

**CITY COUNCIL DECISION  
ANNEXATION AND ZONING REQUEST**

APPLICANT: B Street Investments, LLC

PROPERTY OWNER: B Street Investments, LLC

MAILING ADDRESS: 2227 E Center Street  
Pocatello, ID 83201

LOCATION OF REQUEST: Approximately 7.56 acres of land located at the east end of Vista Drive, legally described on the attached Exhibit "A"

NATURE OF REQUEST: Request to annex the subject property into the corporate boundary of the City and zone the same as Residential Medium Density Single-Family (RMS).

At a Public Hearing held August 12, 2020, the Planning and Zoning Commission heard testimony and later made Findings of Fact and drew conclusions therefrom based on the standards listed therein. Staff received 25 written comments which were presented to the Commission via email. One phone call was received by staff. A copy of the Findings of Fact is attached hereto as Exhibit "B" for reference.

**PLANNING AND ZONING COMMISSION'S RECOMMENDATION  
TO POCATELLO CITY COUNCIL**

Based upon the conclusions contained in the attached report, the Commission recommended approval of the request subject to the conditions outlined.

**ANNEXATION AND ZONING ORDINANCE STANDARDS FOR DECISION**

1. Cities have the authority to annex land into a City which is reasonably necessary to assure the orderly development of the City pursuant to Idaho Code §50-222.
2. Development standards in residential zoning districts are contained in Table 17.03.240 of the Pocatello Municipal Code.

3. City of Pocatello Resolution No. 2006-02 provides for the developer of real property being annexed into the city limits to provide a water source sufficient to support the water needs of the development of said property, or to provide a cash payment of an amount sufficient to purchase a water source utilizing a formula determined by the City.

### **POCATELLO CITY COUNCIL FINDINGS OF FACT AND CONCLUSIONS**

At its regularly-scheduled meeting on September 3, 2020, the City Council held a public hearing and considered the record of this application and the recommendation of the Planning and Zoning Commission. The Applicant, represented by Rocky Mountain Engineering and Surveying, LLC, and City staff made presentations. One individual presented comment supporting the annexation request and the need for additional housing. Staff noted in their presentation that, as of completion of the Council Executive Summary, 30 written comments including two from the Applicant were received. Generally, the comments were related to lot widths. All comments were provided to Council as part of the staff presentation.

After discussion, the City Council adopted the Findings of Fact set out in the Commission's Report, subject to conditions recommended by the Planning and Zoning Commission, and with which City Planning and Development Services Staff concurred.

### **POCATELLO CITY COUNCIL DECISION**

Based upon the above-named Findings of Fact and Conclusions, the Pocatello City Council hereby approves the annexation and zoning of approximately 7.56 acres of land located at the east end of Vista Drive, as described in Exhibit A; and approves the zoning designation of said parcel as Residential Medium Density Single-Family (RMS), subject to the following terms and conditions:

1. Applicant shall enter into an Annexation Agreement with the City of Pocatello.
2. An updated legal description of the parcels of land to be annexed, prepared by a licensed surveyor, shall be submitted by the applicant prior to the adoption of the annexation ordinance.
3. Any standards/regulations not herein noted but applicable to the proposed development shall be strictly adhered to.
4. Any activity requiring a separate development or building permit shall comply with applicable regulations.
5. City of Pocatello Resolution No. 2006-02 provides for the developer of real property being annexed into the city limits to provide a water source sufficient to support the water needs of the development of said property, or to provide a cash payment of an amount sufficient to purchase a water source utilizing the formula approved by the City Council. As

the amount for the water assessment is unknown at this time and shall be established as development occurs, it will be made part of the Annexation Agreement.

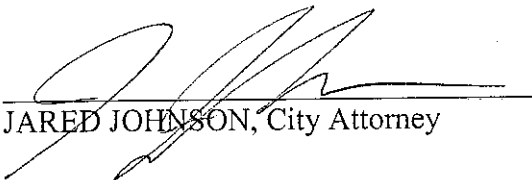
6. Upon annexation, the subject property shall be designated Residential Medium Density Single-Family (RMS).

7. The Comprehensive Plan Map designation for the property shall be Residential (R).

ADOPTED this \_\_\_ day of September, 2020.

Approved as to form and content

CITY OF POCA TELLO, a municipal corporation of Idaho

  
JARED JOHNSON, City Attorney

\_\_\_\_\_  
BRIAN C. BLAD, Mayor

ATTEST:

\_\_\_\_\_  
RUTH NEWSOM, City Clerk

STATE OF IDAHO                                    )  
  ss:  
County of Bannock                                )

On this \_\_\_ day of September, 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.

(SEAL)

\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing in: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

LEGAL DESCRIPTION  
HIGH TERRACE ANNEXATION

A TRACT OF LAND SITUATED IN THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 7 SOUTH, RANGE 34 EAST AND LOT 2, SECTION 19, TOWNSHIP 6 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

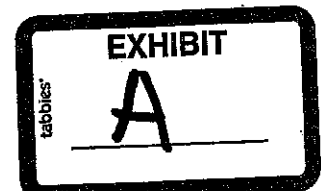
COMMENCING AT THE SOUTHEAST CORNER OF LOT 11, BLOCK 3, TUSCANY HILLS SUBDIVISION – 1ST ADDITION, A SUBDIVISION RECORDED UNDER INSTRUMENT NO. 20625448 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY, BEING SOUTH 52°58'46" EAST A DISTANCE OF 80.27 FEET FROM THE WEST 1/4 CORNER OF SECTION 19 AS DESCRIBED IN CORNER PERPETUATION RECORDED UNDER INSTRUMENT NO. 21616352 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY, SAID 1/4 CORNER BEING DEMOLISHED FROM CONSTRUCTION; THENCE NORTH 4°40'54" EAST, ALONG THE EAST BOUNDARY LINE OF SAID SUBDIVISION A DISTANCE OF 73.48 FEET TO THE **POINT OF BEGINNING**;

THENCE FOLLOWING ALONG THE EASTERLY BOUNDARY LINES OF THE EXISTING CITY OF POCATELLO CITY LIMITS AS DESCRIBED BY ORDINANCE NO. 2770 (INSTRUMENT NO. 20512553) AND SAID SUBDIVISION OVER THE FOLLOWING TWO (2) COURSES:

1. CONTINUING NORTH 4°40'54" EAST A DISTANCE OF 22.75 FEET;
2. NORTH 23°40'59" WEST A DISTANCE OF 177.97 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF A PARCEL OF LAND BELONGING TO MICHAEL WYNN GODFREY & JAN GODFREY AS DESCRIBED IN WARRANTY DEED RECORDED UNDER INSTRUMENT NO. 21514039 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY, BEING A POINT ON A 203.00 FOOT RADIUS CURVE WHOSE CENTER BEARS SOUTH 24°40'37" EAST;

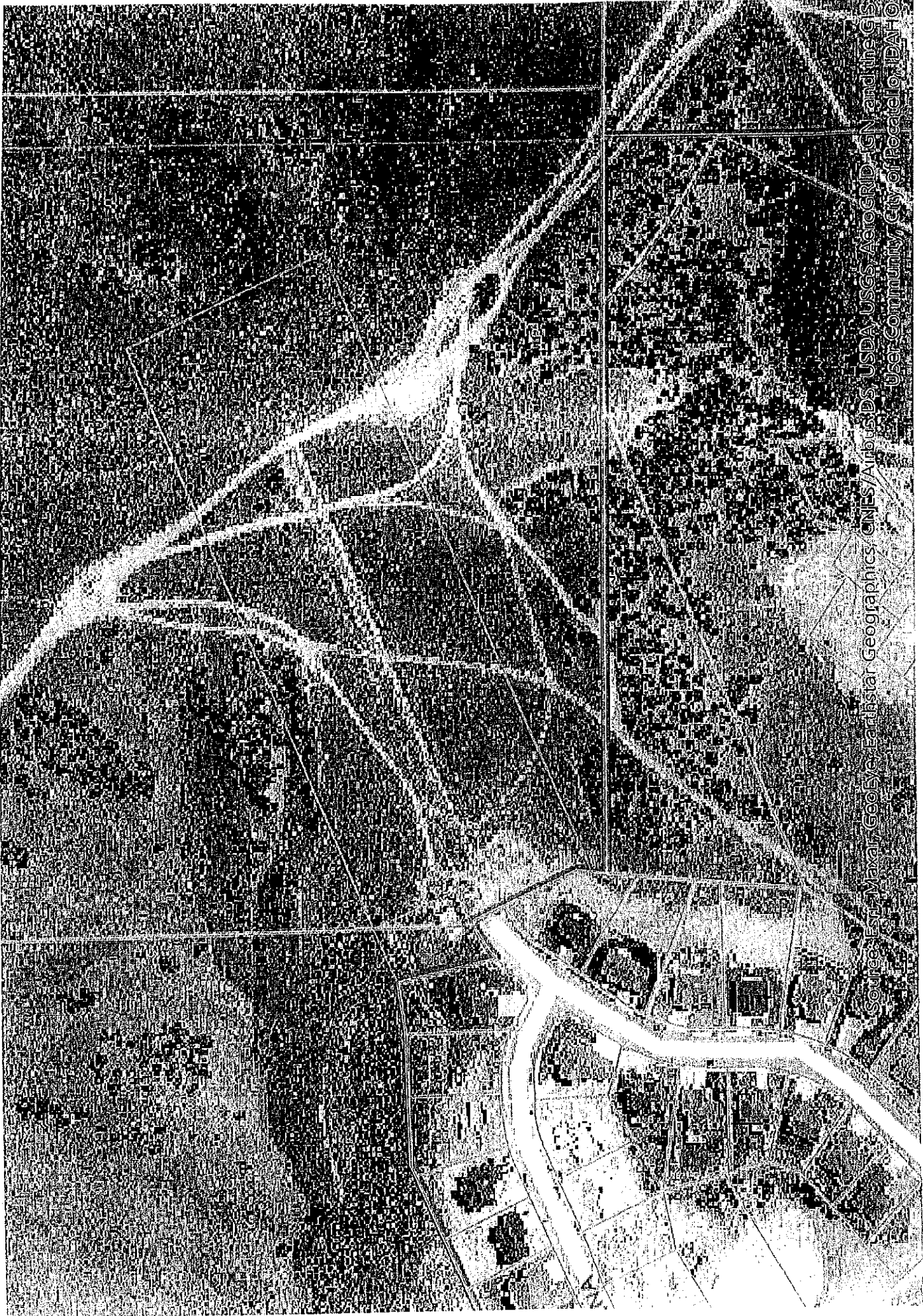
THENCE LEAVING THE PRESENT CITY OF POCATELLO CITY LIMITS ORDINANCE NO. 2770 (INSTRUMENT NO. 20512553) AND FOLLOWING ALONG THE SOUTHERLY AND EASTERLY BOUNDARY LINES OF SAID PARCEL OF LAND OVER THE FOLLOWING THREE (3) COURSES:

1. FOLLOWING ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 0°59'38" FOR AN ARC LENGTH OF 3.52 FEET (THE CHORD OF SAID CURVE BEARS NORTH 65°49'12" EAST A DISTANCE OF 3.52 FEET) TO A POINT OF TANGENCY;
2. NORTH 66°19'01" EAST A DISTANCE OF 46.97 FEET;
3. NORTH 23°40'59" WEST A DISTANCE OF 141.99 FEET;



THENCE LEAVING SAID PARCEL OF LAND, NORTH 66°19'38" EAST A DISTANCE OF 939.65 FEET;  
THENCE SOUTH 24°01'35" EAST A DISTANCE OF 338.51 FEET;  
THENCE SOUTH 66°14'27" WEST A DISTANCE OF 1002.98 FEET TO THE POINT OF BEGINNING.  
SAID PARCEL CONTAINS 7.56 ACRES, MORE OR LESS.





Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, City of Pocatello, IDAHO

**PLANNING & ZONING COMMISSION  
FINDINGS OF FACT & RECOMMENDATION  
ANNEXATION & ZONING DESIGNATION REQUEST**

**I. Request:**

Bill Isley of B Street Investment, LLC, represented by Rocky Mountain Engineering & Surveying, has submitted an application to annex and zone 7.56 acres (more or less) of land located at the east end of Vista Drive. The proposed zoning for the property is Residential Medium Density Single-Family (RMS) and a concurrent Comprehensive Plan Land Use Map designation of Residential (R).

**II. Recommendation:**

Based on information provided by the applicant, City Staff, and written testimony submitted to the Commission concludes that the annexation request and concurrent Zoning Map and Comprehensive Plan Land Use Map designation are compliant with Pocatello Municipal Code Section 17.02.110 Annexations. The Commission therefore recommends approval of the subject application with the following conditions attached:

1. The subject property shall be annexed into the corporate boundaries of the City of Pocatello excluding therefrom the land area located west of the draw which bisects the proposed annexation area;
2. An updated legal description of the parcels of land to be annexed, prepared by a licensed surveyor, shall be submitted by the applicant prior to the adoption of the annexation ordinance;
3. That, upon annexation; the subject property shall be zoned Residential Medium Density Single-Family (RMS);
4. That, upon annexation, the subject property shall be given a comprehensive plan designation of Residential (R);
5. Annexation application in to the City are subjected to a "Water Right Value" per Resolution 2006-02. This will be collected prior to the recording of the final plat;
6. Any standards/regulations not herein noted but applicable to the proposed development shall be strictly adhered to; and
7. Any activity requiring a separate development or building permit shall comply with applicable regulations.



### III. Public Hearing

A public hearing was held before the Planning & Zoning Commission on August 12, 2020. The applicant provided an overview of the subject 7.56 acre and need for annexation. The applicant noted that the zoning is similar as the adjacent residential developments.

Matthew G. Lewis, Senior Planner, addressed the Chair and Commission noting the annexation request was in statutory compliance with the Idaho State Code, that the property is within the Area of City Impact; and that the a Comprehensive Plan Map designation was required as part of the request. Lewis noted that based on the Criteria for Review under Pocatello Municipal Code Section 17.02.180 E. and information presented, staff recommended approval of the zoning designation with conditions. Staff also noted that numerous written testimonies were received and such was provided to Commission via email and during the pre-agenda.

The Chair opened the public hearing at which time no individuals provided oral testimony.

The Chair closed the hearing.

### IV. Finding of Fact

**Finding:** The annexation request is in statutory compliance with Idaho State Code Section 50-222 (3.a (i)) as a category "A" annexation, which allows annexation to take place wherein all private landowners have consented to annexation. As proposed, the subject property is within the adopted Area of City Impact, and lies contiguous to the City of Pocatello limits at the west most property line. The applicant, Bill Isley of B Street Investments, LLC, is the property owner of the subject 7.56 acres. Pursuant to Idaho State Code Chapter 50-222 (4.a) consent to annexation has been given by owner's authorized agent and has been recorded in the Bannock County Recorder's office.

**Finding:** Per Pocatello Municipal Code 17.02.110, as land is annexed it shall be given a comprehensive plan and zoning district designation based on the provisions of section 17.01.130, in the plan designation-zoning district conversion chart, of this title and the review criteria listed in subsection 17.02.180.E. Per the Plan Designation & District Conversion Chart, the subject property shall be designated Residential, consistent with the proposed Residential Medium Density Single-Family zoning designation.

**Finding:** All property owners within a 300-foot radius of the land to be rezoned have been provided notice of the public hearing in order that they may provide comment on the proposed annexation application and zoning/concurrent comp plan map designation. Notice was also published in the Idaho State Journal and a sign was posted on the subject property.

**POCATELLO MUNICIPAL CODE SECTION 17.02.180.E CRITERIA FOR REVIEW:** The Planning & Zoning Commission and City Council shall review the facts and circumstances of each proposal in terms of the following criteria:



1. **How the requested zoning at the location in question would be in the community's best interest;**

**Finding:** The requested zoning would facilitate new single-family development which will provide an increase in housing stock and options for the community. The development will facilitate the potential future development of additional housing, as well as the connection of Vista Drive to East Center Street.

2. **How the list of uses permitted by the zoning ordinance would blend with surrounding land uses;**

**Finding:** The RMS 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. Development standards for this zoning district promote pedestrian travel to a variety of neighborhood services within close proximity. Neighborhood park and recreation areas are encouraged. Some civic and institutional uses are also conditionally permitted. The proposed zoning of RMS is consistent with the Tuscany Hills Development to the East and the resulting residential development is typical of land use pattern within the surrounding area.

The existing land uses adjacent to the subject property are developed with residential uses or are currently vacant. The properties immediately to the north and west are vacant and undeveloped. The aforementioned properties are located outside of the City of Pocatello and zoned Residential Suburban in Bannock County. The property adjacent to the east and south accessed from Vista Drive, are zone Residential Medium Density Single-Family which is the same zoning designation that is proposed as part of the requested annexation. Surrounding land uses are would and is currently predominantly developed with single-family homes.

3. **If the subject site is physically suitable for the type and intensity of land uses permitted under the proposed zoning district;**

**Finding:** The subject property is currently vacant and the topography is characterized by a slopes that exceed 15% in places at both the north and south portions of the property to be annexed. Based on the preliminary slope analysis provided, the proposed density will be met and all applicable slope development standards will apply. The applicant will need a variance to the site disturbance standards, listed in Pocatello Municipal Code 17.05.140, in order to build up the lots as currently designed by the applicant. The site would be physically suitable for the residential development under the proposed RMS zoning district. The applicant submitted a preliminary plat application, contingent upon annexation, which addresses the development standards of the site in greater detail.

4. **If the uses permitted in the proposed zoning district would be adequately served by public facilities and services such as thoroughfares, police and fire protection, drainage,**

**refuse disposal, water, sewer, and schools, to ensure the public health, safety and general welfare;**

**Finding:** The uses permitted in the RMS zoning district would be adequately served by public facilities. Culinary water and fire flow currently extend through the property and are adequate to serve the future development. Sewer service is available and will be extended from Vista Drive. It will be the developer's responsibility to make appropriate contacts and provisions for extension of private utilities including but not limited to Intermountain Gas, Idaho Power, and Sparklight. City services such as fire, police, and sanitation services are available to serve the subject property via Vista Drive.

The City Council implemented a water payment option through Resolution 2006-02. Typically, there would either be a water source (such as water rights) associated with the proposed annexed property or if not, cash payment would be calculated based on the formula under the above Resolution. City water is currently extended through the property and provides adequate flow to serve the future development, provided that all necessary infrastructure is extended and upgraded as necessary.

5. **If the uses permitted in the zoning district would be compatible in terms of their scale, mass, coverage, density, and intensity with adjacent land uses;**

**Finding:** The uses permitted in the requested RMS zoning district would be compatible in terms of the scale, mass, coverage, density, and intensity with adjacent land uses. The proposed residential density is compatible with the adjacent residential uses to the East and south. The RMS zoning district requires a minimum lot size of 5,000 sq. ft. per single-family home. The lot sizes on the north side of the extension of Vista drive range in size from 7,698 sq.ft. to 11,916 sq.ft with the average being approximately 9,087 sq.ft in size. The lot sizes on the south side of Vista range in size from 9,398 sq.ft to 11,921 sq.ft. with the average being approximately 9,416 sq.ft in area. The average lot size fronting the extension of Center covers approximately 10,645 sq.ft. in size. Based on the proposed 7.56 acres to be annexed and corresponding zoning designation of RMS and slope disturbance a total of 45 single-family lots may be platted. In this case, the developer is proposing to plat 27 residential lots.

6. **Whether the proposed zoning designation is consistent with the comprehensive plan land use map designation.**

**Finding:** The property is located within the City of Pocatello Area of City impact. The subject property does not currently have a land use designation on the Comprehensive Plan Land Use Map. The adjacent property to the west is designated as Residential within the City Comprehensive Plan Land Use Map, and zoned RMS. The residential medium density zoning designation is consistent with the Residential land use designation of the Comprehensive Plan Land Use Map, therefore, should the annexation application be approved then the property shall be designated as residential pursuant to City Code 17.02.110.

The following Land Use Goals, Objectives, and Policies of the Comprehensive Plan support annexation and the proposed zoning designation:

Land Use Chapter 5, Goal 1: Implement zoning designations and development regulations that accommodate existing and future needs of the City's population and that serve to facilitate orderly development within the City and region.

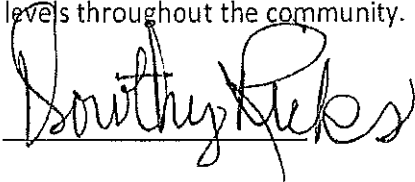
Objective 1.2: Use Urban Service Boundary (USB)/Area of City Impact (ACI) to support development when adequate public facilities and infrastructure are available or are planned to be installed concurrent with development.

Objective 1.4: Guide Annexation within the USB/ACI to encourage orderly growth.

Policy a: Annexation may be sought for new developments within the USB/ACI when essential urban services can be delivered to the subject property in a timely and cost effective manner consistent with the City's plans for extension of said services.

Housing Chapter 12, Goal 1: Encourage development of a wide variety of high-quality housing opportunities that are safe, sanitary, attractive and affordable.

Objective 1.1: Encourage development of housing affordable for households of all income levels throughout the community.

A handwritten signature in black ink, appearing to read "Dorothy Ricks", written over a horizontal line.

Dorothy Ricks, Chair  
Planning & Zoning Commission  
Authorized to sign 8/12/2020

3(d)

**CITY COUNCIL DECISION  
ZONING AND COMPREHENSIVE PLAN LAND USE MAP AMENDMENTS  
REQUEST**

APPLICANT/OWNER: H7 Ventures LLC

REPRESENTATIVE: Chris Adams for Creek Hollow & Associates Inc.

APPLICANT/OWNER'S MAILING ADDRESS: 1428 North 615 East, Shelley, Idaho 83274

LOCATION OF REQUEST: Parcel located within the Northgate development area, north of The Crossings Division 2 Subdivision and west of Olympus Drive

LEGAL DESCRIPTION: See Attached Exhibit "A"

TYPE OF REQUEST: Applicant requests an amendment of the zoning designation of an approximate 34.33 acre parcel located within the Northgate development area, north of The Crossings Division 2 Subdivision and west of Olympus Drive, Pocatello, Idaho to Residential Commercial Professional (RCP) with a concurrent amendment to the Comprehensive Plan Land Use Map to "Mixed Use"

CURRENT ZONING: Commercial General (CG)

CURRENT COMPREHENSIVE PLAN LAND USE MAP DESIGNATION: Commercial

A Public Hearing was held on August 12, 2020, before the Planning and Zoning Commission (P&ZC) to consider the applicant's proposal to rezone an approximate 34.33 acre parcel located within the Northgate development area, north of The Crossings Division 2 Subdivision and

west of Olympus Drive, Pocatello, Idaho from Commercial General (CG) to Residential Commercial Professional (RCP) with a concurrent amendment to the Comprehensive Plan Land Use Map from “Commercial” to “Mixed Use”

Based on staff’s review of the property in question, the corridor area, and the fact that the Comprehensive Plan Map has the area designated “Commercial”, it was recommended that a complete rezone from CG to RCP and the amendment to the Comprehensive Plan Land Use Map from “Commercial” to “Mixed Use” at this location would be appropriate to provide zoning consistency for the area. At the hearing, the Commission heard testimony from the Applicant and City staff. No public comment was received. Thereafter, the P&ZC set out findings and made a recommendation herefrom, to approve the amendment of the zoning designation of the subject property to Residential Commercial Professional (RCP) and the amendment to the Comprehensive Plan Land Use Map to “Mixed Use”

### **PUBLIC HEARING**

At its regular meeting held September 3, 2020, the Pocatello City Council held a Public Hearing to review the Applicant’s request and the recommendation for approval of the zoning designation amendment and amendment to the Comprehensive Plan Land Use Map from the Planning and Zoning Commission, and heard testimony on the request from City staff. Staff noted that no public comments were received either by phone or in written form. No comments were provided before the Council and thereafter the hearing was closed.

### **ZONING ORDINANCE STANDARDS**

The City Council reviews the facts and circumstances of Applicant’s request for a zoning designation amendment in terms of the standards delineated in the Pocatello Municipal Code as follows:

#### **Zoning Ordinance Section 17.02.180(B)(1)- Private Property Owner Initiation:**

1. Was the request initiated by an owner of private property within the municipal boundary of the City of Pocatello or their duly authorized representative?

#### **Zoning Ordinance Section 17.02.180(E):**

1. How the requested zoning at the location in question would be in the community’s best interest.
2. How the list of uses permitted by the zoning ordinance would blend with surrounding land uses.
3. If the subject site is physically suitable for the type and intensity of land uses permitted under the proposed zoning district.
4. If the uses permitted in the proposed zoning district would be adequately served by public facilities and services such as thoroughfares, police and fire protection, drainage,

refuse disposal, water, sewer, and schools, to ensure the public health, safety and general welfare.

5. If the uses permitted in the proposed zoning district would be compatible in terms of their scale, mass, coverage, density, and intensity with adjacent land uses.
6. Whether the proposed zoning designation is consistent with the Comprehensive Plan land use map designation.

**Zoning Ordinance 17.02.120(C):**

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

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**POCATELLO CITY COUNCIL FINDINGS OF FACT AND CONCLUSIONS**

Based upon the record of this application, the testimony heard at its regularly-scheduled meeting held on September 3, 2020, and the recommendation of the Planning and Zoning Commission and the City's Planning and Development Services staff, the Pocatello City Council makes the following Findings of Fact and Conclusions:

**Zoning Ordinance Section 17.02.180(B)(1)- Private Property Owner Initiation:**

1. The rezone application has been initiated by H7 Ventures LLC, represented by Chris Adams of Creek Hollow & Associates Inc., for subject location, pursuant to Municipal Code Section 17.02.180(B)(1).

**Zoning Ordinance Section 17.02.180(E):**

1. The requested zoning amendment is to an RCP designation, which will provide greater consistency with the adjacent zoning to the west. Additionally, the RCP zoning is more compatible with the adjacent CG zoning district to the east, as it allows for a greater mix of residential and commercial development. The proposed zoning will be similar to the intensity of uses in the surrounding area and will have the potential to facilitate the creation of jobs and housing in the City of Pocatello.
2. The subject property was annexed into the City of Pocatello in February, 2018 and is currently undeveloped as part of the larger Northgate development. As such, the area is still developing in character and there are no land use developments in the area. The properties located to the west and south are zoned RCP and the property to the east is zoned CG. The RCP zoning will have greater compatibility with the surrounding area land uses based on the surrounding zoning.

Per Pocatello Municipal Code 17.03.320.C., the RCP zoning district is intended to accommodate a mix of residential, professional office and neighborhood commercial uses including business/professional services, convenience retail, personal services and restaurants in close proximity to residential areas and major facilities.

Residential uses are permitted consistent with the density and requirements of the RH zoning district. Heliports, medical centers and some utilities are conditionally permitted. Developments in the RCP zoning district may be used to serve as a buffer between residential areas and commercial and/or industrial areas. Additionally, the CG zoning district is designated to accommodate a full range of retail, office and civic uses with a citywide and/or regional trade area. Residential uses are permitted provided that buildings maintain ground floor commercial storefronts. A wide range of higher intensity uses, including, but not limited to, self-storage, utilities, heliports and major event entertainment, are conditionally permitted. Based on the intent of each zone, the CG and RCP zones are compatible and the RCP zoning district will serve as a buffer in transitioning from the commercial development to the north and the Portneuf Wellness Complex and residential development further to the south.

3. The subject property encompasses approximately 34.33 acres, is undeveloped and is predominately flat. The area is still developing in character and there are no land use developments in the area. The properties located to the west and south and zoned RCP and the property to the east is zoned CG. The RCP zoning will have greater compatibility with the surrounding area land uses based on the surrounding zoning.
4. The use permitted under the proposed rezone would be adequately served by public facilities. The applicant will be responsible for making appropriate contacts and provisions for any extension of utilities including, but not limited to, Intermountain Gas, Idaho Power and Sparklight. City services such as fire, police, water, sewer and sanitation services are available to serve the subject property. Additionally, Olympus Drive, a minor arterial, has been extended to connect to the Northgate Interchange and is located to the east. Additional roads will be constructed east/west as development occurs.
5. As stated in criteria 3 above, the area is still developing in character and there are no currently established developments surrounding the subject property. The properties located to the west and south are zoned RCP and the property to the east is zoned CG.
6. The Comprehensive Plan Land Use Map designation for the subject property is "Commercial". As such, a Comprehensive Plan Land Use Map amendment is required. The requested Comprehensive Plan Land Use Map designation is for Mixed Use, which is consistent with the RCP zoning designation and the properties located to the east and south.

**Zoning Ordinance Section 17.02.120(C):**

1. The Applicant's request for a Comprehensive Plan Land Use Map change to Mixed Use is not to correct errors in the plan.
2. The Applicant's requested change is to facilitate future development that will be more compatible with the intended mix of residential, commercial and professional land uses. As the area is still developing and there are no established buildings or construction, there are no actual physical changes to the conditions of the area.

**POCATELLO CITY COUNCIL DECISION**

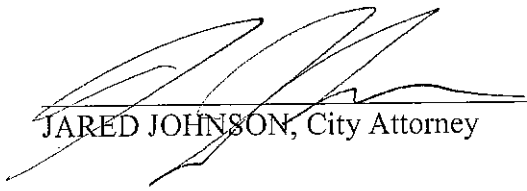
Based upon its Findings of Fact and Conclusions, the Pocatello City Council hereby approves the Applicant's request to rezone the approximate 34.33 acre parcel located within the Northgate development area, north of The Crossings Division 2 Subdivision and west of Olympus Drive, Pocatello, Idaho from Commercial General (CG) to Residential Commercial Professional (RCP) and further approves Applicant's request to amend the Comprehensive Plan Land Use Map to "Mixed Use"

**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.**

DATED this \_\_\_ day of September, 2020.

Approved as to form and content

CITY OF POCATELLO, a municipal corporation of Idaho

  
\_\_\_\_\_  
JARED JOHNSON, City Attorney

\_\_\_\_\_  
BRIAN C. BLAD, Mayor

ATTEST:

\_\_\_\_\_  
RUTH NEWSOM, City Clerk

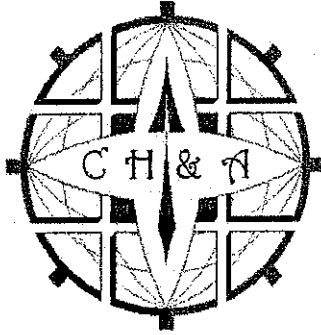


STATE OF IDAHO            )  
  ss:  
County of Bannock         )

On this \_\_\_\_ day of September, 2020, before me, the undersigned, a Notary Public in and 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.

\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residing in: \_\_\_\_\_  
My commission expires: \_\_\_\_\_



*Creek Hollow & Associates, Inc.*

611 Wilson Ave., Suite 1A, Pocatello, ID 83201  
Phone: (208) 709-3113 / Fax: (208) 238-8852

Job No. 17033.H7V

September 11, 2020

**LEGAL DESCRIPTION**  
**H7 Venture - Commercial to RCP Re-Zone Parcel**

A parcel of land located in the Southwest Quarter of Section 1, Township 6 South, Range 34 East, Boise Meridian, Bannock County, Idaho, with a Basis of Bearings of the City of Pocatello Datum based on the Central Meridian of the East Zone of the Idaho State Plane Coordinated System, more particularly described as follows:

Commencing at the West Quarter Corner of said Section 1, Township 6 South, Range 34 East, being marked by 1 inch iron rod as shown on Corner Perpetuation and Filing, Instrument No. 20520359; thence along the Latitudinal Centerline of said Section 1, South  $89^{\circ}54'37''$  East 265.02 feet to the **Point of Beginning**; thence continuing along said Latitudinal Centerline, South  $89^{\circ}54'37''$  East 1236.44 feet; thence South  $00^{\circ}00'00''$  East 1326.52 feet; thence North  $77^{\circ}51'33''$  West 4.82 feet to a point of tangency with a 475.00 foot radius curve concave to the southeast of which radius bears South  $12^{\circ}08'27''$  West; thence southwesterly 191.00 feet along the arc of said 475.00 foot radius curve to the left through a central angle of  $23^{\circ}02'21''$  and a long chord that bears North  $89^{\circ}22'43''$  West 189.72 feet; thence South  $79^{\circ}06'07''$  West 77.68 feet to a point of tangency with a 525.00 foot radius curve concave to the northeast of which radius bears North  $10^{\circ}53'53''$  West; thence northwesterly 443.07 feet along the arc of said 525.00 foot radius curve to the right through a central angle of  $48^{\circ}21'17''$  and a long chord that bears North  $76^{\circ}43'15''$  West 430.04 feet; thence North  $52^{\circ}32'37''$  West 130.78 feet to a point of tangency with a 475.00 foot radius curve concave to the southwest which radius bears South  $37^{\circ}27'23''$  West; thence northwesterly 224.35 feet along the arc of said 475.00 foot radius curve to the left through a central angle of  $27^{\circ}03'44''$  and a long chord that bears North  $66^{\circ}04'28''$  West 222.27 feet; thence North  $79^{\circ}36'20''$  West 217.83 feet to a point of tangency with a 30.70 foot radius curve concave to the southeast of which radius bears South  $10^{\circ}23'40''$  West; thence southwesterly 13.87 feet along the arc of said 30.70 foot radius curve to the left through a central angle of  $25^{\circ}53'19''$  and a long chord that bears South  $87^{\circ}27'00''$  West 13.75 feet; thence North  $00^{\circ}40'37''$  West 1033.00 feet to the **Point of Beginning**.

Parcel contains 34.58 acres, more or less.

