



**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