

# EXHIBIT ONE

IN RE: CUP-2015-10 )  
Conditional Use Permit for a )  
Recycling Plant or Processing )  
Facility in the Interstate )  
Commercial and Light )  
Industrial Zone )  
 )  
 )  
 )  
Applicant: )  
Second Life Recycling, LLC  
4110 E. Pine Bluff Dr.  
Meridian, ID 83642

FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND ORDER

This matter having come before the Planning and Zoning Commission of Elmore County, Idaho, the 3<sup>rd</sup> day of June, 2015, for a public hearing, held pursuant to public notice as required by law, on a request for a Conditional Use Permit for a Recycling Plant or Processing Center. Property is located in portion of the SE¼NE¼, Section 15, Township 1 South, Range 4 East, B.M., and is zoned Interstate Commercial and Light Industrial. The Commission heard from the applicant in support of the application. The Commission received written testimony and information in regards to the application. Upon conclusion of the public hearing, the Commission duly considered all that was presented to them. Based upon all this information, the Planning and Zoning Commission now makes the following Findings of Fact and Conclusions of Law:

1. The applicant has applied for a Conditional Use Permit for a proposed tire sorting and resale facility in SE¼NE¼, Section 15, Township 1 South, Range 4 East, B.M.
2. The proposed use is considered a Recycling Plant or Processing Center.
3. Notice of public hearing was given to agencies and property owners on May 7, 2015. Notice of public hearing was publicized in Mountain Home Newspaper on May 13, 2015. Notice of public hearing was posted on the property on May 21, 2015.
4. Applicant conducted the neighborhood meeting on April 14, 2015.
5. The property is located within the Interstate Commercial and Light Industrial Zones.
6. The surrounding land uses are commercial, grazing and light industrial.
7. The proposed use will, in fact, constitute an allowed conditional use in that zone, as determined by the Land Use Matrix and Zoning District regulations Chapter 8; Table 6-8-11 (C) of the Elmore County Zoning and Development Ordinance ("Ordinance"). A Recycling Plant or Processing

Facility requires a conditional use permit in the Interstate Commercial (C2) zone. There are additional requirements found in the Ordinance Section 6-8-179: Recycling Plant or Processing Facility.

8. The proposed use will be in accordance with the following goals and objectives of the Comprehensive Plan:

Land Use Objective 5: Encourage and support commercial and industrial development if it complies with County ordinances and guidelines to create jobs and expand the tax base. Maintain two industrial zones: heavy and light.

Land Use Objective 8: Review all commercial and industrial development proposals to determine the land use compatibility and impact to surrounding areas, and with all the applicable provisions of the Zoning and Development Ordinance.

9. The proposed use will comply with all applicable County Ordinances.
10. This use complies with this purpose statement of the Light Industrial zone:  
“The purpose of the M1 district is to provide for commercial and light industrial development and opportunities for employment of Elmore County citizens and area residents and reduce the need to commute to neighboring cities. The M1 district will encourage the development of manufacturing, wholesale, and distribution establishments which are clean, quiet, and free of hazardous or objectionable elements, such as noise, odor, dust, smoke, or glare and that are operated entirely or almost entirely within enclosed structures or fenced yards; to delineate areas best suited for industrial development because of location, topography, existing facilities, and relationship to other land uses. Uses within the M1 district require reasonable access to arterial roadways. Land uses in this category may require a mix of commercial or light industrial uses that consists of clean types of manufacturing, processing, warehousing, repair and general industrial uses.”
11. This use complies with the purpose statement of the Interstate Commercial zone: “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 the 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.”
12. The proposed use will be served adequately by existing essential public facilities and services such as highways, streets, schools, police and fire protection, drainage structures, refuse disposal, water and sewer or the person responsible for the establishment of the proposed conditional use shall adequately provide any such services. The proposed use will not create excessive additional requirements at public cost. The site is an

- existing facility with an existing approach to Simco Road. The structure utilizes an existing well and septic.
13. The proposed use will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public streets. There is an existing approach to the property from Simco Road.
  14. The proposed use will be designed, constructed, operated and maintained to be harmonious with the existing or the intended character of the general vicinity and such use will not change the essential character of the same area. There are existing facilities within 5 miles of the proposed project that store and/or recycle different materials; US Ecology, a medical waste facility and Alternative Environmental Systems.
  15. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
  16. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. No data was provided that shows the proposed use will not create excessive additional requirements at public costs.
  17. The proposed use will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of the environment, or excessive production of traffic, noise, smoke, fumes, glare, or odors. No excessive smoke, fumes, glare or odors are anticipated with the proposed use.
  18. The proposed use will not result in destruction, loss or damage of a natural or scenic feature of major importance.

Based on the foregoing **FINDINGS OF FACT**, the Elmore County Planning and Zoning Commission hereby makes the following:

### **CONCLUSIONS OF LAW**

1. The requirements of Idaho Code Section §67-6509 have been met.
2. The action taken herein does not violate Chapter 80 of Title 67 of the Idaho Code.
3. The applicant has met the requirements of the Zoning and Development Ordinance Chapter 27 for a Conditional Use Permit as shown above in the findings of fact.

Based on the foregoing **CONCLUSIONS OF LAW**, the Elmore County Planning and Zoning Commission hereby enters the following:



## ORDER

The application for a Conditional Use Permit for Recycling Plant or Processing Center in SE¼NE¼, Section 15, Township 1 South, Range 4 East, B.M., should be and is hereby **APPROVED** with these additional conditions:

### ADDITIONAL CONDITIONS

1. Proposed use will comply with Chapter 27 and Section 6-8-179 of the Elmore County Zoning and Development Ordinance.
2. Failure to comply with any condition may result in the revocation of the conditional use permit.
3. All outstanding taxes and fees must be paid.
4. The use shall comply with all State and Federal regulations.
5. The applicant shall obtain financial assurance in the form of a cash bond as per Idaho State Statute 39-6502.
6. Prior to utilizing the site, the applicant shall obtain zoning/building permit approval from the Elmore County Land Use and Building Department to ensure the existing structure is designed and constructed to house the proposed use.
7. Applicant shall submit building and site plans to Idaho State Fire Marshal for review/approval.

### COMMISSION VOTE:

CHAIRPERSON PATTI OSBORN  
VICE CHAIRPERSON K.C. DUERIG  
SUSAN FISH  
BETTY VAN GHELUWE  
SHANE ZENNER  
ED OPPEDYK  
JEFF BLANKSMA

VOTED AYE  
VOTED AYE  
VOTED AYE  
ABSENT  
VOTED AYE  
ABSENT  
VOTED AYE

 *Vice-Chairman*  
Patti Osborn, Chairperson

### ATTEST:

  
Alan Christy, Director

DATED this 17th day of June 2015.

\*Note

A decision made by the Elmore County Planning and Zoning Commission may be appealed to the Board of Elmore County Commissioners provided the appeal is submitted in writing to the Land Use and Building Department within ten (10) calendar days of Commission action. Questions concerning appeals or deadlines should be asked of the Elmore County Land Use and Building Department.

# EXHIBIT TWO



# Elmore County Land Use and Building Department

520 East 2nd South Street  
Mountain Home, Id. 83647  
Phone: (208) 587-2142 ext. 254  
Fax: (208) 587-2120  
www.elmorecounty.org

File

## NOTICE OF CODE VIOLATIONS

Beth  
Bresnahan  
Director/Planner

Tell Riley  
Building Official

Diana Clark  
Planner

Kacey  
Ramsauer  
Administrative  
Assistant

Clint Ericson  
Code  
Enforcement  
Officer

Date: August 24, 2018

Name: **2X Tire Recycling c/o Jeff Thompson**  
Mailing Address: **1733 Simco Rd**  
City: **BOISE** State: **Idaho** Zip: **83716**

**Elmore County tax records indicate that you are the property owner(s) of a parcel of land described as Parcel: RP01S04E152000, SE4NE4 LESS TAX 1-3, SEC 15, T1S R4E, , Elmore County, Idaho.**

On 8 August 2018 at about 0945hrs the Elmore County Land Use and Building Department, with oversight and direction from the Elmore County Sheriff and Fire Marshall performed an inspection on the above facility. The inspection included Conditional Use Permit (CUP) adherence and State Fire Code inspections.

Owner Jeff Thompson (208-353-8808) was with the inspectors the entire time.

Members performing the inspection were:

Tell Riley; Elmore County Building Official/Inspector

Clint Ericson; Elmore County Code Enforcement Officer

And oversight/direction provided by: (not on location)

Mike Hollinshead; Elmore County Sheriff and Fire Marshal

Conditional Use Permit (CUP) was applied for on 4-14-2015 and approved on 6-17-2015. This CUP described certain conditions that were to be followed or could result in revocation of the CUP.

**During the inspection it was noted the following conditions *were not* being followed IAW the CUP that was signed and approved AND state and international fire codes at the time of the CUP.**

Conditions not followed are:

1. Proposed use will comply with Chapter 27, section 6-8-179 of the Ordinance dated July 2014.  
**\*\*the facility is not in compliance with this section\*\***

---Owner must comply with all items in Chapter 27, section 6-8-179, (see attach) if owner is unable to comply with any item in the original CUP, an amendment to or a new CUP must be established. If a new CUP is started, approved and signed, owner must abide by all **new code** guidelines established in new Elmore County Ordinance dated May 2018 and all the most current building and fire codes. **Must be in compliance within 90 days from receipt of this letter.**

2. The use shall comply with State and Federal regulations. **\*\*the facility is not in compliance with State and Federal Regulations, specifically FIRE CODES. \*\* see attach slides for more details. \*\*\***

---Owner must comply with all current State Fire Codes, and correct ALL **safety violations** noted below and on the enclosed slides **within 30 days of receipt of this letter.**

Elmore County Code Enforcement ---- Page | 1

3. The applicant shall obtain financial assurance in the form of a cash bond as per Idaho State Statue 39-6502. This is a bond for \$25K, this was calculated using the MAX tires allowed on the site at one time; which per the CUP was 10K tires. IAW Idaho State guidelines for waste tires. During the inspection it was obvious that there are more than 10K tires on site, the owner was not able to give exact numbers on how many but he did state on the record that it has to be about 10K tires. (see photos for idea on how many tires, estimated over 100K tires are on location at the time of inspection). IAW with State Law, failure to adjust the amount of insurance (bond) on the anniversary shall result in revocation of the permit and forfeiture of the bond.

---Owner must remove all tires to the 10K limit as noted above and stored as noted in original CUP or complete another CUP and obtain additional Financial Assurance. **Must be in compliance within 90 days from receipt of this letter.**

4. Applicant shall submit building and site plans to Idaho State Fire Marshal for review/approval. State Fire Marshal performed an inspection and the site did pass. Using the State Fire Marshals' guidance, a re-inspection was performed. The Fire Marshal noted Chapter 34 Section 3405 of the International Fire Code in which compliance was supposed to be followed. \*\*\*Upon inspection, the facility failed the majority of section 3405 and IAW the CUP agreement was not storing tires as noted or described. \*\*

---State Fire Marshal or designated representative(s) must perform another inspection using updated Fire Codes and new inspection sheets once all items have been corrected/fixed IAW this document. Any additional items found during that inspection must also be corrected prior to completion/approval of new or amended CUP. **Items found and completion of this inspection must be fixed and final inspection signed within 90 days from receipt of this letter.**

5. State Fire Marshal's inspection sheet noted Fire Systems being used and the guidance that pertained to each fire protection system. Some items on the checklist were not checked off as being "pass" or "N/A" however the fire systems in the facility did contain those devices. \*\*it was noted during the inspection, and review of the Fire Systems operations/maintenance requirements; that the complete fire system has not had its required periodic inspections and the owner did not know when the last time the system was tested or even how the system worked. \*\*

---All inspections on fire safety equipment must be completed and documented using Current Fire Code, all inspection documents will be kept on-site and avail for future inspectors to include the above Fire inspection. This must be completed **within 30 days of receipt of this letter.**

6. Per Current Fire Codes and (at the time of the CUP approval) the inspection team also found that various fire and safety systems, signs, and procedures were not being followed in and around the facility. \*\*Items of failure are noted as; improper Exit Signs, Fire exits blocked and not in compliance, fire pull stations blocked and not in compliance, flammable materials scattered thru facility and in front of fire systems, open electrical, blocked exit-ways, flammable material too close to active LP tanks (x2), flammable materials too close to facility, flammable materials too close to storage locations of tires. Please see attached photos for identification and descriptions. \*\*

---All items in the section 6 above must be brought in compliance with Current fire codes. Due to the safety nature of these items and any item that is deemed Safety related you must come into compliance **within 30 days of receipt of this letter.**

7. Per the CUP application it stated "All tires will be in warehouse or in containers". \*\*All tires were not in compliance, tires were in piles in excess of over an Acre each and outside. Owner does have another facility off-site he is also storing tires, along with about 20 tractor trailers that are quoted as "half full each" that are located in a field outside this facility. These tires are also stored on property outside the CUP. A new CUP will need to be issued for tire storage in these off-premise locations. \*\*

---All tire storage areas must be in compliance with the original CUP and Fire Code Guidelines, if compliance cannot be achieved a new CUP or an amendment to the original CUP must be completed/approved and signed. All new or amended CUPs must comply with Current Codes. **This includes ANY tire storage area outside the original facility location** described on the original CUP. Ie...Tires in tractor trailers in the adjacent field and the adjoining property/warehouse located at 1639 S SIMCO RD. **Must be in compliance within 90 days from receipt of this letter.**

8. Tire storing method, per CUP application stated that tires will be stored in 12 shipping containers, with 800 tires per container. \*\*Only a few containers existed on the property with unknown number of tires in them. All the remaining tires were kept outside in piles, in tractor trailers or in a separate facility on a different parcel. \*\*

---Again...All tire storage areas must be in compliance with the original CUP and Fire Code Guidelines, if compliance cannot be achieved a new CUP or an amendment to the original CUP must be completed/approved and signed. All new or amended CUPs must comply with Current Codes. **This includes ANY tire storage area outside the original facility location** described on the original CUP. Ie...Tires in tractor trailers in the adjacent field and the adjoining property/warehouse located at 1639 S SIMCO RD. **Must be in compliance within 90 days from receipt of this letter.**

9. Per the CUP application Daily waste tires delivered to site and shipped off site were to be inventoried and documented with a log of 3 years kept on-site. It was noted that ALL records were to be kept in a filing cabinet on site. \*\*during the inspection it was asked of the owner to provide documents on the inventory, he was unable to comply because he stated that it was in the computer system and not everything was on-site. \*\*

---All logs from the time of start of operation to time of re-inspection must be available On-Site in paper format and kept for a period of three (3) years. Logs if not avail/lost/missing must have a "memo for record" on to why those documents are not avail/lost/missing. There must be a continual paper trail for all incoming, outgoing and missing items per the CUP agreements going back a minimum of three (3) years. **Must be in compliance within 90 days from receipt of this letter.**

10. Per the CUP application; Vector Control was a non-issue due to the storage containers. \*\*during the inspection the tires are stored outside and could collect water. \*\*

---Per Elmore County Mosquito Abatement... tires stored outside have a huge impact on mosquito breeding. One tire can produce tens of thousands disease-carrying mosquitos during one breeding season. To prevent the spread of diseases tires must be controlled and prevention in place, such as holes in tires or tires covered to prevent accumulation of water or stored in a manner to stop accumulation of water. **Must be in compliance within 90 days from receipt of this letter.**



11. Per the CUP application; it stated to describe any waste tire processing activities that will occur on-site including but not limited to shredding, chipping, baling, or incinerating. The reply was None at this time. **\*\*during the inspection, shredding, chipping and baling was being performed\*\*** NOTE \*\* during the Pre Application, it did state that " tire recycling, cutting, possible metal removal was a Proposed Use\*\*

---Owner must amend current CUP or during completion of new CUP, include ALL current and any possible future activities and ensure it is on the CUP. **Must be in compliance within 90 days from receipt of this letter.**

12. Per the CUP application; it stated why or how will the proposed land use not involve uses, activities that will produce smoke, fumes, odors...owner stated that no processing of tires on site.

---Owner must amend current CUP or during completion of new CUP, include ALL current and any possible future activities to include current and future possible impacts to neighboring businesses and residence, must ensure it is on the CUP. **Must be in compliance within 90 days from receipt of this letter.**

13. Any and all other violations are noted on the following slides/photos.

---Owner must ensure all items on the slides/photos that are not addressed on the above listing are corrected within the time allotted noted on the slides/photos.

Inspectors performed an overall inspection on-site and reviewed documents and photos at the Land Use and Building Office in the days/weeks following the inspection. Inspectors have come to the conclusion that an opportunity for the facility and owners to come into compliance within a certain period of time. It is obvious that proper procedures and re-inspections were not completed or adhered to during the past few years and current owner is not all "at-fault." Inspectors also feel that there are many safety violations that need to be fixed ASAP in order to protect the workers, customers and the community surrounding this facility.

Once compliance is noted, **random** annual inspections will be conducted on this facility to ensure future violations do not re-occur. Items noted during these inspections could or could not be written as "violations" depending on how severe the violation is. These re-inspections are to assist in the safe operation and continual compliance partnership with Elmore County and the operation at hand.

## **CHAPTER 1 ZONING AND DEVELOPMENT ORDINANCE DEFINITIONS**

**ABATABLE NUISANCES:** Enumerated nuisance conditions that may be abated by the city in accordance with the provisions of this chapter, specifically including, without limitation, the following nuisance conditions:

- A. Nuisance materials leaked, drained, seeped, dripped, sprayed, or dumped onto the ground on private property;
- B. Nuisance weeds;
- C. Graffiti; or
- D. Snow or ice on a public sidewalk abutting or adjoining any privately-owned premises.

**E.** Personal property on any portion of a public property or property in the County, except as specifically allowed by law or by written permit issued by the county or other governing authority.

**NUISANCE:** Anything which unreasonably injures or offends the health or senses; obstructs the free passage, comfortable enjoyment, or customary use of public or private property; or creates an actual or potential safety, health, or fire hazard. To included but not limited to: swimming pool, spa, or other body of water that is not secured with a fence.

**WEEDS:** Undesirable plant growth, whether living or dead, that is unkempt, unsightly, fifty (50%) percent or more of the lot, twelve (12") inches or more in height, possible fire hazard, deleterious and/or injurious to the public. This definition shall not include cultivated grasses and pastures, though such vegetation may be declared a nuisance where otherwise appropriate.

---

**If the conditions are not corrected the County may proceed with legal action. The penalties for violation of the Ordinance are found in Ordinance Chapter 4 Section 8-4-1. Ordinance Section 8-4-3 states:**

"Violation of Ordinance Unlawful. Penalties and Restitution. It shall be unlawful for any owner, occupant, tenant, manager, or any person or entity having control of, or a legal interest in, property to violate any requirement or duty imposed by this Ordinance. Upon conviction of any violation of any of the provisions of this Ordinance such person shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment for not more than six (6) months, or both such fine and imprisonment. Each and every day of continuing violation shall be considered a separate criminal offense. Upon conviction, violators shall be responsible for and pay all incurred investigation, prosecution and court costs as determined by the court having jurisdiction over the proceeding."

**This action must be completed within THE TIME NOTED ON EACH ITEM from the date of receipt of this notice,** and thereafter the premises must be maintained free of the unlawful conditions described above. Failure to comply with this Notice may result in the County pursuing legal action including recording violation at the Elmore County Courthouse and turning the case over to the Elmore County Prosecuting Attorney Office for prosecution.

**Abatement.** The County may abate any nuisance in Elmore County or any conditions caused by a violation of this Ordinance. The expenses associated with abatement and abatement proceedings (including any expenses arising from contractors hired by the County to perform said abatement, investigatory costs and costs of suit) shall be charged to the owner, occupant or person in charge or possession of the premises or property upon which the nuisance exists. The Prosecuting Attorney may seek recovery of these expenses and costs under **Idaho Statute** §§ 31-604, 52-202 and 52-205. Said costs shall attach as a lien upon the subject property if unpaid.

**Please contact me so I can assist you with this issue within five (5) days after receipt of this letter either by email [cericson@elmorecounty.org](mailto:cericson@elmorecounty.org) or phone (208) 587-2142 ext 246.**

Sincerely,

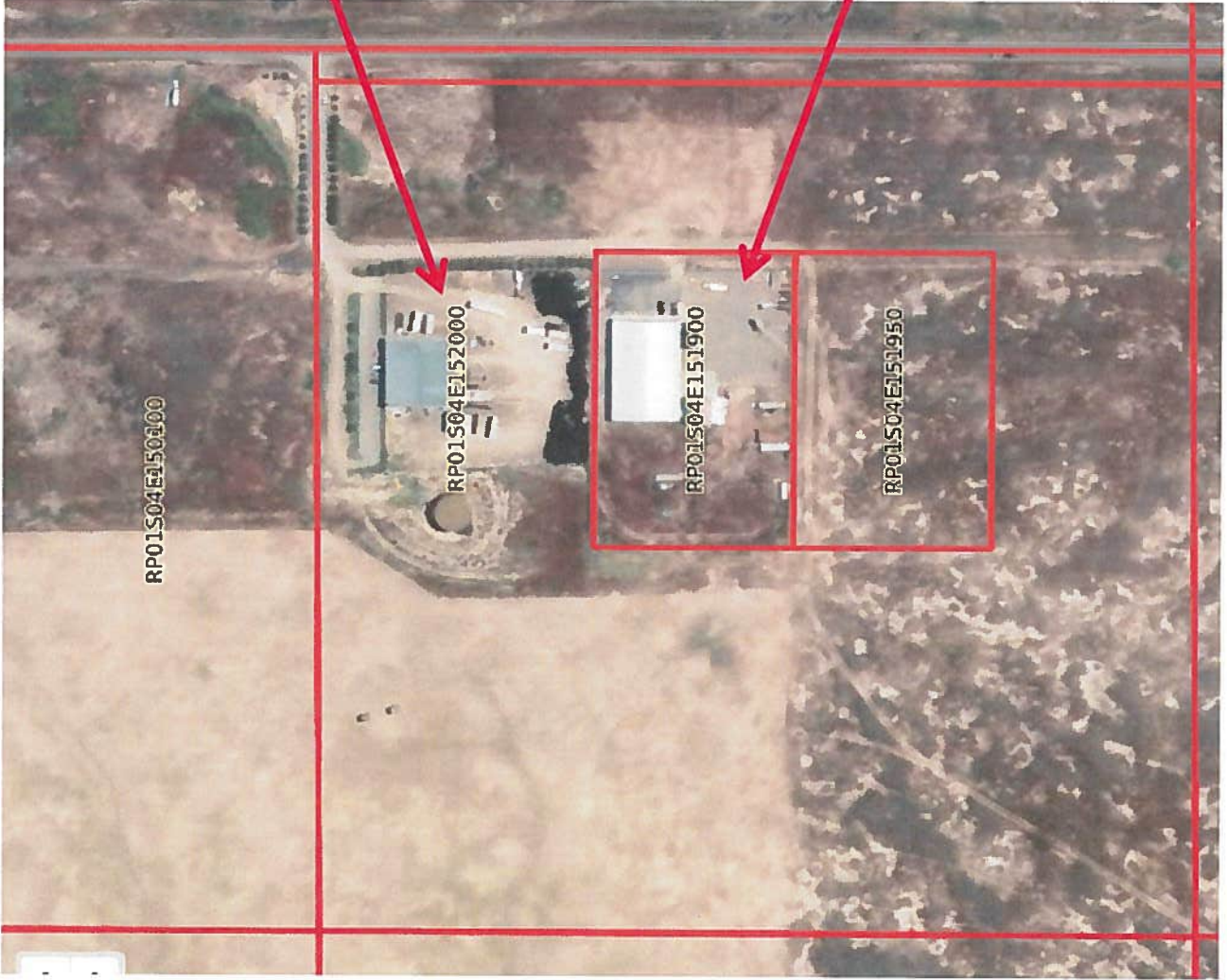


Clint Ericson

Code Enforcement Officer

Attachment: photos





Details	Improvements	Assess Info	Photo
Taxing Districts	Google	Print Page	
Parcel Details			
PIN: RP01S04E152000			
Homeowner: JUNIPER STATION FARM LLC			
In Care of: V			
Homeowner Address: 3350 W AMERICANA TERRACE			
Homeowner Address: STE 340			
Homeowner City: BOISE			
Homeowner State: ID			
Situs Address: 1733 S SIMCO RD			
Situs City: 83716			
Tax Code Area: 40000			
Deed(s): 20140703, QCD 442715, BSD 385834, QCD 369032,			
BSD 338896, QCD 326907			
Legal Description(s): SE4NE4 LESS TAX 1-3, SEC 15, T1S R4E,			
Categories(s): 13 35			
Total Acres: 32.3			

Details	Improvements	Assess Info	Photo
Taxing Districts	Google	Print Page	
Parcel Details			
PIN: RP01S04E151900			
Homeowner: HANDKE, RICHARD D			
In Care of: V			
Homeowner Address: 3565 W MUIRFIELD DR			
Homeowner Address:			
Homeowner City: MERIDIAN			
Homeowner State: ID			
Situs Address: 1775 S SIMCO RD			
Situs City: 83716			
Tax Code Area: 40000			
Deed(s): 20040503, WD 356152, BSD 338896, QCD 326907, WD			
278764, No data/Contact County			
Legal Description(s): TAX 1, SEC 15, T1S R4E, ..			
Categories(s): 13 35			
Total Acres: 3.06			



CatalogFavoritesVisibleSuper Tab

Identify Results

Features1

Layers2

Zoom to results

Details

Improvements

Assess Info

Photo

Taxing Districts

Google

Print Page

Parcel Details

IN: RP01S04E150100

Owner: JUNIPER STATION FARM LLC

Care of: V

Owner Address: 3350 W AMERICANA TERRACE

Owner Address: STE 340

Owner City: BOISE

Owner State: ID

Address: 1639 S SIMCO RD

City: 83716

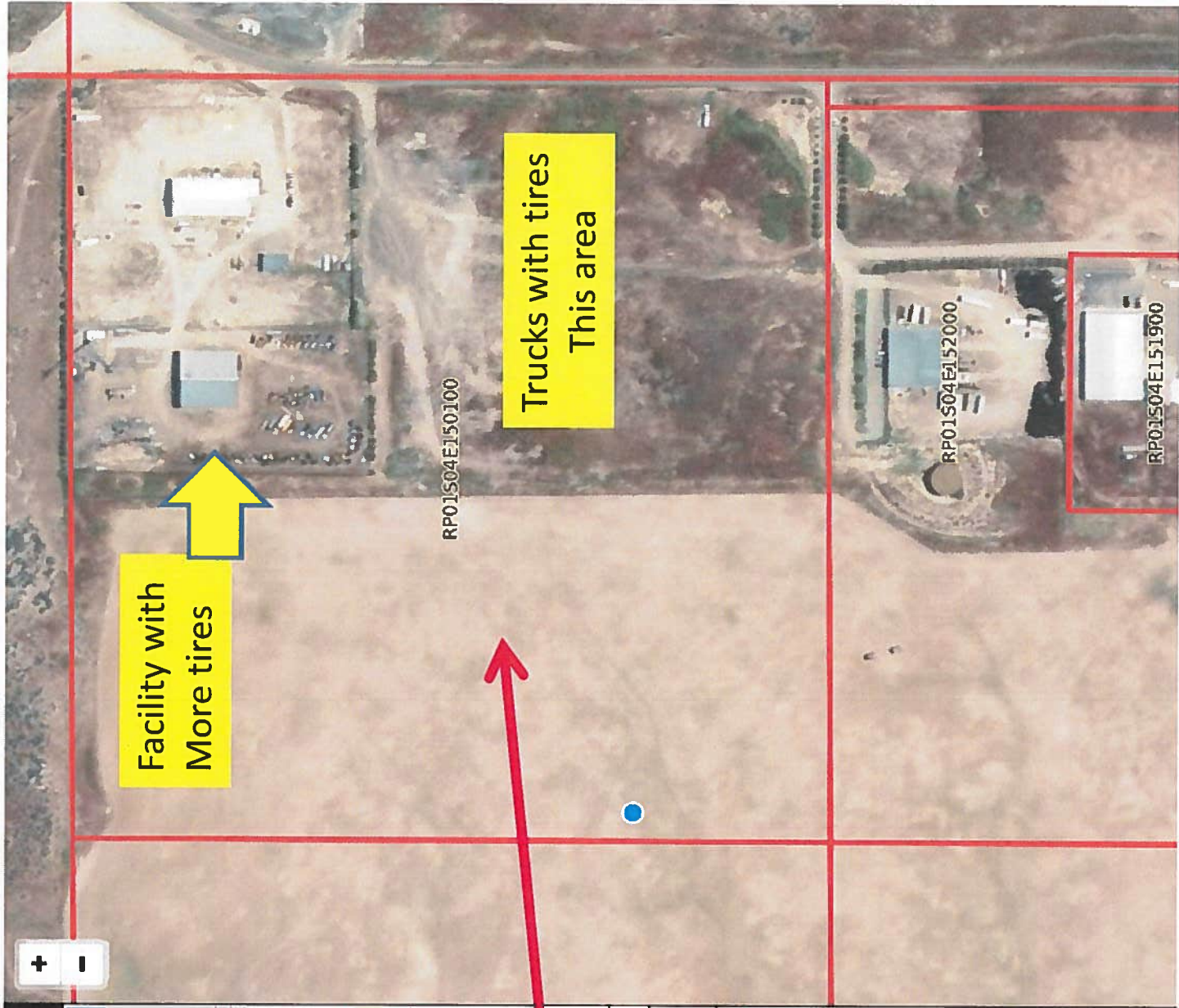
ax Code Area: 40000

eed(s): 20140703, QCD 442715, QCD 404930, BSD 385834, CD 369032, BSD 338896

egal Description(s): NE4NE4, SEC 15, T1S R4E, No data/Contact County, No data/Contact County

ategorie(s): 13191351

otal Acres: No data/Contact County





## Storage

It is illegal in Idaho to store waste tires on public or private property (including waters) anywhere other than at permitted or authorized waste tire storage sites. Waste tire storage sites must obtain a permit or written county or city authorization to operate. Owners or operators must maintain a minimum of a \$2.50 per tire financial assurance in the form of a cash bond. A permit or authorization may be suspended, revoked, or denied renewal for failure to comply with regulations.

A public health or safety emergency may be declared based on potential fire hazard, threat of insect-borne disease or potential ground water or surface water contamination, triggering removal and proper disposal of the tires. ***A civil penalty of up to \$500 per waste tire may be levied for improper storage.*** Cities and counties are responsible for ensuring compliance with the law, although they may request that DEQ assume this responsibility.

Storage and disposal of waste tires was recognized as a serious problem in the 1990s in Idaho, prompting enactment of the [Waste Tire Disposal Act](#) (Idaho Code §39-65) in 2003. The law was designed to strengthen the ability of the state, counties, and cities to regulate waste tire storage and disposal sites in the state. Major provisions of the law are described below.

## Disposal

Disposal of waste tires on public or private property in the state (including waters) is also prohibited anywhere other than at permitted public or private municipal solid waste landfills with approved operating plans to reduce the volume of waste tires landfilled. Waste tires may be disposed of at permitted public or private municipal solid waste landfills with approved operating plans if the tires have been processed to reduce volume by at least 65% or the average chip size of processed tires does not exceed 64 square inches (8 x 8 inches). A civil penalty of up to \$500 per waste tire may be levied for improper disposal.

<https://www.timesunion.com/local/article/DEC-caps-off-massive-tire-cleanup-557602.php>

### **Tire fires**

Tire fires are extremely dangerous and the most difficult problem associated with stockpiled waste tires. These fires:  
Are difficult to extinguish—The thing that makes tires good fuel unfortunately also makes tire fires difficult to put out. Large tire fires can burn for a long time, depleting firefighting resources.  
Pollute the air—Hazardous compounds and potentially toxic gases are released in the thick black smoke produced by tire fires.  
Contaminate the ground—The oil and ash created during fires can contaminate the ground, endangering our ground and surface waters and the water that we drink.

### **Pests**

Tire dumps and improperly discarded tires are ideal breeding grounds for disease-carrying mosquitoes and rodents. Tires retain water and absorb sunlight, providing a warm, cozy environment suitable for raising large families of these not-so-lovable vermin. During summer, mosquitoes can be a nuisance and have been known to transmit diseases to humans.





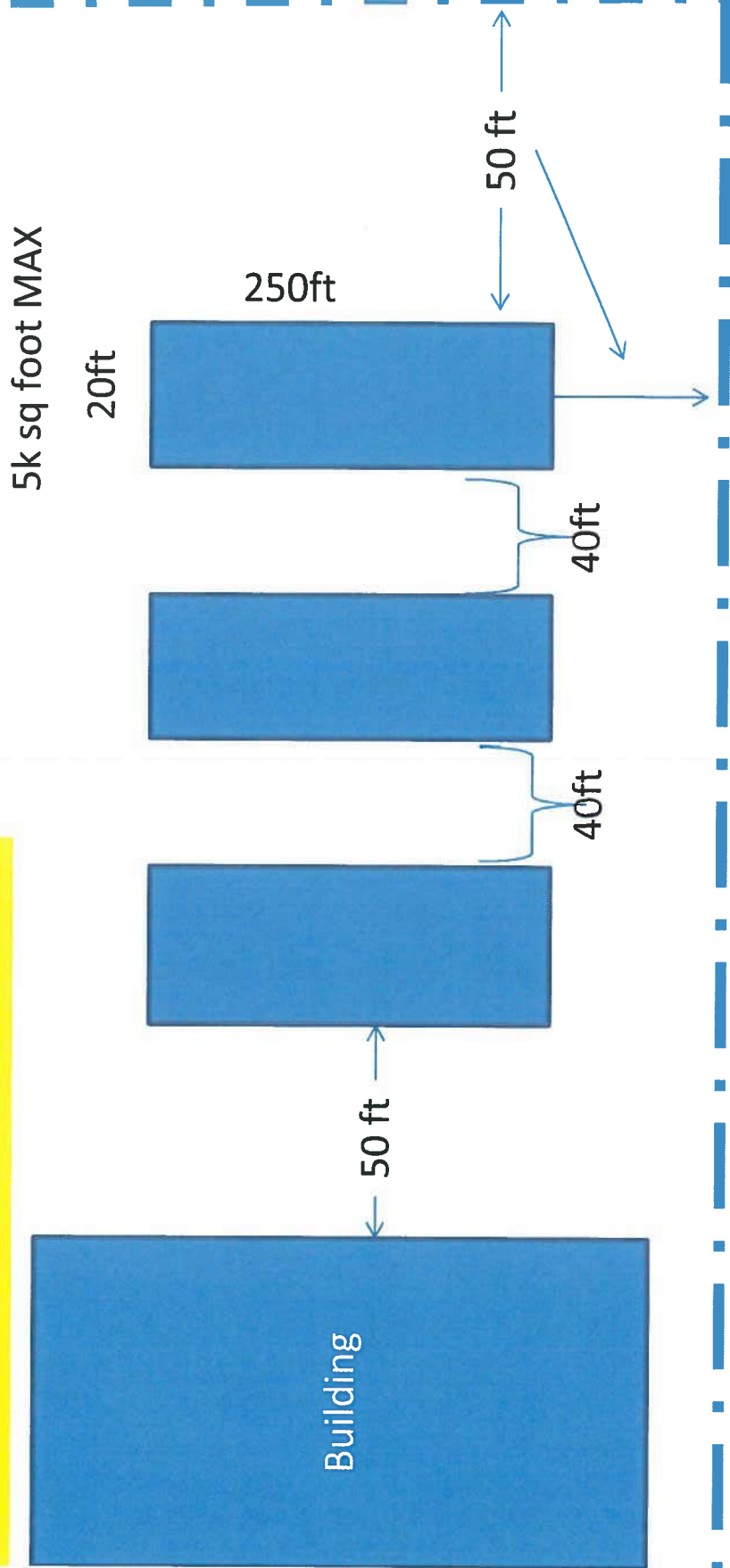
2012 International Fire Codes States:

- Individual Piles. Tire storage shall be Restricted to individual piles not exceeding 5,000 square feet of continuous area. Piles Shall not exceed 50K cubic feet in volume Or 10ft in height.
- Separation of piles...shall be separated from Other piles by a clear space of at least 40 feet
- Distance from buildings and lot lines...located At least 50 feet from lot lines and buildings.
- Yards should be maintained free from Combustible ground vegetation for a distance Of 40 feet from the stored material to the grass and weeds And 100 ft from brush and forested areas.

**90 Days**

**This drawing is**  
**IAW Fire Codes**

Property Line







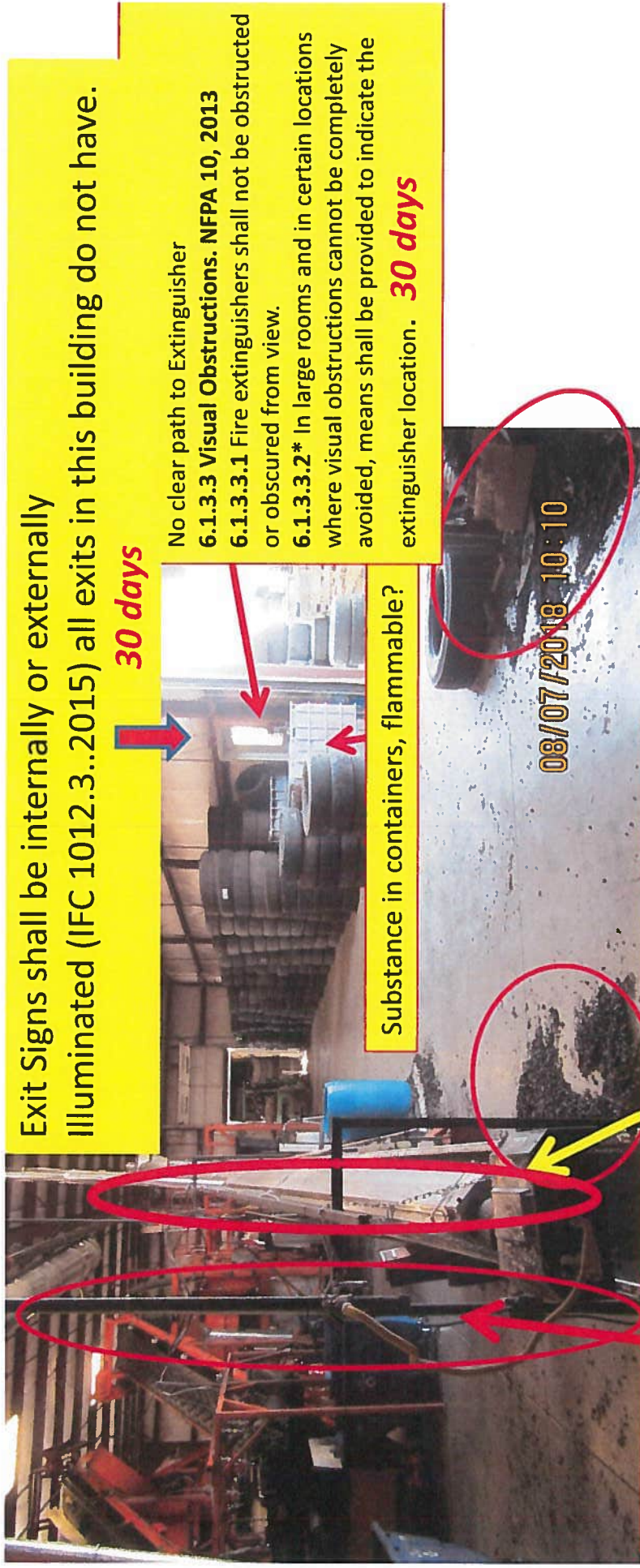
Fire Ext Nov 2017

General Housekeeping  
 A lot of product (shredded tires  
 On the floor) looks like attempts  
 To keep clean, however piles  
 Are still located around shop









Exit Signs shall be internally or externally illuminated (IFC 1012.3..2015) all exits in this building do not have.

**30 days**

No clear path to Extinguisher

**6.1.3.3 Visual Obstructions. NFPA 10, 2013**

**6.1.3.3.1** Fire extinguishers shall not be obstructed or obscured from view.

**6.1.3.3.2\*** In large rooms and in certain locations where visual obstructions cannot be completely avoided, means shall be provided to indicate the extinguisher location. **30 days**

Substance in containers, flammable?

Gas Piping Needs Plumbing Inspection **90 days**

Minimum Clearances are not met for Heater.

**FIRE EXTINGUISHERS ARE NOT IN COMPLIANCE WITH THE FOLLOWING. 30 days**

IAW NFPA 10 2013, Table 6.3.1.1 Type B (see E.4.4 for reason)  
Ordinary Hazard

Rating of 10-B located every 30 ft  
Rating of 20-B located every 50 ft

**6.4\* Installations for Class C Hazards.**

**6.4.1** Fire extinguishers with Class C ratings shall be required where energized electrical equipment can be encountered.

**6.4.2** The requirement in 6.4.1 shall include situations where fire either directly involves or surrounds electrical equipment.

**6.4.3** Because fire is a Class A or Class B hazard, the fire extinguishers shall be sized and located on the basis of the anticipated Class A or Class B hazard.



Paint Rollers

Fire Suppression System, no known test or documentation.

IAW NFPA 25,

Inspections are supposed to be done on various items thru the system and they range from Annual, monthly, quarterly..all Depending on what part of the System.

MSFC(07), Sec. 901.6.2 requires that these records be maintained on the premises for at least three years and must be copied for the fire code official on request.

See also NFPA 72, 2016, sec 7.6, testing

---sec 7.6.6 record of testing (forms fig 7.8.2a)

---sec 7.7.2 document storage requirements

(document cabinet near control panel or

Directions on location, cabinet shall be labeled)

PAINT

08/07/2018 10:10

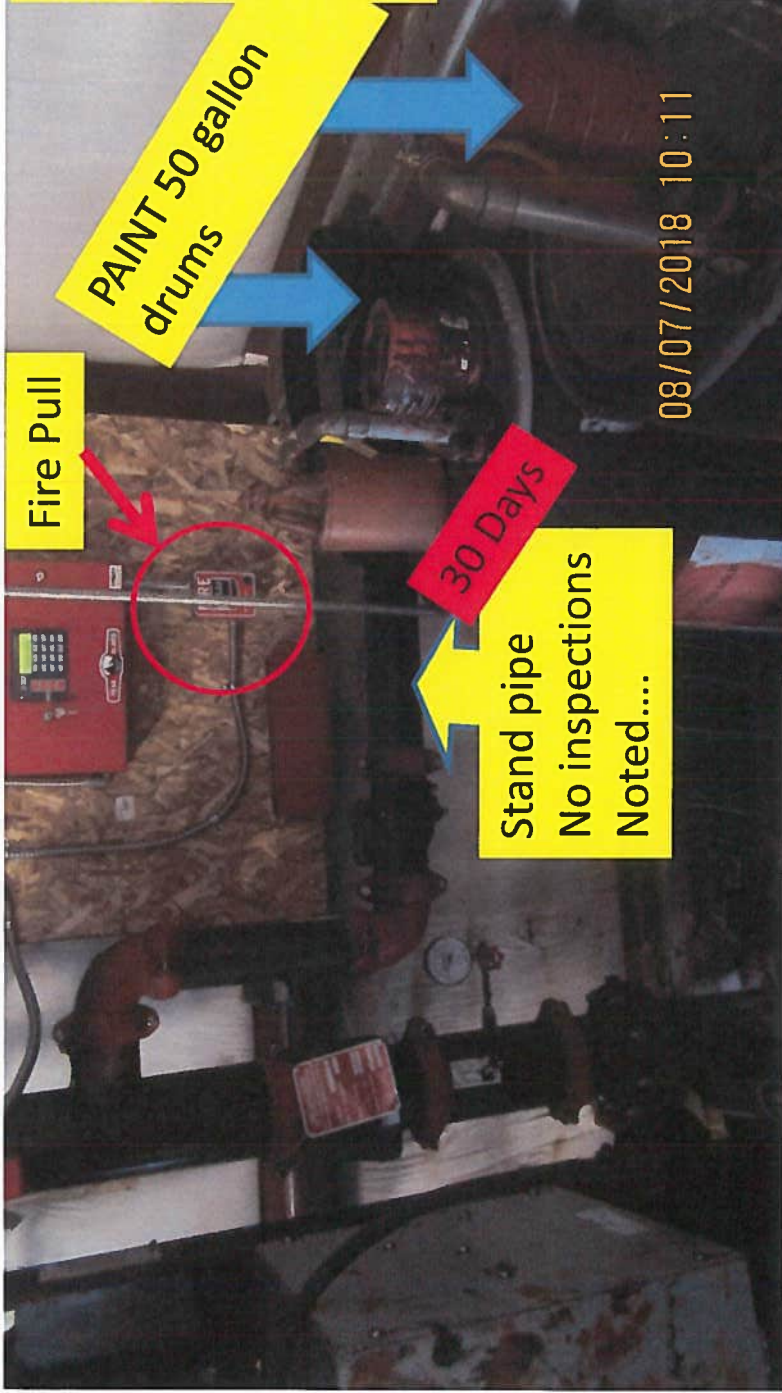
In order to meet both federal certification requirements and state licensure requirements, automatic fire sprinkler systems are required to be inspected, tested and maintained in accordance with NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems. For federal certification, NFPA 101(00), Sec. 2.1.1 references the 1998 edition of NFPA 25. For state licensure, MSFC(07), Sec. 901.6.1, as amended, and Table 901.6.1 reference the 2002 edition of the standard. While the provisions in this edition of the standard applicable to fire sprinkler systems are very similar to those found in the 1998 edition, you'll find that the 2002 edition contains more restrictive testing requirements for dry sprinklers and sprinklers subjected to harsh environments.

30 Days

Fire Pull Station

08/07/2018 10:10

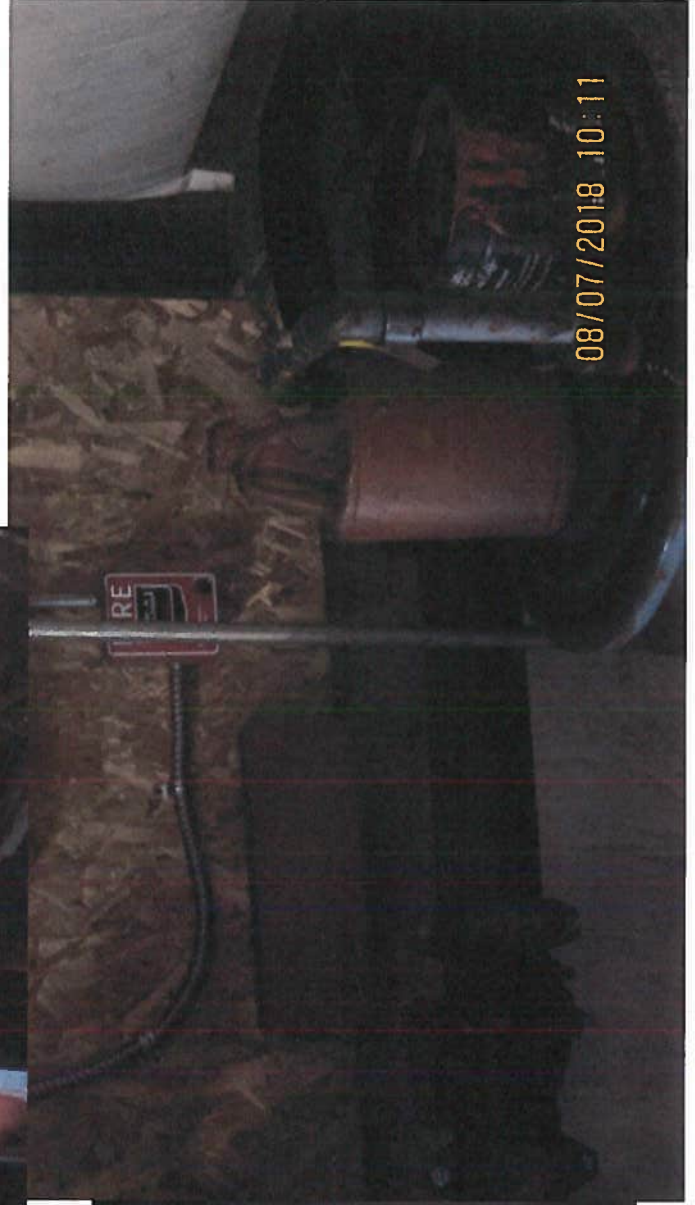
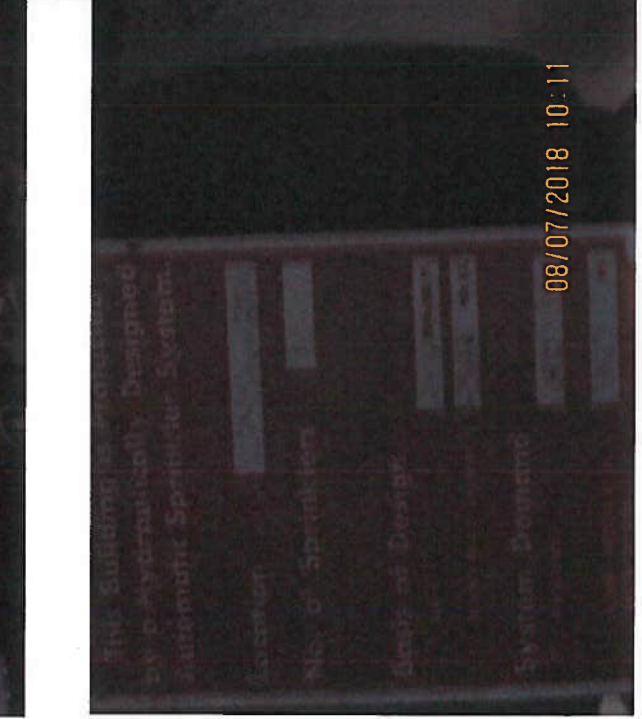




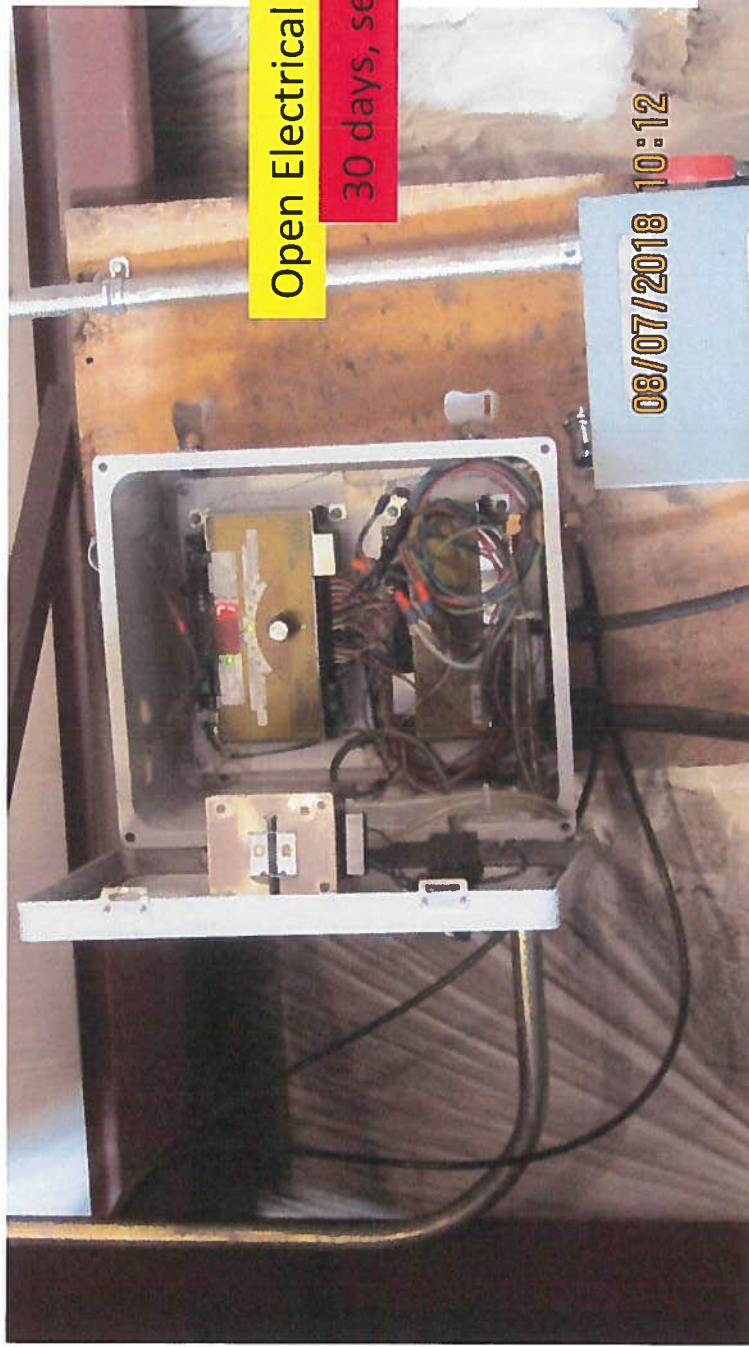
NFPA 30, 2015.

Sec 12.9 Individual  
containers Exceed 10  
gallons spill control  
Shall be IAW section 9.13  
of NFPA 30.

90 days  
Spill control  
& move paint  
containers







Open Electrical box, controls for ?

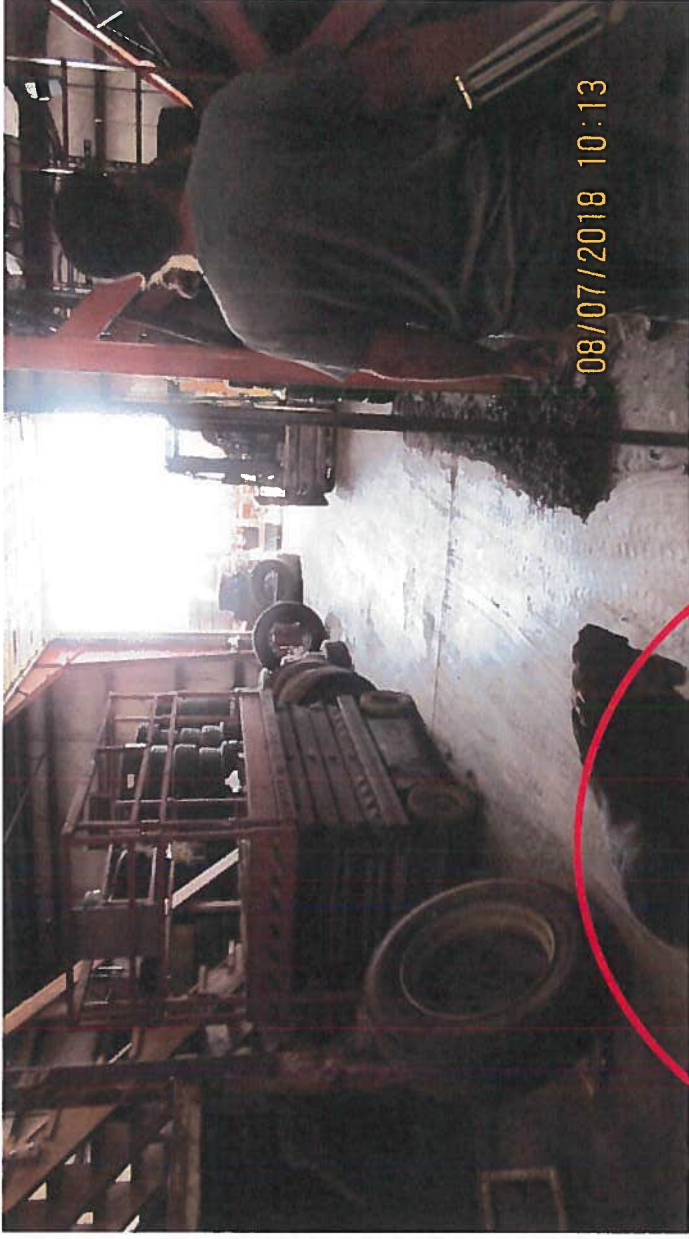
30 days, secure/close box.

08/07/2018 10:12



08/07/2018 10:12





Emergency Exit



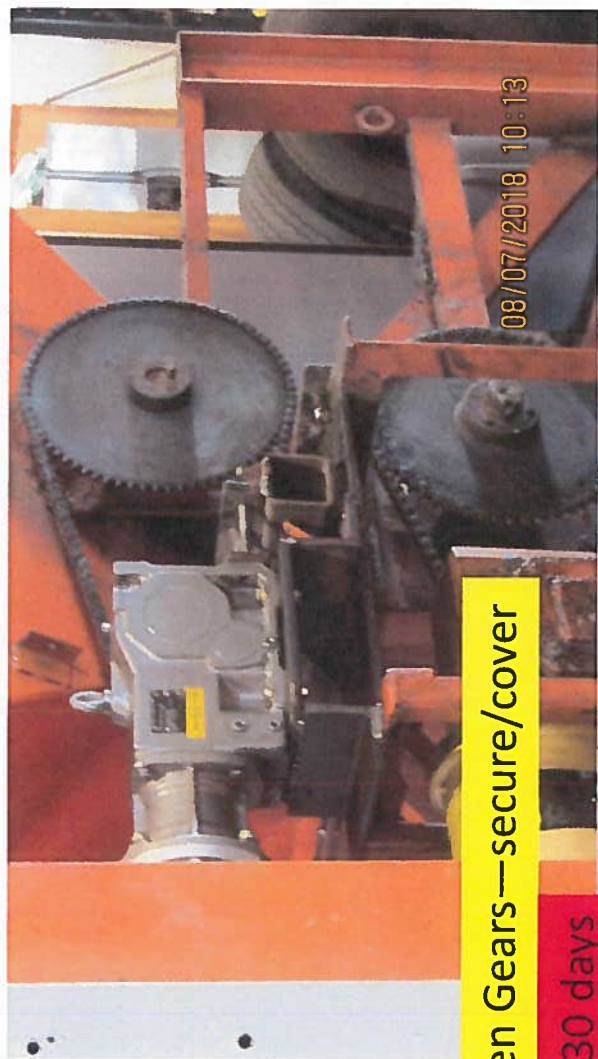
No Clear egress path, Gear Shroud on ground, box of electrical items

30 days

There is no  
Record of a Final  
on Electrical  
Permit for  
Equipment.  
WEB1801-00899

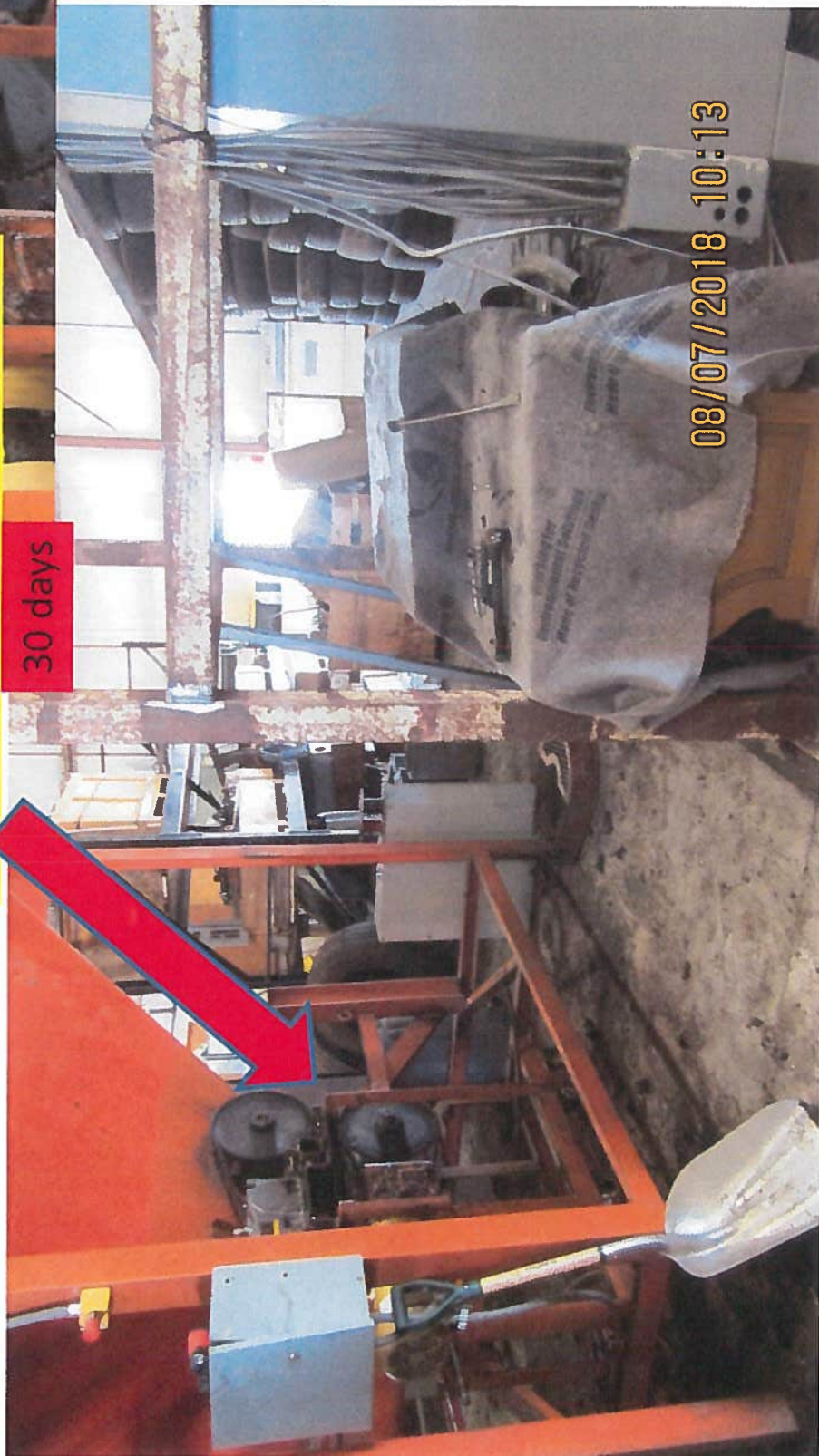
30 days





Safety\*\*Open Gears—secure/cover

30 days







Stove and Dryer (electric)



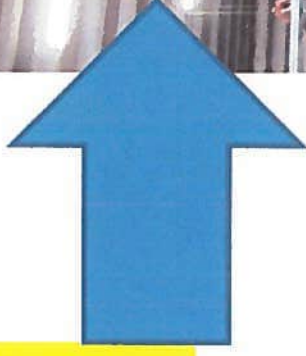






Interior Office? Built after first inspection.  
Not built to code. Have building inspector  
Re-inspect and ensure any corrections  
Are made.

90 days

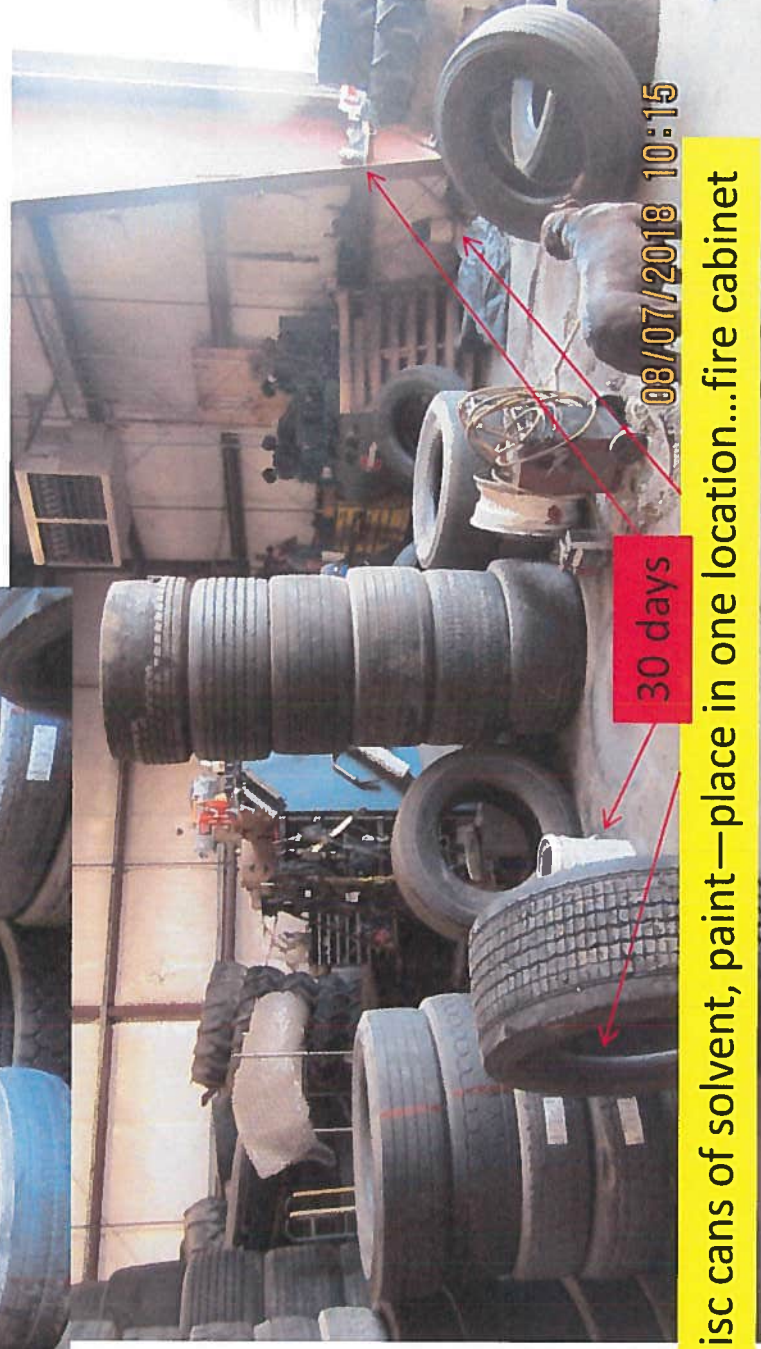


Tire Piles Leaning, fall hazard—reduce pile size or remove

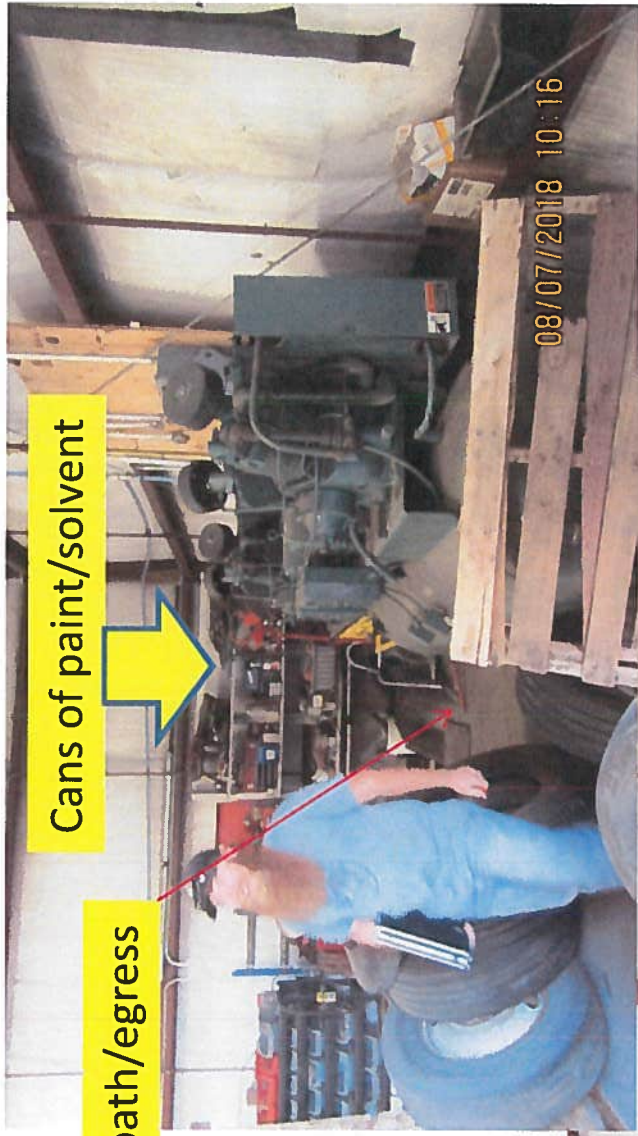
30 days











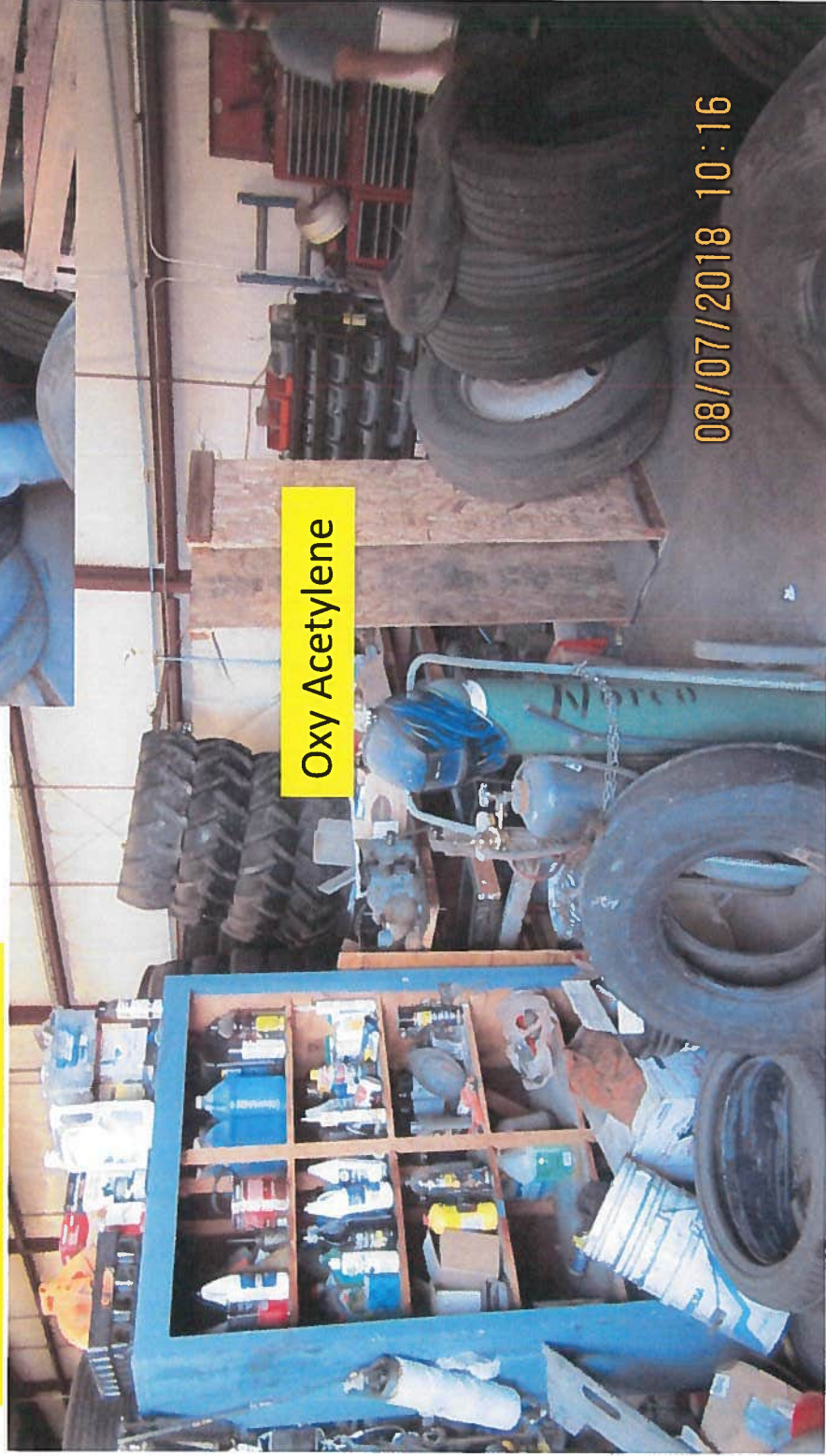
Cans of paint/solvent

No clear walking path/egress

08/07/2018 10:16

30 days

Paints, Solvents Liquids



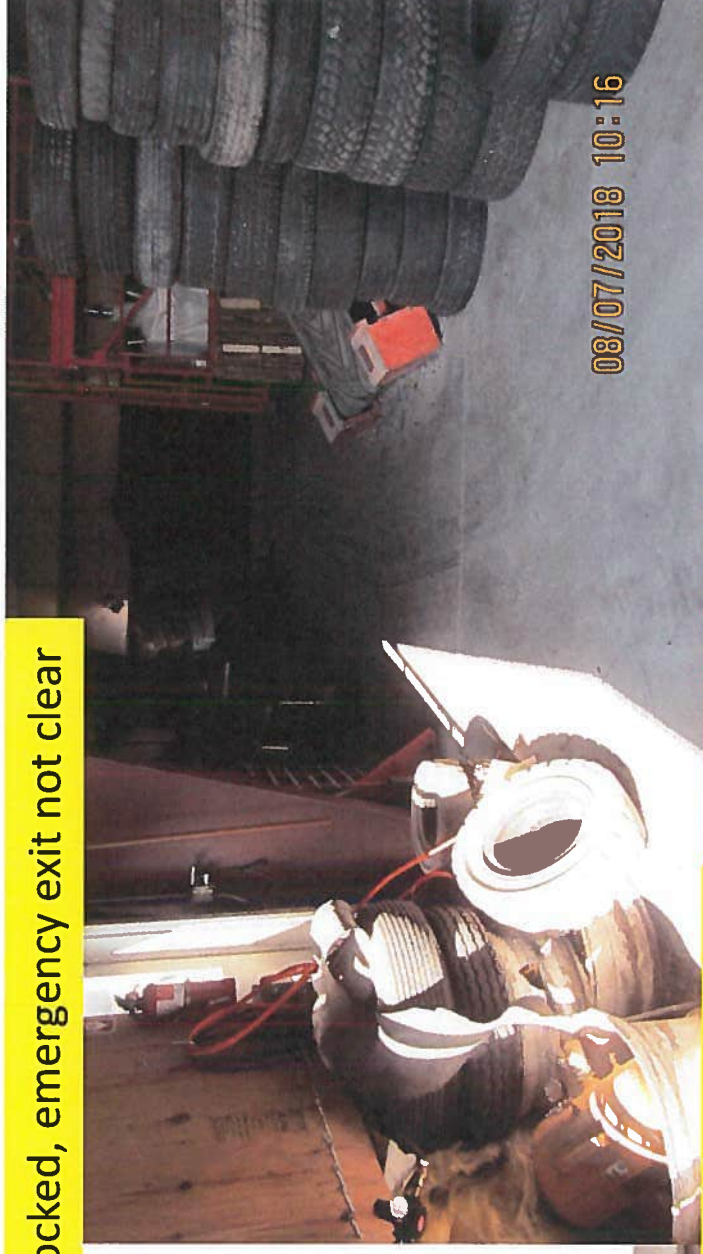
Oxy Acetylene

08/07/2018 10:16



Fire Extinguisher blocked, emergency exit not clear

30 days



Clean pile, remove/relocate so not a fire hazard

90 Days







Solvent/paints? —store/remove

30 days

08/07/2018 10:17



Clean up and keep  
Clean these areas...  
**90 days**

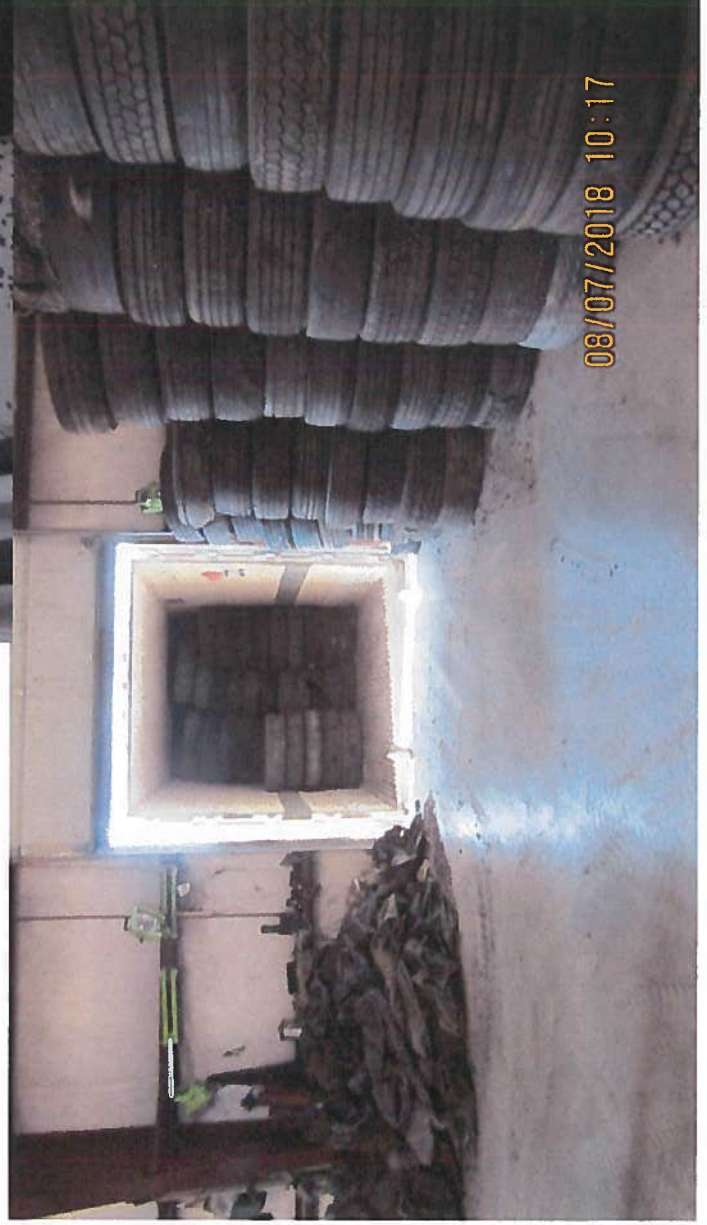
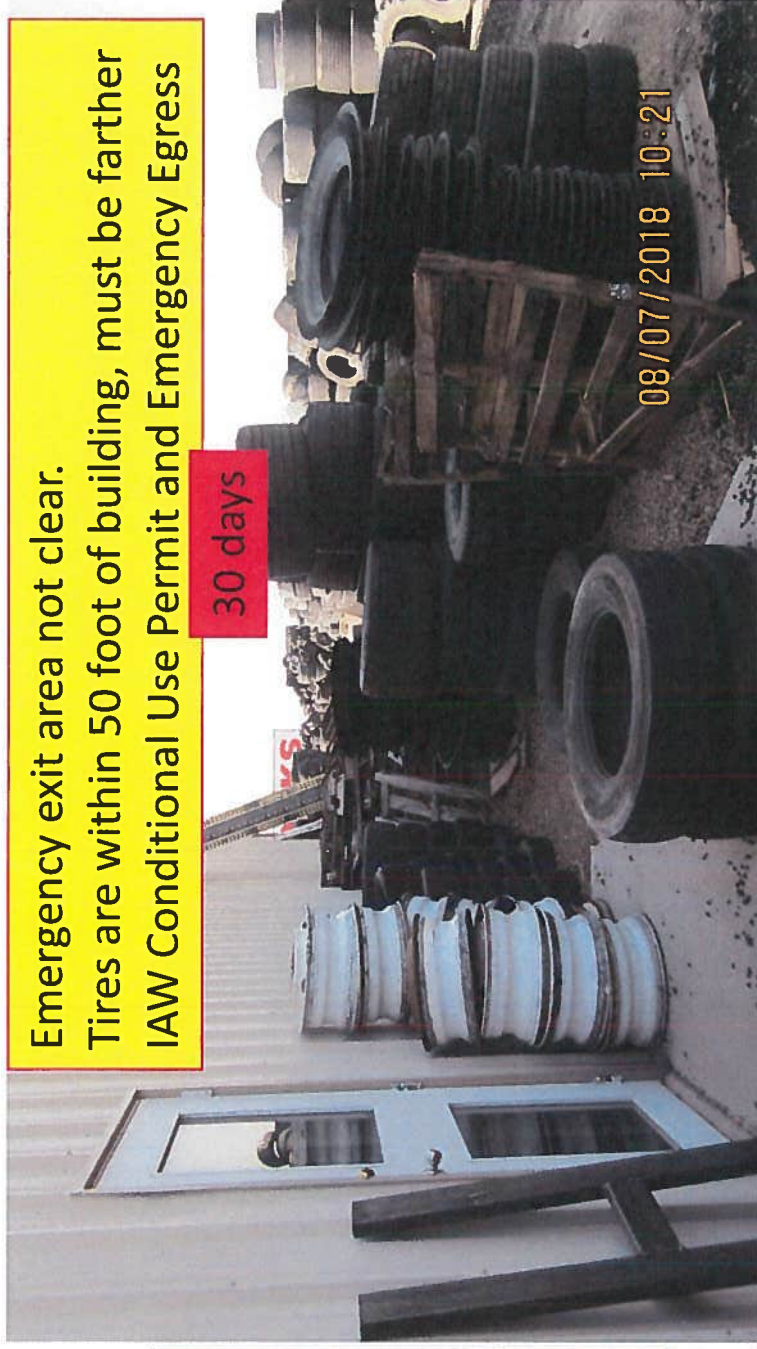
08/07/2018 10:16





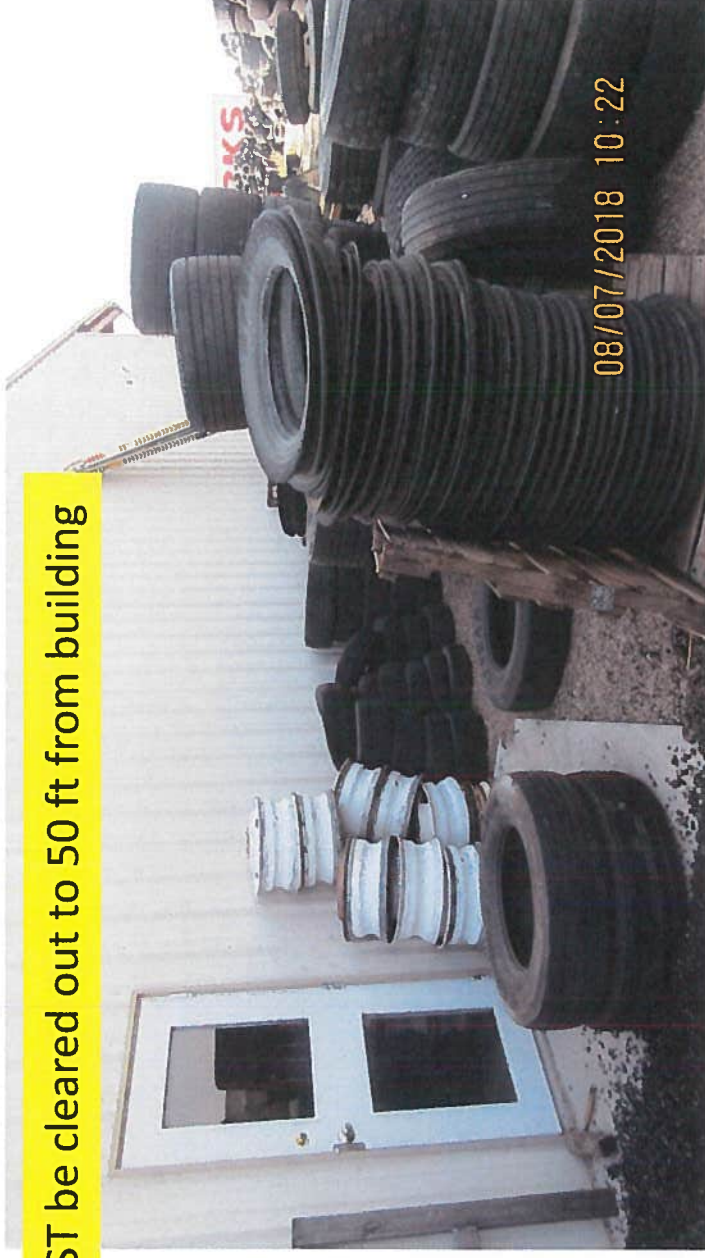
Emergency exit area not clear.  
Tires are within 50 foot of building, must be farther  
IAW Conditional Use Permit and Emergency Egress

30 days



This whole area **MUST** be cleared out to 50 ft from building

30 days





Active LP Tank:

2015 National Fire Code:

Section 6107

Clearance to combustibles---weeds, grass, brush  
Trash and other combustible materials shall be kept  
Not less than 10 feet from containers.

30 days



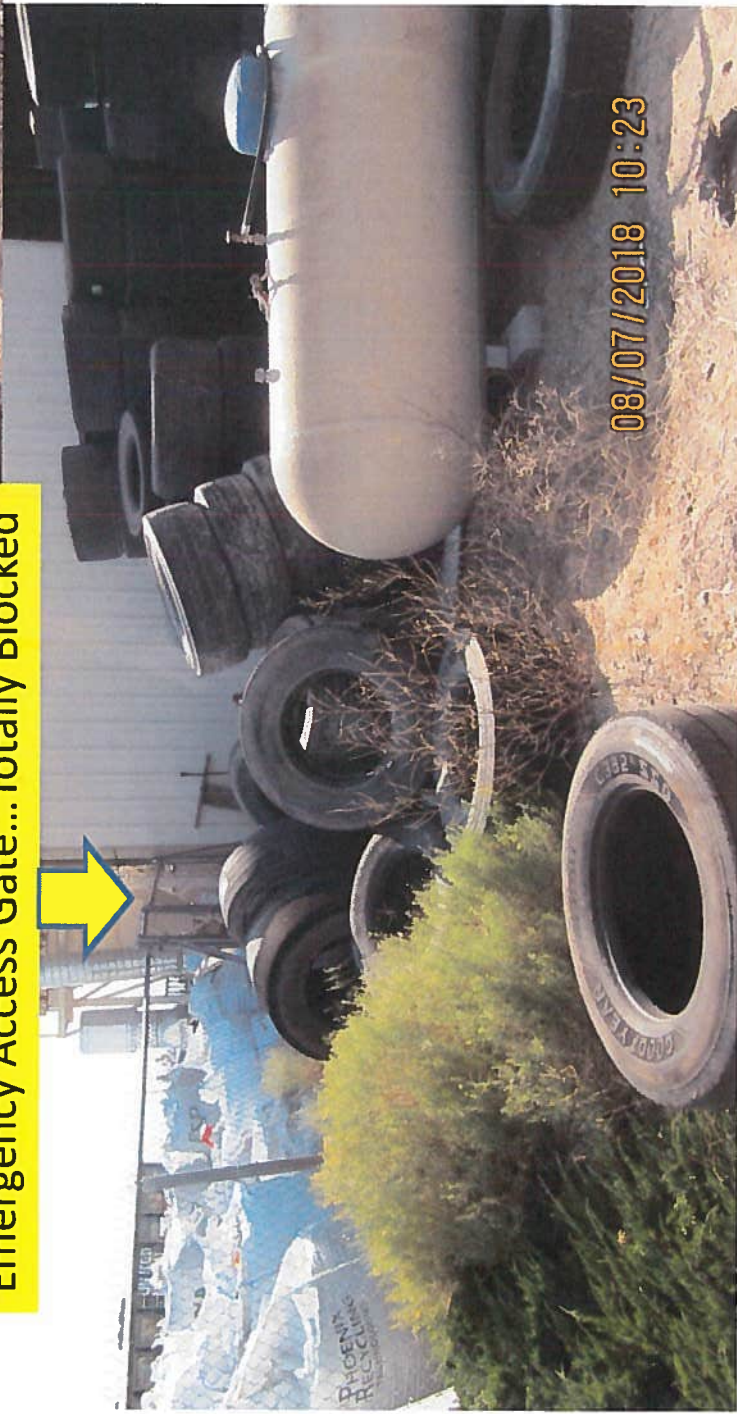




LP vehicle fill point?

30 days

Emergency Access Gate... Totally Blocked





**ALL TIRES ARE NOT IN ACCORDANCE WITH CONDITIONAL USE PERMIT  
OR THE STATE FIRE MARSHAL GUIDANCE**

**2012 International Fire Codes States:**

---Individual Piles. Tire storage shall be Restricted to individual piles not exceeding 5,000 square feet of continuous area. Piles Shall not exceed 50K cubic feet in volume Or 10ft in height.

---Separation of piles...shall be separated from Other piles by a clear space of at least 40 feet

---Distance from buildings and lot lines...located At least 50 feet from lot lines and buildings.

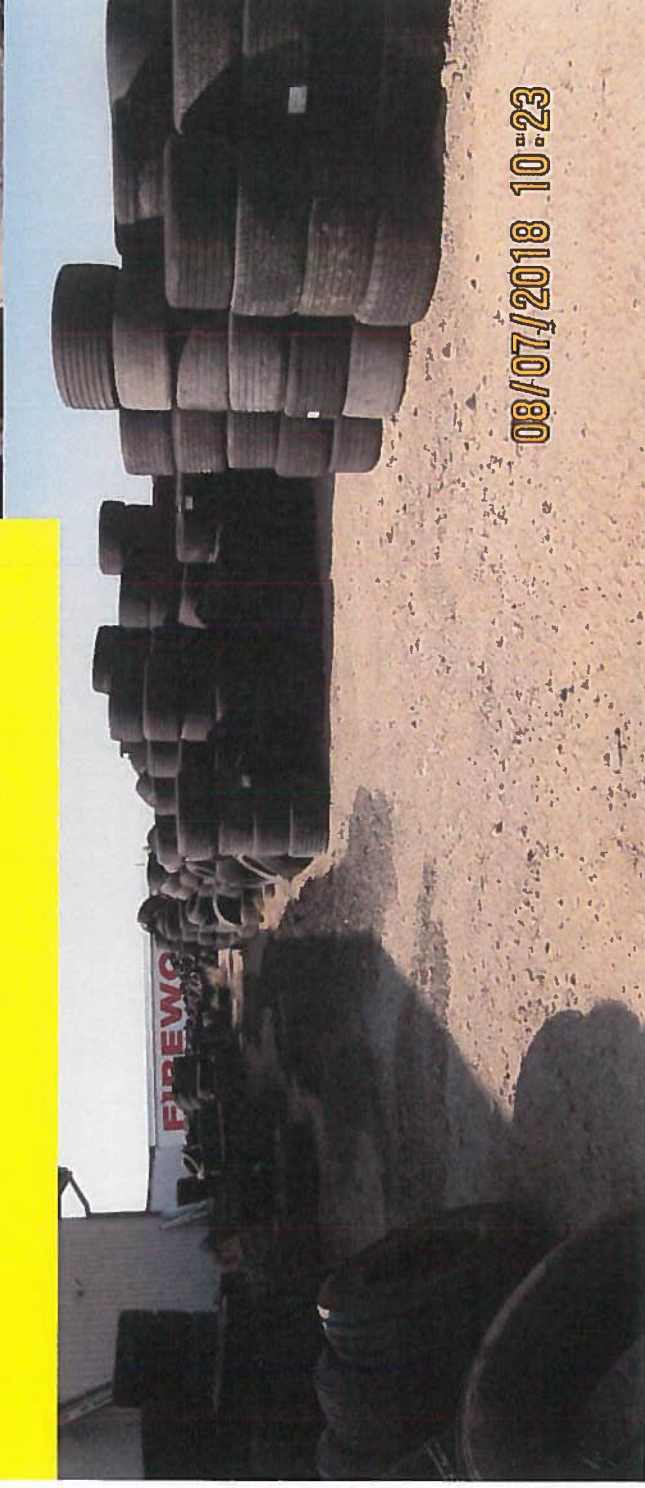
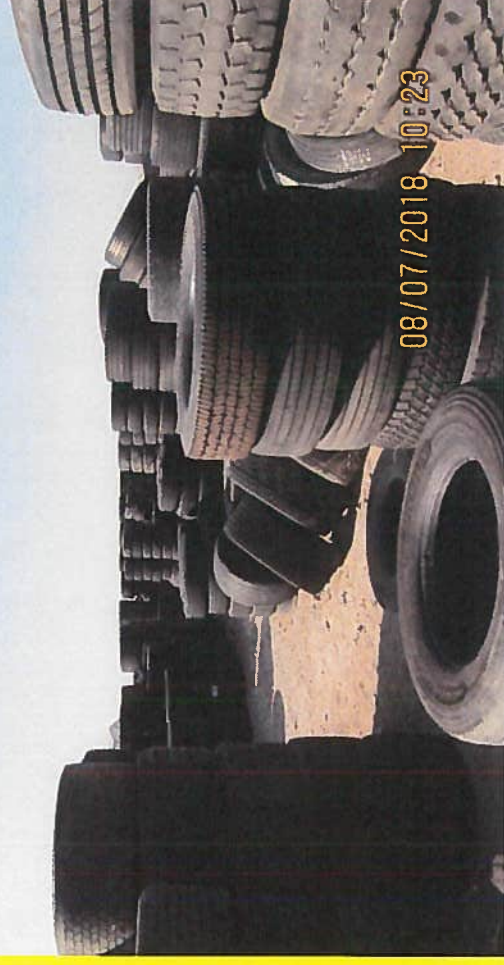
---Yards should be maintained free from

Combustible ground vegetation for a distance

Of 40 feet from the stored material to the grass and weeds

And 100 ft from brush and forested areas.

**90 days**







08/07/2018 10:24

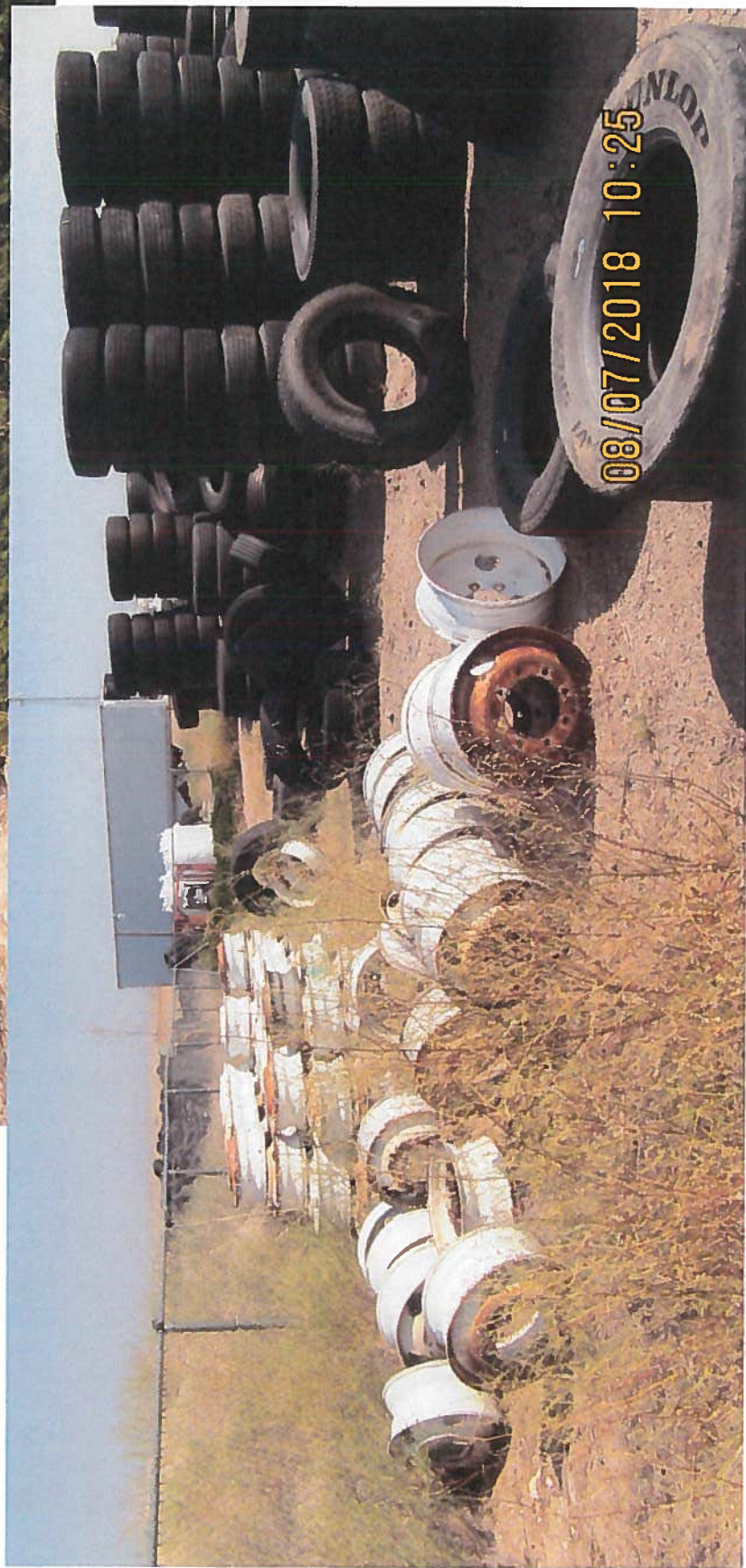
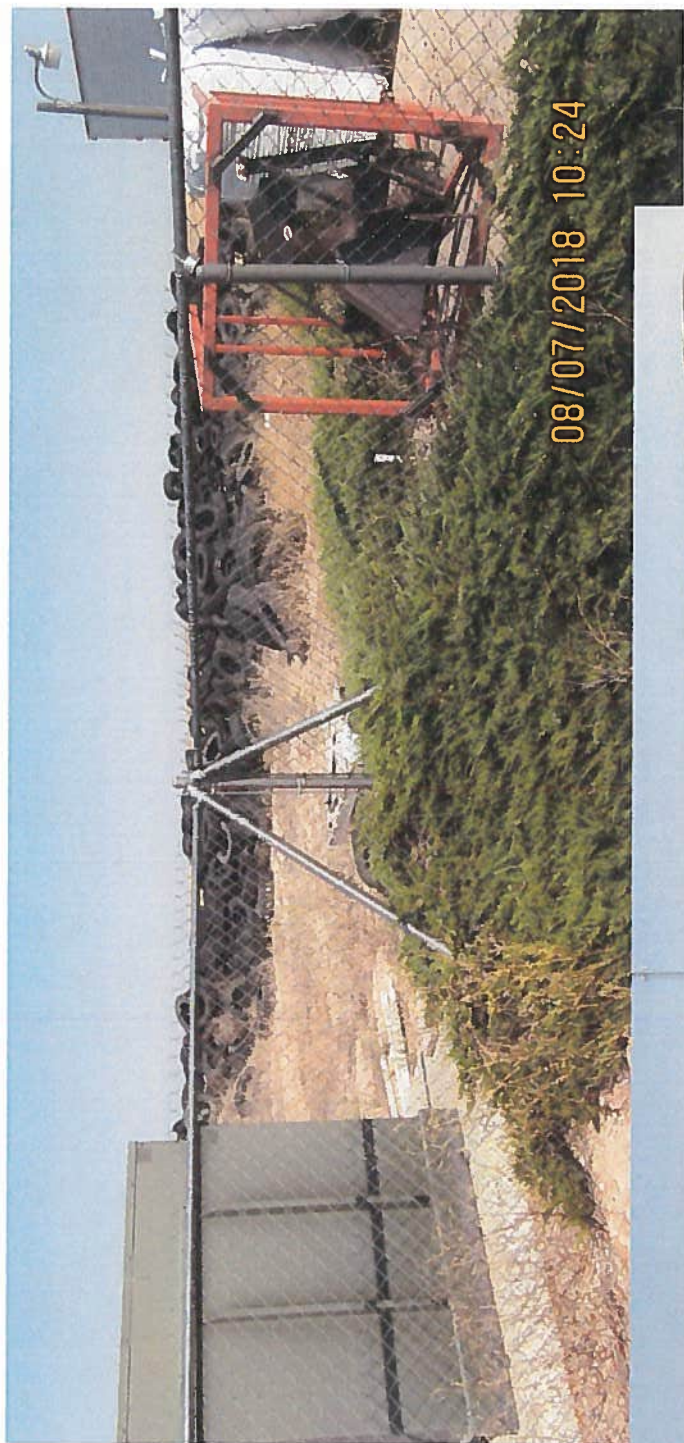


08/07/2018 10:24

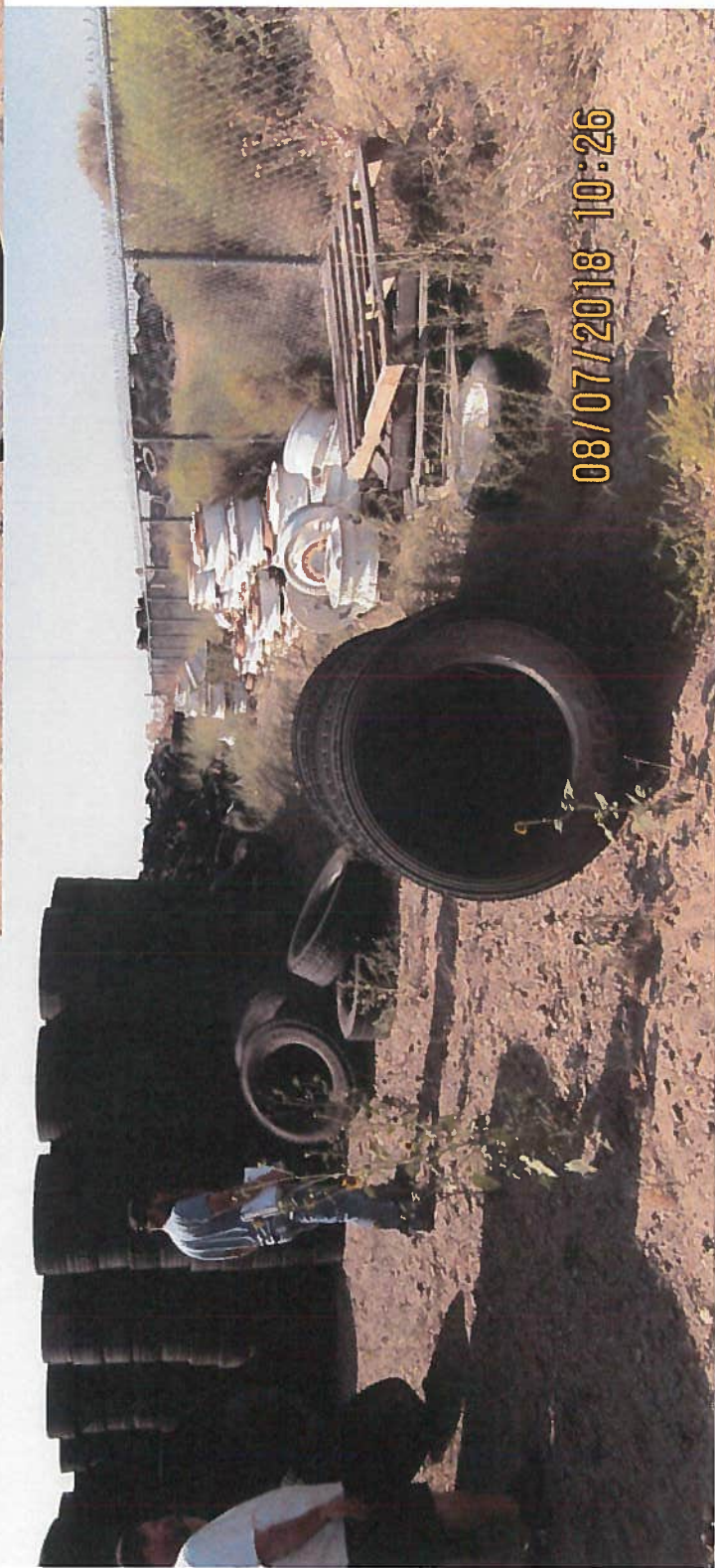




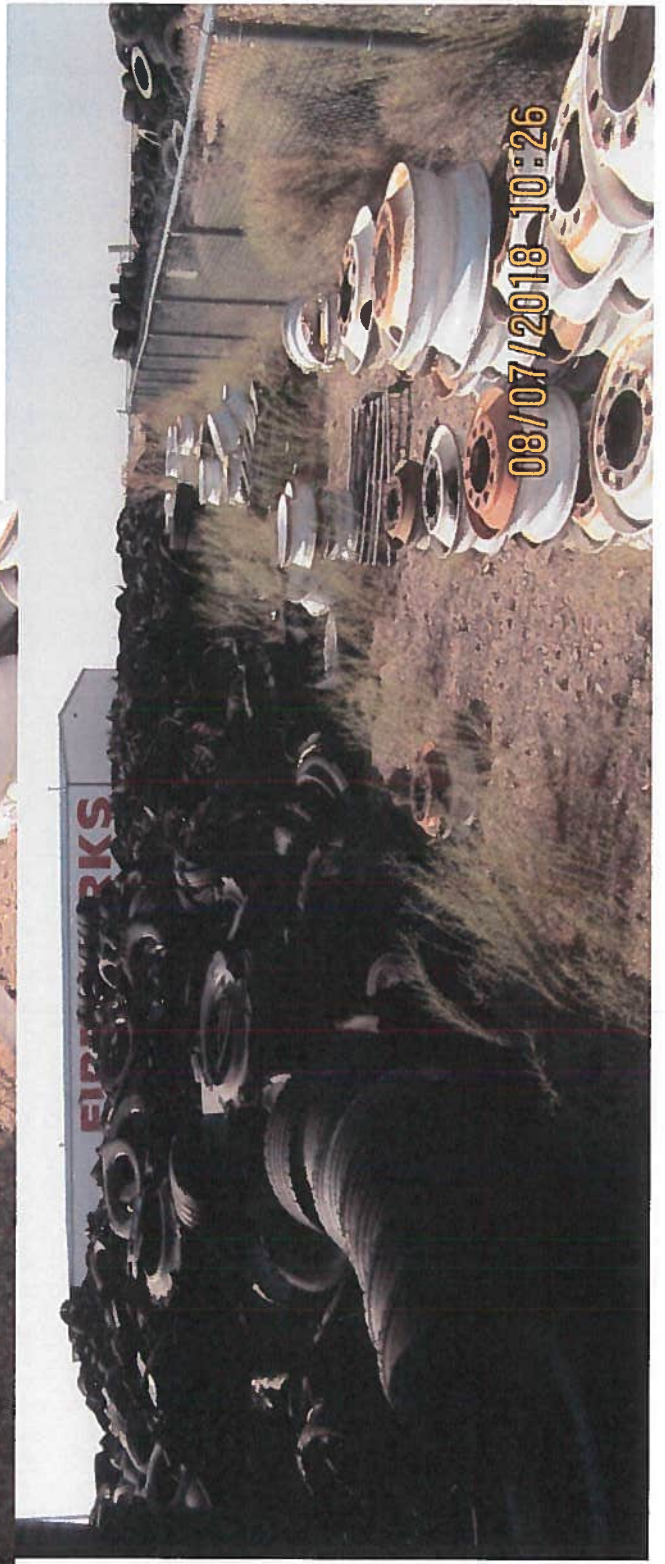
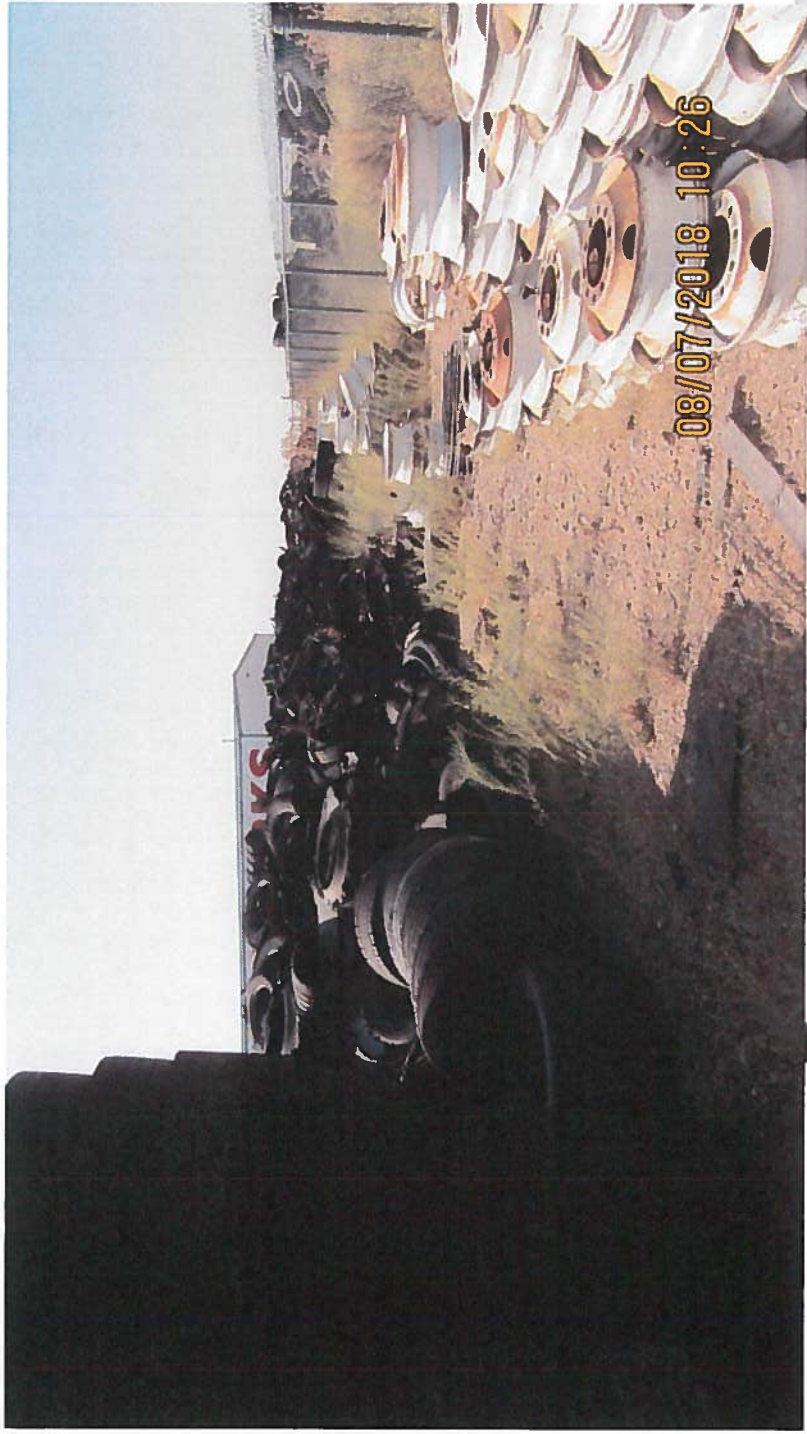




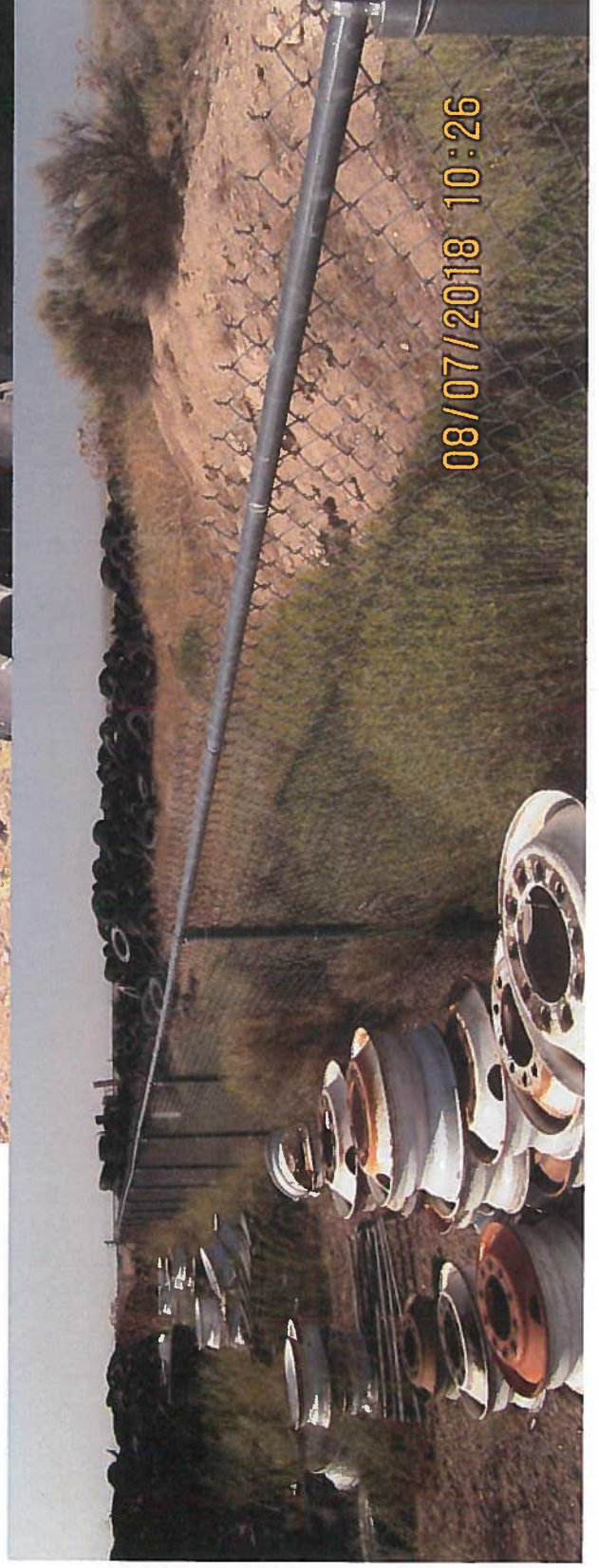
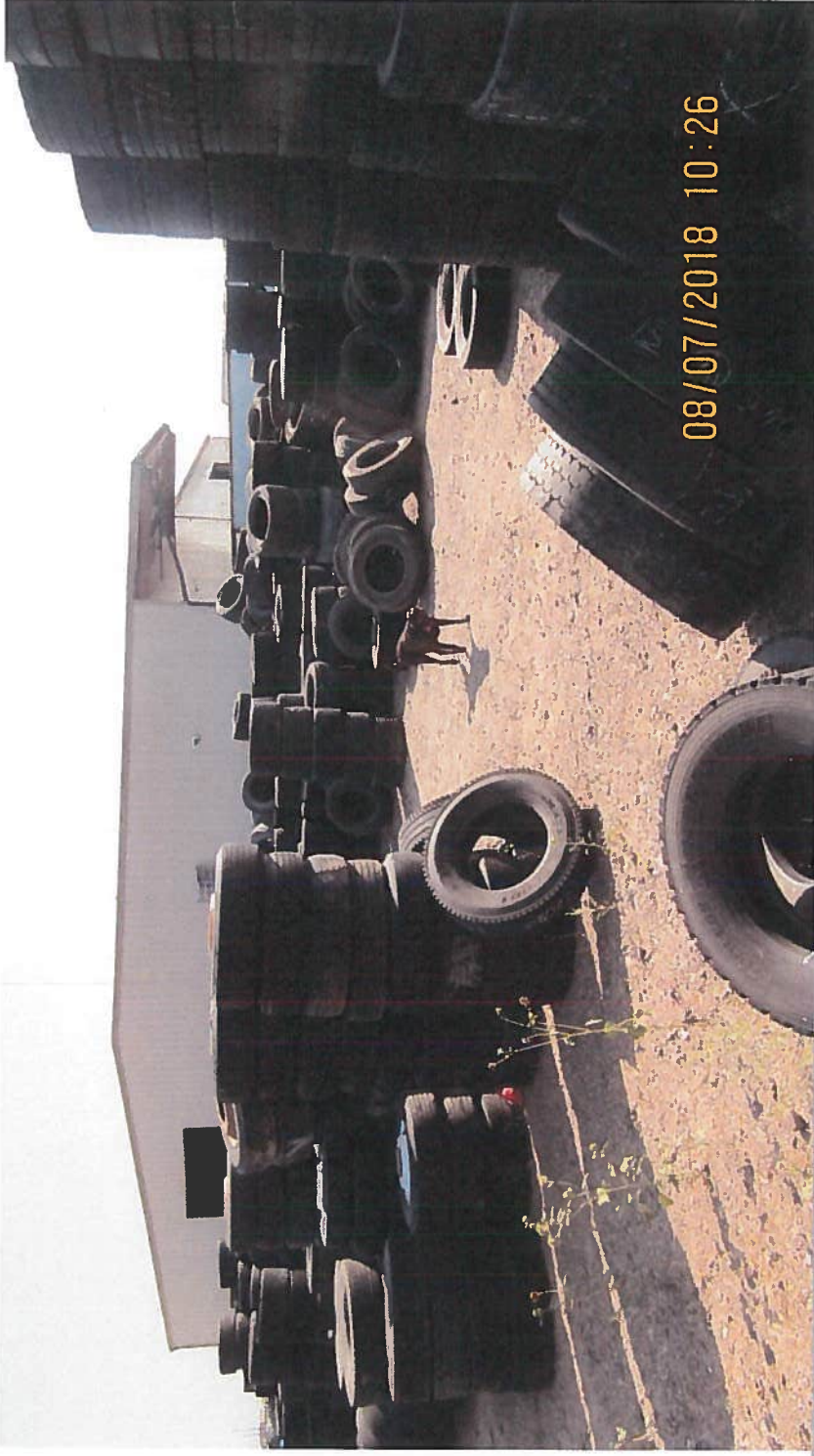




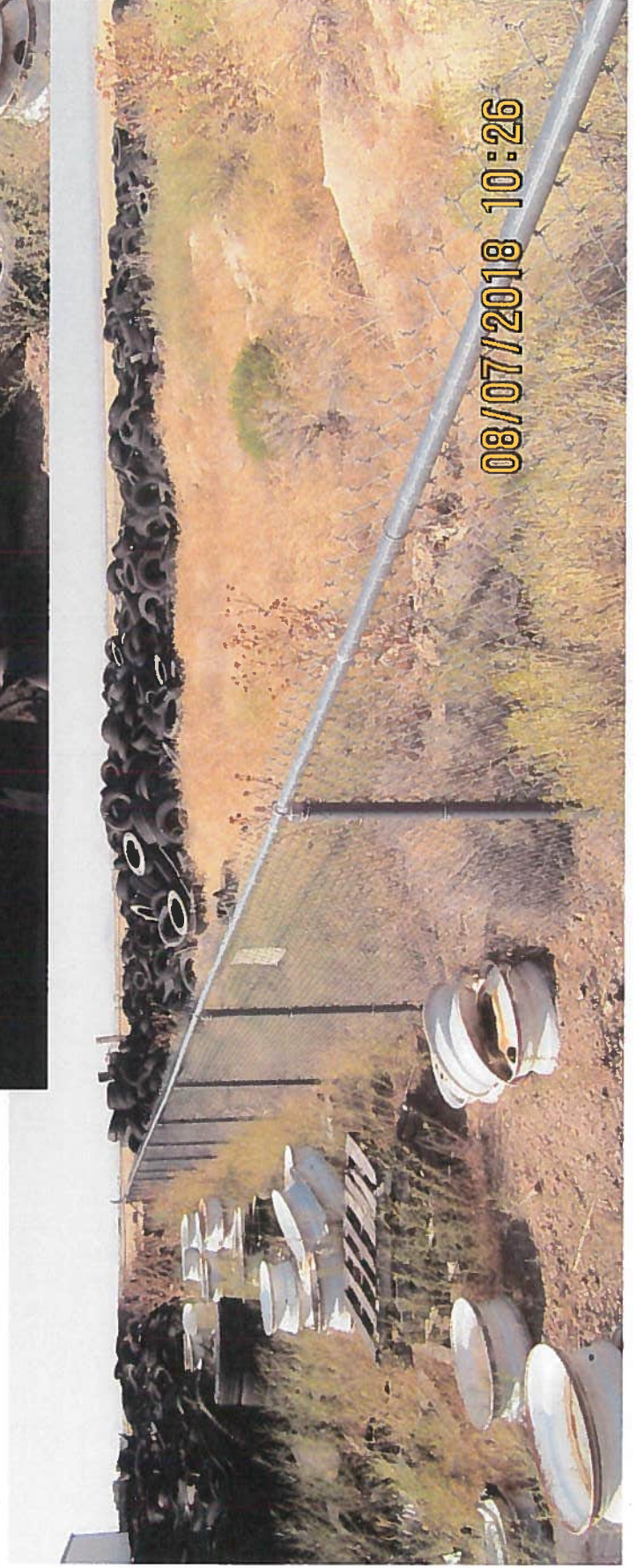




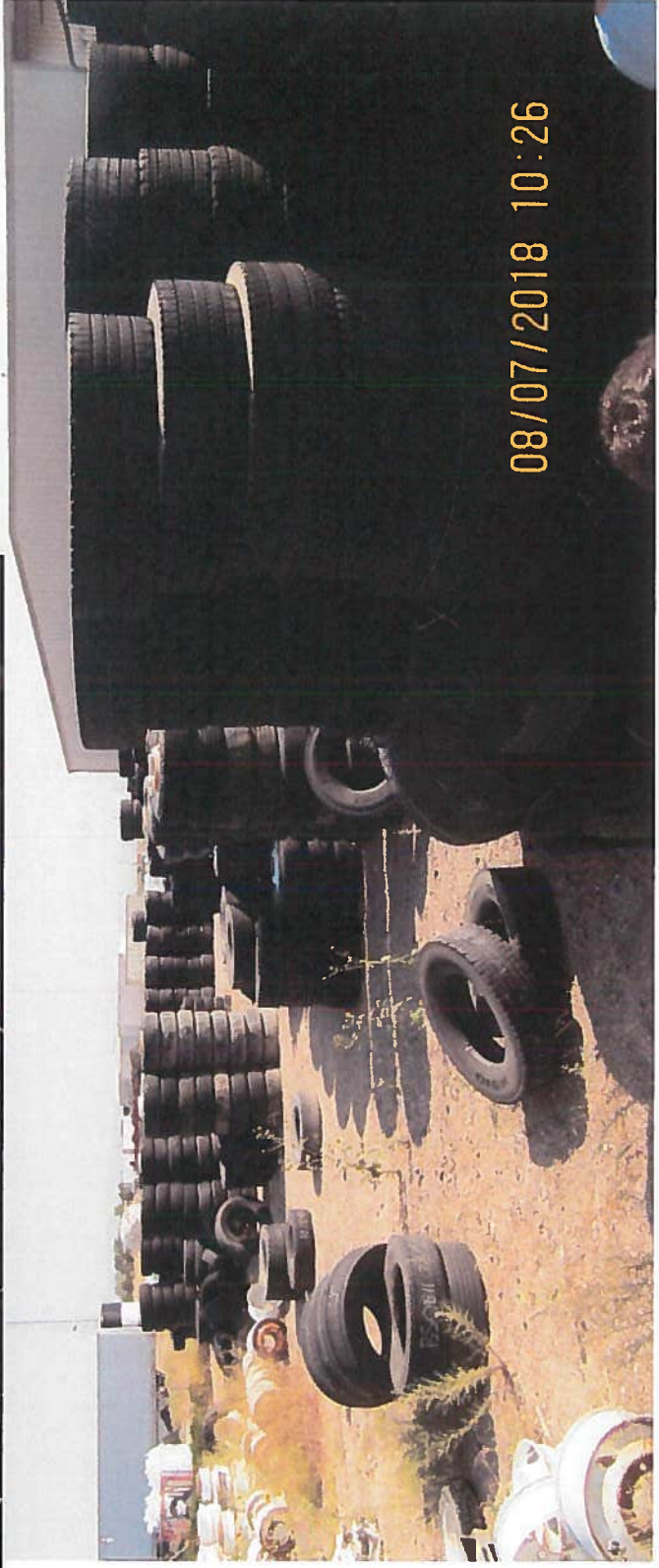
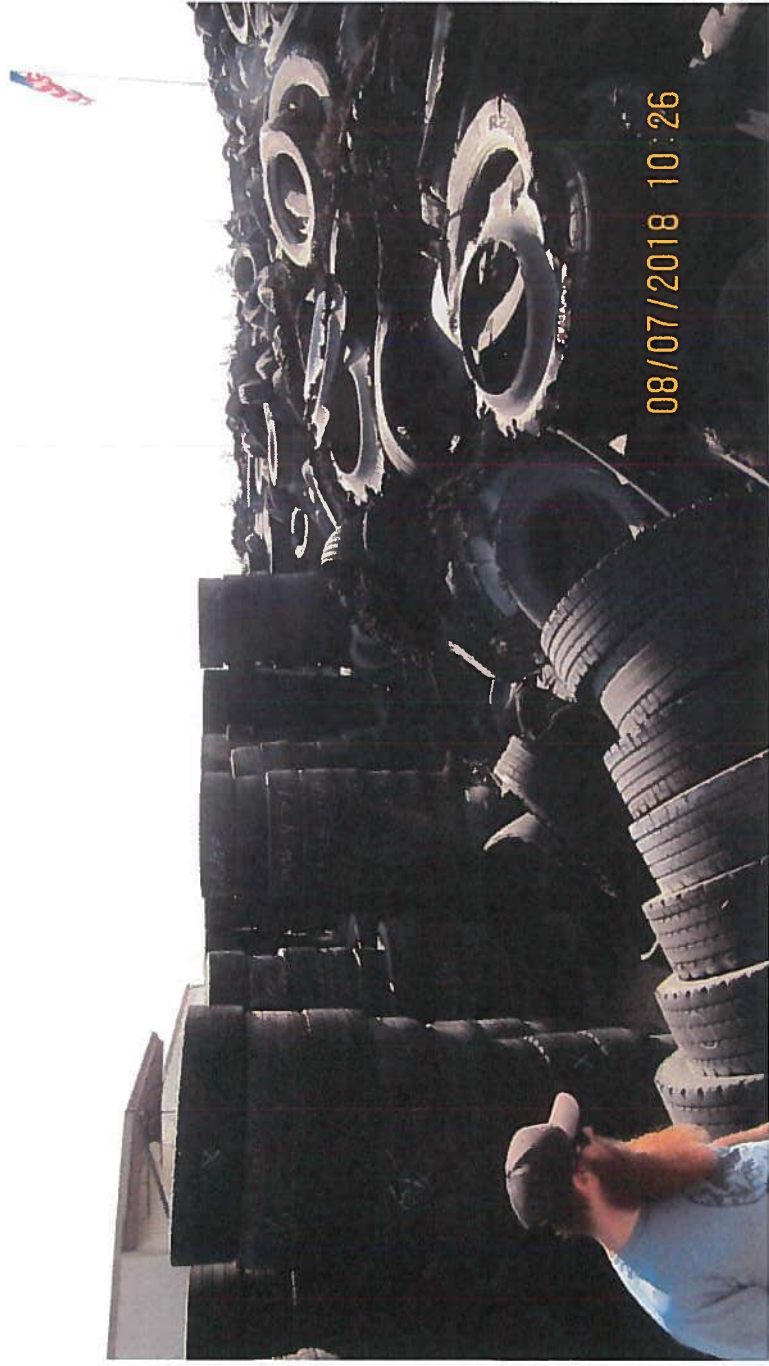








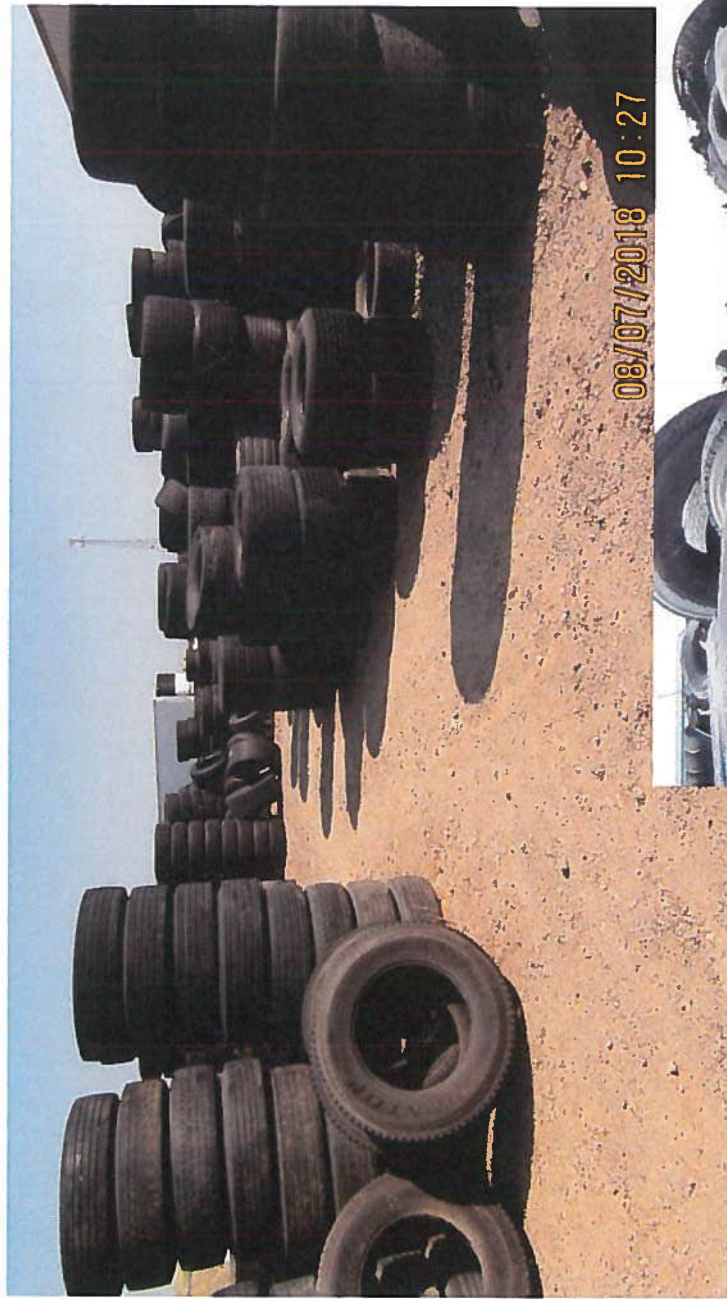




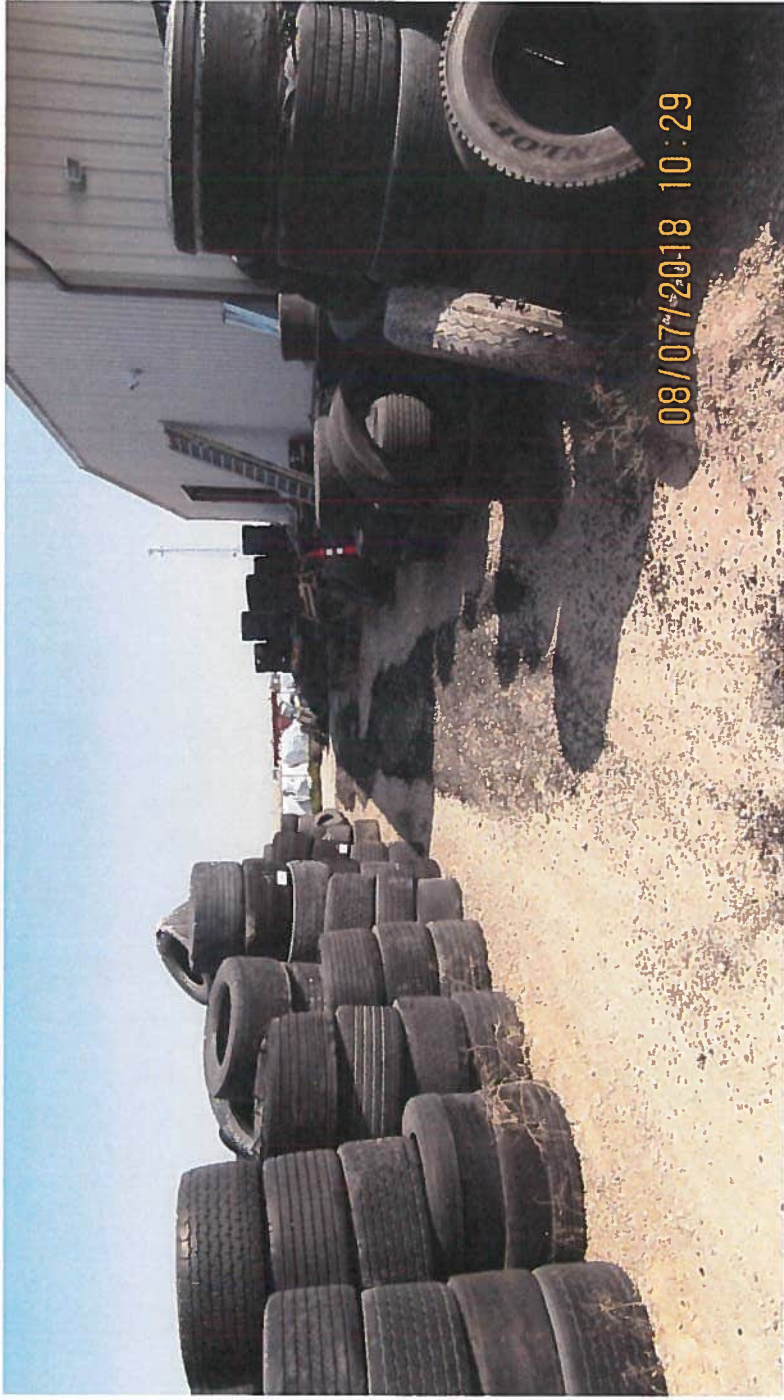




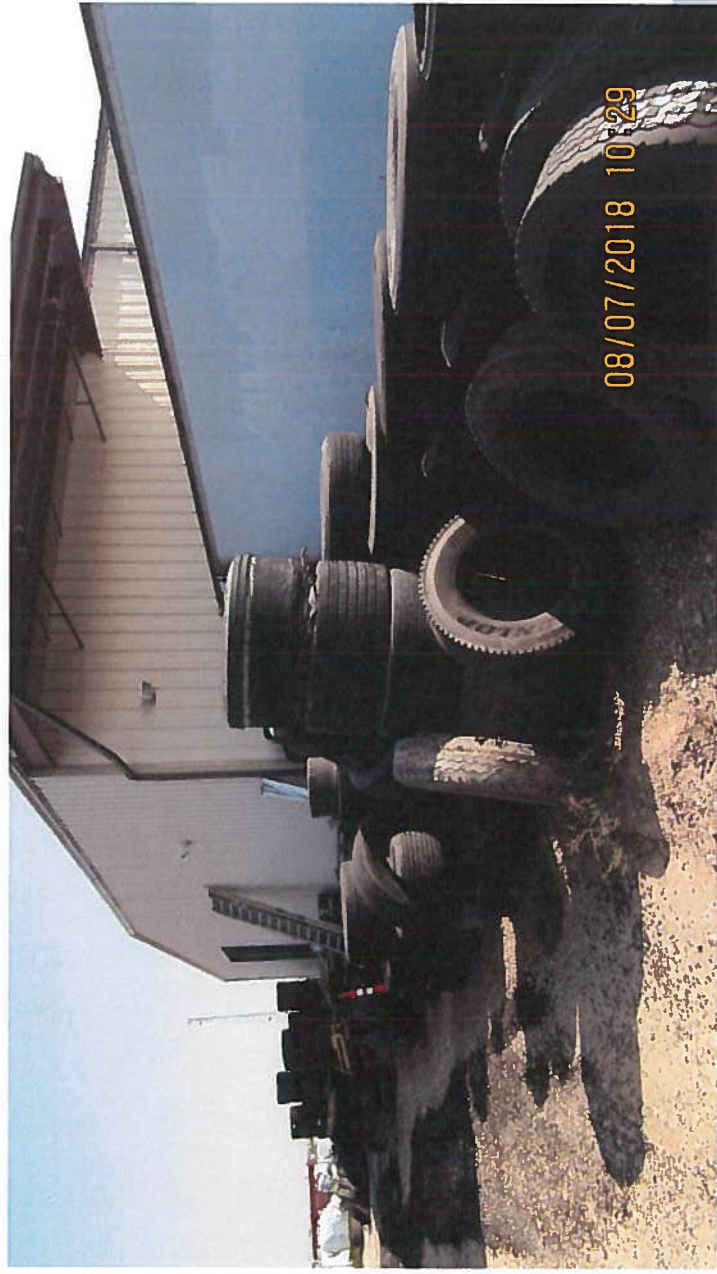




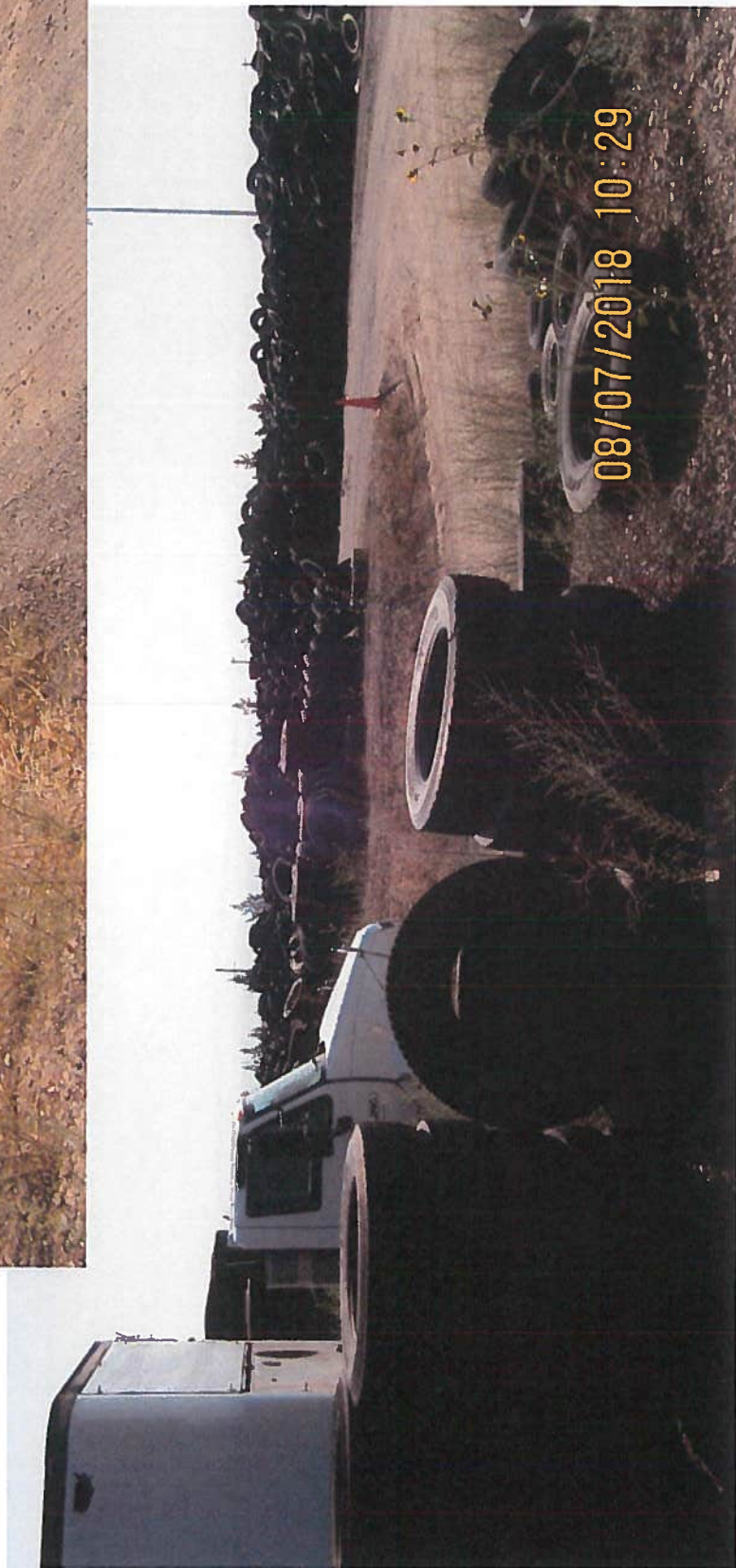
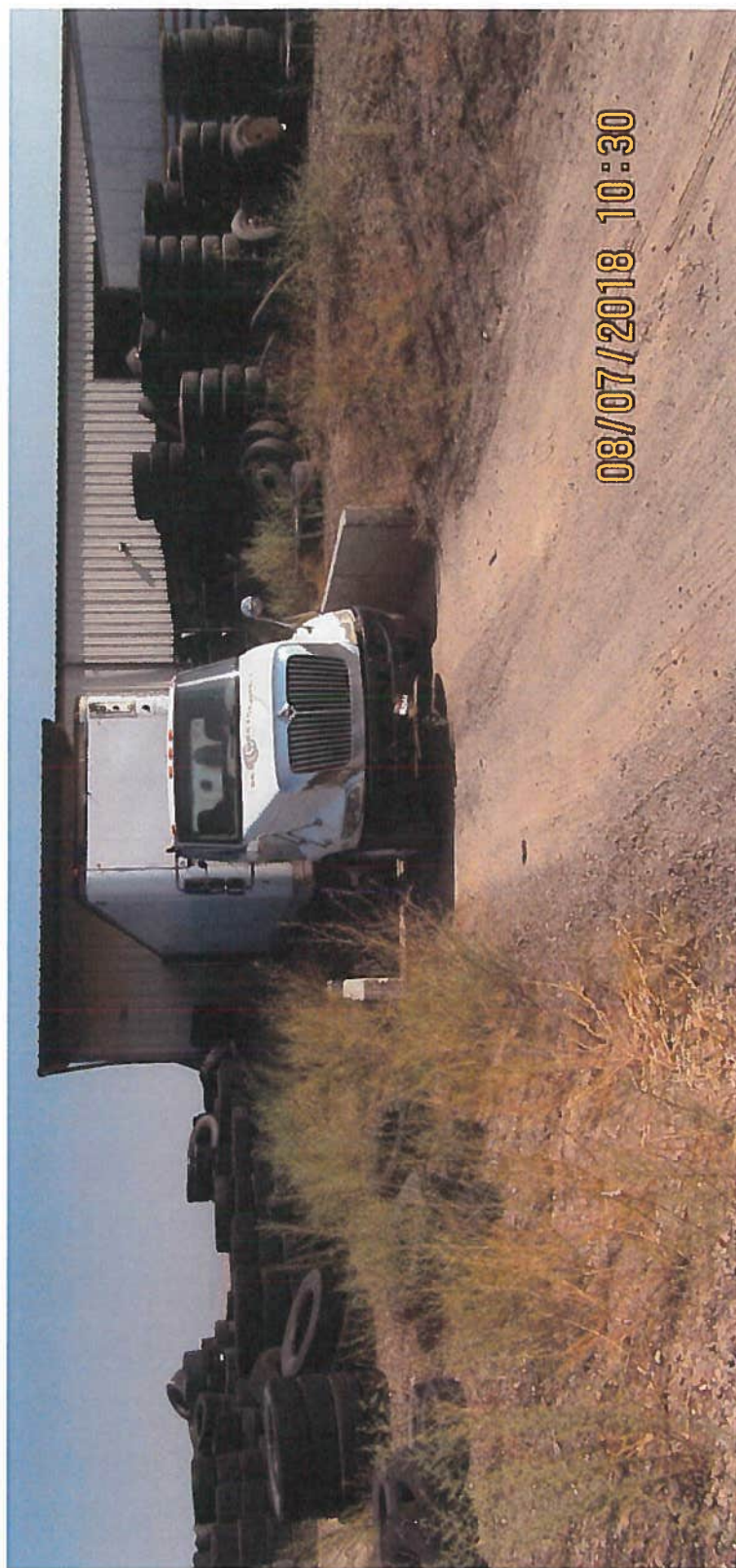




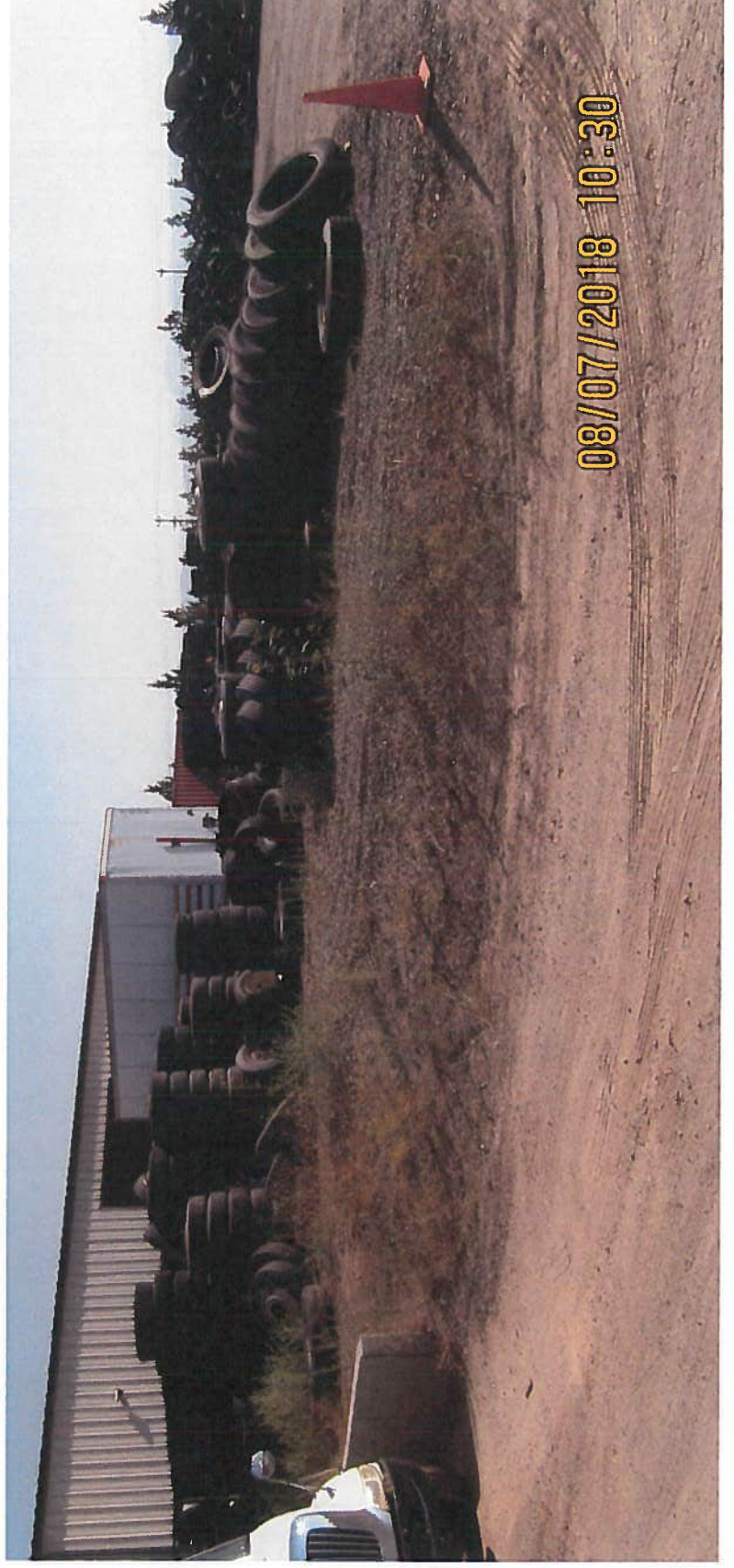
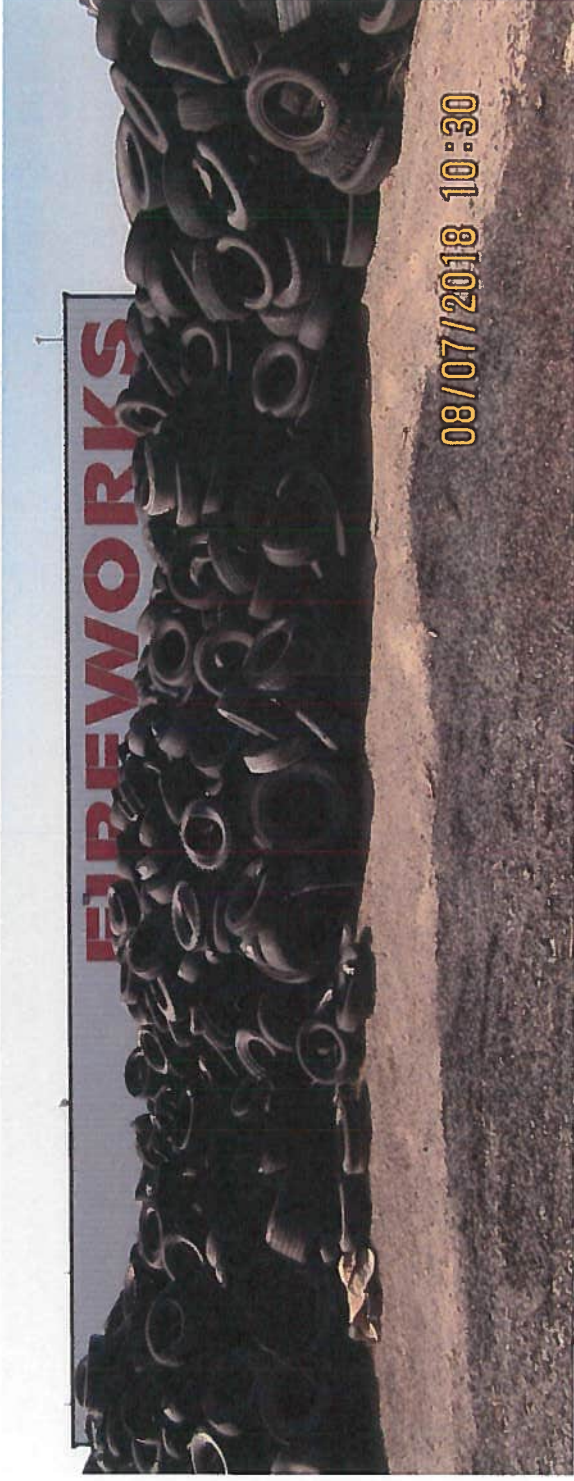








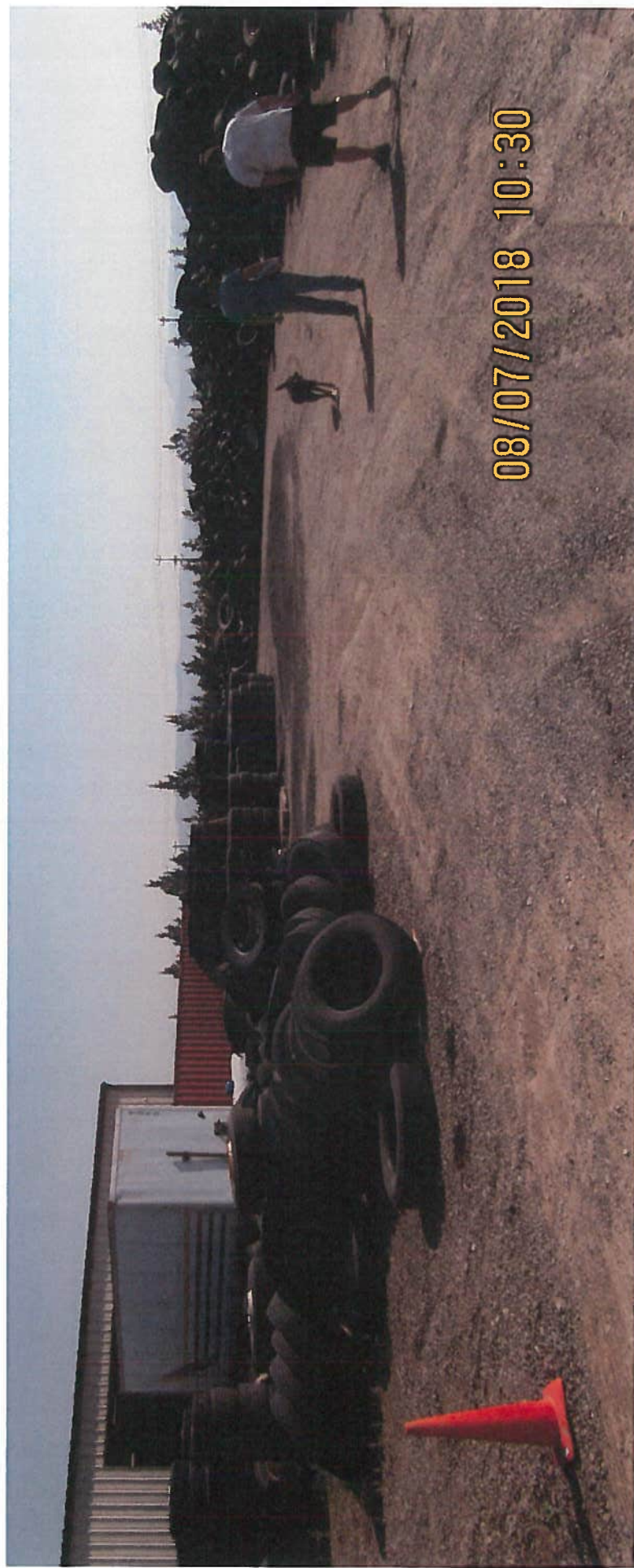
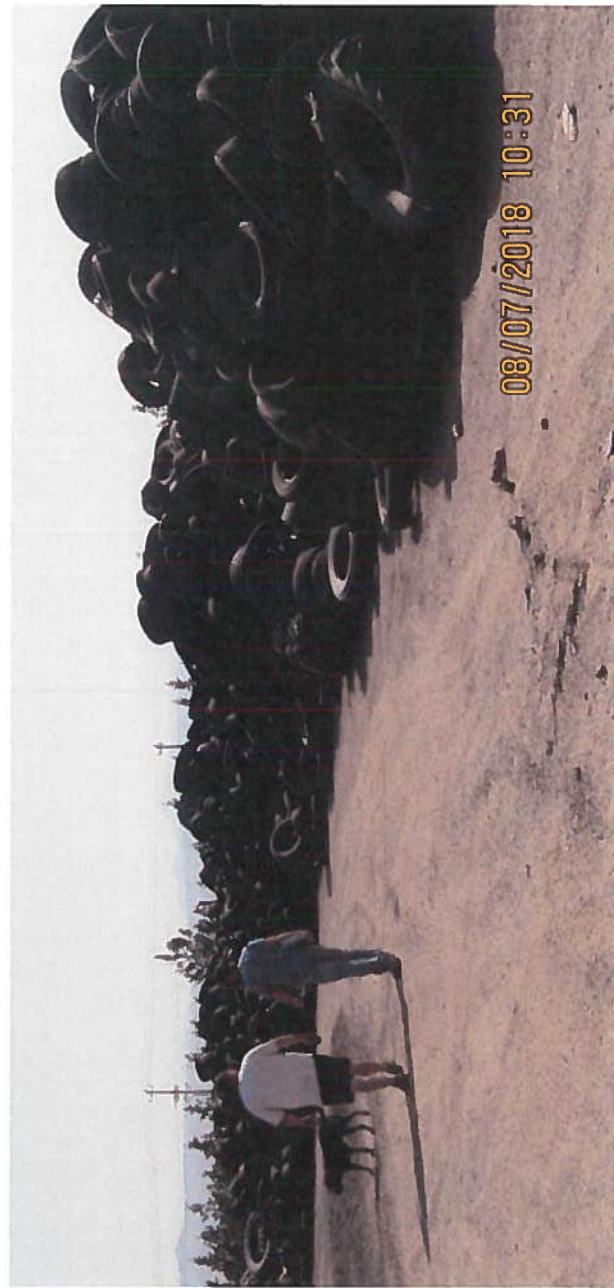




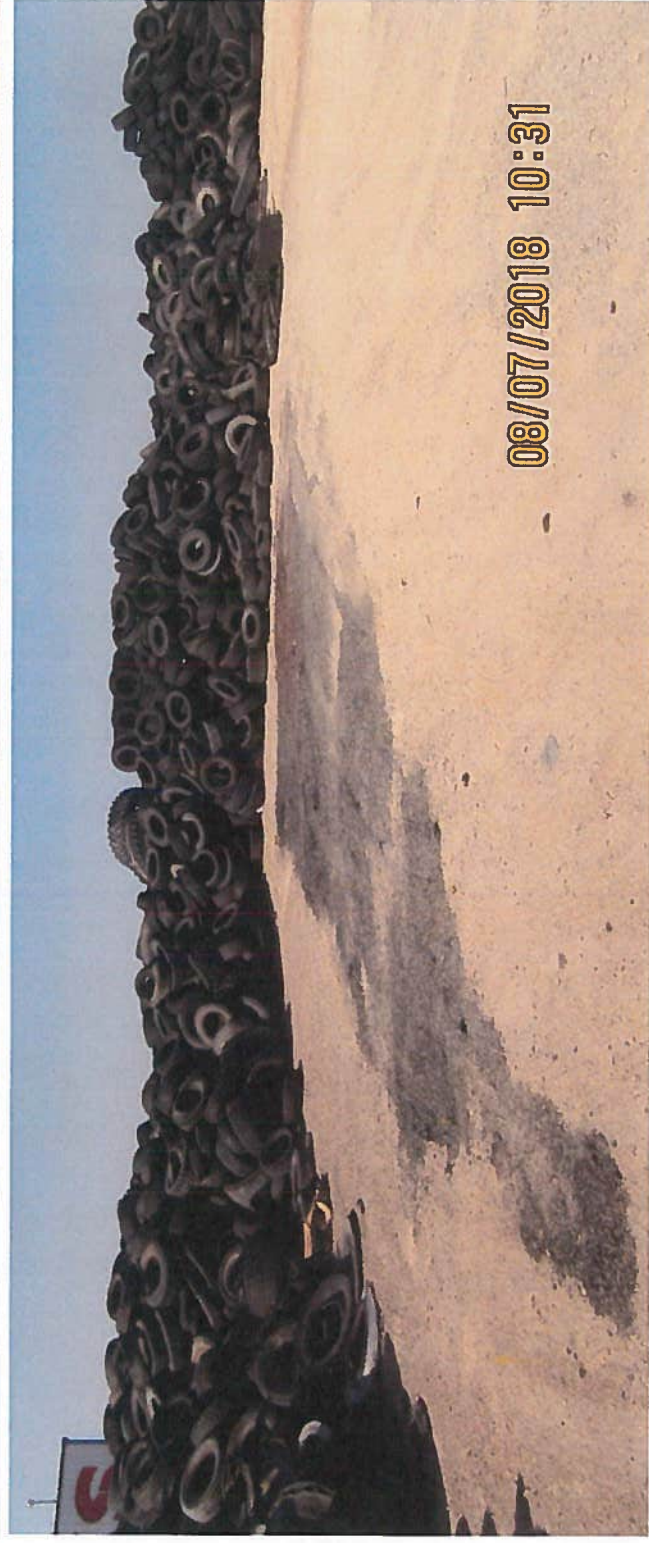
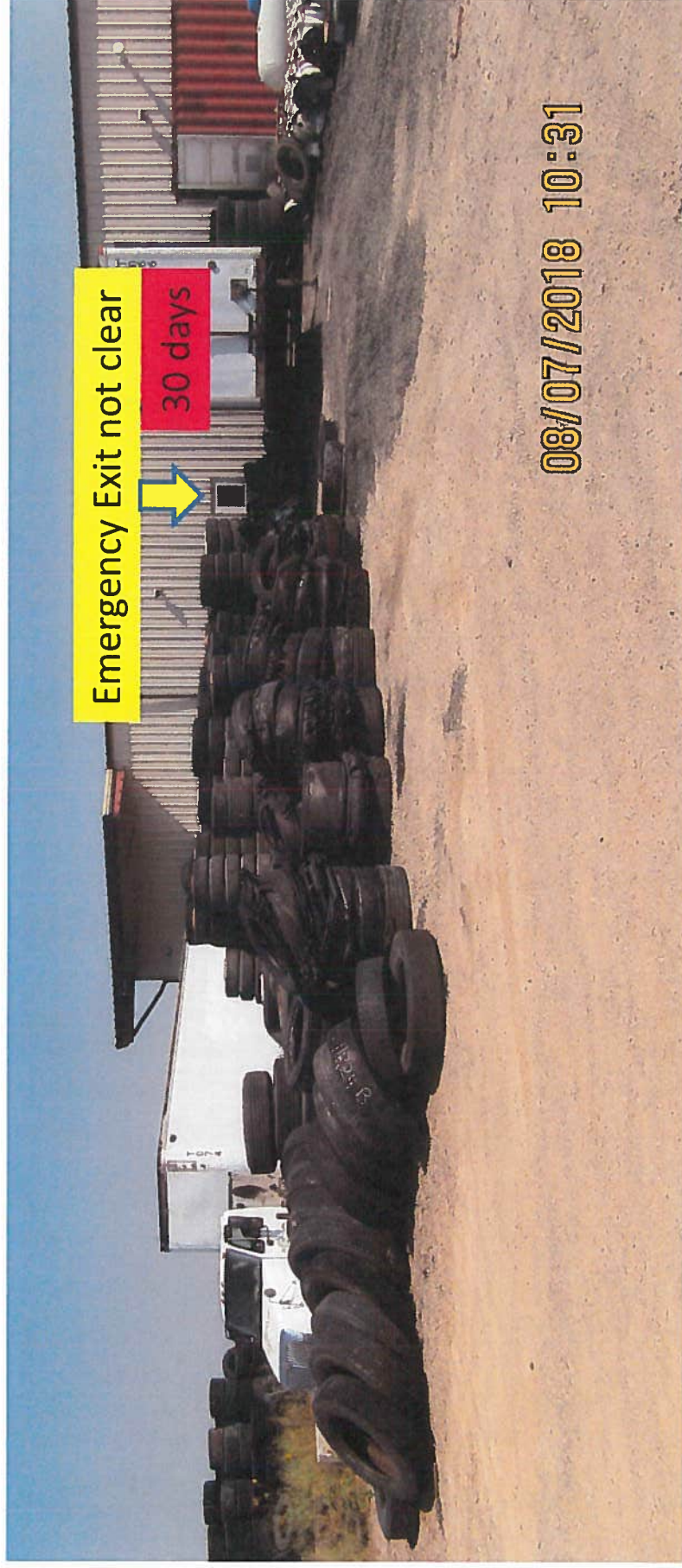




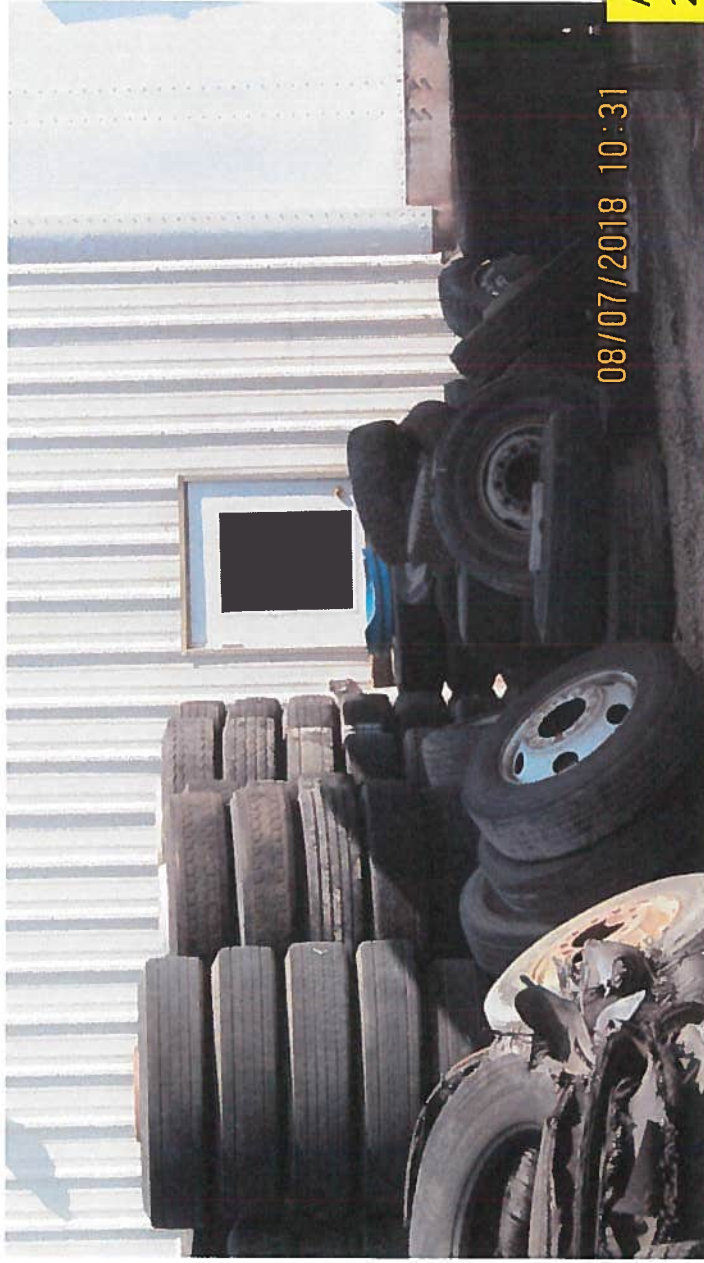












Active LP Tank:

2015 National Fire Code:

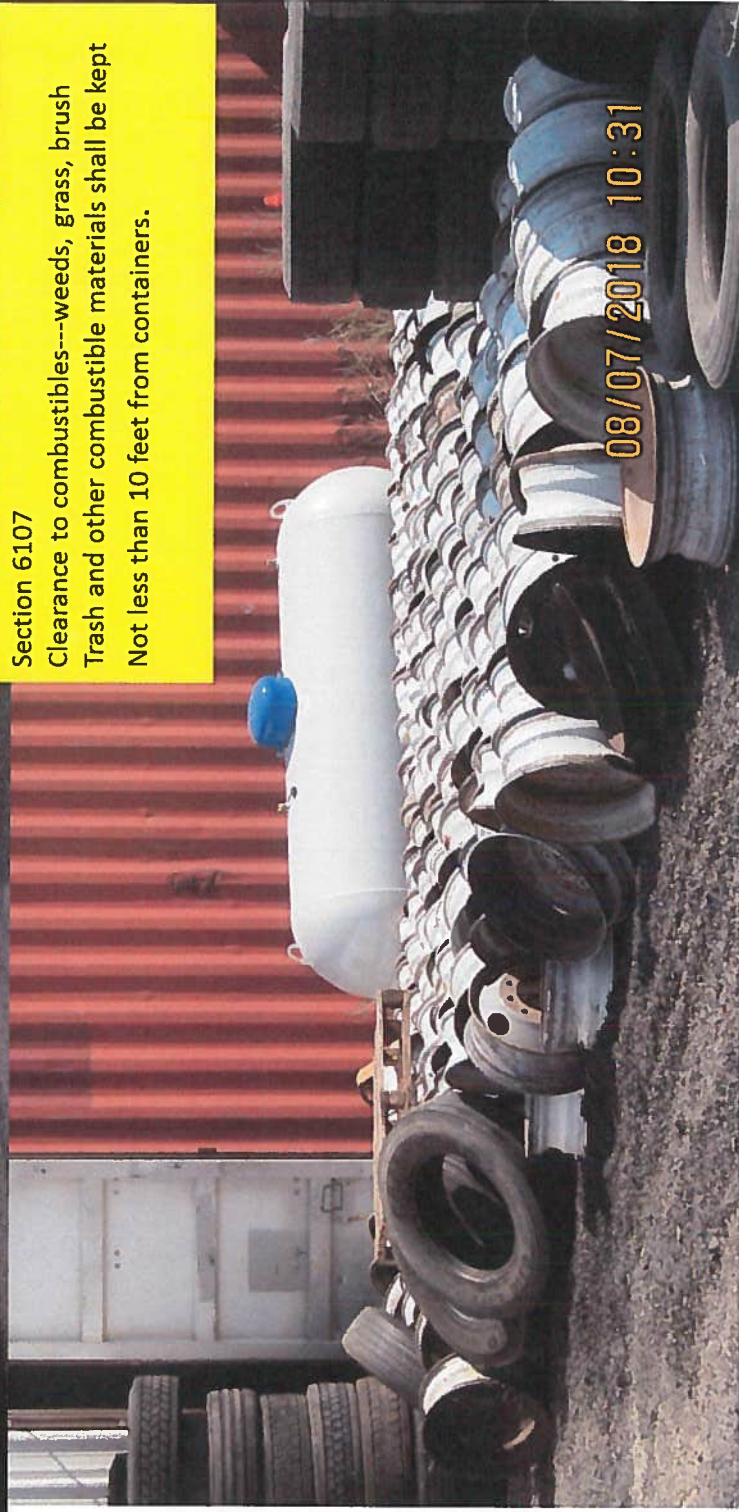
Section 6107

Clearance to combustibles---weeds, grass, brush

Trash and other combustible materials shall be kept

Not less than 10 feet from containers.

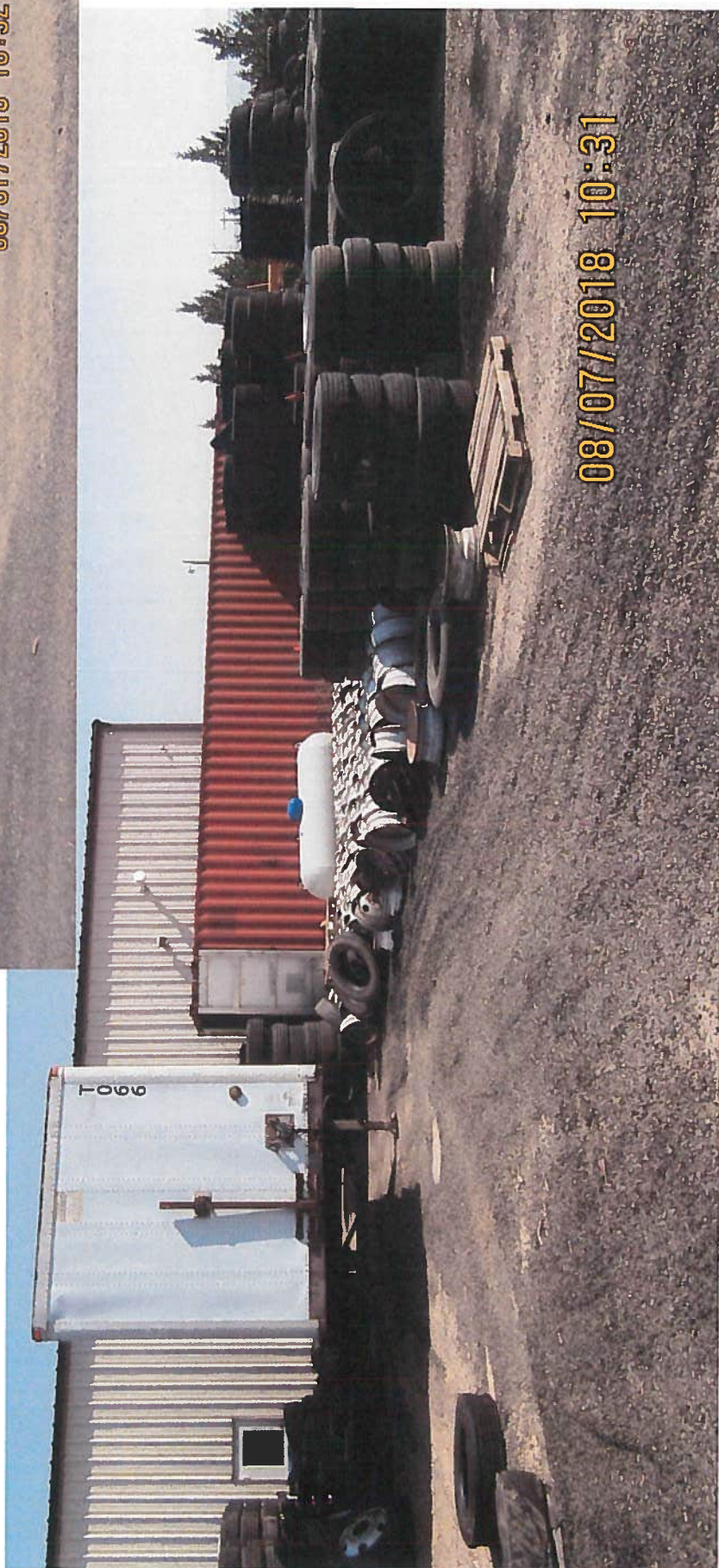
30 days





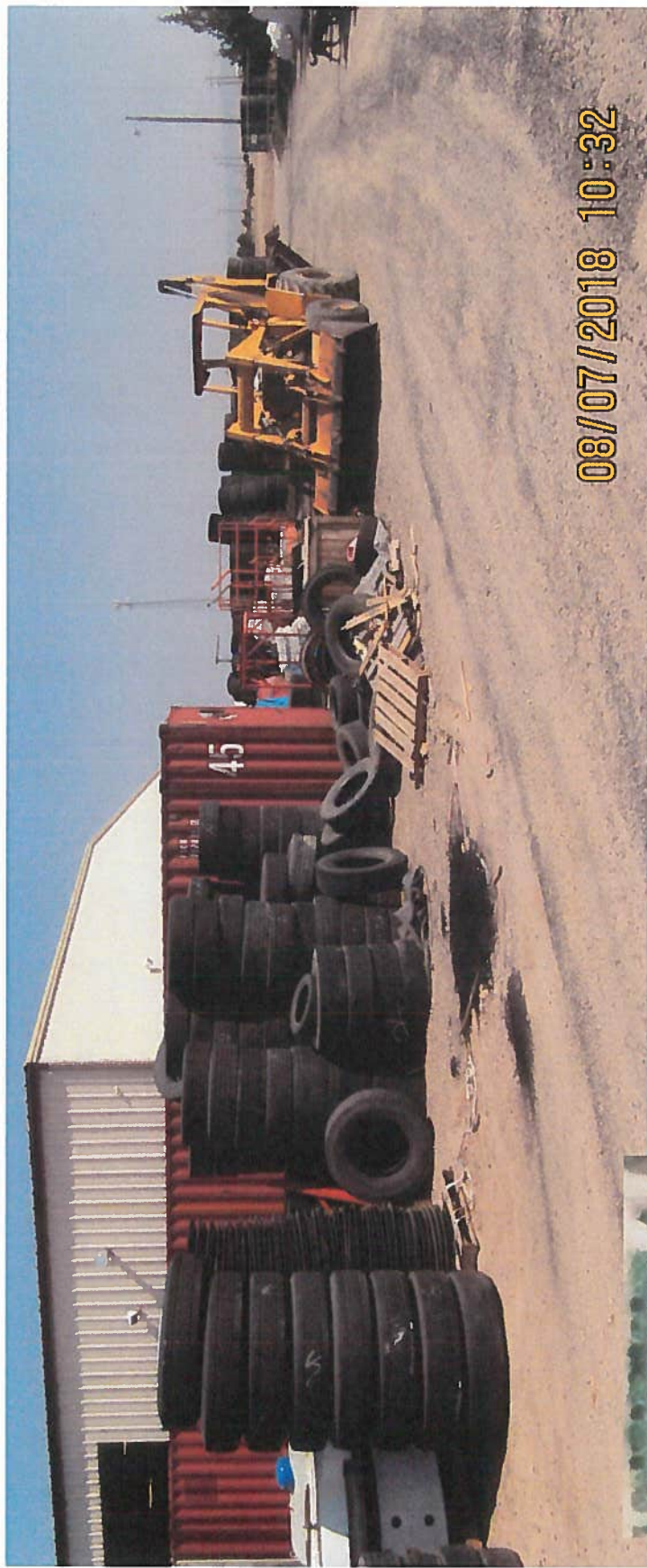


08/07/2018 10:32

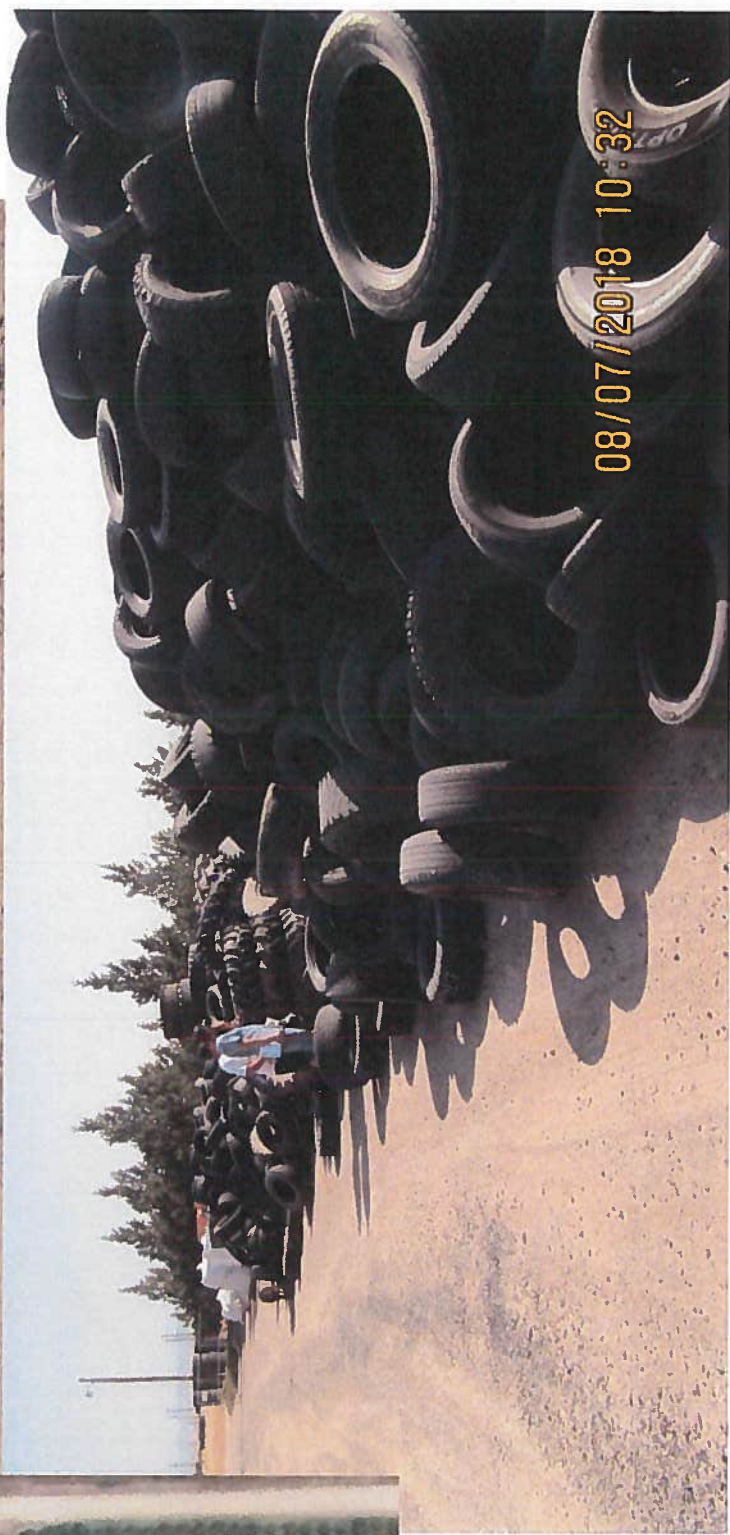


08/07/2018 10:31



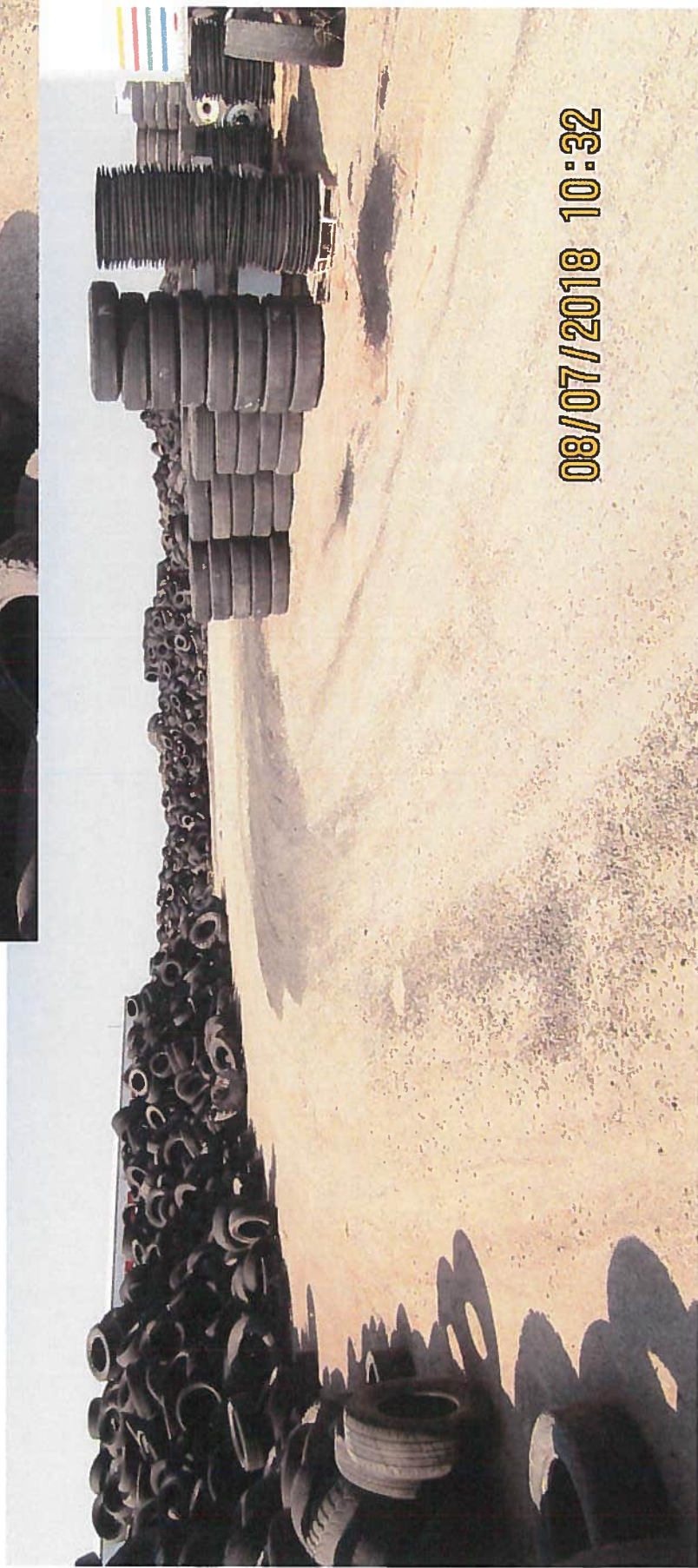
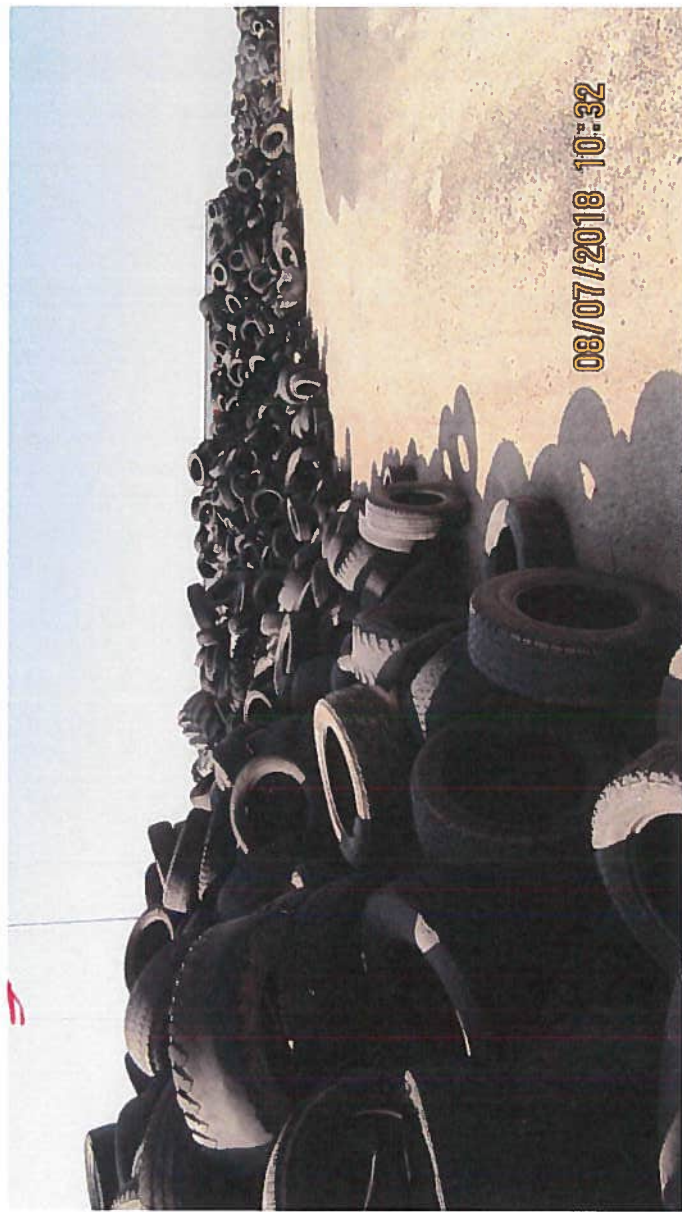


08/07/2018 10:32

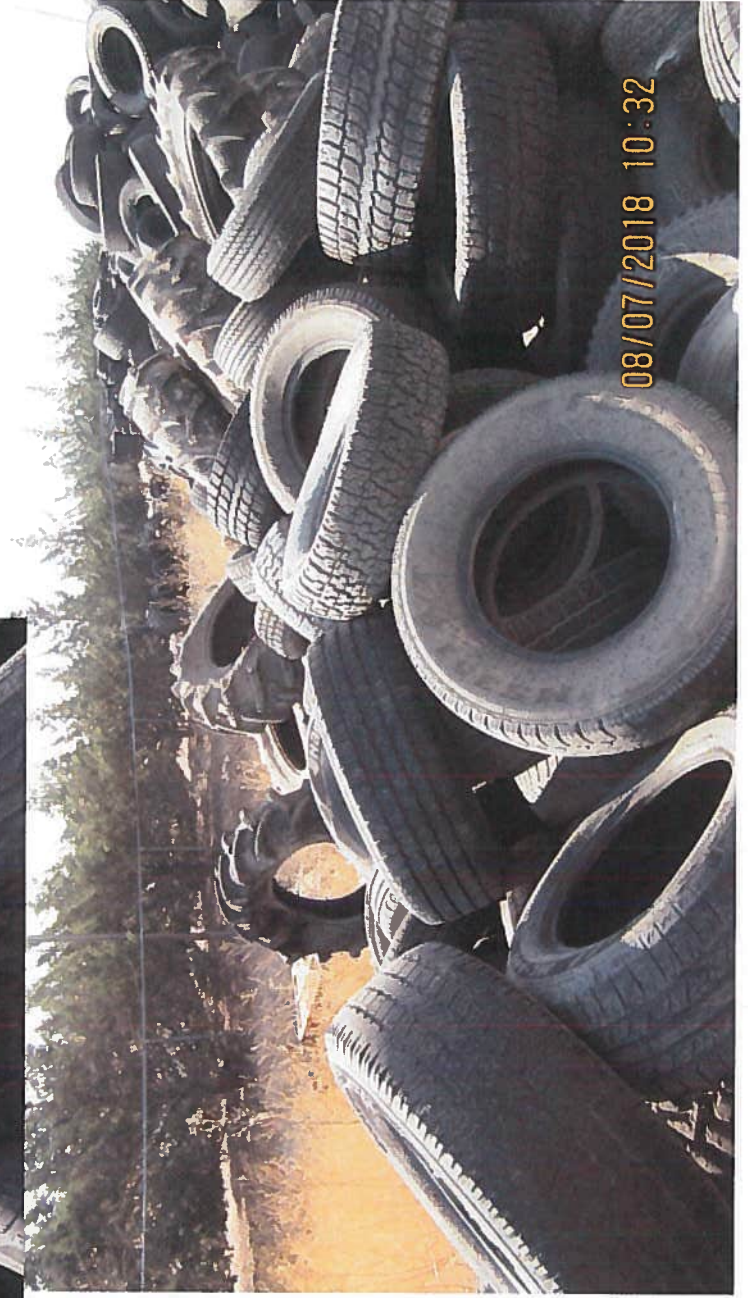
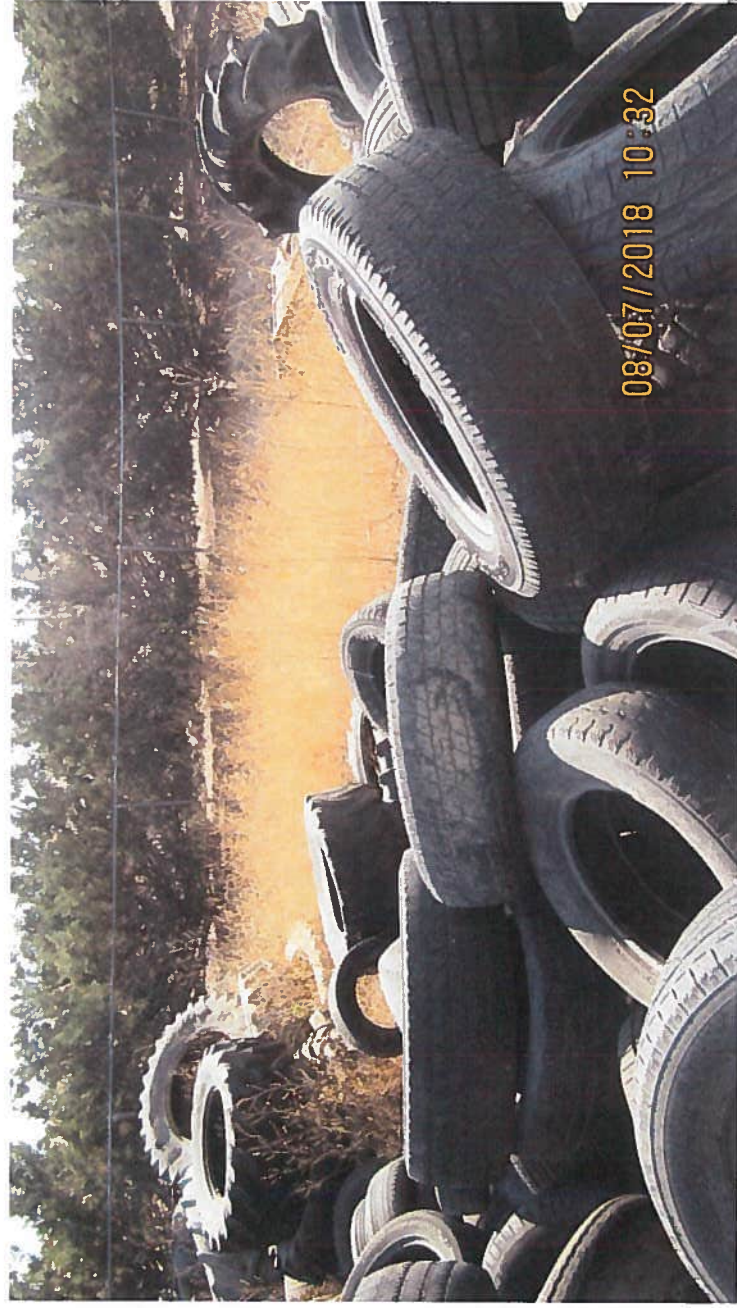


08/07/2018 10:32

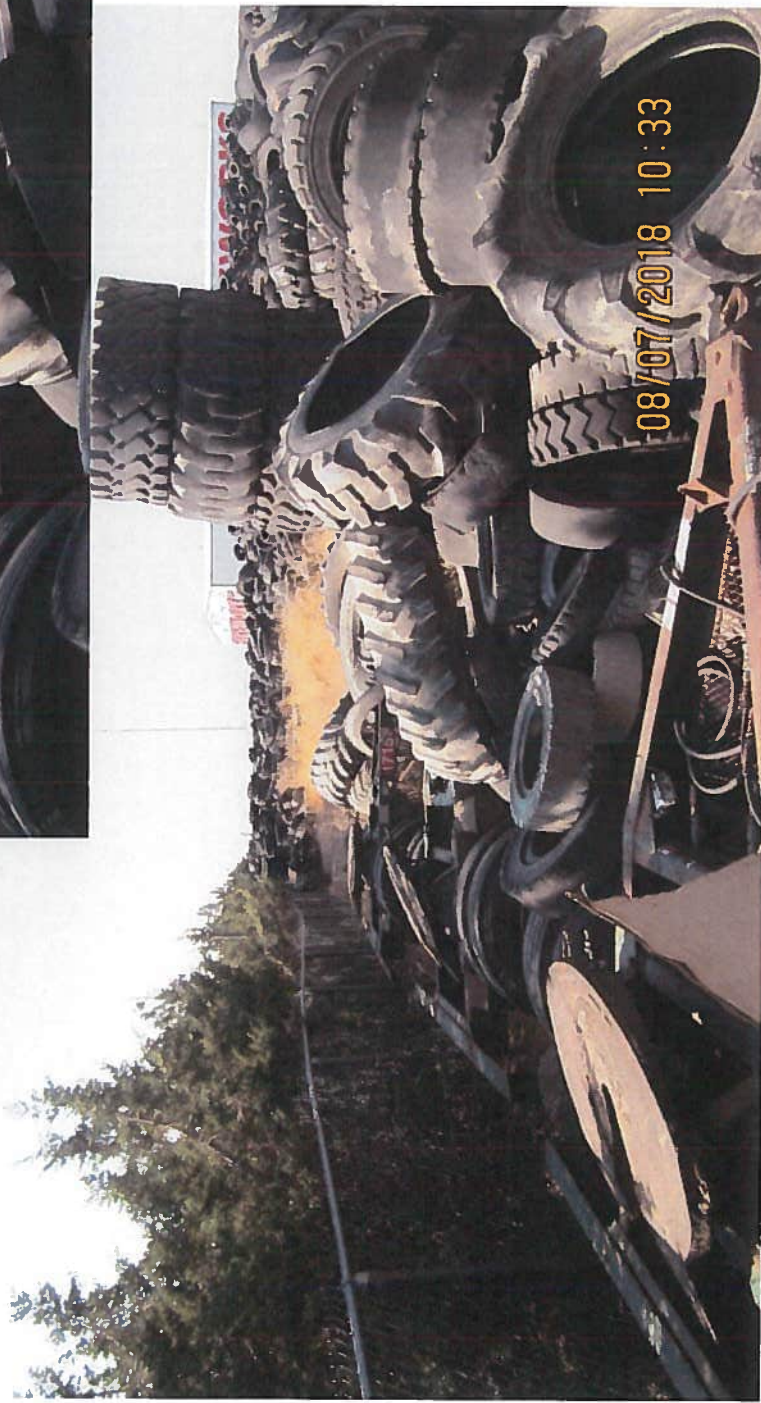




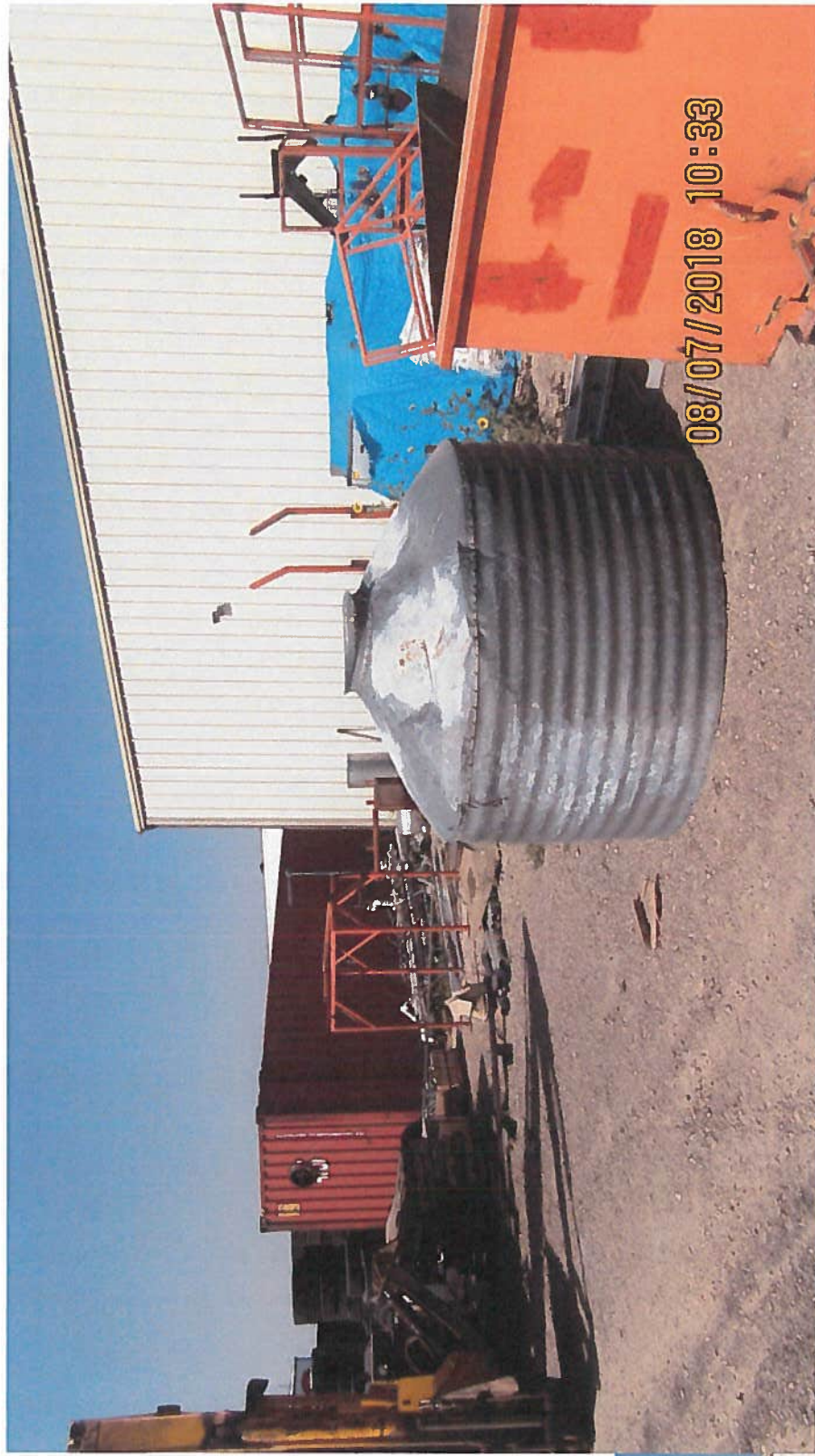










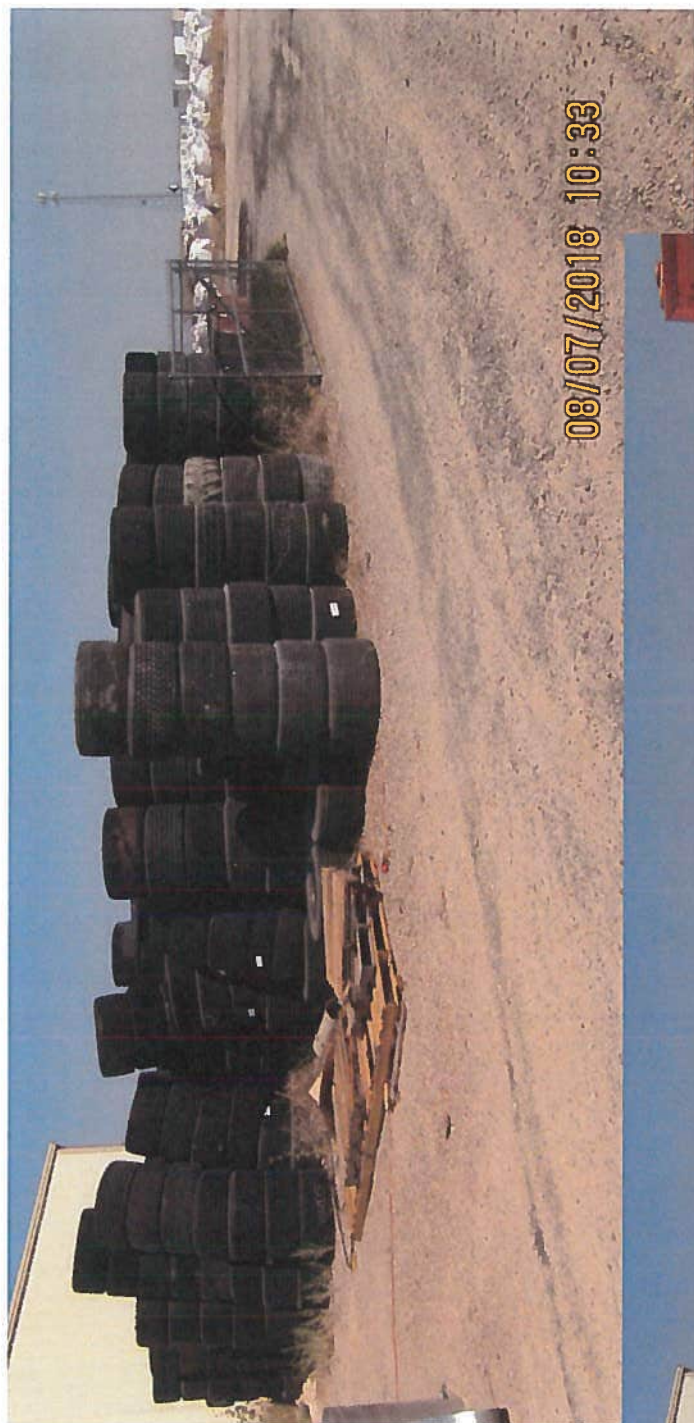


08/07/2018 10:33

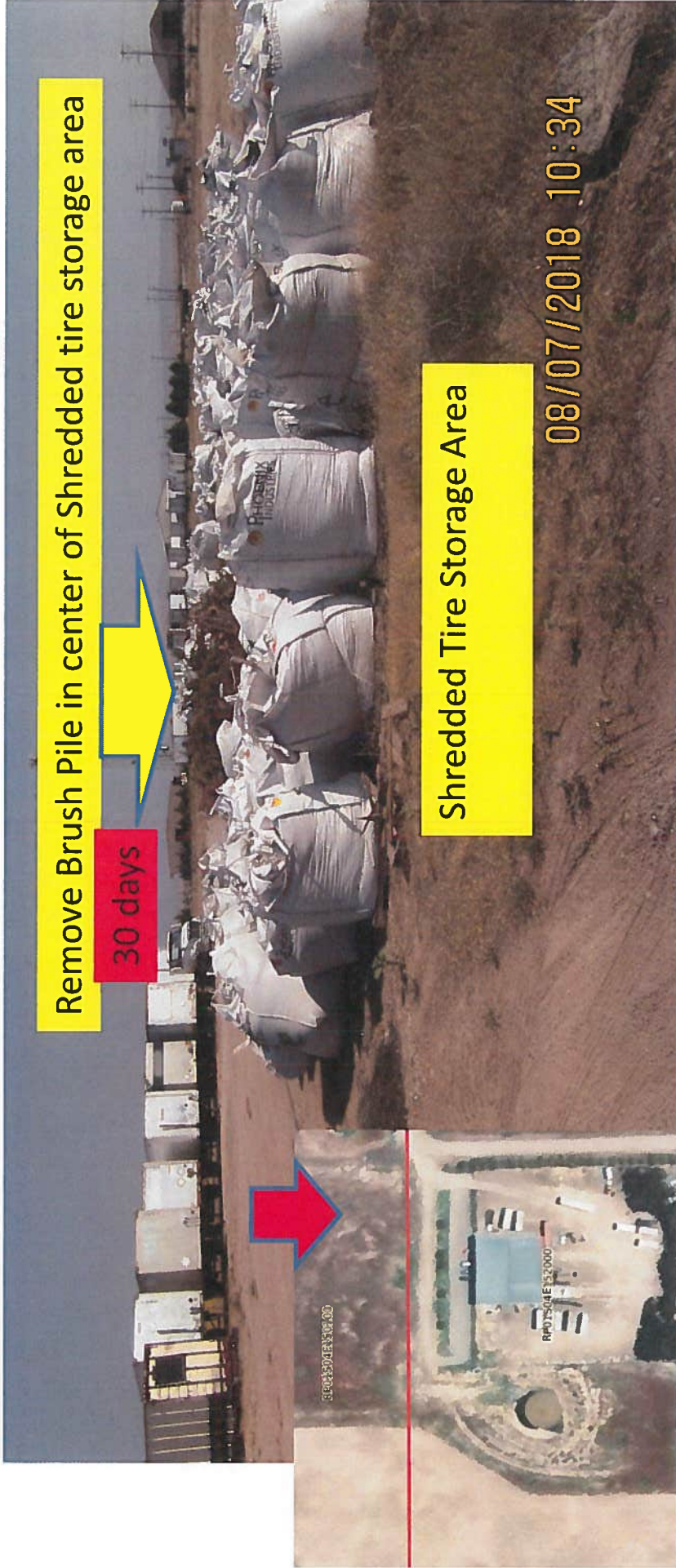


08/07/2018 10:33









Remove Brush Pile in center of Shredded tire storage area

30 days

Shredded Tire Storage Area

08/07/2018 10:34



30 days

Fire Hydrant not cleared

08/07/2018 10:34







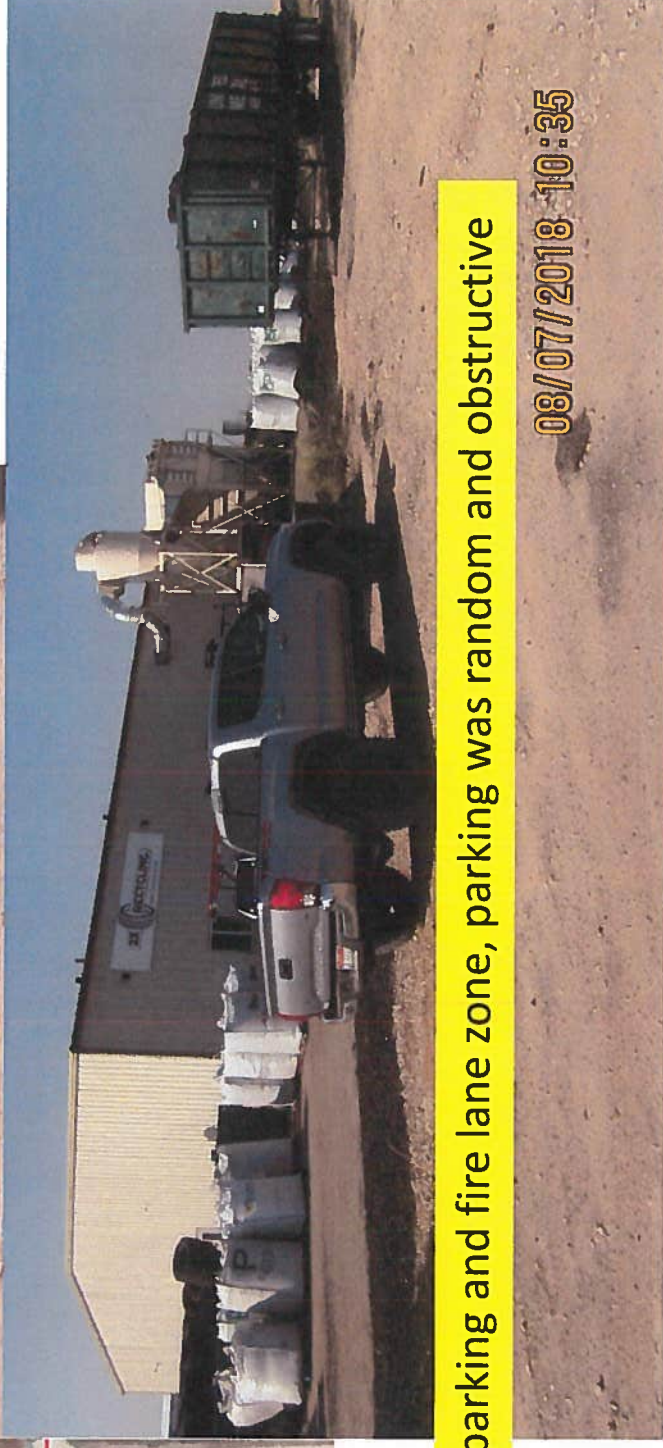
Brush Pile in center of Shredded tire storage area



08/07/2018 10:49



No signs designating parking and fire lane zone, parking was random and obstructive



08/07/2018 10:35

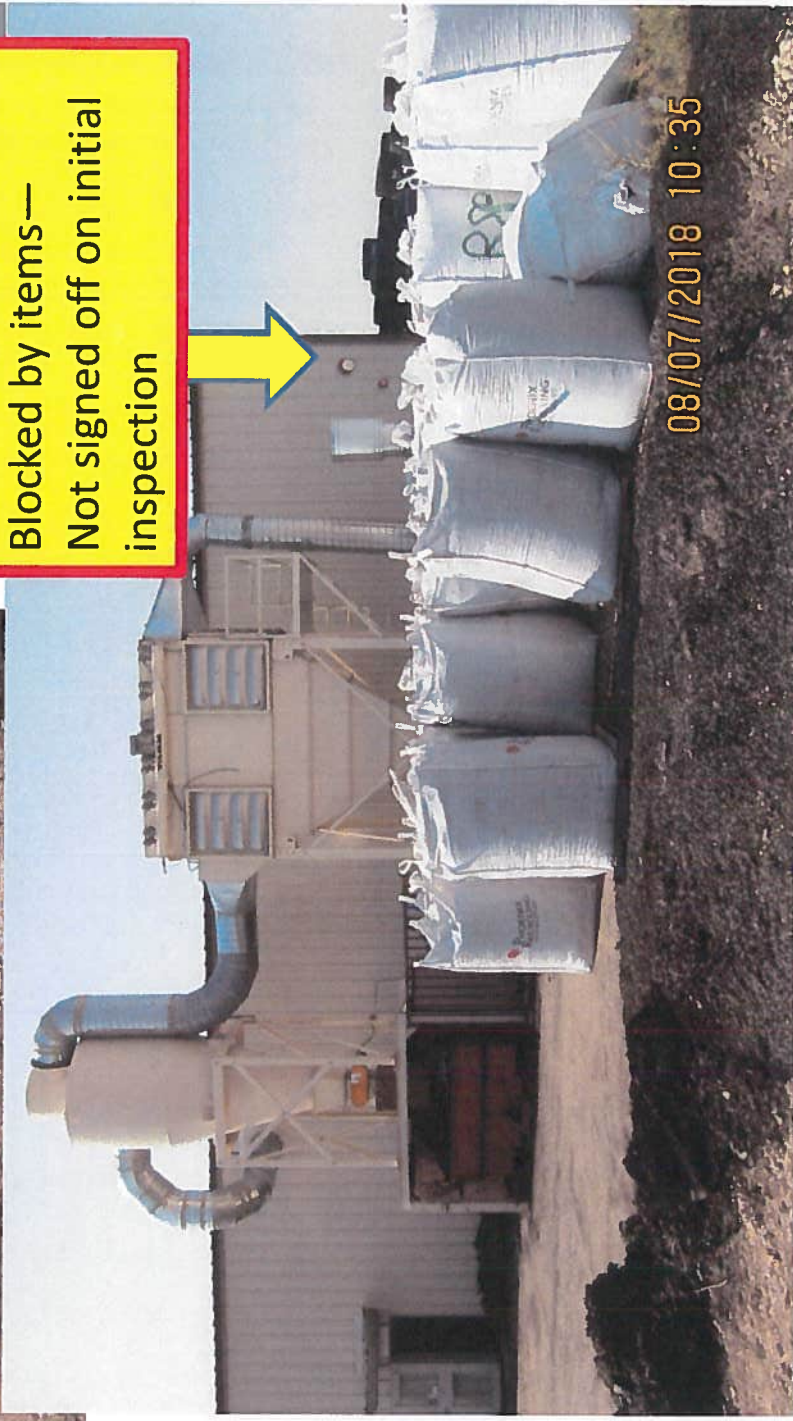




08/07/2018 10:35

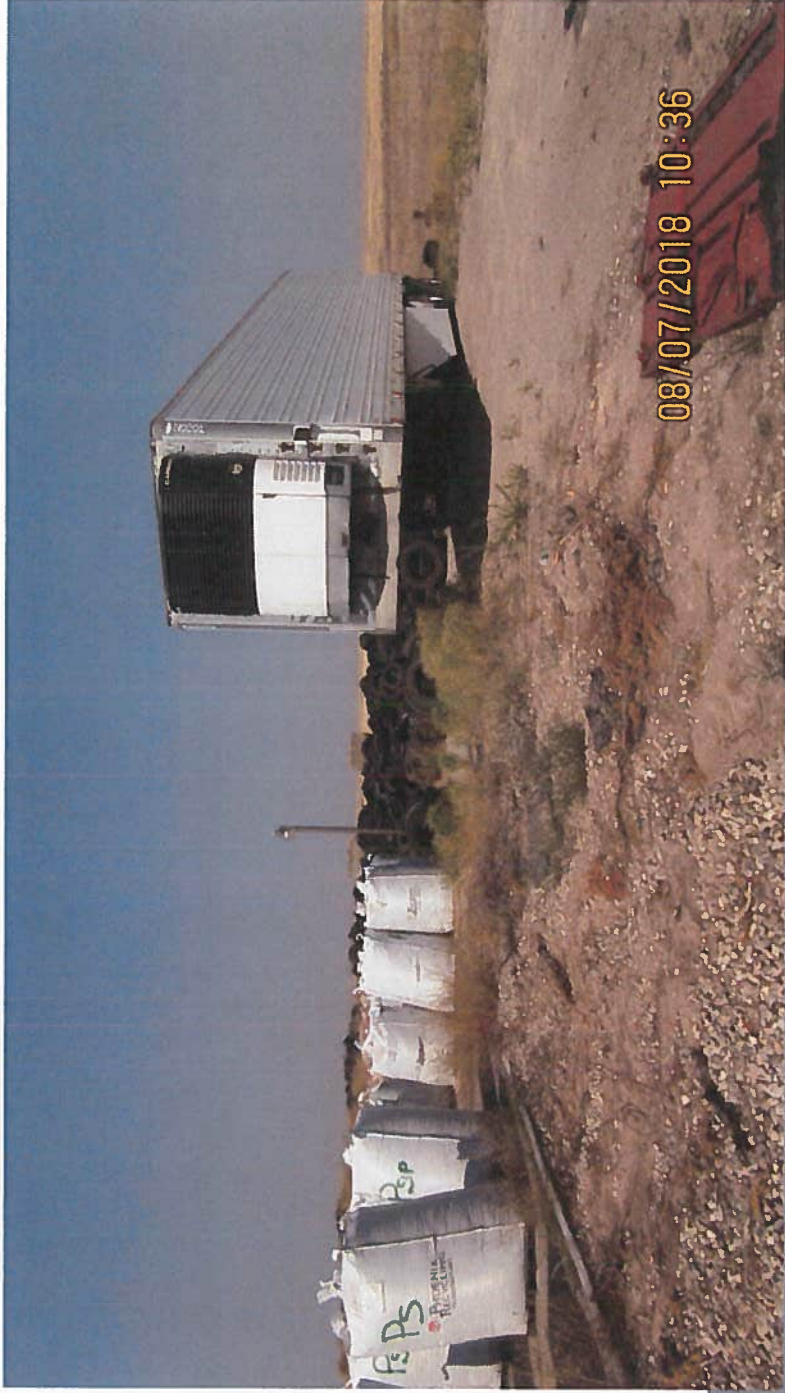
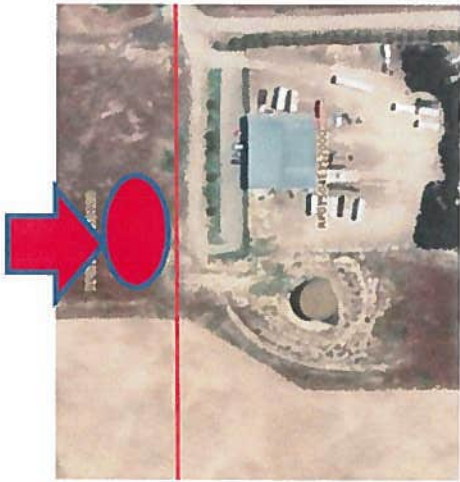


Stand Pipe Connection  
Blocked by items —  
Not signed off on initial  
inspection

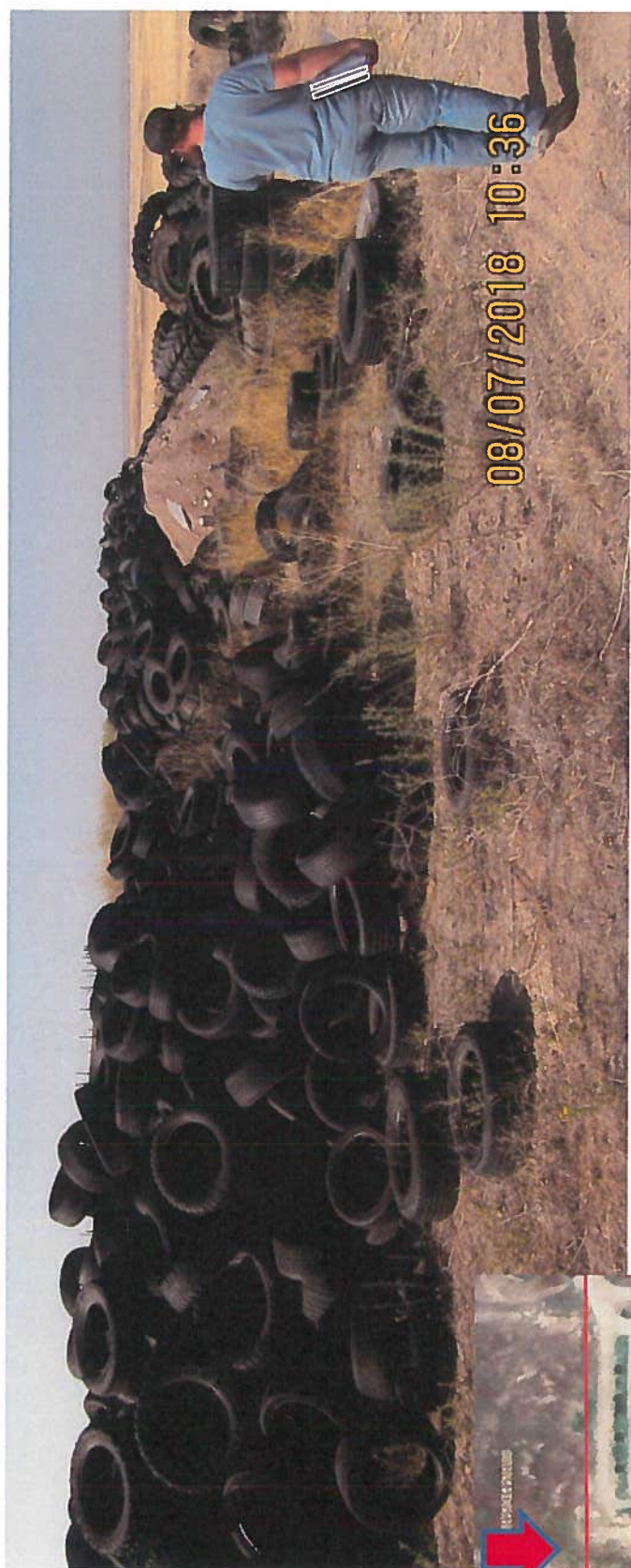


08/07/2018 10:35

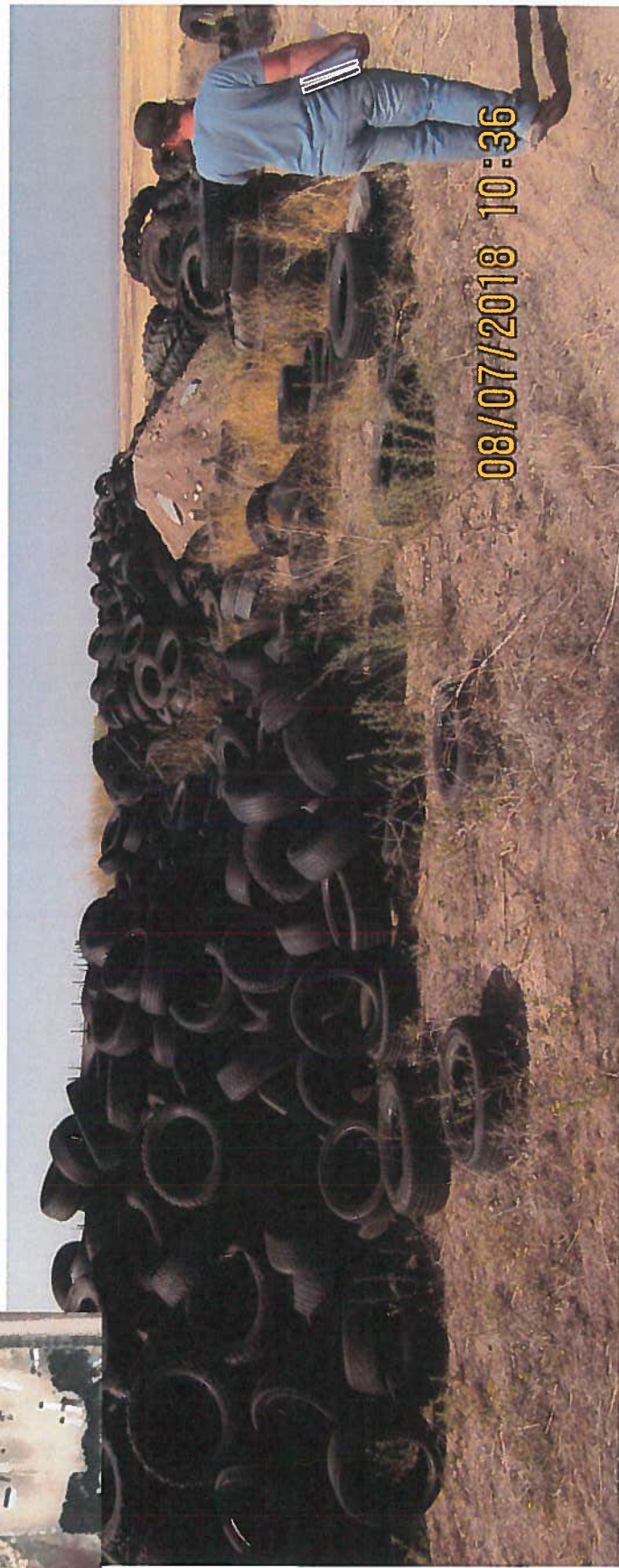
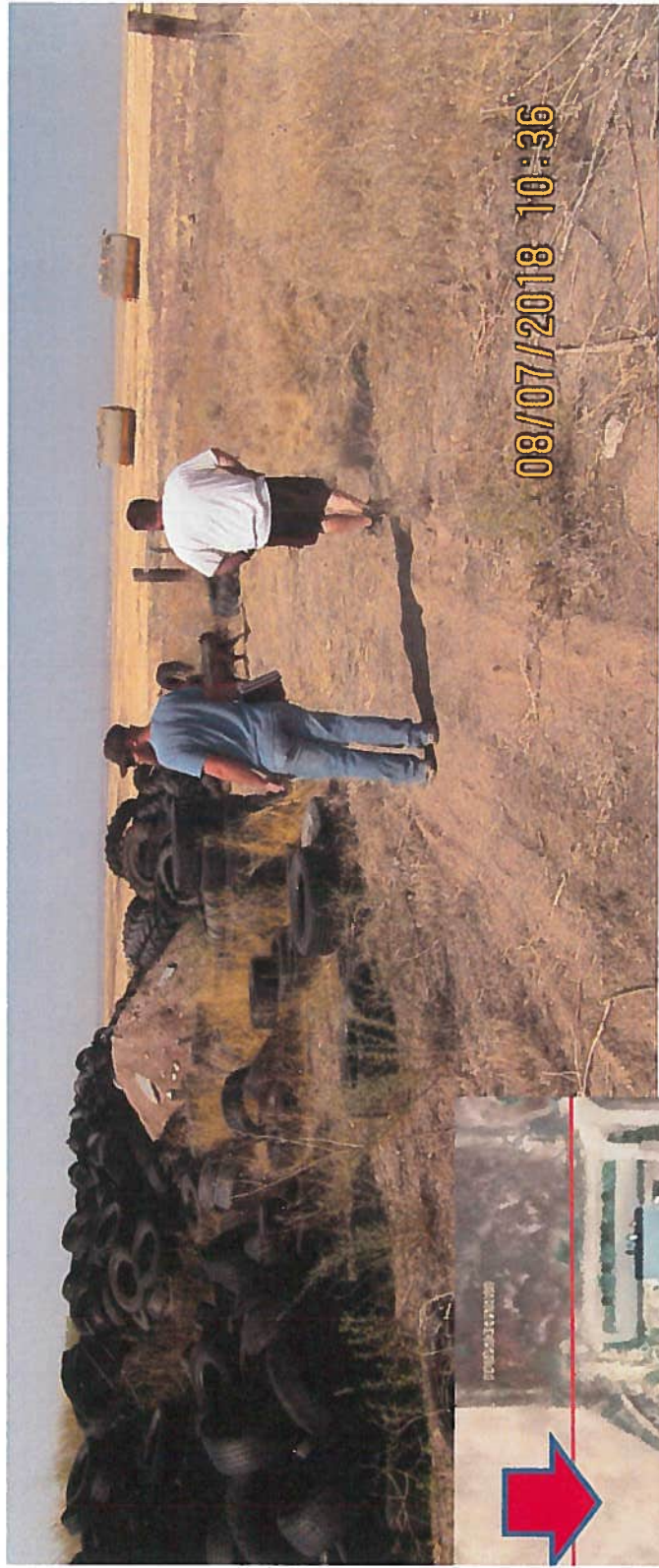




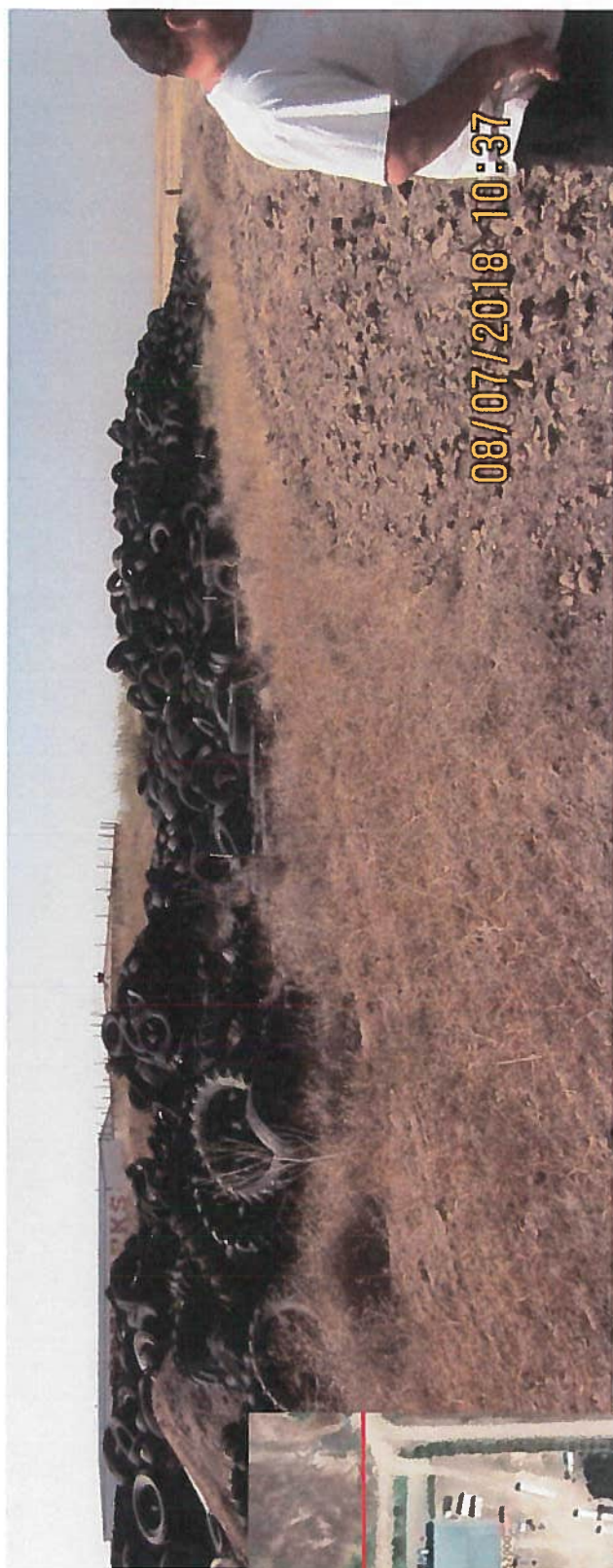




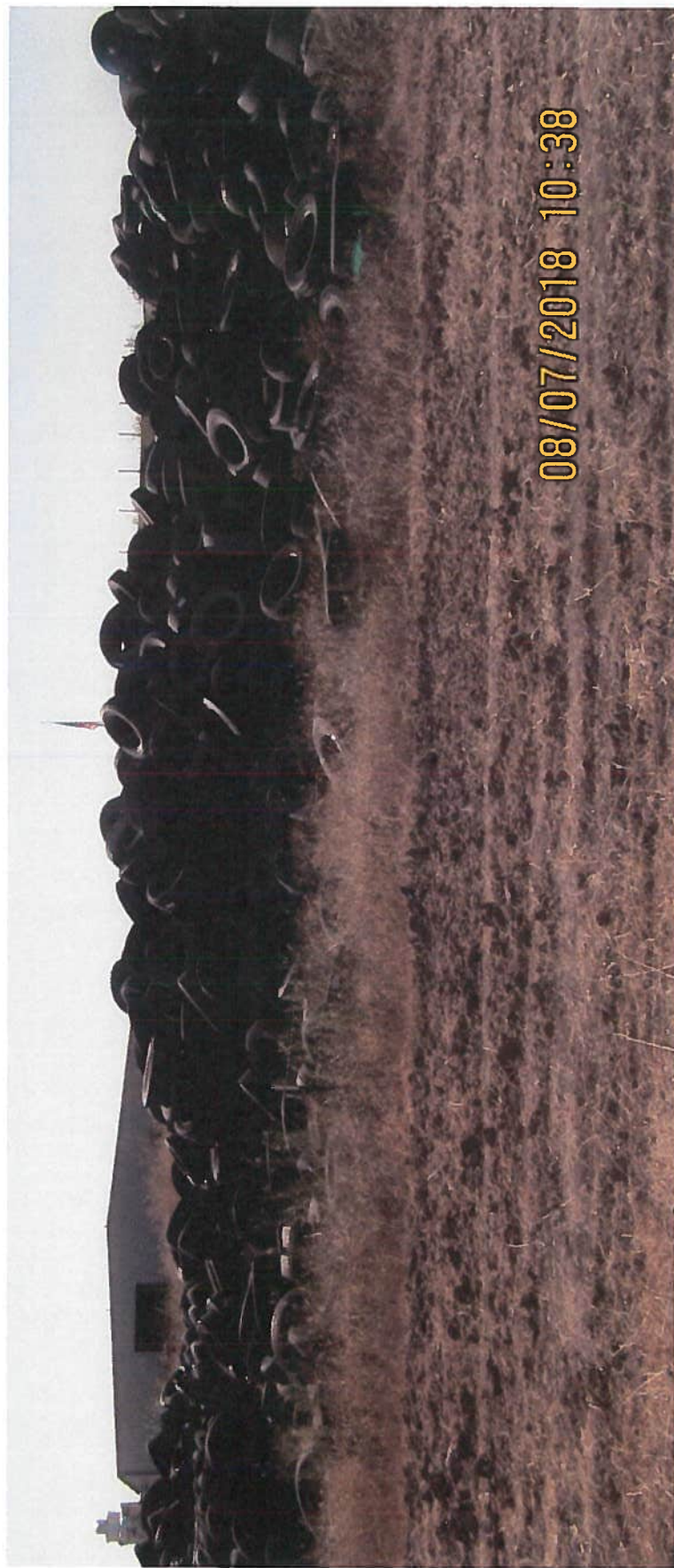
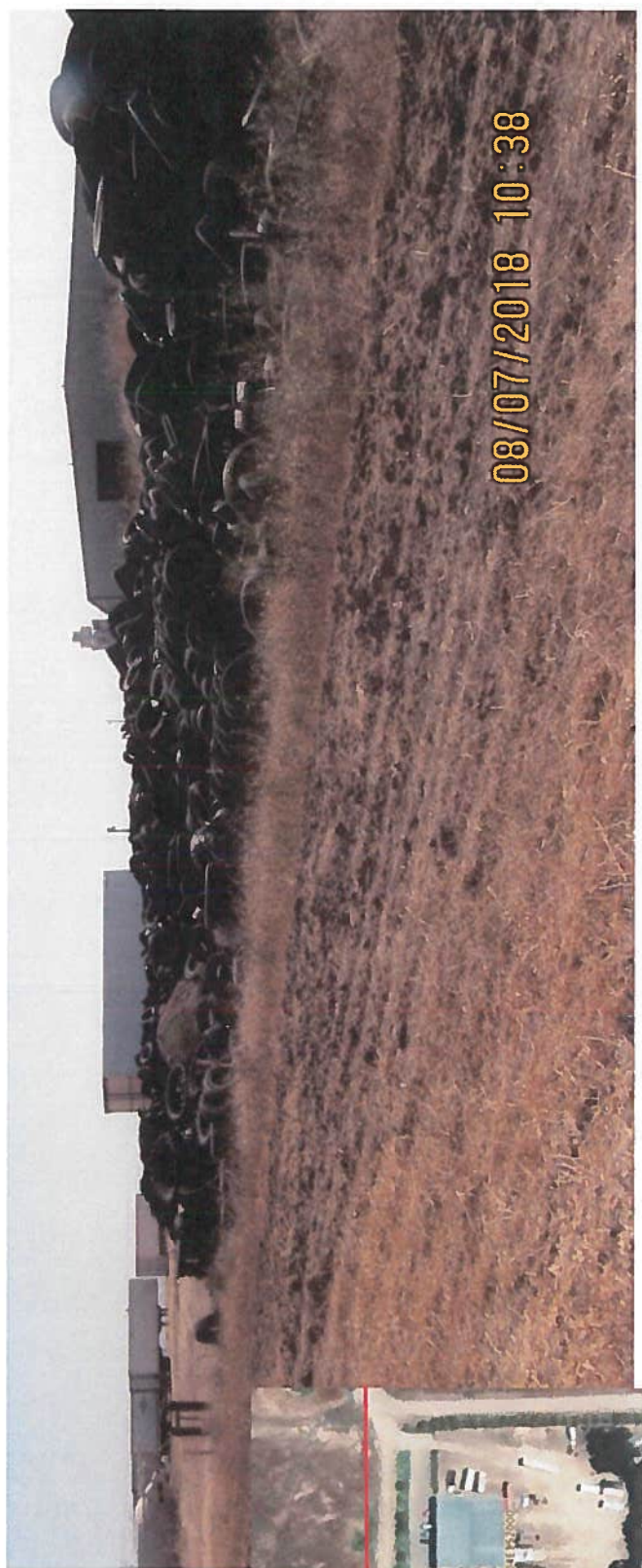




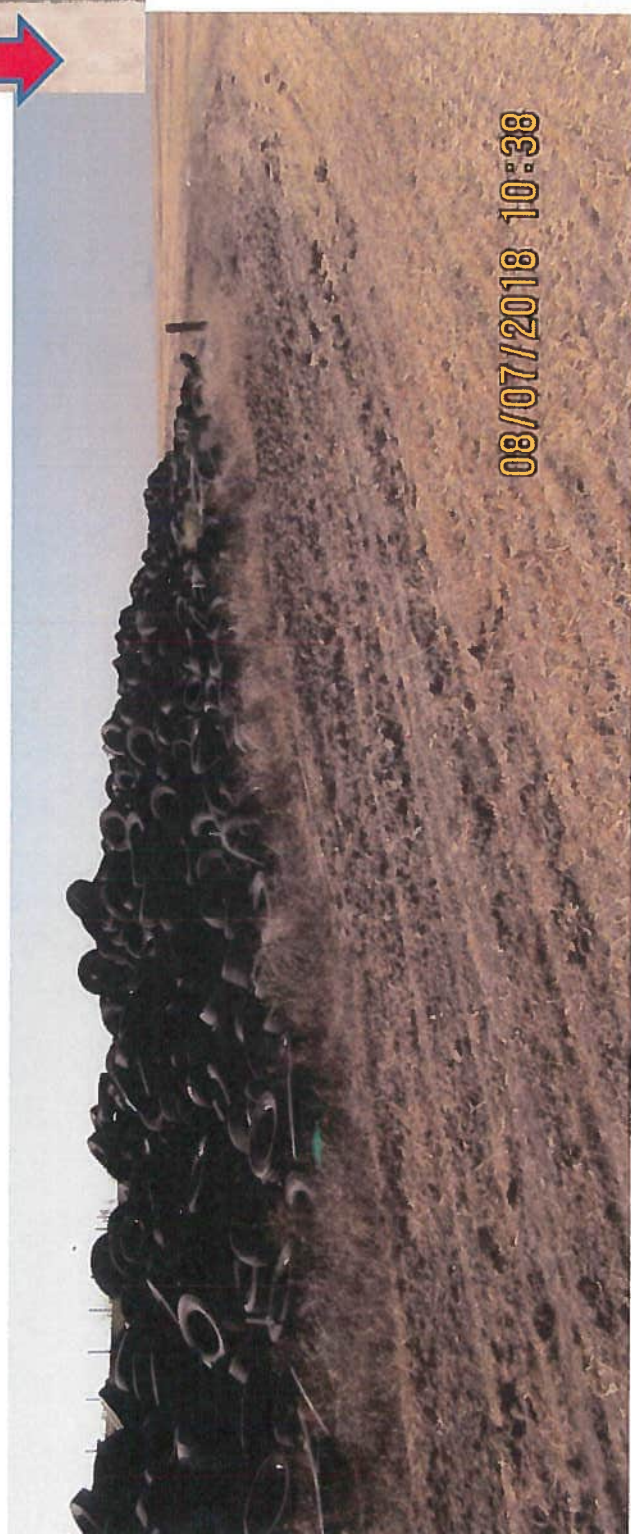
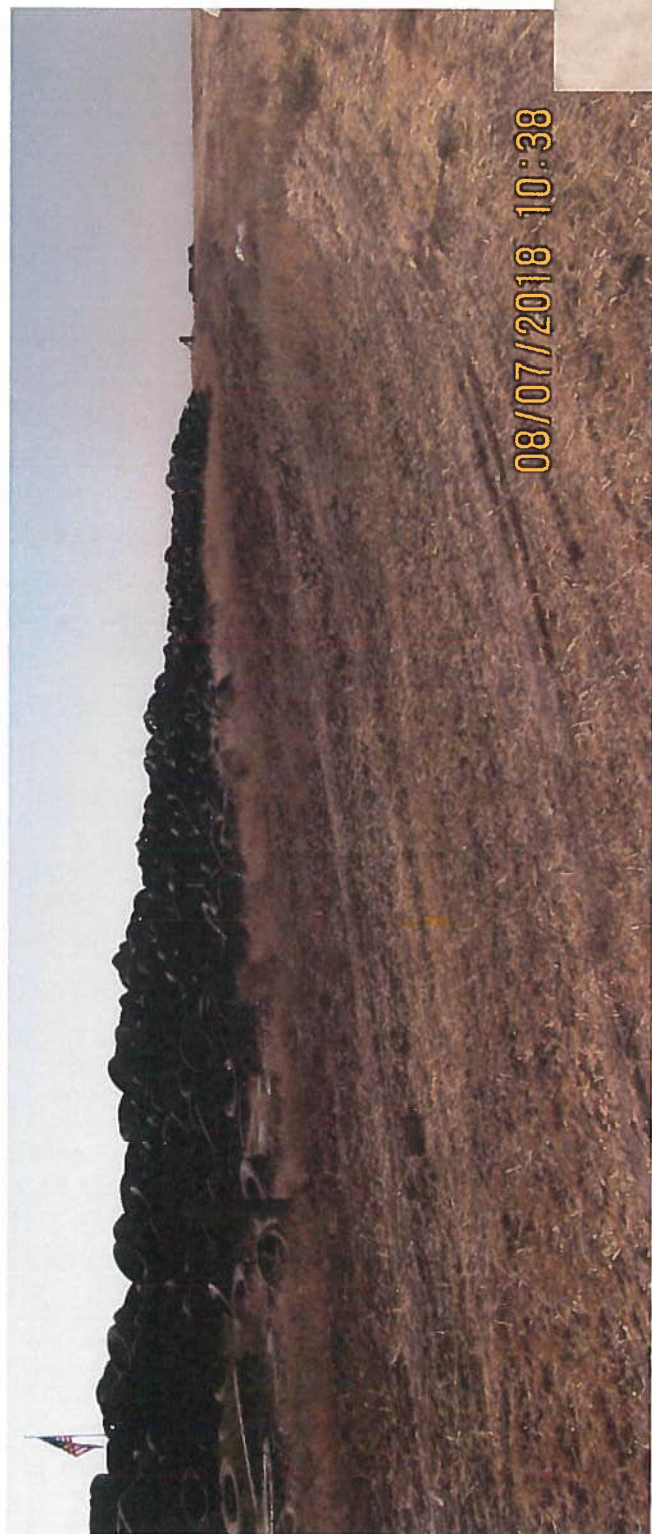




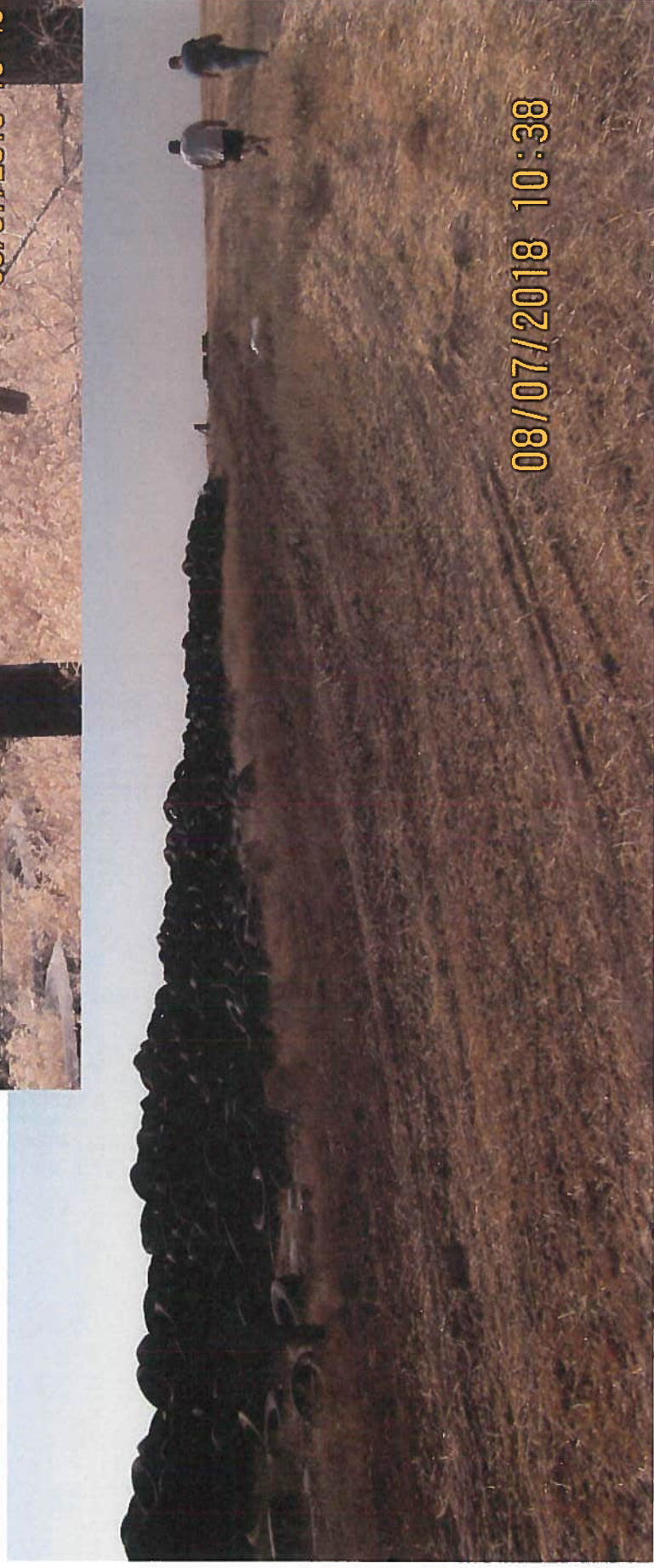
















08/07/2018 10:40



08/07/2018 10:40



We will talk with the Fireworks Company

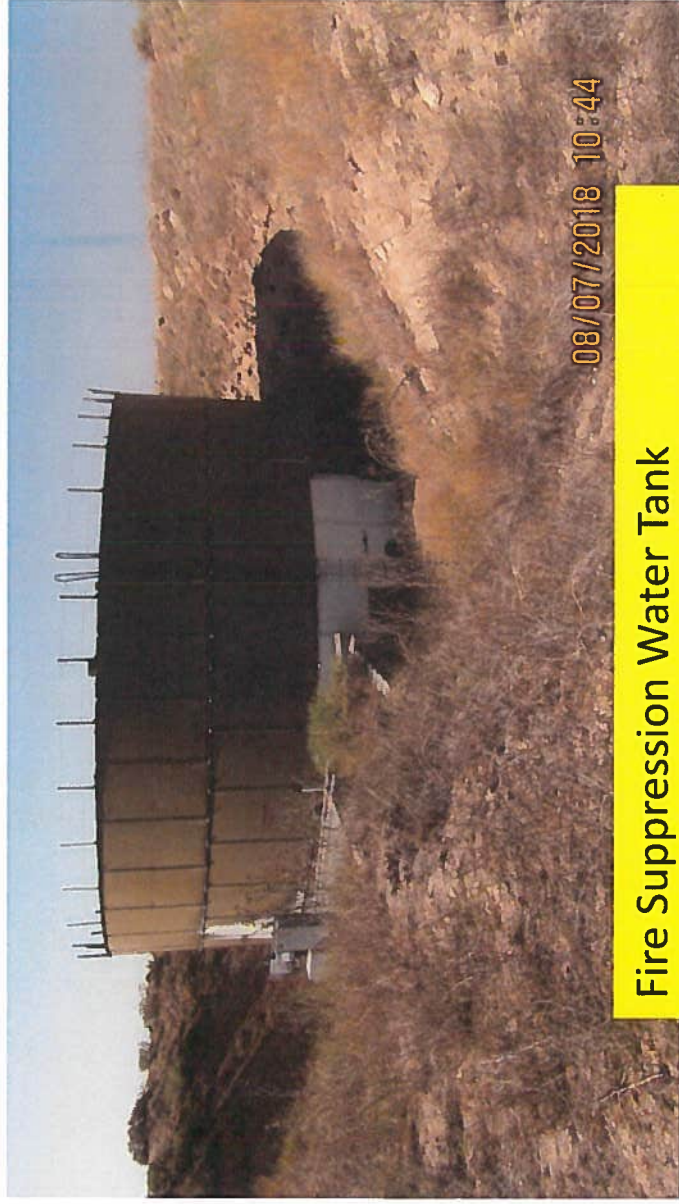
Active LP Tank



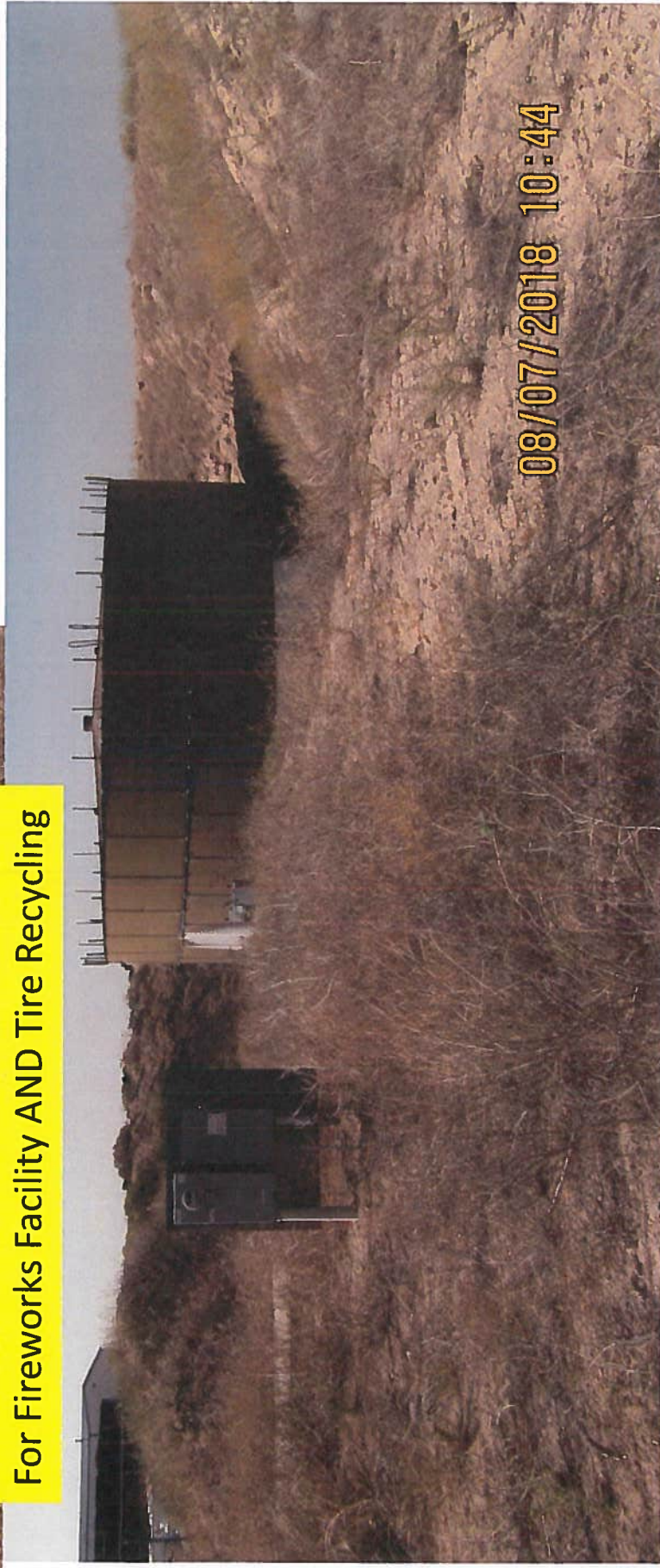
08/07/2018 10:41

08/07/2018 10:41

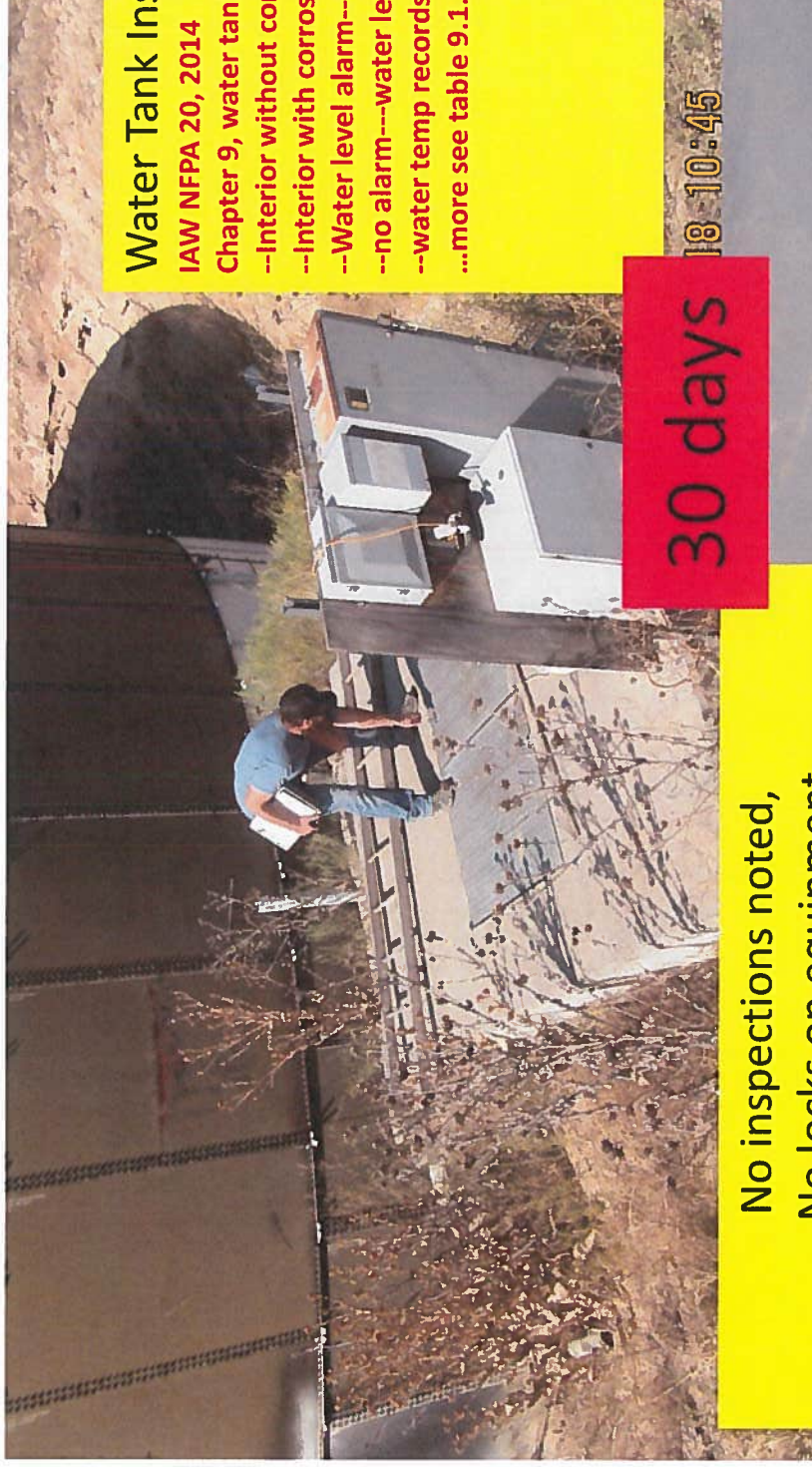




Fire Suppression Water Tank  
For Fireworks Facility AND Tire Recycling







## Water Tank Inspections

IAW NFPA 20, 2014

Chapter 9, water tank inspections

- Interior without corrosion protection---3 yrs
- Interior with corrosion protection---5 yrs
- Water level alarm---quarterly if water level alarm
- no alarm---water level inspected monthly
- water temp records?
- ...more see table 9.1.1.2

30 days

No inspections noted,  
No locks on equipment  
Pump was running? During inspection?  
Owner has no idea on operation or when  
Or if has ever been tested.

*IAW 2016, NFPA 20...*

*--14.4 periodic inspection of fire pumps.*

*See NFPA 25 2014; page 25-28 table 8.1.2*

*---Annual inspection of pump*





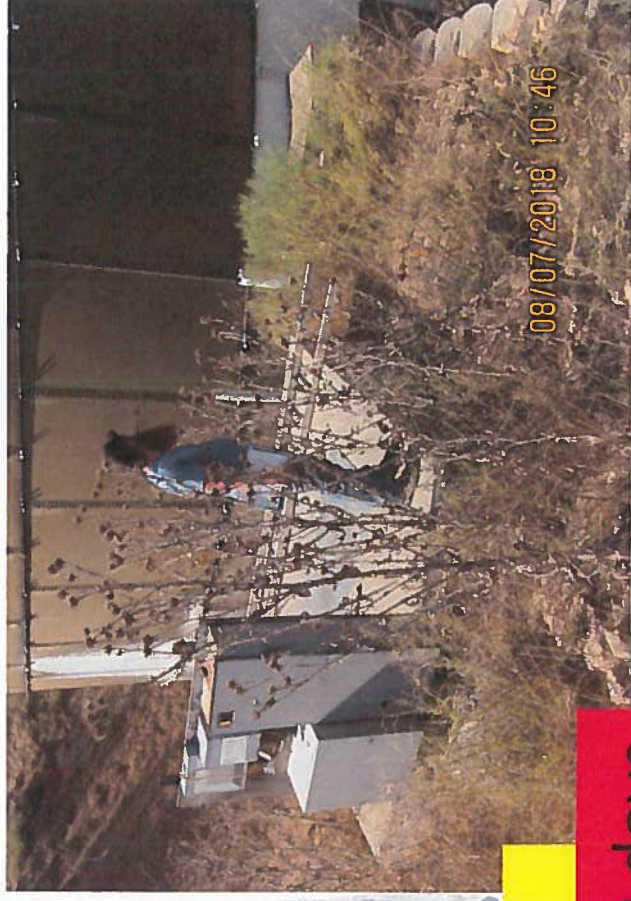


08/07/2018 10:47

Fire pump location

No pass or fail on initial inspection on pump.

30 days



08/07/2018 10:46



08/07/2018 10:46







# EXHIBIT THREE





# Elmore County 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](http://www.elmorecounty.org)

**Beth  
Bresnahan**  
*Director/Planner*

**Tell Riley**  
*Building Official*

**Diana Clark**  
*Planner*

**Kacey  
Ramsauer**  
*Administrative  
Assistant*

**Clint Ericson**  
*Code  
Enforcement  
Officer*

## NOTICE OF PENDING ACTION

Date: April 1, 2019

Name: **2X Tire Recycling c/o Jeff Thompson**

Mailing Address: **1733 Simco Rd**

City: **BOISE** State: **Idaho** Zip: **83716**

**Elmore County tax records indicate that you are the property owner(s) of a parcel of land described as Parcel: RP01S04E152000, SE4NE4 LESS TAX 1-3, SEC 15, T1S R4E, , Elmore County, Idaho.**

---

On 8 August 2018 at about 0945hrs the Elmore County Land Use and Building Department, with oversight and direction from the Elmore County Sheriff and Fire Marshall performed an inspection on the above facility. The inspection included Conditional Use Permit (CUP) adherence and State Fire Code inspections. Violation Letter was signed/received on 31 August 2018. Clock to complete items has started as of that day.

---

On 1 Oct 2018 at about 1400hrs, I performed a 30 day re inspection of 2X Tire Recycling Center. I noticed Substantial work done inside the facility and was impressed with the detail taken. However not all items were corrected within the specified time. 30 days was up on 30 Sept 2018.

I could tell that there was a fire inspection on the fire suppression system in the facility; however the documentation was not complete.

The supervisor on-site stated that they were looking to buy Exit signs and were wondering if Electro Luminescent signs were allowed. I told him they should be fine.

I also noted a few other items not caught on the first inspection and said that we would work with them on time line adjustments for completing the issue. This was on the Exit Door hardware, there should be push bars on all exit doors in the factory area IAW fire codes.

I complimented the workers in the area on the improvements and also told them there is still a lot of work to do.

We are willing to work with adjustments of the 30 day deadline items however ALL items on the 30 day MUST be in full compliance prior to the 90 day inspection deadline (11/29/2018).

---

On 21 December 2018 at about 1045hrs, I performed a 90 day re inspection of 2X Tire Recycling Center. 90 days expired on 29 November 2018. Extra time was given because of weather issues and some clean up performed during that time. Noted that tires were not in compliance, other items were identified and little improvements were shown. No communication since last inspection on any issues and no documents were forwarded to our office. CUP has not been complied with and a new CUP will need to be started and approved. Facility is still in violation of State and International Fire Codes in addition to not complying with Elmore County Codes.



---

Soon after above inspection you/representatives of your company set up a meeting with the Director to speak about the inspection. A meeting was completed and it was agreed by all parties and the Director to grant another extension that would end on 28 February 2019. It is at that time and deadline that ALL items would be taken care of and 100% compliance with Elmore County codes and previous Condition Use Permit would be met.

---

On 4 March 2019 I performed a no-notice re inspection according to the agreement noted above. I met "Zak" at the entrance and he granted me access to the facility to include taking pictures. He was aware of the tasks that were to be completed and I could tell he was working hard at completing them. He mentioned numerous times that manning and weather were factors in completing the tasks.

Since my last inspection; the facility has gone down hill in regards to appearance. Inside was very muddy, wet and messy with tire parts etc. I noted items on previous inspections still have not been taken care of, however some items were completed as noted in enclosed pictures.

No communication since last meeting with the Director on any issues or problems completing the task and no documents were forwarded to our office. CUP has not been complied with and a new CUP will need to be started and approved. Facility is still in violation of State and International Fire Codes in addition to not complying with Elmore County Codes.

---

Soon after above inspection you/representatives of your company set up another meeting with the Director to speak about the inspection. A meeting was completed and it was agreed by all parties and the Director to grant another extension that would end on 31 March 2019. It is at that time and deadline that ALL items would be taken care of and 100% compliance with Elmore County codes and previous Condition Use Permit would be met.

---

On 1 April 2019 I performed a no-notice re inspection according to the agreements noted above. The operators at the time granted me access to take pictures on the property. I did visit the property two other times the week prior to monitor and document progress. There again has been progress however you are still not in compliance with the CUP guidelines we have discussed multiple times before.

There are no more extensions and this will be forwarded to the Elmore County Prosecuting Attorney for action.

---

**Property owner,**

**The items sent in a previous letters and during previous inspections have not been corrected and you are not in compliance with State and Elmore County Codes. Your case is now going to be processed with the Elmore County Prosecuting Attorney IAW the below guidelines as of 7 March 2019.**

---

**PREVIOUS LETTER(S) STATED:**

**If the conditions are not corrected the County may proceed with legal action. The penalties for violation of the Ordinance are found in Ordinance Chapter 4 Section 8-4-1. Ordinance Section 8-4-3 states:**

"Violation of Ordinance Unlawful. Penalties and Restitution. It shall be unlawful for any owner, occupant, tenant, manager, or any person or entity having control of, or a legal interest in, property to violate any requirement or duty imposed by this Ordinance. Upon conviction of any violation of any of the provisions of this Ordinance such person shall be punished by a fine of not more than one thousand dollars



(\$1,000.00), or by imprisonment for not more than six (6) months, or both such fine and imprisonment. Each and every day of continuing violation shall be considered a separate criminal offense. Upon conviction, violators shall be responsible for and pay all incurred investigation, prosecution and court costs as determined by the court having jurisdiction over the proceeding. “

**This action must be completed within *fifteen (15)* days from the date of receipt of this notice.** and thereafter the premises must be maintained free of the unlawful conditions described above. Failure to comply with this Notice may result in the County pursuing legal action including recording violation at the Elmore County Courthouse and turning the case over to the Elmore County Prosecuting Attorney Office for prosecution.

Sincerely,

Clint Ericson  
Code Enforcement Officer



# EXHIBIT FOUR



























































# EXHIBIT FIVE





## Land Use and Building Department

520 East 2nd South Street  
Mountain Home, Id. 83647  
Phone: (208) 587-2142 ext. 254  
Fax: (208) 587-2120  
www.elmorecounty.org

**Mitra Mehta-Cooper**, Director

**Clint Ericson**  
Building Official

**Diana Clark**  
Planner

**Kacey Ramsauer**  
Administrative  
Assistant

**James Roddin**  
Code Enforcement  
Officer

# Code Inspection Report

Date: May 9, 2025

Name: 2X Tire Recycling c/o Jeff Thompson  
Mailing Address: 1733 Simco Rd  
City: Boise State: Idaho Zip: 83716

On March 1 2021, Alan Roberts, Mitra Mehta-Cooper, Clint Ericson and James Roddin performed a re-inspection of 2X Tire Recycling Center. We noticed substantial work has been done at the facility and we were very impressed at the improvements. Alan noted that the sprinkler system has been inspected and tested and is in good condition. Fire extinguishers have now been tagged and are in good condition. Below is a list of items that still need attention.

1. Need to install metal cabinet for flammable liquids in storage area.
2. Property owner has until June 1, 2021 to move the Tires from the field to the back of the property.
3. Property owner has until September 1, 2021 to move the tires inside the facility/shred or apply for a secondary structure to store the tires.
4. Logbook tracking incoming tires to track the total number of tires on the site.

---

Jeff Thompson, Property Owner

Date:

---

Mitra Mehta-Cooper, Land Use and Building Director

Date:



## EXHIBIT SIX





# Elmore County Land Use and Building Department

520 East 2nd South Street  
Mountain Home, Id. 83647  
Phone: (208) 587-2142 ext. 254  
Fax: (208) 587-2120  
www.elmorecounty.org

## Code Compliance Request

Date: May 27, 2022

Sent via E-mail

To: Mr. John Crigler,  
General Manager/CEO  
Idaho Regional Waste Services ("IRWS")

Re: Code Compliance Request at 1733 Simco Road, Boise Idaho 83716

Dear John:

Our department has received a Notice of Cancellation from RLI Surety for \$25,000 surety bond posted in favor of Elmore County Planning and Zoning for storage of 10,000 waste tires at this location per Idaho State Statue 39-6502.

In order for this recycling facility use to continue compliance with CUP-2015-10 conditions of approval, you will need to provide a new surety bond in the same amount prior to June 12, 2022, when this cancellation will be in effect and bond will expire. Alternatively, you will need to remove all waste tires in excess of what is allowed by the Waste Tire Disposal Act prior to June 12, 2022. At that point in time, CUP-2015-10 will be deemed null and void as identified in Elmore County Code Section 7-9-5(C) and all operations on the property must stop.

If we don't hear back from you, I will be conducting a code enforcement visit on June 13, 2022.

Sincerely,

James Roddin  
Code Enforcement Officer  
208-587-2142 EXT 1290

CC: Mitra Mehta-Cooper, Director  
Amanda Schaus, Elmore County Counsel  
Ralph Blount, Elmore County Deputy Prosecuting Attorney  
John Tulac, Managing Member, IRWS LLC  
Wyatt Johnston, Counsel for IRWS LLC  
Matt Beeter, Solid Waste Manager, Idaho Department of Environmental Quality  
Vicky Trevathan, Executive Secretary, Board of County Commissioners

Mitra Mehta-Cooper  
Director

Joel Cruz-Haber  
Planner

Johnny Hernandez  
Building Official

James Roddin  
Code Enforcement

Tracey Ramsauer  
Permit Technician

Alyssa Granatir  
Administrative  
Assistant



**IRWS, LLC**  
**CASH SURETY BOND**

<b>BOND IDENTIFICATION NO:</b>	<b>SLR-2XIRWS-CSB</b>	<b>ISSUER:</b>	<b>IRWS, LLC</b>
<b>DATE OF ISSUANCE:</b>	<b>July 13, 2022</b>		<b>(herein referred to as the “Company”)</b>
<b>TERM OF BOND:</b>	<b>One (1) Year</b>		
<b>MATURITY DATE:</b>	<b>July 13, 2023</b>	<b>ISSUEE:</b>	<b>Elmore County</b>
<b>PRINCIPAL SUM:</b>	<b>Twenty-Five Thousand USD (\$25,000)</b>		<b>(herein referred to as the “Holder”)</b>

July 27, 2024



# EXHIBIT SEVEN



# Elmore County Land Use and Building Department

520 East 2nd South Street  
Mountain Home, Id. 83647  
Phone: (208) 587-2142 ext. 254  
Fax: (208) 587-2120  
[www.elmorecounty.org](http://www.elmorecounty.org)

**Mitra Mehta-Cooper**  
Director

**Joel Cruz-Haber**  
Planner

**Johnny Hernandez**  
Building Official

**James Roddin**  
Code Enforcement

**Kacey Ramsauer**  
Permit Technician

**Tonya Boyd**  
Administrative Assistant

## Code Inspection Report

Date: April 18, 2023

Name: JUNIPER STATION FARM LLC  
Mailing Address: 3350 W AMERICANA TERRACE STE 340  
City: BOISE State: Idaho Zip: 83706

Dear Juniper Station Farm LLC

The purpose of this letter is to advise you of a/multiple code violation/s on your property. On April 17<sup>th</sup>, 2023, I noticed several bags of shredded tires has ripped open and spilled on the ground. Per the CUP (CUP2015-10) no tires (Full size or shredded) are supposed to be on the ground. Another concern is the weeds around the tires which could turn into a fire hazard. Please plan on clearing these violations prior to May 31<sup>st</sup>, 2023. I will plan on an inspection following this date. If you have any questions or concerns regarding the county code, its violations, or compliance, please give me a call.

Sincerely,

James Roddin  
Code Enforcement Officer  
208-587-2142 EXT 1290  
[jroddin@elmorecounty.org](mailto:jroddin@elmorecounty.org)





# EXHIBIT EIGHT



# Elmore County Land Use and Building Department

## **\*NOTICE OF VIOLATION AND INTENT TO REVOKE CUP\***

520 East 2nd South Street  
Mountain Home, Id. 83647  
Phone: (208) 587-2142 ext. 502  
Fax: (208) 587-2120  
www.elmorecounty.org

**Mitra Mehta-Cooper**  
Director

**David Abrahamson**  
Planner

**Vacant**  
Planner

**Johnny Hernandez**  
Building Official

**Colton Janousek**  
Building Inspector

**Karl Holt**  
Code Enforcement

**James Roddin**  
Admin Manager

**Sandra Nuner**  
Permit Technician

**Alyssa Nieto**  
Administrative  
Assistant

Date: January 29, 2025

Name: Simco Environmental LLC C/O Michael Eisenman  
Mailing Address: 3350 W Americana Terrace STE 340  
City: Boise State: Idaho Zip: 83706

Mr. Michael Eisenman,

Elmore County tax records indicate that you, as the owner of Simco Environmental LLC, are the property owner(s) of a parcel of land described as: RP01S04E152000, SE 4NNE4 LESS TAX 1-3, SEC15, T1SR4E, Elmore County Idaho ("Site").

Second Life Recycling, LLC was granted a Conditional Use Permit ("CUP") on June 3<sup>rd</sup>, 2015, to operate as a recycling plant or processing center on this Site by the Elmore County Planning and Zoning Commission. This use is no longer under the control of Second Life Recycling, LLC, and has been placed under your control as the owner of this Site.

On January 17, 2025, at approximately 1345 MST, the Elmore County Land Use and Building Department ("Department") conducted an inspection of the Site. The members conducting this inspection were:

Mitra Mehta-Cooper, Elmore County Land Use and Building Department Director  
James Roddin, Elmore County Land Use and Building Department Administrative Manager  
David Abrahamson, Elmore Land Use and Building County Planner  
Karl Holt, Elmore County Land Use and Building Department Code Enforcement Officer

At this inspection, the members confirmed that the **approved use was not operational**. The Department had observed a lack of operation of the approved use in prior inspections at this Site for more than two (2) years.

You need to provide a proof of the use operation to the Department by February 28, 2025. Should you decide to continue the operation of the approved use, the County expects you to demonstrate compliance with the CUP conditions, including compliance with 10,000 tire storage at Site by February 28, 2025. Furthermore, you need to provide financial assurance to the County in the form of a cash bond in the amount of \$2.50 per tire authorized to be stored at the Site (as of 2003), as is required by the Waste Tire Disposal Act, Idaho Code 39-6502(e).

Should you fail to provide the above requested information in a timely manner, the County intends to proceed forward with the revocation of this CUP, due to lack of operation of the use and violation of the Waste Tire Disposal Act.



Regards,

Karl Holt

Elmore County Code Enforcement Officer, Land Use and Building Department  
(208)598-5721

kholt@elmorecountyid.gov

cc: Jess Byrne, Director, DEQ [jess.byrne@deq.idaho.gov](mailto:jess.byrne@deq.idaho.gov)  
Dean Ehlert, DEQ Assessment & Compliance Bureau Chief, [dean.ehlert@deq.idaho.gov](mailto:dean.ehlert@deq.idaho.gov)  
Matt Beeter, DEQ Solid Waste Manager, [matthew.beeter@deq.idaho.gov](mailto:matthew.beeter@deq.idaho.gov)  
Mike Reno, Program Manager, CDH, [mreno@cdh.idaho.gov](mailto:mreno@cdh.idaho.gov)  
Brent Copes, Environmental Health Specialist Senior, CDH, [bcopes@cdh.idaho.gov](mailto:bcopes@cdh.idaho.gov)  
Abigail R. Germaine, Elmore County Counsel, [arg@elamburke.com](mailto:arg@elamburke.com)  
Francene Payne, Elmore County Deputy Clerk, [fpayne@elmorecountyid.gov](mailto:fpayne@elmorecountyid.gov)



# Elmore County Land Use and Building Department

520 East 2nd South Street  
Mountain Home, Id. 83647  
Phone: (208) 587-2142 ext. 502  
Fax: (208) 587-2120  
[www.elmorecounty.org](http://www.elmorecounty.org)

**Mitra Mehta-Cooper**  
Director

**David Abrahamson**  
Planner

**Vacant**  
Planner

**Johnny Hernandez**  
Building Official

**Colton Janousek**  
Building Inspector

**Karl Holt**  
Code Enforcement

**James Roddin**  
Admin Manager

**Sandra Nuner**  
Permit Technician

**Alyssa Nieto**  
Administrative Assistant

## Unlawful Waste Tire Storage

Enforcement Photos taken January 17, 2025

Belonging to Michael Eisenman

**Elmore County Code Violation**







# EXHIBIT NINE





## ELMORE COUNTY PLANNING AND ZONING COMMISSION

War Memorial (American Legion Hall) 515 East 2<sup>nd</sup> South Street,

Mountain Home, ID 83647

# MINUTES

Thursday May 22<sup>nd</sup>, 2025, 7:00pm

Chairperson Patti Osborn called the meeting to order. Members of the Elmore County Planning and Zoning Commission present Vice-Chairperson Jeff Blanksma, KC Duerig, Sue Fish, and Ed Oppedyk. Also, present were Interim Director James Roddin, Attorney of Record Abbey Germaine, Contract Planner Mitra Mehta-Cooper, Contract Planner Rafael Sanchez and staff members, David Abrahamson, and Alyssa Nieto, Absent was Mitch Smith

Pledge of Allegiance

### 1. PUBLIC HEARING ITEM – CUP-2015-10 2X Recycling Revocation

Contract Planner Rafael Sanchez- *Gives Staff Report via PowerPoint*

Questions from Commissioners – None

On behalf of Opponent (IRWS) , Receiver Representative Kim Trout/ legal counsel- *Gives verbal background*, stating there are a couple of legitimate potential buyers for the 2X recycling facility. The Opponent asks the Commission to defer its decision for 90 days to allow for this potential sale.

Questions-

Commissioner Duerig- Question on Opponent's testimony regarding "assets", and asks if they are referring to the tires on site.

Kim Trout- Confirms Commissioner Duerig's question on the tires and also notes the shredding equipment would be included in the proposed sale.

Commissioner Duerig- What is the potential buyers proposed timeline on cleanup of the site?

Kim Trout- The timeline is still in discussion.

Chairperson Osborn- What does selling of the assets have to do with the CUP? The CUP goes with the land, not the equipment on the land.

Kim Trout- The buyer would take over the CUP with agreement to come to the County for transfer of the CUP, we understand we need approval for this transfer.

Abbey Germaine Legal Counsel- For clarification, did you say Republic Services may have interest in the purchase?

Kim Trout- No, that was a misunderstanding, we offered but they have no interest.

Abbey Germaine- The CUP is with the land; the lease may be in default. Have you received confirmation from the owner showing he would transfer the lease to the potential buyer.

Kim Trout- The owner has agreed to transfer the lease to the potential buyer.

Abbey Germaine- One item not mentioned is the bond originally presented by IRWS was not an actual bond; it is a violation that would need to be disclosed to the potential buyer. It is important to add that remedy to the conditions of the CUP, and it would need to be completed before the transfer of the CUP to the potential buyer.

Kim Trout - The potential buyer has been notified there is no bond and that they would need to give one before transfer of the CUP.

Abbey Germaine- The Opponent t will need to make sure the existing CUP has accurate conditions for the operations needed of the use they intend to use the facility for. The purchaser will need to match the existing CUP or apply for a CUP amendment.

Chairperson Osborn- We can add new conditions. if an amended CUP is required and the current CUP requires a surety bond.

Commissioners discuss Opponent's request to defer the public hearing by 90 days.

Commissioner Fish- Is 90 days enough time?

Opponent - - We believe so, we have a steady timeline on this proposal to meet the 90 days with ample time.



Chairperson Osborn- Consults with legal counsel on procedures on if the Planning and Zoning Commission can defer the decision/public hearing.

Abbey Germaine- Yes, the commission can defer the public hearing.

**Public Testimony – None**

Contract Planner Mitra Mehta-Cooper- Recommends monthly updates from the Applicant to ensure progress is being made in 90 days.

Opponent- Agrees to monthly communication.

**Chairperson Osborn stands for a motion to continue the public hearing until the August 28<sup>th</sup> Planning and Zoning public meeting.**

So Moved- Commissioner Duerig

Second- Commissioner Blanksma

**All in favor, motion carries unanimously.**

**CONSENT ITEMS**

1. Minutes from April 24<sup>th</sup>, 2025

**Chairperson Osborn stands for a motion to approve the Minutes from April 24<sup>th</sup>, 2025.**

So Moved- Commissioner Oppedyk

Second- Commissioner Duerig

**All in favor, motion carries unanimously.**

2. Minutes from May 1<sup>st</sup>, 2025

**Chairperson Osborn stands for a motion to approve the Minutes from May 1<sup>st</sup>, 2025**

So Moved- Commissioner Blanksma

Second- Commissioner Duerig

Chairperson Osborn abstained from voting.

**All others in favor, motion carries unanimously.**

**INFORMATIONAL & DISCUSSION ITEMS**

1. Next Hearing, June 26<sup>th</sup>, 2025 7:00pm at the American Legion Hall

**MEETING ADJOURN- 7:39 pm**



---

Patti Osborn, Chairperson

Date:

Attest:

---

James Roddin Interim Director

Date:

4899-2152-6350, v. 2