



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN COMMUNITY DEVELOPMENT DIRECTOR

MONICA ZOLTANSKI MAYOR

SHANE E. PACE CHIEF ADMINISTRATIVE OFFICER

Staff Report Memorandum November 16, 2023

To: Planning Commission
From: Community Development Department
Subject: Allred Special Exception for Restoration within 30% or greater slopes 1877 E Quail Crest Lane (Bell Canyon, Community #29)

SPX08282023-006597
R-1-20(A), SAO Zone
1.05 Acres

Meeting Notice: This item has been noticed to property owners within 500 feet of the subject area, on public websites, and at public locations.

Request

The applicant and property owner, Jim Allred, is requesting a Special Exception for the property located at 1877 E Quail Crest Lane. The request is for grading and restoration of a hillside slope with 30% or greater slope in the Sensitive Area Overlay (SAO). See Exhibits “D” for the applicant’s proposal.

Background

The subject property is a 1.05-acre legal lot in the Quail Crest Subdivision (see Lot 2 in Exhibit “B”). The lot is in the R-1-20(A) zone (min. 20,000 sq. ft. lot), and within the SAO zone with delineated non-buildable areas within 30% or greater slopes. This site is bordered by single-family homes to the south, east and west. Directly to the north is the Salt Lake County owned Dimple Dell Park.

In 2020, a building permit for new single-family home was approved that adhered to the required setbacks from the delineated protected slope (see approved site plan, Exhibit “B”). During the summer of 2023, the city was alerted about an unauthorized alteration into the protected slope area. Investigations revealed that the homeowner engaged a contractor to erect a gravity block retaining wall, extending approximately 50 horizontal feet into the protected slope area without the necessary permits. This intrusion extended beyond the boundary of Lot 2, spilling over into Lot 3. The encroachment led to soil instability and sluffing. Following the discovery, a stop work order was promptly issued for the property. In response, the city collaborated with the owners of both Lots 2 and 3 to design a plan to restore the disturbed slope. Mr. Jim Allred, the property owner of Lot 2, has accepted the responsibility for the intrusion into Lot 3, and he has included a plan for restoration of the affected areas in the proposed grading, restoration, and landscaping plans shown in Exhibits “D”.



Property Case History	
Case Number	Case Summary
ZONE-11-16-5162	Rezone from R-1-20A to R-1-40A & R-1-12 (Nov. 2016).
SUB 5-17-5254	Subdivision approval for a 10-lot single-family subdivision in the R-1-20A zone, within the Sensitive Area Overlay (June 2017).

Public Notice and Outreach

A public notice was mailed out to all property owners within 500 feet of the subject property for the Planning Commission meeting. No comments have been received from the public regarding this proposal as of the publishing of this report.

Analysis

Sandy Land Development Code requires Planning Commission approval for alteration of 30% or greater slopes. The Planning Commission may determine the specifics of how the slope is altered and if the plan will be approved. The applicable review criteria for the grading plan are under Land Development Code Section 21-15-04(B)(6):

(6) *Grading, Cuts and Fill*

- a. *Exposed unstable surfaces of a cut or fill shall not be steeper than one vertical to two horizontal.*
- b. *All permanent fill shall be stabilized and finished to reduce risk associated with settling, sliding or erosion.*
- c. *The top and bottom edges of slopes caused by an excavation or fill up to ten vertical feet shall be at a minimum of three horizontal feet from the property line or public right-of-way lines.*
- d. *The maximum vertical height of all cuts or fills shall be ten feet. Under exceptional circumstances, the Planning Commission may approve cuts or fills in excess of ten feet with a recommendation from the City Engineer. Cuts or fills shall be measured from natural grade to finished grade. The burden of demonstrating exceptional circumstances shall be on the developer of the property, but may include:

 1. *Cutting or filling of areas designated as anomalies.*
 2. *Cutting to allow for required sight triangles.*
 3. *Areas previously modified, altered or disturbed.*
 4. *Cuts or fills as required by the City Engineer to mitigate any unsafe condition, such as slopes exceeding 50 percent.*
 5. *Unusual topographic features, such as bowls or rises that don't exceed slope limitations but may inhibit sound construction.*
 6. *Other conditions as approved by the Planning Commission.**
- e. *All structures, except retaining walls or soil stabilization improvements, shall have a setback from the crest of the fill or base of the cut of a minimum distance equal to the depth of the fill or the height of the cut, unless a structurally sound retaining wall is built for the cut or fill slope.*
- 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.*

Comparison Aerial Photos Shown with $\geq 30\%$ Slope Overlay



Site Photos of Encroachment into $\geq 30\%$ Protected Slope



City Engineer Ryan Kump, P.E., has provided an analysis with recommendation that is included as Exhibit “A”. Mr. Kump states that the *overarching objective is to restore the originally platted protected slope without making any alterations to the existing plat*. Having assessed the details of the restoration plan, Sandy City Engineering recommends the Planning Commission's approve the proposed restoration plan, which involves the following:

- Removal of all protruding structures, while preserving and interring the footings to curtail any further disruption.
- Safeguarding the residual scrub oak.
- Restoring the terrain to its original contours, aligning it as closely as feasible to its former undisturbed state.
- Implementation of erosion control measures to safeguard the region until the native vegetation fully re-establishes itself.

Recommendation

Staff recommends that the Planning Commission grant a Special Exception to allow alteration and restoration of 30% or greater slopes in the Sensitive Area Overlay for the property located at 1877 E Quail Crest Lane, based on the following findings and conditions of approval:

Findings:

1. The applicant removed native vegetation and altered a protected 30% or greater slope without permits or approvals of the City.

2. The City Engineer finds the protected slope areas could be closely restored to their native condition and be sufficiently stabilized with native vegetation.
3. City departments and divisions have preliminarily reviewed the proposed site, grading and restoration plan.
4. The City Engineer and Community Development Director recommends approval of the grading and restoration plan, as proposed in Exhibit “D.”

Conditions:

1. The applicant shall comply with each department’s comments and redlines and resolve all issues on the proposed plans before a grading permit for hillside restoration is issued.
2. Existing scrub oak shall be protected in place, as shown in Exhibit “D.”
3. The applicant shall revegetate the disturbed areas with native species to replace what has been removed.
4. The revegetation shall be completed before May 15, 2024.
5. The appropriate temporary protection of replacement trees shall be provided to ensure they can grow and establish themselves without being consumed by the wildlife in the area.

Planner:



Melissa Anderson
Zoning Administrator

Exhibits:

- A. Recommendation by Sandy City Engineer Ryan Kump, P.E.
- B. Quail Crest Subdivision Plat
- C. Approved Site Plan
- D. Proposed Grading and Restoration Plan

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