



JAMES SORENSEN COMMUNITY
DEVELOPMENT DIRECTOR

MONICA ZOLTANSKI
MAYOR

SHANE E. PACE
CHIEF ADMINISTRATIVE OFFICER

Staff Report Memorandum

May 4, 2023

To: Planning Commission
From: Community Development Department
Subject: Rozenfeld Special Exception for
Cuts and Fills over 10 Feet & Alteration of 30% Slope
3802 E Catamount Ridge Way
(Granite, Community #30)

SPX04172023-006519
R-1-15, SAO Zone
4.45 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, Yuri Rozenfeld, is requesting a Special Exception for the property located at 3802 E Catamount Ridge Way. The request is to develop a new single-family home on a hillside slope in excess of 30% grade and for cuts and fill greater than 10 feet in height on a lot in the Sensitive Area Overlay zone. See Exhibits “D” through “I” for the application material.

Background

The subject property is a 4.45-acre legal lot created in the Little Cottonwood View Estates Subdivision (see Lot 8 in Exhibit “J”), which was approved and subdivided in Salt Lake County in 1996, prior to annexation into Sandy City in 2015. The lot is in the R-1-15 zone (min. 15,000 s.f. lot per single-family home) and the Sensitive Area Overlay (SAO) zone. This site is at the mouth of Little Cottonwood Canyon. It is bordered by single-family homes to the north and undeveloped single-family lots on the east and west. Forest service and public lands are located to the south.

On February 10, 2022, the Board of Adjustment granted a variance to allow construction of a new home on a hillside slope in excess of 30% grade within the SAO. On August 11, 2022, the Board of Adjustment granted an amendment to condition of approval #6 of the previous decision. The minutes from both Board of Adjustment meetings are included as Exhibits “B” and “C.” This variance came with conditions of approval that included Planning Commission review of the grading plan and for cuts and fills greater than 10 feet in height, prior to issuance of a building permit.



0 50 100 200 300 400 500 Feet

SPX04172023-006519
Special Exception
3802 E Catamount Ridge Way
Community Development Department
Cartography: Eleanor Means

Property Case History	
Case Number	Case Summary
Little Cottonwood View Estates Subdivision	The Little Cottonwood View Estates Subdivision was recorded at the Salt Lake County Recorder's Office on 12/03/1996. The subject property is Lot 8 of the Subdivision. It was reviewed and approved under the County's FCOZ ordinance (similar to the SAO zone).
ANEX-2-15-4083	Little Cottonwood Lane Part A Annexation effective date 4/22/2015.
BOA01172022-006252	On February 10, 2022, the Board of Adjustment granted a variance to Section 21-15-04(a)(1)(a) and 21-15-4(a)(2)(a) of the Sandy City Land Development Code to construct a new home on a hillside slope in excess of 30% grade, on a lot within the Sensitive Area Overlay Zone.
BOA08012022-006373	On August 11, 2022, the Board of Adjustment granted an amendment to condition of approval #6 for the variance granted under case file BOA01172022-006252 on February 10, 2022.

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. A neighborhood meeting was not required as the proposal has already been to several Board of Adjustment meetings and the request remains largely unchanged.

Analysis

The Board of Adjustment approved a variance to allow construction of a new home on this property but left the specifics of the proposed grading plan to the discretion of the Planning Commission. The Board imposed limits on the size of the home and restrictions on the limits of disturbance to the hillside. The variance limits the disturbed area behind the home and driveway to an average of 26 feet and no higher than the existing 5430' elevation contour line. The variance also includes conditions of approval that specifically require Planning Commission review:

- Condition #2 *If the development of the dwelling as proposed creates cuts and fills over 10 feet in height, that they seek a special exception from the Planning Commission prior to issuance of a building permit.*
- Condition #3 *That the Planning Commission review a detailed grading plan of the lot prior to issuance of a building permit which shows the proposed grading, cuts, fills, or terracing on the continuous hillside of 30% or greater slope.*

As proposed, the architectural plans (Exhibit "G") show the size of the home is the same as what was presented to and approved by the Board of Adjustment. The construction plans (Exhibit "H") show the limit of disturbance behind the new home is maintained within the 5430' elevation contour line, and the disturbed area behind the home and driveway averages no more than 26 feet. However, there are cuts and fills over 10 feet, which requires Planning Commission approval. The Planning Commission may determine the specifics of how the slope is altered and whether cuts over 10 feet will be approved.

The applicable review criteria for the grading plan are under Land Development Code Section 21-15-04(B)(6):

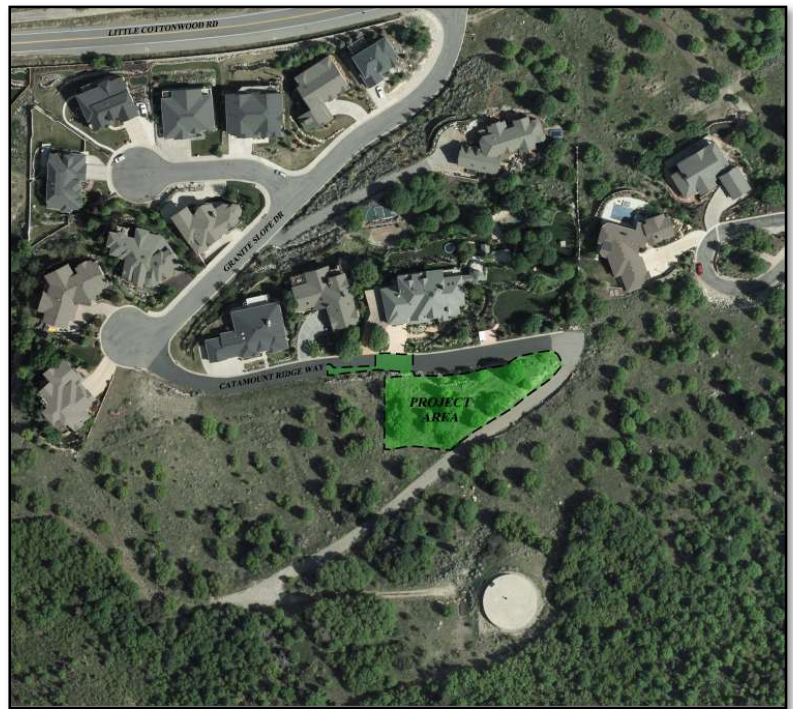
(6) Grading, Cuts and Fill

- Exposed unstable surfaces of a cut or fill shall not be steeper than one vertical to two horizontal.*
- All permanent fill shall be stabilized and finished to reduce risk associated with settling, sliding or erosion.*
- 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.*
- 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.*

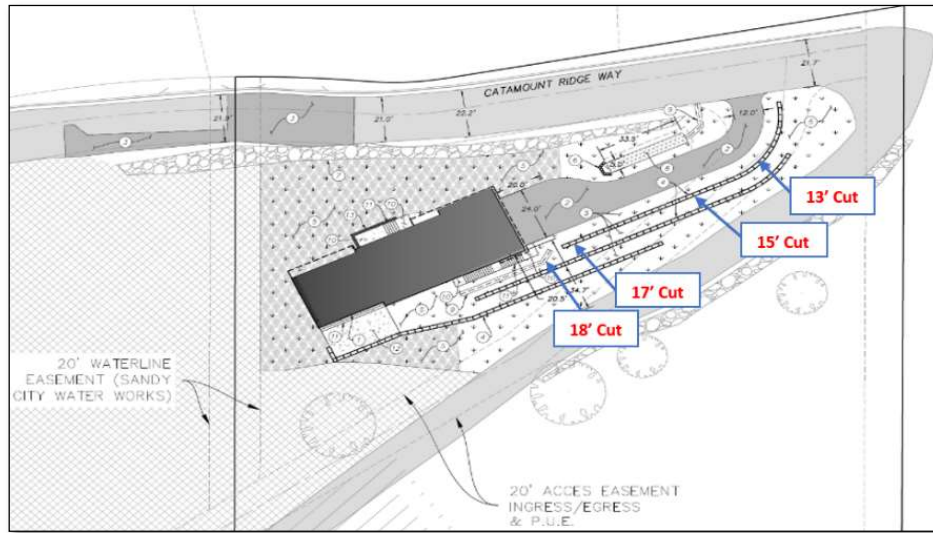
City Engineer Ryan Kump, P.E., has provided an analysis with recommendation that is included as Exhibit "A". Mr. Kump states: "The applicant worked with staff and the Board of Adjustment on a site plan that contained all disturbances below the upper access road to the water tank. This was a critical consideration, as leaving all terrain above the upper access road undisturbed minimizes geological hazards. Undisturbed native soils uphill of the project reduce both the risk of unstable slopes and rock fall hazard. The upper road also acts as a protective strip, catching or slowing small rockfall debris. A rock fall hazard analysis by IGES concluded that the "...rockfall hazard risk is low for the property, and that rockfall mitigation is not considered necessary for development".



The geology of this lot is an alluvial fan deposit over an orthoquartzite formation. It is just outside a mapped historic landslide area per the Utah Geological survey. With native plantings being retained uphill, an orthoquartzite formation above the lot, no waterway channels in the vicinity, and having all construction between the existing access roads, the opportunity for any global slope stability issues is constrained and limited to the constructed retaining walls as part of the project. Global slope stability hazards are low.

To access the home from the lower road with a slope of less than 12%, deep cuts into the triangle of land between the roadways are required. The greatest spot difference between existing and finish grades is 18 feet. This cut is proposed to be retained by a three-tiered retaining wall, with no tier exceeding 10 feet. Plantings will be included between each tier to add

stability to the wall structure and lessen the visual impact of the walls. *The unique topography of this lot creates an exceptional circumstance for construction; it is recommended to allow an 18' cut at the deepest point along the proposed driveway.* ”



Recommendation

Staff recommends that the Planning Commission grant a Special Exception to allow cuts over 10 feet and alteration of 30% slopes for the property located at 3802 E Catamount Ridge Way, based on the following findings and conditions of approval:

Findings:

1. The subject property is a legal lot (Lot 8 of the Little Cottonwood View Estates Subdivision) approved in Salt Lake County.
2. The Board of Adjustment granted a variance to allow construction of a new home on a hillside slope in excess of 30% grade within the Sensitive Area Overlay zone, with the condition that the Planning Commission review the grading plan and decide whether cuts over 10 feet will be allowed.
3. The unique location and topography of the subject lot creates an exceptional circumstance for construction. All land disturbance needed to be contained below the upper access road leading to a city water tank, to minimize geological hazards and to avoid negative impacts to city infrastructure facilities. As such, to access the new home from the lower road with a driveway slope of less than 12%, deep cuts into the triangle of land between the roadways are required.
4. The City Engineer recommends approval of the proposed grading plan with an 18-foot cut at the deepest point.
5. City departments and divisions have preliminarily reviewed the proposed site, grading and retaining wall plans and found that they are consistent with the conditions of approval for a variance from the Board of Adjustment.

Conditions:

1. The applicant shall comply with each department's comments and redlines and resolve all issues before a building permit is issued.
2. All previous conditions of approval under Variance files BOA08012022-006373 and BOA01172022-006252 would remain as originally approved to limit the amount of land disturbance and mitigate negative impacts from site development.

Planner:



Melissa Anderson
Zoning Administrator

Exhibits:

- A. Recommendation by Sandy City Engineer Ryan Kump, P.E.
- B. Board of Adjustment Minutes (February 10, 2022)
- C. Board of Adjustment Minutes (August 11, 2022)
- D. Applicant Letter to the Planning Commission
- E. Rockfall Hazard Assessment
- F. Landscape Plan
- G. Architectural Plan Set
- H. Site Construction Civil Plan Set
- I. Retaining Wall Plans
- J. Little Cottonwood View Estates Subdivision Plat Map

File Name: S:\USERS\PLN\STAFFRPT\2023\SPX04172023-006519 - ROZENFELD DEVOLPMENT IN SAO\STAFF REPORT\SPX04172023-006519 PC STAFF RPT.FINAL.DOCX