

#19(a)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, AMENDING THE COMPREHENSIVE PLAN LAND USE MAP FOR PROPERTY LOCATED EAST OF I-15 AND WEST OF THE PORTNEUF WELLNESS COMPLEX, BANNOCK COUNTY, IDAHO BY DESIGNATING APPROXIMATELY 12.03 ACRES OF LAND AS EMPLOYMENT (E) AND APPROXIMATELY 54.01 ACRES AS MIXED USE (MU), SAID PROPERTY BEING MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City of Pocatello initiated a request to amend the Comprehensive Plan Land Use Map by designating approximately 66.04 acres located east of I-15 and west of the Portneuf Wellness Complex, more particularly described on Exhibit "A", as Employment (E) and Mixed Use (MU); and

WHEREAS, the Planning and Zoning Commission held a Public Hearing on January 12, 2022, to consider the Comprehensive Plan Map amendment as required by law, and thereafter recommended approval of the request; and

WHEREAS the proposed Comprehensive Plan Map amendments are in compliance with the laws of the State of Idaho and of the City of Pocatello; and

WHEREAS, the City Council being fully advised and having held a Public Hearing on the request February 17, 2022, adopted its written Decision on March 3, 2022, in compliance with the laws of the State of Idaho and of the City of Pocatello, having decided to grant the Comprehensive Plan Map amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF
THE CITY OF POCA TELLO AS FOLLOWS:

Section 1: That the Comprehensive Plan Land Use Map designation for the land described in Exhibit A is hereby amended designating approximately 12.03 acres as Employment (E) and approximately 54.01 acres as Mixed Use (MU).

Section 2: That this ordinance repeals all ordinances or parts of ordinances in conflict herewith.

Section 3: That the official Comprehensive Plan Map adopted by the City of Pocatello and on file with the City Clerk in accordance with applicable law be amended to incorporate the designations provided for in this Ordinance.

Section 4: That this ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this ____ day of March, 2022.

CITY OF POCA TELLO, a municipal
corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

KONNI R. KENDELL, City Clerk

STATE OF IDAHO

)

ss:

County of Bannock

)

On this _____ day of March, 2022, before me, the undersigned, a Notary Public for the State, personally appeared Brian C. Blad and Konni R. Kendell, 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: _____
My commission expires: _____

EXHIBIT A

Boundary of Idaho Power parcel (RPRRBVS000200), Teton Communication parcel (RPR3853010009), McCormick Ranch parcels (RPR3853010008 & RPR3853010010)

COMMENCING AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BEING MONUMENTED BY AN ALUMINUM CAP MONUMENT SET IN A MONUMENT VAULT AS DESCRIBED IN CORNER PERPETUATION RECORDED UNDER INSTRUMENT NO. 20520365;

THENCE NORTH 89°44'11" WEST (BASIS OF BEARINGS PER THE EAST ZONE OF IDAHO STATE PLANE COORDINATE SYSTEM), ALONG THE NORTH LINE OF SECTION 11, A DISTANCE OF 35.01 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 0°09'44" EAST, PARALLEL WITH AND 35.00 FEET WEST OF THE EAST LINE OF SECTION 11, ALONG THE WEST BOUNDARY LINE OF THAT PORTION OF THE RIGHT-OF-WAY LINE OF FAIRGROUNDS ROAD WHICH WAS PREVIOUSLY DE-ANNEXED PER CITY OF CHUBBUCK ORDINANCE NO. 0811, RECORDED UNDER INSTRUMENT NO. 22007413, A DISTANCE OF 2664.37 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF A PARCEL OF LAND BELONGING TO JMAXX HOLDINGS LLC, AS DESCRIBED IN WARRANTY DEED RECORDED UNDER INSTRUMENT NO. 22107962, BEING MONUMENTED BY A 3" BANNOCK COUNTY BRASS CAP MONUMENT AFFIXED TO A 1" PIPE;

THENCE NORTH 89°51'12" WEST, LEAVING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 679.32 FEET, MORE OR LESS, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF I-15 PER FEDERAL AID PROJECT NO. I-15-2(3)71, AND AN IDAHO TRANSPORTATION RIGHT-OF-WAY MONUMENT SET IN CONCRETE;

THENCE NORTH 5°05'49" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1869.35 FEET TO THE SOUTHWEST CORNER OF LOT 1, BAYVIEW SUBDIVISION;

THENCE NORTH 65°44'30" EAST, ALONG THE SOUTH BOUNDARY LINE OF SAID LOT 1, A DISTANCE OF 158.80 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;
THENCE NORTH 5°05'49" WEST, ALONG THE EAST BOUNDARY LINE OF SAID LOT 1, A DISTANCE OF 676.53 FEET TO THE NORTHEAST CORNER OF SAID LOT 1, BEING A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CHUBBUCK ROAD;
THENCE NORTH 0°15'49" EAST, LEAVING THE SOUTH RIGHT-OF-WAY LINE OF CHUBBUCK ROAD, A DISTANCE OF 65.02 FEET TO A POINT ON THE NORTH LINE OF SECTION 11;

THENCE SOUTH 89°44'11" EAST, ALONG THE NORTH LINE OF SECTION 11, A DISTANCE OF 752.88 FEET TO THE POINT OF BEGINNING.

JMaxx Holdings, LLC parcel (RPR385015703)

THAT PORTION OF THE FOLLOWING LEGAL DESCRIPTION LYING EAST OF INTERSTATE 15 RIGHT-OF-WAY. NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 6 SOUTH, RANGE 34 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, LESS TRACT DEEDED TO THE STATE OF IDAHO FOR INTERSTATE HIGHWAY RIGHT-OF-WAY IN INSTRUMENT NO. 162-371995, RECORDS OF BANNOCK COUNTY, IDAHO

#19(b)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, ABANDONING AND VACATING THE PUBLIC'S INTEREST IN AN ACCESS AND UTILITY EASEMENT LOCATED ACROSS LOTS 1 AND 2, BLOCK 1, 14TH HOLE SUBDIVISION, BANNOCK COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED ON THE ATTACHED EXHIBIT "A"; PROVIDING THAT THE EASEMENT HEREIN VACATED SHALL BE DISTRIBUTED IN ITS ENTIRETY TO THE ADJOINING PROPERTY OWNER, TL SHAVER, LLC, IN ACCORDANCE WITH IDAHO CODE SECTIONS §50-311 AND §50-1306(A) AS DEEMED TO BE IN THE BEST INTERESTS OF THE OWNER OF THE VACATED PROPERTY AND FOR THE PUBLIC GOOD; AND PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Application was made by TL Shaver, LLC, to the City of Pocatello requesting that the City Council abandon and vacate the public's interest in the existing shared access and utility easement above described; and

WHEREAS, a Public Hearing was held at the regular City Council meeting on February 17, 2022; and

WHEREAS, the conditions set forth within the Council Decision, dated March 3, 2022, have been met and it is timely to prepare, adopt, and record this Ordinance to effectuate the transfer of ownership; and

WHEREAS, the City Council deems that the proposed vacation of the easement does not adversely affect the rights of the public.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF POCATELLO AS FOLLOWS:

Section 1: That portion of the platted shared access and utility easement crossing Lots 1 and 2, Block 1, 14th Hole Subdivision, more particularly described on Exhibit "A", is hereby vacated.

Section 2: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this ___ day of March, 2022.

CITY OF POCATELLO, a municipal corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

KONNI R. KENDELL, City Clerk

STATE OF IDAHO)
 ss:
County of Bannock)

On this ___ day of March, 2022, before me, the undersigned, a Notary Public in and for the State, personally appeared Brian C. Blad and Konni R. Kendell, 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: _____

EXHIBIT A

ALL THAT PORTION OF A SHARED ACCESS EASEMENT AND EXISTING PUBLIC UTILITY EASEMENTS, AS SHOWN ON THE PLAT OF THE 14TH HOLE SUBDIVISION, RECORDED UNDER INSTRUMENT NO. 21915690 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY, LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 7 SOUTH, RANGE 35 EAST, BOISE MERIDIAN, BANNOCK COUNTY, IDAHO, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF WEDGE WAY AND THE WEST BOUNDARY LINE OF LOT 1, BLOCK 1, THE 14TH HOLE SUBDIVISION, RECORDED UNDER INSTRUMENT NO. 21915690 IN THE OFFICIAL RECORDS OF BANNOCK COUNTY;

THENCE SOUTH 52°28'00" EAST A DISTANCE OF 68.85 FEET TO A POINT ON THE LOT LINE COMMON TO LOTS 1 AND 2, BLOCK 1, THE 14TH HOLE SUBDIVISION;

THENCE SOUTH 66°20'35" WEST, ALONG SAID COMMON LOT LINE, A DISTANCE OF 25.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, BEING A POINT OF NON-TANGENCY WITH A 100.00-FOOT-RADIUS CURVE WHOSE CENTER BEARS SOUTH 29°40'17" WEST;

THENCE FOLLOWING ALONG THE SOUTHERLY BOUNDARY LINE OF SAID LOT 1, ALONG SAID CURVE-TO-THE-LEFT THROUGH A CENTRAL ANGLE OF 22°21'47" FOR AN ARC LENGTH OF 39.03 FEET (THE CHORD OF SAID CURVE BEARS NORTH 71°30'36" WEST A DISTANCE OF 38.78 FEET) TO A POINT OF NON-TANGENCY WITH THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE NORTH 7°18'17" EAST, ALONG THE WEST BOUNDARY LINE OF SAID LOT 1, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH & INCLUDING:

THE 10.00-FOOT-WIDE PUBLIC UTILITY EASEMENT, BEING 5.00 FEET ON EACH SIDE OF THE LINE COMMON TO LOTS 1 & 2, BLOCK 1, THE 14TH HOLE SUBDIVISION, RECORDED ON OCTOBER 9TH, 2019 AS INSTRUMENT NO. 21915690.

#19(c)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF POCATELLO, A MUNICIPAL CORPORATION OF IDAHO, AMENDING SECTION 15.02.010, "CODE ADOPTION", OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF POCATELLO, 1983, TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, AS AMENDED; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, on December 6, 2007, the City of Pocatello adopted, by Ordinance No. 2825, the International Urban-Wildland Interface Code, 2003, as amended.

WHEREAS, the Assistant Fire Chief of Public Safety & Support of the City of Pocatello has reviewed the 2018 edition of the International Urban-Wildland Interface Code and recommended its adoption to the City Municipal Code, with certain exceptions and amendments; and

WHEREAS, City staff presented the 2018 edition of the International Urban-Wildland Interface Code with the proposed exceptions and amendments thereto at the March 10, 2022 City Council Work Session; and

WHEREAS, the City Council has determined that the proposed amendments and exceptions of Title 15.02.010 "Code Adoption" are in the best interest of the citizens of the City of Pocatello.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF POCATELLO, AS FOLLOWS:

Section 1: That Subsection 15.020.010(A) shall be amended to read as follows:

15.020.010(A) Uniform, International, and National Codes:

* * *

- International Wildland-Urban Interface Code, ~~2003~~ 2018 edition, including:

Appendix A - General Requirements

Appendix B - Vegetation Management Plan

Amended as follows:

- Section 104.1 expanded to include Pocatello Municipal Code appeal procedure;
- Section 202 definition of Code Official expanded;
- Section 202 definition of Habitable Space (Room) added;
- Section 301.2 Objective added;
- Section 302.1 Declaration revised;
- Section 302.2 Mapping revised;
- Section 302.3 Review of Urban Wildland Interface Areas modified;
- Section 401.1 Scope added reference to 2003 IFC;
- Section 401.3 General Safety Precaution excluded;
- Section 402.1.2 Water Supply amended;
- Section 402.2.2 Water Supply amended, and exceptions excluded;
- Section 402.3 Existing Conditions amended;
- Section 403.2 Driveways amended;
- Section 403.3 Fire Apparatus Access Roads amended;
- Section 404 Water Supply excluded in its entirety and reference to Pocatello Municipal Code and International Fire Code added;
- Section 502 Fire Hazard Severity deleted;
- Table 502 Fire Hazard Severity deleted;
- Section 503 Ignition Resistant Construction deleted;
- Table 503.1 Ignition Resistant Construction deleted;
- Section 504.1 General amended;
- Section 504.2 Roof Covering amended, examples added;
- Section 504.3 Protection of Eaves amended;
- Section 504.5 Exterior Walls amended;
- Section 504.6 Unenclosed Underfloor Protection phrase deleted;
- Section 504.7 Appendages and Projections phrase deleted;
- Section 504.8 Exterior Glazing deleted;
- Section 504.9 Exterior Doors deleted;
- Section 504.10 Vents deleted;
- Section 504.11 Detached Accessory Structures amended;
- Section 504.12 Chimney Requirements added;
- Section 505 Class 2 Ignition Resistant Construction deleted;
- Section 506 Class 3 Ignition Resistant Construction deleted;
- Section 507 Replacement or Repair of Roof Coverings amended to include Pocatello Municipal Code;
- Section 602 Automatic Fire Sprinkler Systems amended;
- Table 603.2 deleted;
- Section 603.3 Fuel Modification To Be Completed added;
- Appendix A, A104.6 Fireworks exception deleted;
- Appendix B Vegetation Management Plan introductory paragraph added;

Section 103.1 Creation of enforcement agency. The Pocatello Fire Department and the official in charge thereof, or their designee, shall be known as the fire code official.

Section 108.1 General. Plans, engineering calculations, diagrams and other data shall be submitted with each application for a permit, according to the requirements of the Pocatello Building Department.

Section 108.3 Site plan. When required by the fire code official, in addition to the requirements for plans in the *International Building Code*, site plans shall include topography, width and percent of grade of access roads, landscape and vegetation details, locations of structures or building envelopes, existing or proposed overhead utilities, occupancy classification of buildings, types of ignition-resistant construction of buildings, structures and their appendages, roof classification of buildings and site water supply systems. The code official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

Section 110.4.7 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than One Thousand Dollars (\$1,000) or by imprisonment in the County Jail up to six (6) months, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 302.1 Declaration. The fire code official shall declare the *wildland-urban interface areas* within the jurisdiction. The *wildland-urban interface areas* shall be based on the findings of fact. The *wildland-urban interface area boundary* shall correspond to natural or man-made features.

Section 602.1 General. An approved automatic sprinkler system is recommended in all occupancies in new buildings required to meet the requirements for Class 1 ignition-resistant construction in Chapter 5. The installation of the automatic sprinkler systems shall be in accordance with nationally recognized standards.

- International Mechanical Code, 2018 edition, and Appendix A;

///

Section 2: That all other portions of Subsection 15.020.010 not herein amended shall remain in full force and effect.

Section 3: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law, the rule requiring that an ordinance be read on three separate occasions having been dispensed with.

PASSED AND APPROVED this _____ day of March, 2022.

CITY OF POCA TELLO, a municipal
corporation of Idaho

BRIAN C. BLAD, Mayor

ATTEST:

KONNI R. KENDELL, City Clerk

PUBLISH: