



**AN AMENDMENT TO TITLE 8
STORAGE YARDS AND JUNKYARDS**

Planner: Curt Moore

Staff Report Prepared January 29 for the Planning & Zoning
Commission Public Hearing of February 12, 2013

APPLICANT: Teton County Planning Department

APPLICABLE CODE: Title 8 Teton County Zoning Ordinance, as revised 05-12-2011

SPECIFIC REQUESTS TO AMEND THE TEXT OF TITLE 8 ZONING ORDINANCE:

Requested Amendment #1: Remove both of the duplicate definitions “Storage Yard” from Section 8-2-1, General Definitions because this is not the correct section for this type of definition (Exhibit 1).

Requested Amendment #2: Add a revised land use definition for “storage yard” to Section 8-4-2, Land Use Schedule Definitions. This is the correct section where this definition belongs. The present definition references “junk” and the revised definition eliminates this and narrows down the types of uses that are considered to be a storage yard (Exhibits 2A and 7D).

Requested Amendment #3: In Section 8-2-1, General Definitions, delete the existing definition for “junk” and replace it with a revised definition that exempts agriculture-related items. The revised junk definition is enumerated in this staff report (Exhibit 4A).

Requested Amendment #4: Add new definitions for junkyards into Section 8-4-2, Land Use Schedule Definitions, and (Exhibit 5). The term junkyard is presently not listed as a land use in the Zoning Ordinance. By adding new terms for junkyards, and listing them as discrete uses, they can now be regulated more effectively. There are differences between different types of junkyards that are commonly differentiated between within zoning ordinances, (Exhibits 3 and 4A, 4B, 4C, 4D).

Requested Amendment #5: Place the new land use terms for storage yard, plus commercial and non-conforming junkyards into Section 8-4-1, Table 1, Land Use Matrix. Make the determinations (CUP/ PC/P/blank) for each of the added land use terms (rows) and for each of the County’s zoning districts (columns), (Exhibits 6 and 7A, 7B, 7C, 7D).

Requested Amendment #6: Add “storage yard” to Table 8-6-2, Standard PC Conditions; take note of the “x” marks for buffer, screening, and outside storage conditions, (Exhibit 8).

Requested Amendment #7: Add a new section about storage yards in Section 8-6-2-B, Permitted with Conditions-Storage Yard. Determine the conditions of permit approval for storage yards and modify the section accordingly, (Exhibit 9).

APPLICABILITY: All new and revised definitions would apply county wide and the specific land uses restrictions for each use, in each zoning district, is shown in the Land Use Table.

BACKGROUND:

Presently the Teton County Zoning Ordinance's definition for "storage yard" contains the phrase "keeping of junk". Elsewhere in the Zoning Ordinance the term "junk" is defined. However, even this term might unintentionally include antique farm equipment proudly displayed along a roadside. Also, the term or land use category "junkyard" is not defined anywhere in the code or table of uses. This leaves an overly broad range of land uses that must fall under the single category of "storage yard". One storage yard may contain a neat row of new and antique tractors and another storage yard might contain rotting household garbage, discarded and rusted vehicle parts, and worn out furniture. Unfortunately, the present definitions lump these uses together and don't allow for much differentiation. Enforcement is difficult when citizen complaints are made. The proposed amendments seek to split up the land uses into more distinct categories. By adding new terms and revising some existing terms, very different types of land use situations can be differentiated in a more effective and consistent manner.

DESCRIPTION AND ANALYSIS OF EACH TEXT AMENDMENT REQUEST

- 1) Requested Amendment #1: Remove both of the duplicate definitions "Storage Yard" from Section 8-2-1 of the Zoning Ordinance.

Reason: Because this is not the correct section for definitions of a particular land use category to be placed. First, there is an error in the existing Title 8. It lists "Storage Yard" twice on the same page and one of them is out of alphabetical order. The placement of this definition within the General Definitions 8-2-1 also appears to be a mistake. The General Definitions section is meant to define words used throughout Title 8. For example, more generic words such as "Conditional Use" and "Density" are defined in this section. The General Definitions section, however, is not meant to contain all the hundreds of separate definitions for individual land uses. The section of code that focuses on the precise definition of each particular land use is Section 8-4-2 Land Use Schedule. The particular land use, "storage yard," is not included in this section even though it was in the General Definitions section. It was apparently placed into the wrong section.

Related attachment:

- Exhibit 1A, Section 8-2-1, General Definitions – Storage Yards
- Exhibit 1B, Section 8-2-1 General Definitions-Junk

Staff Recommendation # 1. Make a motion to delete both definitions form Section 8-2-1.

- 2) Requested Amendment #2: Add a definition for "storage yard" to Section 8-4-2 Land Use Schedule Definitions. Use a revised version listed below.

Reason: This is the correct section where this type definition belongs. The present definition references "junk" and the proposed revised definition would eliminate this and therefore would narrow the types of uses that would be considered a storage yard.

Related attachment:

- Exhibit 2A, Storage Yard Definition in Section 8-4-2".

Staff Recommendation # 2: Make a motion to revise the definition of storage yard to the following:

STORAGE YARD. The long-term outside storage of certain materials or equipment in the same location for a time period of longer than nine months. Items used in a bona fide agricultural operation are excluded from this definition. Materials stored in a storage yard often include, but are not limited to, the following: 1) useable and/or inoperable equipment or material that is not directly associated with the upkeep of the property or residence; or 2) merchandise; or 3) two or more unlicensed highway vehicles; or 4) any combination of two or more inoperable off-road or over snow vehicles.

- 3) Requested Amendment #3: In Section 8-2-1, delete the existing definition for “junk” and replace it with a revised definition for Junk as listed below.

Reasons: Teton County’s existing definition for “JUNK” needs some refinement because it provides no clear distinctions between uses that store different types of objects on a property. Here is the current definition in the existing ordinance:

Old or scrap metal, rope, rags, batteries, paper trash, rubber, debris, waste, dismantled or wrecked vehicles and automobiles or parts thereof, iron steel and other old or scrap ferrous and nonferrous material.

An important distinction that a new definition for junk should have is an exemption for equipment or materials that have served or continue to serve a bona fide agricultural use. It is not the purpose of this amendment to regulate the storage of farm and ranch equipment, new or antique. On the other hand, a dozen junker, inoperable or unlicensed cars recently brought to a ranch might not have the same exemption, for example.

Related Attachment:

- Exhibit 3, APA Planners Dictionary- definitions of junk & junkyards
- Exhibit 4A, Vermont Model Junk Ordinance

Staff Recommendation # 3: Make a motion to adopt the definition of junk as proposed below. (It was based on a Model Junk Code found in the State of Vermont).

JUNK means old or discarded scrap copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof. Any of the above items used in a bona fide agricultural operation are excluded from this definition.

- 4) Requested Amendment #4: Add new definitions for junkyards into Section 8-4-2.

Reasons: Many jurisdictions find it useful to use several definitions that make distinctions between different kinds of junkyards, as well as the ordinary storage of “non-junk” materials and equipment. Alternatively, many jurisdictions use separate nuisance ordinances that are not contained within the zoning section of their code. Teton County does not have a nuisance ordinance.

Related Attachments:

- Exhibit 4B, Model Junkyard Ordinance (Doyle 2007)
- Exhibit 4C, Chapter 172 Junkyards
- Exhibit 4D Teton County Wyoming Junk regulations
- Exhibit 5, Section 8-4-2 with “Junk and Junkyards Added” to definitions

Staff Recommendation # 4: Make a motion to add the following definitions for junkyards to Section 8-4-2:

*JUNKYARD-COMMERCIAL includes salvage yards or vehicle graveyards, and any place of outdoor storage or deposit that is maintained, operated or used in **connection with a business** for storing, keeping, processing, buying or selling junk or as a scrap metal-processing facility. It does not mean a repair garage or impound yard where wrecked, ticketed, abandoned, or disabled motor vehicles are stored for less than 90 days. The term does not include a regulated private garbage dump or a sanitary landfill that is in compliance with any applicable state regulation.*

*JUNKYARD-NON-CONFORMING Any place of outdoor storage or deposit which presently is, or has been previously developed as a location used for the storing or keeping of junk. These locations are on properties not zoned for commercial or manufacturing uses and no County land use permit has ever been issued in connection with the junk storage. The junk materials may or may not have been the subject of commercial activity. In addition to miscellaneous junk materials, a small scale, non-conforming junkyard may have storage of ***four** or more junk motor vehicles that are visible from any portion of a public highway, private subdivision road, or abutting residential structure..*

*The number of junk vehicles is subject to discussion.

Staff Comment: The general issue of non-conforming uses will be discussed when Chapter 7 Nonconformities is rewritten. However, non-conforming, “grandfathered” and/or illegally established junkyards (such as junk piles created in recent years) are fairly common in Teton County. Because junkyards and “junk yards” pose public health, toxic environmental, and severe visual impacts, they are often addressed in separate nuisance ordinances or in special zoning regulations that do not apply to other non-conforming “grandfathered” uses. Surprisingly, many junkyard situations fall between the cracks of regulations from Idaho DEQ and Eastern Idaho Public Health Department. Idaho cities and counties must adopt local regulations to control many junkyard situations.

Requested Amendment #5: In Section 8-4-1 place the three new land use terms for storage yard, commercial and non-conforming junkyards into Table 1, Land Use Matrix. Place the zoning classification determinations (CUP/ PC/P/blank) for each of the added land use terms (rows) and for each of the County’s zoning districts (columns), (Exhibit 6).

Reasons: It is necessary to add the term junkyard to the Land Use Matrix because it is a land use that has been identified as separate and distinct from a storage yard. Junkyards are further split into two types, depending on whether they are commercial in nature or whether they have a non-conforming aspect to them. A non-conforming junkyard may be an unapproved commercial activity in the AR-2.5 or A-20 zoning districts, or a commercial conditional use permit may have never specifically called out junk storage, or a legally established non-conforming business may have illegally added an area of junk storage.

There is also a need to make decisions about how each land use would be regulated because all the land uses in Table 1 have these designations. Table 1 specifies how all the different land use

types are treated in the different zoning districts. Each intersection of a row and column requires a decision as to whether the use should be a “P” Permitted use, a “PC” or Permitted with Conditions use, or a “CUP” Conditional Use Permit. If the space is blank, the use is not allowed.

Related Attachments:

- Exhibit 6, Proposed Revisions Table 1, Land Use Matrix
- Exhibit 7A, Teton County Planning Staff Analysis of “Storage Yards” in Each Zoning District
- Exhibit 7B, Teton County Planning Staff Analysis of “Commercial Junkyards” in Each Zoning District
- Exhibit 7C, Teton County Planning Staff Analysis of in “Non-Conforming Junkyard” in Each Zoning District

Staff Recommendation # 5:

- Make a motion to add three new lines (storage yard plus and two junkyard terms) to Table 1, Land Use Matrix: 1) *Junkyard-Commercial* and 2) *Junkyard-Nonconforming*.
- Add the zoning district classifications for each district in the Table 1, Land Use Matrix’s rows and columns. Consider the justifications for each zoning district designation based on the arguments found in the Planning Staff’s analysis document.

6) Requested Amendment #7: Add “storage yard” to Table 8-6-2, Standard PC Conditions; take note of the “x” marks for buffer, screening, and outside storage conditions, (Exhibit 8).

Reasons: Storage Yards can be permitted with conditions through an administrative review process if standards can be met.

Related Attachments:

- Exhibit 8- “Storage Yard to Permitted with Conditions Table 8-6-2”
- Exhibit 9 “8-6-2 Permitted with Conditions –Restrictions – Storage Yard”

Staff Recommendation # 7: Make a motion to adopt Table 8-6-2 with the addition of storage yards to the table.

7) Requested Amendment #8: Add a new section about storage yards in Section 8-6-2-B, Permitted with Conditions-Storage Yard. Determine the conditions of permit approval for storage yards and modify the section accordingly.

Reasons: Storage Yards can be reviewed expediently through an administrative review process if there are clear enough standards for the County Staff to evaluate the situation.

Related Attachments:

- Exhibit 9 “8-6-2 Permitted with Conditions –Restrictions – Storage Yard”

Staff Recommendation # 8: Make a motion to adopt Section 8-6-2-B, Permitted with Conditions-Storage Yard. Evaluate whether the suggested conditions are sufficient to review and grant a PC permit.

RELATIONSHIP TO TETON COUNTY COMPREHENSIVE PLAN:

An analysis of this proposed Zoning Ordinance amendment has examined the applicable goals and policies of the newly adopted Teton County Comprehensive Plan in relation to the storage and junk yards amendment. A more detailed analysis of these Comp-Plan will be separately submitted prior to the Planning 7 Zoning Commission public hearing.

FINDINGS OF FACT TO AMEND THE TETON COUNTY ZONING ORDINANCE:

1. **Consistent with purposes of the zoning ordinance.** The proposed changes to the Zoning Ordinance are consistent with Section 8-1-3 Purposes of Zoning Ordinance.
2. **Consistent with Comprehensive Plan.** The proposed amendments and new definitions for storage yards, junk, and junkyards are consistent with the 2012 Teton County Comprehensive Plan goals and policies.
3. **Consistent with other sections of the Teton County Zoning Ordinance.** The proposed amendments are consistent with multiple provisions within the Teton County Code. These include the other two sections containing definitions and multiple sections of Title 8 that related to outdoor storage, junk, junkyards, and salvage operations.
4. **Correct mistakes in the Ordinance.** The proposed amendment to the text could correct the duplicate definitions for “storage yard” found in the General Definitions section and would place it in the more appropriate location with other land uses: Land Use Schedule Definitions 8-4-2.

COUNTY PLANNING & ZONING COMMISSION ACTION:

- A. APPROVE the proposed text amendments as presented in and attached to this staff report, having determined that the required findings of facts and all the criteria for modifying the text of the Zoning Ordinance have been met.
- B. APPROVE WITH MODIFICATIONS to the text amendment, having determined that the required findings of facts and all the criteria for approving a text amendment have been met.
- C. DENY of the text amendment application and provide the reasons and justifications for the denial. No change in the present code language is deemed necessary or desirable.
- D. CONTINUE consideration of the application to a future Commission Public Hearing with reasons given as to the continuation or need for additional information.

PLANNING DEPARTMENT RECOMENDATION:

Action A.

Suggested motion to approve:

*Having made findings of fact regarding the proposed text amendments to Title 8 and found that the proposed amendments correct a mistake in the code and also supply further clarification about land uses that involve outdoor storage, I recommend **approval** of the amendment as written (or as modified) with the following separate changes to be made to Title 8, the Teton County Zoning Ordinance:*

1. Delete both definitions of storage yard from Section 8-2-1.

2. Revise the definition of storage yard to the following:
The long-term outside storage of certain materials or equipment in the same location for a time period of longer than nine months. Items used in a bona fide agricultural operation are excluded from this definition. Materials stored in a storage yard often include, but are not limited to, the following: 1) useable and/or inoperable equipment or materials that is not directly associated with the upkeep of the property or residence; or 2) merchandise; or 3) two or more unlicensed highway vehicles; or 4) any combination of two or more inoperable off-road or over snow vehicles.

3. Adopt the definition of junk as proposed below.
JUNK means old or discarded scrap copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof. Any of the above items used in a bona fide agricultural operation are excluded from this definition.

4. Add the following definitions for junkyards to Section 8-4-2:

*JUNKYARD-COMMERCIAL includes salvage yards or vehicle graveyards, and any place of outdoor storage or deposit that is maintained, operated or used in **connection with a business** for storing, keeping, processing, buying or selling junk or as a scrap metal-processing facility. It does not mean a repair garage or impound yard where wrecked, ticketed, abandoned, or disabled motor vehicles are stored for less than 90 days. The term does not include a regulated private garbage dump or a sanitary landfill that is in compliance with any applicable state regulation.*

*JUNKYARD-NON-CONFORMING Any place of outdoor storage or deposit which presently is, or has been previously developed as a location used for the storing or keeping of junk. These locations are on properties not zoned for commercial or manufacturing uses and no land use County land use permit has ever been issued in connection with the junk storage. The junk materials may or may not have been the subject of commercial activity. In addition to miscellaneous junk materials, a small scale, non-conforming junkyard may have storage of ***four** or more junk motor vehicles that are visible from any portion of a public highway, private subdivision road, or abutting residential structure..*

5. Add the three definitions to Table 1, Land Use Matrix: 1) *Junkyard-commercial* and 2) *Junkyard-non-conforming*, 3) *Storage Yard*.

6. Add the zoning district classifications for each district as depicted in the proposed Table 1 Land Use Matrix's rows and columns.

7. Adopt Table 8-6-2 with the addition of "storage yard" to the table.

8. Adopt the Section 8-6-2 Permitted with Conditions – with standards for administratively permitting a storage yard.

End of report



**AN AMENDMENT TO TITLE 8
STORAGE YARDS AND JUNKYARDS**

Planner: Curt Moore

Staff Report Prepared February 20 for the Planning & Zoning
Commission Public Hearing of March 14, 2013

APPLICANT: Teton County Planning Department

APPLICABLE CODE: Title 8, Teton County Zoning Ordinance, as revised 05-12-2011

REQUESTS TO AMEND THE TEXT OF TITLE 8, ZONING ORDINANCES, RELATED TO STORAGE YARD AND JUNKYARD LAND USES:

(This staff report supplements the analysis and attachments found in the previous staff report delivered for the Planning & Zoning Commission's public hearing of February 12, 2013)

1. Requested Amendment #1: Remove both of the duplicate definitions "Storage Yard" from Section 8-2-1.
2. Requested Amendment #2: Add a revised land use definition for "storage yard" to Section 8-4-2, Land Use Schedule Definitions.
3. Requested Amendment #3: In Section 8-2-1, General Definitions, replace the existing definition for "Junk" with the suggested revised definition that exempts agriculture-related items and now includes uninhabitable mobile homes.
4. Requested Amendment #4: Add new definitions for "Junkyards" into Section 8-4-2, Land Use Schedule Definitions.
5. Requested Amendment #5: Place the new land use terms and district use designations for storage yard, commercial junkyard, and non-conforming junkyard into Section 8-4-1, Table 1, Land Use Matrix.
6. Requested Amendment #6: Add "storage yard" to Table 8-6-2, Standard PC Conditions; place "x" marks to require buffer, screening, and outside storage conditions.
7. Requested Amendment #7: Add a new section about conditions for administratively permitting storage yards in Section 8-6-2-B, Permitted with Conditions-Storage Yard.

APPLICABILITY: All new and revised definitions would apply county-wide; the specific land uses restrictions for each use, in each zoning district, are shown in the Land Use Matrix.

DESCRIPTION AND FINDINGS FOR EACH TEXT AMENDMENT REQUEST:

#1 Requested Amendment: Remove both of the duplicate definitions "Storage Yard" from Section 8-2-1, General Definitions.

Findings of Fact: This is not the correct section for definitions of a particular land use category to be placed. The General Definitions section is meant to define words used throughout Title 8 and not meant to contain all the hundreds of separate definitions for individual land uses. The section of code that focuses on the precise definition of each particular land use is Section 8-4-2 Land Use Schedule. The particular land use, "storage yard," is not included in this section even though it was in the General Definitions section.

Related attachment: Exhibit 1A, Section 8-2-1, General Definitions – Storage Yards

Staff Recommendation: Make a distinct motion under the general motion’s verbiage to delete both definitions of “Storage yard” from Section 8-2-1.

#2 Requested Amendment: Add a definition for “storage yard” to Section 8-4-2 Land Use Schedule Definitions. Use the revised version listed below.

Findings of Fact: This is the correct section where this type of land use definition belongs. The present storage yard definition references “junk” and the proposed revised definition would eliminate this word and, therefore, further differentiate the characteristics of a use that would be considered a storage yard (vs. another use such as a junkyard). The Planning and Zoning Commission deliberated at the public hearing in February and directed that “three” inoperable vehicles be used instead of two.

Staff Recommendation: Make a motion to approve the revised definition of storage yard as follows:

*STORAGE YARD. The long-term outside storage of certain materials or equipment in the same location for a time period of longer than nine months. Items used in a bona fide agricultural operation are excluded from this definition. Materials stored in a storage yard often include, but are not limited to, the following: 1) useable and/or inoperable equipment or material that is not directly associated with the upkeep of the property or residence; or 2) merchandise; or 3) **three** or more unlicensed highway vehicles; or 4) any combination of two or more inoperable off-road or over snow vehicles.*

#3 Requested Amendment: In Section 8-2-1, replace the existing definition of “junk” with the revised definition, which now includes “uninhabitable mobile homes”, as Commissioner Arnold suggested.

Here is the current definition in the existing ordinance:

JUNK: Old or scrap metal, rope, rags, batteries, paper trash, rubber, debris, waste, dismantled or wrecked vehicles and automobiles or parts thereof, iron steel and other old or scrap ferrous and nonferrous material.

Findings of Fact: Important distinctions in the new definition for junk will better define what it is and what it is not. The revised definition will also allow for certain items to be exempt; these include equipment or materials that have served or continue to serve a bona fide agricultural use. The purpose of this amendment is not to regulate the storage of farm and ranch equipment, either new or antique.

Related attachment: Exhibit 1B, Section 8-2-1 General Definitions-Junk

Staff Recommendation: Make a motion to adopt the definition of junk as proposed below and add it to 8-2-1:

*JUNK means old or discarded scrap copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or **uninhabitable***

mobile home or parts thereof. Any of the above items used in a bona fide agricultural operation are excluded from this definition.

#4 Requested Amendment: Add two new definitions for junkyards into Section 8-4-2.

Findings of Fact: The term junkyard is presently not listed as a land use in the Zoning Ordinance. By adding two new terms for junkyards, and listing them as discrete uses, these types of uses can now be separated from a storage yard use and other similar outdoor storage uses. This will allow the uses to be regulated more effectively. The staff analysis and Commissioner's deliberations found that there are differences between types of junkyards; these distinctions are also commonly found in zoning ordinances from other jurisdictions.

Staff Recommendation: Make a motion to add the following definitions for junkyards to Section 8-4-2:

JUNKYARD-COMMERCIAL: Includes salvage yards or vehicle graveyards, and any place of outdoor storage or deposit that is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or as a scrap metal-processing facility. It does not mean a repair garage or impound yard where wrecked, ticketed, abandoned, or disabled motor vehicles are stored for less than 90 days. The term does not include a regulated private garbage dump or a sanitary landfill that is in compliance with any applicable state regulation.

*JUNKYARD-NON-CONFORMING: Any place of outdoor storage or deposit which presently is, or has been previously developed as a location used for the storing or keeping of junk. These locations are on properties not zoned for commercial or manufacturing uses and no County land use permit has ever been issued in connection with the junk storage. The junk materials may or may not have been the subject of commercial activity. In addition to miscellaneous junk materials, a small scale, non-conforming junkyard may have storage of **four*** or more junk motor vehicles that are visible from any portion of a public highway, private subdivision road, or abutting residential structure..*

*The number of junk vehicles that might comprise a junkyard was the subject of the Planning & Zoning Commission's deliberation at the February 12th public hearing. The number of vehicles defined in the junk definition is three and a "non-conforming junkyard" consists of four of these type vehicles. Some discussion is warranted about these numbers.

#5 Requested Amendment: In Section 8-4-1, three new land use terms, storage yard, commercial junkyard, and non-conforming junkyard would be added into Table 1, Land Use Matrix. The zoning district classification and permit-designations for each of the added land use terms would also be added.

Findings of Fact: The decisions about how each land use would be regulated in each district were first presented in the staff's report of February 12. The Commissioners' public deliberation further refined these zoning classification designations. The detailed justifications for each district's determination are found in the public record of that hearing.

Related Attachment: Exhibit 6, Proposed Revisions Table 1, Land Use Matrix.

Staff Recommendation:

- Make a motion to add three new lines to Table 1, Land Use Matrix: 1) *Junkyard-Commercial* and 2) *Junkyard-Nonconforming*, and 3) *Storage Yard*.
- Stipulate in Table 1 that *Commercial Junkyards* be allowed by CUP only in the A-20 District. A *Nonconforming Junkyard* is not permitted as a new land use application in any zoning district. They would fall under the Nonconforming Uses provisions in Chapter 7 of the Zoning Ordinance.
- Stipulate in Table 1 that a proposed storage yard can now be approved as a CUP in the A-2.5 District. Stipulate it as a Permitted-with Conditions (PC) use in the A-20, C-1, C-2, C-3 and M-1 Districts.

#6 Requested Amendment: Add “storage yard” to Table 8-6-2, Standard PC Conditions; take note of the “x” marks for buffer, screening, and outside storage conditions, (Exhibit 8).

Findings of Fact: A proposed storage yard can be permitted with conditions through an administrative review process because sufficient standards have been set. When these standards are complied with, the community interest would be adequately protected.

Related Attachment: Exhibit 8- Storage Yard to Permitted with Conditions Table 8-6-2

Staff Recommendation: Make a motion to adopt Table 8-6-2 with the addition of *storage yard* to the table.

#7 Requested Amendment: Add a new section about storage yards in Section 8-6-2-B, Permitted with Conditions-Storage Yard.

Findings of Fact: It was determined that storage yards can be reviewed expediently through an administrative review process if there are clear enough standards for the County Staff to evaluate the situation.

Related Attachment: Exhibit 9, 8-6-2 Permitted with Conditions –Restrictions – Storage Yard

Staff Recommendation: Make a motion to adopt Section 8-6-2-B, Permitted with Conditions-Storage Yard. Evaluate whether the suggested conditions are sufficient to review and grant a PC permit.

GENERAL FINDINGS OF FACT TO AMEND THE TETON COUNTY ZONING ORDINANCE:

1. **Consistent with purposes of the zoning ordinance.** The proposed changes to the Zoning Ordinance are consistent with Section 8-1-3 Purposes of Zoning Ordinance.

2. **Consistent with Comprehensive Plan.** The proposed amendments and new definitions for storage yards, junk, and junkyards are consistent with the 2012 Teton County Comprehensive Plan goals and policies.
3. **Consistent with other sections of the Teton County Zoning Ordinance.** The proposed amendments are consistent with multiple provisions within the Teton County Code. These include the other two sections containing definitions and multiple sections of Title 8 that related to outdoor storage, junk, junkyards, and salvage operations.
4. **Correct mistakes in the Ordinance.** The proposed amendment to the text would correct the duplicate definitions for “storage yard” found in the General Definitions section and would place it in the more appropriate location with other land uses: Land Use Schedule Definitions 8-4-2.

COUNTY PLANNING & ZONING COMMISSION ACTION:

- A. APPROVE the proposed text amendments as presented in this staff report and attachments, having determined that the required findings of facts and all the criteria for modifying the text of the Zoning Ordinance have been met.
- B. APPROVE WITH MODIFICATIONS to the text amendment, having determined that the required findings of facts and all the criteria for approving a text amendment have been met.
- C. DENY of the text amendment application and provide the reasons and justifications for the denial. No change in the present code language is deemed necessary or desirable.
- D. CONTINUE consideration of the application to a future Commission Public Hearing with reasons given as to the continuation or need for additional information.

PLANNING DEPARTMENT RECOMENDATION:

Action A.

Suggested motion to approve:

*Having made findings of fact regarding the proposed text amendments to Title 8 and having found that the proposed amendments correct a mistake in the code and also supply further refinements and clarifications about outdoor storage land uses, I recommend **approval** of the amendment to Title 8, the Teton County Zoning Ordinance. The seven separate staff recommendations in this staff report are included in this recommendation to approve.*

Attachments:

- Exhibit 1A, Section 8-2-1, General Definitions – Storage Yards
- Exhibit 1B, Section 8-2-1 General Definitions-Junk
- Exhibit 6, Proposed Revisions Table 1, Land Use Matrix.
- Exhibit 8, Storage Yard to Permitted with Conditions, Table 8-6-2
- Exhibit 9, 8-6-2 Permitted with Conditions –Restrictions – Storage Yard
- Planning and Zoning Commission public hearing minutes, February 12, 2013

General Definitions Storage YARDS

EXHIBIT
1A

STANDARD
SPECIFICATIONS:

The specifications as specified in this title or as officially adopted by the county.

STORAGE YARD:

The keeping of junk material, merchandise or vehicles in the same location for an extended period of time.

STREET:

A public street of not less than 50 feet in width with a 24 foot wide road surface that may or may not have been dedicated or deeded to the public for public use. Within the county, street designations apply within subdivisions and classifications shall not be classified as a road under the definition of this or any other ordinance of the county. Street classifications are as follows:

Cul-de-Sac: A minor street with a turnaround space at its terminus.

Frontage Street: A collector street, parallel to and adjacent to, a county road that provides access to abutting properties and shall have a designated right of way of 50 feet.

Loop: A minor or collector street with both terminal points on the same street or road of origin. The minimum right of way shall be determined by the classification of the street.

Minor Street: A street that carries traffic to a collector street or road system and shall have a designated right of way width of 50 feet.

Partial Street: A dedicated right of way providing only a portion of the required street width.

Private Street: A street that serves a single (1) residence or owner that has not been dedicated or deeded to the public, however, it may be open for public use. These streets are not maintained by any public entity, but shall have a minimum right of way of 30 feet with 20 feet of drivable surface; more right of way may be required depending on the use and location.

STATE:

The State of Idaho.

STORAGE YARD:

The keeping of junk material, merchandise or vehicles in the same location for an extended period of time.

REMOVE BOTH
STORAGE YARD
DEFINITIONS
FROM SECTION
8-2-1

MOVE TO 8-4-2

- General Definitions - Junk

Exhibit 1B

~~Songbirds and Raptors: Forested riparian habitat, and mountain shrublands~~

~~Trout: Cutthroat Trout, Rainbow Trout and perennial and seasonal surface water (excluding ditches and irrigation water delivery systems)~~

~~Water Birds: Sandhill Crane, Trumpeter Swan, and Palustrine emergent wetlands~~

INDIRECT IMPACT:

~~Those adverse effects caused by the proposed action and occurring later in time or farther removed in distance, but still reasonably foreseeable. Indirect impacts may include effects related to changes in pattern of land use, human presence and population density, and related effects on natural systems and ecosystems.~~

JUNK:

~~Old or scrap metal, rope, rags, batteries, paper trash, rubber, debris, waste, dismantled or wrecked vehicles and automobiles or parts thereof, iron steel and other old or scrap ferrous and nonferrous material.~~

REMOVE OLD JUNK DEFINITION AND REPLACE WITH THIS:

JUNK means old or discarded scrap copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof. Any of the above items used in a bona fide agricultural operation are excluded from this definition

KITCHEN FACILITIES:

~~A permanently installed means for cooking, such as a range or cook-top, OR a permanently installed kitchen sink with the capacity to wash dishes. (amd 2011-05-12)~~

LANDSCAPE MATERIAL:

~~Any combination of living plants and non-living materials, such as rock, pebbles, sand, mulch, pavers, berms, walls, and other decorative materials.~~

LANDSCAPING:

~~The planting and arranging of landscape materials to enhance the aesthetic and functional qualities of a site.~~

LOT AREA:

~~The area of any lots shall be determined exclusive of street, highway, road or other rights of way.~~

LOT/PLOT:

~~A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon.~~

Proposed TABLE 1

REVISIONS LAND USE MATRIX

Exhibit 6

Title 8, Section 8-4-1

Table 1 Land Use Matrix

Zoning Classification							
Permitted by Right							P
Permitted with Conditions							PC
Conditional Use							CU
A-20	A-2.5	R-1	R-2	C-1	C-2	C-3	M-1

Manufacturing

Aviation Field, Airport/Heliport	CU	CU					CU	CU
Aviation Repair Facility							CU	CU
Brewery				CU	CU		CU	CU
Building Trades Subcontractor	PC	CU					CU	PC
Cabinet Shop							CU	PC
Clothing Manufacture								PC
Concrete Batch Plant/Rock Crushing	CU	CU						CU
Construction/General Contractor	PC	CU					CU	PC
Crematory								CU
Fabricated Metal Products							CU	CU
Food Processing Plant							CU	CU
Fuel Storage, Commercial or Industrial							CU	CU
Furniture/Fixtures manufacture								PC
Junkyard-Commercial								CUP
Junkyard-Non-Conforming								
Landfill/Gravel Pit Reclamation	CU	CU						CU
Landscaping Contractor Business	PC	CU					CU	PC
Lumber Yard						CU	CU	PC
Manufacturing, Industrial								PC
Manufacturing, Light							CU	PC
Mining	CU	CU						CU
Printing or Publishing						CU	CU	CU
Recycling Drop-Off	CU	CU				CU		
Research Facility						CU	CU	CU
Salvage Yard	CU							CU
Sheet Metal Fabrication								PC
Storage Facility							CU	PC
Storage Yard	PC			PC	PC	PC	PC	PC
Transfer Station	CU							CU
Truck Stop							CU	CU
Upholstery or Furniture Repair						CU	CU	P
Vehicle Body Shop								PC
Vehicle Storage								PC
Warehouse and Distribution							CU	PC
Welding/Machine Shop							CU	PC

NEW



Proposed



Storage Yard To Permitted with Conditions

	Buffer	Screening	Lighting	Parking	Hours of Operation	Signage	Outside Storage	Building Height	Technical Studies	Additional Inspections	Additional Comments
Table 8-6-2 Standard PC Conditions. A use in a listed zone district below shall comply with all conditions checked by an X for that use. --continued--											
Manufacturing											
Building Trades Subcontractor (A-20, M-1)		X	X	X		X	X				
Cabinet Shop (M-1)							X				X
Clothing Manufacture (M-1)				X	X	X					
Construction/General Contractor (A-20, M-1)	X	X	X	X	X		X			X	
Furniture/Fixtures Manufacture (M-1)	X	X	X	X	X	X	X			X	
Landscaping Contractor Business (A-20, M-1)		X	X	X	X	X	X				
Lumber Yard (M-1)	X	X	X	X	X	X	X				
Manufacturing, Industrial (M-1)	X	X	X	X	X	X	X				
Manufacturing, Light (M-1)	X	X	X	X	X	X	X				
Sheet Metal Fabrication (M-1)		X			X		X			X	
Storage Facility (M-1)	X		X								
Storage Yard (A-20, C-1, C-2, C-3, M-1)	X	X					X				
Vehicle Body Shop (M-1)	X	X	X	X	X	X	X				
Vehicle Storage (M-1)	X	X	X	X	X	X	X				
Warehouse and Distribution (M-1)					X		X		X		X
Welding / Machine Shop (M-1)					X		X				X
Wood Products (M-1)	X	X	X	X	X	X	X			X	
Public/ Quasi-Public											
Cemetery (A-2.5)	X	X	X	X	X	X	X	X		X	
Emergency Service Station (A-20, A-2.5)		X	X			X		X			
Playground (A-20, A-2.5, R-1, R-2, C-1, C-2, C-3)			X	X	X	X					
Utility Building and Services (A-20, A-2.5)		X	X	X			X	X		X	
Water Supply or Treatment Facility (A-20, A-2.5)	X	X					X	X			



PLANNING & ZONING COMMISSION PUBLIC HEARING 2-12- 2013**8-6-2-B****PERMITTED WITH CONDITIONS-RESTRICTIONS****6. Storage Yard (A-20, C-1, C-2, C-3, M-1)**

- a. Where the actual or proposed storage of materials meets the technical definition of a storage yard, as determined in writing by the Planning Administrator, all storage of machinery, equipment, scrap material, or other items shall be reasonably screened year round from public roads, including subdivision roads, and from abutting residential structures. The screening shall also be of sufficient height to hide the storage materials. Depending on the type and amount of materials being stored, and the proximity to nearby residences, the Planning Administrator may require that the screening standards in Chapter 12 of Title 8 be applied to a given storage yard.
- b. In the A-20 and A2.5 Districts only, storage yards not readily visible from any road or residential lot need not provide the screening required in "a" above.
- c. The types of materials being stored are subject to review and inspection to determine if there are risks they might cause ground water contamination, fugitive dust, odors, fumes, or pose a fire hazard. Consultation and approval by the Fire District and/ or Idaho Department of Environmental Quality may be a condition of issuance of a permit for a storage yard.
- d. No storage of uncovered items are permitted that might reasonably be blown away by the wind.
- e. The square footage of area that the storage yard may occupy is subject to restrictions based on the site-specific characteristics of the location, the screening and proximity to residential lots.