

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POCA TELLO, A MUNICIPAL CORPORATION OF IDAHO, APPROVING THE AMENDMENT OF THE COMPREHENSIVE PLAN 2040 FOR THE CITY OF POCA TELLO, PURSUANT TO IDAHO CODE § 67-6509(c), AND GRANTING EFFECTIVITY OF THE AMENDMENT.

WHEREAS, during the 2026 Legislative Session, the Governor signed House Bill 800 and Senate Bills 1352a and 1354a which, among other actions, revised provisions regarding manufactured homes; established provisions regarding starter home subdivisions; and revised provisions regarding accessory dwelling units; and

WHEREAS, as a result, the City Planning and Development Services staff initiated a review of the Comprehensive Plan (2040) to ensure compliance with said legislation and identified necessary amendments; and

WHEREAS, a Public Hearing was held before the Planning and Zoning Commission on September 9, 2026 to consider said amendments; and

WHEREAS, the Planning and Zoning Commission recommended adoption of certain requested changes to the Comprehensive Plan (2040); and

WHEREAS, the City Council has determined that the proposed amendments are in compliance with the laws of the State of Idaho and of the City of Pocatello and are in the best interest of the citizens of the City of Pocatello.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF POCA TELLO AS FOLLOWS:

Section 1: That the official Comprehensive Plan (2040), adopted by the City of Pocatello on July 6, 2023 and on file with the City Clerk, be amended to incorporate the addenda as outlined in Exhibit “A”.

Section 2: That the amendment to the Comprehensive Plan (2040) be effective upon approval of this Resolution.

RESOLVED this ____ day of _____, 2026.

CITY OF POCA TELLO, a municipal
corporation of Idaho

MARK DAHLQUIST, Mayor

ATTEST:

KONNI R. KENDELL, City Clerk

EXHIBIT A

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(1) By resolution or ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, each governing board shall amend its comprehensive plan and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:

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- (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.