



# Land Use and Building Department

520 East 2nd South Street  
Mountain Home, Id. 83647  
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## 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:** 05/22/2025

**Date Report Completed:** 05/16/2025

**Agenda Item:** 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 "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 3, 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 Violations 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 1 April 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 and 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 surety bond from IRWS was provided to the County with an issuance date of July 13, 2022 and maturity date of July 13, 2023. IRWS were given time as new operating owners to resolve the outstanding violations. See Exhibit 6
- Due to inactivity 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
- 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 operation was requested to the Department by February 28, 2025 if use was planned to continue. 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. CUP Revocation process has been initiated by Elmore County and has set a hearing date of May 22, 2025.

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. Pursuant to Elmore County Code 7-16-5, IRWS had thirty (30) days to contest the revocation of the CUP. Property owners were notified of the hearing on May 13, 2025 Notice of Hearing was published in Mountain Home Newspaper on May 7, 2025 and the Site was posted on May 13, 2025.

### **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

## **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:** The CUP was approved by the Planning and Zoning Commission. Notices of Violations have clearly outlined violations and expected remedies by the Department, with clear indication of the intent to revoke the CUP if non-compliance continued and the violations were not remedied. The Board of County Commissioners ("Board") directed these Notices of Violations be issued and requested that the Notice of Revocation of CUP be issued.

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 recommends that the Planning and Zoning Commission revoke CUP 2015-10.

# EXHIBIT ONE

**BEFORE THE PLANNING AND ZONING COMMISSION  
OF ELMORE COUNTY**

<b>IN RE: CUP-2015-10</b>	)	
<b>Conditional Use Permit for a</b>	)	
<b>Recycling Plant or Processing</b>	)	<b>FINDINGS OF FACT</b>
<b>Facility in the Interstate</b>	)	<b>CONCLUSIONS OF LAW</b>
<b>Commercial and Light</b>	)	<b>AND ORDER</b>
<b>Industrial Zone</b>	)	
	)	
	)	
<b>Applicant:</b>	)	
<b>Second Life Recycling, LLC</b>		
<b>4110 E. Pine Bluff Dr.</b>		
<b>Meridian, ID 83642</b>		

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:

**FINDINGS OF FACT**

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 attch) 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 attch 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.**

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.**

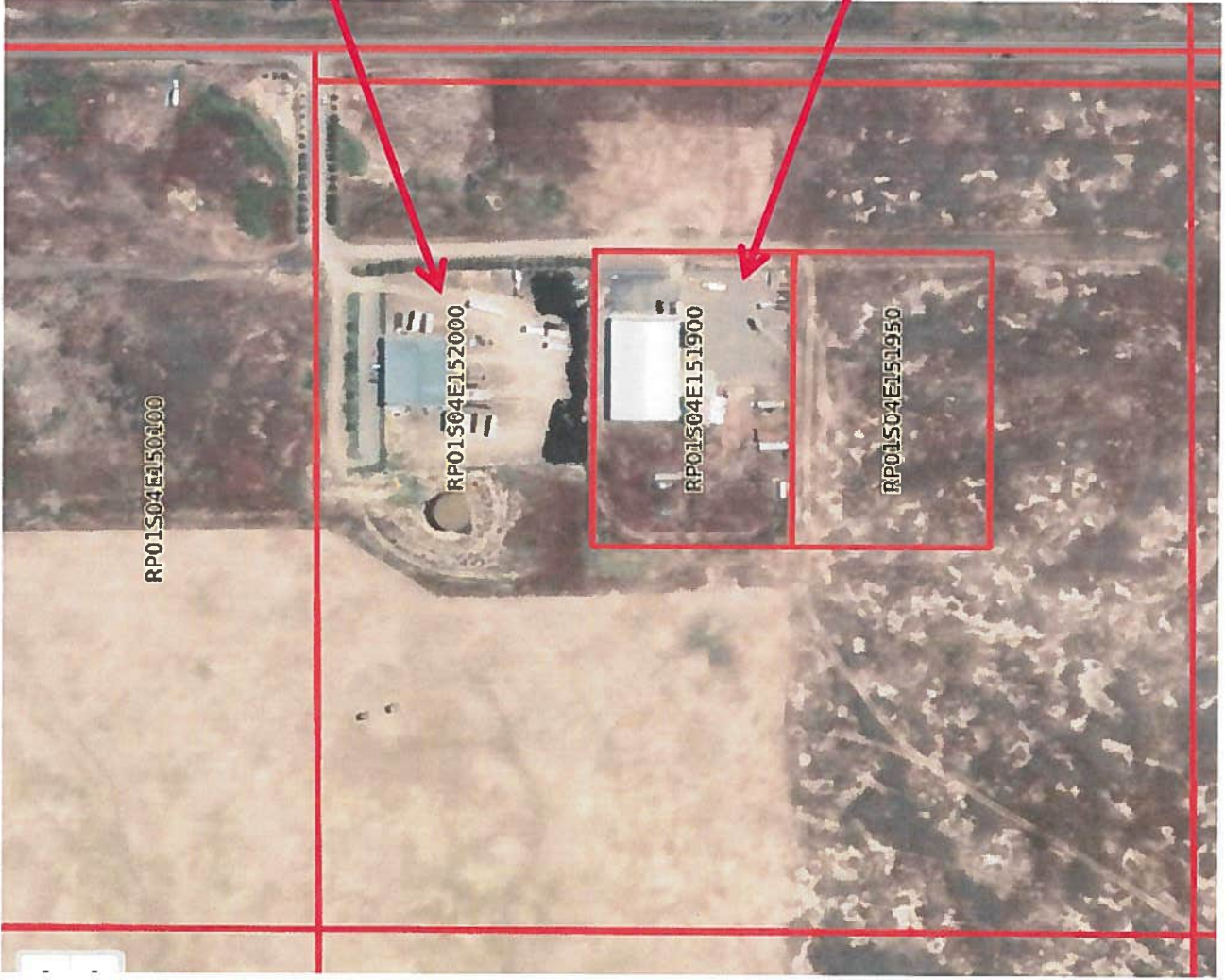
Sincerely,



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

DetailsImprovementsAssess InfoPhoto

Taxing DistrictsGooglePrint Page

Parcel Details

Parcel ID: 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

Zip Code Area: 40000

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

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

Category(s): 13191351

Parcel 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.



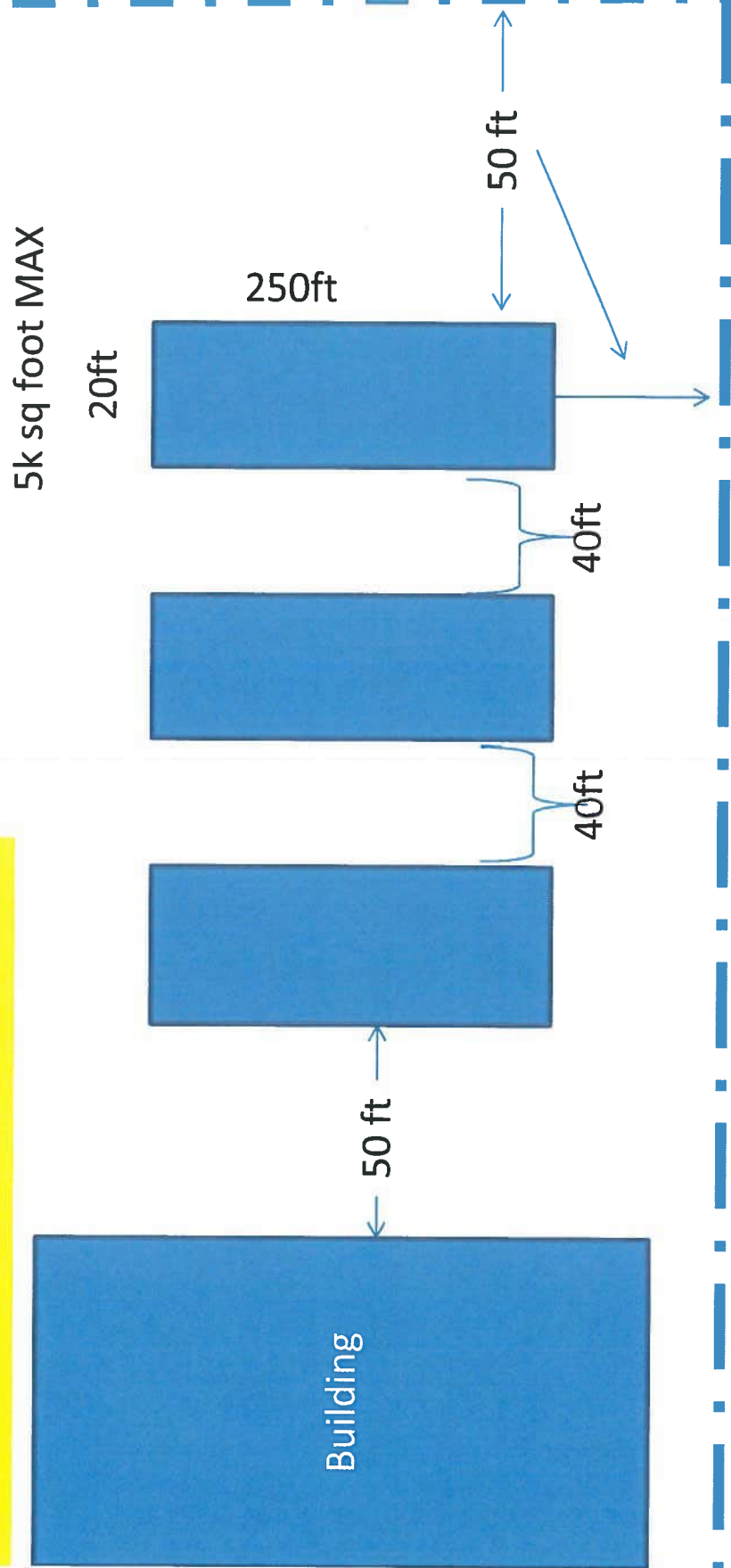
2012 International Fire Codes States:

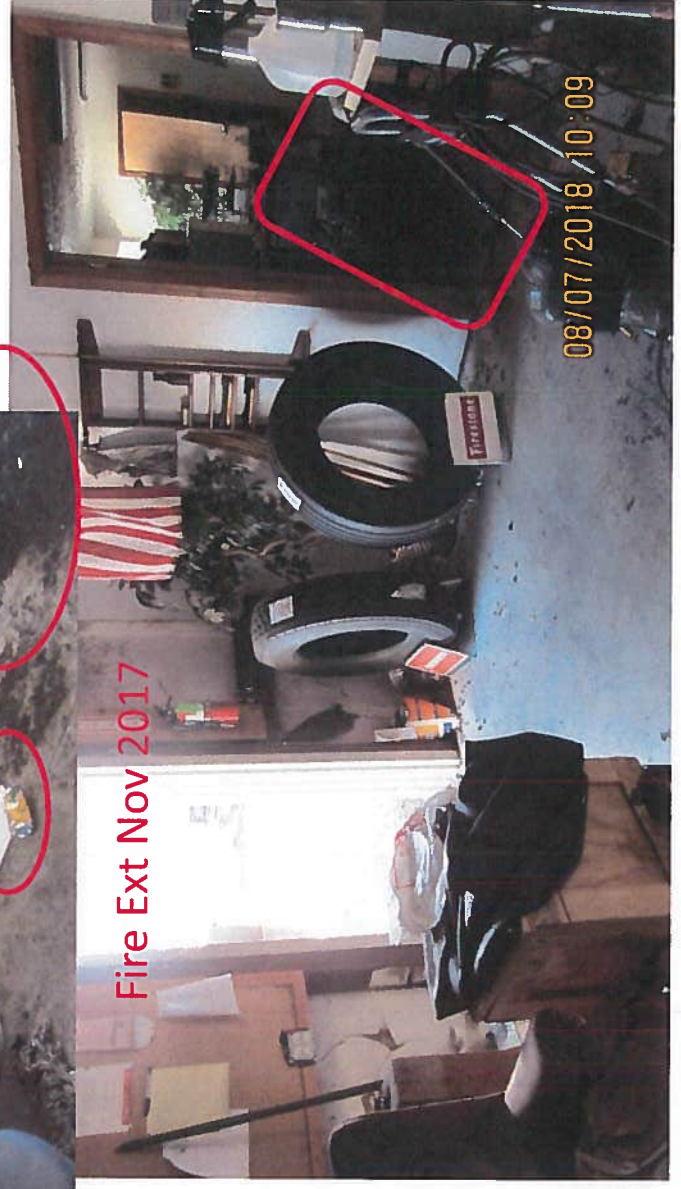
- Individual Piles. Tire storage shall be Restricted to individual piles not exceeding 5,000 square feet of continuous area. Piles Shall not exceed 50K cubic feet in volume Or 10ft in height.
- Separation of piles...shall be separated from Other piles by a clear space of at least 40 feet
- Distance from 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

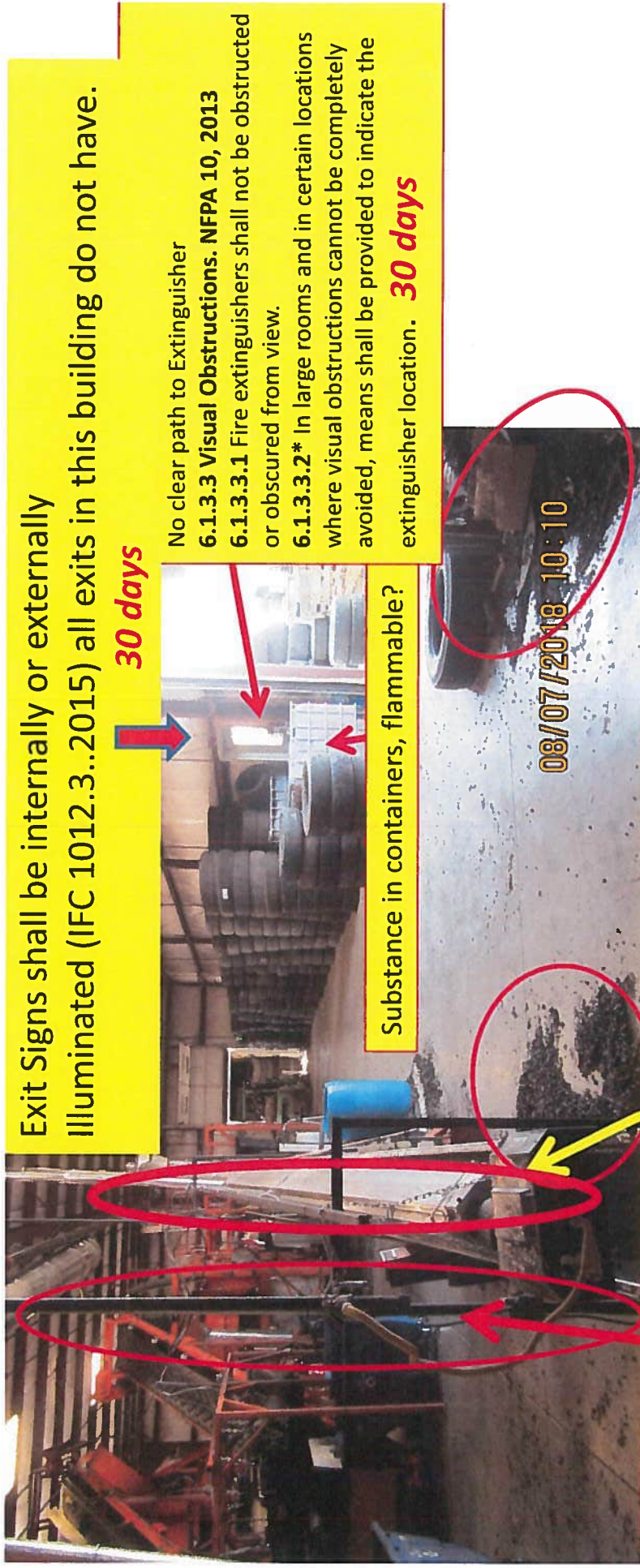




Fire Ext Nov 2017

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

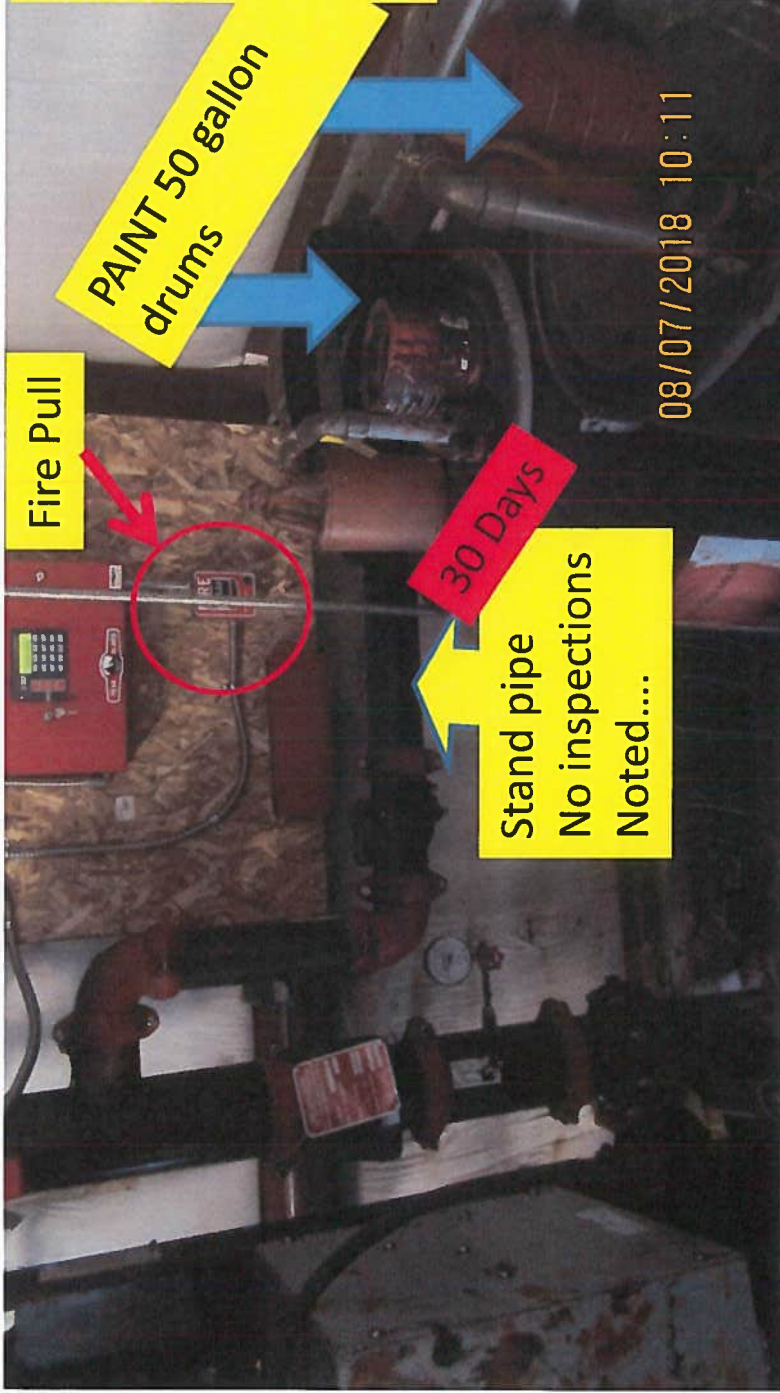
08/07/2018 10:10

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.

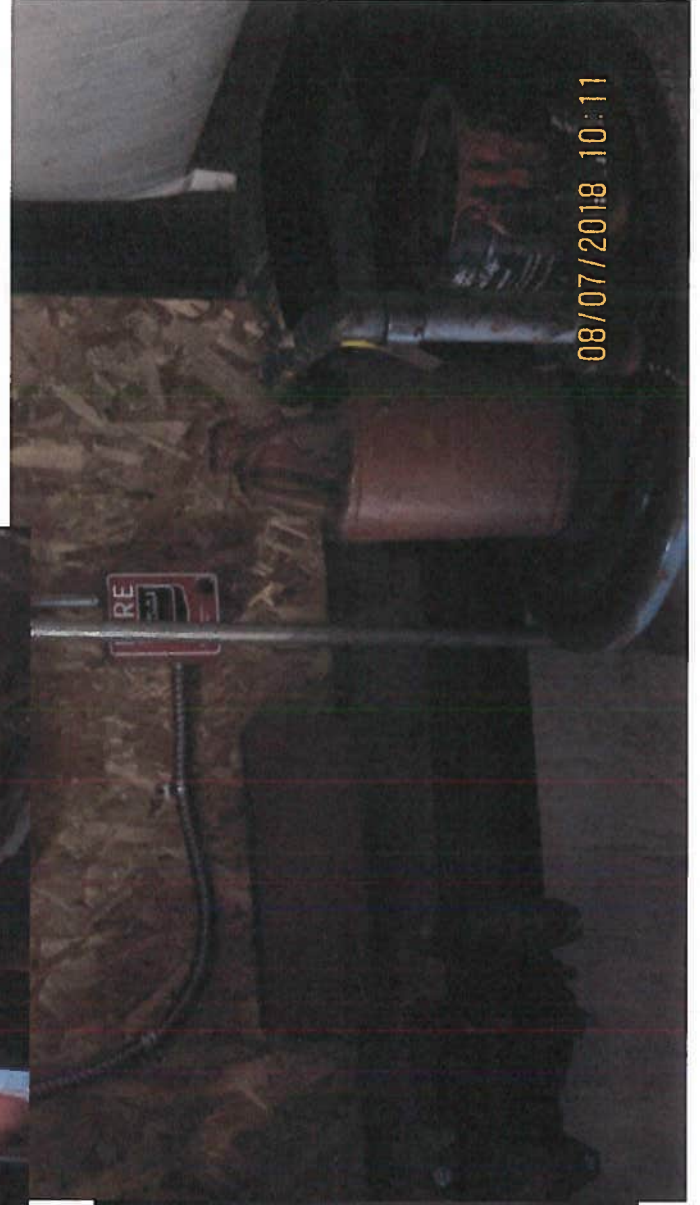
PAINT 50 gallon  
drums

90 days  
Spill control  
& move paint  
containers

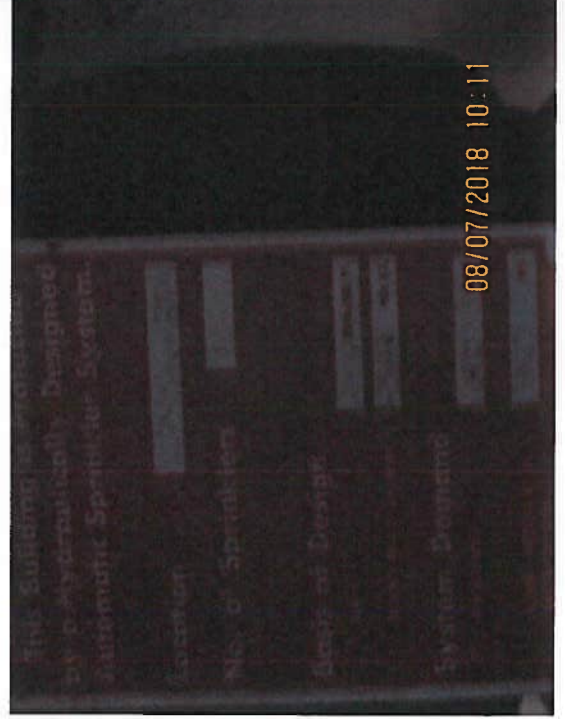
30 Days

Stand pipe  
No inspections  
Noted....

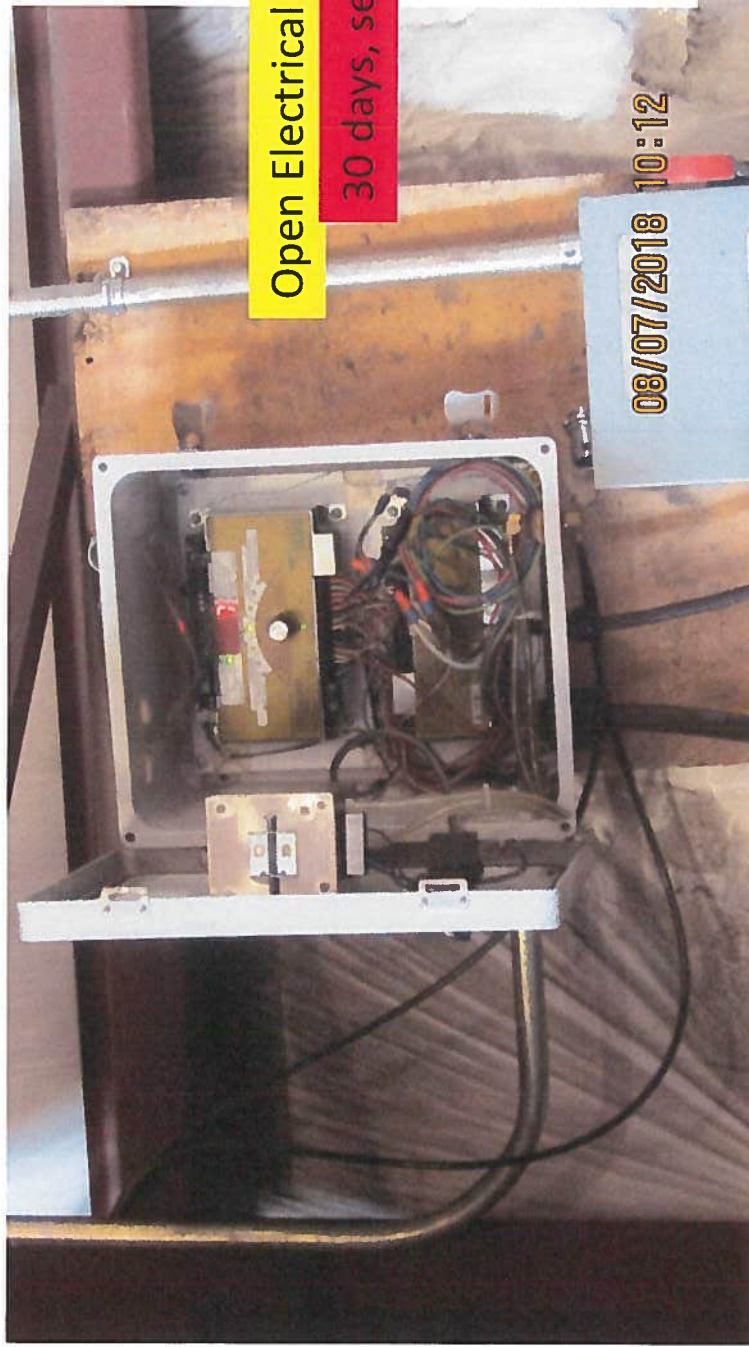
08/07/2018 10:11



08/07/2018 10:11



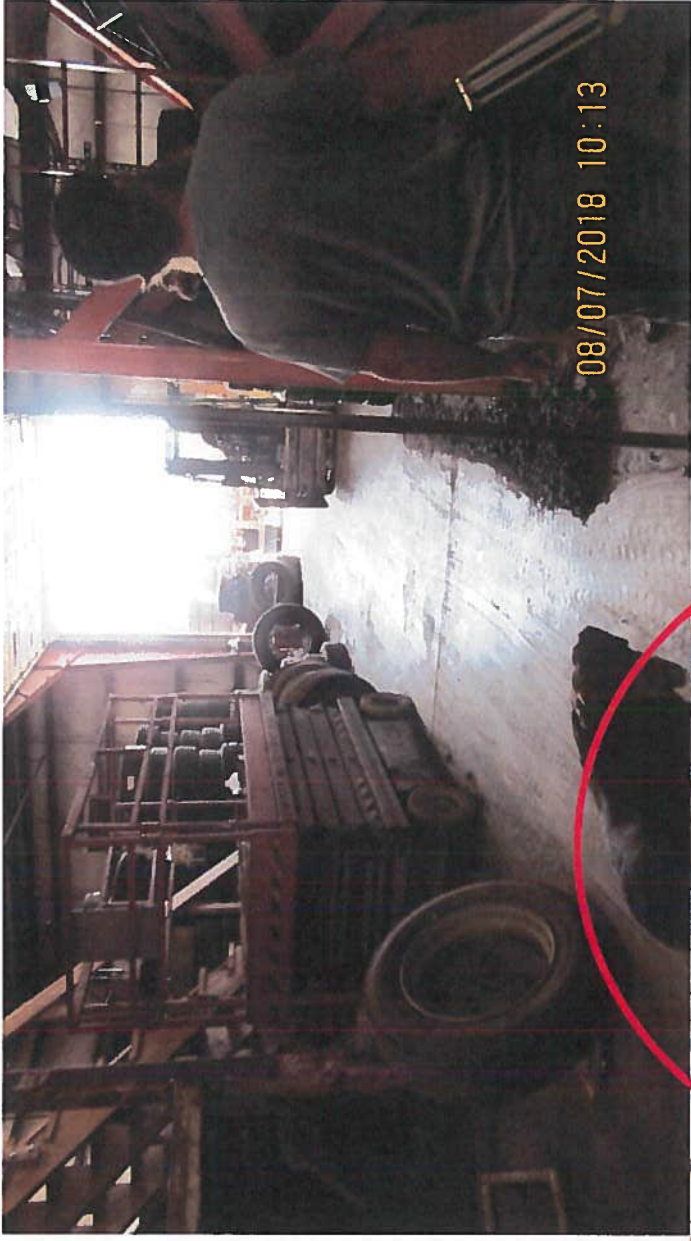
08/07/2018 10:11



Open Electrical box, controls for ?

30 days, secure/close box.





Emergency Exit

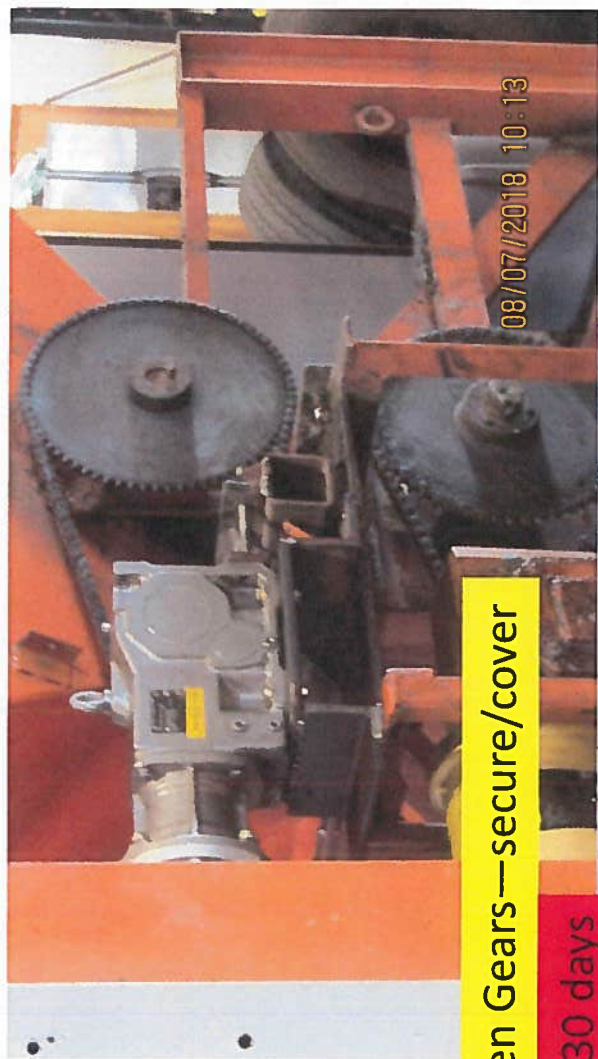


No Clear egress path, Gear Shroud on ground, box of electrical items

30 days

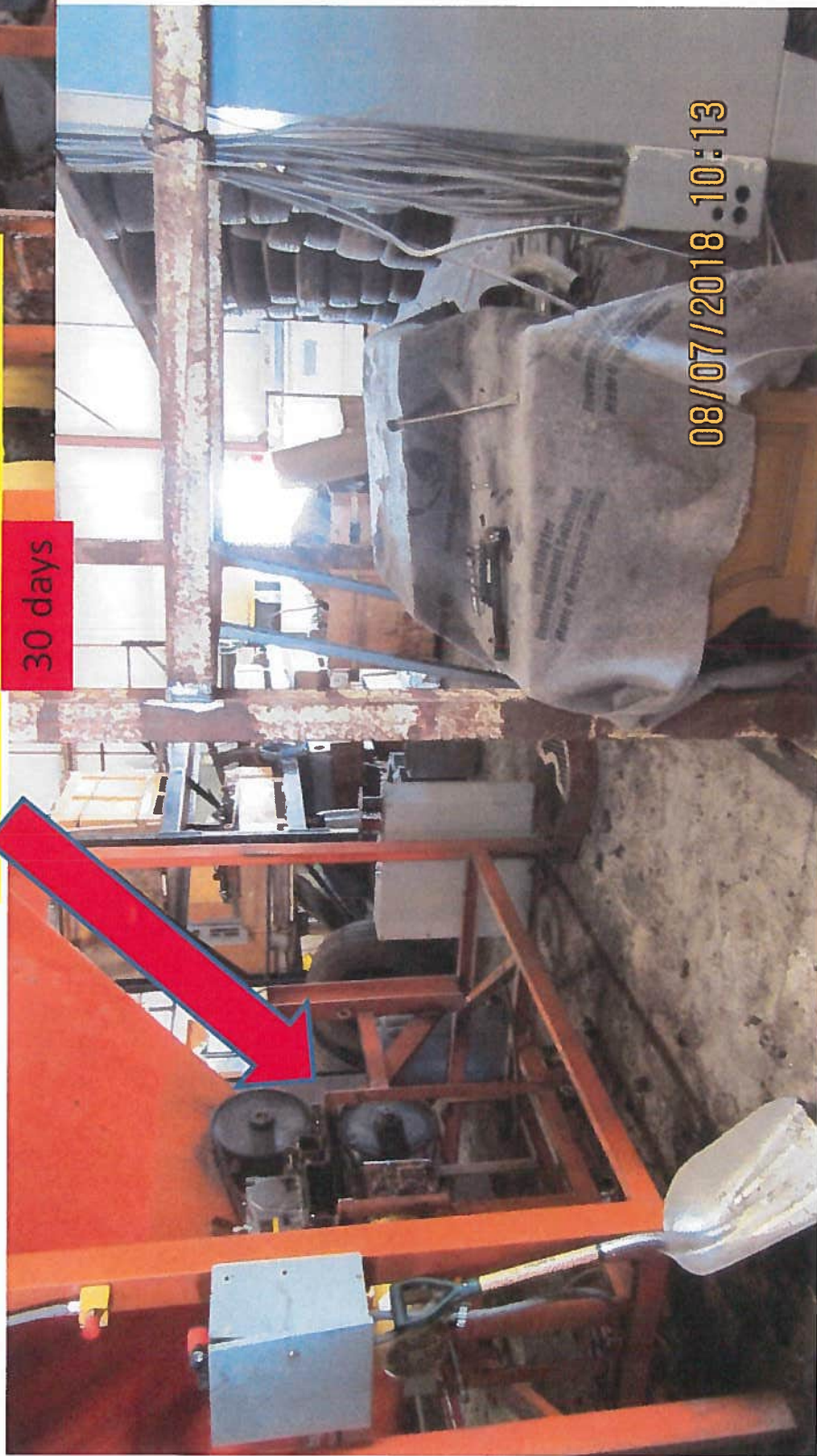
There is no  
Record of a Final  
on Electrical  
Permit for  
Equipment.  
WEB1801-00899

30 days



Safety\*\*Open Gears—secure/cover

30 days





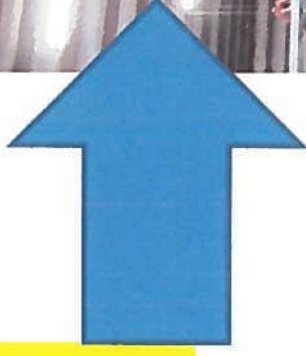
Stove and Dryer (electric)





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

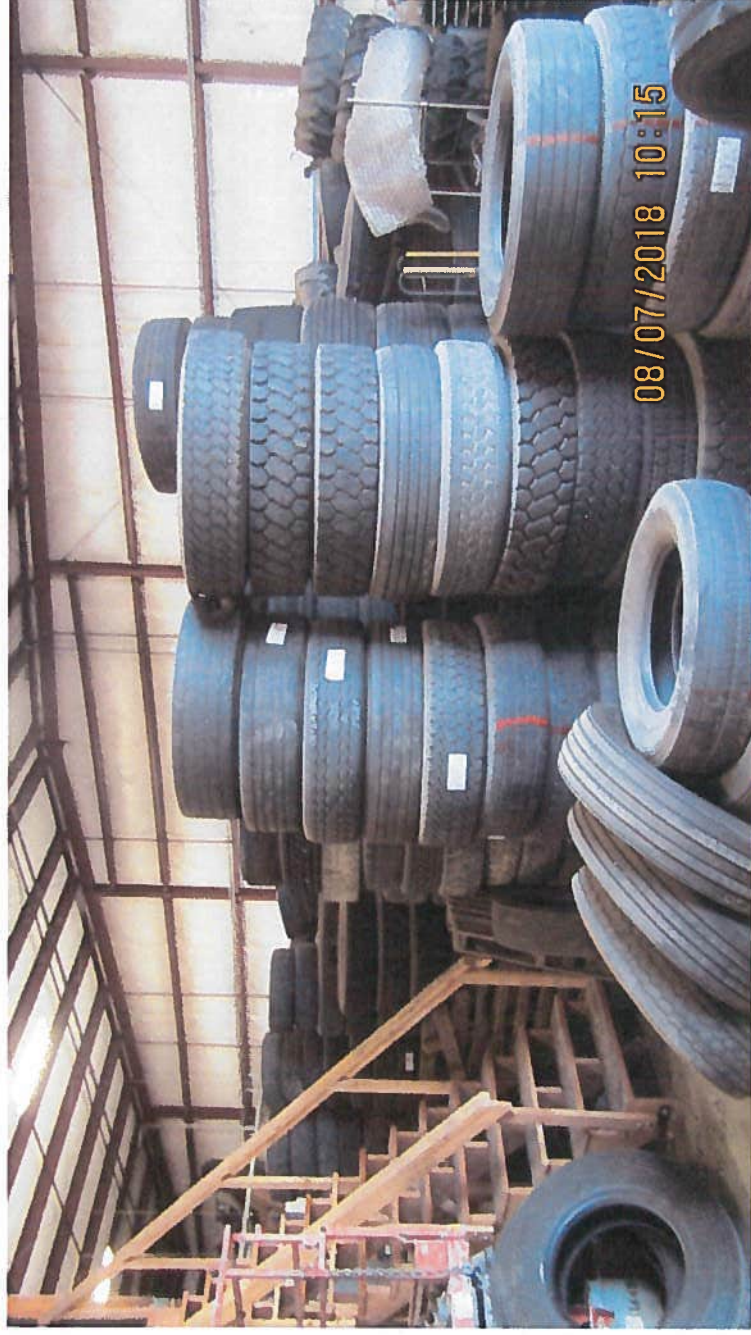
90 days



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

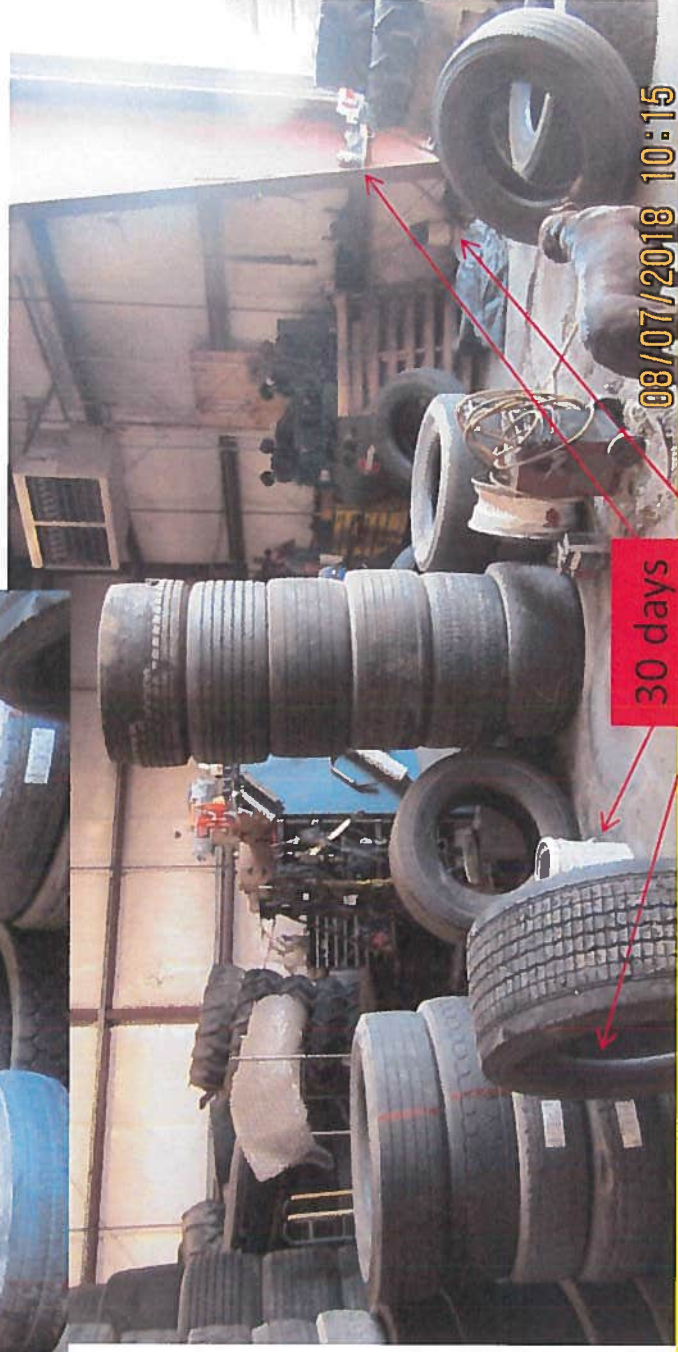
30 days





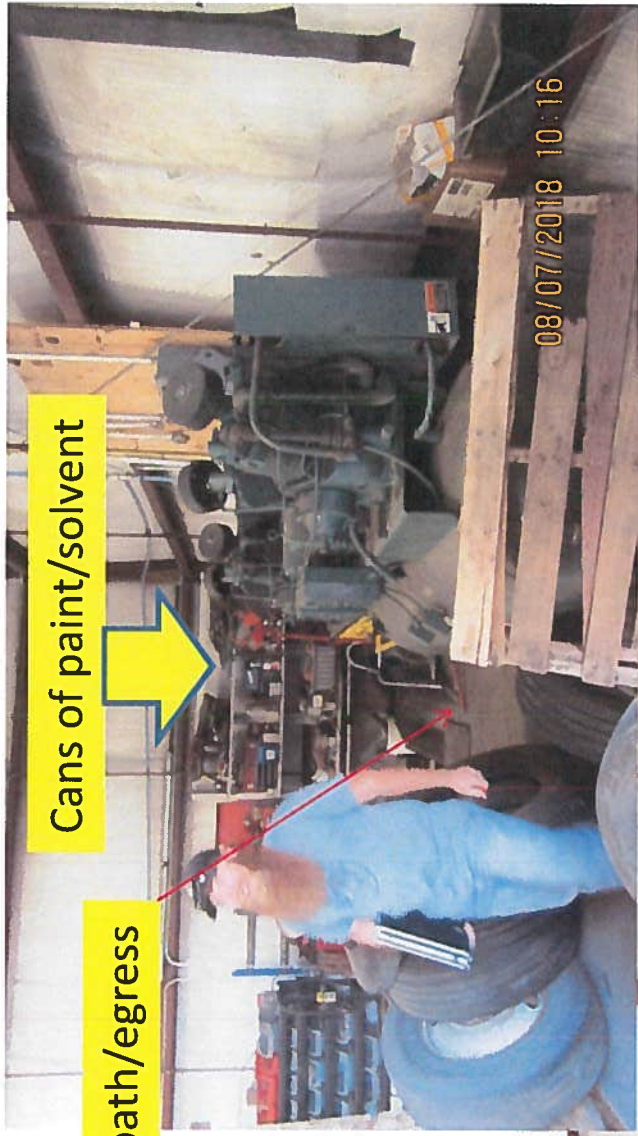
Stair Landing not clear

30 days



Misc cans of solvent, paint—place in one location...fire cabinet

30 days

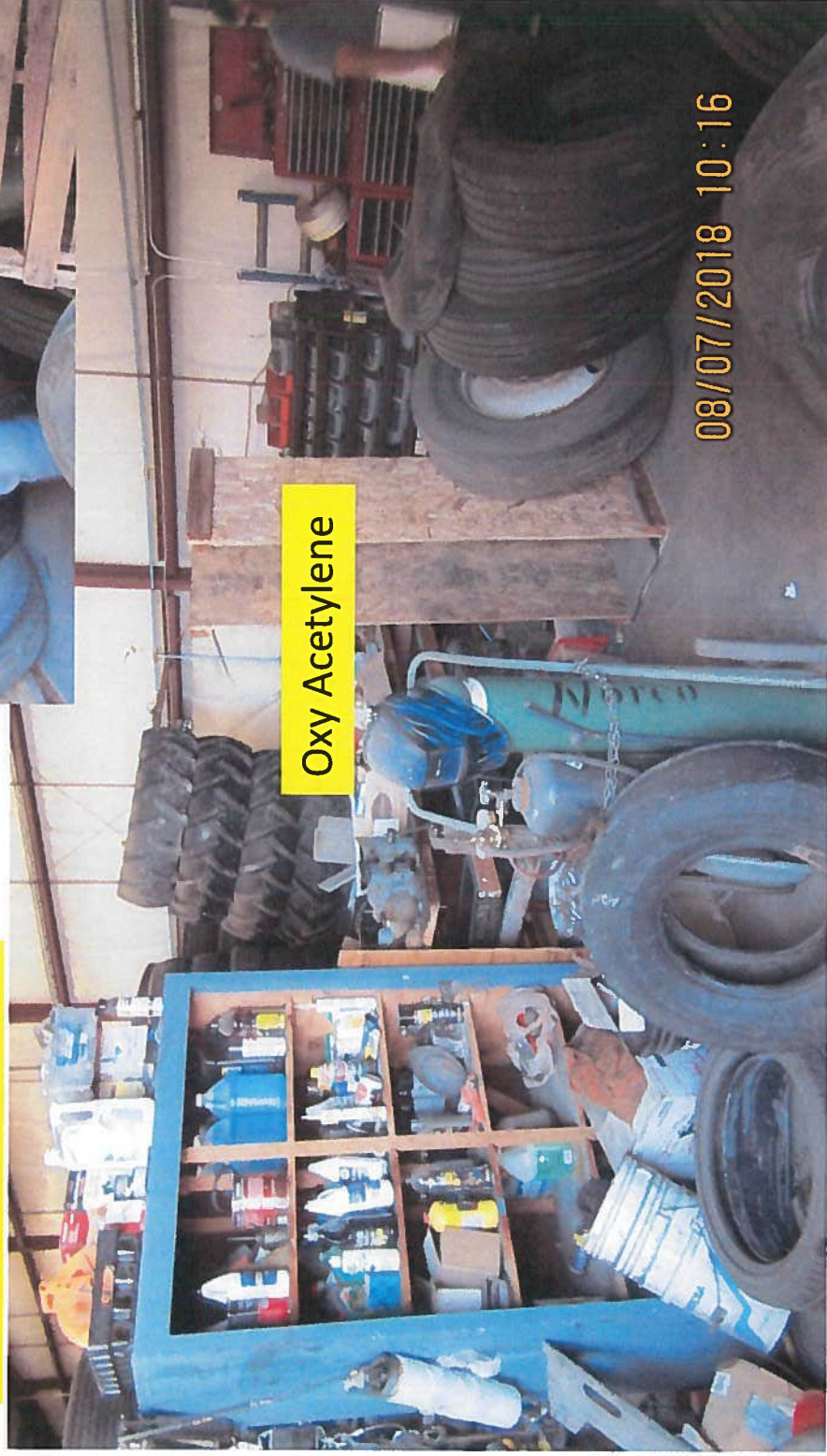


Cans of paint/solvent

No clear walking path/egress

30 days

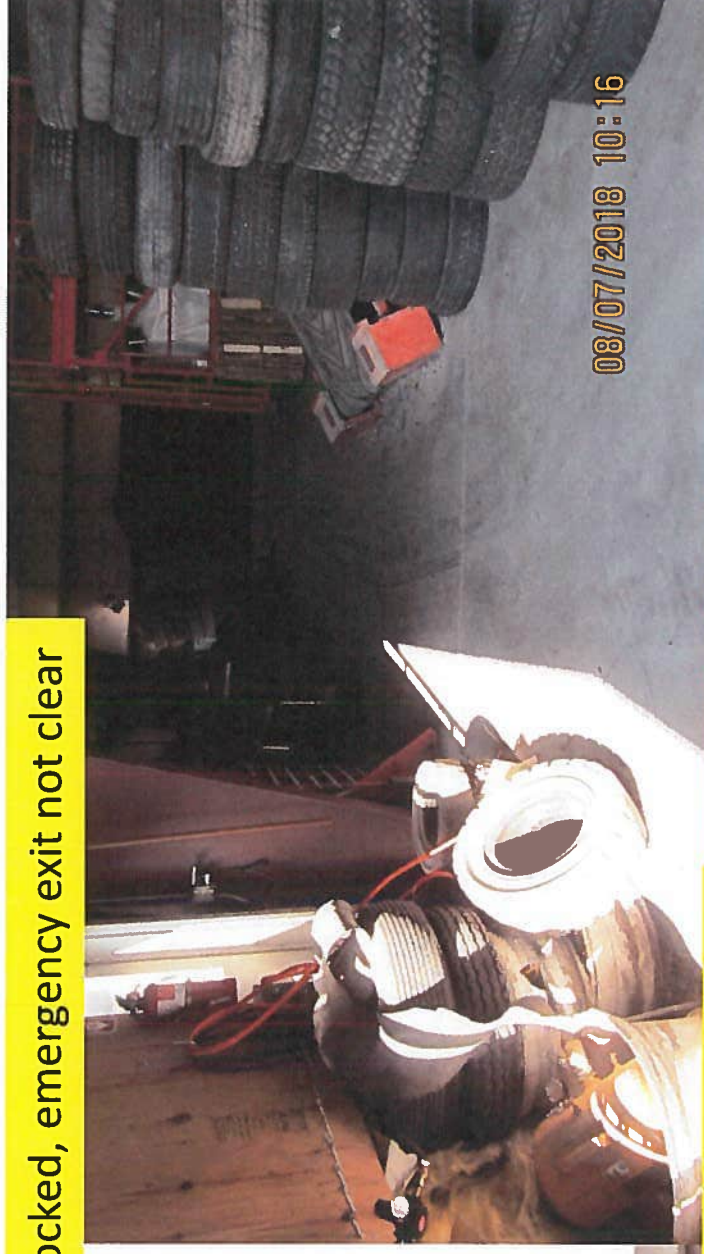
Paints, Solvents Liquids



Oxy Acetylene

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



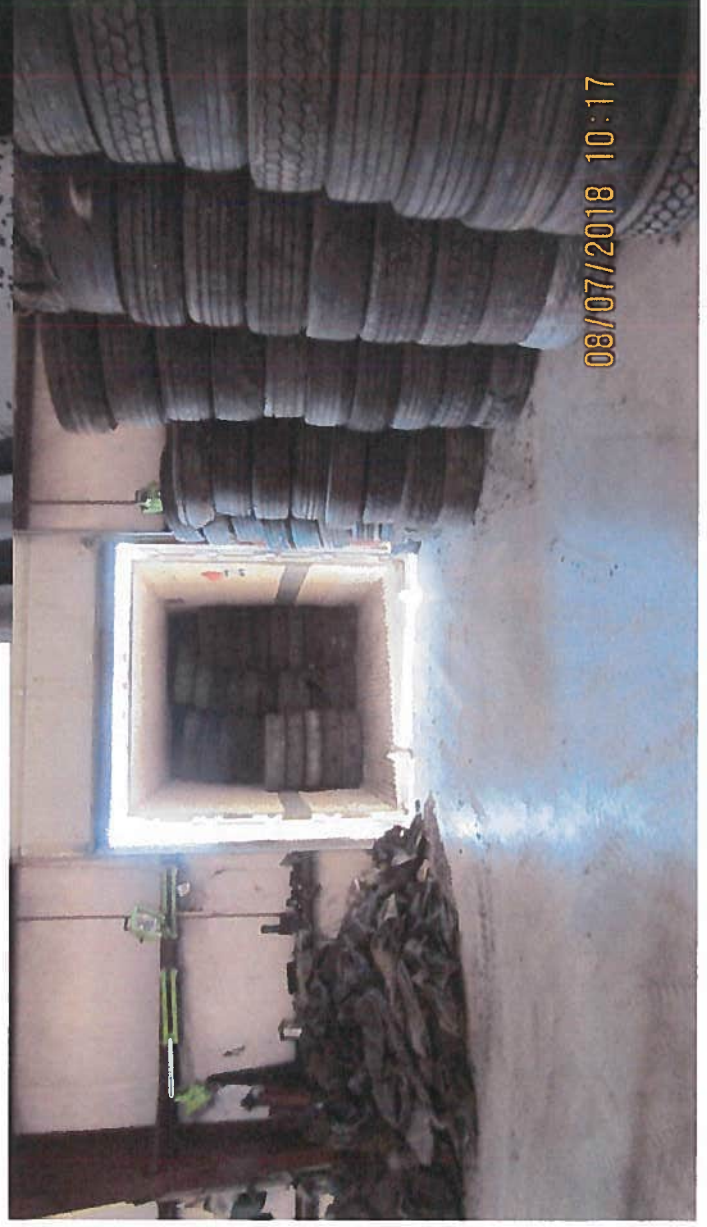
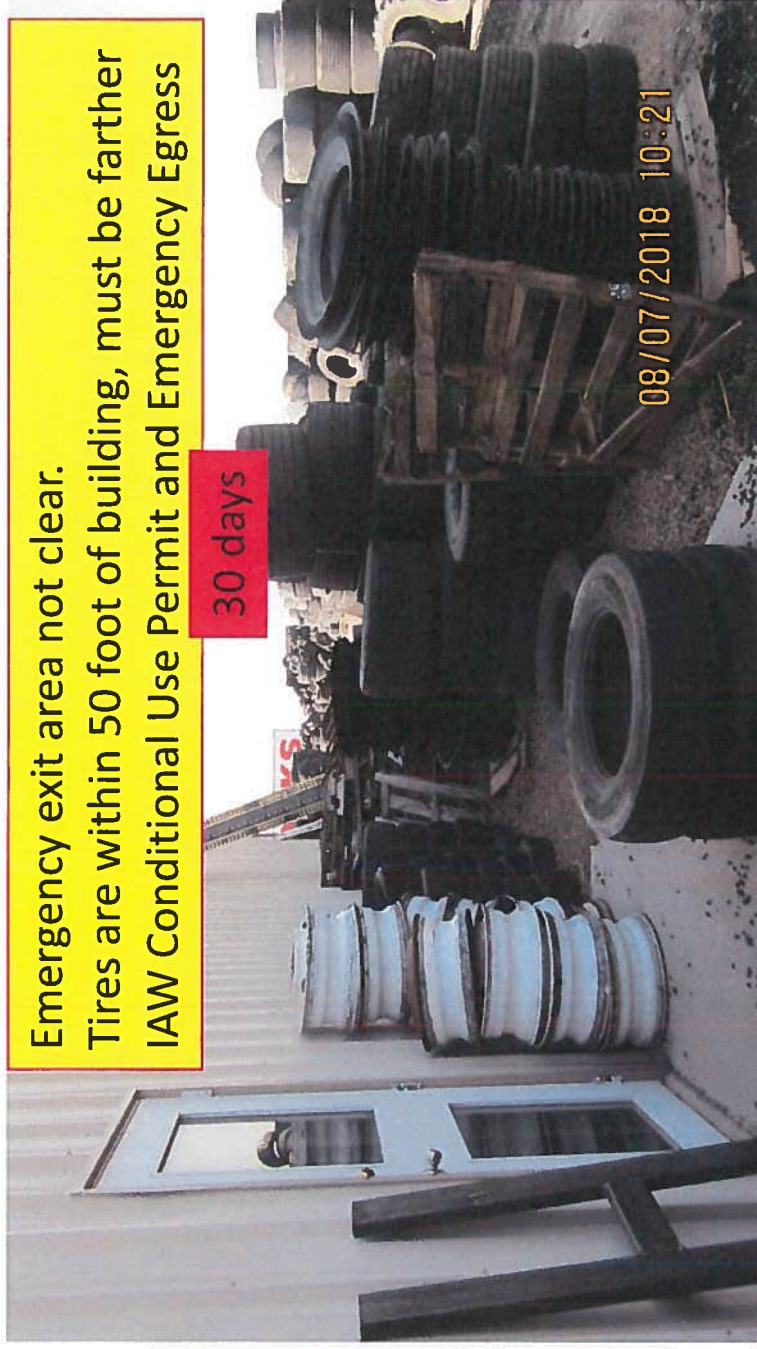
Clean up and keep  
Clean these areas...  
**90 days**

08/07/2018 10:16



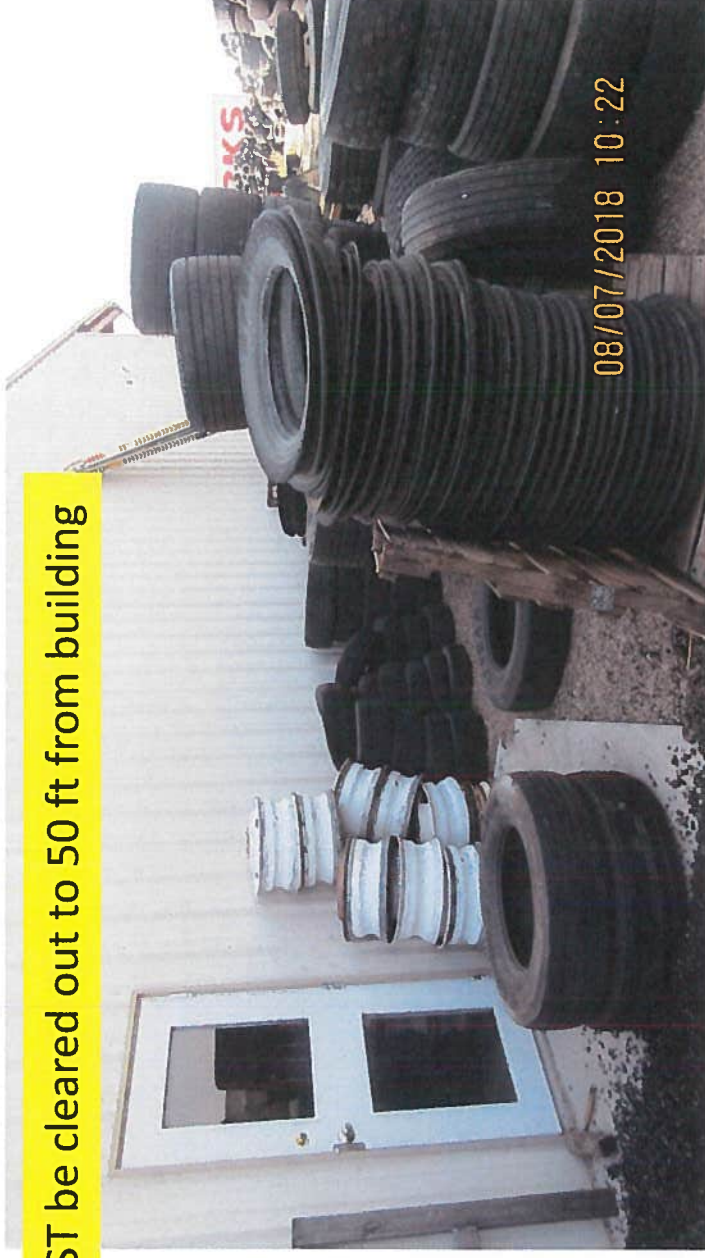
Emergency exit area not clear.  
Tires are within 50 foot of building, must be farther  
IAW Conditional Use Permit and Emergency Egress

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

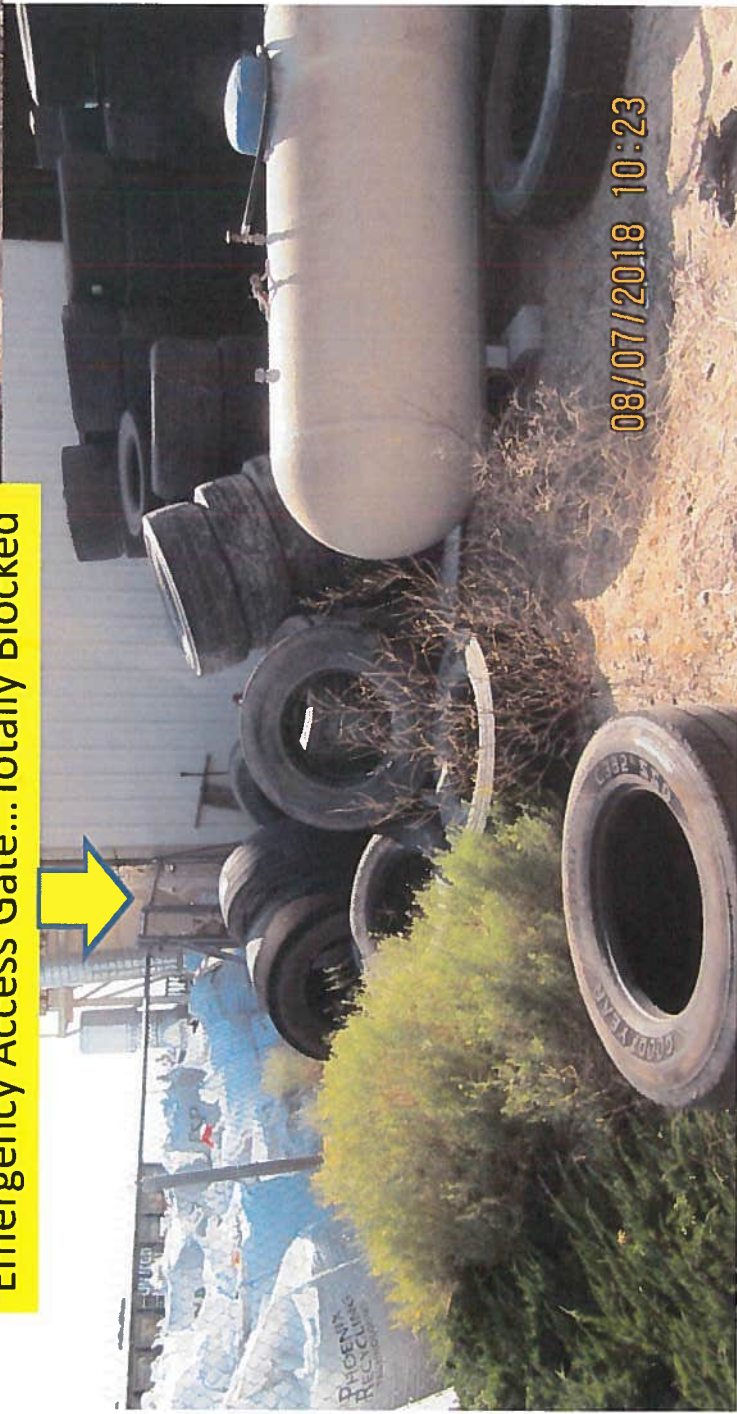




LP vehicle fill point?

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.

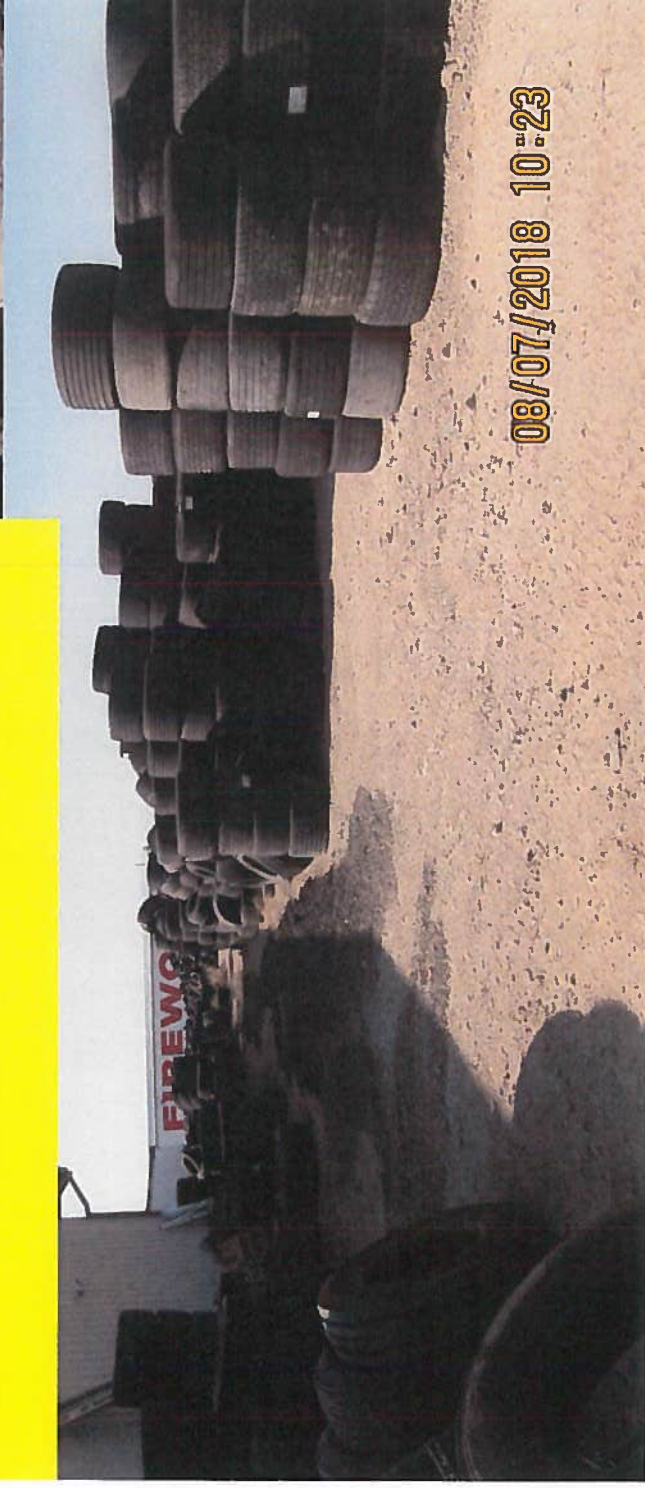
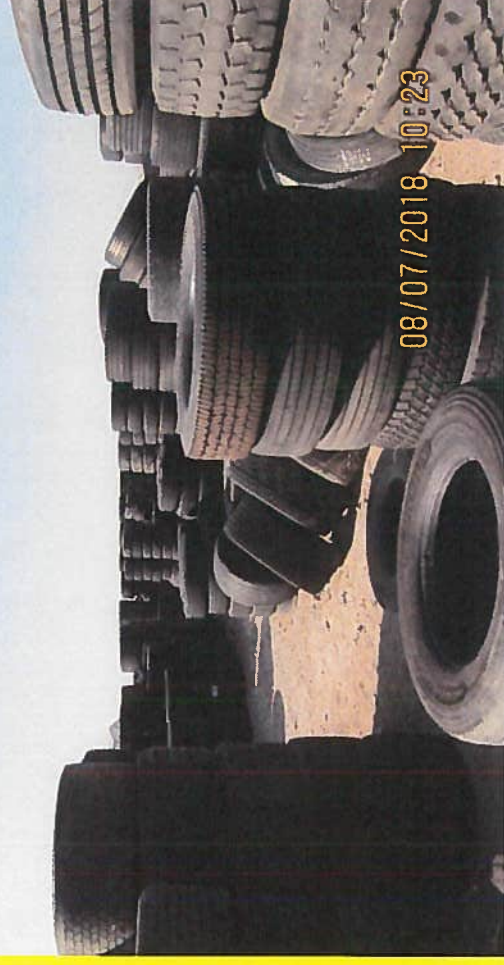
---Yards should be maintained free from

Combustible ground vegetation for a distance

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

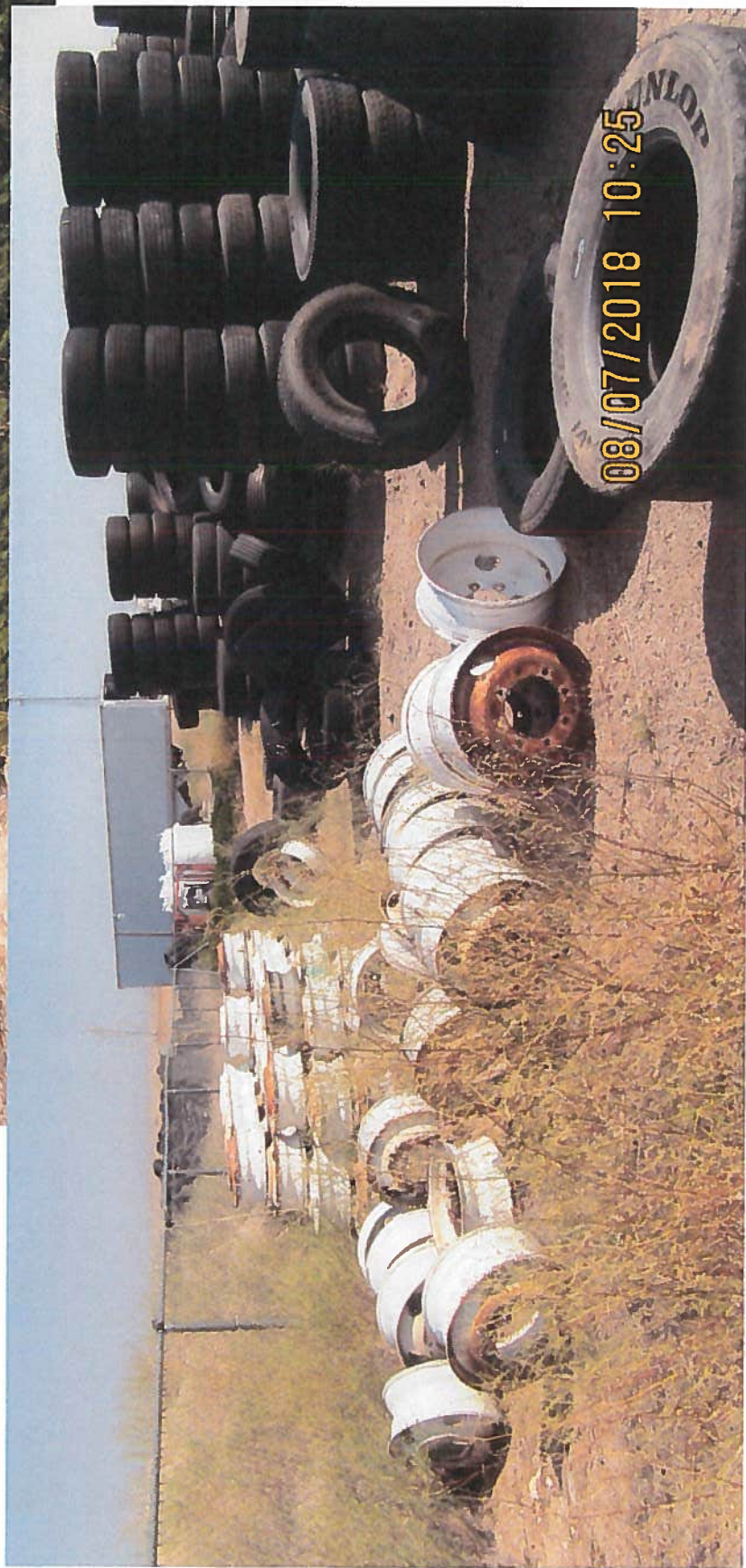
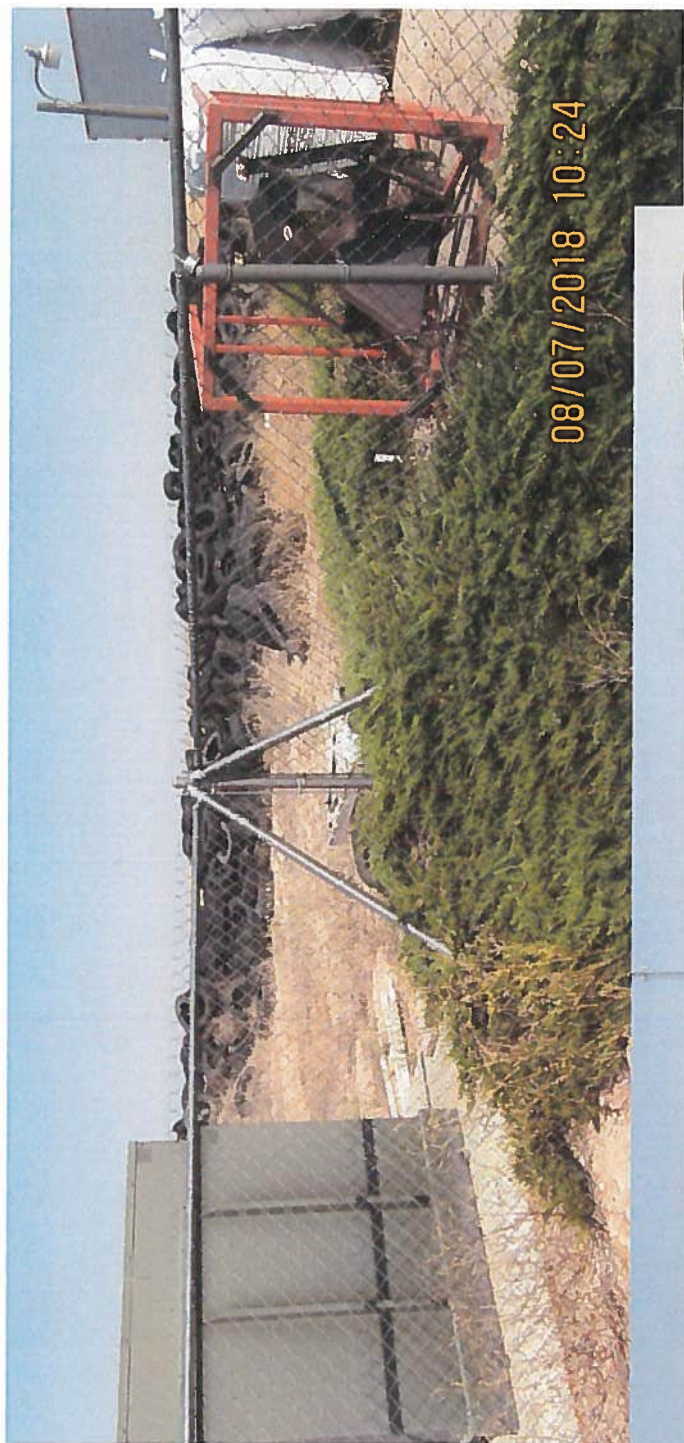
And 100 ft from brush and forested areas.

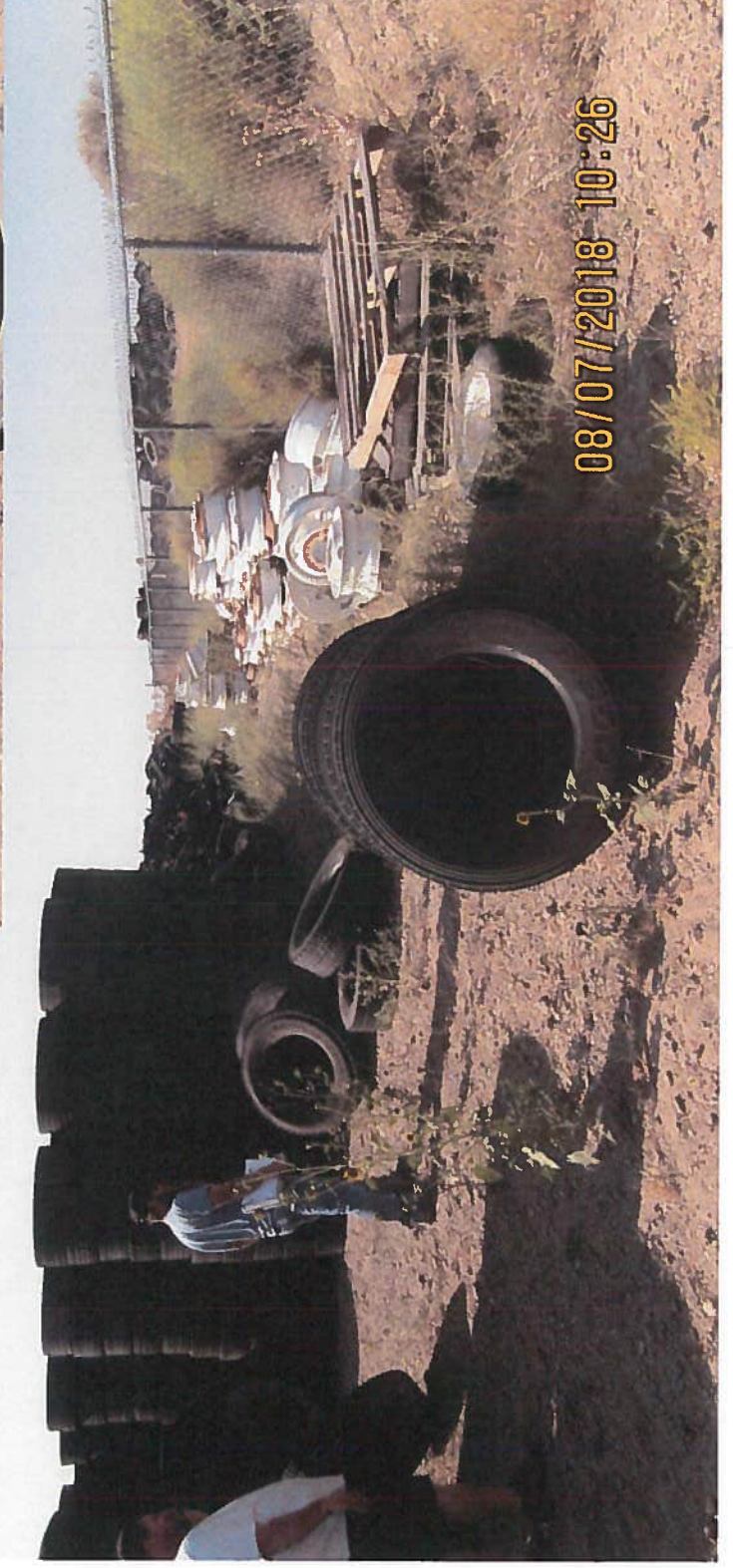
**90 days**

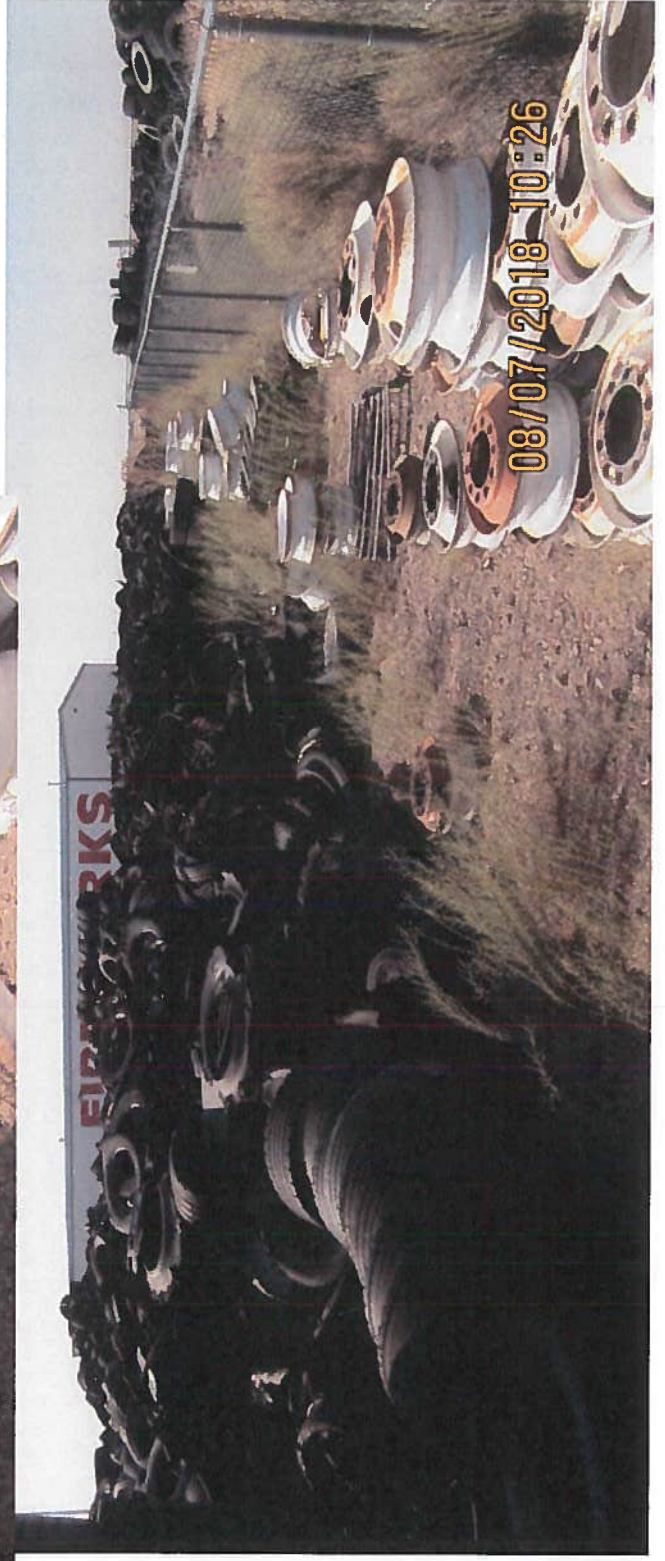
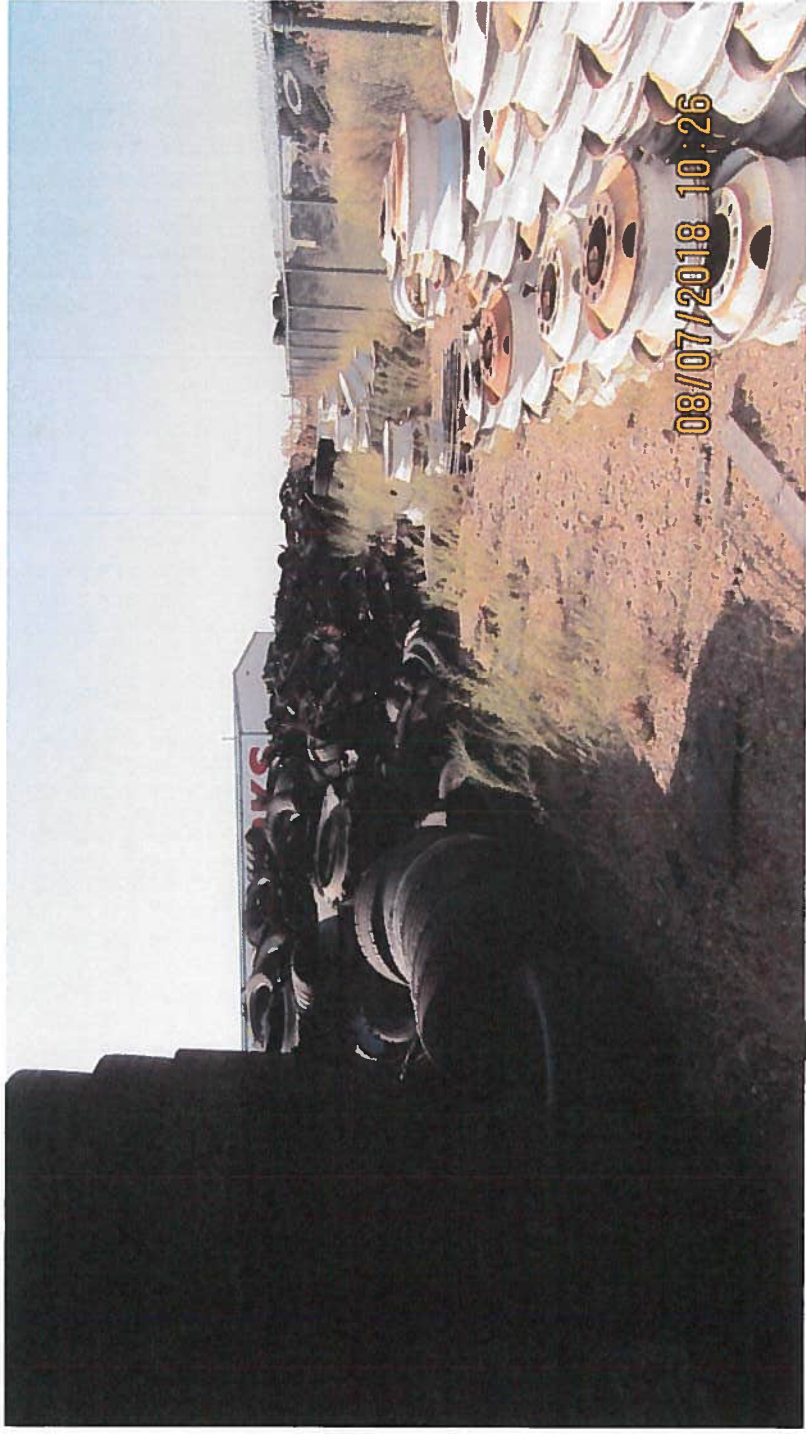


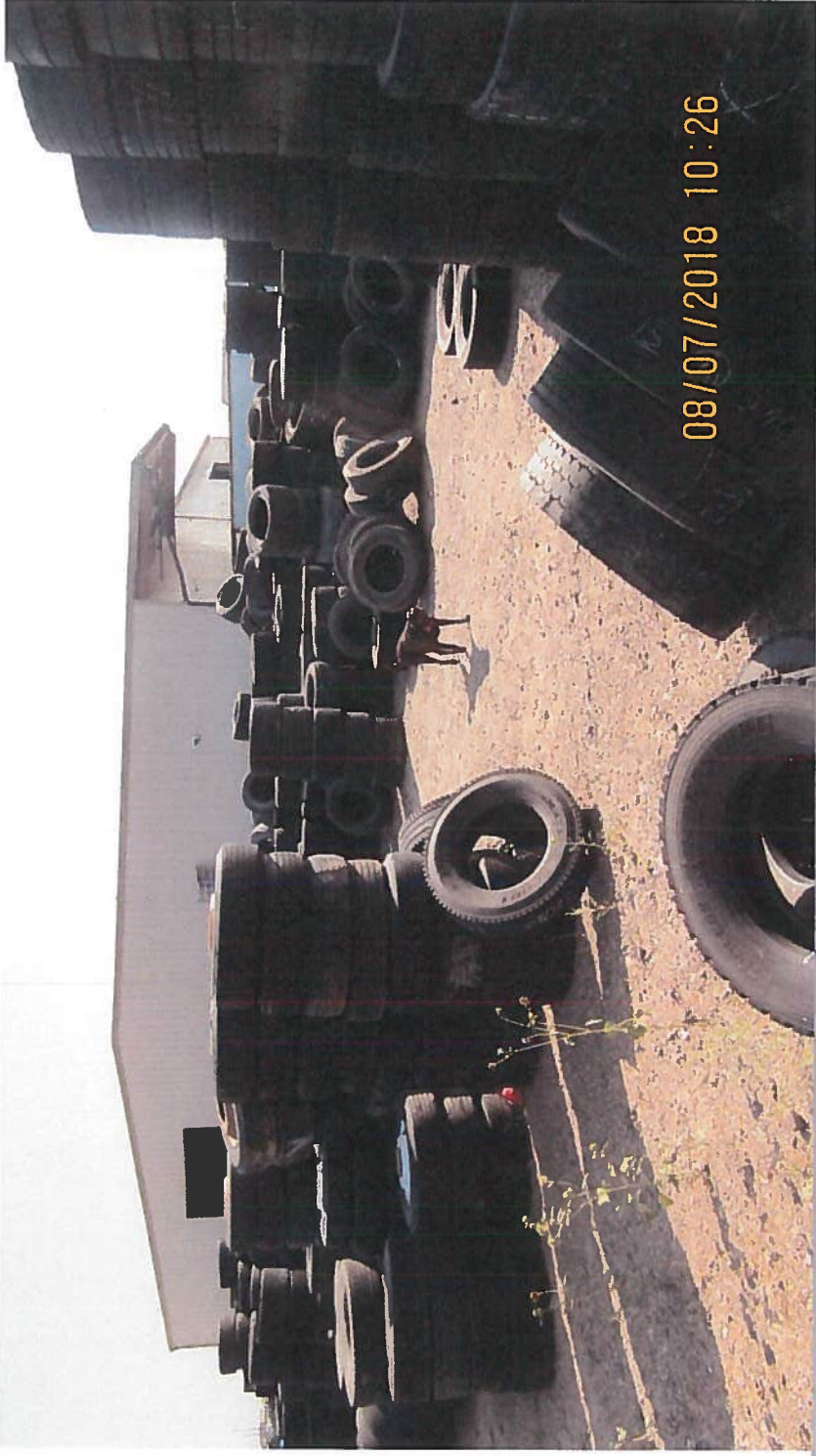


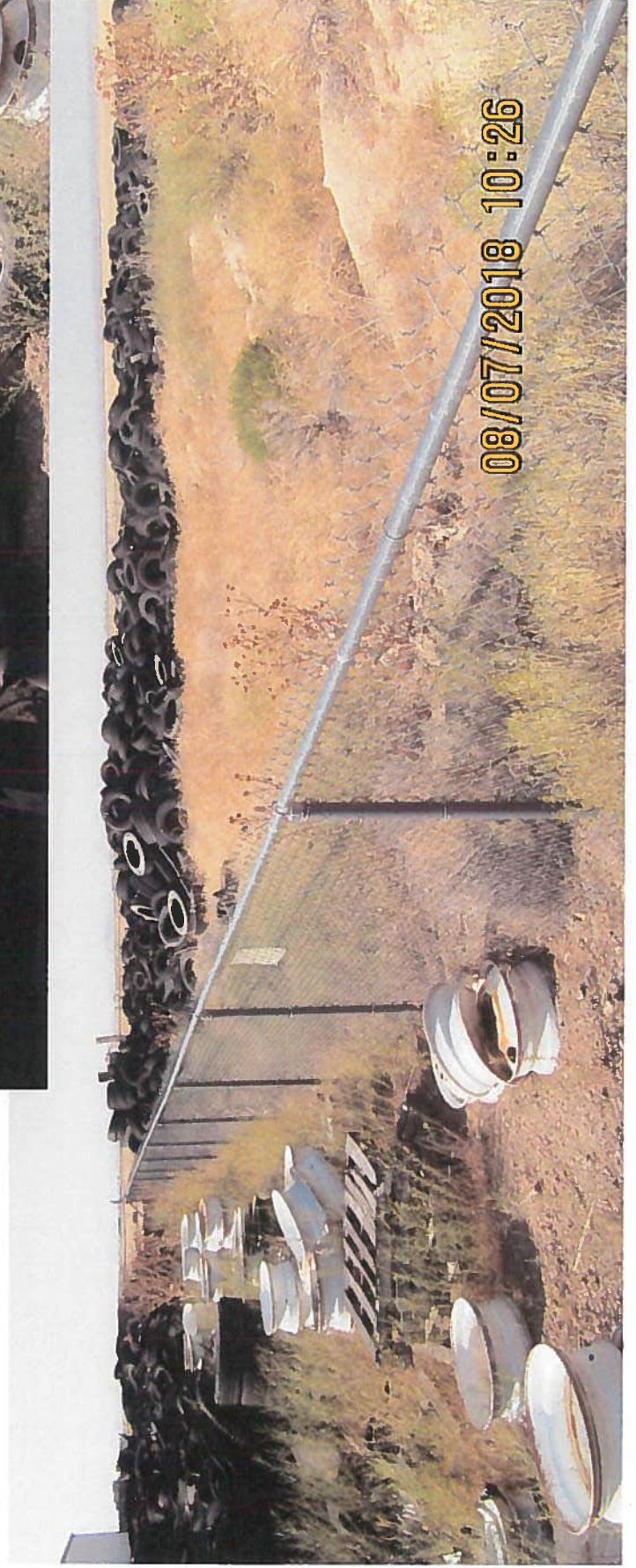


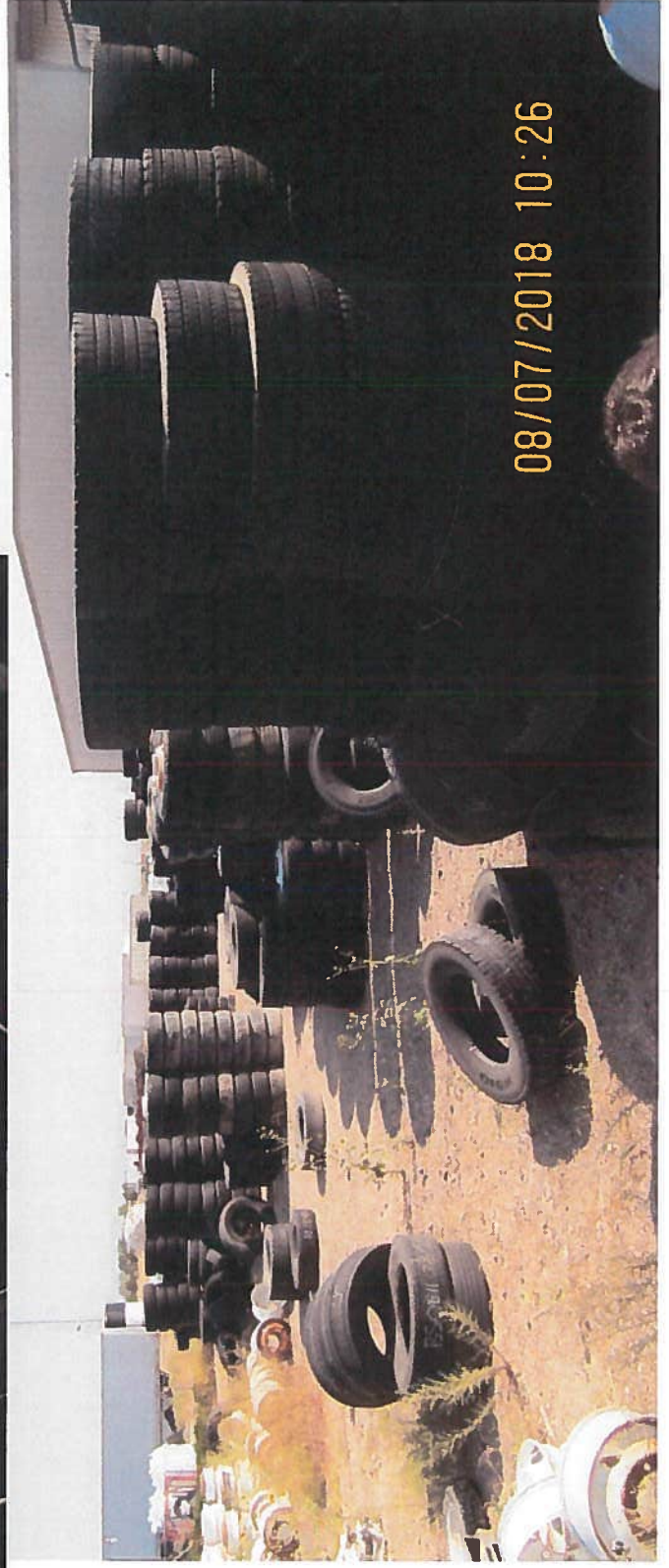
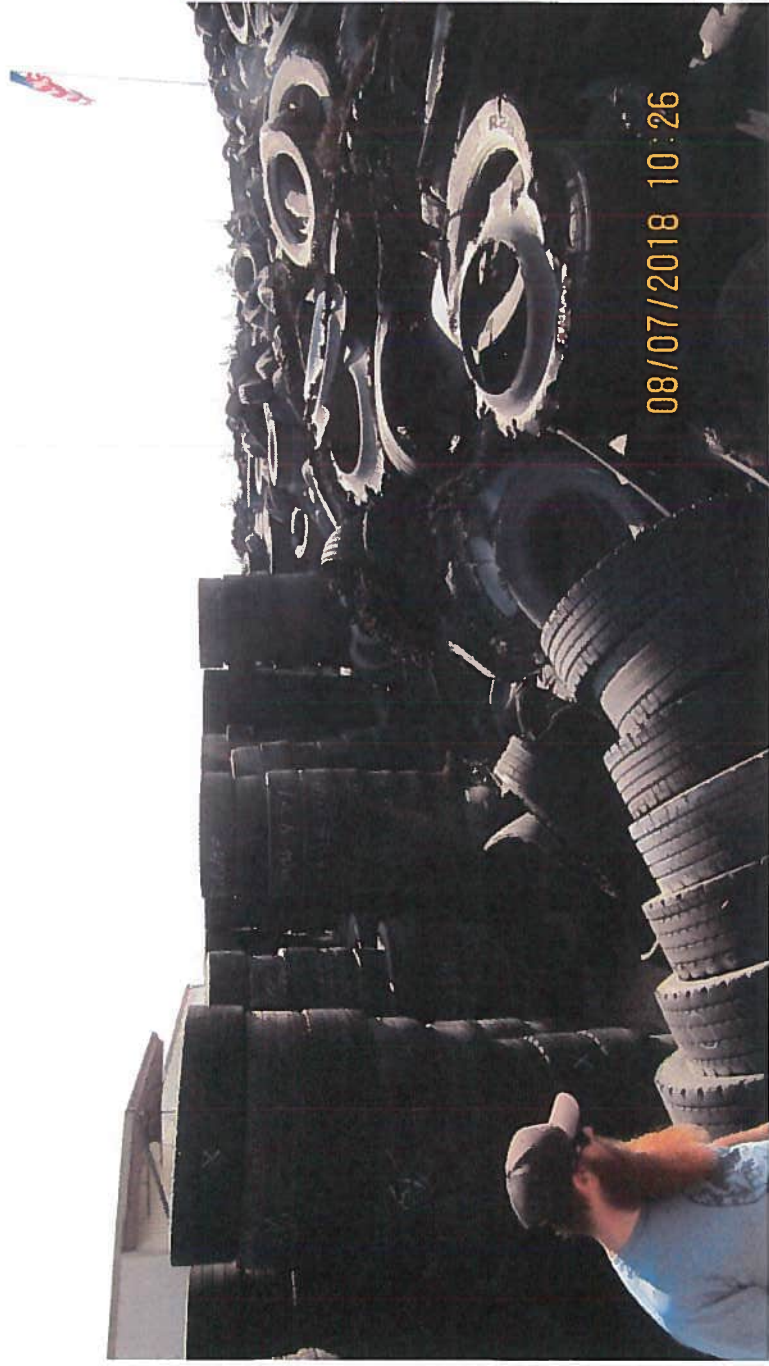




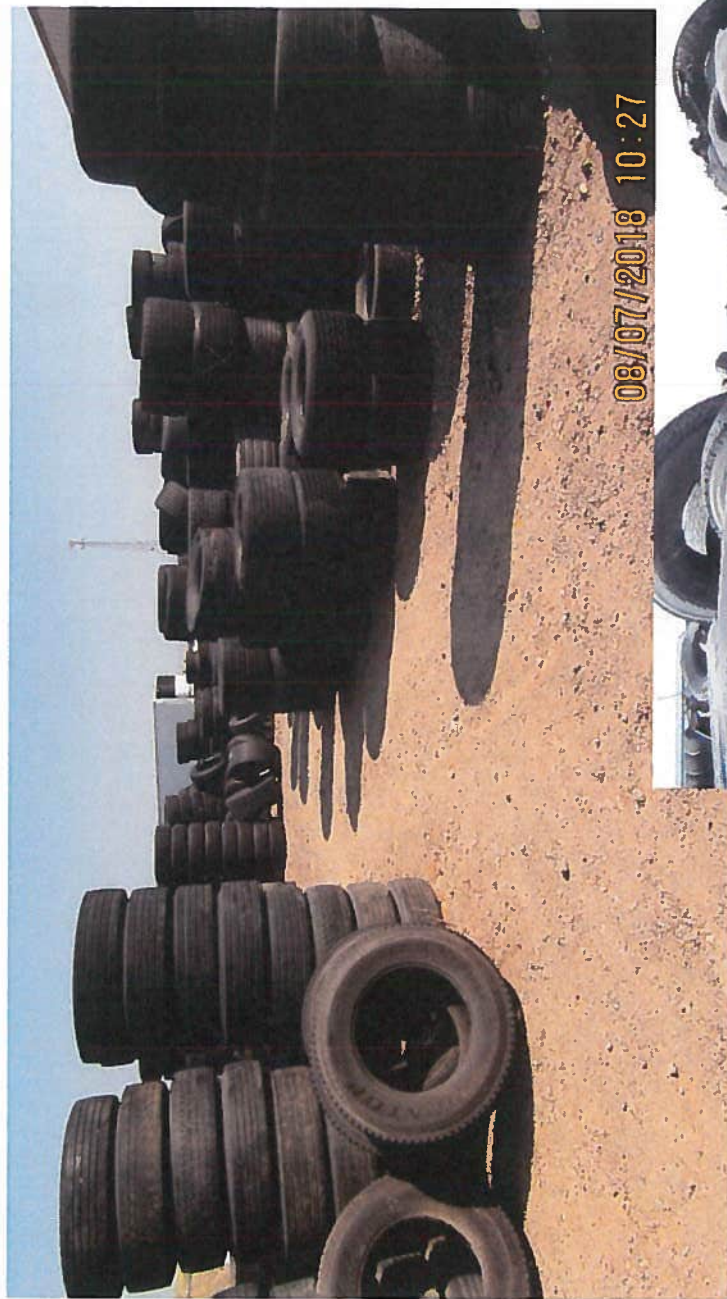




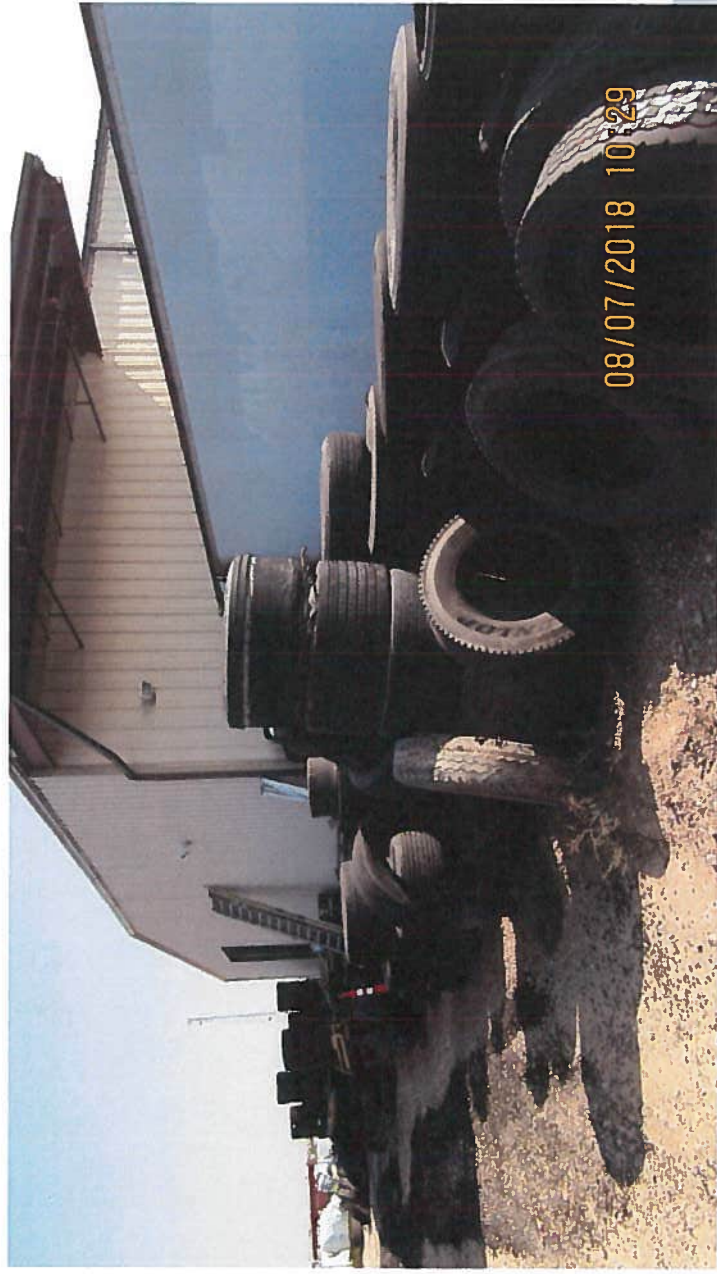


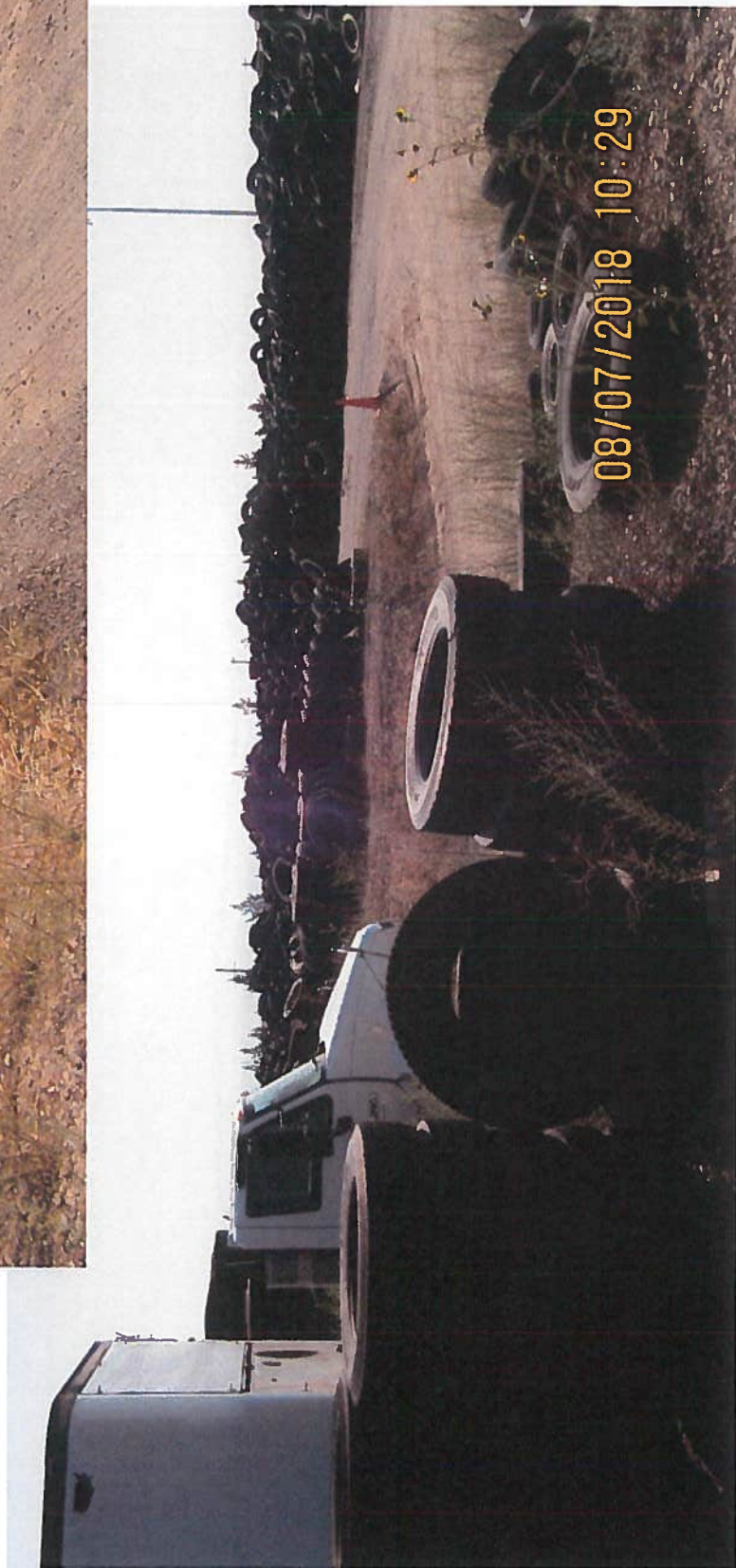
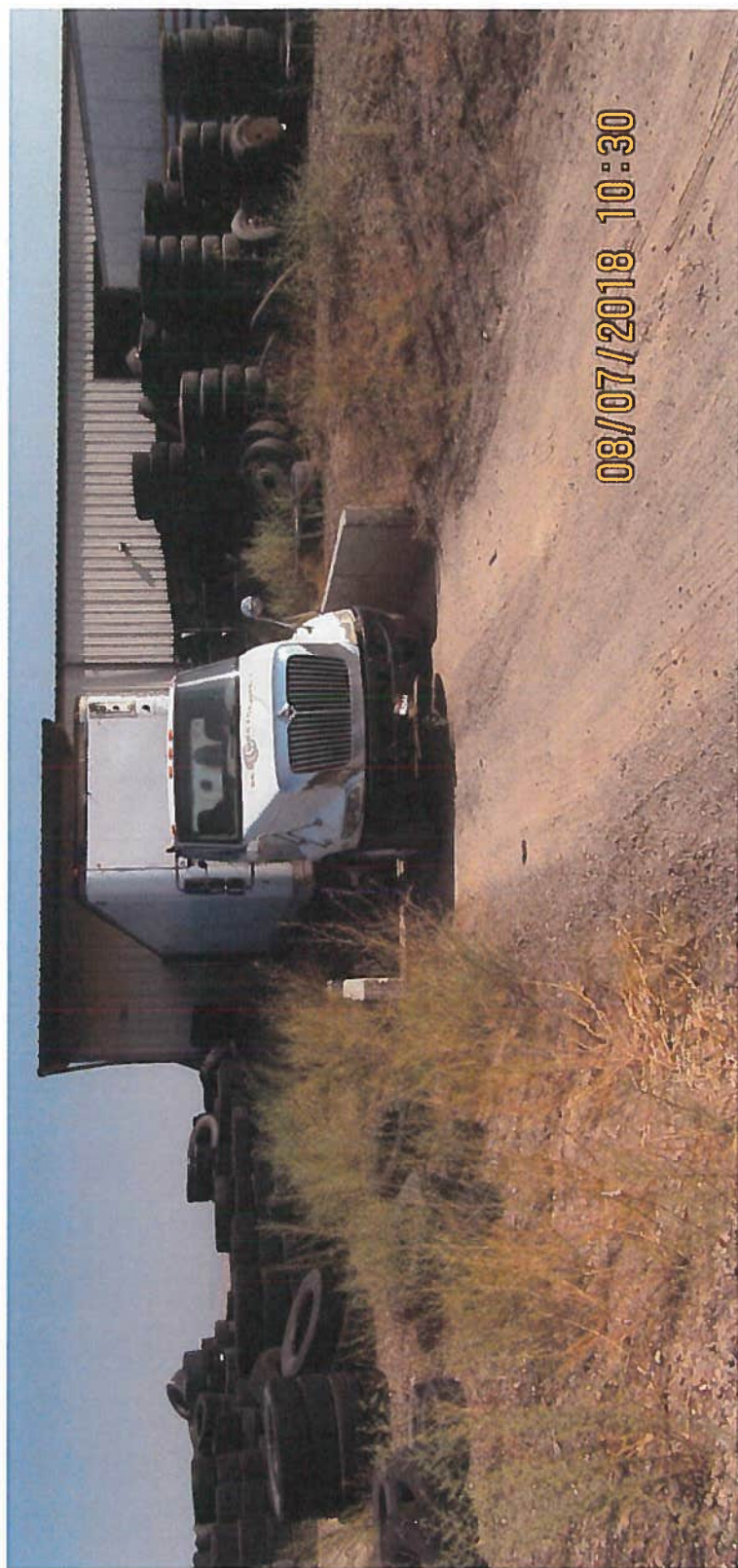


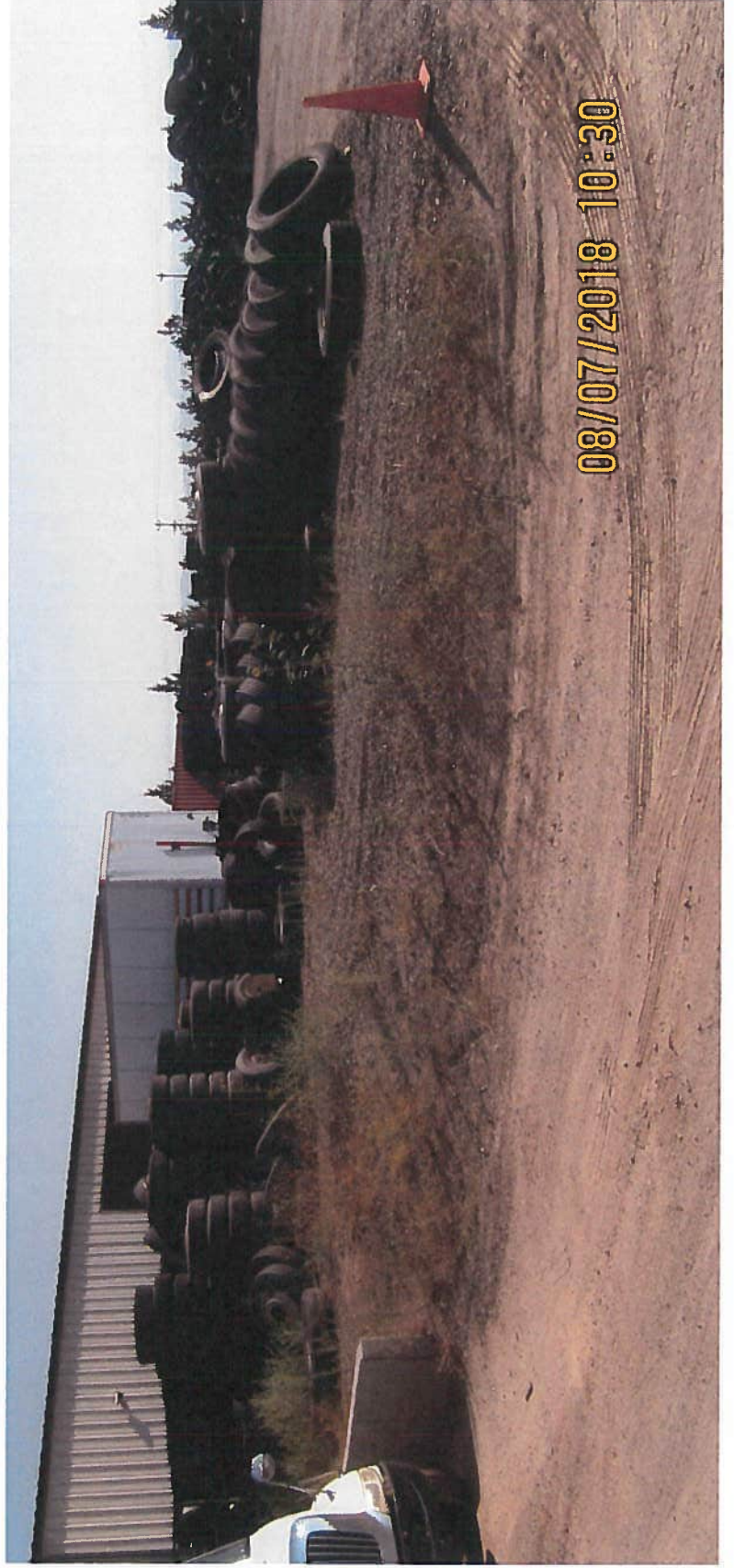
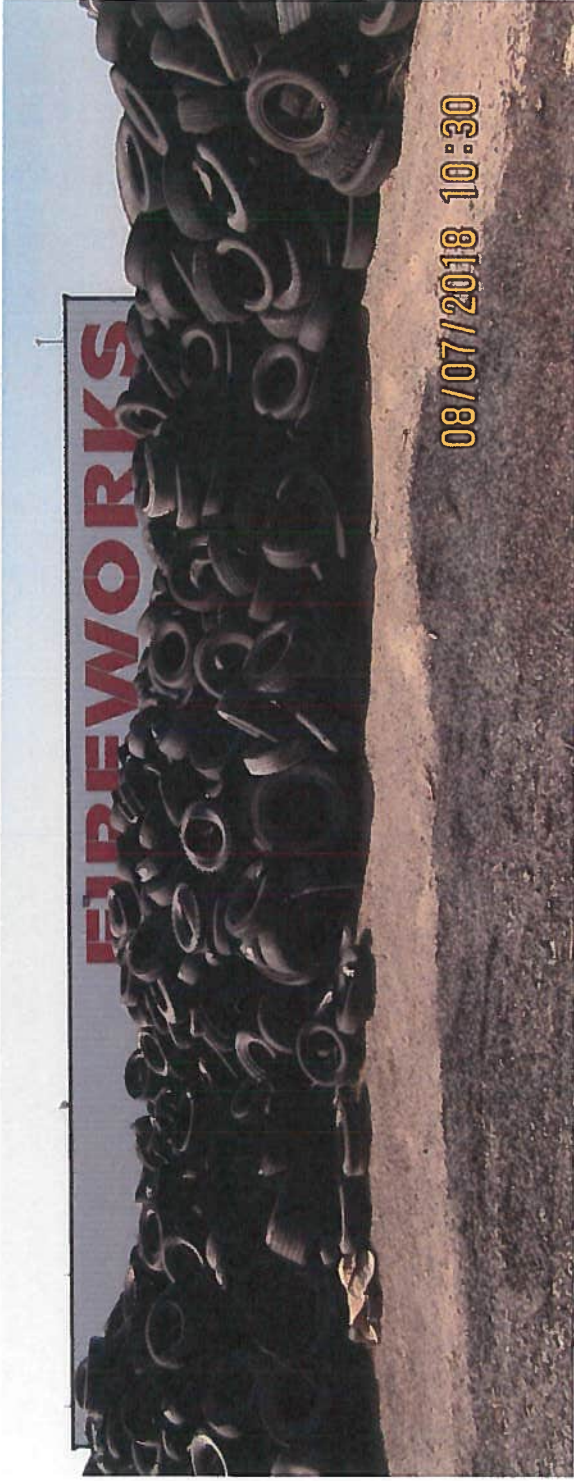


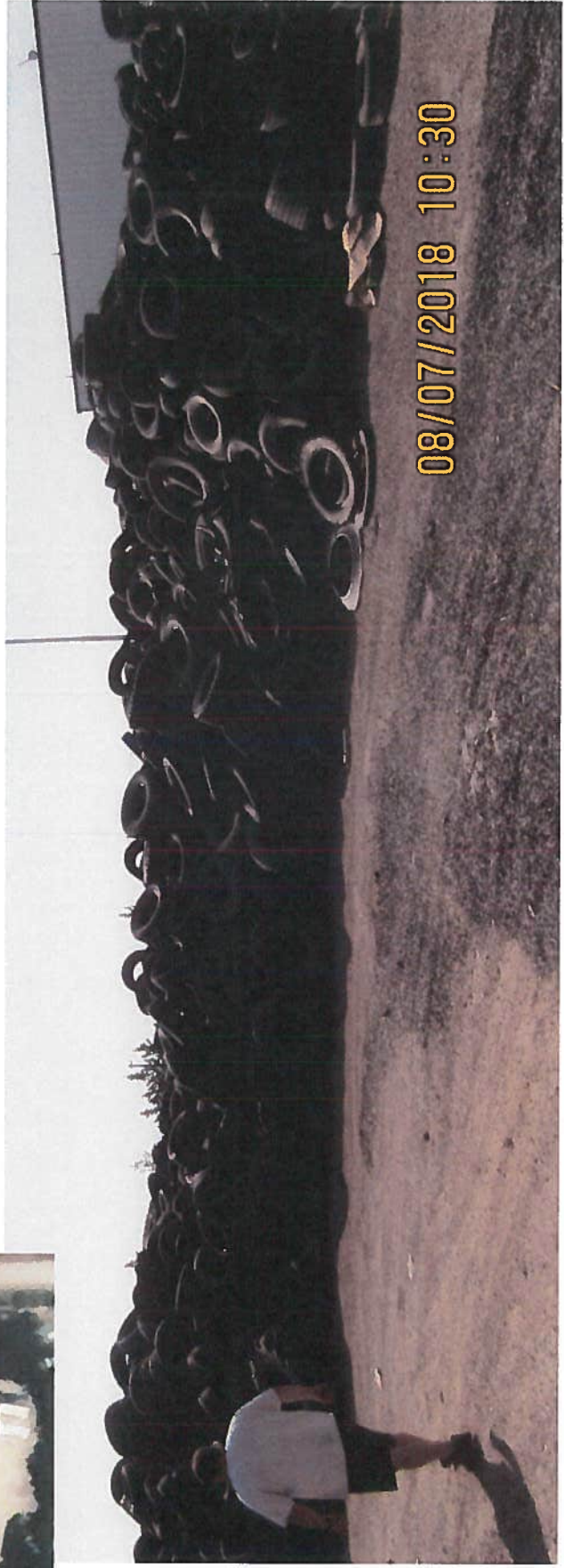


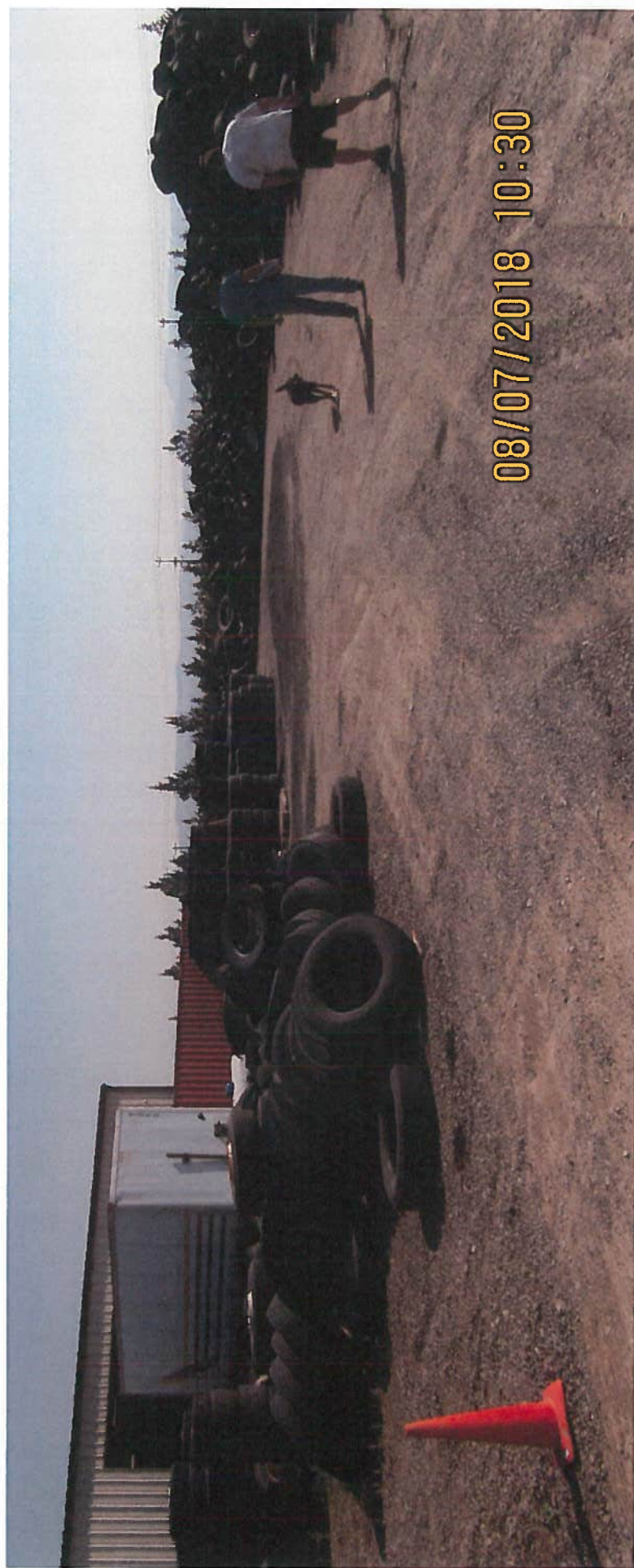
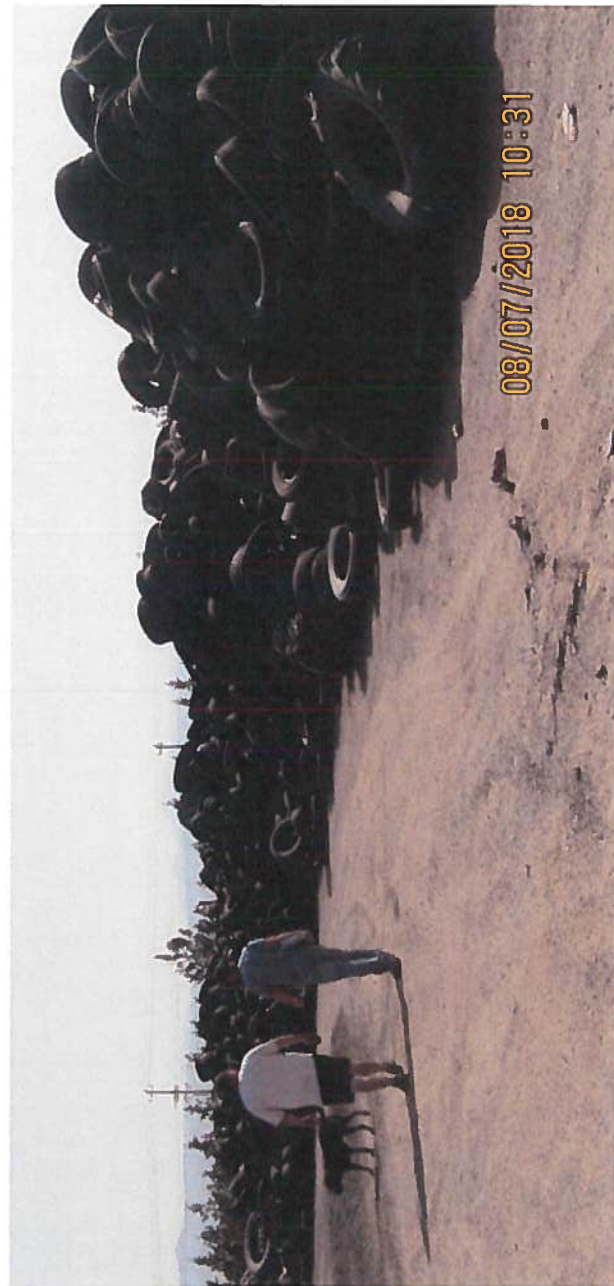


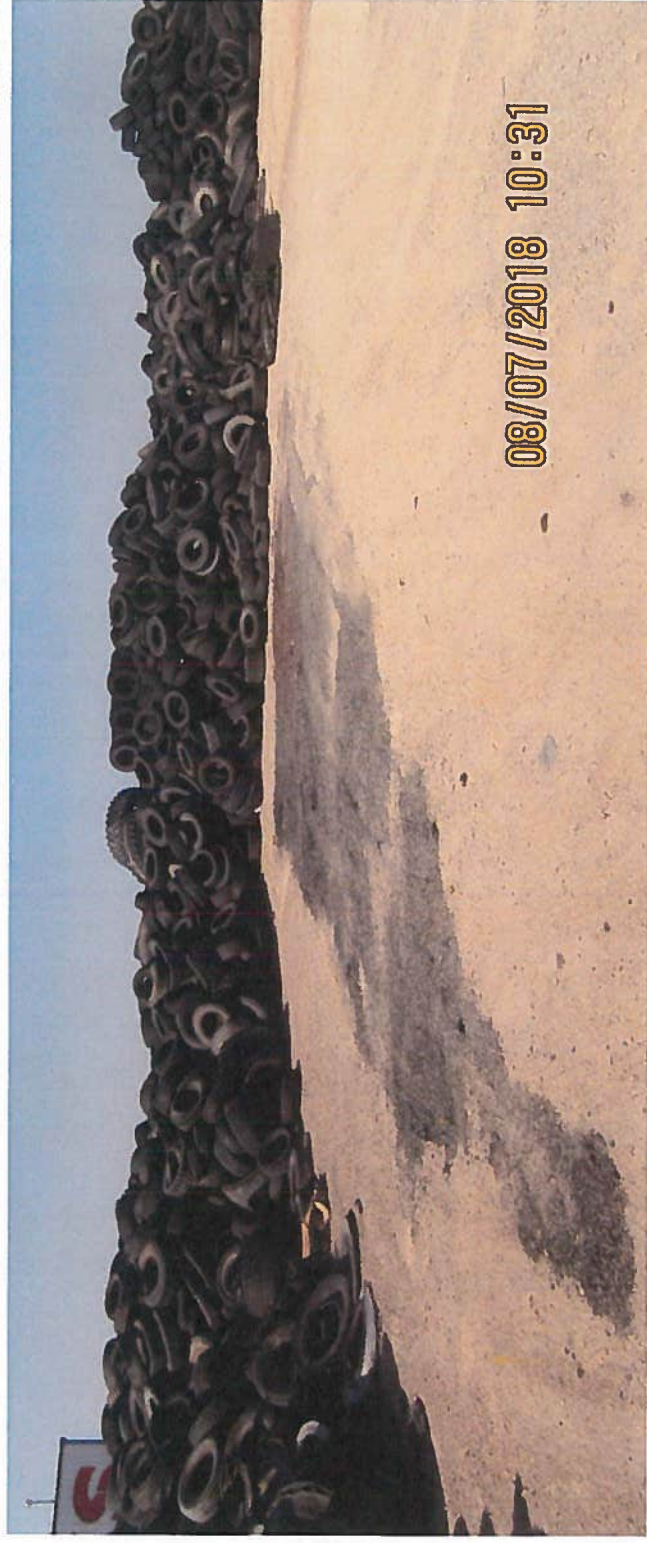
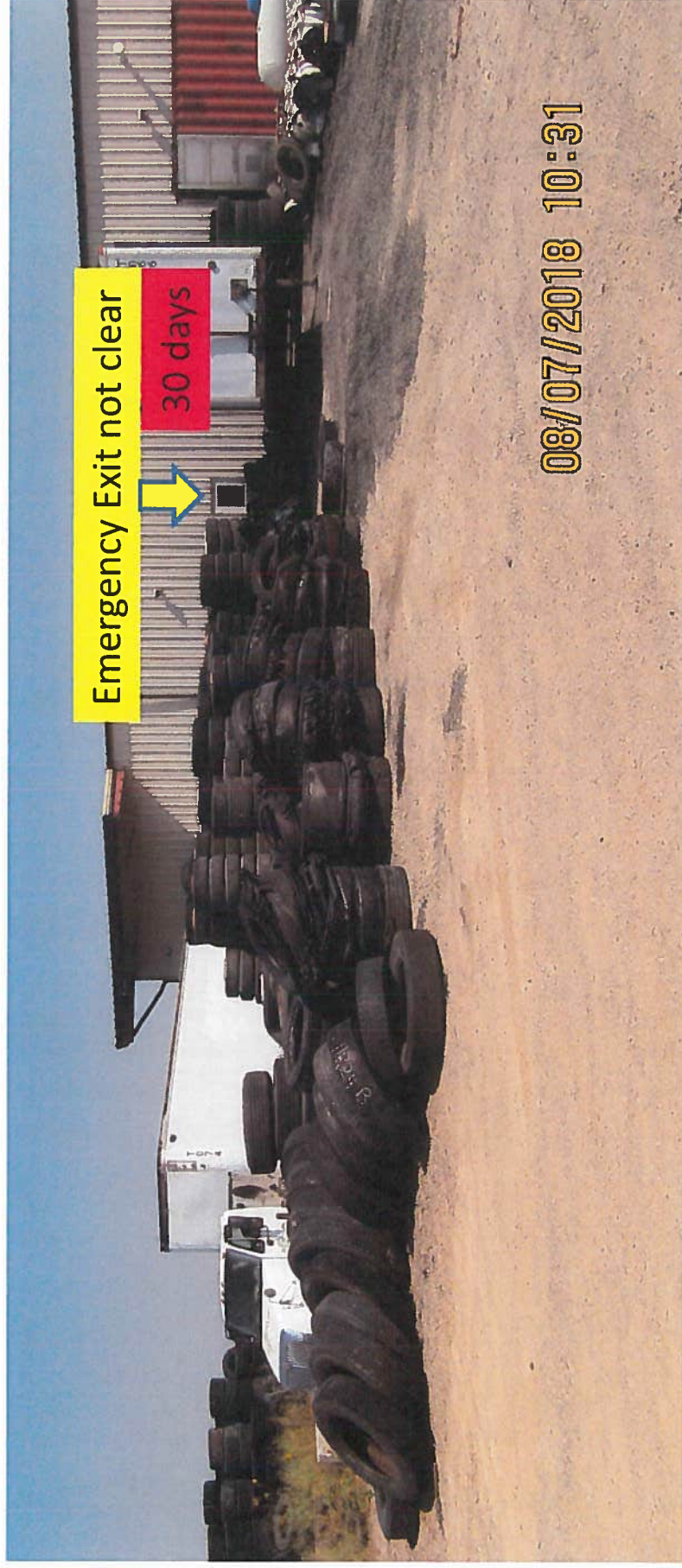


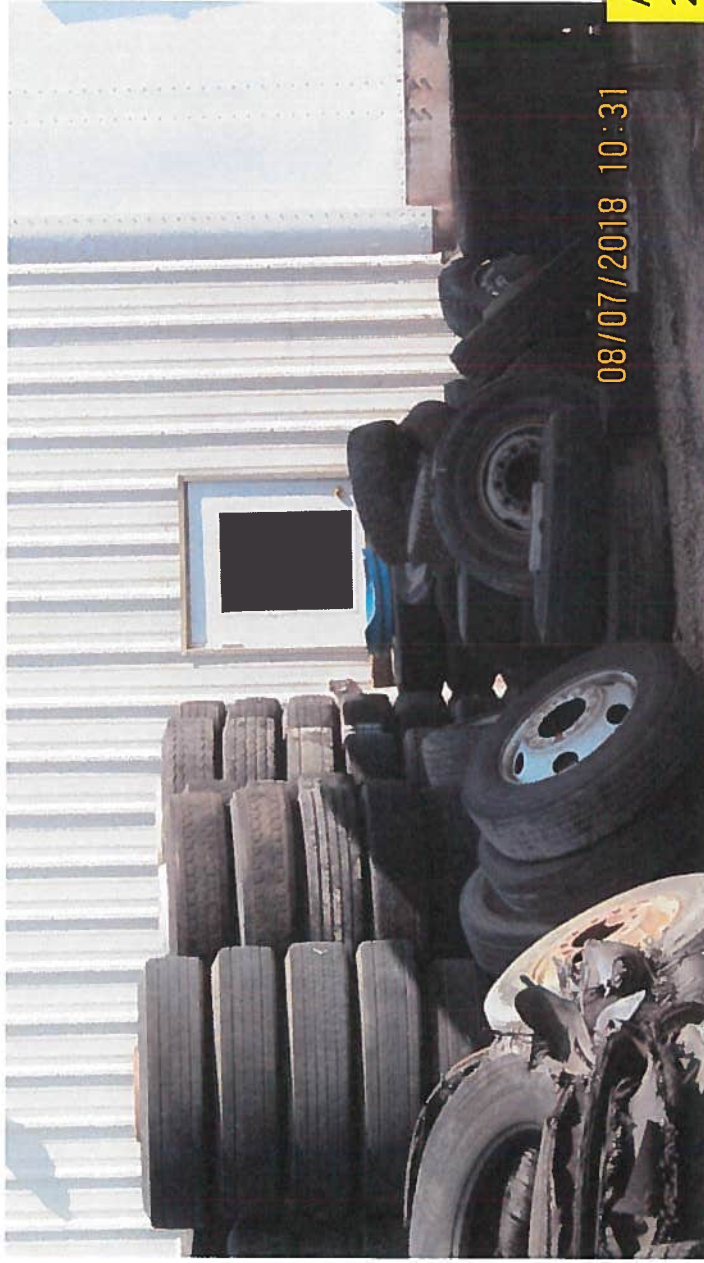












Active LP Tank:

2015 National Fire Code:

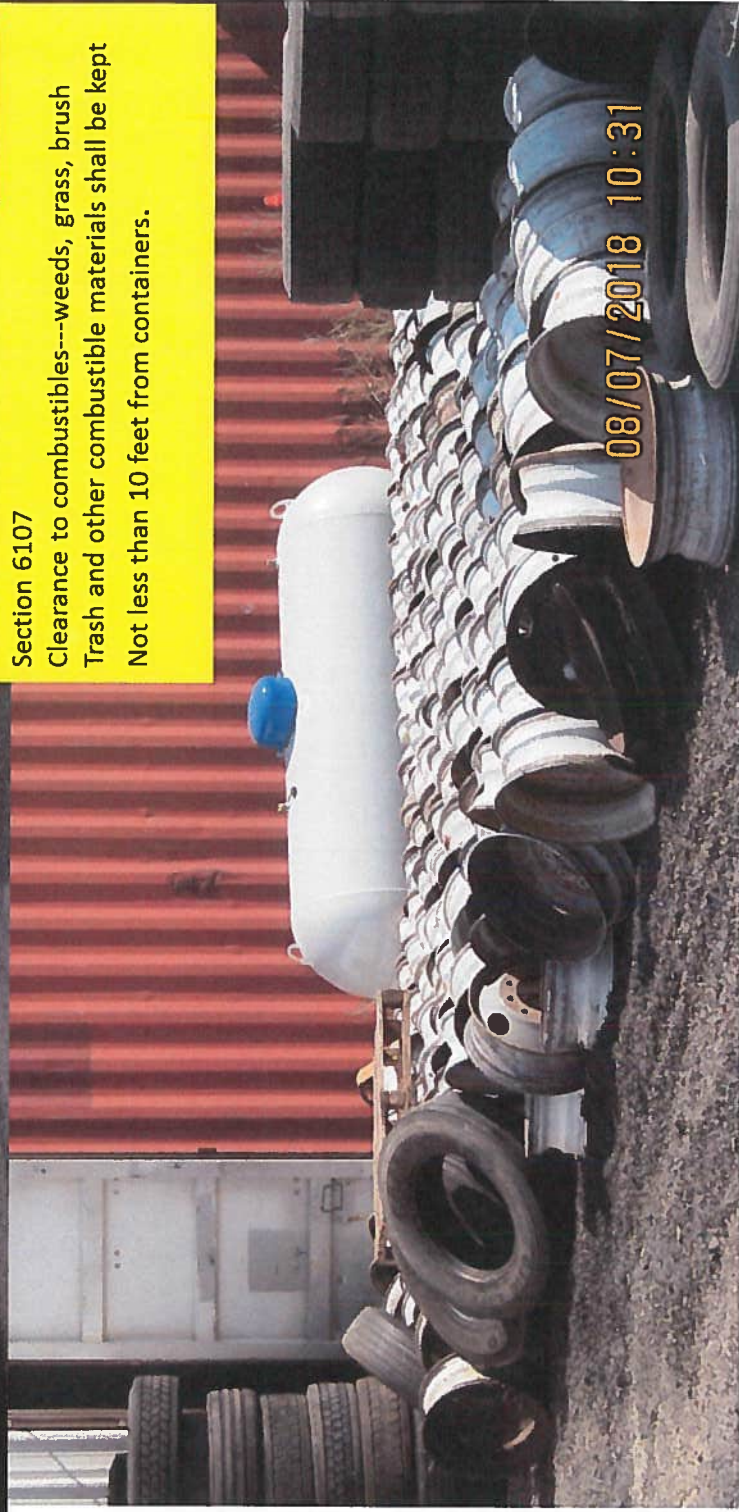
Section 6107

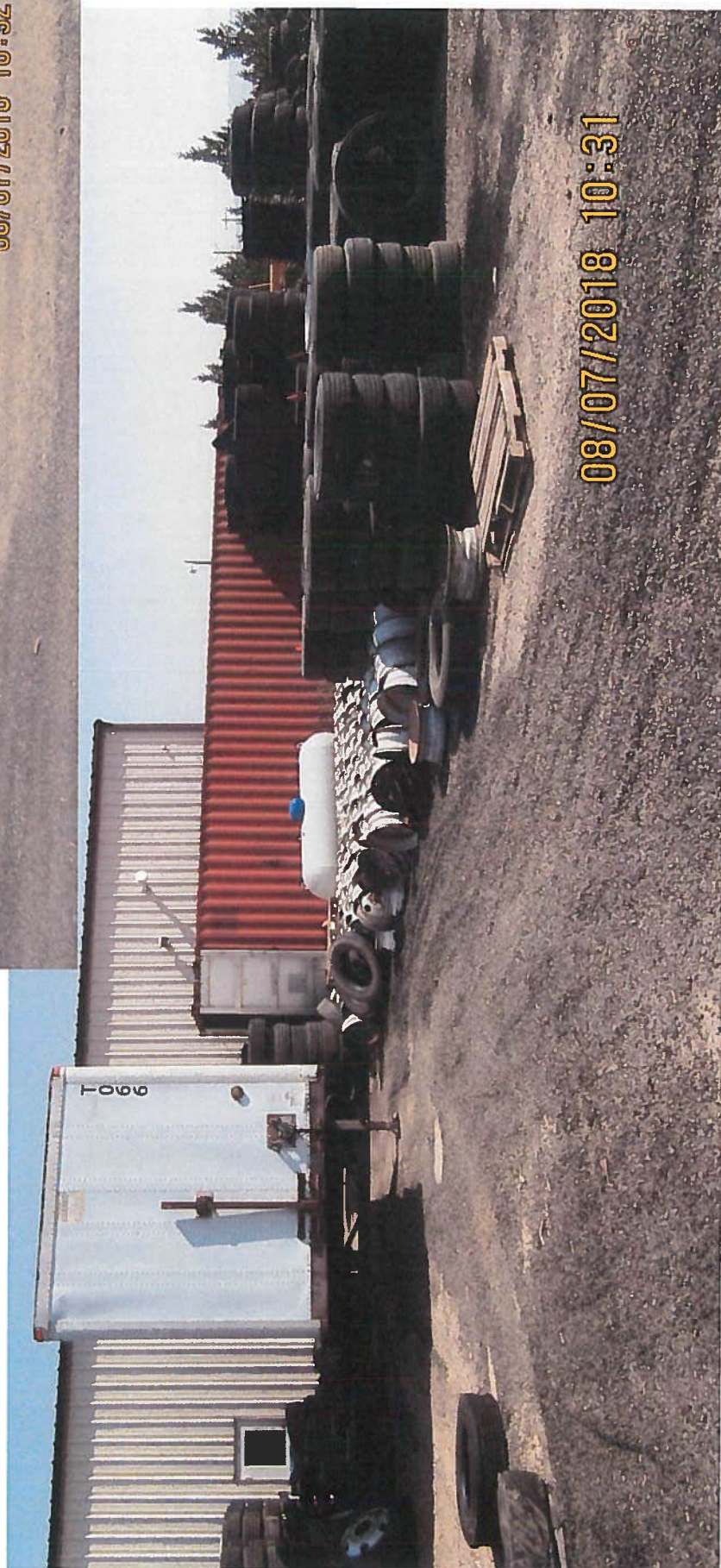
Clearance to combustibles---weeds, grass, brush

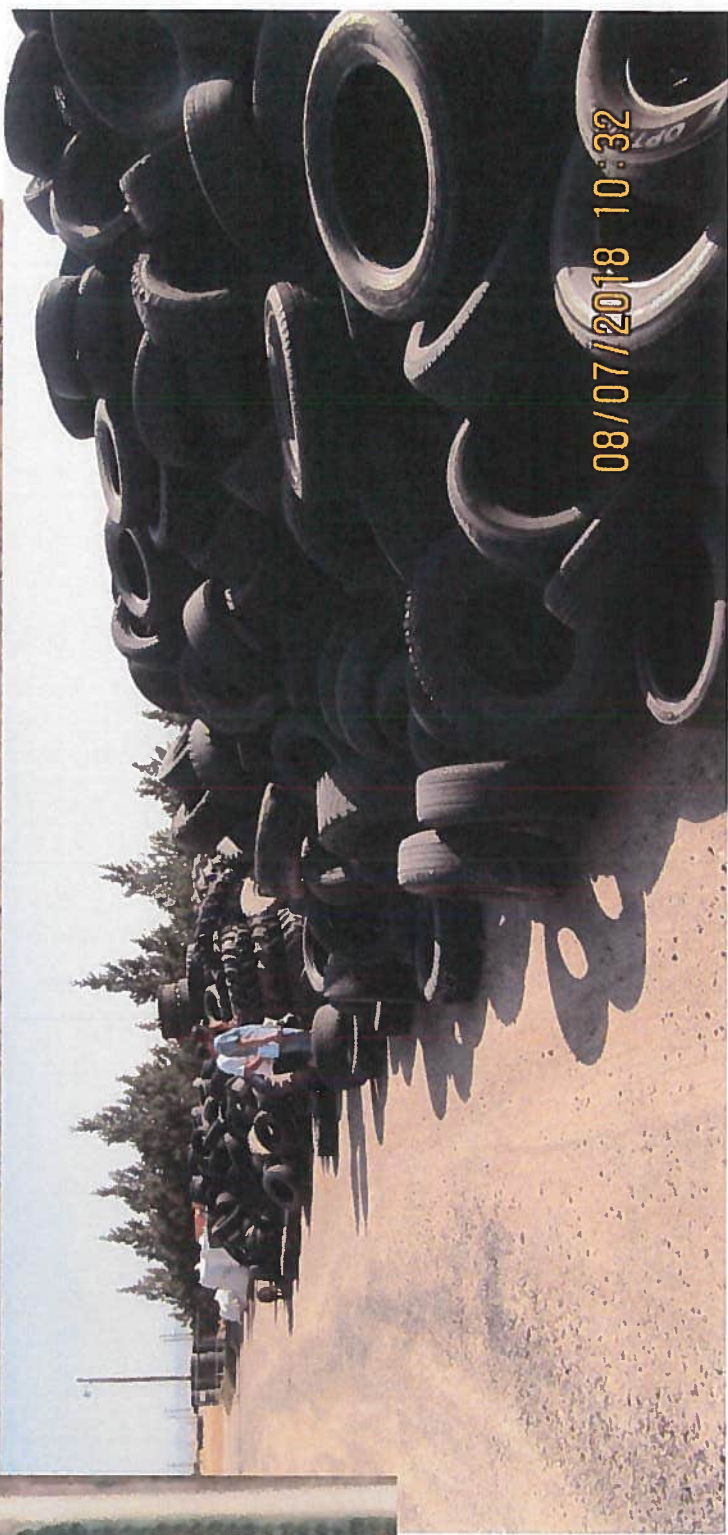
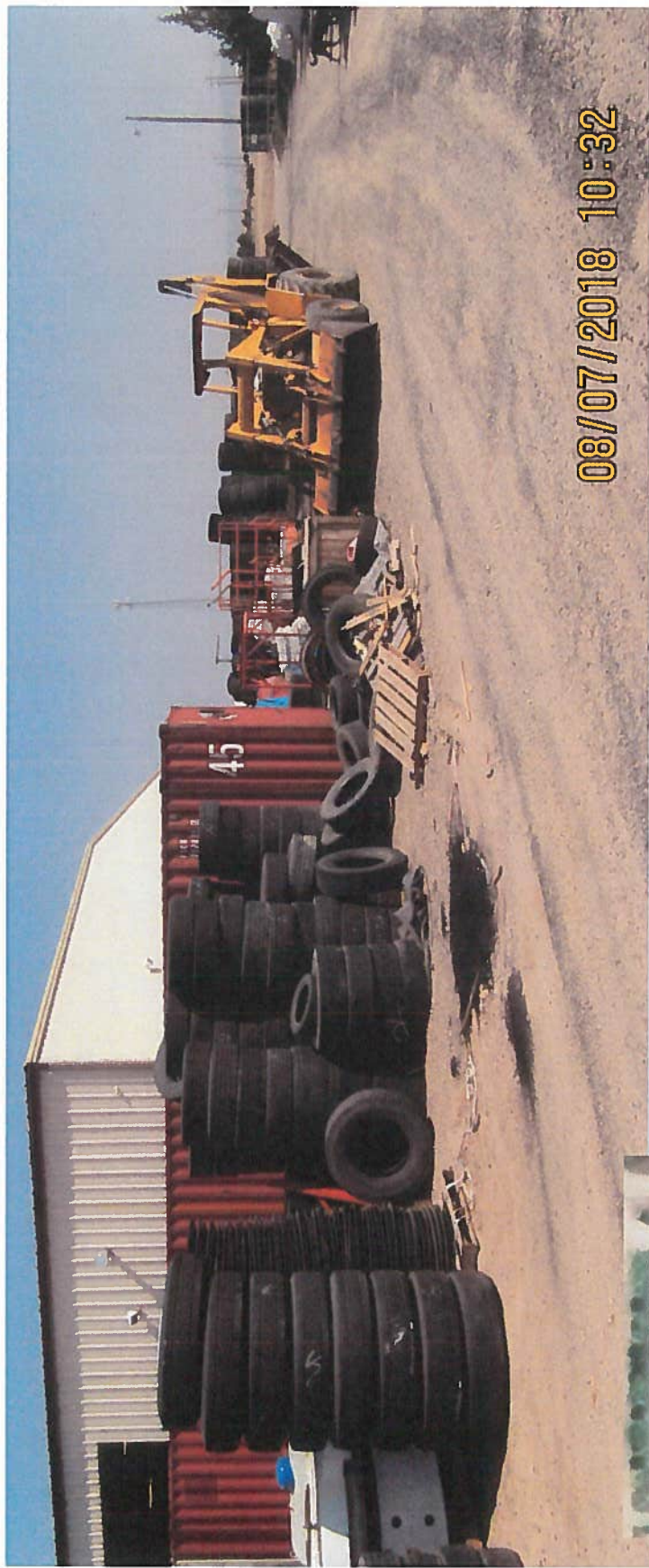
Trash and other combustible materials shall be kept

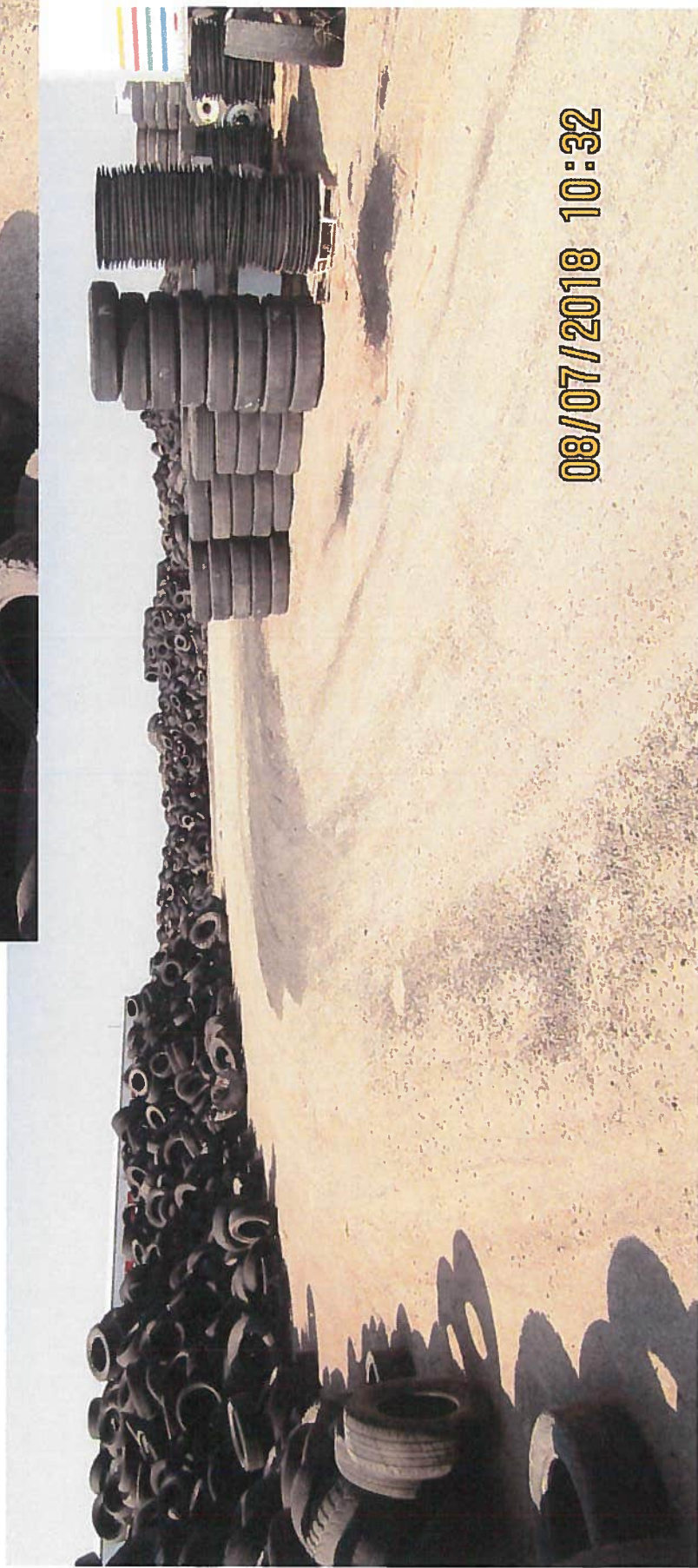
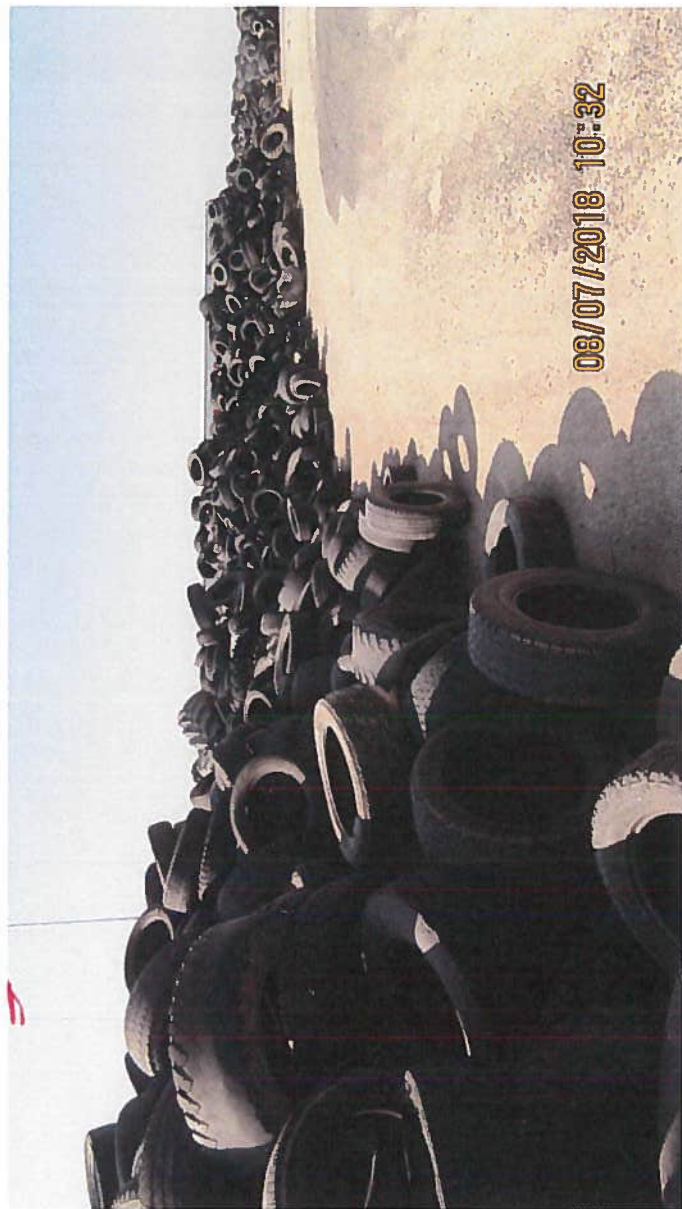
Not less than 10 feet from containers.

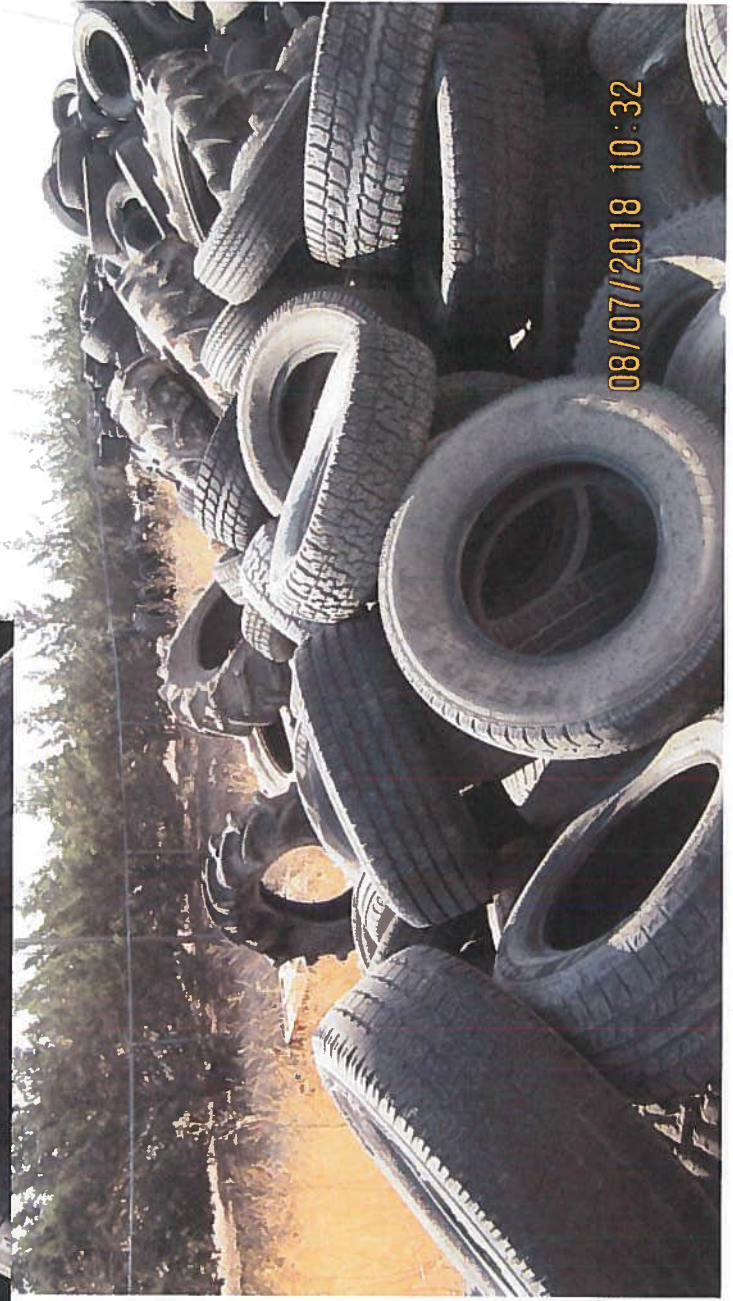
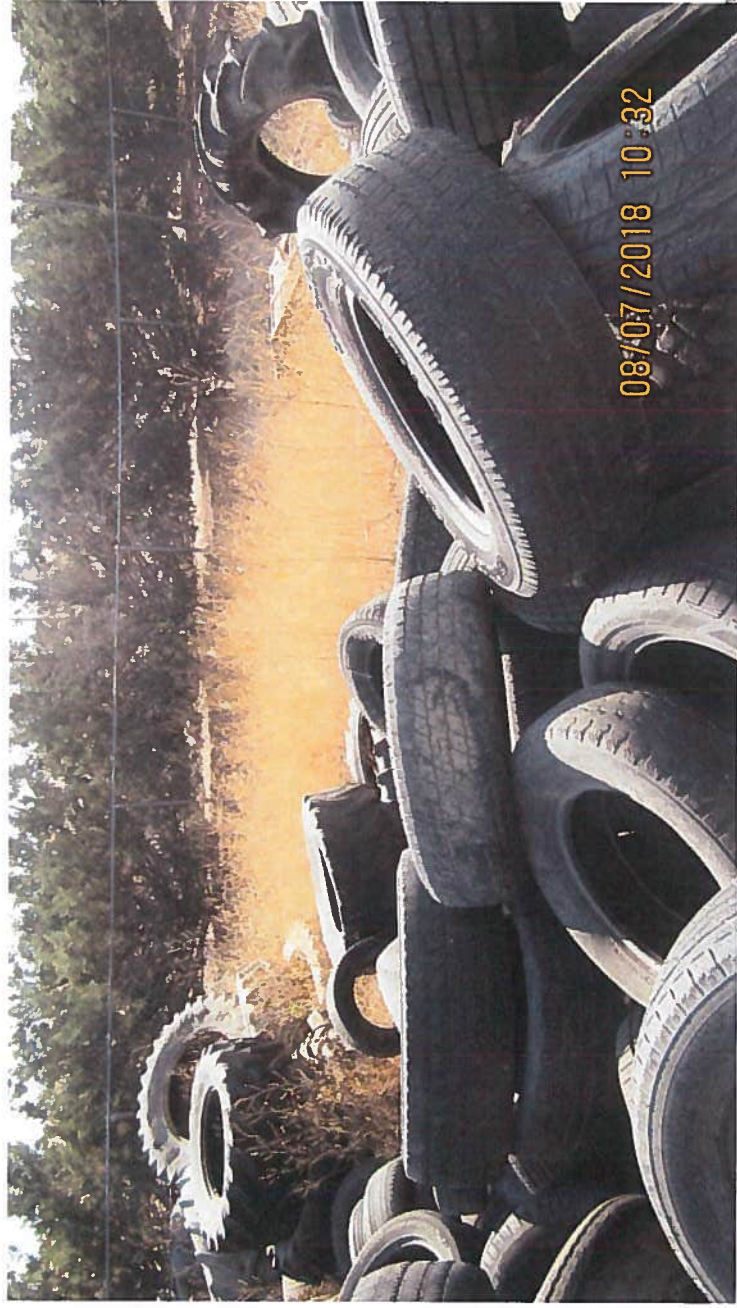
30 days

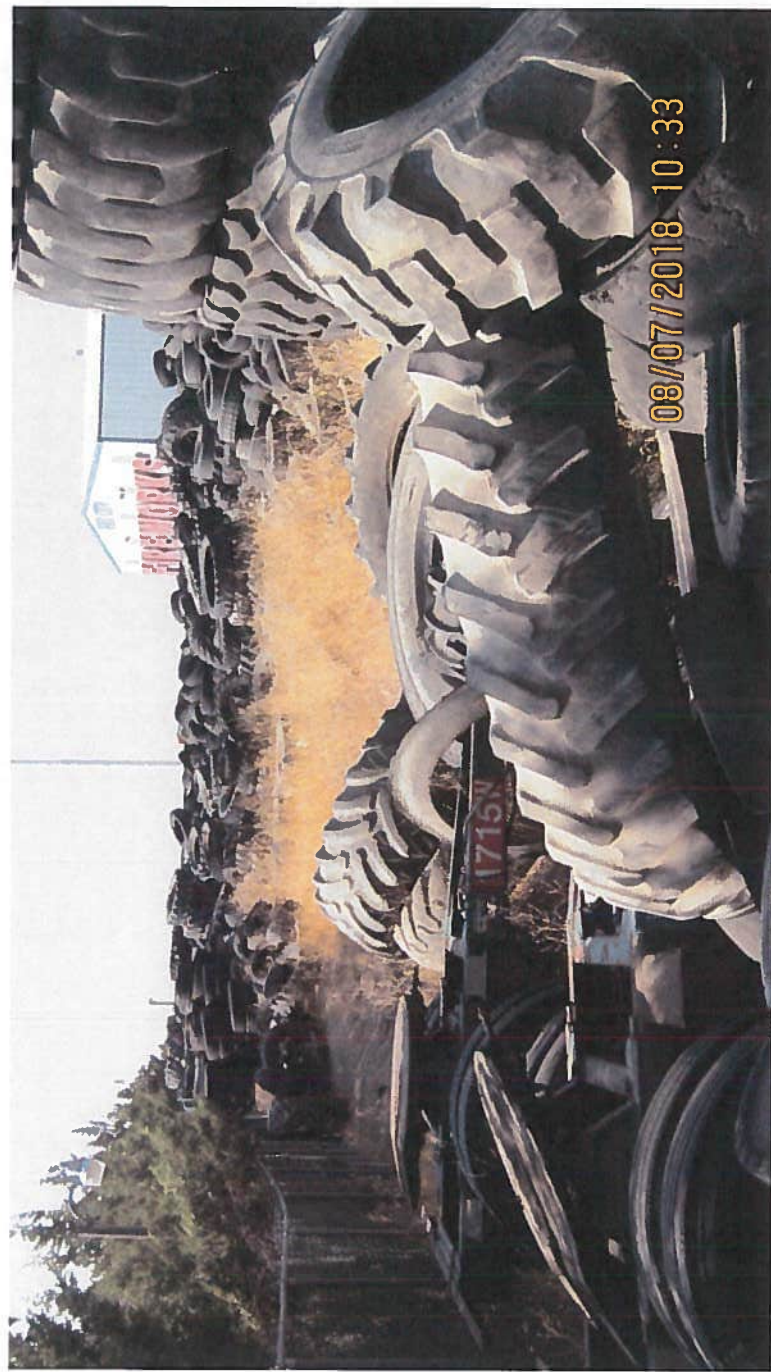


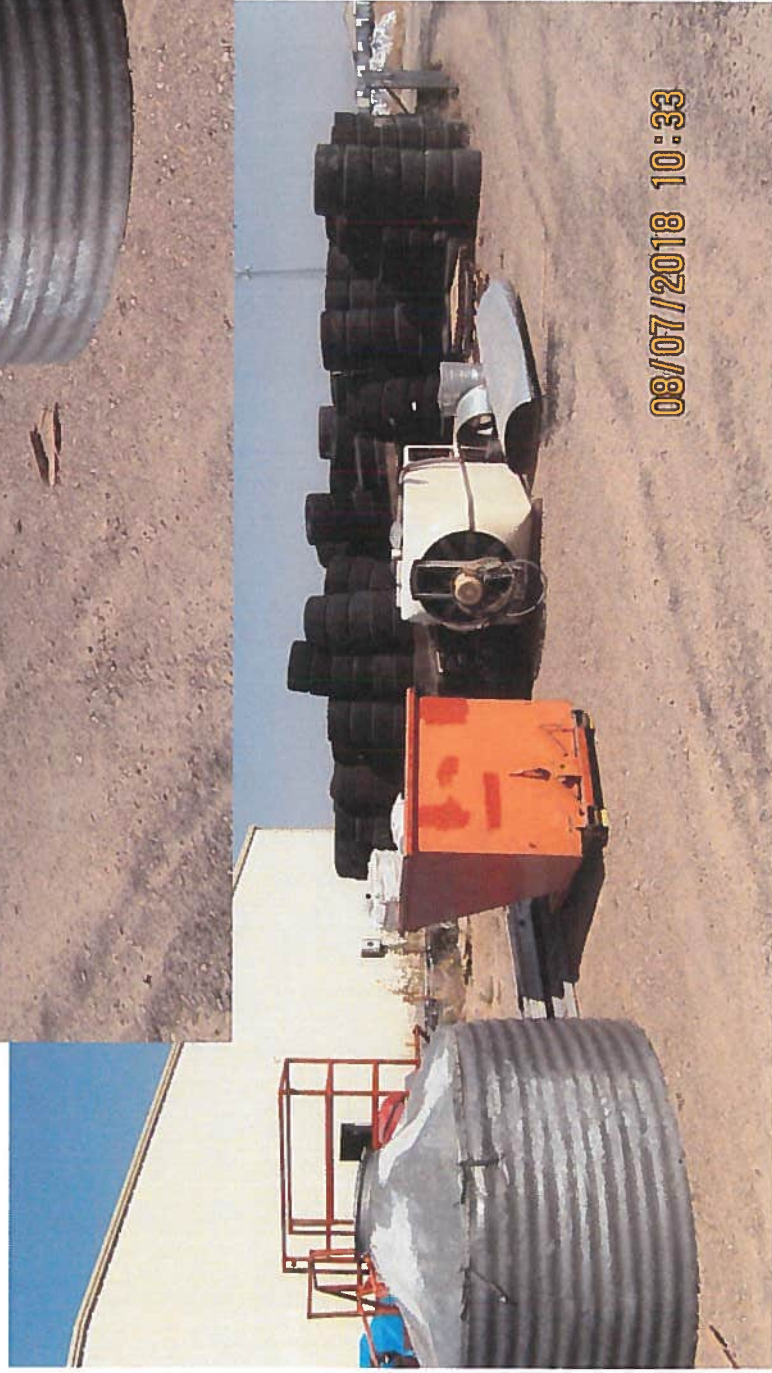
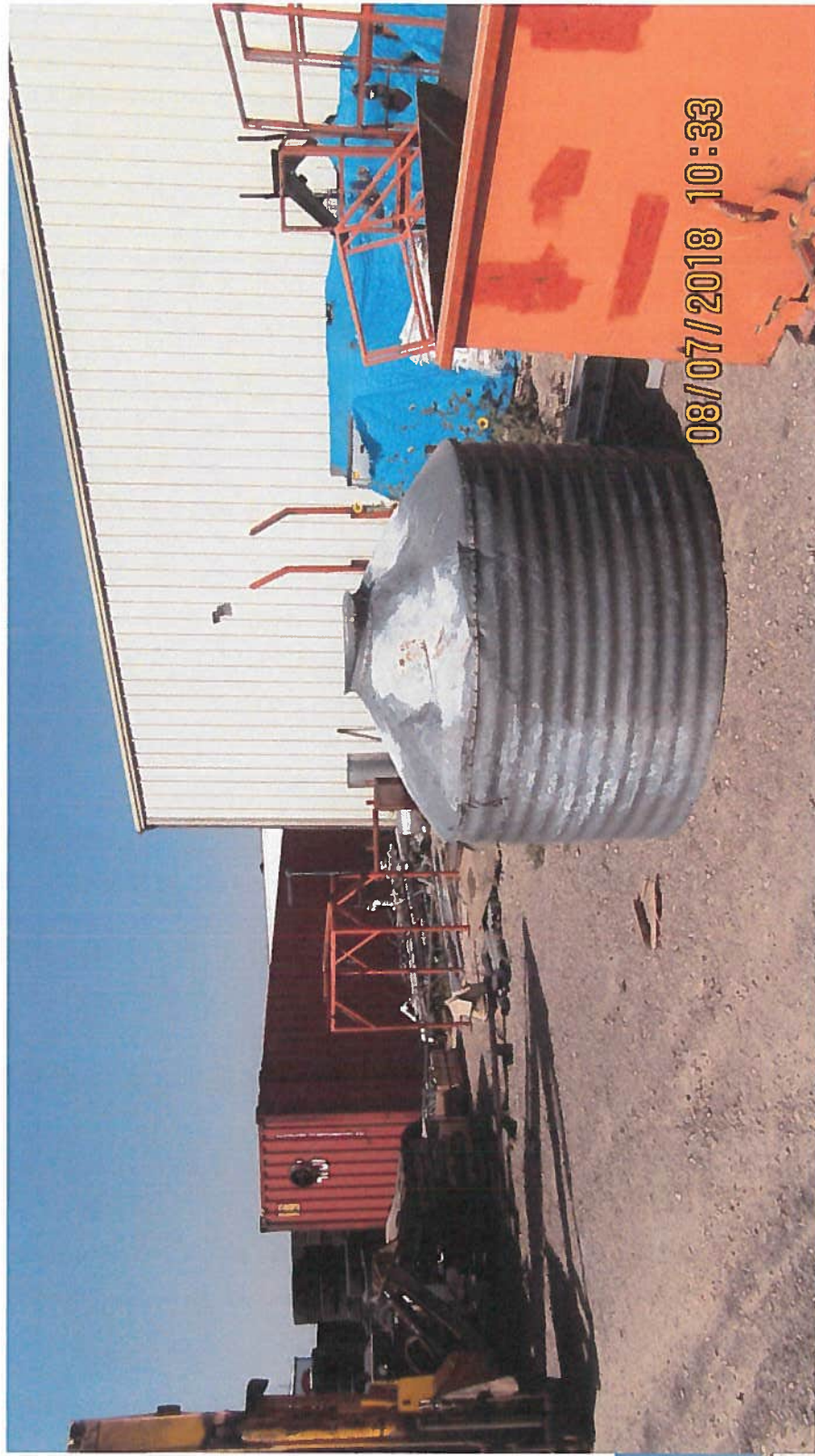


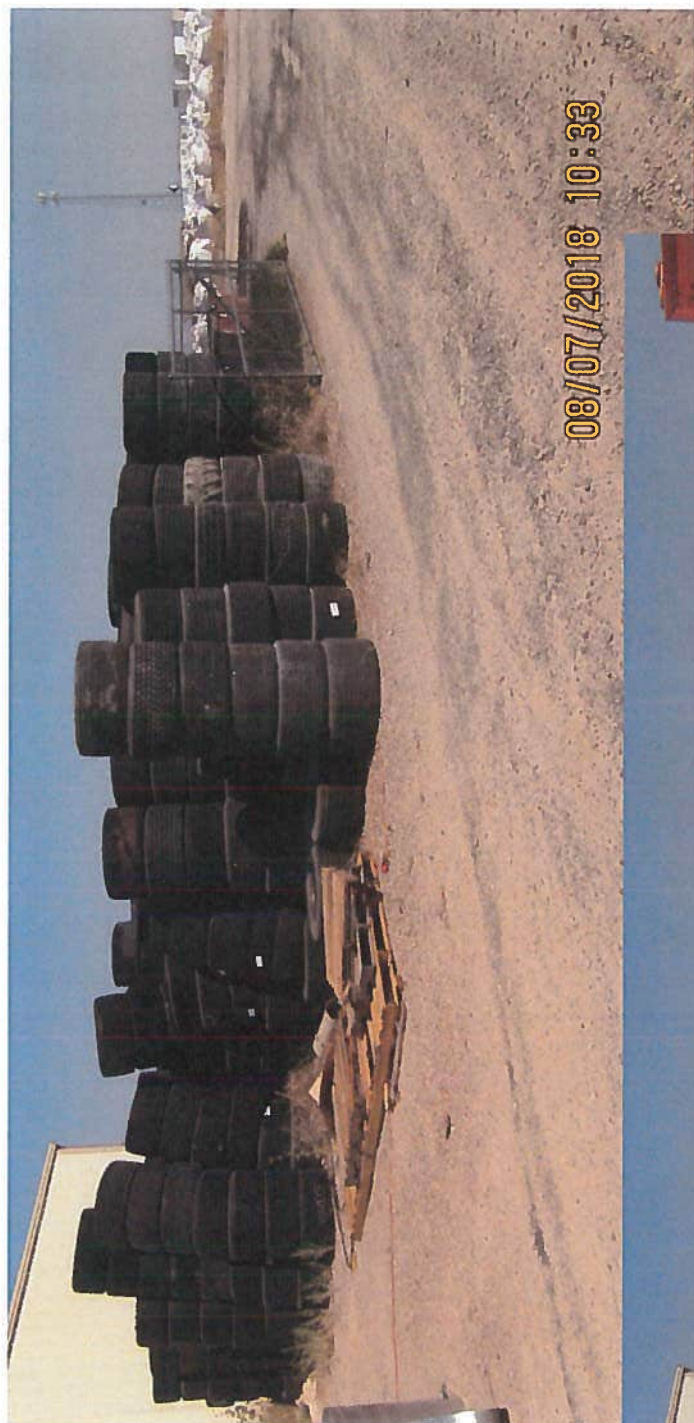












08/07/2018 10:33



08/07/2018 10:33

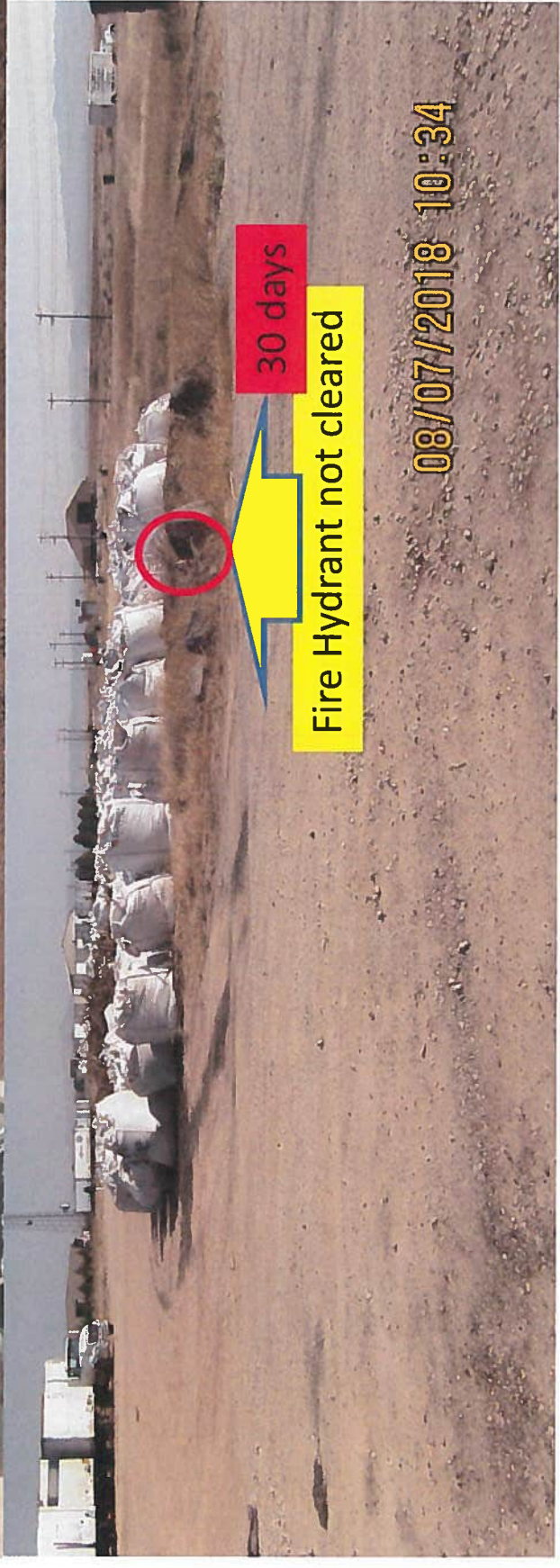


Remove Brush Pile in center of Shredded tire storage area

30 days

Shredded Tire Storage Area

08/07/2018 10:34



30 days

Fire Hydrant not cleared

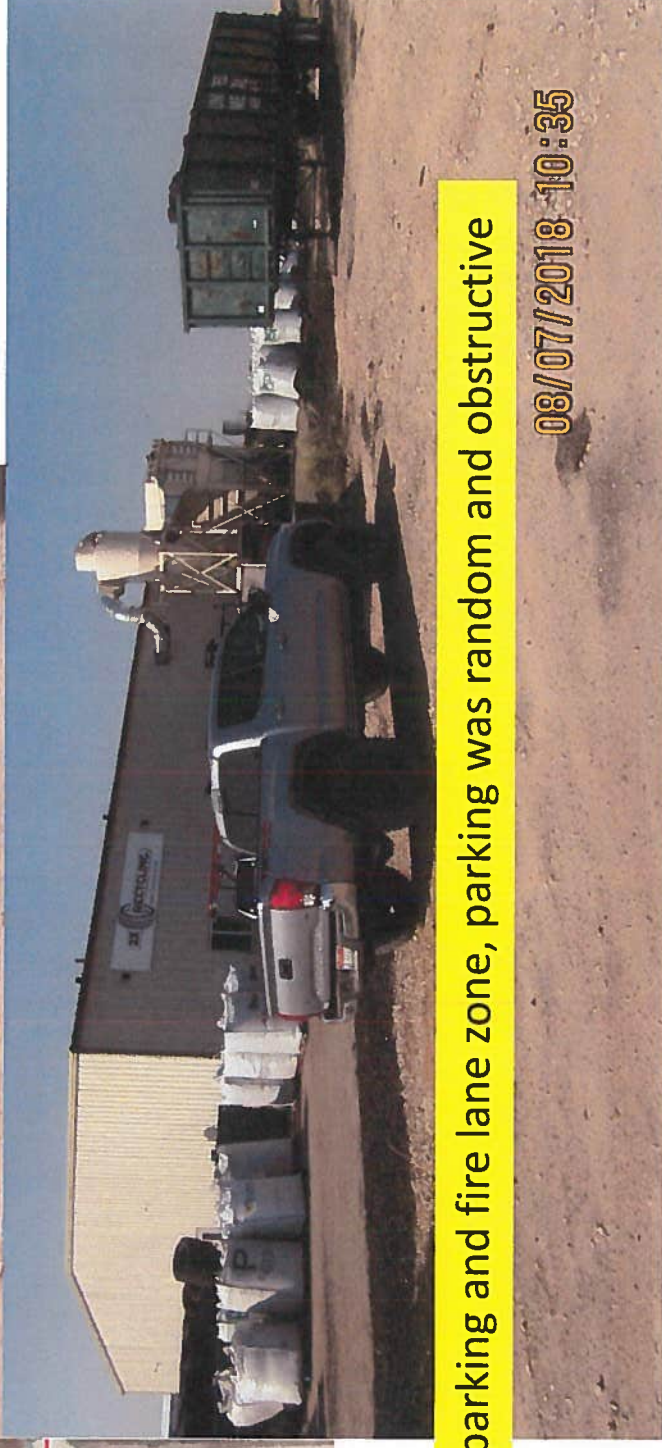
08/07/2018 10:34



Brush Pile in center of Shredded tire storage area



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

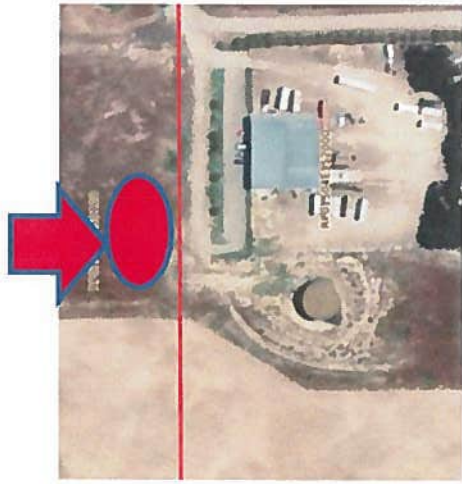


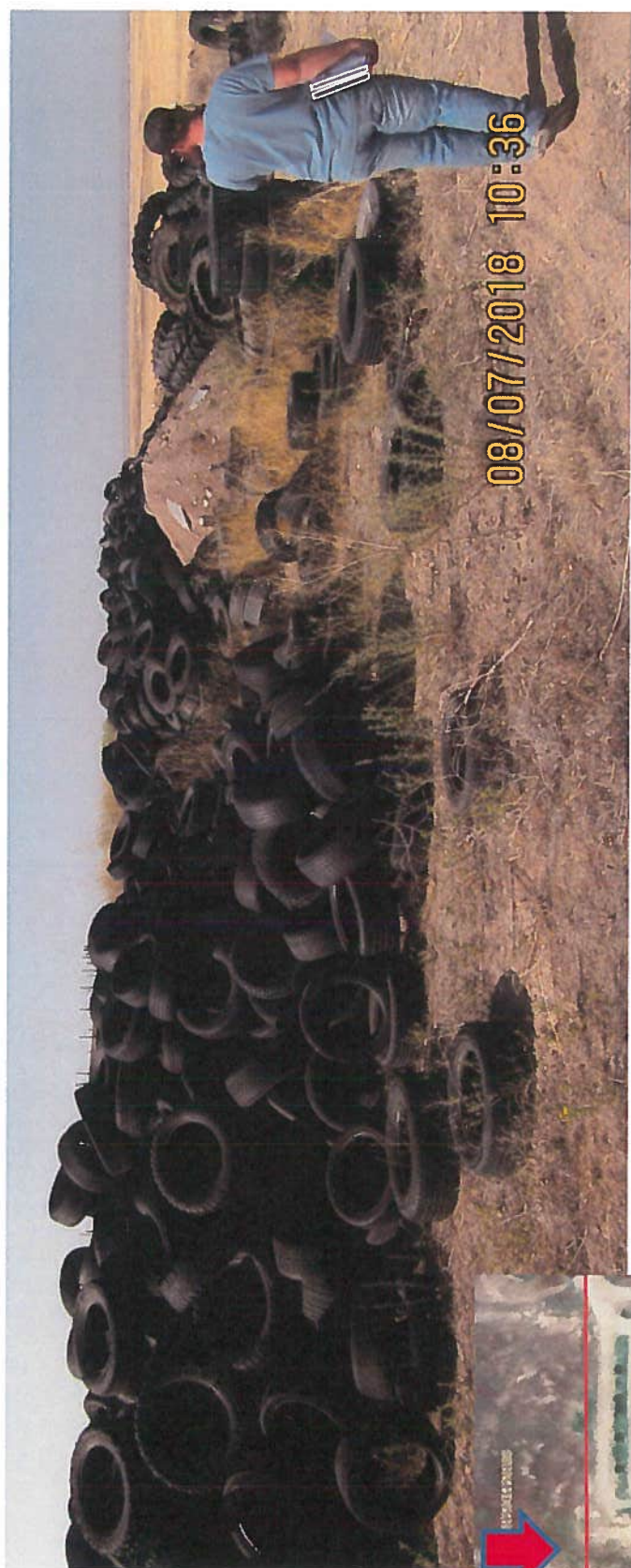


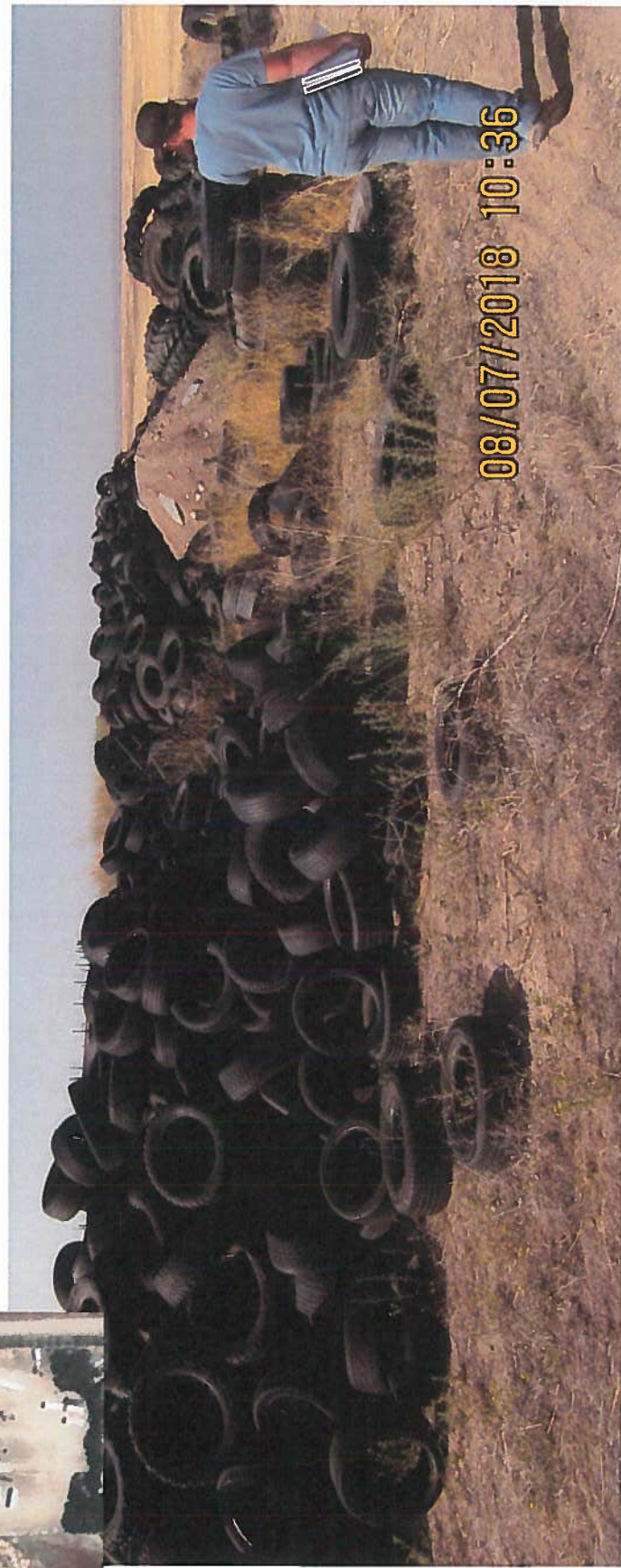
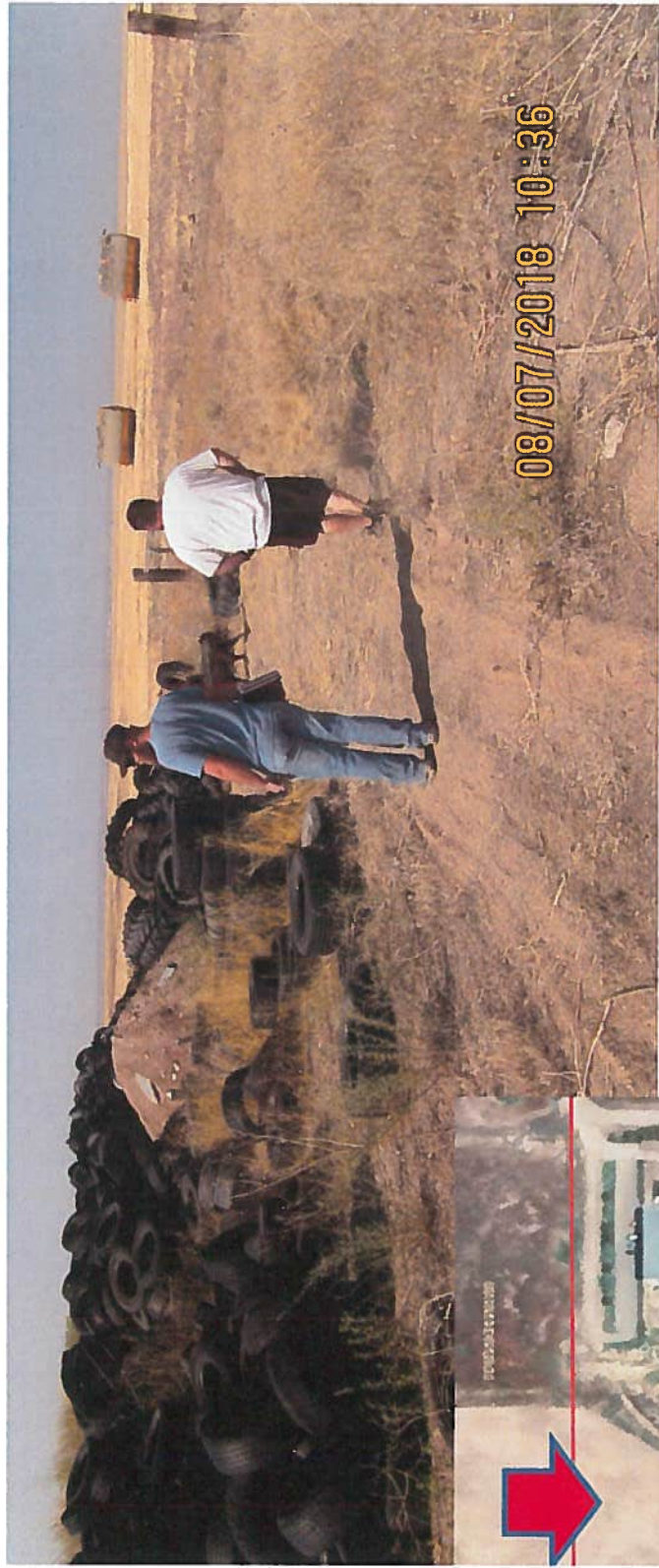
Stand Pipe Connection  
Blocked by items —  
Not signed off on initial  
inspection

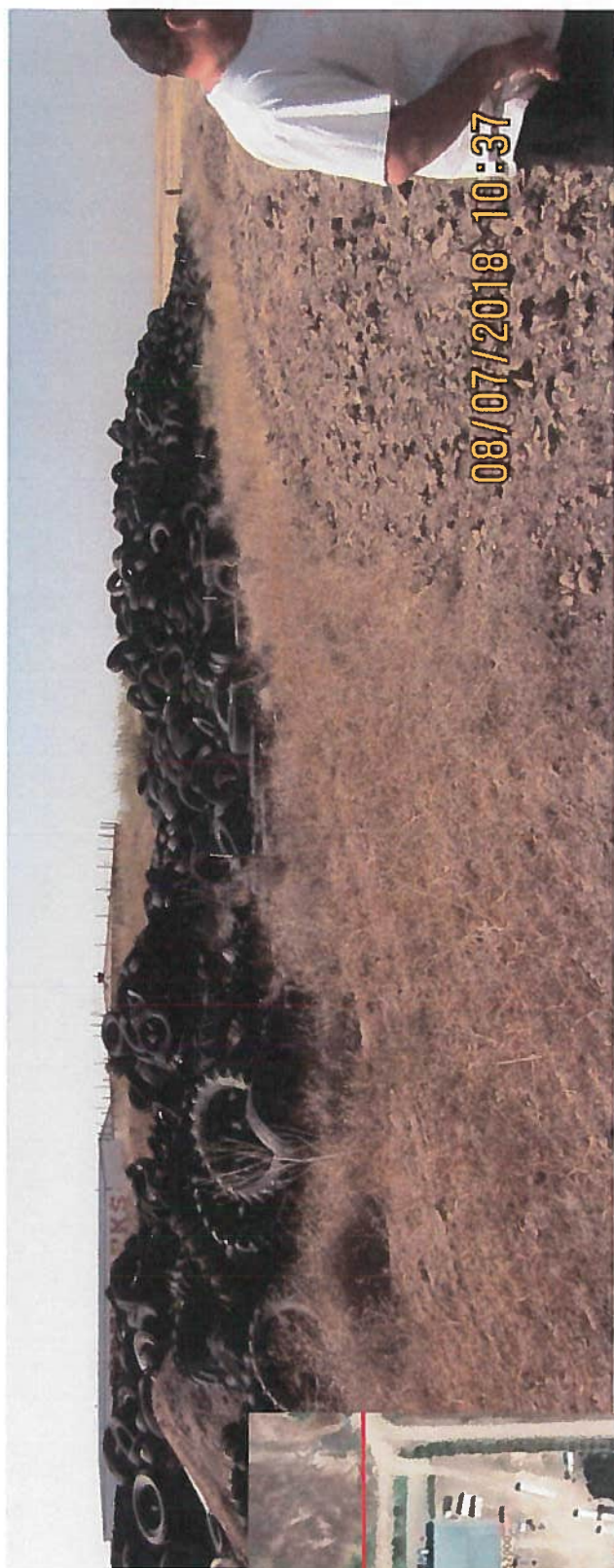


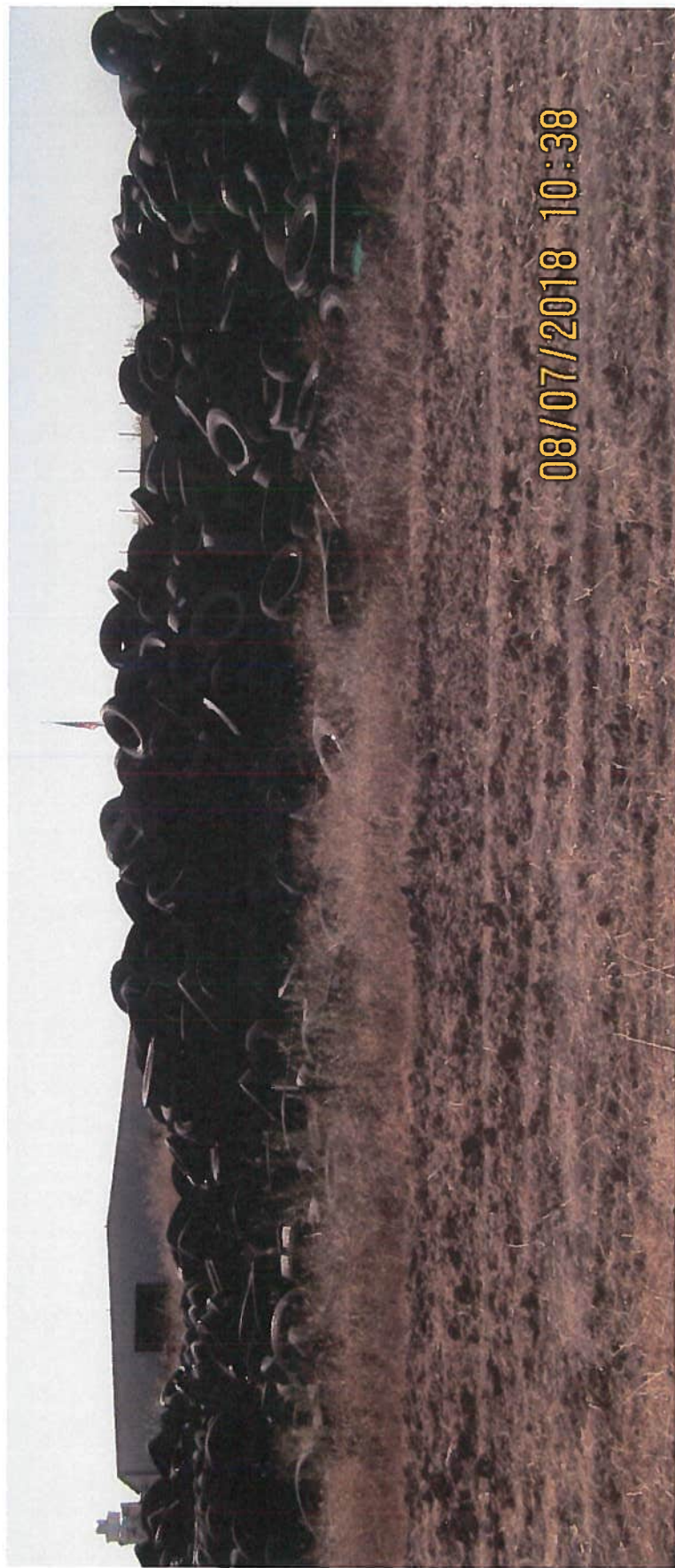
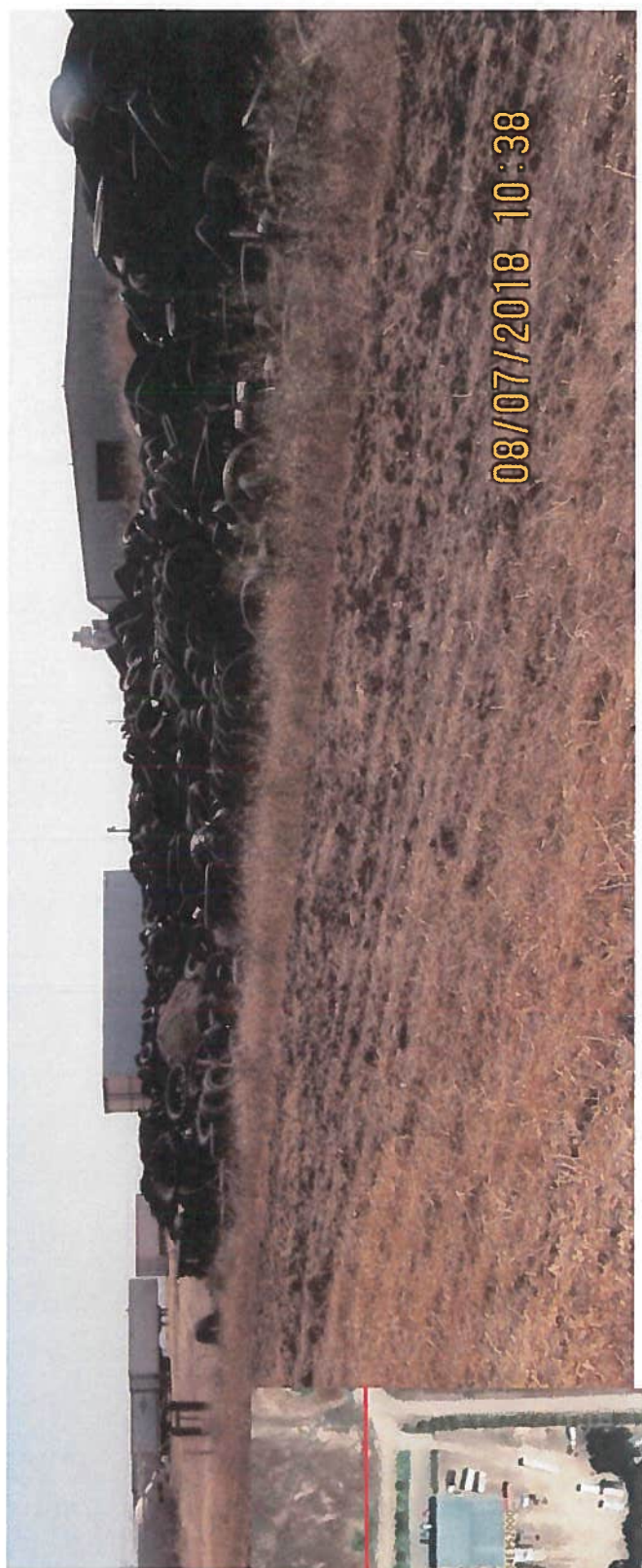
08/07/2018 10:35

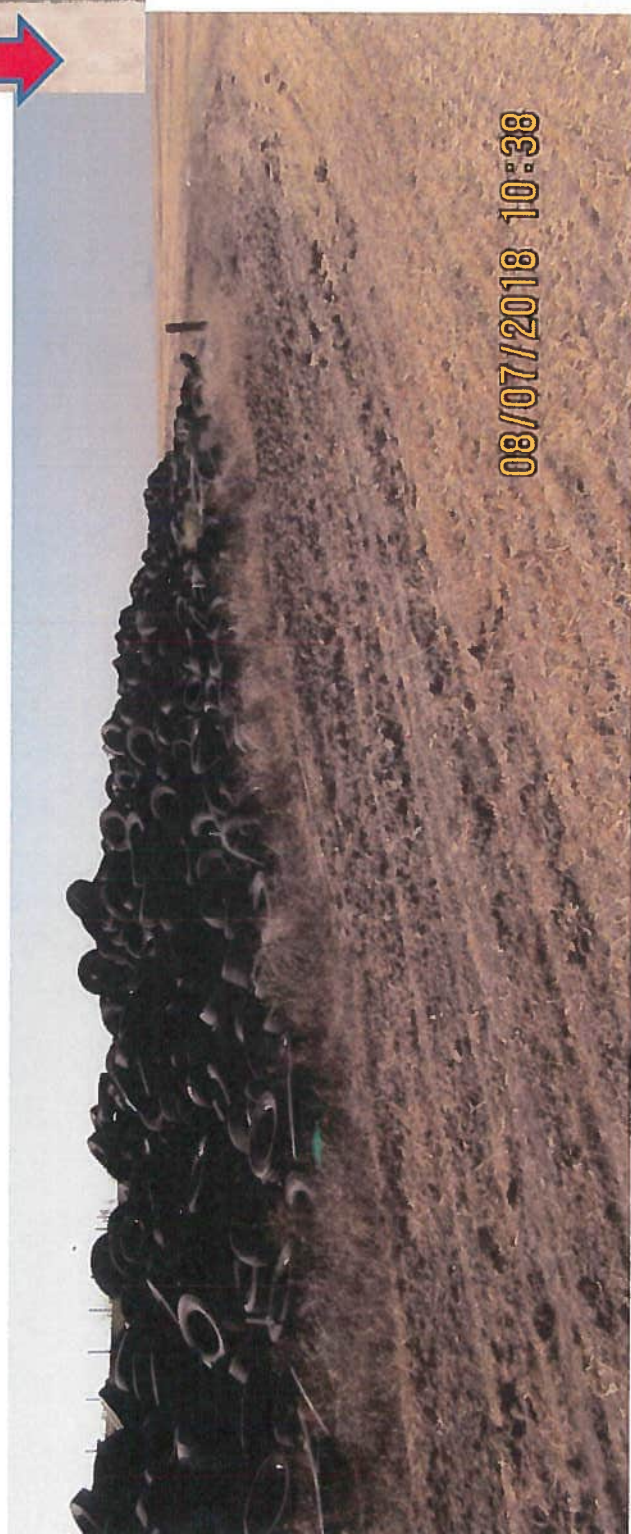
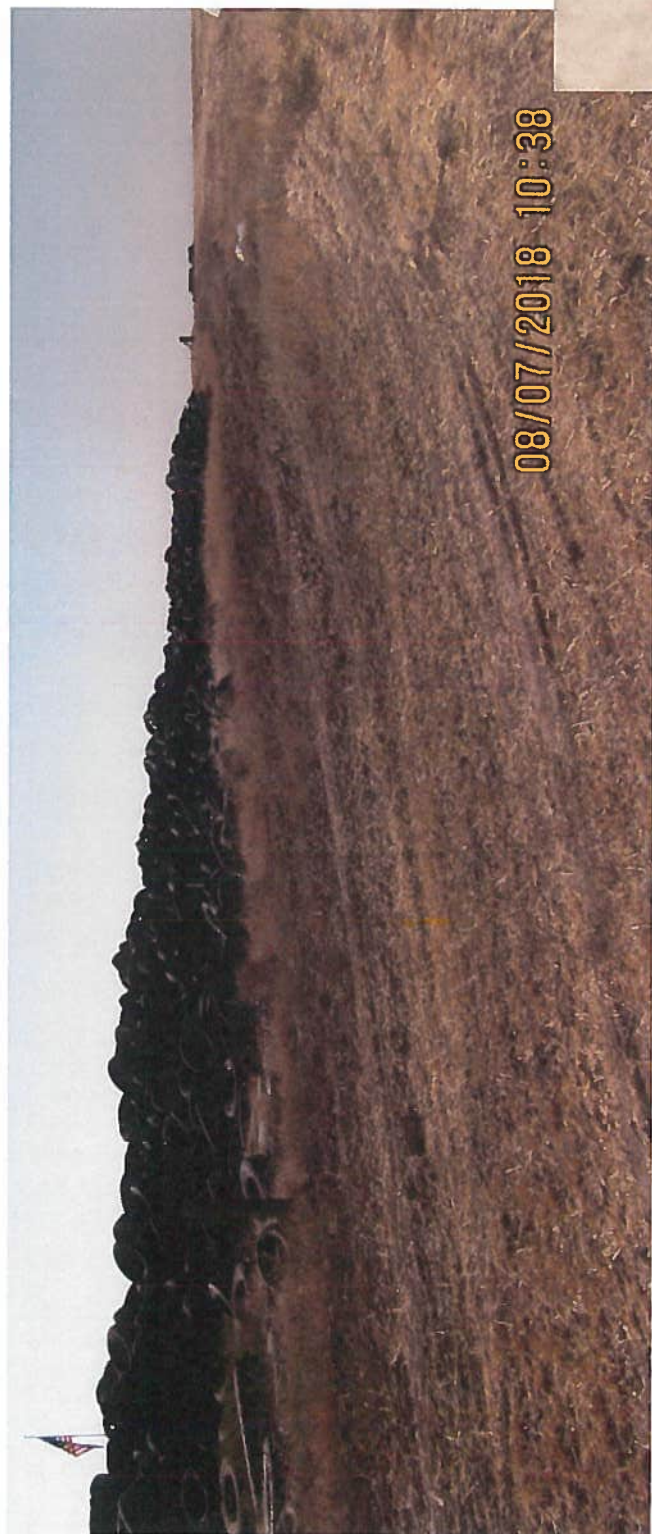


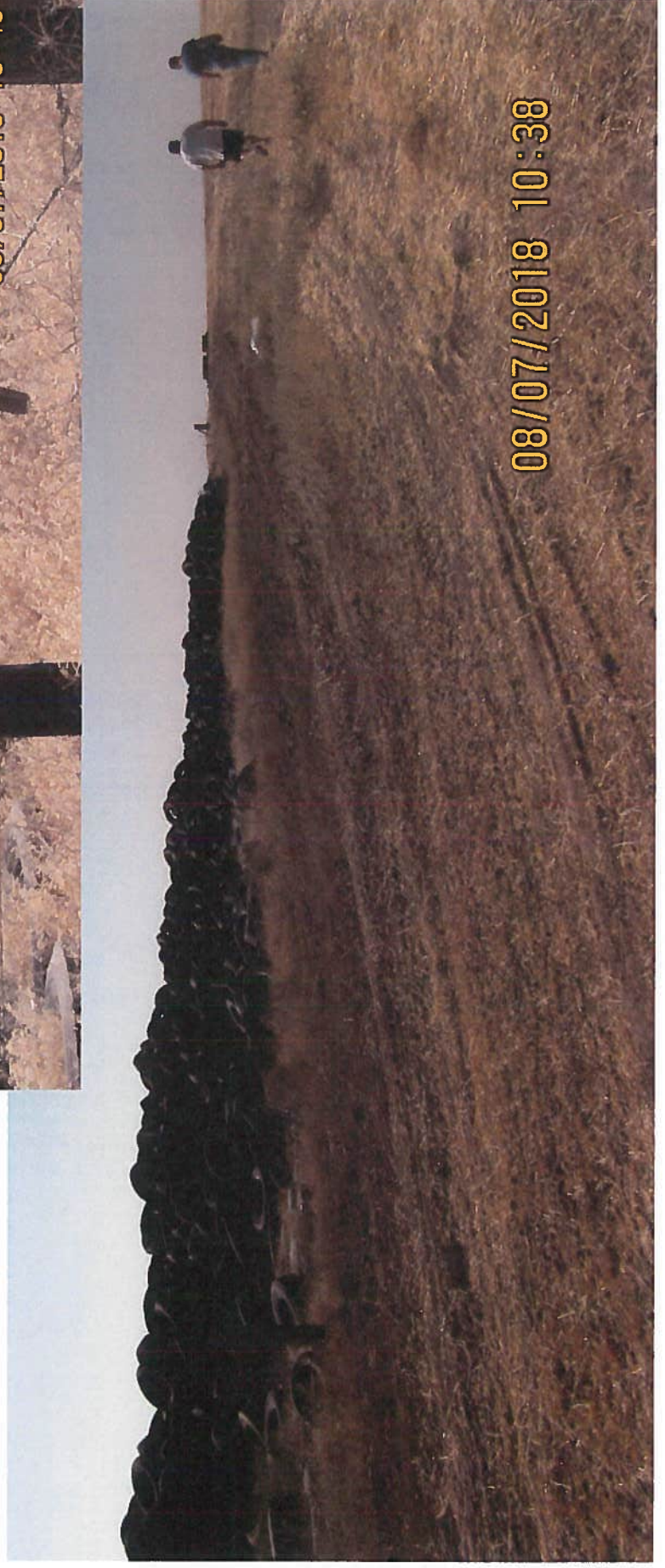














08/07/2018 10:40



08/07/2018 10:40

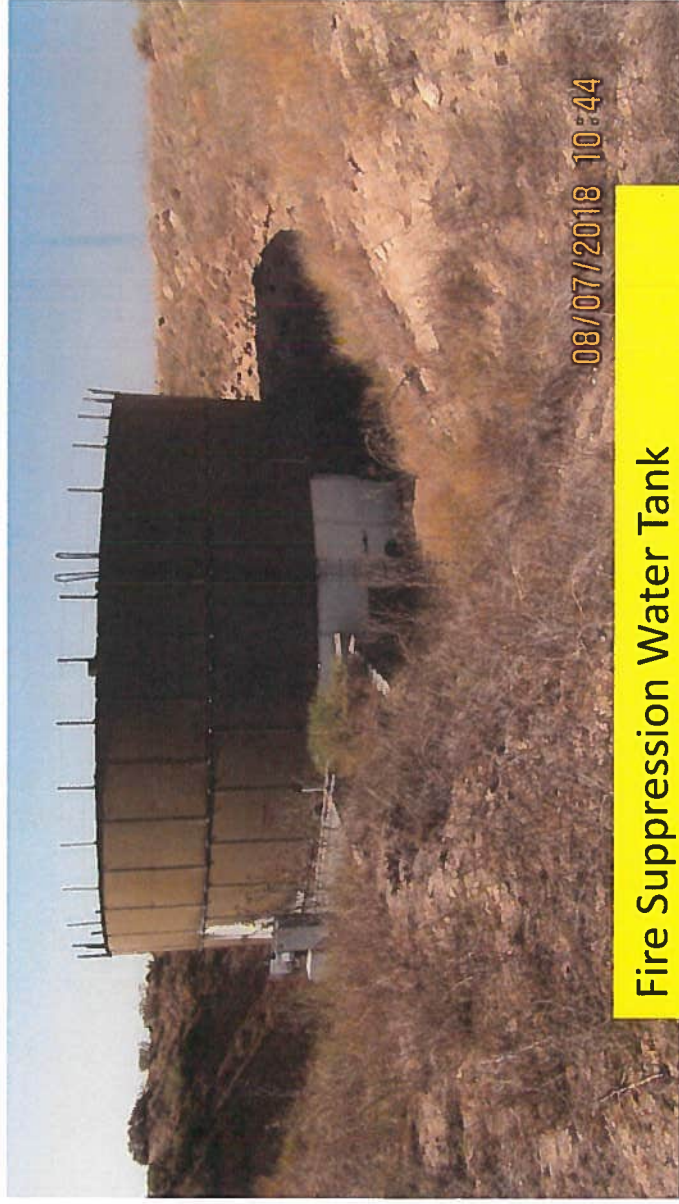
We will talk with the Fireworks Company

Active LP Tank

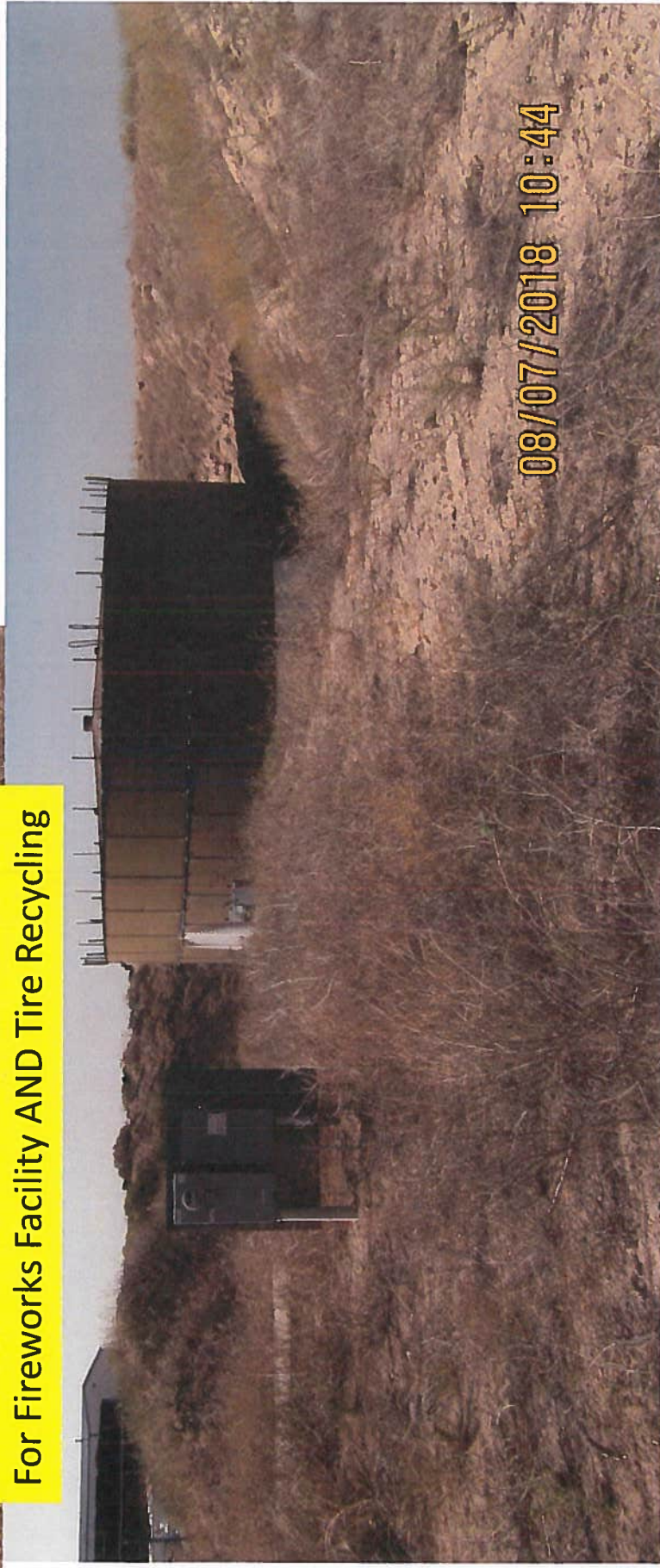


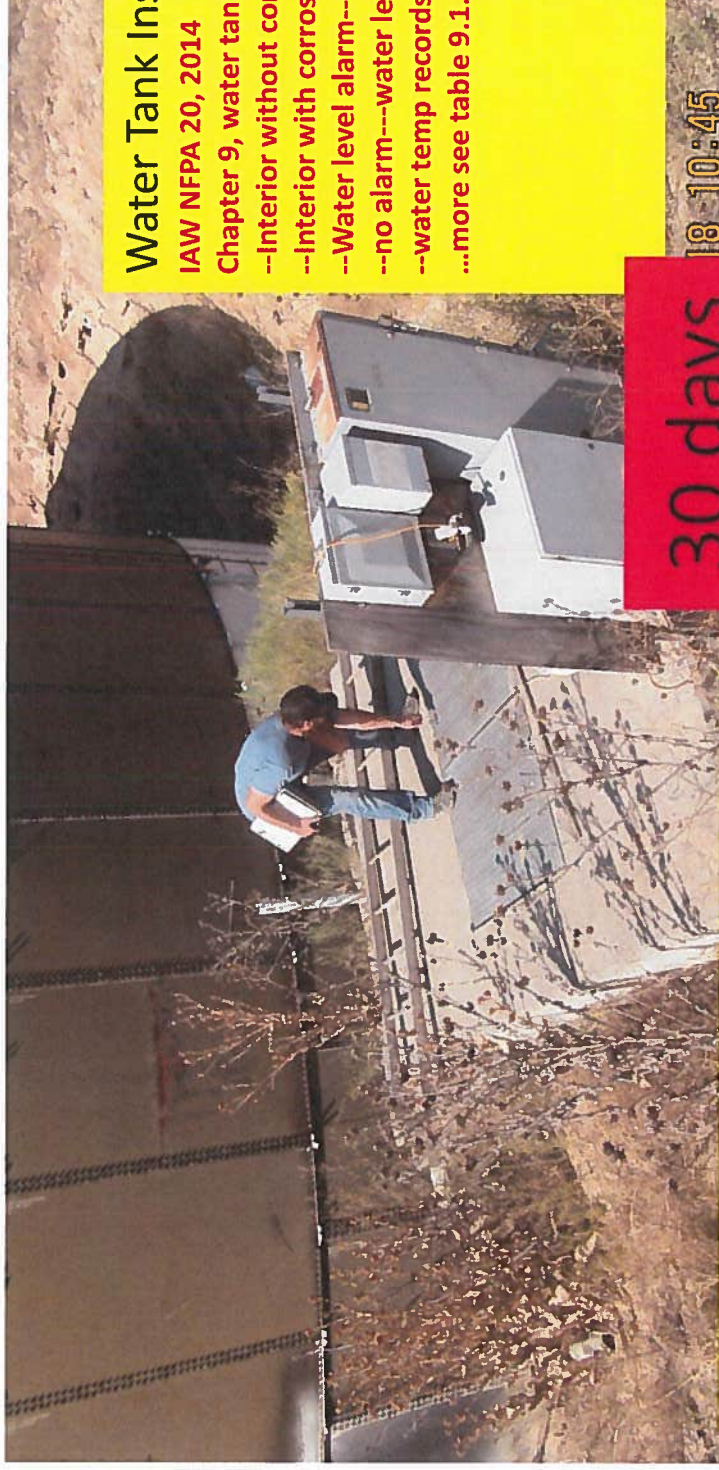
08/07/2018 10:41

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.

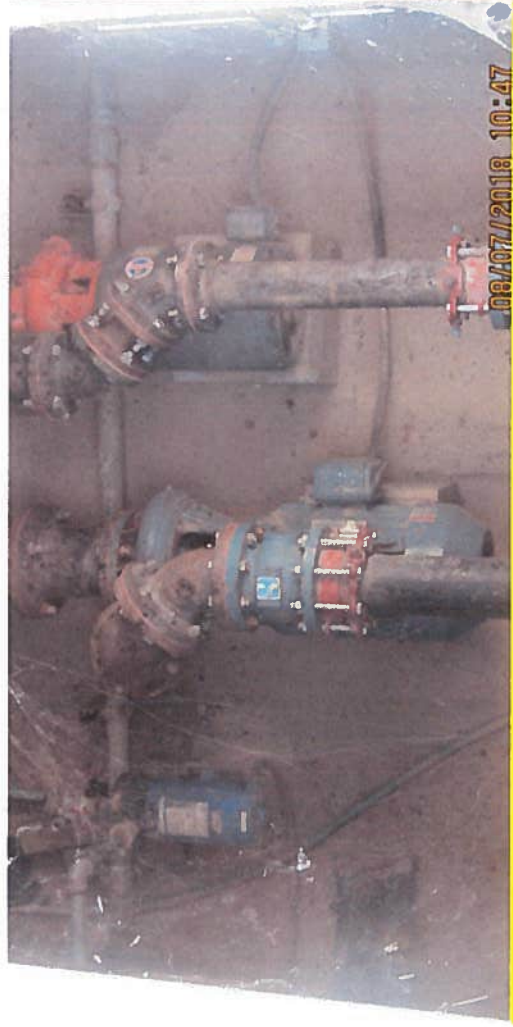
*IAW 2016, NFPA 20...*

*--14.4 periodic inspection of fire pumps.*

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

*---Annual inspection of pump*

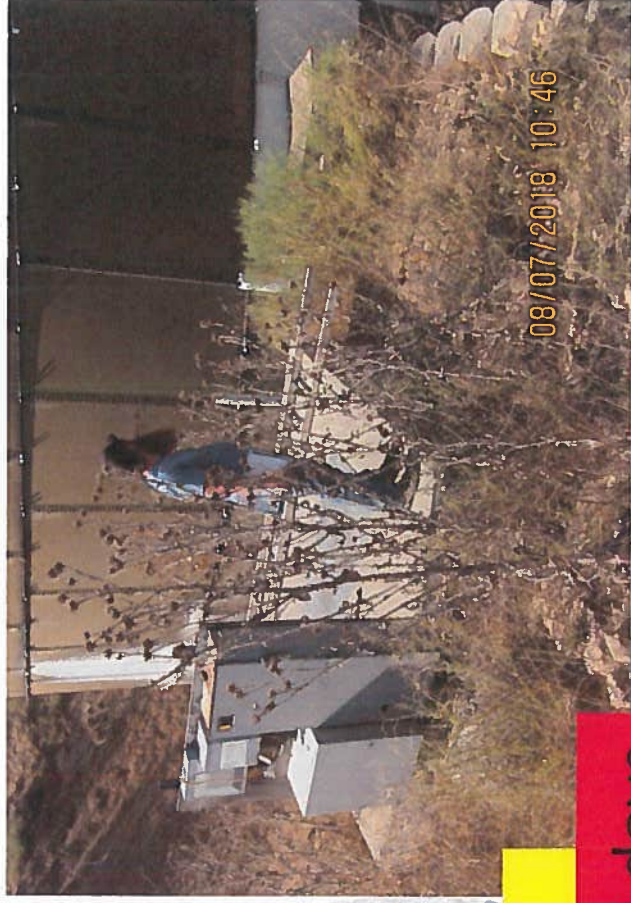




Fire pump location

No pass or fail on initial inspection on pump.

30 days





# 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 Statute 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**

\*\*\*\*\*

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

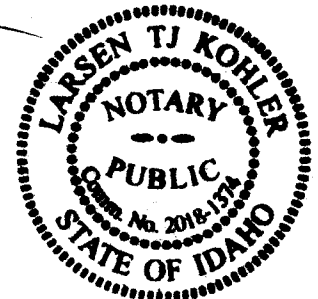
*IRWS, LLC, an Idaho limited liability company, located at 1020 W. Main St., Ste. 400-440, Boise, Idaho 83702 (the "Company"), promises to pay to Elmore County the principal sum of Twenty-Five Thousand United States Dollars (\$25,000 USD), said payment to be made to the Elmore County clerk at 150 S. 4<sup>th</sup> East, Suite 5, Mountain Home, ID 83647 (the "Holder"), pursuant to order of the Idaho Fourth District Court in and for the County of Elmore, Idaho, upon the Court's finding that the Company has violated or defaulted regarding the whole tire clean up agreement associated to the operations of 2X Recycling LLC, 2X Tire Recycling, LLC, and/or Second Life Recycling, LLC., located at 1733 Simco Road., Boise, ID 83716. This Cash Surety Bond issued July 13<sup>th</sup>, 2022 ("Issuance Date") is good for a period of one year ("Maturity Date") upon which date this Cash Surety Bond shall terminate, if not previously redeemed by Holder or voided by court order. This Cash Surety Bond is a duly issued surety of payment and subject to the provisions hereinafter set forth. Further provisions of this Cash Surety Bond are set forth on the reverse side hereof and by this reference shall have the same effect as though fully set forth on this front side of this Cash Surety Bond. WHEREFORE, this Cash Surety Bond is hereby issued by the Company: IRWS, LLC.*

By: \_\_\_\_\_

John Crigler, President

By: \_\_\_\_\_

John Runft – Authorized Signatory



STATE OF IDAHO )

) ss.

COUNTY OF ADA )

On this 13<sup>th</sup> day of July, 2022, before me, Larsen T.J. Kohler, a Notary Public in and for the State of Idaho, personally appeared John Crigler & John Runft (signers), known or identified to me to be the President and an Authorized Signatory, respectively, of the Company, each of whom is a member of an Idaho limited liability company that is a members of the Company, and each of whom subscribed his name on behalf of the Company to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of the Company, and that such Company executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[SEAL]

Notary Public: \_\_\_\_\_

Commission Expires: 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  
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**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**



