



Land Use and Building Department

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Planning and Zoning Commission PUBLIC HEARING STAFF REPORT

Original Hearing: September 25, 2025

Continued Hearing: November 20, 2025

Updated Report Compiled: November 14, 2025

Agenda Item: Continuation of Hearing for Conditional Use Permit with Master Site Plan for Commercial Subdivision, Fuel Sales and Service Station, Fuel or Flammable Material Storage, Convenience Food Store and Deli, and Freestanding Billboard Sign; and Preliminary Plat for Commercial Subdivision; and Variance for a Billboard Sign

Applicant: Mountain Home Commercial LLC and Maverik Store 787

Case Numbers: CUP-2025-09 with Master Site Plan; PP-2025-06; and VAR-2025-03

Associated Cases: N/A

County Review Team: Mitra Mehta-Cooper, Consulting Principal Planner
Angie Michaels, Consulting County Engineer
Trent Miller, Consulting Traffic Engineer
Abbey Germaine, Consulting County Attorney

Zoning Designation: Highway/Interstate Commercial (C-2)

Parcel Number: RP03S06E098845

Property Size: 17 acres

BACKGROUND:

This proposal is for:

1. A Conditional Use Permit ("CUP-2025-09A") to subdivide a commercial property and a concurrent Preliminary Plat ("PP-2025-06") to create two separate parcels per Title 10 of the Elmore County Zoning and Development Ordinance ("Zoning Ordinance").
2. A Conditional Use Permit ("CUP-2025-09B") with Master Site Plan on one of the two proposed commercial parcels to build a Fuel Sales and Service Station, Fuel

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or Flammable Material Storage, and Convenience Food Store and Deli per Title 7, Chapter 2 of the Zoning Ordinance.

3. A concurrent Conditional Use Permit ("CUP-2025-09C") for Billboard Signs to advertise for the proposed commercial uses per Title 7 Chapter 7 of the Zoning Ordinance, and a Variance application ("VAR-2025-03") for one of the Billboard Signs per Title 7 Chapter 3 of the Zoning Ordinance.

These five (5) applications are collectively referred as the "Applications".

The Planning and Zoning Commission ("Commission") considered the Applications in a duly noticed public hearing on September 25, 2025. The staff report and all exhibits of record of the September public hearing are incorporated herein for this continued public hearing of the Applications.

At the September public hearing, the Commission discussed the entire Application packet and had no outstanding concerns regarding the Applications except traffic safety concerns at the intersection of Sunset Strip (State Highway 51/I-84 Business Loop) and Frontage Road. The Commission heard Staff presentation, where Staff had recommended approval of the Applications. The Commissioner also heard from the Maverik team, who stated they were committed to making the necessary intersection/site improvements required by the Commission. Maverik even offered additional funding resources to support some of the highway district improvements at the intersection.

Throughout its review process, the Applications received concerns from the community-at-large, emergency responders, and the Commission regarding the potential of exasperating existing traffic safety issues at the Site by adding more traffic.

Both transportation agencies, Mountain Home Highway District ("MHHD") and Idaho Transportation Department ("ITD"), with jurisdiction of the Sunset Strip and Frontage Road intersection had provided written comments prior to the September public hearing. Those comments stated clearly that they had no concerns regarding traffic safety issues related to the Applications. Those comment letters were provided as Exhibit 8a, 8b, and 8g of the September Staff Report. At the same time, Elmore County Sheriff and Ambulance District (EMS) had expressed their concerns for traffic safety at this intersection. Those comment letters were provided as Exhibit 9a, 17a, and 17b of the September Staff Report. Due to the conflicting comments from emergency responders, and state and local transportation agencies, Staff had proposed changes in the Master Site Plan as provided in Exhibit 12 of the September Staff Report, Off Site improvements at the intersection at Exhibit 11 of the September Staff Report, and proposed realignment of intersection at Exhibit 13 of the September Staff Report for the purpose of improving traffic safety issues associated with the Applications.

At the September public hearing, no one had signed up in support, six (6) people signed up in opposition, and two emergency responders signed up in neutral positions for the Applications. The emergency responders provided the following information:

- Dan Brennan with Idaho State Police spoke about his neutral position for the Applications and expressed serious concerns about existing traffic safety issues and crashes at this intersection.
- Similarly, Alan Roberts, Elmore County Ambulance District Director mentioned his neutral position for the Applications but expressed his dissatisfaction with both Idaho Transportation Department and Mountain Home Highway District for their lack of interest in review of the Applications. He provided an exhibit from the 2018 ITD study (from Exhibit 8c of the September Staff Report), which had recognized safety concerns at this location and recommended that the proposed improvements in that ITD study be made immediately. He asked for the status of those proposed improvements by ITD.

Following the testimony, the Commission inquired about ITD's position, when Staff directed them to ITD comment letters which stated that ITD "has reviewed the traffic analysis and accepts the study; ITD does not have any requirements or conditions for Maverik". The Commission expressed their conflicted thoughts over the fact that the Maverik team has provided the requested information to Staff, and yet, ITD and MHHD have demonstrated complicit behavior towards existing traffic safety issues. After much discussion, the Commission continued the public hearing until November 20, 2025, and asked Staff and the Maverik team to collaborate with ITD and MHHD on the necessary improvements to the Site intersection and other infrastructure that could improve safety at the Site.

Staff and the Maverik team have taken the following actions towards revising the Site plans and have received agreement regarding such improvements by ITD and Maverik.

- The Department invited Maverik team, MHHD, and ITD to a meeting in Mountain Home on October 8, 2025. MHHD did not participate. ITD staff participated and mentioned that the intersection is safe. ITD did not agree with the improvements proposed by Staff. The Department encouraged ITD to work with Maverik team in developing a proposal ITD could support.
- The County Engineer, the County's Traffic Engineer and Maverik's Traffic Engineers met with MHHD Engineer on October 10, 2025, to discuss the proposed improvements. The highway district did not agree with the proposed improvements and suggested alternative improvements that MHHD will be able to support.
- The County's Traffic Engineer sent out the agreed upon recommended improvements to ITD, MHHD, and Staff on October 13, 2025.
- Maverik team confirmed on October 21, 2025, that they support the proposed recommendations and are "not interested in entering into a Memorandum of Understanding (MOU) with the County" (Exhibit 1).
- The Department sent out an email to the Maverik team on October 28, 2025, to request that the Department receive revised drawings showing the improvements from Maverik and written comments from ITD and MHHD in support of these proposed improvements (Exhibit 2).
- The Department received the revised drawings from Maverik team on October 30, 2025 (Exhibit 3).
- On November 3, 2025, the Department received an email from MHHD's Traffic Engineer, however the email did not clarify if MHHD accepted the new revised plans by Maverik (Exhibit 4a) The Department followed up with the highway district Engineer and received an agreement on the proposed improvement by Maverik (Exhibit 4b).

- ITD provided written comments on November 3, 2025, stating its support and acceptance of the revised plans submitted by Maverik, as requested by the Department (Exhibit 5a). ITD further stated that "the exit 90 design was an old concept and is currently not a programmed project in our 7-year ITIP" (Exhibit 5b).
- After November 13, 2025 Agency Meeting, Staff propose Exhibit 6 to improve visibility of the Frontage Road and Sunset Strip intersection and Conditions # 17 & 18 for the Commission's consideration. Staff believe the proposed improvements will be feasible with Maverik's commitment to additional funding resources that they had offered at the September hearing.

STAFF RECOMMENDATION:

The Applications, with the conditions of approval, will comply with the requirements of the Zoning Ordinance and State and Federal regulations as set forth in full in the September staff report. Subject to evidence being presented at the continued public hearing and based on Staff's analysis above, Staff recommends:

- 1) **Approval** of Conditional Use Permit CUP-2025-09A, to allow commercial subdivision of Assessors' Parcel Number RP03S06E098845 into two commercial lots subject to the following conditions of approval; and
- 2) **Approval** of Conditional Use Permit CUP-2025-09B with Master Site Plan to construct and operate seven (7) auto fuel dispensers and six (6) commercial dispensers; a 5,951 square feet Convenience Food Store with Deli; and Fuel and Flammable Storage subject to the following conditions of approval; and
- 3) **Approval** of Conditional Use Permit CUP-2025-09C for Multiple Stationary/Freestanding Billboard Sign pursuant to Zoning Ordinance 7-7-22(F), within Highway/Interstate Commercial (C-2) zone subject to the following conditions of approval; and
- 4) If CUP-2025-09A is approved, **Approval** of Preliminary Plat PP-2025-06 to subdivide the 17-acre parcel into two lots of 7 and 10 acres subject to the following conditions of approval; and
- 5) **Recommend Approval** of VAR-2025-03 to the Board of County Commissioners for a variance to construct a Billboard Sign that exceeds dimensional requirements of Section 7-7-22 (D) of the Zoning Ordinance subject to the following conditions of approval.

PROPOSED REVISED CONDITIONS OF APPROVAL FOR CUP-2025-09A; CUP-2025-09B; CUP-2025-09C:

- 1) Conditional Use Permit CUP-2025-09A shall be granted to Mountain Home Commercial LLC to subdivide Assessors' Parcel Number RP03S06E098845 within Highway/Interstate Commercial (C-2) zone of unincorporated Elmore County into two lots of 7 and 10 acres, respectively.

- 2) All Conditions of Approval of CUP-2025-09A, CUP-2025-09B, CUP-2025-09C, PP-2025-06 and VAR-2025-03 shall be appurtenant to and run with the Site and shall be binding upon Mountain Home Commercial LLC, the parties hereto, their heirs, transferee, successors, and assignees. Mountain Home Commercial LLC may assign or transfer all or any portion of the Site to any person or entity (successor in interest) and notify the Department within ninety (90) days thereof.
- 3) CUP-2025-09A and CUP-2025-09B shall be granted to Maverik Store 787 on the 7-acre proposed Lot 1, to construct and operate seven (7) auto fuel dispensers and canopy and six (6) commercial dispensers and canopy; a 5,951 square feet Convenience Food Store with Deli to sell packaged beer and wine as well as fresh food items which would operate for 24 hours a days, 7 days a week with 42 parking spaces and 2 ADA compliant stalls; Fuel and Flammable Material Storage; and multiple advertising signs including Stationary Billboard Signs as depicted in the Applications.
- 4) The Applicant shall record a legally binding easement to ensure access to both commercial lots prior to recordation of the Final Plat to ensure that once purchased by Maverik, Lot 1 has a legally binding access for the use approved through CUP-2025-09A.
- 5) The Applicant shall provide notice to the Department of the lease of Lot 1 to Maverik Store 787 or any other individual or entity which leases or purchases Lot 1. Failure to provide this documentation may result in revocation of CUP-2025-09A per Title 7 Chapter 16 of the Zoning Ordinance.
- 6) The Applicant shall be responsible for making necessary improvements for the access easement and maintaining it until any further arrangements are agreed upon with future owners of both lots and as approved by the Department.
- 7) The Applicant shall commence construction of the use within one year of approval of CUP-2025-09B and CUP-2025-09C and complete all required improvements and construction within two years of approval of CUP-2025-09B and CUP-2025-09C.
- 8) Prior to commencing any construction activity authorized through CUP-2025-09B and CUP-2025-09C, the Applicant shall obtain and provide copies of permits and approvals to the Department of all certificates, permits, and other approvals required by federal, state, and local authorities.
- ~~9) Prior to applying for a building permit, the Applicant shall update the Traffic Study and Master Site Plan according to the recommendations of the County Traffic Engineer shown on Exhibit 12.~~
- ~~10)9)~~ Once the construction commences, the Applicant shall provide proof of a surety, to ensure completion of all improvements as required by the County and this Conditional Use Permit in compliance with Title 7 Chapter 11 of the Zoning Ordinance.
- ~~11)10)~~ During any construction activity authorized through CUP-2025-09A, CUP-2025-09B, and CUP-2025-09C, the Applicant may be required to demonstrate compliance with the following and submit a copy to the Department:

- a. Idaho Administrative Rules ("IDAPA") 58.01.01 (Air Pollution Control) from the Idaho Department of Environmental Quality ("IDEQ");
- b. IDAPA 58.01.05 (Hazardous Waste) and 58.01.06 (Solid Waste Management) from IDEQ; and
- c. IDAPA 58.01.02 (Water Quality Standards), 58.01.03 (Individual Subsurface Sewage Disposal Rules), and 58.01.11 (Ground Water Quality) from IDEQ.

~~12)~~11) Prior to applying for the first building permit, the Applicant shall provide a Lighting Plan for ensuring safe operations of the use on 24*7 basis.

~~13)~~12) Prior to requesting an Occupancy Permit, the Applicant shall receive written approval from IDEQ, and Idaho Department of Water Resources (IDWR) for installation of underground fuel tanks. The Applicant shall provide a copy of these approvals to the Department.

~~14)~~13) Prior to occupancy permit, the Applicant shall receive written verification from IDEQ for any environmental concerns related to diesel traces in the Site's soil sample.

~~15)~~14) The Applicant shall build the Complex Septic System within one year of this approval as approved by Central District Health with Pressurized Gravel Drainfield and 4714-gallon septic tank. Prior to occupancy permit, the Applicant shall provide a copy of the CDH inspection and approval for such system to the Department.

~~16)~~15) Prior to applying for a building permit, the Applicant shall receive approval for a Public Water System from IDEQ with 2357-gallon per day water supply. The Applicant shall build this system within one year of CDH approval or as otherwise approved by CDH and provide a copy of the approval prior to occupancy permit to the Department.

16) Prior to requesting occupancy permit, the Applicant shall make improvements on Site and, on Frontage Road as outlined in Master Site Plan (Site Construction Documents) dated October 29, 2025 to include but not be limited to; ~~and at the intersection of Frontage Road and Sunset Strip as recommended in Exhibit 11 to ensure that the use does not exasperate existing traffic safety issues.~~

- a. Minor widening on the Frontage Road as it fronts the Site to allow for truck movement
- b. Striping on the Site-side of the Frontage Road; and
- ~~17)c.~~ Striped Stop Bars with painted "STOP" on the Site as it accesses to and from the Frontage Road.

17) Prior to requesting occupancy permit, the Applicant shall install the following improvements:

- a. "Stop Ahead" Signage on the Frontage Road (Spacing to be per the posted Speed Limit using ITD Standards) per ITD; and
- b. Solar powered LED red flashing Stop Signs on the Frontage Road.

18) Prior to requesting occupancy permit, the Applicant shall install the following improvements:

- a. Striping on the Frontage Road south of Sunset Strip (I-84 Business Loop); and

b. Solar powered LED red flashing Stop Signs on the Frontage Road south of Sunset Strip (I-84 Business Loop).

~~18)~~19) The Applicant shall install a six-foot (6') slated chain link fence on the north edge of proposed Lot 1 of PP-2025-06 to avoid the remaining portion of the Site to become a truck stop. Overnight ~~t~~Truck parking shall be prohibited on ~~this~~any portion of the Site at all times, and any violation thereof shall result in violation of CUP terms.

~~19)~~20) Prior to developing Lot 2 of CUP-2025-09 and PP-2025-06, the Applicant shall submit a Traffic Analysis to show traffic impacts of the proposed use and cumulative impacts on Frontage Road and Sunset Strip. The Traffic Analysis shall be submitted and reviewed by Idaho Transportation Department and Mountain Home Highway District prior to any use shall be considered on Lot 2.

~~20)~~21) The Applicant shall provide as-built drawings of all site-improvements to the County Engineer prior to occupancy permit and anytime thereafter upon request.

~~21)~~22) The Applicant shall maintain all Site-drainage on-site and shall receive approval of a Site drainage plan and study/report for the proposed drainage facilities prior to obtaining a building permit from the County Engineer.

~~22)~~23) If any unknown subsurface cultural or archaeological finds are encountered during project construction or operations the Applicant shall stop all activity in the area of the finding and follow Inadvertent Discovery Guidance of a Certified Archaeologist.

~~23)~~24) A Master Site Plan amendment shall be submitted to the Department for any change in use or modifications greater than 10% of the approved Master Site Plan.

~~24)~~25) The Applicant shall have a continuous obligation to maintain adequate housekeeping practices so as to not create a nuisance.

~~25)~~26) The Applicant shall construct, maintain, and operate the Site in compliance with all federal, state, and local regulations at all times.

~~26)~~27) The Applicant shall ensure all property taxes are kept current.

~~27)~~28) Failure to comply with any of the above conditions of approval may result in the revocation of the CUPs.

PROPOSED CONDITIONS OF APPROVAL FOR PP-2025-06:

- 1) A Preliminary Plat (PP-2025-06) approval shall be granted to Mountain Home Commercial LLC to subdivide Assessors' Parcel Number RP03S06E098845 within Highway/Interstate Commercial (C-2) zone of unincorporated Elmore County into two lots of 7 and 10 acres.
- 2) The Applicant shall receive approval of street names from the Elmore County Street Naming Committee prior to signature of the Final Plat.

- 3) The Applicant shall record legally binding access easements pertaining to shared access of Lot 1 and 2 prior to signature of the Final Plat per §10-1-12 (Exhibit 5b of the September Staff Report).
- 4) No building permits for any commercial lot shall be issued until a Final Plat is recorded, all necessary site improvements are completed or bonded for, and parcel numbers have been issued by the County Assessor's Office.
- 5) The Applicant shall construct, maintain, and operate the Site in compliance with all federal, state, and local regulations at all times.
- 6) The Applicant shall ensure all property taxes are kept current.
- 7) Failure to comply with any of the above conditions of approval may result in the revocation of the Preliminary Plat.

PROPOSED CONDITIONS OF APPROVAL FOR VAR-2025-03:

- 1) A Variance (VAR-2025-03) shall be granted to Maverik Store 787 to build a Billboard Sign that exceeds dimensional requirements of Section 7-7-22 (D) of the Zoning Ordinance on Assessors' Parcel Number RP03S06E098845 within Highway/Interstate Commercial (C-2) zone of unincorporated Elmore County.
- 2) The Variance is subject to all the dimensions of Billboard Sign shown in Figure 5 and shall not exceed in dimensions as depicted herein.
- 3) All signage shall receive approval by the Department prior to building permits as required in Title 7, Chapter 7.
- 4) The Applicant shall notify the Department if the signs are leased to any entity in the future.
- 5) The Applicant shall construct, maintain, and operate the Site in compliance with all federal, state, and local regulations at all times.
- 6) The Applicant shall ensure all property taxes are kept current.
- 7) Failure to comply with any of the above conditions of approval may result in the revocation of the Variance.