



Land Use and Building Department

Findings of Fact, Conclusions of Law, and Order

Revocation of Conditional Use Permit 2015-10

Hearing Date: September 25, 2025

BEFORE THE ELMORE COUNTY PLANNING AND ZONING COMMISSION

In the matter of revocation of Conditional	)	Revocation of CUP-2015-10, 2X
Use Permit (CUP) 2015-10 for 2X Tire	)	Tire Recycling
Recycling, which was approved by the	)	
Elmore County Planning and Zoning	)	FINDINGS OF FACT,
Commission on June 3, 2015, on a Portion of	)	CONCLUSIONS OF LAW,
the SE1/4NE1/4, Section 15, Township 1 South,	)	AND ORDER
Range 4 East, B.M., Idaho. Parcel Number	)	
RP01S04E152000 ("Site").	)	

In Re: Revocation of CUP 2015-10 for 2X Tire Recycling: This matter having come before the Planning and Zoning Commission ("**Commission**") of Elmore County, Idaho, on the 25th day of September 2025, for a public hearing at 7:00pm pursuant to Section VI(S)(3) of the Elmore County Zoning and Development Ordinance Code Section 7-16-5. The purpose of this hearing was continuation of the public hearing from the August 28th, 2025 Commission hearing to consider the revocation of CUP 2015-10 based on the substantial and sustained failure to abide by the materials terms of the CUP and failure to abate various code violations on site.

FINDINGS OF FACT

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

1) The Commission finds that the record is comprised of, but not limited to:

- a) Two Notices of Violations dated August 8, 2018, and January 8, 2025, issued by the Department for the site owner and operators' failure to comply with the terms of the CUP, and abate violations on the site, as well as incorporated documents such as exhibits detailing dates and results of site re-inspections as well as Code Compliance Requests. Each Notice of Violation stated the location of the violation, the details and description of the violations, and the term or conditions of the CUP or governing document requiring compliance; and

- b) Dates detailing the transfer of the tire recycling facility and CUP entitlement between the original operator, Second Life Recycling, LLC to IRWS. As well as the date on which IRWS along with the CUP entitlement and operation of the tire facility were put under the control of a receivership, CFO Solutions, LLC d/b/a Amplo, due to the insolvency issues which IRWS was facing; and
- c) Those supplemental information reports, letters, exhibits, documentation, photos and memoranda provided to the Commission in the Revocation staff report detailing the history of code violations on the Tire Recycling facility site.

2) The Commission finds that the Owner & Permit Holder is:

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

Permit Holder: CFO Solutions, LLC
d/b/a Ampleo LLC
as court appointed receiver for IRWS, LLC.

3) The Commission finds the following pertaining to CUP 2015-10 and the operation of the site:

- I. CUP 2015-10, 2X Tire Recycling was permitted in Elmore County to operate a Tire Sorting/Recycling Facility through a required Conditional Use Permit ("CUP"), which was approved by the Planning and Zoning Commission ("Commission") on June 3, 2015. The use is classified in the Elmore County Zoning and Development Ordinance (the "Zoning Ordinance") as a "Recycling Plant or Processing Center."
- II. The CUP Site is located within the Simco Road Heavy Industrial Corridor of the current Comprehensive Plan and zoning ordinance. The Site lies within a portion of the SE1/4NE1/4, Section 15, Township 1 South, Range 4 East, B.M., Idaho. A CUP is required to operate a Recycling Plant or Processing Center within the Interstate Commercial (C2) and Light Industrial (M1).
- III. There are mainly industrial uses of varying nature adjacent to the Site. The remaining surrounding properties are primarily used for grazing and consist of Federal, State, and privately-owned lands.
- IV. The CUP for this Site incorporates various governing documents including but not limited to: the Elmore County Zoning and Development Ordinance and its various amendments; the Waste Tire Disposal Act of 2003; and all applicable, local, state, and federal laws and regulations.
- V. Historically, there have been numerous compliance issues with these governing documents at the Site that have been a challenge for Elmore County.

- VI. The Site has historically contained waste tires in violation of the Waste Tire Disposal Act. These illegally stored waste tires were the impetus, in part, for the initial code violation inspection in 2018. At the time of the inspection over 100,000 waste tires were observed to be illegally stored on the site.
 - VII. IRWS took ownership of the Site in late 2021/early 2022 without due notification to Elmore County. At that time, IRWS assumed all responsibility for site operations in compliance with the CUP and governing documents.
 - VIII. July 2, 2024. IRWS along with the CUP entitlement and operation of the tire facility were put under the control of a receivership, CFO Solutions d/b/a Ampleo ("Ampleo") due to the insolvency issues which IRWS was facing.
 - IX. On January 17, 2025 Elmore County staff conducted an 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.
 - X. On January 29, 2025 the receiver and property owner, Juniper Station Farm, LLC were provided a Notice of Violation and Intent to Revoke, with a hearing for revocation set for May 22, 2025 Planning and Zoning Commission Meeting.
 - XI. The Commission opened the public hearing on May 22, 2025 and received verbal information from the receiver regarding the interest from third parties to purchase the site and operate the tire sorting facility. A continuation to August 28, 2025 was granted from the Commission in order for the receiver to secure a purchase agreement with an interested party.
 - XII. At the August 28th meeting, the receiver communicated that Pacific Steel & Recycling had agreed to purchase the site, remedy the violations, and continue the use. An additional 30-day continuation was granted by the Commission to allow the 4th District Court ("Court") to consider this Agreement and authorize the sale.
 - I. At the September 25, 2025 Commission meeting, Staff presented the Staff Report detailing the approval of the sale from the 4th District Court and a meeting between Pacific Steel and County Staff on September 11, 2025. At this meeting, it was agreed that a new CUP for the Tire Sorting/Recycling facility would be more beneficial and that CUP 2015-10 should be revoked. At the conclusion of the public hearing regarding CUP 2015-10 the Commission voted unanimously to revoke CUP 2015-10 with conditions for Pacific Steel and Recycling to work with Department staff to develop a Remediation Plan to abate the existing violations on site.
- 4) The Commission finds that the site operation is in continual violation of the terms and conditions of CUP 2015-10 and incorporated governing documents, and finds the following compliance conditions and enforcement provisions applicable:**

a. 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.

b. 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.

5) The Commission finds the following actions were taken to provide the site operators an opportunity to remedy the violations outlined in the Notices of Violations and comply with the terms of CUP and incorporated governing documents:

- a. 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.

- b. 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.
- c. On December 21, 2018, a 90-day re-inspection of 2X Tire Recycling Center was performed. 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.
- d. 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.
- e. 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.
- f. 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.

- g. 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.
- h. On February 26, 2021- Elmore County visited the site and again documented the over abundance of tires being improperly stored throughout the property.
- i. 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:
 - 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.
- j. IRWS took ownership of the 2X Recycling Center facility in late 2021/early2022 and 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.
- k. Due to the lack of action from IRWS, on April 18, 2023 a Violation Warning Letter was prepared advising the 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. However, on 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 4th Judicial District Court
- l. 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.

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

A. Parcel Number: RP01S04E152000

B. The “Owner” of the Site:

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

CFO Solutions, LLC
d/b/a Ampleo LLC
as court appointed receiver of IRWS, LLC.

7) The Commission finds the following regarding procedural requirements of the CUP Revocation:

- a) Elmore County has attempted to obtain compliance with the necessary operational requirements of the Tire Sorting/Recycling Operation since the initial code violation inspection in 2018.
- b) The Department made clear, in its Notices of Violations, August 24, 2018 and January 29, 2025 respectively, that the site operators have failed to comply with the terms of the CUP and its incorporated documents, which would result in the CUP's revocation.
- c) Per Elmore County Code, Section 7-16-5, the Director, and the Planning and Zoning Commissioners, have determined that the CUP terms for 2X Tire Recycling has been violated, and continue to be violated, and the Department has repeatedly notified the site owner and site operators of its intention to revoke the CUP, including its Notification of Intent to Revoke on January 29, 2025.
- d) The lack of action to abate the violations led to a revocation hearing on May 22, 2025 with the Planning and Zoning Commission. During this hearing the court appointed receiver, CFO Solutions d/b/a Ampleo, was acting as the respondent on this matter. A 90-day continuance to August 28, 2025 was granted to the respondent in order to secure an asset purchase agreement from a third party.

- e) At the August 28th 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 allow for the finalization of the purchase and allow Pacific Steel time to start developing a remediation plan to abate the site violations.
- f) At the September 25, 2025 Commission meeting, Staff presented the Staff Report detailing the approval of the sale from the 4th District Court and communication between Pacific Steel and County Staff in which it was agreed that a new CUP for the Tire Sorting/Recycling facility would be more beneficial and that CUP 2015-10 should be revoked. At the conclusion of the public hearing regarding CUP 2015-10 the Commission voted unanimously to revoke CUP 2015-10 with conditions for Pacific Steel and Recycling to work with Department staff to develop a Remediation Plan to abate the existing violations on site.

CONCLUSIONS OF LAW:

Finding: The Commission finds that the Department worked diligently with site operators Second Life Recycling and IRWS over more than 6 years to achieve compliance with the terms of CUP and allow successful operations at the Site. Instead of demonstrating compliance and remediation of violations, the Commission finds that the site operators have failed to remedy the violations outlined in the Notice of Violations issued.

Finding: The Commission finds that more than 80 shipping containers filled with waste tires are still at the site despite numerous attempts from the Department to help remedy the violations. In addition, the waste tires have been illegally stored outside of the CUP allowed storage area and within shipping container exceeding the 12 containers that were allowed by the CUP. The Commission finds this is in direct violation of the CUP. The Commission finds this tire accumulation is a major public health and safety issue for Elmore County and its citizens. The Commission also finds that site operators have failed to provide financial assurance (\$2.50 per tire) for the tire storage, as required in the Waste Tire Disposal Act.

Finding: The intent and verbiage of the CUP is clear that "Failure to comply with any condition may result in the revocation of the conditional use permit" and "The use shall comply with all State and Federal regulation" allowing the County authority to revoke this CUP.

Finding: The Commission further finds that there are additional issues of non-compliance with tire storage capacity, fire safety, record keeping, etc. at the Site as demonstrated by the written initial Notice of Violation dated August 24, 2018 which have not been resolved as of the date of the September 25, 2025 revocation hearing.

Finding: The Commission finds that the Department has followed all procedural requirements for a Revocation Hearing as outlined in the Elmore County Code Section 7-16-5. The Commission heard public testimony from 1 person in support of revocation,

20 people in opposition of revocation, and 5 people had a neutral position. After hearing the evidence, the Commission closed the public hearing.

Finding: The Commission has the authority to revoke the CUP as outlined in the CUP and Elmore County Code Section 7-16-5.

Finding: These Findings of Facts and Conclusions of Law serve as the final written action setting forth the reasons and basis for the revocation of CUP 2015-10.

ORDER:

Based upon the foregoing Findings of Fact and Conclusions of Law and the information contained in the record for the Revocation Hearing, the Commission concludes that the site operators have been in continual violation of the CUP and incorporated governing documents. To ensure the health and safety of Elmore County's citizens, the Commission revokes CUP 2015-10 for the 2X Tire Recycling Facility with a unanimous vote. It is so ordered.

A new Conditional Use Permit application will be submitted by Pacific Steel and Recycling prior to any operation of the site as a Waste Tire Storage/Recycling facility. Prior to the submittal of a new conditional use permit, Pacific Steel and Recycling will provide a Remediation Plan the Land Use & Building Department detailing the actions and timeline to abate the existing site violations.

Dated: This 23rd day of October 2025

COMMISSION VOTE:

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

Patti Osborn, Chair

ATTEST:

James Roddin, Interim Director

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

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

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

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

4899-0272-9587, v. 1