



SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN COMMUNITY
DEVELOPMENT DIRECTOR

MONICA ZOLTANSKI
MAYOR

SHANE E. PACE
CHIEF ADMINISTRATIVE OFFICER

Staff Report Memorandum February 5, 2026

To: Planning Commission
From: Community Development Department
Subject: Special Exception for Restoration in the
Sensitive Area Overlay with 30% or greater slopes
9677 S. Quail Hill Lane
[Community #30, Granite]

SPX12092025-007090
R-1-15, SAO Zone
0.35 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.

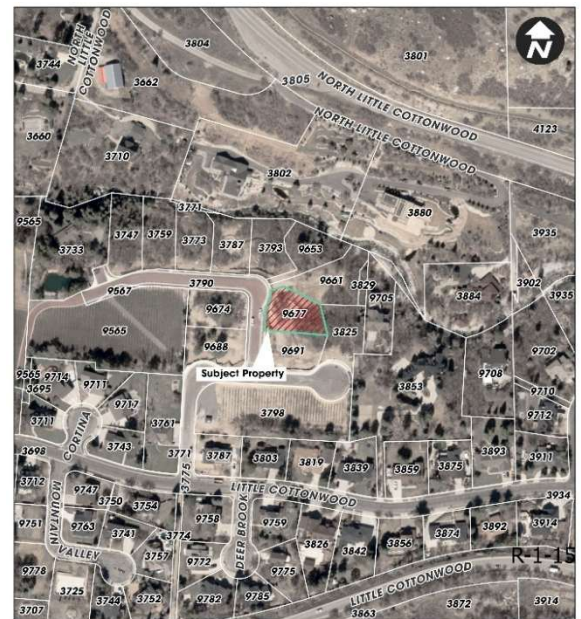
Request

The applicant and property owner, Wayne Neiderhauser of Quail Run Development, LLC, is requesting a Special Exception for the property located at 9677 S. Quail Hill Lane. The request is for a restoration plan to grade and landscape the hillside with 30% or greater slope in the Sensitive Area Overlay (SAO) zone.

Background

The subject property is a 0.35-acre legal lot in the *Monte Cristo at La Caille* Subdivision. The lot is in the R-1-15 residential district, and within the Sensitive Area Overlay (SAO) zone. As shown on the plat, portions of lots have been designated as “Non-disturbance Areas” that are determined to be protected hillside with 30% or greater slope. These areas are to remain in its natural condition (see Lot 109 in Exhibit “A”). This site is in a residential neighborhood with new single-family lots under development or with existing homes to the north, south, east and west. The vicinity map to the right illustrates this location.

In November of 2025, the city was alerted to an unauthorized alteration of the protected hillside area of this lot. Investigations confirmed areas of disturbance within the protected hillside area with 30% or greater slopes. After meeting with the developer on-site and providing direction on the next steps to restore the hillside, code enforcement staff issued an administrative citation for a code violation on November 12, 2025. The applicant has been working with the city staff to prepare grading and landscape plans to restore the hillside to its original condition. See Exhibits “B” and “C” for the applicant’s grading, landscape and irrigation plans. The applicant’s project description for restoring the site is included as Exhibit “D.”



SPX12092025-007090
Special Exceptions
9677 S QUAIL HILL LN
Community Development Department
Sandy City, UT

Property Case History	
Case Number	Case Summary
ANEX-2-15-4083	Little Cottonwood Lane – Part B Annexation effective May 6, 2015
ANEX-11-20-5954	Monte Cristo Annexation, effective May 19, 2015
SUB04262021-006034 SPX10122021-006172	Monte Cristo at La Caille 13-Lot Subdivision, with special exceptions (Plat Recorded 2022)
COD11102025-008180	Code enforcement administrative citation issued for Sensitive Area Overlay Disturbance (Sec. 21-15-7) without city authorization (2025)

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

Below are aerial photos of the site over time from years 2022 to 2025, along with an image of the area of violation within the non-disturbance area of protected hillside and limited disturbance area as recorded on the plat (Lot 109 in Exhibit “A”).

Aerial Photos

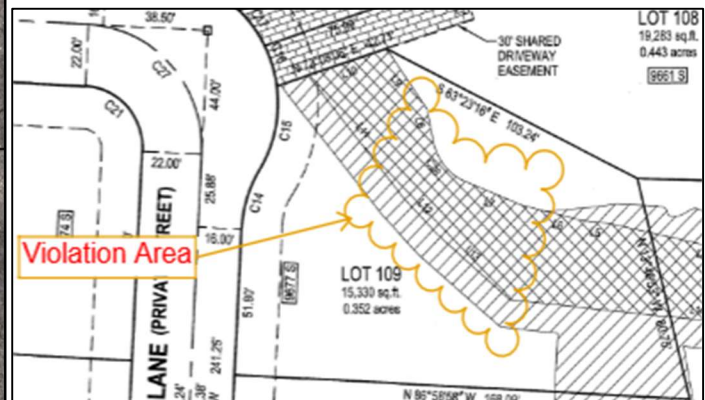
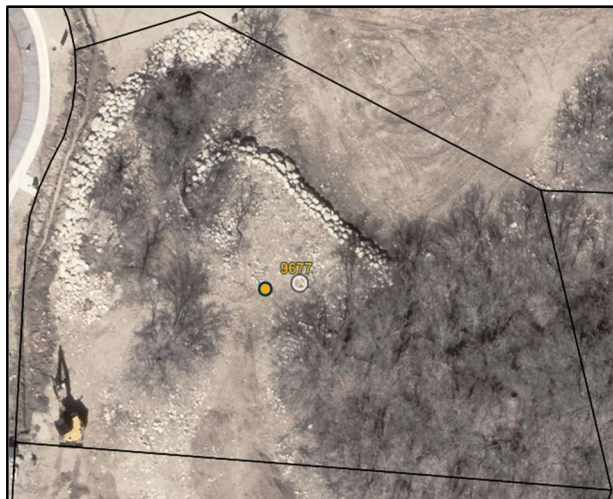
Year 2022



Year 2023



Year 2025



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.*

Restoration Plans: To restore the site to original conditions prior to the unauthorized disturbance, the applicant has provided grading, landscape and irrigation plans, along with a project description narrative. These application materials are included as Exhibits “B” through “D” to this report.

Grading Plan: The applicant proposes to remove the retaining wall that is located within the "Slope Restoration Area" on the grading plan (Exhibits “B” sheet C-100). The terrain within this shaded restoration area will be re-graded to restore the topography back to its former undisturbed state to the extent possible and to match the adjacent undisturbed area. Assistant Public Works Director/City Engineer Britney Ward reviewed the proposed grading plan and has provided a letter of recommendation (see Exhibit “D”). Ms. Ward states that the objective is to restore the original protected slope, and she recommends the Planning Commission approve the grading plan as proposed by the applicant.

Landscape and Irrigation Plan: To prevent soil washout and to stabilize the hillside, the applicant proposes an erosion control blanket to be installed over the hillside prior to seeding the ground with a native seed mix. This ensures that seeds are not displaced to the bottom of the hill before they can germinate. The plan also proposes planting 10 Gambel Scrub Oak trees and installation of a temporary above-ground PVC irrigation system. The irrigation system is proposed to be in place until the new vegetation is fully established. See landscape and irrigation plan (Exhibits “C” sheet L-100).

Issues

Tree Protection: As proposed, the landscape plan does not include any method of tree protection. Young trees are prone to be consumed by wildlife unless there is a plan in place to allow them to get established, which is why temporary tree protection is required when installing new replacement trees. Therefore, a condition of approval is recommended to install protective measures for the newly planted scrub oak trees.

Tree Placement: As proposed, the scrub oak trees will be planted in an equally spaced, linear fashion. This formal pattern does not help recreate the natural environment that existed prior to the disturbance. Clumping and possibly increasing the density of new trees can help in restoring the hillside properly. Therefore, a condition of approval is recommended to require new trees to be installed in a more natural pattern, similar to the original conditions prior to the disturbance.

Code Enforcement

As previously mentioned, there is an active code enforcement case for this property (Case #COD11102025-008180). An administrative citation was issued on November 12, 2025, with an official service date of November 16, 2025. If this special exception is approved by the Planning Commission and restoration if the site is completed according to an approved plan, 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, as described in this staff report, for the property located at 9677 S Quail Hill 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 in the SAO without permits or approvals of the City.
2. City departments and divisions have preliminarily reviewed the proposed site, grading and restoration plan.
3. The City Engineer finds the protected slope areas could be closely restored to their native condition and be sufficiently stabilized with native vegetation.
4. The landscape plan needs to be revised so that the new scrub oak trees are placed in a natural pattern mimicking original conditions, and a method for tree protection is included to prevent the new scrub oak from being consumed by the wildlife in the area.
5. The City Engineer and Community Development Director recommend approval of the grading and landscape restoration plans, as proposed in Exhibits “B” and “C” (subject to the conditions listed below).

Conditions:

1. The applicant shall update and submit to city staff a revised Landscape and Irrigation Plan (Exhibit “C”). Staff approval of the final plan is required prior to issuance of a grading permit. The revised landscape and irrigation plan shall include:
 - a. A method for temporary protection of replacement trees to ensure the young trees can grow and establish themselves without being consumed by the wildlife in the area; and
 - b. New tree plantings placed in a natural vegetation pattern that is similar to original conditions, prior to the hillside disturbance.
2. The applicant shall restore the hillside in accordance with the final approved Grading, Landscape and Irrigation Plans and meet all conditions of approval.
3. The applicant shall implement and complete the approved Grading, Landscape and Irrigation Plans on or before October 31, 2026.
4. The applicant 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.
5. A certificate of non-compliance shall remain on the property until the restoration is completed in accordance with the approved plans.

Planner:



Melissa Anderson
Zoning Administrator

Exhibits:

- A. Monte Cristo at La Caille Subdivision Plat
- B. Proposed Grading Plan (sheet C-100)
- C. Proposed Landscape and Irrigation Plan (sheet L-100)

D. Project Description Narrative

E. Findings and Recommendation by Assistant Public Works Director/City Engineer Britney Ward, P.E

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