ATTACHMENT A

PLANNING & ZONING COMMISSION SEPTEMBER 9, 2026 MEETING PACKET

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

FILE: PP26-009

APPLICANT:	Tyson Knudsen, Knudsen Engineering
OWNER:	Angela Gallafent
REQUEST:	Preliminary Plat for Scholar's Landing
GENERAL LOCATION:	540 University Dr (RPHUS000100, RPHUS000200, RPHUS000300)
STAFF:	Jennifer Flynn, Assistant Planner

SUMMARY & CONDITIONS:
In consideration of the application, staff concludes that the proposed preliminary plat is **compliant** with Pocatello City Code Chapter 16.20.050 assuming the following conditions are met:

1. All comments contained in Community Development/eTRAKiT and summarized in this report shall be adhered to;
2. All other standards or conditions of Municipal Code not herein stated but applicable to land subdivision and subdivision development shall apply.

OPTIONAL MOTIONS:

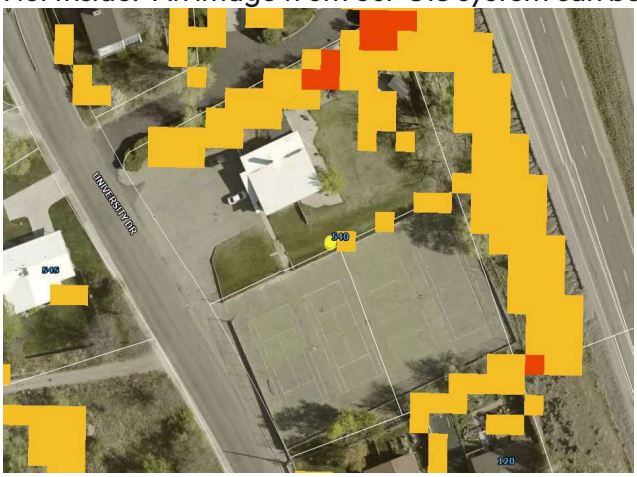
1. **Approval of the Application**: Move to **approve** the preliminary plat application request. The request is to subdivide the property into twelve (12) lots to be known as Scholar's Landing, finding the application does meet the standards for approval under Chapter 16.20.050 of Pocatello Municipal Code, with conditions listed in the staff report, and to authorize the Chair, or Vice Chair, to sign the Findings of Fact and Decision.
2. **Denial of the Application**: "Move to **deny** the preliminary preliminary plat application request regarding the subject property, addressed as 540 University Drive and consisting of 3 parcels, finding the application does not meet the standards for approval under Chapter 16.20.050 of Pocatello Municipal Code, [cite any conditions of denial], and to authorize the Chair to sign the Findings of Fact and Decision.

GENERAL BACKGROUND:

Request: Tyson Knudsen of Knudsen Engineering, on behalf of Angela Gallafent, has submitted a preliminary plat application. The subject property, addressed as 540 University Drive and consisting of 3 parcels, entails 1.36 acres (more or less) with a zoning designation of Residential Low Density (RL) with the proposed Future Land Use designation of Residential. The request is to subdivide the property into twelve (12) lots to be known as Scholar's Landing. These lots have been granted an administrative adjustment (ADMA26-009) establishing that lots must be a minimum of 3,600 square feet. Administrative adjustments are authorized in 17.03.600.B

B. Administrative Adjustment: The director, or designee, may approve the modification of a setback, building height, minimum lot size, minimum landscaping, or building footprint size standards of this title by up to ten percent (10%) subject to the following requirements: 1. The applicant must provide a written description of the requested adjustment detailing how the modification will not create any adverse impacts, which will negatively impact the public health, safety and welfare, on a form provided by planning and development services. The form shall clearly describe the nature of the proposed adjustment request and describe any anticipated impacts. 2. If the applicant fails to obtain the required administrative adjustment they may, at their own discretion, submit a variance application pursuant to section 17.02.160.

Physical Characteristics of the Site: A portion of this site has slope of 15% or greater on the Northside. An image from our GIS system can be seen below.



Per Title 17.05.130 a Geological study will not be required per 17.05.130.2

2. Slope Analysis: A slope analysis submitted on a topographic map with a contour interval of two feet (2') or less, indicating the location and amount (in acres) of land included in the following slope categories: zero to 14.9 percent, fifteen (15) to 24.9 percent, twenty five (25) to 34.9 percent, and thirty five percent (35%) or greater. The map shall be made by a professional land surveyor who shall ensure that the quality of the map meets the standards of the American Council Of Surveying And Mapping and the American Society Of Civil Engineers. When preparing the slope analysis, areas of un-natural slope and/or which have been previously disturbed as verified by an appropriately licensed individual and accepted by the Director or designee, may be excluded from the calculations set forth in Table 17.05.140 Density and Disturbance Standards.

Historic imagery from 1963 shows that sloped property was previously disturbed. Due to the disturbance a Geotechnical report will not be required during development.

Notification: Notice was posted on the subject property on August 21, 2026 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 have been provided notice of the public hearing in order that they may provide comment on the proposed preliminary plat. No written comments were received from the public prior to the publishing of this staff report.

Planning & Zoning Commission Action: After notice, the Planning and Zoning Commission shall hold a hearing to consider the request and render a recommendation. The commission shall submit findings of fact and recommendation to the City Council within forty-five (45) days following closure of the public hearing.

ATTACHMENTS:

A. Application with Pertinent Information

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. Preliminary Plat Review Criteria Analysis

REVIEW CRITERIA (16.20.050):				
Compliant			**City Code and Staff Review**	
Yes	**No**	**N/A**	**Code Section**	**Analysis**
☒	☐	☐	**16.20.050 A**	**The subdivision proposal complies with applicable provisions of this title.**
			Staff Review	The proposal is compliant with all applicable standards of Title 16, provided that all comments noted in reviews are addressed.
☒	☐	☐	**16.20.050 B.**	**The subdivision proposal complies with all applicable city design standards and development regulations.**
			Staff Review	Assuming all review corrections are made, the proposed subdivision is compliant with all applicable city design standards and development regulations. See further discussion for Criteria 16.20.050 A-H.
☒	☐	☐	**16.20.050 C.**	**The subdivision proposal complies with all applicable zoning requirements of the underlying zoning district, applicable overlays, and other applicable development standards.**
			Staff Review	In 17.03.420 City code notes that *Permitted Land Uses for a residential low density zone:* The RL zoning district is designed to accommodate single-family dwellings and a mix of other housing types such as accessory dwellings, townhomes, and two-family dwellings. The minimum lot size in this zone is 4,000sf for a townhome. To meet townhome density requirements, an administrative adjustment has been approved for these 12 lots thus allowing the minimum size lot to be 3,600 square feet.
☒	☐	☐	**16.20.050 D.**	**All public facilities including streets, sidewalks, curbs, gutters, water, sewer, fire protection, and sanitation services can be provided to the newly created lots and accommodate future extension to adjacent land. The use of a "control strip" intended to control or prevent the future extension of public facilities or development of adjacent land is prohibited. Comments are as follows per City Staff:**

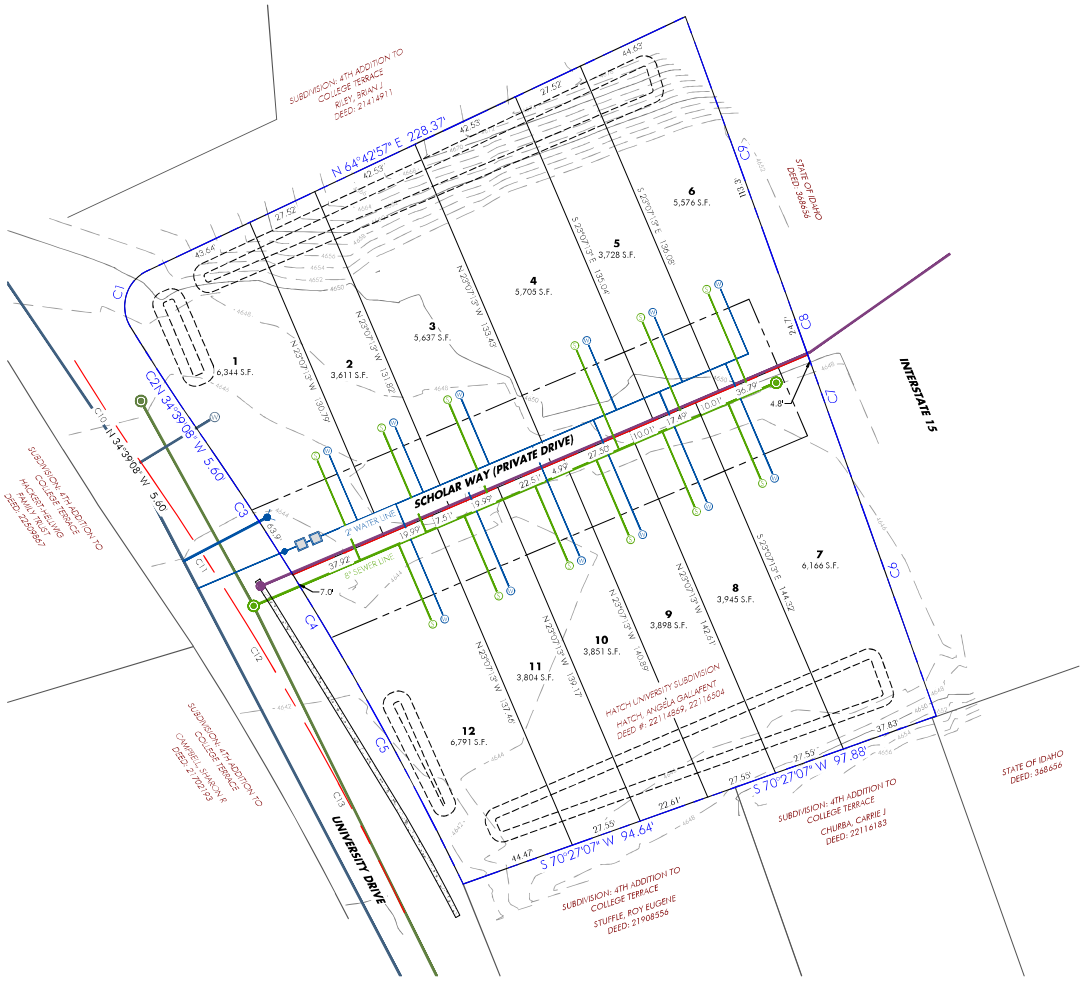
			Staff Review	**R.O.W. Improvements:** • A curb, gutter, and sidewalk needs to be installed across the frontage on University. The road within the development will be a private drive. **WATER, SEWER, & STORMWATER:** • Final drawings will require addition of an individual isolation valve (curb stop) for each unit service line (exterior to the structure); • 2-inch water service and backflow can be accommodated in a single meter vault, locate meter vault outside of pavement area, in landscaping but not in storm drain swale; • Water department will be required to execute the mainline taps for the fire hydrant and 2-inch service, cost due with subdivision permit; • Water and WPC capacity fees (2-inch waterline per current fee schedule) will be due with subdivision permit • Further details requested on catch basin and planned public improvements per Engineering review. • Owner/Developer should contact Southeastern Idaho Public Health to apply for land development signature of the final plat. Will serve letters from both water and sewer district providers are required. **SANITATION:** • Will wait for the construction drawings to determine the required sanitation infrastructure. **FIRE:** • Shall meet 2018 IFC requirements • Appendix B- fire flow demand • Appendix C- fire hydrant location • Appendix D- fire apparatus access roads **UTILITY PROVIDER & CITY DEPARTMENT NOTICE:** Pursuant to Municipal Code 16.20.040F, utility providers and affected City departments were provided notice. To date, no comments have been received other than the comments included in this report. The applicant is responsible for contacting all private utility companies for extension of services such as power, natural gas, and internet services. **PRIVATE COVENANTS, RESTRICTIONS & CONDITIONS:** Recorded Owner's Covenants, Conditions and Restrictions (CC &R's) for the subdivision, if any, must be submitted after the recording of the final plat.

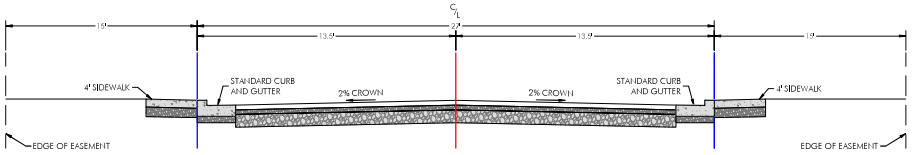
☒	☐	☐	**16.20.050 E.**	**If city public works determines that the proposed subdivision will result in significant traffic impacts pursuant to subsection 16.20.030V of this chapter, then a "traffic impact study" will be required as part of the commission's review.**
			Staff Review	Municipal code subsection 16.20.030.V states that a traffic impact study will be required for any subdivision creating one hundred (100) or more peak hour trips based on the Institute of Transportation Engineers' "Trip Generation Handbook" (current edition). A traffic impact study may be waived by the Public Works Department upon the receipt of an approved traffic analysis to be included with the application. The proposal does not meet the criteria for a traffic impact study. • Public Works does not believe a traffic study will be required.
☒	☐	☐	**16.20.050 F.**	**The proposal provides for a continuation of a connected transportation system unless topography or natural features prevents a connection to abutting streets or property.**
			Staff Review	No Street or Traffic concerns on the road where it is private.
☒	☐	☐	**16.20.050 G.**	**The proposed subdivision provides for bicycle and pedestrian transportation routes and amenities in accordance with Bannock transportation planning organization's most recent adopted bicycle and pedestrian plans.**
			Staff Review	Pedestrian access on public streets is addressed in 16.20.050.D
☒	☐	☐	**16.20.050 H.**	**Public utilities are provided to the newly created lots in public rights of way or in appropriately sized easements. (Ord. 2971, 2016)**
			Staff Review	Easements shall be shown on the Final plat.

PRELIMINARY PLAT FOR:

SCHOLAR'S LANDING

LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25 TOWNSHIP 6 SOUTH, RANGE 34 EAST,
BOISE MERIDIAN, BANNOCK COUNTY, IDAHO





1A TYPICAL PRIVATE STREET SECTION
NOT TO SCALE

MUNICIPAL SANITATION ACCESS EASEMENT

1. A PERPETUAL, NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED TO THE CITY OF POCATELLO, IDAHO (CITY), ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS, AND AUTHORIZED REPRESENTATIVES, FOR INGRESS AND EGRESS OVER AND ACROSS PRIVATE STREETS, DRIVE AISLES, PARKING AREAS, COLLECTION POINTS, DUMPSTER ENCLOSURES, AND RELATED PRIVATE IMPROVEMENTS AS REASONABLY NECESSARY TO PROVIDE MUNICIPAL SOLID WASTE, RECYCLING, YARD WASTE, AND OTHER SANITATION COLLECTION SERVICES. THE PROPERTY OWNER(S), ANY HOMEOWNERS ASSOCIATION, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS SHALL DESIGN, CONSTRUCT, AND MAINTAIN ALL PRIVATE STREETS, ACCESS ROUTES, AND COLLECTION AREAS SUBJECT TO THIS EASEMENT IN A CONDITION SAFE FOR THE OPERATION OF MUNICIPAL SANITATION VEHICLES, IN ACCORDANCE WITH APPLICABLE CITY STANDARDS. THE CITY MAY REFUSE, SUSPEND, OR DISCONTINUE SANITATION SERVICE WHENEVER ACCESS IS, IN THE CITY'S DETERMINATION, UNSAFE, OBSTRUCTED, OR OTHERWISE INADEQUATE FOR THE SAFE OPERATION OF SANITATION VEHICLES OR PERSONNEL. THE PROPERTY OWNER(S), ANY HOMEOWNERS ASSOCIATION, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS SHALL DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY, ITS OFFICERS, EMPLOYEES, AGENTS, AND CONTRACTORS FROM AND AGAINST ANY AND ALL CLAIMS, DAMAGES, LOSSES, LIABILITIES, COSTS, AND EXPENSES, INCLUDING ATTORNEY FEES, ARISING OUT OF OR RELATING TO THE DESIGN, CONSTRUCTION, CONDITION, MAINTENANCE, REPAIR, OR USE OF THE PRIVATE STREETS, ACCESS ROUTES, COLLECTION AREAS, DUMPSTER ENCLOSURES, OR OTHER PRIVATE IMPROVEMENTS SUBJECT TO THIS EASEMENT, EXCEPT TO THE EXTENT CAUSED BY THE NEGLIGENT ACTS OR OMISSIONS OF THE CITY. THIS EASEMENT SHALL RUN WITH THE LAND AND BE BINDING UPON AND INURE TO THE BENEFIT OF THE CITY, THE PROPERTY OWNER(S), ANY HOMEOWNERS ASSOCIATION, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS.

NOTES

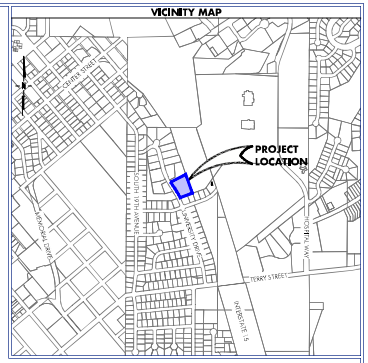
1. DEVELOPMENT INFORMATION
   EXISTING ZONING: RESIDENTIAL LOW DENSITY (RL)
   EXISTING LAND USE: RESIDENTIAL UNIT
   TOTAL DEVELOPMENT AREA: 1.36 ACRES
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   MINIMUM LOT SIZE: 3,600 S.F.
   AVERAGE LOT SIZE: 4,937 S.F.
2. UTILITIES
   WATER: CITY OF POCATELLO (INTERIOR WATER WILL BE MAINTAINED BY THE HOA)
   SEWER: CITY OF POCATELLO (INTERIOR SEWER WILL BE MAINTAINED BY THE HOA)
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   JOINT TRENCH: POWER, TELEPHONE, GAS, FIBER, ETC. WILL BE PROVIDED WITHIN THE DEVELOPMENT AS AVAILABLE (VARIOUS PROVIDERS)
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4. LOT RESTRICTIONS
   THE DWELLING UNITS ON LOTS 1 AND 12 WILL HAVE FRONT DOORS THAT FACE UNIVERSITY DRIVE.

Curve Table			
Curve #	Length	Radius	Delta
C1	25.152	15.112	095.3649
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C5	102.259	1300.000	004.5069
C6	116.115	28487.900	000.2335
C7	26.063	28487.897	000.0524
C8	24.672	20765.469	000.0681
C9	113.309	29032.035	000.2236
C10	45.675	810.471	003.2290
C11	69.450	1274.991	003.1209
C12	25.707	1275.000	001.1552
C13	100.292	1275.000	004.5069

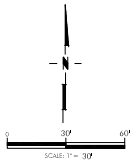
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VICINITY MAP



PROFESSIONAL ENGINEER REGISTERED 14952 STATE OF IDAHO TYSON L. KNUDSEN
PRELIMINARY



2' CONTOUR INTERVALS

SHEET: 1 OF 2

PRELIMINARY PLAT FOR:
SCHOLAR'S LANDING
LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

DEVELOPER INFORMATION	
NAME	ANGELA GALLAFENT
CONTACT	ANGELA GALLAFENT
PHONE #	208-604-3367
ADDRESS	540 UNIVERSITY DRIVE, POCATELLO, ID 83201

SHEET INFORMATION			
DRAFTER	BRD	DATE CREATED	MARCH 11, 2026
DESIGNER	BRD	LAST REVISED	8/6/2026
REVIEWER	TYSON L. KNUDSEN	DRAWING FILEPATH	GALLAFRE PLAT.DWG
PROJECT #	2026005		

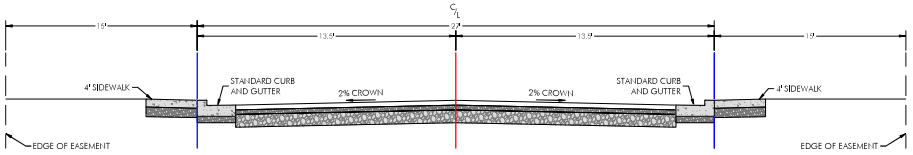
KNUDSEN ENGINEERING
ADDRESS: 444 HOSPITAL WAY, SUITE 527, POCATELLO, ID 83201 | PHONE: 208-417-4522

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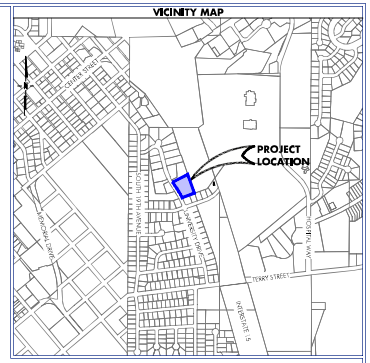
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VICINITY MAP



PROFESSIONAL ENGINEER REGISTERED 14952 STATE OF IDAHO STEPHEN L. KNUDSEN
PRELIMINARY

N

0 30' 60'
SCALE: 1" = 30'
2' CONTOUR INTERVALS

SHEET: 2 OF 2

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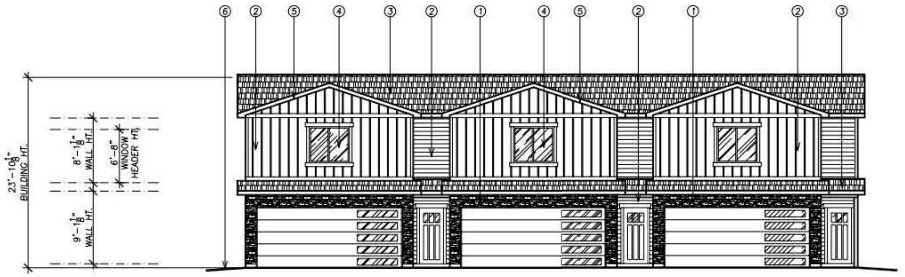
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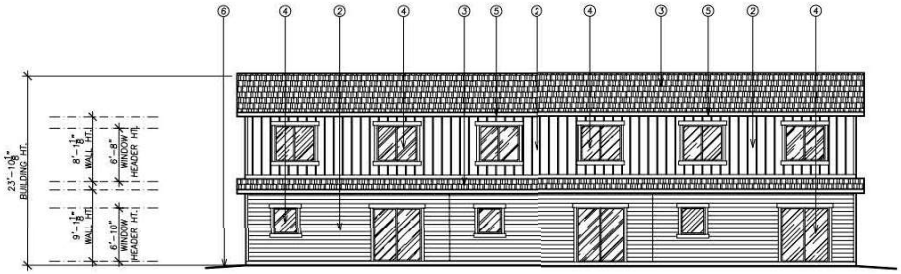
LEGEND

1. MANUFACTURED STONE VENEER. INSTALL PER MANUFACTURER'S SPECS.
2. EXTERIOR METAL SIDING OR VINYL SIDING. INSTALL PER MANUFACTURE'S SPECS.
3. 30 YR. ARCH'L GRADE ASPHALT/FIBERGLASS COMP. SHINGLES OVER 15 LB. FELT
4. DBL. GLAZED VINYL WINDOWS & PATIO DOORS. SEE DETAIL B/A-301.1. CAULK ALL AROUND.
5. GALVANIZED FLASHING WITH DRIP EDGE.
6. FINISH GRADE PER CIVIL DRAWINGS.

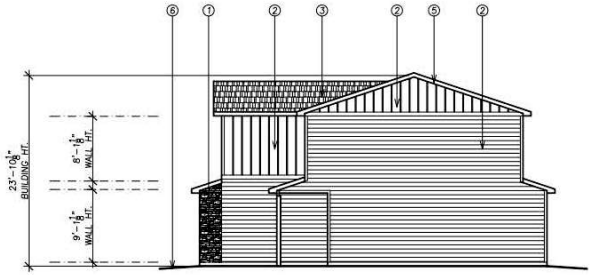
NOTE: MASTERSEAL AWB 665 FLUID APPLIED AIR BARRIER SYSTEM TO BE INSTALLED BEHIND ALL EXTERIOR FINISHES. INSTALL PER MANUFACTURER'S SPECIFICATIONS.



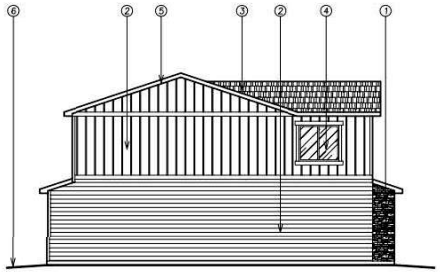
A A-201.1 FRONT ELEVATION
SCALE : 1/8" = 1'-0"



B A-201.1 REAR ELEVATION
SCALE : 1/8" = 1'-0"



D A-201.1 RIGHT ELEVATION
SCALE : 1/8" = 1'-0"



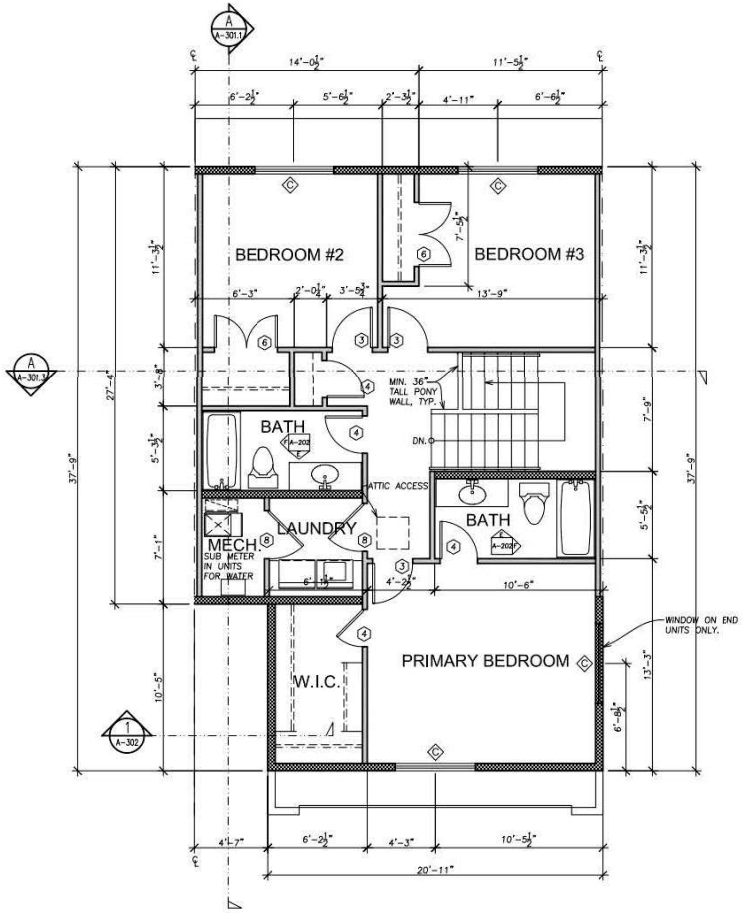
C A-201.1 LEFT ELEVATION
SCALE : 1/8" = 1'-0"

KEY LEGEND

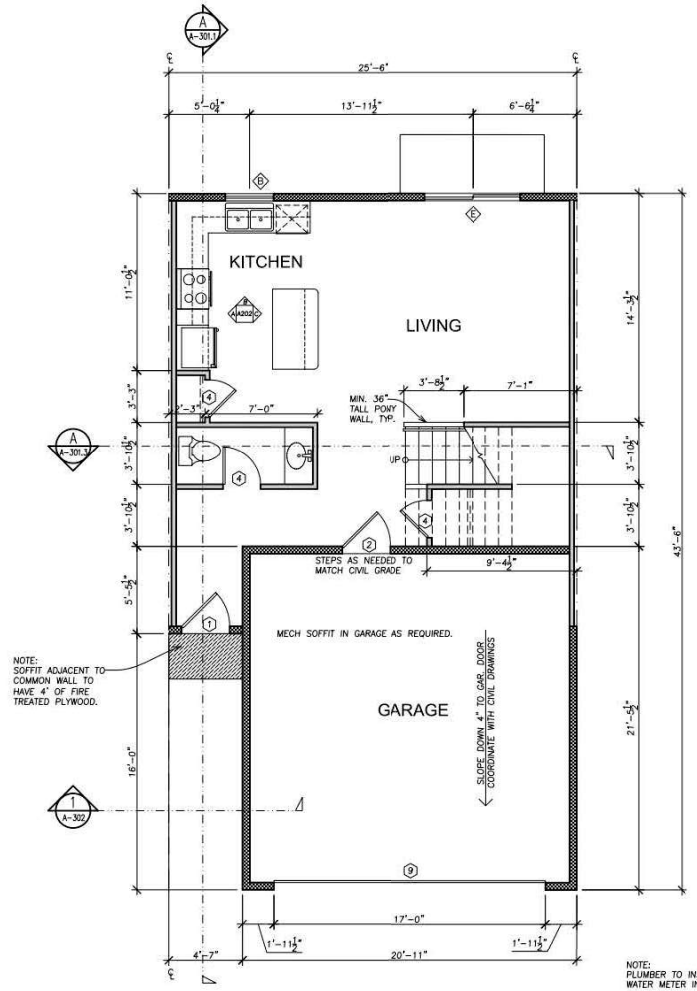
- : INDICATES 2x6 WOOD FRAMED WALL
- : INDICATES 2x4 WOOD FRAMED WALL
- (A) WINDOW SYMBOL, SEE SHEET A-202.
- (1) DOOR SYMBOL, SEE SHEET A-202.

SEE SHEET A-202 FOR FINISH SCHEDULE.

NOTE: DIMENSIONS ARE TO FACE OF STUD, UNLESS NOTED OTHERWISE.



B A-102.2 BEDROOM LEVEL PLAN
SCALE: 1/4" = 1'-0" UNIT 3-1



A A-102.2 LIVING LEVEL PLAN
SCALE: 1/4" = 1'-0" UNIT 3-1

NOTE:
PLUMBER TO INSTALL A WiFi INDIVIDUAL WATER METER IN EACH UNIT.

KNUDSEN ENGINEERING

444 Hospital Way, Suite 527
Pocatello, Idaho 83201
knudsen-eng.com

8/6/2026

City of Pocatello – Planning and Development Services
911 North 7th Avenue
Pocatello, ID 83201

SUBJECT: Scholar's Landing Subdivision Preliminary Plat Application – Response to Staff Revision Comments

This letter is in response to the City's review comments, dated 7/7/2026 through 8/4/2026, for the above-mentioned preliminary plat dated 7/7/2026. In addition to this letter, we have uploaded updated copies of the corresponding documents. Knudsen Engineering (KE) has addressed the requested revisions as listed below. The City's original comments are shown in italics and KE's responses are shown in plain text.

ENGINEERING REVIEW:

1. *Provide additional information regarding the planned public improvements along University Drive. It appears the existing catch basin may conflict with the proposed approach. Please clarify whether the catch basin will remain or be relocated as part of the future public improvements.*

   KE Response: Acknowledged. Further detail to be provided during final plat process.

PLANNING REVIEW:

2. *Plat request is for RPHUS000100, RPHUS000200, RPHUS000300*
   Are you aware minimum lot size for this zone is 4,000sf?

   KE Response: Administrative adjustment approved.

PRELIMINARY PLAT PLAN REVIEW:

3. *Shall meet 2018 IFC requirements*
   Appendix B- fire flow demand
   Appendix C- fire hydrant location
   Appendix D- fire apparatus access roads

   KE Response: Acknowledged.

SANITATION PLANNING REVIEW:

1. *MUNICIPAL SANITATION ACCESS EASEMENT*
   A perpetual, non-exclusive easement is hereby granted to the City of Pocatello, Idaho (City), its officers, employees, agents, contractors, and authorized representatives, for ingress and egress over and across private streets, drive aisles, parking areas, collection points, dumpster enclosures, and related private improvements as reasonably necessary to provide municipal solid waste, recycling, yard waste, and other sanitation collection services. The property owner(s), any homeowners association, and their respective successors and assigns shall design, construct, and maintain all private streets, access routes, and collection areas subject to this easement in a condition safe for the operation of municipal sanitation vehicles, in accordance with applicable City standards. The City may refuse, suspend, or discontinue sanitation service whenever access is, in the Citys determination, unsafe, obstructed, or otherwise inadequate for the safe operation of sanitation vehicles or personnel. The property owner(s), any homeowners association, and their respective successors and assigns shall defend, indemnify, and hold harmless the City, its officers, employees, agents, and contractors from and against any and all claims, damages, losses, liabilities, costs, and expenses, including attorney fees, arising out of or relating to the design, construction, condition, maintenance, repair, or use of the private streets, access routes, collection areas, dumpster enclosures, or other private improvements subject to this easement, except to the extent caused by the negligent acts or omissions of the City. This easement shall run with the land and be binding upon and inure to the benefit of the City, the property owner(s), any homeowners association, and their respective successors and assigns.

   Need architectural plans.

   KE Response: Municipal sanitation access easement provided. Architectural plans submitted. Note, provided architectural plans have unit widths of 25.5 feet, while the preliminary plat uses unit widths of 27.5 feet. Building layouts to be adjusted prior to construction.

STREETS PLANNING REVIEW:

2. *No Street or Traffic concerns on the road where it is private. However, a sidewalk needs to be installed across the frontage on University.*

   KE Response: Acknowledged.

WATER PLANNING REIVEW:

3. *• Water Mainline extension on Private Drive is not permitted.*
   • ADD a public fire hydrant from University Dr. mainline near entry drive (PSD-413) for acceptance by City of Pocatello, this would provide residential coverage for the entire subdivision; hydrant at end of private drive would not be required
   • Domestic service can be supplied EITHER by

o Common meter (with HOA managing utility account); indicate meter and line size, show backflow prevention (per PSD-410); individual service lines require curbstop valves; sub-metering not permitted
OR
o Individual lines extending from University Dr. located in landscape area along ROW 6x PSD-405 Double (grass) 1-inch Service Line. Service lines shall be located in common space or dedicated utility easement; separation and crossing requirements for SS and other utilities apply.

KE Response: Acknowledged and revised.

WPC PLANNING REVIEW:

4. *Once construction is began, special care will need to be taken with the sewer mainline located in University Dr. It has a CIPP liner and it may require special attention, so as not to damage it during the installation of the new manhole.*

KE Response: Acknowledged.

PLANNING PROJECT REVIEW:

5. *Please remove utilities from the Plat. We also need a second page to the plat showing signatures.*

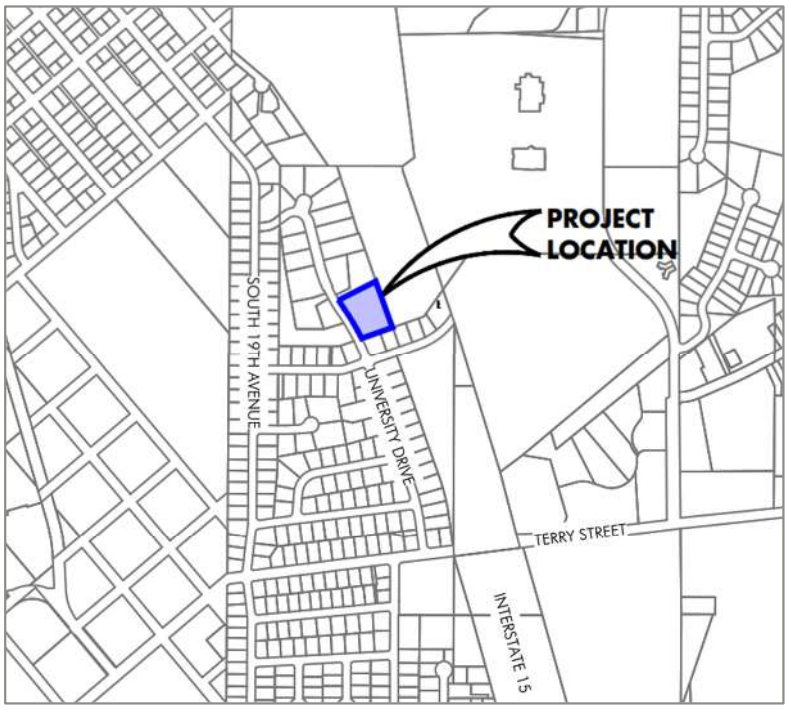
KE Response: Second sheet provided without utilities. Signature page to be provided for final plat.

KNUDSEN ENGINEERING, LLC

Brennen Dye, EIT
Staff Engineer
PN: 2025019
Doc: Scholars Landing-KE Revisions Response Letter.docx

KNUDSEN ENGINEERING

TRAFFIC IMPACT STATEMENT
SCHOLAR'S LANDING SUBDIVISION
Pocatello, Idaho



Knudsen Engineering, LLC
444 Hospital Way, Suite 527
Pocatello, ID 83201

July 7, 2026

PROFESSIONAL ENGINEER
REGISTERED
7/7/2026
14952
STATE OF IDAHO
TYSON L. KNUDSEN

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APPENDIX

I. Preliminary Plat (submitted separately)

1.0 EXISTING CONDITIONS

1.1 Site Location

Scholar's Landing Subdivision is a 1.36 acre Residential Low Density (RL) development located just west of I-15, North of Terry Street along University Drive. The development has access to University Drive.

The closest Collector or Arterial roadways are Terry Street (Minor Arterial) and Center Street (Principal Arterial). Access along University Drive to Terry Street limited to 1,350 feet utilizing unsignalized intersections, or along University to 19th Avenue to Center Street limited to 2,500 feet utilizing unsignalized intersections.

Overall, the proposed development is strategically located to Arterial roadways.

The proposed development will not be improving any of the existing roadways, except for a standard driveway approach at the western edge of the development on University Drive. Internally, the development will utilize driveways and garages for it's off-street parking accessed by a 24' wide private drive.

The development is proposed to be single family-attached structures sharing common walls with individual direct outside entrances. The units will offer four parking stalls per dwelling unit (two car driveways and two car garage spaces).

1.2 Surrounding Land Use and Zoning

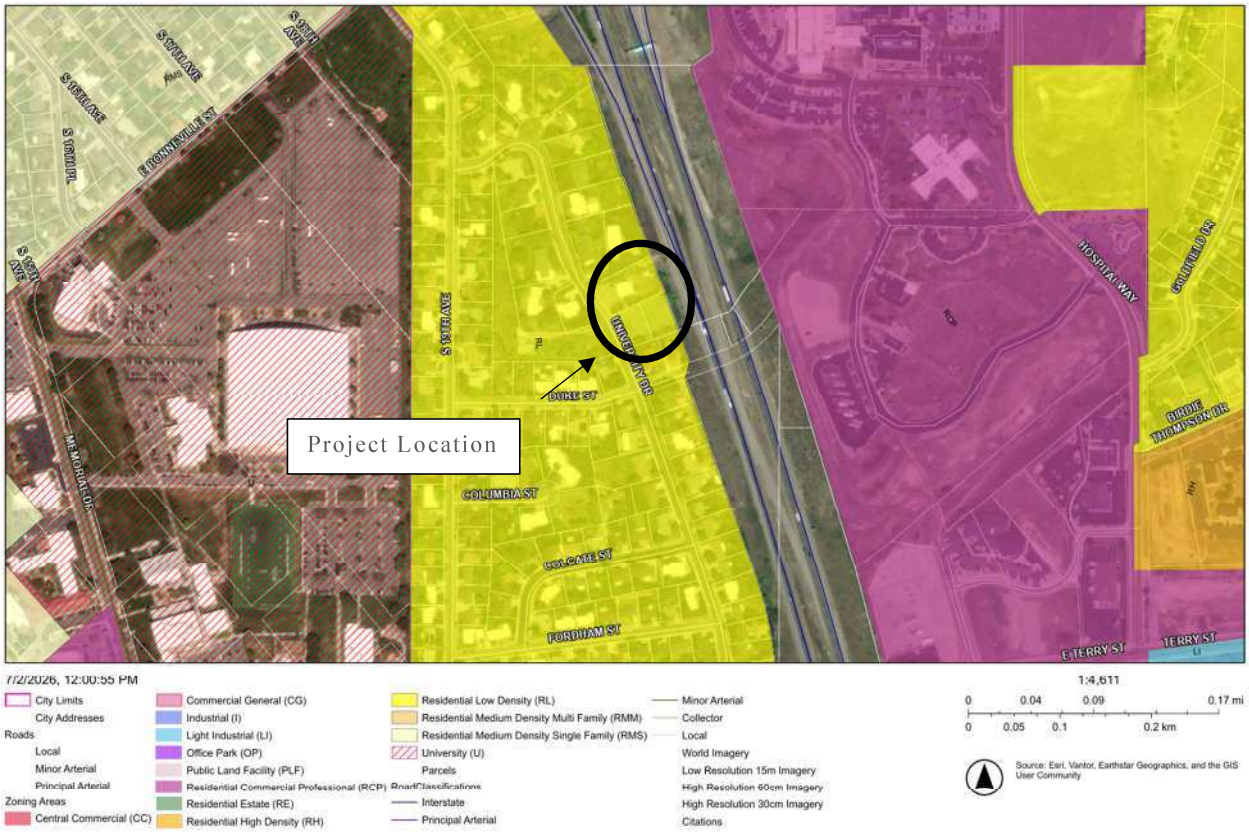
Figure 1 shown below depicts the current surrounding land use near the proposed development. Surrounding properties to the development area have a current land use of Residential with the exception of Mixed Use east of I-15.

Figure 1 – Land Use



Figure 2 shown below depicts the current zoning near the proposed development. Surrounding properties to the development area are currently zoned as Residential Low Density (RL).

Figure 2 – Zoning



1.3 Existing Land Use and Roadways

As currently zoned Residential Low Density (RL), a Conditional Use Permit is not required to achieve the project objectives. The applicant is requesting a 10% admin adjustment to reduce minimum lot size.

University Drive is a local street and currently consists of two lanes with parking on each side and is approximately 32 feet in overall width.

19th Avenue is a local street and currently consists of two lanes with parking on each side and is approximately 38 feet in overall width

Terry Street is a Minor Arterial and currently consists of two lanes with parking on each side and is approximately 38 feet in overall width

2.0 PROPOSED DEVELOPMENT

2.1 Proposed Land Use

This development application does not require any change to the current land use.

2.2 Site Access

For the proposed roadway configurations see the Preliminary Plat in Appendix I.

2.3 Trip Generation

The Bannock Transportation Planning Organization stipulates one trip per AM and PM peak hour and a total of 12 trips per day for any dwelling unit, see Table 1 below.

Table 1. Traffic Impact Analysis

Traffic Impact Analysis Categories

Development Name : Scholar's Landing Subdivision

Development Location: University Drive north of Terry Street

Attach a map of the proposed development

Type of Development	Size	AM Peak Hour trip rate per unit	PM Peak Hour trip rate per unit	Daily trip per unit	AM Peak Hour Trips	PM Peak Hour Trips	Daily Trips
SF – Attached Housing (units)	12	1	1	12	12	12	144
TOTAL					12	12	144

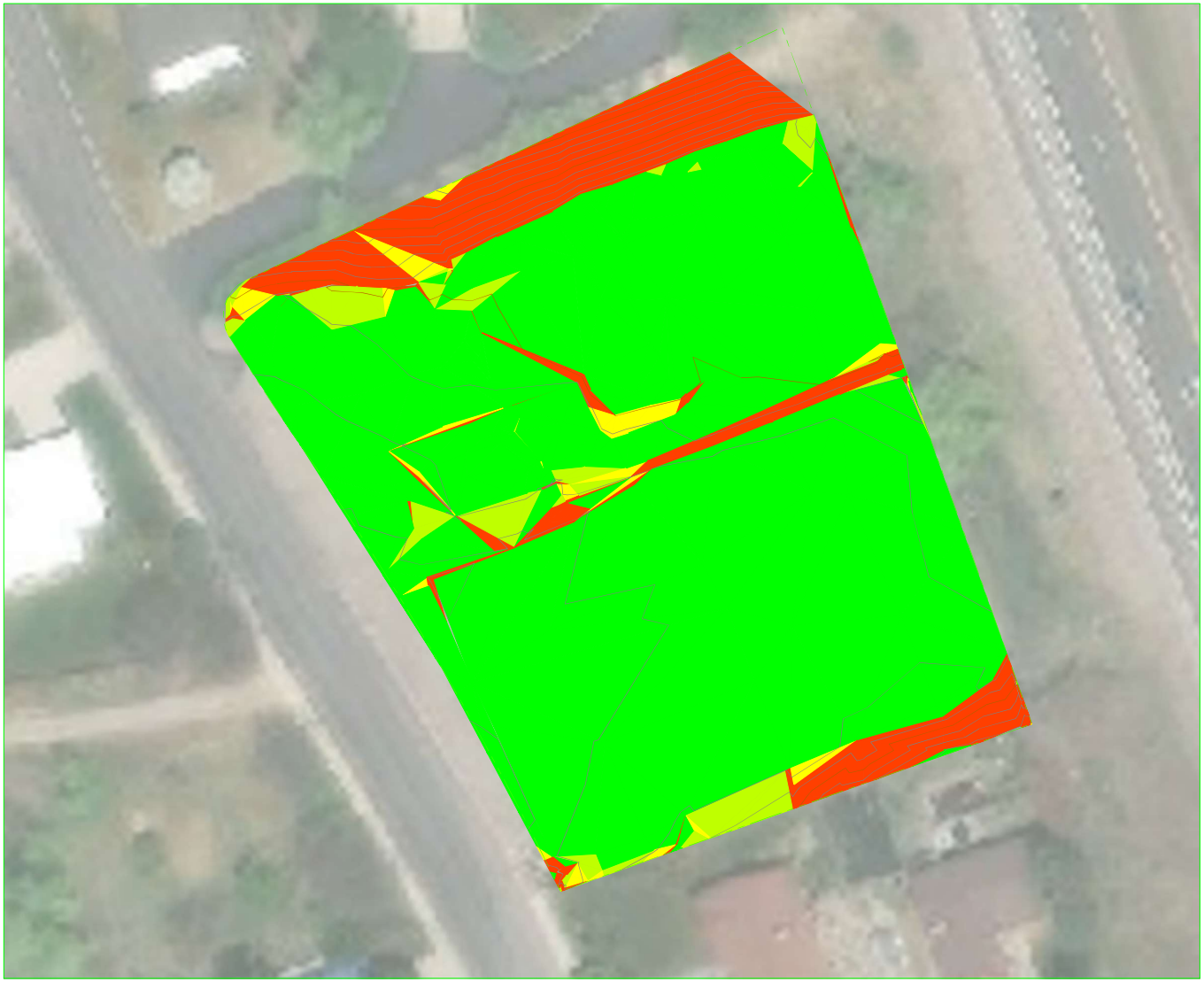
Category	Trip Generation Threshold
Statement	Commercial Developments that are estimated to generate less than 100 peak hour trips or 1,000 daily trips. Residential development with over fifteen (15) units.
A	Developments that are estimated to generate between 100 to 500 peak hour vehicle trips in the highest peak hour.
B	Developments that are estimated to generate over 500 peak hour trips in the highest peak hour.

2.4 Site Plan

For the proposed site plan, see the Preliminary Plat in Appendix I.

3.0 CONCLUSION

The proposed development does not meet the criteria for a Traffic Impact Analysis. Trip counts are estimated at 12 peak hour and 144 total daily trips. There are no significant traffic impacts anticipated as a result of this proposed development. This Traffic Impact Statement has been provided to obtain overall project approval.



Slopes Table				
Number	Minimum Slope	Maximum Slope	Color	Area (sq ft)
1	0%	15%		51705.02
2	15%	25%		4089.95
3	25%	35%		1491.75
4	35%	100%		8989.37

0 20' 40'
SCALE: 1" = 20'
CONTOURS: 2'

SHEET INFORMATION		
DRAFTER: MJG	DESIGNER: MJG	REVIEWER: SOB
PROJECT #: 2025019	CREATED: AUGUST 2026	PLOTTED:2026-08-20

SHEET REVISIONS

REV #	DESCRIPTION	BY	DATE

KNUDSEN ENGINEERING

DRAFT

PROJECT INFORMATION

PARCEL: RPRPHUS000100, RPRPHUS000200, RPRPHUS000300, POCATELLO, IDAHO

SHEET IDENTIFICATION

SITE SLOPE ANALYSIS

SHEET #

F-1

ATTACHMENT B

PLANNING & ZONING COMMISSION RECORECED FINDINGS OF FACT AND DECISION PP26-009

Instrument # 22611342
Bannock County, Pocatello, Idaho
09/14/2026 09:07:28 AM No. of Pages: 4
Recorded for: CITY OF POCATELLO
Jason C. Dixon Fee: $0.00
Deputy: aleavitt

FINDINGS OF FACT & DECISION
CITY OF POCATELLO
PLANNING & ZONING COMMISSION
HEARING SEPTEMBER 9, 2026

APPLICANT:	Tyson Knudsen, Knudsen Engineering
OWNER:	Angela Gallafent
REQUEST:	Preliminary Plat Scholar's Landing
FILE:	PP26-009
GENERAL LOCATION:	540 University Drive
STAFF:	Becky Babb, Planning Manager

I. **GENERAL BACKGROUND:** Tyson Knudsen of Knudsen Engineering, on behalf of Angela Gallafent, has submitted a preliminary plat application. The subject property, addressed as 540 University Drive and consisting of 3 parcels, entails 1.36 acres (more or less) with a zoning designation of Residential Low Density (RL) with the proposed Future Land Use designation of Residential. The request is to subdivide the property into twelve (12) lots to be known as Scholar's Landing. These lots have been granted an administrative adjustment (ADMA26-009) establishing that lots must be a minimum of 3,600 square feet. Administrative adjustments are authorized in 17.03.600.B.

II. **PUBLIC HEARING:** A public hearing was held before the Planning & Zoning Commission on the evening of September 9, 2026. The applicant provided a summary of the proposed preliminary plat. Staff provided a brief presentation and recommendation regarding the application. Comments from the public were provided that were neutral or opposed to the application.

III. **NOTIFICATION:** Notice was posted in the Idaho State Journal on August 21, 2026 on the subject property on August 25, 2026. All property owners within three hundred feet (300') of the external boundaries of the land being considered have been provided notice of the public hearing in order that they may provide comment on the proposed preliminary plat. Written comments were received from the public in opposition to the application and were provided to the Commission.

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. Preliminary Plat Review Criteria Analysis

REVIEW CRITERIA (16.20.050):				
Compliant			**City Code and Commission Findings**	
Yes	**No**	**N/A**	**Code Section**	**Analysis**
☒	☐	☐	**16.20.050 A**	**The subdivision proposal complies with applicable provisions of this title.**
			FINDING	The proposal is compliant with all applicable standards of Title 16, provided that all comments and conditions are met.
☒	☐	☐	**16.20.050 B.**	**The subdivision proposal complies with all applicable city design standards and development regulations.**
			FINDING	The proposed subdivision is compliant with all applicable city design standards and development regulations with the administrative adjustment.

☒	☒	☐	**16.20.050 C.**	**The subdivision proposal complies with all applicable zoning requirements of the underlying zoning district, applicable overlays, and other applicable development standards.**
			FINDING	**DENSITY & LOT DESIGN:** Assuming all conditions and corrections are met, the proposed subdivision is compliant with all applicable city design standards and development regulations.
☒	☐	☐	**16.20.050 D.**	**All public facilities including streets, sidewalks, curbs, gutters, water, sewer, fire protection, and sanitation services can be provided to the newly created lots and accommodate future extension to adjacent land. 1. The use of a "control strip" intended to control or prevent the future extension of public facilities or development of adjacent land is prohibited.**
			FINDING	**R.O.W. Improvements:** • A curb, gutter, and sidewalk needs to be installed across the frontage on University. The road within the development will be a private drive. **WATER, SEWER, & STORMWATER:** • Final drawings will require addition of an individual isolation valve (curb stop) for each unit service line (exterior to the structure); • 2-inch water service and backflow can be accommodated in a single meter vault, locate meter vault outside of pavement area, in landscaping but not in storm drain swale; • Water department will be required to execute the mainline taps for the fire hydrant and 2-inch service, cost due with subdivision permit; • Water and WPC capacity fees (2-inch waterline per current fee schedule) will be due with subdivision permit • Further details requested on catch basin and planned public improvements per Engineering review. • Owner/Developer should contact Southeastern Idaho Public Health to apply for land development signature of the final plat. Will serve letters from both water and sewer district providers are required. **SANITATION:** • Will wait for the construction drawings to determine the required sanitation infrastructure. **FIRE:** • Shall meet 2018 IFC requirements • Appendix B- fire flow demand • Appendix C- fire hydrant location • Appendix D- fire apparatus access roads UTILITY PROVIDER & CITY DEPARTMENT NOTICE: Pursuant to Municipal Code 16.20.040F, utility providers and affected City departments were provided notice. To date, no comments have been

				received other than the comments included in this report. The applicant is responsible for contacting all private utility companies for extension of services such as power, natural gas, and internet services. PRIVATE COVENANTS, RESTRICTIONS & CONDITIONS: Recorded Owner's Covenants, Conditions and Restrictions (CC &R's) for the subdivision, if any, must be submitted after the recording of the final plat.
☒	☐	☐	**16.20.050 E.**	**If city public works determines that the proposed subdivision will result in significant traffic impacts pursuant to subsection 16.20.030V of this chapter, then a "traffic impact study" will be required as part of the commission's review.**
			FINDING	Municipal subsection 16.20.030V states that a traffic impact study will be required for any subdivision creating one hundred (100) or more peak hour trips based on the Institute of Transportation Engineers' "Trip Generation Handbook" (current edition). A traffic impact study may be waived by the Public Works Department upon the receipt of an approved traffic analysis to be included with the application. The proposal does not meet the criteria for a traffic impact study.
☒	☐	☐	**16.20.050 F.**	**The proposal provides for a continuation of a connected transportation system unless topography or natural features prevents a connection to abutting streets or property.**
			FINDING	The Commission finds that primary ingress/egress to the development is via and private drive extending to University Place with all interior drives and parking being private and as such maintained by the homeowners.
☐	☐	☐	**16.20.050 G.**	**The proposed subdivision provides for bicycle and pedestrian transportation routes and amenities in accordance with Bannock transportation planning organization's most recent adopted bicycle and pedestrian plans.**
			FINDING	The Bannock Transportation Planning Organizations adopted bicycle and Pedestrian Plan does not include this area in their most recently adopted bicycle and pedestrian plans.
☒	☐	☐	**16.20.050 H.**	**Public utilities are provided to the newly created lots in public rights of way or in appropriately sized easements. (Ord. 2971, 2016)**
			FINDING	Easements shall be shown on the Final plat. Utilities will be private within the development.

V. PLANNING & ZONING COMMISSION DECISION: In consideration of the application, the Planning & Zoning Commission **approved** of the Preliminary Plat application from Tyson Knudson on behalf of Angela Gallafent to subdivide the subject property into twelve (12) lots to be known as Scholars Landing finding the application meets the standards for approval under Chapter 16.20.050 Criteria for Review of Pocatello City Code.

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

STATE OF IDAHO)

ss:

County of Bannock)

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 writter.

Seal

ACELINE MCCULLA
NOTARY PUBLIC
STATE OF IDAHO
COMMISSION # 20210088
MY COMMISSION EXPIRES 01/22/2027

Aceline McCulla
Notary Public for Idaho
Residing in Pocatello, Idaho

ATTACHMENT C

APPROVED 9/9/26 MINUTES (WITH WRITTEN PUBLIC COMMENTS ATTACHED)

MEETING MINUTES

CITY OF POCATELLO PLANNING & ZONING COMMISSON (P&Z)

SEPTEMBER 9, 2026 | 6:30 PM
COUNCIL CHAMBERS | 911 N. 7TH AVENUE, POCATELLO, IDAHO

1. CALL MEETING TO ORDER, ROLL CALL, NOTE CONFLICTS OF INTEREST.
Present: Adam Geyer, Ronda McHargue, Richard Phillips, and Desirea Valladolid. **Excused:** Annie Mendoza**.** **Unexcused:** Billy Chaddock and Jessica Richards**. Staff:** Jim Anglesey, Becky Babb, Tom Kirkman, Aceline McCulla, Brent McLane and Mike Neville.

Chair Rich Phillips called the meeting to order at 6:00 PM; none of the members had anything to disclose.

2. APPROVE MINUTES.
The Commission may wish to waive the oral reading of the P&Z clarification and regular meetings minutes held August 12, 2026, and to approve the minutes as presented.

It was moved by **A. Geyer** and seconded by **R. McHargue** to approve the August 12 P&Z meeting minutes as presented. Those voting in favor were A. Geyer, R. McHargue, R. Phillips, and D. Valladolid. Motion passed unanimously.

3. PUBLIC HEARING: PRELMINARY PLAT: ELDREDGE COURTS: FILE: PP26-008
This time has been set aside for the Commission to hear comments from the public regarding a preliminary plat application submitted by Brandon Ratliff. The subject property, known as RPHWA001100, RPHWA001304, RPHWA001303, entails 1.12 acres (more or less) with a zoning designation of Residential Medium Density Single Family (RMS) with the proposed Future Land Use designation of Residential. The request is to subdivide the property into twelve (12) lots to be known as Eldredge Courts.

Phillips opened the public hearing at 6:33 PM.

Tyson Knudsen of Knudsen Engineering stated he is representing Brandon Ratliff for this infill project off Eldredge Road. He presented the application materials included in the agenda packet.

Planning Manager **Becky Babb** of the City of Pocatello summarized the staff report.

No written public comments have been received regarding this application.

Staff concludes that the proposed preliminary plat is **compliant** with Pocatello City Code Chapter 16.20.050 assuming the following conditions are met: **1)** All other standards or conditions of Municipal Code not herein stated but applicable to land subdivision shall apply.

Phillips asked for clarification on written comments and utility comments. **Babb** noted no written comments were received and one utility comment that was included in the agenda materials.

Phillips opened the hearing for public comment at 6:38 PM.

Those in favor, neutral or opposed: none.

With no public comment, **Phillip** closed the public hearing at 6:41 PM.

It was moved by **R. McHargue** and seconded by **D. Valladolid** to **approve** the preliminary plat application request by Tyson Knudsen to subdivide parcels RPHWA001100, RPHWA001304, and RPHWA001303 as a preliminary plat, finding the application does meet the standards for approval under Chapter 16.20.050 of Pocatello Municipal Code,

with conditions listed in the staff report, and to authorize the Chair or Vice Chair, to sign the Findings of Fact and Decision. Those voting in favor were A. Geyer, R. McHargue, R. Phillips, and D. Valladolid. Motion passed unanimously.

4. ACTION ITEM: PUBLIC HEARING: PRELIMINARY PLAT: SCHOLAR'S LANDING: FILE PP26-009.
This time has been set aside for the Commission to hear comments from the public regarding preliminary plat application request by Angela Gallafent for the subject property addressed as 540 University Drive and consisting of 3 parcels that entails 1.36 acres (more or less) with a zoning designation of Residential Low Density (RL) with the proposed Future Land Use designation of Residential. The request is to subdivide the property into twelve (12) lots to be known as Scholar's Landing. These lots have been granted an administrative adjustment (ADMA26-009) establishing that lots must be a minimum of 3,600 square feet.

Phillips opened the public hearing at 6:43 PM.

Tyson Knudsen of Knudsen Engineering stated he is representing Angela Gallafent for this preliminary plat request. Knudsen gave a brief history of the property and stated there was a racket ball club with a restricted agreement number 37799 with Bannock County for some parcels once divided. The 1962 document only covers the adjacent three parcels and does not include the subject property. He summarized the application materials provided in the agenda packet.

A traffic impact statement was submitted by the applicant and found this project's traffic impact well below the requirement threshold for a full impact study.

The stormwater pond had improvement during the Hospital Way development within the past couple years. **Phillips** asked Knudsen to explain the administrative adjustment, and Knudsen explained the 10 percent allowance.

Planning Manager **Becky Babb** of the City of Pocatello summarized the staff report, then explained the preliminary plat process and expectations. The preliminary plat stage only looks at land use and compliance. The final plat looks at the final platting process and construction drawings. She explained an administrative adjustment and that lot size is a criteria that may be adjusted by 10% through an administrative adjustment application. The lot adjustment makes sense for internal units to be reduced to enlarge the end units to accommodate the stormwater runoff and retention.

There have been 13 written public comments received prior to the meeting regarding this application, of which eight comments were received after the agenda posting, and were printed and presented to the commission prior to clarification meeting this evening.

Staff concludes that the proposed preliminary plat is **compliant** with Pocatello City Code Chapter 16.20.050 assuming the following conditions are met: **1)** All comments contained in Community Development/eTRAKiT and summarized in this report shall be adhered to; and **2)** All other standards or conditions of Municipal Code not herein stated but applicable to land subdivision and subdivision development shall apply.

Phillips clarified with Babb that constructions drawings are not required at the preliminary plat phase. **Babb** clarified preliminary plat requirements.

Phillips opened the hearing for public comment at 7:01 PM.

Those in favor and uncommitted: none.

Those opposed:
Holden Cornell noted that he lives in the area and was concerned with emergency turn around and the number of units that would be built in this location and increased traffic and safety concern.

Dan Hargraves stated he lives in the neighborhood and has concerns with traffic and safety conditions on

University Drive. Site distance, sidewalk absence and roadway split that has limited sight distance. His concern was with too many homes in a small area.

Aaron Floyd stated that he lives over the hill and has a blind driveway that restricts him from turning north from his driveway access that causes his concern of more traffic.

Pat George stated that he disagrees with the applicant on the 1962 CC&Rs that do not cover this plat or property. He has problem with the administrative adjustment only being approved by the Director. He noted that 50% of the property is undersized.

Brian Riley lives north of the clubhouse and tennis courts. Riley noted that the parcel included the tennis courts and the club house. Riley is concerned with safety, trash, and lot size averaging.

Ann Hackert has concerns with stormwater and ITD's notification; the lot size and administrative adjustment; storm water drainage infrastructure; she wants developments to be done right.

Cindy Seiger was concerned with runoff water from S. 19th Avenue and storm drain backup, and higher density populations have increased heath issues and medical care affected by environment choices.

Becky Payne has concerns about site distance to safely enter the roadway,

Steve P Duffy wanted to keep the Upper University area as is, and not be redeveloped to increase traffic, because there are current traffic issues not being addressed. There are water issues coming down the street.

Douglas Witte stated people will not want to buy homes in this area, less college kid rental units. This will impact the neighborhood and there are no sidewalks in front of the homes and kids walk in street.

Jannette Olsen was concerned that each person had to speak and a single representative could not represent them and get more time to speak.

Jon Champlin had concerns with the water issues and stagnant water ponds that create disease and infectious disease growth.

Tracy Riley noted that resident cars get hit when parked on the street and people drive too fast and drive down the wrong side of the street. She was also concerned about fires and new neighbors that will ruin her current view.

Rebuttal:
Knudsen clarified the parking is two cars in the garage and two cars in the driveway, there are four parking stalls per townhouse unit, and City Code requires two parking spots per unit. State and City Code direct the traffic requirements. The stormwater pond will be a large gap between the top 3 building units, and the lower six are one unit with larger end units. Knudsen clarified some history of this parcel. The clubhouse was not on that parcel. It was noted that the water from the interstate is not generated from this parcel, the development must contain water that comes from their property. Knudsen explained the development of 1961 and noted that 1962 CC&Rs do not include the property from this development. CC&Rs follow the parcels not the development.

With no more public comments, **Phillip** closed the public hearing at 7:44 PM.

McLane explained following discussion with the Mayor and City Policy to that each person get three (3) minutes to speak to keep things fair. Policy was maintained.

McHargue asked Babb to clarify that Utility Notices were sent via email to all utility companies to submit comments if they found things that need to be addressed. **McHargue** asked about the administrative adjustment. **Babb** noted the application was received for a 10% reduction, which are standard, it was reviewed, and staff and the Director determine if it meets criteria for approval per property and requirements.

Valladolid noted there has been a high concern about traffic and safety. **Babb** clarified the standards are increases in the area and on subject development property. Mike **Neville**, Street Superintendent clarified Knudsen's study and site distance.

Valladolid asked about the blind driveway. **Neville** noted that current design standards would not have allowed roads to be built like this today.

Brent McLane, Planning and Development Services Director, noted that the Zoning Code rewrite will be held at the end of September and public comment was encouraged to attend and provide input to assist in the rewrite process.

It was moved by **R. McHargue** and seconded by **A. Geyer** to **approve** the preliminary plat application request. The request is to subdivide the property into twelve (12) lots to be known as Scholar's Landing, finding the application does meet the standards for approval under Chapter 16.20.050 of Pocatello Municipal Code, with conditions listed in the staff report, and to authorize the Chair, or Vice Chair, to sign the Findings of Fact and Decision. Those voting in favor were A. Geyer, R. McHargue, R. Phillips, and D. Valladolid. Motion passed unanimously.

5. PUBLIC HEARING: MAP AMENDMENT: 3934 JASON AVENUE - FILE MA26-006.
This time has been set aside for the Commission to hear comments from the public regarding a map amendment request by Dakota Worrell to rezone the subject property from Commercial General (CG) to Residential/Commercial/Professional (RCP) and to amend the Future Land Use Map Designation of Commercial (C) to Mixed-Use (MU).

Phillips opened the public hearing at 8:12 PM.

Jim Young on behalf of Dakota Worrell, who stated the request was to rezone the subject property from Commercial General (CG) to Residential/Commercial/Professional (RCP) and to amend the Future Land Use Map Designation of Commercial (C) to Mixed-Use (MU). Young summarized the application materials provided in the agenda packet. The request is in line with the neighborhood, and the property has been vacant for a long time.

Long Range Sr. Planner **Jim Anglesey** of the City of Pocatello summarized the staff report and noted that no written public comments were received regarding this application.

Staff concludes that the proposed Map Amendments are **compliant** with Pocatello City Code Sections 17.02.120.C & 17.02.170.E. A full analysis is detailed within this staff report.

Phillips opened the hearing for public comment at 8:17 PM.

Those in favor or opposed: none.

Those uncommitted:
Claude Bennett was concerned with flooding in this area during a big rain fall. The city fails residents with small lot development.

Those opposed:
Bob Calling would like to see single family residents, not mixed use, because many different things could be built. In this area, large apartment complexes were developed, rental units created a different neighborhood environment and living style. Calling feels that commercial use would be better for this area.

Julie Anderson does not want another multi-use development in this area. Anderson does not see a quality neighborhood for tiny homes, more riffraff with trailer courts, and sex offenders. This property is better suited for commercial use.

Rebuttal:
Young understands the concerns of the neighbors, but this development has not been identified and designed. A housing development is being considered for this location but not determined. The development will meet City

Code and Development Standards.

With no more public comments, **Phillip** closed the public hearing at 8:29 PM.

McLane clarified what is allowed in Commercial General that is not allowed in RCP.
It was moved **D. Valladolid** and seconded by **A. Geyer** to recommend **approval** of Map Amendment application from Dakota Worrell to rezone the subject property from Commercial General (CG) to Residential Commercial Professional (RCP) and to amend the Future Land Use Map Designation of Commercial (C) to Mixed-Use (MU), finding the application meets the standards for approval under sections 17.02.120.C & 17.02.170.E of Pocatello City Code, and authorize the Chair or Vice Chair to sign the Findings of Fact & Recommendation. Those voting in favor were A. Geyer, R. McHargue, R. Phillips, and D. Valladolid. Motion passed unanimously.

6. PUBLIC HEARING: STATE PREEMPTION 2026 - COMPREHENSIVE PLAN AND ZONING ORDINANCE TEXT AMENDMENTS: FILES CPA26-001 AND ZOTA26-002.
This time has been set aside for the Commission to hear comments from the public regarding amendments to Pocatello's Comprehensive Plan 2040 and Title 17: Zoning regulations.

In response to a series of bills passed during the 2026 Legislative Session of the State of Idaho that will **require changes to Pocatello's Zoning Ordinance**.

Long Range Sr. Planner **Jim Anglesey** of the City of Pocatello summarized the staff reports and noted that one written public comment was received regarding this application. The Commission will make a motion for the Comprehensive Plan text amendment and a motion for the Zoning Ordinance text amendment.

Staff finds that the proposed **Comprehensive Plan text amendment** meets the standards of City Code 17.02.120.C as several items of 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; **and** Staff finds that the proposed Zoning Ordinance **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.

Staff asked that the Commission include an additional amendments presented by staff to 17.06.100(C)(3) and 17.06.700(C)(4) that aligns better with State Code, per City Legal Counsel's advice.

Phillips opened the hearing for public comment at 8:49 PM.

Those in support:
Jim Young was aware of this amendment changes, and this change allows people to have homes built for smaller size to meet what they can afford, and land use to economically own homes.

Those neutral:
Robin Wilson asked the city to hold off on these changes until the February 2017 date change. Wilson sees parking becoming an issue with ADUs. HOAs should apply for historical determination.

Trissa Cameron stated this Code rewrite does not need to be done now and wait and get the public's input.

LeeAnn Dutton handed out a State Code document on the Variance Code rewrite to stay consistent with State Code. The document will be included with the minutes.

Alfreda Vann of the Bonneville Neighborhood Association continued the document reading of LeeAnn Dutton.

Jerry Myers of the University District does want to see this go forward and encourage more public input for this rewrite. The Valley floor should be development first, before moving out to the benches. Segregation of fluency is establishing itself, as with people in earlier times.

Patrick George feels the P&Z would benefit by having City legal counsel at these meetings. George continued and finished reading the document of LeeAnn Dutton.

Brian Riley feels that no Director should have the right to make decisions. Why are we cramming this through?

Clive Bennett does not agree with this code change, as it only benefits developers.

Sally Simmons feels development should match neighborhoods and the development for the Upper University neighborhood is not a food fit. The infill needs to be looked at, put this code change off, get more public input.

Those opposed: none.

Rebuttal:
Anglesey noted that the proposed changes align with the Comprehensive Plan 2040 that went through two years of public input open houses and what the Community wanted. The plan calls for Smart Code and Pocatello wants high-density in the core of Pocatello. This is a goal in the Comprehensive Plan 2040. The rewrite that will be done over the next two years will allow for development and complete alignment with the Comprehensive Plan 2040.

What the State is demanding is density throughout the State. This proposed code amendment matches the State Code. The State Code supersedes local Code.

Variances are not heard or approved by the Planning Director, applications go before the Hearing Examiner, and that is also a State Code requirement.

Anglesey clarified that the principal of infill is outlined in the Comprehensive Plan that included public comment.

With no more public comment, **Phillip** closed the public hearing at 9:26 PM.

McLane stated this is a recommendation to the City Council.

It was moved by **R. McHargue** and seconded by **D. Valladolid** to recommend approval of the proposed State mandated changes to amendments to Comprehensive Plan 2040 and the proposed text amendments to Title 17: Zoning Regulations and deny or remove the Variance section 17.02.160 and17.05.300 regarding infill amendments, since those changes are not mandated by the State and thus the Commission does not feel they are in the public's best interest, and to authorize the Chair to sign the findings of fact and recommendation. Those voting in favor were A. Geyer, R. McHargue, R. Phillips, and D. Valladolid. Motion passed unanimously.

7. ACTION ITEM: APPROVE AND ADOPT BY RESOLUTION P&Z 2026-1 THE HISTORIC DOWNTOWN POCATELLO URBAN RENEWAL PLAN.
The Commission will confirm, in compliance with the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law") and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), the Urban Renewal Plan for the Historic Downtown Urban Renewal Area (the "Plan"), adopted by the Pocatello Development Authority on August 19, 2026, pursuant to Agency Resolution 2026-7, has been forwarded by the Mayor to the Planning & Zoning Commission (P&Z) concerning its conformity with the City of Pocatello Comprehensive Plan during the P&Z September 9, 2026, where the P&Z will approve and adopt the Plan is in conformity by P&Z Resolution No. 2026-1.

Pocatello Development Authority (PDA) Executive Director **Brent McLane** stated this Urban Renewal Plan is before the P&Z to confirm compliance with Pocatello's Comprehensive Plan and Future Land Use Map and will

present opportunities to improve and develop properties to generate tax funds that will come back into the district to assist with projects and public improvement costs through development or redevelopment. Project may include parking garage, redevelop the Monarch Building site, lighting, streetscapes, and pathways to improve the downtown area. Improve pedestrian over the Center Street or Benton Street Bridges. The PDA wants to help invest in the Historic Downtown area and improve our downtown area.

McLane clarified that property tax valuation is based on each specific property, and does not increase a property not being updated, or improved. This district plan is for 20 years.

Planning & Development Services staff finds the Urban Renewal Plan for the Historic Downtown Urban Renewal Area Plan and the activities proposed therein **to be in conformity** with Pocatello's Comprehensive Plan. The Pocatello City Council will hold a public hearing, tentatively scheduled for October 15, 2026, to consider adoption of the Urban Renewal Area and Plan by Resolution and Ordinance.

It was moved by **R. McHargue** and seconded by **A. Geyer** to validate that the Historic Downtown Urban Renewal District Plan and the activities proposed therein **to be in conformity** with the Pocatello's Comprehensive Plan, and to authorize the Chair to execute Resolution 2026-1 documenting this determination. Those voting in favor were A. Geyer, R. McHargue, R. Phillips, and D. Valladolid. Motion passed unanimously.

8. ADJOURN MEETING.
With no other business, **Phillips** closed the meeting at 9:47 PM.

Submitted by: /s/ Approved on: October 14, 2026
Aceline McCulla, Secretary

PUBLIC COMMENTS RECEIVED AFTER THE AGENDA WAS POSTED ON SEPTEMBER 2, 2026

PUBLIC COMMENTS

FOR AGENDA ITEM 4

Flynn, Jennifer

From: Becky Payne <bpayne116@gmail.com>
Sent: Friday, September 4, 2026 10:44 AM
To: Planning
Subject: University Drive Scholar's Way Zoning

Some people who received this message don't often get email from bpayne116@gmail.com. Learn why this is important

Dear Planning & Zoning Commissioners,

I am writing as a neighboring property owner regarding the proposed development of the Hatch property on University Drive.

As you review this application, I hope you will take into account the history of this property and the conditions that accompanied previous City approvals, which continue to affect this property and the surrounding neighborhood.

In February 2020, Angela Hatch requested approval to subdivide the property at 540 University Drive into what became the Hatch University Subdivision. The City Council approved that request with several specific conditions, including a restriction on access to Lot 3 from University Drive and a requirement that applicable Covenants, Conditions and Restrictions (CCRs) be submitted to the City.

What stands out to me is that the CCRs were not treated as an afterthought during that process. Planning staff referenced them, Public Works required that any CCRs associated with the plat be submitted, and the City Council included that requirement as part of its approval.

The recorded final plat goes even further. It states that the Covenants, Conditions and Restrictions recorded as Instrument No. 377799 "are hereby made a part of the plat." The title documents prepared for the subdivision also identified Instrument No. 377799 as a recorded restriction affecting the property.

While the Hatch subdivision itself may be replaced, the CCRs referenced in the subdivision process remain part of the recorded history of this property.

I have not been able to find any discussion of Instrument No. 377799 in the current application materials. Considering that the instrument was specifically acknowledged during the 2020 subdivision process and incorporated into the recorded plat, I respectfully ask that it not be overlooked as this application is reviewed. Especially since it pre-dated the Hatch subdivision and remains part of the property's recorded history today.

I appreciate the time and effort you put into serving our community, and I thank you for considering the concerns of those of us who live nearby and will be directly affected by this decision.

Sincerely,

Becky Payne
424 University Drive
Pocatello, ID 83201

In the past the Commission has taken into consideration the existing CC&Rs on a given property as part of the process of redevelopment. For example, see the minutes for the regular Planning and Zoning Commission meeting dated March 10, 2021, specifically the last paragraph, which has been copied below. As there are currently CC&Rs on the property at 540 University Dr. I would ask that the Commission maintain consistency in considering the proposal for Scholars Landing in light of those CC&Rs.

Sincerely,

C. Janaye Floyd
490 University Dr.
Pocatello, ID

Discussion between Commission members ensued.

It was moved by **K. Chanda** and seconded by **S. Ryu** to recommend approval of the preliminary plat application from McCormick Ranch, LLC for the Ridges Townhouses Division1, finding the application does meet the standards for approval under Chapter 16.20.050 of Pocatello Municipal Code, with the conditions of approval listed in the staff report, and to include the Idaho Department of Fish and Game requests regarding fencing, open space and movement corridors for wildlife, landscaping, and to make property owners aware of the wildlife preservation in the CC&Rs. Those voting in favor were Chanda, Kirkham, Moore, Phillips, Ryu, and White. Those abstained: Phillips. Those against were none. Motion passed.

With no other business, **Chair White** closed the meeting at 6:47 P.M

Flynn, Jennifer

From: Kurt Payne <paynek@apfcu.us>
Sent: Friday, September 4, 2026 9:46 PM
To: Planning
Subject: Re: Proposed townhome development on Unv. Dr

Some people who received this message don't often get email from paynek@apfcu.us. Learn why this is important

On Fri, Sep 4, 2026 at 8:23 PM Kurt Payne <paynek@apfcu.us> wrote:

> I have three primary concerns with the proposed preliminary plat:
>
> **First, fire access.** The proposed private road exceeds 150 feet in length without an approved fire apparatus turnaround. This appears inconsistent with Section D103.4 of Appendix D of the International Fire Code and raises a significant public safety concern that should be resolved before preliminary plat approval.
>
> **Second, stormwater.** The plat states that stormwater runoff will be contained in ponds or subsurface storage as required. However, the proposed stormwater retention area on the north end of the property is shown within an approximately 2:1 slope. A functional retention facility at this location does not appear reasonably constructible as currently shown. The developer should be required to demonstrate that adequate stormwater storage can actually be provided before the plat is approved.
>
> **Third, the requested reduction in minimum lot size.** City Code 17.03.600.B.1 allows this modification only when it will not create adverse impacts to public health, safety, or welfare. In this case, southbound traffic on University has limited visibility of the proposed access because of the roadway's vertical curvature, creating a potential stopping sight distance concern under AASHTO Green Book criteria.
>
> Additionally, the reduced lot sizes allow substantially greater density and, based on the ITE Trip Generation Manual, approximately a 200% increase in peak-hour traffic using this access compared with development at the code complaint minimum lot size.
>
> For these reasons, I ask that the City not approve the preliminary plat as currently proposed and require these public health and safety issues to be addressed before approval.

Sincerely,
Kurt Payne
424 University Drive
Pocatello, ID 8321

Scholar's Landing Development Concerns

04 September, 2026

Members of the Pocatello Planning and Zoning Commission,

Thank you for giving me the opportunity to express my concerns regarding the proposed 12-townhome development on University Drive.

I want to begin by saying that I understand the need for housing and responsible development. My concern is not simply that homes are being built. My concern is whether this development is appropriate for the existing neighborhood and, most importantly, whether the impact on traffic and safety has been adequately considered.

The north end of University Drive includes a high-low road and is already a challenging street to navigate. We often see drivers going the wrong direction, and the situation becomes even more concerning when cars are parked along the street. Because the road is narrow, parked vehicles can make it difficult for a vehicle to pass safely. Please see the below pictures. The distance marked in the pictures is 10 feet 6 inches.



Adding 12 additional homes means adding more vehicles, more trips, more visitors, and potentially more vehicles parked along an already narrow roadway. This isn't simply an inconvenience. It is a safety concern.

With added traffic to a road that already has difficulty accommodating the existing traffic, we need to ask whether the surrounding infrastructure can safely handle the additional burden. We should not wait until there is an accident or a serious traffic problem before addressing it.

I would also like to bring up the issue of **CC&Rs—Covenants, Conditions, and Restrictions—and the precedent that has already been established by the City.**

At the regular City Council meeting on **July 1, 2021**, when the final plat application for **Williams View Subdivision** was considered, **Page 4, Item 6** specifically addressed the

Idaho Department of Fish and Game's requests regarding fencing, open space, wildlife movement corridors, landscaping, and making property owners aware of wildlife preservation requirements.

That item states that those requirements **“shall be included in the development’s CC&R's.”**

In other words, the City has previously required that certain conditions be incorporated into the development's CC&Rs so that property owners would be made aware of—and required to follow—those provisions.

I also understand that when the previous **Hatch Subdivision** application was considered, CC&Rs were included and applied where applicable.

So tonight, I am asking for consistency.

If CC&Rs have been used as part of the subdivision approval process in other developments, I believe we should consider applying that same standard to the **Scholars Landing application**.

At a minimum, I am asking the City Council to carefully review the applicable CC&Rs and determine whether they should be incorporated into this development's approval and made binding on future property owners.

Ultimately, I am asking you to look at the entire picture—not just the number of homes that can fit on the property, but the effect those homes will have on the existing neighborhood.

Twelve additional townhomes mean additional traffic on a narrow road where we already have problems with vehicles traveling the wrong direction and difficulty passing when cars are parked.

Please consider whether University Drive can safely accommodate this additional traffic, and please consider the precedent of requiring applicable CC&Rs as part of subdivision approval.

We want responsible development. We want safe streets. And we want the same standards applied consistently to every subdivision.

For those reasons, I respectfully ask the City Council to **deny the proposed 12-townhome development as currently presented**, or, at the very least, require a thorough review of the traffic impacts and applicable CC&Rs before granting final approval.

Thank you for your time and for considering the concerns of the existing residents.

Sincerely, Farshad A. Dailami.

September 9, 2026

Pocatello Planning and Zoning Commission - City of Pocatello
911 N. 7th Avenue
Pocatello, Idaho 83201

RE: Opposition to Rezoning and Subdivision Application – Scholar's Landing

Dear Members of the Planning and Zoning Commission:

I am writing to formally oppose the rezoning request and Scholar's Landing subdivision application submitted by Angela Gallafent. I reside at 534 University Drive, immediately north of the proposed development, and therefore have a direct interest in its potential impacts.

I want to emphasize that I am not opposed to reasonable development or improvement of this property. My concern is with the density and configuration currently proposed. I respectfully ask the Commission to consider the following issues before recommending or approving the application.

1. Proposed Density and Existing CC&Rs

The proposal calls for 12 townhomes on approximately 1.36 acres. In my opinion, this is excessive for this location and is inconsistent with the existing character and development standards of the neighborhood. The existing subdivision CC&Rs appear to include requirements that should be carefully considered, including:

- Limiting each lot to one detached dwelling or one two-family dwelling;
- Required front, rear, and side-yard setbacks; and
- Minimum main-floor square-footage requirements.

The proposed development appears inconsistent with several of these requirements, and the current owner acquired the property subject to the existing CC&Rs. I also have concerns regarding the lot size variance referenced in connection with the development. I respectfully request that the Commission verify that the variance was supported by all required documentation and that the proposal complies with all applicable requirements.

2. Traffic and Public Safety

I am concerned that the traffic analysis submitted with the application may materially underestimate the vehicle trips generated by 12 residential units. The plans appear to provide four parking spaces per unit, while the traffic analysis reportedly assumes only one vehicle departing each unit during peak hours. I respectfully request that the Commission determine whether that assumption reasonably reflects the likely number of vehicles and daily trips associated with the proposed development.

This concern is particularly important because of the existing roadway conditions immediately north of the property. There is a blind hill in this area where accidents and numerous near misses have occurred. The roadway configuration can be confusing to unfamiliar drivers, and I have personally witnessed vehicles enter or travel in the incorrect lane, creating the potential for head-

on collisions. Adding traffic from 12 additional residential units could increase these existing safety concerns.

3. Fire Department and Emergency Vehicle Access

I am also concerned about whether the proposed development provides adequate access and turnaround space for fire apparatus and other emergency vehicles. Because my residence is immediately north of the development, inadequate fire access could directly affect my property and other neighboring properties if emergency responders cannot promptly reach or maneuver within the site.

As I understand the applicable requirements, the City of Pocatello has adopted the 2018 International Fire Code pursuant to Pocatello Municipal Code § 15.02.010. The applicable fire-access provisions require certain dead-end fire apparatus access roads exceeding 150 feet to provide an approved turnaround, with configurations that may include a hammerhead, "Y," or cul-de-sac.

Based upon the scale shown on Exhibit 4 of the application materials, the proposed dead-end access road appears to be approximately 200 to 225 feet long. If that measurement is correct, I respectfully request confirmation from the appropriate City and fire officials that the access road and turnaround configuration fully comply with all applicable fire-code requirements before the subdivision is approved. If the current design does not comply, that issue should be resolved through a revised site plan before approval rather than after construction.

Conclusion

Again, I am not opposed to appropriate development of this property. My opposition is specifically to the application currently before the Commission to change the property from Residential Low Density to the proposed Residential future land-use designation and to replat the property into 12 lots known as Scholar's Landing.

The proposed density, potential conflicts with existing development restrictions, questions regarding the traffic analysis, existing roadway-safety concerns, and potential fire-apparatus access issues warrant careful consideration. For these reasons, I respectfully request that the Planning and Zoning Commission deny the application as currently proposed.

Thank you for your time and consideration of the concerns of neighboring property owners.

Sincerely,



Brian Riley
534 University Drive, Pocatello, Idaho 83201
208-241-1008

From: Laura
To: Planning
Subject: RE: to Scholar"s Landing Project
Date: Tuesday, September 8, 2026 11:26:27 PM

Some people who received this message don't often get email from manick244@hotmail.com. Learn why this is important

Laura Payne
684 University Dr.
Pocatello, ID. 83201

9/8/2026

Pocatello Planning and Zoning Commission
911 N 7th Ave.
Pocatello, ID. 83201

RE: Opposition to Scholar's Landing. Project Number: PP25-009

Pocatello Planning & Zoning Commission,

I am writing to express my concern and opposition regarding the proposed Scholar's Landing project and 12-lot subdivision application submitted by Tyson Knudsen of Knudsen Engineering.

My primary concern is the potential impact this subdivision could have on the character and future development of our neighborhood. Our neighborhood has historically consisted primarily of single-family residences, and I believe maintaining that character is important to preserving the quality and stability of the community.

In recent years, we have seen a gradual change in the neighborhood as older residents pass away, and their homes are subsequently purchased and converted to rental properties. I am concerned that approving a 12-lot subdivision could further accelerate this trend and establish a precedent for additional higher-density developments within an area that has traditionally been composed of single-family homes.

My concern is not simply with this individual project, but with the long-term implications of allowing a subdivision of this nature in our established neighborhood. Once one higher-density development is approved, it may become more difficult to preserve the existing single-family character of the surrounding area.

For these reasons, I respectfully ask the Planning & Zoning Commission to **deny the**

proposed 12-lot subdivision and consider the long-term character and compatibility of the development with the surrounding neighborhood.

I would encourage Knudsen Engineering to consider developing **single-family residences that are consistent with the existing neighborhood in terms of design, scale, and overall quality**. I believe this approach would allow the property to be developed while also preserving the character of our community.

Thank you for your consideration of my concerns and for your service to the Pocatello community.

Sincerely,
Laura Payne

9/5/26

To the Pocatello Planning Commission

Jenn Flynn, assistant planner

My name is Patty Depew, Depew Holdings. I own the house at 545 University St Pocatello Idaho.

As a business owner and homeowner, I wholeheartedly oppose the project "Scholars Landing" by Knudsen Engineering.

I purchased my home because of its location, lot size and general appearance of the neighborhood. It is quiet and traffic is reasonable. It is a low-density neighborhood with mostly single family homes and large lot sizes. The structures are typically 1-2 stories tall. We have good property values in our area as well as a quiet neighborhood character.

Scholars landing would be directly across the street from my house. It will be a high-density suburban subdivision. Is roughly 1.36 acres and will be subdivided into 12 lots. Twelve lots on 1.36 acres. In a low-density area that would be no more than 1-4 structures for that land area.

Lets say that 20-35% of the 1.36 acres will be roads, rights of way, in addition to infrastructure easements. This essentially leaves 1 acre for 12 lots to be built. That works out to be 0.07 acres per lot. With utility and drainage easements, it restricts the building envelope for the homes.

Scholars Landing would not fit the style and aesthetic look of the current homes around it. It would bring crowding, more cars and more noise to an otherwise quiet older neighborhood. Higher crowded areas also have higher crime rates and crime events.

Furthermore, this development would seriously diminish my property's value as well as the others in the area. It would also imperil my ability to recruit and retain good quality renters. It would also add risk to my property not getting the rental dollars that it is worth, thus reducing my income level.

If I had wanted to purchase in a high-density subdivision, I would have done so. I prefer the neighborhood the way it currently is. Please do not ruin my investment by adding 12 homes to a small area directly across the street from my home. It is my home, my valuable investment.

Please support me and the other area homeowners by rejecting Scholars Landing and preserving our quiet, friendly neighborhood.

I oppose the development Scholars Landing, a high-density subdivision, being built in our neighborhood.

Sincerely

Patty Depew, Depew Holdings

Owner of 545 University St

Depew.patty@yahoo.com

SCHOLAR'S LANDING — FACT-CHECKED MASTER ISSUES CHART

Preliminary Plat PP25-009 (Planning noted typo in official notification, it is PP26-0090 | Approximately 540 University Drive | September 9, 2026

FACT-CHECK SCOPE AND IMPORTANT CORRECTIONS

- [illegible]
- [illegible]
- [illegible]
- [illegible]
- [illegible]

Baseline review rule. [illegible]

A. Procedural / Required-Review Issues

Issue	Verified rule / source	What the record actually shows	Why it matters	Question to put on the record
A1. ITD referral trigger and referral status	[illegible]	**CONDITIONAL —** [illegible]	[illegible]	[illegible]
A2. Administrative-adjustment form / impact narrative	[illegible]	**VERIFIED —** [illegible]	[illegible]	[illegible]

Issue	Verified rule / source	What the record actually shows	Why it matters	Question to put on the record
A3. Record showing administrative approval	[illegible]	**VERIFIED BUT—** [illegible]	[illegible]	[illegible]
A4. Slope-development standards: applicability first	[illegible]	**CORRECTED —** [illegible]	[illegible]	[illegible]

B. Engineering / Infrastructure and Record-Reconciliation Issues

Issue	Verified rule / source	What the record actually shows	Why it matters	Question to put on the record
B1. State-related stormwater infrastructure	[illegible]	**VERIFIED —** [illegible]	[illegible]	[illegible]
B2. Catch basin / University Drive approach conflict	[illegible]	**VERIFIED —** [illegible]	[illegible]	[illegible]

Issue	Verified rule / source	What the record actually shows	Why it matters	Question to put on the record
B3. 2020 drainage conditions and bubble-up system	2020	**VERIFIED —** 2020		
B4. Current stormwater calculations exist — reconciliation remains open		**VERIFIED —**		
B5. Architectural width vs. plat width		**VERIFIED —**		

C. Code Interpretation / Development-Standard Issues

Issue	Verified rule / source	What the record actually shows	Why it matters	Question to put on the record
C1. RL townhome lot-size standard and proposed lots		**VERIFIED —**		

Issue	Verified rule / source	What the record actually shows	Why it matters	Question to put on the record
C2. Multiple-lot use of §17.03.600(B)	§7 0 600	**NOT PROVEN —** 0		
C3. Infill lot-size reduction is comparison only	§7 0 0 7	**NOT PROVEN —** 7 0 600		
C4. Written interpretation requirement — only if an interpretation is invoked	§7 02 0	**CONDITIONAL —** 7 02 0		

Fact-Checked Bottom Line

Source Key and Verification Notes

[C1] 6 20 0 0 2026 7
[C2] 6 20 0 0 060 2
[C3] 6 20 0 0 2
[C4] 7 0 600
[C5] 7 0 20
[C6] 7 0 0
[C7] 7 0 0
[C8] 7 02 0 7
[D1] 6 2026 2
[D2] 6 2026
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PUBLIC COMMENTS

FOR AGENDA ITEM 6

September 9, 2026

Comments regarding ACTION ITEM: PUBLIC HEARING: STATE PREEMPTION 2026 - COMPREHENSIVE PLAN AND ZONING ORDINANCE
TEXT AMENDMENTS: FILES CPA26-001 AND ZOTA26-002.

Dear City of Pocatello Planning and Zoning Commission,

I have lived in my home, located in the Historic University Neighborhood since 1988. I have seen many changes during this time. I live on the corner of 6th and Halliday. My home is 100 years old this year. Since I moved here, our neighborhood formed a neighborhood association, that has evolved over time and is a model of what neighborhoods can accomplish. I've been on the board for the Historic University Neighborhood, formerly College Neighborhood Association for many years. I am also a 20 year board member of NeighborWorks Pocatello.

Within one block of my house, I currently have at least 7 multi unit rental properties. I have no idea as to the occupancy of these rentals. Several of these at one time were single family homes that were meticulously cared for and the pride of the neighborhood. Now some are not so much so, with past and current issues of uncontrolled weeds, overflowing dumpsters, and late night parties, etc. One had water issues for 3 years that I brought up to the attention of the out of state owner with a letter and photos (the property management company had no interest in dealing with this). After a sunken sidewalk, and cracked foundation, and now crooked steps, the leak was finally repaired; however not the issues this created. Uncontrolled siberian elms have seeded themselves and are uprooting structures in my neighborhood, that if allowed to continue to grow, will potentially create destructive forces on these historic homes (rentals) and garages.

A number of the residents of these rentals are good people, some ISU students, and I enjoy visiting with them or just saying hi in passing. Many are of limited income. I appreciate the diversity of my neighborhood, in part why I continue to live where I do.

Further attempting to increase the density in my neighborhood is of concern. There has to be a limit to the density in my neighborhood without impacting our "UNIQUE CHARACTER."

From the City's 2040 comprehensive plan:
"Our city's neighborhoods are desirable BECAUSE OF THEIR UNIQUE CHARACTER and friendly neighbors. This includes many neighborhoods with rich cultural and architectural history. One challenge our community faces is learning how to continue to grow without losing what makes our neighborhoods so special. Another challenge is the increasing inequity between neighborhoods. Some areas are experiencing increases in income and access to community amenities....while others are lacking. We must WORK TO REVERSE these inequities and ensure that our neighborhoods maintain their authenticity but are ALSO ACCESSIBLE TO ALL."

Our Historic Home tour is once again being held in my neighborhood, on September 19. The unique architecture and proximity to Idaho State University is part of the draw for this home tour. As I walk my neighborhood, I also enjoy what our neighborhood has to offer. Though I also see the abandoned projects, the cracked and uneven sidewalks throughout our neighborhood and other issues. A few homes that stand out were designed and crafted by important architects. Many others for the most part are built in very close proximity and were not of the best materials. Mine is an example, with multiple projects to update it and make it safe to reside in and hopefully to be around for another 100 years.

I was a bit stunned when I saw the news in the Idaho State Journal regarding the student housing Icon Elevate Project! I know of no notice or conversation with our neighborhood, and apparently ISU regarding this project. I agree this property needs to be redeveloped, but 500 to 800 students! I can barely cross Carter Street during school hours without taking a chance of getting hit by a car, speeding though a 25 mph zone while ISU invested in signage at the crossings. Those will be taken down during the winter. The potential increase in traffic and parking within our neighborhood is of great concern. The public hearing lasted 5 minutes. There appears to have been a distinct lack of communication with our neighborhood and ISU regarding this project. I don't see a plan for the safety of those students as well considering the location of this project and the lack of supported infrastructure for this number of residents walking/driving to and from this planned development. Hopefully an unbiased parking and traffic study will more accurately depict if this degree of residency can be supported.

Other concerns regarding increased density in our core neighborhoods, is snow removal, traffic and parking as well as increased public transportation needs, garbage, street signage, emergency access, and increased support by code enforcement. Currently one dumpster along the alleyway between 5th and 6th Ave serves multiple units of rentals. Open dumpsters invite anyone driving by to add onto the load. When the wind blows, my gutter is the collection spot for airborne trash and plastic garbage sacks littering my trees.

More recent developments in our community include underground utilities. There are locations in my neighborhood that have started to look like 3rd world cities with the numbers of overhead lines connecting our various utilities throughout our neighborhoods. Increasing this load should be considered for both aesthetics and safety.

I believe the issue and burden of density should to be carried throughout the City of Pocatello, not just the central, core neighborhoods. There should be limits to the density allowed within these central neighborhoods. A majority of the residents in these central core neighborhoods are considered low to moderate income. The targeting of this population alone for increased density is concerning.

In the past, one of the primary focuses by NeighborWorks Pocatello was infill housing. This was frequently done in partnership with the City. These were very successful projects and provided first time homebuyers with a safe and healthy place to call home. At this point in time there is a distinct lack of properties available on which this may be accomplished.

I appreciate you reading and considering my concerns. I love Pocatello and would live nowhere else but my neighborhood. Pocatello is a great place to call home and the added development and considerations for density should be thoroughly and thoughtfully considered. If you have questions regarding my comments, please feel free to reach out.

Thank you for you time and consideration,

Sarah Jackson
605 S 6th Ave
Pocatello, ID 83201
2082513179

ATTACHMENT D

PUBLIC COMMENTS RECEIVED BEFORE THE AGENDA WAS POSTED

SCHOLARS LANDING - PP26-009

Stormwater, Historical Flooding, and Existing Drainage Infrastructure

Submitted to the Pocatello Planning & Zoning Commission | September 1, 2026

Submitted by:
Ann Hackert, 563 University Drive
Amy Campbell-Azzouzat for Sharon Campbell

We respectfully ask the Commission to ensure that the drainage history and existing stormwater infrastructure associated with this property are fully evaluated before determining that the preliminary plat satisfies the City's applicable drainage requirements. Our concern is based on information that came to our attention only recently and on the City's and applicant's own records. The purpose of this letter is to focus on our concerns regarding stormwater and drainage because of our proximity to the proposed development and our experiences as property owners. We are not opposed to owners improving the property under consideration, but the proposal as is does not address the concerns we are sharing.

Documented 1995 flooding and flooding reported immediately adjacent to the site

On Wednesday, May 31, 1995, Pocatello experienced an unusually severe rainfall event. The National Weather Service's official Storm Data report states that 2.5 inches of rain fell in the Pocatello area in one hour, causing flooding, mudslides, power outages, flooded basements and low-lying roads, road closures, and approximately two feet of water at Raymond Park. (NOAA/National Weather Service, Storm Data, May 1995.) The aftermath was also the subject of reporting in the Idaho State Journal beginning the next day on June 1, 1995 through June 5, 1995.

Within the last week, the owners of the adjoining Campbell property at 587 University Drive told us that their garage flooded during the 1995 event and that they had to sandbag the property. Mr. Campbell's narrative of his experience is included in this submission. At 563 University Drive, we personally experienced flooding of our property and garage during that period, including damage to items stored in the garage.

We do not know from the records presently available what caused the flooding at these particular properties or whether the conditions contributing to it were later corrected through public or private drainage work. That unanswered question is important because the City's 2020 file for this same property documents preexisting stormwater infrastructure.

The City's 2020 records document an existing drainage system

When the City approved the three-lot Hatch University Subdivision in 2020, Public Works required drainage easements and specifically required that the lots be "graded and maintained so as to minimize drainage to adjoining properties." The City Council incorporated the January 22, 2020 Public Works memorandum into its approval. (City of Pocatello Public Works Memorandum, Jan. 22, 2020; City Council Decision, Feb. 20, 2020.)

The utility plan included in the 2020 file, A&E Engineering Job No. 2019-058, identifies an existing storm diversion box, a 12-inch-diameter storm pipe, existing storm-drain lines, and an existing bubble-up drain. The plan states that the existing bubble-up drain was to be moved approximately 14 feet south to a new storm-pipe location. Public Works further stated that the stormwater line would remain privately owned and that the bubble-up manhole would be incorporated into the City system once constructed and accepted under City standards.

Based on our present observation as recently as 08/18/26 during a recent rainstorm, the original bubble-up remains in its original location. We have not yet obtained City records establishing whether the drainage modifications contemplated in the 2020 file were constructed, revised, waived, inspected, or accepted. Because the historical significance of this drainage system came to our attention only recently, we do not expect to be able to obtain and review those historical City records before the September 9 hearing.

The current proposal does address stormwater - but an important question remains

We want to acknowledge that the current Scholar's Landing materials do address stormwater management. The August 6 preliminary plat states that stormwater runoff shall be contained in stormwater retention ponds and subsurface storage "if required," and the plat legend identifies a retention-pond area. The plat also states that existing stormwater infrastructure from State of Idaho property "may require relocation." (Knudsen Engineering Revised Preliminary Plat, Aug. 6, 2026.)

The July 7 preliminary stormwater calculations use a 100-year design storm for the 1.36-acre project and calculate approximately 3,926 cubic feet of minimum storage. The calculations also address detention and infiltration. We are not suggesting that these calculations are incorrect or that the applicant has ignored stormwater.

Our question is narrower: Do the proposed stormwater measures account for the site's existing drainage infrastructure and historical drainage conditions, and what evidence establishes their effect on adjoining properties that previously experienced flooding?

The materials presently available to us do not identify the 1995 flooding at the Campbell property or 563 University Drive, nor do the preliminary calculations establish that the proposed system was designed to correct those historical conditions. The calculations identify an analysis area of 1.36 acres - the project area - while the preliminary plat separately acknowledges existing stormwater infrastructure from State of Idaho property.

There is also an unresolved current issue. City Engineering stated that the existing catch basin may conflict with the proposed University Drive approach and asked whether it would remain or be relocated. Knudsen Engineering responded: "Acknowledged. Further detail to be provided during final plat process." (Knudsen Engineering Response to Staff Revision Comments, Aug. 6, 2026.) This is a significant detail with regard to our stormwater concerns that we propose is resolved prior to a decision.

Requested Commission action

1. Determine the origin, current configuration, ownership, function, and capacity of the existing storm diversion box, storm pipe, bubble-up/catch-basin system, and related stormwater infrastructure;
2. What occurred with the drainage modifications contemplated in the 2020 Hatch University file;
3. How the proposed 100-year stormwater storage and infiltration design will interact with the existing drainage system and the stormwater infrastructure identified as coming from State of Idaho property;
4. Where water will go if the proposed storage or infiltration system reaches capacity, and what effect that flow could have on adjoining properties; and
5. Whether there is an engineering basis to conclude that the proposed system will improve, resolve, or at minimum avoid worsening the historical flooding conditions reported at the Campbell property and 563 University Drive.

Because these historical drainage issues came to light only recently and the relevant City records cannot reasonably be obtained and reviewed before September 9, we respectfully request that the Commission obtain this information before making its final drainage determination. If the questions cannot be resolved at the preliminary-plat stage, we ask that they be addressed through a continuance or through explicit, enforceable conditions requiring resolution and documentation before final plat approval.

Respectfully,

Name (printed)	Address	Signature
Ann M Hackert	563 University Dr	Ann M Hackert
Harold Hellwig	563 University	
Amy Campbell - Razzaq for Sharon Campbell	587 University	Amy Campbell - Razzaq for Sharon Campbell

Joseph D. Fairbank, ISB #9883
Beard St. Clair Gaffney PA
1832 Wayfarer Street, Suite A
Pocatello, Idaho 83202
Telephone: (208) 557-5227
Facsimile: (208) 529-9732
Email: jfairbank@beardstclair.com

Attorney for Petitioner

MAGISTRATE DIVISION BANNOCK COURT IDAHO DISTRICT COURT

STATE OF IDAHO
COUNTY OF BANNOCK } ss

I hereby certify the foregoing is a full, true and correct copy of an instrument as the same now remains on file and of record in my office.
WITNESS my hand and official seal hereto affixed

DATED
6/11/2024 4:43:27 PM

Jason Dixon, Clerk of the District Court
By Brandy Peck
Deputy

DISTRICT COURT SIXTH JUDICIAL DISTRICT
BANNOCK COUNTY, IDAHO

IN THE MATTER OF: SHARON ROSE CAMPBELL, an Incapacitated Person.	Case No.: CV03-24-01301 **LETTERS OF GUARDIANSHIP AND CONSERVATORSHIP**

Amy Campbell was duly appointed and qualified as general guardian and conservator of Sharon Rose Campbell, an incapacitated person on the 11th day of June, 2024 with all authority pertaining thereto. These letters are issued to evidence the appointment, qualification, and authority of the said guardian and conservator.

WITNESS my hand and the seal of this Court this _____ day of June, 2024.

6/11/2024 9:53:06 AM

Magistrate

August 30, 2026

Pocatello Planning and Zoning Commission

Re: Proposed multifamily construction (Scholars Landing) at former University Racquet Club

I am writing to express my thoughts regarding this proposal. My concerns are twofold: water mitigation and the impact of this development in a single-family area.

I do not live on University Drive now but still have family and friends there. When I was living there in 1995, an unusually large rainfall occurred, causing runoff from the hospital grounds to flood through the Racquet Club property and onto University Drive. The runoff forced us to sandbag our house at 587 University to prevent our home from flooding.

While that was some time ago, I am concerned about what would happen if it occurred again with the proposed construction in place as not only the existing homes along University Drive but the new construction would be flooded. Along with that concern, what impact on livability and safety does such a significant increase in traffic do to a quiet neighborhood not designed for such?

I urge you to carefully consider this request due to environmental and economic concerns.

Thank you,

Joe Campbell
755 Dogwood Street
Pocatello
208~251~3333

Re: Scholars Landing Proposed Development at 540 University Drive

To the Pocatello Planning and Zoning Commission,

My name is Ashley Maynes, I live at 423 University Drive. I have owned my house for 10 years. I am aware of the proposed Scholars Landing development at 540 University Drive.

This proposed townhouse development is not infilling an empty lot; it is attempting to change the neighborhood in a way that provides the current residents with zero positive impacts. Every aspect of this proposed development negatively impacts the current residents.

The proposed development is located in a portion of the neighborhood with large sprawling lots and large custom homes. Townhouses do not match the visual aesthetics of the established neighborhood. The proposed lot sizes do not match the current neighborhood lot sizes. The largest possible square footage for these townhomes does not match the sizes of homes already established in this neighborhood.

The noise pollution of an additional 12 residences packed into what is a single-family sized lot on this section of the street would substantially impact the quiet setting of the current neighborhood.

Garbage and recycling services for 12 additional residences would congest University Drive. The property in question does not have enough street frontage to accommodate 12-24 receptacles.

Where would guests of the townhouse complex park? University Drive is already congested with the current resident's own guests and service vehicles for services such as lawn care and delivery services. Street parking cannot accommodate the additional vehicles needed to provide parking for 12 more residents' guests and service providers.

The traffic assessment that was completed occurred on a day going into a holiday weekend and when both ISU and the school district were not in session. As it occurred during the low-volume traffic season and leading into a holiday weekend, the assessment did not account for a typical day on University Drive and did not provide a fair assessment of the traffic volume we see day-to-day.

The proposed development includes a private lane. As it is currently laid out, emergency services such as fire engines cannot access the property safely as it is a single lane without a turn-around. Are the current number of fire hydrants in the neighborhood enough to service an additional 12 residences?

Sidewalks in the neighborhood are minimal and incomplete in many sections of the road. Specifically, there are only 10 houses on that entire side of the street with sidewalks. Adding 12 more residences would increase the number of people driving on University Drive as well as increasing the number of people walking on the road. The potential for additional children walking to and from the bus stop or to and from Franklin Middle school is also a safety concern as there are minimal sidewalks and the possibility of a substantial increase in traffic.

Please consider the impact this development would have on this neighborhood and deny the applicant's current proposal as it does not make sense for the neighborhood. Thank you for your time and consideration.

Respectfully,

Ashley Maynes

423 University Drive

Pocatello, Idaho 83201

Bryan Maynes
423 University Dr.
Pocatello, ID 83201
208-244-0722

The Pocatello Planning and Zoning Commission
Re: Scholars Landing Proposed Development at 540 University Dr.

My name is Bryan Maynes and I am a homeowner at 423 University Dr. I am writing today to address my concerns with the proposed development at 540 University Dr.

First, the proposed development does not fit with the current surrounding homes. I understand the need for affordable housing and infill development and I am a proponent of both of those. However, we should not be completely going against the grain of neighborhood zoning in clearly established neighborhoods that are thriving. Many of the current properties are single family units with small apartments within them. ADU's can and should be utilized and get minimal pushback, as they don't completely alter the neighborhood density and makeup. We also have a proposed new private development going in nearby where the old hospital stood, providing 177-units, which will be a great addition to the area. Idaho State University also has plans to expand their student housing which will then add to that nearby as well. Density is only one component of housing affordability. Land prices, building supplies, market saturation, competition and many other items contribute. If you only consider one factor in your decision making, the outcome will be sub-optimal as each of these variables matter and are worth addressing. The housing units approved here should match the existing makeup and zoning of the area. That being single-family homes with the ability to add a basement apartment or ADU.

Second, the safety of the area needs to be considered. Many people walk along University Dr, including residents, University students, Franklin Middle School students and Greenacres Elementary students. The city has been very sporadic in it's placement and implementation of sidewalks, making it very unsafe, as-is, to walk in the area. We also have traffic and people parking along our road during ISU game days and events at Holt arena. Adding this many units to the area would only further compound these safety issues directly on University Dr. University Dr. also has a very dangerous, multi-level, portion of the road where people can't park along the roadside or it would completely block traffic. This reduces the parking in the area for contractors, guests and people attending ISU events at Holt Arena, creating a much more unsafe situation.

In conclusion, I hope to have illustrated the reasoning this development should not be approved at this density and housing type. I have also given solutions to keep the area safer and inline with the current neighborhood development. I invite the Planning and Zoning commission to walk and/or drive the road to verify the statements that I have made. I think personally experiencing and verifying the items I have expressed will give a much better idea of the needs of the area. Thank you for your consideration and time evaluating what I have said.

Sincerely,
Bryan Maynes

RACINE OLSON
ATTORNEYS

Patrick N. George
Partner
pat@racineolson.com

August 31, 2026

RECEIVED AT 11:30 AM / PM
SEP 0 1 2026
BY: AM

Planning and Zoning Commission
City Hall
911 N. 7th Avenue
Pocatello, Idaho 83201

Re: Scholar's Landing; approximately 540 University Dr., Pocatello, Idaho.

Honorable Members of the Planning and Zoning Commission:

I am an attorney with Racine Olson, PLLP and a very recent property owner at 500 University Drive. My property is the one directly north of 540 University, the proposed Scholars Landing property ("Project") that is currently before this Board. I have been asked by my new neighbors and friends in this Upper University area to represent their views on the Project. We believe that this will be more efficient for you (you will receive less two-page letters).

Let me be clear. **The group of people I represent are not the party of "No."** They recognize and even welcome the cleaning up and revitalizing of 540 University. The property is an eyesore and has been slowly decaying for years. Exhibit 1 is a photo of the property as it exists today. In short, something needs to be done, and the Applicant should be commended for undertaking this task. However, as with any property, improvements need to satisfy various requirements. This is where the Applicant's neighbors are concerned. Of course, you, as a Board, are tasked with ensuring that laws are followed so that both the Applicant and the Upper University Neighbors and property owners are protected. It is a heavy responsibility.

I wish to address two general areas. The first will be the Conditions, Covenants, and Restrictions which govern 540 University. The second area will be the obvious code violations which have not been addressed in the subject Application.

THE APPLICATION FAILS THE CONDITIONS, COVENANTS, AND RESTRICTIONS

Normally, a person would leave any discussion of CC&Rs until the end, if they mentioned them at all. In this case, that is not appropriate.

First, some history is helpful. In 2020, this same property was submitted for a short plat approval known as the Hatch University Subdivision. The property consisted of one parcel that was approximately 1.33 acres and the Applicant in that proposal was the same person as the Applicant here. The Hatch Application was reviewed and the parcel was divided into three properties subject to certain conditions. One of those conditions was that the Subdivision CC&Rs were to be submitted to the city. See Exhibit 2 (Instrument No. 22003082; Minutes Dated February 6, 2020).

In other words, the Applicant was clearly aware of the CC&Rs at that time and submission of the same were required.

Fast forward to today and the same Applicant has now asked for a Re-subdivision of the same property. The CC&Rs are noticeably absent from the current Application. This is unfortunate because we all know that if valid CC&Rs are not complied with at this phase, litigation occurs in the Idaho District Court along with requests for injunctions and substantial delays impacting any progress on the Project.

Since the CC&Rs were not provided to you, I am attaching them as Exhibit 3. See Instrument No. 377799. The CC&Rs' contain numbered paragraphs and the first three paragraphs are the important ones to this discussion. You will see that they stand in direct conflict with the Project that Applicant has submitted.

In Paragraph 1, the document provides, "No building shall be erected, altered, placed or permitted to remain on any lot other than one detached one- or two-family dwelling and private garage." In other words, every building on every lot must be detached/not connected, to any other building on any other lot. This directly conflicts with the Project where it states in the Traffic Impact Statement ("TIS") at 1.1 that the "development is proposed to be single family-attached structures sharing common walls with individual direct outside entrances." Exhibit 4 (Traffic Impact Study). The Applicant is attempting to comply with Pocatello building ordinances while entirely ignoring the CC&Rs that govern the subject property.

In paragraph 2, the CC&Rs require certain floor areas. For instance, a one-story home must be 900 square feet and if the home has two stories, the total square footage must be 1500 with 900 being on the first floor. This paragraph also provides limitations on garages. So, from this paragraph, we learn that a home must be of a certain size.

Paragraph 3 is equally important. It is from this paragraph that the setbacks are provided. They are not unique. Each detached dwelling must be set back 20 feet from the front and rear lot lines and 7 feet from the side street line or any interior lot line. As cited previously at 1.1 of the Applicant's TIS, the proposal currently in front of this Board consists of single family-attached structures sharing common walls. It does not comply.

One can easily see the problem. Although under the code a townhome could satisfy the 4000 square foot lot requirement by using the common wall/common interior property line exception, (17.03.600 note 5) that option is not available here. Every lot must have a 7-foot setback from the property lines whether it is an interior or side street property line.

This necessarily leads us to the conclusion that, as presently configured, no detached two-family home is possible on any of the proposed lots. In fact, given the lot sizes, it seems entirely unlikely that even a one-family home would fit comfortably on many of the lots. This is especially true when one considers that 6 of the 12 lots are **under** 4,000 square feet, are to be situated on long,

narrow lots, and that those lots are subject to further shrinkage of 14 feet from side to side and 40 feet from front to back.

The Applicant's proposal should be denied and sent back to be reconfigured. Knudsen Engineering and the Applicant were aware of these restrictions and should comply therewith.

THE APPLICATION FAILS TO SATISFY PRELIMINARY PLAT REQUIREMENTS

As this Board is fully aware, after an application is submitted, the City Public Works staff reviews the plat for various requirements and allows the different city departments the opportunity to review and make comments. 16.20.040(E). It does not appear that city departments were allowed input on this application or perhaps the evidence of the review has not been provided. In any event, there are some items that do not seem to have been considered. They are addressed below.

A. **The Access Road Does Not Comply with Fire Department Requirements.**

Pocatello adopted the International Fire Code, 2018 edition. 15.02.010. The IFC requires that a dead-end access road in excess of 150 feet must have one of three turnaround options (a 120 foot Hammerhead, a 60 foot "Y", or a 96 foot cul-de-sac). IFC 2018 Appendix D103.4.

The access road for the Project is attached at Exhibit 4 and indicates that one (1) inch equals thirty (30) feet. Careful analysis reveals that the proposed road is somewhere between 200 and 225 feet. Given that the access to the Project is a dead-end road according to the drawing and is obviously over 150 feet, one of these three options must be employed. It is not. Accordingly, the application should be denied.

The Board dealt with this situation before in project called Gates Way Subdivision. Exhibit 5. In that case, although the Application was approved with conditions, one of those conditions required the Applicant to provide a turn around delineated for fire and sanitation vehicles.

B. **The 10% Adjustment Requirements Shrinking the Lot Sizes Have Not Been Met.**

This is a particularly thorny issue and requires two different levels of analysis.

The first consideration is based upon the Pocatello Ordinances. In this situation, the Applicant merely stated that she "is requesting a 10% admin [sic] adjustment to reduce minimum lot size." See Exhibit 4, TIS at 1.3. Certainly, such an adjustment is available under the Pocatello Code. 17.03.600(B). However, it is not automatic. The request to make a downward adjustment of 10% must be supported by a written description which details why the downward departure from the standard requirement will not adversely affect the public health, safety and welfare, and also describe any anticipated impacts. 17.03.600(1). No such form appears to have been submitted.

This complete failure is particularly troublesome in this context. The Applicant is asking for three lots (the Hatch Subdivision) to be divided into 12 lots. The reduction in size is being applied to 6 of the 12 lots. So, 50% of this project will be below the standard minimum requirement (the standard minimum requirement as determined by the Applicant) without any written justification

or analysis of why this will not adversely affect the public health, safety and welfare, or description of any anticipated impacts.

The second consideration is based upon the CC&Rs. The CC&Rs clearly allow a "detached one or two-family dwelling and private garage." CC&Rs at para 1. The Dimensional Standards Table makes clear that a single-family home in the RL category must sit on a 7500 square foot lot. 17.03.600. A two-family home in the RL category must be situated on a 12,000 square foot lot. *Id.* In other words, the one or two-family dwellings at 540 University need to look like the other homes and lots in the neighborhood.

In either event, the application should be denied.

C. There Has Been a Failure to Establish a Safe Sight Distance From the Project Access.

As was discussed above, the Applicant proposes 12 units with 4 cars per unit all to exit the project from a dead-end street onto University Drive. Exhibit 4 TIS 1.1; Exhibit 6 Preliminary Plat. This means that a traffic impact study is not needed. However, that does not necessarily mean that no study at all is required.

Pocatello Code requires that a subdivision proposal comply with all applicable city design standards and development regulations. 16.20.050(B). The Code further adopts the City of Pocatello Public Works design Principles and standards. 12.02.141(C). The Idaho Public Works Design Principles and Standards at 500.2 requires the design of all streets and related improvements to conform to the American Association of State Highway Transportation Official's (AASHTO) "A Policy on Geometric Designs of Highways and Streets," latest edition.

The AASHTO 2018 edition in Chapter 9 at 9.5.2 and 9.5.3 discuss sight triangles and intersection control. The problem here with the Application that has been submitted is that it does not show any traffic control devices nor does it indicate in the Traffic Impact Statement how traffic entering University Drive will be controlled. This makes analysis impossible.

However, regardless of what rules apply or whether there will be a stop sign or not, we would like to introduce you to our neighborhood and specifically the street in front of 540 University. Exhibit 7 is a photo from about 1/3 to ½ in front of 540 University and looks North. You will note that the road moves from right to left and rises to the crest of a hill. The blue house to the right is the George's. The house to the left is the Dailami's. Between those two houses, the road splits. We believe that there is only one other such street in Pocatello.

Exhibit 8 (toward 540 (2))is a photo that looks toward 540 University (the Project) and shows you the split in the road. On the left is the George's lawn. You can tell from this picture that there is a downhill slope to 540 University and then University has another curve to the right as it approaches its intersection with Duke Street. You cannot see Duke, but it is there, on the right and left, just behind the trailer.

Exhibit 9 is a photo that shows the Public Notice sign on 540 University. Notice that you still cannot see Duke Street.

Exhibit 10 is a photo where you can finally see the Duke Street intersection and further down University Drive. It is anticipated that approximately half of the traffic from the Project will turn right at this intersection, travel down Duke, and get onto 19th Street.

Exhibit 11 is a photo taken from the George driveway looking south toward the Project. On the right-hand side of the street is the Dailami house. In the middle of the street is the island filled with large rocks. Now notice the truck just cresting the hill toward the blind George driveway. If that truck is going 30 mph (which is not that big of a stretch on a 25 mph street) it will travel 45 feet per second. The perception/reaction time is between 3-4 seconds. In that amount of time, the truck will easily travel 100-120 feet before stopping. It is believed that the other 50% of the traffic from the Project will travel this route.

Exhibit 12 is an interesting photo. If a person stands in the blind George driveway and simply turns to the North, you immediately see another driveway on the right. It is about 8 feet further north from the George driveway. Yes, it is another blind driveway. In this photo you also see that University Drive continues down the hill and makes a sharp left-hand turn before it meets up with 19th street. Straight ahead in the photo you see a home and a cul-de-sac that extends to the right and contains three homes.

The Applicant estimates that there will be 144 more total trips along University Drive as a result of her proposed Project. The Board has now been shown the path these cars will take. The Applicant insists that no traffic impact study is necessary nor is a sight distance study needed. The evidence shows otherwise.

CONCLUSION

The Applicant's Project, as currently submitted, simply does not satisfy the applicable requirements. It does not satisfy the Pocatello ordinances, nor does it comply with the CC&Rs. The University Drive neighborhood is anxious to have 540 University rejuvenated. However, the Application must make sense. It currently does not. We respectfully request that it be denied.

Racine Olson PLLP

Patrick N. George

Enclosures and signatures below

Printed Name	Address	Signature
FARHAD DANIAMI	521 UNIVERSITY DRIVE	
Joanna Davidson	610 University Dr.	
Jon Champlin	607 University Dr	
Margo Ellis	670 University Dr	Margo Ellis
Craig Ellis	670 University Dr.	Craig Ellis
Jessica Owens	73 Fordham St.	
Jéssica Lambert	545 University Dr.	
KATHY NEWCOMB	660 UNIVERSITY	K. Newcomb
Doug Newcomb	660 University	
Jennifer Broberg	708 University	JBroberg
Rebecca Payne	424 University	
Kurt Payne	424 University	
Josh Reid	545 University Dr.	
BRIAN RILEY	534 UNIVERSITY	
Tracy Riley	534 University	
Jackie Call	38 Columbia	
Ben Call	38 Columbia	
Anita Austin	493 University Dr	

Printed Name	Address	Signature
MARK AUSTIN	493 University Dr.	
Mark Kelly	38 Duke Street	
Andrae Kelly	38 Duke St.	
DOUGLAS I. WITTE	646 UNIVERSITY	
Allan J. Riley	534 University Dr	
Ann M. Hackett	503 University Dr	
Faith Nolte	456 University	
MARTY NOLTE	456 UNIVERSITY	
Chris Owens	73 Fordham	
Deone Kawamura	440 University	
Dennis Kawamura	440 University	
Margaret Nielson	43 Duke St	
Douglas Nielson	43 Duke ST	
Doug McCune	30 Duke St	
Gai McCune	30 Duke St	
Annette Anderson	37 Columbia st.	
Harold Hellwig	563 University	
Stacey George	500 University Dr	

Printed Name	Address	Signature
KAMRAN DAILAMI	521 UNIVERSITY	
Amy Campbell - Azzouzat for Sharon Campbell	587 University	Amy Campbell - Azzouzat
Ben Davidson	610 University	
Cindy Seiger	639 S. 19th Ave	
Janette Olsen	639 S 19th Ave	
Steve Duffy	711 S 19th Ave	
Sally Symons	722 University Dr	Sally Symons
DELRAE SYMONS JR	722 UNIVERSITY DR	
Aaron R Floyd	490 University Dr	
C. Janaye Floyd	490 University Dr.	C. Janaye Floyd
Mariana Buck	77 Colgate St.	
Russell McCoy	77 Colgate St.	
Melissa Wright	620 University Dr	

EXHIBIT 1

(Photo of Property)



EXHIBIT 2

(Instrument No. 22003082; Minutes Dated February 6, 2020)

14/13

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2200308 2

OFFICIAL RECORD BKM
BANNOCK COUNTY IDAHO

RECORDED AT REQUEST OF
FEE 0 DEPUTY
CITY OF POCATELLO

22003082 2020 FEB 24 A 10:03

CITY COUNCIL DECISION
SHORT PLAT APPROVAL
HATCH UNIVERSITY SUBDIVISION

Angela Hatch, the Developer and Owner, represented by A&E Engineering, Inc., submitted a short plat application to subdivide approximately 1.33 acres of land into three (3) residential lots. This property is zoned Residential Low Density (RLD) and is located at 540 University Drive, Pocatello and is more particularly described on the attached Exhibit "A".

This matter came before City Council at its regularly scheduled meeting on February 6, 2020, at which time the City Council approved the short plat for Hatch University Subdivision and authorized City staff to sign the plat, subject to the following conditions:

1. All conditions on the Subdivision Application Staff Report attached hereto as Exhibit "B", and incorporated herein, shall be met.

2. All conditions set out in the Public Works Department Memorandum from Merril Quayle, P.E. dated, January 22, 2020, attached hereto and incorporated herein as Exhibit "1" to Exhibit A, shall be met.

3. ~~A Restricted (R) designation shall be placed on Lot 3, Block 1 restricting access from University Drive. Said access will only be permitted from the private drive.~~ see note in file AH 3-31-2020 NB

4. Subdivision Covenants, Conditions and Restrictions (CCR's), if applicable, shall be submitted to the City.

5. The plat shall conform to all State and local laws and ordinances.

6. All other standards and conditions of Municipal Code not herein discussed but applicable to residential development shall apply.

Notice is hereby given that applicant has the right to challenge this Decision and request a regulatory taking analysis pursuant to Idaho Code Section 67-8003 within 28 days after this Decision.

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DATED this 20th day of February, 2020.

APPROVED AS TO FORM AND CONTENT

JARED JOHNSON, City Attorney

CITY OF POCATELLO, a municipal corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

RUTH NEWSOM, City Clerk

STATE OF IDAHO)
ss:
County of Bannock)

On this 20th day of February, 2020, before me, the undersigned, a Notary Public for the State, personally appeared Brian C. Blad and Ruth Newsom, known to me to be the Mayor and City Clerk, respectively, of the City of Pocatello, and acknowledged to me that they executed the foregoing instrument for and on behalf of said municipal corporation and that said municipal corporation executed the same.

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

KONNI R. KENDELL NOTARY PUBLIC COMM. #33547 STATE OF IDAHO

NOTARY PUBLIC FOR IDAHO
Residing in Pocatello ID
My commission expires: 3-22-24

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EXHIBIT A

2206308?

Exterior Boundary for Hatch University Subdivision

A portion of Lot 7, Block 1, Fourth Addition to College Terrace Subdivision, recorded as Instrument No. 357802 of the records of Bannock County, located in the SW ¼ of the NE ¼ of Section 25, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, said parcel having previously been described in quitclaim deed Instrument No. 21701166, and said parcel being more particularly described as follows (basis of bearings is the East Zone of the Idaho State Plane Coordinate System):

Commencing at the Southeast corner of Lot 6, Block 1, Fourth Addition to College Terrace as shown on the official plat thereof now on file in the office of the County Recorder of Bannock County, Idaho (recorded as Instrument No. 357802), said corner being marked by an Idaho Transportation Department (ITD) right-of-way brass cap monument set in concrete (Sta. 185+31.82 - 166.21 Lt.) ;

Thence North 76°16'54" East, along the Northerly line described in Deed Instrument No. 21514428, 5.61 feet to the Northeast corner of the land described in deed, said corner being on the Westerly right-of-way of Interstate 15 (I-15), and being marked by an ITD brass cap monument set in concrete (Sta. 185+31.31 - 160 Lt.);

Thence South 19°20'48" East along the Westerly right-of-way of said interstate, 254.03 feet to the point of tangency of a curve to the right having a radius of 28,487.90 feet, being marked by an ITD brass cap monument set in concrete (Sta. 182+77.22 - 160 Lt.);

Thence Southeast along said curve to the right along the Westerly right-of-way of I-15, said curve having a central angle of 0°05'22", a radius of 28,487.90 feet, and a chord bearing of South 19°18'07" East, for an arc length of 44.42 feet to a point being marked with a 5/8" dia. rebar with aluminum cap stamped "PLS 12465", the True Point of Beginning.

Thence continuing along said curve to the right, said curve having a central angle of 0°34'23", a radius of 28,487.90 feet, and a chord bearing of South 18°58'16" East for an arc length of 284.89 feet to a point of non-tangency at the intersection of the North line of Lot 9 of said Block 1, from said point the radius bears South 71°18'56" West, said point bears South 70°27'07" West, 2.51 feet from the Northeast corner of said Lot 9, being marked with a 5/8" dia. rebar with aluminum cap stamped "PLS 12465".

Thence South 70°27'07" West along the Northwesterly line of Lots 8 and 9 of said Block, 188.31 feet to a point of non-tangency with a 1300.00 foot radius curve, said point being on the Northeast right-of-way of University Drive of said Fourth Addition to College Terrace, being marked with a 5/8" dia. rebar with aluminum cap stamped "PLS 12465", replacing a found 1/2" dia. rebar with yellow plastic cap stamped "LS 2002";

Thence Northwesterly along said Northeast right-of-way line, same being a curve to the left, said curve having a central angle of 8°46'59", a radius of 1300.00 feet, and a chord bearing of North 30°15'38" West for an arc length of 199.28 feet to a point of tangency, being marked with a 5/8" dia. rebar with aluminum cap stamped "PLS 12465";

Thence North 34°39'08" West along said Northeast right of way line 5.60 feet to the point of tangency of a curve to the right having a radius of 784.99 feet, being marked with a 5/8" dia. rebar with aluminum cap stamped "PLS 12465";

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Thence Northwesterly along said Northeast right of way line, same being a curve to the right, said curve having a central angle of 3°13'51", a radius of 784.99 feet, and a chord bearing of North 33°02'06" West, for an arc length of 44.27 feet, to a point of non-tangency with a curve to the right having a radius of 15.00 feet, from said point the radius bears North 58°25'30" East, being marked with a 5/8" dia. rebar with aluminum cap stamped "PLS 12465";

Thence Northeasterly along a curve to the right, same being the southwest curve in corporation deed Instrument No. 21414911, said curve having a central angle of 96°17'42", a radius of 15.00 feet, and a chord bearing of North 16°34'21" East, for an arc length of 25.21 feet to a point of tangency, being marked with a set 5/8" dia. rebar with aluminum cap stamped "PLS 12465";

Thence North 64°43'12" East along said southerly deed line, 227.93 feet to the True Point of Beginning.

Said parcel containing 1.34 acres, more or less.

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Planning & Development Services

PLANNING SERVICES NEIGHBORHOOD & COMMUNITY SERVICES
911 NORTH 7TH AVENUE | P.O Box 4169 POCATELLO, IDAHO 83205-4169 208.234.6184 WEB https://www.pocatello.us

#6

SHORT PLAT SUBDIVISION APPLICATION
CITY COUNCIL MEETING: February 6, 2020

SUBDIVISION:	Hatch University Subdivision	FILE # 20-38
APPLICANT/OWNER:	Angela Hatch	
SURVEYOR/ENGINEER:	A&E Engineering Inc./Krystal Chanda	
TITLE REPORT:	Title report was submitted and reviewed	
LOCATION:	540 University Drive	
LOTS/UNITS:	Three (3) single-family lots	
STAFF:	Matthew G. Lewis, Senior Planner MGL	

RECOMMENDATION & CONDITIONS:
Staff finds that the proposal is compliant with all applicable standards of Pocatello Municipal Code Sections 16.16 and 16.24, assuming compliance with the following conditions:

1. All comments contained in the **Public Works Memorandum**, dated January 22, 2020, shall be adhered to;
2. Recorded Owner's Covenants, Conditions and Restrictions (CC &R's) for the subdivision, if any, must be submitted after the recording of the final plat; and
3. All other standards or conditions of Municipal Code not herein stated but applicable to land subdivision and residential development shall apply.

REQUEST: Angela Hatch, represented by Krystal Chanda of A&E Engineering, has submitted a short plat application requesting to subdivide 1.33 acres(+/-) of land into 3 residential lots. Lot 1 consist of an existing home which once housed the University Racquet Club. The lot measures 31,650 square feet in size. Lots 2 & 3 will measure over 13,000 square feet in size. The plat will be known as Hatch University Subdivision.

DENSITY & LOT DESIGN: The proposed subdivision is zoned Residential Low Density which requires a minimum lot size of 7,500 square feet for a single-family residence and 12,000 square feet for a duplex or townhome (6,000 per unit). All lots will be accessed from a private drive via University Drive. Public works is requiring that a Restricted "R" designation be placed on Lot 3 Block 1 to restricting access from University Drive. Said access will only permitted from the private drive.

UTILITY PROVIDER & CITY DEPARTMENT NOTICE: Utility providers and affected City departments were provided notice on January 13, 2020. City staff comments/conditions are summarized in **Attachment A.**

ATTACHMENTS:

A. Public Works Memorandum, dated January 22, 2020
B. Application & Subdivision Plat

EXHIBIT
tabbies
B

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Public Works 2200308?
911 North 7th Avenue P.O. Box 4169
Pocatello, ID 83205-4169
Phone (208) 234-6225 Fax (208) 234-6151

Memorandum

To: Matthew Lewis, Senior Planner

From: Merril Quayle PE, Public Works Development Engineer MQ

Date: January 22, 2020

Re: Hatch University – City Council Short Plat (February 6, 2020)

The Public Works Departments have reviewed the final plat/construction drawings application for the above mentioned project and submits that the following changes and items shall be addressed and approved prior to recording of the plat. Approval is contingent on the completeness, accuracy, serviceability, and compliance to City Standards.

1. Plat
   - A. Prior to recording the Plat, a more inclusive and comprehensive review shall be done, coordinate all plat correction through City Surveyor.
   - B. Subdivision plat shall conform to all state and local laws and ordinances.
   - C. Notes on the plat shall be approved by the City of Pocatello Engineering and Legal Department prior to recording.
   - D. The City of Pocatello certificate to read: The plat on which this certificate appears is hereby approved and the dedications are hereby accepted by the City of Pocatello…
   - E. Submit any CCR's associated with this plat to the City after recording.
   - F. Provide adjoining property owners recorded deeds, a copy of all recorded easements and document(s) which grants the signatory to sign the plat on the behalf of the owner(s) to the City Surveyor for final review.
   - G. The plat shall be reproducible on an 8.5x11 sheet of paper per Bannock County instructions.
   - H. The plat shall be black opaque ink, no gray scale or color
   - I. Add note, "Easements not depicted: All lots in this subdivision are subject to a drainage easement equal to the primary structure setback line along all lot lines. Lots must be graded and maintained so as to minimize drainage to adjoining properties."
   - J. The access and utility easement shall be dimensioned on the plat and delineated on the ground.
   - K. ~~Place a restriction on lot 3 block 1 that there is no direct access except for the shared driveway access and utility easement.~~ MQ MJ 3-31-2020

2. Construction Plans/Infrastructure
   - A. General
     1. Any existing infrastructure, including but not limited to, sidewalk, curb and gutter that is found to be damaged or deteriorated must be removed and replaced and meet all current City requirements as outlined in the City of Pocatello Design Principles and Standards.
     2. If sidewalk, curb, and gutter is not present across the frontage of all lots, developer will be responsible to install said improvements.
     3. Any utility service installation will be the responsibility of the developer and at their expense. Coordination with the Water and Engineering Department is required prior to installing services.
     4. Provide evidence that all structures are on their own sewer and water service lines, such as Closed Circuit Television (CCTV). If it is found that the structures are on the same or a

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common line, then provide easements and separate sewer and water service lines prior to recording the plat. Separate water per City Code 13.04.080, separate sewer per Idaho State Plumbing Code section 7.13.

5. All Right-of-Way improvements must be constructed prior to the recording of the plat unless the developer wishing to apply for a Surety Bond as defined in ordinance **16.24.110: SUBDIVISION SURETY BOND AND WARRANTY BOND,** for work that is not complete.
6. The construction contractor will need to be bonded with the City of Pocatello for a minimum of $50,000.00 or the subdivision shall be bonded per ordinance **16.24.110: SUBDIVISION SURETY BOND AND WARRANTY BOND,** a warranty bond for a minimum of twenty-five thousand dollars ($25,000.00) or a maximum of five percent (5%) of one hundred twenty-five percent (125%) of the original cost estimate for the required infrastructure and improvements, whichever is the greater amount.
7. Stormwater line will remain under private ownership, the bubble up manhole will be incorporated into the City System once constructed and accepted per City Standards.

EXHIBIT 3

(Instrument No. 377799)

377799

377799

RESTRICTION AGREEMENT

THIS AGREEMENT entered into this 1st day of March, 1962, by and between the UNIVERSITY PARK CORPORATION, a corporation, hereinafter called the Corporation, and MARSHALL BROTHERS, INC., a corporation, hereinafter called the Company.

WITNESSETH:

TRUE POINT OF BEGINNING - Beginning at the northwesterly corner of said Lot 7, Block 1, 4th Addition to College Terrace; thence N75°26'E along the common boundary of Lot 6 and 7, said Block 1, 240.61 feet, more or less, to a point on the westerly right of way line of the Interstate Highway, said point being 5.81 feet easterly from the southeast corner of Lot 6, Block 1; thence along said right of way line S20°02'E (S19°28'E State Highway Datum) 252.08 feet to the point of curvature of a curve to the right having a radius of 28,487.09 feet; thence continuing along said right of way line along said curve 44.42 feet, thence S64°02'W 231.82 feet, more or less, to the point of curvature of a curve to the left; thence along said curve to the left having a radius of 15.0 feet, 25.21 feet, more or less, to its intersection with the easterly right of way line of University Drive, said right of way line being on a curve whose radius is 784.99 feet and the tangent to the curve at the point of intersection bears N32°16'W; thence northwesterly along said right of way line of said curve to the left 46.83 feet; thence northerly along said easterly right of way line on a curve to the right having a radius of 734.99 feet a distance of 52.20 feet, more or less, to an offset in said right of way line; thence at right angles easterly along said offset right of way line 5.0 feet; thence at right angles northerly along said right of way line on a curve to the right having a radius of 779.99 feet, a distance of 142.80 feet to the end of said curve; thence N14°33'W 21.55 feet, more or less, to the TRUE POINT OF BEGINNING.

Whereas, the Company has been appointed by the Corporation as the sole and exclusive agent to sell said land; and,

WHEREAS, the Corporation and the Company desire to subject said property to certain restrictive covenants as a general plan for the use, occupancy and improvement thereof;

NOW THEREFORE, in consideration of the premises and of the mutual desire of the parties hereto to develop the said property as a desirable residential area, it is agreed that the following restrictions are hereby created and declared to be covenants running with the title and the land hereinbefore described, and each and every part hereof, and the undersigned owner hereby declares that the aforesaid land above referred to is to be held and hereinafter conveyed subject to the following reservations, restrictions and covenants hereinafter set forth:

Said covenants and restrictions are as follows, to-wit:

1. No lot shall be used except for residential purposes and no business, trade, or manufacturing of any sort or nature shall be conducted on the lands herein described. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached one or two family dwelling and private garage.

2. No dwelling shall be permitted on any lot at a cost of less than $12,000.00 based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of the covenants to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. That each such residence building erected on said tract, shall, if a one-story structure, contain not less than 900 square feet of floor area and shall, if more than a one-story structure, contain at least 1500 square feet of floor area, of which at least 900 square feet shall be on the first floor; such floor area shall be deemed to include the total floor area of the residence proper, measured from the outer surfaces of exterior walls including chimneys, but excluding the area of basements, cellars, open porches, patios and entrees, and any garage constituting an integral part of the residence structure.

That any outbuildings or garage shall not be more than one story in height if appurtenant to a one-story residence, and shall not be more than one and two stories in height if appurtenant to a two story residence, and shall conform generally in architectural design and exterior materials and finish to the residence to which it is appurtenant.

3. No building shall be located on any lot nearer than twenty (20) feet to the front lot line, or nearer than seven (7) feet to any side street line. No building shall be located nearer than seven (7) feet to an interior lot line. No dwelling shall be located on any interior lot nearer than twenty (20) feet to the rear lot line. For the purpose of this covenant, eaves, steps and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building, on a lot to encroach upon another lot.

4. That all walls, fences and hedges, shall be maintained in good condition. That no wall, fence or hedge shall be erected, maintained or planted between the front property line and the minimum front residence setback line as herein established.

No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within ten (10) feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distance of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

5. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators and other equipment for the storage or disposal of such material shall be kept in a clean or sanitary condition.

No noxious or offensive activities shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

6. That if, for any reason, it is uncertain which are the front, side or rear lines of any building site or the restricted areas provided therefor, the Architectural Control Committe shall be in all cases (Except where such lines and restricted areas have been determined herein) determine what are to be deemed such lines and restricted areas, and the decision of the Architectural Control Committee in respect thereto shall be final.

7. No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design and existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line unless similarly approved.

The Architectural Control Committee is composed of three members: Wendell P. Marshall, Pocatello, Idaho; J. Keith Whaley, Pocatello, Idaho, and Glen S. Marshall, Pocatello, Idaho. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, the then record owners of the majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties.

8. No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purposes.

9. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than six (6) square feet, one sign of not more than six (6) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

10. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

11. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive period of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

12. That the covenants or restrictions herein contained are a part of a general plan for the improvement of said tract, lots and building sites and each and all therefore imposed for the benefit of said tract and each and every lot and building site therein and shall inure to and pass with said tract, and each and every lot and building site therein contained, and are hereby imposed upon said property covered by this Agreement as mutual equitable servitudes in favor of said property and each lot and building site therein as to the owner of any lot or building site of said tract, said covenants and restrictions shall be and constitute covenants running with the land for the benefit of all the lots and building sites in said tract, and respective owners thereof, their heirs, executors, administrators, devisees, successors and assigns, and if the parties hereto or any of them, their heirs, executors, administrators,

devisees, successors or assigns shall attempt to violate any of the covenants or restrictions herein, then and in that event an appropriate remedy in law or equity will thereupon vest in either of the parties hereto, their heirs, executors, administrators, devisees, successors, or assigns, or in any person or persons owning a lot in said herein described property against the person or persons violating any such covenant or restriction and either to prevent him or them from so doing by injunction or otherwise or to recover damages or other dues for such violation.

13. That the parties hereto intend that all the restrictions and covenants herein shall conform to all Federal, State, and local laws and rules and regulations promulgated thereunder, and in the event that any of the aforesaid covenants or restrictions conflict with said Federal, State, or local laws or said rules or regulations, then to the extent of said conflict these covenants and restrictions are modified to conform thereto.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands this 1st day of March, 1962.

ATTEST:

Wendell P. Marshall
Secretary

UNIVERSITY PARK CORPORATION

Glen S. Marshall
President

STATE OF IDAHO)
ss.
County of Bannock)

On this 1st day of March, 1962, before me, the undersigned, a Notary Public in and for said State, personally appeared Glen S. Marshall and Wendell P. Marshall, known to me to be the President and the Secretary of the corporations that executed the foregoing instruments and acknowledged to me that such corporation 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.

Notary Public for Idaho
Residing at: Pocatello, Idaho

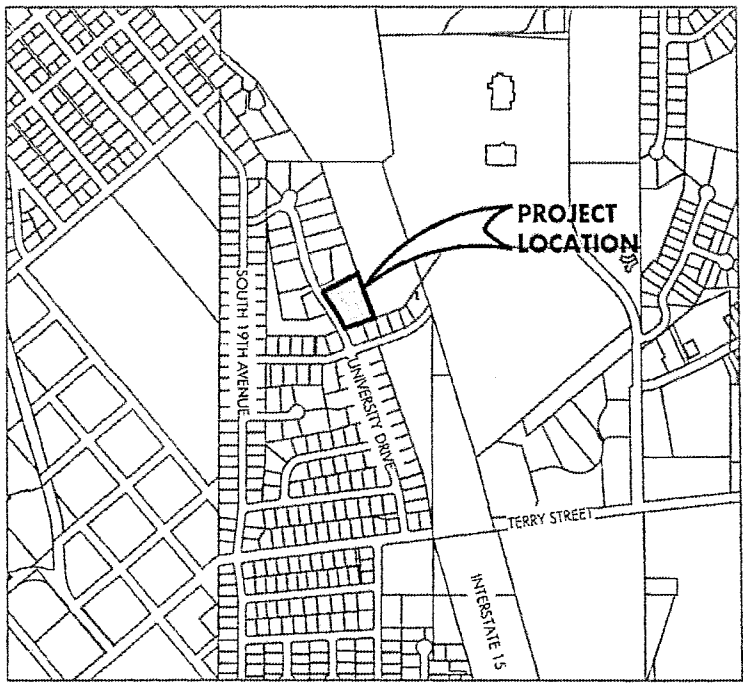
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B.T.Co
Mar 7 3 19 PM '62
Fee 5.70 Deputy

EXHIBIT 4

(Traffic Impact Study)

KNUDSEN ENGINEERING

TRAFFIC IMPACT STATEMENT
GALLAFENT SUBDIVISION
Pocatello, Idaho



Knudsen Engineering, LLC
444 Hospital Way, Suite 527
Pocatello, ID 83201

July 2, 2026

PROFESSIONAL ENGINEER
REGISTERED
7/2/2026
14952
STATE OF IDAHO
TYSON L. KNUDSEN

CONTENTS

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APPENDIX

I. Preliminary Plat (submitted separately)

1.0 EXISTING CONDITIONS

1.1 Site Location

Gallafent Subdivision is a 1.36 acre Residential Low Density (RL) development located just west of I-15, North of Terry Street along University Drive. The development has access to University Drive.

The closest Collector or Arterial roadways are Terry Street (Minor Arterial) and Center Street (Principal Arterial). Access along University Drive to Terry Street limited to 1,350 feet utilizing unsignalized intersections, or along University to 19th Avenue to Center Street limited to 2,500 feet utilizing unsignalized intersections.

Overall, the proposed development is strategically located to Arterial roadways.

The proposed development will not be improving any of the existing roadways, except for a standard driveway approach at the western edge of the development on University Drive. Internally, the development will utilize driveways and garages for it's off-street parking accessed by a 24' wide private drive.

The development is proposed to be single family-attached structures sharing common walls with individual direct outside entrances. The units will offer four parking stalls per dwelling unit (two car driveways and two car garage spaces).

1.2 Surrounding Land Use and Zoning

Figure 1 shown below depicts the current surrounding land use near the proposed development. Surrounding properties to the development area have a current land use of Residential with the exception of Mixed Use east of I-15.

Figure 1 – Land Use

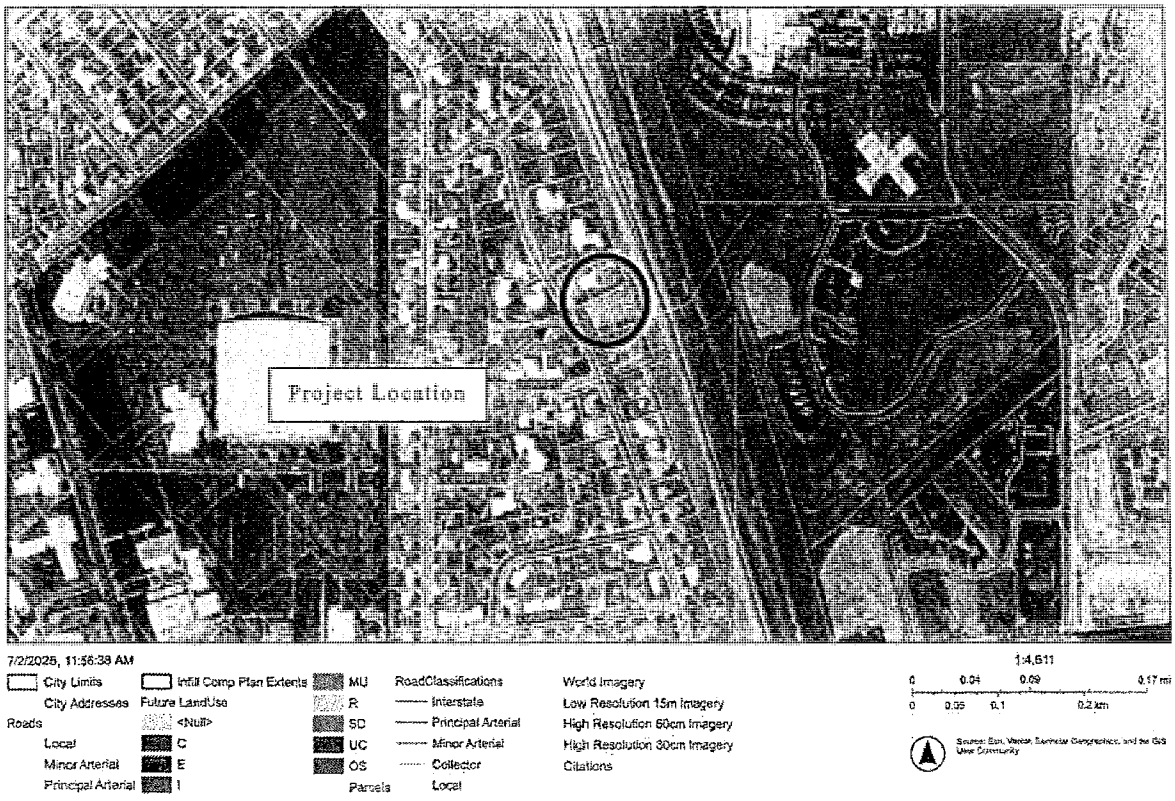
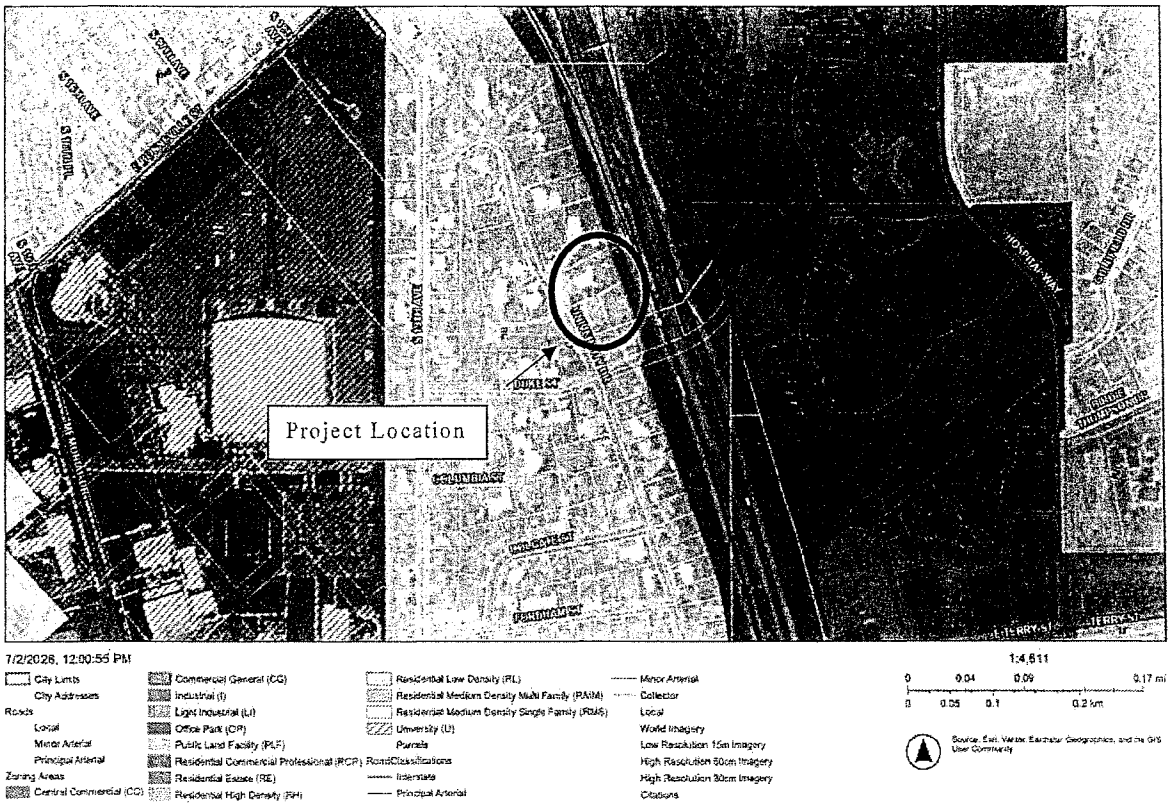


Figure 2 shown below depicts the current zoning near the proposed development. Surrounding properties to the development area are currently zoned as Residential Low Density (RL).

Figure 2 – Zoning



1.3 Existing Land Use and Roadways

As currently zoned Residential Low Density (RL), a Conditional Use Permit is not required to achieve the project objectives. The applicant is requesting a 10% admin adjustment to reduce minimum lot size.

University Drive is a local street and currently consists of two lanes with parking on each side and is approximately 32 feet in overall width.

19th Avenue is a local street and currently consists of two lanes with parking on each side and is approximately 38 feet in overall width

Terry Street is a Minor Arterial and currently consists of two lanes with parking on each side and is approximately 38 feet in overall width

2.0 PROPOSED DEVELOPMENT

2.1 Proposed Land Use

This development application does not require any change to the current land use.

2.2 Site Access

For the proposed roadway configurations see the Preliminary Plat in Appendix I.

2.3 Trip Generation

The Bannock Transportation Planning Organization stipulates one trip per AM and PM peak hour and a total of 12 trips per day for any dwelling unit, see Table 1 below.

Table 1. Traffic Impact Analysis

Traffic Impact Analysis Categories

Development Name : Gallafent Subdivision

Development Location: University Drive north of Terry Street

Attach a map of the proposed development

Type of Development	Size	AM Peak Hour trip rate per unit	PM Peak Hour trip rate per unit	Daily trip per unit	AM Peak Hour Trips	PM Peak Hour Trips	Daily Trips
SF – Attached Housing (units)	12	1	1	12	12	12	144
TOTAL					**12**	**12**	**144**

Category	Trip Generation Threshold
Statement	Commercial Developments that are estimated to generate less than 100 peak hour trips or 1,000 daily trips. Residential development with over fifteen (15) units.
A	Developments that are estimated to generate between 100 to 500 peak hour vehicle trips in the highest peak hour.
B	Developments that are estimated to generate over 500 peak hour trips in the highest peak hour.

2.4 Site Plan

For the proposed site plan, see the Preliminary Plat in Appendix I.

3.0 CONCLUSION

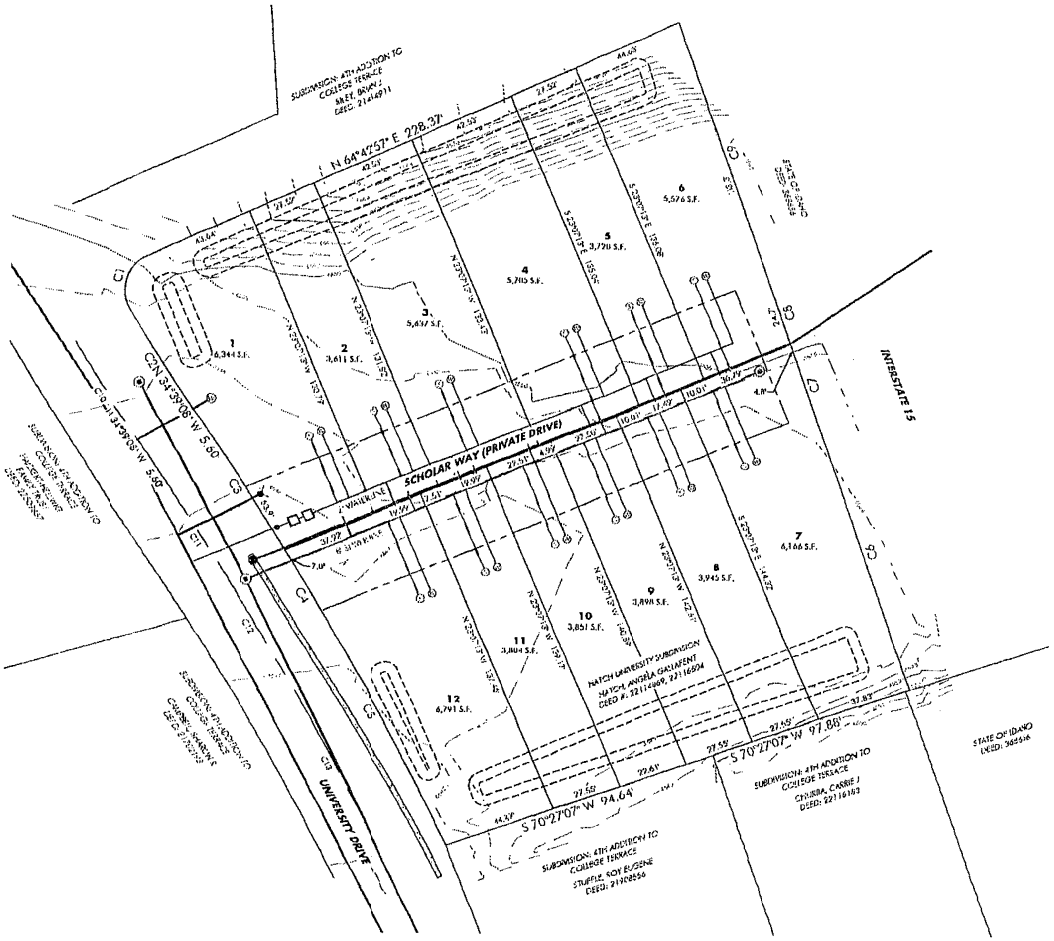
The proposed development does not meet the criteria for a Traffic Impact Analysis. Trip counts are estimated at 12 peak hour and 144 total daily trips. There are no significant traffic impacts anticipated as a result of this proposed development. This Traffic Impact Statement has been provided to obtain overall project approval.

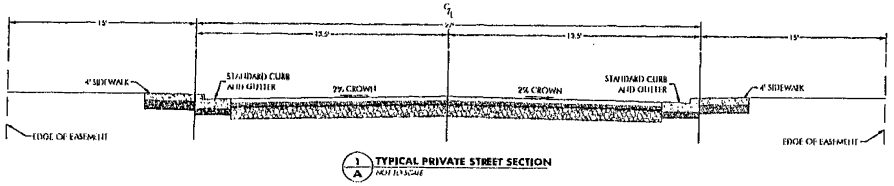
EXHIBIT 6
Preliminary Plat

PRELIMINARY PLAT FOR:

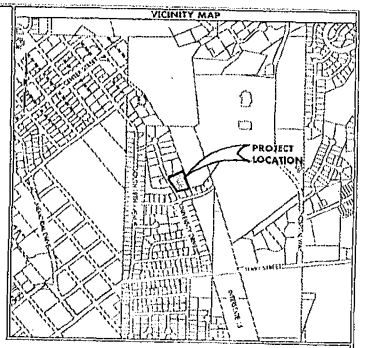
SCHOLAR'S LANDING

LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25 TOWNSHIP 6 SOUTH, RANGE 34 EAST,
BOISE MERIDIAN, BANNOCK COUNTY, IDAHO





1/A TYPICAL PRIVATE STREET SECTION
NOT TO SCALE



MUNICIPAL SANITATION ACCESS EASEMENT

1. A PERPETUAL, NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED TO THE CITY OF POCATELLO, IDAHO (CITY), ITS OFFICERS, EMPLOYEES, AGENTS, CONTRACTORS, AND AUTHORIZED REPRESENTATIVES, FOR INGRESS AND EGRESS OVER AND ACROSS PRIVATE STREETS, DRIVE AISLES, PARKING AREAS, COLLECTION POINTS, DUMPSTER ENCLOSURES, AND RELATED PRIVATE IMPROVEMENTS AS REASONABLY NECESSARY TO PROVIDE MUNICIPAL SOLID WASTE, RECYCLING, YARD WASTE, AND OTHER SANITATION COLLECTION SERVICES. THE PROPERTY OWNER(S), ANY HOMEOWNERS ASSOCIATION, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS SHALL DESIGN, CONSTRUCT, AND MAINTAIN ALL PRIVATE STREETS, ACCESS ROUTES, AND COLLECTION AREAS SUBJECT TO THIS EASEMENT IN A CONDITION SAFE FOR THE OPERATION OF MUNICIPAL SANITATION VEHICLES, IN ACCORDANCE WITH APPLICABLE CITY STANDARDS. THE CITY MAY REFUSE, SUSPEND, OR DISCONTINUE SANITATION SERVICE WHENEVER ACCESS IS, IN THE CITY'S DETERMINATION, UNSAFE, OBSTRUCTED, OR OTHERWISE INADEQUATE FOR THE SAFE OPERATION OF SANITATION VEHICLES OR PERSONNEL. THE PROPERTY OWNER(S), ANY HOMEOWNERS ASSOCIATION, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS SHALL FULLY DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY, ITS OFFICERS, EMPLOYEES, AGENTS, AND CONTRACTORS FROM AND AGAINST ANY AND ALL CLAIMS, DAMAGES, LOSSES, LIABILITIES, COSTS, AND EXPENSES, INCLUDING ATTORNEY FEES, ARISING OUT OF OR RELATED TO THE DESIGN, CONSTRUCTION, CONDITION, MAINTENANCE, REPAIR, OR USE OF THE PRIVATE STREETS, ACCESS ROUTES, COLLECTION AREAS, DUMPSTER ENCLOSURES, OR OTHER PRIVATE IMPROVEMENTS SUBJECT TO THIS EASEMENT, EXCEPT TO THE EXTENT CAUSED BY THE INTENTIONAL ACTS OR OMISSIONS OF THE CITY. THIS EASEMENT SHALL RUN WITH THE LAND AND BE BINDING UPON AND INURE TO THE BENEFIT OF THE CITY, THE PROPERTY OWNER(S), ANY HOMEOWNERS ASSOCIATION, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS.

NOTES

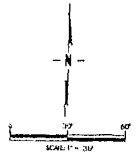
1. DEVELOPMENT INFORMATION
   EXISTING ZONING: RESIDENTIAL LOW DENSITY (RL)
   EXISTING LAND USE: RESIDENTIAL UNIT
   TOTAL DEVELOPMENT AREA: 1.36 ACRES
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   MINIMUM LOT SIZE: 3,600 S.F.
   AVERAGE LOT SIZE: 4,937 S.F.
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   WATER: CITY OF POCATELLO (INTERIOR WATER WILL BE MAINTAINED BY THE HOA)
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Curve Table			
Curve #	Length	Radius	Delta
C1	25.159	15.112	095.3649
C2	44.965	785.451	003.2793
C3	63.857	1299.991	002.8145
C4	96.211	1299.000	004.1562
C5	182.259	1700.000	006.0869
C6	116.115	29487.900	000.2255
C7	24.063	29487.897	000.0524
C8	24.672	29765.449	000.0581
C9	113.909	29932.035	000.2736
C10	45.675	810.471	003.2290
C11	69.456	1274.991	003.1259
C12	25.707	1275.000	001.1552
C13	100.292	1275.000	004.5069

LEGEND

- BOUNDARY LINE
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- PROPOSED SEWER LINE
- PROPOSED WATER LINE
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PRELIMINARY PLAT FOR:
SCHOLAR'S LANDING
LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

DEVELOPER INFORMATION	
NAME	ANGELA GALLAFENT
CONTACT	ANGELA GALLAFENT
PHONE #	208-604-3547
ADDRESS	540 UNIVERSITY DRIVE, POCATELLO, ID, 83201

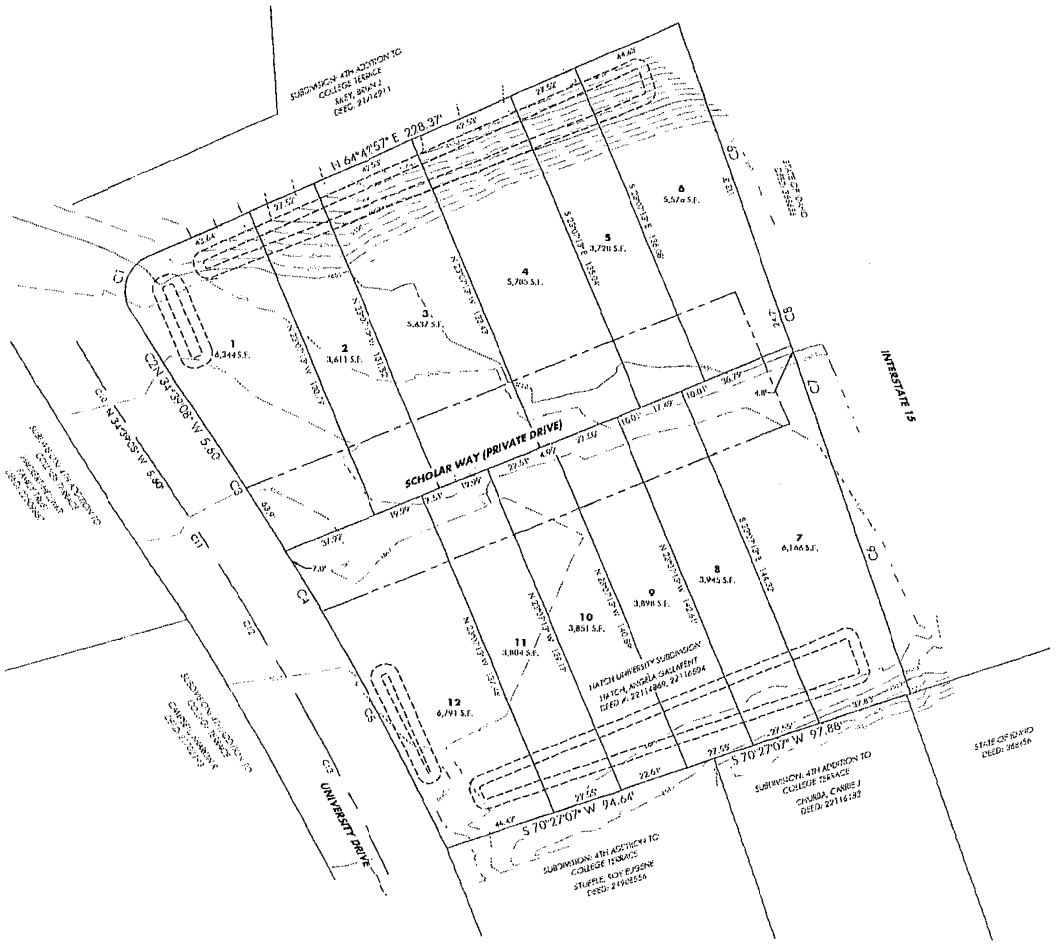
SHEET INFORMATION			
DRAFTER	BEN	DATE CREATED	MARCH 11, 2026
DESIGNER	BEN	LAST REVISED	8/6/2026
REVIEWER	PRESTON L. KNUDSEN	DRAWING NAME	SCHOLAR PRE PLAT.DWG
PROJECT #	20260105		

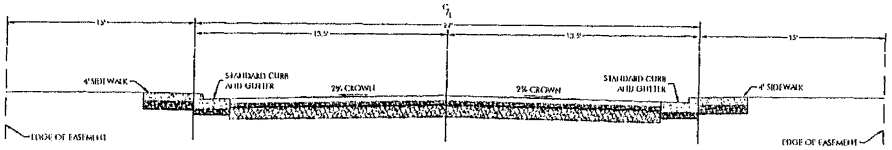
KNUDSEN ENGINEERING
ADDRESS: 444 HOSPITAL WAY, SUITE 527, POCATELLO, ID 83201 | PHONE: 208-417-0527

PRELIMINARY PLAT FOR:

SCHOLAR'S LANDING

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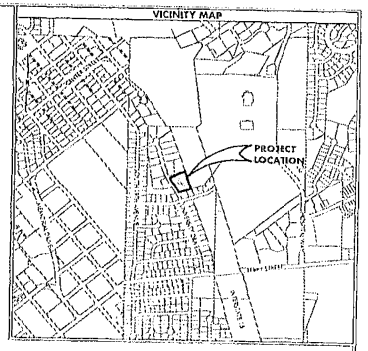




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C6	116.115	21487.900	000.2295
C7	26.869	21487.899	000.0524
C8	24.672	20765.449	000.0401
C9	133.009	29032.905	000.2236
C10	45.675	810.421	003.2209
C11	69.450	1274.921	003.1209
C12	25.207	1275.900	001.1552
C13	308.992	1275.900	004.5069

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- PROPOSED SEWER SERVICE
- EXISTING WATER SERVICE

PROFESSIONAL ENGINEER REGISTERED 14952 STATE OF IDAHO BRIAN L. KNUDSEN

N

SCALE: 1" = 30'
2' CONTOUR INTERVALS

PRELIMINARY PLAT FOR:
SCHOLAR'S LANDING
LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO

DEVELOPER INFORMATION	
NAME	ANGELA GALLIENT
CONTACT	ANGELA GALLIENT
PHONE #	208-604-3147
ADDRESS	540 UNIVERSITY DRIVE, POCATELLO, ID, 83201

SHEET INFORMATION			
DRAFTER	BRD	DATE CREATED	AUGUST 11, 2026
DESIGNER	BRD	LAST REVISED	10/6/2026
REVIEWER	BRIAN L. KNUDSEN	DRAWING PREPARED	DATA-PRELIMINARY
PROJECT #	20260805		

KNUDSEN ENGINEERING

ADDRESS 444 HOSPITAL WAY, SUITE 327, POCATELLO, ID 83201 PHONE 208-417-0277

EXHIBIT 7

(Photo taken in front of 540 University looking north)



EXHIBIT 8

Photo looking toward 540 University showing split in road)



EXHIBIT 9

(Photo of 540 University looking south)


PUBLIC NOTICE

EXHIBIT 10

(Photo of Duke Street intersection)


LITHIUM

EXHIBIT 11

(Photo of George driveway looking south toward project)



EXHIBIT 12

(Photo of George driveway looking north)



September 1, 2026

City of Pocatello
Planning + Development Services
911 North 7th Avenue
Pocatello, ID 83201

Re: Project Location - 540 University Drive
Project Type - Preliminary Plat
Project Number - PP25-009

I am writing to oppose the plans for Tyson Knudsen, Knudsen Engineering to build on twelve lots to be known as Scholars Landing at 540 University Drive here in Pocatello.

Subdiving the 1.36 acres into twelve (12) lots is not an adequate size to build there. Where will parking be located?

We live in upper university area and have been a resident for 38 years. We already have too many rentals and two apartment complexes on Stanford Ave. and Temple Ave.

September 1, 2026

Please reconsider zoning for this project.

Respectfully,

Sandy Neeser
90 Stanford Ave.
Pocatello ID 83201

ATTACHMENT E

APPLICANTS APPEAL WITH PUBLIC HEARING TRANSCRIPT

PLEASE NOTE THE SEARCH REFERENCE HAS BEEN OMITTTED BUT IS AVAILABLE UPON REQUEST

Authority which applies to all four arguments include Idaho Code 67-6535.
1. The 10% lot-size administrative adjustment was unsupported. Poc Municipal Code 17.03.600(B). The applicant did not detail why the modification would not create any adverse impacts to and including public health, safety, and welfare. Approval of the adjustment by the Director was error as was the subsequent approval by Planning and Zoning because there does not appear to have been any evidence submitted by the applicant on this issue at all. Traffic will be increased and on a street with the unique features that University Drive has with blind driveways, limited sight distances, a split street, and curves (some sharper than others). This approval was legal error.
2. There were no demonstrated sight distance or safe access studies onto University Drive from the proposed Plat. Poc Municipal Code 16.20.050(B). The Applicant provided no sight distance study, intersection sight distance study, design speed, or any analysis of the vertical-curve restrictions. The absence of this type of analysis might be overlooked on a flat, straight road. However, University Drive is not a flat, straight road and it was error to approve the Plat without these considerations.
3. Fire-Apparatus access and turnaround were not demonstrated. International Fire Code (2021) 503.2.5 and appendix D103.4. The road in the proposed subdivision is a dead end that is over 150 feet long and requires an approved turnaround.
4. There was inadequate consideration of drainage and stormwater. Poc Municipal Code 16.20.030(U). The preliminary plat did not demonstrate adequate facilities to address drainage patterns on adjoining properties.



Videorecorded Public Hearing

September 9, 2026

Action Item 4, Preliminary Plat, Scholar's Landing

Word 4 Word Court Reporting, LLC
208-242-3289
info@courtreportingidaho.com
www.courtreportingidaho.com

TRANSCRIPT OF VIDEORECORDED PUBLIC HEARING

ACTION ITEM 4

PRELIMINARY PLAT

SCHOLAR'S LANDING

SEPTEMBER 9, 2026

TRANSCRIBED BY:

JANET FRENCH, CSR NO. 946

Notary Public

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PROCEEDINGS

CHAIRMAN PHILLIPS: Okay. We will move on to Agenda Item Number 4. This time has been set aside for a public hearing regarding a preliminary plat for Scholar's Landing. This time has been set aside for the commission to hear comments from the public regarding preliminary plat application request by Angela Gallafent for the subject property addressed as 540 University Drive and consisting of three parcels that entails 1.3 acres, more or less, with the zoning designation of residential low density with the proposed future land use designation of residential.

The request is to subdivide the property into 12 lots to be known as Scholar's Landing. These lots have been granted an administrative adjustment establishing that lots must be a minimum of 3,600 square feet.

We'll invite the applicant to come forward.

Oh, and I declare the public hearing open.

MR. KNUDSEN: My name is Tyson Knudsen with Knudsen Engineering located at 444 Hospital Way, Suite 527, Pocatello. I'm representing the applicant, Angela Gallafent, and this particular application.

I've got a little bit more of a prepared

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delivery here; so bear with me for a second here.

The University Racquet Club opened in 1961. Angela Gallafent, formerly Angela Hatch, purchased the property March 31, 2005, operated it for -- and operated it for three years before it became her primary residence in 2008.

The racket club was a tract of land parceled out of Lot 7 of 4th edition of College Terrace just prior to the federal highway I-15 project.

Around 1962, three additional tracts of land were parceled out of Lot 7 subject to restrictive agreement. The restrictive agreement is recorded under Instrument 377799 with Bannock County.

In 2020, Angela completed a short plat process with the City of Pocatello splitting the single parcel into three parcels. That plat contains a reference to the 1962 restrictive agreement, however, the legal description of the 1962 document only covers the area bound by the adjacent three tracts of land, and it does not include the Gallafent property.

The original University Racquet Club is not subject to those said restrictions. The site is approximately 1.36 acres. When Angela purchased the property, the club was in substantial arrears

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requiring substantial improvements with a seasonal business model and year-end obligation -- and year-round obligation. Pool and equipment defects, together with visible damage, court pavement make recreational reuse a substantial reconstruction and operation question.

The applicant has considered replatting the property for 12 townhomes as the -- as a financial -- as a financially workable option after investigating other alternatives.

The public comments expressed, acknowledge that improvements to the property is desirable. The applicant shares that objective. Removal of deteriorated improvements coordinating site work, including pedestrian sidewalks, curb and gutter for improved drainage, site stormwater collection, and improved fire protection and ongoing future maintenance would benefit the site.

The property is zoned residential low density and with an approved administrative adjustment, received a staff recommended approval for townhouses on 3600 square foot minimum lots. The requirement for the project is two off-street parking spots with four spots -- sorry -- the requirement for the project is two off-street parking spots, and four

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spots are provided with two in the driveway and two in the garage per dwelling.

A traffic impact statement was also provided, and using the approved guidance from BTPO is anticipated to generate 144 daily trips and 12 peak-hour trips, well under the hundred peak hour trips required for a more robust analysis or traffic impact analysis.

City staff found the TIS sufficient for the scope of the project, an improved emergency vehicle turnaround is to be provided, solid waste collection will be by dumpster and not by regular curbside collection. University Drive is classified as a local street, and the development has appropriate access spacing and near and far side corner requirements per BTPO guidance.

The preliminary drainage report estimates the necessary storage volume for the site, and we believe we can achieve those volumes during final design. Collected stormwater will then slowly infiltrate into the ground. Historic stormwater infrastructure does exist on the site and shows to be located in the proposed private access. The existing infrastructure is private infrastructure, and it's a result of stormwater from I-15 and the hospital

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development area; so all that existing infrastructure is all essentially run on or bypassed through Angela's site. And that infrastructure was put in place, you know, by those particular owners at that time, and the -- as I mentioned, that infrastructure is private stormwater infrastructure, and it's not maintained by the city.

Our intent with locating it inside the center of that access way is we want to take a look and see what kind of condition it's in. We think the alignment will be fine, but as we do some grade work to establish that road grade, we'll want to make sure that we have adequate coverage and design guidance and make any sort of adjustments, if necessary, to keep that infrastructure conditional moving forward.

The applicant did indicate to me that the occasion of the stormwater -- so she indicated that -- I don't know how long ago it was, but on their side of the freeway there was some improvements made in the hospital development area, and they did quite a bit of excavation improving some of the storage pond conditions on that side of the -- the east side of the freeway, and that's dramatically improved any releases of water through that -- kind of that overflow system -- or that stormwater system.

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I believe that's all I have for you. If you have any questions?

CHAIRMAN PHILLIPS: Questions for the applicant?

MS. VALLADOLID: Not quite.

CHAIRMAN PHILLIPS: Can you walk me through the exception that you mentioned at the beginning, why this property was accepted in -- had an exception attached to it?

MR. KNUDSEN: Yep. So the townhouse -- I'm going to speak -- I'm going to try to -- I'm going to try to cite code here a little bit, but I won't get so technical.

CHAIRMAN PHILLIPS: That's okay.

MR. KNUDSEN: I believe the minimum square footage on a townhouse is 4,000 square feet. We applied for an administrative adjustment and that administrative adjustment allows for up to a 10 percent adjustment to that value from 4,000 to 3,600 square feet. Really, the adjustment is -- as we lay out the sites, there is -- there is units that are side by side. They get a little bit narrow, you know, in terms of how much square footage there is available for them, while the end units get a little bit larger. If we took a look and, like, the average, our average lot size would be almost 5,000 square feet. We have

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it listed at 4,937 square feet. So there is area there as part of the lot. So if we take the gross area and divide it by 12, we get that 4,900 square feet.

But because we have a townhouse configuration, which has, you know, like a 27- to 30-foot frontage as part of that unit, and we only have 100 -- 120 feet deep in some areas, we get into that 3600 square foot, and so we had to apply for that administrative adjustment.

Another avenue to this would have been lot size averaging. To do lot size averaging, I would have to come with a PUD application; so this was just a little bit of a less robust mechanism to get to what we needed to achieve those attached units; so...

CHAIRMAN PHILLIPS: Great. Thanks.

Other questions for the applicant?

Okay. Great. Thank you. We will now hear from city staff.

MS. BABB: Becky Babb, planning manager. So just because there is quite a lot of people here, I'm just going to briefly go through the process. This is not for the commission's benefit. It's primarily for the benefit of the people that are here.

This is a preliminary plat application,

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which means that this is the very first step in the process to divide a parcel, if you are dividing into more than four pieces. This plat process would replace any previous platting process. It's essentially a replat of these particular lots, where they had already been part of a plat before.

After a preliminary plat, which we only look at the very basics, we need to make sure that the zoning matches, that the basic utilities are available. There is a very minimal amount of detail that goes into what those utilities, where they connect, what size the connections are, how wide the sidewalk will be, and what the corners will look like. Those aren't things we are looking for at this stage. We are looking for basic land use decisions and to have this public hearing.

After this, the applicant will be able to submit a final plat application that has much more detail. That application does not go before this commission. It goes to city council and it's not a public hearing. It's an agenda item. So with that, just so that I provide a little bit of that information, I'll go through our staff report.

So as stated, the owner of this property is Angela Gallafent, represented by Knudsen Engineering.

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The staff finds that the proposed preliminary plat is compliant with our Pocatello City Code Chapter 16.20.050, assuming that the conditions that have been provided by city staff are met.

So, again, this property is the one that is pulled up on the screen in front of you. It's addressed as 540 University Drive, and was previously the racquetball court, and is proposed to be divided into 12 lots, and they have been granted an administrative adjustment.

And so in order to kind of explain how the administrative adjustment process works, that's not a process that comes before this commission. It's allowed via our code as an administrative or staff only review. It allows up to 10 percent reduction for certain criteria, including lot sizes. In reviewing this particular application for whether or not it would meet an administrative adjustment criteria, what we looked at is the size of the lot, which is just over 1.3 acres, and then we took the minimum lot size for a single-family home, which was 4,000 square feet, which actually gets us to 16 lots potential. So 12 lots is below what they could be permitted. Should they be able to design a different configuration of those lots, they would be permitted up to 16.

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So in this case there is 12, there is 4 fewer than would be allowed and so the administrative adjustment makes sense to allow those narrower lots with the wider lots on the ends. Particularly as it relates to stormwater and drainage, you can see on this plat how narrow the lot lines are. And the long kind of dashed lines will be stormwater protection, and so that allows that stormwater to be retained on-site and still do the townhome development.

Again, that's a staff level decision. That's a director's decision made by Brent. They are made by staff and not by this -- by this board.

Also, it was noted in our staff report that there are some historic slopes there. They have been previously graded out, and so the slope criteria that is primarily just around the edges of this, we can see from historic imagery has already previously been disturbed and so that criteria of slope wouldn't apply, however, the slope is primarily going to be used as stormwater retention; so there won't be buildings in those that would have to meet our slope criteria.

So the criteria in the staff report that the subdivision proposal complies with the applicable provisions of this title and staff found that it is

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compliant, that it complies with all city design standards and developmental regulations and staff has provided comment to the applicant regarding all of those regulations and the applicant has provided corrections. Those are the current design that's in your packet and displayed. That it complies with all applicable zoning requirements of the underlying zone. As stated, this lot size would be 4,000, but with that administrative adjustment to the 3,600 square feet, which it does meet. That public facilities, including street sidewalks, curb, gutter, water, sewer, fire and sanitation services can be provided.

And so I'll just go through those quickly. For the right-of-way improvements at the final plat, curb, gutter, sidewalk will be required on the frontage of University. The road within the development, which I believe is called Scholar Way, is a private drive. Water, sewer, stormwater -- final drawings will require curb stops to each structure, that the 2-inch water service and backflow can be accommodated in a single-meter vault. If they do that, they need to locate that vault outside of the pavement area, in landscaping, but not in the storm drain vault.

The water department will be required to

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execute the main line taps for the fire hydrant and 2-inch service, and that the cost for the water department to do those will be included in that subdivision application. That water and WPC capacity fees will be due with that application; that further details on the catch basin and public improvements will be -- undergo engineering or review at that final plat stage. And that we did receive that comment, again, from Southeast Idaho Public Health, and so they will have to do the application process through public health, which most developments are required to do.

Sanitation -- we'll have to see the construction drawings, but we'll approve, whether that's dumpsters. If it's on a single-meter, it will likely be dumpsters due to sanitation requirements.

And then fire has a number of applicable requirements, that they will require under fire code, that those come with those construction drawings.

Then utility notice, all utilities were provided, opportunity to note -- receive notice. And if there are CC&Rs for that subdivision, that they will be submitted after a final plat.

So the last is the -- relating to the traffic impacts. There was a traffic impact statement. As stated by the applicant, it's well

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below the threshold of the hundred peak hour traffic, so there is not a traffic study that is required; just the impact statement.

The connection to the transportation system is it's a private drive, and so it will -- it needs to meet city standards, but it won't be adopted or accepted by the city as a private drive. That the bicycle and pedestrians transportation routes and amenities are provided, and there will be sidewalk access there on University Drive that will be included in that final plat, and that public utilities are provided to the newly created lots. Those will also be shown on the private -- on the final plat -- excuse me.

I know that there were several questions regarding the city's involvement in CC&Rs. The city cannot enforce or mandate compliance with CC&Rs in any way. That is a private property matter between private property owners. We often will receive copies just to make sure they are recorded so that property owners that purchase properties become aware of the CC&Rs, and this is primarily a requirement when we have something that's in the wildland urban interface; so if it's in that wildland urban interface and fire requires that every single house have a sprinkler

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system installed, it's really important that be noted by people if they are going to be building a subdivision, which you've seen primarily up at Center Street. Those houses all have to have sprinkler systems. Or if it's in a protected overlay, like a mule deer range, so that individuals understand what the development ability of their property is. But the city cannot enforce CC&Rs. It is not -- it's a private property matter between private property owners. So I know that question has come up. We do make sure CC&Rs, if there any, are recorded, and that's the limit of our involvement in those.

Are there any additional questions? I did also make sure our streets manager -- our superintendent is here if you have additional traffic questions, and the public works director as well.

CHAIRMAN PHILLIPS: Questions for staff?

COMMISSIONER GEYER: I'm good right now.

CHAIRMAN PHILLIPS: Good right now.

Hey, Becky, I've got a couple questions for you.

MS. BABB: I thought you said you were good. Sorry.

CHAIRMAN PHILLIPS: I did. Sorry.

I want to clarify. We don't show an

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approved turnaround in this. I'm assuming that's because we don't have construction drawings because --

MS. BABB: We don't have construction drawings.

CHAIRMAN PHILLIPS: -- we are in the preliminary plat stage?

MS. BABB: No. And fire did note that they have to comply with all fire code, and so they will have to provide whatever approved fire turnarounds with those construction drawings.

So our plat requirements -- for a preliminary plat, they have to show the lot lines. They have to show the title of the plat. They need to show that utilities can connect. They need to show sub -- stormwater mechanisms. It's just labeled here though with those dashed lines. We don't see those actual construction of the stormwater ponds; so we don't know if that's going to be a basin. They could do basins. They could do underground stormwater. They could do all types of mechanisms. They just have to note on the preliminary plat what those will be.

They need to show each lot line. They need to show surrounding property owners. But anything related to the actual construction of this plat is not on a preliminary plat document.

CHAIRMAN PHILLIPS: Thank you.

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Other questions?

Becky, were there any public comments on this application?

MS. BABB: There were several public comments. We provided as many as we had when we published the packet -- in your packet or review, and I believe you've gotten an additional packet this evening with additional comments that we received.

All public comments that we've received have been provided to you at this point.

CHAIRMAN PHILLIPS: Great. Thanks.

I will review the procedures for public hearing. When you come to the podium, you must state your name.

Aceline, will we be asking people to sign in on the clipboard?

MS. MCCULLA: Yes. The clipboard, it's going to start up there. So the first person will come. They will legibly, please, print your name so I get it correct in the minutes. That's why I have them print it. And then put it in that first seat, then the next person that knows they want to come up, then you'll sign in next; so it's in order of the person speaking when they come up. So that's the purpose of that, to help us keep everybody in order and the right names

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correct.
CHAIRMAN PHILLIPS: Wonderful. Thank you.
So when you come to the podium, you must state your name. You must also sign in on the clipboard. Please remember to only address the commission, not the audience or the applicant, slash, representative.
You have three minutes to testify and will be asked to stop when time runs out. Keep questions and comments pertinent to the application. Do not duplicate questions, concerns, or comments covered by previous testimony heard today.
With that, I would like to invite anyone providing testimony in support of the application to come forward.
Is there anyone here who would like to provide testimony uncommitted to the application?
Is there anyone here tonight who would like to provide testimony opposing the application?
MR. CORNELL: Hi, my name is Holden Cornell. I live in that area, and I walk past there regularly. And hearing what's been planned and trying to fit an emergency service turnaround in and 12 units in that spot sounds ridiculous, frankly.
CHAIRMAN PHILLIPS: Thanks, Holden.

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MR. CORNELL: And then what I said previously about it.
CHAIRMAN PHILLIPS: I have the notes.
MR. CORNELL: What was the number -- item agenda?
CHAIRMAN PHILLIPS: 4.
MR. CORNELL: Thank you.
MR. HARGRAVES: My name is Dan Hargraves. I live at 533 University Drive, which is right across the street from the existing clubhouse where the Scholar's Landing plat is being proposed.
My biggest fear is that University Drive is going to become or mimic the traffic on South 19th where the average speed is about 10 miles over the speed limit and constant traffic. This on a divided street with very limited sight distance warrants a more detailed analysis than trip thresholds.
The submitted traffic statement answers the city's numerical traffic volume threshold, but it does not document the localized safety conditions on the University to South 19th access route.
Before concluding that there is no significant traffic impact, the city should document sight distance; actual speed; project trip assignment; pedestrian travel where the sidewalk is absent; limited visibility driveways, of which there are

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several; on-street parking; and the roadway split immediately adjacent to the project, which has limited sight distance and has a potential to be really dangerous with 12 new residences very close to it.
University Drive is really a tale of two streets with significant differences in physical characteristics. The first segment from South 19th to Duke is about 1200 feet long. There are 19 total homes on both sides of the street, and this proposes to add 12 more in that -- in about the last 377 feet of the street, which is over a 60 percent increase in that segment, and they say there will be no traffic impact.
That segment of the road features a steep hill, a blind corner, a divided street, and limited sight distance. The second segment is also about 1200 feet from Duke to Terry Street, and there are 23 total homes on that. There is 42 on the whole street, and this application wants to add 12 more in about 300 feet.
We are trying to seek some kind of balanced approach here, but I -- I'm not speaking for just myself. We feel blindsided by this. This is not balanced. It's ridiculous.
The applicant has failed to show cause for

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the 10 percent administrative adjustment, and the city code mandates that some document that is provided by --
CHAIRMAN PHILLIPS: It's time.
MR. HARGRAVES: -- city be completed. We have not seen that.
CHAIRMAN PHILLIPS: Thank you.
MR. HARGRAVES: That's it. Okay. Well, bummer. I'm pissed.
MR. FLOYD: Thank you. My name is Aaron Floyd. I can -- Dan mentioned a number of the things that I was going to bring up, but I will attempt to speak with some specificity to a few of those items.
Specifically, my driveway is one of those that's occluded by the hill on University Drive. I live two homes due north of the proposed development. My driveway is the second on the northbound side of University Drive where it splits. There is a sizeable elevation difference between the southbound and northbound parts of the street at that point divided by a median with large rocks.
My driveway sits at a point where it is completely blind to traffic coming over the top of University Drive from the south, and has been addressed a couple of times, regardless of the number

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of estimated trips that are handled, there will be increased traffic, that is just a given, especially if we are accounting for up to four vehicles per proposed residence in that development.

My children play there. I have to exit that driveway fairly frequently. Because of the way the road is laid out, I'm restricted, if I'm obeying the law, to going north on University and that does present an issue of having to partially exit the driveway, reverse, and turn the corner most times for both me and anyone who is visiting my home.

There are two other neighbors, one due north, one due south, that deal with the same restricted driveway access on University Drive, though less affected potentially by the visibility issue. Because we sit in the middle, that car coming over the top of the hill typically faster than the posted speed limit does present a challenge, and has on occasion presented near collision experiences, as we can't see them, and they can't see us until we are right on top of each other.

I do think that it would be important, given the number of proposed units and the number of proposed vehicles associated with this development, that there be a more careful look at what is being

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proposed and a more careful understanding of how that is going to affect traffic and usability of those streets, especially the north end of University Drive with its already restrictive corners and elevation differences involved.

Thank you.

CHAIRMAN PHILLIPS: Thank you.

MR. GEORGE: I'll take his 35 seconds there.

My name is Pat George. I live at 500 University. The very large packet that you received was from me. I happen to be an attorney with Racine Olson, and perhaps I overdo it sometimes.

I -- first of all, I want to say I think this is one of the great miracles of America, is that we get to come and we get to talk about and give testimony on what we think a certain issue should be. And after we get done here, we'll all leave, and we'll still be Americans, and we'll still all be alive.

I do disagree with some things that have been said. First of all, the applicant said that the 2020 CC&Rs -- or they -- rather, the 1962 CC&Rs are not covered -- or do not cover that plat. I think that is incorrect. I've actually had a title company check it. I have checked it. I think that's incorrect.

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So -- and I recognize, as your planning person stated, that this is not the venue for enforcing CC&Rs, but I can tell you there is a venue for that, and I'm familiar with that venue.

Next, the 10 percent lot size, I do have a problem with what was said there by staff. And the reason why I do is that the director only -- only has the authority to limit or to minimize lot size if -- if something happens. And that's contained in "B" And that -- or "1." And that is, that the applicant state -- provide a written description, which negatively -- that says it won't negatively impact the public health, safety, and welfare.

Now, either these ordinances mean something or they don't. I recognize that there is a -- that there is a document out there called ADMA 29 -- or 26-009, and I've actually seen that document. Interestingly, I have not seen a single justification. And so if you look at what I just read to you -- and, in fact, the rule, number one -- or number -- the first part of that rule actually says the word "a." So we shouldn't have had just 1 justification. We should have had 6, because there is 12 -- because 50 percent of the subdivision is undersized.

Next, the fire apparatus access. I -- look

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up there. I mean, we all know that that road is more than 150 feet. We know that. And why -- why is that not included, the why or the hammer head, or the 96-foot cul-de-sac? I'll tell you why. They can't fit that on there. They can't fit it on there and get their 12 lots, and so that's why you don't have that.

CHAIRMAN PHILLIPS: Time. Thank you.

MR. GEORGE: No. I get another 35 seconds. I called that.

UNIDENTIFIED SPEAKER: I mean, I did forget to start it; so you did technically --

CHAIRMAN PHILLIPS: Thank you.

MR. GEORGE: Look, I have to say one thing --

CHAIRMAN PHILLIPS: We can't even hear it.

I invite the next speaker to come up. Thank you.

MR. RILEY: My name is Brian Riley, and I live at 534 University Drive directly north of the clubhouse and tennis courts.

I have a question first off. I don't know who said it. I don't remember, but somebody said that this plat does not include the clubhouse. That, according to the map, is incorrect, because it looks like the lots butt up to my property line. So do we know who said that? Do we know?

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CHAIRMAN PHILLIPS: It's the applicant, if I'm thinking what you're thinking of.

MR. RILEY: So that is completely incorrect. It includes the entire parcel, the tennis courts and where the clubhouse and swimming pool used to be. So that was an inaccurate statement.

I have many similar concerns. I won't reiterate them all. I do worry about traffic very much. I think a dumpster is a terrible idea. It just gets traffic -- trash all over the neighborhood. I've seen it.

Mainly it's a safety issue. I'm not opposed to developing the property. Something needs to be done with it, because it does look pretty trashy. But 12 units in that compact space is not something that should be approved.

My other question and my other thought, when we talk about square footage and average square footage, average square footage is worthless. I mean, if you are looking at any meaningful documentation or references, a median is better than an average because you can have one lot that is 30,000 square feet and the rest of them are 2,000 square feet, and you can make them all look really good with an average.

So, that's the -- what I've got.

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CHAIRMAN PHILLIPS: Thank you.

Are there others that would like --

MS. HACKERT: I'm Dr. Ann Hackert, and I live at 563 University Drive. And the first thing I need to do is point out to you that they have taken my property and put that on Jessica's property, which is 545. And so I want you to know that we need to move my property where I am, given both what the city said to me and also where my survey said. We need to move the Campbell's over, and that's relevant because I'm right across from the tennis court, and I have experience, as you saw in my documentation, flooding.

My concern -- and I have about four of them -- have not been raised yet today. And my first one is the fact that in their own comments the applicant's plat says the state of Idaho stormwater infrastructure may require relocation. I look at the numbers as how close they are to the interstate, and if they are within 300 feet, then the IDT should have been included in this and been able to weigh in on that. And when I checked on that yesterday, they had not heard anything from this and did not have a chance to weigh in.

My points that I'm going to make today don't make me an expert. It's just that I'm kind of nerd

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alert. I got really excited about doing the research. I'm retired and I had time on my hands.

So the thing that I wanted to also talk about was that the lot size, if you can look at IP, public information request, for that application twice, never received it. Received two of three things. Said it was fulfilled. I never got the health and safety pop-up that they have to fill out, whether it needs it for one or six, I really don't know.

But what you are deciding here tonight is, if that 10 percent can apply to six in a row. I initially got distracted, because that appeared to be more related to infill, where if you are not looking at each and not requiring that, you then are making precedent where you are going to tell people, you can have six of these, and we can make the 10 percentage estimate. I don't know how that all works. I'm not you guys, and I know you spent a lot of time on this.

So the thing is, is there is no impact narrative, and I requested it. Made a public information request, not once, but twice, and I never received that. That's really important.

When you look at the Hatch 2020 document, there are city engineering things that are identified

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that I'm not sure have been resolved at all. I'm not asking you questions about that, but there is a bubble up there. I haven't seen -- I haven't seen the bubble has moved, and I haven't seen any infrastructure work on there that was discussed and needed to be done in 2020.

So my question is, is where -- not really a question, but this matters because this is by the vehicular entrance. This is a very important thing.

The existing drainage and system review I -- I asked myself, has the existing draining infrastructure been changed and reconciled with the proposed system in 2020, and I just really haven't been able to identify the storm diversion box, the 12-inch storm pipe, the storm drains. The bubble up, I see that, but that's still where it's been forever and ever. And in addition to that, that's going to be impacted by what they are doing with this.

I also want to talk kind of about a couple of other things. I -- I appreciate the fact you gave me -- allowed me to submit some public testimony. So nerd alert, I tried to look at what's happened since your records became public in 2014. I can't find any -- a time that the 10 percent has been used in this way. I could be wrong. It was a lot of work, but I

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couldn't find that that had been done. So you are doing something different here tonight should you decide to approve that.

As far as the IDT issue is concerned, I think that would lead immediately to a suggestion that you have a continuous this evening, because I think -- when I got to the IDT people, they said, "Oh, absolutely not. We had not been informed."

And I think the one thing I want to look at here, kind of as I close is, you know, the applicant said, "We chose a less robust method to get what we need," but I think we need to dot those I's. I think we need to cross those T's.

I am for innovation. I am for development. I am for all this stuff, but I'm for doing it right. And that's why I drilled down and provided you with those documents, and I'm talking about stuff -- two weeks ago I never would have known I would be talking about this. And, again, this is not -- even against, this is for what the facts need to be considered.

CHAIRMAN PHILLIPS: Okay.

MS. SEIGER: I'll get my name right after she does. Okay.

Cindy Seiger. I'm down on 19th, and I will just say two concerns. One is 19th is already being

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impacted by runoff water from University. Oftentimes we do get back up in front of several houses, and it starts to flood already on 19th. So if things are not dealt with sufficiently with this new neighborhood, it's just going to impact 19th even more.

And I have seen promises of we believe, we believe. We need to see what exactly is going to be done so we know what is going to happen down on 19th. Because water goes downhill. And while it doesn't go right into my house, it comes by it, and it does back up, because storm drains get backed up.

The other thing is I challenge the -- Pocatello and the people making these decisions to really start looking at health. Because this is more high density. It's not true high density, but it's going to be more high density. We know, according to studies, people who live right next to the interstate have increased risks of heart attacks, strokes, other health problems. People who live higher density have higher rates of heart attacks, strokes, diabetes, other health problems.

So as we start adding these put together, what are we doing to the population? Who may choose to buy there. That's their choice, but are we creating an environment that leads to a higher -- a

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higher impact on medical care, and what are we doing by making these environmental decisions that will lead to certain health outcomes? And while it doesn't necessarily have a true impact maybe on this exact -- what your decision is now, but looking forward to that. Where I understand it's money versus choice versus all these other things, but understand that as we going higher and higher density, these will be impacted -- people's health will be impacted. It's in the studies.

And that's all I have to say. Anybody else need to come up? Where do I sign in?

MS. PAYNE: Hello. My name is Becky Payne. I live at 424 University Drive. I want to focus my comments tonight on the proposed access onto University Drive. The traffic analysis concludes that a full traffic study is not -- probably isn't needed because of the number of trips, and I know they have talked about traffic already, but that doesn't answer a different question, whether a driver stopped at this entrance can actually see far enough.

And I know it's been talked about a little bit, but whether you have it as a private drive, as a public access, as a city street, we need to know what the sight distances are for public safety.

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From what I understand, it really doesn't matter what it is considered for that to be demonstrated. From the information available to the public, I haven't been able to find that sight distance analysis. This also concerns me because this really isn't a flat straight stretch of road. I think it's a pretty basic question that needs to be answered with this plat.

This isn't about whether it -- the development generates enough traffic to require it. I live on the corner of 19th and University where the road comes around like this. I have to back out onto the road. People come around that corner really fast. Adding a lot of traffic impacts my safety getting out of my property.

The other thing that the applicant did state that they would be required to have a fire truck turnaround, but they did not show that within their cross access easement, which it's not shown on the plat, and it's not included in the plan.

I understand this is our only time to speak to you; so any other kind of appeal, anything that would go to the city, this is our time for our voice, and I really appreciate you guys listening to us and listening to our concerns, and for all of these

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reasons, I ask that you decline this plat today. Thank you.

MR. DUFFY: Hello, people. I'm Steve Duffy. I live on the speedway known as South 19th Avenue, 711 to be exact.

I was the mailman in upper University for 30 years -- 28, but, you know, close enough to 30, and many other neighborhoods in Pocatello. And, you know, I like the upper University neighborhood. It's cool. And, you know, it's one of the last old ones. We should take care of it, like the lower University, or even the other neighborhoods in town.

But, you know, we've trashed Center and Clark, Main and Arthur, 4th and 5th, and now the University.

So I've seen the traffic over the 28 years. I've seen dogs get run over, squirrels get run over, near misses, people blowing through the stop sign on 19th and Center, people blowing through Terry and Stanford.

You got a traffic problem right now. You don't need to add to it. And then we got the other thing going on with the hospital. I don't know how many thousands -- is that thousands? hundreds? How are you going to get them all out of there, you know?

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So -- you know, I can see redeveloping the racquet club. I mean, they bought it, and it was never the same after they bought it. It doesn't look good now. Maybe, like, 2 houses or something like that, but 12. Really? Come on. It's upper University. You know, Duke, Colgate, Fordham, you know, they are all college names and stuff like that. Respect the property and the people that live there and, you know, just take care of your city, take care of the University neighborhood.

And I got a lot of stories -- a lot of stories; so -- but don't take it lightly. Way too many, 12, no turn around. There is water pouring down Duke Street all the time. That's never been resolved, and it goes all the way down to 735 19th. It pours in there all day.

I'm looking at the clock too.

But it's a bad idea. Put it somewhere else. Put it out there by the river where you are doing the other one, you know.

So, all right. Thank you. Thanks for working tonight.

MR. WITTE: My name is Douglas Witte. I just moved into the area, 646, last year. I wasn't planning on saying anything, because I'm terrible at

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public speaking, but when I heard about this, I'm kind of a math person. No family is going to want to live in this area compacted with everybody, so investors are going to come in. They are going to buy each property and then you are going to rent it to students, each room, whatever. That's 4 cars. That's, you know, 48 people driving in and out of there.

And my house looks down on the street, and I'm constantly watching each car go by, just seeing it, and I think it's very impacting to the neighborhood. I was excited to finally buy a house, and I don't have young kids anymore. I also don't have a sidewalk that's in front of my house, and they talk about a sidewalk that could be potentially -- well, there is no sidewalks that are north or south of that. So you just have a small chunk of sidewalk that they are talking about. I see kids walking home from school, and they are not utilizing the sidewalk on the opposite side of my house, which is a concern.

But I appreciate getting to know all the neighbors. They are great people and hopefully we can get a good outcome from this meeting.

MS. OLSEN: My name is Janette Olsen, and I live on University Drive. I will reiterate the water

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concern, because the water comes off the freeway. It comes down, and it will come down Duke and all the way down several streets down on 19th. So that concern of water goes beyond just that location. It extends down several streets.

Additionally, I would like to comment that several of us wanted Pat George to represent us at this meeting, and we know that he requested additional time to present at this meeting, and so some of us feel that that means our due process was denied, and we just want to make sure that that was acknowledged.

So, thank you.

CHAIRMAN PHILLIPS: Thank you.

MR. CHAMPLIN: Jon Champlin, 607 University Drive. I would like to echo what she said. I think that it is more appropriate to let someone speak for the whole, for instance, Pat, then to have us come up here and stumble through what we want to say. So I think that would be much more beneficial to your time and to our time. And I did call to ask for that simple respect and was denied.

I do have a problem with the water issues of the area. I believe having four, what I will refer to, stagnant holding ponds for water in a tight neighborhood like this is a problem setting us up for

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some infectious disease problems. Infectious diseases from stagnant water in Pocatello include West Nile Virus, Legionnaires disease, and water born gastro intestinal illnesses like E. Coli and other mosquito borne type infections.

And I don't see how having water from that amount of area sit there for days on end being a good solution when there is all this other water coming from across the freeway, coming from the hospital. And no one has talked about the infectious disease possibilities of having stagnant water in the neighborhood, especially with that concentration of people.

Thank you.

CHAIRMAN PHILLIPS: Thank you.

Are there others who would like to provide testimony opposing tonight's application for Agenda Item Number 4?

MS. RILEY: My name is Tracy Riley. We lived on 19th for 14 years at the very bottom of the University and our cars were hit from people coming down the -- coming down University. I got hit a couple times in one day. People go flying way too -- too fast down there. And also, because the street splits when you go up, a lot of times people take the corner, like,

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too fast. Like, we watched people for 14 years drive up and down that street.

Where Holden lives on the corner, they don't typically turn at his house. They cut the corner, but the street does split there and a lot of times people would be coming down the wrong side. I don't know why it's a problem, but it is. But there have been several times that we've driven up there when there are people -- I don't know if they are visiting houses or whatever, but they -- they feel like they have a choice when it comes to those streets and so they will end up coming down the wrong side. It's kind of -- I don't think it's confusing, but people find it confusing. And that would be a concern adding that many more drivers and that many more visitors, and especially if they are college students that live in that area.

And also with the sidewalk issue, University on that side of the street doesn't really have sidewalks very far. You know, that they were saying that the city was going to have them put them up there, but we don't typically have them on that side of the street.

But, like I say, we are not opposed to developing that area. It looks pretty bad the way it

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is right now, but we feel like 12 units is overkill.

And the fire issue is a concern to us because we are right north of that up the hill. So if anything catches on fire in the hole where that sits, it's -- it's going to affect our house, and we have a lot of old bushes that I'm sure would combust quite beautifully; so the fire issue is -- like having a spot where they can come and -- I mean, God forbid it catch on fire, but at least the way that it's put up right there where it dead ends is a horrible idea.

So that's our biggest concern; the traffic, the noise, having neighbors. That was the whole reason we bought in an old neighborhood is because it was established and it was what it was. So please take that into consideration. It's kind of -- it's kind of wrecking the beauty of an old neighborhood.

So thank you.

CHAIRMAN PHILLIPS: Are there others who would like to provide testimony opposing tonight's application?

Okay. Does the applicant wish to provide rebuttal on testimony received?

MR. KNUDSEN: Tyson Knudsen with Knudsen Engineering representing the applicant, Angela Gallafent.

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A couple of the things that I heard tonight I just want to point maybe just a couple clarification items. Sometimes I think I say things or I've said things that get kind of misconstrued -- they get misconstrued or misrepresented.

Specifically regarding parking, what I intended to say was whereas a three bedroom, two bath townhouse, we are required to have two off-street parking. I indicated that we have two in the driveway, and we would have two in the garage. I don't envision a three car -- a three bedroom, two house -- a three bedroom, two bath townhouse having four vehicles and four drivers, per se. So I just want to make at clear that what I was trying to state is that I don't envision that there is going to be four vehicles per dwelling unit. I'm saying I have four parking stalls and that the city code is two stalls per dwelling unit, based on three bedroom, two bath.

So just a clarification there on how much parking is available, not about how many vehicles or how many movements related to those vehicles are going to happen. All that's covered through BTPO and -- which is the transportation planning organization for Bannock County. And those requirements are 12 average

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daily trips per dwelling unit, or 1 peak hour per dwelling unit is kind of set forth in their code and adopted by the City of Pocatello.

I can absolutely say with certainty that we can model a hammer head on this development. We -- we've -- we have -- we have drawing and line work for one. It's -- we were asked not to show that kind of line work -- or show the line work because it's not necessary for a preliminary plat application.

You can kind of see -- it's kind of obvious if you look on the map, but between Lots 3 and 4 it's pretty wide. Between those two lots it's, like, 88 feet. Like 44 feet and 44 feet.

Our plan for 6 -- or for 12 units includes 6 units on the south and 2 sets of 3 units on the north leaving a gap available in Lots 3 and 4 for the emergency turn around.

I -- so I'm pretty confident that we can meet those -- that criteria. In fact, on the Eldredge submittal previous to this, that line work did show up on the turn around. We weren't asked to remove it. It was more related to the easement area. So I don't have any issues with that.

The comment about what I said or mistakenly said regarding the clubhouse being on the plat, I'm

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not exactly sure what was heard or implied, but this 1.36 acres that we are looking at includes the clubhouse, the area where the old pool existed, and I believe the four tennis courts that were historic to that property. So I don't know exactly what was heard by the -- by the crowd, but, yes, this covers, you know, where the existing -- where essentially Angela's existing home is, which is subject to being -- up to be removed to construct -- we won't be allowed to keep that home as part of this subdivision. We intend to probably phase that as we build out this division.

Lots of concerns about stormwater. A couple things I heard that I just want to maybe give a little bit of clarification to. We can't store water for more than 72 hours in any pond. That's just a requirement of Bannock County and the City of Pocatello. That's for mosquito abatement mitigation. So there is rules and procedures in place to how long water can be stored. The percolation rates, the infiltration rates of those ponds have to be lab analyzed, and we can't set the depth any higher that would allow us to store water for more than 72 hours. And that's written right in the code. So I don't have any concerns about those types of comments that were made.

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I also want to be clear that the water that is coming across the interstate, we are not planning to increase any of that water. We are not -- we don't really have any control over that water -- the stormwater. Our job is to make sure that as we build that private access roadway that that infrastructure is in serviceable condition. But that water doesn't generate from our site. It comes across the freeway.

We are not planning to release any water from our site related to the development. That's why we show retention ponds. The only release would be through infiltrations -- slow rate infiltration.

You know, I mentioned the CC&Rs. I don't think we need to spend too much more time with -- on that particular item. I do recognize that it's not the city's responsibility to enforce CC&Rs, but I -- what I said regarding the legal description of those CC&Rs, I'll restate that the legal description of the 1962 CC&Rs do not include the area contained in this development.

I guess I will open it up for any questions that you have.

CHAIRMAN PHILLIPS: Say that last part one more time. When I asked about the exception earlier and you explained the administrative adjustment, this was

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actually what I was referencing, so if you could explain that one more time.

MR. KNUDSEN: Yeah. So I mentioned when I started my presentation that right around 1960, 1961 this facility was built, the clubhouse, the tennis court, the pool. And it was part of Lot 7 of College Terrace 4th edition. Actually, back in those days, they didn't -- they just kind of carved off a little piece. They called it Tract 1, Tract 2, Tract 3. They didn't create, like, a plat like this. It was much more informal.

So the initial thing that got carved off would have been this clubhouse. This clubhouse was intended to be some sort of a benefit to the area and the community. It was probably intended to be some sort of an HOA type facility, however, it became a voluntary paid HOA. It wasn't a mandated like, hey, if you live in this area, you have to pay a fee to use this. It was if you'd like to use it, pay the fee. Which is probably to the demise of the infrastructure, because it never had the funding to keep it operational for a long period of time.

So what I was -- what I was saying, is that this little tract of land got broke off from Lot 7, and then subsequent to that, there were three

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additional parcels that were broken off of Lot 7, that are the three parcels directly north of us. If I trace out the description of that restrictive agreement, it covers exactly those three parcels to the north of us, the residential portion of that Lot 7. This was never a residential portion of Lot 7. It was a clubhouse. It was a recreation facility.

So when they wrote those restrictive agreements, it did not include this piece of ground. And the CC&Rs follow the piece of ground that they are written on. So it's by legal -- by legal description that those restrictive covenants are placed on the ground.

CHAIRMAN PHILLIPS: Got you. Thank you for that clarification.

Any other questions for the applicant?

No. Okay. Thank you.

MR. KNUDSEN: Thank you.

CHAIRMAN PHILLIPS: With no further testimony or rebuttal, I declare the public hearing closed.

Before we proceed, I need to ask one question -- Aceline, this is probably a question for you. Was Pat George granted more time and did we not allow him that time?

MS. MCCULLA: (Inaudible.)

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MR. MCLANE: I'll answer that question. Brent McLane, planning director.

So he did request to receive more time. And in discussion with the mayor and the legal counsel -- or the city policy is that everybody has three minutes to -- to testify and the -- at this point we felt -- in our policy, we didn't have a way to figure out how to collaborate who's not being included, who is being included. And it was just one of those administrative things that we just wanted to stick with what our policy is at the time and what we've been doing for decades now where it's restricted to three minutes per person. And the conglomeration of time isn't something that we --

CHAIRMAN PHILLIPS: That we've ever done.

MR. MCLANE: Not that I'm aware of.

CHAIRMAN PHILLIPS: In the six years that I've been here, we've never done it.

MR. MCLANE: I've never seen it happen since I've been here either; so, yeah.

CHAIRMAN PHILLIPS: Great. Thank you, Brent. Appreciate that.

Okay. Well, how does the commission wish to proceed? I'd entertain motion. I'm sure there is a lot of discussion you'd like to have. I will start by

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reminding you that I cannot as chair make a motion.

COMMISSIONER MCHARGUE: I have a question or two.

CHAIRMAN PHILLIPS: Okay.

COMMISSIONER MCHARGUE: For probably Becky. Does Idaho Transportation Department need to be notified?

MS. BABB: Becky Babb, planning manager. We send out utility notices, and we have a required deadline that we send those out to, and ITD is included on that list.

It's an email that we attach the application plat to provide them opportunity. As far as the private stormwater ITD piece, that will be up to the applicant -- between the applicant and ITD. The city won't regulate or manage that for the applicant. But for utility notices, we do send those out, yes.

COMMISSIONER MCHARGUE: All right.

CHAIRMAN PHILLIPS: Without any construction drawings, they wouldn't have anything.

MS. BABB: Likely not. They would just see stormwater on-site.

CHAIRMAN PHILLIPS: Right.

COMMISSIONER MCHARGUE: And then that CC&R, like he said -- so, like, if this were to be approved tonight, it just disappears?

MS. BABB: Well --

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COMMISSIONER MCHARGUE: Is that how -- like, do they have some sort of, like, legal recourse on their own?

MS. BABB: They could take -- yes, they could take that matter to court privately. But the CC&Rs would not -- and really cannot impact your decision necessarily tonight, because it is a private.

COMMISSIONER MCHARGUE: We don't have knowledge about any of that stuff.

MS. BABB: Correct. Right. That would be something that would have to be litigated civilly between those two parties.

The commission can only go by what's in our city ordinance and -- and really that's your purview, is the city ordinance.

COMMISSIONER MCHARGUE: I guess I have another question about the 10 percent. There were no given reasons for it?

MS. BABB: We received the application. That's a -- how our process works. The application comes in through eTRAKiT. I did load a pdf into the public records request portal today. This request was received for that 10 percent reduction, and we process those in-house by staff. That's at the staff discretion and the director's discretion.

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And so we received the application. The application requested that 10 percent reduction. We looked at lot sizes. And those are pretty -- those are pretty standard. I think it would be -- I mean, that has been our policy. We take the application. We take the information we receive. It's either approved or denied. And that's a staff decision, not a commission decision. That's at the discretion of the director. Under the code related to administrative adjustments, that's the director's authority, not the authority of this commission.

COMMISSIONER MCHARGUE: Okay.

CHAIRMAN PHILLIPS: Meaning, that while that is in part and parcel to this application, we have no say, and they can rescind it or they can ask for it to be included in that we don't -- it doesn't affect our decision?

MS. BABB: Correct. That is not within your purview.

CHAIRMAN PHILLIPS: Thanks.

COMMISSIONER VALLADOLID: So I know -- I have a question. That I know that there was a traffic analysis done and -- but there has obviously been a common concern for the traffic and the safety and the existing structure of that area. And so -- and they

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voiced many concerns of it being --

MS. BABB: Unsafe.

COMMISSIONER VALLADOLID: -- said that it would be addressed, but hasn't been over the last few years.

MS. BABB: Right.

COMMISSIONER VALLADOLID: So I was just wondering where are we at with that or how is that being addressed to make sure that it is a safe option?

MS. BABB: So, again, our city standards will apply with construction drawings, as they always do. The public access will be similar to a driveway. It's a private access. I recognize that to an area that doesn't have a lot of traffic 12 townhomes seems like a great increase in traffic. The example that I heard very recently is when the temple came in, it doubled traffic on Butte Road. But you have to look at, it doubled it from what? And what are our roads constructed to handle? And so even local roads are constructed to handle that amount of traffic.

At construction, our streets superintendent will have an additional chance to review those construction drawings and make sure that everything complies with city standards and the uniform traffic guidance. But at this point, the street superintendent does not have concerns related to

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traffic in that -- in that location.

I will happily defer to the street superintendent on that.

MR. NEVILLE: Michael Neville, street superintendent, City of Pocatello.

We looked at the traffic impact statement that was required for this. I know three of you were here. I gave a little presentation about what triggered that. That's 100 vehicles per hour. That is a lot of cars.

In this case, the Knudsen study triggers out at -- where did my note go? -- 144 cars a day, which equates to roughly 7:00 p.m. peak hour trips.

I heard a gentleman speak that there is 42 homes, which is good, because I was trying to find a count of 19th -- or not 19th -- of University. And we haven't done a lot of traffic studies there volume wise. It's a quiet, local road.

420 trips a day would be what that existing baseline traffic would be. University is not much of a pass through road. You don't have a lot of people short cutting 19th. We want them on 19th. That's why it has the higher speed limit and the wider road. We want you down there. We don't want you on University.

We did go out today and did a cursory review

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on the sight distance from the proposed site. It's really hard to do without construction drawings. So we just kind of went out, followed the AASHTO guidance for measuring that. AASHTO requires 155 feet of stopping sight distance, which would be applicable for a driveway or anything. I measured out 177. I wouldn't stake my name on the measurement, because I don't have any measurements to go off. Mr. Knudsen would need to, like, go say this is the center line of your road. I can't do that today. I don't have any of that. That would be addressed later on in the construction drawings and things.

COMMISSIONER VALLADOLID: But with the existing conformity of the neighborhood right now in the safety concerns of the residence who have the, you know, blind access points to exit and stuff, is there an additional concern that you guys have with addressing that?

MR. NEVILLE: Not with this particular driveway. It's actually better than most of the existing. I do not think the city would let you build University or the other road like that, high, low in town, if you proposed it today. I think our standards -- and hopefully our public works director and planning director would not let you ever build another road

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with the tiered system. Personally, I hate them, for the winter especially.

So I think this meets it. Again, I can't definitively say without stakes in the ground what that would measure out to, but 177 feet when you need 155, that's some wiggle room on it.

COMMISSIONER VALLADOLID: Cool.

MR. NEVILLE: Are we good?

CHAIRMAN PHILLIPS: Other questions for our traffic?

Okay. Great.

COMMISSIONER MCHARGUE: I think I hear everything, but what we are allowed to have an opinion on is none of that. We just have to follow exactly what's being asked. And all the concerns that, like, we brought up legally we are not allowed to put in our decision.

COMMISSIONER GEYER: Yeah, I mean, we have to go by code. Now, this shows how bad code is. I mean, you live in a neighborhood that is residential low density, you are not expecting townhomes to go in your neighborhood when you move in.

And then the administrative adjustment can be decided by one person. I know it's code, but I'm sure everybody in here doesn't agree with that at this

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point.

And I wish the city attorney was here. I don't know why they are not here. But as far as what we can do -- and I also wish that there was public comment at the city council when they do the final plat, but there is not. So I think we have a few issues with code that could be helpful to the public, but there is nothing we can do about that.

I mean, I'm trying to find a reason to deny this, because I would love to deny this, but I can't find it through code.

COMMISSIONER MCHARGUE: I agree.

COMMISSIONER VALLADOLID: Yeah, I kind of echo that same sentiment where the code and the scope of the -- and the ordinances that exist right now, the weight that they carry -- and I don't feel like it's necessarily looking after the residents in that area best interest. Because the existing way it is right now is concerning.

COMMISSIONER GEYER: Yeah.

COMMISSIONER VALLADOLID: And especially it being a university area where one of the nice things about that is being able to walk and utilize that and the slower traffic -- I mean, nobody wants to walk down Yellowstone, but you want to walk down in your nice

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neighborhoods, and there is not even the sidewalks or the space for that.

COMMISSIONER GEYER: Does Rich have thoughts? I know he does.

CHAIRMAN PHILLIPS: Well, none that haven't already been brought up. I --

COMMISSIONER VALLADOLID: What was brought up in that 2020 proposal? That --

CHAIRMAN PHILLIPS: The property, because it was -- and I would invite city staff to correct me if I'm wrong here, but the property was changed from the original clubhouse parcel that the neighborhood was originally platted with, I would guess in the late '50s or early '60s. In 2020, it received what's called a short plat, meaning less than 4 parcels were created out of a single parcel; so it went to 3 parcels with the intent to redevelop it with 3 parcels.

Is that close? Did I get that right?

So in 2020, it was replatted with 3 parcels from a single parcel, and now they have asked to replat it again to 12 parcels.

COMMISSIONER MCHARGUE: And that -- that -- like the CC&Rs said that each of those 3 lots had to meet certain square footage requirements and it was, like

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upstairs had to be a certain square footage. And there was, like, a bunch of restrictions on it.

COMMISSIONER VALLADOLID: But were the criteria of that proposal that was passed ever met in full, you know?

COMMISSIONER MCHARGUE: I think that's why they are trying to redo it --

COMMISSIONER VALLADOLID: I think that's the concern.

CHAIRMAN PHILLIPS: What? Say that again.

COMMISSIONER VALLADOLID: Right. Were the proposals and requirements -- like conditions of that approval from the 2020 proposal ever met?

CHAIRMAN PHILLIPS: Well, it was never developed.

COMMISSIONER VALLADOLID: Never developed. They didn't have to do anything.

CHAIRMAN PHILLIPS: Yeah, but it was never developed.

MS. BABB: I wasn't sure if there was a question in there for me or not, so I thought I would come up.

COMMISSIONER VALLADOLID: Talking out loud.

COMMISSIONER MCHARGUE: So, like, whatever plan they had for that 3 lots, they never followed through on to the next step.

CHAIRMAN PHILLIPS: That's correct.

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COMMISSIONER MCHARGUE: So now we are just redoing the whole thing?
COMMISSIONER GEYER: Yes.
CHAIRMAN PHILLIPS: I've put a lot of hours into this particular agenda. I've looked over the application in depth. I've gone over the public input in depth. A couple things that I want to address, maybe more for the record or for the sake of those who have attended tonight, starting with CC&Rs, there is a precedent set by the city in asking for CCRs [sic] and maybe establishing some sort of significance with CC&Rs.
The reason we do that is so that the city has an opportunity to review all of the CC&Rs and ensure that it is not bearing any liability with those CC&Rs before we approve it, meaning a developer doesn't state in the CC&Rs that the city would be responsible for maintaining sidewalks or something like that that the city is clearly not responsible for. So we do review CC&Rs, and we often ask for them as part of these processes.
Becky also did a good job of explaining that occasionally there are other requirements set forth, not necessarily by the city, that can be included in CC&Rs, like wildlife urban interfaces that require

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sprinklers. So it is at times appropriate to ask for CC&Rs. This is -- this still has nothing to do with us.
If my CC&Rs in my neighborhood stipulate that I can only paint my house white or beige or gray and I paint it pink, my neighbors can't call the city and say, "Hey, come enforce these CC&Rs," right. The city has no avenue to do anything about that. That is, as Becky said, a private matter between property owners. The city has no way to get involved in a CCR dispute. So first and foremost that.
From here, I want to make it very clear a couple things. One is that these -- specifically a preliminary plat is conceptual, which is why we have not required Mr. Knudsen to include some of the things like hammer heads, exact paths for drainage. So what we are looking at here may change.
I also want to point out that what we are doing here tonight is making a recommendation. This has to go before city council.
If --
COMMISSIONER GEYER: No. This is a preliminary plat paper that only goes on plat (inaudible).
CHAIRMAN PHILLIPS: It's a recommendation.
COMMISSIONER GEYER: No. It's approval.

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CHAIRMAN PHILLIPS: So we approve it. So I misspoke there.
If we don't approve it, however -- I guess where I'm trying to go with this is that if we choose not to approve it, it can still go before city council.
And I want to point out that the purpose of city council and why we elect people and why we pay them is in the hopes that they will represent us. Our job is different. As planning and zoning, our job is to ensure that an application like this one meets the criteria set forth inside of the application.
And so while we've heard a lot of compelling reasons why 12 new units up here is going to negatively impact the people that are living here, we don't necessarily have the ability to act on that.
It meets code. It meets the zoning. It meets the criteria of the applicant -- excuse me. It's meets the criteria of the application.
UNIDENTIFIED SPEAKER: I have a question.
CHAIRMAN PHILLIPS: We can't answer it. The public testimony is closed -- the public hearing is closed -- excuse me.
UNIDENTIFIED SPEAKER: Okay.
CHAIRMAN PHILLIPS: Stormwater, fire access, all

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of these things are -- will have to be met as part of the final plat. If they can't make stormwater, if they can't fit a hammer head, as has been suggested, if they can't get some type of turn around, it won't be able to be approved and it won't be able to be built. And so the city has a long standing code that dictates all of these standards. And just because we approve it, doesn't mean that it automatically is going to get built. The engineer and the applicant still have the requirement of meeting all of the requirements of code, which include things like stormwater retention, fire turn around, everything like that.
Those are my thoughts.
COMMISSIONER VALLADOLID: I guess -- I agree with you and, I like what you pointed out. I guess one other thing that I circle back to is with the lack of involvement with ITD and just considering the proposed structure and the water runoff that could be created from that and not the consideration of the freeway itself impacting them, because they are just only addressing their water; right?
COMMISSIONER MCHARGUE: They sent the notice, though, to ITD.
CHAIRMAN PHILLIPS: Hold on. I think you are

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asking something different. Say this again. So -- sorry. Say that one more time.
COMMISSIONER VALLADOLID: I think when the engineering firm was talking about the water runoff from ITD, they excluded any consideration from ITD. They were only considering what was being -- the water runoff that would come from the proposed structure itself.
CHAIRMAN PHILLIPS: Correct.
COMMISSIONER VALLADOLID: And not anything else , but, I guess, I don't understand not considering the full area all together and only localizing it just to that structure. Because it's going to have an impact; right?
CHAIRMAN PHILLIPS: Yeah. Code states that stormwater has to be retained, and so they -- you know, a lot of people mentioned stormwater. I can't imagine that it's all coming from this property. But anything that is coming from this property will actually be abated better with this development than it will be --
COMMISSIONER VALLADOLID: Existingly.
CHAIRMAN PHILLIPS: -- existing. So I don't know if that answers your question or not, but all we are asked to look at is the stormwater for this one.

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And that being said, we are not even asked to look at that. That will be part of final plat construction drawings; so outside of our purview as well.
COMMISSIONER MCHARGUE: So I think what we are trying to say is exercise your rights to take this further outside of here, because we don't have any control --
COMMISSIONER VALLADOLID: The scope of the code is --
COMMISSIONER MCHARGUE: Yeah, like you can do what you want to do. We can't --
UNIDENTIFIED SPEAKER: Fulfill the code.
CHAIRMAN PHILLIPS: Sorry. We can't speak to that.
So with that -- with that, I would entertain more discussion, if there is more questions, if people still feel unsettled, we can talk about that, or we can --
COMMISSIONER GEYER: Well, I feel unsettled, because I don't want to approve it, but I think I have to.
COMMISSIONER MCHARGUE: Yeah.
CHAIRMAN PHILLIPS: I'd entertain a motion --
COMMISSIONER GEYER: Because it meets the code of

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what we are approving. It doesn't meet final code, because that will be the final plat. So I hear what you are saying, if it doesn't meet code, there will still be code in the final plat that will be --
CHAIRMAN PHILLIPS: Yeah.
COMMISSIONER GEYER: It will have to be in the final plat --
CHAIRMAN PHILLIPS: Yeah.
COMMISSIONER GEYER: -- before it's approved.
CHAIRMAN PHILLIPS: And if they can't meet that, then --
COMMISSIONER GEYER: Then it won't be --
CHAIRMAN PHILLIPS: Then it won't be.
COMMISSIONER VALLADOLID: Well, I think it's tough. I feel like those are very valid thoughtful concerns, but -- and I agree with these thoughtful concerns.
COMMISSIONER GEYER: Yeah, I would not be happy if I lived in the neighborhood.
CHAIRMAN PHILLIPS: That's why we get paid so well.
COMMISSIONER MCHARGUE: Should we just, like, reiterate the repercussions of us not following code?
CHAIRMAN PHILLIPS: No. I think we are good. I -- our job is not to --

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COMMISSIONER MCHARGUE: Yeah.
CHAIRMAN PHILLIPS: -- explain anything to anybody. We just -- if we don't vote -- if we -- again, we are not here to vote on merit. We are here to vote on compliance, and the city council can make the decision based on merit, but we are just here -- we're a compliance council.
And I will just remind everyone that, again, as chair, I cannot make a motion, nor can I make a second.
COMMISSIONER VALLADOLID: Yeah, I'm having a little heartburn.
COMMISSIONER GEYER: Do you want me to do it?
COMMISSIONER MCHARGUE: Well, I don't think we have a choice. We definitely don't.
UNIDENTIFIED SPEAKER: Yeah.
UNIDENTIFIED SPEAKER: So your job is to confirm on the what?
MR. MCLANE: Let me just kind of break the ice here a little bit, because I get where you guys are coming from.
I understand -- again, Brent McLane, planning director. I understand the uncomfortableness you are feeling. I understand the disappointment of the code that the group is feeling. That's why we as

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a city, we are in the process of doing a complete overhaul over zoning ordinance for this very reason.

We are looking at implementing more of a character base or form base code for the City of Pocatello, and unfortunately we are not at that point for this application. And you do have a difficult decision that is pretty straightforward in front of you, I think, but -- but it's hard because you have people who feel like a development is coming that doesn't fit in their neighborhood, and I don't disagree with what they are saying.

But I encourage the neighborhoods here and elsewhere in the community to participate in our zoning ordinance rewrite. We are going to have some consultants here where we are -- we are going to focus more on the fine grain neighborhood components, rather than an overarching Euclidean zoning that we have now. And -- so that's coming up here at the end of -- the end of September is when we are starting it. You'll hear a lot of public information about it. Because we do want to recognize -- and we recognize the failures of our code. I do.

But it is what our code is. A code is law. And your job is to enact or enforce the law that you have in front of you now. And so that's where we are.

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And you do need to make some sort of motion.

CHAIRMAN PHILLIPS: Yep. Thank you, Brent.

COMMISSIONER MCHARGUE: I'm going to move to approve the preliminary plat application -- application request. The request is to subdivide the property into 12 lots to be known as Scholar's Landing. Finding the application does meet the standards for approval under Chapter 16.20.050, Pocatello Municipal Code, with conditions listed in the staff report and to authorize the chair or vice chair to sign the findings of fact, a decision.

COMMISSIONER GEYER: I will second it.

CHAIRMAN PHILLIPS: I have a motion made by McHargue and a second by Geyer.

Aceline, will you please call the vote.

MS. MCCULLA: McHargue?

COMMISSIONER MCHARGUE: Yes.

MS. MCCULLA: Geyer?

COMMISSIONER GEYER: Yeah.

MS. MCCULLA: Phillips?

CHAIRMAN PHILLIPS: Yes.

MS. MCCULLA: Valladolid?

COMMISSIONER VALLADOLID: Yes.

MS. MCCULLA: (Inaudible.)

(The section of the recording concluded.)

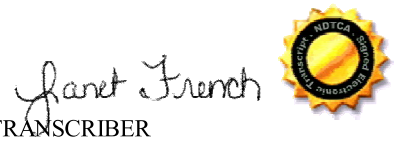
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CERTIFICATE OF TRANSCRIPTION

I, Janet L. French, hereby certify:

That I correctly and accurately transcribed and typed the above transcript from the audiorecording of the Hearing, which was recorded on September 9, 2026; that the foregoing pages are a true and correct record of that proceeding, to the extent that the audiorecording from which it was transcribed was audible and discernible.

Dated and certified on this 21st day of September, 2026.



TRANSCRIBER

JANET L. FRENCH
P.O. Box 4525
POCATELLO, IDAHO 83205
(208) 242-3289

ATTACHEMENT F

ADMINISTRATIVE ADJUSTMENT APPROVED BY STAFF (ADMA26-009)

Administrative adjustment review form

Name of Applicant: Tyson Knudsen

Address of development: ~540 University Dr

Subdivision, Lot, Block: Hatch Subdivision or future Scholar's Landing

Building permit # of related development: PP26-009

eTRAKiT project: ADMA26-009

Zone: Residential Low Density **(**RL)

Reason for Request of up to 10% (setbacks, height, landscaping, lot size or other standards):

An administrative adjustment was required on the lot sizes for this proposed subdivision Minimum Lot Size reduction from 4,000 square feet to 3600 square feet on proposed Lots 2, 5, 8, 9, 10, 11

17.03.600: DIMENSIONAL STANDARDS:
A. Dimensional Standards: A list of dimensional requirements including setbacks, height limitations, minimum lot size, and minimum
landscaping is presented in Table 17.03.600, Dimensional Standards Table, of this section.
B. Administrative Adjustment: The director, or designee, may approve the modification of a setback, building height, minimum lot size,
minimum landscaping, or building footprint size standards of this title by up to ten percent (10%) subject to the following requirements:
1. The applicant must provide a written description of the requested adjustment detailing how the modification will not create any
adverse impacts, which will negatively impact the public health, safety and welfare, on a form provided by planning and development
services. The form shall clearly describe the nature of the proposed adjustment request and describe any anticipated impacts.
2. If the applicant fails to obtain the required administrative adjustment they may, at their own discretion, submit a variance
application pursuant to section 17.02.160.

Code standard: 4,000 square feet per lot

Adjusted standard: 3,600 square feet per lot minimum

ATTACHMENT G

MUNICIPAL CODE 17.02.400 APPEALS

17.02.400: APPEALS:

A. Purpose: The purpose of this section is to clarify procedures for appeals. Decisions made by the Director, Hearing Examiner, Historic Preservation Commission, or the Planning and Zoning Commission may be appealed by any person having standing to file an appeal under this code and Idaho Code section 67-6535, or as amended.

B. Appeals of Hearing Examiner, Historic Preservation Commission, and Planning and Zoning Commission Decisions: The Hearing Examiner, Historic Preservation Commission, or Planning and Zoning Commission shall issue a written decision that includes a reasoned statement explaining the criteria and standards considered relevant, the contested facts relied upon, and the rationale for the decision based on the applicable provisions of the state code, comprehensive plan, this title, and factual information contained in the record. A copy shall be transmitted to the applicant and made available to other affected persons (according to the provisions of Idaho Code section 67-6535), who may, within fourteen (14) days of the availability of the decision, file a written appeal with the director in a form determined by the director, with fees as set by the city council. If an appeal is filed, the director shall set a date before the appropriate appellant board for their consideration, and notify the appellant, applicant (if not the appellant), and the property owners originally noticed of the date, time, and place of the hearing. Notification procedures as outlined under section 17.02.300 of this chapter shall be followed. A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request of reconsideration or the request is deemed denied.

C. Appeals Of City Council Decisions: Appeals of city council decisions shall be filed, within twenty-eight (28) days, with the appropriate court pursuant to Idaho Code section 67-6535. (Ord. 3132, 2023: Ord. 3115 § 2, 2023: Ord. 2846 § 1, 2008)