

**RECORD OF PROCEEDINGS
PUEBLO COUNTY PLANNING COMMISSION
FEBRUARY 22, 2011**

A meeting of the Pueblo County Planning Commission was held on February 22, 2011, at 5:00 p.m., in the Pueblo County Conference Room, 1001 North Santa Fe Avenue. Those members present were: Betty Alt, Chair; Donald Bruestle; Richard Clark; Epimenio Griego; Rob Leverington; Ronald Leyba; Shirley Ozzello; and Arnold VanZandt. Member absent was Thelma Archuletta. Also present were Gary Raso, Assistant County Attorney; and Pat Coffee and Dave Benbow, County Public Works Department. Planning and Development staff present were: Kim Headley, Director; Joan Armstrong; Sandy Blanco; Dominga Jimenez-Garcia; Gail Wallingford-Ingo; and Jeffrey Woeber. Ms. Alt, Chair, called the meeting to order at 5:00 p.m.

APPROVAL OF JANUARY 25, 2011 MINUTES

Mr. VanZandt moved to approve the minutes of the January 25, 2011 meeting as mailed. Mr. Griego seconded the motion. The motion carried unanimously.

DIRECTOR'S REPORT:

(a) Acceptance of Map Amendments

Mr. Headley reported staff received one new rezoning application this month:

- **Colorado Clean Energy Park Planned Unit Development No. 2011-001**, Puebloans for Energizing Our Community, LLC (PFEOC) (Applicant), Donald J. Banner (Representative). Applicant requests approval of a planned unit development (PUD) on approximately 24,000 acres of property that is currently within an A-1, Agricultural Zone District. The Colorado Clean Energy Park PUD would allow various types of energy/power production facilities, excluding coal-fired power plants. This includes, but is not limited to, nuclear, solar, wind, gas, and geothermal electrical generating facilities, as well as associated energy storage, support facilities, and infrastructure. The PUD also provides for land to be used for a buffer/open space. With Phase I of the PUD, the applicant requests the following:
 - Approval of the application of a Planned Unit Development for the land involved including phasing in accordance with the Submitted Development Plan.
 - Approve the submitted Development Plan which includes certain deferrals, variances, and waivers as set forth therein.
 - Determine that there is a vested real property right to develop the land included in the Colorado Clean Energy Park in accordance with the Development Plan, contingent only on compliance with the Development Plan.

Mr. Headley requested the Commission take action to accept the new map amendment application for processing.

Mr. VanZandt moved to accept the new map amendment application (Planned Unit Development No. 2011-001) for processing. Mr. Bruestle seconded the motion. The motion carried unanimously.

(b) Correspondence

Mr. Headley reported staff has distributed four pieces of additional correspondence, which were received or prepared after distribution of the Commission's packet:

- A memorandum, dated February 17, 2011, from Dominga Jimenez-Garcia, amending the conditions of approval for Special Use Permit No. 2011-001, Summit Brick and Tile Company.
- A memorandum, dated February 3, 2011, from Public Works, noting they're not opposed to Planned Unit Development No. 2011-001.
- A letter, dated February 20, 2011, from Don Banner, expressing his comments for Planned Unit Development No. 2011-001.
- An e-mail, dated February 22, 2011, from Thomas Corlett Sr., regarding Planned Unit Development No. 2011-001.

Mr. Headley requested the Commission take action to make the summarized correspondence a part of the record of this evening's proceedings.

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Mr. VanZandt moved to make the summarized correspondence a part of the record of this evening's proceedings. Mr. Bruestle seconded the motion. The motion carried unanimously.

(c) Continuances

Mr. Headley reported there were no continuances this month.

(d) Withdrawals

Mr. Headley reported there was one withdrawal this month:

- **Special Use Permit No. 2010-014**, Emily Brenner (Applicant/Owner), NorthStar Engineering, Inc., c/o Mick Kahnke (Representative), 4100 Burnt Mill Road. Applicant requests a special use permit to allow Farm products, processing in an A-1, Agricultural (minimum 35 acre) Zone District. The Farm products, processing is specifically for a kosher slaughter facility. The Special Use Permit site contains 5.5 acres out of a 165-acre parcel of land. The property is located on the south side of Burnt Mill Road west of Interstate 25. The applicant has requested Special Use Permit No. 2010-014 be withdrawn.

(e) Board of County Commissioners' Action

Action taken by the Board of County Commissioners, at its meeting held on February 15, 2011, was mailed in the Commission's packets.

(f) Administrative Reviews:

Mr. Headley reported he would begin by making the staff reports a part of the record of this evening's proceedings. Mr. Headley reported there were six administrative reviews:

- **Special Use Permit No. 577, Amended** (also known as Special Use Permit No. 1985-043 Amended), Broadacre Landfill, Inc. (Applicant), Waste Connections, Inc. (Owner). This is an administrative review of an amended special use permit, which allows a solid waste disposal facility in an A-1, Agricultural (minimum 35 acre) Zone District. The landfill consists of 283± acres with the special use permit area containing approximately 405 acres. The property is located at 4025 Doyle Road, which is north and westerly of the intersection of Doyle Road and Bush Road.

Mr. Headley reported letters were received from Caren Johannes, Environmental Protection Specialist, Colorado Department of Public Health and Environment, reporting the site is in compliance. An e-mail was received from Ken Williams, Associate Director, Pueblo City-County Health Department, indicating they have no comments and it's their understanding the landfill accepts solid waste material on a limited volume to keep their Certificate of Designation current and active.

Staff recommends the Planning Commission accept the administrative review, thereby approving the continuance of the permitted use with the existing 15 conditions of approval and a new Directive to Staff to prepare an administrative review during the month of February, 2016 and to present a report to the Pueblo County Planning Commission at its February, 2016 meeting.

- **Special Use Permit No. 1998-028**, C&C Disposal, c/o Becky Cortese (Applicant), Eden Leasing, Inc. (Owner), 1401 Quartz Road. This is an administrative review of a special use permit, which allows a solid waste transfer facility in an I-2, Light Industrial Zone District. The property contains 15± acres, and is located at 1401 Quartz Road north and west of the Eden Interchange on I-25.

Mr. Headley reported the permit was originally approved by the Planning Commission on December 30, 1998. It was reviewed and reissued in 2001, 2002, 2005, and 2008. The property is currently being leased by C&C Disposal and still owned by Eden Leasing, Inc. The use has been established and an updated letter was received on February 10, 2011 from C&C Disposal.

Staff recommends the Planning Commission accept the administrative review, thereby approving the continuance of the permitted use with the existing 17 conditions of approval and a new Directive to Staff to prepare an administrative review during the month of February, 2014 and to present a report to the Pueblo County Planning Commission at its February, 2014 meeting.

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- **Special Use Permit No. 2005-020**, RBK Construction, Inc. (Applicant), John H. Thatcher, Jr. Trust and Beth E. Thatcher Trust (Owners), RBK Construction, Inc., Ronda Neumeister, President (Representative). This is an administrative review of a special use permit, which allows natural resources extraction and processing of sand, gravel, and borrow materials; a portable crusher and screening plant; hot mix (road) asphalt plant; scale house; and concrete batch plant on 30± acres of a leased parcel containing 281± acres within an A-1, Agricultural (minimum 35 acre) Zone District. The requested use was to accommodate a contract for the construction of approximately six (6) miles of roadway from D.O.T. Road to the Pueblo Chemical Depot. The project has been completed; however, reclamation is not complete.

Mr. Headley reported the permit was originally approved by the Planning Commission on November 15, 2005. They have conducted administrative reviews of the permit annually with the last one occurring on February 23, 2010. In correspondence dated January 26, 2011, the applicant stated they're no longer utilizing the site and reclamation has been completed. They're waiting for inspection of the reclamation area and anticipate approval of the reclaimed area as soon as the re-seeded area becomes better established.

Staff recommends the Planning Commission accept the administrative review, thereby approving the continuance of the permitted use with the existing 12 conditions of approval, notation, and a new Directive to Staff to prepare an administrative review during the month of February, 2012 and to present a report to the Planning Commission at its February, 2012 meeting.

- **Special Use Permit No. 2009-021**, Rye Fire Protection District (Applicant), Donna R. Hambric (Owner), Wachob and Wachob, Inc. (Representative), Table Mountain Road, Rye. This is an administrative review of a special use permit, which allows the establishment of a lattice-type radio tower with an overall height of 45 feet and related accessory building and support facilities on an 8,130 square foot leased parcel of land. The leased parcel is encompassed within a 39.27± acre parcel which is located on the north side of Table Mountain Road approximately ¾ of a mile northeast of its intersection with Old San Isabel Road just north of the Town of Rye in Southwestern Pueblo County.

Mr. Headley reported the permit was originally approved by the Planning Commission on February 23, 2010, noting the intent was to extend the height of an existing 25-foot tower by 20 feet to an overall height of 45 feet. Staff was advised the existing portion of the lattice-type radio tower was established on the property since the late 1980's and was constructed for radio communications for a local construction company. It was since sold to the Rye Fire Protection District. An on-site inspection revealed the antenna attachment to the top section of the lattice-type radio tower hasn't been erected. Staff reviewed and approved the modifications to the originally submitted drawings; however, no additional approvals have been pursued inasmuch as the applicant hasn't determined an actual date to commence use of the facility. In an e-mail dated January 31, 2011, the applicant stated all existing structures on the radio site are sufficient for their purposes and they won't be adding any structures to the site. They haven't completed the fencing and haven't begun using the site as they are waiting for final approval from the FCC. The fencing would be installed this spring when they finalize the radio installation.

Staff recommends the Planning Commission accept the administrative review, thereby approving the continuance of the permitted use with the existing four conditions of approval and a new Directive to Staff to prepare an administrative review during the month of February, 2012 and to present a report to the Planning Commission at its February, 2012 meeting.

- **Special Use Permit No. 2009-022**, 129 Enterprise, LLC (Applicant/Owner), Laurie Clark, P.E., Clark Engineering, LLC (Representative), 129 East Enterprise Drive. This is an administrative review of a special use permit, which allows an Automobile Storage Yard in the existing building on Parcel C of Lot Line Rearrangement No. 2009-004 in the I-2, Light Industrial Zone District. The property contains 5.00 acres, and is located at the northeast corner of the intersection of Enterprise Drive and Aspen Ski Way in Pueblo West, Colorado.

Mr. Headley reported the existing building is being utilized for automobile storage and the drainage requirements requested by Public Works have been satisfied. Automobile storage shall only be within the existing building on Parcel C of Lot Line Rearrangement No. 2009-004. If outside storage of automobiles is requested, an amendment to the special use permit shall be submitted to the Department of Planning and Development and heard by the Pueblo County Planning Commission.

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Staff recommends the Planning Commission accept the administrative review, thereby approving the continuance of the permitted use with one existing condition of approval and notation stating it's unnecessary to schedule the permit for further review unless it's not in compliance with the Code and/or a complaint is received and verified that there is a violation of the condition of approval as imposed and/or if a review is specifically requested by the Planning Commission.

- **Special Use Permit No. 2010-001**, Clyde L. and Sharon Berrier (Owners), Clyde Berrier (Applicant/Representative), 172 East Industrial Boulevard. This is an administrative review of a special use permit, which allows an Office, as a principal use in an I-2, Light Industrial Zone District, in Suites 101 through 111 at 172 East Industrial Boulevard. The property contains 1.83 acres, and is located at the southwesterly corner of East Industrial Boulevard and North Research Drive in Pueblo West.

Mr. Headley reported offices exist in the building and the permit was approved by the Planning Commission on February 23, 2010. A new parking plan was submitted on March 2, 2010, which was approved by staff.

Staff recommends the Planning Commission accept the administrative review, thereby approving the continuance of the permitted use with a notation stating it's unnecessary to schedule the permit for further review unless it's not in compliance with the Code and/or a complaint is received and verified that there is a violation of the condition of approval as imposed and/or if a review is specifically requested by the Planning Commission.

Mr. Headley requested the Commission take action to accept the administrative reviews as read into the record.

Mr. Bruestle moved to accept the administrative reviews as read into the record and make the Commission's comments a part of the record of this evening's proceedings. Mr. Griego seconded the motion. The motion carried unanimously.

STATEMENT OF HEARING PROCEDURES BY CHAIRPERSON

Chair Alt reported that the applicant and/or representative are called upon to speak, followed by any opposition, with the applicant having the final say.

PUBLIC HEARING

Mr. Headley explained there are three items on this evening's Consent Agenda. He explained the items listed under the "Consent Items" are those cases for which there has been no opposition where staff is recommending approval and the applicants have reviewed and agree with the recommended Conditions of Approval. He stated anyone who wishes may have an item removed from the Consent Items to be scheduled for full public hearing, noting if an item is removed from the Consent Items, then it is automatically placed at the end of the Regular Items. If there are no items removed, the action is a single motion and second to approve the items under the Consent Items. Mr. Headley summarized the three Consent Agenda Items. He asked if there was anyone present who wished to have any of the items just summarized removed from the Consent Items and placed under the Regular Items. No one requested items be removed from the Consent Agenda.

Chair Alt asked the Consent Items be made a part of the record.

CONSENT ITEMS:

Mr. VanZandt moved to approve the three Consent Items listed below with the Conditions of Approval and/or Comments following each item. Mr. Griego seconded the motion. The motion carried unanimously.

- **Special Use Permit No. 2011-001**, Summit Pressed Brick and Tile Company, c/o Joe Welte (Applicant), Rocky Mountain Ranch and Land (Owner), LJ Development, Inc., c/o Joe P. Gagliano (Representative), Portion of the S½ of Section 27 and the N½ of Section 34, Township 24 South, Range 66 West of the 6th P.M. Applicant requests a special use permit to allow natural deposits extraction and processing; blasting; stockpiling, crusher and screening plant; scale house; and an office on a 93.25± acre mining area in the A-1, Agricultural (minimum 35 acre) Zone District. The application includes a proposal to reclaim the mined area to its post mining use of rangeland/agricultural. The mining area is within an 116.41± acre leased area located within a portion of the S½ of Section 27 and the N½ of Section 34, Township 24 South, Range 66 West of the Sixth Principal Meridian. The mine

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area is located on the south side of Pickney Road (CR 343) approximately 3,200± feet southwest of the intersection of Pickney Road and Pardee Drive. The proposed gravel pit is to be named Cedarwood Clay Mine.

Mr. Headley stated staff recommends the Planning Commission approve this special use permit with 18 conditions of approval and the standard Directive to Staff to present a report to the Planning Commission at its July, 2011 meeting.

Conditions:

1. Prior to commencement of mining activities, the applicant shall provide to this Department the following items:
 - Colorado Division of Reclamation, Mining and Safety (DRMS) – Mining and Reclamation Documents/Permits
 - Colorado Department of Health, Air Pollution Control Division – Fugitive Dust Permits
 - Colorado Department of Health, Water Quality Control Division – Stormwater Discharge Permit
 - Pueblo County Department of Public Works – Access Permit
 - Colorado Department of Transportation – Access Permit

The applicant shall provide the Department of Planning and Development a copy of all other required Federal, State, and local permit applications, approvals, amendments, waivers, or releases (e.g., air quality, DRMS, etc.) pertaining to Special Use Permit No. 2011-001 within 30 days of their submittal to the respective agency, and approval by the respective agency.

2. The special use permit is approved for natural deposits extraction and processing, blasting, stockpiling, crusher and screening plant; scale house; and an office. Processing and stockpiling shall be restricted to materials excavated from the site.
3. The location of the area used for Special Use Permit No. 2011-001 shall be limited to the 93.25± acre area described in the letter of request identified as Exhibit 4 – Cedarwood Clay Mine area description of this report dated February 7, 2011 and further described as shown on the Pre-Mining Plan Map identified as Exhibit 7 - Exhibit "C" Pre-Mining Plan Map of this report dated February 7, 2011. Any additional area to be used for Special Use Permit No. 2011-001 shall require an amendment to the Special Use Permit.
4. Hours of operation for the permitted use shall be limited to Monday through Saturday, from sunrise to sunset. Hauling of materials shall be limited to Monday through Saturday, 6:00 a.m. to 6:00 p.m. These hours shall not apply to emergency situations that require immediate maintenance or repair to protect the site and surrounding environment, or immediate response to a government directive to supply materials to protect the health, safety, and welfare of the surrounding community. Should the applicant wish to extend the hours or days of general operation, the applicant must apply for and obtain an amendment to this special use permit, through the public hearing process.
5. There shall be no blasting permitted in association with the mineral extraction activities until the applicant submits and receives approval for a Blasting Plan as reviewed and authorized by the Division of Minerals and Geology, EXCEPT THAT, should a blasting plan be approved, there shall be no blasting between the hours of 6:00 p.m. and 8:00 a.m. Monday through Saturday and **NO BLASTING ON SUNDAY**. A copy of said blasting authorization from the Division of Minerals and Geology shall be forwarded to the Department of Planning and Development within 30 days of its issuance.
6. During the month of May 2011 the applicant shall contact the Turkey Creek Conservation District and request they conduct a comprehensive evaluation of the property to determine whether or not noxious species are present, what species are present and the extent of the infestation. A copy of the weed management plan or a letter stating a weed management plan is not necessary shall be submitted to the Department of Planning and Development on or before July 1, 2011. Staff shall conduct an administrative review during the month of July 2011 and present a report to the Pueblo County Planning Commission at its July, 2011 meeting.
7. For the duration of the operation and reclamation, the applicant and/or property owner shall apply and maintain effective weed control on the permitted site, to prevent the

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establishment and/or spread of noxious weeds, and to maintain a vegetative cover compatible with surrounding rangeland.

8. The mining operation shall not encroach within 50 feet on each side of the centerline of the Pickney Arroyo, at any given time.
9. A licensed cleaner/pumper shall be used to clean and service the portable toilets.
10. Maintain a 1:1 or greater safety setback from the highwall.
11. Prior to any mining occurring, additional geotechnical testing to evaluate the slope stability shall be done which should include site-specific geotechnical properties of the soil and rock mass; a copy of the results shall be submitted to the Colorado Geological Survey of the Department of Natural Resources for review. As mining occurs and information can be updated the Geotechnical testing results shall be submitted to the Colorado Geological Survey.
12. The applicant shall obtain a new access permit for the mine site and shall comply with all requirements prior to any mining activity within the expanded area. The access permit shall be for the current operation (clay and gravel mining) and for a maximum daily vehicle trip count of 40. If the site exceeds the maximum 40 ADT on a regular basis this shall be a violation of the condition and require an amendment to the special use permit.
13. The mining operation shall not encroach within the 300-foot buffer from the right-of-way of Pickney Road.
14. If the applicant plans to blast within 1,000 feet of the County Road system, the applicant shall notify the County Engineer one week prior to the blasting and shall utilize a traffic control plan approved prior to the blasting operation.
15. The applicant shall pay for any applications (labor and material) of dust suppression materials deemed necessary by the Public Works Department. "Necessary" will be determined by an analysis of the amount of traffic generated by this operation and/or dust complaints generated by this operation. Dust treatment on the designated haul route shall be done under contract between Pueblo County and a private contractor.
16. The applicant shall file with the Department of Planning and Development an annual mining operation and reclamation activities report that addresses compliance with the conditions of this Special Use permit. Said report shall be submitted by the first day of the anniversary month of the approval date of this Special Use Permit.
17. Upon completion of the project the applicant shall submit a written request to the Department of Planning and Development to withdraw the special use permit. The request shall include the anticipated date for completion of the reclamation.
18. The applicant shall develop, operate, and manage the mining-related activity according to the rules, regulations, plans and permits administered by the applicable federal, State, and local agencies. Any violation of a rule, regulation, permit, or plan may result in the scheduling of a Show Cause Hearing to consider revocation of the special use permit.

DIRECTIVE TO STAFF: The Department of Planning and Development is directed to conduct an administrative review of the property during the month of July, 2011 and to present a report to the Pueblo County Planning Commission at its July, 2011 meeting. If the use is not established and/or the property is not in full compliance with the Pueblo County Code and/or all of the conditions of approval, the Commission may, at its discretion, direct staff to schedule the permit for a public hearing at the August, 2011 meeting. The Commission, at its discretion, may also direct staff to conduct an administrative review and/or schedule the permit for public hearing at an earlier date, if deemed necessary.

THIS DIRECTIVE TO STAFF IS NOT INTENDED AS A CONDITION OF APPROVAL.

- **Special Use Permit No. 2011-002**, Dr. Dana R. Bennett (Applicant), BLP Investment, Ltd. (Owner), Douglas D. Piersel, Esq., Mullans, Piersel & Reed, P.C. (Representative), 121 South Crescent Drive. Applicant requests a special use permit to allow a health clinic in an R-5, Multiple-Residential and Office Zone District. The property contains 0.63 acre and is located between Crescent Drive and South McCulloch Boulevard, south of East Spaulding Avenue in Pueblo West.

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Mr. Headley reported the health clinic has been on the property since 1995 unknowing to the owner/applicant a special use permit was required. Parking Plan No. 1995-012 was approved in 1995 and Sign Plan No. 1996-026 was approved in early 1997.

Staff recommends the Planning Commission approve this special use permit with one condition of approval and the standard Directive to Staff to present a report to the Planning Commission at its February, 2012 meeting.

Condition:

- A new parking plan shall be submitted to the Department of Planning and Development for the parking area being utilized by the Health Center that is not on the approved Parking Plan No. 1995-012. The parking plan shall be in compliance per the Pueblo County Code, Title 17, Land Use, Chapter 17.112, Off-Street Parking and Loading Standards. The new parking plan shall include **all** parking for the Health Center. If the land owned by the Pueblo West Metropolitan District is to be used for parking, that area shall be in compliance with the Off-Street Parking Standards in the Code AND an executed agreement between the Metropolitan District and the owner of Lot 2, Block 2, Tract 374, Pueblo West for parking, maintenance, liability, longevity, etc. shall be submitted to the Department of Planning and Development.

OR

The graveled area of the property (Lot 2, Block 2, Tract 374) being utilized for parking shall be blocked off to prevent vehicular access from South Crescent Drive and from the property from the south. A "No Parking" sign(s) facing the graveled area shall be placed in the landscaped area adjacent to the graveled area.

DIRECTIVE TO STAFF: The Department of Planning and Development is directed to conduct an administrative review of the property during the month of February, 2012 and to present a report to the Pueblo County Planning Commission at its February, 2012 meeting. If the use is not established and/or the property is not in full compliance with the Pueblo County Code and/or all of the conditions of approval, the Commission may, at its discretion, direct staff to schedule the permit for a public hearing at the March, 2012 meeting. The Commission, at its discretion, may also direct staff to conduct an administrative review and/or schedule the permit for public hearing at an earlier date, if deemed necessary.

THIS DIRECTIVE TO STAFF IS NOT INTENDED AS A CONDITION OF APPROVAL.

- **Special Use Permit No. 2011-003**, Rhonda Feasel (Applicant), Richard D. Feasel II (Owner), 555 South Watermelon Drive. Applicant requests a special use permit to allow a "Child Care Home (Large)" in an R-1, Single-Family Residential Zone District. It is the applicant's intent to change the existing *Day Care Home* license to a *Large Child Care Home* license. The change in licensing, if permitted, will allow the applicant to have a maximum capacity of twelve children at any given time. The property is located on the north side of South Watermelon Drive, southwest of its intersection with West Baldwyn Drive, west of McCulloch Boulevard in the Pueblo West area.

Mr. Headley reported the applicant has been operating a small day care home which permits the care of six full-time children and two part-time children since February, 2008.

Staff recommends the Planning Commission approve this special use permit with two conditions of approval and the standard Directive to Staff to present a report to the Planning Commission at its February, 2012 meeting.

Conditions:

1. Should the State of Colorado, Department of Human Services, Division of Child Care issue a new *Day Care Home* license to the applicant then:
 - a) The applicant shall provide a copy of the newly issued license to the Department of Planning and Development within thirty (30) days of issuance; and
 - b) The applicant shall maintain the Permanent Child Care License issued by the State of Colorado, Department of Human Services, Division of Child Care for the facility.
2. Should the request be denied by the State of Colorado, Department of Human Services, Division of Child Care, then the applicant shall submit a letter to the Department of Planning and Development requesting withdrawal of this special use permit within thirty (30) days of receipt of the denial.

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DIRECTIVE TO STAFF: The Department of Planning and Development is directed to conduct an administrative review of the property during the month of February, 2012 and to present a report to the Pueblo County Planning Commission at its February, 2012 meeting. If the use is not established and/or the property is not in full compliance with the Pueblo County Code and/or all of the conditions of approval, the Commission may, at its discretion, direct staff to schedule the permit for a public hearing at the March, 2012 meeting. The Commission, at its discretion, may also direct staff to conduct an administrative review and/or schedule the permit for public hearing at an earlier date, if deemed necessary.

THIS DIRECTIVE TO STAFF IS NOT INTENDED AS A CONDITION OF APPROVAL.

REGULAR ITEMS:

COMPREHENSIVE PLAN AMENDMENT - Puebloans For Energizing Our Community, LLC
NO. 2011-001 (PFEOC) (Applicant)
Donald J. Banner (Representative)

Applicant requests approval of an amendment to the *Pueblo Regional Development Plan* (Comprehensive Plan) to change the Future Land Use category of an area in Eastern Pueblo County from the existing "Rural Ranch" to "Energy Park". The property is approximately 24,000 acres in size, located generally south of Grape Road and east of Huerfano Road, and is the location of the applicant's proposed Colorado Clean Energy Park. Designation of the area as "Energy Park" would allow consistency with the *Pueblo Regional Development Plan* with the applicant's plans for the site, which include establishing various types of electrical generating facilities including, but not limited to, nuclear, solar, wind, gas, and geothermal electrical generating facilities, as well as associated energy storage, support facilities, infrastructure, buffers, and open space. Coal-fired generation facilities would be excluded from the designation.

See testimony given under Colorado Clean Energy Park Planned Unit Development No. 2011-001.

COLORADO CLEAN ENERGY PARK PLANNED UNIT - Puebloans For Energizing Our Community, LLC
DEVELOPMENT NO. 2011-001 (PFEOC) (Applicant)
Donald J. Banner (Representative)

Applicant requests approval of a planned unit development (PUD) on approximately 24,000 acres of property that is currently within an A-1, Agricultural Zone District. The Colorado Clean Energy Park PUD would allow various types of energy/power production facilities, excluding coal-fired power plants. This includes, but is not limited to, nuclear, solar, wind, gas, and geothermal electrical generating facilities, as well as associated energy storage, support facilities, and infrastructure. The PUD also provides for land to be used for a buffer/open space. With Phase I of the PUD, the applicant requests the following:

- Approval of the application of a Planned Unit Development for the land involved including phasing in accordance with the Submitted Development Plan.
- Approve the submitted Development Plan which includes certain deferrals, variances, and waivers as set forth therein.
- Determine that there is a vested real property right to develop the land included in the Colorado Clean Energy Park in accordance with the Development Plan, contingent only on compliance with the Development Plan.

Mr. Leverington informed the Commission that he attended a few educational meetings on this topic, noting he didn't have any financial interest other than being a concerned citizen of the community. Chair Alt reported she went to view the property in order to make an informed decision.

Mr. Donald Banner, Attorney, 503 North Main Street, Pueblo, represented the comprehensive plan amendment and the planned unit development. He reported Puebloans For Energizing Our Community is a limited liability company that has one member and twelve additional members that would come into its being. The twelve additional members are members of interest groups that he created for the LLC. The first interest group includes the fire districts in Pueblo County, noting later on during the presentation they would understand the significance of the interest groups. The second interest group is Pueblo Community College and CSU-Pueblo; the third is the Pueblo Police Department and the Pueblo County Sheriff's Office; and the fourth is PEDCo and Action 22. The next interest group is School District 60, and the next is the Renewable Energy Implementation Group who gives grants out to people wanting to put solar or wind on their property. The next interest group includes all the hospitals in Pueblo County, and the next group by itself is the Pueblo City-County Health Department. The next is

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the Parks and Recreational Group for capital improvements in Pueblo County, and the last three interest groups are the youth organizations, all senior citizen organizations, and all cultural activities in Pueblo County. All of the interest groups would be managed by seven, non-paid Board volunteers, who would be appointed by the City and the County. Some would be appointed by Southern Colorado Community Foundation and some by Pueblos For Energizing Our Community. The organization would have an informal group of people in the community who believe a clean energy park, including a nuclear power plant, would greatly benefit the community, noting the volunteers are working with him to accomplish this objective. When he talks about a clean energy park he means nuclear, wind, solar, geothermal, biomass, and any form of energy production. There's 24,000 acres in the application, noting he has 25,000 acres under contract, and proposed to include 24,000 acres in the clean energy park. He would be talking a lot tonight about nuclear because nuclear is the most controversial of the uses, noting without nuclear they wouldn't have solar or wind on the ground. The objective of forming the LLC was to try and energize the community to work together to bring high-paying and permanent jobs to the community and to bring a clean, safe business to the community that would generate significant sales and property taxes for years to come, which would benefit all of them in Southern Colorado, but particularly those in Pueblo County. A project of this magnitude can't be accomplished by him or the limited liability company. It won't be accomplished unless all of them, including the political leaders, the staff of the various County and City departments, the civic leaders, the industrial and educational leaders, the union leaders, and a vast majority of the citizens, really want it to happen and take part to make it happen. Why does he say that? Without a lot of encouragement by the community why would a stranger come into the community and spend \$5 to \$8 billion to establish an industry, train a work force, and run a business for 60 to 80 years? They're going to have to invite the entity into the community to make it happen. How are they going to accomplish it? He proposed they persuade the developers of clean energy, including solar, wind, geothermal, biomass, and nuclear power, to build power generating plants, power storage, and support facilities, on some of the 24,000 acres of land that are covered by the application. The nuclear power plant would be located on approximately 235 to 500 acres, maybe up to 700 acres, if they had three nuclear power plants, noting very little of the land would be used for construction and most of it would remain open space. He framed the planned unit development application to preclude certain activities. One of them is residential development and a second is retail, noting he did that intentionally because it would enhance the value of the land around the energy park. He asked Ms. Sheila Norton if she would call, at random, realtors who lived around five nuclear power plants, and ask them what happens to the land around nuclear power plants. They all told her the land values go up. Why do they go up? People want to live where they work and that's why they don't want residential areas on the land. He wants the landowners who live in the surrounding area to have the increase in value on their land. In addition to the planned unit development, they're requesting the Planning Commission change the Comprehensive Regional Development Plan for the County and amend it in such a way to allow a clean energy park on the land, which is currently designated rural ranch. He thinks a clean energy park is a good idea for the community. Why? He believes they're safe, noting nuclear power plants have the highest standard of safety in the energy producing industry. No other industry is as closely regulated or monitored. The people who live next door to nuclear power plants in the country know they're safe and that nuclear power plants make great neighbors.

Mr. Banner stated this morning, over 14 million men, women, and children, woke up living 50 miles from a nuclear power plant in the United States. There are over 104 currently running nuclear power plants in 65 counties in the United States. There have never been deaths or injuries due to the use of uranium, the fuel in a nuclear power plant, in the country. There are over 260 U.S. nuclear powered naval vessels that travel in every coastal water, and every port of significance like New York, Boston, Norfolk, Virginia, Annapolis, Maryland, Los Angeles, San Diego, and San Francisco, with thousands of men and women aboard, noting there's never been an accident related to the use of nuclear power on the vessels. A nuclear power plant can't blow up like a bomb because the uranium fuel doesn't have the necessary energy to blow it up. The spent fuel from a nuclear power plant, which is Plutonium 240, can't be made into a bomb without a huge and expensive reprocessing plant that can handle large quantities of highly radioactive materials that are dangerous. That's why most of the scientists in the world believe that no nation would make a bomb with power plant generated spent nuclear fuel. It's much easier and much safer to make bombs out of Plutonium 239, another radioactive element. He believes it's good for the community, noting the energy park would be clean, and nuclear power plants are clean. Nuclear power plants produce 73% of the emission-free electricity in the United States, noting there are no significant emissions from them. Coal, gas, and oil-fired plants emit particulate or chemical matter, no matter how clean, noting they scrub the emissions from them. Scientists say coal-fired plants in the United States expel radioactive byproducts into the environment and expose anywhere from 100-400 times more radiation than nuclear power plants because nuclear power plants don't burn fuel and have no particulate or chemical emissions. In the United States, the Environmental Protection Agency stated coal-fired plants, representing 51% of the electrical energy produced in the United States, create 24,000

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premature deaths and hundreds of thousands of cases of lung and cardiovascular diseases every year. Every nuclear power plant in the world today has what is known as a containment dome to protect the public from the radioactivity that takes place inside the nuclear power plant. The fuel in a nuclear power plant is uranium, which is being used in the United States today. India is working on a thorium reactor, which has a patent in the United States and would make sense to use, but it hasn't been developed yet in the United States. Unlike oil, gas, coal, and power plants, the fuel in a nuclear power plant doesn't burn. It deteriorates from one chemical element to another and in the process it heats up. The heat is used to boil water, which turns steam turbines to make electricity. The uranium is placed inside a metal pipe called a nuclear vessel. The vessel is a round, seamless, steel pipe, sometimes two to three stories tall, whose walls are eight-inches thick. The vessel is surrounded by a concrete shell that's located in a building with a containment dome around it. The containment dome is four-feet thick, concrete reinforced, with 1½ to 2-inch steel rebar and is solid as a rock. The United States government wanted to find out how solid the containment dome was so they built a test wall, like the wall of a containment dome, mounted a Phantom F-4 on railroad tracks, and flew a jet at the containment dome at 500 miles per hour. What do they think happened? The jet turned into dust, noting it hit the wall and turned into dust. There was no impact to the wall. If they go to You Tube, the video can be seen by searching for Phantom F-4 in the Wall. It shows the largest jet in the world crashing, at the fastest possible speed, into a containment dome that doesn't get damaged. The containment dome is there to contain radiation and to exclude the possibility of terrorists successfully attacking the nuclear power plant. Spent nuclear fuel comes out of a nuclear power plant when it's finished deteriorating to the point of having to be replaced. It's not waste, noting it contains 95% of its original energy, which could be reused if they allow it to be. Right now, under current law, spent nuclear fuel needs to be stored in containers on-site. There are many people in the United States working on changing the law to allow the reuse of spent nuclear fuel. They reuse it in France, Japan, and other countries. On January 3, 2011, the Chinese issued a press bulletin announcing they had figured out how to reuse spent nuclear fuel. They could do it in America too if they changed the laws to allow it. The 104 nuclear power plants in the United States had been in operation for a total of 3,400 years. If they took all the spent nuclear fuel from every nuclear power plant in the United States and put it in one place, it would fit on the Eddie and Neta DeRose Football Field and be less than ten yards high. That's the total volume of spent nuclear fuel they have in America today. If each individual in the United States got all their electricity from nuclear power for their entire life, when they died there would be two pounds of spent nuclear fuel that would fit into a can of coke. If that same electricity was generated by coal-fired plants at the end of a person's life, there would be 68.5 tons of fly ash. He asked the Commission members to compare the fly ash to a can of pop. What about the danger of radiation from uranium or the nuclear power plant itself? Uranium is a mineral compound. Their daily food and water contains about 5 micrograms of natural uranium, which is the equivalent of a few grains of salt they intake every day. It's then excreted within a couple of days, noting it goes right through their system. The U.S. Center for Disease Control indicated high level exposure to natural uranium had never caused a case of cancer in humans or animals, and uranium wasn't considered radiologically dangerous by any government agency in the United States. Somebody smoking three packs of cigarettes a day gets the same radiation dose to the lungs as an individual inhaling a pound of uranium for a year, and nobody does that. They would have to live next door to a nuclear power plant for over 2,000 years to get the same amount of radiation they get from a single diagnostic X-ray. If they flew across the country in an airplane from New York to Los Angeles, they would get as much radiation as they would get standing at the gate of a nuclear power plant 24 hours a day for over a year. All of them are subjected to a certain amount of natural radiation every day, noting they eat food that has radioactive elements like bananas, carrots, and potatoes, all of which contain Potassium 40, a radioactive element with a half-life of 1.26 billion years. It doesn't hurt them because their bodies have learned to deal with it and the amount of radiation is inversely proportionate to the half-life. The longer the half-life, the less dangerous the radiation and the less damage the radiation can do. A long half-life means less power in the radiation and that's an important thing to understand.

Mr. Banner stated concrete or rock, several feet thick, can stop all forms of radiation including alpha rays, gamma rays, beta rays, and neutrons, which is why concrete is used in the containment domes of nuclear power plants. There have been eleven major studies on the health problems of uranium miners. They all concluded there's no evidence that uranium mining causes cancer, although there's been lung cancer from radon and some exposure to arsenic in the mines. The Environmental Protection Agency estimates after tobacco smoking, household radon is the second leading cause of lung cancer, accounting for over 13% of the deaths from the disease. Radon is a naturally occurring gas, and today uranium mines are ventilated to prevent the buildup of radon gas. The largest group of people who received radiation greater than normal levels consisted of people who were treated with nuclear medicine including X-rays, CT scans, and radiation therapy. Millions of people throughout the world have benefited greatly from the early detection and treatment of ailments thanks to the use of

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radioactive elements. He has some interesting facts on Chernobyl and Hiroshima if they want him to address them when he finishes his presentation.

Mr. Banner stated he doesn't expect everybody in the room to accept the things he's stating are true, but he has studied the subject. His background is electrical engineering and then he went into law, noting he believes what he's stating is true. He recommended anyone willing to take the time to learn about nuclear energy to read the book by Gwyneth Cravens titled "Power to Save the World". She's an environmentalist and an anti-nuclear power advocate. She decided to study nuclear power and what she concluded is written in her book. She concluded she's still an environmentalist and pro-nuclear, and that nuclear power was very important. There's tons of information on the internet that's anti-nuclear. Most of the material found on the internet and other places that oppose nuclear power development isn't based on scientific findings, but on emotional hypothesis and assumptions that are unrealistic or actually disproven by scientific evidence. The Sierra Club circulated an e-mail stating they would be here tonight to oppose the applications, which is their right. He has nothing against the Sierra Club, noting they do a great job protecting the environment. The Board of Directors of the California Sierra Club voted in favor of the Diablo Canyon Nuclear Power Plant in the 1970s. Their cry then was "Atoms not Dams", noting they didn't want hydroelectric dams. In 1970, the same organization wrote a crisis report asking for the creation of a nuclear power plant for the city of San Francisco instead of creating another hydroelectric dam. The politics of the Sierra Club changed in 1975 and since then have not generally favored nuclear power. In the e-mail the Sierra Club circulated, they support the systematic reduction of society's dependence on nuclear fission as a source of electric power, and recommended a phased closure and the decommissioning of operating commercial nuclear fission electric power reactors in the United States. In other words, no nuclear power. Environmentalists today are changing their attitudes. In 1994, Mr. Alvin Weinberg, a physicist, wrote "Carbon Dioxide Poses a Dilemma for the Radical Environmentalists." Since nuclear reactors emit almost no carbon dioxide, how can somebody be against nuclear energy if they're concerned about carbon dioxide? In 1996, Mr. Al Gore stated "Nuclear power, well designed, regulated properly, cared for meticulously, has a place in the world's energy supply." Ten years later, around 2004, Mr. Patrick Moore, the founder of Greenpeace; Mr. Hugh Montefiore, a former Board Chairman of Friends of the Earth; Mr. James Lovelock, author of "The Ages of Gaia;" and Mr. Steward Brand, of Whole Earth Catalogue, all original anti-nuclear power advocates, began to echo the observations of Mr. Gore and Mr. Weinberg, in that nuclear power, well designed, regulated properly, cared for meticulously, has a place in the world's energy supply. He addressed the Comprehensive Regional Development Plan Amendment and why it should be changed and the significance. It should be changed because the owners of the 25,000 acres of land, the size of the City of Pueblo or Pueblo West, want it changed. That's one significant difference than it was before. They want it changed from rural ranch to a clean energy park. The second reason is the unique opportunity, noting it's not a run of the mill thing. It's a once in a lifetime opportunity that could happen in Pueblo County. He asked the Commission members to think about 1880, and somebody wanting 10,000 acres of land in the southeast part of the City of Pueblo on which to build a steel mill. If the land had been on the Comprehensive Regional Development Plan as rural ranch what would have happened? They have to be willing to change and move forward in the community. Today, he's willing to work to bring a clean energy park to Pueblo. To do so, they have to change the Comprehensive Regional Development Plan. One person, who's a native Puebloan who has lived here all their life indicated they could work together to bring a nuclear power plant to Pueblo that would be as significant to the community in 2020 as was the CF&I Steel Mill in 1900. Never before has such an idea or opportunity presented itself and now is the time to seize the day and do everything they can to make it happen. Why this site? They've all seen where it's located, and Chair Alt made a trip out there. The site was chosen for several reasons. The first being two high-voltage power lines that run through it. They won't have the problem of getting power where it needs to go. He talked to somebody today who saw the presentation on the Channel 5 News website, noting he's an employee of the company that did the site selection for 18 of the 22 nuclear power plant applications going on right now in the United States. He told him a little bit about the land, where it was located, and the power lines running through it. He commented they could get power just about anywhere in the United States with the power lines. The same comment was made to him by people from Xcel so power is an important thing. The second reason why the site was chosen was because it has the Welton Ditch, which could provide the water sufficient to do this. They need two other sources of water, but those two are being addressed. Lastly, there are two gas lines that run across the property and one of them isn't being used right now.

Mr. Banner stated 24,000 acres, in his opinion, is a good thing because very little of the land would actually be used and the rest would remain open space. He addressed the Planned Unit Development application. The application is asking the County of Pueblo to create a vested property right on the land to allow the use of a clean energy park. If such a right was granted, it would be conditioned on their compliance with the Comprehensive Regional Development Plan. Chair Alt asked Mr. Banner if he could wait on his presentation of the planned unit development

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until they vote on the comprehensive plan amendment. Mr. VanZandt asked Mr. Banner how sure he was on the statistics of the 104 plants without any problems and the 260 submarines. Mr. Banner replied when he stated there hadn't been a single death or accident he was very sure. Mr. VanZandt asked Mr. Banner to comment on the problems with Chernobyl compared to the plants here.

Mr. Banner asked Chair Alt if they could combine the hearings on the Comprehensive Plan Amendment and the Planned Unit Development in order to make his entire presentation, and then vote. Mr. Raso replied they could do that at the discretion of the Commission, noting they would require two separate votes. As long as everyone votes no matter the nature, it's up to the Commission. Mr. Leverington and Ms. Ozzello indicated they had no problem with it. Mr. Leyba stated it could get somewhat confusing. Mr. Raso stated it also gets confusing if they do it the other way because they get a repetitive record. Mr. Leyba stated he understood, noting Mr. Banner had the information and he was fine with it. Mr. Raso stated for purposes of the record, the hearings on Comprehensive Plan Amendment No. 2011-001, as well as the Colorado Clean Energy Park Planned Unit Development No. 2011-001 would be combined. Everyone was invited to make their comments accordingly on one or both of the proposals, noting they would require separate votes.

Mr. Banner responded to Mr. VanZandt's question about Chernobyl, noting the worst high level radiation exposures came from the use of the atomic bomb in 1945, and second to that, the Chernobyl accident in 1986. Scientists worldwide have exhaustively studied both of the events to discover both the short-term and the long-term effects of radiation on human life. The most accredited scientists concluded that among the survivors of the atomic bomb attacks in the two cities, if people lived one mile from the center of the bomb explosion, the radiation dose was low enough to permit survival. After World War II they went to Nagasaki and Hiroshima and identified survivors who were right in the midst of radiation but survived the initial attack. They created a survivor group for study and then created a control group of people who lived in Japan that had the same cultural eating habits, etc., and have studied them since 1946. He reported 40% of the survivor group selected, more than 50 years ago, are still alive today. The number of cancers in the survivor group was only 6% greater than in the control group that wasn't exposed to the atomic bomb. Among the Japanese children born to one or both parents who were survivors of the bomb attack, there's been no observable increase in birth defects, mutations, or abnormalities in the children born from the first generation of survivors. As of 2005, the Chernobyl Forum, consisting of eight United Nations agencies, the World Bank, and representatives from the Ukraine, Russia, and Belarus, found the death toll from radiation exposure, as a result of the worst nuclear power accident in world history that occurred in 1986, stood at 50 people. Thirty-one died in 1986 and nineteen died from 1987 to 2004. Most of them were reactor staff and emergency workers. There's been close to 5,000 cases of thyroid cancer in children, most of which were treatable, but caused the death of nine children, which are included in the 50 deaths. There's been no increase in leukemia or in birth defects, noting the report makes an assumption that if people live long enough, there could be a total of 4,000 fatalities in excess of the normal from latent cancers due to radiation. Chernobyl occurred because the Russians, during the cold war/iron curtain days, built a nuclear power plant with no containment dome and little or no safety training for the staff that operated the reactor. The core of the reactor melted and burned the entire building to the ground. The reactor staff, afraid of reporting what was happening to Moscow, delayed reporting the accident or evacuating the staff, which increased the number of deaths. The 2005 Chernobyl Forum Report, issued by the United Nations, was available on-line, noting it has a tremendous amount of statistical information.

Mr. Banner stated the Planned Unit Development application is asking the County of Pueblo to create a "vested property right" on the land allowing its use for a Clean Energy Park. If such a right is granted, it would be conditioned on compliance with the Comprehensive Regional Development Plan, which is included in the application. The Comprehensive Regional Development Plan sets forth three phases for the timing of the development and what takes place in each of the phases. Phase I starts when and if the County grants the Planned Unit Development application and approves the Comprehensive Regional Development Plan change. For the sake of trying to clarify the timing, he assumed it would occur March 15, 2011, with Phase I being completed by September 15, 2013. During that time a developer of nuclear energy and other forms of energy would be identified. The time would be used for the developers to determine whether the land proposed to be used, and the water was suitable for establishing a clean energy park, which included a nuclear power plant. Phase I is a critical phase because there are a number of things that could happen that could end the project. He may not find anyone in the world who believed it was economically feasible to build a nuclear power plant in the region. He didn't believe that, but it's possible. He didn't have anybody in his pocket with \$5-\$8 billion running to Pueblo to build this. He's willing to try and find a company if the Planned Unit Development application and the Comprehensive Regional Development Plan Amendment are passed, but it's no sure thing he could identify a company that would be willing

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to do what he would require them to do in order to build a nuclear power plant and a clean energy park in Pueblo. The second thing that could happen in Phase I would be if he found a developer who discovered the land or the water wasn't suitable, or there was earthquake or volcanic eruption potential on the land. Preliminary people told him they didn't believe that was the case, but they're talking \$5 to \$7 million of engineering to find out if that's the case. He's also been told the site requirements by the Nuclear Regulatory Commission are so detailed, so involved, and so meticulous that it's not an easy process. The water may not be suitable because there wasn't enough of it or there weren't sufficient sources of redundancy. He didn't think that was the case, noting they need three sources of water. The Welton Ditch would be one and some wells as the others. It's estimated with a hybrid form of cooling using air and water to cool, they would use about one-tenth of the amount of water that the Comanche Power Plant uses to cool its plant. Before going on with Phases II and III and the timing, he commented on his vision for what kind of company he would look for to develop a clean energy park that would include a nuclear power plant. If the application was granted, he would enlist the aid of PEDCo to advertise to the world of nuclear power plant builders that Pueblo County had land, with a vested property right, zoned for the construction of a clean energy park that included a nuclear power plant. He could see a big ad in the Wall Street Journal stating Pueblo, Colorado, welcomes them to build a nuclear power plant. He would communicate that he would accept bids from companies interested in building such a park, but the successful bidder must do the following things: Demonstrate it has the financial capital to build a \$5 to \$8 billion plant; demonstrate it has experience dealing with the Nuclear Regulatory Commission and its application process; agree to construct the plant and infrastructure with contractors and subcontractors who pay Davis-Bacon wages to their employees and provide health care benefits; agree to use local subcontractors whenever possible; and agree to set aside, for purchase by Pueblo County power providers, a certain amount of the power and to sell it to them at the lowest price offered to other power users. He provided an example of the different production costs of power. It depicted nuclear power was the lowest cost of producing electrical power in the world at 2.09 cents per kilowatt hour. Gas-fired plants are about 5 plus cents per kilowatt hour, and oil is off the charts. Coal-fired is higher than nuclear, noting coal-fired plant production is going even higher as transportation costs increase. If he can't find such a developer or builder, or if he finds one and the land or water is unsuitable, the project would die. And, by definition in the Planned Unit Development, it would be removed from the land returning it to its current zoning of A-1, Agriculture. Unless and until the land is used for energy production, it should be kept in its same use and assessed and taxed the same as agriculture. If they find somebody to do it and the land and water are suitable, the person must apply to the Nuclear Regulatory Commission to try and make it happen. They then go into Phase II, noting it would commence no later than 30 months from the date the Planned Unit Development application and the Comprehensive Regional Development Plan Amendment are granted. For example, if the approval happened March 15, 2011, Phase II would begin no later than September 15, 2013. During the time period from March 15, 2011 to September 15, 2013, the developer would be doing all of the engineering and suitability testing for the land and water. By March 15, 2013 or 24 months, the developer would submit to the Pueblo County Planning and Development all of the normally required submittals on the specific location of the nuclear power plant, the island on which it would sit, and the infrastructure needed to support it. At the same time, if they have it they would know where the wind and the solar would go. A nuclear power plant generating 1,000 megawatts of electricity could be located on 225 to 700 acres of land, noting they're usually located on 4,000 acres of buffer zone and he has 24,000 acres, most of which would be buffer. He wants to let the developer of nuclear power pick which of the 4,000 acres to put it on because some land is better than others. Flat land would be better than hilly land in this particular case. What would happen to the remaining 20,000 acres of land? It would be used for other forms of energy production. For comparison purposes, the nuclear power plant would be located on one-third of a square mile. A wind farm producing the same amount of electricity, which is 1,000 megawatts, would cover 200 square miles, and a solar array, producing 1,000 megawatts of electricity, would cover 50 square miles. They have to see how efficient nuclear power is, noting it generates a lot of energy from a little bit of uranium.

Mr. Banner stated once the submittals are made to the Planning and Development Department in Phase II, there would be another public hearing which would be conducted before the Board of County Commissioners to approve the specific site proposed to be used, and the access to the site. The second public hearing couldn't be used by the Commissioners to change or alter the use of the property, but it could be used to determine the suitability of the land, location, plans, specifications, and the access, noting there would be a lot of detail at that point. His company would continue its efforts to bring other clean energy developers to the remaining 20,000 acres of land. The company chosen would also have to agree to pay his company a fraction of a cent per kilowatt hour of energy generated. If the nuclear power plant and the energy park were built and energy was generated, they would pay Puebloans For Energizing Our Community as little as one-tenth of one cent per kilowatt hour of power generated. That would be a requirement of the bid. What would happen to the money? The money would go to the twelve interest groups he mentioned before, noting 80% of it would be committed to those

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twelve interest groups. By his calculations, and, depending on the power generated, the number of kilowatts generated, and the duration of it, could result in up to \$1 million after taxes a year for each of the twelve interest groups for the life of the nuclear power plant. What happens to the other 20%? He would keep it to run the scheme of distributing the money and making sure it happened, noting that would be his compensation. His compensation would come only if it happened and that's ten years away, noting that's his interest in it. At the point of Phase III they would have a developer. If the Nuclear Regulatory Commission didn't approve it, the land would revert back to agriculture, but if they did approve it, the nuclear power plant and the clean energy park would be built. Who would pay for it? The developer would pay for it and not the taxpayers. Who would pay for the infrastructure? Again, the developer and not the taxpayers. When would all of this be accomplished in accordance with the timing of the plan? No later than March 15, 2022. Once electrical energy is generated, they'll be able to sell the energy to Pueblo County providers and generate the money necessary to make distributions to the twelve interest groups he proposed. After they work together to make it happen what does he think it could do for the community? There would be up to 5,000 construction jobs for a four to five year period. Jobs that would pay Davis-Bacon wages and provide health care benefits. There would be 500 to 700 permanent, high paying jobs on-site, long term. Jobs that would provide health care benefits with both of them for everybody. He talked to the CEO's of both hospitals in Pueblo, being St. Mary Corwin and Parkview, and told them about the 400 jobs with health care benefits. They both said the same thing, noting any employer that comes to Pueblo County with 400 jobs and health care benefits, would positively change the economics of both hospitals. It's because they have so many people in the community that don't have health care benefits. They would provide 400 to 700 permanent jobs, and another 1,200 off-site jobs. There would be significant sales and use taxes that would benefit the community. The taxes would generate as much as \$27 million in tax revenue annually for the County allowing expansion of programs important to their community. Alternatively, reduction in the overall mill levy assessed by the County benefitting the entire community. Regarding the calls that Ms. Sheila Norton made to realtors in the communities around the five nuclear power plants that she picked at random, one of the comments made was the taxation around the nuclear power plants dropped to almost nil because the taxes generated by the nuclear power plants compliment it. Put in perspective, there were \$46 million in property taxes collected by Pueblo County last year, noting the plant could generate \$27 million in property taxes all by itself.

Mr. Banner stated he proposed the phasing of the project the way he did to minimize the initial application cost, noting there's no sense in spending a ton of money if the community, acting through its elected and appointed officials, doesn't want the project in the community. If they don't want it let's say no and go on with their business. There's also no sense in spending a ton of money and staff time reviewing engineering plans and specifications if the land and water aren't suitable for such a project, or if they can't find someone interested in spending \$5 to \$8 billion on such a project in the community. The project is about jobs, economic growth, and the future of the County. He has a ten-year old grandson that lives in Rocky Ford, noting he told him he wants him to be a nuclear engineer and is working on making him a job in Pueblo, and he hopes it happens. He asked the Commission to make the comments he e-mailed a part of the record, noting he has hard copies if they didn't receive them. He also had literature on nuclear power for distribution from Imprimis, a pro-nuclear power organization, by William Tucker. He was open to any questions.

Mr. Clark stated Mr. Banner indicated he didn't have any companies showing any interest at this point in time. He was on the internet and came across a company called Alternate Energy Holdings out of Idaho, and asked Mr. Banner for clarification. Mr. Banner replied AEHI of Idaho is a company that tried to contract for the purchase of the land. He met with both AEHI and the landowner, noting AEHI wanted to buy the land and he spoke up and stated if they sell it to AEHI they have one interest and that's to make money, but if they let him buy it, his interest would be to benefit the community. The landowner, who is there tonight, turned to his agent indicating they would go with Mr. Banner. AEHI could bid on the project, but he checked the FCC reports and AEHI doesn't have any money so he doesn't see how they could be the successful bidder. Mr. Raso stated it would be helpful to the members of the Commission if Mr. Banner could summarize, based upon his understanding of what he's learned throughout his study and exploration of the project, the nature and the scope of the other approvals that were needed to put a nuclear power plant into operation. Mr. Banner replied, in general, the process that the Nuclear Regulatory Commission has is depicted on a 26-page checklist, which includes everything that has to be submitted before they'll even think about it. They go through environmental studies of the area and the region; they have public hearings in the community concerning the concept and the environmental impact of it; they go through all kinds of engineering tests of the land itself and the water; and they have numerous public hearings concerning the project and the time periods for getting through the process, which is about four years. He doesn't have all the details, but he looked at them and sent a flow chart to the County Planning Department, noting they're extensive, thorough, and it's very hard to get past them. If they do get past them, they'll build the plant, but it would cost the applicant \$100 million to get

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through the Nuclear Regulatory Commission process and all the money is gambled on not getting approval. They won't even apply unless they're 100% sure the land and water are suitable. Mr. Clark stated Mr. Banner mentioned 2013 as the pivotal point in the process and asked Mr. Banner for more details on what would happen in 2013. Mr. Banner replied 2013 is his estimate of timing, noting there wasn't any standard for it. Every nuclear power plant development had its own life. There are a lot of changes going on nationally and people are studying how to reduce the time it takes to create a nuclear power plant. In countries like China, from start to finish, they create nuclear power plants in four to five years. President Obama has appointed one of the top nuclear scientists in the world to study the topic and to make recommendations on how they could streamline the project. Today, it would take the developer about two years to figure out if the land was suitable by doing all the testing, boring the holes in the ground, studying them, and looking at the seismographic research. He included the 30 months and the 24 months, noting in reality, if he can't find somebody willing to do it in 12 months, he would advise the County and it would be gone. He can't afford the cost to keep the real estate contracts alive without having somebody putting up real big money. He has a 12 month window of time to find somebody that would spend \$5 to \$8 billion, noting if that didn't happen, he would advise the County and ask them to rescind the Planned Unit Development. He figured 30 months was sufficient time to find somebody and to let them make the determination whether the land was worth pursuing, and that's what would happen in 2013. Once the determination was made, it's submitted to the Nuclear Regulatory Commission in Phase II. If he can find a developer in the next 12 months, they would take the next period of time doing both the suitability study and the ground work for the Nuclear Regulatory Commission's application. He added more time than he needed for safety purposes. They're dealing with a highly political environment and with the Nuclear Regulatory Commission, who make the rules and regulations that even Congress can't change. Mr. Griego asked Mr. Banner what the other two sources of water would be aside from the Welton Ditch. Mr. Banner replied the other two sources of water would be wells in the general area from two significant landowners. They're presently classified agricultural wells and would have to be converted to municipal industrial wells, which means they would have to do augmentation agreements with either Agua or the Board of Water Works. They are the safety guard for nuclear power plants, noting every nuclear power plant needs to have three sources of water. Mr. Griego asked Mr. Banner where the water goes after it gets heated. Mr. Banner replied the water goes right back into the Welton Ditch. There would be cooling ponds to take the water and cool it. Nuclear power plants need to have their own water purification system on-site. They also have water treatment plants on-site as well as sewage treatment plants. They take the water, utilize it, and cool it down, sending it back down the Welton Ditch. With a cooling pond, there's evaporative loss, noting they have to augment the loss. Mr. Bruestle asked Mr. Banner how many megawatts he was envisioning for the site. Mr. Banner replied 1,000 megawatts. Mr. Bruestle asked Mr. Banner what he thought would be the maximum number of megawatts. Mr. Banner replied that would be hard to estimate because of what happened historically. There are 65 counties with 104 nuclear power plants, noting once a community gets over the fear of building a nuclear power plant and realized the benefits to the community, they would site another nuclear power plant right next door on the same ground. That has happened in so many cases and is why there are 65 counties and 104 nuclear power plants. It's possible there could be a second or third, noting they would have to come back before the Planning Commission and the County Commissioners. Mr. Bruestle asked Mr. Banner if the maximum number of megawatts would be determined by the availability of water resources. Mr. Banner replied from what he's read it's theoretically possible to build a nuclear power plant using no water for cooling. They could create huge radiators and big fans and use the electrical energy produced to cool it off, but it's totally inefficient so they wouldn't do that. The hybrid is what they would probably use. Would water end up being the limiting factor? Quite possibly, but maybe not. If this came into being and was as successful as he thinks it could be, all kinds of things could change politically in the community. Instead of leasing water to Aurora, the Board of Water Works could work with the community and lease it to the nuclear power plant company.

Mr. Banner stated five years ago the only people in the world that could build nuclear vessels to hold nuclear fuel were the Japanese. They couldn't build one in the United States or anywhere else the world. They are too big and too heavy. The Russians bought a vessel from the Japanese and spent \$830 million renovating their steel mill to build nuclear vessels. Why? Because Russia, which has some of the largest gas fields in the world, is going nuclear and can now build vessels. China bought one of the vessels from the Japanese, noting China started from scratch and built a steel plant that does nothing but fabricate nuclear vessels. He asked Evraz, a Russia owned company, if they would be interested in building nuclear vessels. It's estimated they need between 25 and 30 nuclear power plants in the next 20 years, assuming the Nuclear Regulatory Commission would allow the existing 104 nuclear power plants to keep producing electricity. Their response was maybe if nuclear power took off in the United States. They're a steel tube mill and know the technology, noting they're talking about a big tube that is 500 tons in weight. Mr. Leyba thanked Mr. Banner for the information, and asked him if this was an atypical request to build a plant in Pueblo County. Mr. Banner replied absolutely, noting it

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was about as atypical as building a major recreational facility in Pueblo County, which they did. Mr. Leyba asked Mr. Banner why he took up the issue and brought it there. Mr. Banner replied because he's nuts, noting Mr. Peter Strescino from the Pueblo Chieftain told him to read books and asked him why he was doing it. He replied he spent eight or nine years of his life with the vision of the YMCA Community Campus knowing it could be done and it got done. It took a lot of blood, sweat, and tears, and a lot of public hearings. He has three kids that are natural born and one adopted child, all of whom had to leave the community because there were no good paying jobs. He also has four grandkids living in Rocky Ford and he would like for them to have good paying jobs. For his children's children and the future of the community is why he's doing it. He's not the kind of guy who's going to retire, sit home, and watch TV. He has to do something that's productive. Chair Alt stated one thing that bothers her is spent fuel, noting it's listed in the plan as waste. She doesn't know what they're going to do with it and questioned if it could be recycled. Mr. Banner replied only if the law was changed. In 1954, the oil, gas, and coal lobby lobbied Congress to make it so they couldn't reuse spent nuclear fuel. The Carter Administration then put a ban on it that was made final in the next Administration. It had to be stored on-site for the time being. When it comes out of the nuclear reactor it deteriorates, noting it has 95% of its energy, but over time, sitting in the containers, it deteriorates. Once it deteriorates it can be moved, noting spent nuclear fuel has been moved 1.7 million miles by rail, air, and truck in the United States without a single accident. It could happen, but they need a place to put in and there's no guarantee there would be a place. Yucca Mountain was designed as the most ideal place in the United States to store spent nuclear fuel, but politically, after they spent several billion dollars as taxpayers, they nixed the deal. He's an advocate of nixing Yucca Mountain, noting the right thing to do with spent nuclear fuel is to reuse it. They could develop the technology, noting other countries do. They should reuse it, put it to use, and suck out the remaining 95% of energy. Chair Alt stated she agreed, but was looking at ten years from now in case she's still alive and they hadn't changed it. She questioned if they would bury it in the ground on the acreage? Mr. Banner replied no, it couldn't be buried. It's has to sit in containers that sit on the ground. They're basically concrete cylinders that stand ten feet high and are eight feet in diameter. They're concrete so no radiation could leak from them. Chair Alt stated she's trying to envision it, noting she figured they weren't going to ship it to Wyoming. Mr. VanZandt asked Mr. Banner how long it takes for the stuff to deteriorate. Mr. Banner replied from the day it goes into the nuclear power plant it starts deteriorating. The real question is how long it takes to deteriorate to the point where they could stand next to it. With the Hiroshima and Nagasaki bombs if they were a mile from the center of the explosion they could survive. The radiation level was such they could survive and people did survive. That's why they created the survivor group. Over time it deteriorates, changes its elements, and gets less radioactive. The longer the half life the less radioactive it is. He couldn't give a direct answer that in twelve months the radioactivity would be reduced to the point where they could stand 40 feet from it, noting he didn't know the statistic. Mr. Leverington asked Mr. Banner if there were any opportunities to further develop the research capacities at CSU-Pueblo. Mr. Banner replied they're tremendous both in terms of engineering partnerships and environmental partnerships. One of the nuclear power plants in the country has a partnership with its university and they've had an ongoing project to study the environmental impact of having a nuclear power plant in operation on the adjacent trees, shrubs, and wildlife. It's a Federally funded project, noting if it happened, he would talk to the university about setting up partnerships to exploit the fact of having a nuclear power plant in the community. There are tremendous partnerships that could be available that would be a tremendous boost to CSU-Pueblo in terms of securing advanced degrees in engineering and nuclear science. Chernobyl put up a fence around a 17 square mile area in 1986 as soon as they could get close enough. Nothing had been allowed in the area for all those years. They're opening up a visitor's center in 2011 for the purpose of communicating to the public what happened, why it happened, and why it would never happen again. He read on the internet in the 17 square mile area, trees, shrubs, and wildlife had grown like crazy. They're there because it's protected. Nobody can hunt or fish on the ground and the environmentalists in Russia learned the ground was fertile good ground and useable. It's all part of the studies that could take place.

Chair Alt stated she wasn't offended by the fact Mr. Banner didn't want Phase II to go before the Planning Commission before going to the Board of County Commissioners. She probably wouldn't be on the Commission at that time, but wondered why because it seemed to her there would be issues of importance. The infrastructure like roads, noting somebody had to fix the roads, and the water issue. There were a number of things she felt should be brought before the Planning Commission before going on to the Board of County Commissioners. Mr. Banner stated from the big picture perspective he started thinking about the company that would be building the plant and them asking what they had to do to get it done. They already put the land with a vested property right so they wouldn't have to do that. They could create an environment in the community that welcomed them, but not having to go through too many hurdles and public hearings was a huge thing for them and that's why. He was trying to reduce the number of hearings, noting there would be a dozen of them with the Nuclear Regulatory Commission. The hearing would end up being redundant because everything that's done in the nuclear world

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was governed by Federal law and local laws preempt it. It would be redundant to have another hearing. There would be plenty of hearings on water, environment, infrastructure, access, and roads, noting that may not be a satisfactory answer but that is why he did it.

Mr. Raso requested, for purposes of clarification, the following items be made a part of the record and indicated to the people in the audience that planned on speaking if they had something they wanted made a part of the record to provide them with a copy. The items included: Mr. Woeber's staff review on Comprehensive Plan Amendment No. 2011-001, dated February 14 2011; Mr. Woeber's staff review on Colorado Clean Energy Park Planned Unit Development No. 2011-001, dated February 14, 2011; the report from the Public Works Department, dated February 3, 2011 on Colorado Clean Energy Park Planned Unit Development No. 2011-001; Mr. Banner's letter to members of the Planning Commission and staff, dated February 20, 2011; and the letter from Mr. Thomas Corlett sent via e-mail with attachments, which was received today, February 22, 2011. He requested those items be made a part of the record.

Mr. Jim Butcher, 1 Judy's Dream Lane, Pueblo, spoke in favor of the comprehensive plan amendment and planned unit development. He distributed a DVD entitled "Puebloans For Energizing Our Community, Facts You Should Know" and entered it into the record as Petitioner's Exhibit "1". It contained comments Mr. Banner made in his presentation and additional information about nuclear power plants, noting it was 18 minutes long. He reported he had been a commercial broker, real estate developer, and investor since 1963. He had no financial interest in the project or in the real estate aspect. He had known Mr. Banner since he came to Pueblo in 1972, noting he could make it happen. In his opinion and many others, Mr. Banner was the leading attorney in Pueblo and had been most of the time he's been here, noting not only did he do the YMCA, which was a wonderful project, but he liked to do things that were beneficial to the community. It wouldn't take eleven years for the project to benefit Pueblo. It could make a difference to Pueblo and the surrounding area once it's announced. After this meeting and after the Board of County Commissioners' meeting next month, they would see activity with increased investor interest in Pueblo. Activity not related to nuclear but to other real estate properties, noting they would want to take advantage of the major happening for Pueblo. He believed it would have a bigger impact than the steel mill had when it came to Pueblo in the 1890's. The steel mill provided a lot of employment to labor type people and it took over half a century before future generations went to college and were able to stay in Pueblo and get a good job. The situation hadn't reached where it should yet. When the steel mill opened, the profits went to the people back East and to the Rockefellers, who started it. Mr. Banner was proposing twelve million dollars a year would go to twelve interest groups, which would help Pueblo tremendously. The clean income producing giant industry would be required to pay the millions right off the top of their profits to the local organizations. They would employ highly educated people with good jobs. The United States needs all the electricity it can get because they're not going to pay \$5 and \$10 for gas and keep supporting the Arabs. They're going to need electric cars and that's what it's going to take. It would be a ground floor opportunity to change Pueblo into an affluent city and encouraged the Commission's support.

Mr. Headley reported they're having a difficult time hearing in the back of the room and asked the Commission members and those at the podium to speak directly into the microphone so everybody could hear.

Mr. Warren J. Diodosio II, 515 Linda Vista Avenue, Pueblo, spoke in favor of the comprehensive plan amendment and planned unit development. He reported he wanted to make a brief statement in favor of the proposed Colorado Energy Park. He wasn't an expert in the field, but a fourth generation Puebloan as his great-grandparents moved here in the late 1800s from Italy so his great-grandfather could work at the steel mill. The United States had to get their power from renewable energy sources and that included nuclear power. It had been suggested nuclear power wasn't safe, noting he wasn't an expert, but nuclear power was the primary source of electricity in France. If they could do it safely why couldn't we? It was his opinion we could. He loved his City and planned on living in the community for the rest of his life. He was here simply because he went publicly on the forefront of the new power wave and believed the Colorado Energy Park would get them there. He was also excited about the thousands of high paying jobs it would bring to the community. In the first part of the twentieth century, with the help of CF&I, Pueblo helped build the West, and with the Rocky Mountain Steel Mill, it continued to do so today. Now with the proposed Colorado Energy Park in the twenty first century, Pueblo would help power the West as well.

Mr. Jerry Denney, 1155 Swallows Road, Pueblo, spoke in favor of the comprehensive plan amendment and planned unit development. He reported he had lived in Pueblo since 1949 and served 34 years at the steel mill. The prospect of low cost, long-term availability of energy really excited him. He remembered when the City, County, State, and the country enjoyed the highest prosperity and the most happiness in pursuit of their liberties when they had a low cost supply of

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energy. The nuclear plant, with its employment equaling the old CF&I, would be one of the greatest things the City, County, and State could accomplish. He hoped the Commission took Mr. Banner's words to heart and would go along with his proposals.

Ms. Carole Morenz, 12 Sandcastle Court, Pueblo, spoke in favor of the comprehensive plan amendment and planned unit development. She reported she was excited to hear the plant would be built south of town, possibly under the direction of Mr. Donald Banner. She felt it would be safe and whatever Mr. Banner indicated she would stand ground it was true. She knew Mr. Banner, noting he was a man of integrity. If he stated he had put his heart and soul into it, he did, and if he stated there was nothing of self-interest, then there wasn't any self-interest to him. He was doing it on behalf of the community, noting she really believed they lived in the "City of Heroes". They have a hero there who was willing to put his time, energy, and effort into a long lasting plant in the community that would benefit them all for years to come and she thanked him for it.

Dr. Richard Martinez, 78 North McCulloch Boulevard, Pueblo West, spoke in favor of the comprehensive plan amendment and planned unit development. He reported he knew many of the people in the audience as he was a former Pueblo County Commissioner. He was interested in the environmental impact and the safety, noting before he agreed to testify he looked at the environmental impact and felt it was very safe. He was presently the Vice President of the Board of Health and the former President of the State Board of Health. He had a very extensive background in environmental impact, public health, etc. He had an MPA from the University of Washington and did post graduate work both at Harvard and John's Hopkins in the area. Before lending his name to anything it had to be viable and truthful, noting he had the pleasure of knowing Mr. Banner for many years and felt what he did with the YMCA was incredible. The modern industrial society was characterized by its use of huge quantities of energy. Energy had a significant impact on the environment and health of their population. The combustion of coal, oil, and gas created air pollution and acid rain that damaged trees, crops, and aquatic life globally. The use of nuclear energy was in contrast between the industrial countries, noting 80% of the energy generated by France was in the nuclear energy and came from nuclear power alone. Using the heat released in the fission splitting of uranium produced no atmospheric pollutants. The biggest public concern was about the safety of the nuclear plants and where the energy was generated. The problem could be monitored by scrupulous engineering design and practice. As Mr. Banner stated earlier, obtaining Federal approval took years and the Federal Nuclear Regulatory Commission expects to be actively involved in the planning stages. For public health and safety the fission produced by nuclear energy must be thoroughly analyzed, noting it was being addressed. Nuclear energy was a possible and viable alternative to their dependence on foreign oil. New economic vigor and a healthier environment could be theirs if they're willing to work for it and urged the Commission to approve the applications and to make Pueblo an even better place to live.

Mr. Jim Earley, 35 Sepulveda Drive, Pueblo, spoke in favor of the comprehensive plan amendment and planned unit development. He reported he had a PhD in Environmental Engineering and moved to Pueblo in 2003 to work on the Pueblo Chemical Agent Destruction Pilot Project. He considered Pueblo his home and was speaking in support of the project. He echoed a lot of the sentiments that everybody had already expressed and offered some anecdotal evidence to support some of the safety statistics that Mr. Banner quoted in his presentation. Before moving to Pueblo he lived in northwest Indiana for twenty years, which was surrounded by a number of nuclear power plants within an 80-mile radius. There were two or three plants both in Western Indiana and Southern Michigan. During the time he lived there, not one nuclear related accident occurred at the plants. He offered that in anecdotal support of the statistics Mr. Banner quoted.

Mr. Bob Flinn, 3884 Lincoln Court, Colorado City, spoke in favor of the comprehensive plan amendment and planned unit development. He reported he had a unique background and spent 23 years working in the nuclear field. He started up both a pressurized water reactor and a boiling water reactor and spent many years living in communities next to nuclear power plants. It was his job to go to the plant for three or four years, taking his family, putting his kids in school, joining the church, being active in civic activities, and helping the utilities to increase their power at the nuclear power plants. He did just about any job they could imagine from pulling the control rods, touring the plant at full power, and meeting with people and holding monthly meetings. He told them what was going on at the plant and what they had done in order to get their feedback. When the Three-Mile Island incident happened, they held many public meetings explaining to the public what had happened, what the press told them happened, what really happened, all the mistakes that were made, and what they were doing to prevent future mistakes. The people in the communities were happy for increase in the tax base. The communities had new infrastructure, new schools, and new hospitals. It placed an impetus on the people in the community and the students in the schools to complete their education and to go on to higher education. He was very much in favor of the nuclear power

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plant and was really excited that Pueblo was looking at the chance to become one of the first places in the Western United States to build a power park. If they think about the energy produced by solar and wind when the facilities weren't operating, they had zero output. When they plan a power park, they had nuclear and gas-fired plants producing power 24 hours a day, and they had the alternative energies and the renewable energies when they go on-line. The project would mean constant output of power, constant input for the community, and good jobs for everybody. Mr. Leverington asked Mr. Flinn when the Three-Mile Island incident occurred what the impacts were to the local community. Mr. Flinn asked Mr. Leverington if he meant in the area of the Three-Mile Island or in the community where he was. Mr. Leverington replied in the community at Three-Mile Island. Mr. Flinn replied the community at Three-Mile Island was subject to a lot of press getting people all excited. They wanted the people to evacuate the area and to bring in the governor. The physical affects to the people were absolutely zero. There was nobody hurt and no radioactive material escaped from the plant. The only thing was the psychological affect it had on the people, noting they had a lot of trauma placed upon them because a lot of news being broadcasted wasn't true. If they went to the community right now the people would be happy to stay in the community and to live close to the plant. Mr. VanZandt asked Mr. Flinn if he had any vested interest in the project, and Mr. Flinn replied absolutely none. Mr. VanZandt stated it was strictly public. Mr. Flinn stated he felt because he had unique knowledge about the operation of nuclear plants and having been in them, he could answer people's questions that nobody else in the area could. That was his reason for doing it, noting he was looking forward to answering questions they had on the plant. He even brought some drawings that showed the internals of the plant, how it was built, where the reactor vessel was, and where the fuel was stored, noting he would be happy to go over it with anybody. Mr. Griego asked Mr. Flinn if the 95% of spent fuel, which Mr. Banner referred to, was good energy to use because some people said it wasn't. Mr. Flinn replied the reprocessing of spent nuclear fuel was quite simple. They had known since the 1970s how to do it, but it was about the same time the politicians got involved and decided they weren't going to reprocess the fuel but store it somewhere and leave it there for its lifetime. The French, Japanese, and some of the Scandinavian countries reprocess their fuel. If they could imagine a tube approximately half-an-inch in diameter and twelve-feet long, inside the tube are small pellets that are ceramic material and contain the uranium and the nuclear waste. The end of the tube is clipped off and the pellets are drained out and dissolved in an acid solution. From the liquid they could extract the uranium that's left over and the plutonium, noting the material could be sent to a fuel manufacturing plant. It's called mixed-oxide fuel, which was made into new fuel bundles. It in turn is put into another reactor to use again. The left over waste was such a small amount, noting it was high level but it decayed off very rapidly. Somebody asked about the fuel bundles, noting when they come out of the reactor, after having been in for three cycles, they're extremely radioactive and put in the spent fuel pool. After ten years, the radiation would drop off by a factor of well over 1,000. After fifteen years, they could be stored without having water to cover them to remove the decayed heat. They could be put into storage casks or transported in shielded casks, noting they wouldn't want to stand next to one. They're really not that much of a hazard anymore and they need to set up a program much like the military would if they wanted to buy a new bomber. They would go out for bids and find businesses in the United States that were willing to build the plant. They would need to guarantee they would be allowed to complete it and when they were finished the fuel would be reused in a new reactor and the spent waste would be stored in a very safe place. It wouldn't have to be Yucca Mountain because it wouldn't be that radioactive or dangerous. Mr. Leyba asked Mr. Flinn how many years he worked in the nuclear power plant. Mr. Flinn replied 23 years, noting he started out in the Navy as a Reactor Operator on the submarines and when he finished his enlistment he went back to CSU and finished his degree in Electrical Engineering and went to work for the General Electric Company, noting they were the supplier of the boiling water reactor. He worked for them for a number of years in design engineering. They came up with a new program, noting they're going to put qualified engineers on the sites to work as a liaison between the utility and General Electric, which is what he wanted to do. He wanted to go out to the sites and work with the people that were running the plants and to help get the maximum capacity and to be a member of the community by talking to the people and assuring them what they were doing was the right thing and was safe.

Ms. Judith Todero, 16 Starling Drive, Pueblo, spoke in favor of the comprehensive plan amendment and planned unit development. She reported her family was from Pueblo and her dad worked at the steel mill all of his life. She remembered the days when they didn't have a lot to eat because the steel mill was on strike, but her family had firm roots in Pueblo. She moved away and was gone for 35 years, noting she recently moved back and bought property here. Nothing much had changed in Pueblo, noting she had been gone for 35 years. From a nostalgic point of view, that was wonderful. She moved back and found her way around the first day. From an economic progress standpoint it was horrible. She moved back and the steel mill was gone and there's nothing much there. There were only so many retail stores that would support the City and so many doctors, lawyers, and hospitals. They reached their peak and nothing was going to happen unless they did something dramatic. If they knew of something

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else on the drawing board that could really help Pueblo, then scrap the plan, but if not, it was a tremendous opportunity for their children and their grandchildren. In the short time she had been back, which was about a year, she saw people commuting to Colorado Springs, Denver, and Florence, having to go outside the City because of the lack of jobs. They need to do something for Pueblo and if somebody was willing to stand up and do something they need to support it. She bought a home and was back in Pueblo, noting her roots had always been here. It's a once in a lifetime opportunity they shouldn't blow.

Mr. Dick Roth, 721 Spring Way, Pueblo, spoke in favor of the comprehensive plan amendment and planned unit development. He reported he had lived here a little over 26 years. He was a wildlife biologist and had about 40 years of experience fighting for environmental causes and natural resources. He worked four years out of the 40 as a wildlife biologist on the Savannah River site, a 200,000 acre nuclear production facility near Akon, South Carolina. Part of his responsibility was to care for 19 active pairs of red cockaded woodpeckers, an endangered species and the largest population in that part of the state of South Carolina. Those places could be very diverse and could support a healthy environment. He didn't think they would find a single person in the community of Akon, South Carolina, that wouldn't be thrilled to have the Savannah River site near there. It provided jobs and helped the local economy. He has kids and grandkids in the community so he had a vested interest in the environmental quality and the economic future of the community. As he studied the development, history, and use of energy and electrical power in the country, he found that forums like this, and political influences on the politicians by business, industry, and environmental groups, had really framed and formatted what industry was able to use in providing the electrical energy they needed. Policy had been influenced to a great degree by events like the oil embargo, the events of 9/11, Three-Mile Island, and the events going on in the Middle-East right now. The gas prices moving forward would definitely affect the energy policy, noting they can't do without electric energy. The society would shut down without electrical energy and the demand would continue to grow as the populations increased. They would find added uses, noting they would need more energy and find a way to get it. How do they meet their energy needs in the most environmentally sensitive manner? He believed that renewable energy was a good source. He had solar panels on his roof and got electrical energy and hot water from the sun, noting he loved it but it didn't meet all their needs. It couldn't meet their base power needs, noting it came from things that run full-time like coal, energy, hydro, and gas. All of them had associated impacts they needed to consider. For a variety of reasons, the utility industry went back to coal. The source was abundant and was readily available and fairly cheap. There was a dirty little secret about coal, noting it was dirty. Mr. Banner mentioned the Environmental Protection Agency figured about 24,000 people a year die in the country as a result of coal emissions, which was significant. Many of them take trips to Colorado Springs and Denver, noting he did it a lot and it was a rare occasion when he didn't encounter a long coal train with cars loaded with coal going south or an empty train going north. They were headed to the Powder River Basin of Wyoming and Montana. A 110-car coal train left the basin every six minutes, 24 hours a day, seven days a week. The coal was headed for electrical power plants somewhere in the Western United States. They need to consider what it would take to fuel a 500-megawatt coal-fired power plant. Every three days a 110-car coal train would pull up and unload the coal, noting one coal car contained 125 tons of coal and ran the turbines for 20 minutes. Every three days the plant burned nearly 14,000 tons of coal. All the slag from the burned fuel needed to go somewhere and contained sulphur dioxide, particulate matter, mercury, and radioactive material. The trucks were running 24 hours a day, seven days a week, to haul it to a secure storage site. They need to store it for many years, noting they can't have it getting in the groundwater or in other parts of the environment. In the country right now they have 600 coal-fired power plants in operation with more on the way. A lot of the power plants now have various types of screening devices that pull some of the particulates out of the emissions, noting it goes into the slag that has to be stored somewhere. They can't screen out CO₂, noting power plants emit 2¼ million tons of CO₂ into the atmosphere every year. There was controversy about climate change and whether it existed or not, noting it was pretty significant. The satellites could measure the rapid melting of the polar ice caps and the arctic ice caps. They found they were melting more rapidly than they had over the past 650 million years. There was some indication there had possibly been some malfunctions at some of the power plants.

Mr. Roth stated they knew about Three-Mile Island, but he hadn't been able to find any indication that anybody had been killed as a result of it. Compared to coal, 24,000 people a year are gone. If they look at France, they get 80% of their energy from nuclear. The United States is looking to France to use their model in any new nuclear power plants and would be based upon the advanced technology that France was using. If they look at France's nuclear power program they're the most successful country in the world and the world leader in nuclear power production. The Department of Energy proposed any new power plants would follow their model because they had no major problems in the years they had been operating. All of their production was CO₂ clear, noting they weren't emitting any CO₂ into the atmosphere. He believed that modern technology could provide a clean, safe, nuclear power plant, and provide a

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lot of jobs. What were their options for electricity? They already discussed some of the impacts of coal. Many of the hydro-electric sites in the Western United States were taken. One of the big hydro-electric power plants in the country was at Lake Mead. When it was built it was designed to produce 1,400 megawatts of power, noting it was down to 500 megawatts. It had to have a volume of water and the lake silted over time and wasn't a permanent thing. Natural gas was wonderful, noting it was clean, but the prices quadrupled over the past ten years and they're hearing more horror stories about fracking and people being able to light their tap water as it came out of the spicket, and a lot of other problems. Natural gas was good and they have a lot of it, but they have real problems in recovering it. He looked at what's readily available right now, noting they could build another coal-fired power plant and continue to burn 14,000 tons of coal every three days, or build a nuclear power plant that produced no CO2 emissions. All that would be required was once every 18 months an 18-wheeler would provide new fuel for the plant for the next year and a half.

Ms. Cathy Garcia, President and CEO of Action 22, 503 North Main, Suite 310, Pueblo, spoke in favor of the comprehensive plan amendment and the planned unit development. She reported Action 22 was the only regional advocacy organization in Southern Colorado working on issues that affect a 22 county area. Of the 22 counties, 14 had the highest poverty levels and 13 were in the bottom third of median household income. In a region that's already depressed with high unemployment, the neighbors to the east were informed that Ft. Lyon Prison was on the chopping block, which they're going to fight. The proposed closure would not only affect Bent County but the entire region from Lamar to Pueblo. The proposed clean energy park would bring jobs and prosperity back to the region, noting it's not just a Pueblo project. It affected the entire region of Southeast Colorado. The development of the park would have a domino effect on Southern Colorado attracting needed jobs and businesses to the region. They may actually start working on doubling Highway 50, noting they've been working on it for over 50 years. The domino effect would also have their institutions of higher education involved in research and in teaching technical and clean energy job skills. They would also see property values in the area increase as the park was developed. Not only would they see a valuable economic impact on the region from Pueblo to Lamar, but the park would generate a lot of interest in Southern Colorado and would benefit the rest of the counties in the Action 22 area. The future calls for new types of energy, wind, solar, etc., and what citizens were looking for today was clean energy. She saw the park being a major part of a new power grid in the Western United States. The power grid was aging in the Western part of the United States and she saw it being a major player, noting the potential was enormous. They had to meet Federal requirements and there were a lot of studies to be done.

Mr. Rod Schon, 266 Circle Drive, Pueblo West, spoke in favor of the comprehensive plan amendment and the planned unit development. He reported it's the generation for reactors, and helium didn't pick up the radiation. They had the non-meltdown capacity and were equipped with automatic shut-down. Mr. Henry Ford developed the automobile, Orville and Wilbur Wright invented the airplane, and American scientists backed up the Challenger. The Arkansas River flooded in the 1920s, and in the 1960s the Pueblo Dam was passed. Today they have the choice of picking up the challenge one more time. It's a two-way street that can go in both directions, and they're not making the final decision. .

Mr. Dan Shake, 58390 Apple Road, Boone, Colorado, spoke in favor of the comprehensive plan amendment and the planned unit development. He reported he was a union representative for Local 9 and worked with the Comanche Power Plant and Bechtel at the Army Depot. He encouraged the project and recommended it to the Board of County Commissioners. Chair Alt asked Mr. Shake if he lived close to the site, and Mr. Shake replied yes. Mr. Clark asked Mr. Shake if he had a problem with it being in his back yard, and Mr. Shake replied no.

Mr. Tom Pope, 2874 59th Lane, Boone, Colorado, spoke in favor of the comprehensive plan amendment and the planned unit development. He reported he lived right across the road. The property had a four-barbed wire fenced and wasn't the Garden of Eden.

Mr. Lance Gentry, 4300 Muirfield Road, spoke in favor of the comprehensive plan amendment and the planned unit development. He reported he taught many children at CSU-Pueblo and had three children in public schools. The high schools weren't providing the necessary education and the proposal could improve the education.

Ms. Carolyn Herzberger, 5446 Stonemoor Drive, Pueblo, spoke in opposition to the comprehensive plan amendment and planned unit development. She reported she wasn't representing any club or organization and was here as an individual. Like Mr. Banner and several people, she studied the nuclear issue for quite some time and had quite an interest in it. Because the applications were originally planned to be presented in two parts, she requested permission to divide her comments into two parts. The first part was on the Comprehensive Plan Amendment, noting she would like to defend the plan and the work that went into it. The

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request wasn't consistent with the Comprehensive Plan. It wasn't the vision in the plan or those who created it. There were no designated hazardous radioactive waste sites in the plan or vision. There wasn't even a plain old hazardous waste site much less a radioactive waste designation. There was, however; a designation of productive agriculture nearby the proposed area, which was an extremely important category and an integral part of the plan in Pueblo County. How long would the agricultural character last and how would the farmer's products sell? If they were known to be raised near a nuclear reactor and hazardous waste site, would losing their agricultural character weaken the plan and the vision for their future? The two assertions she just made they may want to question. The first one referred to the land use character as a hazardous nuclear waste site and the other was what she referred to as the vision of Pueblo County's land use plan. As they heard, the hazardous waste would be stored at the reactor because there was no other place to put it. There was no high-end radioactive waste storage facility in the country. The Nuclear Regulatory Commission indicated the process of trying to reuse the waste could result in ironically more radioactive waste through the process. Calling the amendment request an energy park was a failed attempt to beautify the proverbial pig with lots of lipstick. Call the pig by its real name, which is a hazardous waste industrial overlay district. She referred them to Page 60 of the plan. Her other assertion was about Pueblo's land use vision and its importance. Pueblo's plan was one of the most important initiatives in regional planning in recent history. It impacted the quality of life in the County and would for many years most likely until 2030. Unless they worked in developing it as she did, they may not realize how thoroughly and thoughtfully the document was formed, and they may not realize the residents, through their taxes, spent nearly \$400,000 for the professional services of the Burnham Group, to guide them. They also may not realize that everyday citizens like them invested two and a half years of their time steeping themselves in the knowledge of what made for a good plan by working in the evenings, holding Saturday sessions, and deliberating about how Pueblo would move into the future. Chair Alt's husband was Bill Alt, noting he was one of the hard workers that helped put the plan together. Chair Alt stated both Ms. Ozzello and she also worked on the plan. Ms. Herzberger stated she was sorry and didn't know, but she knew what deliberation went into the plan. The Burnham Group, citizens, and staff members all worked on the plan, noting a lot of input was received from people in Pueblo County. There were various ways of gathering their thoughts, noting there were meetings, surveys, and their input on what their vision was for Pueblo. One of the visions she mentioned was contained in a letter in the application from the Division of Wildlife. Unlike Mr. Roth, who was from South Carolina, the local wildlife biologist studied the area and it's short grass prairie, which was shrinking in the County. There wasn't much, but it was one of the few short grass prairie areas left for many important species. By changing the plan, they would be contradicting the vision of the people who contributed the knowledge that went into it and the thoughtful deliberation. If there had to be a change, they should discuss and deliberate it, noting it must be thorough. It shouldn't be a rushed process, noting in one way it could pretend to be beneficial to Pueblo. She indicated those were her remarks on the Comprehensive Plan Amendment and would like to talk about the Planned Unit Development.

Ms. Herzberger stated yesterday she had sent some e-mails to some friends about the upcoming process. One of them, Leon, distributed the e-mail and received a message from a stranger in Texas indicating he had planned on moving there, but the proposed park would seriously affect his plans. They all heard about the real estate and how the nuclear project would benefit it, noting there's one person who, very spontaneously and very quickly, may not want to move to Pueblo if the proposal passed. The generation of nuclear energy required huge amounts of water and was a huge water polluter. The planned unit development proposal perpetuates the old image that Pueblo County was the place to locate industries that progressive communities would never accept. She wondered if people were frightened into believing they must settle for anything that purports to bring jobs. They already know it was a vague proposition with variances here and exceptions there. It wasn't a deal they wanted to consummate. Nuclear power wasn't safe, it wasn't clean, and it wasn't cheap, even though the repeated propaganda from the nuclear industry tried to persuade them otherwise. She commented on the three claims. Cheap--the nuclear industry had been heavily subsidized by the taxpayers since 1948 when it first went on-line. It still can't compete in the marketplace. Today, banks and Wall Street find it extremely risky for investments. Cost over-runs and defaults are par for the industry with the cost of a new plant rising steeply from about \$3 billion in 2002 to around \$10 billion today. Clean--nuclear power had harmful impacts on health and the environment even at the beginning of the process. Mining uranium generated pollution. The clean-up of uranium mills in Colorado had already cost the taxpayers \$1 billion and their neighbors in Canon City knew it could contaminate the ground-water. Nuclear plants around the country were hazardous radioactive waste storage sites, as they discussed, and the waste was dangerous with no repository for it. Safe--they talked a lot about Chernobyl and Three-Mile Island, but did they know the United States reactors continue to have accidents. She read some headlines she clipped from newspapers over the last year from the United States. Leak Shuts Down Nuclear Plant; Nuclear Critics Fear Fire Safety Diluted; Alert at Nuke Plant; Suspected Jobs at Nuclear Plants Investigated; and Changes Needed at Nuke Plants Federal

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Report Says. She stated they had serious safety problems resulting in 51-year long or longer shut-downs in plants failing to comply with safety rules. It happened in 41 different plants, noting in 2008 there were 22 reported incidents of plants failing to comply with the regulations. The Connecticut Yankee Power Plant had become so dangerous it was decommissioned to shut down. Besides the potential for accidents there were threats of security breaches. An alleged al-Qaida member worked at plants in Maryland and Pennsylvania. Nuclear reactors and waste make prime terrorist targets. After 9/11, plants were placed on high alert and in a speech in 2002, President Bush stated "Our discussions confirmed their worst fears in Afghanistan; they have found diagrams of American nuclear power plants." She stated Mr. Banner was an honorable man, noting it would be beneficial to the community if he would consider turning his talents and efforts to promoting authentically clean, renewable, new energy jobs. The cost of making solar photovoltaic systems declined to the point they were lower than the rising projected cost of a new nuclear plant. It was thrilling to see the magnificent Vestas wind turbine on Pueblo's horizon as they approached the City. With truly clean energy the horizon could become dominated by the sun gleaming off of solar panels and wind turbines instead of their present smoke stacks. They've made a good start towards being a progressive community with the River Walk, the Nature Center, the Home of Heroes designation, CSU-Pueblo, the LEED Certified Health Department, and the animal shelter that's under construction. The buildings were saving money because they're solar powered. Another asset they had was their vision for Fountain Creek, Lake Pueblo State Park, the libraries, and Pueblo Mountain Park and Environmental Center. They've made some great gains, noting they shouldn't sabotage them.

Mr. David Barber, 10762 Arnold Lane, Rye, Colorado, spoke in opposition to the comprehensive plan amendment and planned unit development. He reported he lived 20-25 miles away from the site but considered all of Pueblo County his backyard. He wasn't from Pueblo but from Columbus, Georgia. He lived in Denver for a number of years and has lived in Pueblo for approximately 35 years and considered it his home. He wanted nothing but the best for Pueblo, noting he was here to speak in opposition to the very ill-thought out plan. He wasn't aware they were going to talk about the pros and cons of nuclear power tonight. When he first heard about it three months ago, he started doing research, and Mr. Banner started two or three years ago. He also had the book by Gwyneth Cravens, which is a good and ponderous book, recommending they read through it. She started out as anti-nuclear power person then changed her mind, noting it was good according to Mr. Banner. Also, according to Mr. Banner, the Sierra Club started out as a pro-nuclear organization then changed their mind and became an anti-nuclear organization, which was bad according to Mr. Banner. So it's okay to go from anti to pro but not okay to go from pro to anti, which didn't make sense to him. He referred to another book, which was very well written by a scientist and an authority in the field of nuclear power. It was easily read and had a lot of very good useful information in it, noting the Barkman Library had it and the book club would be discussing it sometime in April. It's titled "Nuclear Power Is Not the Answer" by Helen Caldicott. It addressed what Mr. Banner indicated about how large an area of solar or wind had to be to produce the same amount of energy as a 1,000 megawatt nuclear power plant. What he didn't tell them was how much mining and milling was necessary for the plant to operate. In order to get the little cigarette filtered tip bits of uranium takes a lot of mining, milling, and fossil fuel. So to say nuclear energy was clean wasn't necessarily true, and to say it was cheap wasn't necessarily true. To fuel a 100 megawatt nuclear power plant required 162 tons of uranium per year. If they used low-grade uranium of .0004% would require 80 million tons of ore to get 162 tons of uranium, noting that's 80 million tons which had to be ground up into powder. He questioned where they would put the stuff once they were finished with it, noting it was a problem he hadn't heard anybody address. How much energy was required to mill and mine the uranium for one year? Ms. Caldicott went into that using numbers he wasn't familiar with, but they were large. They heard about Three-Mile Island and how safe it was and how nothing happened. When the event occurred he was living in Australia and didn't know what happened. By the time he got home the issue had quieted down and he didn't do that much research. According to the book, she quoted a man named Steve Wing, who wrote an article "Objectivity and Ethics in Radiation Biology from Environmental Health Perspective" Volume 3, Number 14, November, 2003. Mr. Wing talked about how the nuclear industry silenced all the negative information coming out about Three-Mile Island and the discharges that were released into the environment, which supposedly never occurred. According to Mr. Wing and Ms. Caldicott, they did occur, but because it was tapped down they didn't know what it was because the studies were never done. So when they hear how safe it was they'd better start asking questions. They were told over and over tonight how safe nuclear energy was in America and how Chernobyl and Three Mile-Island would never happen again. They were told nothing had happened. Ms. Caldicott indicated lots of things happened and Ms. Herzberger said the same thing. He wasn't ready to debate the pros and cons tonight of nuclear power, noting he was ready to debate the pros and cons of the proposal for approving the plan and to give Mr. Banner the right to continue. Mr. Banner indicated it was impossible to have another accident and the plants were safe, noting maybe he didn't say those exact words but close to them. He gave them three examples. Number one--they all heard about the Titanic and how it was unsinkable. They all know everybody said it was the best ship

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that had ever been built and would never sink. They all know what happened to the Titanic. Number two--the Challenger was never supposed to blow up but it did, noting it was state of the art and accidents couldn't happen, but it did. Finally, last year they had the oil spill in the Gulf of Mexico with the British petroleum and the deep water drilling. They said it couldn't happen and Congress and the industry said it couldn't happen, noting they were so sure it couldn't happen they didn't have a plan on what to do if it did happen. They all know what happened and it only had to happen once. How many years had they been drilling? Ms. Herzberger talked about how the government subsidized. There would be no nuclear power industry if they weren't subsidized by the U.S. government, and that meant all of them. They all contribute, through their taxes, in subsidizing nuclear power. They keep hearing how bad solar and wind was and how tiny it was. The book gives very good details on how tiny solar energy was. If solar power had been subsidized to the tune of the nuclear power industry where would they be today? What if they gave half of the subsidy to the current day solar power? How many of them complained about the subsidies going to solar and wind power? He heard that all the time, noting the government shouldn't be subsidizing solar power and shouldn't be allowed to survive on its own. How about the nuclear industry surviving on its own without government subsidy? If they're so safe, why was the nuclear industry refusing to supply its own insurance against accidents? Why were they unwilling to accept any liability for nuclear power? When Mr. Banner puts the ad in the New York Times was he willing to include the requirements of supplying their own unsubsidized insurance and to be willing to accept the liability? If he was willing to do that he would certainly consider listening to him. Would Mr. Banner be willing to tell them they had to invest their own money and not Federal subsidy money? That's a serious question. In reference to the proposal Mr. Banner made, what's the hurry? Why are they being hurried so much? He heard about it three months ago and started doing some research, noting the document was released from the Planning staff three days ago and they hadn't had time to study it. This is for a lifetime, so what's the hurry? Upon reading the materials submitted by the applicant, one is struck by the lack of information included and the speculative nature of the entire proposal. There was a lack of specifics and an abundance of questions that needed to be addressed before they recommended approval. Where was the money coming from and who are the people proposing it? A basic tenant of free market economics is "follow the money." As far as he could tell there wasn't enough information to achieve the objective, yet nobody was going to invest hundreds of millions to billions of dollars unless there was a lot of money in it for them. The public had the right to know who stands to make the money. Is this kind of speculative venture legal under existing County laws? In other words, this was a very speculative adventure and a lot of people had commented on it. Is that what the community wants to do by throwing it out there? If it's not against the rules or laws or frowned upon, why wasn't it? Does Pueblo want that kind of dirty industry produced resulting in negative publicity? There would be negative publicity, and make no mistake, nuclear energy was neither cheap nor clean. Did Pueblo County want to become known as the nuclear center of Colorado in addition to its three coal-fired power plants and one gas-fired power plant? The applicant calls the proposal the "Colorado Clean Energy Park," a lovely sounding name in keeping with the nuclear industries PR campaign. They can't have a clean energy park if it included nuclear regardless of what the industry wants them to believe or what was promoted around town, noting nuclear was neither clean nor cheap. If the applicant wanted to continue with the clean energy park, nuclear must be stricken from any plans. What is energy storage? He was under the impression they can't store energy, noting that's one of the big problems with all forms of energy. The applicant called for geothermal energy and questioned how practical the geothermal generation was in Southern Colorado. He studied geothermal energy when he was planning his house in Rye and it wasn't practical. It's more smoke to hide the real plan of nuclear. Pueblo was already producing a big share of dirty industry for Northern Colorado's use. Why don't they produce their own energy? All Pueblo gets are a few good jobs and the pollution, unless they count the increase in medically related jobs growing out of the pollution. If the applicant was sincere in his desire to create a clean energy park and was willing to limit it to a combined wind and solar park, he would have more support than he would know what to do with. It would also cost multiple amounts less and take less time. It would also be more profitable and acceptable to the people. If they had solar and wind parks, they would start seeing people move in just like everybody said they would for the nuclear power plant, noting they wouldn't have the problem of nuclear and they wouldn't have to wait a long time. It sounded like the applicant proposed to take over all or most of the responsibilities of the elected officials, which was very disturbing. There was a lot of smoke being blown in the direction of Pueblo County, noting it was all very opaque. What's very clear was the applicant wants the Commission to grant him a vested property right. He doesn't know what a vested property right was, but he knew what property right meant. It meant if the application got approved by the County Commissioners, the applicant would be free to build a nuclear power plant regardless of what the public wants, or if the Commission wanted to prevent such a plant at a later date. Mr. Banner indicated he wouldn't do that, but he didn't know the law and if he changed his mind and not gave up after a year, would any regulation they make be binding? The District and Supreme Courts ruled over and over again that states couldn't regulate nuclear power and that included waste generation. The proposal is being rushed through and decisions are being made in such

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a hurry that would be irrevocable. Under the circumstances, the public needed to know more about it and they needed more time. Very little had been presented to the public, noting the applicant made a Power Point presentation to highly selected private organizations without any public presentations or discussions. The public deserved no less for such an important decision. The public needed and deserved public discussion before any decisions were made by the Planning Commission or the Board of County Commissioners. He opposed the Rio Grande Cement Plant, noting the Planning staff and the Commission had complete application materials to review and enough time to review them. The proposed application had nothing to review and little time to review it. All the explanations they heard tonight weren't good enough, noting they needed time to think about the issue. In conclusion, the proposal was too complex and irrevocable. It was an issue with too much at stake for all concerned to be rushed through. What's the hurry? What's being hidden in the rush to a conclusion? At best and with perfect circumstances, the so-called clean energy park would take 10 to 20 years to complete at the cost of billions of dollars. They were being asked to make a final irrevocable decision in a matter of only a few days. He requested the Planning Commission deny the applications.

Mr. VanZandt asked Mr. Barber for information on France and what the problems were. Mr. Barber replied he didn't have enough information, noting France used nuclear energy but didn't store their own waste, which should tell them something. He heard from people the government bought off the public with the promise they would store waste somewhere else in other countries. Over the last few months, they sent a load of waste to store in Russia, noting they sent it back and he didn't know what happened to it. He didn't know enough about France, which is one subject they need more time on. That's why he asked what the rush was, and why they needed more time to answer such questions. It was a totally valid question. Somebody told him he was opposed to everything and Mr. Raso probably remembered him from the cement days. He was in favor of well thought out quality proposals, noting it might be a well thought out proposal and from what he heard he was almost ready to jump on the band wagon. It would be wonderful if what Mr. Banner said was true, but they didn't have enough time to study it and asked for more time. They needed public forums where everybody could present their pros and cons to find out the truth because he didn't know.

Ms. Suzanne Morgan, 1940 Asbury Road, Boone, spoke in opposition to the comprehensive plan amendment and planned unit development. She reported she was sorry Mr. Pope didn't think the area was beautiful, noting she thought it was absolutely beautiful out there. She made a purposeful effort to move out there, noting she grew up in North Avondale so she's a local girl. They need to concentrate on some due diligence and asked the Commission to do an agricultural economic impact statement. A nuclear power plant would be the death nail of their agriculture and the death nail for their vegetable farmers. What they would be looking at was the same thing that happened in the Silicon Valley of California. The plants were way out and they got suburban sprawl. There were two people who sold the vast majority of their water shares between Avondale Boulevard and Wheeler Lane, which would be the prime place to put Pueblo's Highland Ranch, noting she was a realtor. If she were Mr. Pope, she would be in favor of the plant because the property values would increase amazingly. From 20th Lane to 25th Lane there are no farms. In 1996, no more aerial spraying occurred for the crops on 36th Lane west, noting they were looking at 40th Lane west because of the suburban sprawl. Are the nuclear power people going to reimburse the farmers for not being able to use aerial spraying? They have great vegetable farmers out there with a long history and agricultural dollars revolve in the community seven times. The commercial and industrial dollars only revolve in the community three times. Pueblo had the Chili Festival, and in ten years after the plant was in operation, they wouldn't have any chili because they wouldn't have any farmers. If they take McHarg Road from Olson Road to Wheeler Lane and Avondale Boulevard, they would impact the DiSantis, the Prutchs, the Mauros, the Mussos, and the Dionisios. Where would that money go? They would all sell their properties and put up more houses. Sell paradise and put in a parking lot. They're in a no-fly zone, noting they can't fly over the nuclear power plant. It could be a two-mile radius to a five-mile radius, noting at that point in time, they would be impacting Tommy Rusler, the Castles, the Wileys, Blair Wells, and Ben Hahn. Those are real people with real faces and real incomes. All of it happened with the selling off of the Bessemer water shares. They need to have due diligence to see what kind of impact it would have to the farmers with the suburban sprawl. In looking at places like Portland, Seattle, and Santa Barbara, and what happened to the farms, orchards, and vineyards, the same thing would happen there.

Ms. Morgan stated she lived off of Asbury Road and went to Avondale Elementary. Are they going to take Avondale Boulevard to Fields Road and truck in all those tons of uranium by Avondale Elementary? Would it travel down Highway 50 in front of Pueblo County High School? Where would it be and what kind of safeguards would there be for the kids at Avondale Elementary? When they're looking at costs and talking about the government contributing to the cost of nuclear power, it's called the Nuclear Loan Guarantees Program. President Obama released \$8.5 million for nuclear power and in the next three years they're looking at \$54.5

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billion. They have a trillion dollar debt and they're going to release more money that's going to be a burden to their grandkids and their great-grandkids. The Budget Committee in Washington indicated they were looking at a 50% default rate on the loans. Were they going to take the chance, asking if it was good enough for them? Were they going to inform people if they want a nuclear power plant they would have to bring in their own money and not use any of the funds? The cost of a nuclear power plant was between \$5 to \$8 billion, noting it was a lot of private money. They didn't see Wall Street backing anybody and that's why it's the government. There was \$645 million spent by the pro-nuclear proponents in campaigns over the last ten years. It's a tremendous amount of money and when they looked at who got voted in and what happened down the road maybe they needed to look at their candidates. Were they pro-nuclear and how much money were they getting from pro-nuclear sources? The Areva's La Hog Reprocessing Plant annually discharged a trillion gallons of radioactive liquid waste into the English Channel via an underwater pipeline. It was illegal to put it in jars, tubs, or dump it over the ship, but utilities had loopholes just like the one with Black Hills Energy. If it was a private industry being proposed they would've been able to go up to 60 feet, but because it was a utility they could only go up to 90 feet, and the Pueblo Airport couldn't do their north-south runways. They had to watch out for those kinds of loopholes. If they brought in the French they would want to take it from mining all the way through to the energy process. The economy and the French's Power Areva Company, which was owned by the government, weren't doing so well. They were looking at expanding what they were doing into India, noting India had protests over it. If they wanted to model after the French, buyer beware, noting they were dumping radioactive liquid waste into the English Channel, and Canada was having problems with it. She didn't think it was a company they should pattern themselves after. The West Valley New York Reprocessing Plant near Buffalo operated for only six years from 1966 to 1972 and caused so much radioactive contamination to the surrounding environment, noting it cost \$6.8 billion in 2007 to clean it up. If not cleaned up, the radioactive contamination on-site would erode into adjacent water-ways and flow down-stream into Lake Erie and Lake Ontario over the next millennium. During the operation, West Valley had among the highest worker exposures and worst water contamination in the United States' nuclear power industry. West Valley suffered so many accidents including fires, technical glitches, and failures, that only one year's worth of projected reprocessing was accomplished in six years of operation. Reprocessing at the Hanford, Washington, Idaho National Labs, and the Savannah River site in South Carolina resulted in so much radioactive contamination that it would cost tens to hundreds of billions of dollars to clean up. The United States Department of Energy planned on abandoning high-level radioactive waste sludge resulting from reprocessing and underground storage tanks, which were deemed too difficult or too expensive to remove. It risked severe radioactivity contamination of the Columbia River, Snake River, Aquifer, Savannah River, and the Colusa Aquifer. It could make the major rivers and aquifers unfit for human drinking water and make associated fisheries unfit for human consumption. Reprocessing didn't solve or reduce the radioactive waste problem, on the contrary, noting it complicated it. Reprocessing generated numerous new difficult to manage radioactive waste streams. Liquid high-level radioactive waste must be resolidified into glass logs, a process that encountered technical difficulties such as Hanford, Washington, which lead to skyrocketing costs. Once verified, the high-level radioactive waste glass logs required a deep, geological repository, something no country on earth had yet opened. Even then, fears persisted that the intense radioactive and thermal heat of the waste would degenerate the glass leading to its release to the environment over time. Basically, with nuclear power plants, they had to release the energy. She stated water boiling in a kettle and the escape of steam relieving pressure inside a nuclear power plant operated much the same way, noting hot radioactive gases inside the reactor build and must be purged or vented into the atmosphere and was done through vents that were built into the building. The vents had filters that stopped some of the radioactive gases and particulates from being released, noting they purged and that was when a fan was used. Then they vent, which was when a valve was used, noting it was in her backyard. She submitted into the record Opposer's Exhibit "A", "Tritium: A Universal Health Threat Released by Every Nuclear Reactor". Tritium was a radioactive isotope of hydrogen. It was generated in nuclear power reactors and was released to the environment in water and air, noting it couldn't be filtered. Releases had been occurring since the 1960s when power reactors started going on-line. Releases continue as reactors age and components degrade contaminating the air, water, and soil. The radiation emitted from nuclear power facilities was categorized as ionized radiation because it could break the chemical bonds of its target that could be a human cell, protein, or the biological substance basic to life. She submitted into the record Opposer's Exhibit "B", "NRC Issues Notice of Violation to Entergy Nuclear Palisades for High-Level Radioactive Waste Risk", and Opposer's Exhibit "C", "Steam Leak at Susquehanna Shuts Nuclear Plant, A steam leak at the Susquehanna nuclear power plant near Berwick, Pennsylvania on January 25, 2011". She stated when operators realized the steam leak couldn't be isolated they opted to "scram" or shut down the reactor. The leak occurred in the feed water heater bay of Unit 1. She submitted into the record Opposer's Exhibit "D", "Trouble-Plagued Nuclear Industry Shuts Down Two Reactors on Same Day".

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Ms. Morgan stated the Vermont Yankee Nuclear Plant that's up for sale and scheduled to close in 2012 was shut down Sunday evening after radioactive water escaped from a pipe leading to the reactor. Meanwhile, half an hour earlier, at Unit 2 of the Indian Point Nuclear Power Plant in Buchanan, New York, a transformer exploded causing the shutdown of the reactor. Both plants were owned by Entergy and had been plagued by leaks, mainly of tritium. Vermont Yankee also endured a fire and the collapse of its cooling towers. Notice of violation was sent to Entergy's Palisades Nuclear Power Plant on the Lake Michigan shoreline in Southwest Michigan. They discovered a critical nuclear risk at the eradicated nuclear fuel storage pool, which threatened not only worker safety but also public health. When they look at jobs Pueblo shot themselves in the foot a couple of different times. If they went back in history, they didn't get the Budweiser Plant, and the 700 workers at the Wal-Mart Distribution Center went goodbye. Wherever Wal-Mart went Lowe's went as well, noting 1,600 jobs went to Cheyenne. She had children, noting they don't live in Pueblo because of the economic situation and the lack of high-paying jobs. At the risk of waste and the fundamentals, she didn't think it was the time or place for them in Pueblo.

Mr. VanZandt asked Ms. Morgan about the aerial spraying. Ms. Morgan replied if they look at the map and take a two-mile radius at the northeast edge, there's a no-fly zone of seven miles, which put the death nail in the farmers. At seven miles, they're looking at 40th Lane past School Road, which included the Bregars, the Senas, Phil Prutch, the Pisciotas, the DiTomasos, and the Dionisios. With the seven mile no-fly zone, where would they get their chili, noting it wouldn't be from Pueblo.

Mr. Roy Wiley, 4 White Dove Court, Pueblo, spoke in opposition to the comprehensive plan amendment and planned unit development. He reported his family owned and operated an organic farm two miles north of the subject area. The fifth generation of his family lived and farmed there in the area for over 100 years. He made reference to the water situation. His grandfather, his father after him, his brothers, and he, did farming activities on the BX under the Welton Ditch, which often didn't run at all, zero days a year. He requested to see the plan of how the water augmentation would occur. He respectfully requested the Commission not take any action until they had adequate time to review the entire plan. He didn't feel he was well enough informed to comment. He repeated a point Mr. Barber made, noting they call it what it was, noting it wasn't a clean energy park. They didn't hear anything about proposals to start solar or wind power operations, simply nuclear. It was a nuclear plant with a nuclear waste dump, and that's what they should call it.

Ms. Margaret Barber, 10762 Arnold Lane Rye, Colorado, spoke in opposition to the comprehensive plan amendment and planned unit development. She reported she lived on the St. Charles Mesa for 20 years and then recently moved to Rye, Colorado. She was President of Citizens for Clean Air and Water in Pueblo and Southern Colorado, a group that advocates for the quality of life and economic future in the area to enlighten development and protection of citizen's rights to clean air and water. They were very much interested in protecting the public process and making sure the government operated in a transparent manner especially where permits were concerned. Some of them might remember a lawsuit or two they brought against the Commission, noting they didn't feel it was happening. They actually won one or two of them, noting she didn't remember if they were against the Commission or not. They're also their friends and want them to do their job well, noting they would do anything they could to help, which is what she's doing tonight. She was also the President of another group, CCAP, Citizens for Clean Air in Pueblo for Education Research and Action, who work through Pueblo Cares, a partnership of 20 local government neighborhood and non-profit organizations on the Pueblo Clean and/or Air Initiative. The Board of County Commissioners was actually a partner in the large group of partners, as well as the Health Department, and all of the neighborhood groups. After discovering indoor radon was one of the biggest indoor pollution threats to health in Pueblo and induced lung cancer, she was especially interested in reducing and working to reduce levels of radiation exposure in Pueblo. They received almost \$400,000 worth of grants, which they were using for radon testing and mitigation in Pueblo. If anybody needed a free test kit, they could go by the office at the PEDCo building to get one. Because of her interest in radon, she was eager to wait for the review by Planning staff that was published last Tuesday, with the chance to review all the application materials to see what the proposal was all about and to give it really close analysis. After all, a nuclear power plant was a larger proposal than anything they had in Pueblo, to date. It carried more risk and potentially had more far-reaching, irrevocable consequences, financial impact, positive and negative, the need for safety, absolutely fail-proof planning, design, and maintenance, with a potentially huge impact on the perception of the community either with a positive image or stigma of a town. It was always a temptation to be blinded by dollar signs. She acknowledged there was always the desire for economic advancement, which she was all for, but not for being blinded by dollar signs. Her comments were basically about the application itself and not the whole big picture. She was really disturbed by what's been happening with it and it seemed as if Mr. Banner could confirm tonight that the public was being deliberately shut out of the process. They received the staff

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review Tuesday afternoon, noting they had three days last week with a long weekend. It wasn't long enough for her to contact members of CCAP to let them know about it. There hadn't been any public work done on it by the proponents, unless it was done within groups that were invited to presentations that the public hadn't been invited to, and certainly not the environmentalists as far as she knew. They did get to see two Power Point presentations, which were full of very misleading statements. She basically just wanted to look at the staff review because she wanted to be assured that her questions about the project were answered. Her questions were actually very simple. They were the usual questions about the project, who, what, where, when, why, and the water in the area. She couldn't tell them how concerned she was or disappointed and upset that the questions weren't addressed at all in the application. She believed the Planning Commission and the Board of County Commissioners had the right to expect specifics from applicants, especially for a gigantic project of this magnitude. The game rules should be the same for everybody who applied for permits in the County. The one project, just because it had a lot of cheerleaders behind it, shouldn't be singled out to be exempt from the requirements of application submission. It was their job to examine the application and it was staff's job to make the recommendation. She also considered it her job to examine the application on behalf of the members of CCAP. What she found was basically a list of waivers of the requirements that other companies trying to locate in Pueblo had to meet, but from which this one for some reason were exempted. She didn't think it was fair to the other applicants who would come along in the future, noting it set a very bad precedent. They could always cite what happened if the applications weren't denied, noting it wasn't fair to the taxpayers. For example, the fee, noting she didn't add up what it would have been if the fee had actually been calculated according to their regular schedule. She saw the figure \$720,000 somewhere but wasn't sure if that was right. A similar application by AEHI in Idaho for a similar project had a \$50,000 application fee. That was money Pueblo County needed. The County hired staff that spent a lot of time on the applications. She believed the Commission worked as volunteers and thanked them, noting she couldn't believe they spend all that time reading permits, which was a real public service. They have paid staff, noting their time should be covered by the fees for the work they do on behalf of them. Every applicant should have to carry their share of the financial load, noting the rest of them do. She paid property taxes and didn't have nearly as much money as a group that might build a nuclear power plant would have, but she paid 1,000, 1,500, or 2,000% of what was actually paid as an application fee. A \$100 application fee couldn't be serious, noting the taxpayers of Pueblo County should be up in arms about that kind of leniency. The application directions clearly state instructions for rates of payment and the applicant clearly ignored them and somehow expected to be given waivers. Her main question was about who would be bringing in the application. Who was Pueblos For Energizing Our Community? Part of the question was answered tonight by Mr. Banner's presentation. The public had the right to know who and with what qualifications in the area of nuclear development the applicant had. So far no other people had stepped forward and said they were willing to be identified with the group, noting there probably were some. There were a number of people on the list, and asked if she was allowed to ask a question. She wanted to know if the people on the list had been contacted and if they had given in writing their permission for their names to be used. Chair Alt replied Mr. Banner would respond to her question when he came back. Ms. Barber stated that was a question she would like to have answered, noting she talked with two of the Directors from two groups today and was told they hadn't been approached at all. One of them wasn't thrilled to have her Department listed, which was a real problem. She also wanted to know who at CSU-Pueblo gave their permission for the college's name to be used. She knew how difficult it was to get permission to apply for a grant from the University, noting it had to go through a long procedure and up through the ranks. She found it difficult to believe that anybody at the University on behalf of the school would've been able to sign onto it. Was it for real? She read the organizational articles of the group and didn't know if they were the most updated version. They indicated if people on the list didn't want to pay the \$10,000 application fee or whatever the adjusted fee was for them, and in order to be eligible to apply for grants, the Director, Mr. Banner, would be able to pick and choose the groups that were eligible for the money. She wanted to know more about when the financial, business, and membership decisions were delegated to one or two people. Another management company ran by one person seemed problematic to her like a one-horse cart. If she had a misperception of the whole thing she would like evidence to the contrary and letters from the groups that agreed to be listed. They would be appropriate to publicize if they joined the group and should be proud of it, noting they would want people to know about it. She was also concerned about the applicant's level of knowledge about the nuclear industry. She didn't consider herself an expert in the field at all, noting she had a PhD but it was in a different field. If it counted, she had a son-in-law who's the Risk Analyst for the nuclear power industry. He usually worked for nuclear power plants that hire consulting groups. He was very interesting to talk to and she spent a lot of time picking his brain both on e-mail and in person when he came to visit. One of his first projects was to make a catalogue of all the accidents that had happened in the nuclear power plants in the United States since the beginning up to the present. She asked him if there were a lot of them, and he said there were, noting it wasn't an accident free industry. There were all kinds of accidents ranging from seaweed clogging the screen or the filter that was over the

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intake valve, to a power plant when it was located by a river or an ocean, to a near meltdown situation that didn't get as far as a meltdown. She didn't think there had been anything like Chernobyl but there were accidents with varying consequences.

Ms. Barber commented about Hiroshima and Nagasaki leaving no ill-effects. She spent a year in Japan between 1962 and 1963, and visited Hiroshima and Nagasaki more than one day each. She talked to people there and learned to speak Japanese. The consequences of the bomb on the people who weren't obliterated were terrible, noting they had homes for people of different professions to live out the rest of their lives because they were disfigured or had a host of problems. It was a very distressing situation and she didn't know if having a nuclear power plant there would result in that kind of injury, but it questioned the expertise of anybody who would make light of the injuries they had there. She alluded to France, noting she wasn't an expert, but was aware France had 80% of its electricity provided by nuclear power plants. When it came to disposing of the waste from the power plants problems arose. France reduced their waste, noting it reused it and reduced it to the smallest possible size of vessel it could be transported in. It wasn't a large quantity for each power plant in volume, but it was nuclear waste and they couldn't get one single neighborhood in France to accept it. Not from the power plant near them or from other power plants somewhere else in the country, even though everybody liked the power plants and wanted the energy. France worked out a treaty that ended up with all the waste being taken to Siberia to be stored there. That was a couple of years ago and she didn't know if anything had changed since then, but that was how France handled the problem. They should send all of their waste to Siberia, and asked how good it would be for all of the nuclear waste to be stored in one place under one political jurisdiction, or maybe not so good. There had been some misleading statements made tonight that made her question the expertise of some of the people who spoke. It would be very helpful to have a public forum before the permit was accepted where people could ask questions and get experts from both sides of the issue to debate or question each other, and to bring in materials to really inform the people. There hadn't been an opportunity for that. This meeting didn't count, noting there were a few people who were interested in the permit but it wasn't a general information session. She recommended the Commission deny both permits until more work was done. Another question that had been addressed and she wanted to reiterate was the issue of it being a clean energy park. It wasn't a park and it wasn't clean, noting it was a proposal for a nuclear power plant pure and simple. The other kinds of energy she would consider clean were solar and wind, which weren't featured. They were at the discretion of the developer or some unidentified developer decades down the road. Until nuclear was stricken from the combination they couldn't talk about it being a clean energy park.

Ms. Barber stated they would, by Federal law, be required to include a nuclear waste storage facility for 60 years after the plant was closed, noting she'd be gone and wouldn't know. Don't talk about it as clean, noting the rules were just changed from 30 years after the plant closed to 60 years after the plant closed. The waste was required to be kept on-site which suggested to her the Feds didn't have any vision or ideas for a place for the waste to go. They wanted to keep it where it was. They would have nuclear waste, and she hoped it didn't become a dump or a repository storage facility forever. If they permit the plant, there's no way the stipulation in the list of waivers could be there, noting there couldn't be any storage of waste on-site. There's no way it could hold, noting the Federal laws would preempt the County regulations. The counties and states had never won a lawsuit on the issue against the Federal government. It wouldn't happen, so keep it in mind, noting if they approve it that's what they're asking for and they won't be able to get out of it. Where's the plant going to be? Even the boundaries of the parcel were undefined. Would it include BLM land or would it include other parcels? If the applicant wasn't sure, and from what she read it was up in the air, the application was premature. Would BLM land be in it or would it be neighboring the parcel? They need to be precise and get it settled before applying. Why should the site be located in Pueblo? They have four power plants there and another smaller one. They get the pollution, noting water releases from nuclear power plants were radioactive even if they were below regulated limits. The nuclear waste would be stored there for a century or more. The zoning regulations state there had to be a need for it, the change in the Comprehensive Plan, or for a Planned Unit Development. There was no need for the plan. Pueblo's getting a fourth power plant right now for its own use, noting they didn't need it and the energy wouldn't stay there. Who does need it? Prove the need, noting they have to do it in order to comply with the regulations. If they don't, there's a real legal problem there. The question was unanswered in the application. When do they get this? At least over a decade down the road. Why not go for truly clean energy now and start reaping the profits, the jobs, and reduce the dependence on fossil fuel? One more thing was the water issue, which may be the kicker. They would be doing Mr. Banner a favor to deny the application at this point and save him the trouble he was willing to go through to develop the plan. Nuclear plants, like other power plants, except wind and solar, are water intensive. She saw the number 1,250 acre feet a year expected to be used. It was stated in the application, with no design specified and no analysis, the 1,250 acre feet were suggested by the 3,000 megawatt possibility. There were three major types of designs for water cooling

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with a nuclear power plant and some variations of them. One of them was an open system that takes in water from a lake, river, or ocean, and discharged water to it. The volume of water in the lake, river, or ocean cooled the discharge and required the most water, the open system. They couldn't have one there, noting they didn't have a lake, river, or ocean. She was talking about a big river like the Columbia River, noting the Huerfano and Arkansas didn't count because they're little tiny brooks. The second option, which most of them are like, was being located on the ocean and using ocean water and discharging to the ocean. The other kind that was used the most was a closed circulation system where the water wasn't just taken in and discharged, but taken in from whatever the source was and then allowed to cool through an evaporating pond, which was mentioned, or through evaporating towers. Even though the water was partly recirculated, it still, for an average sized plant, used 15,000 gallons of new water every minute. They figured out how many acre feet of water it was and what would be required for that kind of system. The other kind of system was a dry system that didn't require nearly as much water. It was more expensive, noting the cooling apparatus of the plant itself, which was a considerable part of it, cost 40% more and the developers who were locating the plants didn't choose the locations where they were forced to use the dry system because it was more expensive. It's more expensive to run, noting it required more megawatts, a higher percentage of the output of the plant to run that kind of system, and there were very few of them around. When she asked her son-in-law, who had visited and saw the water situation, what he thought about the water, he replied it would be a problem because they couldn't depend on ground water to cool a nuclear power plant. It wouldn't even be considered by the NRC as a viable source of water. He said there really couldn't be any constraints on the amount of water. She saw Pueblo as an area where water would have to be constrained, noting they need to get somebody who wanted to spend more money to build a dry system, which was unlikely. The application needed to have a design specified and they needed a ballpark idea of how much water would be needed and where the water would be coming from. It was supposed to be done before the application was submitted but it wasn't. They weren't being given the basic critical information that was absolutely necessary before deciding whether to site a plant there, noting the research would have to be done and they deserved to have the information before being asked to make a decision on whether or not a plant should be located there. Maybe there's enough water available somewhere, but it would channel the use of the water for the purpose and deprive somebody else of it, especially in drought conditions. In conclusion, what's the rush? Not taking time to complete an application and provide basic information raised questions about whether it was being steamrolled or about what wasn't known or what wasn't being told. She felt both of the requests should be denied for the present and the applicant sent back to the drawing board. The applications should be completely redone, both of them. There wasn't any good reason to approve them from the County's, the citizens, or the taxpayers' points of view. It wasn't right to shove it through the process without expecting the applicant to meet the basic requirements that other applicants had to meet and Puebloans had a right to expect. To the Planning and Zoning Commission and the Board of County Commissioners, she felt the citizens and taxpayers were more likely to support their decision if they insist on a rigorous process or at least a normal process of application. To labor, she wanted them to know she was a big supporter of labor, noting she worked with labor and joined labor lawsuits at the steel mill. Her husband was a union representative for the teachers union, noting she had great respect for labor and wanted everybody to get good jobs around there. They need them, but she wanted to make sure things were done right and the application process was done correctly. They could go ahead with solar and wind, get the profits now and put the people to work, noting nuclear was very speculative and solar was real. With all due respect to the applicant and because of the dire absence of information, she hated to say it, but it appeared the emperor had no clothes. On behalf of the rest of them, she hoped they would insist he got decent before they let him lead the parade.

Mr. Leverington asked Ms. Barber if she recounted the history of suing the Planning Commission, noting he thought it was interesting, and asked if she was threatening to sue them if they didn't vote as she thought they should. Ms. Barber replied no, noting it was kind of a joke and a horrible experience she didn't like at all. She almost didn't remember what the precise issue was, noting it was a failure to follow procedure. Chair Alt stated it went on in debate for nearly ten hours. Ms. Barber stated it went on for six years, noting she was sorry if she sounded like she was implying that, but she wasn't. She was just referring to a historical relationship or familiarity with the Planning Commission and having been there before to testify. She didn't know if anybody else would ever do that, noting they had the chance to do things right and it shouldn't be necessary. The Planning Commission had bright people who could make good judgments and read applications, noting at the present time she had no thoughts of it and they were early in the process.

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Mr. Dan Hobbs, 46000 Olson Road, Avondale, spoke in opposition to the comprehensive plan amendment and planned unit development. He reported he farmed on Olson Road and was also there representing the Rocky Mountain Farmers Union Organization, containing 20,000 farmer/rancher members. His comments fell into the same vein as Ms. Morgan and Mr. Wiley, noting he would keep them concise. He felt the proposal was incompatible with agriculture and recognized Pueblo had done a solid job of protecting agriculture in the County and was frankly the best. He worked in farm communities all over the Western United States and could clearly and firmly say it was as good as it could get by Western standards for irrigated agriculture. It was the finest farmland in Colorado, with a long growing season. The land and the proposed clean energy park were considered irrigated agriculture land of national importance. It was zoned A-1 and contained fantastic mineral rich soils that could grow just about anything. Many folks there would know the first commercial farms in the State of Colorado were in the region including the Autobee and the Doyle settlements in the 1850s. They chose the region because it was the best. There were three agricultural reasons why he was opposed to the proposal. The water, noting he wouldn't beat a dead horse but they all heard the arguments. The Welton Ditch, as Mr. Wiley stated, more often than not didn't have water in it. Regarding public perception, they already had some issues around the destruction of the mustard gas out there and were concerned about their agricultural products being contaminated, polluted, and unsellable. Energy was obviously important and food security would become increasingly important. They had excellent quality produce, grains, and livestock products that came from the farms in the County, noting they would see in the future a greater interdependence between the municipality and the County. In the list of charitable organizations, there was nothing about agriculture, noting it was virtually absent from the entire presentation. There was no amount of tithing or charitable funds that would bring back the agricultural economy once it was destroyed, noting he feared it was a serious threat to their agricultural livelihood.

Chair Alt asked if the property, all 24,000 acres, was irrigated agricultural land, and asked Mr. Hobbs if it was listed like that. Mr. Hobbs replied he didn't know specifically about the entire acreage, noting he didn't have time to review all the materials. He was speaking generally about the Eastern County. Chair Alt stated she wondered because when she drove by it looked like pasture and was curious, noting she saw the ditch.

Mr. Alvin Rivera, 10 Sepulveda Drive, Pueblo, spoke in opposition to the comprehensive plan amendment and planned unit development. He summarized his concerns which were about equity and so many other things including the process tonight. They needed to figure out a different process so people didn't take so much time and monopolize the public forum taking valuable time away from others. He didn't know how they could do that, noting it was a problem they needed to look at. Chair Alt stated they try to be polite. Mr. Rivera stated they had been overly gracious and no doubt deserved accolades of recognition for their patience. He spent a lot of time professionally working in Washington, D.C., noting it was too easy to look for scapegoats in the process. As they talked about tonight and to attribute what's on the docket in the future for nuclear power plants, it wasn't very sound when they start looking at the process of addressing those kinds of issues. It was fair game, however, to talk about who had the legal jurisdiction. The Federal government had the jurisdiction on issues of this nature, which was a fair issue. It wasn't fair, however, to talk about Obama's Administration and what he had planned because he didn't think it was any different than what had happened in previous Administrations, noting they need to take it in the proper context. He commented on the summary of the issues, noting water, location, and disposable waste were the critical issues that were talked about tonight and needed to be reiterated. He requested they keep the record open for the public because of the inequity and the process that had already gone forward meaning there simply hadn't been an adequate opportunity to hear from the public. There was no question about it. In responding to Mr. Leverington's last question, he regretted to say he happened to be the person that hired the attorney that took the Commission through a lawsuit in a series of circumstances, noting it just happened. A lot of it had to do with process, and a lot of it had to do with the public being able to feel like they had their opportunity, noting they didn't have their opportunity at the time. They didn't need to have it repeated again. He made reference to a chart stating there weren't any interest groups to benefit like the Police Department or the Sheriff's Department. He was unclear if they were giving any money to those people, and that was one question. The other question was if they were advocates for the specific initiative, noting it wasn't clear and he was using it as an example. Ms. Cathy Garcia, the Executive Officer for Action 22, had testified on their behalf, noting they were the regional advocating group for the 22 surrounding counties. Why was he bringing it up? There were conflicts of interest, noting especially if they were going to be the recipients of money which, according to Mr. Banner, would happen. It was critical for the Commission to give serious consideration to everybody listed for the very reasons he talked about. The other aspect was PEDCo, the Pueblo Economic Development Corporation. They never saw a business proposal they didn't like and wouldn't support, noting they would surely support the issue. There were several others on the list, noting they needed to look at it and to the people who were advocating. It was clearly a conflict of interest for some of the groups. It was pointed out that

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some of the people on the list hadn't given their permission to be on the list, which was troubling. Those kinds of decisions needed to be made by the boards of the different community groups. He was troubled by it, noting in the brief time he had been in Pueblo, about eleven years, there had been so much conflict of interest and people just accepted it. It wasn't in any single industry, but across the board. They saw more evidence of it in the proposal tonight and it troubled him. He agreed with many of the speakers tonight that the process was moving too fast. It would be in everyone's best interest to give them more time for broader input. Did he think it was a timely fashion at the time to move forward with the permits? He didn't for all the reasons just stated, noting it was very troubling to be at the lowest level of input to the entire process and to look at the people who should be here tonight hearing it, including the people who had already left.

Ms. Janet Johnson, 2037 Wrangler Court, Grand Junction, Colorado, spoke in opposition to the comprehensive plan amendment and planned unit development. She reported she had worked for the Diocese of Pueblo for over 20 years and had been in and out of Pueblo a lot. She had watched and admired the Pueblo Regional Comprehensive Development Plan. They created their future and their legacy to hand down, noting it wasn't a secret and they were doing it right now. What would happen to their children and grandchildren? She shared the legacy and significance that happened in Grand Junction and other places in Colorado. They heard from Mr. Banner tonight it would be a significant event if the nuclear reactor went in and she assured them it would be. It would be a significant stigma economically, health wise, and for the rest of time in the environment, noting they would never reclaim it. She knew about uranium, noting she grew up during the large uranium boom of the 1950s and 1960s in Grand Junction. Her dad worked for the railroad and they needed jobs, noting they weren't a wealthy family. They knew the railroad was shipping the stuff and a lot of his income was derived from the shipment of vanadium, which was in combination with uranium, to the steel mills in the Midwest. Her brother, during two different summers between his terms at law school at the University of Colorado at Boulder, worked at uranium mine. It was good money and they had to work along with their parents to be able to afford college. He was the leading attorney on the Colorado State Water Board, noting he died at 53 years old from an illness that would have been compensated by the RECA Compensation Act, the Radiation Environmental Compensation Act of 1990. Mr. Banner stated nobody had died because of the uranium industry. She didn't know how many of them were familiar with RECA, noting it acknowledged people were dead and dying because of the uranium industry. The largest payment they got was \$150,000, noting they were all aware of how inadequate that was if they had cancer. Some people fought to have the compensation, but others weren't compensated because they couldn't prove enough hours or whatever else. At Three-Mile Island, a valve stuck half-way open, noting it was a valve and not some highly technical nuclear issue. Did they know what would happen if a valve stuck there in the nuclear reactor? Mr. Banner and his investors wouldn't have to pay because there was an act in the United States government that protected all the companies running any type of nuclear process. It was called the Price Anderson Act. They would be out and would pay as United States citizens, citizens of the State of Colorado, or citizens of Pueblo County. She suggested they look into it more.

Ms. Johnson stated she knew about uranium, noting it took 4.5 billion years for uranium ore to be in its least toxic form, which was lead. As United States citizens, they would own in perpetuity whatever they built as a nuclear reactor. It wouldn't be the investors that invested in it at the time. It was exciting to grow up in Grand Junction, noting money went into the schools and town. There was a lot of money and they had wonderful advantages and highly educated workers. Ten years later, babies were born with spinal bifida and many other birth defects, noting they also died from leukemia. Their classmates also began to get cancer. There was a latency period at the front end of the nuclear cycle, noting they would be working with the substance and in five to ten years people would get sick and die. It didn't happen immediately, noting it was like smoking a cigarette. Nothing happened while they were smoking the cigarette, but it happened, and had been documented many times. She appreciated, on behalf of the people, if they would at least look at it. They need not look any further than their neighbors in Fremont County. She entered into the record a book titled "Yellowcake Road" as Opposer's Exhibit "E." It depicted what happened at the Cotter Mill, noting they were defaulting on the Schwartzwald Mine, which was sending radioactive substances down the Arkansas River. She invited them to Grand Junction, noting she would love to give them a ride around the Uruvan and Naturita areas where they proposed the mill. There used to be a mill in Naturita, noting it cost \$86 million to tear it down at their expense because they all defaulted. There was still radioactive effluent running into the river from it because it was only a surface clean-up. In Grand Junction it cost \$504 million and they all defaulted. The only one that half way defaulted was at Uruvan, noting they paid part of it. Uruvan was like Chernobyl, noting the grass grew, there were leaves on the trees, and wild animals ran around, but nobody could live there because it was a permanent waste land. It was radioactive waste land and Chernobyl was the same thing, noting they need to look at what really happened. There were many homes for sale in the area because of the proposed uranium mill that weren't selling and completely depressed

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the economy. There were sustainable things happening in the area but uranium and radioactivity trumped everything. All they had to do was look up the RECA Compensation to know how many people had suffered. As she stated, her brother died when he was 53 years old, and her cousin thought she had a great job when she was attending the University of Colorado, got a job at Rocky Flats, and died at age 43. Their granddaughter, who lived in Santa Fe, New Mexico, and her mother grew up in Los Alamos. Their son had to work because he was the head of medical services when they were having fires in the early 2000s in Los Alamos. The radioactivity was high because there was so much of it spread around the buildings, noting their granddaughter was one of the first children to start the Cancer sequence. They all lived downstream and downwind, and Santa Fe was downwind from Los Alamos. She assured them when they stood by a child's bed side and watched the child suffer, they would never want their children working in anything associated with the radioactive industry, recycling, or the back end of what came out of a nuclear power plant. The biggest secret about the nuclear cycle was it was radioactive at all stages and didn't go away in many lifetimes. During the time, the people of Colorado were simply collateral damage to the entire Cold War and now they were being asked to step up and be collateral damage for energy when they knew the scientists and the technicians could do better than that. They didn't have to use dirty energy. She asked them to look at nuclear reactors. It was an interesting thing and the private investors would get out with their money, noting they hadn't been investing in anything nuclear because they didn't like it, it was dirty. The government subsidized it heavily and gave them compensation for developing it so investors were a little stiff to come by. They also knew the reactor they were hearing about was nothing like they read two weeks ago in Time Magazine where they were building small bunkers that would be regional bunkers. It would be an antiquated system that would go on-line within 15-20 years, noting it wouldn't go on-line any earlier than that. They were asking investors to invest in an older model of a nuclear reactor. It was a deadly way to boil water, noting they knew the routine of emitting radioactive emissions into the air and water. Mr. Banner explained there were no chemical emissions from a nuclear reactor, but he didn't say there weren't any radioactive emissions from a nuclear reactor. When the spent nuclear fuel comes out, 50% of the uranium mined was used for nuclear reactors and 50% for nuclear weapons. Did they want to encourage nuclear reactors to be built in other countries all over the world? They hadn't dealt with the situation and really needed to do it. The United States government was compensating Native Americans who were down winders from the Hanford Processing Site for thyroid cancer, noting it was in the process of being dismantled. People die all the time because of the uranium industry and the nuclear cycle, noting they would be a part of the cycle if they chose to do it. She suggested they read "Yellowcake Road, Yellow Dirt, If you Poison Us, and the Navajo People and Uranium Mining". They knew good and well the Native people had said no more because of Yucca Mountain. What was it? It was on an Indian Reservation and they were saying no more, to go find another place. She didn't know if they were aware of the people in Antonito, Colorado, who were trying to protect them by getting rid of the waste from the Los Alamos labs. They were trucking the waste outside of Antonito, loading it onto rail cars, and bringing it through Pueblo, Colorado Springs, Denver, Cheyenne, and then to Energy Solutions in Utah. They had been fighting it really hard and deserved their support. The labs needed to make more room to create other nuclear building facilities. She asked the Commission to understand the proposal included nuclear power as part of a clean energy standard and suffered from three fundamental misconceptions. The carbon dioxide was the only pollutant that mattered when defining clean energy; radiation was invisible and odorless and not a toxic pollutant; and nuclear power was carbon free.

Mr. Larry Howe-Kerr, 1154 South Avenida Del Oro, Pueblo West, spoke in opposition to the comprehensive plan amendment and planned unit development. He reported he would do his best to fly through his comments because a lot of things had been said that he would've said. There was insufficiency of notice, noting it was an unprecedented and speculative application that should go without saying. To say the Planning staff was uncomfortable with the proposal was an understatement, noting it was the same for him. In the speculative game it was a marketing job and a salesman's job. The Power Point presentation indicated what it would take to make Pueblo the richest county in the State. It was about making Pueblo rich, attracting a developer, creating jobs and money, and donating portions to entities, which he found a little problematic because it seemed to be a way to entice people to be supporters by buying them off. A lot of people believed it was a good idea, noting the biggest problem was the information that was needed for this kind of project to be considered. It was complex and needed to be tested for accuracy. They couldn't have millions of dollars being spent on lobbying and marketing and not expect to sort through what was true and what wasn't true, noting it was very complex. He had a Bachelor's Degree in Materials Engineering, a Masters in Education, and a Masters in Theology. He worked for the Catholic Diocese for 20 years, noting he had a little bit of a technical interest, a little bit of an educational interest, and a moral and ethical interest. He thought it was a moral issue and was part of a wider scheme. They were part of a wider nuclear cycle and that was important to him. They were being asked for the unprecedented surrender of their authority, power, and law. If they gave up their authority by doing something so premature on a speculative project, they might not get it back. Mr. Banner was correct in saying

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he wanted to go to the industry and let them know they wouldn't have to go through all the steps and was laying out the red carpet for them if they would invest in it and go through the Nuclear Regulatory Commission process. It wasn't a good thing for local planning because the Planning Commission was about protecting the land rights of the local community, having continuity, and looking at full applications that had the adequate information to make the judgment call. If Mr. Banner found out it wouldn't work out in the first twelve months, he would be back there to rescind it, noting it was his right and not theirs. They needed to look at those points, noting they knew the legal side of it more than he did and he didn't have the time to look at it. He tried to get some legal advice and made an appointment with the District Attorney, who was the top legal expert in the County. He wanted to know what the law was involving land; what conflicts of interest existed; and how to know what to look for. He had an appointment but couldn't get it soon enough, noting it was just another way of telling them there wasn't enough time.

Mr. Howe-Kerr questioned if they recommended approval of the Comprehensive Plan Amendment, was it their recommendation that went to PACOG or were there other places it had to go. Mr. Headley replied PACOG was the designated regional planning entity for the Pueblo Region. They had a role in the Pueblo Regional Comprehensive Development Plan as the Regional Planning entity. It was the role and responsibility by Colorado Statute of the County Planning Commission to develop and adopt a Pueblo Regional Comprehensive Development Plan for unincorporated Pueblo County. Historically, within the community, they did a joint Development Plan that had been adopted by PACOG as the regional planning entity. The County Planning Commission, as the County Planning entity in the City of Pueblo, represented its interest within the urban area. Mr. Howe-Kerr stated they planned on talking about the application and figured they had the time to talk about nuclear power, but there wasn't enough time to present it and go through it. Their focus was on the application, the speculative nature, and the unprecedented requests that were being made. The Planned Unit Development and the Comprehensive Plan Amendment were inextricably linked. If PACOG, two days from then, heard they were amending the Plan, all three County Commissioners would be on it. If they voted for it they would be voting before hearing from the public. They wouldn't have time to go before the County Commissioners to make a case because PACOG would've already given its recommendation. A County Commissioner told him once on another issue that it was awkward for them to not approve something at their public hearing when they had already approved it at PACOG. The process, rushed like it was, appeared to be biased for the County Commissioners. They were uncomfortable about denying something if they voted for it at PACOG, which made sense. They would be having a public hearing on March 15, 2011, noting it was their hope they would be able to present all the issues that were of concern. They didn't want them biased prior to the point by having already discussed the amendment at PACOG. Mr. Headley stated they weren't sitting there as the County Commissioners and couldn't speak on their behalf, noting that was a determination they had to make. Mr. Howe-Kerr stated he was talking about how the process was affected because they still had the application. He would question the costs again. The nuclear industry already claimed their new designs were inherently safe but refused to insure them so they had to insure them. Between 1948 and 1998 in research and development (R&D), the Federal government spent \$11 billion on energy efficiency, \$14 billion on renewables, \$30 billion on fossil fuels, and \$74 billion on nuclear power. They had authorization to pay for the risk insurance, noting the Federal government authorized \$2 billion. The tax credits paid up to \$5.7 billion. The Congressional Research Service estimated the taxpayer liability for loan guarantees covering up to 50% of the cost of building six new reactors would be \$6 billion. There were shut down subsidies, etc., noting in the day and age when a lot of people didn't want welfare, it was called nuclear welfare or corporate welfare. Part of the reason nuclear was being pushed was because the centralized power was being pushed by all the centralized power producers, noting they didn't want distributed power. They didn't want it on a small scale. That was part of the thrust and now they have coal, oil, and gas joining the nuclear industry to support subsidies for nuclear. There were some security tests that had shown it to be inadequate in a lot of the facilities. There was a conflict of interest right there in the community, noting they had to deal with a company called Wackenhut who wanted to locate a private prison there. They were now called GEO, noting they currently guard 31 of the 64 commercial nuclear sites in the United States. In 2004, the Nuclear Energy Institute, the industry's trade association and lobbying arm, was allowed by the Nuclear Regulatory Commission to hire Wackenhut to conduct the force exercises at all the nuclear power plants. A report from the Nuclear Regulatory Commission, by the office of the Inspector General, conducted by an independent contractor, revealed troubling facts about employees' confidence and the agency's ability to be an effective regulator. Many employees reported the Nuclear Regulatory Commission was becoming influenced by private industry and its power to regulate was diminishing. More than half of the Nuclear Regulatory Commission employees reported feeling it was safe to talk about the Nuclear Regulatory Commission.

Chair Alt asked Mr. Howe-Kerr if he was talking about both applications or just the Comprehensive Plan Amendment. Mr. Howe-Kerr replied he was talking about both. Chair Alt stated she was trying to save the confusion, noting the Planning Commission had the right to

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approve or deny it. If they approve it then it would move forward and if they deny it nothing would happen. She was just trying to get the point across. Mr. Howe-Kerr questioned if they approved it then it would go to PACOG. Mr. Headley replied no. Mr. Howe-Kerr questioned if it would go to PACOG anyway, and Mr. Headley replied yes. Mr. Howe-Kerr stated he didn't understand that and it was good to know. Mr. Raso stated, for example, the City of Pueblo had approved components to their joint Comprehensive Plan that hadn't been approved by the County. It was a joint planning effort under the jurisdiction of the Planning Commission and under State law in the unincorporated Pueblo County. They took it to PACOG as the regional planning body in the community. The Planning Commission had the final say on comprehensive plan amendments in the unincorporated Pueblo County and the Comprehensive Plan that was currently in existence was a joint effort, most of which was adopted everywhere but some components were different in the City than they were in the County. Mr. Howe-Kerr questioned if they denied it there and PACOG approved it, where did that leave it, and asked if both of the recommendations went to the Board of County Commissioners. Mr. Raso replied no, noting the Amendment would be denied for unincorporated Pueblo County. Mr. Howe-Kerr stated that was good to know because he got confused. Chair Alt stated there was confusion and was why she wanted to clear it up. Mr. Howe-Kerr stated there was a lot of data that was important and the Nuclear Regulatory Commission wasn't what they would call a truly independent or politically motivated organization that watched over the nuclear industry. It was vested and always had been. If they were in charge and the County had no authority, the people in Pueblo County would be left short. He heard a lot about clean energy and a lot of people talked against coal and how dirty it was, noting he agreed. They had an option, noting in the County there had been efforts to promote sustainable development. It was slow moving but the future, noting there were many jobs and a lot of economic opportunity if they all thought creatively how to promote and join in on the new green economy. It wasn't as centralized but had longer lasting jobs and didn't take 15 years for it to get there. That kind of proposal would bomb the efforts of moving towards a more sustainable development. It would be a message that would go across the bow of every renewable energy initiative and company that would greatly change Pueblo. He recommended the Commission deny both applications.

Ms. Joan Seaman, 6654 South Buffalo Drive, Littleton, Colorado, spoke in opposition to the comprehensive plan amendment and planned unit development. She thanked them all, noting it was an amazing process. She had never been a part of such a patient group of people, noting it was absolutely astounding and she couldn't believe it. It was phenomenal. She stated it was democracy and couldn't believe it, noting they were exhausted. She entered into the record a folder of information from the Sierra Club as Opposer's Exhibit "F." She stated she was the Rocky Mountain Chapter Chair and the nuclear issue specialist. Why did she become a Sierra Club member, why did it happen to her, and why would she be here? In the packet she included an article from the New York Times which was pretty serious. It was from Dr. Carl J. Johnson, who lived there in Colorado, noting he tried to warn the entire community about the Rocky Flats Plant. She bought her first home right next to Rocky Flats, noting she worked for Bank of America and was a banker by trade. Why would she question the government? The government wouldn't harm them and that was her reaction. She didn't know anything about clean water, clean air, or clean soil, noting she didn't question it. She started reading and found out Rocky Flats was one of the most toxic sites in the country, noting they were called Superfund sites. It was closed because the FBI raided it. It was overseen by the Nuclear Regulatory Commission and the Department of Energy, noting employees were coming forward who were ill. They wanted compensation or to be taken care of and many were sick. That was why she introduced it to them and was something to question. It was a regulated facility, so how did it become so contaminated? A doctor tried telling the community that plutonium was safe. Rocky Flats was a weapons facility and asked why they would bring up plutonium because it was a weapon's facility. She called the Nuclear Regulatory Commission and asked them for some information she wanted to bring regarding Rocky Flats having so much waste contamination. They believed nuclear power was clean. At the back end, the waste or the spent fuel, was one of the most radioactive toxic substances known to man. It was Plutonium 239. She was told the local facility would be 3,000 megawatts, but the Nuclear Regulatory Commission indicated it couldn't be and they would have two reactors. Nobody told them about having two reactors. They would get double the waste and double the air emissions, noting that was something they needed to question because tons of plutonium would be generated every year. They would have 500 pounds of plutonium annually in the community that couldn't be moved and was very dangerous. If they had a 40-year old nuclear power plant they would have about 20,000 tons of plutonium. They needed to question it, noting it was an important issue. She thought they would talk about the process tonight of how the Planning Commission approve something. They looked at the issue and the Planning and Zoning rules stated staff was going to prove they needed a nuclear power plant, because it was required or at least recommended.

Ms. Seaman stated they needed pertinent facts from the PFEOC group. She questioned the group and asked the members if they had received a copy of the Articles of Organization on the group and the corporation inside the group that sold stock. People talked about conflict of

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interest, noting maybe they didn't get the articles of organization for the group because it wasn't part of anything usually questioned when an applicant went to them. Who was the applicant? It was something of interest in giving them pertinent facts. Was it in harmony with the rest of the community and the character of the surrounding land? The need didn't happen. Would it produce a negative affect? They needed to get information from staff. She had asked staff if they had anything to review, and they had nothing. Did they receive anything telling them the health, safety, morals, convenience, order, prosperity, and welfare were important issues to take to the Planning Commission? Were there any controversies there? The lawyer was good, noting if she had a lawyer she would choose him. He looked for marketing and found if he wanted to promote something he had to find the pieces to indicate it looked like a good business. That was where she wanted to take them. Who approved it? The Nuclear Regulatory Commission. Their authority was to promote nuclear power. It was the only division she could find stating they could promote nuclear power and they were supposed to regulate it. They could've been there today but they didn't respond to staff. They didn't even send a letter acknowledging they knew about the proposal. The Division of Water Resources made a statement to the Planning Commission they didn't have enough information. The Water Quality Division wasn't even contacted to find out when the stuff was discharged, when there were releases, or if there were any problems. The Air Division of the Colorado Department of Health indicated in their response that it looked good. They didn't have the authority to respond to the question because they didn't have the regulations. The regulations weren't in the State Health Department's Air Quality Division, noting it was the Radiation Division that took care of it. The U.S. Environmental Protection Agency couldn't control it for them. They didn't have the authority at the facility and wouldn't be able to call it a superfund site. The Nuclear Regulatory Commission had contamination at every one of the nuclear power plants. They knew it and hoped the debate would bring them there. They could promote nuclear power, but would have to defend their record. They realized bringing in the Nuclear Regulatory Commission was the other side of the coin about what went wrong. What had gone wrong nationwide? They had the authority to ask the question and hoped staff would give them the information on the pros and the cons. They saw a presentation, noting they needed to get information to them about what the cons were. Perhaps the Nuclear Regulatory Commission should go to the County Commissioners and talk about their record. They had leaks, contamination, and malfunctions, noting they had ten pages of problems at one of the nuclear power plants. It was important not to take too much time and thanked them for allowing so many people to talk from the bottom of their hearts because people viewed it as a life and death situation.

Ms. Seaman stated there was contamination, noting they hadn't told them that. At that point people talked about so many other things that needed to be said. She questioned if there was a foreign corporation in the background. Areva was mentioned tonight, noting the newspaper also mentioned Areva. It was owned by the French government, which was socialism. The French government owned a company that had 25 locations in the country right now. They just gave \$2 billion in free money to Areva in Idaho. People were beginning to question their tax dollars. She was an accountant and wanted to find out where their tax dollars were going with the nuclear power. They wouldn't tell her the line item or what the money was being spent on. It was free money and they wouldn't ever know. She asked for one community and heard about high-level waste. Did they know there were incinerators burning the waste? It was called low-level waste. The applicant didn't tell them people wanted to talk about why they were burning the nuclear powered low-level waste in the community, noting it would get to the County Commissioners soon enough. She should have provided more information on the con situation and why they should question it. Irwin, Tennessee, was burning the nuclear low-level waste and called it volume reduction. They had one at Rocky Flats, noting they had a mixed-waste incinerator that the FBI raided. The community may be the home for the spent fuel that couldn't find a home. The government was looking for people to host not just their waste but other waste. There are foreign companies wanting to invest in a community, and Areva was looking for a clean energy park. Did they want a trash burning power plant there too? It was energy, and it wasn't clean. Columbus, Ohio, shut down their trash burning power plant. She recommended they question if they were going to be host to incinerators there. The Germans were sending it to Tennessee because the politicians believed they should take foreign, radioactive waste to burn. The German and Italian waste was coming. Did they want it there? They believed Pueblo was already producing far more electricity than it would ever need. They already allowed another coal-burning power plant, probably the last of the coal-burning power plants, and it was polluting. They were the host for what was called the dirty coal-fired plants. They had the Army, who wanted to let them explode chemical weapons here. They hosted a cement plant that wanted to burn tires, noting when they burned tires it was toxic waste and would spew dioxin. A local group wanted them to produce more power than Pueblo needed and Denver didn't want. Did they believe the public might say it was too dirty for them and to try Pueblo? It looked like they would take anything and not question it. They believed Pueblo was uniquely positioned to become the hub for the kind of innovative, true, clean, and safe technology that would lead them through the rest of the 21st Century. Pueblo shouldn't earn a reputation. Up north was the dumping ground for junk technology and other communities that

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didn't want it. The developers and staff should provide facts and hard data that could be read by everybody. She questioned if staff could help her locate another Planning and Zoning Department and Planning Commission that had received an application that didn't give them any information or support from the Nuclear Regulatory Commission. They were told there was no way an investor out there would buy the land and put up a nuclear power plant. Did they think it was a foreign company doing it and they didn't want the community to know? She didn't know and it may be something to ask. There should be a proposal and some proof. The local newspaper mentioned something the Nuclear Regulatory Commission had questioned. They made an emphasis there was no protest or lawsuit that had ever been lost that stopped a nuclear power plant license. She asked the Commission if it was democracy.

Ms. Donna Murphy, 241 Glenmore Road, Canon City, Colorado, spoke in opposition to the comprehensive plan amendment and planned unit development. She questioned why a person from Canon City would be before the Pueblo County Planning Commission. Number one, she shopped in Pueblo and went to meetings in Pueblo quite often. But none like that one, noting they had her sympathies. The main reason was it was the first nuclear power plant in Colorado, noting there had never been one. There was one proposed years ago at Fort St. Vrain, noting she didn't know why it didn't go through. It was big for the entire State of Colorado and especially for the surrounding counties. It needed all the input it could get and when she read the application and the amendment it seemed there wasn't very much information. The way she read it, staff didn't think so either. The Division of Water Resources gave them a real reason why they should deny both the amendment and the planned unit development. A development of that size would require engineering and water right studies detailing planned water needs and sources for the water. Aquifer and surface water studies should also be required by the County in order to ensure sustainable water sources, particularly with the current geology and limited water availability. Any proposed surface or ground water sources would require conversion of water rights by the water court. Their office had no comment at the time as there was insufficient information on which to form an opinion. The Division of Wildlife also requested studies and had nothing to say until the studies were done. The entire thing was premature, noting it was the cart before the horse. Over 50 years ago, in Canon City, there was an economic proposal to put in a uranium mill on the State school lands. The town fathers at the time bought it and not much was known about nuclear power. It was going to be good for jobs and would be a really good source of income for the area. They now sit on a Superfund site and had great stigma. She believed a nuclear plant in Pueblo would bring them stigma but it wouldn't bring real economic benefits. She was a former County Commissioner in the 1990s and read about the vested rights. If they saw the words "vested rights", they ran and not walked away. It was a scary concept and they had the power to deny it.

Ms. Sharon Cunningham, 1614 Grand Avenue, Canon City, Colorado, spoke in opposition to the comprehensive plan amendment and planned unit development. She reported she lived a mile from the Cotter Uranium Mill. She knew they didn't want to hear that nuclear wasn't clean and gave a few examples of their experience. The problem with nuclear energy that was never talked about was the front end of the process--the mining, the milling, etc. They had over 100 wells in the area that were no longer used, noting she had two contaminated wells. One of the things they heard she believed from Mr. Banner or a few other people, was they didn't need to worry about it. The government agencies would be regulating it and was going to be state of the art. They were going to protect them. One of the things she learned was once the groundwater was contaminated it was impossible to get the government or the industry to clean it up. They could pump the water out of the ground, treat it, and put it back into the ground or river, noting they wouldn't because it was too expensive. As they were told by several people, one of the big problems with a reactor was the radioactive tritium, which was a carcinogen that leaked from old pipes under the ground and from pools into the groundwater. In April, 2009, New Jersey's Oyster Creek Nuclear Station leaked tritium from underground pipes that was 50 times higher than what was allowed by law. It was spreading one to three feet a day and had reached New Jersey's main source of drinking water. The company was fighting the state to not pump and treat. They didn't want to do it and the state was threatening the company with doing it and charging them three times what it cost. She lived a mile from the mill, noting the Cotter Uranium Mill had more than half a million gallons of contaminated water under the area she lived in. The Colorado Department of Health, the Radiation Management Unit, which had the right to regulate radioactive materials, wouldn't make the Cotter Corporation pump, treat, or clean the groundwater. They basically paid for two wells and then lost the value of them. She couldn't resell them and get the value of the wells. They didn't tell them it was contaminated. The agencies they were all going to depend on to protect them they had better watch out for, once they had a nuclear reactor. When they bought their property, the Nuclear Regulatory Commission, the Environmental Protection Agency, the Colorado Department of Health, the Radiation Management Division, and the Cotter Uranium Mill, never told them they had contaminated wells. Her family drank contaminated water for eight years. They were painted a very beautiful picture, noting they needed to really think about it and hoped they realized if they agreed to rezone for a nuclear reactor, they wouldn't only be affecting Pueblo County, but the

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entire State. She had a uranium mill ten miles outside of Canon City. There were people where they wanted to mine for uranium in the Tallahassee area. She entered into the record Opposer's Exhibit "G", "Is Nuclear Energy Clean or Green? A Few of Many Facts". She referred to the map of the water shed, noting the Tallahassee mining area was right at the top of the water shed that flowed through the area. Mr. Banner's presentation made a lot of claims without giving any citations of where the information had come from. For example, the claim on the cost per megawatt hour for electricity made at a nuclear reactor. He was probably off by ten cents, noting it was probably ten to fourteen cents more than he declared. She hoped all of them would ask for proof of some of the claims. She thanked them for the opportunity to speak, noting she was a representative of a small group in Canon City called the Colorado Citizens Against Toxic Waste. They started fighting the Cotter Corporation and tried stopping them from bringing in radioactive waste from all over the country. There were four million tons of radioactive waste sitting a mile above her house. The tailing pond was leaking and the radiation management unit at the State Health Department hadn't made them do anything about it. They needed to stop and think if their agencies would protect them because they didn't protect her family. The other thing mentioned was about France. The French government kept a list of every incident that happened at nuclear reactors in France on-line. She looked at it last night and over 1,000 incidents had happened at reactors in France. Just the nuclear reactors, noting they had dams fail in 2004 and 2006 that flooded areas with radioactive waste. At the reactor there were over 1,000 incidents of valves failing, mechanical failure, human failure, human mistakes, leaving something open, and emissions of radioactive gas and water escape. She hoped they all did their research and realized Mr. Banner researched for a few years on radioactive waste. They did it for ten years, noting it didn't mean he was more of an expert than other people in the community. She really hoped they would deny the rezoning because it wasn't going to affect just them. It was going to encourage uranium mining and milling all over the State and poison a lot more people than had been poisoned already in the State. They had been collateral damage, noting she considered herself collateral damage.

Ms. Rita Zane, 1205 23rd Lane, Pueblo, spoke in opposition to the comprehensive plan and planned unit development. She thanked them for being so patient to hear all of their concerns tonight. She hoped they had the same reaction she did, noting they were very sincere about their heartfelt concerns. The last two presenters were overwhelming, noting she couldn't possibly hope to add anything to what they said, but would like to have her comments entered into the record because she stayed and listened to all of the presentations. There were a lot of debates. They listened to both sides and heard about vision, economic development, nails, agricultural coffins, and loss of income. They heard about radiation that was seemingly so innocuous that it could be used in baby formula. They also heard about human error, liability, and horrendous and accidental early deaths. A lot of the talk, excluding the last two presenters, and Mr. Banner's rendition of his dream, was very heartfelt but not factually based. As a committee they had a tremendously huge power and a yes vote at that point in the game would be unbelievably powerful and dangerous. A yes vote would set the wheels in motion. No matter how well intended, with a yes vote, the number of dollars involved, and the government entity involved, it was doubtful they would ever regain such control again. It was very unlikely they would ever be able to rein any kind of power again to stop the plant later, even if they desired it with everything in their hearts. With great power came great responsibility and the responsibility was on their backs tonight. It affected them and everybody in the State, noting she didn't envy them. She appealed to them to break it down into manageable parts. Haste makes waste; no pun intended. She asked and appealed to the Commission to consider the facts available to them tonight. The facts and information they had available to them on both sides, and the pros and cons before they made their decision. She asked the Commission to not consider what was, in essence, a very beautifully presented and hopeful dream presented by Mr. Banner. The application requirement had not been met in any way. The important questions regarding water, water quality, water availability, and risk assessment regarding water issues hadn't been answered and hadn't been done. Hazardous waste storage was a real and clear alternative to a building that couldn't host a nuclear energy plant because there wasn't enough water, but it could store nuclear waste from all over the world with no water. She asked them to think about that option. Truth be told, they didn't have enough information, and they didn't have enough specific facts with which to determine what was rightfully the best decision for all the people in Pueblo County. On such a poorly prepared application for such a complex issue was both an insult to the people of the County and harmful to the well being of the people in the County as well. The dream, presented by Mr. Banner tonight, would very likely be Pueblo's reality forever. It would have no half life and asked them to deny all the applications until more information with which to make a more qualified decision was obtained.

Ms. Catherine Myrick, Canon City, Colorado, spoke in opposition to the comprehensive plan amendment and planned unit development. She reported she was from Canon City and a member of CCAT, as well as the Tallahassee area community, which was fighting uranium mining in her neighborhood. It was stated that nobody had ever died from a nuclear accident on a submarine, noting a member's husband from their group did die. Another member of their

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group died from exposure to uranium and he worked at the Cotter Mill. Mr. Banner and the industry indicated nuclear energy made up 20% of their electricity. The report from the U.S. Department of Energy, Energy Review from their Energy Information Administration that was published in October put nuclear power at 9% and renewable energy at 9%. They also stated wind production and wind energy was up 17% in a year. If they could do that in one year with their technology, imagine what they could do in the years it took to build a nuclear power plant. She emphasized everything her colleagues had said and supported them in their views. She thanked the Commission for their time and patience, noting they were amazing.

Ms. Nancy Seger, 1147 Allan Road, Canon City, spoke in opposition to the comprehensive plan and planned unit development. She reported she was from the Tallahassee area in Fremont County. She was the source for the seven mile radius and was a fifth generation Coloradoan. She was born in Lamar and her great-grandparents pioneered Cotopaxi. Her grandmother lived in Lincoln Park for about ten years and lived on Goodnight Street in Pueblo when she died. She had a long history of pioneers and married a cowboy and moved to Arizona. They were building the Palo Verde Plant and at the half-way mark the money ran out. Bechtel was the builder and there were only four companies in the United States that were qualified to build nuclear plants, noting Bechtel was one of them. They got the bid and went with the time and material, going over the budget. Instead of having to prove themselves and to be accountable, APS, the utility that would take over the plant when it was finished, sold more than half the power to California. It left the citizens of Maricopa County, the surrounding counties, and half the state without the power they were promised. Maricopa County and the Phoenix area were under the APS and they were still paying for the plant. The interest on it didn't get paid and it was like the Golden Gate Bridge. The power rates were higher than almost any in the United States because they were still paying for the plant and they didn't get the power. They ended up selling even more of it before it finally went on-line. All of the land in the seven-mile radius was cotton. Arizona's flag depicted the three C's: cotton, copper, and cattle. The farmers dewatered with the groundwater and were compensated, noting they were supposed to be set up in some kind of business with the water, but it turned out they couldn't farm with it. They were set up with shrimp farms, noting if they flew over LA and looked down they could see the plant to the left. They could also see the round things that were the shrimp farms. When she went shopping and saw shrimp on sale she would look to see if it was farmed because if it was farmed it was most likely from the Buckeye, Arizona area where all the water from the cooling towers was used to farm the shrimp. They farmed, filed lawsuits, and went through all kinds of things. Her great uncle, Charlie Allen, was a beet farmer in Rocky Ford. She needed more information on what they had and thought the pioneer spirit of Pueblo was alive and doing well. They needed other things and agreed they were there to put the County forward. It was a step backwards and she urged the Commission to gather all the information they could and contact Maricopa County. They could go to the archives and look at what Maricopa County did to try and alleviate some of the problems they were having with Palo Verde. She thanked the Commission, noting they were amazing, patient, and very courteous.

Mr. Banner rebutted the testimony given. He thanked everybody including the staff, the Commission, and all of the people who were patient enough to hang in there. He realized what a painful process it was, but it was a democracy and was glad they had the opportunity to say whatever they wanted to say. He would try and keep his remarks as brief as possible. He believed he followed the County Regulations. The County had a Planned Unit Development process that most people didn't use. Most people didn't use it but it was in the County Regulations, noting he read them carefully and tried to follow them to the letter. Part of the regulations for a Planned Unit Development stated its purpose was to encourage innovation in commercial and industrial development, to provide more flexibility and latitude of design, to provide more flexibility in the review process, to address the advantages resulting from technological change, and to encourage integrated planning in order to achieve the above purposes. He fit the project into the Planned Unit Development regulation that the County adopted. It was true they didn't know the technology that would be used, they didn't know the answers about the water that would be needed, and they didn't have a lot of the details, noting that was why they used the Planned Unit Development process. There would be a public hearing if the land was suitable, the water was suitable, and if there was somebody that wanted to develop it. It would be a big public hearing before the Board of County Commissioners, with public notice going to everybody in the world, like the one tonight. He gave the Chairperson of the Sierra Club the Power Point presentation, noting they were one of the very entities to see it. He also gave them access to the articles for the LLC so they would have them. He wanted Ross Vincent to have everything to give to his constituents. He stated they had the power to rescind the planned unit development according to the way it was stated. If there wasn't complete compliance with the development plan it had nothing to do with what the PFEOC did. It had everything to do with what the County did, acting either through the Commission, the County Attorney's Office, or the County Commissioners, noting they could rescind it. He wouldn't produce it if it wasn't going to be good for the community, noting he wouldn't want it because he lived there too. He had lived here for 38 years and wanted to continue to live here

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and would continue to live here. He wanted to be sure that everybody was clear on the process. He spent a year and half trying to put solar PV at the YMCA. He wanted a 500 kilowatt project, but couldn't find anybody that would finance it. It wasn't economically reasonable and he had the highest renewable energy credits that Black Hills would allow. He knew other people did it but he was on the tail end of solar and couldn't get anybody to finance it so they didn't have it. He believed in renewable energy if they could make it possible, but it took an awful lot to make it possible. He didn't have a problem calling what came out of a nuclear power plant spent nuclear fuel, noting it wasn't hazardous waste by definition and the public and the Planning Commission needed to understand that. It wasn't hazardous waste by definition by State Statute or by Pueblo County. He clarified the comments about Three-Mile Island. He went on the internet and researched Three-Mile Island, noting there were over 20 university studies on it. The most anti-nuclear report on Three-Mile Island stated, to date, there had been no injuries they could identify that were a result of the Three-Mile Island accident. It happened in 1979 so they could put it into context. The studies ended 25 years after that. To date, there had been no injuries or deaths that resulted from Three-Mile Island that could be documented. In the future there could be, noting it was the most negative report on Three-Mile Island out of the 20 studies from universities in Pennsylvania and all over the United States. They were on the internet and could be read. He obtained a lot of the information he proposed or stated tonight from resources he researched on the internet and they could research them too. He commented on the production of kilowatt hours, noting it was from a credible source and it was on the internet. It was on the Nuclear Regulatory Commission site and the Nuclear Energy Institute Site, which had been set as the industry face of nuclear power. One of the speakers stated they would be doing him a favor by denying the request and that was true. He understood that because of the energy it was going to take to try and push it forward if they chose to let it go forward, noting his wife said the same thing. There were a lot of questions he couldn't answer tonight that weren't in the application. They didn't know if it was worth finding out what the issues were yet because he didn't know if it could be done. He was willing to try if they wanted to do it. There would be a public opportunity to air everything if it went further.

Mr. Banner stated it wasn't an application he was promoting or saying they shouldn't do uranium mining. That wasn't what it was about. He was a pro-life person, noting he believed in life. He didn't want to do anything that was negative to life. There was no industry that was risk free. In the 1960's there were lots of risks with uranium and nuclear energy. Madam Curry invented X-rays, noting she died because of it. She didn't know radiation was harmful. Her husband and daughter also died of radiation poisoning, then discovered that lead blocked the X-rays. There was a learning process that took place and he acknowledged it. There was a risk in everything they did and he believed the risks associated with nuclear energy and nuclear energy power production were very well understood today and very well managed. When Three-Mile Island melted and cooled down, scientists went in to study the materials inside the containment dome. They found they had overdesigned the containment dome by a factor of 100. They thought there would be a lot of radioactive isotopes floating around inside the containment dome and there were none. They didn't understand the physics before it happened, but after Three-Mile Island melted down it created temperatures that couldn't be duplicated in the laboratory. After it cooled down from its radioactive perspective and they were able to go in and study it, they found there were no radioactive isotopes floating around. They went back and figured out the mathematics of the science. They knew more about nuclear energy because of Three-Mile Island than probably any country in the world. He wasn't going to comment on all the comments made in response to staff's review. They had them and were part of the record. There had been so much learned about nuclear energy in the past 60 years, noting it was a new thing today. They had more understanding of how it worked. It had been studied so much more than in the past when they started nuclear energy production in the 1950's. Some of the speakers talked about need and how they hadn't proven need, noting he disagreed. They had proven need. Was there a need for Comanche 3, noting not one watt of power went to Pueblo County? Why was there? It was there because there was a need for energy and there was a need for energy in the world. Two years ago he was in Pakistan, noting every hour the power goes out for an hour because they didn't have enough energy. He asked the Commission to think about it, noting every hour the lights go out and they stop everything. Some of the people that had money in Pakistan, which were very few, had gas-powered generators on their roofs and started them up every hour while the power was off. Almost 80% of the people in Pakistan cook their food over wood-burning fires. If they had ever been to a country like that they would realize the importance of energy, particularly electrical energy. They need to have it and they need to have more of it. He didn't say anybody died in the uranium industry. He knew people did. What he found was a statistic on the incidents of cancer to the miners in the uranium industry. He cited the incidents of cancer, not deaths. He wanted to clarify that because he did believe in life and believed life was valuable and believed that when people die in industrial accidents no matter how they occurred was a tragedy. He never intended to minimize the tragedy of Hiroshima and Nagasaki. He was well aware of how tragic it was for the people in Japan. He commented on the French, noting there wasn't a French company behind him. There was no secret on who was doing it. There were no investors other than his money so far--none, zero, nada. He put

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the money up and he created the idea and the company. He made reference to the twelve interest groups. They hadn't given him permission to give them money. They hadn't, but he could've put anybody's name on the list like Chair Alt. Chair Alt stated she would have taken it. Mr. Banner stated she would have taken it. He could have said anybody, noting he created them. In all honesty, he might have screwed up when he created them, noting he didn't think about agriculture. He thought about how he could benefit the community and created the interest groups. He talked to the Chief of Police, the Sheriff, the CEOs of both hospitals, and Joe Garcia, when he was President of CSU-Pueblo, who was thrilled about the idea. He talked to the head of the Pueblo Community College who left the next week, and he was also thrilled about the idea. He talked to Chris Riley, the Pueblo Fire Department, and to the man who was in charge of the Pueblo West Fire Department, noting they were all thrilled about the idea. Mr. Riley lived next to the Diablo Nuclear Power Plant in California and thought it was the greatest thing in the world. At the Board of County Commissioners' meeting, he stated he would be sure to testify that it was safe power. In reference to PEDCo and Action 22, he met with both CEOs and the Executive Committee of PEDCo. School District 60 was in transition so he couldn't meet with them. He met with Greg Sinn, who was the public relations man. He met with Chris Nevin-Woods, her executive staff, and her Board Chair, from the Pueblo City-County Health Department. All of the people he could meet with he tried meeting with to tell them what he was proposing. Was he buying them off? No, did they see any of them there? Cathy Garcia was the only one that went and she went at her own voluntary will because she thought it was a good idea and guessed her organization did too. They didn't see anybody else on the list there because he didn't call any of them. He made them aware of the hearing and stated if they wanted to come in support was fine. The articles he created stated that anybody wanting to become a member, any of the entity interest groups, had to put up money to do it, up to \$10,000. He did it to get their attention and to get the right to speak to them. When you were telling somebody to give you \$10,000 they were going to listen and that's what he did. He told them until energy was produced they didn't have to pay a penny. So if it didn't happen, not one of the people would have spent a nickel on the project and 100% of the money was his. He was at risk. He didn't have a lot of money to do the project either, noting he was just one guy that worked for a living. He still worked for a living and liked working for a living. That was who was behind it, noting he didn't have any deep pockets or any investors. He didn't want any investors, noting he had people approach him who liked the idea and wanted to give him money but he didn't want them. He didn't want them because they would make it driven by profit and he didn't want it driven by profit. He wanted it driven for the right reasons. He met with the labor people in the community and told them the project would pay Davis-Bacon wages. They wanted him to say it would be union labor and he said he couldn't do that. What he could do was say they would pay Davis-Bacon wages and put Neil Hall on the committee that interviewed the people to see which company should be selected. He didn't have a problem with that and was saying it publicly. He told Mr. Hall privately because he wanted him to know he meant what he was saying. He told him he would show that union labor was productive, that union labor would work hard to make it good, and union labor was well trained. He said that and would have to make the pitch to the companies to see if they would buy it from him. He didn't have a problem with a representative from the environmental community sitting in on the same interview. The representative could talk to the people, listen to what their plans were, and research the backgrounds, noting the group did a lot of good research. It came from a different perspective, and he didn't agree with all the statistics, but they all knew they could find a statistic to prove anything they wanted and that is where they were at. He didn't have a problem with somebody there talking to the companies before they picked who would do it. The need is the need for energy. The need for Pueblo is the need for jobs and for economic activity. Those were the needs, noting they were the same needs the Comanche Power Plant Third Stack provided. He talked to the man who ran Xcel and they had three and a half train car loads of coal burned every day, noting 6% to 8% of the burnt coal turned out as fly ash. They were creating mountains of fly ash at the Comanche Power Plant, an unintended consequence of the requirements of making it as clean as they had. They put chemicals in it that no longer could be used in a commercial way anymore. Before, 100% of the fly ash was sold commercially for cement and today it wasn't. It was a problem, noting they had unintended consequences for everything they did. It was a good idea and he didn't have all the details. He could get the details and everybody would have the chance to complain, express themselves, and do the research. He didn't have a problem with a 60-day public notice to let people study it. The people had a chance to know about it, noting they may not have known the date of the hearing. He didn't know the date of the hearing and he didn't get the staff report until last Thursday or Friday. The process was the process, noting it was their process and not his. He took their process and molded and shaped it into something he thought would work and that was all he did and was trying to do. When he met with the new Bishop of Pueblo, he wanted to share the idea with him because he thought some of the people in his parish would have questions and would ask him. He responded it could be good for Pueblo and he would pray that God's will would be done. That was all he could ask for, noting if God wanted it to be done it would happen, and if he didn't it wouldn't, and he was totally comfortable with that. He thanked the Commission for their time and attention.

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Chair Alt closed the hearing on Comprehensive Plan Amendment No. 2011-001 and on the Colorado Clean Energy Park Planned Unit Development No. 2011-001, and entered staff's comments into the record.

Ms. Ozzello moved the Planning Commission go into Executive Session for legal advice before voting on the applications. Mr. Griego seconded the motion.

Mr. Rivera asked Chair Alt if they would come back to vote publicly, and Chair Alt replied yes. The motion carried unanimously.

After Executive Session, Mr. Raso stated they were in executive session to receive legal advice on some of the issues that were presented by the proceedings before the Commission this evening and no decisions were made.

Mr. Clark moved to adopt Comprehensive Plan Amendment No. 2011-001 amending the Pueblo Regional Comprehensive Development Plan's Future Land Use Map. Mr. Leverington seconded the motion. The motion carried by a 5-3 vote.

Mr. Leverington moved to forward a recommendation of approval of Colorado Clean Energy Park Planned Unit Development No. 2011-001 to the Board of County Commissioners with the following conditions:

1. The Development Plan for PUD No. 2011-001 shall vest the right to develop the subject property (as described in the legal description within the application submittal for PUD No. 2011-001) with the following uses:
 - a) Electrical energy generating facilities including those powered by nuclear, wind, solar, geothermal, or gas.
 - b) Energy storage facilities, support facilities for the electrical energy generation, infrastructure associated with electrical energy generation facilities.
 - c) Open space and buffer zone areas.
 - d) The following uses are prohibited: (i) Coal-fired power generation. (ii) Hazardous Waste Storage Facility for storage of nuclear waste or other hazardous waste.

The conferring of a vested right and/or the act of vesting shall not in any manner modify, amend, lessen or expand or change in any manner the right to develop the subject property; the right shall continue to be a conditional right subject to full compliance with all conditions of this approval and shall continue to be subject to required further approvals of the Board of County Commissioners as is set forth herein.

2. No development or establishment of the uses allowed under Condition of Approval No. 1 (above) shall be permitted until review by the Pueblo County Planning Commission (as applicable), and review and approval by the Pueblo Board of County Commissioners, of the following:
 - a) A Final Development Plan or Plans, in accordance with the requirements and standards within Chapter 17.126, Planned Unit Development District of the Pueblo County Code. These requirements include, but are not limited to:
 - Section 17.126.030, Development Requirements. The height restrictions within Subsection 17.126.030 (60 feet maximum height for buildings or structures and 200 feet in height for telecommunications towers) may be exceeded if a component or structure is associated with a nuclear facility, if that facility is included in an approved Permit issued by the Nuclear Regulatory Commission (NRC).
 - Section 17.126.040, Submittal Requirements.
 - Section 17.126.060, Platting, as applicable.
 - Section 17.126.070, Plot Plan.
 - Section 17.126.080, Maintenance Plan.
 - Section 17.126.090, Off-Street Parking.
 - Section 17.126.100, Advertising Devices.
 - Section 17.126.110, Landscaping.
 - Section 17.126.120, Provisions for Public Facilities and Services.
 - Section 17.126.130, Design Standards. Design Standards for a nuclear facility, if that facility is included in an approved Permit issued by the Nuclear Regulatory Commission (NRC), may deviate from those within Section 17.126.130. Uses or standards that do not fall under an NRC Permit shall comply with the Standards within Section 17.126.130, as applicable.

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- Section 17.126.140, Consideration for Rezoning. Applicant shall submit information and materials sufficient for the Planning Commission and the Board of County Commissioners to consider the ten criteria within Section 17.126.140.
- Section 17.126.160, Recording of Development Plan. (A Development Plan, as approved by the Board of County Commissioners, and associated documents, are also required to be submitted for recordation, at the applicant's expense, upon any approval of the initial, or Phase I, PUD as well.)

The Final Development Plan or Plans referenced in this condition may, in the discretion of the Board of County Commissioners, be considered an amendment to the Development Plan approved herein and, if so determined, the same shall be processed and considered in accordance with the provisions of Section 17.126.170 of the Pueblo County Code.

- b) Permit(s) pursuant to Pueblo County's Regulations for Areas and Activities of State and Local Interest (1041 Permit), for any activity within the Colorado Clean Energy Park PUD which meets any criterion to require a 1041 Permit. Any use or activity not specifically preempted by federal regulations, as determined by the Pueblo County Attorney's Office, shall be subject to Pueblo County's 1041 Permitting process. The applicant or its designee shall be responsible for the preparation and submission of any required 1041 Permit applications prior to initiation of any such activities. Consideration of any such 1041 applications shall be consistent with the provisions of Chapter 17, Division II of the Pueblo County Code. It shall be the sole discretion of the Board of County Commissioners as to whether any required hearing can be combined with other hearings that may be necessary.
 - c) Other permits and/or approvals as required by law, regulation, or statute, including, but not limited to, federal government agencies (Nuclear Regulatory Commission, Federal Aviation Administration, Federal Energy Regulatory Commission, Environmental Protection Agency), State of Colorado agencies (Colorado Department of Public Health and Environment, Office of the State Engineer), Pueblo County Department of Public Works, and Pueblo City-County Health Department.
3. Any existing uses (e.g., agricultural, farming, ranching, residential) on the Colorado Clean Energy Park PUD site shall be allowed to remain during the applicant's processing of the PUD through the proposed Phases I and II. To continue these existing uses (if any), the uses shall be identified and delineated in required Final Development Plans, as applicable.
 4. The approval granted herein shall not serve as the basis for an inference or a presumption that required further approvals will be granted. Any required further approvals shall be subject to the discretion of the Board of County Commissioners acting pursuant to and in accordance with the procedures and standards set forth in the Pueblo County Code.

The Planning Commission also made recommendations to the Board of County Commissioners regarding the requested deferrals, variances, and waivers as follows:

1. Variance of Section 17.126.040, Submittal Requirements, to allow deferral to the first 24 months of Phase II of the submission of i) those parts of the Development Plan Submittal Requirements set forth in 17.126.040 B. 1. d. through m., the map anticipated in said submittal requirements, and ii) Submittal Requirements set forth in 17.126.040 C. 2. and 3 and the map anticipated in said submittal requirements.

As described in Condition of Approval No. 2. a. above, the Commission recommends approval of this variance/deferral, consistent with the applicant's timeframe where applicant shall submit required materials, consistent with the PUD regulations (Chapter 17.126 of the Pueblo County Code), within 24 months of beginning "Phase II" of the applicant's proposal. Phase II shall begin within 30 months of initial PUD approval. The Commission further recommends that Pueblo County may, at its sole discretion, initiate rescission of the phased Planned Unit Development should the applicant or its designee fail to meet the timeline as outlined above.

2. Variance of Section 17.128.060 to reduce cost upon filing the PUD Application to \$100.00 and defer payment of other costs and fees as provided above in Paragraph I, Phase II.

The Commission recommends denial of this variance request, and further recommends the applicant pay all Pueblo County's direct costs associated with review of this PUD application, whether or not the Project moves into Phase II. The applicant shall pay for both Phase I and Phase II of the Colorado Clean Energy Park PUD, an amount necessary to cover costs of reviewing and processing the application, including costs of copying,

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mailings, publications, labor, overhead and retention of consultants, experts and attorneys that the County deems necessary to advise it on the application package. Costs associated with Phase I shall be paid prior to recordation of an approved Development Plan. The applicant shall be required to deposit with Pueblo County an initial fee of \$10,000.00 in conjunction with submission of the Phase II information. The actual costs incurred by the County to process the application shall be deducted from the application fee. The Director of the Department of Planning and Development shall keep an accurate record of the actual time, and other costs, required for processing the application. If the balance of fees falls below a minimum balance established by the Director, additional billings shall be made to the applicant commensurate with the additional costs incurred by the County. The County may cease processing the application, or any particular part or Phase thereof, pending receipt of additional installments.

3. Include within Permitted Uses within Section 17.126.020 all forms of energy production and storage and support facilities with the exception of coal-fired electric plants.

Power plants or electrical generation facilities are not prohibited or excluded under Section 17.126.020 and it is not necessary to specifically include these uses.

4. Modification of Design Standards set forth in Section 17.126.130 for all site, design, construction, or other applicable requirements to comply with design, construction, or other applicable requirements to comply with Federal law and regulations dealing with the site location, design, and construction of nuclear power plants.

The Commission recommends modification of the Design Standards within Section 17.126.130 only for facilities that are subject to preemption by federal law and regulations, as determined by the Pueblo County Attorney's Office. Development within the Colorado Clean Energy Park PUD not preempted shall conform to the Design Standards within Section 17.126.130.

5. Variance for maximum height of structures as set forth in Section 17.126.030 D. (buildings/structures shall not exceed 60 feet in height, telecommunications towers may be permitted to a height of 200 feet, at the discretion of the BOCC) to allow structures to be 300 feet in height to accommodate a containment dome for nuclear power plants and 350 feet in height for wind towers and communications towers.

The Commission recommends approval of a variance of the height standards within Section 17.126.030 D. as needed to comply with necessary engineering design standards for nuclear facilities. Structures or facilities not directly associated with an approved, permitted nuclear facility are subject to review on a case-by-case basis during required review of Final Development Plans, 1041 Permits, or other County permit processes, as applicable, and may exceed the height limitation standards within Section 17.126.0230 D., subject to approval by the Board of County Commissioners.

6. Variance for noise standard to be no more than 55 decibels of noise within 3,000 feet of any structure not related to wind generation.

There is no noise standard, per se, in the PUD Regulations or the County Zoning regulations. However, with any required Final Development Plan or 1041 Permit, noise standards may be addressed and restrictions imposed.

7. Variance of Section 17.126.150 to allow the property to revert back to its zoning as of the PUD Application associated with the PUD Development Plan if a) at the conclusion of Phase I it is determined that the land is not suitable for clean energy production as determined by the applicant or b) at the conclusion of Phase 2 of the PUD, the Nuclear Regulatory Commission fails to issue a Permit for construction of a nuclear power plant.

The Commission recommends approval of this proposal/variance, allowing the PUD site to revert back to the existing A-1, Agricultural zoning as described within the applicant's proposal, if it is determined the site is not suitable for energy production, or if the NRC fails to issue a Permit for the nuclear facility.

8. Variance of duration of Approval as set forth in Section 17.128.040 to provide that if Phase I is completed within thirty months of approval, Phase II may be completed within seventy-two months (six years) of approval. Phase III may be completed within one hundred thirty-two months (eleven years) of approval.

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The Commission recommends approval of this variance/proposal as described in the applicant's proposal. Further, Pueblo County may, at its sole discretion, initiate rescission of the phased Planned Unit Development should the applicant or designee fail to meet the timeline outlined above.

9. Variance of Section 17.126.040 to accept the submittals set forth in paragraph IV hereof and attached to the Development Plan as satisfying the Submittal Requirements sufficient to proceed with the PUD Application.

The Commission recommends acceptance of the submittal as proposed, consistent with and subject to all terms and conditions as approved by the Board of County Commissioners.

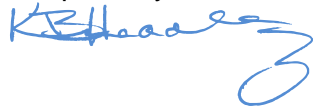
The applicant has also included, within the "Deferrals, variances and waivers" request, the fact that there are five parcels surrounded by the Energy Park lands. The applicant notes *"The Applicant is in contact with these owners and hopes to acquire these parcels and add them to the legal description in the future."* The Commission recommends these parcels be excluded from the Colorado Clean Energy Park PUD, and remain in the current A-1, Agricultural Zone District. If, at some point in the future these parcels are to be included within an approved PUD, an amendment to the PUD shall be required, subject to review and approval by the Board of County Commissioners.

Mr. Clark seconded the motion. The motion carried by a 5-3 vote.

ADJOURNMENT

There being no further business before the Planning Commission, the meeting was adjourned at 11:40 p.m.

Respectfully submitted,



Kim B. Headley, Director
Department of Planning and Development

SJB