



Land Use and Building Department

Findings of Fact, Conclusions of Law, and Order

Application: Conditional Use Permits 2025-09A, 2025-09B & 2025-09C with Master Site Plan along with Preliminary Plat 2025-06 and Variance 2025-03

Hearing Dates: September 25 and November 20, 2025

BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In the matter of Conditional Use Permits with)	CUP-2025-09A, CUP-2025-09B,
Master Site Plan for Commercial)	& CUP-2025-09C with Master
Subdivision, Fuel Sales and Service Station,)	Site Plan
Fuel or Flammable Material Storage,)	
Convenience Food Store and Deli, and)	FINDINGS OF FACT,
Freestanding Billboard Sign.)	CONCLUSIONS OF LAW,
)	AND ORDER

In Re: Conditional Use Permits 2025-09 (CUP-2025-09A, CUP-2025-09B, & CUP-2025-09C) with Master Site Plan collectively referred as "CUPs" or "CUP-2025-09":

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho (the "**Commission**"), on September 25 and November 20, 2025, in duly noticed public hearings held pursuant to law. The proposal for CUP-2025-09 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**"). The hearings concerned applications submitted by Mountain Home Commercial LLC and Maverik Store 787 (the "**Applicant**") requesting approval of:

- CUP-2025-09A: Conditional Use Permit to subdivide a commercial property and a concurrent Preliminary Plat ("PP-2025-06") to create two separate commercial parcels pursuant to Title 10, Chapter 1 of the Elmore County Zoning and Development Ordinance ("**Zoning Ordinance**").
- CUP-2025-09B: Conditional Use Permit with Master Site Plan on one proposed parcel for construction and operation of a Fuel Sales and Service Station, Fuel or Flammable Material Storage, and Convenience Food Store and Deli pursuant to Title 7, Chapter 2 of the Zoning Ordinance.
- CUP-2025-09C: Conditional Use Permit with Master Site Plan for Billboard Signs to advertise proposed commercial uses pursuant to Title 7, Chapter 7 of the Zoning Ordinance and VAR-2025-03 for one Billboard Sign pursuant to Title 7, Chapter 3 of the Zoning Ordinance.

During the public hearings, the Commission heard from:

- Staff who presented a staff report which recommended approval of the applications with proposed conditions of approval; and

- Representatives of the Applicant in support of the applications and proposed conditions of approval.
- State and local agency staff members and individuals of the public.

At the September public hearing, the Commission heard the applications and expressed concerns related to traffic safety at the intersection of Sunset Strip (State Highway 51/I-84 Business Loop) and Frontage Road, and Exit 90 interchange. At this 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. After deliberations, the Commission continued the public hearing until November 20, 2025, and directed Staff and Applicant to work with Idaho Transportation Department ("ITD") and Mountain Home Highway District ("MHHD") to improve traffic safety at the intersection where the Site is located.

At the November public hearing, Staff and Applicant presented on-site and off-site improvements agreed upon with ITD and MHHD at the intersection and Site. No one testified or signed up in opposition or in favor. Three emergency responders testified in a neutral position and expressed concerns for existing crash data at the intersection of the Site. Two people signed up in a neutral position but did not testify. ITD staff were present to answer questions of the Commission.

Upon conclusion of the public hearing, the Commission closed the record to additional evidence and commenced deliberations on the applications, and after making conclusions in accordance with the applicable law, **denied CUP-2025-09A, CUP-2025-09B, and CUP-2025-09C with Master Site Plan**. The Commission did not take action on the Preliminary Plat or Variance applications, which were contingent on approval of the CUPs.

FINDINGS OF FACT

If any of these findings of fact are deemed to be conclusions of law, they are incorporated into the Conclusions of Law section. The following findings shall be based upon the Application, the analysis and recommendations of the Elmore County Land Use and Building Department (the "**Department**"), and the record.

1) The Commission finds that Application is comprised of:

- a) Application form prepared and submitted by Applicant for CUP-2025-09A, CUP-2025-09B 7 CUP-2025-09C with Master Site Plan, PP-2025-06, and VAR-2025-03; and
- b) Those supplemental information reports, letters, exhibits of record, documentation and memoranda, from the Applicant, agencies, members of the public, contract employees, or the Department (the "**Staff**" or "**County Review Team**") submitted to the Commission.

2) The Commission finds that the Applicant is:

Andrew Knudsen,
Mountain Home Commercial, LLC
8071 South 2475 East,
South Weber, UT 84405

Todd Meyers,
Maverik Store 787
185 S. State Street, Suite 300,
Salt Lake City, UT 84111

3) The Commission finds the following facts as to the procedural matters pertaining to the Application:

- I. In accordance with § 7-3-2 (A) of the Zoning Ordinance, the Applicant completed multiple pre-application meetings with the Director starting with November 6, 2024.
- II. In accordance with § 7-3-3 of the Zoning Ordinance, the Applicant conducted a Pre-application Neighborhood Meeting on March 11, 2025 with neighboring property owners within a 1-mile radius of the Site.
- III. On April 2, 2025, the Department received a Conditional Use Permit and Preliminary Plat application packet per § 7-3-2 of the Zoning Ordinance along with the required application fees.
- IV. On June 18, 2025, the Department also received application VAR-2025-03 for a variance for one billboard sign.
- V. On June 26, 2025, a Public Workshop was conducted with the Commission to introduce the proposal, discuss the outstanding technical information, and receive feedback from the Commission.
- VI. In accordance with § 7-3-5 (C) of the Zoning Ordinance, the Department mailed Notice of the Public Hearing to surrounding landowners within 1-mile radius on September 15, 2025.
- VII. In accordance with § 7-3-4 (A) of the Zoning Ordinance, the Department emailed Public Hearing Notices to agencies on September 15, 2025.
- VIII. In accordance with § 7-3-5 (A) of the Zoning Ordinance, the Public Hearing Notice was published in the Mountain Home News (newspaper) on September 10, 2025.
- IX. In accordance with § 7-3-5 (B) of the Zoning Ordinance, the Public Hearing Notice was posted on the property on September 17, 2025.
- X. The Commission opened the public hearing on September 25, 2025, and received verbal and written information regarding the Application from staff, the Applicant, and the public.
- XI. The September 25, 2025 public hearing was continued to November 20, 2025, where the Commission received additional information and testimony from Staff, the Applicant, affected agencies, and the public. At the conclusion of the testimony from three emergency responders in neutral position for the proposal, the Chairperson closed the public hearing, and a motion was made

to deny the Conditional Use Permits with Master Site Plan while taking no action on the contingent Preliminary Plat and Variance. The motion passed on a vote of 4 to 1. The Commission's decision on the Application is as set forth below.

4) The Commission finds the proposed requests to be as follows:

- A. 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").
- B. 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.
- C. 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.

5) The Commission finds the following facts and circumstances pertaining to the Site:

A. **Parcel Number:** RP03S06E098845

B. **The "Owner" of the Site:**

Mountain Home Commercial, LLC
8071 South 2475 East,
South Weber, UT 84405

C. **Site Characteristics:**

Property Size: 17 acres
Existing Structures: Billboard sign
Existing Vegetation: Shrub/scrub
Slope: The Site is relatively flat, with no slopes over 15%
Flood Zone: N/A
Irrigation: N/A
Views: Neighboring highways and adjacent land

6) The Commission finds the current zoning of the Site is as follows:

Based on the officially adopted Elmore County Zoning Map (as amended by subsequent Zoning Map Amendments adopted by the Board of County

Commissioners), and the Comprehensive Plan, the current zoning for the Site is Highway/Interstate Commercial (“C-2”).

- 7) The Commission finds the Site is within unincorporated Elmore County within the Area of City Impact of Mountain Home surrounded by other similar parcels.**
- 8) The Commission finds the existing services and access to the proposed site are as follows:**

Based on the officially adopted Elmore County Zoning Map (as amended by subsequent Zoning Map Amendments adopted by the Board of County Commissioners) and materials found in the Department’s file for CUP-2025-09A, CUP-2025-09B, and CUP-2025-09C with Master Site Plan, the following facts concerning services and infrastructure, are not in dispute, and are adopted as findings of fact in the Commission’s Findings of Fact, Conclusions of Law, and Order (FCO):

- A. Access Street and Designation:** Exit 90 off Interstate 84 at the intersection of I-84 Business (Sunset Strip or Highway 51) and Frontage Road. Access is from Frontage Road.
- B. Fire Protection:** Mountain Home Rural Fire District.
- C. Sewage Disposal:** N/A
- D. Water Service:** N/A
- E. Irrigation District:** N/A
- F. Drainage District:** N/A
- G. Area of Impact:** City of Mountain Home

- 9) The Commission finds the following are among the relevant and applicable statutes, ordinances, and land use regulations for consideration of the Application:**
 - A. Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 20, 2015 (the “Comprehensive Plan”); and
 - B. Zoning Ordinance adopted as Ordinance 2018-03 on May 18, 2018, and all amendments thereof; and
 - C. Idaho Local Land Use Planning Act, § 67-6501 et seq.; and
 - D. Other applicable local, state, and federal laws and regulations.
- 10) The Commission finds the following regarding the Comprehensive Plan.**

- A. That the Comprehensive Plan Future Land Use Map (Map 4) has the property classified as Highway/Interstate Commercial (C-2).
- B. The Application is in conformance with the Private Property Rights section of the Comprehensive Plan.

11) The Commission finds the following regarding the Zoning Ordinance.

- A. The Elmore County Zoning and Development Ordinance adopted through Ordinance 2018-03 on May 18, 2018, and all amendments thereof, is the document governing the Site.
- B. In order to make a decision on CUP-2025-09A, CUP-2025-09B, and CUP-2025-09C, with Master Site Plan, the required eleven findings pursuant to § 7-9-7 must be made for the proposed conditional use permit and § 10-6-7 must be made for the proposed master site plan.

12) The Commission finds the eleven (11) required findings pertaining to a Conditional Use per Zoning Ordinance §7-9-7(A) are not met. While Findings 1, 2, 3, 4, 5, 6, 8, 10, and 11 are met, Findings 7 and 9 are not.

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

Finding: 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 7-7-22(B) of the Zoning Ordinance, Billboard Signs require a Condition Use Permit.

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; other commercial uses within CUP-2025-09B with Master Site Plan and Billboard Signs within CUP-2025-09C with Master Site Plan. With the proposed Conditions of Approval, the Commission finds that CUP-2025-09 in fact proposes uses that require a CUP in compliance Table 7-2-26 (B).

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

Finding (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 Loop (Sunset Strip or Highway 51) and W. Frontage Road, meeting the intent of C-2 Land Use Designation of the Comprehensive Plan.

The Comprehensive Plan Chapter 4 - Economic Development, under Economic Objectives 1 and 2 directs staff to *"Support existing business and industry in the County; and Encourage broad-based economic development programs that include...Commercial Development"* among other activities. The proposed use is a business development for Maverik Store 787 that provides an essential service (fuel stations and convenience store) to the highway/interstate users as well as community members and supports local and state economy. Therefore, the proposed use is in harmony with this guidance for Economic Development in the Comprehensive Plan.

The Comprehensive Plan Chapter 13 - Community Design under Suburban Mountain Home Vicinity Community Design Concept states the following Community Goals for Private Property Rights: *"Suburban Mountain Home residents desire that all ordinances implementing this plan will protect private property rights"*. The Commission finds that the proposed use supports this desired future goal of the Comprehensive Plan.

Finding (Zoning Ordinance): Please refer to findings #1 and 3 for compliance with Title 7, Chapter 2, of the Zoning Ordinance.

In addition, Stationary Billboard Signs also requires a Conditional Use Permit per Section 7-7-22 (B) of the Zoning Ordinance. Staff 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 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 with the city of Mountain Home participating in the development review

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

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." 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 participated in a very limited role.

The Applicant has agreed to comply with the proposed Conditions of Approval by Staff, reviewing agencies, and as required by the decision-making body for the applications. Therefore, the Commission finds that the proposed use is in compliance with the Zoning Ordinance.

3. The proposed use complies with the purpose statement of the applicable base zone and with the specified use standards as set forth in this Chapter 2 Title 7;

Finding: 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 Site for the proposed use is located at one of the two major exits from I-84 providing access to the biggest population center of Elmore County - city of Mountain Home. Furthermore, the proposed use is located at the intersection of I-84 Business Loop (Sunset Strip or State Highway 51) and W. Frontage Road providing direct access through State Highway 51 to Exit 90. Therefore, the Site of the proposed uses is conveniently located to serve the I-84 travelers as well as the residents of city of Mountain Home and Elmore County. In addition, there is an existing Chevron Gas Station with Burger King to the west as well as an RV Park to the south of the Site,

both of these uses are similar in nature and complimentary to the proposed use and C-2 zone, furthering 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.

Finding:

The proposal includes seven auto fuel dispensers, that occupy a total of 4,940 sq. ft and six commercial fueling dispensers, that occupy a total of 3,213 sq. ft. which collectively occupy 8,153 sq. ft. of the 7-acre parcel (7 acres X 43,560 sq. ft per acre =304,920 sq. ft.). That is approximately 2.6% of the subject property that is expected to be used for gasoline or diesel fuels sales facilities by the Applicant 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.

Finding:

The proposed use is located within the Mountain Home Rural Fire District. The District has reviewed the applications and has provided a letter stating their support of the proposed use. 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 obtaining an 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.

Finding:

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.

Finding:

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.

Finding:

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

- 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.

Finding:

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. Throughout the review process, the Applicants have worked with the County's Contract Engineer and Traffic Engineer to ensure that vehicle stacking on the property provides sufficient capacity.

- 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.

Finding:

The proposal does not include a vehicle service station. Otherwise, as can be seen in the Master Site Plan, trash and waste materials are proposed to be stored behind the C-Store in a separate enclosure.

Therefore, the required findings for Fuel Sales and Service Station Per Section 7-2-126 of the Zoning Ordinance are 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):

- A. 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:

Finding:

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

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

Finding:

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

- C. 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:

Finding:

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

- D. 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:

Finding:

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

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

Finding:

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 the Master Site Plan, 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). A variance cannot be considered without first obtaining the necessary right to develop the proposed use and to install the billboard. Being that the proposed use and billboard CUPs were denied by the Commission, the variance cannot be considered at this time.

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

Finding:

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.

- G. 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.

Finding:

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

Therefore, the Commission finds that the required findings for Stationary Billboard Sign Per Section 7-7-22 (G) of the Zoning Ordinance are met. However, the proposed Billboard Signs are to advertise Maverik Store 787, which is receiving a denial from the Commission through CUP-2025-09B. Therefore, the Commission denies CUP-2025-09C.

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

Finding: The proposed use was reviewed by Staff per standards established in the Zoning Ordinance and the CUP application was transmitted to the following County entities on November 13, 2024, to ensure their review and compliance with other County Ordinances. Furthermore, the proposed use was discussed

with affected agencies on February 5, 2025, July 31, 2025, September 3, 2025, and November 13, 2025.

- 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

The Commission finds that the aforementioned agency's comments and concerns are incorporated in the proposed conditions of approval. Therefore, the Commission concludes that the use will be constructed and operated in compliance with all applicable County Ordinances.

5. The proposed use shall comply with all applicable State and Federal regulations;

Finding: The proposed use was reviewed by the Staff per standards established in Zoning Ordinance and the CUP application was transmitted to the following State and Federal entities on November 13, 2024, to ensure their review and compliance with laws, rules, and/or regulations. Furthermore, the proposed use was discussed with affected agencies on February 5, 2025, July 31, 2025, September 3, 2025, and November 13, 2025.

- 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

The Commission finds that the aforementioned agency's comments and concerns are incorporated in the proposed conditions of approval. Therefore,

the Commission concludes that the use will be constructed and operated in compliance with state and federal regulations.

- 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;**

Finding: 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.

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;**

Finding: The proposed use was reviewed by Staff, the Commission, and affected agencies to evaluate whether the proposed use would be hazardous or disturbing to existing neighboring uses or impede their normal development. The area is surrounded by similar commercial and industrial uses.

Throughout its review process, the proposed use received concerns from the community-at-large, emergency responders, and county decision-makers for exaggerating existing traffic safety issues at this location by adding more traffic. As a result, a traffic study was required by the Department, revised after the Commission's recommendations, and was reviewed by both transportation agencies - ITD and MHHD.

At the September public hearing, the Commission discussed the Application and heard serious concerns from community members and emergency responders regarding existing traffic safety at Sunset Strip (State Highway 51/I-84 Business Loop), W Frontage Road, and Exit 90. At this hearing, Staff discussed a series of potential short and long-term solutions with the Commission, which would have addressed some of the traffic safety issues at this location. Following the

testimony, the Commission inquired regarding ITD's position. ITD comment letters 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 Applicant had provided the requested information to Staff, and yet, ITD and MHHD have determined this intersection safe and have not requested or required additional improvements from the Applicant. At the hearing, the Applicant offered additional funding resources to support some of the off-site/Highway District improvements at the intersection. After much discussion, the Commission continued the public hearing until November 20, 2025, and asked Staff and the Applicant to receive approval from ITD and MHHD on certain necessary improvements to the Site and other off-site infrastructure that could improve safety at the intersection. Staff and the Applicant took the following actions towards revising the Master Site Plans and proposing agreed upon improvements at the intersection with ITD and MHHD.

- Staff invited the Applicant, 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, and the proposed use does not require any additional improvements. ITD did not agree with the improvements discussed by Staff at the September hearing. The Department encouraged ITD to work with the Applicant in developing a proposal for this intersection that ITD could support.
- The County Engineer, County Traffic Engineer, and the Applicant's Traffic Engineers met with MHHD's Engineer on October 10, 2025, to discuss the proposed improvements. The Highway District did not agree with the improvements discussed by Staff at the September hearing and suggested alternative improvements that MHHD will be able to support.
- The County's Traffic Engineer sent out the suggested agreed upon improvements to ITD, MHHD, and the Applicant on October 13, 2025.
- The Applicant confirmed on October 21, 2025, that they support the proposed improvements.
- On November 3, 2025, the Department received emails from MHHD and ITD's Traffic Engineers supporting the proposed improvements at the Site in the Applicant's Master Site Plan.
- Staff discussed the proposed improvements at an Agency Meeting on November 13, 2025. Traffic safety issues at this location got discussed again, and Staff proposed additional improvements to the Master Site Plan and other off-site improvements including on the Chevron side of W Frontage Road. Staff received support for those improvements from ITD, MHHD, and the Applicant to improve visibility of the Frontage Road and Sunset Strip intersection and proposed Conditions of Approval # 17 & 18 for the Commission's consideration.

At the November public hearing, Staff presented the Master Site Plan along with agreed upon off-site improvements and proposed conditions for the CUPs. Staff concluded that the proposed improvements would be feasible with the Applicant's commitment to additional funding resources that they had offered at the September hearing.

ITD staff, including their Traffic Engineer, attended this November 20, 2025, hearing and were able to answer the Commission's questions about speed limit, turning radius, truck traffic stacking, additional signage, and striping at the Site and intersection. ITD staff affirmed for the Commission that their traffic group is in the process of evaluating signage and striping at this intersection. However, they were not able to provide any specific timeline for these improvements.

Three state and local emergency responders, Dan Brennan with Idaho State Police, Alan Roberts with Elmore County Ambulance District, and Mike Hollingshed, Elmore County Sheriff, testified in neutral position for the proposal, but expressed serious concerns about existing traffic safety issues. They presented existing dispatch data for crashes at this location over a decade, which showed 15-16 crashes annually. They testified this number to be under-represented due to reporting and location naming issues. They also expressed their dissatisfaction with ITD and MHHD's review and recommendations for the proposed use.

After closing the public hearing and a thorough deliberation, the Commission finds that the existing traffic safety issues will be increased due to the traffic generated by the Applicant's proposed use of the Site in relation to the current uses and traffic patterns. The Commission further finds that the proposed traffic safety improvements along with conditions of approval to address additional vehicles generated by the proposed use remain inadequately mitigated especially due to vehicles exiting the Site making a left turn from Frontage Road eastbound onto Sunset Strip, conflicting with high-speed traffic exiting I-84 at a posted speed of 80 miles per hour. The Commission finds that the inadequate mitigation exacerbates ongoing safety issues at this intersection, thereby contributing to the risk of severe accidents, which pose significant threats of injury and loss of life to individuals, families, neighboring residents, and the broader community. Therefore, the Commission concludes that the proposed use will be hazardous or disturbing to existing neighboring uses and this finding cannot be 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;**

Finding: The proposed use was reviewed by the Commission to evaluate whether the proposed use would be adequately served by public facilities and services in the following manner:

A. Highways and Streets: Please refer to finding # 7.

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 documented in the exhibits of record for the CUPs, neither of the transportation agencies triggered a traffic study for the proposed use and supports the proposal.

This interchange is known to local emergency responders for high rates of vehicle crashes including trucks. Therefore, the Department had requested the Applicant to provide a Traffic Study with the CUPs. The Department involved a Traffic Engineer that has reviewed and provided comments on the Traffic Study's findings through multiple memos and by participating in development review process of the CUPs. At the Public Workshop, the Commission required additional traffic study data to ensure traffic safety, and directed staff to work with ITD, MHHD, and the city of Mountain Home to identify immediate improvements at W Frontage Road and Sunset Strip to address those safety concerns.

As discussed in finding #7, the Applicant has agreed to comply with a Master Site Plan and off-site improvements at the intersection as well as conditions of approval, after receiving approvals for those proposals from ITD and MHHD. With these proposed condition of approval, the proposed use will provide needed highways and streets.

B. 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. Because of CDH's review and recommendations and the Applicant's commitment to meet the conditions of approval, the proposed use will provide needed water and sewer services for the proposed use.

C. 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 to ensure that drainage, police, fire, and refuse will be adequately addressed.

Therefore, the Commission finds that the proposed use will 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 will be able to provide adequately any such services.

- 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;**

Finding: In addition to the considerations and findings outlined in finding # 7 above, the Commission also finds that based on the location of the Site, the increased traffic generated by this project, and the increase need for emergency services due to accidents, the proposed use will likely create excessive additional requirements on local emergency services and increase public costs. .

The Commission finds that there are 15-16 vehicle crashes annually at this intersection over the last decade, causing injuries and harm to community members of the County due to current design of the intersection and traffic patterns around the Site. These issues will are likely to increase due to the traffic generated by the proposed use, 26 fuel stations and a convenience store, adding to the traffic safety issues and resulting dispatch calls and emergency response needs in the County.

At the September Public Hearing, the Commission inquired of the Applicant about how they plan on paying for their proportionate share of intersection improvements and emergency response concerns. The Applicant expressed their interest in making improvements on-site and providing additional funding to ITD or MHHD for making improvements off-site to improve traffic safety if those improvements were known. As discussed in finding # 7, the Applicant has made attempts to identify these off-site improvements with transportation agencies and continues to remain committed to providing their proportionate share cost for public facilities and services.

The Commission finds that state and local emergency responders, including Idaho State Police, Ambulance District, and Sheriff, have expressed concerns about current dispatch calls and emergency responses, stating that the Site is located next to the highest crash intersection in Elmore County. Having a total of 26 fuel stations alone will bring in additional auto and truck traffic to this location. Therefore, the Commission concludes that the proposed use will create excessive additional requirements at public cost for these emergency responders and that will be detrimental to the economic welfare of the County.

- 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;**

Finding: Please refer to finding # 8 for traffic.

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 was a proposed condition of approval of the CUP.

Furthermore, as discussed in finding #2, installation of underground fuel tanks will require written approval from Idaho Division of Environmental Quality and Idaho Department of Water Resources as a condition of approval. That will ensure mitigation for smoke, fumes, and odors related impacts with the future use of diesel and trucks at the Site.

Additionally, the proposed use is located in the Highway/Interstate Commercial (C-2) Zoning Districts and is surrounded by other commercial and industrial uses of similar nature that are anticipated to create some amount of traffic, noise, smoke, fumes or odor. The proposed use was reviewed by many local, state, and federal agencies, and their feedback was used to propose conditions of approval. Therefore, the Commission concludes that the proposed use will 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.

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

Finding: 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. Therefore, the Commission finds that the proposed use will not result in the destruction, loss, or damage of a natural or scenic feature of major importance.

13) The Commission finds the required findings pertaining to a Master Site Plan per Zoning Ordinance § 10-6-7(A) could be met. However, the master site plan application is contingent on approval of the necessary CUPs, which are denied by the Commission. Therefore, the Commission denies the Master Site Plan.

14) The Commission finds that because the underlying CUPs are denied, the Commission cannot consider or approve PP-2025-06 and VAR-2025-03.

CONCLUSION OF LAW

Based on the aforementioned findings of fact, the Commission concludes that the proposed CUP-2025-09 has NOT complied with the Zoning Ordinance of the following legislative documents governing the proposal:

- A. Elmore County 2014 Comprehensive Plan, adopted as Resolution 562-15 on January 20, 2014; and
- B. Zoning Ordinance, adopted as Ordinance 2018-03 on May 18, 2018, and all amendments thereof; and
- C. The Local Land Use Planning Act, Idaho Code § 67-6501 et seq.; and
- D. Other applicable local, state, and federal laws and regulations.

ORDER:

CUP-2025-09A, CUP-2025-09B, and CUP-2025-09C with Master Site Plan for the proposed actions to subdivide a commercial property; operate fuel sales and service station, fuel or flammable material storage, convenience food store and deli; and install freestanding billboard signs are **DENIED** based on the Commission's findings that criteria of Elmore County Zoning Ordinance Section 7-9-7(A) 7 and 9 have not been met. This decision is based on the evidence presented at the public hearings and the record.

Dated this 18th day of December 2025

COMMISSION VOTE:

CHAIRPERSON PATTI OSBORN	VOTED	Aye
VICE CHAIRMAN JEFF BLANKSMA	VOTED	Aye
SUSAN FISH	VOTED	Nay
ED OPPEDYK	VOTED	Aye
K.C.DEURIG	VOTED	Absent
MITCH SMITH	VOTED	Aye

Patti Osborn, Chair

ATTEST:

James Roddin, Director

NOTICE PURSUANT TO IDAHO CODE § 67-6519(5)(c)

The Applicant shall have the right to request a regulatory taking analysis pursuant to Idaho Code § 67-8003. An applicant denied an application or aggrieved by a final decision concerning matters identified in Idaho Code § 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

NOTICE PURSUANT ZONING ORDINANCE SECTION 7-3-10 E-F

A decision made by the Elmore County Planning and Zoning Commission may be appealed to the Board of Elmore County Commissioners provided the appeal application is complete, and appeal fee is submitted to the Land Use and Building Department within fourteen (14) calendar days of Commission action. Questions concerning appeals or deadlines should be asked of the Elmore County Land Use and Building Department.

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