

## **REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS**

### **REQUEST FOR RECONSIDERATION OF THE PRELIMINARY PLAT OF IVYWOOD WEST SUBDIVISION, LOCATED GENERALLY SOUTH OF W 65TH S, EAST OF S 15TH W, WEST OF 5TH W, NORTH OF 81ST S**

**WHEREAS**, the applicant filed an application for a final plat on January 20, 2021; and

**WHEREAS**, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on April 6, 2021; and

**WHEREAS**, having reviewed the application, including all exhibits entered and having considered the issues presented:

#### **I. RELEVANT CRITERIA AND STANDARDS**

1. The Planning and Zoning Commission considered the request pursuant to the City of Idaho Falls 2013 Comprehensive Plan, the City of Idaho Falls Zoning Ordinance, the City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is an approximate 172.135 acre parcel located generally South of W 65th S, east of S 15th W, west of 5th W, North of 81st S
3. The property is zoned R1 and R3A.
4. The preliminary plat includes 529 residential lots with 297 single dwelling and 231 twinhome lots. There is also one larger lot, 18 acres, intended for future higher density or mixed use development.
5. The subdivision includes several residential collector streets to convey subdivision traffic to the main collectors and arterial streets on the perimeter of the development. The subdivision will also connect to existing platted rights-of-way in Bonneville County.
6. Access to the development will be consistent with the Access Management Plan.
7. The plat complies with all requirements of the Subdivision Ordinance and Zoning Ordinance.
8. The proposed development is consistent with the principles of the City's Comprehensive Plan.
9. The request for reconsideration asserted in writing and at the hearing that the Commission's approval of the preliminary plat was in error because the plat's density was inconsistent with the requirements of the comprehensive plan. However, the allowed density of the plat is controlled by the City's Zoning Ordinance, not the Comprehensive Plan. The proposed density of the preliminary plat meets the limits imposed by the City's Zoning Ordinance.
10. The request for reconsideration also asserted at the hearing that the Commission's approval of the preliminary plat was in error because the commission had not required improvements to 65th South outside of the City's jurisdiction. As traffic and street development will be addressed as part of the City's Development Agreement associated with a final plat, the Commission finds that it is inappropriate to address traffic and street development as part of the preliminary plat. In addition, the City cannot require developer to improve county right-of-way outside of the City's jurisdiction.
11. The request for reconsideration also asserted at the hearing that the Commission's approval of the preliminary plat was in error because the Commission had not required parks for the Development as required by the comprehensive plan. The comprehensive plan is not a zoning ordinance and compliance with the comprehensive plan does not require the Development to agree with all the provisions of the comprehensive plan. As an aspirational planning document, the Commission cannot deny approval on the sole basis that the preliminary plan is non-complaint with the comprehensive

plan. Further, the preliminary plat identifies two large storm ponds that may be developed into future parks.

12. As a result, the Commission finds that the preliminary plat is in accordance with the principles and goals of the comprehensive plan, even if it does not strictly meet the provisions of that plan. See *Urretia v. Blaine Cnty.*, 134 Idaho 454 (2000) (“It is to be expected that the land to be subdivided may not agree with all provisions in the comprehensive plan, but a more specific analysis, resulting in denial of a subdivision application based solely on non-compliance with the comprehensive plan elevates the plan to the level of legally controlling zoning law.”)

## **II. DECISION**

Based on the above Reasoned Statement of Relevant Criteria, the Planning and Zoning Commission of the City of Idaho Falls denied the Request for Reconsideration of the Preliminary Plat.

PASSED BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

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Brent Dixon, Chair