

ORDINANCE NO. 2010-15

**AN ORDINANCE AMENDING THE UTAH COUNTY LAND USE ORDINANCE,
SECTION 5-17-J, GOSHEN VALLEY PLANNED COMMUNITY (PC) ZONE,
EXISTING USES**

WHEREAS, the Utah County Planning Commission initiated a review of amending the Utah County Land Use Ordinance, "UCLUO", to more appropriately address the goals and policies of Utah County, including those contained in the Utah County General Plan; and

WHEREAS, the Planning Commission addressed the proposed amendments to the UCLUO, during their regularly scheduled agenda meeting of the Planning Commission, and scheduled and held a public hearing regarding the proposed amendments; and

WHEREAS, the Planning Commission recommended that the UCLUO be amended, in accordance with the amendments as set forth herein; and

WHEREAS, the Board of County Commissioners has received and carefully reviewed the recommendation from the Utah County Planning Commission regarding the proposed amendment to the UCLUO, including information found in the file and any public comments contained therein; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the UCLUO will further the goals and policies of Utah County, including those contained in the General Plan; and

WHEREAS, the Board of County Commissioners finds that the proposed amendment to the UCLUO is in the best interest of the health, safety, and general welfare of the citizens of Utah County.

THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

Part I:

Section 5-17, Goshen Valley Planned Community (PC) Zone, Subsection J, Existing Uses, is hereby amended to read as follows:

J. EXISTING USES.

It is anticipated that buildout of an area designated as P-C Zone will occur over many years. Therefore, existing legal uses may continue within the P-C Zone after rezoning to P-C. In addition, uses may be conducted within the P-C Zone in accordance with the requirements of the A-40 zone prior to the approval of a Community Structure Plan for an area. The following uses shall also be permitted prior to approval of a Community Structure Plan for an area, if approved as a conditional use: mines (underground and open pit); sand, gravel, topsoil and earth-products pits; the attendant screens, rock crushers,



stockpiles, and waste dumps located within the bonded boundary of the mine or pit; and other ancillary uses, and temporary motion picture and television locations and related uses incidental to film and television production, all subject to the provisions of Chapter 3 of this land use ordinance. Upon approval of a Community Structure Plan, that Community Structure Plan and accompanying Development Standards may specify under what terms agricultural, temporary film locations and related uses, and mining uses may continue, if at all, on the property subject to the Community Structure Plan. The County Commission may require, as a condition of approval of a Community Structure Plan, buffers, transitions, alternate access routes, or other measures to ensure compatibility with adjacent interim uses.

Part II:

The Utah County Land Use Ordinance, as amended herein, is hereby adopted in book form and a copy of said Utah County Land Use Ordinance is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

Part III:

If any of the sections, sentences, clause or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

Part IV:

This ordinance shall become effective fifteen (15) days after it is passed, and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.

PASSED and ordered published this 22nd day of June, 2010

UTAH COUNTY COMMISSION

VOTE



STEVE WHITE, CHAIR

aye



GARY J. ANDERSON, COMMISSIONER

aye



LARRY A. ELLERTSON, COMMISSIONER

aye

ATTEST:
BRYAN E. THOMPSON
County Clerk/Auditor

APPROVED AS TO FORM:
JEFFREY R. BUHMAN
County Attorney

By: Ronnie Peterson, Deputy

By: [Signature] Deputy

Date of Publication: Once only, as soon as possible



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UTAH COUNTY COMMUNITY DEVELOPMENT
APPLICATION TO AMEND THE LAND USE ORDINANCE

(All application fees are non-refundable)

Check the approval(s) needed: <input checked="" type="checkbox"/> Planning Commission <input checked="" type="checkbox"/> County Commission	Application taken by: <u>AS</u> Date <u>5/17/2010</u> Fee Paid <u>\$300</u> Receipt # <u>5565</u>
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All Land Use Ordinance amendments are subject to a recommendation by the Planning Commission and final approval by the County Commission.

In preparation of any Land Use Ordinance amendment, consideration will be given to the Utah County General Plan, the intent stated within the Land Use Ordinance, and encouragement of the most appropriate use of land throughout the county. No application should be approved when it is determined that the proposed amendment does not promote the health, safety, morals, convenience, or general welfare of the public.

Applicant's Name: Corporation of the President of The Church of Jesus Christ of Latter Day Saints, Audiovisual Department and LDS Motion Picture Studio Date: May 17, 2010

Mailing Address: 300 West 2230 North City: Provo State: UT Zip: 84604
 Phone: 801-370-9100 Cell: 801-372-2711 Fax: 801-370-9250

Refund Information: If this application fee, or any portion of the application fee is to be refunded, please indicate Name and Mailing Address where refund may be sent.

Name: LDS Motion Picture Studio

Mailing Address: 300 West 2230 North City: Provo State: UT Zip: 84604

(Attach additional sheets or documents to the application)

1. Section(s) of the Land Use Ordinance to be amended:

Section 5-17: Subsection J; GOSHEN VALLEY PLANNED COMMUNITY (P-C) ZONE

2. Describe in detail the proposed Land Use Ordinance amendment:

Motion picture and television studios and related incidental uses that are located on a motion picture or television studio site when not permitted by right. These incidental uses may include, but are not limited to, film, video, audio and other media production, recording and broadcasting, sound labs, film editing, film video and audio processing, sets and props production and storage, computer design, computer graphics, animation, offices and ancillary facilities related to those activities.

3. How will the proposed Land Use Ordinance amendment avoid causing additional adverse conditions?

None anticipated

4. In what ways does the proposed Land Use Ordinance amendment promote the health, safety, morals, convenience, or general welfare of the public?

Area will be used for the development of educational and religious media in line with the high moral standards of the community.

To the best of my knowledge the above information is accurate and complete.



Signature of Applicant

PAUL MILLER

June 15, 2010

UTAH COUNTY PLANNING COMMISSION STAFF REPORT

- I. APPLICATION:** - **Public Hearing**
- A. APPLICANT** - **Corporation of the President of the Church of Jesus Christ of Latter Day Saints, Audiovisual Department and LDS Motion Picture Studio**
- B. REQUEST** - **Proposed Land Use Ordinance amendments to Section 5-17-J, Goshen Valley Planned Community (PC) Zone, Existing Uses, to add Motion Picture and Television Studios and related incidental uses as a conditional use within the zone prior to a Community Structure Plan (CSP) being approved.**
- C. LOCATION** - **Unincorporated Utah County, Goshen Valley Planned Community (PC) Zone.**

II. STAFF ANALYSIS:

The applicant is proposing that an amendment be made to the Utah County Land Use Ordinance, Subsection J, Existing Uses, of Section 5-17, Goshen Valley Planned Community (PC) Zone, to include motion picture and television studios and related incidental uses as one of the conditional uses within that zone. The incidental uses listed in the application “may include, but are not limited to, film, video, audio and other media production, recording and broadcasting, sound labs, film editing, film video and audio processing, sets and props production and storage, computer design, computer graphics, animation, offices and ancillary facilities related to those activities.”

The applicant has limited use at their current location in Provo City, and wishes to be able to use land within their ownership to utilize for film activity that provides a greater variety for future projects.

If approval for the proposed land use ordinance text amendment were recommended by the Planning Commission, Subsection J, Existing Uses would be amended as follows:

J. EXISTING USES.

It is anticipated that buildout of an area designated as P-C Zone will occur over many years. Therefore, existing legal uses may continue within the P-C Zone after rezoning to P-C. In addition, uses may be conducted within the P-C Zone in accordance with the requirements of the A-40 zone prior to the approval of a Community Structure Plan for an area. The following uses shall also be permitted prior to approval of a Community Structure Plan for an area, if approved as a conditional use: mines (underground and open pit); sand, gravel, topsoil and earth-products pits; the attendant screens, rock crushers, stockpiles, and waste dumps located within the bonded boundary of the mine or pit; and other ancillary uses, and *temporary motion picture and television locations and related uses incidental to film and television production*, all subject to the provisions of Chapter 3 of this land use ordinance. Upon approval of a Community Structure Plan, that Community Structure Plan and accompanying Development Standards may specify under what terms agricultural, *temporary film locations and related use*, and mining uses may continue, if at all, on the property subject to the Community Structure Plan. The County Commission may require, as a condition of approval of a Community Structure Plan, buffers, transitions, alternate access routes, or other measures to ensure compatibility with adjacent interim uses.

Incidental uses listed in the application are not included in this land use ordinance amendment since they would be more appropriately considered at the time the Utah County Board of Adjustment would hear the conditional use appeal for a “motion picture and television studios and related uses incidental to film and television production” and included specifically at that time if the appeal for a conditional use is granted by the board.

STAFF RECOMMENDATION:

That if the Utah County Planning Commission recommend the above land use ordinance amendment for Section 5-17-J, to allow motion picture and television studios and land related uses incidental to film and television production, as a conditional use when approved by the Utah county Board of Adjustment, to the Utah county Commission for approval, based on the following findings:

1. That the proposed land use is unique and requires a location that will allow the filming alternatives.
2. That it is proposed as a “conditional use” and would require the approval of the Utah County Board of Adjustment.
3. That the applicant must only develop those uses and structures in the PC Zone district that meet the requirements of the Utah County Land Use Ordinance, and the currently adopted codes for building, fire safety, and the Utah County Health Department.