



1 **Section 2. Temporary Land Use Regulation.** Therefore, pursuant to Utah Code Ann. §10-9a- 504, a  
2 temporary land use regulation not to exceed six months is hereby established for the areas of  
3 Providence City shown on its land use maps and ordinances as Sensitive Lands – Hazard Slope Zone (HS).

4 **Section 3. Hazardous Slope Zone Amendment.** The provisions of Section 10-5-4(B) of the Providence  
5 City Ordinances are amended by striking the words “conditional use permit for uses within the Hazard  
6 Slope Zone.” and replacing those words with the following new words: “conditional use permit for  
7 roads, sewer, and water line and similar utility and infrastructure uses within the Hazard Slope Zone. An  
8 additional conditional use permit shall be required for the construction of buildings or structures,  
9 including homes, garages, and other such improvements within the Hazard Slope Zone (HS).” In light of  
10 the compelling, countervailing public interest represented by the danger to public health and safety by  
11 unmitigated geologic hazards, it is specifically determined that no previously adopted subdivision plat  
12 may be considered to have a vested conditional use permit for the construction of homes, buildings, or  
13 other such improvements by the approval of a final plat under the former language of this section.

14 **Section 4. Geotechnical Review.** The provisions of Section 10-5-8 of the Providence City Land Use  
15 Ordinances are hereby rescinded and revoked, solely for the purpose of replacing those provisions with  
16 the following amended provisions. A new, amended Section 10-5-8, is hereby adopted, to read as  
17 follows:

18 10-5-8. ENGINEERING GEOTECHNICAL REPORT: For those areas identified as an active  
19 or potential mapped earthquake fault and landslide areas, or areas determined by  
20 review to contain geologically unstable conditions, and for all areas designated by a  
21 Sensitive Lands Overlay Zone Hazard Slope Zone (HS) or Hazard Primary Fault Zone (HE),  
22 development may be permitted by the designated Land Use Authority upon the review  
23 and approval of an engineering geotechnical report that complies with the provisions of  
24 this section. If a conditional use permit is required, the engineering geotechnical report  
25 shall be considered in the review of the conditional use permit application.

26 A. The site-specific soil/geologic report by a qualified geotechnical engineer shall  
27 identify all geologic hazards, whether on or off-site, if such hazard or hazards affects the  
28 particular property including the following hazard(s), unless determined prior to the  
29 preparation of the report by the City Engineer that the specific potential hazard or  
30 hazard does not need to be considered in the report:

- 31 1. Flood history and potential; proximity to known canals, lakes, streams and alluvial fan  
32 flooding;
- 33 2. Definition of any zones of deformation with respect to active faults and  
34 recommended setbacks therefrom;
- 35 3. Evidence for other mass movement of soil and rock (landslides, debris flows, rock  
36 falls);
- 37 4. Identification of anomalies of the terrain or characteristics of the geological materials  
38 which would have any potential impact upon the use of site;
- 39 5. Determination of ground water characteristics; and

1 6. Uncontrolled fill material within the building envelope of a lot or other uncompacted  
2 soils.

3 B. The report shall contain written recommendations for construction of structures and  
4 avoidance or mitigation of the hazards. Land drains alone through private property are  
5 not allowed and are discouraged through public property because long-term  
6 maintenance of drains cannot be guaranteed;

7 C. The report shall consider and contain data regarding the nature, distribution, and  
8 strength of soils within the project area. The soil report shall include a unified  
9 classification of all soils with an estimate of susceptibility to erosion, plasticity index,  
10 liquid limit, shrink-swell potential, and general suitability for development;

11 D. The report shall contain an estimate of the likely highest level of the water table  
12 considering the long-term effects of development and irrigation.

13 E. The report shall include a statement by the qualified geotechnical engineer preparing  
14 the report that the safety and integrity of the proposed building or structure is not  
15 compromised by potential geologic hazards and that the proposed building or structure,  
16 as designed and proposed, can be built in a manner that complies with the soils,  
17 footings and foundation requirements of the applicable building code.

18 F. After the application is received by the City, the geologic and soil report will be  
19 reviewed by staff and, if the report finds that geologic hazards exist, the report will be  
20 reviewed by other geotechnical advisors which may include the Utah Geologic Survey  
21 (UGS). If after review, the geotechnical advisors concur with the geologic and soil report  
22 and the proposed remedial measures submitted by the applicant, the item will be  
23 forwarded to the land use authority designated to review the application for a  
24 conditional use permit.

25 G. The required reports and the plans to address the concerns set forth in those reports  
26 shall be stamped and approved by a licensed professional engineer. If the City Engineer  
27 does not agree with the applicant's geologic and soils report, the City and the applicant  
28 for a conditional use permit may utilize the procedure for resolving such disputes found  
29 in Utah Code Ann. 10-9a-703(20 for the appeal of a determination made under a  
30 municipality's geologic hazards ordinance.

31 H. As provided in Section 10-3-5(E)(4) of this Ordinance, a conditional use permit may  
32 be denied, and use of the property therefore prohibited, if geologic hazards associated  
33 with the property cannot be substantially mitigated by the imposition of reasonable  
34 conditions and/or the requirements of the geologic and soil report and the provisions of  
35 the applicable building code related to soils, footings, and foundations are not met.

36 **Section 5. Disclosures.** The provisions of Title 10, Chapter 5 of the Providence City Ordinances are  
37 hereby amended by adding the following language at the end of the section, creating a new Section 10-  
38 5-10:



1 10-5-10: DISCLOSURE OF OTHER NATURAL HAZARDS: At any time after the designation  
2 of a particular parcel of land, or any portion thereof, as within a Sensitive Land Overlay  
3 Zone, the City may cause to be recorded at the Office of the Cache County Recorder a  
4 notice related to that land stating that the land lies within a Sensitive Land Overlay  
5 Zone. The notice may state that the construction of buildings and improvements on  
6 that land is subject to the provisions of the Providence City Ordinances related to  
7 Sensitive Lands, including a potential requirement to obtain a conditional use permit  
8 prior to the construction of a home or other buildings, structures or improvements on  
9 the land. Use of the land may not be allowed until a professional review is conducted,  
10 as provided in city ordinance, and reports are submitted that establish that any  
11 proposed home, building, or other structures or improvements to be erected upon the  
12 land can be built in compliance with relevant building codes and appropriate soil,  
13 flooding, and earthquake requirements. If qualified professionals cannot establish that  
14 a proposed use of the land can be conducted in a manner that complies with the health  
15 and safety provisions of the building code and other relevant standards, the proposed  
16 use of the land may be prohibited.

17 **Section 6. Designation of Additional Sensitive Lands.** Lots 77 through 81, lying West of 800 East in the  
18 Highlands Subdivision, Phase 3 are hereby declared as within the Hazard Slope Overlay Zone, as  
19 described in the Providence City Land Use Ordinances at Section 10-5-4.

20 **Section 7. Severability Clause.** If any part or provision of this Ordinance is held invalid or unenforceable,  
21 such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions,  
22 clauses and words of this Ordinance shall be severable.

23 **Section 8. Restoration of Amended Sections.** If this Ordinance or any part thereof is held to be invalid  
24 or unenforceable, the sections of the Providence City Ordinances amended by any portion of this  
25 Ordinance which is held to be invalid or unenforceable shall remain in full legal force and effect, as if  
26 that section of the Providence City Ordinance had not been amended by this Ordinance.

27 **Section 9. Effective Date.** This Ordinance shall become effective immediately upon publication or  
28 posting or thirty (30) days after final passage, whichever is closer to the date of final passage.

29 PASSED AND ADOPTED BY THE CITY COUNCIL OF PROVIDENCE CITY, STATE OF UTAH, ON THIS 24 DAY OF  
30 FEBRUARY, 2015.

31 Council Vote:

32 Bagley, Bill	(X)Yes	( )No	( )Excused	( )Abstained	( )Absent
33 Baldwin, Jeff	(X)Yes	( )No	( )Excused	( )Abstained	( )Absent
34 Call, Ralph	(X)Yes	( )No	( )Excused	( )Abstained	( )Absent
35 Drew, John	(X)Yes	( )No	( )Excused	( )Abstained	( )Absent
36 Russell, John	(X)Yes	( )No	( )Excused	( )Abstained	( )Absent

37  
38 ATTEST: PROVIDENCE CITY

39  
40  
41 By: Skarlet Bankhead  
42 Skarlet Bankhead, City Recorder

By: Don W. Calderwood  
Don Calderwood, Mayor

