

Ordinance No 018-2021

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 10: ZONING REGULATIONS, CHAPTER 5: SENSITIVE AREAS.

WHEREAS, UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls . . .” and

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of the city and its present and future inhabitants and businesses, and,

WHEREAS the current purpose and intent of PCC 10-5 is to help define and designate certain topographic and critical features as sensitive areas so as to require conditional use prior to the issuance of any permit, and,

WHEREAS the proposed revisions, attached to this ordinance as EXHIBIT A, amends PCC to remove the conditional use requirement and rely on the requirements of the building code and fire code and any other applicable city, state, and federal rules, regulations, laws, and codes, which should achieve the same goal and improve efficiency in the development application, review, and approval process.

WHEREAS the proposed attached revision went before Providence City Planning Commission on September 22nd with the following motion and results:

Motion to recommend to the Providence City Council the proposed amendments to the City Code Title 10 Zoning Regulations, Chapter 5 Sensitive Areas. Motion — R Perry, second — B Marble
Vote: Yea: K Alder, M Fortune, B Marble, R Perry, Tyler Riggs. Nay: Abstained: Excused:

THEREFORE be it resolved by the Providence City Council:

- The attached revision of PCC Title 10 Zoning Regulations Chapter 5 Sensitive Areas is approved.
- This ordinance shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 20th day of October 2021.

Council Vote:

Eck, Kristina	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Kirk, Carrie	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Paulsen, Joshua	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Sealy, Jeanell	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Speth, Brent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

Providence City

John Drew, Mayor

Attest:

Tyler Cameron, City Recorder

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EXHIBIT A

Code Amendment Review and Revision

Code Amendment Review				
Prepared by: S Bankhead	Date: 08/19/2021	Land Use	Yes: X	No:
Code Title: 10 Zoning Regulations	Title Chapter: 5 Sensitive Areas	Chapter Section: All sections		
Applicant: Providence City	Application Date: NA			
Abbreviations & Authority: <ol style="list-style-type: none"> 1. Utah Code Annotated: UCA 2. The UCA references are summarized in this analysis. For a complete details and code requirements, please review the online Utah Code at: https://le.utah.gov/xcode/code.html 3. Providence City Code: PCC 4. The PCC references are summarized in this analysis. For a complete details and code requirements, please review our online city code at: https://providence.municipalcodeonline.com/book?type=ordinances#name=Preface 5. Land Use Authority: Planning Commission (PCC: 10-4-4:B.1) 6. Legislative body: City Council 				
Background Information: <ol style="list-style-type: none"> 1. In PCC Title 10 Chapter 5, the City has designated certain topographic and critical features as sensitive areas that require a conditional use prior to the issuance of any permit. 2. PCC 2-4-1 authorizes the administrative land use authority (ALUA) to act on conditional use applications. 3. Areas within the city that may require further analysis can be identified using Cache County's Parcel & Zoning Viewer and the Cache County GIS Parcel Summary. If the Parcel & Zoning Viewer and/or GIS Parcel Summary indicates an applicant's property may be in a sensitive area, the applicant is required to get a conditional use. In addition to the conditional use, applicant's also need to meet the requirements of the building code and fire code and any other applicable city, state, and federal rules, regulations, laws, and codes. 4. After reviewing many conditional use applications associated with sensitive areas, the ALUA feels the conditional use requirement adds an unnecessary step in land use development processes. Amending PCC to remove the conditional use requirement and relying on the requirements of the building code and fire code and any other applicable city, state, and federal rules, regulations, laws, and codes; should achieve the same goal and improve efficiency in the development application, review, and approval process. 5. Some of the proposed amendments allow utilization of property in some of the sensitive areas based on the applicant obtaining and adhering to recommendations in an approved engineering geologic study. 				

FINDINGS OF FACT:

1. UCA 10-3-701. Legislative power exercised by ordinance. Except as otherwise specifically provided, the governing body of each municipality shall exercise its legislative powers through ordinances.
2. UCA 10-3-702. The governing body may pass any ordinance to regulate, require, prohibit, govern control or supervise any activity, business, conduct of condition authorized by this act or any other provision of law.
3. UCA 10-9a-102 Purposes – General land use authority.
A municipality may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that the municipality considers necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing: (a) uses; (b) density; (c) open spaces; (d) structures; (e) buildings; (f) energy efficiency; (g) light and air; (h) air quality; (i) transportation and public or alternative transportation; (j) infrastructure; (k) street and building orientation; (l) width requirements; (m) public facilities; (n) fundamental fairness in land use regulation; and (o) considerations of surrounding

land uses to balance the foregoing purposes with a landowner's private property interests and associated statutory and constitutional protections.

4. UCA 10-9a-103(8) Conditional Use means a land use that, because of the unique characteristics or potential impact of the land use on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain condition are required that mitigate or eliminate the detrimental impacts.
5. UCA 10-9a-201(1) Only a legislative body, as the body authorized to weigh policy considerations, may enact a land use regulation.
6. UCA 10-9a-302(1) The planning commission shall review and make a recommendation to the legislative body for (b) land use regulations, including: (i) ordinances regarding the subdivision of land within the municipality; and (ii) amendments to existing land use regulations.
7. UCA 10-9a-502(1) The planning commission shall provide notice, hold a public hearing, and review and recommend a proposed land use regulation to the legislative body.
8. UCA 10-9a-507 lists the regulations for conditional use.
9. PCC 10-5 Designates sensitive areas and lists conditions and regulations for developing in those areas.

CONCLUSIONS OF LAW:

1. The Providence City Council may enact or amend land use regulations.
2. The Providence Planning Commissions reviews and makes recommendations to the city council for land use regulations.
3. This proposed code amendment is being processed in accordance with state and city codes.

CONDITIONS:

1. The Planning Commission reviews and make revisions to the proposed draft that represents the planning commission's recommendations.
2. Before making a recommendation to a legislative body on an amendment to an existing land use regulation, the planning commission shall hold a public hearing in accordance with UCA 10-9a-404
3. The applicant shall meet all applicable City, state and federal laws, codes, rules.

CHAPTER 5 SENSITIVE AREAS

SECTION:

- 10-5-1: Purpose
- 10-5-2: Sensitive Areas
- 10-5-3: Hazard Flood Area (HF)
- 10-5-4: Hazard Slope Area (HS)
- 10-5-5: Hazard Water Table Area (HW)
- 10-5-6: Hazard Earthquake Primary Fault Area (HE)
- 10-5-7: Hazard Wildfire Area (WF)
- 10-5-8: Engineering Geotechnical Report
- 10-5-9: Disclosure of Natural Hazard by Engineering Geotechnical Report
- 10-5-10: Disclosure of Other Natural Hazards

10-5-1: CONDITIONAL USE PERMIT REQUIRED:

The purpose of this Chapter is to protect the health, safety, and welfare of the present and future residents of Providence City; and provide for safe, orderly and beneficial development in sensitive areas as defined and described below.

10-5-2: SENSITIVE AREAS (NDSA) AND POTENTIALLY DEVELOPABLE SENSITIVE AREAS (PDSA):

A. Sensitive areas are defined as follows:

Non-developable sensitive areas:

The following areas are non-developable. None of the acreage encumbered by any of the following sensitive areas may be considered for development density, and none of the areas may be built upon or within except for required public utility and facilities

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| 1. Jurisdictional Wetlands | As defined by the US Army Corps of Engineers. |
| 2. Steep Slopes (Hazard Slope) | Where the rise or fall of the land is equal to or exceeds thirty percent (30%) over a horizontal distance of fifty feet (50') or greater (see Section 4 of this Chapter) measured perpendicular to the contour lines. |
| 3. Natural Waterways or Open Water | Including but not limited to: rivers, creeks, or streams. Identified as those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetation litter or loosely rooted vegetation by action of moving water. The channel or bed need not contain water year round. This definition is not meant to include |

Sensitive Areas

Adopted

- 05/08/1991
Overlay Zones

Amended:

- Ordinance No. 011-99, 04/13/1999;
- Ordinance No. 001-2007, 01/09/2007;
- Ordinance No. 002-2011, 04/26/2011;
- Ordinance No. 016-2013, 09/10/2013;
- Ordinance No. 2015-019, 08/25/2015;
- Ordinance 2017-004, 03/28/2017

DRAFTS

- Current DRAFT 08/17/2021

Approved

- Ordinance No. 2021-018 10/20/2021

storm water runoff devices or entirely artificial watercourse unless they are used to store or convey pass through stream flows naturally occurring prior to construction of such devices. Watercourses where the definition may apply are those that appear on the US geological survey quad maps excluding irrigation canals and ditches. For instance, an irrigation canal following a natural or jurisdictional watercourse would not be exempt but others would be exempt.

Potentially developable sensitive areas.

The following areas are determined to be sensitive areas of Providence City and are subject to the requirements of this Chapter. These areas may be built upon based on the requirements of this section and other applicable city, state, and federal requirements.

All acreage encumbered by any of the following sensitive areas may be considered for development density at the discretion of the Providence City Planning Commission, based on recommendations from professional(s) with expertise in the field being discussed.

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| 1. Steep Slopes | Where the rise or fall of the land is between twenty percent (20%) and thirty percent (30%) over a horizontal distance of fifty feet (50') or greater. (see Section 4 of this Chapter) measured perpendicular to the contour lines. |
| 2. Floodplains | See definitions in Chapter 16 Section 3 of this Title. |
| 3. Critical wildlife habitat areas | as identified by the US Fish & Wildlife Service Utah Ecological Services. |
| 3. Geological hazard areas | Earthquake fault lines or areas prone to debris flows, landslides, high or extreme liquefaction potential, and rock falls as identified by the US Geological Survey (USGS); and high ground water area (see Section 5). |
| 4. Wildfire hazards areas: | Areas of the City designated as having moderate to extreme potential for wildfire hazards as identified by the City State Fire Marshal. |

B. Development of Sensitive Areas:

1. All requests for permits involving a lot, parcel or site located wholly or partially within a sensitive area shall comply with the following regulations before the issuance of any permit.
2. Land designated as non-developable sensitive area cannot be considered for development density. Generally, these lands are to remain undisturbed. They are extremely sensitive to development, and because of surface disturbance such as grading, filling, or vegetation removal have a high potential to threaten life or property, alternative development should be considered.
 - a. Project approval within a non-developable sensitive area shall only be allowed after:
 - i. (Jurisdictional Wetlands) an aquatic resources delineation report is submitted to the US Army Corps of Engineers (USACE). If the USACE determines wetlands in the report area are jurisdictional, any wetland impact from the proposed project are subject to Section 404 Clean Water Act (CWA).
 - ii. (Steep Slope) an engineering geologic hazard study, completed by a

Professional Engineer and approved by the City Engineer, establishes the site is stable for the proposed use and development.

- iii. (Natural Waterways or Open Water) receiving written authorization from the State Engineer. See Utah Code 73-3-29.
- 3. The lands within a Potentially Developable Sensitive Area may be developed and built upon, subject to the requirements of this section and other applicable city, state, and federal requirements.
- 4. Land within a Potentially Developable Sensitive Area may be considered for development density, based on:
 - a. (Steep Slope and Geological Hazard Areas) findings from an engineering geologic hazard study that has been approved by the City Engineer.
 - b. (Floodplains) data provided in the form of a Flood Insurance Rate Map (FIRM) and Flood Boundary-Floodway Maps (FBFM) and a Flood Insurance Study (FIS)
 - c. (Wildfire Hazard and Wildland Urban Interfaced Areas) a review from the local Fire Marshal's Office or other fire authority designated by the City.
- 5. New Subdivisions: In the case of new subdivisions, permit requirements for all public facilities (roads, sewer and water lines, etc.) within or containing a sensitive area shall be included in the final plat and construction drawing phases of the approval process and approval of the final plat shall serve as the permit for roads, sewer, and water line and similar utility and infrastructure uses within the Sensitive Areas.
- 6. Individual Lot in an Approved Platted Subdivisions: Generally, lots within an approved platted subdivision may rely on the data and reports provided as part of the subdivision process. If the city engineer and/or building official determines the site preparation for a structure on a lot will significantly change the composition of the lot (including but not limited to: soils, grades, topography, vegetation, slope stability, etc.), the requirements for an individual lot not in an approved platted subdivision will apply.
- 7. Individual Lot not in an Approved Platted Subdivision: Any request for a zoning clearance involving a building permit for a lot that is not in an approved platted subdivision, which is in a sensitive area, shall be submitted with a site specific geotechnical report in accordance with Chapter 18 of the International Building Code (IBC) and any engineered construction plan which has been designed in compliance with the recommendations made within the geotechnical report for site excavations, grading, slope stability, structural components, landscaping, or any other geologic hazard mitigation specified.
 - a. The zoning clearance and/or building permit may be issued administratively after it is determined that the lot may be developed in accordance with the intent of this chapter.
 - b. The city engineer and/or the building official shall require the geotechnical firm to observe the excavation of the site and submit verification of soil conditions and suitability of the site for construction.
 - c. If the only hazard associated with the site is high liquefaction, then the applicant must submit a soils report with recommendations for control of subsurface water as well as footing and foundation design.
 - d. If the only hazard associated with the site is Hazard Slope and there will be no land disturbance within 30-feet of the slope falling away, the city engineer and/or building official may waive the geotechnical report requirement.
- 8. The designation of land as within a Non-developable Sensitive Area or within a Potentially Developable Sensitive Area, and the application of other requirements imposed under the authority of this chapter may be appealed to the Providence City Appeal Authority, as provided for in Chapter 2-5 of this Code.

10-5-3: HAZARD FLOOD (HF):

- A. An Area which may be subject to periodic inundation which could result in loss of life and property,

health and safety hazards, disruption of commercial and City services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which could adversely affect the public health, safety and general welfare of the citizens of the City. The Hazard Flood Area (HF) is based upon the flood hazard data provided to the City by FEMA. Flood hazard data will be provided in the form of a Flood Insurance Rate Map (FIRM) (hereafter referred to as the "flood map") and a Flood Insurance Study (FIS) (hereafter referred to as the "flood study").

- B. **Building Regulations:** No dwelling unit, accessory building, church, school, public building, health care facility, residence or nursing home for the elderly or handicapped, nor any commercial, retail or industrial structure shall be constructed within a minimum distance as determined by the City from the top inside edge of the bank of any natural or manmade waterway that is located in a Hazard Flood Area (HF). Under no circumstance shall any structure be permitted or constructed within thirty feet (30') of the top inside edge of the bank of any natural or manmade waterway that is located in a Hazard Flood Area (HF).
- C. See Chapter 16 of this Title for flood plain regulations.

10-5-4: HAZARD SLOPE AREA (HS):

- A. An area where the natural slope of the land exceeds an average gradient through the building areas of thirty percent (30%) or greater over a horizontal distance of fifty feet (50') or greater measured perpendicular to the contour lines is designated as a Hazard Slope Area.
 - 1. No building or structure is to be located on any existing slope with an average gradient through the building area of thirty percent (30%) or greater. No building or structure is to be located within thirty feet (30') of any slope falling away at a grade of thirty percent (30%) or greater without an engineering geologic study approved by the city engineer; and the footing and foundation plans must be designed and stamped by a licensed engineer.
 - 2. Project approval will only be allowed after an engineering geologic study, approved by the city engineer, establishes that the site is stable for the proposed use and development. At a minimum, the study shall include:
 - a. Project description that includes the location, topography, drainage, vegetation, and discussion of previous work and discussion of field exploration methods.
 - b. A slope stability analysis, with specific recommendations for cut slope stability, seepage and drainage control or other design criteria to mitigate geologic hazards.
 - c. A detailed erosion control, revegetation and bank stabilization plan has been approved by the City Engineer for any disturbances planned to existing slopes within a Hazard Slope Area.
 - d. Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.
 - e. A detailed site plan for any buildings or earth moving activities (roads, driveways, sewer or water lines, etc.) that show the location of the planned facilities and how they would fit in with the existing slope and landscape of the area (as shown by before and after contours – see 4.e. below) has been approved by the designated Land Use Authority.
 - f. Contours should show the following:

Natural Ground	Unimproved earthen material existing at its original location of formation or deposition, which has not been reworked, mechanically altered, constructed or improved.
Existing conditions	The ground as is presently exists.

Proposed conditions The ground after the earth moving activities have taken place.

- g. Signature and stamp of the engineer and/or geologist licensed as a professional engineer in the State of Utah.

10-5-5: HAZARD WATER TABLE AREA (HW): An area where potential ground water levels may occur within 12 feet of the natural grade is designated as a Hazard Water Table Area. Project approval in a HW area shall only be allowed after a feasibility study, signed and stamped by a licensed engineer and approved by the city engineer, establishes that the site is suitable for the proposed development. The study should also provide detailed mitigation strategies for structures and protection against contamination by chemicals, fertilizers, pesticides, minerals, etc.

10-5-6: HAZARD EARTHQUAKE PRIMARY FAULT AREA (HE): No construction shall be permitted in any identified Hazard Earthquake Primary Fault Area (HE) and/or landslide area until adequate plans and engineering data are provided showing:

- A. Location of Structures: Where public facilities, occupancy facilities, large structures and sewer and water systems are to be constructed. Detailed geotechnical investigations may be required so as to accurately and very specifically locate faults and/or landslide areas;
- B. Lines and Systems: Any sewer lines or disposal systems located beneath culinary water facilities; and
- C. Ground Response Map: Ground response maps identifying the area's most susceptible to ground motion. (Zon. Ord., 5-8-1991)

10-5-7: HAZARD WILDFIRE AREA: Areas having moderate to extreme potential for wildfire hazards are designated as the Hazard Wildfire Areas. Within the Hazard Wildfire Area:

- A. Development shall provide for ready access to fire and other emergency equipment and for routes of escape to safely handle evacuations.
- B. Measures to mitigate wildfire hazards and risks may be required by the appropriate Land Use Authority based on the recommendation and review of the Fire Marshall.
- C. Property owners are encouraged to implement the following:
 - 1. Construct the roof with fire-resistant materials like tile or metal, asphalt or fiberglass shingles. Clean roof surfaces and gutters of pine needles, leaves, branches, etc. regularly to avoid accumulation of flammable materials.
 - 2. Inspect your property regularly, clearing dead wood and dense vegetation from at least 30' around your house. Rake piles of leaves and twigs. If on a hill, more space will be needed to protect your home. A fuel break should be maintained around all structures.
 - 3. Move firewood away from the house or attachments like fences or decks.
 - 4. Cover vents with wire mesh no larger than 1/8 of an inch to keep sparks from enter your home through vents.
 - 5. Driveways should be wide enough for firefighting equipment to maneuver.

10-5-8: ENGINEERING GEOTECHNICAL REPORT: For those areas identified as an active or potential mapped earthquake fault and landslide areas, or areas determined by review to contain geologically unstable conditions, and all for areas which include a Hazard Slope Area (HS) or Hazard Primary Fault Area (HE), development may be permitted by the designated Land Use Authority upon the review and approval of an engineering geotechnical report that complies with the provisions of this section. If a conditional use

permit is required, the engineering geotechnical report shall be considered in the review of the conditional use permit application.

- A. The site-specific soil/geologic report by a qualified geotechnical engineer shall identify all geologic hazards, whether on or off-site, if such hazard or hazards affects the particular property including the following hazard(s), unless determined prior to the preparation of the report by the City Engineer that the specific potential hazard or hazard does not need to be considered in the report:
 - 1. Flood history and potential; proximity to known canals, lakes, streams and alluvial fan flooding;
 - 2. Definition of any areas of deformation with respect to active faults and recommended setbacks therefrom;
 - 3. Evidence for other mass movement of soil and rock (landslides, debris flows, rock falls);
 - 4. Identification of anomalies of the terrain or characteristics of the geological materials which would have any potential impact upon the use of site;
 - 5. Determination of ground water characteristics; and
 - 6. Uncontrolled fill material within the building envelope of a lot or other uncompacted soils.
- B. The report shall contain written recommendations for construction of structures and avoidance or mitigation of the hazards. Land drains alone through private property are not allowed and are discouraged through public property because long-term maintenance of drains cannot be guaranteed;
- C. The report shall consider and contain data regarding the nature, distribution, and strength of soils within the project area. The soil report shall include a unified classification of all soils with an estimate of susceptibility to erosion, plasticity index, liquid limit, shrink-swell potential, and general suitability for development;
- D. The report shall contain an estimate of the likely highest level of the water table considering the long-term effects of development and irrigation.
- E. The report shall include a statement by the qualified geotechnical engineer preparing the report that the safety and integrity of the proposed building or structure is not compromised by potential geologic hazards and that the proposed building or structure, as designed and proposed, can be built in a manner that complies with the soils, footings and foundation requirements of the applicable building code.
- F. After the application is received by the City, the geologic and soil report will be reviewed by staff and, if the report finds that geologic hazards exist, the report will be reviewed by other geotechnical advisors which may include the Utah Geologic Survey (UGS). If after review, the geotechnical advisors concur with the geologic and soil report and the proposed remedial measures submitted by the applicant, the item will be forwarded to the land use authority designated to review the application for a conditional use permit.
- G. The required reports and the plans to address the concerns set forth in those reports shall be stamped and approved by a licensed professional engineer. If the City Engineer does not agree with the applicant's geologic and soils report, the City and the applicant for a conditional use permit may utilize the procedure for resolving such disputes found in Utah Code Ann. 10-9a-703(20 for the appeal of a determination made under a municipality's geologic hazards ordinance.
- H. As provided in Section 10-3-5(E)(4) of this Ordinance, a conditional use permit may be denied, and use of the property therefore prohibited, if geologic hazards associated with the property cannot be substantially mitigated by the imposition of reasonable conditions and/or the requirements of the geologic and soil report and the provisions of the applicable building code related to soils, footings,

and foundations are not met.

10-5-9: DISCLOSURE OF NATURAL HAZARD BY ENGINEERING GEOTECHNICAL REPORT: Wherever a potential natural hazard is identified by a required geotechnical report under this chapter, the owner of such parcel shall record a restrictive covenant running with the land in a form satisfactory to the City prior to the approval of any development or subdivision of such parcel, which shall include the following:

- A. Notice of the existence and availability of the engineering geotechnical report that identifies the natural hazards for public inspection in the City Office; and
- B. An agreement by the owner of the parcel and any successor in interest to comply with any conditions set by the City to minimize potential adverse effects of the natural hazard(s).

10-5-10: DISCLOSURE OF OTHER NATURAL HAZARDS: At any time after the designation of a particular parcel of land, or any portion thereof, as within a Sensitive Land Area, the City may cause to be recorded at the Office of the Cache County Recorder a notice related to that land stating that the land lies within a Sensitive Land Area. The notice may state that the construction of buildings and improvements on that land is subject to the provisions of the Providence City Ordinances related to Sensitive Lands, including a potential requirement to obtain a conditional use permit prior to the construction of a home or other buildings, structures or improvements on the land. Use of the land may not be allowed until a professional review is conducted, as provided in city ordinance, and reports are submitted that establish that any proposed home, building, or other structures or improvements to be erected upon the land can be built in compliance with relevant building codes and appropriate soil, flooding, and earthquake requirements. If qualified professionals cannot establish that a proposed use of the land can be conducted in a manner that complies with the health and safety provisions of the building code and other relevant standards, the proposed use of the land may be prohibited.