



# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN COMMUNITY  
DEVELOPMENT DIRECTOR

MONICA ZOLTANSKI  
MAYOR

SHANE E. PACE  
CHIEF ADMINISTRATIVE OFFICER

## Staff Report Memorandum June 19, 2025

To: Planning Commission  
From: Community Development Department  
Subject: Lujan Special Exception for Restoration in the  
Sensitive Area Overlay with 30% or greater slopes  
10870 S Lostwood Drive  
[The Dell, Community #29]

SPX05162025-006969  
PUD 1.62, SAO Zone  
0.50 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, Brandon Lujan, is requesting a Special Exception for the property located at 10870 S Lostwood Drive. The request is for a restoration plan to grade and landscape the hillside with 30% or greater slope in the Sensitive Area Overlay (SAO). See Exhibit "B" for the applicant's grading and landscape restoration plans.

### Background

The subject property is a half-acre legal lot in the Pepperwood Canyon #1 Subdivision (see Lot 48 in Exhibit "A"). The lot is in the PUD 1.62 zone, and within the SAO zone with 30% or greater slopes. This site is surrounded by single-family homes to the north, south, east and west.

In 1975 the area was annexed into Sandy City, and in 1980 this subdivision was platted and recorded. Conditions of approval are memorialized on the plat and #5 states that grading and home placement plans shall be in conformance with the Hillside Ordinance and that the *"hillsides remain substantially undisturbed, with any proposed grading or vegetation removal by residents to be approved by the City."* A single-family home for Lot 48 was designed and approved by the city, adhering to setbacks from the protected steep slope areas.

In September of 2024, the city was alerted to an unauthorized alteration into the protected slope area of this lot. Investigations confirmed areas of disturbance within the protected hillside area with 30% or greater slopes and a stop work order was issued. In March of 2025, an administrative citation was issued for the violation to require mitigation. The applicant has since worked with the city to prepare grading and landscape plans to restore the hillside to its original condition.



SPX05162025-006969  
Special Exception  
10870 S Lostwood Drive

Sandy City, UT  
Community Development Department

Property Case History	
Case Number	Case Summary
COD09242024-005721	Code enforcement administrative citation issued for Sensitive Area Overlay Disturbance (Sec. 21-15-7) without city authorization (2024)
Sandy City Subdivision	Pepperwood Canyon #1 Subdivision Plat (1980)
Annexation	Horman (1975)

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

The area of disturbance is located behind the existing dwelling, within the protected hillside area with 30% or greater slopes. The aerial photos below show a comparison of the disturbed area in the current year of 2025 compared with the same area undisturbed in the year of 2022.

Aerial Photos



Investigations of the violation revealed that the homeowner engaged a contractor to level backyard areas by creating an access trail to a pad surrounded by a retaining wall toward the top of their property. The contractor cut into the protected hillside to access higher ground and rearrange boulders on the hillside to use as retention for a level playground area. Extensive mature native landscaping was removed, and wide access cuts were made in the process of these modifications to the hillside. A grading permit had not been requested from the city prior to initiating work on the hillside. The owner has indicated that he was unaware of the SAO with protected hillside restrictions, and the contractor had not mentioned the need to obtain permits from the city prior to engaging in the work. See Exhibit “C” for site photographs.

Since issuing the stop work order, city staff have collaborated with the property owner to create a plan to restore the disturbed hillside. The applicant has submitted grading and landscape plans to restore the affected area, which is included as Exhibit “B” in this staff report.

The 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.*

City Engineer Britney Ward, P.E., has reviewed the proposed grading plan (Exhibit “B” sheet SP-1) and provided an analysis with recommendation letter (see Exhibit “D”). Ms. Ward states that the overarching objective is to restore the terrain to its original contours, aligning it as closely as feasible to its former undisturbed state. Having assessed the details of the grading plan, Sandy City Engineering recommends the Planning Commission's approve the proposed restoration plan, as proposed.

Planning staff have reviewed the proposed landscape and irrigation plans (Exhibit “B” sheets LP101 - LI101). Staff find the proposed planting plan with tree protection acceptable. The applicant proposes to plant shrub oak trees with a native grass seed mix for ground cover. Temporary tree protection is required for all new replacement trees to ensure they can grow and establish themselves without being consumed by the wildlife in the area. The applicant proposes all trees to have a commercial plastic mesh tree guard or an approved equal to protect all trees from wildlife.

Temporary irrigation is required to ensure successful establishment of replacement vegetation. The method of irrigation used should avoid disturbance on the hillside by limiting foot traffic and mitigating against excessive water pressure and overwatering. These conditions could ultimately damage the hillside and the existing dwelling that is downslope of the restoration area. The proposed irrigation plan is adequate, but conditions of approval are included to ensure appropriate implementation of the plan.

## **Code Enforcement**

As previously mentioned, there is an active code enforcement case for this property. An administrative citation was issued on March 24, 2025, with an official service date of March 28, 2025. If this special exception is approved by the Planning Commission, staff will work with the property owner and the Administrative Hearing Officer to officially close this citation in accordance with [Section 21-15-7](#) of the Land Development Code.

**Recommendation**

Staff recommend that the Planning Commission grant a Special Exception to allow restoration of 30% or greater slopes in the Sensitive Area Overlay for the property located at 10870 S Lostwood Drive, based on the following findings and conditions of approval:

**Findings:**

1. The applicant removed native vegetation and altered a protected 30% or greater slope in the SAO 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 landscape restoration plans, as proposed in Exhibit “B” (subject to the conditions listed below).

**Conditions:**

1. The applicant shall restore the hillside in accordance with the approved grading and landscape plans and meet all conditions of approval.
2. Disturbed areas of the hillside shall be revegetated with native species of trees, shrubs, and grasses to replace what has been removed, in accordance with the approved landscape plans. Revegetation shall be completed before November 1, 2025.
3. Temporary protection of replacement trees shall be provided to ensure the young trees can grow and establish themselves without being consumed by the wildlife in the area.
4. A temporary irrigation system shall be installed to assist in restoration of the replacement vegetation. The irrigation system shall consist of drip emitters, bubblers, or sprinklers with a maximum precipitation rate of 0.85 inches per hour and adjusted sprinkler cycle to eliminate runoff.
5. The property owner shall work with city staff and the Administrative Hearing Officer to close out the administrative citation per Section 21-15-7 of the Land Development Code.

Planner:



Melissa Anderson  
Zoning Administrator

**Exhibits:**

- A. Pepperwood Canyon #1 Subdivision Plat
- B. Proposed Grading and Landscape Restoration Plans
- C. Aerial Images and Photographs of Site
- D. Recommendation by Sandy City Engineer Britney Ward, P.E

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