



**AN AMENDMENT TO TITLE 8
STORAGE YARDS**

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Public Hearing of January 8, 2013

APPLICANT: Teton County Planning Department

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

- REQUESTS:**
- 1) Remove the duplicate definitions “Storage Yard” from Section 8-2-1
 - 2) Amend Section 8-4-2 Land Use Schedule Definitions and add the definition of “Storage Yard” to its appropriate place in the Title 8. No change in the definition wording is proposed.
 - 3) Place the use “storage yard” in Table 1, Land Use Matrix, which is in Section 8-4-1 Zoning Restrictions and Land Use Table.
 - 4) Add Storage Yard to Section 8-6-2-B Permitted with Conditions and Table 8-6-2 Standard PC Conditions

APPLICABILITY: The definition for storage yard would apply county-wide and the use would be restricted as shown in the Land Use Table.

BACKGROUND:

- 1) *Why is this amendment to the text of the Zoning Ordinance about “storage yards” being proposed?*

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 itself with 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, 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 misplaced to the wrong section.

- 2) *Other than moving the definition from the misplaced section to the appropriate place in the code, are there any substantive changes being proposed?*

Yes, there is a substantive change because all the defined land uses are also placed in Table 1, the Land Use Matrix. That table’s rows list all the different land use types and the columns are 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, or a use that is not allowed (blank).

3) *What definitions are closely related to “storage yard” in terms of the land use?*

*SALVAGE YARD: Any location where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including scrap metal, other scrap material or for the dismantling, demolition, appliances, papers, rags, tires, and bottles, etc., or any parts thereof.

Staff Comment: Generally a salvage yard stores items or materials that can be salvaged and reused or recycled. The recycling of parts from the salvage materials takes place and sometimes metal crushing or recycling processes and machinery are onsite. There is a distinct commercial activity going on at a salvage yard. * This definition in the existing code is not well written and could be improved.

STORAGE FACILITY: A building or premises in which goods, merchandise or equipment are stored for eventual distribution.

Staff Comment: The storage facility definition states, “for eventual distribution.” This implies the items are not purely discarded or useless junk that has been abandoned or thrown away.

STORAGE UNITS: A structure containing separate individual and private storage spaces of varying sizes, owned leased/rented on individual leases for varying periods of time. The following uses are prohibited: residential, commercial, wholesale or retail sales, or garage sales; the servicing, repairing or fabrication of motor vehicles, boat trailers, lawn mowers, appliances or other similar equipment; operation of power tools, spray painting equipment, welding equipment, kilns, or other similar equipment; the establishment of transfer and storage business; and any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

Staff Comment: This definition refers to a structure and not to open, outdoor storage.

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

Staff Comment: This definition would include the outside storage of materials, some of which may be worthless junk and other materials that might be re-purposed, recycled, or taken to a landfill for eventual burial. This definition makes no reference to the “eventual distribution”.

4) *What implications might these slightly different definitions have in regard to the Planning Department’s application of the Zoning Ordinance?*

The County regularly receives complaints from property owners about an unsightly property nearby. Most commonly, a lot of junk starts accumulating outside in plain view. Some of the materials appear to be trash while other items like washer and dryers might have some small value as scrap metal. In some situations there may be a commercial activity involved with the collection of the materials; this may constitute a violation of the regulations if it is taking place on a residential lot. Many situations fall into a grey area.

Regardless of whether a land use is permitted, grandfathered, or a violation that is illegally operating, generally neighbors will call when they see an increase in discarded, useless junk visible from their property. But the situations are unique and the definitions in the Table 1 of the

code help make distinctions between legal and illegal land uses. For example, there are obviously farm and ranch properties that hold onto defunct equipment and outdated materials associated with the agricultural operation. If this equipment was once used onsite and not hauled in from dozens of other farms, then it would probably be considered a normal part of an agricultural operation. A collection of old farm equipment does not constitute a storage yard.

On the other hand, if scores of useless vehicles, rusted parts, or equipment are hauled to a parcel and simply left to rust for a long period, then this parcel may take on the character of a salvage yard. A permit for a salvage yard or a storage yard may be appropriate. A storage yard may or may not be a land use that can obtain a zoning permit at every given location. The discarded waste of society has to go somewhere and that land use can be decided upon by looking at environmental considerations, ground water and surface run-off as well as aesthetic considerations. In the absence of any regulations, growing piles of junk will show up at multiple locations, some acceptable and others less acceptable to the public in general.

The question often arises: How much “stuff” can be stored outside, in plain view, before the land use (agriculture or residential) appears to have an additional significant land use. At what point does a property with “stuff” stored outside in view become a salvage yard or storage yard or dump, or junkyard (as defined in the APA Planner’s Dictionary)? Does a half acre of rusted farm equipment on a remote part of a 100-acre ranch equal the same land use as a half acre of rusted junk washers, dryers, and refrigerators on a one-acre residential lot?

Related to the questions above is the type of materials that are being stored onsite. Public landfills are designated as “sanitary landfills” or and even these sites may have separate areas for construction materials, yard waste, metals, household trash, or dead animals.

For the reasons discussed above, it is useful to make distinctions between these related land use situations. The fact that “storage yard” is not in the Land Use Matrix means that it is a type of land use that has not been officially identified, or potentially regulated. Certainly, regulating where “junk materials” can be “stored for an extended time” is an important planning and zoning consideration. Sanitary landfills, as the extreme example, are highly regulated by the State DEQ and federal EPA.

5) *What are the recommended types of review or permit needed in the different zoning districts for “Storage Yard”?*

Storage yards in C-1, C-2, C-3 Districts = not permitted

Staff Comment: The commercially zoned areas in the county are very limited in size and all are located near Highway 33. Some outdoor storage (versus outdoor display) is common in commercial zones but the definition of “storage yard” includes references to “junk” material and also refers to it being stored at “the same location for an extended period of time.” Given these parameters, a storage yard may not be the best use for a commercially zoned property. Some outdoor storage would likely be acceptable, but long term storage of some materials, particularly discarded items, is not a use that seems consistent with a true commercial versus industrial designation.

Storage Yard in A-2.5, R-1, R-2, = not permitted

Staff Comment: The reasons for not permitting a storage yard, as defined, in these residential districts fall into at least four categories.

- 1) Neighborhood visual and property value impacts
- 2) Health and safety concerns
- 3) Pollution/ environmental contamination concerns
- 4) Lot size: lots in these residential areas are often in the 2.5 to 5 acre range and this lot size often does not provide a sufficient buffer between properties.

Neighborhood Considerations: The A2.5 District is quite extensive throughout the County. Complaints about unsightly piles of materials and “junk” most often occur where neighbors in close proximity object to a nearby owner’s collection of materials. Some neighbors object because they claim it is lowering their property value or impairing a sale of a property because the accumulated materials present a poor impression to prospective buyers. However, it is not clear where the line can be drawn when a property owner simply fills their lot with a variety of personal possessions. Sometimes, however, the materials are clearly leftover contractor building supplies, inoperable vehicles, used tires, or household trash.

Health and Safety: The long-term storage of some materials may contribute to health issues such as West Nile Disease from stagnant water in tires, broken glass, rodent infestations, and toxic substances. Some of these items, such as refrigerators, may be found by neighborhood children.

Pollution: Non-operable leaking vehicles, metal drums of waste oil, household and farm chemicals, fertilizers, and pesticides are among the substances that are sometimes abandoned and left to potentially pollute the environment.

Lot Size: Residential properties clearly can store a large variety of materials on the property. However, the storage of a significant amount of non-residential type materials on the smaller residential lots can cross a line where the storage has become excessive for a given residential location. Part of the assessment of a given situation would involve looking at the size of the parcel, the proximity of neighbors, the screening that is possible, and the possible environmental risks of the materials being stored. Such considerations may involve whether the material could 1) reasonably be characterized as discarded junk, or 2) the materials never served a functional use on the property or 3) was not the residents’ personal possessions, or 4) the material was, or is, part of a business operation.

Storage yard in M-1 and A-20 = Permitted with Conditions

Given the right set of conditions, the long-term storage of miscellaneous materials on a property may be acceptable. Well screened areas of large-acreage properties (A-20 District) might not raise the same concerns that would occur on small lots with homes in close proximity.

The storage of some materials might be acceptable. However the storage of other type materials may not be acceptable because of the risk of water contamination, fumes, odors, radiation, fugitive dust, or unsightliness to nearby property owners.

The conditions of approval for a storage yard that would be administratively approved should include all the considerations enumerated above. See the attached Permitted with Conditions for a storage yard use in the M-1 and A-20 districts.

FINDINGS OF FACT TO AMEND THE TETON COUNTY ZONING ORDINANCE:

1. **Consistent with purposes.** The proposed changes to the of the Zoning Ordinance are consistent with Section 8-1-3 Purposes of Zoning Ordinance and with 9-1-3 Purposes and Scope of Title 9 of the Teton County Subdivision Ordinance.
2. **Consistent with Comprehensive Plan.** The proposed definitions and use regulation for “storage yards” are consistent with the 2012 Teton County Comprehensive Plan.
3. **Consistent with other sections of the Teton County Zoning and Subdivision Ordinance.** The proposed amendment is consistent with other provisions of the Teton County Code such as the other related definitions and regulations related to outdoor storage 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 Storage Yard 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 proposed Storage Yard 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.
- 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 supplies further clarifications about land uses that involve outdoor storage, I recommend **approval** of the amendment as written (or as modified).*

Attachments:

- Existing Zoning Ordinance: General Definitions-2-1 (contains duplicate definitions for storage yard)
- Table 1- Land Use Matrix with proposed zoning classifications
- Permitted with Condition-Restrictions for Storage Yard -8-6-2-B
- Table 8-6-2 Standard PC Conditions.
- Title 8, Chapter 12 Screening Standards
- APA Planner’s Dictionary “Junk” definitions