



# Land Use and Building Department

520 East 2nd South Street  
Mountain Home, Id. 83647  
Phone: (208) 587-2142 ext. 1256  
Fax: (208) 587-2120  
www.elmorecounty.org

## Planning and Zoning Commission Staff Report

**Vacant**  
*Director*

**Dave Abrahamson**  
*Planner I*

**Vacant**  
*Planner*

**Vacant**  
*Planner*

**Johnny Hernandez**  
*Building Official/  
Interim Director*

**Colton Janousek**  
*Building Inspector*

**Vacant**  
*Building Inspector*

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

**Matt Gouchner**  
*Code Enforcement*

**Sandra Nuner**  
*Permit Technician*

**Alyssia Nieto**  
*Admin Assistant*

**Meeting/Hearing Date:** 9/25/2025

**Date Report Completed:** 9/18/2025

**Agenda Item:** Continuation of Revocation of Conditional Use Permit 2015-10 for 2X Tire Recycling a Tire Sorting/Recycling Facility approved on June 3, 2015.

**Site Location:** Portion of the SE1/4NE1/4, Section 15, Township 1 South, Range 4 East, B.M. A common way of locating the property is from Mountain Home head west on I-84, take Simco Road exit and head south, property is on the east approximately 1/2 mile. Site address is 1733 Simco Road. Parcel Number RP01S04E152000.

### Case Number:

Revocation of CUP-2015-10

### Current Zoning District and Future Land Use:

Interstate Commercial (C2) and Light Industrial (M1)

### Owner:

Juniper Station Farm, LLC C/O Micheal Eisenman  
3350 W Americana Terrace STE 340  
Boise, ID 83706

### Owner Representatives:

Michael Eisenman

### Elmore County Staff:

Matt Gouchner, Code Enforcement Officer

### Elmore County Consultants on Review Team:

Rafael Sanchez, Provost and Pritchard Consulting Inc, Consulting Planner  
Abbey Germaine, Elam & Burke, P.A., Consulting Legal Counsel  
Angie Michaels, Engineering with a Mission, Consulting County Engineer

## **EXECUTIVE SUMMARY:**

The 2X Tire Recycling Center ("Site") was permitted in Elmore County to operate a waste tire sorting and recycling operation through a required Conditional Use Permit ("CUP") on a leased portion of Parcel Number RP01S04E152000. The use is classified in the Elmore County Zoning and Development Ordinance (the "Zoning Ordinance") as a "Recycling Plant or Processing Center." CUP 2015-10, which was submitted on April 17, 2015 was approved by the Elmore County Planning and Zoning Commission ("Commission") on June 17, 2015. See Exhibit 1 for Approval documentation.

The approved CUP allowed the applicant - at the time of approval - Second Life Recycling, LLC, to operate the site as a tire sorting and recycling facility pursuant to the State of Idaho Waste Tire Disposal Act (Idaho Code § 39-65) along with conditions of approval included in the Findings of Fact and Conclusion of Law and Order that was signed by the Elmore County Planning and Zoning Commission on June 17, 2015.

Over the years, Elmore County has worked in good faith with past and present owner/operators of the recycling center to ensure compliance with the Site's governing documents and applicable laws and regulations. Historically, there have been various compliance issues with the recycling center that have been a challenge for Elmore County. Specifically, an abundance of waste tires that have been illegally stored on the Site for many years. The following provides a brief timeline and explanation of the various violations under the CUP:

- On August 8, 2018, the Elmore County Land Use and Building Department, with oversight and direction from the Elmore County Sheriff and Fire Marshall performed an inspection of the site. Based on this inspection, a Notice of Code Violation dated August 24, 2018 was provided to the site operators. The letter noted that the site was not in compliance with Elmore County Ordinances, State and Federal Fire Code Regulations, and the CUP conditions. Specifically, the CUP allowed for a maximum of 10,000 tires through a surety bond to be stored on site, with storage methods consisting of warehouse storage and 12 shipping containers that could store up to 800 tires per container. During the inspection it was clear that more than 10,000 tires were on site, with an estimate of approximately 100,000 tires at the time of the inspection. Additionally, it was also observed that the tires were not being stored properly as only a few containers existed on the property with an unknown number of tires in them. All remaining tires were kept outside in piles, in tractor trailers, or outside of the site approved by the CUP as tires were observed to have been stored on an adjoining property. 30 days were given to the site operator to correct the violations. A copy of the letter along with photos of the inspection can be found as Exhibit 2 of this report.
- On October 1, 2018, a 30 day re-inspection of the site was conducted by the Elmore County Code Enforcement Officer. The Code Enforcement Officer noted that substantial work had been done to correct the violations inside the facility but that all items had not yet been corrected. Additional time was granted to complete the work needed and a date of November 29, 2018 was provided for a follow up inspection.
- On December 21, 2018 a 90 day re-inspection of 2X Tire Recycling Center was preformed. 90 days expired on November 29, 2018. Extra time was given because of weather issues

and some clean-ups performed during that time. It was noted that tires were not in compliance, other items were identified and little improvements were shown. Additionally, no communication since last inspection on any issues and no documents were forwarded to the Code Enforcement Officer. It was determined that the CUP had not been complied with and a new CUP will need to be started and approved. Facility was also still in violation of State and International Fire Codes in addition to not complying with Elmore County Codes.

- Soon after the above inspection representatives from 2X Recycling 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 February 28, 2019. It was 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 March 4, 2019 a re-inspection according to the agreement noted above was conducted. It was noted by the Code Enforcement Office that the facility had gone downhill in regards to appearance. The Inside was very muddy, wet and messy with tire parts etc. It also noted items on previous inspections still have not been corrected. The site operators were once again informed that the CUP had not been complied with and a new CUP will need to be started and approved to continue operations. The facility was also still in violation of State and International Fire Codes in addition to not complying with Elmore County Codes.
- Following the inspection mentioned above representatives from 2X Recycling 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 March 31, 2019.
- On April 1, 2019 a re-inspection according to the agreements noted above was conducted. The Code Enforcement Officer noted that although there had been progress, the site was still not in compliance with the CUP. The Code Enforcement Officer prepared a Notice of Pending Action informing the site operators of 2X Tire Recycling that no more extensions would be granted. See Exhibit 3
- On February 26, 2021- Elmore County visited the site and again documented the over abundance of tires being improperly stored throughout the property. See Exhibit 4.
- On March 1, 2021 Elmore County personnel performed a re-inspection of the site, a Code Inspection Report was prepared which provided the business owner with a list of actions to be completed by certain dates, See Exhibit 5:
  1. Property owner has until June 1, 2021 to move the Tires from the field to the back of the property.
  2. 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.
  3. Logbook tracking incoming tires to track the total number of tires on the site.

- IRWS took ownership of the 2X Recycling Center facility in late 2021/early2022, without due notification to Elmore County. Juniper Station Farms, LLC is still the owner of the site.
- On May 27, 2022 IRWS was sent a Code Compliance Request letter requesting a new surety bond due to the cancellation of the existing bond. IRWS was given a deadline date of June 12, 2022 to provide proof of the new bond or cease operations and remove all waste tires from the site. A cash surety bond, in the form of a “promise to pay” from IRWS was provided to the County with an issuance date of July 13, 2022 and maturity date of July 13, 2023. IRWS was given time as new operating owners to resolve the outstanding violations. See Exhibit 6.
- Due to the lack of action from IRWS, on April 18, 2023 a Violation Warning Letter was prepared advising property owner, Juniper Station Farm, LLC, of code violations on the property concerning bags of shredded tires being improperly stored and lack of operations of the use. See Exhibit 7
- August 8, 2024. IRWS along with their assets, which include CUP 2015-10 and operation of the tire facility, were put under the control of a receivership, CFO Solutions d/b/a Ampleo, by appointment of the 4<sup>th</sup> Judicial District Court .
- On January 17, 2025 Elmore County staff conducted a new inspection of the site. At this inspection, the staff members confirmed that the approved use was no longer 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.
- Based on this inspection, the County Code Enforcement Officer prepared a Notice of Violation and Intent to Revoke on January 29, 2025. Proof of proper operation and remediation was required by the Department before February 28, 2025 if the operator planned to continue operations under the CUP. See Exhibit 8.
- As of April 29, 2025 no actions have been taken by the property owner to abate the violations or provide proof that the business is operational. The CUP Revocation process has been initiated by Elmore County and an initial hearing date was set for May 22, 2025.

The lack of action to abate the violations led to a revocation hearing at the May 22, 2025 Planning and Zoning Commission Meeting. During this hearing the court appointed receiver, CFO Solutions d/b/a Ampleo, acting as the respondent on this matter. As the appointed receiver for IRWS, Ampleo were granted power to take any and all action with respect to IRWS, LLC, including managing its employees (if any), assets, vendors, creditors, debtors, tenants, customers and third-parties. Ampleo’s representative spoke to the Commission and provided information regarding a possible Purchase Agreement in which a third party would take over the operation of the site and resolve the existing violations. The receiver requested a 90-day continuance in order to secure a deal for a purchase agreement, the Commission voted to grant the continuance request and the hearing was continued to the August 28, 2025 regular scheduled Planning and Zoning Commission meeting, with the condition that the

receiver meet with Elmore County Counsel every 30 days to report on the progress of the sale and potential remediation. See Exhibit 9.

At the August 28<sup>th</sup> meeting, the receiver communicated that Pacific Steel & Recycling had agreed to purchase the site, remediated the violations, and continue the use. It was Staff's recommendation that the Commission grant an additional continuation of this item to the regular scheduled September 2025 Planning and Zoning Commission hearing in order to:

1. Allow the 4<sup>th</sup> District Court ("Court") to consider this Agreement and authorize the sale, with the hearing set on September 15, 2025;
2. Receive a draft Remediation Plan from Pacific Steel and Recycling to abate the existing violations; and
3. Understand the anticipated operational details of the use to determine if a new/amended CUP would be more beneficial to all parties involved.

The Commission voted to grant an additional 30 day continuance in order for the purchase to be completed and authorized.

During a meeting held on September 11, 2025 between Elmore County staff and Pacific Steel & Recycling, it was agreed that a new CUP would be the most efficient and beneficial path forward to both parties. Upon the completion of the sale, Pacific Steel & Recycling agreed that they would initiate the process of abating the existing violations on the Site immediately after the change in ownership, and while the new CUP is being processed. On September 15, 2025, the 4<sup>th</sup> Judicial District Court approved the sale of the facility and operation to Pacific Steel & Recycling.

Therefore, it is staff's recommendation that CUP 2015-10 be revoked and a new CUP process be initiated by the incoming site operators, Pacific Steel & Recycling. Elmore County staff will continue to work with Pacific Steel & Recycling in the interim in order to help draft a proper remediation plan that will be included in the future proposed CUP. Pacific Steel & Recycling understands that an interim remediation plan will be necessary while the site does not have an operational CUP.

Today's Planning and Zoning Commission Hearing is based on the Department's intent to revoke CUP 2015-10 under the terms of the CUP and Elmore County Code Title 7, Chapter 16.

### **EXHIBITS OF RECORD:**

1. CUP 2015-10
2. Notice of Code Violations - August 24, 2018
3. Notice of Pending Action – April 1, 2019
4. Site Inspection Photos – February 26, 2021
5. Code Inspection Report – March 1, 2021
6. Code Compliance Request- May 27, 2022
7. Violation Warning Letter- April 18, 2023
8. Notice of Intent to Revoke CUP – January 29, 2025
9. Elmore County Planning Commission Hearing Minutes- May 22, 2025

## **APPLICABLE CODE, REGULATIONS, AND ANALYSIS:**

### **Elmore County Code Section 7-16-5 - Revocation:**

All permits of this Ordinance are subject to revocation for non-compliance with their terms and conditions. If the Director determines that a permit has been violated he/she shall notify the permit holder of his/her intention to revoke the permit and provide the permit holder the opportunity to contest the revocation. If the permit holder chooses not to contest the revocation of the permit the Commission shall revoke the permit during an open meeting.

The permit holder notified by the Department of the intent to revoke shall have thirty (30) days to contest the revocation of the permit by filing a letter of contest and paying a fee established by the Board. The Commission shall conduct a public hearing in accordance with this Ordinance for all contested revocations. At such hearing, the Commission shall hear evidence from the Director and any other party regarding the alleged violations and why the permit should be revoked. The permit holder shall have the opportunity to provide evidence contesting the violations and why the permit should not be revoked. After hearing evidence, if the Commission upholds the Director's determination of violation it may revoke or modify the permit or find that there was not sufficient evidence to revoke the permit. The decision from the Commission's public hearing may be appealed to the Board in accordance with the provisions of this Ordinance.

### **Elmore County Code Section 7-16-3 – Enforcement, Violations, and Penalties:**

B. Enforcement. Enforcement by this Ordinance may be by criminal prosecution, a civil lawsuit or an abatement action. Selection of the enforcement procedure shall be at the sole discretion of the County and commencement of one procedure shall not preclude commencement of another.

C. 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 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 investigations, prosecution and court costs as determined by the court having jurisdiction over the proceeding.

**Staff Analysis:** Notices of Violations have clearly outlined violations and expected remedies by the Applicant/operator, with clear indication of the intent to revoke the CUP if non-compliance continued and the violations were not remedied.

It is estimated that over 10,000 waste tires are still at the Site despite the site no longer being in operation and the notices of violations to remove these waste tires. In addition, a significant amount of these waste tires are now illegally stored in semi truck trailers within the vicinity of the site on adjoining properties. In the most conservative estimate, the Site currently has more than 10,000 waste tires and tire chips. This tire accumulation is a major public health and

safety issue for Elmore County. This concern is further exacerbated due to lack of financial assurance provided to Elmore County for the waste tire storage, as required in the Waste Tire Disposal Act. As outlined in the Notices of Violations, IRWS, LLC or Juniper Station Farms LLC has failed to provide adequate storage and disposal of the waste tire on site. Therefore, the Department concludes that the site is in continual violation of the CUP and incorporated governing documents. In order to ensure the health and safety of Elmore County's citizens, CUP 2015-10 for the 2X Tire Recycling Center must be revoked.

### **STAFF RECOMMENDATION:**

Based on the evidence presented at the public hearing, exhibits of record, and Department's analysis above, Department staff recommend that the Planning and Zoning Commission revoke CUP 2015-10 and that Pacific Steel & Recycling initiate a remediation plan and begin application for a new Conditional Use Permit as the new site operators.