### Field Trip

THOSE PRESENT: Monica Collard, Dave Bromley, Cyndi Sharkey, Joe Baker, James Sorensen, Community Development Director; Brian McCuistion, Planning Director; Mitch Vance, Planner; Britney Ward, Traffic Engineer; Ryan Kump, City Engineer; Matthew Huish, Chief Administrative Officer, Raima Fleming, Planning Secretary

THOSE EXCUSED: Jamie Tsandes, Jeff Lovell, Alternate Member; Ron Mortimer, Cory Shupe, Michael Christopherson, Alternate Member; Darien Alcorn, Senior City Attorney

### Regular Session

THOSE PRESENT: Monica Collard, Dave Bromley, Cyndi Sharkey, Joe Baker, James Sorensen, Community Development Director; Brian McCuistion, Planning Director; Mitch Vance, Planner; Britney Ward, Traffic Engineer; Ryan Kump, City Engineer; Matthew Huish, Chief Administrative Officer, Raima Fleming, Planning Secretary

THOSE EXCUSED: Jamie Tsandes, Jeff Lovell, Alternate Member; Ron Mortimer, Cory Shupe, Michael Christopherson, Alternate Member;

1. Lyon - Review of 30% Slope - Pepperwood Phase 9, Lot 91533 Lone Hollow (approx. 11350 South 2500 East) [Pepper Dell, Community #28] SPEX-02-18-5367

Mr. Matt Lyon is requesting to modify a 30% slope designation on his property located at 33 Lone Hollow (approx. 11350 South 2500 East). This proposal is to have the Planning Commission determine that a small area along the east side of this lot is not actually an area of 30% or greater slope and restricted from improvements. An approval will allow the area to be further improved. The applicant has plans to add a pool, retaining wall, and other landscape improvements to this area.

#### STAFF RECOMMENDATION

Staff asks that the Planning Commission determine whether an alteration to a designated 30% slope should be granted for Lot 915 of the Pepperwood Phase 9 Subdivision. If an alteration is granted, it shall be based on the following:

#### Findings:

1. The Pepperwood Phase 9 Subdivision's Conditions of Approval states that Planning Commission may allow alterations to a designated 30% slope with a recommendation from the City Engineer.

2. The City Engineer has recommended approval of the request to alter the 30% slope area based on the site plan prepared by Focus Engineering.

#### **Conditions:**

- 1. That the applicant/builder/owner be required to comply all other applicable requirements related to the Sensitive Area Overlay Zone.
- 2. That the balance of conditions of approval, as shown on the recorded plat (refer to recorded conditions of approval S#88-10), remain in force and are not nullified by this action.
- 3. That the applicant improves the site based on the site plan presented to the Planning Commission and City Engineer, except as required to be modified for the retaining wall design.
- 4. That portions of the proposed retaining wall be redesigned to comply with development code requirements for additional step back when placed along the property line and are over five (5') in height.
- 5. That the applicant obtains the necessary building permits for construction of the proposed retaining walls and pools.

Mitch Vance introduced this item to the Planning Commission.

Brett Hollingshead, 12086 S. Draper Ridge Drive, Applicant, stated he is wanting to build a swimming pool at this location. When the building permit application was submitted, he then learned that the area is at a 30% slope. The City Engineer proposed to move the 30% slope. He was approved by Pepperwood HOA to build the pool. He is here to ask the Planning Commission to grant approval.

Commissioner Monica Collard opened this item to public comment and there were none.

Commissioner Joe Baker stated he is impressed with the investment of a pool, which would beautify and enrich this area. He agrees that the 30% slope starts beyond the rock field that is there.

Commissioner Cyndi Sharkey asked if all the Planning Commissioner was asked to consider is redefining the small triangular space.

Mitch Vance replied that is correct. A new field survey was done and it found that the slope was drawn incorrectly on the plat. All the improvements as drawn and proposed would be reviewed during the building permit process.

Commissioner Cyndi Sharkey asked if a map had to change.

Mitch Vance stated that is correct.

Commissioner Joe Baker moved that the Planning Commission grant an alteration to the designated 30% slope for Lot 915 of the Pepperwood Phase 9 Subdivision. If an alteration is granted, it shall be based on the two findings and five conditions in the staff report.

Commissioner Cyndi Sharkey asked if the Planning Commission needed to decide on the retaining wall.

James Sorenson replied no.

Mitch Vance stated that is listed in the conditions in the staff report. He also stated there is a portion that is eight feet tall that is proposed on the property line.

Commissioner Cyndi Sharkey stated that the question is if Joe would like to propose an exception and allow the applicant to go to eight feet.

Commissioner Joe Baker stated they can go up to eight if it is not a property line.

Commissioner Monica Collard stated it does come near the property line.

Mitch Vance stated the drawing shows that it is closer to eight feet. The staff report recommends that the retaining wall be redesigned to be five feet to follow the development code.

Commissioner Cyndi Sharkey seconded the motion. The votes were as follows. Joe Baker, yes; Cyndi Sharkey, yes; Dave Bromley, yes; Monica Collard, yes. The vote was unanimous in favor.

# 2. Jorgensen Accessory Structure (Review of Conditions) 1104 E. Fallbrook Way [High Point, Community #6] CUP-01-18-5349

The applicant, Ron Jorgensen, is returning to the Planning Commission to request a review of the conditions of approval for a Conditional Use Permit (CUP) that he was recently granted to construct a detached garage in his rear yard. An email with the staff report attached for the March 1<sup>st</sup> meeting was sent to the applicant prior to the meeting for his review, however the applicant did not see the attachment. In the report, staff recommended that the application for the CUP be approved, but that the minimum setback of two (2) feet be increased to 4'6" due to the height of the structure. The applicant is requesting that the Planning Commission waive the requirement for increased setback for increased height and allow him to use the two (2) foot setback to his side property line. As proposed, the building will maintain a seven (7) foot setback to the rear property line to avoid a public utility easement.

#### STAFF RECOMMENDATION

Staff asks that the Planning Commission determine whether an adjustment to the conditions of approval be made to the approved Conditional Use Permit for Ron Jorgensen for the property located at 1104 E Fallbrook Way. The determination specifically relates to the 5<sup>th</sup> condition of approval from the findings and conditions of the original application as found below:

#### **Findings**

- 1. That the proposed structure is permitted by the zoning of the property.
- 2. That the impact of a detached garage built to enclose recreational vehicles may be less than it would be if the vehicles were stored unenclosed.
- 3. The property owners who would be most impacted by the structure are aware of the application.
- 4. That the impact of the structure is reduced due to the topography and landscaping of the property.

#### Conditions

- 1. That the proposed structure comply with all applicable Building & Safety, and Fire & Life Codes.
- 2. That the applicant be responsible for meeting all provisions of the Sandy City Development Code, and all conditions of approval imposed by the Planning Commission.
- 3. That any other existing accessory structures on the property be removed prior to the construction of the proposed garage.
- 4. That the structure have a maximum size of 936 square feet and 17'6" in height measured from average grade to peak of the roof as proposed in the application material.
- 5. That the structure be setback a minimum of 4'6" from the south side property line. The rear setback must be at least seven (7) feet so as not to encroach on the existing easement, unless the applicant submits waiver letters from all appropriate utility companies. In no case shall the rear setback be less than 4'6" unless the Planning Commission determines otherwise.
- 6. That the design and materiality of the accessory structure is architecturally compatible to the primary structure on the property.

7. That this Conditional Use Permit be reviewed upon legitimate complaint.

Mitch Vance introduced this item to the Planning Commission.

Ron Jorgenson, 1104 E. Fallbrook Way, Sandy, Applicant, stated he didn't open the attachment to the email that was sent to him explaining the conditions of approval. He had a surveyor to assess the property line and the placement of the garage. He also stated if he had to move the garage over 2 ½ feet, he would infringe on the easement. If moved, he would also have to remove the deck off the back of his home. He would like the Planning Commission to approve an adjustment to the conditions that were previously approved.

Commissioner Monica Collard asked if the property line is located on the fence line.

Ron Jorgenson replied no. The fence is a foot before his property.

Commissioner Monica Collard asked if the applicant tried to rearrange the placement of the garage.

Ron Jorgenson replied yes.

Commissioner Monica Collard asked about downsizing to comply with code.

Ron Jorgenson replied he did downsize the garage to fit within the perimeters he was granted before. The size of the garage is now 936 sq. ft. He contacted all the utility's and he received easement encroachment from all of them.

Commissioner Cyndi Sharkey mentioned the measurements from the base of the garage to the peak of the roof. She asked how this was measured.

Ron Jorgenson replied from the front driveway. There's railroad ties on both sides to hold back the grade. In the front of the garage, all except the door way is 1 ½ foot. It slopes up two feet higher in the rear. The total distance above the average grade is 17.6 feet.

Commissioner Cyndi Sharkey asked if the slope area would be flattened to grade. She also asked if the maximum height would be 19 feet tall but average at 17.5 feet.

Ron Jorgenson replied yes. The rear is 17 feet high and the front is 17.6 from grade. It's a 2-foot slope to the rear and  $1\frac{1}{2}$  inch on each side.

Commissioner Cyndi Sharkey asked if the utility company specified how much they would allow the applicant to encroach.

Ron Jorgenson stated the only utility company that put restrictions on the encroachment was Century Link. Century Link told him he could encroach up to 3-feet out of the 7-feet.

Commissioner Cyndi Sharkey asked is it not possible to move the garage closer to the rear of the property and gain enough space to have the 6-feet between the deck and the garage that is needed to be compliant.

Ron Jorgenson stated because of the shape, if he goes 3-feet over, it would come closer to his deck. He must maintain the fire clearance on the deck and would like to keep the deck. He stated his neighbor has stated that this is space they don't have any plans on using.

Commissioner Monica Collard stated it is smart to keep it out of the utility easement.

Commissioner Dave Bromley commended the applicant for informing his neighbors ahead of time.

Commissioner Monica Collard opened this item to public comment.

Keith Pugmier, 1096 E. Fallbrook Way, Sandy, stated Ron has been very forth coming and he is in support of the garage.

Commissioner Cyndi Sharkey asked if he had any problem with the oversized garage.

Keith Pugmier replied no. He is fine with the garage.

Mike Stewart, 1114 E. Fallbrook Way, stated he is in full support of his neighbor.

Commissioner Monica Collard closed this item to the public comment.

Commissioner Cyndi Sharkey stated in a two-foot section, there would be a potential for weeds, overgrowth and rodents.

Commissioner Monica Collard stated this property would not have this problem because it would only be a foot from the property line and most likely that would be concrete footing.

Commissioner Cyndi Sharkey asked how would it only be a foot from the property line.

Commissioner Monica Collard replies that if the applicant is going to go two feet from the property line, it is a foot on the other side of the fence, therefore it would be built one foot from the fence and it must have a footing.

Brian McCuistion stated there is also a requirement that if you are closer than 3-feet, that area must be hard surfaced.

Commissioner Cyndi Sharkey asked if that requirement would be enforced.

Brian McCuistion replied yes.

Commissioner Joe Baker stated he is very impressed and comfortable with the garage.

Commissioner Joe Baker moved that the Planning Commission approved an adjustment to the conditions of approval of the approved Conditional Use Permit for Ron Jorgensen for the property located at 1104 E. Fallbrook Way. The determination specifically relates to the 5<sup>th</sup> condition of approval from the findings and conditions of the original application. The 5<sup>th</sup> condition being modified to read: That the structure be setback a minimum of 2'0" from the south side property line.

Commissioner Dave Bromley seconded the motion. The votes were as follows. Joe Baker, yes; Dave Bromley, yes; Cyndi Sharkey, yes; Monica Collard, yes. The vote was unanimous in favor.

# 3. Witherspoon Subdivision – Preliminary Review 8751 S. 40 E. [Historic Sandy, Community #4]

SUB-02-18-5365

The applicant, Mr. Jim Witherspoon, is requesting preliminary subdivision review for a two lot single-family subdivision located in Historic Sandy. The 0.29-acre property is proposed to be split to create a 6,683 square foot corner lot where the existing home is located and a 5,688 square foot interior lot that would front onto 8760 South. The implementing the Historic Sandy Development (HSD) Overlay zone with this subdivision. The HSD Overlay zone is a floating zone meant to promote human scale pedestrian activity through the incorporation of specific development guidelines in exchange for reduced minimum lot size and frontage requirements.

#### STAFF RECOMMENDATION

Staff recommends that the Planning Commission determine that preliminary review is complete using the Historic Sandy Development Overlay zone for the Witherspoon Subdivision, located at 8751 South 40 East, based on the following findings and subject to the following conditions:

## Findings:

- 1. The subdivision, as proposed, meets all the standards required by the HSD Overlay zone.
- 2. That the Sandy Historic Committee has reviewed the application and has recommended approval.
- 3. That the subdivision will encourage additional investment in the Historic Sandy area.

#### 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 City provisions, codes and ordinances are adhered to during the review, construction, and operations process of this project.
- 3. That all lots comply with all requirements of the Historic Sandy Development Overlay zone.
- 4. That the existing driveway on the south side of the property be removed along with any existing structure that would prohibit conformance with the regulations of the overlay or underlying zones.

Mitch Vance introduced this item to the Planning Commission.

Jim Witherspoon, 123 E. Main Street, Sandy, Applicant, stated he has owned this property for 27 years. He has been working with staff since November to comply with the subdivision requirements. He will preserve the existing house on the property. He meets all the tier one neighborhood requirements. He had a public meeting and with the Historic Committee. He also provided the landscape plan.

Commissioner Joe Baker asked if the applicant was building a home or selling the lot.

Jim Witherspoon replied he would develop the lot and sell it.

Commissioner Monica Collard opened this item to the public and there was none.

Commissioner Joe Baker asked if the applicant would sell the lot with the restrictions.

Jim Witherspoon replied yes.

Commissioner Monica Collard opened this item to public comment and there was none.

Commissioner Dave Bromley mentioned condition number four. He asked if both structures, the barn and carport were included.

Mitch Vance stated it may be helpful to include both structures.

Commissioner Dave Bromley mentioned waterways and gutters. He asked how would the new utilities impact the waterways and gutters.

Ryan Kump, City Engineer, asked if the question is about the lateral stubs out to the road.

Commissioner Dave Bromley replied there is only one culvert that is about 12-inches wide. How would this impact the sewer, water, gas and power.

Ryan Kump stated the original intent was for the driveway to be repurposed for the new lot. There would not be any new bridging of the ditch. The applicant is not required to convert the ditch to curb and gutter because it is mid-block. As far as the utilities, they would have to trench it and salvage the flagstone and reconstruct the ditch as part of the construction project.

Commissioner Monica Collard asked if there needs to be a condition for where the driveway is.

Commissioner Dave Bromley stated without separation, there would be an impact.

Ryan Kump stated that is something that could easily be worked with.

Commissioner Dave Bromley asked do we need something in the conditions to have the ditch reconstructed.

Ryan Kump replied yes.

Commissioner Cyndi Sharkey moved that the Planning Commissioner determine that preliminary review is complete using the Historic Sandy Development Overlay zone for the Witherspoon Subdivision, located at 8751 South 40 East, based on the three findings and four conditions in the staff report and amending the fourth condition to read: 1. That the existing driveway on the south side of the property be removed along with any existing structure that would prohibit conformance with the regulations of the overlay or underlying zones including all or part of the barn and patio cover.

Commissioner Monica Collard asked if there needed to be an added condition about the ditch.

Commissioner Cyndi Sharkey replied she don't think it's needed since utilities are going underground.

Commissioner Joe Baker seconded the motion. The votes were as follows. Cyndi Sharkey, yes; Joe Baker, yes; Dave Bromley, yes; Monica Collard, yes. The vote was unanimous in favor.

# 4. Dimple Dell Ridge Subdivision – Preliminary Review 1713 E. Dimple Dell Rd [Community #26]

SUB-09-17-5300

The applicant, Mr. Adam Nash, is requesting preliminary subdivision and Sensitive Area Overlay review for a proposed three lot subdivision. The subject property is 3.21 acres in size and is located on the southern rim of Dimple Dell Park. The proposed subdivision includes a 1.68 acre lot for an existing home, and the creation of two lots (0.68 and 0.81 acres) that have large portions of steep slope area. The two new lots will be accessed via Dimple Dell Road to the south, while the existing home is accessed via Badger Cove. The proposed subdivision also defines the boundaries for a parcel currently used as a utility station located between the two proposed new lots. The utility parcel is not a buildable residential lot.

#### STAFF RECOMMENDATION

Staff recommends that the Planning Commission determine that the preliminary subdivision and Sensitive Area Overlay zone reviews area complete for the Dimple Dell Ridge Subdivision, located at 1713 East Dimple Dell Road subject to the following 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 City provisions, codes and ordinances are adhered to during the review, construction and operations process of this project.
- 3. That all residential lots comply will all requirements of the R-1-20A zone and Sensitive Area Overlay zone.
- 4. That dwelling structures be prohibited from any area that is equal to or in excess of a 30% slope. The location of a dwelling structure shall be within an average of 20 feet (no point being closer than 10 feet) of a continuous hillside slope of 30% or greater.
- 5. That any area equal to or in excess of a 30% slope be indicated (cross-hatched) on the final plat, and that perspective builders and homeowners be apprised of the restrictive nature of the hillside lots.
- 6. That the existing slope ratio be unaltered and that grading and landscaping of any of the hillside areas have approval of the Sandy City Engineering Division in accordance with the Sensitive Area Overlay Zone prior to building permits being issued.
- 7. That grading, home placement, and vegetation plans be submitted and approved for all lots prior to issuance of a building permit. The grading plan shall include a driveway plan and profile to assure conforming driveway slope. Any down sloping driveway will require approval by the City Engineer.
- 8. That structures comply with the Urban Wildland Interface requirements. This means that all homes and accessory structure be constructed of materials approved with a minimum of a one hour rated fire resistive construction on the exterior side or constructed with approved noncombustible materials. This will be determined on a case by case basis at building permit review. Also, that an approved noncombustible or fire treated roof covering be utilized for each home.
- 9. That homes be placed in a manner that minimizes the removal of vegetation on each property. Where it must be removed to accommodate a house, areas with the least mature vegetation should be prioritized for home locations over areas with more mature vegetation.
- 10. That compliance be made with the Sandy City Water Policy, e.g., water line extensions,

connections, water rights, and fire protection.

- 11. That a shared maintenance and access agreement for Lots 1 and 2 be recorded with the plat for the shared driveway access and private trail easement that provides access to Dimple Dell Park.
- 12. That the driveway access for Lot 1 be installed as part of the subdivision improvements and not by the future owner of Lot 1, that the installation of the driveway will be bonded as part of the subdivision improvements, and that the engineering and configuration of the driveway be reviewed and approved by the City Engineer.
- 13. That Lot 4 be approved as a public utility station lot and not deemed as a buildable residential lot.

Mitch Vance introduced this item to the Planning Commission. He stated since the staff report was written, staff has received new information and is recommending that this item is continued to a new date.

Adam Nash, 6076 S. 900 E., Sandy, Applicant, stated he would like to commend staff. He has been working with staff for about a year on this project. This property is in a sensitive area overlay zone so there are lots of challenges. Historically, the property has had challenges as well with non-compliance because of prior property owners. Most of these issues have been remediated. Since that time, the applicant purchased the property from the prior property owner. As to, the owner of the proposed lot 3. The previous owner sold property on metes and bounds descriptions rather than through a subdivision. He also stated he was notified by staff of this when the application was made. He tried to comply with staff, which was to have all the property subdivided properly. Dominion Energy stated they are not an illegally created subdivision. They are a public utility and they can be on this size of property. They are opposing to being involved in signing the plat. Dominions Energy's lot is what makes his lot difficult to use. He stated he has worked around this and has put a plan together. He thinks the real issue is working out the technicalities of an actual subdivision. There will be no widening of roads or dedications. He is happy to delay this process to make sure this is properly done.

Commissioner Monica Collard opened this item to public comment.

Joyce Walker, 2486 E. Sego Lily Drive, Sandy, stated she is addressing concerns with this item. She believes the homes would not fit on such tiny lots. Pumping of the sewage presents some challenges. The previous owner of this land has a long history of being out of compliance. Cars lights may shine in the window.

Camille Trapp, Owner of lot 3, stated she had no idea that the previous owner conducted an illegal sale of this property. She purchased this property 16 years ago. She then proceeded to buy an extra .75 acre for the widening of the road. She stated she is not opposed to a home being built on the property, she would have liked to have been informed. She would like to find out how this would impact her. She also stated Mr. Nash has never discussed this with her. Until a day ago,

she had no idea the lots were undivided.

Commissioner Monica Collard closed this item to the Planning Commission.

#### Commissioner Joe Baker moved that this item is continued to a later date.

James Sorenson stated there was an issue that came up on the zoning. He wants to assure that this property is zoned R-1-20A for animal rights. There's been no exceptions asked for. Staff is committed to keeping the zoning as is. Whatever can fit and be built in this zone is what staff would recommend.

Brian McCuistion stated since we are not sure of the date this item should come back to the Planning Commission, this item should be tabled instead of continued.

Commissioner Monica Collard stated she believes an item can be continued without a specific date. This would save the applicant from refiling.

Darian Alcorn stated it's a continuation if it is date specific.

Brian McCuistion stated the applicant would not have to reapply. Reapplying occurs when the item is denied. If it is tabled or continued, we can wait until the applicant is ready to come back.

Commissioner Joe Baker moved that the Dimple Dell Ridge Subdivision – Preliminary Review is tabled to a later date.

Commissioner Cyndi Sharkey seconded the motion. The votes were as follows. Joe Baker, yes; Cyndi Sharkey, yes; Dave Bromley, yes; Monica Collard, yes. The vote was unanimous in favor.

#### 5. Minutes

Commissioner Cyndi Sharkey moved to approve the March 15, 2018 minutes. The vote was unanimous in favor.

#### 6. Sandy City Development Report

#### 7. Planning Commission Attendance List

### 18. Director's Report

James Sorenson gave the directors report.

Brian McCuistion updated the Planning Commission member on the new program staff would be using called Granicus.

Matt Huish, CAO, discussed the details for the televised City Council meetings and the future of recording the Planning Commission meetings.

The meeting adjourned at 7:17 p.m.

The content of these minutes are not intended nor are they submitted as a verbatim transcript of the meeting. These minutes are a brief overview of what occurred at the meeting.

Respectfully submitted:	
Raima Tobler-Fleming, Minutes Secretary	