



Administration

April 21, 2010

UTAH PUBLIC
SERVICE COMMISSION

Utility Facility Review Board of Utah

Attention: Julie Orchard 2010 APR 29 A 9:53

Public Service Commission Secretary

160 East 300 South, 4th Floor

P.O. Box 45585

Salt Lake City, UT 84145-0585

E-Mail: psccal@utah.gov

275381

RECEIVED

RE: Docket No. 10-035-39 Public Comment

Dear Board Members:

This letter constitutes a public comment in the proceedings of the Utility Facility Review Board of Utah, Docket No. 10-035-39, and is submitted pursuant to the instructions in the Notice of Procedural Schedule issued April 20, 2010.

Tooele City Corporation ("Tooele") has formally lodged its protests against a portion of the Mona-Oquirrh high voltage transmission line (the "Power Line"), which portion is commonly referred to as the Southeast Bench Route: in writing to the Utah Public Service Commission on October 9, 2009; in writing to the Tooele County Planning Commission on January 20, 2010; and, verbally to the Tooele County Planning Commission on February 3 and March 3, 2010. This public comment incorporates in their entirety the former protests (true and correct copies of Tooele's prior written protests are enclosed herewith) and will not repeat their merits.

Tooele, a municipality of about 32,000 residents, owns approximately 2,000 acres of property (the "Property") in unincorporated Tooele County that lie in the path of the Power Line along the Southeast Bench Route. Tooele has spent millions of dollars acquiring the Property, and has appropriated the Property to public uses which Tooele believes are necessary to protect the health, safety, and general welfare of Tooele's residents and businesses. The necessary public uses for which Tooele has appropriated the Property include viewshed protection, watershed protection (springs, surface drainages, and subsurface flows), wildlife protection, geologic hazard protection, sensitive lands protection, non-motorized recreation, and open lands conservation.

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Tooele, Utah 84074-2191

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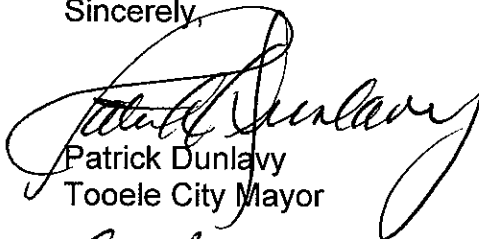
Administration

Utah Code §78B-6-503(3) provides that property that has already been appropriated to public use "may not be taken [by the power of eminent domain] unless for a more necessary public use than that to which it has already been appropriated." The determination of which of several competing uses is the more necessary is a judicial one. Litigation over that question would no doubt be time consuming and expensive for all parties involved. Moreover, the Property would not be available for the proposed Power Line until that litigation were fully and finally resolved.

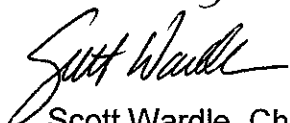
Tooele will not sell or otherwise convey any portion of or interest in the Property for the Power Line along the Southeast Bench Route. Should any party attempt to condemn any portion of or interest in the Property for the Power Line, Tooele will respond by filing a lawsuit that will allow the courts to determine the relative necessity of the competing public uses. Should the trial court determine, after discovery and a trial, that Rocky Mountain Power's proposed use is the more necessary, Tooele will seek a review of this determination by the Utah Supreme Court. For all the reasons stated in the incorporated protests, Tooele believes that the public uses for which Tooele has appropriated the Property are more necessary than the Power Line, particularly given that Rocky Mountain Power has reasonable alternatives for routing the Power Line. In short, the Power Line can be relocated away from the Southeast Bench Route, while the Property and Tooele's public uses for the Property cannot.

To conclude, Tooele urges the Board to order Rocky Mountain Power to establish a route for the Power Line, other than the Southeast Bench Route, that will not traverse Tooele's Property and that will provide both "the greatest public benefit and the least private injury" (U.C.A. §78A-6-503(5)).

Sincerely,



Patrick Dunlavy
Tooele City Mayor



Scott Wardle, Chair
Tooele City Council

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Administration

January 20, 2010

UTAH PUBLIC
SERVICE COMMISSION

Tooele County Planning Commission
Attention: Kerry Beutler, Tooele County Engineering A 9:53
47 South Main Street
Tooele, UT 84074

215382

RECEIVED

Dear Commissioners:

This letter constitutes the written protest of Tooele City Corporation to Rocky Mountain Power's Application for Conditional Use Permit 2010-1 for Mona to Oquirrh High Power Transmission Line. This protest, together with its Exhibits, both attached and referenced, will be part of the official record of the Tooele County Commission's action on Application 2010-1.¹

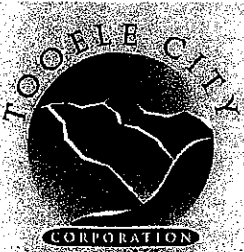
Tooele City believes that the Application is premature. First, is inappropriate for Rocky Mountain Power to seek entitlements for the Transmission Line when the Environmental Impact Statement that will establish acceptable transmission line corridors remains incomplete and unapproved by federal authorities. Second, a conditional use permit is generally a land use approval the applicant seeks for property the applicant either owns or in which the applicant has a significant interest. In this case, Rocky Mountain Power has no legal interest in property owned by Tooele City, and Tooele City intends to protest any attempts by Rocky Mountain Power to acquire an interest in the City's property. Therefore, Tooele City requests that the Planning Commission table consideration of the premature Application until both of these items are resolved. Should the Planning Commission choose to proceed with a vote on the Application, whether on February 3rd or thereafter, please consider the points discussed in the remainder of this letter.

Tooele City understands that under Utah's conditional use law (UCA §10-9a-507), the proposed conditional use is an allowed use that will be approved by Tooele County if reasonable conditions can be imposed upon the use to mitigate the reasonably anticipated detrimental effects of the use. If the detrimental effects cannot be substantially mitigated through reasonable conditions, then Tooele County may, and should, deny the conditional use. Tooele City believes that the conditional use as proposed in the Application identifies numerous detrimental effects that cannot be mitigation by any

¹ Tooele City previously filed a protest dated October 9, 2009, with the Utah Public Service Commission. The two page protest is attached hereto without its exhibits, as Exhibit 2; however, the entire document is incorporated herein by this reference.

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reasonable conditions that the County Commission might impose, as detailed below. Therefore, Application 2010-1 should be denied.

Viewshed Conservation.

The preservation of hillside and mountain open space is of vital importance to Tooele City. Through Resolution 2009-47, the Tooele City Council legislatively declared "the compelling public purpose to preserve the hillsides and mountains on the south of Tooele City from development for purposes of open space, viewshed, watershed, and wildlife preservation, and for the protection of human life and safety" (Resolution 2009-47, approved on September 16, 2009, attached hereto as Exhibit 1). In the Resolution, the City Council explains that "beginning in 2002 . . . the City's leaders began to recognize and appreciate more fully the value of the foothills and mountains south of Tooele City . . . as a natural asset worthy of preservation for Tooele City residents and others" (id.). The Tooele City Council had previously explained that "the City Council recognizes that hills, mountains, and ridgelines are one of Tooele City's most outstanding (and most vulnerable) natural assets, and formulate part of the history, heritage, and image of the City, and are therefore of paramount importance to preserve" (Ordinance 2006-14, approved on February 7, 2007, attached hereto as Exhibit 3).

Over time, Tooele City has acquired over 2,000 acres of contiguous hillside and mountain open space in southern Tooele valley to fulfill the compelling public purpose cited above (see the slide attached as Exhibit 4). Tooele City's most recent acquisition under this guiding purpose occurred by deed dated September 24, 2009, and included 101 acres of hillside open space. The City Council paid \$1,500,000 in cash, plus other consideration, for this property.²

While the high power Transmission Line proposed in the Application will not enter or cross over any portion of the Tooele City corporate boundary, the Transmission Line is proposed to cross approximately 4,000 feet³ of Tooele City-owned property (the "City Property") located immediately south of the present Tooele City corporate boundary (reference Application Attachment 4 – Parcel Map, Panel 9 of 16; see the red line on the slides attached hereto as Exhibits 5 and 6). The City Property was acquired to fulfill the compelling public purpose cited above.

Tooele City is extremely concerned about the detrimental effects of the Transmission Line and the conditional use upon both the City Property being crossed, but also upon other properties and upon residents of Tooele City and Tooele County.

² The seller's appraiser, Free and Associates, Inc., appraised the "As Is" market value of the 101 acres to be \$2,930,000, effective July 15, 2009. The appraisal is incorporated herein by this reference.

³ Using the scale shown in Application Attachment 4, Plate 9 of 16.



Administration

As noted above, an important purpose of the City's acquisitions is to protect the viewshed of City and County residents. This is neither a trivial nor a speculative interest, but a substantial and real one. Revisions to the City's Sensitive Area Overlay zoning regulation, currently before the City Planning Commission and City Council, establish as some of the purposes of the Overlay as "... protecting the natural scenic character of the hillside and mountain areas ..." and "to preserve and enhance natural panoramic vistas and scenic open space, both from within and outside sensitive areas" (T.C.C. §7-12-2, as proposed). The revisions constitute a pending ordinance of Tooele City, and are binding upon all new land use applications filed with the City. Even the current code provision, while not as particular, establishes the Overlay zone's purposes as including the preservation of vistas, open space, and visual quality (T.C.C. §7-12-2). Both the current Overlay zone regulation and the proposed revisions are attached hereto as Exhibits 7 and 8.

The typical "tangent" and "deadend" structures depicted in Application Attachments 6 and 7, up to 200 feet tall, along the 4,000-foot stretch of City Property, will completely undermine Tooele City's significant efforts to protect the viewshed of the entire Tooele Valley. In addition, destroying the viewshed in this critical location will dramatically devalue the significant monetary investment made by Tooele City to acquire and protect the City Property. Attachments 6 and 7 not only identify the typical heights of the structures, but depict typical rights-of-way beneath the structures of up to 250 feet wide. Unpaginated materials at the front of the Application display the "simulated condition" of the proposed Transmission Line, showing not only the vertical structures but also the horizontal right-of-way across the hillsides. While the simulation depicts only a razor-thin right-of-way line, Tooele City is convinced that the maintenance of an access road within a right-of-way from 150 to 250 feet in width will be much more visible and detrimental than as depicted in the Application. The construction of a flat road on a steep hillside requires significant cuts to the uphill side of the road and significant fills to the downhill side. The "simulated condition" does not reflect the necessary cuts and fills that the right-of-way will require in the shown locations or on the City Property, instead merely marking the location of the access road. The combination of the vertical structures and the horizontal road cuts will wreck the viewshed and aesthetic qualities of the City Property and other properties, frustrating decades of taxpayer investment in acquiring and preserving these properties.

The only condition that would mitigate the detrimental effect upon the viewshed, as discussed above, would be to bury the Transmission Line or to lower the structures to the extent that they cannot be seen from the valley or from within Tooele City. Tooele City anticipates that neither condition will be considered reasonable to Rocky Mountain Power. Therefore, the conditional use should be denied.

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Essential Wildlife Habitat

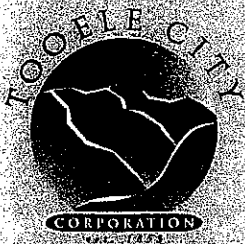
The Tooele Valley Regional Plan, adopted by Tooele County as an element of the Tooele County General Plan, and also adopted by resolution of the Tooele City Council,⁴ identifies some of the natural resources of the Tooele valley. The Regional Plan discusses the fact that the area where Rocky Mountain Power proposes to construct the Transmission Line across City Property is identified as essential wildlife habitat, particularly for elk, mule deer, and the endangered sage grouse, giving the land the highest level of importance: "habitat of critical value" (see pages 2.5-2.7 and Map 3 of the Regional Plan, attached hereto as Exhibit 10). This section of the Regional Plan is especially concerned with species, habitats, and migration corridors at risk from development pressures. Tooele City considers the proposed Transmission Line, together with its associated construction and maintenance activities, to constitute a major development pressure, especially in this highly sensitive area. The only way to mitigate these detrimental effects is to not construct the Transmission Line across the City Property and the southeast bench of the Tooele valley. The conditional use should, therefore, be denied.

Drinking Water Source Protection

Much of the 2,000 acres of City Property, including the land to be crossed by the Transmission Line, was acquired for drinking water source protection purposes. The natural channels formed by the ridgelines bounding the City Property collect rainfall and other surface water, which are either absorbed into the groundwater (in the case of rainfall) or diverted into reservoirs (in the case of springs). Tooele City's groundwater recharge areas, including the area crossed by the Transmission Line, are depicted on the attached Exhibit 11. The City owns active springs located a short distance south of the proposed Transmission Line (see Exhibit 11). Exhibit 11 also identifies the zone 3 and 4 recharge areas being traversed by the Transmission Line. The surface and groundwater sources on the City Property are critical components of Tooele City's drinking water. Tooele City cannot allow any construction-related activity to occur that would jeopardize these sources, or in other words, pollute the City's drinking water.

Conditions that might possibly be imposed to mitigate the detrimental effects of the Transmission Line could include (1) prohibiting the use of herbicides, (2) requiring erosion mitigation features so that rainfall percolates into the groundwater and doesn't run free down or across the access road, (3) narrowing the right-of-way, (4) limiting slope cuts and fills to a minimal number of feet on either side of the access road, (5) requiring the planting of abundant native landscaping for hillside stabilization, erosion prevention, and mitigation of the access road scar created. Tooele City anticipates that Rocky Mountain Power will not consider these and other mitigating conditions to be reasonable. Further, Tooele City does not believe that these conditions,

⁴ Resolution 2003-56, approved on November 5, 2003, attached hereto as Exhibit 9.



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individually or in their aggregate, will successfully mitigate the detrimental effects of the Transmission Line upon the City Property and upon Tooele City's legitimate governmental objective of protecting the public's drinking water sources.

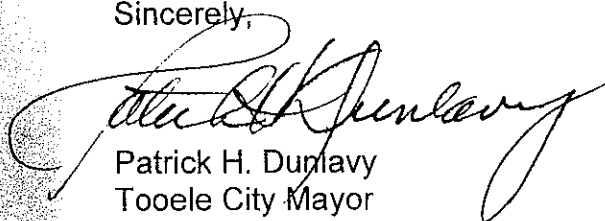
Condemnation.

Tooele City holds dear the fundamental rights of property ownership guaranteed by the United States and Utah Constitutions, just like a private citizen does. While the power of eminent domain has its place in American history and public policy, Tooele City takes affront to the notion of a business entity condemning government property. Tooele City respects and appreciates the need for Rocky Mountain Power to construct power facilities that will accommodate growth and provide reliable power service to the residents and business in Tooele City and the Tooele valley. Tooele City cannot respect, however, Rocky Mountain Power's intention to locate the Transmission Line in the most damaging location possible to Tooele City and its public interests. Further, Tooele City abhors the notion that a private enterprise would use eminent domain to condemn property owned by a local government, purchased with property taxes and fees paid by Tooele City residents, and held for the purpose of protecting the interests of the public. Tooele City will vigorously defend against any attempts by Rocky Mountain Power to condemn land owned by Tooele City and held for the benefit of City residents. If Rocky Mountain Power is successful in condemning Tooele City property, the City will seek severance and other damages for the hundreds of acres ruined by the Transmission Line.

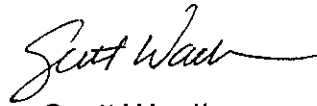
Tooele City believes that Rocky Mountain Power possesses the ability, knowledge, and resources to locate its Transmission Line and other facilities in locations and in a manner that will not wreck everything that Tooele City, for decades, has worked for and paid for.

Accordingly, Tooele City hereby requests that the County Commission deny Conditional Use Application 2010-1.

Sincerely,



Patrick H. Dunlavy
Tooele City Mayor

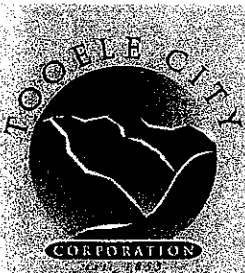


Scott Wardle
Chair, Tooele City Council

cc: Tooele County Commission

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Administration

List of Exhibits

- Exhibit 1: Resolution 2009-47 (without exhibits)
- Exhibit 2: October 9, 2009, Protest Letter (without exhibits)
- Exhibit 3: Ordinance 2006-14 (without exhibits)
- Exhibit 4: Slide showing the City Property
- Exhibit 5: Slide showing Transmission Line crossing City Property
- Exhibit 6: Aerials showing Transmission Line crossing City Property
- Exhibit 7: Tooele City Code Chapter 7-12 (Sensitive Area Overlay zone)
- Exhibit 8: Proposed Revisions to Chapter 7-12
- Exhibit 9: Resolution 2003-56 (without exhibits)
- Exhibit 10: Selections from the Tooele Valley Regional Plan
- Exhibit 11: USGS Drinking Water Source Protection Zone Map

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Exhibit 1

TOOELE CITY CORPORATION

RESOLUTION 2009-47

A RESOLUTION OF THE TOOELE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AND SALE AGREEMENT AND A SETTLEMENT AGREEMENT FOR THE PURCHASE OF 101 ACRES OF OPEN SPACE AND FOR THE SETTLEMENT OF DISPUTED CLAIMS.

WHEREAS, beginning in about 1972, former mayors and city councils of Tooele City entered into several verbal and written agreements (the Prior Agreements) in which the City acquired certain property interests (e.g., deeds, rights-of-way, and utility easements) in exchange for giving the property owners promises of future free water connections; and,

WHEREAS, in 1998 the Bevan Family Trust (the Trust) petitioned to annex a 40-acre parcel of land (the 40 Acres) located southeast of the City into the Tooele City corporate boundary¹; and,

WHEREAS, on July 5, 2000, the Trust again petitioned to annex the 40 Acres located southeast of the City into the Tooele City corporate boundary; and,

WHEREAS, on December 6, 2000, the City Council passed Resolution 2000-96, authorizing the Mayor to sign an Annexation and Development Agreement (the Annexation Agreement)²; and,

WHEREAS, on December 6, 2000, the City Council passed Ordinances 2000-25 and 2000-26 amending the Tooele City Land Use Plan and Zoning Ordinance to allow residential uses on a 101-acre parcel of land (the 101 Acres) owned by the Trust, and assigning the R1-12 zoning district to the 101 Acres³; and,

WHEREAS, on April 18, 2001, the City Council passed Ordinance 2001-11, annexing the 40 Acres into the Tooele City corporate boundary⁴; and,

WHEREAS, shortly after the City approved and executed the Annexation Agreement, the Trust requested the opportunity to expand and clarify certain provisions of the Annexation Agreement. The Trust and the City worked unsuccessfully between 2000 and 2007 to resolve their respective issues through an amended Annexation Agreement; and,

¹ The 1998 petition was withdrawn by the Trust. The Petition was the subject of Resolution 1999-17 and Ordinance 1999-26, neither of which were presented to the City Council.

² Mayor Charlie Roberts signed the Annexation Agreement. City Recorder Patrick Dunlavy attested. The Trust, however, never signed the Annexation Agreement.

³ The 101 Acres were previously zoned MU-160 for agricultural uses with one residence per 160 acres.

⁴ Ordinance 2001-11 was recorded on January 22, 2004, in the office of the Tooele County Recorder.

WHEREAS, beginning in 2002, having experienced a recent surge in real estate development and home construction, the City's leaders began to recognize and appreciate more fully the value of the foothills and mountains south of Tooele City, including the 101 Acres, as a natural asset worthy of preservation for Tooele City residents and others; and,

WHEREAS, in September 2007 the City proposed to purchase the 101 Acres from the Trust and to terminate the Annexation Agreement. That proposal has been extensively negotiated, resulting in the draft Purchase and Sale Agreement attached hereto as Exhibit A and the draft Settlement Agreement attached hereto as Exhibit B; and,

WHEREAS, the primary purpose of the Purchase and Sale Agreement is the City's acquisition of title to the 101 Acres for open space, viewshed, watershed, and wildlife preservation, and for the protection of human life and safety, by the payment to the Trust of \$1.5 million in cash; and,

WHEREAS, the primary purposes of the Settlement Agreement are to terminate the City's obligations under the Annexation Agreement, to fulfill the Prior Agreements, and to be released from any claims that the Trust believes it may have against the City, by the delivery to the Trust of a water rights certificate for 101 residential water connections; and,

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL as follows:

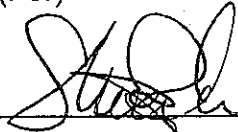
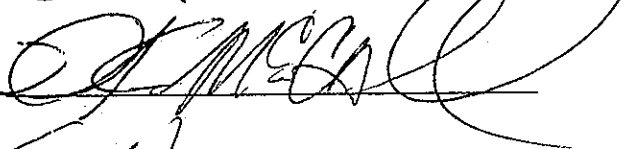
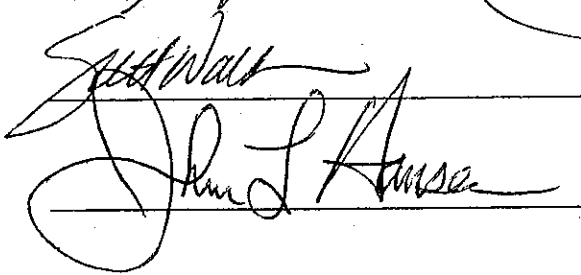
1. The City Council finds it to be a compelling public purpose to preserve the hillsides and mountains on the south of Tooele City from development for purposes of open space, viewshed, watershed, and wildlife preservation, and for the protection of human life and safety; and,
2. The Mayor is hereby authorized to execute the Purchase and Sale Agreement (Exhibit A) and Settlement Agreement (Exhibit B) and all other documents necessary to close the transactions contemplated therein; and,
3. This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter.


IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council
this 10 day of September, 2009.

TOOELE CITY COUNCIL

(For)

(Against)

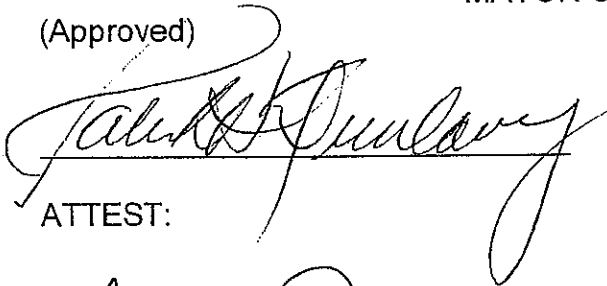


ABSTAINING: _____


MAYOR OF TOOELE CITY

(Approved)

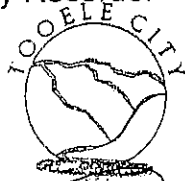
(Disapproved)



ATTEST:


Sharon Dawson, City Recorder

SEAL



Approved as to Form:

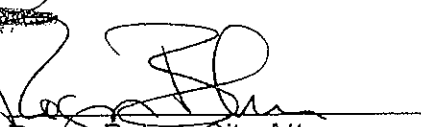

Roger Baker, City Attorney

Exhibit 2



Legal

October 9, 2009

Utah Public Service Commission
Ted Boyer, Chairman
Ric Campbell, Commissioner
Ron Allen, Commissioner
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84114

Dear Commission:

It has come to the attention of Tooele City Corporation (the "City") that important meetings and hearings before the Utah Public Service Commission (the "Commission") in the matter of Docket No. 09-035-54 are imminent, and that input to the Commission by way of a letter from the City's attorney on City letterhead is an appropriate mechanism for providing input into the process that will be recognized and considered by the Commission. Mayor Patrick Dunlavy has authorized me to do so on behalf of the City. Please forgive me if this vehicle is somewhat unorthodox but, after all, Rocky Mountain Power has also admitted pursuing a course before the Commission that is "somewhat unusual" and "out of the ordinary" (Rocky Mountain Power's Notice of Intent to File Application for Certificate of Public Convenience and Necessity, dated June 30, 2009 (the "Notice"), at 3 and 5, attached hereto as Exhibit A).

Tooele City, together with all organized Tooele valley stakeholders ("Tooele Stakeholders"), has consistently and unequivocally opposed the east-bench route of the Mona-Oquirrh transmission line (the "Project") due to its adverse impacts upon the City. (See Public Comment Form and attached materials attached hereto as Exhibit B.) These adverse impacts will exist, in perpetuity, if any portion of the Project is permitted to be located on the hillside and mountainous lands immediately south and east of the City, whether or not located within the City's actual corporate boundary.

Through enormous effort, the Tooele Stakeholders have reached consensus on a route (the "Consensus Route") that they believe will be less expensive, less difficult, less environmentally damaging, less adversely impacting, and less community intrusive than Rocky Mountain Power's preferred route. (See Tooele Stakeholder consensus letter dated September 2, 2009, and map attached hereto as Exhibit C.) The Consensus Route would do nothing to diminish Rocky Mountain Power's stated objectives to "improve its transmission capacity to serve customers" and "to provide current and future service in an efficient and reliable manner to customers" (Notice, at 4 and 7.) Rather, the Consensus Route would eliminate adverse impacts to the City, the Tooele Stakeholders, and to Tooele



Legal

valley communities without adversely affecting Rocky Mountain Power's ability to achieve its corporate objectives.

Despite the efforts of the Tooele Stakeholders to achieve the Consensus Route, Rocky Mountain Power has announced, prior to the completion of the National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS), its rejection of the Consensus Route and its intention to pursue a route that it appears to have preferred since the Project's inception. (See *Tooele Transcript-Bulletin* Article dated October 1, 2009, entitled "Power Company Won't Budge on East Bench Route" and other media items attached hereto as Exhibit D.)

Rocky Mountain Power acknowledges that the "purpose of the federal permitting process is to ensure the Project and its route is consistent with state and local governmental actions and authorities" (Notice, at 3). The City believes that Rocky Mountain Power has not acted consistently with this purpose. Rocky Mountain Power further acknowledges that the "EIS process will identify significant environmental impacts and shall inform local decision makers and the public of reasonable alternatives, including mitigation measures that would avoid or minimize adverse impacts or enhance environmental quality" (*id.*). The City believes that Rocky Mountain Power has acted inconsistently with this statement, has done little to consider reasonable alternative routes, and has done little to minimize adverse impacts to the Tooele Stakeholders and Tooele valley communities.

The Commission has stated that although "we have ruled that issues of the location and routing of a transmission line were beyond the scope of a CPCN proceeding . . . [Rocky Mountain Power] must file with us evidence that it has received or is in the process of obtaining the 'required consent, franchise, or permit' of the property authorities" (Report and Order: Docket No. 09-035-54, dated July 22, 2009, at 1, attached hereto as Exhibit E). Despite the Commission's limited role in the location and routing of transmission lines, the City nevertheless petitions the Commission to consider the City's concerns throughout the CPCN and other Commission processes with respect to the Project. Know also that the City has no intention of granting or supporting any permit or approval that would allow Rocky Mountain Power's proposed east-bench route.

Sincerely,

Roger Baker
Tooele City Attorney

cc: R. Jeff Richards, Attorney for Rocky Mountain Power
Ted D. Smith, Attorney for Rocky Mountain Power

Exhibit 3

Ent: 281839 - Pg 1 of 24
Date: 4/6/2007 9:00 AM
Fee: \$0.00 CHECK
Filed By: RGL
CALLEEN B PESHELL, Recorder
Tooele County Corporation
For: TOOELE CITY CORPORATION

Ent: 277755 - Pg 1 of 19
Date: 2/8/2007 1:55 PM
Fee: \$0.00 NO CHANGE
Filed By: JWP
CALLEEN B PESHELL, Recorder
Tooele County Corporation
For: TOOELE CITY CORPORATION

When Recorded, Return To:
Tooele City Recorder
90 North Main
Tooele, UT 84074
(435) 843-2110

Tax ID Parcel #s:
2-13-18, 2-13-16, 2-13-63, 2-13-64, 2-16-1, 2-16-7,
2-16-25, 2-16-3, 2-16-5, 2-16-17

TOOELE CITY CORPORATION

ORDINANCE 2006-14

AN ORDINANCE OF THE TOOELE CITY COUNCIL CREATING A PLANNED UNIT DEVELOPMENT ZONING OVERLAY ON PROPERTY ZONED R1-7 ON AND AROUND LITTLE MOUNTAIN, AND PRESCRIBING CONDITIONS

WHEREAS, Utah Code §10-9a-401, *et seq.*, requires and provides for the adoption of a "comprehensive, long-range plan" (hereinafter the "General Plan") by each Utah city and town, which General Plan contemplates and provides direction for (a) "present and future needs of the community" and (b) "growth and development of all or any part of the land within the municipality"; and,

WHEREAS, the Tooele City General Plan includes various elements, including water, sewer, transportation, and land use. The Tooele City Council adopted the Land Use Element of the Tooele City General Plan, after duly-noticed public hearings, by Ordinance 1998-39, on December 16, 1998, by a vote of 5-0; and,

WHEREAS, the Land Use Element (hereinafter the "Land Use Plan") of the General Plan establishes Tooele City's general land use policies, which have been adopted by Ordinance 1998-39 as a Tooele City ordinance, and which set forth appropriate Use Designations for land in Tooele City (e.g., residential, commercial, industrial); and,

WHEREAS, the Land Use Plan reflects the findings of Tooele City's elected officials regarding the appropriate range, placement, and configuration of land uses within the City, which findings are based in part upon the recommendations of land use and planning professionals, Planning Commission recommendations, public comment, and other relevant considerations; and,

WHEREAS, Utah Code §10-9a-501, *et seq.*, provides for the enactment of a "land use [i.e., zoning] ordinances and a zoning map" that constitute a portion of the City's regulations (hereinafter "Zoning") for land use and development, establishing order and standards under which land may be developed in Tooele City; and,

WHEREAS, a fundamental purpose of the Land Use Plan is to guide and inform the recommendations of the Planning Commission and the decisions of the City Council

about the Zoning designations assigned to land within the City (e.g., R1-10 residential, neighborhood commercial (NC), light industrial (LI)); and,

WHEREAS, Tooele City Code Chapter 7-6 constitutes Tooele City's Planned Unit Development (PUD) overlay zoning district, the purposes of which are stated in §7-6-1, incorporated herein by this reference, and which include, among others, to create opportunities for flexible site planning, to encourage the preservation of open space areas and critical natural areas, and to encourage the provision of special development amenities by the developer; and,

WHEREAS, the R1-7 zoning district is currently assigned to approximately 126 acres of land near State Road 36 and Skyline Drive, including what is commonly known as Little Mountain and the valley immediately south of Little Mountain (hereinafter the "Property"), owned or under contract by Tooele East Ridge LLC (hereinafter "TER") (see the map of the Property, attached as **Exhibit A**); and,

WHEREAS, the Property is located within and subject to the Sensitive Area Overlay zoning regulations contained in Tooele City Code Chapter 7-12; and,

WHEREAS, on November 9, 2005, TER, with the assistance of Wilding Engineering, presented to the Tooele City pre-development committee a concept development plan (the "Original Concept"; see Exhibit A) indicating 220 residential lots on the Property, including about 25 lots on top of Little Mountain; and,

WHEREAS, the Original Concept posed numerous development and engineering challenges, such as, lot slope, building envelope, and road slope; and,

WHEREAS, on December 14, 2005, TER presented the Original Concept to the Planning Commission for discussion. TER inquired as to the Commission's feelings about developing the top of Little Mountain. The Commission expressed its desire to see the top of Little Mountain preserved. TER then presented an alternative concept proposal (the "Alternative Proposal"), which pulled the lots off of the top of Little Mountain and into the valley to the south of Little Mountain. (See the minutes of the December 14, 2005, Planning Commission meeting attached as **Exhibit B**, and the Alternative Proposal attached as **Exhibit C**); and,

WHEREAS, the Alternative Proposal includes the following assumptions: 55 acres of the 126-acre Property are undevelopable by definition due to their slope of 30% or greater (reference Tooele City Code Chapter 7-12, incorporated herein by this reference). The average slope of the Property is 19.6%. Under the Original Concept, the Property could yield up to 191 lots, based on the regulations contained in the Tooele City Code (e.g., slope). Several of these lots would be on the ridgeline of Little Mountain. Under the Alternative Proposal, TER is seeking approval for about 94 single-family lots and 54 attached single-family dwelling units, for a total of about 148 total dwelling units (these numbers will be finalized based upon the conditions more fully investigated and described in the subdivision plats and accompanying construction drawings and documents); and,

WHEREAS, Utah Code §10-9a-501 and §10-9a-503 provide for the municipal legislature to consider Planning Commission recommends for amendments to the land use ordinances and zoning map, and to approve, revise, or reject the recommended amendments; and,

WHEREAS, the City Administration recommends approval of the Alternative Concept based on the conditions imposed by the City Council, below, in part because of the benefit to the City of perpetually preserving the top and northern face of Little Mountain; and,

WHEREAS, on December 13, 2006, the Planning Commission convened a duly-noticed public hearing, received public comment, and voted to recommend approval of this Ordinance to the City Council (see the Planning Commission minutes attached at **Exhibit D**); and,

WHEREAS, the City Council recognizes that hills, mountains, and ridgelines are one of Tooele City's most outstanding (and most vulnerable) natural assets, and formulate part of the history, heritage, and image of the City, and are therefore of paramount importance to preserve. Because the City has no regulations prohibiting the development of ridgelines, hilltops, and mountaintops, the City Council finds that preservation of the top and north slope of Little Mountain through operation of a PUD is in the best interest of the City; and,

WHEREAS, the City Council finds that, subject to the reasonable and appropriate conditions outlined below, the proposed PUD overlay rezone is consistent with the General Plan and not adverse to the best interest of the City; and,

WHEREAS, because the City is under no obligation to approve a PUD, it is appropriate for the City to require TER to comply with the conditions listed below:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that

1. The Tooele City Zoning Map is hereby amended to indicate that the Property shown in **Exhibit A** is rezoned from the R1-7 zoning district to a PUD, the underlying zone of which shall remain R1-7; and,
2. Conditions: As express conditions to the City's approval of this Ordinance 2006-14 and the Zoning Map amendment approved thereby, TER is hereby required to do all of the following at no cost to Tooele City:
 - a. Slope Regulation: comply with City Code §7-12-1 *et seq.* with regard to the construction of all primary and accessory buildings, the installation of all roads, and the making of all cuts, fills, other grading, and walls.
 - b. Slope Analysis: provide a geotechnical slope analysis evaluating issues of slope stability and structure bearing capacity for all portions of the Property covered by lots.
 - c. Slope Mapping: provide a detailed Property slope map with contour lines no greater than one-foot.
 - d. Site Grading: provide an engineered site grading plan for each lot using one-foot contour intervals for existing and final grades.
 - e. Development Pad: each lot shall have a minimum 5,000 square-foot

development pad, not including required minimum setbacks (e.g., 5,000 contiguous square-feet of land with a slope of less than 20%).

- f. Lot Setbacks: minimum front, side, and rear setbacks shall be as follows due to the unique circumstances of the Property, including steep slopes and extensive power line easements that decrease the buildable sites:
 - Condominiums: 25 feet front; 20 feet rear; 6 feet side;
 - Single-Family Lots: 25 feet front; 20 feet rear; 12 feet side.
- g. Lot Size: each lot shall be a minimum of 7,000 square feet.
- h. Private Road Maintenance: provide for perpetual maintenance of all non-City-owned access roads by a duly organized homeowner's association.
- i. Building Height: no structure shall exceed the height of the ridgeline of Little Mountain at any point directly north of the structure.
- j. Road Access to Existing Homes and Public Utility Facilities: preserve the existing road access of nearby existing houses and public utility facilities or provide alternate access to said houses and facilities in a manner acceptable to the house owners and the City.
- k. Water Rights: convey to the Tooele City Water Special Service District municipal water rights (i.e., allowing 100% depletion) pursuant to Tooele City Code 7-26, as amended, at the time of subdivision plat approval, and bear the cost and burden of the State of Utah change application processes.
- l. Water Infrastructure: design, construct, and convey to the City a water booster station (complete with backup generator power), reservoir, transmission lines, and associated infrastructure and facilities to standards and specifications determined by the City as reasonably required for the Property and for the Canyon Rim subdivision. The City may require that the culinary water facilities be upsized by TER in order to adequately serve adjacent areas. Said upsizing may be eligible for reimbursement pursuant to Tooele City Code §7-19-13, as amended.
- m. Storm Water: detain and/or retain on-site storm water generated from the Property over and above the volume of storm water historically generated from the Property, but in no case allow more than 0.1 cfs/acre off-site discharge for the 10-year design return storm event, or more than 0.2 cfs/acre off-site discharge for a 25-year design return storm event, whichever is less. Survey a storm water easement across City property at a location and to specifications determined by the City. All detention areas shall have perpetual maintenance by a duly organized homeowner's association.
- n. Covenants, Conditions, and Restrictions: record covenants, conditions, and restrictions (CCRs), designed to increase and protect the long-term value of the Property and its residential units, as part of the first subdivision final plat approval by the City Council for the Property.
- o. Design Guidelines: comply with multifamily residential development design standards and single-family design guidelines, established in Tooele City Code Chapters 7-11a and 7-11b, respectively, and §7-12-4(3), as amended.
- p. Tooele City Regulations: The Owner shall comply with all other Tooele City regulations, whether established by ordinance or policy, including the

payment of impact fees. All public improvements shall be designed and construction to standards and specifications determined by the City.

- q. Double-frontage Lots: provide for the installation and perpetual maintenance, by a duly-organized homeowner's association, of the public improvements (e.g., sidewalks, park strip landscaping) and certain private improvements (e.g., privacy fencing), as required by the Planning Commission and City Council, on the rear property lines of all lots that abut a public right-of-way on two or more sides, excepting corner lots.
- r. Conservation Easement: convey to Tooele City Corporation a conservation easement (Easement) for all portions of the Project identified in the Preliminary Plan and Exhibit A as perpetual open space. The Easement shall be in a form acceptable to the City Attorney and shall restrict all uses that would alter the Easement property from its condition as of the time of approval of this Ordinance 2006-14. Prohibited uses within the Easement shall include the construction of above-ground structures, with the exception of park benches and gazebos that do not exceed the height of the Little Mountain ridgeline at any point directly north or south of the benches or gazebos, the operation of motorized vehicles other than vehicles necessary to maintain the Easement and the uses expressly allowed by the Easement, fires, excavation (other than for allowed uses), the discharge of firearms, and other reasonable prohibitions deemed appropriate by the City and TER. Allowed uses within the Easement shall include non-motorized activities, such as, walking, hiking, horse riding, picnicking, underground structures owned by Tooele City Corporation or the Tooele City Water Special Service District deemed necessary by the City or the District for public utility purposes, provided that the Easement property be restored to its pre-construction condition, and other reasonable allowances deemed appropriate and consistent with the conservation purposes of the Easement by the City and TER. Allowed uses shall also include those uses existing as of the date of approval of this Ordinance 2006-14, namely, electric power facilities, the lighting of an annual holiday structure in the form of an evergreen tree, and existing telecommunications facilities (towers, antennae). Use of non-motorized bicycles shall be allowed only on established trails. *The Easement shall be completed and recorded prior to or concomitant with the recordation of a East Ridge PUD subdivision phase 1 final plat.*
- s. Conservation Easement Maintenance: the Easement shall be maintained in perpetuity by the PUD homeowner's association (Association), and the recorded articles of the Association shall expressly so provide. The Association articles shall also grant to Tooele City Corporation the authority and power to enforce the Easement and the maintenance of the Easement in the event the Association fails to do so in a manner acceptable to the City. The Association dues/fees shall include an adequate Easement maintenance component, determined by the Association.
- t. Conservation Easement Road Access: provide and maintain a controlled (i.e., gated and locked) road access to the Easement property, acceptable

to the City, for purposes of maintaining the Easement and facilitating the Easement's allowed uses. The gate shall be controlled by the City, the District, and the Association (or assignee).

3. Recordation: this Ordinance shall be recorded in the Office of the Tooele County Recorder within thirty (30) days of approval by the City Council.
4. Rational Basis: the City Council hereby finds that the above-described express conditions to the approval of this Ordinance 2006-14 are reasonable and necessary to serve, protect, and preserve the health, safety, and welfare of Tooele City and its residents, including future residents of the Property.
5. No Vesting: approval of this Ordinance 2006-14, together with its Exhibit C, shall not be construed to imply or constitute any vesting or entitlement as to intensity of use (i.e., density) or configuration (i.e., lots, roads).

This Ordinance is necessary for the immediate preservation of the peace, health, safety, or welfare of Tooele City and shall become effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

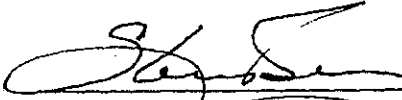
IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council
this 7 day of February, 2007.

TOOELE CITY COUNCIL

(For)

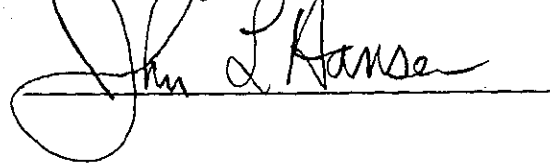
(Against)









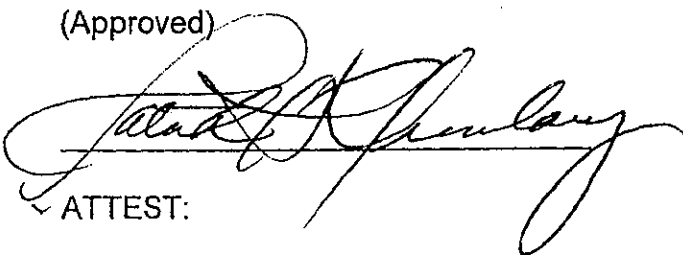


ABSTAINING: _____


MAYOR OF TOOELE CITY

(Approved)

(Disapproved)



✓ ATTEST:


Sharon Dawson, City Recorder

SEAL



Approved as to Form:



Roger Baker, Tooele City Attorney

Exhibit 4

Tooele Area Open Space Potential: 2009

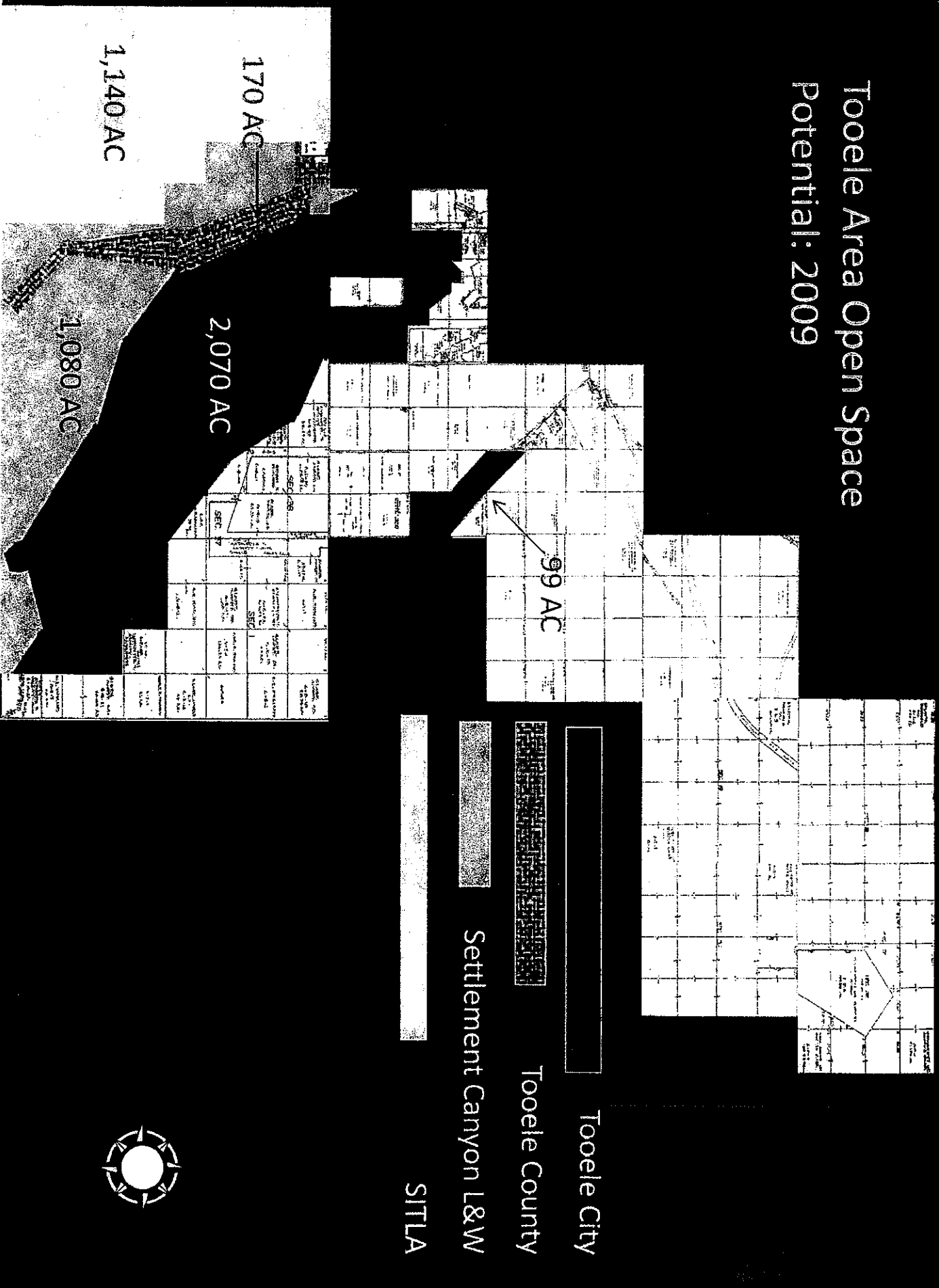
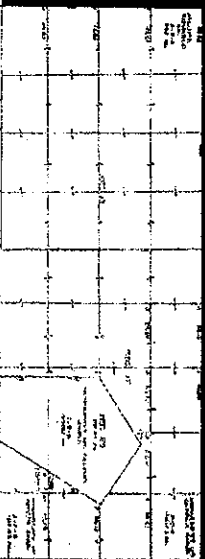
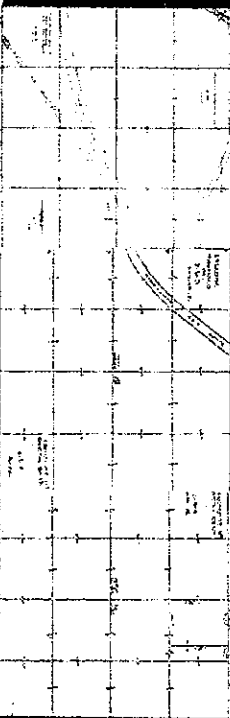
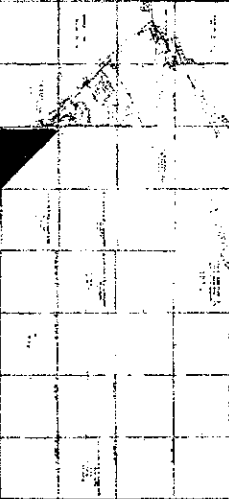
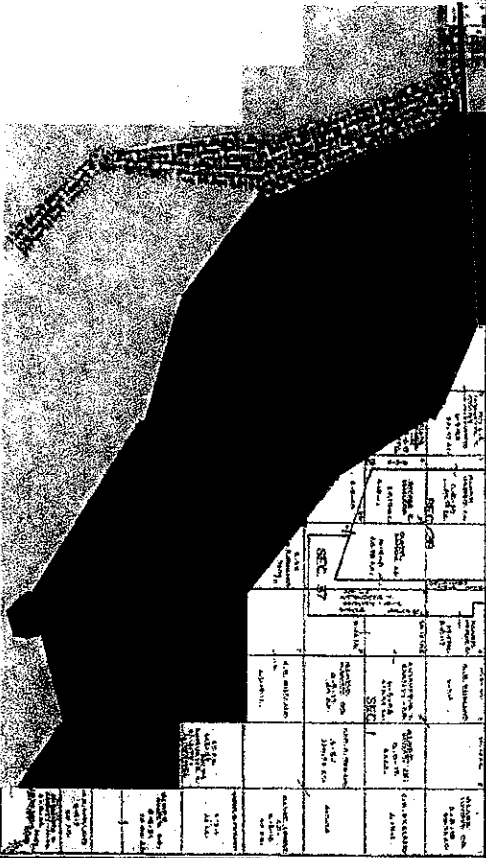
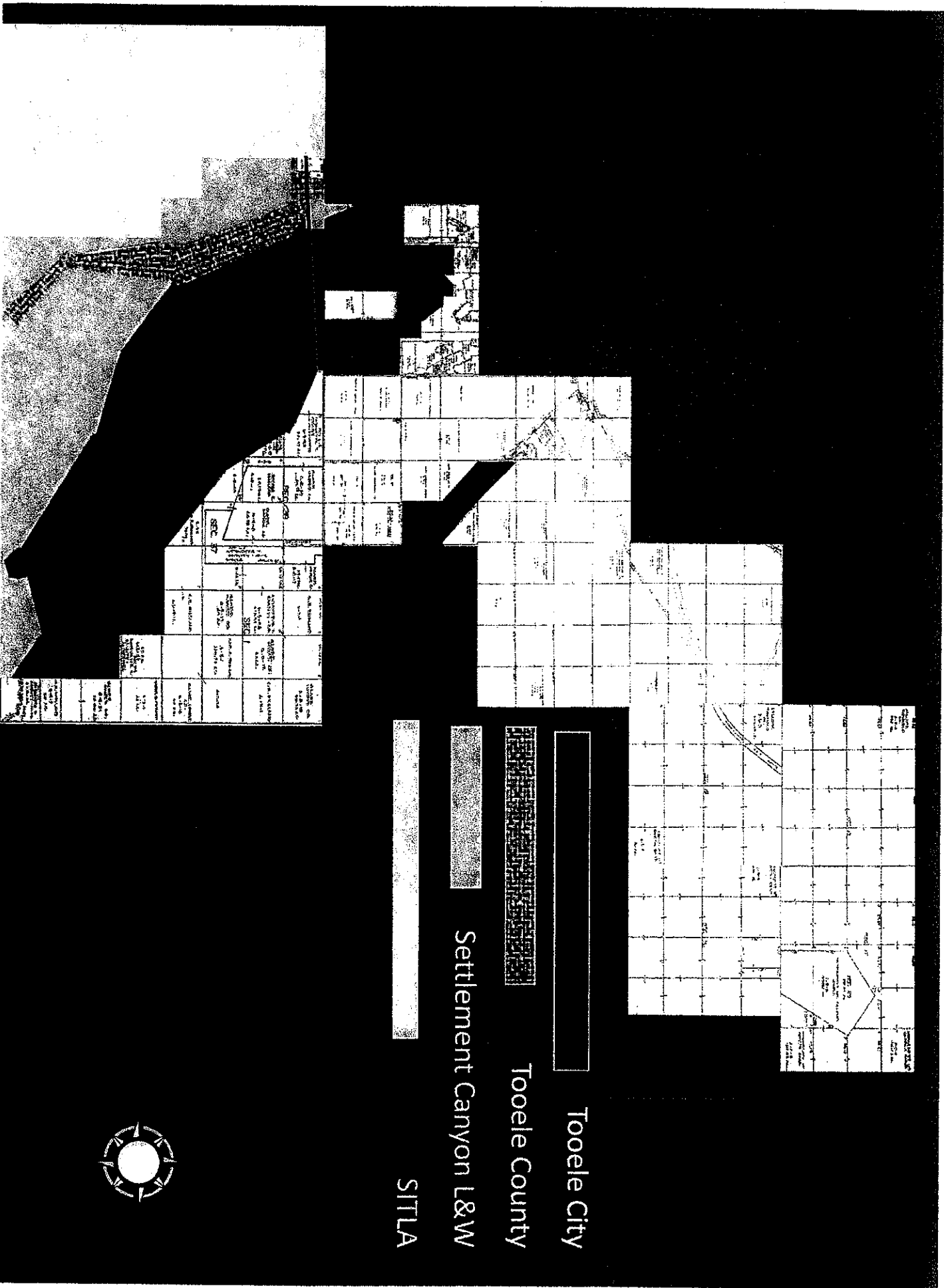


Exhibit 5



Tooele City

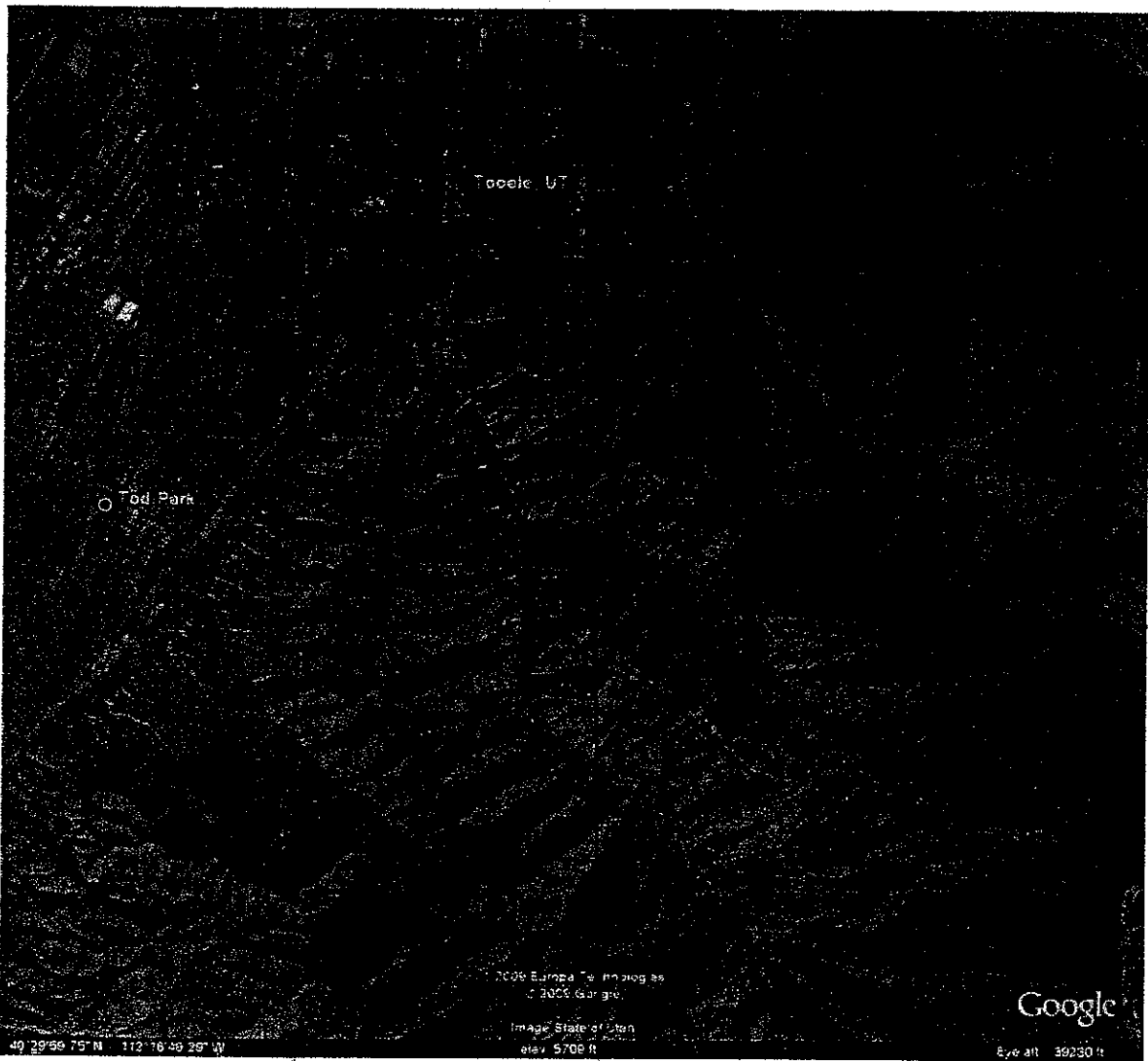
Tooele County

Settlement Canyon L&W

SITLA



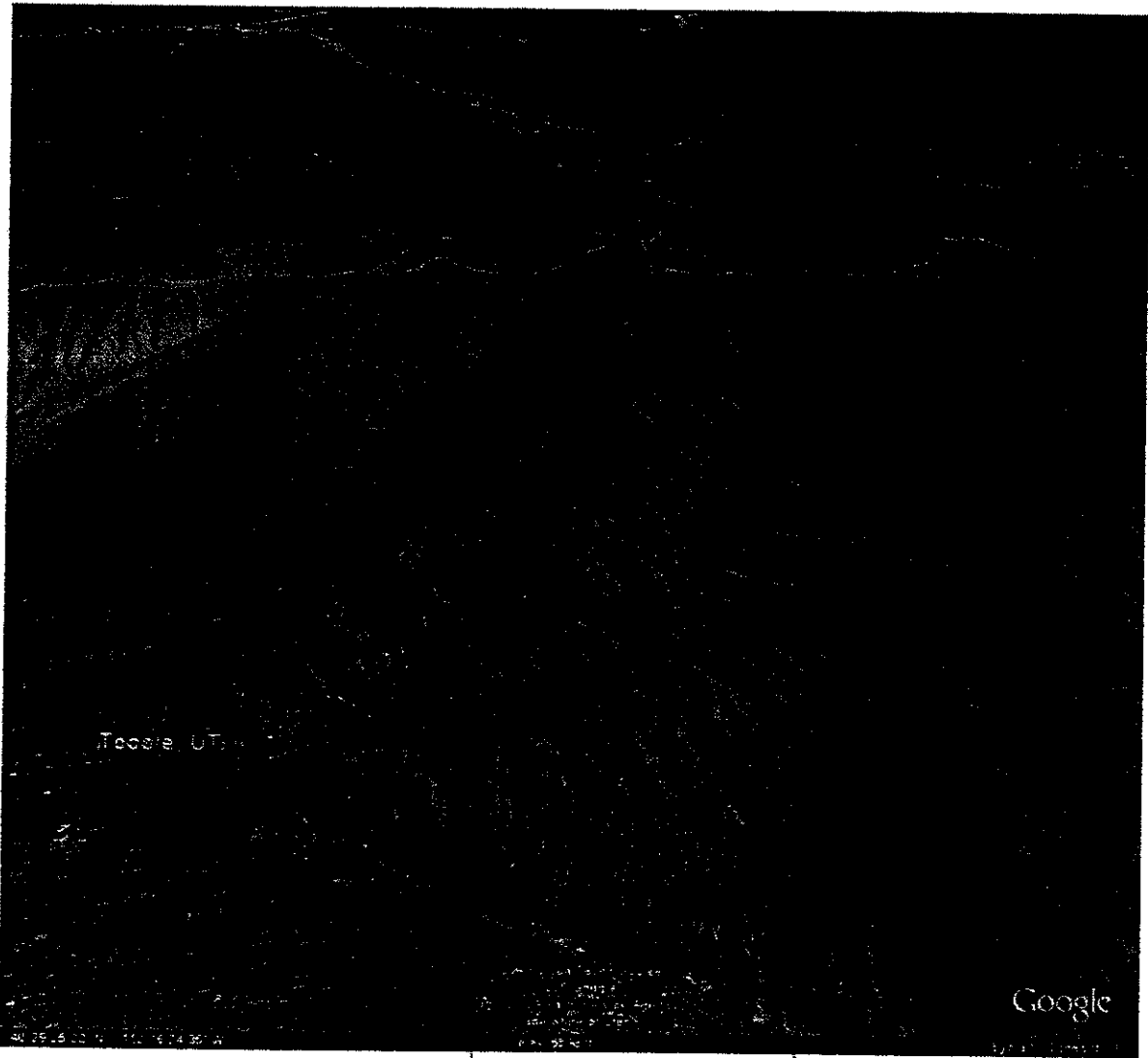
Exhibit 6



→ Tooele
City
Springs

Tooele City Property

Transmission Line



Transmission Line

Tooele City Property

Exhibit 7

CHAPTER 12. SENSITIVE AREA OVERLAY REGULATIONS

7-12-1. Short title.

7-12-2. Purpose.

7-12-3. Definitions.

7-12-4. Scope and application.

7-12-5. Density and lot size.

7-12-6. Lot coverage, usable area and flag lots.

7-12-7. Development standards.

7-12-8. Review and approval procedure.

7-12-1. Short title.

This Chapter shall be known as the "Sensitive Area Overlay Ordinance." (Ord. 94-28; 05/24/94)

7-12-2. Purpose.

(1) This Chapter shall provide standards, guidelines and criteria having the effect of minimizing flooding, erosion and other environmental hazards and protecting the natural scenic character of the hillside areas. It is deemed in the public interest that scattered conversion of open space to developed uses be controlled and the resultant adverse impacts of development, conversion, and destruction of natural habitats be prevented and mitigated.

(2) The standards, guidelines and criteria established by this Chapter are intended to accomplish the following:

(a) protection of the public from natural hazards of storm water runoff and erosion by requiring drainage facilities and minimal removal of natural vegetation;

(b) minimization of the threat and consequential damages of fire in hillside areas by establishing fire protection measures;

(c) preservation of natural features, wildlife habitat and open space;

(d) preservation of public access to mountain areas and natural drainage channels;

(e) retention of natural topographic features such as drainage channels, streams, ridge lines, rock outcroppings, vistas, trees and natural plant formations;

(f) preservation and enhancement of visual and environmental quality by use of natural vegetation and the prohibition of excessive excavation and terracing;

(g) assurance of an adequate transportation system for the total hillside area to include consideration of the approved City Master Street Plan by considering densities and topography with minimal cuts, fills or other visible scars;

(h) establishment of on-site and off-site traffic

facilities that ensure vehicle ingress and egress, also for emergency vehicles, into all developed areas at any time;

(i) encouragement of a variety of development designs and concepts that are compatible with the natural terrain of the sensitive areas and which will preserve open space and natural landscape;

(j) establishment of land use management criteria that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment;

(k) encouragement of location, design and development of building sites to provide maximum safety and human enjoyment while adapting the development to the best use of the natural terrain; and

(l) encouragement of a regard for the view of the hillsides as well as a view from the hillsides. (Ord. 94-28; 05/24/94)

7-12-3. Definitions.

As used in this chapter:

(1) "Average slope" means and is determined by the use of the following formula:

$$S = \frac{.00229 (I) (L)}{A}$$

where:

S = average slope of the site before development or construction;

A = total number of acres in the parcel;

L = summation of the length of all contour lines in feet;

I = contour interval in feet.

Average slope of a development site need not include the acreage (A) having a slope greater than 30 percent. If such areas are excluded, they shall not be included as part of the development site for purposes of determining the number of dwelling units allowed.

(2) "Building height in sensitive area overlay zone" means the height on that face of the building with the greatest vertical distance, as measured from the elevation of the established ground at its lowest existing point at the building wall line, to the highest point of the building on that face, whether the point is on a ridgeline, parapet, gable, coping or other architectural member of, or on, any type of roof. Where a structure is stepped or terraced, each stepped segment may be measured separately and may conform to the height restriction as a separate entity, provided that all measurements are taken from the established ground elevations of each segment. Chimneys may exceed the limitations to the extent necessary to allow for proper functioning and fire safety.

(3) "Development site" means and includes the

total perimeters of:

- (a) a subdivision;
- (b) a residential planned unit development; and
- (c) a tract, lot or parcel of land intended to be used as a commercial, public, quasi-public, utility or other building site.

(4) "Gross acreage" means the total area of the development, including all rights-of-way and other nonresidential uses.

(5) "Impervious materials" means any surface material which does not allow for the natural percolation of water into the soil, including roofs, concrete patios, concrete or asphalt driveways, tennis and play courts of concrete or similar material.

(6) "Institutional buildings" means churches, schools, hospitals, public and quasi-public buildings, and similar buildings.

(7) "Natural vegetation" includes orchards, trees, shrubs, lawn, grass and perennial growth.

(8) "Net residential acreage" means all land within a development site devoted exclusively to a residential use.

(9) "Open space" means that land designated and approved as open space on the development site plan.

(10) "Usable land" means that contiguous parcel of natural land and/or compacted or fill, as permitted by this ordinance or the International Building Code, included within the lot, no part of which has a slope exceeding 30 percent.

(11) "Undevelopable areas" in sensitive area overlay zone means steep or unstable slopes as determined by this Chapter.
(Ord. 2004-15, 10-20-04); (Ord. 94-28; 05/24/94)

7-12-4. Scope and application.

(1) The provisions of this Chapter shall apply to all lands in Tooele City which lie within the area designated as the Sensitive Area Overlay Zone as shown in Figure 1. Regulations of this Chapter may apply to areas outside of the mapped overlay zone if the city engineer determines that environmental conditions of the subject area qualify them as sensitive areas. Figure 1 shall thereafter be amended to include such areas in the Sensitive Area Overlay Zone. All approved subdivision plats that lie within the Sensitive Area Overlay Zone shall be recorded and shown on the lots.

(2) This Chapter makes additional provisions to those set forth elsewhere in Title 7 of the Tooele City Code, as amended. In the event of conflict between the existing zoning classification, building code, or subdivision ordinance and the overlay zone, the most restrictive provision shall apply.

(3) The provisions of this Chapter shall have no application to any development or other construction project which has been granted preliminary approval prior to the effective date of this Chapter.

(4) In the Sensitive Area Overlay Zone, no property shall be used and no building shall be erected or altered so as to be arranged, intended or designed to be used for a purpose other than those permitted in the base district classification. (Ord. 94-28; 05/24/94)

7-12-5. Density and lot size.

(1) Lots within the Sensitive Area Overlay Zone shall comply with the following:

(a) Minimum lot size. Each lot or parcel of land shall abut a public street for the minimum distances identified herein on a line parallel to the center line of the street or a distance of 35 feet along the circumference of a cul-de-sac improved to City standards.

Average Slope of

<u>Development Site</u>	<u>Minimum Lot Size</u>	<u>Minimum Lot Width</u>
0 - 15%	12,000 sq. ft.	80 feet
15.1 - 20%	16,000 sq. ft.	100 feet
20.1 - 30%	20,000 sq. ft.	120 feet

(2) Undevelopable areas. Undevelopable areas shall be identified on the subdivision plat.

(3) Building height.

(a) No building or structure, except chimneys, standard television antennas, church steeples and flagpoles, shall exceed 28 feet in height, measured directly vertically above the established ground.

(b) The front and rear vertical exterior building walls shall not exceed 25 feet from the established ground, except for roof-gable ends constructed into one front yard on a corner lot as permitted in Subsection (3)(c)(i) which may be 28 feet above the established ground.

(c) The interior design of any building may include livable space on more than two floors. The exterior of the building shall not appear to have more than two livable stories on any single building step. Dormers, mansards or other similar design features indicating a third living level are prohibited except for the following:

(i) windows in roof-gable ends which face onto a side yard or, in the case of corner lots, only one of the front yards; and

(ii) dormers and gables on the uphill vertical walls of the building, if the uphill walls appear, from uphill, to consist of only one other above grade level and the dormer or gable is not constructed within four feet of the side wall of the building;

(iii) basements.

(d) Buildings may be stepped to accommodate the slope of the terrain, provided that each step shall be at least twelve feet in horizontal dimension.

(e) Without being construed as altering the established ground or any heights measured therefrom, up to four feet of fill may be used in order to bring the exposed portion of the lower level of an exterior wall of

a building within the definition of a basement when the majority of the lower level already complies with the definition of a basement.

(f) The board of adjustment may, as a special exception, approve a permit to exceed the maximum building height. To grant a permit, the board must find the proposed plan:

(i) is a design better suited for the site than can be achieved by strict compliance; and

(ii) satisfies all of the following criteria:

(A) The topography of the lot presents difficulties for construction when the foothill height limitations are applied.

(B) The structure has been designed for the topographic conditions existing on the particular lot.

(C) The impact of additional height on neighboring properties has been identified and reasonably mitigated.

(g) In making the considerations of Subsection (f), the board can consider the size of the lot upon which the structure is proposed.

(h) The burden of proof is upon the applicant to submit sufficient data to persuade the board of adjustment that the criteria of Subsection (f) have been satisfied.

(i) The board of adjustment may deny an application for a permit for a special exception under any of the following circumstances:

(i) if the architectural plans submitted are designed for structures on level, or nearly level ground, and the design is transposed to hillside lots requiring support foundations such that the structure exceeds the limits of this overlay zone;

(ii) if the additional height can be reduced by modifying:

(A) the design of the structure such as by stepping or terracing, or

(B) the placement of the structure on the lot;

(iii) if the additional height will impair the views from adjacent lots, and the impairment can be avoided by modification;

(iv) if the proposal is not in keeping with the character of the neighborhood. (Ord. 94-28; 05/24/94)

7-12-6. Lot coverage, usable area and flag lots.

(1) Building Site Requirements.

(a) Each lot or parcel of land shall contain a primary building site appropriate to accommodate the primary structure, and must be in compliance with all applicable setbacks, side yards and rear yards. The ability of each lot to support such a building pad shall be shown by displaying an exemplar of such a building lot on all preliminary and final subdivision plats.

(b) Single family dwelling structures shall be located only upon areas constituting usable land, which area shall be fully contiguous and at least 5,000 square feet in size.

(c) Grading of the lot or parcel which is related to creation of the primary building site or construction of the structure shall not extend more than 30 feet horizontally, in front, to the rear or to the side of the proposed structure unless a greater distance is approved by the planning commission upon a showing by the developer that a greater distance will not be contrary to the purposes of this chapter.

(f) The primary building site shall have a natural or man-made slope of 20 percent or less.

(g) Building sites for accessory buildings or structures such as tennis courts, swimming pools, and outbuildings shall be approved by the planning commission.

(h) Driveways to the building site shall have a maximum slope of twelve percent and shall have direct access to a public street.

(2) Flag Lots. In order to encourage the more efficient use of land, flag or L-shaped lots may be allowed subject to the following conditions:

(a) A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof.

(b) The staff portion of said lot shall front on and be contiguous to a dedicated public street. The minimum width of the staff portion of flag lots shall be 12 feet and the maximum length shall be 220 feet unless otherwise approved by the planning commission and fire department.

(c) No building or construction, except for driveways, shall be allowed on the staff portion of said lot unless the minimum width thereof is the same or greater than the minimum width for a lot as allowed in the underlying zone. Excluded from this provision are entrance features and street lights.

(d) The front side of the flag portion of said lots shall be deemed to be that side nearest to the dedicated public street or private street upon which the staff portion fronts.

(e) The staff portion of said lots shall be deemed to end and the flag portion of said lots shall be deemed to commence at the extension of the front lot line.

(f) The square footage located in the flag portion of said lot, which shall be exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage as required in the underlying zone.

(g) The side and rear yard requirements of the flag portion of said lots shall be as required in Subsection (3).

(h) The minimum front setback requirements

for all buildings shall be 30 feet, excluding the staff, from the front lot line of the flag portion thereof. Setbacks shall be those of the underlying zone.

(i) No more than two flag lots may be served by one staff portion of said lots.

(j) All flag lots in the development site shall be approved in the site plan by the planning commission.

(k) The maximum number of flag lots in the development site shall be not more than 20 percent of the total number of lots within the development site. Under unusual circumstances, the planning commission may allow for more.

(l) Figure 2 is an example of a "flag lot" and is included herein to illustrate the concept of "flag" or "L-shaped" lots.

(3) Setbacks, yards and buildable space requirements. Any buildings constructed in the Sensitive Area Overlay Zone after the effective date of this ordinance shall be required to maintain minimum side yard widths of 20 feet on each side and a rear yard minimum of 40 feet, except as modified as follows:

(a) Location of a dwelling structure shall not be within an average of 20 feet, no point being closer than ten feet, of a continuous hillside slope, either up or down, of 30 percent or greater. The engineering department may require greater setbacks from the slopes based on unusual circumstances.

(b) Single family dwelling structures shall be set back no further than 250 feet from a public or private street.

(c) All other buildings, including clustered single family, multi-family, commercial, institutional, and accessory structures shall be located upon usable land, as may be determined through site plan review.

(4) Maximum Impervious Material Coverage. The maximum impervious material coverage that shall be allowed upon lots upon which single family dwelling units are located shall be 30 percent of the total lot area or 5,000 square feet, whichever is smaller, including accessory buildings, patios, and driveways; provided, however, that the maximum impervious material coverage may exceed 30 percent or 5,000 square feet

upon review and approval by the planning commission. The maximum impervious material coverage that shall be allowed for multi-family dwellings, commercial and institutional structures shall be determined during site plan review. (Ord. 94-28; 05/24/94)

7-12-7. Development standards.

(1) Scope. It is intended that the development standards and provisions as set forth in this section shall be required in connection with all building and construction in the Sensitive Area Overlay Zone. The following information shall be submitted to the engineering office before city staff may approve a building permit:

(a) Submittal by the applicant of a geotechnical report that establishes:

- (i) the depth of virgin soil below grade;
- (ii) soil compaction and stability; and
- (iii) rock fall and debris flow potential.

(b) Submittal by the applicant of a site plan to include the following information:

- (i) home location;
- (ii) contour lines at two-foot intervals;
- (iii) retaining walls, if determined necessary by the Tooele City engineering department; and
- (iv) vegetation types and locations.

(c) The site plan shall be accompanied by a cross-section showing the information required in this subsection and driveway slope and slope percentage for each change in slope.

(2) The planning commission may waive any reports and plans it determines are not necessary to determine whether the project meets the requirements of this chapter.

(3) Geotechnical report. The geotechnical report shall be prepared by a qualified engineer, and must contain at least the following information:

- (a) slope analysis;
- (b) an estimate of the normal highest elevation of the seasonal high-water table;
- (c) the location and size of swamps, springs and seeps, which shall be shown on the site plan, and the reasons for the occurrence of these underground water sources. An analysis of the vegetative cover or other surface information may be used to show the presence of underground water.

(4) Drainage and Erosion. The area of the watershed shall be used to determine the amount of storm water runoff generated before and after construction.

(a) The "Rational Method" or other method as approved by the city engineer shall be used in computing runoff. The basic formula for the "Rational Method" is:

- Q = CIA in which:
 Q = Runoff in cubic feet per second (c.f.s.)
 C = Coefficient of runoff or the portion of storm water which runs off a given area. The following ranges for C value are typical examples. The actual C value used shall be approved by the city engineer.

<u>Type of Development</u>	<u>Runoff Coefficient</u>
Industrial & Commercial	.80 - .90
Residential	.30 - .40
Parks	.15 - .24
Agricultural	.10 - .20

I = Average rainfall intensity during time of concentration for a 25 year return period in inches per hour. The time of concentration shall be defined as the time required for water to flow from the most remote point of the section under consideration.

A = Drainage area in acres.

(b) Lots shall be arranged to ensure adequate setbacks from drainage channels. The 100 year storm shall be that basis for calculating setbacks. No structures shall be allowed in the 100 year flood plain.

(c) Facilities for the collection of storm water runoff shall be constructed on development sites according to the following requirements:

(i) Such facilities shall be the first improvement or facilities constructed on the development site, with the exception of sewer and water lines.

(ii) Such facilities shall be designed so as to detain safely and adequately the maximum expected storm water runoff for a 25 year storm, not to exceed .2 cubic feet per second per acre or at a low rate before construction, whichever is less, on the development site, for a sufficient length of time so as to prevent flooding and erosion during storm water runoff flow periods.

(iii) Such facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of a fill.

(iv) The existing natural drainage system will be utilized, as much as possible, in its unimproved state.

(v) Where drainage channels are required, wide shallow swales lined with appropriate vegetation shall be used instead of cutting narrow, deep drainage ditches.

(vi) Flow retarding devices such as detention ponds and recharge berms shall be used where practical to minimize increases in runoff volume and peak flow rate due to development. Areas which have shallow or perched groundwater or areas that are unstable must be given additional consideration.

(d) Construction on the development site shall be of a nature that will minimize the disturbance of

vegetation cover, especially between December 1 and April 15 of the following year.

(e) Erosion control measures on the development site shall be required to minimize the increased solids loading in runoff from such areas. The detailed design system to control storm water erosion during and after construction shall be contained in the Grading and Drainage Report.

(5) Vegetation and Revegetation.

(a) Vegetation shall be removed only when absolutely necessary, i.e., for buildings, filled areas, roads, and firebreaks. Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, i.e., cut-and-fill slopes. Vegetation sufficient to stabilize the soil shall be established on all disturbed areas, including lots which may be subject to future grading, as each stage of grading is completed. Areas not contained within lot boundaries shall be protected with adapted fire-resistant species of perennial vegetative cover after all construction is completed.

(b) All areas on development sites cleared of natural vegetation in the course of construction of public improvements shall be replanted with revegetation which has good erosion control characteristics.

(c) New planting shall be protected with mulch material and fertilized in conjunction with the planting and watering schedule.

(d) Installation of all required landscaping shall begin no later than one month after the date that the main structure on the property is ready for occupancy.

(e) Vegetation shall be planted in all disturbed areas only during March 15 through May 15 and September 15 through October 31. If irrigated, planting may be done during summer months.

(f) Vegetation shall be a mixture of plant materials; i.e., trees, shrubs, grass, and forbs. Native plant materials are preferred.

(g) Landscaping shall be substantially completed within nine months after the date the primary structure is ready for occupancy.

(h) Front yards and side yards shall be completely landscaped except for driveways, walkways and on-grade patios.

(i) All other areas disturbed during construction shall be either landscaped or revegetated to a natural state.

(j) Lawns or gardens are prohibited in the undevelopable areas. Native plant species in undevelopable areas may be enhanced by irrigation and supplemental planting as approved by the building inspector if the building inspector finds that such supplemental planting is in keeping with the natural conditions.

(k) No vegetation shall be removed on a continuous hillside, crest (upslope or downslope) or a slope 30% or greater unless otherwise determined by the planning commission upon recommendation of the engineering department for uses such as trails and open space improvements. Any revegetation of such a hillside shall have the approval of the engineering department.

(l) Topsoil removed during construction shall be conserved for later use on areas requiring vegetation or landscaping; i.e., cut and fill slopes.

(m) All disturbed soil surfaces shall be stabilized or covered prior to the first day of November. If the planned impervious surfaces such as roads and driveways cannot be established prior to November 1st, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.

(n) The property owner and/or developer shall be fully responsible for any destruction of native or applied vegetation identified as necessary for retention and shall be responsible for such destroyed vegetation. They shall carry the responsibility both for employees and subcontractors from the first day of construction until the final acceptance of improvements. The property owner and developer shall replace all destroyed vegetation with varieties of vegetation approved by the planning commission. The property owner shall assume co-responsibility with the developer upon purchase of the lot.

(Ord. 98-33-B, 10-07-98)

(6) Geology.

(a) No structures shall be built on any zones of deformation with respect to active faults that the City has identified. Public improvement design will be approved by the planning commission.

(b) No structures or public improvements shall be allowed on any active landslide area.

(c) Problems associated with development on or near perched ground water and shallow ground water must be mitigated in a manner as approved by the planning commission.

(d) No structures shall be allowed in any rockfall zone. Public improvements may be allowed through special approval by the planning commission.

(Ord. 98-33-B, 10-07-98)

(7) Geology report.

(a) A geology report shall be prepared by a person or firm qualified by training and experience to have expert knowledge of the subject. A geologic map shall accompany the report. Mapping should reflect the rock composition, structural elements, and surface and subsurface distribution of the earth materials exposed or inferred within both bedrock and surficial deposits. A clear distinction should be made between observed and inferred features and/or relationships.

(b) The report shall contain at least the following:

(i) location and size of subject area and its

general setting with respect to major geographic and geologic features;

(ii) identification, including author and date, of the geologic mapping upon which the report is based;

(iii) topography and drainage in the subject area;

(iv) abundance, distribution and general nature of exposures of earth materials within the area;

(v) nature and source of available subsurface information;

(vi) estimated depth to bedrock;

(vii) bedrock: igneous, sedimentary, metamorphic types;

(viii) structural features, including stratification, stability, folds, zones of contortion or crushing, joints, fractures, shear zones, faults and any other geological limitations;

(ix) conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and recommendations covering the adequacy of sites to be developed;

(x) a written statement by the person or firm preparing the geology report identifying the means proposed to minimize hazard to life or property, adverse effects on the safety, use or stability of a public right-of-way or drainage channel, and adverse impact on the natural environment.

(8) Fire Protection.

(a) Lots shall not be allowed or approved where the static water pressure from the City water system serving the proposed lot or lots is less than 40 pounds per square inch or where fire flow as specified in the International Fire Code is not met.

(b) Areas without a recognized water supply shall meet special requirements, on an individual basis as required by the planning commission.

(c) In lieu of adequate water pressure, single-family dwelling structures shall have installed at the time of construction and continuously maintained, a pressure interior fire protection sprinkling system that complies with the minimum standards of the International Building Code and the International Fire Code, or be constructed with a higher type of fire-resistive construction as approved by the City building official.

(d) Fire hydrants shall be installed at the expense of the property owner and shall be connected by a six inch water line from the water main. The hydrant shall be located in accordance with the International Fire Code. Fire hydrants shall be located on all required access roads or driveways as required by Tooele City and shall be located within five feet of the required access road or driveway. If in the opinion of the city engineer, fire hydrants are vulnerable to vehicular damage, appropriate crash posts shall be required. No obstruction shall exist within a three-foot

working area of each fire hydrant. Required crash posts shall be a four inch concrete filled pipe, having a minimum of three feet in height above grade, with two feet of pipe below grade set in concrete. Hydrant shut-off valves shall be located no closer than five feet from the hydrant and no further than 20 feet.

(e) The property owner shall grant unto the City an easement along the court and full width of the access road or driveway permitting access to City emergency and service vehicles and inspection personnel. In addition, the property owner shall grant unto the City a utility easement extending from the public street to the fire hydrant and having a minimum width of 20 feet for the purpose of use, operation, maintenance and repair of such hydrants and water line.

(f) Each development site and building permit for private lots, flag lots, and lots where the front setback is greater than 50 feet shall be reviewed by the fire department to see that it complies with the International Fire Code, Access Roadways for Fire Apparatus.

(g) Structures shall not be located farther than 200 feet from the nearest public street as measured from the public street along the center line of the driveway to the nearest point of the dwelling. The planning commission may grant an exception to such requirement but in no event shall such exception be granted beyond 500 feet from the public street as measured along the center line of the driveway.

(h) Spark arresters shall be installed in every fireplace constructed indoor or outdoor. Screen openings in such arresters shall not be in excess of 1/4 inch diameter.

(i) Development adjacent to public lands shall provide access for fire protection vehicles and equipment.

(9) Grading, Cuts and Fill.

(a) A grading and drainage plan shall be prepared by a professional engineer registered in the state. The plan must be sufficient to determine the erosion-control measures necessary to prevent soil loss during construction and after project completion.

(b) Grading and other surface-disturbing activities are prohibited in all undevelopable areas within the lot or the subdivision. Prior to any grading or other surface-disturbing activity on the property, the undevelopable areas shall be clearly delineated by temporary fencing or flagging. Any flagging stakes used to delineate undevelopable areas shall be a minimum of four feet above grade and no more than eight feet apart.

(c) No grading shall be permitted prior to the issuance of a building permit. The established ground of any lot shall not be raised or lowered more than four feet at any point for the construction of any structure or improvement, except:

(i) within the buildable area, established ground may be raised or lowered a maximum of six feet by grading or retaining walls; and

(ii) as necessary to construct driveway access from the street to the garage or parking area, grade changes and/or retaining walls up to six feet from the established ground may be permitted.

(d) Exposed unstable surfaces of an excavation or fill shall not be steeper than one vertical to two horizontal.

(e) All permanent fill shall be located so that settlements, slidings, or erosions shall not damage or cover streets, curbs, gutters, sidewalks or buildings.

(f) The top and bottom edges of slopes caused by an excavation or fill up to ten vertical feet shall be at least three horizontal feet from the property line or public right-of-way lines.

(g) The maximum vertical height of all cuts or fills shall be ten feet. Fills for slumps or other natural depressions may exceed ten feet if approved by the planning commission. Cuts and fills greater than ten feet shall have the recommendation of the engineering department.

(h) 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.

(i) No grading, cuts, fills, or terracing will be allowed on a continuous hillside, crest (upslope or downslope) or a slope of 30 percent or greater, unless otherwise determined by the planning commission upon recommendation of the engineering department.

(10) Streets and Ways. Streets, roadways and private access ways shall follow as nearly as possible the natural terrain.

(a) Roads and other vehicular routes shall not cross property having a slope greater than 30 percent unless, after review by the planning commission, it is determined that:

(i) appropriate engineering measures can be taken to minimize the impact of the cuts and fills, consistent with the purpose of this chapter; and

(ii) the environment and aesthetics of the area will not be significantly affected.

(b) The following additional standards shall apply:

(i) At least two ingress and egress routes shall be provided for each subdivision or PUD project.

(ii) If access roads are not looped, then the provided dead end access road shall meet the requirements in Figure 3.

(iii) Points of access shall be provided to all developed and nondeveloped areas for emergency and fire fighting equipment. Driveways located upon each lot extending from a public street or access road shall be a minimum of 20 feet wide. Where such roadway is adjacent to required fire hydrants, the width shall be a minimum of 26 feet within 20 feet in either

direction from the hydrant. Such required widths shall be unobstructed, including parking of vehicles, and shall have a minimum vertical clearance of 13 feet six inches.

(c) Cul-de-sacs shall not exceed 600 feet in length and shall have a turnaround with a back of curb line radius of at least 55 feet. Stub-streets that are longer than the width or length of any adjacent single lot or 200 feet, whichever is less, shall have a temporary turnaround at the end thereof.

(d) Turn-arounds shall be in accordance with the standards and specifications of the International Fire Code and in accordance with the minimum requirements of Figure 4.

(e) Centerline curvatures shall not be less than a 100 foot radius on any curved street pattern.

(f) Variations of the street design standards developed to solve special hillside visual and functional problems may be presented to the planning commission for consideration and approval. Examples of such variations may be the use of split roadways to avoid deep cuts, one-way streets, modifications of surface drainage treatments, sidewalk design, or the extension of a cul-de-sac.

(g) Development sites which are located near canyon trails will provide access to those trails. Parking areas may be required by the planning commission at trail heads.

(h) Developments adjacent to public lands shall provide for access by fire protection equipment.

(i) Property owners shall be required to identify and mark fire lanes to the satisfaction and approval of the fire chief. Signs shall be posted near the entrances of access roadways and driveways. Spacing and placing of signs shall be subject to the approval of the fire chief. Signs shall be a minimum of 17 inches by 24 inches in one inch block lettering with one-half inch stroke on a contrasting background. Signs shall read "No Parking - Fire Department Access Road."

(j) The maximum amount of impervious surface for streets and roadways shall be 20 percent of the entire development site.

(k) Any access road or driveway shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building.

(l) All streets or rights-of-way for vehicular traffic shall have a maximum grade of twelve percent.

(m) An all-weather surface capable of supporting the imposed load of fire apparatus shall be provided. If constructed of asphalt, the street or driveway shall be a minimum of two and one-half inches of asphalt over a minimum of six inches of compacted road base. If constructed of concrete, the access road or driveway shall have a minimum of five inches of concrete over a compacted road base.

(n) The street or driveway shall be maintained by the property owner or possessor of the premises in good condition and repair and with adequate snow

removal so as to provide free and uninhibited access by emergency service vehicles.

(o) Roads shall be designed to meet the City design standards.

(11) Architectural Design.

(a) Buildings proposed for construction in hillside or canyon areas within the Sensitive Area Overlay Zone shall be designed to be visually compatible with the natural beauty of the hillsides and canyons. The use of building materials in colors that will blend harmoniously with the natural settings are encouraged. Such materials as natural woods, brick in earth colors and stone are considered to be most appropriate. Roof colors should be earth tones. White, bright and reflective materials are not encouraged on roofs. Tile, slate, architectural asphalt shingles and fire-retardant wood are permitted as roofing materials.

(b) The planning commission shall review the design and specified exterior materials and colors for all structures other than single family dwellings. Building permits for such structures shall not be granted until building materials and colors have been approved by the planning commission.

(c) Innovative designs for single family dwelling units; e.g., earth-sheltered dwellings with grass roofs, etc., may be allowed after approval by the planning commission and engineering department.

(12) Mechanical equipment. Mechanical equipment including swamp coolers, air conditioning, heat pumps, vents, blowers and fans shall be screened from view or painted to match the structure color adjacent to the equipment, and shall not extend above the highest roof ridge line. Roof-mounted solar collections panels need not be screened or painted so long as they are mounted parallel to and flush with the roof slope and do not project above the ridge line of the roof segment upon which they are mounted.

(13) Satellite antennas. Satellite antennas, including receive-only antennae, shall only be constructed within the rear yard of the lot and not on any building. Satellite antennae shall be painted nonreflective black or other dark earth-tone colors. Satellite dishes shall be limited to 13 feet in overall height, including the base upon the established ground, and shall be no more than twelve feet in diameter.

(14) Exterior lighting. Floodlighting of structures is prohibited. Exterior lighting shall be architecturally integrated decorative lighting. Yard areas may be lit only with "directional" lighting and no direct light beam may impact any other property except for security lights intended to be activated only at limited times as necessary for immediate security.

(15) On-site development. The property owner shall be fully responsible for making all improvements in accordance with the development site approval.

(16) Utilities. To the maximum extent practical,

all utilities shall be placed within existing road rights-of-way and front yard setbacks. All water, sewer, electrical, telephone, cable television and other utilities shall be placed underground except that transformers, pedestals and other appurtenances which are normally located above ground in connection with the underground installations are permitted. All areas disturbed by the installation of underground utilities shall be revegetated to a natural state. Temporary or emergency utilities may be erected and maintained above ground for no more than four months.

(17) Bond. In addition to the provisions requiring the posting of a bond as set forth elsewhere in the ordinances of Tooele City, a corporate surety bond or cash bond or a letter of credit supported by a guarantee of a land title company duly licensed to do business in the State of Utah, or a bank or savings and loan association chartered by either the Controller or Currency, U.S. Treasury Department of the Department of Financial Institutions, State of Utah, may be required by the city council to guarantee the completion of revegetation projects, the stabilization of gradings, cuts and fills and constructions of storm water runoff facilities. If such bond is required, it shall be in an amount equal to the cost of construction of such projects and shall continue for one year after the completion date of such projects, improvements, or facilities.

(18) Retaining walls. All cuts and fills shall be supported where required by engineered retaining walls. No retaining wall may exceed four feet in height from the finished grade except as provided in Section 7-12-7(9)(c). In a terrace of retaining walls each four-foot vertical retaining wall must be separated by a minimum of three horizontal feet, and any six foot retaining wall must be separated from any other retaining wall by a minimum of five horizontal feet. The horizontal area between terraced retaining walls shall be landscaped with vegetation that will mature at a height equal to or greater than the height of the retaining wall immediately behind the vegetation.

(19) Fencing. All chain link fences shall be vinyl coated to blend in with the native landscaping. Walls and fences in front yards and along roadways shall not exceed a maximum of 42 inches in height. Fence construction shall comply with the fence regulations in Chapter 7, Title 2 of the Tooele City Code for setback and other requirements. (Ord. 94-28; 05/24/94)

7-12-8. Review and approval procedure.

(1) Review process standards. As an application is reviewed by the planning commission, the findings of fact shall be listed and included in all application approvals or denials. The decision along with the findings of fact shall be forwarded to the applicant within 15 days of any action.

(2) Approval by city council. Before a planned unit development, cluster subdivision, subdivision or a

commercial development is allowed within the Sensitive Area Overlay Zone, approval must be first granted by the city council.

(3) Planning commission approval. Before construction of a single-family dwelling on an individual lot not included as part of a development site or approved subdivision shall be allowed, approval must first be granted by the planning commission. The application shall contain information, plans and reports as are required by the planning commission.

(4) Application to planning commission. All applications required in this Section shall first be submitted to the planning commission for its consideration and recommendations. All site plans and/or reports shall be drawn to scale, not smaller than 1" = 100' and shall show topography at five foot intervals. With respect to site plans and/or reports drawn to scale of 1" = 50', said site plans and/or reports shall show topographical contours at two foot intervals.

(5) Engineering calculations made available to the city. All engineering calculations performed and acquired pursuant to the provisions of the ordinances of Tooele City shall be made available to the city engineer as a part of the review and approval process. The city engineer shall then have access to the said engineering calculations in order to better advise the planning commission with regard to further review and approval of a proposed development.

(6) Conceptual Review. Conceptual review of development within the Sensitive Area Overlay Zone is intended to be a coping process wherein development concerns and potential environmental hazards are evaluated. Additional information, studies, and reports may be required for preliminary approval, as may be determined by the planning commission. Conceptual review by the planning commission does not presume any kind of approval or development right for the proposed project, in whole or in part. Only by the submission and review of the required reports for preliminary approval can development potential be ascertained. Steps within the approval process may be combined for projects within the Sensitive Area Overlay Zone when they are more routine in nature and only when so approved by the planning commission.

(a) All applications for development shall comply with the provisions of the ordinances of Tooele City. Conceptual approval must first be completed prior to application for preliminary approval. All applications for such review shall be accompanied by a plan drawn to scale. Applications for commercial developments shall be approved by a registered architect or engineer licensed to practice in the State of Utah.

(b) Site plans shall include, in addition to the above provisions, the following:

(i) a topographic contour map, tied to a land base survey, showing areas within the development

site with slopes of less than ten percent, areas between ten and 20 percent, areas between 21 and 30 percent, and areas of greater than 30 percent;

(ii) location of the proposed planned unit development, subdivision, cluster subdivision, or commercial development, in relation to abutting public streets;

(iii) the total acreage, number of lots and proposed total density and slope and slope district density for residential developments;

(iv) the location and approximate size of the proposed lots;

(v) a general street location, width, and grade of all proposed streets and radii of any cul-de-sacs;

(vi) location of existing or proposed schools, churches, or parks;

(viii) location of known hazards such as faults, drainages and rockfall, and the boundaries of the 100 year flood plain;

(ix) soil type and general description;

(x) land use data, such as the amount of residential land and transportation land by acreage and percent.

(c) The planning commission shall consider applications for planned unit developments, subdivisions, or commercial developments, and shall forward their findings to the city council for review. If the planning commission has a positive evaluation of the conceptual submittal they may allow the application to proceed with such conditions as may be deemed necessary to secure the purposes as set forth in this Chapter.

(d) After receiving findings by the planning commission, the city council may also make a determination whether the application should be allowed to proceed.

(7) Preliminary Approval. In addition to the information required for preliminary approval for planned unit developments, cluster subdivisions, subdivisions, or commercial developments by other ordinances of Tooele City, additional information as set forth in this Subsection shall be required for developments in the Sensitive Area Overlay Zone. All reports as required herein shall be prepared by persons or firms licensed to practice their specialty or expertise in the State of Utah, if such license for practice is required, or by one having demonstrable expertise in such field of practice.

(a) Soil Characteristics Report. Data regarding the nature, distribution and strength of soils within the project area shall be provided. The soil report shall include:

(i) unified classification of all solid soils with liquid limit, shrink-swell potential and general suitability for development;

(ii) an estimate of the normal highest elevation of the seasonal water table;

(iii) flood history and potential; proximity

to know flood plain areas and drainage channels;

(iv) topographic contours.

(b) Vegetation Report. An application shall include a slope stabilization and a revegetation report which shall include:

(i) location and identification, by species, of existing vegetation;

(ii) the vegetation to be removed and the method of disposal;

(iii) the vegetation to be planted;

(iv) slope stabilization measures to be installed;

(v) analysis of the environmental effect of such operations including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard;

(vi) a designation of topsoil stockpile areas;

(vii) solar orientation.

(c) Geologic Conditions Report. An application shall include the following information:

(i) definition of any zones of deformation with respect to active faults and other mass movements of soil and rock;

(ii) identification of anomalies of the terrain or characteristics of the geological materials which would have any potential impact upon the use of the site;

(iii) ground water characteristics;

(iv) depth to bedrock and geological evaluation;

(v) written recommendations for construction of proposed improvements to avoid impact of any potential geologic hazards.

(d) Grading and Drainage Report. The application for preliminary approval shall include a storm water management and erosion grading plan on the methods by which surface water, natural drainages, flooding, erosion and sedimentation loss will be accommodated during and after construction.

(i) The report and plan shall show:

(A) present topography, tied to a land base survey, to include elevations, lines and grades including the location and depth of all proposed fills and cuts of the finished earth surfaces using a contour interval of two feet or less;

(B) access or haul road location, treatment and maintenance requirements;

(C) a description of the methods to be employed to achieve stabilization and compaction;

(D) location and identification, by species, of existing vegetation, and an indication of vegetation proposed for removal and revegetation proposal;

(E) a clear delineation of the proposed area to be graded and the area amount stated in square feet.

(F) location of existing buildings or structures on the site and location of existing buildings

and structures on adjacent properties within 100 feet of the site, or which may be affected by any proposed grading or construction operations;

(G) (i) all calculations and proposed details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains, culverts and other water management or soil erosion control measures. Calculations shall employ predictions of soil loss from sheet erosion using the Universal Soil Loss Equation or an appropriate equivalent. Equations should include factors of:

- (1) rainfall intensity and energy;
- (2) soil erodibility;
- (3) land slope and length of slope or topography;
- (4) condition of the soil surface and land management practices in use;
- (5) surface cover; grass, woodland, crop, pavement, etc.

(ii) An appropriate scale shall be used which most clearly presents the proposed action, generally 1" = 100' or larger.

(iii) Depending upon the slope and complexity of a development with the Sensitive Area Overlay Zone, the planning commission may require proposed lots and/or streets to be staked for field inspection before plat approval.

(e) Planning commission action. The planning commission shall consider the application and shall recommend to the city council approval or disapproval. If the planning commission recommends approval of the preliminary phase, the planning commission may attach such conditions as may be deemed necessary to secure the purposes as set forth in this Chapter.

(f) City council action. After receiving recommendations for approval or disapproval by the planning commission, the city council may approve, approve with conditions, or disapprove the application. If the city council approves the preliminary submittal, they may attach such conditions as may be deemed necessary to secure the purposes as set forth in this Chapter.

(8) Final Approval.

(a) Application shall be filed with the engineering department for final approval. Such application shall include the information required by the provisions of this Chapter and the city's Subdivision Ordinance.

(b) Application for final approval shall include with the improvements drawings, spot elevations on all lot corners or contour grading plans of all lot frontages. The scale will be the same as the improvement drawings.

(c) The Tooele City Addressing Ordinance and Master Grid shall be included for every lot on the final plat. All streets, and building lots shall be named and addressed in compliance with such Ordinance.

(d) There shall be no construction, development or grading upon the development site until final approval described in this Section has been granted. Before the construction of single family dwelling units upon lots shall be allowed, a site plan drawn to a scale of at least 1" = 10' for such lots shall be submitted to the planning commission or the designated representative, which site plan shall show lot lines, existing and proposed contours at two foot intervals, location of proposed single family dwelling units, walks, driveways and patio areas. The site plan shall also show vegetative, drainage, and erosion controls. Such site plan shall be attached to the building permit. (Ord. 94-28; 05/24/94)

Exhibit 8

Draft Date: January 4, 2010

CHAPTER 12. SENSITIVE AREA OVERLAY ZONING REGULATIONS

7-12-1. Short title.

7-12-2. Purpose.

7-12-3. Definitions.

7-12-4. Scope and application.

7-12-5. Density and lot size; building height.

7-12-6. Lot coverage, usable area and flag lots.

7-12-7. Development standards.

7-12-8. Review and approval procedure.

7-12-1. Short title.

This Chapter shall be known as the "Sensitive Area Overlay Zoning Ordinance." (Ord. 94-28; 05/24/94)

7-12-2. Purpose and intent.

(1) The purpose and intent of this Chapter is to provide regulatory standards, guidelines, and criteria having the effect of minimizing flooding, erosion, destruction of natural plant and wildlife habitat, alteration of natural drainages, and other environmental hazards, and protecting the natural scenic character of the hillside and mountain areas. In support of this purpose and intent, this Chapter recognizes the importance of the unique hillside and mountain areas of Tooele City to the scenic character, heritage, history, and identity of Tooele City and of adjoining areas of unincorporated Tooele County. In support of this purpose and intent, Tooele City finds that it is in the public interest to regulate the development of sensitive areas in a manner so as to minimize the adverse impacts of development on scenic open spaces and on sensitive or vulnerable organic and inorganic systems.

(2) The standards, guidelines, and criteria established by this Chapter are intended to support the purpose and intent of this Chapter by working to accomplish the following:

(a) to protect the public from the natural hazards of storm water runoff, erosion, and landslides;

(b) to minimize the threat of fire;

(c) to preserve and protect wildlife and wildlife habitat;

(d) to allow reasonable public, non-motorized access to hillside and mountain areas;

(e) to preserve and protect natural topographic and geologic features, such as, drainage channels (whether of constant, periodic, or intermittent flow), streams, lakes and ponds, ridge lines, rock outcroppings, hillsides and mountainsides,

hilltops and mountaintops, scenic vistas, trees, and natural vegetation;

(f) to preserve and enhance natural panoramic vistas and scenic open space, both from within and outside sensitive areas;

(g) to allow for reasonable transportation systems consistent with the preservation and protection of sensitive areas and the purpose and intent of this Chapter, and that protect the public health and safety;

(h) to encourage the use of a variety of development designs, concepts, and materials that are consistent with the purpose and intent of this Chapter, that accommodate the vulnerabilities of sensitive areas, and that protect the public health and safety;

(i) to establish land use management policies, practices, and implementation criteria that will encourage protection of sensitive areas, that are consistent with the purpose and intent of this Chapter, and that protect the public health and safety;

(j) to regulate the location, design, and development of building sites located on sensitive areas in order to further the purpose and intent of this Chapter and to protect the public health and safety;

(k) to encourage a public and private regard for the scenic character, heritage, history, and identity of Tooele City through the preservation and protection of sensitive areas in Tooele City and adjoining areas of unincorporated Tooele County; and,

(l) to balance the purpose and intent of this Chapter, including public health and safety, with the promotion of human enjoyment of private and public lands. (Ord. 94-28; 05/24/94)

7-12-3. Definitions.

As used in this Chapter:

(1) "Average slope" means and is determined by the use of the following formula:

$$S = \frac{.00229 (I) (L)}{A}$$

where:

S = average slope of the site before development or construction;

A = total number of acres in the parcel;

L = summation of the length of all contour lines in feet;

I = contour interval in feet.

Average slope of a development site need not include the acreage (A) having a slope greater than 30 percent. If such areas are excluded, they shall not be included as part of the development site for purposes of determining the number of dwelling units allowed.

(2) "Building height" means the height on that face of the building with the greatest vertical distance, as measured from the elevation of the

established ground at its lowest existing point at the building wall line, to the highest point of the building on that face, whether the point is on a ridgeline, parapet, gable, coping or other architectural member of, or on, any type of roof. Where a structure is stepped or terraced, each stepped segment may be measured separately and may conform to the height restriction as a separate entity, provided that all measurements are taken from the established ground elevations at the lowest existing point of each segment. Chimneys may exceed the limitations to the extent required by applicable fire codes.

(3) "Development site" or "site" means and includes the total perimeters of:

- (a) a subdivision;
- (b) a residential planned unit development; and,
- (c) a tract, lot, or parcel of land intended to be used as a commercial, public, quasi-public, utility, or other building site.

(4) "Gross acreage" means the total area of the development site, including all rights-of-way and other nonresidential uses.

(5) "Impervious materials" means any surface material which does not allow for the natural percolation of water into the soil, including, for example, roofs, concrete patios, concrete or asphalt driveways, and tennis and play courts of concrete or similar material.

(6) "Institutional buildings" means churches, schools, hospitals, public and quasi-public buildings, and similar buildings.

(7) "Natural vegetation" includes orchards, trees, shrubs, lawn, grass, and perennial growth of varieties endemic to the land on which they grow.

(8) "Net residential acreage" means all land within a development site devoted exclusively to a residential use, and includes houses, sheds, driveways and other impervious on-site surfaces.

(9) "Open space" means land that is designated by the developer and approved by the City as open space on the development site plan.

(10) "Usable land" means that contiguous parcel of natural land and/or compacted fill, as permitted by both this Chapter and the applicable building codes, included within the lot, no part of which has a slope exceeding 30 percent.

(11) "Undevelopable areas" means unstable slopes, as determined by this Chapter, and all slopes exceeding 30 percent. Undevelopable area shall not be usable land.

(Ord. 2004-15, 10-20-04); (Ord. 94-28; 05/24/94)

7-12-4. Scope and application.

(1) The provisions of this Chapter shall apply to all lands in Tooele City that lie within the area

designated by ordinance of the City Council as the Sensitive Area Overlay Zone, as shown in Figure 1. Regulations of this Chapter shall apply to areas outside of the mapped Sensitive Area Overlay Zone upon determination by the City Council, by ordinance, that environmental and other conditions of the subject areas qualify them as sensitive areas. Figure 1 shall thereafter be amended administratively to include such areas in the Sensitive Area Overlay Zone. All approved subdivision plats and site plans that lie within the Sensitive Area Overlay Zone shall include a note indicating that the plat and its lots are subject to this Chapter.

(2) This Chapter makes additional provisions to those set forth elsewhere in Title 7 of the Tooele City Code, as amended. In the event of conflict between the existing zoning classification, building codes, or subdivision ordinance and the regulations contained in this Chapter, the most restrictive provision shall apply.

(3) In the Sensitive Area Overlay Zone, no property shall be used and no building shall be erected or altered so as to be arranged, intended, or designed to be used for a purpose other than those permitted in the base zoning district classification. (Ord. 94-28; 05/24/94)

7-12-5. Density and lot size; building height.

Lots within the Sensitive Area Overlay Zone shall comply with the following minimum requirements:

(1) Minimum lot size. Each lot or parcel of land shall abut a public street for the minimum distances identified herein on a line parallel to the center line of the street or a distance of 35 feet along the circumference of a cul-de-sac right-of-way improved to City standards.

Average Slope of

<u>Development Site</u>	<u>Minimum Lot Size</u>	<u>Minimum Lot Width</u>
0 - 8%	determined by base zone	determined by base zone

8.1 - 15%	16,000 sq. ft.	100 feet
15.1 - 20%	22,000 sq. ft.	120 feet
20.1 - 30%	30,000 sq. ft.	150 feet

(2) Undevelopable areas. Undevelopable areas shall be identified on the subdivision plat.

(3) Building height.

(a) Building height shall not exceed 28 feet, except for required chimneys of greater height, standard television antennas, church steeples, and flagpoles.

(b) Buildings may be stepped to accommodate the slope of the terrain, provided that

each step shall be at least twelve feet in horizontal dimension.

(c) Without being construed as altering the established ground or any heights measured therefrom, up to four feet of fill may be used in order to bring the exposed portion of the lower level of an exterior wall of a building within the definition of a basement when the majority of the lower level already complies with the definition of a basement.

(Ord. 94-28; 05/24/94)

7-12-6. Lot coverage, usable area, and flag lots.

(1) Building Site Requirements.

(a) Each lot shall constitute a primary building site able to accommodate the primary structure, and must be in compliance with all applicable setbacks, side yards, rear yards, and other requirements of this Chapter. The ability of each lot to support such a building pad shall be shown by displaying an exemplar of such a building lot on all preliminary and final subdivision plats.

(b) Single-family dwellings shall be located only upon usable land, which shall be fully contiguous and at least 5,000 square-feet in size. No portion of a dwelling may be located on undevelopable areas.

(c) Grading of the lot in connection with the creation of the primary building site or construction of the primary building shall not extend more than 30 feet horizontally, in front, to the rear, or to the side of the proposed primary building unless the average natural slope of the area being graded and the additional area desired to be graded does not exceed 8 percent.

(d) Driveways to the building site shall have a maximum slope of 10 percent and shall have direct access to a public or private street. The Tooele City fire chief may approve steeper grades for private driveways to building sites in accordance with the International Fire Code.

(2) Flag Lots. Flag or L-shaped lots may be allowed subject to the following conditions:

(a) A flag or L-shaped lot shall be comprised of a staff portion contiguous with the flag portion thereof.

(b) The staff portion of said lot shall front on and be contiguous to a public or private street. The minimum unobstructed paved width of the staff portion of flag lots shall be 20 feet and the maximum length shall be 220 feet unless allowed by the fire chief pursuant to the International Fire Code.

(c) No building or construction, except for driveways, shall be allowed to encroach upon the 20-foot-wide minimum area of the staff portion of said lot.

(d) The front side of the flag portion of said lots shall be deemed to be that side nearest to the public or private street upon which the staff portion fronts.

(e) The staff portion of said lots shall be deemed to end and the flag portion of said lots shall be deemed to commence at the extension of the front lot line.

(f) The square footage located in the flag portion of said lot, which shall be exclusive of the square footage located in the staff portion of said lot, shall be the same or greater than the minimum square footage as required by this Chapter.

(g) The side and rear yard requirements of the flag portion of said lots shall be as required by this Chapter.

(h) The minimum front setback requirements for all buildings shall be 30 feet from the front lot line of the flag portion thereof, and shall not include the staff portion of said lot.

(i) No more than three flag lots may share or be served by one staff portion of said lots.

(j) The maximum number of flag lots in the development site shall be not more than 20 percent of the total number of lots within the development site.

(k) Figure 2 is an example of a "flag lot" and is included herein to illustrate the concept of "flag" or "L-shaped" lots.

(3) Setbacks, yards, and buildable space requirements.

(a) Any buildings constructed in the Sensitive Area Overlay Zone shall be required to maintain minimum side yard setbacks of 20 feet on each side and a minimum rear yard setback of 40 feet, except that no dwelling shall be located within an average of 25 feet, no point being closer than 20 feet, of any portion of a hillside slope, either up or down, exceeding 30 percent.

(b) Except for flag lots, front yard setbacks shall be those required by the base zone.

(c) The City may require greater setbacks when a geotechnical report recommends that greater setbacks are necessary for the protection of life, safety, or property.

(4) Maximum Impervious Material Coverage. The maximum impervious material coverage allowed upon any lot shall be 30 percent of the total lot area, or, for clustered development, 30 percent of the total combined area of the clustered lots. (Ord. 94-28; 05/24/94)

7-12-7. Development standards.

(1) Scope. It is intended that the development standards and provisions as set forth in this Section

shall be required in connection with all building and construction in the Sensitive Area Overlay Zone. The applicant shall submit to the Community Development Department the information required by this Section prior to the issuance of a building permit.

(2) Site Plan. The applicant shall submit an engineered site plan, to include at least the following information:

- (a) dwelling location;
- (b) contour lines at one-foot intervals;
- (c) location of retaining walls with heights greater than 18 inches above finished grade; and,
- (d) vegetation types and locations.

(3) Cross-section. The site plan shall be accompanied by a cross-section showing the information required in this Section as well as driveway slope and slope percentage for each change in slope.

(4) Drainage and Erosion. The area of the watershed, together with other relevant information, shall be used to determine the amount of storm water runoff generated before and after construction.

(a) The "Rational Method", or other method as approved by the Building Official or City Engineer, shall be used in computing runoff. The basic formula for the "Rational Method" is:

$Q = CIA$ in which:

Q = Runoff in cubic feet per second (c.f.s.)

C = Coefficient of runoff or the portion of storm water which runs off a given area. The following ranges for C value are typical examples. The actual C value used shall be approved by the City Engineer.

<u>Type of Development</u>	<u>Runoff Coefficient</u>
Industrial & Commercial	.80 - .90
Residential	.30 - .40
Parks	.15 - .24
Agricultural	.10 - .20

I = Average rainfall intensity during time of concentration for both 10- and 25-year return periods in inches per hour. The time of concentration shall be defined as the time required for water to flow from the most remote point of the section under consideration.

A = Drainage area in acres.

(b) Lots shall be arranged to ensure adequate setbacks from drainage channels. The 100 year return event storm shall be that basis for calculating setbacks, drainage conveyance around structures, and foundation elevations. No structures shall be allowed in the 100 year flood plain or the special hazard flood area.

(c) Facilities for the collection and conveyance of storm water runoff shall be constructed on development sites according to the following requirements:

(i) Such facilities shall be among the first improvements or facilities constructed on the development site.

(ii) Such facilities shall be designed so as to detain safely and adequately the maximum expected storm water runoff for a 25-year storm, not to exceed 0.2 cubic feet per second per acre, or the 10-year storm, not to exceed 0.1 cubic feet per second per acre, whichever is more restrictive, on the development site.

(iii) Such facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of a fill.

(iv) The existing natural drainage system will be utilized, as much as possible, in its unimproved state.

(v) Where drainage channels are required, wide shallow swales lined with appropriate vegetation shall be used instead of cutting narrow, deep drainage ditches.

(vi) Flow retarding devices such as detention ponds and recharge berms shall be used where practical to minimize increases in runoff volume and peak flow rate due to development. Areas which have shallow or perched groundwater or areas that are unstable must be given additional consideration.

(d) Construction on the development site shall be of a nature that will minimize the disturbance of vegetation cover, especially between October 15 and March 15 of the following year.

(e) Erosion control measures on the development site shall be required to minimize the increased solids loading in runoff from such areas. The detailed design system to control storm water erosion during and after construction shall be contained in the Grading and Drainage Report.

(5) Vegetation and Revegetation.

(a) Vegetation shall be removed only when absolutely necessary, i.e., for buildings, filled areas, roads, and firebreaks. Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, i.e., cut-and-fill slopes. Vegetation sufficient to stabilize the soil shall be established on all disturbed areas, including lots which may be subject to future grading, as each stage of grading is completed. Areas not contained within lot boundaries shall be protected with adapted fire-resistant species of perennial vegetative cover after all construction is completed.

(b) All areas on development sites cleared of natural vegetation in the course of construction of public improvements shall be replanted with revegetation which has good erosion control characteristics.

(c) New planting shall be protected with mulch material and fertilized in conjunction with the planting and watering schedule.

(d) Installation of all required landscaping shall begin no later than one month after the date that the main structure on the property is ready for occupancy or by March 15, whichever is later.

(e) Vegetation shall be a mixture of plant materials; i.e., trees, shrubs, grass, and forbs. Native plant materials are preferred.

(f) Landscaping shall be substantially completed within nine months after the date the primary structure is ready for occupancy.

(g) Front yards and side yards shall be completely landscaped except for driveways, walkways and on-grade patios.

(h) All other areas disturbed during construction shall be either landscaped or revegetated to a natural state.

(i) Lawns or gardens are prohibited in the undevelopable areas.

(j) No vegetation shall be removed on a continuous hillside, crest (upslope or downslope) or a slope 30% or greater unless otherwise determined in writing by the Mayor upon recommendation of the City Engineer for public uses such as trails and open space improvements. Any revegetation of such a hillside shall have the approval of the City Engineer.

(k) Topsoil removed during construction shall be conserved for later use on areas requiring vegetation or landscaping; i.e., cut and fill slopes.

(l) All disturbed soil surfaces shall be stabilized or covered prior to the first day of November. If the planned impervious surfaces such as roads and driveways cannot be established prior to November 1st, a temporary treatment adequate to prevent erosion shall be installed on those surfaces.

(m) The property owner and/or developer shall be fully responsible for any destruction of native or applied vegetation identified as necessary for retention and shall be responsible for such destroyed vegetation. They shall carry the responsibility both for employees and subcontractors from the first day of construction until the final acceptance of improvements. The property owner and developer shall replace all destroyed vegetation. (Ord. 98-33-B, 10-07-98)

(6) Geology.

(a) No structures shall be built on any zones of deformation with respect to active faults.

(b) No structures or public improvements shall be allowed on any active landslide, rock fall zone, or flow field area.

(c) Problems associated with development on or near perched ground water and shallow ground water must be mitigated in a manner as approved by the City Engineer. (Ord. 98-33-B, 10-07-98)

(7) Fire Protection.

(a) Lots shall not be allowed or approved where the static water pressure from the City water system serving the proposed lot or lots is less than 40 pounds per square inch or where fire flow as specified in the International Fire Code is not met.

(b) Fire hydrants required to be constructed on private property shall be installed at the expense of the property owner, shall be privately owned and maintained, and shall be connected by a privately owned and maintained eight-inch water line from the water main. The hydrant shall be located in accordance with the International Fire Code. Fire hydrants shall be located on all required access roads or driveways as required by Tooele City and shall be located within five feet of the paved surface of the required access road or driveway. If in the opinion of the Fire Chief, fire hydrants are vulnerable to vehicular damage, appropriate crash posts shall be required. No obstruction shall exist within a three-foot working area of each fire hydrant. Required crash posts shall be a four-inch minimum diameter concrete filled pipe, having a minimum of three feet in height above grade, with 30 inches of pipe below grade set in concrete. Hydrant shut-off valves shall be located no closer than five feet from the hydrant and no further than 20 feet.

(c) The property owner shall grant unto the City a public utility easement along the course and full width of the access road or driveway.

(d) Each development site and building permit for private lots, flag lots, and lots where the front setback is greater than 50 feet shall be reviewed by the fire department to see that it complies with the International Fire Code, Access Roadways for Fire Apparatus.

(e) Development adjacent to public lands shall provide access for fire protection vehicles and equipment.

(8) Grading, Cuts, and Fill.

(a) A grading and drainage plan shall be prepared by a professional engineer registered in the state. The plan must be sufficient to determine the erosion-control measures necessary to prevent soil loss during construction and after project completion.

(b) Grading and other surface-disturbing activities are prohibited in all undevelopable areas within the lot or the subdivision. Prior to any grading or other surface-disturbing activity on the property, the undevelopable areas shall be clearly delineated by temporary fencing or flagging. Any flagging stakes used to delineate undevelopable areas shall be a minimum of four feet above grade and no more than eight feet apart.

(c) No grading within the limits of the proposed development shall be permitted prior to approval of the final plat by the City Council and approval of the construction drawings by the City Engineer, and no grading of individual lots shall be permitted prior to the issuance of a building permit. The established ground of any lot shall not be raised or lowered more than four feet at any point for the construction of any structure or improvement, except:

(i) within the buildable area, established ground may be raised or lowered a maximum of six feet by grading or retaining walls; and,

(ii) as necessary to construct driveway access from the street to the garage or parking area, grade changes and/or retaining walls up to six feet from the established ground may be permitted.

(d) Exposed surfaces of an excavation or fill shall not be steeper than one vertical to three horizontal, or as recommended by the geotechnical report.

(e) The top and bottom edges of slopes caused by an excavation or fill shall be at least three horizontal feet from the property line or public right-of-way lines, or greater as required by the geotechnical report.

(f) The maximum vertical height of all cuts or fills shall be ten feet. Fills for slumps or other natural depressions, necessary for public roads or other City utilities, may exceed ten feet if approved by the Mayor upon recommendation of the City Engineer.

(g) 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, engineered retaining wall is built for the cut or fill slope.

(h) No grading, cuts, fills, or terracing will be allowed on a continuous hillside, crest (upslope or downslope) or a slope of 30 percent or greater, unless otherwise determined necessary for public purposes by the Mayor upon recommendation of the City Engineer.

(9) Streets and Ways. Streets, roadways and private access ways shall follow as nearly as possible the natural terrain.

(a) Roads and other vehicular routes shall not cross property having a slope greater than 30 percent unless, after review by the City Engineer, recommendation of the Planning Commission, and a finding by the City Council that:

(i) appropriate engineering measures can be taken to minimize the impact of the cuts and fills, consistent with the purpose of this Chapter; and,

(ii) the environment and aesthetics of the area will not be significantly affected.

(b) The following additional standards shall apply:

(i) At least two ingress and egress routes shall be provided for each subdivision or PUD project.

(ii) Cul-de-sacs shall meet the requirements of Tooele City Code §4-8-2, as amended.

(iii) Points of access shall be provided to all developed and nondeveloped areas for emergency and fire fighting equipment. Driveways located upon each lot extending from a public street or access road shall be a minimum of 20 feet wide. Where such roadway is adjacent to required fire hydrants, the width shall be a minimum of 26 feet within 20 feet in either direction from the hydrant. Such required widths shall be unobstructed, including parking of vehicles, and shall have a minimum vertical clearance of 13 feet six inches.

(c) Centerline curvatures shall not be less than a 100 foot radius on any street.

(d) Variations of the street design standards developed to solve special hillside visual and functional problems may be presented to the Planning Commission for recommendation to the City Council. Examples of such variations may be the use of split roadways to avoid deep cuts, one-way streets, modifications of surface drainage treatments, sidewalk design, or the extension of a cul-de-sac.

(e) Development sites which are located near canyon trails will provide access to those trails. Parking areas at trail heads may be required by the City Council upon recommendation of the Planning Commission.

(f) Property owners shall be required to identify and mark fire lanes to the satisfaction and approval of the fire chief. Signs shall be posted near the entrances of access roadways and driveways. Spacing and placing of signs shall be subject to the approval of the fire chief. Signs shall be a minimum of 17 inches by 24 inches in one inch block lettering with one-half inch stroke on a contrasting

background. Signs shall read "No Parking - Fire Department Access Road."

(g) The maximum amount of impervious surface for streets and roadways shall be 20 percent of the entire development site.

(h) Any access road or driveway shall be extended to within 150 feet of all portions of the exterior walls of the first story of any building.

(i) All public or private streets for vehicular traffic shall have a maximum grade of 10 percent.

(j) An all-weather surface capable of supporting the imposed load of fire apparatus shall be provided. If constructed of asphalt, the street or driveway shall be a minimum of three inches of asphalt over a minimum of eight inches of compacted road base, or as indicated in the geotechnical report, whichever is greater. If constructed of concrete, the access road or driveway shall have a minimum of six inches of concrete over a compacted road base, or as indicated in the geotechnical report, whichever is greater.

(k) The street or driveway shall be maintained by the property owner or possessor of the premises in good condition and repair and with adequate snow removal so as to provide free and uninhibited access by emergency service vehicles.

(l) Roads shall be designed to meet the City design standards.

(10) Architectural Design.

(a) Buildings proposed for construction in hillside or canyon areas within the Sensitive Area Overlay Zone shall be designed to be visually compatible with the natural beauty of the hillsides and canyons. The use of building materials in colors that will blend harmoniously with the natural settings are encouraged. Such materials as natural woods, brick in earth colors and stone are considered to be most appropriate. Roof colors should be earth tones. White, bright and reflective materials are not encouraged on roofs. Tile, slate, architectural asphalt shingles and fire-retardant wood are permitted as roofing materials.

(b) All residential building permits shall be subject to the design standards contained in Tooele City Code Chapter 7-11a and 7-11b.

(11) Mechanical equipment. Mechanical equipment including swamp coolers, air conditioning, heat pumps, vents, blowers and fans shall be screened from view or painted to match the structure color adjacent to the equipment, and shall not extend above the highest roof ridge line. Roof-mounted solar collections panels need not be screened or painted so long as they are mounted parallel to and flush with the roof slope and do not project above the ridge line of the roof segment upon which they are mounted.

(12) Satellite or wireless antennae. Satellite or wireless antennae having a diameter of 30 inches or more, including receive-only antennae, shall only be constructed within the rear yard of the lot and not on any building. Satellite antennae shall be painted nonreflective black or other dark earth-tone colors. Satellite dishes shall be limited to 13 feet in overall height, including the base upon the established ground, and shall be no more than twelve feet in diameter.

(13) Exterior lighting. Floodlighting of structures is prohibited. Exterior lighting shall be architecturally integrated decorative lighting. Yard areas may be lit only with "directional" lighting and no direct light beam may impact any other property except for security lights intended to be activated only at limited times as necessary for immediate security.

(14) On-site development. The property owner shall be fully responsible for making all improvements in accordance with the development site approval.

(15) Utilities. To the maximum extent practical, all utilities shall be placed within existing road rights-of-way and front yard setbacks. All water, sewer, electrical, telephone, cable television and other utilities shall be placed underground except that transformers, pedestals and other appurtenances which are normally located above ground in connection with the underground installations are permitted. All areas disturbed by the installation of underground utilities shall be revegetated to a natural state. Temporary or emergency utilities may be erected and maintained above ground for no more than four months.

(16) Bond. In addition to the provisions requiring the posting of a bond as set forth elsewhere in the ordinances of Tooele City, a cash bond or a letter of credit may be required by the City to guarantee the completion of revegetation projects, the stabilization of gradings, cuts and fills and constructions of storm water runoff facilities. If such bond is required, it shall be in an amount equal to the cost of construction of such projects and shall continue for one year after the completion date of such projects, improvements, or facilities.

(17) Retaining walls. All cuts and fills shall be supported where required by engineered retaining walls. No retaining wall may exceed four feet in height from the finished grade except as provided in Section 7-12-8(c) and (f). In a terrace of retaining walls each four-foot vertical retaining wall must be separated by a minimum of three horizontal feet, and any six foot retaining wall must be separated from any other retaining wall by a minimum of five

horizontal feet, or as recommended by the geotechnical report, whichever is greater.

(18) Fencing. All chain link fences shall be vinyl coated to blend in with the native landscaping. Walls and fences in front yards and along roadways shall not exceed a maximum of 42 inches in height. Fence construction shall comply with the fence regulations in Chapter 7, Title 2 of the Tooele City Code for setback and other requirements. (Ord. 94-28; 05/24/94)

7-12-8. Review and approval procedure.

(1) Review process standards. As a land use application for development within the Sensitive Area Overlay Zone is reviewed by the Planning Commission, the Commission's findings of fact shall be listed and included in all recommendations to the City Council.

(2) Approval by City Council. Before a planned unit development (PUD), cluster subdivision, subdivision, or a commercial development is allowed within the Sensitive Area Overlay Zone, approval must be first granted by the City Council.

(3) Administrative approval. Before construction of any primary structure, or any accessory structure requiring a building permit, approval must first be obtained from the Building Official and City Engineer. The application shall contain information, plans, and reports as are required by the City.

(4) Application to Planning Commission. All land use applications for development within the Sensitive Area Overlay Zone shall be submitted to the Community Development Department. All subdivision or PUD project plans and/or reports shall be drawn to scale, not smaller than 1" = 100' and shall show topography at five-foot intervals for slopes greater than 30%, and one-foot contours for slopes less than 30%. All site plans and/or reports for building permits shall be drawn to scale, not smaller than 1" = 10', said site plans and/or reports shall show topographical contours at one-foot intervals.

(5) Engineering calculations made available to the City. All engineering calculations performed and acquired pursuant to the provisions of the ordinances of Tooele City shall be made available to the City Engineer as a part of the land use application review and approval process. The City Engineer shall then have access to the engineering calculations in order to better advise the Planning Commission with regard to further review and approval of a proposed development.

(6) Conceptual Review. A land use application submitted under this Chapter shall first be reviewed conceptually by City staff, the Planning Commission, and the City Council. Conceptual review of

development within the Sensitive Area Overlay Zone is intended to be a scoping process wherein initial development concerns and potential environmental hazards are evaluated. Additional information, studies, and reports will be required for preliminary approval. Conceptual review and approval does not bestow any vested rights. The only entitlement bestowed by conceptual review and approval is the procedural entitlement to proceed to the preliminary review.

(a) All applications shall comply with the provisions of the ordinances of Tooele City. All applications shall be accompanied by a site plan drawn to scale. Applications shall be prepared by a registered engineer, retained by the development applicant, licensed to practice in the State of Utah.

(b) Site plans shall include the following:

(i) a topographic contour map, tied to a land base survey, showing areas within the development site with slopes of less than ten percent, areas between ten and 20 percent, areas between 21 and 30 percent, and areas of greater than 30 percent;

(ii) location of the proposed planned unit development, subdivision, cluster subdivision, or commercial development, in relation to abutting public streets;

(iii) the total acreage, number of lots, proposed total density, and slope analysis;

(iv) the location and approximate size of the proposed lots;

(v) a general street location, width, and grade of all proposed streets and radii of any cul-de-sacs;

(vi) location of existing or proposed schools, churches, or parks;

(vii) location of known geologic hazards such as land slides, flow fields, faults, drainages and rockfall, and the boundaries of the 100 year flood plain;

(viii) soil type and general description; and,

(ix) land use data, such as the amount of residential land and streets by acreage and percent.

(c) The Planning Commission shall consider applications for planned unit developments, subdivisions, or commercial developments, and shall forward their findings to the City Council for review. If the Planning Commission has a positive evaluation of the conceptual submittal, the Commission may allow the application to proceed with such conditions as the Commission deems necessary to secure the purposes as set forth in this Chapter.

(d) After receiving findings by the Planning Commission, the City Council shall make a determination whether the application complies with

the requirements of this Chapter and should be allowed to proceed to preliminary approval.

(e) Expiration. Following conceptual review and approval, the applicant shall have 180 days to submit the completed land use application for preliminary review. Failure to do so shall result in the expiration of the conceptual approval.

(7) Preliminary Approval. In addition to the information required for preliminary approval for planned unit developments, cluster subdivisions, subdivisions, or commercial developments by other ordinances of Tooele City, additional information as set forth in this Section shall be required for developments in the Sensitive Area Overlay Zone. All reports as required herein shall be prepared by persons or firms licensed to practice their specialty or expertise in the State of Utah.

(a) Soil Characteristics Report. Data regarding the nature, distribution, and strength of soils within the project area shall be provided. The soil report shall include:

(i) unified classification of all solid soils with liquid limit, shrink-swell potential, and general suitability for development;

(ii) an estimate of the normal highest elevation of the seasonal water table;

(iii) flood history and potential; proximity to known special hazard flood areas, flood plain areas, and drainage channels;

(iv) topographic contours;

(v) depth of virgin soil below natural grade;

(vi) abundance, distribution, and general nature of exposures of earth materials; and,

(vii) soil stability at natural grade.

(b) Vegetation Report. An application shall include a slope stabilization and a revegetation report which shall include:

(i) location and identification, by species, of existing vegetation;

(ii) the vegetation to be removed and the method of disposal;

(iii) the vegetation to be planted;

(iv) slope stabilization measures to be installed;

(v) analysis of the environmental effect of such operations including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard;

(vi) a designation of topsoil stockpile areas;

(vii) solar orientation; and,

(viii) location and identification, by species, of existing vegetation, and an indication of vegetation proposed for removal and revegetation proposal.

(c) Geologic Conditions Report. An application shall include the following information:

(i) definition of any zones of deformation with respect to active faults and other mass movements of soil and rock;

(ii) identification of anomalies of the terrain or characteristics of the geological materials which would have any potential impact upon the use of the site;

(iii) ground water characteristics;

(iv) depth to bedrock and geological evaluation;

(v) written recommendations for construction of proposed improvements to avoid impact of any potential geologic hazards;

(vi) rock fall and debris flow potential;

(vii) earthquake potential;

(viii) bedrock depth at proposed building footing locations;

(ix) bedrock: igneous, sedimentary, and metamorphic types; and,

(x) structural features, including stratification, stability, folds, zones of contortion or crushing, joints, fractures, shear zones, faults, and any other geologic limitations.

(d) Geotechnical Report. The application for preliminary approval shall include a geotechnical report prepared by a person or firm qualified by professional license, training, and experience to have expert knowledge of the subject. The report shall contain at least the following information:

(i) a geologic map, reflecting the items listed below. A clear distinction should be made between observed and inferred features and/or relationships.

(ii) location and size of subject area and its general setting with respect to major geographic and geologic features;

(iii) nature and source of available subsurface information;

(iv) stability of cut and reconfigured slopes, especially at the base of the cut slope;

(v) topography and slope analyses;

(vi) conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and recommendations covering the adequacy of sites to be developed, including pavement design, slope stability, etc.;

(viii) a written statement by the person or firm preparing the report identifying the means proposed to minimize hazard to life or property, adverse effects on the safety, use or stability of a public right-of-way or drainage channel, and adverse impact on the natural environment;

(ix) slope stability analysis of conditions both before and upon completion of proposed development activities, including identification of slide areas, unstable soils, flow fields, etc.; and,

(x) any other geologic hazards or conditions identified by the person or firm preparing the geotechnical report which are not referenced above.

(d) Grading and Drainage Report. The application for preliminary approval shall include a storm water management and erosion grading plan on the methods by which surface water, natural drainages, flooding, erosion and sedimentation loss will be accommodated during and after construction. The report and plan shall show:

(i) present topography, tied to a land base survey, to include elevations, lines and grades including the location and depth of all proposed fills and cuts of the finished earth surfaces using a contour interval of two feet or less;

(ii) access or haul road location, treatment and maintenance requirements;

(iii) a description of the methods to be employed to achieve stabilization and compaction;

(iv) drainage features;

(v) a clear delineation of the proposed area to be graded and the area amount stated in square feet.

(vi) location of existing buildings or structures on the site and location of existing buildings and structures on adjacent properties within 100 feet of the site, or which may be affected by any proposed grading or construction operations;

(vii) estimate of the normal highest elevation of the seasonal high-water table;

(viii) the location and size of swamps, springs, and seeps, and the reasons for the occurrence of these underground water sources; and,

(ix) (A) all calculations and proposed details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains, culverts and other water management or soil erosion control measures. Calculations shall employ predictions of soil loss from sheet erosion using the Universal Soil Loss Equation or an appropriate equivalent. Equations should include factors of: rainfall intensity and energy; soil erodibility; land slope and length of slope or topography; condition of the soil surface and land management practices in use; and, surface cover; grass, woodland, crop, pavement, etc.

(B) An appropriate scale shall be used which most clearly presents the proposed action, generally 1" = 100' or larger.

(C) Depending upon the slope and complexity of a development with the Sensitive Area Overlay Zone, the Planning Commission may require proposed lots and/or streets to be staked for field inspection before plat approval.

(e) Planning Commission action. The Planning Commission shall consider the land use application and shall recommend to the City Council approval or disapproval. If the Planning Commission recommends preliminary approval of the application, the Planning Commission may attach such conditions as they deem necessary to secure the purposes as set forth in this Chapter.

(f) City Council action. After receiving recommendations for preliminary approval or disapproval of the land use application by the Planning Commission, the City Council may approve, approve with conditions, or disapprove the application. If the City Council approves the application, they may attach such conditions as they deem necessary to secure the purposes as set forth in this Chapter.

(g) Expiration. Following preliminary approval by the City Council, the land use application shall be filed with the Community Development Department for final approval. Failure to do so within 90 days of the approval shall result in the expiration of the preliminary approval.

(8) Final Approval.

(a) The land use application submitted for final review and approval shall include the information required by the provisions of this Chapter and the City's Subdivision Ordinance, including information required by the City Council and City Engineer as part of the preliminary approval. The City Engineer shall verify the completeness of the final land use application. The Community Development Director shall then approve the final land use application administratively in writing.

(b) Application for final approval shall include with the improvements drawings, spot elevations on all lot corners and contour grading plans. The scale will be the same as on the improvement drawings.

(c) All streets and building lots shall be named and addressed in compliance with City ordinances and policies.

(d) There shall be no construction, development or grading upon the development site until final approval described in this Section has been granted. Before the construction of single family dwelling units upon lots shall be allowed, a site plan drawn to a scale of at least 1" = 10' for such lots shall

be submitted to the Community Development Department, which site plan shall show lot lines, existing and proposed contours at one-foot intervals, location of proposed single family dwelling units, walks, driveways and patio areas. The site plan shall also show vegetative, drainage, retaining walls, and erosion controls. Such site plan shall be attached to the building permit.

(e) Nothing in this Chapter shall exempt an applicant from compliance with the provisions of Tooele City Code Chapters 7-11 and 7-19 regarding site plan and subdivision. Separate land use applications are required by those chapters. (Ord. 94-28; 05/24/94)

Figure One: Sensitive Area Overlay Map

Figure Two: Illustrative Flag Lot Configurations

Exhibit 9

**TOOELE CITY
RESOLUTION 2003-56**

A RESOLUTION OF THE TOOELE CITY COUNCIL ADOPTING THE TOOELE VALLEY REGIONAL PLAN.

1. WHEREAS, with the funding and sponsorship of Envision Utah, Tooele Valley officials organized a Steering Committee for the study and formulation of a Tooele Valley Regional Plan (hereinafter the "Regional Plan"), which Committee included Charlie Roberts, Tooele City Mayor, and Sandra Gaiser, then Tooele City Planner, as well as persons representing landholders, business, and other government agencies, and was chaired by Dr. Edward Dalton, citizen of Erda Township, and Byron Anderson, Grantsville City Mayor; and,
2. WHEREAS, the Regional Plan is a collaborative effort between Tooele Valley cities, townships, and the county to create a shared vision for the future of the Tooele Valley; and,
3. WHEREAS, the Regional Plan identifies the following: the common connections between local communities; the valley's natural and cultural resources; current zoning and population patterns establishing actual and future residential build-out; and, implementation strategies for build-out consistent with the values of Tooele Valley's leaders; and,
4. WHEREAS, the Regional Plan involved extensive public relations efforts, including monthly steering committee meetings, public workshops, public comment, an open house, and information provided to the media, schools, and residences; and,
5. WHEREAS, on September 24, 2003, the Planning Commission held a public hearing and voted 6-0 to favorably recommend the Regional Plan to the City Council (see Commission draft minutes, attached hereto and incorporated herein as Exhibit A); and,
6. WHEREAS, due to the Regional Plan's general and multi-jurisdictional nature, the Administration recommends that it be adopted by resolution as an advisory guide for regional land use decisions, independent of the General Plan, as opposed to adopting it by ordinance "mandating compliance" [Utah Code §10-9-303(6)(b)] with the Regional Plan as an element of the General Plan; and,
- ~~7. WHEREAS, on November 5, 2003, the City Council convened a public hearing on the Regional Plan; and,~~
8. WHEREAS, the City Council and Administration find that the adoption of the Regional Plan is in the best interest of Tooele City:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele Valley Regional Plan, attached hereto and incorporated herein as Exhibit B, is hereby adopted as an advisory guide for regional land use decisions.

This Resolution shall become effective on January 1, 2005, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this
5 day of November 2003.

TOOELE CITY COUNCIL

(For)

(Against)

Danny Krumm

Steven Swan

Lawrence F. Silcox

Mark R. [Signature]

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

Charles [Signature]
ATTEST:

Patrick H. Dunlavy
Patrick H. Dunlavy, City Recorder



Approved as to Form:

Roger Evans Baker
Roger Evans Baker, Tooele City Attorney

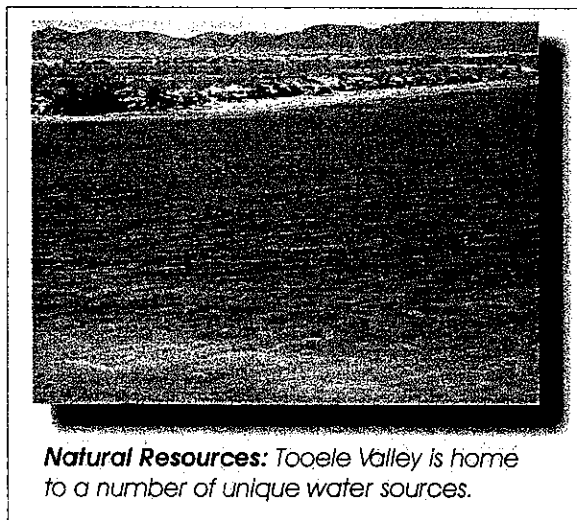
Exhibit 10

■ ABUNDANT NATURAL & CULTURAL RESOURCES

Tooele Valley has a variety of natural resources that are integral to the scenic beauty of the area and enhance the quality of life for its inhabitants. Within the plan area, resources include lakes, springs, reservoirs, other water bodies, and a variety of plant and animal species. Cultural resources include historic sites and geoantiquities. Information on the natural resources of the Valley can be used in the Tooele Valley Regional planning process to help maintain usable and valuable open space for people and wildlife.

WATER BODIES & WETLANDS

Wetlands perform important functions such as sediment retention, storm water detention, recreation, open space, and aesthetic



qualities. Within the Plan Area, the majority of wetlands are associated with Rush Lake to the south and Great Salt Lake to the north. These wetlands provide important stopping points for migratory waterbirds (i.e., waterfowl and shorebirds), as well as nesting areas for resident waterfowl. Most of the

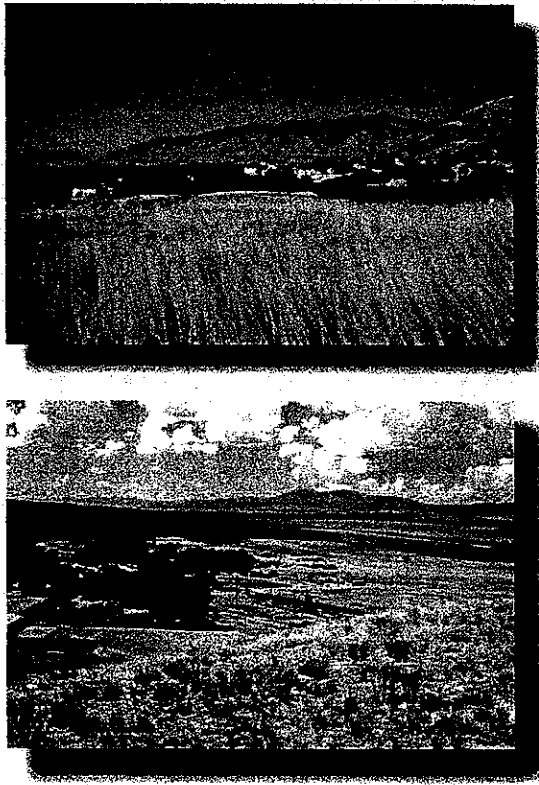
wetlands in the northern portion of the Plan Area are being considered in detail through the Tooele Valley Wetlands Special Area Management Plan (SAMP). As the SAMP process is completed, findings should be integrated in to the Tooele Valley Regional Plan. With the exception of northern Grantsville and developed lands along Burmester Road, a significant portion of Tooele Valley North of SR 138 and south of In I-80 is comprised of jurisdictional wetlands associated with the southwestern shore of Great Salt Lake. Wetlands are also prevalent to the southwest of SR 138 between SR 36 and Erda.

Wildlife

Tooele Valley supports a variety of wildlife ranging from big game and migratory shorebirds to rare snails found only in Utah. The resident herds of elk and mule deer use the habitat in and near the Stansbury and Oquirrh Mountains for many needs, including food and hiding cover. A variety of water birds, shorebirds (e.g., plovers and sandpipers) and waterfowl (e.g., geese and ducks), use open water and wetland habitats associated with the south shore of Great Salt Lake and Rush Lake. Both of these areas provide migratory stopovers, breeding and nesting habitats, and abundant forage. Many songbirds also use the Tooele Valley. Multiple nests for three species of raptors, the Swainson's Hawk (*Buteo swainsoni*), Ferruginous Hawk (*Buteo regalis*), and Red-tailed Hawk (*Buteo jamaicensis*) are known to exist within the general vicinity of the plan area. At least three other species, including the federally threatened Bald Eagle (*Haliaeetus leucocephalus*), the Golden Eagle (*Aquila chrysaetos*), and the Northern Harrier (*Circus cyaneus*) spend time foraging



and/or roosting in Tooele Valley (SWCA 2001). Elk, mule deer, raptors and grouse are identified as high interest species because they are hunted and are considered watchable wildlife.



A Variety of Vegetation Types: There is a diverse plant community in the Tooele Valley

To assist in the management of several high interest species, the Utah Division of Wildlife Resources (UDWR) has designated values for seasonal habitat ranges. The ranges are designated based on available habitat, physical properties and location, and have a ranking system as follows: critical value > high-value > substantial > limited. In this plan, habitat of critical value for several species was studied to demonstrate the

essential wildlife habitat that is at risk from development pressures. Because islands of suitable habitat lose their value if there are not functional connections between them, knowledge and preservation of existing big game movement corridors is a key component of planning.

Understanding the location of designated big game ranges can help in appropriate planning for the type and placement of development and recreation opportunities. Corridors for big game movement have been assessed and incorporated in the Tooele Valley Regional plan to ensure the maintenance of these species' migrations.

Plant Communities

The vegetation in Tooele Valley is predominantly grassland, with some scattered shrub species. The foothills are dominated by woody species including sagebrush, Gambel oak, and juniper. No federally listed plant species currently occur within the Plan Area. However, the only known location in Utah of a wildflower known as purple-eyed grass (*Sisyrinchium douglassi* var. *occidentalis*) occurs on the Stockton Bar (UNHP 2001).

CULTURAL AND GEOLOGIC RESOURCES

Geologic resources are natural features that provide natural landmarks throughout the Valley and add to the identity of the community. Several of these resources follow.

Cultural Resources

The landscape of the Tooele Valley is marked with numerous cultural and geologic resources. Cultural resources include



historic and prehistoric and are most often structures.

Historic Downtown and Developments

- Benson Gristmill
- Pioneer City Hall
- Pioneer Log Cabin
- Tooele City's Pioneer Cemetery and Memorial Gardens
- Tooele County War Memorial
- Tooele Pioneer Park
- Stockton Jail
- Donner Reed Museum

Historic Structures and features

- Grantsville 1st Ward Meeting House - Now a private residence
- Grantsville 2nd Ward Recreation House
- Lake Point Meetinghouse built in 1884 - Now a private home
- Rich Sutton Home
- Lincoln Highway
- Pony Express Trail

Geoantiquities

Geoantiquities are natural features that provide landmarks throughout the Valley and add to the identity of the community. A few of the most prominent resources are listed below.

Adobe Rock

Adobe Rock is located in the northeast of the plan area near Stansbury Park and the intersection on State route 138 and State route 36. Pioneers used the rock as a lookout point and as a camping stop.

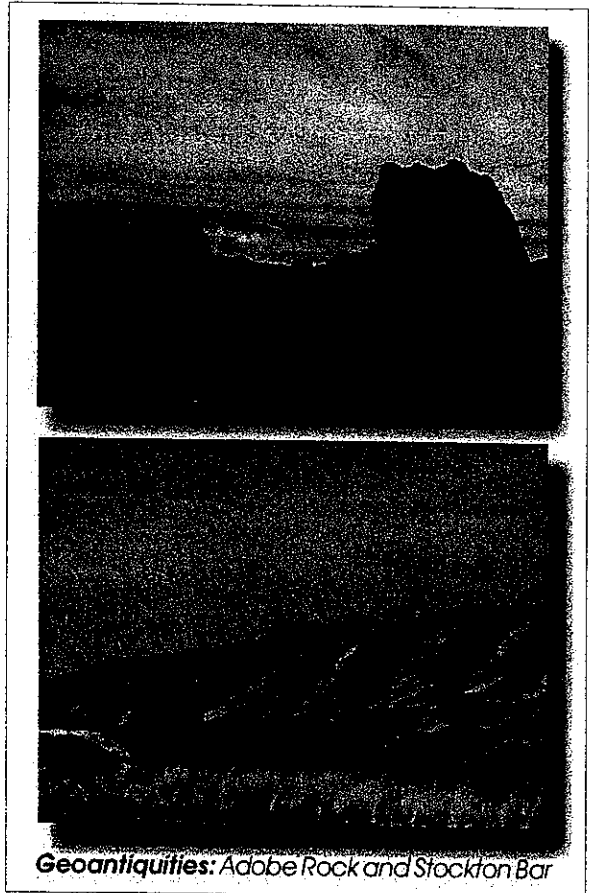
Black Rock

Black Rock is located at the very northeastern tip of the plan area. This area

receives tourist use and is also used by commercial brine shrimp harvesters.

Stockton Bar and spit

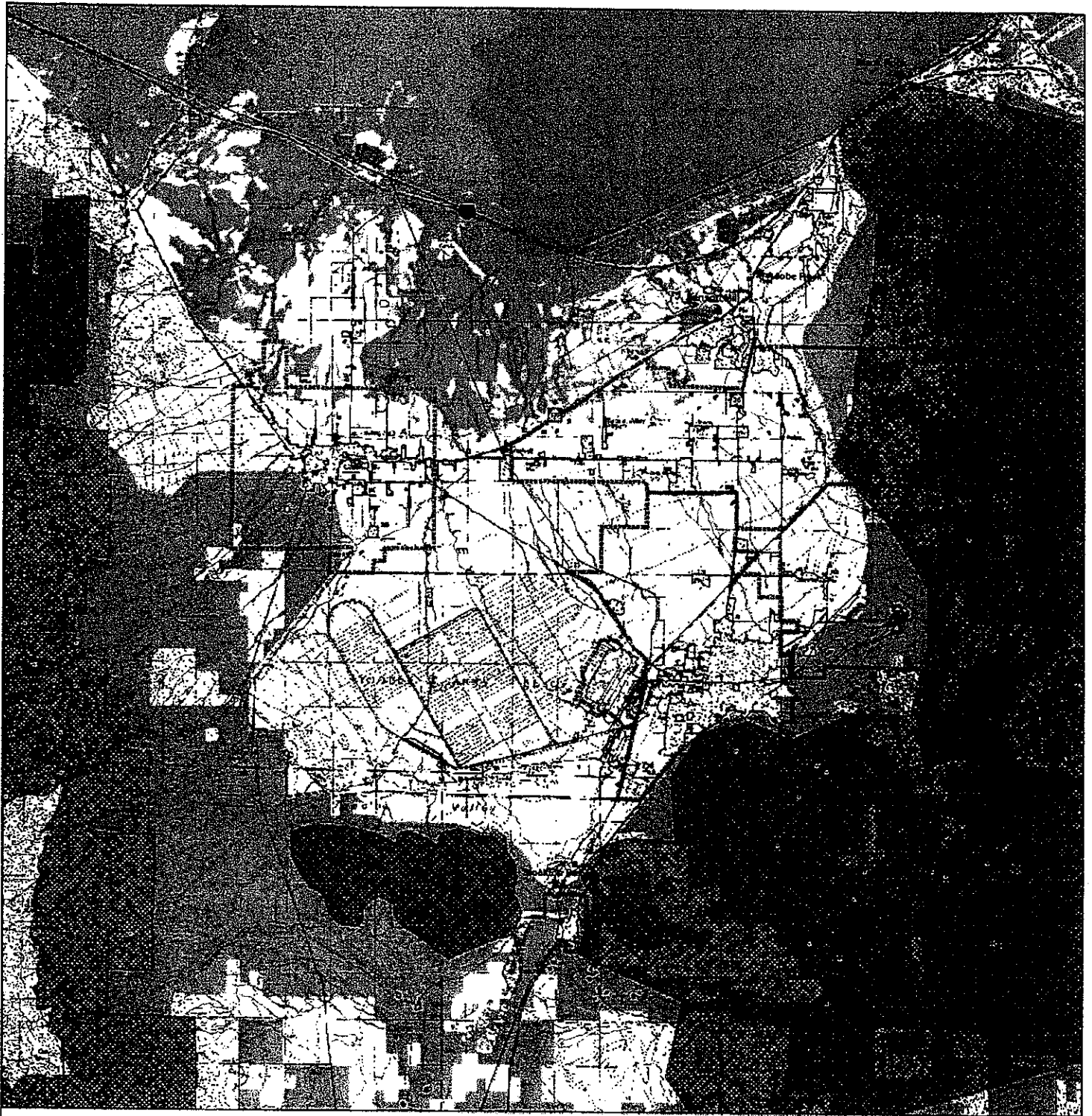
The Stockton Bar is a prominent gravel bar and spit created over 10,000 years ago by northerly longshore currents in Lake Bonneville, the ancient precursor to Great



Geoantiquities: Adobe Rock and Stockton Bar

Salt Lake. These currents eroded materials from the western flank of the Oquirrh Mountains and deposited the resulting alluvium in a narrow arc that now connects the Oquirrh Mountains to South Mountain, and separates Tooele Valley from Rush Valley.





Tooele Valley Regional Plan

Map 3: Natural Resources

SWCA



Cooper Roberts Simonsen
Architects



Scale 1:175,000

0 1 2 3 4 Miles

Natural Spring

Stream or Drainage

Built Land

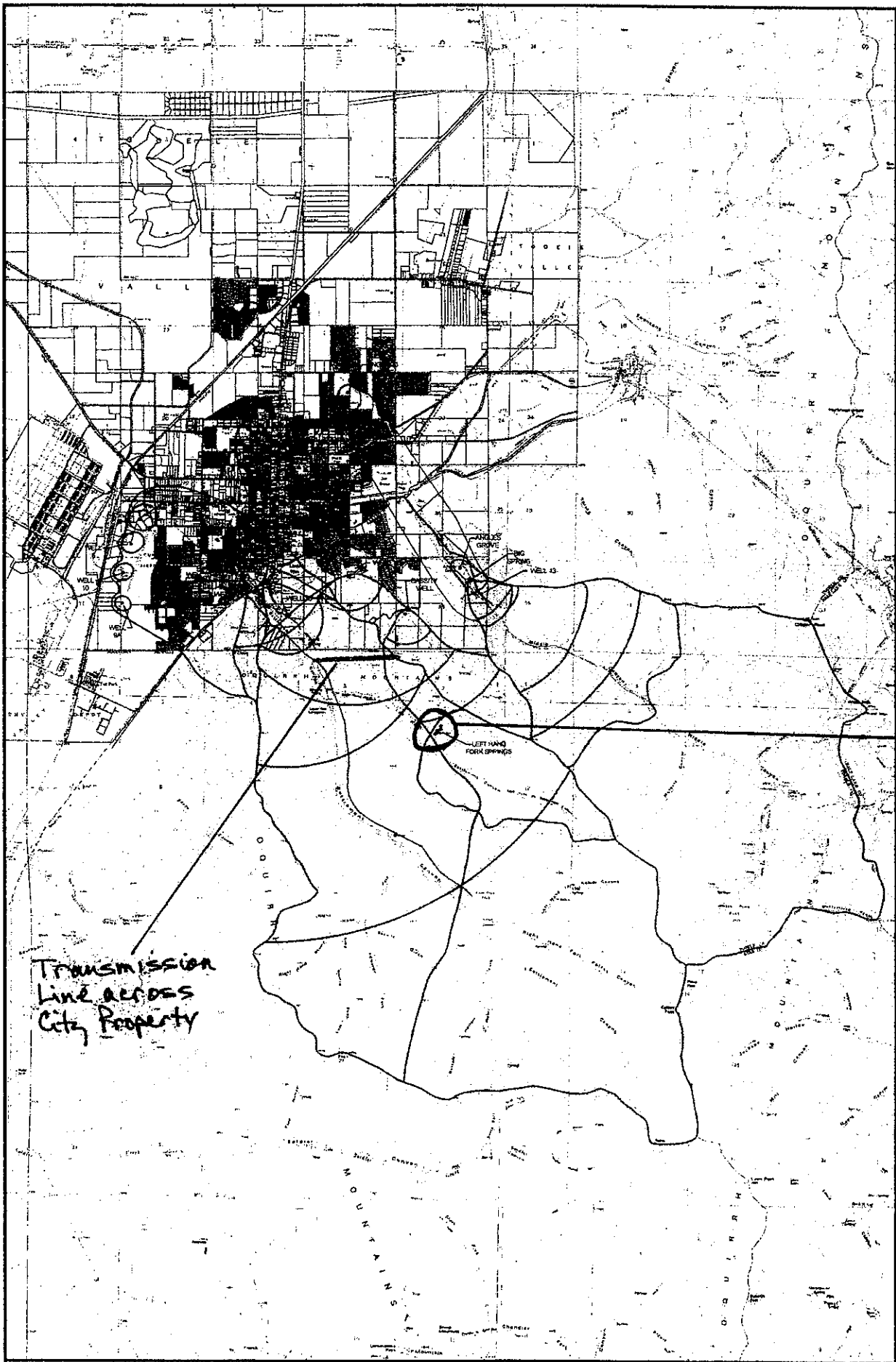
Essential Wildlife Habitat (Deer, Elk & Sage Grouse)

NWI Wetlands

Undevelopable Slope (30% or Greater)

City Boundaries

Exhibit 11



Tooele City Springs

Transmission Line across City Property

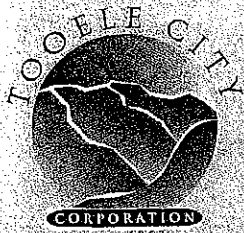


APPROXIMATE SCALE
0 2500 5000 FEET

TOOELE CITY
DRINKING WATER SOURCE PROTECTION
OVERALL LOCATION MAP

LEGEND

- SOURCE LOCATION
- DWSP ZONE 2
- DWSP ZONE 3
- DWSP ZONE 4



Legal

October 9, 2009

Utah Public Service Commission
Ted Boyer, Chairman
Ric Campbell, Commissioner
Ron Allen, Commissioner
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84114

Dear Commission:

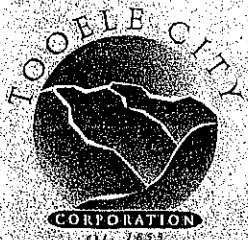
It has come to the attention of Tooele City Corporation (the "City") that important meetings and hearings before the Utah Public Service Commission (the "Commission") in the matter of Docket No. 09-035-54 are imminent, and that input to the Commission by way of a letter from the City's attorney on City letterhead is an appropriate mechanism for providing input into the process that will be recognized and considered by the Commission. Mayor Patrick Dunlavy has authorized me to do so on behalf of the City. Please forgive me if this vehicle is somewhat unorthodox but, after all, Rocky Mountain Power has also admitted pursuing a course before the Commission that is "somewhat unusual" and "out of the ordinary" (Rocky Mountain Power's Notice of Intent to File Application for Certificate of Public Convenience and Necessity, dated June 30, 2009 (the "Notice"), at 3 and 5, attached hereto as Exhibit A).

Tooele City, together with all organized Tooele valley stakeholders ("Tooele Stakeholders"), has consistently and unequivocally opposed the east-bench route of the Mona-Oquirrh transmission line (the "Project") due to its adverse impacts upon the City. (See Public Comment Form and attached materials attached hereto as Exhibit B.) These adverse impacts will exist, in perpetuity, if any portion of the Project is permitted to be located on the hillside and mountainous lands immediately south and east of the City, whether or not located within the City's actual corporate boundary.

Through enormous effort, the Tooele Stakeholders have reached consensus on a route (the "Consensus Route") that they believe will be less expensive, less difficult, less environmentally damaging, less adversely impacting, and less community intrusive than Rocky Mountain Power's preferred route. (See Tooele Stakeholder consensus letter dated September 2, 2009, and map attached hereto as Exhibit C.) The Consensus Route would do nothing to diminish Rocky Mountain Power's stated objectives to "improve its transmission capacity to serve customers" and "to provide current and future service in an efficient and reliable manner to customers" (Notice, at 4 and 7.) Rather, the Consensus Route would eliminate adverse impacts to the City, the Tooele Stakeholders, and to Tooele

Tooele City Hall
90 North Main Street
Tooele, Utah 84074-2191

Phone: (435) 843-2120
Fax: (435) 843-2129
TDD: (435) 843-2108



Legal

valley communities without adversely affecting Rocky Mountain Power's ability to achieve its corporate objectives.

Despite the efforts of the Tooele Stakeholders to achieve the Consensus Route, Rocky Mountain Power has announced, prior to the completion of the National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS), its rejection of the Consensus Route and its intention to pursue a route that it appears to have preferred since the Project's inception. (See Tooele *Transcript-Bulletin* Article dated October 1, 2009, entitled "Power Company Won't Budge on East Bench Route" and other media items attached hereto as Exhibit D.)

Rocky Mountain Power acknowledges that the "purpose of the federal permitting process is to ensure the Project and its route is consistent with state and local governmental actions and authorities" (Notice, at 3). The City believes that Rocky Mountain Power has not acted consistently with this purpose. Rocky Mountain Power further acknowledges that the "EIS process will identify significant environmental impacts and shall inform local decision makers and the public of reasonable alternatives, including mitigation measures that would avoid or minimize adverse impacts or enhance environmental quality" (*id.*). The City believes that Rocky Mountain Power has acted inconsistently with this statement, has done little to consider reasonable alternative routes, and has done little to minimize adverse impacts to the Tooele Stakeholders and Tooele valley communities.

The Commission has stated that although "we have ruled that issues of the location and routing of a transmission line were beyond the scope of a CPCN proceeding . . . [Rocky Mountain Power] must file with us evidence that it has received or is in the process of obtaining the 'required consent, franchise, or permit' of the property authorities" (Report and Order: Docket No. 09-035-54, dated July 22, 2009, at 1, attached hereto as Exhibit E). Despite the Commission's limited role in the location and routing of transmission lines, the City nevertheless petitions the Commission to consider the City's concerns throughout the CPCN and other Commission processes with respect to the Project. Know also that the City has no intention of granting or supporting any permit or approval that would allow Rocky Mountain Power's proposed east-bench route.

Sincerely,

Roger Baker
Tooele City Attorney

cc: R. Jeff Richards, Attorney for Rocky Mountain Power
Ted D. Smith, Attorney for Rocky Mountain Power

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90 North Main Street
Tooele, Utah 84074-2191

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TDD: (435) 843-2108

Exhibit A

R. Jeff Richards (7294)
Rocky Mountain Power
201 South Main Street, Suite 2300
Salt Lake City, Utah 84111
Telephone: (801) 220-4734
Facsimile: (801) 220-3299
jeff.richards@pacificorp.com

Ted D. Smith (3017)
Stoel Rives LLP
201 South Main Street, Suite 1100
Salt Lake City, Utah 84111
Telephone: (801) 578-6961
Facsimile: (801) 578-6999
tsmith@stoel.com

Attorneys for Rocky Mountain Power

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Pending Application of Rocky Mountain Power for a Certificate of Public Convenience and Necessity Authorizing Construction of Mona – Oquirrh new 500 kV double circuit line	Docket No. 09-035-__ ROCKY MOUNTAIN POWER'S NOTICE OF INTENT TO FILE APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
--	--

Rocky Mountain Power, a division of PacifiCorp ("Rocky Mountain Power" or the "Company"), notifies the Public Service Commission of Utah ("Commission"), the Division of Public Utilities ("DPU"), and the Office of Consumer Services ("OCS") of its intent to file a formal Application for a certificate of public convenience and necessity ("CPCN") authorizing the construction of a 500 kV transmission line, known as the Mona - Oquirrh Transmission Line ("Mona-Oquirrh Line" or "Project"), in Juab, Utah,

Tooele, and Salt Lake Counties. Given the tight time frames under which the Company will be operating once it is able to file its Application, this Notice contains most of the information that would typically be included in the Application itself—the Company is doing so in order that the DPU, OCS, or other intervening parties may begin their analysis of the planned transmission line in the light of the standards set by the Commission for the granting of a CPCN.

1. Rocky Mountain Power is an electrical corporation and public utility subject to the jurisdiction of the Commission. In addition to providing retail electric service in the state of Utah, Rocky Mountain Power provides retail electric service in Idaho and Wyoming.

2. Communications, including all pleadings or other filings, regarding this Notice should be addressed to:

Brandon Smith
Rocky Mountain Power
1407 West North Temple, Suite 250
Salt Lake City, Utah 84116
brandon.smith@pacificorp.com

David L. Taylor
Rocky Mountain Power
201 South Main Street, Suite 2300
Salt Lake City, Utah 84111
dave.taylor@pacificorp.com

R. Jeff Richards
Rocky Mountain Power
201 South Main Street, Suite 2300
Salt Lake City, Utah 84111
jeff.richards@pacificorp.com

Ted D. Smith
Stoel Rives LLP
201 South Main Street, Suite 1100
Salt Lake City, Utah 84111
tsmith@stoel.com

The Company also respectfully requests that all formal correspondence and data requests regarding this filing be sent to:

By e-mail (preferred) to:

datarequest@pacificorp.com

By regular mail to:

Data Request Response Center
PacifiCorp
825 NE Multnomah, Suite

Portland, OR 97232

By fax to: (503) 813-6060

3. The Company recognizes that the procedure that it is suggesting herein is somewhat unusual. But for the following reasons, it is important that a docket be opened and for discovery to commence even prior to the filing of the formal Application.

a. One of the key reasons that Rocky Mountain Power cannot yet file its formal Application is that it currently in the process of obtaining federal approval for the Project pursuant to the National Environmental Protection Act. Accordingly, Rocky Mountain Power is in the process of obtaining an Environmental Impact Statement ("EIS") for the Project. The purpose of the federal permitting process is to ensure the Project and its route is consistent with state and local governmental actions and authorities. The EIS process will identify significant environmental impacts and shall inform local decision makers and the public of reasonable alternatives, including mitigation measures that would avoid or minimize adverse impacts or enhance environmental quality. The federal process is intended to encourage the resolution of potential concerns or problems prior to issuing a final statement and approval of a final route. The Company is confident that the route it has chosen and its plans as to the manner of construction of the Project will comply in all respects with all applicable environmental laws and regulations.

b. In past orders, the Commission has ruled that the issues of approval of the location and routing of a transmission line is beyond the scope of the CPCN process. However, as a condition of approval the Company must "file

in the office of the commission evidence as required by the commission to show that the applicant has received or is in the process of obtaining the required consent, franchise, or permit of the proper county, city, municipal, or other public authority” (Utah Code Ann. § 54-4-25(4)(a)(i)).

c. Until the EIS process has been completed in about late July 2009, the routing and location of the transmission line and the scope of the project remain uncertain. Issuance of a final EIS will then determine the route of the transmission line and the scope of the project. The Company will then file applications with each appropriate municipality and county for the appropriate consent, permit, or certification for the transmission line within 30-60 days thereafter.

d. As will be explained more fully in the Company’s Application to be filed after issuance of the EIS, the Mona-Oquirrh Line is a critical part of the Company’s overall plans to improve its transmission capacity to serve customers in Utah, and to improve its grid for the benefit of customers in Utah and in the other states the Company serves. The Company’s current plans are to commence construction of the Mona-Oquirrh line in January 2010, which leaves a relatively short period of time between the date the Application for the CPCN is filed with the commission and the time in which approval of the CPCN is needed.

e. Given the situation described above, the Company desires to work with the Commission and other parties on procedures that will allow full inquiry into the matter, but which will also allow an expedited hearing following the Company’s filing of its formal Application. For example, the Company is willing

to agree to the immediate commencement of discovery. Recognizing that some questions may not be answerable at this time, the Company is committed to answering all relevant questions that it can answer at this time and, as to those that it cannot answer, immediately update its answers when the information necessary to answer such questions becomes available to the Company. The Company is also willing, in advance of filing of the Application, to file all of the testimony it possibly can (subject, of course, to the right to supplement that testimony to reflect new facts or any changes in Company plans). For example, the Company is willing, prior to filing its Application to file testimony as the Company's ability to finance the project, testimony addressing specific aspects of the project and the benefit that will accrue to customers from its construction. The Company will file Preliminary Direct testimony within one week of the date of this Notice. Certain specific aspects of the project that will only be available once the EIS is issued may not be addressed immediately, but the Company will either supplement existing testimony with those details or file additional testimony from other witnesses on an expedited basis so that the Commission and other parties may have the opportunity to review and respond to it in a timely manner.

f. Recognizing that the Company is proposing an approach to this docket that is out of the ordinary, the Company requests that the Commission issue an order making this matter a formal docket, that it enter a protective order (the Company will file a motion for such an order within the next few days), that its order allow parties (other than the DPU and OCS, who are already considered

parties) to intervene in this matter subject to the standards of intervention, and that the order allow the parties hereto to immediately engage in discovery.

g. Under the Company's current plans it is essential that this matter be analyzed by the other parties, that hearings be held (if necessary), and that a CPCN be issued no later than December 15, 2009. This will allow the contracting process to move forward so that the project can be completed in a timely manner. That is the reasons that the Company has proposed the innovative procedure in this notice that will allow intervention and discovery to proceed before the Application is filed.

4. Even though this Notice is not the Company's formal Application, the Company is in a position at this time to provide the following general information about the Mona-Oquirrh Line project.

5. The Project is planned as a system improvement and expansion project to:

- (1) meet the projected shortfalls in electrical supply in the Wasatch Front area of Utah,
- (2) improve operational flexibility and reliability of the high-voltage transmission system and service to the Wasatch Front, (3) allow increased economical power transfers, sales, and purchases into and throughout Utah in the short- and long-term including access to renewables, and (4) integrate facilities with short-term and long-range planning efforts on federal, state, and private lands.

6. The proposed project is an overhead transmission line from the Mona Annex Substation near the City of Mona in Juab County, Utah to a new substation facility in the Tooele Valley (the "Limber Substation") and expanded facilities within the

existing Oquirrh Substation property located in West Jordan, Utah and the Terminal Substation located in Salt Lake City, Utah.

7. The Project does not involve any construction that will cross state boundaries.

8. Rocky Mountain Power will comply with all relevant environmental laws and restrictions applicable to construction of the Project.

9. The Project is not driven by any commitment made to any regulatory agency but is driven by the need to provide current and future service in an efficient and reliable manner to customers.

10. As will be further described in testimony to be filed on behalf of the Company, the Mona-Oquirrh Line will:

a. Meet Rocky Mountain Power's need to provide safe, reliable, and cost-effective electric transmission service to its retail customers and other users of the transmission system;

b. Provide additional capacity to meet projected load demand by 2012 and add much-needed import capacity into the Wasatch Front and beyond from the desert areas southwest of the Wasatch Front or new generation resources in central/southern Utah. The project is designed to leverage net power cost savings by optimizing market purchase or cheaper energy resources outside of the Wasatch Front. Savings, which benefit both the Company and its customers, are derived from the difference between constructing new generation resources locally and importing energy.

11. Currently, a majority of the electricity serving the northern Utah area is generated at Rocky Mountain Power facilities in Carbon, Juab, and Emery counties and is delivered on existing transmission lines that enter the Wasatch Front area from the south. These southern Utah generating facilities include the Carbon, Hunter, Huntington, and Currant Creek power plants. The Rocky Mountain Power transmission system that provides electrical service to this area from southern Utah presently consists of two 345kV lines from the Huntington and Castle Dale (Emery Substation) areas to the Spanish Fork and Camp Williams substations, four 345kV lines from the Mona area to the Camp Williams Substation, and two smaller 138kV lines from the Helper area (Carbon Substation) to the Spanish Fork Substation. These transmission lines are also used to meet other Rocky Mountain Power transmission commitments required between Arizona or Nevada and northern Utah. Reliability benefits would be provided by utilizing a separate corridor than the Mona – Camp Williams corridor in case of unscheduled outages or planned outages. Combined with back-up transmission capacity from the north, the Project transmission line can mitigate loss of load service due to outages occurring in the Mona – Camp Williams corridor or north of the Wasatch Front.

12. As northern Utah's electrical usage continues to grow, existing transmission lines will not have sufficient capacity to serve this projected load and ensure an adequate and reliable electric supply to northern Utah. While the addition of new generation facilities in northern Utah, such as the Lake Side generating plant, will relieve some potential stress on transmission lines between northern and southern Utah, the addition of such a generating plant in a highly-populated area may experience operating

restrictions due to environmental restrictions, such as those designed to regulate air quality standards.

13. Alternatives to constructing a new transmission line have been given serious consideration by the Company, but none were found that met the purpose and need of the Project. These included: (1) electric load and demand-side management and energy conservation, (2) new generation facilities within the Wasatch Front, (3) providing increased supply by adding additional capacity to existing transmission lines and alternative transmission technologies.

14. The Mona-Oquirrh transmission upgrade has been identified in the 2008 IRP as part of the Energy Gateway Transmission Expansion Project. For the 2007 IRP, the Mona-Oquirrh upgrade was incorporated as part of a transmission expansion option included in the IRP capacity expansion optimization model. The transmission expansion option was selected by the model under various input scenarios, and was subsequently included as part of the 2007 IRP preferred portfolio of resources.

15. The Project is part of a larger project entitled the "Energy Gateway Transmission Expansion Project," which includes Gateway West, Gateway South, and Gateway Central. The recently approved Populus-to-Terminal transmission project (approved in Report and Order, Docket No. 08-035-42, September 4, 2008) was part of the Gateway Central Part of this project. The Mona-Oquirrh project is part of Gateway Central. These coordinated projects represent a long-term effort by the Company to deliver network resources to loads, to support retail load growth, and improve reliability of the power grid, all of which is beneficial to Rocky Mountain Power customers as a whole.

16. The Mona-Oquirrh Project is included in the regional Western Electric Coordinating Council planning and ratings process as part of the Energy Gateway Transmission Expansion Project.

17. Even though the country is in the midst of an economic recession at this time, all long-range forecasts for the Wasatch Front demonstrate that Utah and the Wasatch Front will continue to grow at a rapid pace. As Dr. Zenger indicated her testimony in the Populus-to-Terminal case, there are less than three million Utah residents right now; however, estimates from the Governor's Office of Planning and Budget indicate that by 2017 there will be 3.5 million Utah residents growing to 4.3 million by 2030. (Zenger Direct, at 24). Despite conservation efforts by the Company and the public, it is clear that additional transmission capacity is necessary for the Company to meet the load growth over the foreseeable future.

18. Rocky Mountain Power has the capability to finance the Mona - Oquirrh and has a debt-to-equity ratio which provides for financial stability.

19. The Company will demonstrate that the present and future public convenience requires the construction of the Mona-Oquirrh line as described herein as and as will be described in greater detail in testimony. The proposed line does not constitute an extension into the certificated service territory of any existing public electric utilities.

WHEREFORE, Rocky Mountain Power requests:

- a. The Commission enter an order opening a docket for the Application to be filed in the future by the Company for a CPCN to construct the Mona-Oquirrh line, that its order allow interested parties to intervene in this

matter subject to the standards of intervention, and that the order allow the parties hereto to immediately engage in discovery.

b. The Commission enter a protective order (the Company will file a motion for such an order within the next few days).

RESPECTFULLY SUBMITTED: June 30, 2009.

R. Jeff Richards
Rocky Mountain Power

Ted D. Smith
Stoel Rives LLP

Attorneys for Rocky Mountain Power

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **ROCKY MOUNTAIN POWER'S
NOTICE OF INTENT TO FILE APPLICATION FOR CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY** was served upon the following persons
by email at the addresses shown below on June 30, 2009:

Michael Ginsberg
Patricia E. Schmid
Assistant Attorney Generals
500 Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84111
mginsberg@utah.gov
pschmid@utah.gov

Paul H. Proctor
Assistant Attorney General
500 Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84111
pproctor@utah.gov

Ariel Son
Coordinator, Administrative Services

Exhibit B

Mona to Oquirrh Transmission Corridor Project Public Comment Form

Rocky Mountain Power would like to hear your comments regarding the proposed project. Please return this comment form to the sign-in table or mail it to:

Rocky Mountain Power
Mona to Oquirrh Transmission Corridor Project Team
1407 West North Temple
Room 250
Salt Lake City, UT 84116

You can also submit comments via email or phone:

E-mail: ConstructionProjects@pacificorp.com
Phone: 801-220-4221

Please state the project name (Mona to Oquirrh Transmission Corridor Project) when submitting your comment to Rocky Mountain Power via telephone or email.

The comments submitted on this form are for Rocky Mountain Power only. We also suggest submitting a formal comment to the BLM. (Please see below)

Comments:

THE ATTACHED documents are part of the record of a public hearing held of the Tooele City Council.

The Mayor and Tooele City Council want to officially oppose the EAST beach route as well as the Railroad right of way route through Tooele City.

these 2 routes more adversely effect residences than any OTHER route.

Mayor Patrick J. Dunbar
Tooele City Corporation

How did you hear about the landowner meeting? (Check one):

- ☐ Newsletter
☐ Project website
☐ Friends or neighbors

- ☐ TV ad
☐ Newspaper ad
☐ Other

Direct Contact with City officials

Written public comments may be submitted to the BLM during the 90-day public review and comment period (May 15 to August 12, 2009) by the following methods:

- Attend a public open house meeting
- Email comments to UT_M2OTL_EIS@blm.gov
- Mail comments to the BLM:

Salt Lake Field Office
Attn: Mike Nelson
2370 S. 2300 W.
Salt Lake City, UT 84119

Fillmore Field Office
Attn: Clara Stevens
35 East 500 North
Fillmore, UT 84601

BLM Public Open House Meetings

Tooele County Courthouse
47 South Main, Tooele
June 23, 2009
5:00-8:00 p.m.

Cyprus High School
8623 W. 3000 S., Magna
June 24, 2009
5:00-8:00 p.m.

Juab County Fairgrounds
Multipurpose Room
350 W. Center St., Nephi
June 25, 2009
5:00-8:00 p.m.

Tell us how to reach you

Include your name, address, phone number, and e-mail, so we may keep you up to date about this project.

CONTACT INFORMATION

Please print information clearly

Name _____

Address _____

City _____ State: _____ Zip: _____

Daytime phone: _____ E-mail address: _____

For more information visit Rocky Mountain Power's website or the BLM website at:

<http://www.rockymountainpower.net/Article/Article77800.html>

http://www.blm.gov/ut/st/en/fo/salt_lake/planning/mona_to_oquirrh_transmission.html

FOLD HERE

Place
Stamp
Here

Rocky Mountain Power
Mona to Oquirrh Transmission Corridor Project Team
1407 West North Temple
Room 250
Salt Lake City, UT 84116

July 1, 2009

RE: Rocky Mountain Power - Mona to Oquirrh Transmission Corridor Project

Dear Mayor Dunlavy and Tooele City Council,

First of all, Mayor Dunlavy, Thank you for requesting I address this issue this evening.

Rocky Mountain Power with the assistance of the BLM have been coordinating plans to run high voltage transmission corridors through Tooele City in residential areas. We cannot allow this to happen. It is unacceptable and we adamantly oppose all routes through Tooele City. These types of electrical towers need to be placed in Industrial areas and not across our city's residential areas where they will have negative impacts on human lives and negatively impact our environment. They want to place them right through the "heart of our valley". They picked the most beautiful area in all of Tooele to deface. We can't let them ruin our very best with these ugly megalithic power lines and towers when there are better options to place them in a County as large as Tooele.

We are not opposed to power, but we are opposed to RMP's proposed routes. We have coordinated efforts to notify the public of this injustice and in less than three weeks time we have organized a very large committee and mass numbers of citizens opposed to RMP proposed routes through Tooele City. Our knowledge of RMP's plans have grown and we appreciate your willingness to listen to our concerns and the input that we as citizens can contribute to resolving a better future for our city. We certainly won't be improving our way of life or attracting new people to live in Tooele with the 200 ft metal megaliths along the benches and foothills, or humming above Settlement Canyon Reservoir.

The citizens of Tooele were not notified in the proper process. Just ask anyone if they remember receiving notification from RMP or the BLM? The first time most residents had heard about RMP's plan was when they were asked to sign a Petition to oppose the Project; saw our committee's flyer, or read the article and Ad in the paper placed there by our committee. RMP sent a few residents a letter last fall asking permission to conduct a soil test on their property; we were one of them. We responded, firmly declining. Conveniently, we were taken off the list to receive future mailings regarding the project. Coincidentally, the other residents who responded in like form were taken off the list to receive further communication concerning the project.

Time is a factor – The BLM filed the Federal Register on May 15, 2009. We have less than 45 days to make public comments and find justification why the project should be stopped or changed - or RMP can proceed with the project and commence construction. As a public utility they claim they can take imminent domain of our property. There are options to this process and we intend to make every effort to stop them using every possible resource available to do so.

At the BLM meeting June 23rd, we discovered the RMP project manager had not set foot on our mountains until that very morning. He was making an assessment without ever seeing the beautiful mountains and valley he would be destroying and the people whose homes and families he would be affecting. We showed pictures to the BLM representatives who were also unaware how close they were agreeing to placing these high voltage lines to homes with children. The last information the BLM had of the area didn't show homes that have been there for 8 to 10 years.

In researching the Environmental Impact Study (EIS), initial BLM maps were too broad and vague and the information presented in the final Environmental Impact Study (EIS) is inaccurate. The EIS states Tooele City doesn't have any plans for the future development of our City. The maps and pictures of the Tooele Valley used and presented by the BLM are not current. Why is our City's Master Plan for residential and industrial areas not included or better yet why were they left out? Other inconsistencies have been found in the EIS by our committee and we would like to address these areas with you.

The EIS also says Tooele County's General Plan 2006 only covers protecting the best interest of the Desert Peak Complex and Miller Motorsports Park. We plan to address this with the County Commissioners. This should be of concern to the citizens that the Commissioners are more concerned over the views and interests of these two pet projects than they are over the best interests of the residents who voted for them. Or has this been misrepresented in the EIS as well?

Adverse health hazards considered in the EIS Summary from electronic magnetic fields and sulfur hexafluoride gasses were stated as minimal, within or below guidelines. What exactly is this low number? One person in ten, one in a hundred, a thousand? The human being is the highest species of wildlife and should be given the utmost consideration. EMF is a documented cancer-causing agent by the World Health Organization since 2001 with new information and research refuting RMP's position. New studies show living near high voltage power lines increases the risks of leukemia in children, increases the cases of breast cancer & brain tumors all of which is at a greater proportion than RMP is presenting in the EIS.

If that isn't enough to make you oppose RMP's project, trust me, there are many, many more reasons. One of the proposed routes runs in front of Tooele high school's "T". Establishing a negative lasting affect on the view of the mountain with the beloved high school historical marker placed there by the 1916 graduating class of Tooele High School. The "T" is a symbol to THS alumni of their alma mattor. Twice a year hundreds of high school seniors access the "T" lighting it at homecoming and graduation. The "T" has both historical and sentimental value to the residents of Tooele serving as a visual welcoming home sign to all for over a hundred years. My concerns are also safety when it comes to the "T", high schooler's are known for their pranks and dares especially at these two events. There has already been reported deaths by young people trying to climb these power lines.

The EIS states construction activities increases the risk of wildfires. The proposed route would require approx. 128 miles of new access roads. Tooele City has a Volunteer Fire Department. Any additional risks of wildfires to the shrub and grassy dry mountainous areas in the late fall would increase

the danger of the lives of the volunteer fire fighters and place the surrounding residential areas in potential danger and loss of human lives and destruction of personal property. The closest additional fire assistance is the County Fire Dept located 15 to 20 minutes north in Stansbury Park and is also a volunteer service.

Antiquated, vague, inconsistent and incorrect information was filed with the Federal Government to present a biased view of our city which would grant RMP approval to proceed with a multi-billion dollar project that will negatively impact our valley to such a magnitude we will never be able to recover from it. Notice to citizens was not sufficient to present RMP's project in enough detail and with enough information with limited time left to oppose it. RMP was hoping to "fly under the radar" hoping we wouldn't notice them until it was too late, but this is not the case for them in Tooele. We have caught them in enough time to oppose their project before it was started and before it's too late to stop their current proposed routes through our city and valley.

According to RMP, the power line is needed for the Salt Lake Valley. Tooele may need additional power and benefit from it in the future and that's only "if" we have anything left to build to. We need to protect our best interests the same as other cities along the Wasatch front who have denied RMP to build on their side of the mountain. Our personal property value will decrease if these lines are built next to our homes. Any improvement we have made will be of no value. If the value of our homes decreases; the amount we pay in property tax will go down as well. This will be an individual loss and an annual loss to the tax base we so desperately need to maintain our schools, streets and the money used to operate our city and county.

We can't let a big corporation tear the heart out of our valley. We have given so much of our valley to other big corporations and to the government. It feels like we have given every other part of ourselves to nerve agents, toxic chemicals, chorline gases, to name just a few – because we – the citizens of Tooele – didn't have the opportunity to stand up and say no – No we don't want them here - before the decision was made to bring those poisons here.

We don't want any more. The heart is all we have left and we want it to remain untouched and still beating so we can build a future here. If we allow these power corridors to be placed where RMP and the BLM propose wrapping around the city, we won't have a future, we will be strangled by electricity, choked to death with no room to grow or beauty left to enjoy and our heart will stop beating.

Sincerely,

Kaye Pratt

Brad Pratt

743 Deer Hollow

Tooele, UT 84074

The block contains two handwritten signatures. The top signature is in cursive and appears to read 'Kaye Pratt'. The bottom signature is also in cursive and appears to read 'Brad Pratt'.

July 1, 2009

Mayor Dunlavy and Tooele City Council,

We have just in the past few weeks been informed of the preferred and the alternate routes that Rocky Mountain Power and the BLM are wanting to take to run the 500 kilovolt and the 345 kilovolt power lines through our city and our county for the Mona to Oquirrh Transmission Line Corridor Project.

I am here tonight as a concerned citizen and as a chairperson to the citizens group formed to oppose the routes proposed by Rocky Mountain Power and the BLM for this project.

The proposed routes are in unacceptable and far too damaging to our city and its residents.

As you have also discovered, these routes pass over the mouths of both of our most used and cherished canyons. They will cross over our reservoir and across the foothills of our community. They are also proposed to run on the west side of our city for too close to the residents living there thus causing an extreme negative impact on the future residential growth in that area.


The plan proposed by RMP and the BLM have at this point not taken into consideration at all the welfare of Tooele City and in many ways Tooele County.

We have industrial areas and an extreme amount of open unimproved land that would be a far better choice for the power lines to be located. There is not an acceptable reason to destroy the beauty and the possibility of future residential growth in our city. In a way this would strangle us.

As a chairman of the citizen committee I have here a petition with approximately 1000 signatures of concerned citizens of Tooele opposing the current routes proposed for this project. I would like to present this petition to Mayor Dunlavy and the Tooele City Council at this time. There are still petitions out in the community at this time being signed. I am informed that at this time those petitions contain another approximately 700 signatures. We will continue to have opposing petitions signed through the month of July and then present a complete petition to you at that time. The members of the citizen group and those signing this petition are growing at a very rapid rate. (copy of petition given to The Mayor and City Council)

We applaud your decision as a Mayor and as the City Council for your care and support with this extreme matter. As a citizen group we plan to stand up and not allow the proposal currently in place. We need to stand together as a community and its leaders to protect what is sentimental and sacred to the residents of our community. There is an agreeable solution if we all can set down with Rocky Mountain Power and the BLM and find one.

Thank you for your time tonight,


Brad Pratt



July 1, 2009

Christopher Belton
725 E. Oakridge Dr.
Tooele, Utah 84074

Dear Members of the City Council,

My family and I relocated from St. Louis, Missouri to Tooele last July to begin a new practice in Orthopedic Surgery. My wife and I studied where we wanted to live, and where we wanted to raise our children. After months of searching, decided to move to the south bench of Tooele, and begin a practice at Mountain West Medical Center. The community and the breath-taking view of the Oquirrh Mountains and the Tooele Valley helped us select the lot we purchased for our home. We love the pristine views of the Tooele Valley and the benches we enjoy from our home.

If the view of the southern bench were obstructed by large power lines, we would have selected a different place to build our home. Grantsville, Erda, and Lake Point are places we looked for potential places to build. None of these places offered the beauty of the south end of Tooele.

Our home is surrounded by lots for sale. Allowing large power lines to destroy the picturesque setting of our community will keep people from moving into our neighborhood and city.

These lines, if allowed to be put along the preferred route by Rocky Mountain Power, will have a negative impact on the visual aesthetics of our city, along with an impact on the economy and growth by making it a less desirable place to build new homes.

Thank you.

A handwritten signature in black ink, appearing to read "Chris Belton".

Christopher Belton

Letter to the City Council Regarding the Proposed Rocky Mountain Power Project

Members of the Tooele City Council, Mayor Dunlavy, Representatives of Rocky Mountain Power and the Bureau of Land Management, Citizens of the City of Tooele,

My name is Gary Swan. I am a native of Tooele, having been born here 45 years ago, and have lived most of my life in this beautiful community. I love Tooele, so much so, in fact, that, as many in this audience are aware, I have written songs about this love. Interestingly, and I suppose quite surprisingly, I have also had a certain affection for the electric utility industry and have written songs about this affection as well. In fact, my children have sung these songs, helping classroom teachers not only in Utah, but in other portions of the country, understand why electricity is so important to our modern society, where it comes from, and how we get it to our homes.

One thing I've learned in my work with electric utilities across this country is how difficult it is for a utility to site new transmission capacity. When the electric utility industry says this is a big issue and a critical need, they're not exaggerating. I also know that the biggest challenge any utility faces in this regard is NIMBYism, standing for Not In My Back Yard!

So why would I be here today, understanding and appreciating all that? Because Rocky Mountain Power, with all due respect, has made an absolutely horrible recommendation of a corridor in which to site its new transmission capacity along Tooele's Southeast Bench. In fact, short of putting those new lines right through the middle of somebody's subdivision, there could not be a more inappropriate location, a more negatively impactful location in this entire county.

Is this about individuals' property values? Sure, that's part of it. Is it about safety and health concerns for having that much electricity transmission so close to homes? Yes, that's part of it, too. But what this is really about is the entire character of a community. This project would create a breathtaking defacement of the beautiful Corner Mountain that has always served as a sentinel to the entire east side of the community of Tooele, and would also directly interfere with the big "T" on Clipper Peak, which has come to be a symbol of community spirit and strength.

One more thing. Many in this community have speculated and dreamed of the future possibility of having an LDS Temple on the property that Maxine Grimm owns. Sister Grimm herself, a good friend to several LDS church presidents, including presidents Hinckley and Monson, has this as a dream, and she's the property owner. And these transmission lines would come right exactly through where that temple would ultimately stand.

Rocky Mountain Power has a very effective marketing brand called "Do the Bright Thing." Siting this new transmission capacity along the proposed southeast route could not be more contradictory to that slogan. This project, as proposed, will create a permanent blight on this community's very character, and will create a devastating blight upon Rocky Mountain Power's good name in the hearts of Tooele's residents for decades to come. This valley is full of wide open, empty spaces, much more appropriate for a project like this. Please find a different route. This one is absolutely unacceptable.

Gary Swan

Mayor, City Council members

My name is Art Freiley. I agree with most everything that has been said here tonight in defense of the beauty and traditions of the City of Tooele.

My wife and I recently moved into our home which we built about a year ago. Before building our home for retirement, we looked at a number of different areas around Salt Lake but we eventually choose the city of Tooele and the bench area. What attracted us was the friendly community but the wonderful views of the mountains all around. I am very concerned that this proposed plan will adversely affect not only our views but the views of the many citizens around this community.

Currently there are many developments and lots available in the bench area that have yet to be built on, But who would want to purchase a lot and build their home on it, knowing the view includes these large towers and the power lines stretched across our beautiful Oquirrh mountains? I would expect that our property values will decline, if this plan proceeds which means less taxes for the city and the county.

I know there are alternative routes that can and should be considered. These would be less harmful to our mountains, and the a long held tradition of the "T". The bench area is one of the most desirable areas in Tooele, attracting professionals to build and live in the area, which is always good for Tooele businesses and its residents. I believe the bench and canyon areas should be protected from these unsightly power lines and towers.

I would encourage our City Council members to do all in their power to protect this area from being defaced and find another route that can meet the objection of this project to bring power to valleys of Tooele and Salt Lake. Thank you.

922

MONA TO OQUIRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Dennis Richardson	613 Mountaineer Circle
2. Jannine Richardson	613 Mountaineer Circle
3. Michael	118 S. Willow, Panguitch
4. Myron Bateman	630 Kingston Dr Tooele, UT
5. Marina Torres	1648 Dawson Ln, Tooele, UT
6. Adam Wilson	17 E. Silver Ave. Panguitch, UT
7. Holly Unrein	1554 Colavito Way, Tangle, UT
8. William Bateman	630 Kingston, Dr., Tooele UT
9. Nicole Parash	118 Millbrook Way Tooele, UT
10. Liz Reap	347 Upland Dr. Tooele
11. Michael	645 W. Vine St. Tooele
12. Jerry	645 W. Vine St. Tooele
13. Amy & Royal	39 S. 100 E Tooele
14. Dave Royal	39 S. 100 E Tooele
15. Andy Ryle	39 S. 100 E Tooele
16. Michael	803 E. 1120 N Tooele, UT
17. Paul Davies	803 E. 1120 N. Tooele, UT
18. Dorothy	576 S. 425 W. Tooele, UT
19. Keith L. Davis	576 S. 425 W. Tooele, UT
20. Jesse Verda	295 Drysdale Way Tooele UT 84074
21. Ericka Jordt	482 Lindy Way, Tooele UT 84074
22. Kristen Bolinder	315 S. 2nd Street, Tooele, UT 84074
23. Sherry Ahlstrom	3896 N. 370 W. End, UT 84074
24. Patricia	44 Kelsey Hill Dr Tooele, UT 84074
25. Barbara	868 E 420 S. Tooele
26. Barbara	868 E 420 S. Tooele
27. Paul	529 E. Parkhill Dr, Tooele UT
28. Michael	529 Parkhill Dr. Tooele UT 84074
29. Janet Bird	252 Upland Dr. Tooele, UT 84074
30. James	252 Upland Dr Tooele UT 84074
31. Sharon Jensen	328 S. 400 W. Tooele, UT 84074
32. James	328 S. 400 W Tooele UT 84074
33. Emily	958 E. 790 N. Tooele UT 84074
34. Paul	958 E. 790 N Tooele UT 84074
35. Emily	1336 E 630 S. Tooele UT 84074

MONA TO OQUIRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Joe L. L. L.	882 Pioneer
2. Debra Reynolds	496 S 525 W
3. Carole Wood	496 S 525 W
4. Jennifer Mott	496 S 525 W
5. Barbara Higley	5667 W Higley Road
6. Carrie J. W.	149 E DELICADAN
7. James M. M.	1419 Canyon, UT
8. Karen Schaper	255 So 2nd St
9. Beverly L. L.	470 West 700 South
10. Sharon L. L.	" " " "
11. Bonnie L. L.	
12. Lena L. L.	
13. Susan L. L.	495 W UT Ave #109
14. Tim Pierce	495 W UT Ave #15
15. Jodi Wilcox	820 S 320 W Tooele, UT
16. Nancy Wilcox	230 S 320 W Tooele, UT
17. Pat L. L.	528 Linden Tooele, UT
18. Art L. L.	294 So. 3rd St Tooele, UT
19. ARBORE JONES	324 E Main St Tooele, UT
20. L. L.	324 E Main St Tooele, UT
21. Richard L. L.	2998 E. Main St Tooele, UT
22. James L. L.	5341 E. Main St Tooele, UT
23. John L. L.	466 N. Main Street Apt 15 Tooele, UT 84073
24. John C. L.	9094 N. Hwy 40 #3 Tooele, UT
25. John B. L.	398 West 200 South Tooele, UT
26. Pete L. L.	39 N 1000 W Tooele, UT
27. John L. L.	39 N. 1000 W Tooele, UT
28. John L. L.	26 E. L. L. Tooele, UT
29. John L. L.	26 E. L. L. Tooele, UT
30. John L. L.	575 S. Main
31. John L. L.	403 E 1370 N Tooele
32. John L. L.	401 Uinta
33. John L. L.	401 Uinta
34. John L. L.	51 W 1970 N
35. John L. L.	128 S. Newmark

MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZENS OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Dan Garrison	515 S. Park Hill Dr Tooele
2. Amy Giles	224 E. Cammaron Erda Ut.
3. Jordan [unclear]	224 E. Cammaron Erda Ut.
4. [unclear] [unclear]	244 N. 6th St. Tooele, Utah
5. Ruth [unclear]	636 Grandview Circle Tooele
6. Louise [unclear]	931 W. Utah Ave Tooele UT
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MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Jerry Worsener d/f	5072 North August St Erda
2. Sharon Worsener d/f	5072 North August St Erda
3. Bradley D Wells	624 E Berkshire Dr Tooele
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MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. William Whiteley	1610W Wagon Rd.
2. William Whiteley	1610W Wagon Rd.
3. Bob Tomac	445 E. Ninth St
4. Matt Tomac	162 W 400 So
5. Tylan Tomac	162 W 400 S
6. RUTH Cole	825 Upland Dr
7. EARL Cole	" " "
8. Mike Tomac	445 E. Ninth St
9. Grace Robinson	659 E Greystone Way Tooele
10. Tamra Thomas	6303 Lotus Lane W. UT
11. Amy Price	430 N. Garden St Tooele 84074
12. Randy Fisher	659 E Greystone, Tooele
13. Veronica Reilly	786 So 480 W Tooele
14. Scott Cole	786 So 480 W Tooele
15. JEFF TERRY	5927 Geneva Lane STANBURY PARK
16. Guy Robinson	225 E. 11th St Tooele UT
17. Cheryl Reilly	1038 S 860W Tooele UT 84074
18. Christy Whithers	1307 East Brandy Dr. UT 84074
19. Jillian Palmer	1038 S 860 W. Tooele UT 84074
20. Kristine Lundgaard	1563 Bayan Rd Exda, ut 84074
21. Jenni Lundgaard	1563 Bayan Rd Exda, ut 84074
22. Jeff Allen	1038 So 860W Tooele UT
24. Linda Vard	358 E. 950 N.
25. CAT KARIN	381 W UT AVE
26. Jennifer Smith	258 N 590 E
27. Nicole Tomac	162 W. 400 S Tooele VT 84074
28. Betty GAMES	111 N. 100 E Tooele UT
29. Donna Hutton	666 Crestview DR Tooele, UT
30. Al Sanders	357 N 100 EAST Tooele UT
31. McKenna Riley	262 W 1st 6th St. Apt 10C
32. Carlee Riley	54 Park Avenue
33. Laura Genden	448 W. 400 So.
34. Brenda Olshant	45 E 400 S.
35. Becky Walbeck	487N 100 E

MONA TO OQUIRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. [Signature]	3795 7th ST
2. [Signature]	419 S. 7th St Tooele, UT
3. Shannon Maxwell	418 S. 7th St Tooele, UT
4. Leonard M. [Signature]	3905 S. 7th St Tooele
5. [Signature]	304 S. 7th St Tooele
6. [Signature]	254 S. 7th St Tooele
7. [Signature]	521 UPLAND DR
8. [Signature]	497 UPLAND DR
9. [Signature]	497 UPLAND DR
10. [Signature]	487 UPLAND DR
11. [Signature]	387 Upland Dr.
12. [Signature]	
13. [Signature]	307 Upland Dr.
14. [Signature]	355 Upland Dr. Tooele
15. [Signature]	317 Upland Dr Tooele
16. [Signature]	317 Upland Dr. Tooele
17. [Signature]	307 Upland 84674
18. [Signature]	307 Upland 84674
19. [Signature]	295 Upland Dr. Tooele
20. [Signature]	295 Upland Dr. Tooele
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MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Chad Pryor	300 Upland Drive
2. Eli Gamiez	316 Upland Drive
3. Paul J. Busico	433 Skyline Drive
4. Marty McPhie	309 Nottingham Dr.
5. Lon Jensen	301 Nottingham Dr.
6. Trina Allen	420 Nottingham Cir.
7. Ron Ruiz	318 Nottingham Dr.
8. James Allen	360 Nottingham Dr.
9. Gerald Latta	434 Jupiter Dr.
10. Kathy Trautman	319 Nottingham Dr.
11. Dan Trout	478 Sleepy Hollow
12. Charles Carr	489 Sleepy Hollow Dr.
13. Mary L. Phillips	488 Lawrence Ave.
14. Walter Walter	815 Kannerille Way
15. Walter Walter	512 Upland Dr.
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MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZENS OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Toney Keyser	1179 N. Pantos Blvd Tooele UT
2. Josh Erickson	829 So 490 West Tooele UT
3. Chelsea Fox	1774 B. St. Tooele, UT
4. Pat Burt	524 Oakridge Dr
5. Kerin Kelley	
6. Francisco Anderson	Grantsville
7. Jason Lee Johnson	280 So. 200 W. Tooele
8. Mark Moffatt	881 Upland Dr.
9. Shayne H. Anderson	881 Upland Drive Tooele Utah
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MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZENS OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Jennifer Hansen	435 E. 1310 N. Tooele, Ut.
2. Beryl Walbeck	437 N. 100 E. Tooele, UT.
3. Deshae Chavez	547 N 100 W Tooele, UT
4. Beryl Walbeck	7148 N. Burnett Rd.
5. Hannah Brown	584 Kay Lane Tooele UT.
6. Amber Bill	425 W 400 N Tooele UT 84074
7. Melissa Wynn	593 E. Windsor Dr Tooele, UT 84074
8. Cheryl Brown	1617 Dawson Tooele UT 84074
9. Patricia Lewis	1774 Van Dyke Way Tooele UT 84074
10. Frances Lewis	1781 N 210 E Tooele, UT 84074
11. Dale Lewis	1781 N 210 E Tooele UT 84074
12. Carla Evans	741 Tambo in Tooele UT
13. Anne Williams	904 N 150 E Tooele UT
14. Carmen Camacho	1079 N 200 W Tooele UT
15. Alice Nelson	462 W. 900. 50 Tooele UT
16. Anna Nelson	462 W. 500 S Tooele
17. Larry Nelson	18 S. 820 E. Tooele
18. Yvonne Nelson	18 S. 820 E Tooele
19. Louise Paddock	814 400th St. Tooele
20. Amy Chisley	717 N. 310 East Tooele
21. Scott Broadhead	425 5711 N. Helm Ln. Tooele
22. Scott Broadhead	5711 N. Helm Ln. SEP, UT
23. Brianna Wofford	1247 E CASSITY DRIVE. UT.
24. Bryan Joe	919 N. 1430 E. Tooele, UT 84074
25. Stephanie Joe	919 N. 1430 E. Tooele, UT 84074
26. Karl Cornwall	334 Nottingham Dr Tooele UT 84074
27. Bryan Lewis	725 Elk Mountain Loop Tooele, UT 84074
28. Lisa Terry	16 N. Taylor Rd Grantsville 84029
29. Vanessa Baldwin	167 E 980 N Tooele UT 84074
30. Roberto Nantz	984 S. Mustang Dr. Grantsville
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MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Brett D. Clark	777 Upland Drive Tooele, UT
2. Pauline A. Gresson	804 Upland Drive Tooele
3. Pauline A. Gresson	820 Upland Drive
4. Steve Reed	820 Upland Dr.
5. William Thompson	828 Clifford Dr.
6. Michelle Nichols	806 E Clifford Drive
7. James C. Stephens	803 CLIFFORD DRIVE
8. Lammie Alverson	334 Lisa Way, Tooele
9. Michael Haller	276 Lisa Way, Tooele
10. Cindy Haller	276 Lisa Way, Tooele
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MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

	NAME	ADDRESS
1.		
2.	<i>Samuel King</i>	<i>622 OAK COURT</i>
3.	<i>Met B. Silke</i>	<i>566 OAK</i>
4.	<i>David Myers</i>	<i>558 Oak Lane</i>
5.	<i>Shirley Chase</i>	<i>831 OAK Lane</i>
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MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Lane Wheat	471 Gordon Circle Tooele, UT
2. Lowell Ford	330 4th St
3. Frederic A. Valdes	644 Skyline Dr, Tooele, UT
4. Lincoln Platt	609 Oak Ct. Tooele, UT
5. Pete Karabats	601 Oak Ct. Tooele, UT
6. Stella Karabats	601 Oak Ct. Tooele, UT
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MONA TO OQUIRRE TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Bev + Gary Brooks	614 Mountaineer Circle
2. Gary Brooks	2014 Mountaineer Circle
3. Meredith Fairbanks	623 Mountaineer Circle
4. Marc Fairbanks	"
5. Dan + Nancy Butcher	595 Mountaineer Circle
6. Kevin Butcher	517 Mountaineer
7. John Overstreet	552 Tamarack
8. Deborah Mather	492 Gordon Circle
9. Bill C. D. Chris = J	472 Gordon Circle
10. Robin Douglas	500 Skyline Drive
11. Marlene Clawson	320 S. 17th St.
12. Douglas McFarlane	390 S. 7th St.
13. [Signature]	481 Oakridge Dr.
14. [Signature]	"
15. [Signature]	575 OAKRIDGE Dr.
16. [Signature]	573 OAKRIDGE DR.
17. Judy L. Burt	593 OAKRIDGE Dr.
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MONA TO OQUIRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZENS OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. <u>Marianne Rutishauser</u>	<u>36 Lakeview, Stansbury Park</u>
2. <u>Marirose Mackay</u>	<u>897 N. Opel Ln, Tooele</u>
3. <u>Joshua Mackay</u>	<u>897 N. Opel Ln, Tooele</u>
4. <u>Pete B. Bazzani</u>	<u>347 Nottingham Dr Tooele</u>
5. <u>Erika Corson</u>	<u>371 S 1000 W Tooele, UT. 84074</u>
6. <u>Jimmy W. Bazzani</u>	<u>371 South 1000 West, Tooele, UT 84074</u>
7. <u>Valerie Lee</u>	<u>833 WEST VINE, TOOELE UT</u>
8. <u>Jennifer Allred</u>	<u>468 SO. Nottingham DR Tooele</u>
9. <u>Judy Martinez</u>	<u>583 Pine meadow lane Tooele</u>
10. <u>Julia Workman</u>	<u>215 S. 2nd St. Tooele</u>
11. <u>Brittany Allred</u>	<u>468 Nottingham DR. Tooele</u>
12. <u>Aubrey Smith</u>	<u>4982 N. Heidi Way, Erda UT</u>
13. <u>Craig Smith</u>	<u>4982 N. Heidi Way Erda UT</u>
14. <u>Mindy Jacobson</u>	<u>5364 N La Rochelle Ln Stansbury</u>
15. <u>Jimmy Jacobson</u>	<u>5364 N La Rochelle Ln Stansbury</u>
16. <u>Kathy Clark</u>	<u>650 Valleyview Dr Tooele UT</u>
17. <u>Brad Clark</u>	<u>650 Valleyview Dr Tooele UT</u>
18. <u>Michelle Nielson</u>	<u>858 E 900 N. Tooele, UT</u>
19. <u>Dale Nielson</u>	<u>858 E 900 N. Tooele, UT</u>
20. <u>Gail Williams</u>	<u>549 S. Hale St Grantsville Ut</u>
21. <u>Kelly Williams</u>	<u>549 S. Hale St Grantsville Ut</u>
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MONA TO OQUIRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Anthony Busico	448 Elm St. Tooele UT 84074
2. Samantha Woodruff	375 E. main St. Grantsville UT 84029
3. Eric Ahlstrom	877 Valley View Dr.
4. GERALD E. GORDON	120 N 5TH STREET
5. ALAN GORDON	180 N 5TH STREET
6. Helen Bernick	103 N 5th Street
7. [unclear]	129 N 6th St. Tooele
8. [unclear]	469 SLEEPY HOLLOW DRIVE-TOOELE
9. Amber Davis	99 N. Broadview Tooele UT
10. MARY MANUSAKIS	469 Sleepy Hollow Dr Tooele UT
11. Barbara Warner	79 N. 5th Tooele UT
12. [unclear]	79 N. 5th Tooele UT
13. [unclear]	615 E SHELTER RD
14. [unclear]	615 E SHELTER RD
15. [unclear]	42N 5th ST TOOELE
16. Samantha Spadling	42N 5th ST TOOELE
17. [unclear]	51N 5th ST, TOOELE
18. [unclear]	89N 5th ST TOOELE
19. [unclear]	60N 5th ST UT TOOELE
20. [unclear]	84N 4th ST TOOELE UT
21. [unclear]	84N 4th ST TOOELE UT
22. Valerie Zedler	84N 4th St Tooele UT
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MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Marlene Nelson	566 W. 7th St. - Tooele
2. Donna M. Hendrick	896 W. 1st. - Tooele
3. Jo Ann Jacobson	725 So Coleman Trench
4. L. L. 158 1st St. E	2816 E. 1st St. - Tooele
5. Clyde Sly	262 N. 6th St. - Tooele, UT
6. Linda Hamilton	634 W. 1st. Trench, Utah
7. Josh Yabe	1438 N. 650 E.
8. Mary Yabe	1438 N. 650 E.
9. Carl B. 150	1438 N. 650 E.
10. Rette R. Rinalbert	497 4th St Tooele UT
11. Betty Marsden	617 4th St Tooele UT
12. Paul Velle	205 Skyline Dr.
13. Mike Burris	124 N. 4th St
14. Brian Johnson	124 N. 4th St
15. Megan Benson	1310 N. 4th St.
16. Tom Peterson	2672 Mari Vista Ln
17. David Swell	620 W. 1st St Tooele, UT
18. Gary Church	620 W. 1st St Tooele, UT
19. David D. D. D. D. D.	2107 Mari Vista Ln Tooele UT
20. Tiffany Woodard	4910 Elm Street Tooele UT
21. Paul W. Reed	1100 N. 4th St Tooele UT
22. Doug Burris	4656 400 N.
23. Bruce Burris	128 N. 4th St. Tooele
24. Andrew Quintana	128 N. 4th St. Tooele
25. Caroline Willey	263 Maple Street Tooele
26. Roger Willey	263 Maple Street Tooele
27. Brian Calk	205 E. 7th St. Tooele
28. Diane Clark	381 N Washington St. Tooele UT 84044
29. Bonnie Bestwood	381 S. 360 W. Tooele UT 84074
30. Beth Miller	381 S. 360 W. Tooele UT 84074
31. Bonnie Woodbury	3875 Rowberry Ln. Cedar
32. Martha Foster Jacobson	3478 So 350 W. Tooele UT
33. Gloria Strickland	75 E. 200th Tooele UT.
34. John	
35. David Johnson	103 N. 4th Street
36. David Johnson	103 N. 4th Street
37. David Johnson	3854 N 570th E. Tooele UT

MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
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THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

	NAME	ADDRESS
1.	Jay Luck	63 Benchmark Vill.
2.	Maria Bonham	142 W. 5TH ST.
3.	Ed Pinner	966 W 810S
4.	Cindy Wood	620 Country Club
5.	Mark Martinez	76 W 1770 N
6.	Miki Bryan	777 N. MAIN ST.
7.	Lenise Grondahl	322 E 600 N.
8.	Howard Summers	54 W. UT AV.
9.	Jordan Summers	" " " "
10.	Teresa Busico	62 W. Utah Ave.
11.	David DeLamare	392 Lindy Way Tooele UT
12.	Lisa DeLamare	392 Lindy Way Tooele
13.	Darrell Ogden	40 Alburty Drive Tooele
14.	Lorraine Ogden	416 S. 525 W Tooele
15.	Terry Anderson	5520 Hampton Road Tooele
16.	John Anderson	5520 Hampton Road Tooele
17.	Erin Rags	41 W 400 N. Tooele
18.	Samuel Rags	4 W. 400 N. Tooele, UT
19.	Calvin Cochran	388 Bailey Way Tooele, UT
20.	Mark Rags	388 Bailey Way Tooele, UT
21.	Ed Rags	61 Benchmark Village
22.	Don Rags	192 S 1005 Tooele
23.	Don Rags	124 S 200 E Tooele
24.	Bryan Barber	687 Kingston Tooele UT
25.	Marion Curry	553 N. Main Tooele UT 84074
26.	Jan Busico	305 South 100 West Tooele
27.	Michael Summers	495 W. 620 S. Tooele UT 84074
28.	Dei W. Perkins	376 E. Meadows Drive Tooele 84074
29.	Barb Rags	1034 Brookfield Ave Erda UT 84074
30.	John Cradler	85 Benchview Drive
31.	Barb Sutton	777 N. Main St.
32.	Don Wood	620 Country Club
33.	Bae Rags	71 N Main Tooele
34.	Tripp	314 South 1230 Pk Tooele 84074
35.	David Lee	833 W. VINE, TOOELE UT 84074

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MONA TO OQUIRH TRANSMISSION CORRIDOR PROJECT
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THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Brian Outzen	872 South Oakhollow Rd.
2. Jason Outzen	872 South Oakhollow Rd.
3. Bruce Hunt	405 W 400 So. 940 N
4. Elizabeth Varro	1450 E. 942 N
5. Elizabeth Varro	65 E. 2nd Ave.
6. Jack & Mike Sprague	210 Lakeview Stansbury, UT
7. Steven Hunt	405 W. 400 So.
8. Kathy Bell	442 Mapleton Cir.
9. Madsa Buisson	940 E Ironwood Road ERDA
10. Valerie Buisson	940 E Ironwood Road ERDA
11. John Chacon	548 Pioneer Ave
12. Amanda Wimmer	127 Berchman Dr Tooele, UT 84074
13. Robert A. Shumway	551 Nottingham Dr Tooele, UT 84074
14. David Campbell	523 Nottingham Dr Tooele UT 84074
15. Robert W. Bergman	523 Nottingham Dr Tooele UT
16. David Hunt	523 Nottingham Dr Tooele UT
17. Alisha Dyer	569 Nottingham Dr Tooele UT
18. Mickey Bays	569 Nottingham Dr Tooele UT
19. Andrew K. Bays	569 Nottingham Dr Tooele UT 84074
20. MICHAEL D. ATHERLEY	373 MEADOWS DR, TOOELE 84074
21. Chase F. Gill	303 Champion St Tooele 84074
22. Elizabeth Hunt	306 N 200 W Tooele
23. Nicole Mahallieh	234 S. 15th W. Tooele, UT
24. Crystal Huntman	50 Union Way Tooele UT 84074
25. [Signature]	469 Linden St Tooele 84074
26. [Signature]	541 Park Hill Dr.
27. [Signature]	470 Birch St Tooele UT 84074
28. CHRIS Thompson	478 Birch St Tooele UT 84074
29. Shenna Sigalstein	1004 S. 910 W. Tooele, UT 84074
30. [Signature]	509 Holly Dr. Tooele UT 84074
31. [Signature]	509 Holly Dr. Tooele UT 84074
32. Mitchell D. Cozens	509 Holly Dr. Tooele UT 84074
33. [Signature] (SHANE KORTZ)	7817 MTN VIEW LAKE POINT, UT
34. KAREN BOSWELL	827 DEERHOLLOW TOOELE
35. SPINSON BOSWELL	827 DEERHOLLOW TOOELE

MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Robert Rudy	841 Upland Drive
2. ANAN TRUESDALE	326 DUROCHER LANE
3. Manuel / Janis	700 S 330 W
4. Cody Duane Crossley	913 W 740 S
5. Tammy Nannarini	399 N 1020 E
6. Doreen Ogden	388 S 920 W
7. Dallas Munch	992 TIMPIE RD.
8. Steve Garcia	335 W Durtan St
9. Carol Butler JR	114 - Sagehill Cir Grantsville
10. Johnny Gonzales	854 W 620 S
11. Mike Johnson	272 W Peach Grantsville
12. Rich Peterson	1401 100W Tooele
13. Brigham Worsenecroft	246 N 200 W Tooele
14. Jeey Worsenecroft	1022 N August FROM
15. Tom B. S.M.A	55 N 2nd St
16. CRAIG VIGIL	1555 Ontario St.
17. Walt Vigil	630 Upland Dr
18. Carla Vigil	630 Upland Dr
19. Kyle Vigil	555 Ontario St
20. Shari Worsenecroft	5072 N August FROM
21. John Worsenecroft	246 N 200 W Tooele
22. Manuel Garcia	166 Park Ave.
23. T. Pendle Peterson	555 Ontario St
24. Rebecca Manuel	791 Arroyo Tooele
25. Tim Turner	948 N 100 W Tooele
26. Caroline Sanchez	508 Lindy Way
27. Mike Young	7840 N - 100 W
28. TANIA MARTINEZ	630 Upland Drive
29. MIKE HEPNER	BROADWAY ?
30. TOSH JOHNSON	630 Upland Drive
31. Shelly Rich	824 N 100 W Tooele
32. Bill Myers	824 N 100 W Tooele
33. Zonica Lowe	59 E 400 N Tooele
34. Stevie Koe	59 E 400 N Tooele
35. Andy Lowe	400 N Coleman

Emily Lowe

400 N Coleman

MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Melodi J. J. his	782 W 200 S Tooele UT
2. Randy L. Cochis	782 W 200 S Tooele UT
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MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Scott Wamble	630 Pioneer Ave Tooele City
2. Keith Bird	1339 E. Haylie Lane, Tooele
3. Dave Morill	567 So. 1350 E Tooele
4. JIM WEBBER	784 S. Elk Meadow Loop Tooele
5. John Hansen	739 E. Oakridge Dr Tooele UT
6. PETE G. BUZZIANI'S	1523 Middle Canyon Rd Tooele, UT
7. J.P. Hansen	372 E. Meadows Dr. Tooele, UT
8. Kim Hansen	372 E. Meadows Dr. Tooele, UT
9. Janet VINCENT	1246 E. Cassity Dr.
10. Lacey VINCENT Horne	1246 S. Cassity Dr.
11. Mike Horne	1246 S. Cassity Dr.
12. Bonard Vincent	1246 E. Cassity Dr. Tooele UT
13. Terri Garrard	515 S. Park Hill Dr Tooele UT
14. Mike Garrard	515 S. Park Hill Dr. Tooele UT
15. John + Pauline Speirs	510 Oakridge Dr Tooele, UT
16. David LeSueur	1302 E. 700 S. Tooele, UT
17. Paula LeSueur	1302 E. 700 S. Tooele, Utah
18. Marilyn Roundy	770 Skyline Dr Tooele, UT
19. Karlene Wells	624 E. Berkshire Dr.
20. Michael Wells	624 S. Berkshire
21. Brett Curry	738 Deer Hollow Rd Tooele UT
22. Gabrielle Curry	738 Deer Hollow Rd Tooele UT
23. Jeff England	732 Haylie Lane, Tooele, UT 84074
24. Pete Grimm	Grimm Hill Rd, P.O. Box 569, Tooele.
25. Dennis Hullinger	535 Oakridge Dr. Tooele UT
26. ROSEMARY HULLINGER	535 OAKRIDGE DR. TOOELE
27. Darin Smith	1373 E. Cassity Dr. Tooele
28. Laurie Smith	1373 E. Cassity Dr. Tooele
29. Gary England	775 Elk Meadow Loop - Tooele
30. Gailyn England	775 Elk Meadow Loop Tooele
31. Mike Outzen	872 So. Deer Hollow Rd Tooele
32. Doreen Outzen	872 So. Deer Hollow Tooele
33. Dave Dominguez	783 Deer Hollow Tooele
34. Brad + Karye Pratt	743 Deer Hollow Tooele UT
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MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Amanda Hunt	442 S. Main Tooele
2. Timothy Hunt	442 S. Main Tooele
3. Martha Salaman	630 Kingdon Dr
4. Flavia Silva	630 Kingdon Dr
5. James Hunt	505 F 11th St
6. AUX-KI 1110	15th 100W
7. ANGELA DEAN	708 708 FOX RUN DR
8. Laine Harsha	718 Fox Run Dr. Tooele
9. Tamara Rasmussen	779 Left Hand Fork Dr. Tooele.
10. Matthew Chard	789 E Left Hand Fork Dr
11. Stephanie Chard	" " "
12. Mauden Seal	852 E Left Hand Fork Dr Tooele
13. June Gentry	886 Left Hand FK Dr.
14. Tom Gentry	" " "
15. Carol L. Orr	873 E Left Hand Fork Dr. Tooele
16. Robert J. Dore	" " "
17. Cheri Firas	874 E. Left Hand Fork Dr. Tooele
18. Kellie Thompson	885 E Left Hand Fork Dr. Tooele
19. Terry Gonzales	822 E. Left hand fork dr
20. LARRY GONZALES	822 E left hand fork dr.
21. Tamara Parist	1498 E 850 N Tooele.
22. Gabriela Mungia	1472 E 850 N Tooele
23. Clint Pearson	1462 E. 850 N. Tooele
24. Christina Pearson	1462 E. 850 N. Tooele
25. Sheri Smith	583 Sunset Ave Tooele
26. Richard Smith	583 Sunset Ave Tooele
27. Allen M. Smith	583 Sunset Ave, Tooele
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MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Andrew Pratt	1058 N 690 E Tooele, UT 84074
2. Nick Pratt	1058 N 690 E Tooele, UT 84074
3. Eric B...	1021 N 690 E Tooele, UT 84074
4. Kristina Hansen	1037 N 690 E Tooele, UT 84074
5. Stefania Hansen	1092 N 690 E Tooele, UT 84074
6. Stacie Bracken	1119 N 690 E Tooele, UT 84074
7. Derek Bracken	1119 N 690 E Tooele, UT 84074
8. Blair Brimmerhoff	707 Fox Run Dr. Tooele, UT 84074
9. Carol Whatcott	709 Fox Run Dr Tooele UT 84074
10. Brannon Harmer	779 Left Hand Park Dr Tooele UT 84074
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MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. <i>Dennis Brumley</i>	1879 N Blue Peak Dr. Tooele UT 84074
2. <i>Marion D. ...</i>	1879 N Blue Peak Dr. Tooele UT 84074
3. <i>Ellis</i>	853 W. 1000 S. Tooele UT 84074
4. <i>Lance Ellis</i>	853 W. 1000 S. Tooele UT 84074
5. <i>Meagan Caldwell</i>	795 W 740 S Tooele UT 84074
6. <i>Rocky Caldwell</i>	795 W 740 S Tooele UT 84074
7. <i>Suzanne ...</i>	251 S. West St (Gouldville, UT)
8. <i>Art ...</i>	" " "
9. <i>Mary Jones</i>	1514 E Pine Canyon Rd. Pine Canyon UT
10. <i>Jeffrey ...</i>	1160 N 202 W #138 Tooele
11. <i>William J. Rammone</i>	799 N 730 W Tooele, UT 84074
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MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. <i>Cheryl Rudy</i>	<i>841 Upland Dr.</i>
2. <i>Robert Rudy</i>	<i>841 Upland Dr.</i>
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MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

Section 190

NAME	ADDRESS
1. Ederly E. Hunt	613 Pioneer Dr. Tooele
2. Robert W. Hunt	613 Pioneer Dr. 1 mile
3. Stephen R. Fullinger	473 West Kent Tooele, UT
4. De Ann Fullinger	473 West Kent Tooele, UT
5. Vinan Faldin	275 Beran Way Tooele, UT
6. Wayne Roberts	43 Benchmark Vlg. Tooele
7. Valery Roberts	43 Benchmark Vlg. Tooele
8. Tim Deane	979 West Vine St. Tooele
9. Connie DeSoto	979 West Vine St. Tooele
10. R F Palmer	4144 W. Starkey Pk
11. Ted Edwards	226 Tule CE Tooele
12. Robert Enger	226 Tule CE Tooele
13. Marilyn Shedd	455 County Club - Spanish Fork, UT
14. Zoya K. Crowley	266 Upland Drive Tooele, UT 84071
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MONA TO OQUIPPE TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZENS OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Allen maps	211 SOUTH HAY ST apt 115
2. Joe Rakes	347 N 880 E Tooele
3. Marco Salazar	59 N 50 W Tooele
4. Roger Caldwell	1875 E. Pine Canyon Rd. Tooele
5. Thelma Gallo	306 Marivista Lane Tooele
6. Chris Smith	306 Marivista Lane Tooele
7. Joe Santistevan	534 North Broadway Tooele
8. Dominick Ayler	320 Marivista Lane Tooele
9. Big Tom Archuleta	59 NORTH 50 WEST # B Tooele
10. Karen Christensen	495 W Utah Ave Tooele
11. Ellis Larson	305 W 200 S Tooele
12. Ed Grotter	294 Crestview Dr Tooele
13. Scott Gray	460 American Way Tooele
14. Rebecca Wagner	320 Marivista Lane Tooele
15. Melissa Morrison	635 N Chimeaux Cir
16. Ron Hansen	1280 E. 1300 N. Tooele
17. Brandon McEllum	305 S. 200 W.
18. Kathy Morrison	1172 Southview Dr. Tooele UT 84074
19. Rick Archuleta	91 N 3rd St
20. Joe [unclear]	722 Michel Dr
21. [unclear]	179 So 100 West Tooele, UT
22. Charles Sanders	276 W. Alfred Dr. Tooele UT
23. David Gamm	78 N 2nd St Tooele
24. [unclear]	117 N 100E Tooele UT 84074
25. [unclear]	871 S Cedarway St. #18 Tooele UT 84074
26. [unclear]	878 E. 420 S. Tooele
27. [unclear]	511 E Utah Ave
28. [unclear]	325 Birch St Tooele, UT 84074
29. [unclear]	943 N. FOX Run DR Tooele UT 84074
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**MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER**

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Willie Medina	257 Highland Dr. Tooele, UT
2. Mark McEachern	222 E 400 N Tooele, UT
3. Jeanine McEachern	222 E 400 N Tooele, UT
4. Shirley McEachern	872 N Flint Creek Terr. Tooele, UT
5. William McEachern	872 N Flint Creek Terr. Tooele, UT
6. Kendra Stamm	393 S. 1370 E Tooele, UT
7. Dave Stamm	393 S 1370 E Tooele, UT
8. Nancy Courson	831 E 420 S Tooele, UT
9. Tonya Elkington	455 Skyline Dr. Tooele, UT
10. Miranda Brodston	1258 E 270 S. Tooele, UT
11. Adam Brodston	1258 E 270 S. Tooele, UT
12. SUZANNE GREENWAY	288 S 1230 E Tooele, UT
13. William McEachern	313 S. 1230 E Tooele, UT
14. William McEachern	313 S. 1230 E Tooele, UT
15. John Patt	1256 E Upland Tooele, UT
16. Andrew Neal	
17. ANDREW NEAL	899 Upland Dr. Tooele, UT 84074
18. Bonnie Neal	899 Upland Dr. Tooele, UT 84074
19. William Murray	234 So Benchview Dr Tooele, UT 84074
20. Brandon Murray	234 So Benchview Dr Tooele, UT 84074
21. John Adams	196 So Benchview
22. Kristie Whitcomb	178 So Benchview Dr
23. Kelly Walker	178 So Benchview Dr
24. Herb Wagner	164 Benchview Dr
25. Barbara Wagner	164 Benchview Dr
26. Mike Wagner	122 Benchview Dr
27. Brenda Wood	515 East N. Green Street
28. Madonna Ebo	40 N. Trackside Circle Grantsville, UT 84020
29. Diana Johnson	95 E. 1000 N Tooele, UT 84074
30. Barbara Danner	421 N 200 W Lot #1 Tooele, UT 84074
31. Jessie Winegar	471 N 200 W Lot #19 Tooele, UT 84074
32. Kay Danner	373 N Landmark Dr 84074
33. Karen Danner	421 N 200 W Lot #1 Tooele, UT
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MONA TO QUINCY TRANSMISSION CORRIDOR PROJECT
 ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZENS OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
 THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. VICTORIA FALLS	568 S 1400 E
2. LONNIE FALLN	568 S 1400 E
3. Doug Redmond	584 S 1400 E
4. Katie Redmond	584 S 1400 E
5. James P. Delaney, LLC USA	616 S 1400 E
6. Abigail Z. Delaney	616 S 1400 East
7. Philip Krappstein	1128 Pauls Blvd Tooele
8. TERRY CHRISTENSEN	1232 E. CASSIDY DR.
9. Kade Walter	151 W 480 S
10. CARL WALTER	151 W 480 S
11. Gloria J. Callister	294 N. 200 W.
12. Lamine Callister	294 N. 200 W.
13. Laine Hunter	1268 E. Smelter Road
14. Lamine Hunter	1268 E. Smelter Road
15. Leonard Hunter	171 S. 3rd Street
16. Chad Hunter	171 S. 3rd Street
17. Brandon Hunter	171 S. 3rd Street
18. Rene Faldin	275 BEVAN WAY
19. Shannon Stephens	803 E Clifford Drive
20. Todd Stephens	803 CLIFFORD DRIVE
21. Tracy Stephens	779 E. Clifford Dr.
22. Jimmy Stephens	779 E. Clifford Dr.
23. Nathan J. Johnson	779 E. Clifford Dr.
24. Helen Epine	288 Lisa Way Tooele
25. Jay Epine	288 Lisa Way Tooele
26. Michael Seale	552 S. 1400 E Tooele
27. Gregory Seale	552 S. 1400 E Tooele
28. Michael	668 S. 1400 E Tooele
29. Mike Hart	668 S. 1400 E Tooele
30. Melvin Johnson	1335 Brandy Lane Tooele
31. Sandy Huan	1335 Brandy Lane Tooele
32. John Huan	1294 Haylie Lane Tooele
33. Peter Ventura	1294 Haylie Lane Tooele
34. Nanette Sharcn	1349 Haylie Lane Tooele
35. Vannitor & Phil Wilson	1231 E Brandy Lane Tooele

MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Roy Cassity	1333 E. CASSITY DR Tooele UT 84074
2. ANTONETTE CASSITY	" " " " " "
3. Richard Hansen	301 Crestview Dr Tooele UT 84074
4. Richard Hansen	319 Buckhorn Dr. Tooele UT 84074
5. Donna Antonio	1333 E. CASSITY DR Tooele UT 84074
6. Janet Hansen	578 So. 1400 E. Tooele UT 84074
7. Janet Hansen	" " " "
8. Thelma M. Smith	5675 1350 E Tooele UT 84074
9. Denise M. Smith	" " " "
10. Della M. Pralle	1303 Maple St, Tooele UT 84074
11. Eugene Pitt	1291 Haylen Ln Tooele UT 84074
12. John Hill	494 So 1280 E Tooele, UT 84074
13. John Hill	454 S 1280 E Tooele UT 84074
14. Donna Yates	614 So OAK Court Tooele UT 84074
15. Cynthia Yates	614 S. Oak Ct Tooele
16. Theresa D. Hill	1247 E. CASSITY DR TOOELE 84074
17. Theresa D. Hill	1247 E. CASSITY DR Tooele 84074
18. William D. Hill	1247 E. Cassity Dr Tooele UT 84074
19. Alana D. Hill	1336 E. Haylen Ln Tooele UT 84074
20. Alan D. Marks	" " " " " "
21. Hamble Gould	278 W. Main #C1 Granville, UT 84029
22. Stan Smith	1378 E. Cassity Drive Tooele, UT 84074
23. Stan Smith	" " " " " "
24. Stan Smith	" " " " " "
25. Stan Smith	" " " " " "
26. Stan Smith	1012 N 600 E Tooele UT 84074
27. Eric Erickson	1012 N 600 E Tooele UT 84074
28. Eric Erickson	" " " " " "
29. Tyler Hansen	587 Jonelle cave way Tooele UT 84074
30. Michael Griffith	69 Lakeview, Stansbury Park, UT 84074
31. Kandy Griffith	69 Lakeview, Stansbury Park, UT 84074
32. James C. Brown	561 Tamarack Dr, Tooele UT 84074
33. James C. Brown	561 Tamarack Dr, Tooele UT 84074
34. James C. Brown	655 Crestview Dr Tooele UT 84074
35. James C. Brown	655 Crestview Dr Tooele UT 84074

**MONA TO OQUIRRE TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER**

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Krisi Staff	740 N. Main St. Tooele, UT
2. Monique Jensen	740 N. Main St Tooele.
3. Edward Garcia	295 N Coleman
4. Susan Garcia	5th Street
5. Allen Garcia	Valley View
6. Diana Garcia	551 Spruce
7. Garrett Hansen	587 Janelle Cove wmy Road UT
8. Stacy Hager	893 Wileas
9. Skylar Spandlove	
10. [unclear]	
11. Kerry Wilson	740 n main st Tooele utah
12. Elliott Riegel	791 E 360S
13. Debra Riegel	791 E 360 S
14. Jose Candelario	740 N. Main St. Tooele UT
15. [unclear]	782 N 1030W Tooele UT
16. Alan [unclear]	1197 Copper Street
17. [unclear]	975 South West Drive
18. Richard Warburton	225 S R 5501 L7
19. Mark Warburton	225 S R 5501 L7
20. John T. Moore	1197 Copper Street
21. Jeff [unclear]	975 South West Drive
22. Tyler Hendrickson	331 East 880 North
23. Paul Hendrickson	331 east 880 north
24. [unclear]	587 Janelle Cove
25. Corey Mullins	587 Janelle Cove
26. Ginger Webb	587 Janelle Cove Tooele
27. Jeannine Bingham	667 Crestview Dr, Tooele.
28. Dennis Bingham	667 Crestview Dr, Tooele
29. Karen [unclear]	637 Kingston Dr. Tooele,
30. [unclear]	637 Kingston Dr. Tooele
31. [unclear]	1373 E. Cassin Dr. Tooele UT 84074
32. [unclear]	817 Clifford Dr. Tooele UT 84074
33. [unclear]	817 Clifford Dr Tooele UT 84074
34. [unclear]	275 Crestview Dr Tooele UT 84074
35. [unclear]	" " " "

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**MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER**

OPPOSING PETITION

WE THE CITIZENS OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Melvin V. Brennan	655 Crestview Ave. Tooele, UT 84074
2. Kevin Harmon	1675 Coleman Road, UT 84074
3. Matt Edlin	"
4. Jeff	Alissa Betty
5. Keith Elmer H.	283 Skyline Dr. Tooele
6. Shane Maycock	866 Delgada Lane Stansbury Park
7. Susan Stewart	313 Tessa Circle
8. Missy Johnson	286 E Utah Ave Tooele, UT
9. Michelle Stewart	313 Boreen Cir. Tooele, UT
10. Holly Grew	203 W. Christian Lane #17
11. Charles Smith	7550 Indian Mtn Rd R. Valley
12. Chris Heers	1120 W. Utah ave. 101
13. Corrie Gurath	527 Wasatch Way
14. Lily Smith	7550 Indian Mtn Rd.
15. Paul Klein	163 LAKEVIEW
16. Heidi Klein	163 LAKEVIEW
17. Keith Siniscalchi	691 Elk Meadow Loop Tooele UT
18. Kara Kartchner	1887 N 270 W. Tooele, UT
19. Dolores Smith	7550 Indian Mtn Rd. Rush Valley
20. Brooke Hildebrand	814 W. 1020 S Tooele, UT 84074
21. Kent Baker	1944 N. Canyon Ave. Stockton, UT
22. Claudia Baker	1944 N. Canyon Ave. Stockton, UT
23. Karen Williams	6308 N. Burnmaster Rd Grantsville UT
24. Kim Allred	315 W. Walk Stockton UT
25. Dana Allred	315 W. Walk Stockton UT
26. Rachel Klein	163 Lakeview Stansbury
27. Stephanie Klein	163 Lakeview STANSBURY PARK UT
28. Dustin Dorman	355 W. Plum St Grantsville UT
29. KADE ASALEY	163 LAKEVIEW STANSBURY PARK UT
30. Kristen Fisk	509 Walnut Dr. Stansbury UT
31. Holly Vanecko	137 W. Main Grantsville UT
32. Jeff Jones	133 W. Apple St UT
33. Kristy Dwyer	1210 E 970 N
34. John	125 E 1420 N Tooele UT 84074
35. Andy	286 Stansbury Lane, Stansbury, UT

Fax to 843-9964

MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. Cindy Perry	682 E. Greystone Way
2. Karlene Wells	624 E. Berkshire Dr.
3. Michael Wells	624 E. Berkshire
4. Sharon Ruppert	401 Kingston Rd.
5. Brett R. Wells	725 Day Hollow Rd
6. Amy Ruppert	346 East Broadway
7. KENNY WELAND	608 N. GARFIELD ST
8. Kelly M. Nelson	411 COUNTRY CLUB STANBURY
9. Amy Ruppert	5202 Ardenes Stansbury
10. Janelle Tass	682 E. Greystone Way
11. Bruce Anderson	1078 Kingston Dr.
12. Bruce Anderson	221 Skyline Dr. Tooele
13. HELO GEBALDS	331 E 840 N. TOOELE UT
14. Heather Davis	256 W 1960 N Tooele UT
15. Curtis W. Dutton	314 N 5th St. Tooele, UT
16. Kelly R. Anderson	678 KINGSTON DR TOOELE
17. Kevin Bankhead	1102 N 140 E Tooele, UT 84074
18. Linda Jonson	20 Benchmark Village
19. Dawn Smith	924 N 1480 E Tooele
20. Anne Olsen	1235 E. 940 N. Tooele
21. Kathy A. Rogers	227 N 300 W Tooele
22. Pamela W. Haller	588 E. 1290 E. Tooele
23. Chris Campbell	3854 N 570 W Eads, UT
24. Dan J. Campbell	3854 N 570 W Eads, UT
25. Logana R. Haller	384 So. Main Tooele, UT.
26. Neil Nelson	65977 Nelson Tooele, UT.
27. David Johnson	1184 Paulos Blvd Tooele UT 84074
28. Russell Bragel	375 Severe St. Grantsville UT
29. Jan Culland	1529 East Pine Canyon Rd
30. Joanne Krause	230 S 100 E Tooele
31. Kristin Hartman	181 W. J. Massey Dr Tooele UT
32. Rose Sullivan	591 Canyon Rd. Tooele
33. Robert R.	411 COUNTRY CLUB
34. Kory Meyer	1871 E. Stoner Mtn. De Lake Point
35. Stacie Pitt	623 Haylie Lane Tooele

MONA TO OQUIRRH TRANSMISSION CORRIDOR PROJECT
ROCKY MOUNTAIN POWER

OPPOSING PETITION

WE THE CITIZEN'S OF TOOELE CITY, TOOELE COUNTY, UTAH
OPPOSE ROCKY MOUNTAIN POWER'S PROPOSED ROUTE
THROUGH THE SOUTHEAST MOUNTAIN SIDE OF TOOELE VALLEY

NAME	ADDRESS
1. <i>Ruby Christensen</i>	<i>1332 E Cassidy Dr.</i>
2. <i>W. A. Jones</i>	<i>Grimm Hill Road Tooele UT</i>
3. <i>Kendy Christensen</i>	<i>1332 E Cassidy Dr.</i>
4. <i>Dawn Paulsen</i>	<i>5533 N Derby</i>
5. <i>Jan Paulsen</i>	<i>5533 N Derby</i>
6. <i>Wendy Christensen</i>	<i>1332 E Cassidy Dr.</i>
7. <i>Wendy Christensen</i>	<i>8000 Highland X Dr.</i>
8. <i>Wendy Christensen</i>	<i>287 Lion Way</i>
9. <i>Cheryl Jones</i>	<i>536 S. 1400 E Tooele</i>
10. <i>Jack Beattie</i>	<i>536 S. 1400 E Tooele</i>
11. <i>Margaret Pitt</i>	<i>2124 N 90 W Tooele</i>
12. <i>John Pitt</i>	<i>2124 N 90 W Tooele</i>
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**Tooele City Council
Business Meeting Minutes**

Date: Wednesday, July 01, 2009
Time: 8:00 p.m.
Place: Tooele City Hall Council Chambers
90 North Main Street, Tooele Utah

City Council Members Present:

Steve Pruden, Chair
John Hansen
Mike Johnson
Scott Wardle
Dave McCall

City Employees Present:

Mayor Patrick Dunlavy
Roger Baker, City Attorney
Glenn Caldwell, Finance Director
Lisa Carpenter, Deputy Recorder
Chief Ron Kirby, Chief of Police
Rachelle Custer, City Planner
Paul Hansen, City Engineer

Others Present:

Debbie Winn, Chamber of Commerce
Shawn Milne, Planning Commission

Minutes prepared by Elisa Jenkins

The meeting was called to order by Chairman Pruden at 8:00 p.m. He welcomed those in attendance to the meeting.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Rich Valdez.

2. Open Forum for Public Comment

Chairman Pruden invited anyone from the public who would like to come forward and address the Council to do so. No one came forward. Chairman Pruden closed the open forum at 8:02 p.m.

3. Presentation by Rocky Mountain Power

Mayor Dunlavy thanked all those in attendance for coming to this meeting and voicing their opinion on this issue. He likes to hear public input. He has strived over the last three and a half years to be very "transparent" and hopes that the public has noticed that. It is very important to him. Mayor Dunlavy said that this item was put on the agenda in a public hearing to get input from the public as well as from the City Council and himself. Mayor Dunlavy indicated that he personally opposes the route that Rocky Mountain Power has chosen to place the power lines. He understands that this is a process and there are other routes that they can look at. He wants it to be noted for the record that himself and the Council are in opposition of this route. He said that they are currently in negotiations with a property owner in this area to purchase 105 acres to preserve property as open space. This administration wants to preserve the hillside for future generations to enjoy. He also stated that he understands the need for additional power in Utah, and does not oppose that. Their opposition is the route that has been chosen when there are other alternatives. The City will be sending a copy of these minutes, the comments from the public, and a copies of the petitions as part of a packet to the Bureau of Land Management (BLM) as part of their opposition. He wanted to reiterate that the Council and he oppose this route. He appreciates everyone coming to voice their opinion.

Mr. Lee Brown, a consultant for Rocky Mountain Power addressed the Council. He is also a resident of Erda. He was asked to come to the Council meeting for the purpose of requesting a right-of-entry permit to allow the preliminary survey to determine if the proposed Mona to Oquirrh transmission line route through Tooele and the environmental impact statement are feasible, he stated that he is not here to do that at this meeting. Rocky Mountain Power and the BLM have heard the outcry from the citizens regarding this issue. They have been in contact with key members of the community that have organized their friends and neighbors to speak out against the proposed route. He is here tonight to let the public know that they have been heard and to tell them they want to work with them. The process simply required them to select various routes for consideration. When he was hired on with the company and saw this route, he told the company that they would have problems, so he was nominated to help deal with the problems. Mr. Brown indicated that many residents have read the draft environmental impact study which is over 500 pages and there are a lot ways it can be misinterpreted or to get it right and be opposed to the proposal.

Mr. Brown stated that the Mona to Oquirrh transmission line is part of a larger transmission system of Pacific Corp, (the parent corporation of Rocky Mountain Power). The purpose was to develop transmission lines across the west that would help deliver more power and more reliability to their customers. Pacific Corp has the responsibility of maintaining the power in the state of Utah. He said that that 75% of all the electricity consumed in Utah is consumed along the Wasatch front which includes Tooele. The system is predicted to grow at nearly 250 mega watts a year, which is more power than Tooele County consumes when you take out U.S. Magnesium. That is a lot of power that is added to the system

every year, which requires building a generation or bringing it in through transmission. Transmission lines are like freeways across the Country, and there haven't been any new ones built in Utah for about 30 years. The transmission lines are getting near capacity and new ones have to be built. Marty Leo will talk briefly a little later about the overall project and the 6 billion dollar investment in 2,000 miles of transmission lines and will relate it to the Mona to Oquirrh transmission lines which is what is the concern for Tooele. Mr. Lee stated that he is the personal consultant to the President of Rocky Mountain Power. He has explained to the president of Rocky Mountain Power, Mr. Walgee, that instead of acting like a utility company they should start acting like a public servant. Rocky Mountain Power is regulated by the public service commission and they should try to put forth an image of public service. As a private utility they have contracted with the State of Utah to take their natural resources and turn that into power and deliver it to their customers. Mr. Walgee believes that his company is responsible for public service. Mr. Walgee grew up in granger and has worked his way up to CEO and he is a good man. Mr. Lee explained that Rocky Mountain Power and Pacific Corp are regulated by numerous federal and state laws and regulations. They have the responsibility to provide low cost, reliable, safe, environmentally safe electric power in a non discriminating manner. It is a very difficult task and they take it very personally. They have heard the citizens in Tooele concerns and they want to work with them. Mr. Lee wanted to commend Brad and Kaye Pratt and their friends and neighbors for coming together and organizing themselves. Tooele has had a greater reaction for opposition then they have seen in Juab County, Utah County and Salt Lake County. Rocky Mountain and the BLM have heard the opposition. They would like to meet and work out the problems. He indicated that the problems can not be solved tonight, but they can listen to the concerns. They would like to get a working group of citizens who represent the consensus of views so they can work toward an alternative solution of what is being proposed. Hopefully this will allow the BLM to make a decision that appeases the majority of the citizens in this community and allows the company to move forward to build this line. It is one of his assignments as a customer advocate to come and see that people responses are heard. He hopes they will be able to provide low cost, reliable, safe, environmentally safe electric power in a non discriminating manner and still meet the needs of all the citizens.

Marty Leo, Customer Community Manager with Rocky Mountain Power addressed the Council. Ms. Leo is also a lifetime resident of Tooele. She appreciated the opportunity to speak to the Council. Ms. Leo explained that the environmental impact statement was released on May 15, 2009 which began the public comment phase of this project. This transmission expansion project is needed to meet customer electric needs. This project involves about 2,000 miles of line. In May of 2007 Rocky Mountain Power announced this transmission expansion plan and it was based on information that they have been gathering from growth and population since 2005. The reason they need this line is because of the growth in the intermountain area. She stated that it has been about 25 years

since they have updated their infrastructure. They have noticed an increase of about 26% in the individual consumption of electricity. Rocky Mountain Power takes their responsibility very seriously as a provider of an essential public service. Ms. Leo referred to the overhead that showed the process that has been involved for permitting this line. The BLM is a significant owner of the land along the proposed route. The BLM reviewed the proposed route and determined that this would require a major federal action and an environmental impact study would be required. The BLM along with Rocky Mountain Power have been working to develop this route. They have met with various City and County leaders and the first thing they asked for is to have individuals from planning or engineering staff to work on a community working group to apprise them of any long term infrastructure planning in the City or County. Cary Campbell with the City, worked with them in the community working group and he was very valuable. They are in the public comment period of this project and that will be over on August 12, 2009. Ms. Leo indicated that they are pleased to see this many citizens involved in the process. They are very aware that one particular segment of the line is unacceptable to most of the citizens, and they want to see if there is a workable solution to meet all of the needs. Ms. Leo indicated that the final line has not been determined, and when it is determined it has to meet a balance. They have to meet all of their requirements for engineering and technical and make sure they will meet all their customers' needs. They also have to make sure that they meet all mandates for reliability, economic criteria as well as social concerns, and they have to meet all safety guidelines. The Mona to Oquirrh transmission line will be built in sections. The first section that needs to be built is from the Mona substation to the Oquirrh substation in West Jordan. It is critical to get this additional power to feed into Tooele. They would like to find a workable solution to meet everyone's needs.

Chairman Pruden then invited those citizens that would like to speak to this subject to come forward.

Brad Pratt, 743 Deer Hollow Road addressed the Council. Mr. Pratt thanked the Council for allowing the citizens to speak. He also thanked the citizens in this Community and the Committee members for alerting the citizens of this situation. He appreciates the comments from Mr. Lee and Ms. Leo. Mr. Pratt indicated that a few weeks ago they were informed by Rocky Mountain Power and the BLM, the preferred and alternate route for this transmission line expansion project. He is here as a local citizen and a representative of a committee that has been formed representing citizens of this community that are in opposition to the proposed routes and some of the alternate routes. It is their feeling that the proposed routes are unacceptable. They also feel that the routes are far too close to residents homes. They feel that Rocky Mountain Power and the BLM have not taken into consideration all of the welfare of Tooele City and many of the concerns of the County. They feel that there are industrial areas in the County and there is a lot of open space within the County that could be considered that would be more acceptable to providing this service. Mr. Pratt indicated that he is the chairman of

this committee and he is here with a petition. Mr. Pratt presented this petition to the City Council and the Mayor. (A copy of this petition is included with these minutes as Exhibit A). Mr. Pratt also submitted copies of the comments from the citizens that will be addressed at this meeting. (A copy of these comments is included with these minutes as Exhibit B). The petition has approximately 1,000 names and there are petitions still circulating throughout the community. At the end of July he will collect the petitions that are still circulating and present them to the City Council and the Mayor at that time. Mr. Pratt stated that as a Committee and as citizens of this community he thanked the Mayor and the City Council for their care and support in this matter. He stated that as a citizen group they plan to stand up and not allow this proposed route to happen in its current place. They need to stand up and protect what is sentimental and sacred to the citizens of this community. He believes that there is an agreeable solution; this project needs to move forward and this committee plans to meet with Rocky Mountain Power and the BLM and find the agreeable solution.

Marilyn Roundy, 770 Skyline Drive addressed the Council. Ms. Roundy indicated that she is not opposed to Rocky Mountain Power expanding this line but she is opposed to the route they have chosen through Tooele County and Tooele City. Ms. Roundy is opposed to Rocky Mountain Power taking their lines through one of the most beautiful places in Tooele. She feels that this route will affect all of the residents in Tooele. She is also concerned about the fire aspect of this project. Rocky Mountain Power has stated that "these lines increase the risk of fire during construction and during repair". Tooele has strong winds that come through the canyons and they have a volunteer fire department. She feels that the fire department is not equipped to handle a wild fire on the proposed southeast route. There will be families that will live very near to these transmission lines, and she is concerned for their safety. She also indicated that Corner Mountain has wildlife that will be disrupted by these lines. The BLM is supposed to protect the land and the wildlife and they told her "the wildlife will relocate". These lines will be visible as you look toward the southeast mountain. Rocky Mountain Power has said that they will build the lines to blend in, and she feels that they will not blend in with anything. Ms. Roundy is also concerned about property value decreasing. The maps that Rocky Mountain Power and the BLM are using are old and do not show much of the new growth in Tooele. These lines are being placed to close to residents' homes and business. She indicated that Tooele County is 6,930 sq miles and Tooele City is only 21 sq miles and she feels with all of the open space that there must be a better route for these power lines.

Steve Hamilton, 896 Dear Hollow Rd addressed the Council. Mr. Hamilton is a local contractor and a land owner in the south east portion of the City. He indicated that he would take a financial loss if these power lines were built. He is more concerned about what the power lines would do to the mountain side. He understands that the proposed route is the shortest distance, but he is opposed to this route. He also understands that Rocky Mountain needs to upgrade their

power. He feels that a better route would be to the west of Tooele where it is already industrialized. Mr. Hamilton does not understand why the BLM would put their preferred route across Settlement Canyon reservoir, across the "T", and all the way up the most beautiful canyon that Tooele has. The BLM is supposed to be watching out for the lands. He asked Mr. Lee why the BLM chose this route?

Mr. Lee said that over the last two years as Rocky Mountain Power and the BLM began this process they have worked with numerous municipals, government agencies, and community working groups to narrow down the number of alternatives that would work for this route. They came down with 15 alternatives. He is not sure how they came up with this preferred route. He would like Mr. Hamilton to come to a working group where he could help to try and find a solution that would work for everyone.

Mr. Hamilton was at a meeting with the BLM and he asked them the same question as he asked Mr. Lee and they did not have an answer. He understands that Rocky Mountain Power needs the power but is against the route that they have chosen.

Mike Wells addressed the Council. He indicated that in 2006 the City Leaders started down a path to protect the open spaces in Tooele by creating a conservation easement. Those efforts are still going on today. He applauded the efforts of the City Council and Mayor Dunlavy for their foresight to protect open space in Tooele City. He said that on this agenda the City has made application for the LeRay McAllister Critical Conservation Program to acquire 105 acres of open space on the south east bench of Tooele. He said that it is not a just a few people or neighbors that are interested in protecting the southeast bench it is the entire City. He feels that protecting the southeast bench is very important for the future of the City and future generations. He is not opposed to the expansion of power in the Tooele area, but not at the expanse of these foothills.

John Hansen, 739 E Oakridge Drive addressed the Council. Mr. Hansen said that he is opposed to power lines running on the southeast bench of Tooele or running through Tooele City at all. He feels that these power lines should run through the west side of the valley to I-80 and then to Lake Point. He feels that the east bench route has many flaws including disrupting the wildlife, disturbing the two natural springs located in Corner Canyon, the negative impact on the visual resources, the negative impact on the earth's resources, increased risk of fire, and negative impact on property values. He appreciates the support of City leaders to stop the visual pollution of Tooele City. He wants his children and grandchildren to be able to enjoy the Tooele Valley as he has.

Richard Valdez, 685 Upland Drive addressed the Council. He indicated that he has been a teacher, a coach, and counselor at Tooele High School for 30 plus years. He is in opposition of these power lines and blocking the "T" on the

southeast bench. He believes in the traditions of Tooele High School and the "T" on the bench is an important part of those traditions. The traditions such as whitewashing the "T", and lighting the "T", have gone on for generations. The power lines will distract from the beauty of the mountain and the "T".

Jim Webber, 784 Elk Meadow Loop addressed the Council. Dr. Webber is a physician in Tooele. He was asked to speak on some of the health concerns related to high voltage power lines. Dr. Webber is a radiologist at Mountain West Medical Center. He is responsible for radiation safety at the hospital. Dr. Webber indicated that electric and magnetic fields (EMF) are invisible lines that are associated with the production, transmission and use of electric power and are associated with high voltage transmission lines and secondary power lines. He stated that the National Institute of Environmental Health Scientists has concluded that there is an association between an increasing exposure to EMF's and childhood leukemia. He also stated that high level magnetic fields are associated with the doubling of the risk of childhood leukemia. He said that recently in a lawsuit filed by Rocky Mountain Power against the City of Willard, a consultant for the Willard City Council pointed out that in 1998 in the U.S. and 2001 by the World Health Organization International Cancer Agency for Cancer Research EMF's have been documented for causing cancer causing agents. Researchers have concluded that EMF's disturb immune system function, and these effects result in damage to tissue repair processes and these disturbances increase the risk of cancer. These effects were shown to occur in exposure levels significantly below most current national and international safety limits. He is very concerned about the increased risk of leukemia of children in the area. Dr. Webber stated that he had a personal friend who lost a son who climbed a high voltage power pole. This risk will also be present for all children who are curious about power lines. He is not opposed to power, but he is opposed to the current proposed route and he suggests that an alternative route is found.

Maxine Grimm addressed the Council. Ms. Grimm stated that she was born in Tooele and her great great grandparents helped settle Tooele in 1849. Her roots run deep in Tooele. She feels it is her responsibility to keep the valley beautiful. She recalls when Tooele did not have any outside lights, and she had only one light inside in the middle the room. Ms. Grimm has traveled and lived everywhere, but Tooele is her home. Tooele is very beautiful and gives her a warm feeling and she does not want these power poles to disrupt this feeling. Ms. Grimm is very opposed to the route of these power poles on the mountain. She feels that there are other places to put these power poles that would not disturb the beautiful mountains.

Gary Swan, 1335 Brandy Lane addressed the Council. He indicated that most of his statement that is included with the minutes has already been addressed. He wanted to summarize the last paragraph of his statement. He stated that Rocky Mountain Power has a very effective marketing brand that says "Do the right thing". He said that this power line route is contradictory to that slogan. Mr.

Swan said that this route will create a devastating blight on the very character of this community and a devastating blight on Rocky Mountain Powers good name upon the residents of Tooele for years to come. He feels there are many other open spaces in Tooele that would be better suited for these power poles and stated that this route is unacceptable.

Art Freiley, 1235 Brandy Lane addressed the Council. Mr. Freiley said that he has been a resident of Tooele for about one year. He is concerned that the placement of these power poles will decrease property values. He feels that there are alternative routes that would be better for these power poles. He feels that the southeast bench should be protected and hopes the Council will do all they can to help protect it.

Dan Egelund, 1326 E 700 S addressed the Council. Mr. Egelund stated that he is the owner of REMAX Real Estate Company in Tooele and a resident of Tooele on the southeast bench. He indicated that if these lines are allowed to go through the proposed routes he feels that it would have a devastating effect on property values and tax revenue. He said as a real estate agent he has to deal with stigmas and eye sores. The way that you deal with eye sores and stigmas is you lower the price of the home until someone can overlook those things for the right price. He feels that the power poles have a lot of stigmas attached to them and they are an eye sore. He indicated that tax assessors are being mandated to make sure that assessed values reflect current market values. The assessed values are going to result in a loss of tax revenue. Who will pay the gap? He also feels that this will hinder the growth of the vacant lots as well. The power poles will devalue property values. He also stated that the property that has already been purchased for open space will also be devalued if these power poles are allowed on the proposed route.

Kaye Pratt, 743 Deer Hollow Road addressed the Council. Ms. Pratt indicated that she is from Tooele and her roots also run deep. Ms. Pratt said that the power poles need to be placed in the City's industrial areas and not in residential areas where they will have negative impacts on human life and the environment. She also said that she is not opposed to power and appreciates Mr. Brown's assurances that Rocky Mountain Power will work with Tooele. She also appreciates the Mayor's support and the Council's support on this issue and allowing the citizens to speak.

Robert Wall, 62 W 780 S addressed the Council. Mr. Wall indicated that he represents the property owner of the 105 acres that is on the agenda. He has said that he has seen Rocky Mountain Power work in good faith and hopes that they will be attentive to the concerns of the citizens. He said that the Council is making a good decision to try and preserve open space. He said that once the property is gone it is gone.

Chairman Pruden then turned the time over to the Council for their comments.

Councilman McCall noted that he does not have roots in Tooele but has been here since 1993. He also agrees that the southeast bench should be protected. He will do all that he can to get these power lines moved to a different route. He appreciated all those who came to speak on this issue.

Councilman Johnson said that he understands the importance of this issue to the residents and thanked them for coming and speaking out on this issue. Councilman Johnson thanked Mr. Brown and Ms. Leo for coming as well. Councilman Johnson has worked with Mr. Lee before and he is an honest man and the residents should believe what he says. He thanked the residents for not attacking these individuals personally. Councilman Johnson is also from Tooele and is a graduate of Tooele High School. He also said that he will do whatever he can to make sure this proposed route does not go through the east bench. He noted that Tooele needs the power, jobs, and development and the future needs to be considered. He will do whatever he can to make sure this line goes through another location.

Councilman Wardle echoed Councilman Johnson's comments to Rocky Mountain Power for coming to this meeting. He has been to several meetings concerning these power lines and he is impressed that the residents want to protect the valley. The Council has fought to protect the east bench. He said that when Rocky Mountain Power comes for a right-of-entry permit he will be voting against that. He does not feel that this is the route they should take.

Councilman Hansen stated that he is also opposed to this route and would not vote for a right-of-entry permit. Councilman Hansen wanted Ms. Grimm to know that he met her husband a few times in the 1960's and he thought he was a good man.

Chairman Pruden noted that there are still petitions out for people to sign. He asked Mr. Pratt where someone could go to sign a petition.

Mr. Pratt indicated that there are petitions in Dr. Webber's office, Dr. Roundy's office, The Executive Plaza on Main and Vine, and the Tooele City Golf Course. He also has petitions with him if anyone would like to sign them after the meeting.

Chairman Pruden also thanked Mr. Brown and Ms. Leo for coming to the meeting.

Mayor Dunlavy offered City Hall for Rocky Mountain Power and the citizen group to meet.

Chairman Pruden thanked the public for coming and voicing their opinions and thanked them for the orderly manner in which they conducted themselves.

A brief recess was taken from 9:40 p.m. – 9:45 p.m.

4. PUBLIC HEARING Regarding the Application of Tooele City for financial Assistance from the LeRay McAllister Critical Land Conservation Program to Acquire a Conservation Easement for 105 Acres of Hillside Open Space

Presented by Roger Baker

Mr. Baker stated that this item and the next item are related. The Resolution will follow the public hearing. He said that he enjoyed being at this meeting and having the public acknowledge what he has known for some time, and that is that Mayor Dunlavy and the City Council have established, as an important public policy, the preservation of open space, specifically the hillside located on the south end of town. This would preserve this space for future generations to enjoy. It has been mentioned earlier that the City is in negotiations with the owners of 105 acres of hillside on the south bench. He also noted that Tooele City already owns 1,700 acres adjacent to this property to the south of the City, mostly for the preservation of important water shed areas and open space. Mr. Baker stated that the State of Utah has a limited amount of funds available to help municipalities with the acquisition of critical lands for preservation from development. This is called the LeRay McAllister Critical Land Conservation Program. As part of the acquisition the City has agreed to work with the property owners to submit an application for whatever funds are available from this program to help them acquire the land and a conservation easement on the land. This public hearing and the Resolution to follow are required steps in submitting the application. He also asked the Council to expressly include the minutes of the prior item, and the written materials submitted to the Council from the citizen's committee, as part of the record of the public hearing on this item, so it does not have to be repeated. He felt that the previous item was very relevant to the issue of the conservation easement from development of any kind.

Chairman Pruden agreed, and stated that this is a public hearing if anyone would like to come forward and address this issue to do so. No one came forward.

Councilman Hansen moved to close the public hearing. Councilman McCall seconded the motion. The public hearing closed at 9:52 p.m.

Mr. Baker indicated that because no one spoke at this public hearing it is not indicative of a lack of public interest on this item; the comments have already been made in the previous public hearing.

5. Resolution 2009-38 A Resolution of the Tooele City Council Authorizing the Submittal by the Mayor of an Application for Financial Assistance from the LeRay McAllister Critical Land

Conservation Program for Acquisition and Preservation of 105
Acres of Hillside Open Space

Presented by Roger Baker

Councilman Johnson said that because there were several hundred people in the Council chambers which is the by far the largest gathering that he has been witness to, speaking about this very issue demonstrates to him the important public interest in the application. He supports the application.

Councilman McCall noted to Mr. Gillie, with the Tooele Transcript, that he should mention how much land the City already owns for open space preservation in the Transcript.

Mr. Gillie noted that one of the reasons given when they named the Mayor as the first person of the year was because of the efforts that he, the Council, and Mr. Baker have taken to preserve open space.

Chairman Pruden also noted that the City has purchased 13 acres on Skyline Dr that will someday be a park.

Councilman Wardle moved to adopt Resolution 2009-38, including the record regarding Rocky Mountain Power and the public comments made, to show public support for this application of open space. Councilman Hansen seconded the motion. All members present voted "Aye".

Councilman Wardle noted that there are several trustees from the family present and he indicated that he is thankful for the work they have done and their willingness to discuss this.

6. MOTION on Amended Plat for West Point Meadows
Condominiums to Modify the Design of the Buildings to be
Constructed Located at 600 North 680 West.

Presented by Rachelle Custer

Ms. Custer explained that West Point Meadow Condominiums is currently an existing development within Tooele City at approximately 600 N and 680 W. They are amending the plat from 64 units to 63 units. The main reason for the amendment is to change the units from top to bottom units to side by side units; to do this the plat must be amended.

Chairman Pruden noted that the public hearing on this item was held two weeks ago at the last City Council meeting.

Councilman Johnson noted that at the public hearing there were objections made by one person. Since that public hearing the Council has been provided with information from the City Attorney's office, and he has also has done some research. The objection was that the City Council could not amend a plat without the signature of all affected land owners. He believes that Utah Code Section 10-9a-609 (1) clearly says that they can. Therefore he will vote to amend the plat.

Councilman Wardle mentioned that Mr. Martinez had an opportunity to submit comment after that meeting and he has not done so.

Ms. Custer said that she has not received any objection in writing from Mr. Martinez.

Councilman Johnson moved to approve the amended plat for West Point Meadows Condominiums to modify the design of the buildings to be constructed located at 600 North 680 West. Councilman Hansen seconded the motion. All members present voted "Aye".

7. Resolution 2009-36 A Resolution of the Tooele City Council Approving an Agreement with Lewis, Young, Robertson and Burningham, Inc., for Professional Services for Amending the Tooele City Annexation Plan, and Undertaking a Feasibility Analyses, Regarding the Annexation of Property into Tooele City.

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy stated that it is important to the City to meet the State Legislative requirements on updating the Cities annexation plan. This resolution is asking that they allow the firm of Lewis, Young, Robertson and Burningham to update the annexation plan. They are not looking at annexing any property into Tooele City at this time; they are simply updating the annexation plan to meet the States requirements.

Councilman Hansen moved to approve Resolution 2009-36. Councilman Wardle seconded the motion. All members present voted "Aye".

8. Resolution 2009-37 A Resolution of the Tooele City Council Ratifying a Contract with Wind River Construction and Development for the Construction of the 200 South Storm Drain Project.

Presented by Paul Hansen

Mr. Paul Hansen said that there needs to be a correction on this Resolution it is not ratifying a contract, it is authorizing the Mayor to sign a contract. The contract has not been signed it is pending the Council's approval. Mr. Hansen

indicated that this is the second storm drain project the City has put out for bid this year. This is for a short section on 200 South across from the old hospital to mitigate some flooding that occurs there during large storm events. The project was put out for bid and they are recommending that the project be awarded to Wind River Construction at this time. They are asking for an additional \$6,000 contingency which may be used for changed conditions at the discretion of the Mayor. It will only be spent if justified.

Councilman Johnson noted that there were three bids and this bid was quite a bit lower than the other two and was concerned that they might have missed something.

Mr. Hansen said that this contract was about \$10,000 less than what his estimate was. He discussed this with contractor and the contractor showed him how he put his prices together to complete this project. Mr. Hansen noted that the contractor said his primary motivation that was to keep people busy not necessarily to make a lot of profit. He wants to keep his people working.

Councilman Hansen moved to approve Resolution 2009-37 as corrected. Councilman Johnson seconded the motion. All members present voted "Aye".

9. Resolution 2009-35 A Resolution of the Tooele City Council
Accepting the Completed Public Improvements Associated with
Sunset Estates Subdivision Phase 4.

Presented by Paul Hansen

Mr. Hansen explained that in accordance with Tooele City Code when a developer completes public improvements within the City limits, the City is required to inspect those improvements and when found acceptable to bring a resolution to the City Council accepting the public improvements and commencing the one year warranty period. He recommends the acceptance of the public improvements associated with Sunset Estates Subdivision Phase 4.

Councilman Johnson asked if he or Mr. Campbell has made a visual on this property.

Mr. Hansen stated that he has and has taken pictures and they are in the file.

Councilman Johnson noted that this is not part of the North Tooele Special Service District but they are required to install some things such as lamp posts.

Mr. Hansen said they are part of the North Tooele Special Service District, and are required to do street signs and lights to the standard of the District.

Councilman Johnson asked if they were in compliance.

Mr. Hansen said yes.

Councilman Hansen moved to approve Resolution 2009-35. Councilman Wardle seconded the motion. All members present voted "Aye".

10. Resolution 2009-34 A Resolution of the Tooele City Council
Accepting the Completed Public Improvements associated with
Gleneagles Subdivision Phase 3A.

Presented by Paul Hansen

Mr. Hansen indicated that this has the same representation as the previous item. This subdivision is located just south of 1000 North and west of 600 West. The inspections and photographs are on file. Upon acceptance of this resolution the one year warranty period will commence.

Councilman Hansen moved to approve Resolution 2009-34. Councilman McCall seconded the motion. All members present voted "Aye".

11. Minutes: June 17, 2009; Closed Meeting and Joint City Council
and RDA Business Meeting Minutes

Councilman Wardle moved to approve the minutes as presented. Councilman Hansen seconded the motion. All members present voted "Aye".

12. Invoices

Presented by Mayor Patrick Dunlavy

Mayor Dunlavy presented the following invoices for payment:

- Kilgore Paving & Maintenance for current road projects in the amount of \$259,328.55.
- Maric Sales, LLC for repairs to Vac-Don Sewer Truck in the amount of \$16,577.24.
- Superior Excavating and Hauling, LLC for water looping on 1000 North Project Phase 1 in the amount of \$56,113.32.

Councilman Johnson moved to approve the invoices as presented by Mayor Dunlavy. Councilman McCall seconded the motion. All members present voted "Aye".

13. Adjourn

Councilman Hansen moved to adjourn the meeting. Councilman Wardle seconded the motion. All members present voted "Aye". The meeting adjourned at 10:11 p.m.

Approved this 15th day of July 2009

Chairman Pruden

Exhibit C

September 21, 2009

Bureau of Land Management
Attn: Mike Nelson
2370 S. 2300 W.
Salt Lake City, UT 84119

RE: Mona to Oquirrh Transmission Line Project

Mr. Nelson,

Thank you for BLM's attention to this important project and your willingness to listen to our concerns and proposals. We also appreciate Rocky Mountain Power's facilitating dialog to resolve our differences. However, these meetings have not yet resulted in agreement with RMP's proposals. After considerable discussion and research by the Tooele Valley community, we come to the BLM expressing our concerns and common proposals to minimize the impact of this transmission line project. This letter represents the united efforts and consensus of governments and citizens from Tooele and Grantsville Cities as well as Tooele County for the unincorporated areas of Tooele Valley.

Therefore we present our proposals to the BLM along with our reasons and justification to garner your support:

- 1) We generally concur with RMP's proposed route between Mona and Terminal. However we propose transmission lines near Grantsville be limited in number and located as far west as possible.

This proposal avoids residents of Grantsville to the greatest extent.

- 2) We propose the site of the Limber Substation be relocated to northern Tooele Valley near I-80.

This reduces the impact to Grantsville to only one 500 kv line between Mona and Limber.

This proposal accommodates a better interconnection to the 500 kv grid serving the western United States. Although not a part of RMP's currently planned project, it is obvious that the Limber substation will connect to other 500 kv substations (such as the White Pine substation in eastern Nevada, or Midpoint, Cedar Hill or Populus substations in southern Idaho). Without this additional connection, Limber becomes the only 500 kv node for all of northern Utah and would be located on a dead end line. Furthermore, the western U.S. 500 kv grid has very little north-south interconnectivity inland from the west coast making a northern leg from Limber important to the grid itself. Energy corridors already exist that run along I-80 west out of Tooele Valley to accomplish this interconnection. With Limber located near I-80, connection to future 500 kv lines becomes convenient and of minimal impact.

This proposal improves the 345 kv grid serving northern Utah. The Limber to Terminal line is shortened by 12 to 17 miles having been replaced by the more efficient 500 kv line. Shorter lines between 345 kv substations result in lower impact and in higher transmission efficiency and reliability.

This proposal has a positive effect on the 138 kv grid serving Tooele County. U.S. Magnesium and ATI industrial operations at Rowley consume approximately as much power as the Tooele Valley. The existing Terminal to Rowley 138 kv line passes along I-80 through Tooele Valley and past our proposed Limber location. When connected to Limber, this line becomes a much shorter, more dependable and efficient Limber to Rowley run. It also creates a 138 kv connection between Terminal and Limber available to serve Tooele Valley WITHOUT ANY NEW LINE CONSTRUCTION. At minimal cost, service to Tooele Valley can be doubled in reliability and tripled in capacity.

This proposal simplifies power distribution within Tooele Valley. With a more central location, distribution lines from Limber to points within Tooele Valley are shorter and do not accumulate as they would to get around the Army Depot and Grantsville City in route from RMP's proposed site.

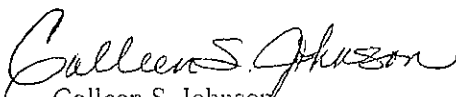
- 3) We propose the Limber to Oquirrh transmission line be routed to minimize impact to Tooele Valley's residents. This proposal concurs with Tooele City Mayor, Tooele City Council and The Citizens Committee of Tooele as well as the Tooele County Commission who are opposed to RMP's proposed routes through or south or east of Tooele City and have been designated by the same officials and citizens as unacceptable having the greatest amount of negative impact on the greatest amount of citizens. We propose these routes be eliminated for those reasons and because they are no longer practical considering a northern location for the Limber substation.

We have discussed these and other proposals with RMP. We believe RMP has overstated the costs, risks and difficulties associated with them. Existing transmission lines, substations and a 300 ft tall cell tower in northern Tooele and Skull Valleys demonstrate soil suitability. Our arguments here before the BLM are just as valid before the Public Service Commission. We call for a fair evaluation of the proposals by the BLM and a fair distribution of cost between RMP shareholders and customers.

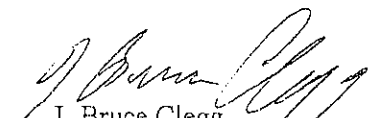
We look forward to a formal meeting with the BLM to discuss our united Tooele Valley proposals at the earliest opportunity.

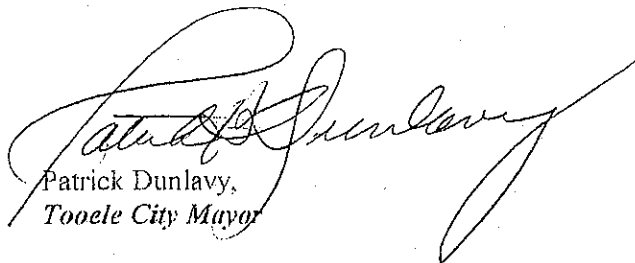
Sincerely,

Tooele County Commissioners


Colleen S. Johnson


Jerry Hurst


J. Bruce Clegg



Patrick Dunlavy,
Tooele City Mayor

Steve Pruden,
Tooele City Council Chairman

Byron Anderson
Grantsville City Mayor



Brad Pratt



Kaye Pratt

Tooele City Concerned Citizen's Group

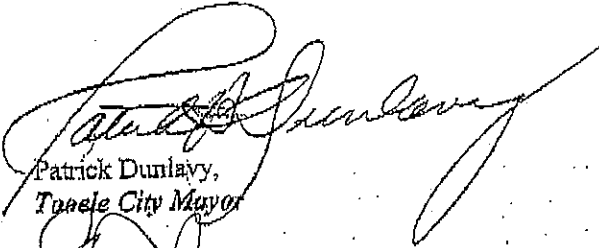
James Vera

Glen Terry


Grantsville City Concerned Citizen's Group Representatives

cc: Rocky Mountain Power

cc: Utah Public Service Commission



Patrick Dunlavy,
Tooele City Mayor



Steve Pruden,
Tooele City Council Chairman


Byron Anderson
Grantsville City Mayor

Brad Pratt

Kaye Pratt

Tooele City Concerned Citizen's Group

James Vera

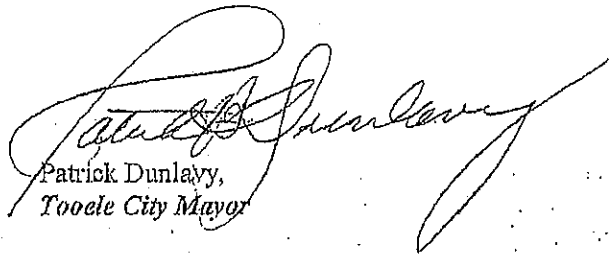


Glen Terry

Grantsville City Concerned Citizen's Group Representatives

cc: Rocky Mountain Power

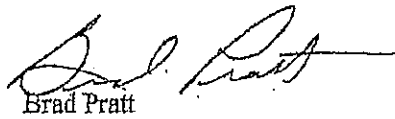
cc: Utah Public Service Commission



Patrick Dunlavy,
Tooele City Mayor

Steve Pruden,
Tooele City Council Chairman

Byron Anderson
Grantsville City Mayor



Brad Pratt



Kaye Pratt

Tooele City Concerned Citizen's Group

James Vera



Glenn Terry

Grantsville City Concerned Citizen's Group Representatives

cc: Rocky Mountain Power

cc: Utah Public Service Commission

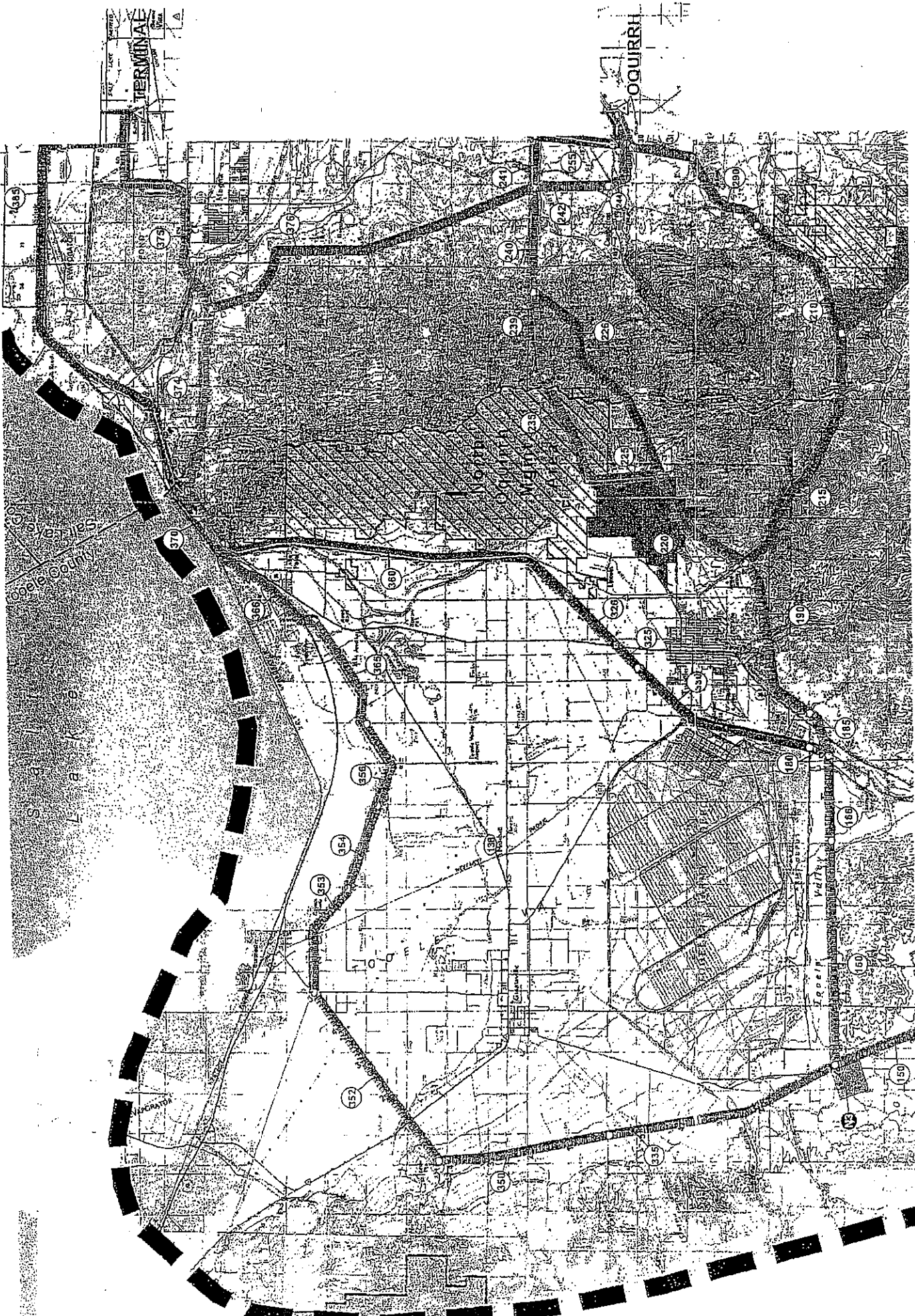


Exhibit D

[print](#)

Power company won't budge on east bench route

by Sarah Miley

10.01.09 - 06:30 pm

Rocky Mountain Power at loggerheads with local officials over transmission line project

Rocky Mountain Power will not make major modifications to proposed routes for a high-voltage power line project in Tooele Valley despite widespread objections from local residents and elected leaders.

"We deeply regret we were unsuccessful at finding any solutions meeting the company's siting criteria that garnered any more public support than the originally proposed routes analyzed in the draft EIS [environmental impact statement]," said Rod Fisher, community relations director with Rocky Mountain Power, in explaining the company's decision to stick with the routes it initially proposed.

But Tooele resident Kaye Pratt, who helped spearhead a citizens group opposed to power lines along the city's east bench, said the company is simply ignoring reasonable compromise routes agreed to by the Tooele County Commission, the mayors of Tooele and Grantsville, the Tooele City Council, and citizen groups.

"Tooele County is in agreement," she said. "It is Rocky Mountain Power who is unwilling to acknowledge it."

Tooele County Commissioner Jerry Hurst said Rocky Mountain Power officials' decision to reject local solutions is disappointing.

"It seems to me like we worked hard to come up with not just problems but solutions," Hurst said. "When they turned in this deal with the original route — this south bench route and the east bench route that wraps around Tooele City — we all said, 'That's totally unacceptable.' I really thought we'd talked them out of that, but when they turned in their proposal it was for that original route. I don't know what kind of game we're playing here, but I don't like it."

The 500/345kV transmission line would run from Mona in Juab County to a proposed future Limber Substation to be built in the Tooele Valley. One line would then run to the existing Oquirrh Substation in West Jordan. The other line would go to the existing Terminal Substation in Salt Lake City.

The Bureau of Land Management released a draft environmental impact statement on the proposed project in May. Rocky Mountain Power and the BLM conducted public meetings in June. In addition, because of controversy surrounding routes in the Tooele Valley, Rocky Mountain Power held public conflict resolution meetings in hopes of finding a compromise on the Limber to Oquirrh line route — a route that could involve crossing the southeast benches of Tooele.

In a document to the BLM dated Sept. 21, city and county officials, and members

of two citizens groups, said in general they concurred with RMP's proposed route from Mona to Terminal, although they proposed transmission lines near Grantsville be limited in number and located as far west as possible. They also proposed the Limber substation be moved to northern Tooele Valley near I-80. Finally, they proposed the Limber-to-Oquirrh portion of the line be routed to minimize impact to residents in Tooele Valley, and that routes going through the south and east parts of Tooele City be eliminated.

However, Margaret Oler, spokeswoman with Rocky Mountain Power, said the letter ignored the company's siting criteria, which was discussed at length during meetings held with various groups.

"The purpose of that series of meetings was to develop some kind of compromise route but clearly any kind of a compromise route still had to meet the siting criteria," she said. "So there wasn't a compromise that was able to be reached that met the siting criteria, and the consensus letter also does not propose anything that meets the siting criteria."

Tooele City Mayor Patrick Dunlavy said he was also disappointed that months of negotiations with company officials were fruitless.

"Usually we got some reason that they couldn't go that way or didn't want to go that way, so we worked with them," Dunlavy said. "We thought at that point in time we were trying to come up with something that would work for both sides without negatively impacting citizens in Tooele County. But it became apparent at the last couple of meetings that their deadlines were coming up and that they had basically, in my opinion, not really negotiated in good faith. I believe they had their routes picked out and that there really wasn't anything we could do or say or were willing to compromise on that would change that."

Oler said Rocky Mountain Power plans to file for a conditional use permit in Tooele County in the next few weeks. She said as a regulated utility, RMP must move forward with localized refinements to the currently proposed routes in order for the project to be in operation by June 2012.

"That's a public process and there will be additional opportunities [for public input] during that conditional use permit process and we do encourage citizens to participate in that process," she said.

When the company files for the application for the conditional use permits, Oler said they will prepare them for Rocky Mountain Power's proposed routes in Tooele County, not alternatives.

"Applying for the conditional use permits now keeps the project on schedule and that is extremely important," she said. "The project has to be in service on time. That said, we recognize that we are assuming some level of risk applying for conditional use permits at this point because we might have to go back and amend a CUP application if there are changes when the final EIS is published."

Pratt said they have asked the Public Service Commission for a public hearing to

review actions undertaken by Rocky Mountain Power.

"This is our county, this is where we live — our city, our valley, our future," she said. "They're spending our money and ruining our land."

The final EIS is expected for January 2010. There will be another public comment period after that document is released.

Sarah Miley: swest@tooeletranscript.com

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Tooele residents fight power company over route

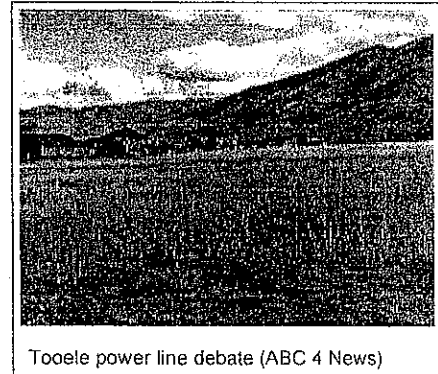


Reported by: Annie Cutler
Last Update: 10/05 6:30 pm

TOOELE COUNTY, Utah (ABC 4 News) – Thousands of residents in Tooele County are fighting Rocky Mountain Power Company over the placement of new power lines.

Rocky Mountain Power wants to put 500 Kilovolt transmission lines that cut right through Tooele's east bench and through the foothills.

Some Tooele residents don't want massive power lines built right in their backyards and neighborhoods, prompting over 4000 signatures to be gathered from people opposing the project. City and county officials are also saying no.



Tooele power line debate (ABC 4 News)

County officials say there could have been a compromise and that there were other options, thousands have even come to an agreement on an alternate route for the power lines.

But Rocky Mountain Power says that those other routes just won't work.

Residents in Tooele's southeast bench think the view may look very different soon, and they're not happy about it.

One resident feels, "The routes they want to take, we feel, are too detrimental to our citizens and our county."

Rocky Mountain Power says they've held numerous meetings trying to find a compromise but cannot find a conclusion that will work for everyone. "There's no way we can build a project that is more expensive and less reliable for our customers, we can't do that," said Rocky Mountain Power's Dave Eskelson.

The project is proposed to be finished by June of 2012.

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[print](#)

RMP not acting in good faith

10.06.09 - 06:30 pm

It appears that Rocky Mountain Power is set on running their Mona-to-Oquirrh. Many Tooele Valley citizens are heavily opposed to this route, but RMP appears determined to have their way with no regard for the citizens who have to live with the decisions RMP makes. The article in last Thursday's paper, "Power company won't budge on east bench route" did not give an accurate portrayal of the dealings RMP has had with the local government officials and citizen groups that have been involved in negotiations to find an acceptable alternate route for the power lines. The environmental impact study that was conducted prior to the release of RMP's preferred and alternative routes contains inaccurate information about the areas that were studied. A new EIS, or at least one with accurate amendments, should be obtained and studied before final route determinations are made. The meetings held by RMP with local government officials and citizen groups were not designed to come to an agreement, but to increase animosity so that they could continue with their preferred routes. RMP wanted to show they had "tried" to find a more acceptable route. They reported that the citizens could not come to an agreement on an acceptable alternative route for the lines, so they were going to continue with their preferred route. It is important to note that a route has not yet been approved by the BLM. There is still time for Rocky Mountain Power to step up and be a good citizen.

Andrea Cahoon

Tooele

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[print](#)

Power lines cause major disease

10.06.09 - 06:30 pm

As a physician here in Tooele, and the radiation safety officer for Mountain West Medical Center, I feel I can speak authoritatively on the subject of electromagnetic fields, specifically as they relate to the power lines Rocky Mountain Power has proposed to place on the east bench of Tooele. According to the National Institute of Environmental Health Sciences, there is an association between such power lines and the risk of development of childhood leukemia. The International Agency for Research on Cancer has concluded that electromagnetic fields are a class 2B carcinogen, and are associated with a doubling of the risk of development of childhood leukemia vs. baseline. In the April 2009 issue of the Journal of Pathophysiology, researchers Johannson et al. concluded that electromagnetic fields were shown to impair immune system function through stimulation of various allergic and inflammatory responses, as well as affecting tissue repair processes. The article concluded that such disturbances to immune system function increase the risk of development of cancer. I am not opposed to increased power being made available via Rocky Mountain Power's plan to expand the current energy capabilities. However, I am strongly opposed to any route which will put children at increased risk for development of leukemia. The proposed east bench route will do just that.

Dr. James Webber

Tooele

© transcriptbulletin.com 2009

[print](#)

Save our county from power lines

10.06.09 - 06:30 pm

Who is on our watch from our state officials? Rocky Mountain Power marches into Tooele County and thinks they can do as they please with this docile group of people of Tooele ("Power company won't budge on east bench route," Sept. 29). We know that our mayor and city fathers, as well as our county commissioners, are against the power line routes proposed by RMP through our county. They have said "absolutely no" to the proposed routes. Four thousand citizens have signed petitions against the intrusion by this power company. We know that these lines will be put up somewhere in this valley, but we were told in the beginning by RMP that they would work with us to make other route suggestions. They now say we can't make up our minds with no proposals made, which is an absolute lie. They dismissed a meeting stating this, but they are really saying, "You agree with what we say or we are through talking." There is so much desert in this county that would not have the impact that going through our beautiful mountain ranges and over our neighborhoods would. Why must we watch the tearing up of our mountains, cities and neighborhoods for these monster towers and lines? This electricity is not for our benefit. It is going to the Salt Lake Valley. We need everyone to be on our watch. If we don't work to save our county who will? Please stand up and be counted.

Colleen England

Tooele

[print](#)

More to be done about power lines

10.06.09 - 06:30 pm

I am writing regarding your front page article "Power company won't budge on east bench route," Sept. 29. First and foremost, thank you for bringing the issue to the public attention. About 4,600 residents signed a petition opposing the proposed power route. The county commissioners unanimously voted to oppose the proposed route. The Tooele City mayor and Grantsville City mayor signed onto a letter and alternate route proposal. In short, every government entity we have locally opposes the proposed power line. The Utah Public Utility Commission is taking comments on the issue currently. The BLM has yet to rule but have stated they like the alternate routes proposed by local entities. But the article gave me the feeling that the power route is a done deal. I would like to have seen a little more support of the local government entities. I personally sat through many hours of meetings where the cities and county governments worked together to determine feasible alternatives. The paper seemed to give the power company decision more weight than it gave our local governments' decision. I believe that if the city and county governments stand firm and do not issue building or conditional use permits, the power company may be stopped. I would sure like to see a united effort to stand against a business throwing money around and ruining our environment. I hope the local paper can find ways to support the locals and oppose the money.

Boyd Spiker

Tooele

Exhibit E

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Pending Application of
Rocky Mountain Power for a Certificate of
Public Convenience and Necessity
Authorizing Construction of Mona – Oquirrh
new 500 kV double circuit line

DOCKET NO. 09-035-54

REPORT AND ORDER

ISSUED: July 22, 2009

By The Commission:

This matter is before the Commission on Rocky Mountain Power's (Company) Notice of Intent to File Application for Certificate of Public Convenience and Necessity (CPCN). The Company's Notice was intended to inform the Commission, the Division of Public Utilities (Division), and the Office of Consumer Services (OCS) of its intent to file a formal Application for a CPCN authorizing construction of a 500kV transmission line, known as the Mona-Oquirrh Transmission Line (Project). The Company gave its reason for filing the Notice:

Given the tight time frames under which the Company will be operating once it is able to file its Application, this Notice contains most of the information that would typically be included in the Application itself—the Company is doing so in order that the DPU, OCS, or other intervening parties may begin their analysis of the planned transmission line in the light of the standards set by the Commission for the granting of a CPCN.

Additionally, the Company stated that it is currently in the process of obtaining federal approval for the project. Although it recognized that we have ruled that issues of the location and routing of a transmission line were beyond the scope of a CPCN proceeding, it also noted that as a condition of approval for the Project it must file with us evidence that it has received or is in the process of obtaining the "required consent, franchise, or permit" of the proper authorities. However, until the federal approval process has been

DOCKET NO. 09-035-54

-2-

completed about late July 2009, the ultimate routing and location of the transmission line and Project scope are uncertain. The Company plans to begin construction of the line in January 2010. This leaves little time between the filing of the Application and the date of needed approval for the Commission and interested parties to adequately investigate the Application and for us to issue a CPCN if proper. The Company has agreed to immediate commencement of discovery, and has affirmed that it will answer all requests for which it has information. As to those to which information cannot be provided at the time of their issuance, the Company will answer immediately upon receipt of information answering such requests. The Company is also willing to provide testimony supporting its pending Application, provided it is allowed to supplement or amend the testimony pending any new facts or changes in Company plans. The Company also agrees to file testimony on an expedited basis as needed. The Company additionally provided general information about the Project.

The Company requests we issue an order opening this docket, enter a protective order pursuant to the entry of its pending Motion for Protective Order, that we allow parties besides the Division and OCS to intervene pursuant to UCA § 63G-4-207 and R746-100-7, and that we allow the Company, the Division and OCS to immediately commence discovery.

Finding that the Company's request is in the public interest, and just and reasonable, we order as follows:

DOCKET NO. 09-035-54

-3-

1. The docket number contained in the caption, i.e. Docket No. 09-035-54, is the docket number for this matter;
2. The Company, the Division, and OCS may immediately commence discovery. Intervenors may participate in discovery once granted intervention;
3. Interested parties may move to intervene in this matter pursuant to UCA § 63G-4-207 and R746-100-7;
4. Pursuant to Sections 63G-4-301 and 54-7-15 of the Utah Code, an aggrieved party may request agency review or rehearing within 30 days after issuance of this Order by filing a written request with the Commission. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the Commission does not grant a request for review or rehearing within 20 days after the filing of the request, it is deemed denied. Judicial review of the Commission's final agency action may be obtained by filing a petition for review with the Utah Supreme Court within 30 days after final agency action. Any petition for review must comply with the requirement of Sections 63G-4-401 and 63G-4-403 of the Utah Code and the Utah Rules of Appellate Procedure.

DOCKET NO. 09-035-54

-4-

DATED at Salt Lake City, Utah, this 22nd day of July, 2009.

/s/ Ted Boyer, Chairman

/s/ Ric Campbell, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Julie Orchard
Commission Secretary
G#62850