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MEMORANDUM

November 18, 2021

To: Planning Commission
From: Community Development Department
Subject: Pepperwood Creek Ph 2, Lot 206 Amended Plat (Preliminary Review & Special Exception for Alteration of 30% Slope & Cut/Fill over 10')
10909 South Secret View Road
[Community #28 - Pepper Dell]

SUB07162021-006105
SPX11112021-006203
1.45 Acres
PUD(1.62), SAO Zone

NOTICE: *This item has been noticed to property owners within 500 feet of the subject area, posted on the property, and on the City and Utah Public Notice websites.*

PROPERTY CASE HISTORY	
Case Number	Case Summary
S#06-06B	Phase 2 of the Pepperwood Creek development was approved and was recorded in January of 2007. It created 5 pad lots and 8 single family home lots.
RESB-6-14-9212	On June 2, 2014, a grading permit and plan was approved and issued to add fill to this site.

DESCRIPTION OF REQUEST

The applicant, Logan Locke (acting as agent for the property owner Pepperwood Creek Investment, LLC), is requesting review for a special exception to approve an alteration (grading, cut, and fill) to a continuous 30% or greater slope within the Sensitive Area Overlay Zone on the property located at 10909 South Secret View Road. The applicant is requesting that the Planning Commission accept the current as-built condition of the fill added to date. They are also seeking review of an amended plat that intends to clarify the protected 30% slope areas and refine the buildable area of the lot.

NOTICE

Notices were mailed to property owners within a 500-foot radius of the subject property as per Sandy City Land Development Code requirements, to notify them of the Planning Commission meeting. No neighborhood meeting was held for this application.

BACKGROUND & SITE CONDITIONS

The subject property is zoned PUD(1.62) Zone and is within the Sensitive Area Overlay (SAO) Zone (see attached map exhibits). It is bordered on all sides by other single-family homes in the same zone. The subject property is approximately 1.45 acres in size and currently vacant with no structures.

The lot was created with the Pepperwood Creek Phase 2 Subdivision Plat and was recorded on January 11, 2007. This lot consisted of a natural drainage channel and was below the elevation of Secret View Road. Some native areas and slopes were disturbed in construction of the subdivision roads and sewer to service this area. In review of old aerial imagery, this drainage area was altered by some fill added to the lot likely in 2008-2009 (approximately 10' of fill in spots). Staff could not locate a grading permit associated with that work. In 2014, more fill (another 10' approximately in spots) was added to the site and this work was permitted through a grading permit. However, neither action received review or approval of the Planning Commission as required by the Sensitive Area Overlay Zone. The fill did impact areas of 30% slope and natural vegetation on the lot.

ANALYSIS

The applicant has presented as-built grading plans and a revised plat (see attached) that reflect the current conditions of the site and proposed revisions to the protected slope areas and refined building area delineation. They are seeking retroactive review by the Planning Commission to approve these grading alterations to the hillside areas.

The SAO zone has a provision that states:

Sec. 21-15-4. Development Standards for Sensitive Areas.

(b) *Development Standards for All Sensitive Areas.*

(6) *Grading, Cuts and Fill.*

- f. No grading, cuts, fills, or terracing will be allowed on a continuous hillside of 30 percent or greater slope, crest (upslope or downslope) unless otherwise determined by the Planning Commission upon recommendation of the Director and City Engineer.

The Planning Commission has the authority to review and approve any alteration to a 30% slope upon receiving a recommendation from staff.

In this instance, the City issued permits to allow the fill on the site. At this stage, staff finds that attempting to fully restore the slope may do more harm than good to the slope stability and be extremely difficult to re-construct, if not infeasible. The City Engineer has recommended approval of the special exception to retroactively approve the work done on the site.

If the exception is approved, staff is supportive of the proposed amended plat. This is needed to clarify and refine the protected 30% slopes. It also clarifies the building areas of the lot.

STAFF RECOMMENDATION

#1 Staff recommends that the Planning Commission approve the special exception for alterations of a continuous hillside of 30 percent or greater slope for the property located at 10909 South Secret View Road, based on the following findings:

Findings:

1. The City Engineer finds that the fill that has been brought in is properly compacted and suitable materials.
2. The City Engineer finds the current state of the manmade slopes to be stabilized.
3. The City Engineer and Community Development Director recommend approval of the special exception.

#2 Staff recommends that the Planning Commission determine that the Preliminary Subdivision review is complete for the Pepperwood Phase 2, Lot 206 Amended Plat located at approximately 10909 South Secret View Road, based upon the following findings and subject to the following conditions:

Findings:

1. The lots meet all underlying requirements of the MU zone, and the buildings all meet the setback requirements established by the Planning Commission.
2. That the various City Departments and Divisions have preliminarily approved the proposed subdivision plat.

Conditions:

1. That the applicant complies with each department's comments and redlines throughout the final review process and that all issues be resolved before the subdivision can be recorded.
2. That all previous conditions and requirements from previous approvals on this property remain in full force and effect.

Planner:



Mike Wilcox
Zoning Administrator