

Variance Request Narrative

Harris Creek Ventures LLC (“Applicant”) is the current owner of Boise County Tax Parcels RP07N04E333002 (103.28 acres) and RP07N04E332402 (41.63 acres), a combined 144.91 acres, which has previously received preliminary approval for the Harris Creek Heights subdivision (per June 18, 2024 BOCC FCOs, Instrument #286445). Based upon the addition of up to 12 lots, the Applicant submitted for additional Subdivision approvals that were recommended from the P&Z Commission to the BOCC as summarized in the FCO’s dated November 20, 2025 (“November FCO’s”). Specifically, the November FCO’s recommend that the Applicant:

“...apply for and be granted a variance for roadways and driveways that do not meet county specifications, including those that exceed the county 10% grade maximum, or shall construct all roads in accordance with county specifications.”

In accordance with the November 2025 FCO’s, the Applicant is hereby requesting approval of a variance from the bulk and placement requirements of the Boise County Unified Land Use Ordinance (“ULO”) Section 3 applicable to the 10% maximum road and driveway grade percentages (“Grade Maximum”). Specifically, Applicant seeks a variance from the Grade Maximum for five limited sections of the proposed Vista Creek Way subdivision road loop and all subdivision lot driveways. This variance requests the approval for limited sections of the road loop and subdivision lot driveways to comply with a not to exceed 12% grade maximum average when the centerline points are examined in 200-foot intervals, unless otherwise approved by the Fire Official in accordance with ULO section 4.4.B.3. The four road sections (“Road Sections”) are more particularly identified by the professional engineer in Exhibit A to this Variance application (i.e. see Exhibit A - Ardurra Roadway Profiles letter). The driveways will be constructed and completed prior to Final Plat application.

This Variance request is based upon undue hardship. Given subdivision terrain and site conditions, strict application of the Grade Maximum requirements would result in substantial and unnecessary hardship to the Applicant. Strict compliance with the Grade Maximum would result in loss of use of portions of the property given expanded road length, impractical cut and fill construction requirements that would create additional site hazards. Specifically, realigned road work would create greater hillside erosion risks and increase soil disturbance resulting in negative property impacts. Of note, the negative impacts also conflict with other public interests defined in the ULO (see ULO sections 3.2.S, 5.14.B.5.a, and 5.14.B.6.a. – minimization of soil disturbance,

drainage consideration and stabilization; also BMP standards supporting limiting need for permanent erosion control). Further, the existing road and driveways were constructed in a manner consistent with the natural terrain and topographic elements of the property as required (see ULO sections 3.2.S, 5.7.A.1 and 5.14.B.5.a). For these additional reasons, strict enforcement of the Grade Maximum would put the applicant in the hardship position of noncompliance with other applicable standards of the ULO.

In addition to the Board's authority to grant this variance based upon hardship grounds, Applicant notes the reasonable nature of the hardship finding request given that the ULO already provides for exceptions to the Grade Maximum applied to driveways pursuant to ULO section 4.4.B.3 which provides where, "*...a grade of ten percent (10%) is not possible due to terrain, the Fire Code Official has the authority to waive either requirement for the applicable portion of the driveway if life and safety shall not be adversely affected.*" Applicant is prepared to obtain such waivers, as applicable, given the interests of life and safety for any such affected lots.

Finally, apart from the required finding of undue hardship, Applicant notes that the ULO also provides discretion and variation from the design guidelines (i.e. Grade Maximum) given site specific conditions. ULO section 3.2 provides that, "*Variation from these design guidelines shall be based on site specific conditions, sound engineering judgment, and consideration of the safety of the traveling public. (see page 59).*" The submission of the Ardurra Roadway Profiles letter (exhibit A) expresses sound engineering judgment given site conditions. Boise County's adoption of the AASHTO standards (see ULO 3.2.A.1) that specifically provide a local road grade allowance in the "Mountainous Terrain" category to be acceptable without exception or hardship in the "*...10-14% grade with maximum of 12% for gravel roads with seasonal snow.*" (see Green Book AASHTO standards). Further, the anticipated ULO 4.4.B3 Fire Official approval further addresses safety and relevant fire/emergency access issues upon variance approval.

For the reasons stated above, Applicant requests that the Board find that:

1) That special site conditions and terrain characteristics exist in portions of the proposed Harris Creek Heights subdivision which are peculiar to certain road and driveway sections and which are not applicable to other road sections or driveway locations in the subdivision.

2. That a literal interpretation of the Grade Maximum provisions of this Ordinance would create an undue hardship due to the characteristics of the site and not in conflict with the public interest.

3. That the terrain and special site conditions and characteristics do not result from the actions of the applicant.