17.05.330 of this chapter and are located within one of the following zones:

- A. Residential estate (RE);
- B. Residential low density ~~single-family~~ (RL);
- C. Residential medium density single-family (RMS);
- D. Residential medium density multi-family (RMM);
- E. Residential high density ~~multi-family~~ (RH);
- F. Residential/commercial/professional (RCP).

17.05.330: INFILL DEVELOPMENT PARCEL CRITERIA:

All infill development applications shall include documentation, provided by the applicant, demonstrating that the proposal complies with the following criteria:

- A. Bound on two (2) or more sides by existing development;
- ~~B. Where the utilities are available in abutting streets and/or alleyways so that extension of trunk utility lines is not required;~~
- ~~B.~~ The project has an elevation less than or equal to 4,600';
- ~~D.~~ The project ~~is either not platted or~~ has been platted for a minimum of ~~twenty-five (25)~~ five (5) years in its current configuration from the date of application submittal; and
- ~~E.~~ The project is ~~no larger~~ less than ~~three (3)~~ four (4) acres.

17.05.340: GENERAL INFILL DEVELOPMENT STANDARDS:

The following standards are intended to ensure that infill development is compatible with existing buildings and neighborhoods, and therefore apply to all new residential development:

- A. Review Process: Single-family and two-family dwellings shall meet the standards of this section and shall be subject to review by the director. Appeals of this decision shall be to the hearing examiner. Multi-family and attached dwelling developments shall meet the standards of this section, and shall be subject to review in accordance with section 17.02.500, "Site Plan Review Committee", of this title.
- B. Materials: The new dwelling unit shall be built with materials compatible with dwellings on abutting parcels or facing the subject block, unless a case can be made for an alternate design.
- C. Trees: One tree with a minimum of one and one-half inch (1.5") caliper shall be planted in the planter strip or front yard for every thirty-five feet (35') of lot frontage.
- D. Parking areas shall be located behind buildings wherever possible.

E. Multi-family developments shall include visual screening for all mechanical, electrical, communications, and service equipment. The equipment shall be visually screened from the public right of way by parapets, walls, fences, landscaping, or other suitable means.

17.05.340~~350~~: GENERAL INFILL DEVELOPMENT STANDARDS FOR INDIVIDUAL PARCELS:

When an infill development project does not require a land division, the following standards shall apply. Minimum lot size requirements of the underlying zoning district may be reduced in accordance with one of the two (2) methods described below.

A. Lot Size Reductions With Land Dedications ~~In-Conjunction-With-Land-Divisions:~~ Reductions to lot sizes shall be permitted where land dedications for permanent parks and open space, including greenway and trail easements, are accepted by the city ~~through the subdivision or partition approval process, reductions to lot sizes shall be permitted on a one-for-one basis, up to the total square footage of dedications~~, subject to the following requirements:

1. No lot shall be reduced to less than forty percent (40%) of the minimum lot size established by the standards of the underlying zoning district through the application of this provision.

2. Text or a table describing the allocation of right of way, parks, and permanent open space area ~~credits~~ among platted lots shall be recorded as ~~part of the plat drawings~~ part of a plat or a record of survey.

3. At the discretion of the city, permanent open space may be conveyed to a land trust, conservancy, or other organization formed to preserve land in an open space condition, in lieu of dedication to the public or conveyance of title to the city.

4. Reduced size lots must provide a land area with dimensions sufficient to accommodate buildings, parking lots, path, trail, etc., in accordance with the land use, setbacks, and other requirements of the underlying zoning district, ~~unless a variance is granted pursuant to the terms of section 17.02.160 of this title.~~

B. Lot Size Reduction: To make better use of land at locations where strict application of minimum lot size requirements precludes efficient infill and redevelopment, the size of lots within a subdivision may be reduced in accordance with the following requirements:

1. ~~Absent a variance,~~ No lot shall be reduced to less than sixty percent (60%) of the minimum parcel size established by the standards of the underlying zoning through the application of this provision; and

2. Reduced size lots must provide a land area with dimensions sufficient to accommodate buildings, parking lots, etc., in accordance with the land use, setbacks, and other requirements of the underlying zoning district, ~~unless a variance is granted pursuant to the terms of section 17.02.160 of this title.~~

17.05.350: INFILL AND REDEVELOPMENT STANDARDS:

The following standards are intended to ensure that infill development is compatible with existing buildings and neighborhoods, and therefore apply to all new residential development:

- ~~—A. Review Process: Single-family and two-family dwellings shall meet the standards of this section and shall be subject to review by the director. Appeals of this decision shall be to the hearing examiner. Multi-family and attached dwelling developments shall meet the standards of this section, and shall be subject to review in accordance with section 17.02.500, "Site Plan Review Committee", of this title.~~
- ~~—B. Materials: The new dwelling unit shall be built with materials compatible with dwellings on abutting parcels or facing the subject block, unless a case can be made for an alternate design.~~
- ~~—C. Trees: One tree a minimum size of one and one-half inch (1 1/2") caliper shall be planted in the planter strip or front yard for every thirty five feet (35') of lot frontage.~~
- ~~—D. Parking areas shall be located behind buildings wherever possible.~~
- ~~—E. Multi-family developments shall include visual screening for all mechanical, electrical, communications, and service equipment. The equipment shall be visually screened from the public right of way by parapets, walls, fences, landscaping, or other suitable means.~~

17.05.360: ~~RESERVED~~ INFILL SUBDIVISIONS:

The purpose of an infill subdivision is to enable additional housing opportunities and compact neighborhood design.

A. Infill Subdivision Criteria: In addition to the infill development parcel criteria listed in this chapter, infill subdivisions shall also meet the following criteria:

1. Minimum lot sizes of the underlying zoning district shall not apply; and
2. Setbacks: Minimum setback requirements shall include the following, all other setbacks not listed shall adhere to the requirements set forth in the underlying zoning district:
 - a. Front and Rear: fifteen feet (15') or the minimum setback requirement of the underlying zoning district, whichever is less;
 - b. Side Facing Street: five feet (5');
 - c. Side: five feet (5').

B. Cottage Court Infill Subdivisions: Cottage Courts, as defined in this title and in addition to the infill development parcel criteria listed in this chapter, shall meet the following criteria:

1. Minimum lot sizes of the underlying zoning district shall not apply;

2. Setbacks: Minimum setback requirements shall include the following, all other setbacks not listed shall adhere to the requirements set forth in the underlying zoning district:

a. Front Units: Units closest to the street upon which the property is addressed shall have a setback of fifteen feet (15') from the front property line to the nearest point of the structure or the minimum front setback requirement of the underlying zoning district, whichever is less;

b. Interior Sides (from structure to lot line in between units): Five feet (5');

c. Unit Front (facing common space): zero feet (0');

d. Unit Rear (opposite side of common space): Five feet (5').

3. Open Space: A minimum of four hundred (400) square feet per unit of common open space is required and shall include:

a. A three-foot (3') concrete walkway from each unit to the street upon which the property is addressed;

b. Landscaping that includes at least fifty percent (50%) vegetative groundcover of the total common open space;

c. At least two (2) trees with a minimum of one and one-half inches (1.5") in caliper for every four (4) units;

d. at least one (1) usable amenity for every four (4) units (e.g., picnic tables, play equipment, benches, etc.).

4. Unit Orientation & Site Layout: Units closest to the street upon which the property is addressed shall be oriented toward the street or the common open space; All other units shall abut and shall be oriented toward the common open space. If the development is located on a corner parcel, the common open space shall abut the intersection and no unit shall have the rear facing a street.

5. Parking Facilities: Parking areas and driveways may be located between any structure and the rear lot line of the development or side lot line of the development which is not a street side lot line. Parking areas and driveways shall not be located between cottage court units and the street nor shall they be located within the common open space, between units, or between units and the common open space.

17.05.370: APPLICATION PROCESS:

Applications for development projects wishing to utilize infill development standards shall follow the applicable land use process, such as a subdivision or planned unit development. The applicant shall meet with planning staff personnel to discuss submission of the development plan and application. The purpose of this meeting is for preliminary and informal review of the

criteria and standards, to familiarize the applicant with the pertinent land use and development standards, and to explain the process which will be followed.

CHAPTER 17.06: SPECIAL USE STANDARDS:

17.06.100: ACCESSORY DWELLING UNITS:

A. Purpose: The purpose of this section is to encourage provision of a wider variety of dwelling units, a mix of housing types that responds to changing family needs, a means for residents to remain in their neighborhoods, as well as allowing new housing while preserving the existing neighborhood character.

B. Applicability: Accessory dwellings are permitted in all residential, commercial, and mixed use zoning districts, provided they are in compliance with the provisions set forth in this section. If conflicts occur between these and other standards of this title, the more restrictive shall apply.

C. Accessory Dwelling Standards:

1. Accessory ~~Residential~~ Dwelling Unit: An accessory ~~residential~~ dwelling unit is a second dwelling unit either within or added to an ~~existing~~ detached single-family dwelling, or constructed as a separate accessory structure on the same lot as the single-family dwelling. The accessory dwelling unit functions as a complete, independent living facility, with provisions within the unit for a separate kitchen, bathroom, and sleeping area. All standards of this code shall be met, except as modified herein.

2. Density: One (1) accessory ~~residential~~ dwelling unit is permitted within or added to a detached single-family dwelling or constructed as a separate accessory structure. An accessory dwelling unit may be allowed as an accessory use to a primary single-family dwelling on any residential lot ~~that meets the minimum lot size of the applicable residential district~~. Accessory dwelling units will not be counted in density calculations.

3. Unit Size: An accessory dwelling ~~residential~~ unit shall not exceed ~~seven hundred fifty (750) one thousand (1,000)~~ square feet in size or seventy-five percent (75%) of the size of the primary single-family dwelling unit, whichever is less. ~~and shall not have more than one bedroom or sleeping room.~~

4. Off Street Parking: Accessory dwelling units do not require off-street parking in addition to what is required for the primary single-family dwelling. If on-street parking is available adjacent to the primary dwelling and off-site parking standards are met for the primary dwelling, only one additional off-street parking space shall be required for the accessory residential unit. If on-street parking is not available for the primary structure, two (2) off-street parking spaces shall be provided for the accessory dwelling unit.

5. Building Height: The height of the accessory ~~residential~~ dwelling unit shall not exceed the height of the ~~main structure~~ primary single-family dwelling unit, measured at the peak, or twenty feet (20') in height, whichever is greater. ~~or as permitted by the underlying zoning district, whichever is less.~~

6. Orientation And Access: For accessory residential units in structures other than the primary dwelling on a lot, a walkway shall be provided from the unit to the street on which the primary dwelling fronts or an adjacent alley. The walkway shall be a minimum of three feet (3') wide and shall be finished with a hard, all weather surface. On corner lots, the accessory residential unit may be oriented to a different street than the primary dwelling, and the walkway may be provided to a street other than the front street. If the entrances to both the primary and accessory dwelling unit face the same street, the entrance to the accessory dwelling unit shall be minimized in appearance.

7. Design Compatibility: In order to maintain an exterior consistent with the primary dwelling, the accessory dwelling unit shall have siding, roofing materials, exterior paint colors, window trim, and roof style that are compatible to match that of the primary dwelling unit; ~~unless a case can be made for alternative designs.~~

8. Utility Hookups: Shared or separate utility hookups must comply with city requirements.

~~—9. Deed Restriction: A deed restriction shall be recorded requiring that either the primary unit or the accessory unit be owner occupied.~~

~~109.~~ Substandard Lots Prohibited: Subdivision or other lot split into substandard lots shall be prohibited.

17.06.200: ACCESSORY STRUCTURES:

A. Residential Zoning Districts: Accessory structures are permitted by right in all residential zoning districts, subject to the following:

1. Dimensional Requirements:

a. The combined footprint of all accessory structures shall be no larger than the square foot area of the primary structure;

b. Accessory structures ~~may~~ shall not exceed the height of the primary structure, measured at the peak, or twenty feet (20') in height, whichever is greater;

c. Accessory structures shall not be located within the front yard setback, nor the corner setback as required by the underlying zoning district;

d. Container units, railroad cars, semitrailers, or the like shall not be used as or considered accessory structures;

e. Accessory structures greater than two hundred (200) square feet shall maintain a minimum five foot (5') interior side and rear yard setback;

f. Accessory structures less than two hundred (200) square feet in size shall be subject to retaining all stormwater on site and maintaining the required fire separation of the building code;

g. In no event shall accessory structures be located within designated easements.

2. Nondimensional Requirements:

a. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right of way including, but not limited to, streets, alleys and public and private easements;

b. An accessory structure shall comply with all of the requirements of the international building code, as adopted. Building permits shall be obtained for accessory structures as required by adopted building codes;

c. An accessory structure that is nonconforming is subject to the provisions of section 17.01.170 of this title, when alteration, expansion or reconstruction is requested;

~~d. The erection of video programming receiving dishes or antennas shall meet the requirements of the federal communications commission.~~

17.06.300: MANUFACTURED/MOBILE HOME AND RECREATIONAL VEHICLE PARKS:

D. Manufactured Homes On Individual Lots: Any manufactured home proposed for placement on an individual lot outside of a manufactured/mobile home park shall meet the following standards:

1. ~~Be an insignia home~~ Adhere to all standards as required by Idaho Code section 39-4105;
2. Be either a single section or multisectional and shall enclose a space of at least four hundred (400) square feet for a single section or eight hundred (800) square feet for a multisectional manufactured home. ~~Be multisectional and enclose a space of not less than one thousand (1,000) square feet,~~ not including garage or other noninhabitable space;
3. Be placed on a permanent foundation that meets the applicable building codes;
4. Have a pitched roof with not less than a three to twelve (3:12) ratio;
5. Have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings;

6. Adhere to all performance standards required by the underlying zoning district, such as, but not limited to, lot size and coverage, parking provisions, height, and setbacks.

17.06.700: STARTER HOME SUBDIVISIONS:

A. Purpose: The purpose of this section is to allow for starter home subdivisions which enable additional housing opportunities and compact neighborhood design as defined by the State of Idaho (see Idaho Code §67-6541).

B. Applicability: Starter home subdivisions are permitted provided they are in compliance with the provisions set forth in this section as well as all applicable provisions set forth in Title 16: Subdivision Regulations. Infill development standards and administrative adjustments outlined in this Title shall not apply to starter home subdivisions. The provisions of this section shall be applied in conjunction with the provisions of the underlying zoning district and all applicable development standards as required in this Title. Where the provisions of this section and the underlying zoning district conflict, the requirements of this section shall apply. The provisions of this section shall not supersede state or local laws that protect public health, safety, and welfare.

C. Starter Home Subdivision Criteria: All starter home subdivisions shall meet the following criteria:

1. Housing Types: A starter home subdivision shall be comprised of single-family detached dwellings only.

2. Zoning Districts: A starter home subdivision shall be located in one of the following zones:

a. Residential Estate (RE);

b. Residential Low Density (RL);

c. Residential Medium Density Single-Family (RMS);

d. Residential Medium Density Multi-Family (RMM);

e. Residential High Density (RH).

3. Acreage: A starter home subdivision shall be located on at least four (4) acres of land.

4. Density: Lots shall not exceed one thousand five hundred (1,500) square feet in size.

5. Setbacks: Minimum setback requirements shall include the following, all other setbacks not listed shall adhere to the requirements set forth in the underlying zoning district:

a. Front and Rear: fifteen feet (15') or the minimum setback requirement of the underlying zoning district, whichever is less;

b. Side Facing Street: five feet (5');

c. Side: five feet (5').