

Ordinance No. 2023-27

AN ORDINANCE AMENDING TITLE 11, BUILDING AND BUILDING REGULATIONS, CHAPTER 15, PARK CITY LANDSCAPING AND MAINTENANCE OF SOIL COVER, OF THE MUNICIPAL CODE OF PARK CITY

WHEREAS, the presence of residential soils impacted with heavy metal constituents originating from historic mine tailings have been a cause for study and testing in regard to public health and environment; and

WHEREAS, the City, Environmental Protection Agency (EPA), and Utah Department of Environmental Quality (UDEQ) developed a series of scientific studies that focused on air, water, and health resulting with two EPA letters written in 1988 giving qualified approval of PCMC proposal for a local ordinance and the subsequent reenacting of the ordinance; and

WHEREAS, the EPA has identified the existence of mine tailings with heavy metal constituents in Park City and has made specific recommendations for mitigating any potential public health and environmental concerns; and

WHEREAS, the City Council of Park City, Utah desires to take every reasonable and practical step to protect the health of its residents by implementing the EPA’s recommendations to assure the continued health, safety, and welfare of the residents within Park City.

BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH, THAT:


Amendment Title 11, Chapter 15 of the Municipal Code of Park City is hereby amended as follows in Exhibits A. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 1st day of June, 2023.


PARK CITY MUNICIPAL CORPORATION

DocuSigned by:
Nann Worel
577759CB48414F6

Mayor Nann Worel

Attest:  DS
DocuSigned by:
Michelle Kellogg
E5F905BB533F431...

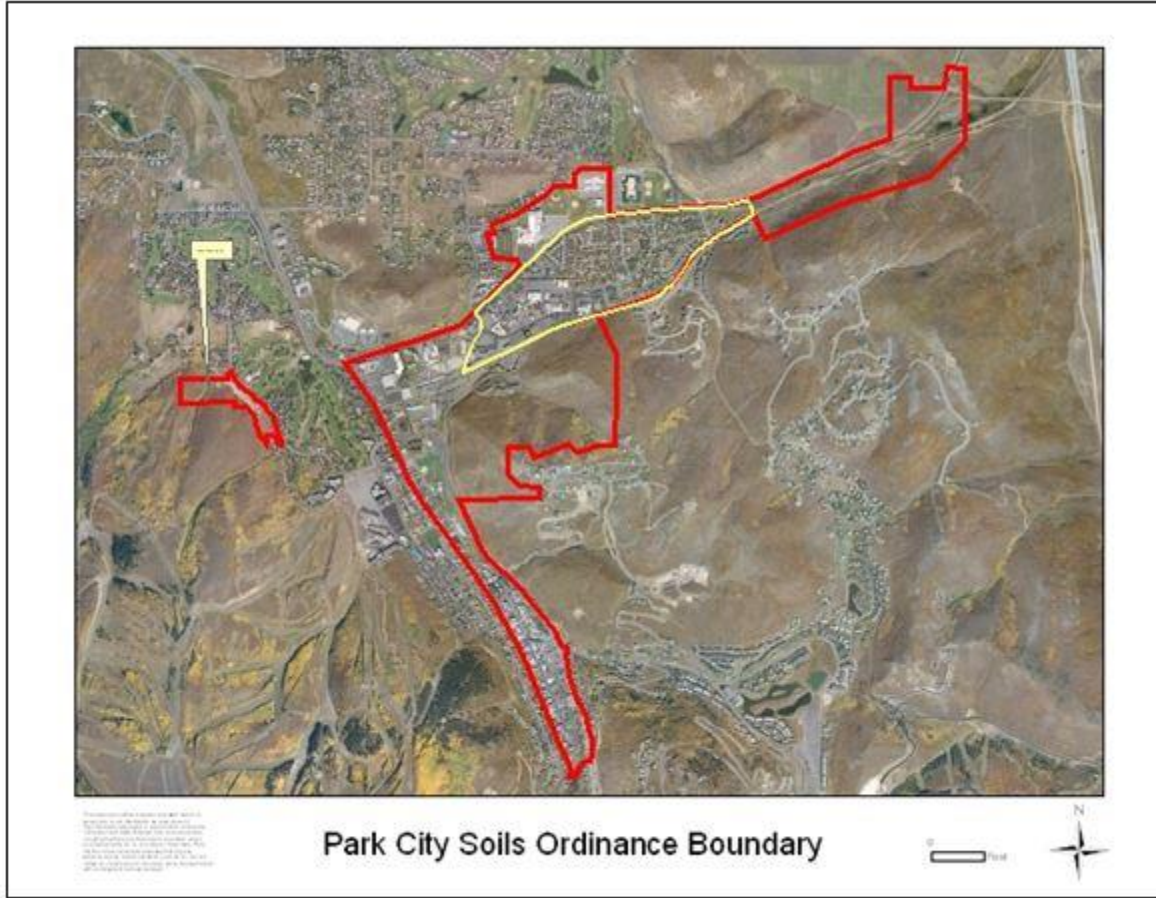
Michelle Kellogg, City Recorder

Approved as to form:  DS
DocuSigned by:
Margaret Plane
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City Attorney’s Office

11-15-1 Area

This Chapter shall be in full force and effect only in that area of Park City, Utah, which is depicted in the map below and accompanied legal description, hereinafter referred to as the Soils Ordinance Boundary.



MAP OF AREA SUBJECT TO LANDSCAPING AND TOPSOIL REQUIREMENTS (ORIGINAL MAP AMENDED BY THIS ORDINANCE NO. 06-13 ON FILE IN THE CITY RECORDER'S OFFICE) and as described as follows:

Beginning at the West 1/4 Corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base & Meridian; running thence east along the center section line to the center of Section 10, T2S, R4E; thence north along the center section line to a point on the easterly Park City limit line, said point being South 00°04'16" West 564.84 feet from the north 1/4 corner of Section 10, T2S, R4E; thence along the easterly Park City limit line for the following thirteen (13) courses: North 60°11'00" East 508.36'; thence North 62°56' East 1500.00'; thence North 41°00' West 30.60 feet; thence North 75°55' East 1431.27'; thence North 78°12'40" East 44.69 feet; thence North 53°45'47" East 917.79 feet; thence South 89°18'31" East 47.22 feet; thence North 00°01'06" East 1324.11 feet; thence North 89°49'09" West 195.80 feet; thence South 22°00'47" West 432.52'; thence South 89°40'28" West 829.07 feet; thence North 00°09'00" West 199.12 feet; thence West 154.34 feet to a point on the west line of Section 2, T2S, R4E; thence south on the section line to the southerly right-of-way line of State Route 248; thence

westerly along said southerly right-of-way line to the easterly right-of-way line of State Route 224, also known as Park Avenue; thence southerly along the easterly line of Park Avenue to the west line of Main Street; thence southerly along the westerly line of Main Street to the northerly line of Hillside Avenue; thence easterly along the northerly line of Hillside Avenue to the westerly line of Marsac Avenue, also known as State Route 224; thence northerly along the westerly line of Marsac Avenue to the westerly line of Deer Valley Drive; thence northerly along the westerly line of Deer Valley Drive, also known as State Route 224, to the southerly line of Section 9, T2S, R4E; thence easterly to the west line of Section 10, T2S, R4E; thence northerly to the point of beginning.

Together with the following additional parcels:

Spiro Annexation Area Legal Description:

A parcel of land located in Summit County, Utah, situated in the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point that is South 396.80 feet and West 1705.14 feet from the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being a 5/8" rebar on the westerly right-of-way line of Three Kings Drive, as described on the Arsenic Hall Annexation Plat, recorded no. 345954 in the office of the Summit County Recorder, said point also being on a curve to the left having a radius of 625.00 feet of which the radius point bears North 71°08'49" East; and running thence southeasterly along said right-of-way line the following three (3) courses: (1) southeasterly along the arc of said curve 352.91 feet through a central angle of 32°21'09"; thence (2) South 51°12'20" east 141.13 feet to a point on a curve to the right having a radius of 290.00 feet, of which the radius point bears South 38°47'40" West; thence (3) along the arc of said curve 70.86 feet through a central angle of 14°00'00"; thence along the southwesterly right-of-way line of Three Kings Drive and along the arc of a 680.00 foot radius curve to the left, of which the chord bears South 47°16'17" East 235.91 feet; thence along the westerly boundary of the Dedication Plat of Three Kings Drive and Crescent Road, recorded no.116010 in the office of the Summit County Recorder, the following eight (8) courses: (1) South 57°12'20" east 39.07 feet to a point on a curve to the right having a radius of 495.00 feet, of which the radius point bears South 32°47'40" West; thence (2) along the arc of said curve 324.24 feet through a central angle of 37°31'50"; thence(3) South 19°40'30" East 385.45 feet to a point on a curve to the left having a radius of 439.15 feet, of which the radius point bears North 70°19'30" East; thence (4) along the arc of said curve 112.97 feet through a central angle of 14°44'21" to a point of reverse curve to the right having a radius of 15.00 feet, of which the radius point bears South 55°35'09" West; thence (5) southerly along the arc of said curve 22.24 feet through a central angle of 84° 57'02" to a point of compound curve to the right having a radius of 54.94 feet, of which the radius point bears North 39°27'49" West; thence (6) westerly along the arc of said curve 115.99 feet through a central angle of 120°57'49"; thence (7) North 08°30'00" West 31.49 feet to a point on a curve to the left having a radius of 105.00 feet, of which the radius point

bears South 81°30'00" West; thence (8) along the arc of said curve 378.43 feet through a central angle of 206°30'00" to a point on the easterly line of Park Properties, Inc. parcel, Entry no. 129128, Book M73, page 31, in the office of the Summit County Recorder; thence along the easterly boundary of said parcel the following five (5) courses: (1) North 42°30'00" West 220.00 feet; thence (2) North 11°00'00" West 235.00 feet; thence (3) North 21°32'29" West 149.57 feet (deed North 21°30'00" West 150.00 feet) to a 5/8" rebar; thence (4) North 42°30'49" West 195.18 feet (deed North 42°30'00" West 195.29 feet) to a 5/8" rebar; thence (5) North 89°57'46" West 225.95 feet (deed West 224.19 feet) to a 5/8" rebar; thence along a boundary of Park Properties, Inc. parcel, Entry no. 324886, Book 565, Page 717, in the office of the Summit County Recorder the following three (3) courses: (1) North 02°45'19" East 99.92 feet (deed North 100.20 feet) to a 5/8" rebar; thence (2) North 89°51'20" West 496.04 feet to a 5/8" rebar; thence (3) North 89°35'52" West 481.94 feet (deed North 89°45'00" West 992.17 feet for courses (2) and (3) to a point on the west line of the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Basin and Meridian; thence along said quarter section line North 00°15'24" West 407.62 feet to a point on the Bernolfo Family Limited Partnership parcel, Entry no. 470116, Book 1017, Page 262, in the office of the Summit County Recorder, thence North 89°59'54" East 482.91 feet (deed East 493.92 feet) to a point on the Vince D. Donile parcel, Entry no. 423999, Book 865, Page 287, in the office of the Summit County Recorder, said point being a 5/8" rebar and cap; thence along said parcel the following five (5) courses: (1) South 89°59'49" East 358.30 feet (deed East 358.35 feet) to a point on a non tangent curve to the right having a radius of 110.00 feet, of which the radius point bears South 88°41'47" East (deed South 88°44'18" East); thence (2) northerly along the arc of said curve 24.32 feet (deed 24.14 feet) through a central angle of 12°39'58" to a 5/8" rebar cap; thence (3) North 13°46'17" East 49.98 feet (deed North 13°50'00" East 50.00 feet) to a 5/8" rebar and cap on a curve to the right having a radius of 60.00 feet (chord bears North 27°16'47" East 28.00 feet); thence (4) northeasterly along the arc of said curve 28.26 feet (deed 28.27 feet) through a central angle of 26°59'09" to a 5/8" rebar and cap; thence (5) North 40°46'38" East 83.23 feet (deed North 40°50'00" East 83.24 feet) to the point of beginning.

The basis for bearing for the above description is South 00°16'20" West 2627.35 feet between the Northeast corner of Section 8, and the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base & Meridian. Tax Serial Nos. PP-25-A and PCA-1002-C-1.

To be combined with a parcel of land located in Summit County, Utah, situated in the southeast quarter of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, being more particularly described as follows:

Beginning at a point that is West 1727.82 feet and South 310.72 feet from the East quarter corner of Section 8, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point being on the westerly right-of-way of Three Kings Drive and running thence West 417.99 feet; thence South 246.59 feet; thence East 358.35 feet to a point on a curve to the right, the radius point of which bears South 88°44'18" east 110.00 feet; thence northeasterly along the arc of said curve 24.14 feet to the point of tangency; thence North 13°50'00" East 50.00 feet to the point of a 60.00 foot radius curve to the right; thence northeasterly along the arc of

said curve 28.27 feet to the point of tangency; thence North 40°50'00" East 83.24 feet to a point on the westerly right-of-way of Three Kings Drive, said point being on a curve to the right, the radius point of which bears North 71°07'38" East 625 feet; thence northwesterly along the arc of said curve and along the right-of-way 89.33 feet to the point of beginning.

Tax	Serial	No.	PCA-1002-F.
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Also including the Park City High School and Elementary School properties identified as Tax Serial Numbers PCA-2-2300-X, PCA-2-2300-A-1-X, PCA-2-2101-6-A-X, PCA-2-2101-6-X.

EXCEPTING THEREFROM all lots and parcels platted as Chatham Crossing Subdivision, Hearthstone Subdivision, Aerie Subdivision and Aerie Subdivision Phase 2, according to the official plats thereof recorded in the office of the Summit County Recorder.

HISTORY

<i>Amended</i>	<i>by</i>	<i>Ord.</i>	<u>03-50</u>	<i>on</i>	12/11/2003
<i>Amended</i>	<i>by</i>	<i>Ord.</i>	<u>05-02</u>	<i>on</i>	1/13/2005

Amended by Ord. 06-13 on 3/26/2006

11-15-2 Minimum Coverage ~~With~~ ~~with~~ Topsoil ~~Or~~ ~~or~~ Other Acceptable Media

1. All real property within the Soils Ordinance Boundary must be covered and maintained with a minimum cover of six inches (6") of approved topsoil ~~and~~ ~~or~~ acceptable cover described in Section 11-15-3 over soils exceeding the lead levels specified in Section 11-15-7, except where such real property is covered by asphalt, concrete, permanent structures or paving materials.
2. As used in this Chapter, "approved topsoil" is soil that does not exceed 200 mg/Kg (total) lead. representatively sampled and analyzed under method SW-846 6010.
3. Parking of vehicles or recreational equipment shall be contained on impervious surfaces and not areas that have been capped with acceptable media.

HISTORY

<i>Amended</i>	<i>by</i>	<i>Ord.</i>	<u>03-50</u>	<i>on</i>	12/11/2003
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Amended by Ord. 05-02 on 1/13/2005

11-15-3 Acceptable Cover

1. All areas within the Soils Ordinance Boundary where real property is covered with six inches (6") or more of "approved topsoil" defined in Section 11-15-2 (~~B2~~) must be vegetated with grass or other suitable vegetation to prevent erosion of the 6" topsoil layer as determined by the Building Department.
2. Owners who practice Water Wise Landscaping are allowed to employ a weed barrier fabric if the ~~property barrier fabric~~ is covered with six inches (6") of rock or bark and maintained to prevent soil break through.
3. As used in this Chapter, "soil break through" is defined as soil migrating through the fabric and cover in a manner that exposes the public and shall be deemed in violation of this Chapter.

4. As used in this Chapter, Water Wise Landscaping - as defined in the Land Management Code 15-15 - within the Soils Ordinance Boundary remains subject to the regulations within this Chapter.

HISTORY

Amended by Ord. 03-50 on 12/11/2003
Amended by Ord. 2019-30 on 5/30/2019

11-15-4 Additional Landscaping Requirements

In addition to the minimum coverage ~~of topsoil~~ requirements set forth in Section 11-15-2 and the vegetation requirements set forth in Section 11-15-3, the following additional requirements shall apply:

1. **FLOWER OR VEGETABLE PLANTING BED AT GRADE.** All flower or vegetable planting beds at grade shall be clearly defined with edging material to prevent edge drift and shall have a minimum depth of twenty-four inches (24") of approved topsoil so that tailings are not mixed with the soil through normal tilling procedures. Such topsoil shall extend twelve inches (12") beyond the edge of the flower or vegetable planting bed.
2. **FLOWER OR VEGETABLE PLANTING BED ABOVE GRADE.** All flower or vegetable planting beds above grade shall extend a minimum of sixteen inches (16") above the grade of the six inches (6") of approved topsoil cover and shall contain only approved topsoil.
3. **SHRUBS AND TREES.** All shrubs planted after the passage of this Chapter shall be surrounded by approved topsoil for an area, which is three times bigger than the rootball and extends six inches (6") below the lowest root of the shrub at planting. All trees planted after the passage of this Chapter shall have a minimum of eighteen inches (18") of approved topsoil around the rootball with a minimum of twelve inches (12") of approved topsoil below the lowest root of the tree.

HISTORY

Amended by Ord. 03-50 on 12/11/2003

11-15-5 ~~Disposal Or Removal Of Management of Area Soil~~

1. Following any work causing the disturbance of soils within the Soils Ordinance Boundary, such as digging, landscaping, and tilling soils, all disturbed soils must be collected and reintroduced onsite by either onsite soil capping specified in Section 11-15-2 or off-site ~~disposal~~ as required by this Chapter ~~and/or~~ State ~~and/or~~ Federal law.
2. All soils generated from the Soils Ordinance Boundary that cannot be reintroduced within the Soils Ordinance Boundary and are destined ~~for~~ off-site ~~disposal~~ must be sampled and characterized with representative sampling and tested at a State Certified Laboratory in accordance with the requirements of the facility accepting such soils.

3. Soils exhibiting a hazardous characteristic exceeding the following Toxic Characteristic Leaching Procedure (TCLP) standards, must be managed as a hazardous waste and disposed of within a Utah Department of Environmental Quality permitted facility:

Arsenic - 5.0 mg/L (TCLP) Method 6010 B

Lead – 5.0 mg/L (TCLP) Method 6010 B

4. Soils not failing the TCLP standards may be disposed within a non-hazardous landfill facility upon providing a “Disposal Acceptance Letter” evidence to the Building Department is-of acceptance issued by the disposal facility.
5. No soils generated within the Soils Ordinance Boundary are allowed to be exported for use as fill outside the Soils Ordinance Boundary.
6. Reuse of generated soils within the Soils Ordinance Boundary is acceptable provided the receiving property is covered with six inches (6”) of clean topsoil or covered with an acceptable media, i.e. vegetation, bark, rock, as required by this Chapter.
7. Soils that are relocated within the Soils Ordinance Boundary must be pre-approved by the Building Department before being relocated and reused.

HISTORY

Amended by Ord. 03-50 on 12/11/2003

11-15-6 Dust Control

Contractor or owner is responsible for controlling dust during the time between beginning of construction activity and the establishment of plant growth sufficient to control the emissions of dust from any site within the Soils Ordinance Boundary. Due care shall be taken by the contractor or owner, ~~to protect workmen-workers~~ while working within the site and neighboring properties and the public from ~~any~~ exposure to dust emissions during construction activity by controlling dust, providing suitable breathing apparatus, or other appropriate control.

11-15-7 Certificate ~~Of~~ Compliance

1. Upon application by the owner of record or agent to the Park City Building Department and payment of the fee established by the department, the Park City Building Department shall inspect the applicant's property for compliance with this Chapter. When the property inspected complies with this Chapter, a Certificate of Compliance shall be issued to the owner by the Park City Building Department.
2. Verifying soil cap depth and cover meets the requirements of Sections 11-15-2, 11-15-3, or 11-15-4 or representative samples-soil sample results that are equal to or below the following standards will result in full compliance and eligibility for the certificate:

Occupied Property - Lead 200 mg/Kg (Total) Method SW-846 6010

Vacant Property – Lead 1000 mg/Kg (Total) Method SW-846 6010

HISTORY

Amended by Ord. [03-50](#) on 12/11/2003

11-15-8 Transit Center Disturbance

All construction activity, utility modification, and landscaping that results in the breach of the installed protective cap or the generation of soils [with Assessor Parcel No. MTC-A](#) must be conducted in accordance to the implemented Site Management Plan, which is retained within the Building Department.

HISTORY

Amended by Ord. [02-32](#) on 8/22/2002

Amended by Ord. [03-50](#) on 12/11/2003

11-15-9 Property ~~With with~~ Known Non-Compliant Levels ~~Of of~~ Lead

- ~~1. Property exceeding the lead levels defined in Section 11-15-7 that have been representatively sampled and have not been capped per Section 11-15-2 are required to comply with this Chapter by December 31, 2004.~~
- ~~2. Non-compliant lots exceeding the criteria within Section 11-15-7 will be sent two (2) warning notices in an effort to correct the non-compliance issue.~~

[Repealed.](#)

HISTORY

Amended by Ord. [03-50](#) on 12/11/2003

11-15-10 Wells

All wells for culinary irrigation or stock watering use are prohibited in the Soils Ordinance Boundary.

11-15-11 Non-Sampled And Uncharacterized Lots

- ~~1. Lots that have not been characterized through representative sampling and are within the original Soils Ordinance Boundary are required to be sampled by the year 2006.~~

[Repealed.](#)

11-15-12 Failure To Comply With Chapter

- ~~1. 2. After the property has been sampled, lots exceeding the lead levels within Section 11-15-7 are required to comply with this Chapter within a 12-month period.~~

11-15-12 Failure To Comply With Chapter

2. Any person failing to ~~landscape, maintain landscaping, control dust or dispose of tailings as required by this Chapter and/or~~ comply with the provisions of this Chapter, shall be guilty of a Class B misdemeanor. Any person failing to comply with the provisions of this Chapter may be found to have caused a public nuisance as determined by the City Council of Park City, and appropriate legal action may be taken against that person.

HISTORY

Amended by Ord. [03-50](#) on 12/11/2003