

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
STARDALE SUBDIVISION PRIVATE STREET
FILE NO. PR-25-02**

The above-entitled Private Street land use application came before the Star City Council for their action on August 19, 2025, at which time testimony was taken from the applicant. The Star City Council, having requested and taken oral and written testimony, and having duly considered the matter, does hereby make the following Findings of Fact and Conclusions of Law;

Procedural History:

A. Project Summary:

The Applicant is seeking approval of a Private Street to access the previously approved Stardale Place Subdivision. The subject property is generally located on the southwest corner of N. Center Street and W. 3rd Street, Star, Idaho.

B. Application Submittal:

The Land Use application was deemed complete on July 23, 2025.

C. Notice of Public Hearing:

This application was not a public hearing, therefore, no noticing was required.

AGENCY RESPONSES

Star Fire District August 8, 2025

D. Letters from the Public: None Received.

Unified Development Code:

8-4D-3: STANDARDS (PRIVATE STREETS):

UNIFIED DEVELOPMENT CODE:

8-4D-1: PURPOSE:

The purpose of this article is to provide better circulation and safety within commercial, industrial, mixed use, multi-family and certain low-density residential (R-1 or lower) developments by allowing private streets to provide frontage and access to properties that do not have internal public streets, when clear emergency vehicle travel lanes and name addressing for the properties are established. It is not the intent to approve private streets for single-family,

duplex and/or townhouse developments in higher density residential developments (R-2 or higher, M-U) unless they are part of a planned unit development or development agreement, where creative design elements including, but not limited to, mixed uses, common area mews, live/work concepts and/or distinctive open spaces are designed within the development. **The applicability may be extended where the administrator finds it necessary to provide private streets, and Star Fire District determines that private streets will maintain or enhance the safety of a development.** All private streets within a new subdivision shall be approved by the Star Fire District and City Council. Private streets within a minor land division or parcel division may be approved by the Administrator, with Fire District approval. Any private street necessary to provide access and/or frontage in association with a public utility or infrastructure facility and does not provide access to any dwellings shall be exempt from Council approval but is still subject to fire approval.

8-4D-2: APPLICABILITY:

The provisions of this section shall apply to any eligible property that does not have frontage on a public street or where frontage is not required. **A private street shall not deny the ability to provide access or connectivity to adjacent properties, as determined by the Administrator, emergency services and/or Transportation Agencies.**

8-4D-3: STANDARDS:

All private streets shall be designed and constructed to the following standards:

A. Design Standards:

1. Easement: The private street shall be constructed on a perpetual ingress/egress easement or a single platted lot (with access easement) that provides access to all applicable properties.
2. Connection Point: Where the point of connection of the private street is to a public street, the private street shall be approved by the transportation authority.
3. Emergency Vehicle: The private street shall provide sufficient maneuvering area for emergency vehicles as determined and approved by the Star Fire District.
4. Gates: Private gates or other obstacles shall not be allowed, unless approved by Council and the Fire District.

B. Construction Standards:

1. Obtain approval from the county street naming committee and/or City for a private street name(s);
2. Contact the transportation authority to install an approved street name sign that complies with the regulations of the county street naming ordinance;
3. Roadway and Storm Drainage: The private street shall be constructed in accord with the

roadway and storm drainage standards of the transportation authority or as approved by the city of Star based on plans submitted by a certified engineer.

4. Street Width and Construction: The private street may be constructed within an easement for low density developments of R-1 or less with a Fire District approved base and width of no less than 28'. All other residential developments shall be constructed within a common lot and shall have a 36' street width, and shall meet ACHD/CHD4 construction standards, unless otherwise determined by the Council and Star Fire District.

5. Sidewalks: A minimum five foot (5') detached sidewalk shall be provided on at least one side of the street in commercial districts. This requirement may be waived if the applicant can demonstrate that an alternative pedestrian path exists. Residential private streets in some lower density developments may request a modification or waiver of sidewalks to be approved by Council. All other residential developments shall have a minimum 5' detached sidewalks on both sides of the street and shall further meet the requirements of 8-4A-17 of this title.

6. All private streets shall be paved unless a waiver is obtained by Council. Waivers for paving shall only be considered in low density developments of R-1 or less. Any unpaved streets shall be required to meet all Highway District standards for paving the approaches onto public streets.

7. Fire Lanes: All drive aisles as determined by the Star Fire District to be fire lanes, shall be posted as fire lanes with no parking allowed. In addition, if a curb exists next to the drive aisle, it shall be painted red.

8. Permits shall not be issued for any structure using a private street until the private street has been approved and inspected by the City Engineer and Fire District, and the transportation authority has signed off on all permits associated with access to a public street.

C. The applicant or owner shall establish an on-going maintenance fund through the Owner's association with annual maintenance dues to ensure that funds are available for future repair and maintenance of all private streets. This shall be a requirement in a development agreement and/or as part of a planned unit development. A reserve account condition shall be included in the recorded CC&R's and shall be provided to the City for review. The condition of approval shall include the following:

1. Private Street Reserve Study Requirements.

- a. At least once every three years, the board shall cause to be conducted a reasonably competent and diligent visual inspection of the private street components that the association is obligated to repair, replace, restore, or maintain as part of a study of the reserve account requirements of the common interest development, if the current replacement value of the major components is equal to or greater than one-half of the gross budget of the association, excluding the association's reserve account for that period. The board shall review this study, or cause it to be reviewed, annually and shall

consider and implement necessary adjustments to the board's analysis of the reserve account requirements as a result of that review.

- b. The study required by this section shall at a minimum include:
 - i. Identification of the private street components that the association is obligated to repair, replace, restore, or maintain.
 - ii. Identification of the probable remaining useful life of the components identified in paragraph (1) as of the date of the study.
 - iii. An estimate of the cost of repair, replacement, restoration, or maintenance of the components identified in paragraph (1).
 - iv. An estimate of the total annual contribution necessary to defray the cost to repair, replace, restore, or maintain the components identified in paragraph (1) during and at the end of their useful life, after subtracting total reserve funds as of the date of the study.
 - v. A reserve funding plan that indicates how the association plans to fund the contribution identified in paragraph (4) to meet the association's obligation for the repair and replacement of all private street components.
- c. A copy of all studies and updates shall be provided to the City, to be included in the development application record.

8-4D-4: REQUIRED FINDINGS:

In order to approve the application, the administrator and/or Council shall find the following:

- A. The design of the private street meets the requirements of this article;
- B. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and
- C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

8-4D-4: REQUIRED FINDINGS (PRIVATE STREETS):

In order to approve the application, the administrator and/or Council shall find the following:

- A. The design of the private street meets the requirements of this article;

Council finds that the private street proposal meets the requirements of the Code as submitted.

- B. Granting approval of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and

Council finds that the construction of the private street would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity.

C. The use and location of the private street shall not conflict with the comprehensive plan and/or the regional transportation plan.

Council finds that approval of the private street will not be in conflict with the comprehensive plan or the regional transportation plan.

Public Hearing of the Council:

a. The application was brought before the City Council as an action item on August 19, 2025, at which time the applicant presented the intent of the request. The City Council made their decision at that time.

b. Oral testimony (In-favor, Against or Neutral) regarding the application was presented to the City Council by:

- Shawn L Nickel, City Planning Director gave Staff Presentation
- Antonio Conti, Applicant
- Ryan Morgan, City Engineer

c. Public sign-ins that did not testify (In-favor, Against or Neutral):

None – Not a public hearing

Deliberations and Conclusions of Law:

The Council reviewed the particular facts and circumstances of this proposed private street in accordance with the City of Star Title 8 (Unified Development Code), deliberated on the matter, resulting in discussions on the private street. Discussion included development of the property, circumstances regarding construction of the street and Fire District approval.

Statement of Compliance:

Council finds the Applicant has met all requirements of the Unified Development Code and the intent and purpose of the Comprehensive Plan and Map requirements.

The Owner requested approval of a private street that is part of a previously approved Stardale Subdivision.

Conditions of Approval:

1. The private street shall be inspected and approved by the City Engineer prior to signature of the final plat for Stardale Subdivision.
2. The Applicant/Owner shall submit a private street maintenance plan, including future funding, in compliance with Section 8-4D-3C of the UDC.
3. The applicant shall comply with all conditions of approval within the Stardale preliminary plat application.

4. The applicant shall comply with all requirements of ACHD, the Star Building Department, City of Star Engineer and Star Fire District.
5. A note on the final plat shall state that the CC&R's for the development cannot be disbanded without City Council approval.

Council Decision:

The Council voted 4-0 to approve the private street application.

Dated this 2nd day of September, 2025.

Star, Idaho

By: _____
Trevor A. Chadwick, Mayor

ATTEST:

Shelly Tilton, City Clerk