



# Land Use and Building Department

520 East 2nd South Street  
Mountain Home, Id. 83647  
Phone: (208) 587-2142 ext. 1254  
Fax: (208) 587-2120  
www.elmorecounty.org

**Vacant**  
*Director*

**Dave Abrahamson**  
*Planner I*

**Andrew Meek**  
*Planner II*

**Vacant**  
*Planner*

**Johnny Hernandez**  
*Building Official*

**Colton Janousek**  
*Building Inspector*

**Josh Proffit**  
*Building Inspector*

**James Roddin**  
*Admin Manager/  
Interim Director*

**Matt Gochmour**  
*Code Enforcement*

**Sandra Nuner**  
*Permit Technician*

**Vacant**  
*Admin Assistant*

## Planning and Zoning Commission PUBLIC HEARING STAFF REPORT

**Hearing Date:** September 25, 2025

**Date Report Compiled:** September 18, 2025

**Agenda Item:** 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") on one of the two proposed commercial parcels to build a Fuel Sales and Service Station, Fuel 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".

Fuel or Flammable Material Storage as a proposed use requires review and approval of a Conditional Use Permit per Table 7-2-26(B) and a Stationary/Freestanding Billboard Sign requires review and approval of a Conditional Use Permit per Title 7, Chapter 7 of the Zoning Ordinance. The Applicant wishes to process a Commercial Subdivision of the existing parcel, which also requires a Conditional Use Permit (collectively the "Project").

The Project is located on assessor's parcel number RP03S06E098845 and incorporates 17 acres of unincorporated area within Elmore County, zoned Highway/Interstate Commercial ("C-2") ("Site"). Mountain Home Commercial, LLC is the owner of the Site and Maverik Store 787 is the potential buyer of one of the two proposed commercial parcels (collectively referred to as the "Applicant"). Adjacent properties include commercial, industrial, and residential uses. In accordance with the Zoning Ordinance, the Applicant hopes to:

- A) Subdivide the Highway/Interstate Commercial (C-2) parcel into two lots of 7 and 10 acres, respectively - CUP2025-09A and PP-2025-06;
- B) On the 7-acre proposed lot, develop seven (7) auto fuel dispensers with canopy, and six (6) commercial dispensers and canopy, for a total of 13 fuel dispensers (26 fuel pumps) as well as a 5,951 square feet Convenience Food Store with Deli to sell packaged beer and wine as well as fresh food items; the store will operate for 24 hours a days, 7 days a week with 42 parking spaces and 2 ADA compliant stalls - CUP-2025-09B; and
- C) On the 7-acre proposed lot, have multiple advertising signs including Stationary Billboard Signs to advertise the proposed use – CUP-2025-09C and VAR-2025-03 for one of the proposed Billboard Sign.

The Elmore County Land Use and Building Department ("Department") supports the review and processing of a Preliminary Plat ("PP-2025-06") concurrently to streamline the development review process, a decision on which is contingent upon the approval of CUP-2025-09A by the Planning and Zoning Commission ("Commission").

Furthermore, in order to consider one of the billboard signs as proposed in CUP-2025-09C, the Applicant will need to receive approval of a Variance from the dimensional requirements of Section 7-7-22 through VAR-2025-03. VAR-2025-03 needs to receive a recommendation from the Commission and final approval from the Board of County Commissioners ("Board") in compliance with Section 7-3-13 of the Zoning Ordinance.

The Applicant has taken the following pre-application actions to date, and they have discussed all five aforementioned Applications in the pre-application Neighborhood Meeting, which deem the pre-application requirements complete as outlined in the Zoning Ordinance.

- In order to initiate the Applications process, the Applicant conducted multiple Pre-application Meetings with the Director of the Department in compliance with Section 7-3-2(A) of the Zoning Ordinance starting with November 6, 2024.
- As required in Section 7-3-3 of the Zoning Ordinance, the Applicant conducted a Neighborhood Meeting on March 11, 2025, to discuss this proposal with property owners within a 1-mile radius of the Site.

On April 2, 2025, Department received CUP and Preliminary Plat applications along with the required fees (Exhibit 1a&b). The Department received a Variance application along with the required fees on June 18, 2025 (Exhibit 1c). The Applications were reviewed by a County Review Team comprising of the Department; Consulting Principal Planner - Mitra Mehta-Cooper; Consulting County Engineer - Angie Michaels; Consulting Traffic Engineer - Trent Miller; and Consulting Attorney - Abbey Germaine ("Review Team" or "Staff").

The Site is located within the Area of City of Impact of Mountain Home . Therefore, the Department has notified the city of Mountain Home of all meetings, work sessions, and other activities concerning this Application per Section 11-1-4 (D). Furthermore, the Department discussed this proposal with affected agencies on February 5, 2025, July 31, 2025, and September 3, 2025.

The Review Team completed the initial review of the Application and provided a Completeness Determination Memo ("Completeness Memo") to the Applicant, requesting additional information on May 19, 2025 (Exhibit 2). The Applicant provided supplemental information on May 29, 2025 (Exhibit 3). The Department typically holds a Public Workshop for applications which are larger in scale or deserve additional consideration. During a Public Workshop for the Applications held on June 26, 2025, Staff and Commission requested additional information from the Applicant (Exhibit 4). Since then, the following actions have taken place in furthering the review of this Application:

- The Department and review team conducted a meeting with the Applicant to outline next steps for the Application and expected deliverables on July 6, 2025.
- The Applicant submitted additional documents on August 3, 2025 (Exhibit 5a & 5b).
- The review team provided additional comments to the Applicant on August 14 and 19, 2025 (Exhibit 6).
- The Applicant submitted requested documents on August 25, 2025 (Exhibit 7).
- The Department scheduled a meeting with the Applicants, Idaho Transportation Department ("ITD"), Mountain Home Highway District ("MHHD"), and the city of Mountain Home on August 26, 2025. MHHD was absent at this meeting.

After this meeting, the Department made a determination that the Applicant had provided all the requested information, including a revised Traffic Study per the request of the Review Team and the one that is satisfactory to transportation agencies. That deemed the Application complete based on the procedural requirements of Title 7 Chapter 3.

Today's Public Hearing was advertised in the Mountain Home Newspaper on September 10, 2025 (Exhibit 15a). Affected agencies (Exhibit 15b) and neighboring properties within 1-mile radius were notified on September 15, 2025 (Exhibit 15c) and the Site was posted on September 17, 2025 (Exhibit 15d). At the hearing, the Commission will:

- 1) Review CUP-2025-09A, consider public testimony, and make a decision for CUP-2025-09A for subdivision of a 17-acre property into two commercial lots;
- 2) Review CUP-2025-09B with Master Site Plan, consider public testimony, and make a decision for CUP-2025-09B for a Fuel and Flammable Material Storage facility, and associated uses within the C2 zone pursuant to Zoning Ordinance 7-2-26(B).
- 3) Review CUP-2025-09C, consider public testimony, and make a decision for CUP-2025-09C for a Stationary/Freestanding Billboard Sign pursuant to Zoning Ordinance Section 7-7-22(F).
- 4) Review VAR-2025-03, consider public testimony, and make a recommendation to the Board for a variance to the requirements of Section 7-7-22(D) for the Stationary/Freestanding Billboard Sign.
- 5) If CUP-2025-09A receives a favorable decision, review PP-2025-06, consider public testimony, and make a decision for the subdivision of the Site.

### **EXHIBITS OF RECORD**

The documents and exhibits referenced in the Applications record are numbered sequentially. This staff report references the following portions of the Applications record, which are included as Exhibits.

1. Initial Application
  - a. CUP-2025-09 - April 2, 2025
  - b. PP-2025-06 - April 2, 2025
  - c. VAR-2025-03 - June 18, 2025
2. Completeness Determination Memo by Department - May 19, 2025
3. Supplemental Information from Applicant - May 29, 2025
4. Public Workshop Staff Report Packet - June 26, 2025
5. Supplemental Information from Applicant - August 2, 2025
6. Staff Comments on Supplemental Information - August 14 & 19, 2025
7. Supplemental Information from Applicant - August 25, 2025
8. Agency Comments
  - a. ITD Comments - June 17, 2025
  - b. ITD Comments September 2, 2025
  - c. ITD Interchange Modification Report - September 5, 2025
  - d. Central District Health - January 31, 2025
  - e. City of Mountain Home - May 20, 2025
  - f. Mountain Home Rural Fire District - December 12, 2024
  - g. Mountain Home Highway District - March 17, 2025
9. Traffic Safety Data
  - a. Sheriff's Data to Review Team - November 15, 2024
  - b. Public Comment by Mr. Nicholson - June 26, 2025
10. County Traffic Engineer's Memo - June 10 & September 8, 2025
11. County Traffic Engineer's Recommendation for Off Site Striping - September 3, 2025
12. County Traffic Engineer's Recommendation for changes in Master Site Plan - September 8, 2025
13. County Traffic Engineer's Recommendation for Realignment of Intersection - September 3, 2024
14. Review Team's Proposal for COMPASS Request - September 3, 2025
15. Public Hearing Notifications

- a. Newspaper
- b. Agencies
- c. Neighborhood
- d. Site Post
- 16. Public Comments
  - a. Andrew Dick
- 17. Agency Comments
  - a. Sheriff Comments
  - b. EMS Comments

## **APPLICABLE ZONING ORDINANCE CHAPTERS FOR DEVELOPMENT REVIEW:**

The Site is currently zoned as Highway/Interstate Commercial (C-2) as its base zone and is located within the Area of Impact of the City of Mountain Home. Therefore, the review of this Application requires compliance with Title 7, Chapters 2,3,7,&9; Title 10, Chapters 1&6; and Title 11, Chapter 1.

## **REVIEW OF CUP-2025-09:**

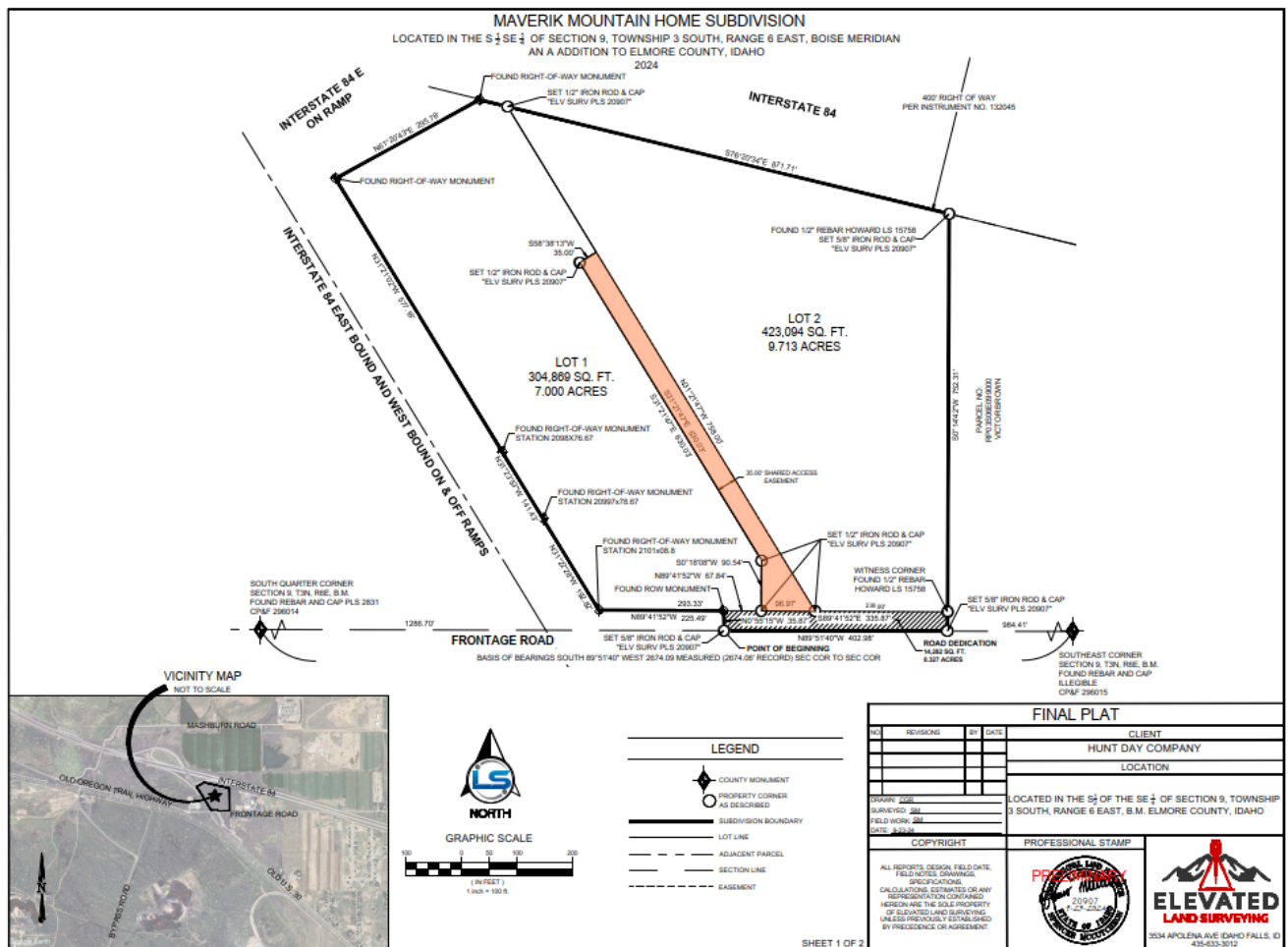


Figure 1- CUP-2025-09A - Commercial Subdivision

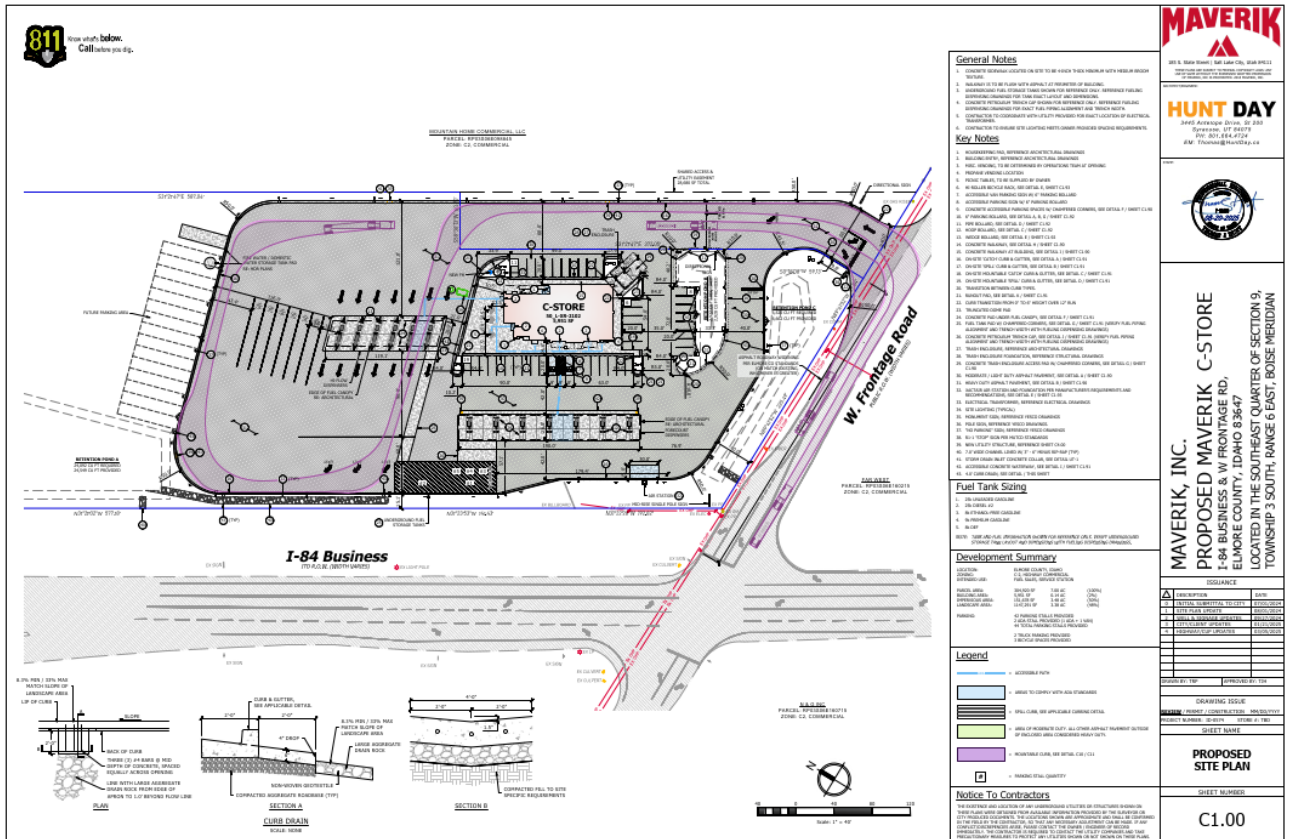
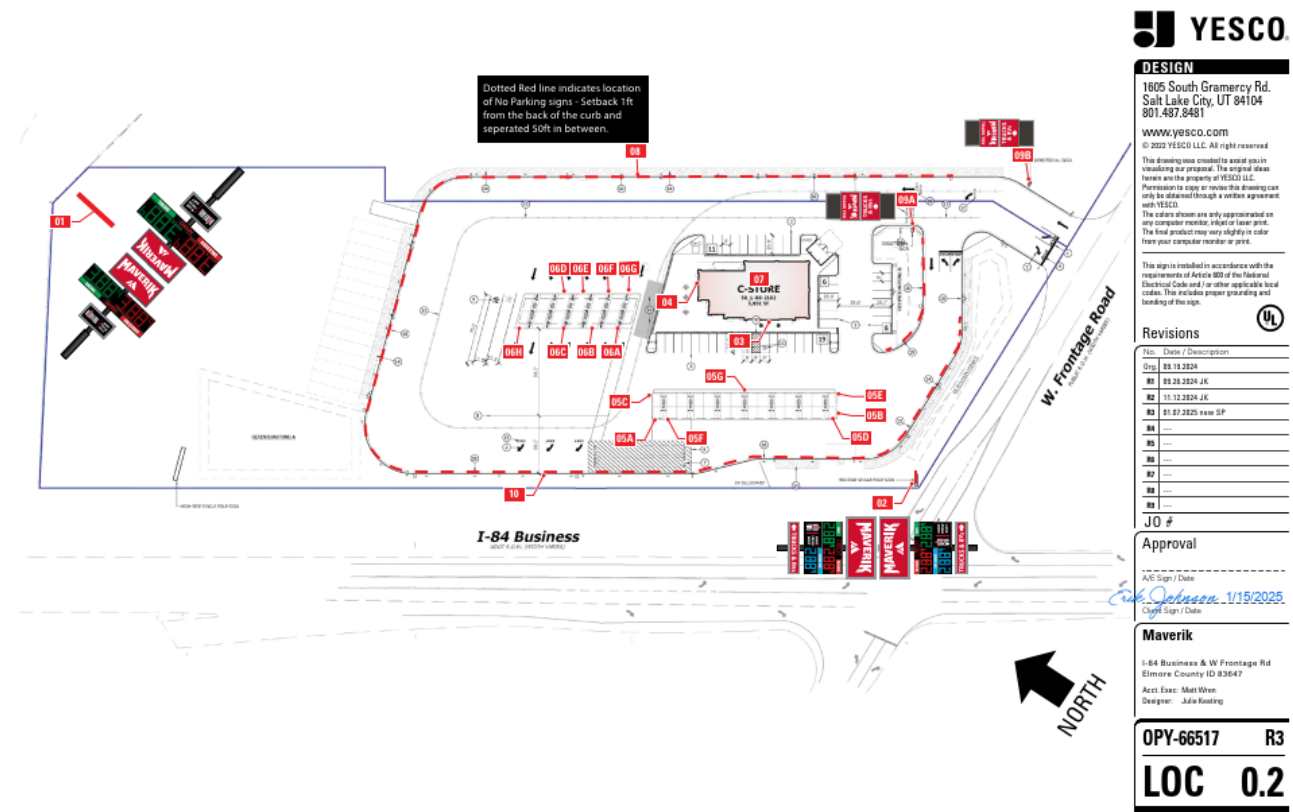


Figure 2 – CUP-2025-09B with Master Site Plan



### **Required Findings for Conditional Use Permit Per Section 7-9-7:**

- 1. The proposed use shall, in fact constitute a Conditional Use as determined in Ordinance Table 7-2-26 (B), Elmore County Land Use Table, as contained in this Ordinance;**

#### **Staff Response:**

The proposed use includes a series of uses outlined in the Zoning Ordinance. Fuel Sales and Service Station and Convenience Food Store and Deli are allowed uses in C-2 Zone and Fuel and Flammable Material Storage as well as a Commercial Subdivision require a Conditional Use Permit application in C-2 Zone per table 7-2-26(B) of the Zoning Ordinance.

In compliance with Section 7-3-2(C) and Table 7-2-26(B), the Director allowed concurrent processing of the Commercial Subdivision of the 17-acre parcel with CUP-2025-09A and other commercial uses within CUP-2025-09B with Master Site Plan. Therefore, staff conclude that the proposed uses have met this requirement.

- 2. The proposed use shall be in harmony with and in accordance with the Comprehensive Plan and this Ordinance;**

#### **Staff Response:**

#### **Comprehensive Plan:**

The 2014 Comprehensive Plan Chapter 5 - Land Use, Future Land Use Map (Map #4) anticipates this Site to have the future land use designation of Highway/Interstation Commercial (C-2) and states that, *"The Highway/Interstate commercial category is needed to accommodate large or intensive commercial and/or business establishments that are typically oriented to a major roadway or freeway interchange"*. The proposed use is a business establishment located at Exit 90 off Interstate 84 at the intersection of I-84 Business (Sunset Strip or Highway 51) and Frontage Road, meeting the land use guidance of the Comprehensive Plan.

The Comprehensive Plan Chapter 1 - Private Property Rights states that, *"Land use laws will be administered to avoid unnecessary delays and duplicating procedures. Administrative agencies should avoid the exercise of authority that duplicates the exercise of authority by another agency. Charges for permits and agency services will strike a balance between those costs that are directly attributable to such permits and services and those costs that are incurred to protect public infrastructure and the public interest"*. It further requires that *"Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods"*.

The Comprehensive Plan Chapter 9 - Transportation goal states that, *"Safe roadways in Elmore County will include properly engineered and constructed improvements such as adequate lane widths, turning lanes, passing lanes, driveway approaches, intersections, signage and drainage facilities to ensure safe traffic and access operations"*. In the same chapter, Transportation Objective 8 requires that the County *"work with each of the three*



*Highway Districts in the County to adopt flexible roadway design and construction standards for paved roadways to help developers and realtors better understand the road building process and associated costs".*

Recognizing traffic safety concerns at this Site, the Department had conducted three Agency Meetings on February 5, 2025, July 31, 2025, and September 3, 2025, with transportation and public safety agencies to discuss how the proposed use could further the transportation goals and objectives of the Comprehensive Plan by:

- 1) Identifying necessary improvements at Frontage Road and Sunset Strip with Mountain Home Highway District ("MHHD"); and
- 2) Establishing proportionate cost sharing necessary for Exit 90 Interchange improvements with Idaho Transportation Department ("ITD").

The Department had also conducted a meeting with the Applicant, MHHD, ITD, and city of Mountain Home to further discuss this matter on August 26, 2025. MHHD has refused to participate in any discussions about transportation system improvements needed to support this proposal. ITD has participated in these meetings and provided written comments on September 2, 2025 (Exhibit 8b).

Therefore, Staff conclude that the proposed use complies with the Comprehensive Plan.

### **Zoning Ordinance:**

Please refer to finding #1. In addition, Stationary Billboard Signs also requires a Conditional Use Permit per Section 7-7-22 (B) of the Zoning Ordinance. Staff has reviewed and analyzed CUP-2025-09C. One of the proposed Stationary Billboard Sign exceeds dimensional standards of Section 7-7-22 (D). Therefore, the Applicant has applied for VAR-2025-03 concurrently with the CUP application.

As required in the Zoning Ordinance Section 10-1-2(A)3, "Prior to application for a subdivision, a Conditional Use Permit must be approved allowing the division of the parcel". Therefore, the approval of CUP-2025-09A is necessary prior to reviewing and processing a Preliminary Plat - PP-2025-06 - for the proposed commercial subdivision.

In compliance with Section 7-3-2(C), the Director combined all the related Applications and allowed them to be reviewed and processed concurrently for the convenience of the Applicant.

The proposed use is within the City of Mountain Home's Area of Impact, and the Department has followed the requirements of the negotiated agreement where feasible.

As per the requirements of Section 11-1-4(D), the Department has invited the city of Mountain Home to pre-application meetings, all three agency meetings, and the Commission Workshop and Hearing.

Furthermore, the Department has requested the city of Mountain Home's comments for the "Shared Analysis of Traffic and Other Public Services Impacts" as per the requirements of Section 11-1-4(H). The city of Mountain Home has stated that "no approvals are required" and "the city does not have any services at this location" (Exhibit 8e).



The Department has also invited MHHD to this development review process for the "Shared Analysis of Traffic and Other Public Services Impacts", and they have not participated.

Therefore, staff concludes that the proposal complies with the requirements of Zoning Ordinance.

**3. The proposed use complies with the purpose statement of the applicable base zone of Ordinance Section 7-2-5 and with the specific use standards as set forth in this Chapter;**

**Staff Response:**

The Zoning Ordinance at Section 7-2-5(E) provides the purpose statement for C-2 Zoning District:

*Highway/Interstate Commercial: The purpose of the C2 district is to permit the establishment of general business and commercial uses that have direct access to State Highways and convenient access to Interstate. Shopping centers will be encouraged, and strip development shall be discouraged. This district may also be located on arterial thoroughfares or in areas where general commercial business is compatible with surrounding land uses. The Highway/Interstate commercial category is needed to accommodate large or intensive commercial and/or business establishments that are typically oriented to a major roadway or freeway interchange.*

A Commercial Subdivision, Fuel Sales and Service Station, Convenience Food Store and Deli, Fuel or Flammable Material Storage, and Billboard Signs are all uses that comply with the purpose statement of C-2 Zoning District.

The following Specific Use Standards are applicable for the proposed use:

**Required Findings for Fuel and Flammable Material Storage Per Section 7-2-125:**

As per Table 7-2-26(B) of the Zoning Ordinance, Fuel and Flammable Material Storage requires a Condition Use Permit, and the Applicant meets this requirement by applying for CUP-2025-09B. However, Specific Use Standards for Fuel and Flammable Material Storage clearly states that, *"This Section shall not apply to gasoline fueling stations or research and development facilities"*. Because the proposal is for multiple gasoline fueling stations, the required findings for Fuel and Flammable Material Storage are not applicable.

**Required Findings for Fuel Sales and Service Station Per Section 7-2-126:**

A. When allowed as an accessory use; gasoline or diesel fuel sales facilities shall not occupy more than twenty-five (25%) percent of the subject property.

Staff Response:

Seven auto fuel dispensers occupy a total of 4,940 sq. ft and six commercial fueling dispensers occupy a total of 3,213 sq. ft. which collectively occupy 8,153 sq. ft. of the 7-acre parcel ( $7 \times 43,560 = 304,920$  sq. ft.). That is approximately 2.6% of the subject property that is expected to be used for Maverik Store 787 if approved.

B. Installation of underground fuel tanks shall require written approval from Idaho Division of Environmental Quality, Idaho Department of Water Resources and the appropriate fire authority.

Staff Response:

The Mountain Home Rural Fire District has reviewed the application and given approval for the proposed use (Exhibit 8f). In discussing this item with the Applicant, it is agreed that approval from Idaho Department of Environmental Quality and Water Resources will be received prior to occupancy permit as required in the conditions of approval.

C. The use shall comply with the flood hazard overlay as set forth in this Title.

Staff Response:

The Site is not located within the flood hazard overlay.

D. Structures and pump station canopies on corner properties shall observe a minimum setback of thirty-five (35') feet from any public street. There shall be a minimum setback of twenty-five (25') feet from any residential district.

Staff Response:

The proposed canopies are at least forty-two feet (42') from any public street and provide more than twenty-five feet (25') from any residential district.

E. The total height of any overhead canopy or weather protection device shall not exceed twenty (20') feet.

Staff Response:

The total height of the proposed overhead canopies is nineteen feet and three inches (19' 3"). Therefore, this finding is met.

F. Vehicle stacking lanes shall be available on the property but outside the fueling areas. Stacking lanes shall have sufficient capacity to prevent obstruction of the public right of way by patrons. Such stacking lanes shall be separate from areas required for access and parking. The stacking lanes shall not be located within ten (10') feet of any residential district.

Staff Response:

There is stacking lane space available for trucks along the east side of the property (entering). The space behind automobile parking on the east side is 70' which is ample room to accommodate a truck stacking lane and room needed for automobiles to pull out, turn, etc. There is stacking lane space available for automobiles along the west side of the site where the automobile fueling dispensers are located.

G. All trash, waste materials, and obsolete automobile parts shall be stored within a separate enclosure behind the principal structure of the gasoline or diesel fuel sales facility.

Staff Response:

The proposal does not include a vehicle service station. Otherwise, as can be seen in Figure 2, trash and waste materials are proposed to be stored behind the C-Store in a separate enclosure. Therefore, this finding is met.

**Required Findings for Convenience Food Store & Deli Per Sections 7-2-118 and 119:**

There are no additional standards or requirements for both these uses.

**Required Findings for Stationary Billboard Sign Per Section 7-7-22 (G):**

1. That the location and placement of the billboard will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections:

Staff Response:

The proposed location of the sign is to be installed in the northwest corner of the project site as illustrated in Figure 4 of this staff report. The proposed location does not interfere with the clear vision triangle, as there is no railroad or intersection near the proposed sign location.

2. The Billboard will not cover or blanket any prominent view of a structure or façade of historical or architectural significance:

Staff Response:

The location of the proposed billboard has no significant historical or architectural buildings or views in the area of the proposed billboard.

3. The billboard will not obstruct the view of the users of adjacent buildings to side yards, yards, or to nearby open space. This requirement does not include views of distant vistas:

Staff Response:

The height and location of the proposed sign will not obstruct views of adjacent buildings side yards, yards, or nearby open space.

4. The billboard will not negatively impact the visual quality of a public open space such as a recreation facility, square, plaza, courtyard, and the like:

Staff Response:

There are no recreation facilities, squares, plaza, or court yards in the vicinity. The area is predominantly commercial uses

5. The height of the billboard, spacing, dimensional requirements, and setbacks are compliant with the requirements of this section:

Staff Response:

Zoning Ordinance § 7-7-22(D) for billboards provides general regulations which govern billboard height, spacing, dimensional, and setback requirements. § 7-7-22(D)(1) requires that a billboard shall not exceed eleven (11') feet in height and thirty-six (36') feet in horizontal length, nor exceed three hundred seventy-eight (378') square feet in area.

Zoning Ordinance § 7-7- 22(D)(2) requires that Poster panels shall not exceed (11') in height nor twenty-three (23') feet in length nor exceed two hundred forty-eight (248') square feet in area. Zoning Ordinance § 7-7-22(D)(8) requires that the maximum height requirement of signs erected upon the ground, which shall not exceed forty (40') feet above grade.

As illustrated in Figure 5 of this staff report the proposed billboard sign would exceed the requirements provided above. In order to reconcile the proposed billboard's incompatibility with the Zoning Ordinance requirements the Applicant has applied for a variance to allow for deviation from the prescribed requirements of Zoning Ordinance § 7-7-22(D), as discussed below. If approved, VAR-2025-03 would ensure compliance with the Zoning Ordinance.

6. The billboards lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent property:

Staff Response:

The Application was provided for review to the Idaho Transportation Department ("ITD"). On June 17, 2025 ITD provided a letter stating there are no objections or concerns regarding unsafe driving conditions for motorists. Additionally, the lighting will not glare, reflect, or spill onto adjacent property as the sign will be primarily visible to traffic traveling on I-84 and surrounding land consists largely of undeveloped farm land.

7. That billboards in an Agricultural base zone shall be six hundred sixty (660') from the right of way of any primary, or interstate highway, or as set forth in Idaho Statute Section 40-1911.

Staff Response:

The proposed billboard is located within the C-2 zoning district, therefore, this finding is non-applicable for this Application.

**4. The proposed use shall comply with all applicable County Ordinances;**

**Staff Response:**

The proposed use was reviewed by the Review Team per standards established in Zoning Ordinance and the CUP application was transmitted November 13, 2024, to the following County entities to ensure compliance with other County Ordinances. Furthermore, the proposed use was discussed with affected agencies on February 5, 2025, July 31, 2025, and September 3, 2025. Their comments and concerns are incorporated in the proposed conditions of approval for this Project and provided herein as a record.

- City of Mountain Home
- Elmore County Engineer
- Elmore County Sheriff
- Elmore County Ambulance Service
- Elmore County Surveyor
- Elmore County Assessor
- Elmore County Rural Economic Development

- Mountain Home Airforce Base
- Mountain Home Airport
- Mountain Home Highway District
- Mountain Home Rural Fire Department

**5. The proposed use shall comply with all applicable State and Federal laws, rules and/or regulations;**

**Staff Response:**

The proposed use was reviewed by the Review Team per standards established in Zoning Ordinance and the CUP application was transmitted on November 13, 2024, to the following State and Federal entities to ensure compliance with laws, rules, and/or regulations. Furthermore, the proposed use was discussed with affected agencies on February 5, 2025, July 31, 2025, and September 3, 2025. Their comments and concerns are incorporated in the proposed conditions of approval for this project and provided herein as a record.

- Central District Health
- Environmental Protection Agency
- Idaho National Guard
- Idaho Department of Environmental Quality
- Idaho Department of Fish and Game
- Idaho Department of Lands
- Idaho Power
- Idaho Department of Transportation
- Idaho Department of Water Resources
- Union Pacific Railroad
- Williams NW Pipeline

**6. The proposed use shall be designed, constructed, operated, and maintained in such a way as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and that such use shall not change the essential character of said area;**

**Staff Response:**

The proposed use is in an area that is surrounded by highway/interstate serving existing uses to include a Chevron Gas Station and Convenience Store to the west, Sunset Park and Ride and RV Resort to the south, I-84 Freeway to the north, and ITD Yard to the east of the proposed use. There is a future solar and battery storage project and Idaho Power's Danskin Substation located north of I-84 in the general vicinity of the proposed use. The Site is located on the I-84 Business Route, at one of the two I-84 Interchanges, accessing the City of Mountain Home.

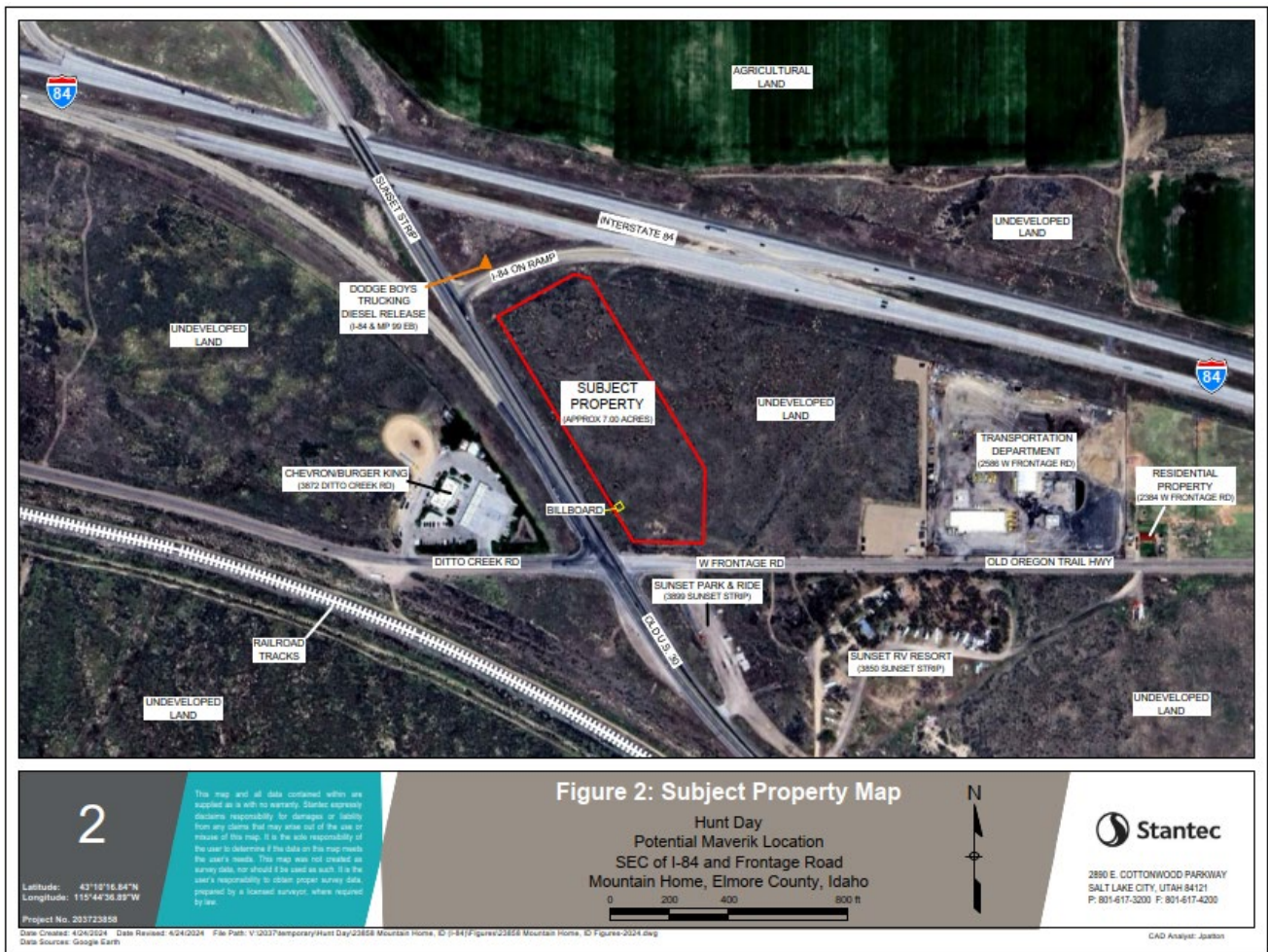


Figure 4 - Map of Surrounding Uses

The City of Mountain Home and Elmore County's Comprehensive Plan anticipate this area to be used for commercial/industrial type of land uses. The proposal has gone through extensive review and will be conditioned to ensure that the proposed use is designed, constructed, and maintained in such a way as to be harmonious and appropriate in appearance with the existing and interceded character of the general vicinity. Therefore, the proposed use would not change the essential character of the said area.

## 7. The proposed use shall not be hazardous or disturbing to existing neighboring uses or impede their normal development;

### Staff Response:

The proposed use is reviewed by staff, the Commission, and affected agencies to ensure that the proposed use would not be hazardous or disturbing to existing neighboring uses or impede their normal development. The area is surrounded by similar commercial and industrial uses. The proposed use will further the goals and objectives of the Comprehensive Plan and meets the intent of Highway/Interstate Commercial Zone.

Throughout its review process, the proposed use received concerns from the community-at-large, emergency responders, and county decision-makers for exasperating existing traffic

safety issues at this location by adding more traffic. As a result, a traffic study was required by the Review Team, revised after the Commission's recommendations, and was reviewed by both transportation agencies - ITD and MHHD. After Multiple agency meetings and coordination with the Applicant, Staff proposes a series of short and long-term solutions for the Commission's review, which would address some of the traffic safety issues at this location and ensure that the proposed use shall not be hazardous to existing neighboring uses. Therefore, the proposed use would be mitigated through the conditions of approval, and this finding is met.

**8. The proposed use shall be served adequately by available public facilities and services such as highways, streets, police protections, fire protection, drainage structures, refuse disposal, water, sewer, or that the person responsible for the establishment of the proposed conditional use shall be able to provide adequately any such services;**

#### **Staff Response:**

The proposed use is reviewed by staff, the Commission, and affected agencies to ensure that the proposed use would be adequately served by public facilities and services in the following manner:

- 1) Highways and Streets: The proposed use is located next to Exit 90 on I-84 at the intersection of Frontage Road and I-84 Business Loop (Highway 51 or Sunset Strip). ITD is responsible for the I-84 Business Loop and MHHD is the primary entity responsible for construction and maintenance of Frontage Road. As can be seen in Exhibit 8a,b,c, &g, both the transportation agencies did not trigger a traffic study for the proposed use.

This interchange is known to local emergency responders for higher rates of crashes (Exhibit 9). Therefore, the Department had requested the Applicant to provide a Traffic Study with the CUP application. The Review Team involved a Traffic Engineer that has reviewed and provided comments on the Traffic Study's findings. The Traffic Study along with the Traffic Engineer's memo was shared with the Commission during the Public Workshop. The Commission required a better traffic study and data to ensure traffic safety, and directed staff to work with ITD, MHHD, and the City to identify:

- Immediate improvements at Frontage Road and Sunset Strip; and
- Long-term design solutions for the Exit 90 Interchange.

A series of meetings took place since then to address the Commission's concerns, including a revised Traffic Study prepared by the Applicant (Exhibit 7) and a revised Traffic Memo by the County's Traffic Engineer (Exhibit 10). As a result of this coordination, the review team proposes short- and long-term improvements at this intersection and interchange as Exhibit 11, 13 & 14. The required improvements by Maverik are conditions of approval for the proposed use.

Furthermore, ITD has shared an Interchange Modification Report for the Interchange and Access Study for Elmore County, which provides reconfiguration recommendation for on and off ramps at Exit 90, 95, and 99 (Exhibit 8c). ITD also advised staff that they are in the process of considering widening I-84 from Boise to Mountain Home to three



lanes to accommodate future growth and traffic from uses like Micron, Airforce Base, and other industrial uses in Simco District.

- 2) Sewer and Water: The proposed use is reviewed by Central District Health ("CDH"), and CDH has required a Complex Septic System with pressurized gravel drainfield and 4714-gallon septic tank and a Public Water System with 2357-gallon per day water supply. CDH's requirements are conditions of approval for the proposed use (Exhibit 8d).
- 3) Drainage, Police, Fire, and Refuse: The proposed use is reviewed by the County Engineer, Sheriff, and Mountain Home Rural Fire District and conditioned as per their recommendation.

**9. The proposed use shall not create excessive additional requirements at public cost for public facilities and services and the proposed use shall not be detrimental to the economic welfare of the County;**

**Staff Response:**

Please refer to finding # 8.

The Applicant, under the guidance of the Review Team, has offered to work with ITD and MHHD to identify proportional share costs to the Applicant for road and highway improvements. However, MHHD has not participated in those conversations, and ITD has not provided any information for such. The Applicant will be responsible for all other improvements necessary to support the use. Therefore, the proposed use would not create excessive additional requirements at public cost for public facilities and services.

**10. The proposed use shall not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;**

**Staff Response:**

Please refer to finding # 8.

The proposed use has the potential to create excessive traffic on Frontage Road, at the intersection of Frontage Road and Sunset Strip, and at Exit 90. However, the Applicant has done everything that the Review Team and transportation agencies have asked and continues to work with staff in operating the proposed use in a responsible manner.

The Site is located next to the Dodge Boys Diesel Trucking Release location, which is a Reported Environmental Mitigation Site. Therefore, the Applicant's consultant, Stantec, recommends additional soil sampling to ensure that the proposed Site is not of environmental concern to Idaho Department of Environmental Quality. This is a condition of approval of the CUP. Furthermore, the proposed use is surrounded by other commercial and industrial uses of similar nature that create some amount of smoke, fumes or odor.

**11. The proposed use shall not result in the destruction, loss or damage of a natural or scenic feature of major importance.**

**Staff Response:**

The proposed use, especially the proposed billboards, would create a new visual impact at Exit 90. However, there are no natural or scenic features of major importance at this location. Therefore, the proposed use would not destroy them.

**REVIEW OF MASTER SITE PLAN:**

A proposed Master Site Plan map was submitted with the initial submission; however, no narrative was provided addressing the required Master Site Plan findings per Title 10 Chapter 6. The request for a narrative addressing all the Master Site Plan findings was made in the Completeness Memo and at the Public Workshop. In the recent resubmission these documents are provided as per the County Engineer's satisfaction.

As part of the Master Site Plan ("MSP") documentation, a Natural Features Analysis is also required. This requirement is outlined for the Master Site Plan and Preliminary Plat applications. and is also part of the requirements for a Preliminary Plat application. In the recent resubmission these documents are provided.

**Required Findings for Master Site Plan Per Section 10-6-7:**

- 1. The Master Site Plan complies with the applicable Comprehensive Plan; and**

**Staff Response:**

Please refer to findings under Conditional Use Permit, Section 7-9-7.

- 2. When applicable, the master site plan complies with Section 10-6-4 General Required Standards; in regard to:**

- a. Location of Structures on the site; and**

**Staff Response:**

Proposed structures are shown on the Master Site Plan ("MSP").

- b. Non-Vehicular Access and Internal Circulation;**

**Staff Response:**

Non-vehicular access is primarily limited to pedestrian traffic in and out of the convenience store and to vehicles at fueling areas. Adequate sidewalk area has been provided to accommodate pedestrians. Elmore County Engineer, the Traffic Engineer, as well as local Fire District have reviewed the Master Site Plan and have provided their input in internal circulation for the site.

- c. Automobile Access and Internal Circulation; and**

**Staff Response:**

As shown on the MSP, there is stacking lane space available for trucks along the east side of the property (entering). The space behind automobile parking on the east side is 70' which is ample room to accommodate a truck stacking lane and room needed for automobiles to pull out, turn, etc. There is stacking lane space available for automobiles along the west side of the site where the automobile fueling dispensers are located.

**d. Additional Off-street Parking Design Standards.**

**Staff Response:**

The site takes access off W. Frontage Road which does not accommodate off-street parking.

**3. The applicant has submitted a natural features analysis compliant with section 10-6-5 indicating that the proposed development and master site plan sufficiently address:**

**a. Any natural constraints detected or observed; and**

**Staff Response:**

The natural features analysis provided by the Applicant did not detect any natural constraints.

**b. Historical and Cultural Resources; and**

**Staff Response:**

The natural features analysis provided by the Applicant identified no historical and cultural resources on the site.

**c. Sensitive Plant and Wildlife Species; and**

**Staff Response:**

According to the Applicant, on site inspection provided by their consultant did not result in any finding of sensitive plants or wildlife species or habitat identified in the States database.

**d. Any impacts on Natural Features**

**Staff Response:**

The Applicant found no adverse impacts to natural features as the result of the proposed uses.

**4. The master site plan complies with section 10-6-6 Other required standards; in regard to:**

**a. Screening; and**

**Staff Response:**

No screening is proposed or required for this use. Therefore, this standard is not applicable.

**b. Drainage; and**

**Staff Response:**

The Applicant has provided existing contours and proposed grading/drainage construction plans. The submittal and approval of a drainage study/report for the proposed drainage facilities will be required prior to the Applicant obtaining a building permit for the construction of any drainage facilities.

**c. Water Supply and Sewage Disposal; and**

**Staff Response:**

A septic system has been approved by CDHD and Idaho Department of Water Resources has approved a well to supply both culinary and secondary water. The septic drainfield area is shown on the MSP drawing.

**d. Filling, Excavation, and Earthmoving; and**

**Staff Response:**

The Applicant has provided site civil plans showing proposed grading. Staff proposes conditions of an approved site grading/drainage plan prior to commencement of construction.

**e. Irrigation Services and Delivery Systems; and**

**Staff Response:**

Irrigation water will be used to irrigate landscaping on site. An existing irrigation well will provide irrigation water.

**f. Utilities; and**

**Staff Response:**

Electricity, communications, and gas are located along Frontage Road along the south property line. No new utilities are proposed with this Application.

**g. Maintenance; and**

**Staff Response:**

The Applicant is committed to maintaining the operation in compliance with County, State, and Federal requirements.

**h. Supplemental Information; and**

**Staff Response:**

The Applicant provided a copy of the geotechnical report and ESA phase I report for the project.

**i. Alternate Site Development.**

**Staff Response:**

The Applicant has not provided a request for Alternate Site Development.

**REVIEW OF VAR-2025-03:**

If the Applications are approved, upon purchasing one of the two proposed parcels, Maverik Store 787 wishes to build a series of signs to advertise the proposed uses in the CUP-2025-09C. All the other signs fit into various definitions and requirements of Title 7, Chapter 7 except the one Billboard Sign facing the interstate shown on Figure 3.

The proposed Billboard Sign, which requires a Variance is provided herein as Figure 5.

Section 7-7-22(D)1 of the Zoning Ordinance states that “Painted Bulletins shall not exceed eleven (11’) feet in height and thirty-six (36’) feet in horizontal length nor exceed three hundred seventy-eight (378’) square feet in area”. The proposed sign does exceed all these dimensional requirements where height of the painted bulletin is 13’11” and length is 50’ and clearly exceeding the square footage.

Section 7-7-22(D)2 of the Zoning Ordinance states that “Poster panel shall not exceed (11’) in height nor twenty-three (23’) feet in length nor exceed two hundred forty-eight (248’) square feet in area”. The proposed Variance is for the top poster panel to exceed the height at 13’11” and length off 27’ clearly exceeding total square footage of the sign.

Section 7-7-22(D)8 of the Zoning Ordinance states that “The maximum height of the signs erected upon the ground shall not exceed forty (40’) feet above grade”. The proposed Billboard Sign is seventy (70’) feet above ground requiring a Variance.

THIS COPY IS VISIBLE ON PHYSICAL PRINTS IT MAY INDICATED THAT ARTWORK HAS BEEN PRINTED "TO FIT". MEASUREMENTS TAKEN USING A SCALE RULER MAY NOT BE ACCURATE.

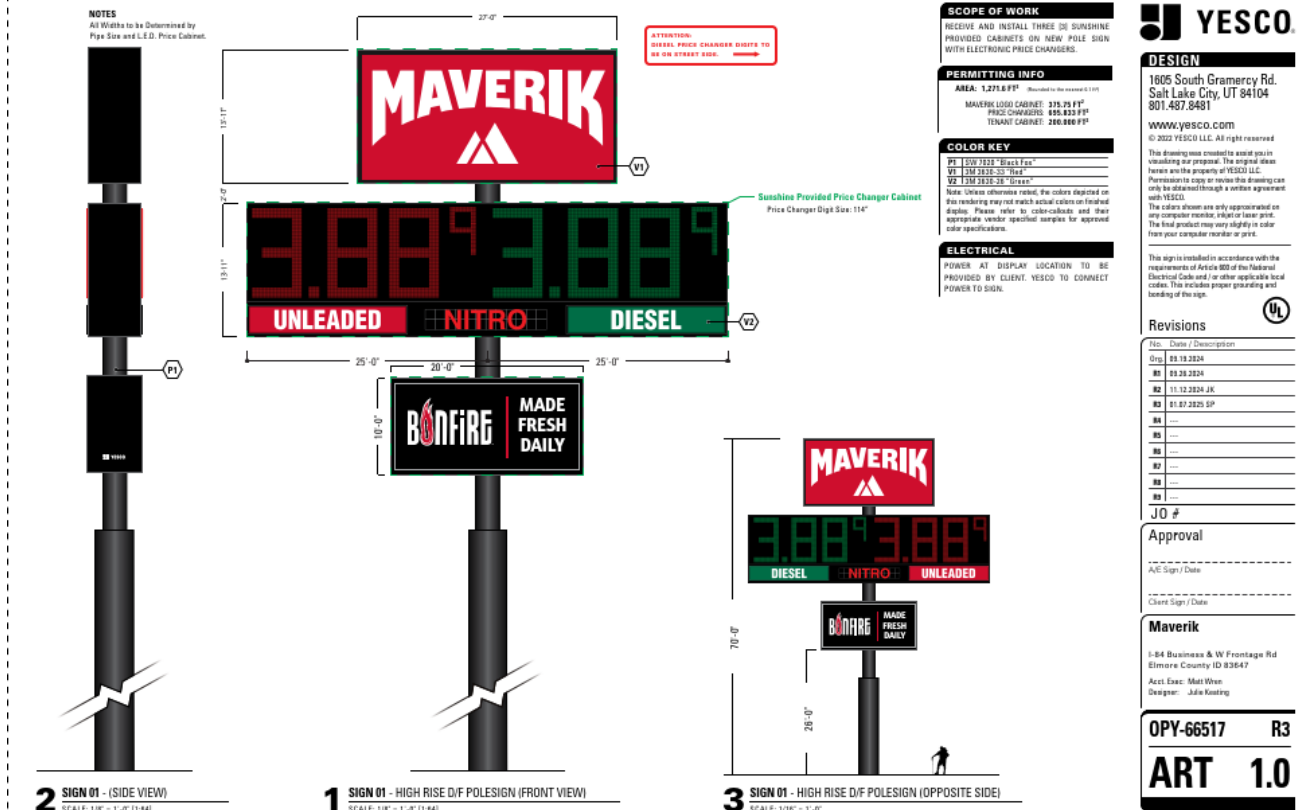


Figure 5 – Sign Requiring VAR-2023-03

## Required Findings for Variance Per Section 7-3-13(C) and IC Section 67-6516:

Elmore County's Required Findings for Variance are reflective of the Idaho State Code Section 67-6516. The following discussion on required findings for variance per Section 7-3-13(C) demonstrates that the proposed VAR-2025-03 is supportable.

**1. The variance shall not grant a right or special privilege that is not otherwise allowed in the base zone; and**

### Staff Response:

The base zone of this Site is C-2, Highway/Interstate Commercial, which is intended for highways or interstates serving commercial uses such as a fuel station. There are Chevron Gas Station and Sunset RV Resort in immediate proximity to the west and south of the Site. Both these uses are on C-2 parcels and contain billboard signs that exceed Elmore County's dimensional requirements for height and/or painted bulletin or display panel. Therefore, VAR-2025-03 would not grant a right or special privilege that is not otherwise allowed in the base zone.

**2. The variance relieves an undue hardship due to characteristics of the site; and**

### Staff Response:

Due to the Site's proximity to I-84, Billboard Signs are necessary to draw attention of drivers on the interstate that need to fill up their automobiles or trucks with fuel. The speed limit on I-84 near the Site is eighty (80) miles an hour. Due to the high-speed limit, it is easy to miss the proposed fuel station. Furthermore, due to the topography of the Site in reference to the on and off ramps at Exit 90 and the height of the overpass on I-84, this variance is necessary to ensure visibility of the proposed billboard for east and west bound traffic.

**3. The variance shall not be detrimental to the public health, safety, and welfare.**

**Staff Response:**

The dimensional standards of the proposed billboard sign exceeding the requirements of the Zoning Ordinance are not likely to be detrimental to the public health, safety, and welfare.

**REVIEW OF PRELIMINARY PLAT PP-2025-06:**

The Preliminary Plat requirements are identified in the Zoning Ordinance at Title 10, Chapter 1. In the Completeness Memo, the Review Team had requested a narrative as well as drawings that address all procedural and substantive requirements of a Preliminary Plat, including Natural Features Analysis of the Site, to complete this review. In the recent resubmission of documents, the Applicant has provided this information as per requirements of the County Engineer.

**Required Findings for Preliminary Plat Per Section 10-1-20(A):**

**1. The design conforms to the standards established in this Ordinance; and**

**Staff Response:**

This Application is reviewed under Zoning Ordinance Title 10, Chapter 1 to ensure that the design conforms to the standards established in this subdivision development ordinance. The Application is reviewed by Elmore County Engineer and Surveyor in addition to the Review Team to ensure that the design conforms to the standards established in the Zoning Ordinance. If approved with the proposed conditions of approval, a Final Plat application will be required, at which time Staff will be able to ensure that the necessary site improvements are completed as proposed in the Preliminary Plat. Therefore, the proposed preliminary plat will conform to standards established in this ordinance.

**2. The design complies with the required improvements established in this Ordinance; and**

**Staff Response:**

The design complies with the requirements of the Zoning Ordinance. To ensure further compliance the proposed project has been reviewed by the following agencies; Mountain Home Fire Department, Elmore County Engineer, City of Mountain Home and the Idaho Transportation Department among others to ensure that any required design requirements are addressed prior to Project approval. To that end, the Applicant is required to submit Project plans for required improvements to receive final approval by the County Engineer.



**3. If applicable, the proposed subdivision complies with the standards of an applicable overlay district as set forth in this Ordinance; and**

Staff Response:

The proposed subdivision is located within the City of Mountain Home Area of Impact. The application for this Preliminary Plat has been submitted to the City of Mountain Home for review and comment per Title 11, Chapter 1, Elmore County/City of Mountain Home Area of City Impact Agreement, of the Zoning Ordinance. An email response from the City of Mountain Home dated May 20, 2025, stated that no approvals would be required from the City of Mountain Home for this Project.

**4. The design conforms to the topography and natural landscape features analysis as required by this Chapter and the master site plan, where the design demonstrates consideration for the location and function of land uses and structures to achieve this purpose; and**

Staff Response:

The proposed subdivision does not contain slopes greater than 15%, the topography onsite is relatively flat. The Site is not located within a flood zone and there is no vegetation onsite considering the parcel has historically been farmland. Upon review, the Department has determined the design meets this finding.

**5. The development would not cause undue damage, hazard, or nuisance to persons or property in the vicinity; and**

Staff Response:

The proposed use is in an area that is surrounded by highway/interstate serving existing uses to include a Chevron Gas Station and Convenience Store to the west, Sunset Park and Ride and RV Resort to the south, I-84 Freeway to the north, and ITD Yard to the east of the proposed use. Any impact to the surrounding uses would be less than significant.

**6. The internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive influence upon the activities and functions contained within the proposed subdivision, nor placing an undue burden upon existing transportation and other public services in the surrounding area; and**

Staff Response:

The Applicant provided the Department with a preliminary circulation plan showing that both lots will be accessed by a common easement and will meet the requirements and use standards of this Ordinance.

**7. Community facilities such as parks, recreational, and dedicated open space areas are functionally related to all dwelling units and are easily accessible via pedestrian and/or bicycle pathways; and**

Staff Response:

There are no Community facilities such as parks, recreation facilities, squares, plaza, or open space in the vicinity. The area is predominantly commercial uses and undeveloped farm land. Furthermore, the proposed use will not include the development of dwelling units.

**8. The proposal complies with the dimension standards set forth in this Ordinance for the applicable zoning district; and**

Staff Response:

The proposed subdivision meets the base zone dimensional standards set forth in Table 7-2-27 (B) of the Zoning and Development Ordinance.

**9. The overall plan is in conformance with:**

**a. The applicable Comprehensive Plan(s); and**

Staff Response:

The 2014 Comprehensive Plan Chapter 5 - Land Use, Future Land Use Map (Map #4) anticipates this Site to have the future land use designation of Highway/Interstation Commercial (C-2) and states that, *"The Highway/Interstate commercial category is needed to accommodate large or intensive commercial and/or business establishments that are typically oriented to a major roadway or freeway interchange"*. The proposed use is a business establishment located at Exit 90 off Interstate 84 at the intersection of I-84 Business (Sunset Strip or Highway 51) and Frontage Road, meeting the land use guidance of the Comprehensive Plan.

**b. The future acquisition maps; and**

Staff Response:

The City Area of Impact map indicates the parcel may be annexed into the City of Mountain Home in the future. However, the City staff did not have any comments at this time.

**c. Any applicable Area of City Impact Ordinances including applicable subdivision regulations; and**

Staff Response:

The proposed use is within the City of Mountain Home's Area of Impact, and the Department has followed the requirements of the negotiated agreement where feasible.

**d. Other pertinent Ordinances as applicable.**

**STAFF RECOMMENDATION:**

The Applications, with the conditions of approval, will comply with the foregoing requirements of the Zoning Ordinance and State and Federal regulations. Subject to evidence being presented at the 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; 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 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 sale of Lot 1 to Maverik Store 787 or any other individual or entity which purchases or obtains 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) 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) 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) 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) Prior to applying for a building 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) 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) 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) 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.

- 17) Prior to requesting occupancy permit, the Applicant shall make improvements on Site, on Frontage Road, 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.
- 18) The Applicant shall install a six-foot (6') fence on the north edge of proposed Lot 1 of PP-2025-06 to avoid the remaining portion to become a truck stop. Truck parking shall be prohibited on this portion of the Site at all times, and any violation thereof shall result in violation of CUP terms.
- 19) 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) The Applicant shall provide as-built drawings of all site-improvements to the County Engineer upon request.
- 21) 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) 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) 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) The Applicant shall have a continuous obligation to maintain adequate housekeeping practices so as to not create a nuisance.
- 25) The Applicant shall construct, maintain, and operate the Site in compliance with all federal, state, and local regulations at all times.
- 26) The Applicant shall ensure all property taxes are kept current.
- 27) 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).
- 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 ensure all property taxes are kept current.
- 6) 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 ensure all property taxes are kept current.
- 6) Failure to comply with any of the above conditions of approval may result in the revocation of the Variance.