



STAFF REPORT

To: Eastern Summit County Planning Commission
From: Ray Milliner, County Planner
Date of Meeting: April 18, 2019
Type of Item: Code Amendment – Work Session
Process: Legislative

RECOMMENDATION: Staff requests that the Eastern Summit County Planning Commission discusses the possibility of creating a junk ordinance for inclusion in the Eastern Summit County Development Code and whether or not amendments need to be made to the contractor's yard use in the Eastern Summit County Development Code, and provide staff with direction.

BACKGROUND

Junk

Over the past few months, staff has received an increasing number of complaints with regard to junk in Eastern Summit County (generally revolving around people storing old cars, having large amounts of stuff, garbage stored on site etc.). When staff receives complaints regarding junk, the response by our Code Enforcement Officer is to approach the property owner and inform him that staff has received a complaint and request that he address the issue. However, the property owner is under no obligation to clean it up because there are no regulations in the Development Code for junk.

Occasionally, there will be a situation where the complaint is that the person or property is unsanitary or a health risk. In these cases staff will contact the Health Department to approach the property owner. However, the Health Department is also limited in its ability to enforce on a property owner. They state that the property has to be a public health problem, I.E. the junk on the property is causing a physical health problem for members of the general public. Therefore, if a person chooses to live surrounded by garbage and junk, it is his right, provided it has no physical effect on neighboring properties (makes people sick, pollutes a stream or wetland etc.).

As stated, there are no regulations for junk in the Development Code in Eastern Summit County. There are, however requirements in the Snyderville Basin. Staff has included a copy of the requirements in this staff report. It could be as simple as an amendment to make the current ordinance inclusive of the entire County, or staff could work to create a document specifically for the East side.

Staff is requesting discussion and direction from the Planning Commission on the following:

1. Is a junk ordinance appropriate for Eastern Summit County?
2. If so, what type of ordinance would you like to see (amendment to existing language or a new ordinance specifically for the East Side)?

Contractor's Yard

Concurrent with the junk issues, staff has been receiving complaints about contractors storing heavy excavation equipment and working on equipment in residential or agricultural areas. The staff response is that the Development Code lists the use as a conditional use in all zones and therefore the property owner/contractor will need to appear before the Planning Commission for review of a CUP.

Currently there are no performance criteria or limitations on where a Contractor's Yard can be located. If a contractor applies for the use in the middle of a residential subdivision or adjacent to a wetland, stream or other critical land, the ability of the Planning Commission is limited to mitigation of the impacts (State Law says that a Conditional Use is an allowed use provided the impacts of the use can be reasonably mitigated).

Staff is requesting a discussion from the Planning Commission as to whether or not amendments need to be made to the Development Code to address Contractor's Yards, such as:

1. Should performance criteria be established? Criteria could include screening requirements, yard size, storage of hazardous materials, distance from residential homes, etc.
2. Should the use be limited to specific zoning districts? Currently they are a conditional use in all zones but R-2.5 and CA (no areas in the County are currently zoned R-2.5 or CA).

Recommendation

Staff requests that the Eastern Summit County Planning Commission discusses the possibility of creating a junk ordinance for inclusion in the Eastern Summit County Development Code and whether or not amendments need to be made to the contractor's yard use in the Eastern Summit County Development Code, and provide staff with direction.

Exhibits

Exhibit A. Existing Junk Ordinance

Chapter 3

JUNK, UNUSED OR ABANDONED VEHICLES

4-3-1: PARKING OR STORAGE PROHIBITED:

4-3-2: DEFINITIONS:

4-3-3: EXEMPTION:

4-3-4: PENALTY:

4-3-1: PARKING OR STORAGE PROHIBITED:

- A. It shall be unlawful for any person to cause or permit junk, scrap metal, scrap lumber, wastepaper products, discarded building materials, or any, unregistered and/or abandoned vehicle, vehicles or abandoned parts, machinery parts or machinery, or other waste material to be within or upon any residential property, garden, lawn, or premises, or any public roadway within the Snyderville Basin area of Summit County as defined and regulated by the Snyderville Basin development code, except as allowed in subsection B of this section or unless in connection with a permitted business enterprise lawfully situated and licensed for the same address.
- B. All such materials as described in subsection A of this section shall be screened from the public view of surrounding residences by appropriate fencing, landscaping or berming. Unregistered and/or abandoned vehicles shall also be screened from public view except as allowed per section [4-3-3](#) of this chapter.

No hazardous materials or chemicals shall be stored in areas that do not meet health department regulations or are accessible to the public. (Ord. 456-A, 11-16-2011)

4-3-2: DEFINITIONS:

The following definitions shall apply as used in this chapter:

ABANDONED VEHICLE OR VEHICLES: Any unlicensed, inoperable, unused or abandoned vehicle or vehicle parts, which is not exempted by section [4-3-3](#) of this chapter.

JUNK: Shall include, but is not limited to, any waste product, item, or material which has been discarded, abandoned or is not in regular use. Construction materials that are reasonably being used as part of a currently permitted and ongoing on site construction project shall not be considered junk.

ON SITE CONSTRUCTION: Construction activity taking place only on the site where the materials are stored under the approval of a current and active building permit for that site.

PUBLIC ROADWAY: Includes, but is not limited to, any public street, street median, road, road median, rights of way, easements, sidewalks, trails, lanes, alleys, or parking lots.

VEHICLE: Shall include all cars, trucks, and motorized recreational vehicles, trailers used for the transportation of vehicles, boats, or any other vehicle with a motorized means of locomotion. (Ord. 456-A, 11-16-2011)

4-3-3: EXEMPTION:

There shall be an exemption granted for one unregistered vehicle per parcel of land (as determined by the tax parcel identification number), if the unregistered vehicle use is limited to reasonable on site use and/or the vehicle is covered, stored within a structure or building or stored in an area screened from public view. Exemptions for ongoing agricultural operations as defined by and regulated by the Utah code may also be granted. (Ord. 456-A, 11-16-2011)

4-3-4: PENALTY:

Violations of this chapter shall be deemed a class B misdemeanor and shall be punishable by a fine up to one thousand dollars (\$1,000.00). (Ord. 456-A, 11-16-2011)