JOHN B. CORDOVA, SR.
CHAIRMAN
DISTRICT 2

ANTHONY NUÑEZ
CHAIR PRO TEM
DISTRICT 1

J.E. CHOSTNER
COMMISSIONER
DISTRICT 3

KIM B. HEADLEY
DIRECTOR
planning@co.pueblo.co.us

DEPARTMENT OF PLANNING AND DEVELOPMENT

January 25, 2011

US NRC, Region IV
Texas Health Resources Tower
612 E Lamar Blvd. Suite 400
Arlington TX 76011-4125

Re: Planned Unit Development No. 2011-001

To Whom It May Concern:

Please find enclosed a copy of proposed Planned Unit Development No. 2011-001 for your review and comment. Applicant requests approval of a Planned Unit Development (PUD) for the "Colorado Clean Energy Park," to establish electrical energy generating facilities including wind, solar, geothermal, nuclear and others (excluding coal fired plants). The proposal also involves associated infrastructure, storage and support facilities. The site is 24,000 acres in size, and is currently zoned A-1, Agricultural. It is located generally south of Grape Rd., east of Huerfano Rd. in eastern Pueblo County. Applicant requests approval of "Phase I" at this time, with numerous deferrals and variances requested (see application materials). Applicant proposes submitting specific details of the development with "Phase II" of the proposal.

The Pueblo County Planning Commission is scheduled to hold a public meeting regarding this matter on February 22, 2011 and the Board of County Commissioners is scheduled to hold a public hearing on March 15, 2011. Please provide any comments you may have to this office by February 8, 2011. For your convenience you may fax your comments to 719-583-6376 or e-mail your comments to the e-mail address listed below the Planner's name (please follow up with hard copy). We would request a copy of your comments also be sent to the applicant(s) and/or representative as follows:

(PFEOC) Puebloans For Energizing Our Community
P.O. Box 583
Pueblo, CO 81002-0583

Donald J. Banner
P.O. Box 583
Pueblo, CO 81002-0583

If you have any questions, please do not hesitate to contact the applicant(s) and/or representative or this office.

Sincerely,

Jeffrey Woeber
Planner II
jeff.woeber@co.pueblo.co.us

Enclosures

c: (PFEOC) Puebloans For Energizing Our Community
Donald J. Banner

PUEBLOANS FOR ENERGIZING OUR COMMUNITY, LLC
P.O. Box 593, Pueblo, CO 81002-0583
719-544-5086
January 19, 2011

COPY

Letter of Request for Planned Unit Development for Colorado Clean Energy Park

Date of Application: January 19, 2011

The Consultant's information: Puebloans For Energizing Our Community, LLC
c/o Donald J. Banner
P.O. Box 583, Pueblo, CO 81002-0583
719-544-5086
pfeoc@comcast.net

Site location: Approximately 24,000 acres of land SE of the City of Pueblo currently zoned agricultural (see legal description attached as Exhibit A).

Actions requested:

1. Approve deferring amendment of the Comprehensive Plan in accordance with the Development Plan.
2. Approve the application of a Planned Unit Development for the land involved including phasing in accordance with the submitted Development Plan.
3. Approve the submitted Development Plan which includes certain deferrals, variances and waivers as set forth therein.
4. 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.

Existing and proposed facilities, structures, roads, etc.: the land is primarily vacant, agricultural land all of which is zoned A-1. The proposed facilities include any and every manner of producing energy excluding coal fired electric plants including but not limited to wind, solar, geothermal, nuclear, gas and other forms of electric energy production and energy storage and support facilities. The land will not be used for residential uses or for retail sales uses other than the possible retail sale of electric energy. A 700 acre site for location of a nuclear power generation facility will be identified after extensive land studies. This site will be surrounded by a minimum buffer zone of open space consisting of 4000 or more acres. Once this site is identified the remaining land will be used for a) a solar array; b) a wind farm and alternate energy production to supplement the solar and wind energies; c) energy storage facilities; and d) support facilities. All road and access design will be submitted when the site for a nuclear power plant is identified as proposed in the Development Plan.

Very truly yours,

Donald J. Banner

PLANNED UNIT DEVELOPMENT APPLICATION

PLEASE READ NOTE AND SIGN BELOW:

THE SUBMITTED APPLICATION PACKAGE REQUIRES SPECIFIC REPORTS/INFORMATION WHICH MAY NOT BE ADEQUATE AS DETERMINED THROUGH THE REVIEW PROCESS. ADDITIONAL INFORMATION MAY BE REQUIRED. ALSO, THE ACCEPTANCE OF THE APPLICATION PACKAGE DOES NOT MEAN THE SPECIFIC INFORMATION HAS BEEN APPROVED AND IN FINAL FORM. REVISIONS TO THE PLAN AND/OR REPORTS MAY BE REQUIRED. REQUESTS FOR WAIVERS OF ANY OF THESE REQUIREMENTS MUST BE ACCOMPANIED BY A LETTER OF JUSTIFICATION. THE PUEBLO BOARD OF COUNTY COMMISSIONERS WILL HEAR THE WAIVER REQUEST CONCURRENTLY WITH THE APPLICATION. DENIAL OF THE WAIVER REQUEST SHALL RENDER THIS APPLICATION INCOMPLETE AND RESULT IN THE REQUIREMENT FOR A NEW SUBMITTAL ACCEPTANCE DATE AND REVIEW PERIOD. YOUR SIGNATURE BELOW INDICATES ACCEPTANCE OF THESE CONDITIONS.

Date: 1/19/11 Type of Application: **Planned Unit Development No.**

~~Owner's~~/*Applicant's/Representative's Signature*
(If other than owner's signature, letter of consent authorizing the applicant/representative to act in the owner's behalf must be included with the application)

Assessor's Tax Parcel No. See Exhibit attached

Name of Development Colorado Clean Energy Park

1. **Please list the name, address, and telephone number of the following (some may not be applicable):**

Applicant(s) Puebloans for Energizing Our Community, LLC
Address: P.O. Box 583, Pueblo, CO 81002-0583
Telephone Numbers: (719) 544-5086 (work) (719) 250-5471 (mobile)
Email Address: pfeoc@comcast.net

Property Owner(s): See Exhibit attached
Address:
Telephone Numbers:
Email Address:

Applicant's Representative: Donald J. Banner
Address: P.O. Box 583 Pueblo, CO 81002-0583
Telephone Numbers: (719) 544-5086 (work) (719) 250-5471 (mobile)
Email Address: pfeoc@comcast.net

Address of Property _____

(If different from above)

2. Existing Zone District ~~A-1~~ Proposed Zone District PUD

3. Legal Description of the property See Exhibit A attached

(If lengthy, please attach)

4. Please list any previous applications (e.g., map amendments, zoning variances, special use permits, subdivision variances) in connection with this property ~~None~~

5. Fee Paid $100.00 See Development Plan

	First Acre	Each Additional Acre
Residential PUD	$200.00	$20.00/acre
Office/Commercial PUD	$200.00	$30.00/acre
Industrial PUD	$200.00	$30.00/acre
Mixed Use PUD	$300.00	$20.00/acre residential
		$30.00/acre office/commercial
		$30.00/acre industrial

NOTE: Areas dedicated as open space in the PUD shall not be included in the above referenced fee calculations.

PLANNED UNIT DEVELOPMENT CHECKLIST

THE FOLLOWING ITEMS MUST BE SUBMITTED
ALONG WITH THE APPLICATION:
ONLY COMPLETE APPLICATION PACKAGE WILL BE ACCEPTED
This checklist must be included with your application

SEE ATTACHED DEVELOPMENT PLAN FOR TIMING OF INFORMATION TO BE SUBMITTED

_____ 1. Application Form (5 copies) Pages 1 & 2 of this application

_____ 2. A letter of request (10 copies) that contains:
(Note: Additional copies may be requested)
_____ Date of application
_____ Owner and representative (address and phone number)
_____ Site location and present zoning
_____ Request and reason for the Planned Unit Development
_____ Existing and proposed facilities, structures, roads, etc.
_____ Signature of owner or representative*
*letter of consent authorizing representative to act in owner's behalf ***must be included***

_____ 3. Proof of ownership by recorded deed (1 copy)

_____ 4. Proposed source of water; documentation of availability by one of the following: (2 copies)
_____ Letter from Water District
_____ Copy of well permit
_____ Applicant's statement that cistern is used with information on where water is obtained/purchased. A letter from water supplier shall be submitted.

_____ 5. Proposed method of wastewater disposal; supporting document to include one of the following: (2 copies)
_____ Letter from Sanitation District
_____ City-County Health Department preliminary investigation (City-County Health Dept. requires 14 days to complete the preliminary investigation)
_____ Other

_____ 6. Development Plan no larger than 24" x 36" (drawn to scale) of the subject property (10 copies) (Note: Additional copies may be requested) that contains:
_____ Title or name of the development above the term "Development Plan"
_____ Vicinity Map
_____ Complete legal description of the property to be included in the PUD
_____ Certification statements to include:
- Certificate of Ownership
- Certification of Approval by the Board of County Commissioners
- Certification of the Planning Director
- Certification by the County Clerk and Recorder

_____ North Arrow
_____ Date of Preparation
_____ Street Names
_____ Graphic Scale & Written Scale
_____ Land Use(s) for each area included in the plan and corresponding land area
_____ Existing and Proposed public and private easements and drainage ways
_____ Heights of buildings and structures and proposed locations of buildings and structures, traffic circulation and parking
_____ Density of residential development. If densities vary within the development, each density shall be depicted
_____ Commercial/Industrial square footage
_____ Proposed roadways from collector status and graded by functional classification with right-of-way widths depicted

SEE DEVELOPMENT PLAN FOR TIMING OF INFORMATION TO BE SUBMITTED

_____ Type of buffering and screening from surrounding properties
_____ Size, type of general location of proposed public sites, open space and recreational areas with acreage specified for each land use type including open space
_____ If facilities are proposed that are not normally maintained by public entities a statement indicating the type of maintenance mechanism proposed
_____ Landscaping Plan

_____ 7. One (1) reduced copy (8" x 11") of the Development Plan

_____ 8. A separate map (10 copies) (Note: Additional copies may be requested) no larger than 24"x 36" drawn to scale shall include the following:

_____ Adjoining land use and ownership of said adjoining property and zoning within five hundred (500) feet of the exterior boundary of the subject property

_____ All roads (public and private) including functional classification, type of surface and width within five hundred (500) feet of the subject property

_____ Existing topography based on the following criteria:

Size of Lots	Contour Interval
One (1) acre or less	two (2) feet
Larger than One (1) acre	five (5) feet

- Accuracy shall be no less than ½ contour interval
- Contour interval to twenty (20) feet may be acceptable based on the following criteria
  - Presence of mountainous topography
  - Presence of high relief topography
- Contours shall be extended no less than one hundred (100) feet onto adjacent property and shall show significant adjacent topography

_____ Phasing Program: If development is to occur in stages then a detailed phasing program shall be provided in accordance with the PUD design standards.

The Phasing Program may be in a narrative form or incorporated into the Development Plan. The Phasing Program shall include a breakdown of all land use types and both on-site and off-site transportation and drainage improvements by Phase.

_____ 9. Provide a digital file of the project in .DWG **and** .PDF format

_____ 10. The applicant may submit a Preliminary Plan in accordance with Chapters 16.12 and 16.28 of the Pueblo County Code to be processed concurrently with a PUD rezoning request

_____ 11. Maintenance Plan, in cases in which maintenance of roads, common areas, open space or facilities normally maintained by public entities are proposed to be maintained by homeowners associations, or other nongovernmental bodies. Said Maintenance Plan shall conform to the requirements of Section 17.126.080 of the Pueblo County Code.

_____ 12. A nonrefundable application fee $ _____

_____ 13. Any drawings/maps larger than 8½" x 14" must be folded to a size *no larger than 12" x 9"*

_____ 14. THIS CHECKLIST

_____ 15. Planning & Development Staff Initials

THE PUD CHECKLIST IS PROVIDED FOR THE CONVENIENCE OF THE APPLICANT AND SHOULD NOT BE USED TO DETERMINE COMPLETENESS OF AN APPLICATION. UPON STAFF REVIEW, ADDITIONAL INFORMATION MAY BE REQUIRED.

OWNERSHIP IDENTIFICATION

Patrick Henry Fountain
Delbert L. Fountain
52521 Grape Rd.,
Boone, CO 81025

as to this part of the property:

S2 23-22-62 320A
E2 26-22-62 320A
NW4 26-22-62 160 A
Lots 3+4 OR W2SW4 19-22-61 contg 79A
All 14-22-62 640 A
NE4;S2 24-22-62 480A
NW4 28-22-62 160A
W2 25-22-62 320A
SE4NE4; E2SE4 29-22-62 120A

Total acres 2599 m/l

Delbert L. Fountain
Joyce A. Fountain
52521 Grape Rd.,
Boone, CO 81025

as to this part of the property:

NE4NW4 2-22-62 42.94 A
SW4: W2SE4 12-22-62 240 A
SE4 13-22-62 160 A
SW4 26-22-62 160 A
E2SE4 11-22-62 80 A
Lots 1 + 2 19-22-61 79.68 A
Lots 3 + 4 18-22-61 79.57
NE4SE4 34-21-62 40 A
SE4NW4 35-21-62 40 A (field #1 Track #10189 to be surveyed off)
N2SW4 35-21-62 80 A (field # 1 Track #10189 and improvements to be surveyed off
SW4SW4 35-21-62 40 A

total acres 1042.10 m/l

Mary Frazier Clark
a/k/a Mary F. Clark
P.O. Box 947
Comanche, TX 76442

as to the remaining part of the property (See legal, Ex. A)

LETTER OF CONSENT

The undersigned, as owner of the real property described on the attached Exhibit , does hereby consent to Puebloans For Energizing Our Community, LLC filing a Planned Unit Development Application. The undersigned further authorizes Donald J. Banner to act on behalf of the Applicant and the undersigned in making presentations to the Pueblo County Planning and Development staff, the Planning Commission of Pueblo County and the Board of County Commissioners with respect to the Development Plan and all matters associated with it.

Delbert L. Fountain

Patrick Henry Fountain

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Delbert L. Fountain

Patrick Henry Fountain

Patrick Henry Fountain 11-30-10

LETTER OF CONSENT

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Delbert L. Fountain

Joyce A. Fountain

LIMITED POWER OF ATTORNEY

COME NOW the undersigned and hereby appoint Frazier Clark as Attorney in Fact to do everything necessary in my name and for my benefit, which I could do if personally present and able, with respect to the development and sale of certain property in Pueblo County, Colorado, consisting of approximately 21,444 acres, more or less, and being all of the real property I own in Pueblo County, Colorado most but not all of which is located in Townships 21 and 22 South, Range 61 West and Townships 21 and 22 South, Range 62 West.

My Attorney in Fact is specifically authorized to execute any and all documents required to be executed by the undersigned as owner of the property concerning the rezoning of the property, applying for a Planned Unit Development for the property, applying for any and all other land use applications that may benefit the property, contracting for the sale of the property, executing any and all documents that may be required to accomplish any use or activity concerning the property and to transfer the undersigned's interest in the real property by sale, including signing any and all closing documents.

This Limited Power of Attorney is durable. It shall not terminate in the event of the undersigneds' incapacity.

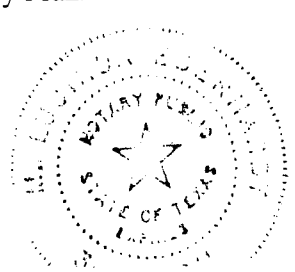
Any third party who receives a copy of this Limited Power of Attorney may act under it. Revocation of this Limited Power of Attorney is not effective as to any third party until the third party has actual notice of the revocation. The undersigned further agree to indemnify any third party for any claims that arise against the third party because of the third party's reliance on this Limited Power of Attorney.

DATED this 26 day of July, 2010

Mary Frazier Clark
Mary Frazier Clark a/k/a Mary F. Clark
Property Owner

STATE OF TEXAS)
) SS
COUNTY OF Taylor)

The foregoing instrument was acknowledged before me this 26th day of July, 2010, by Mary Frazier Clark also known as Mary F. Clark.



M. Lucinda Eberhardt
Notary Public
My Comm. Exp. 03/28/2011

LETTER OF CONSENT

The undersigned, as owner of the real property described on the attached Exhibit, does hereby consent to Puebloans For Energizing Our Community, LLC filing a Planned Unit Development Application. The undersigned further authorizes Donald J. Banner to act on behalf of the Applicant and the undersigned in making presentations to the Pueblo County Planning and Development staff, the Planning Commission of Pueblo County and the Board of County Commissioners with respect to the Development Plan and all matters associated with it.

Mary Frazier Clark

Mary Frazier Clark by F C

By: Frazier Clark,
Attorney in Fact

COLORADO CLEAN ENERGY PARK
PLANNED UNIT **DEVELOPMENT PLAN** WITH PHASING

I. **The Colorado Clean Energy Park will be developed in three (3) phases.**

Phase 1: Preliminary Investigative Phase. During this phase the Applicant will:

A. Conduct land studies and water studies to determine if the proposed Energy Park and available water are suitable for energy production and the support facilities necessary for the Permitted Uses as set forth below in II.a.

B. Identify a specific site for the location of a nuclear power plant and its related buffer zone.

C. Identify specific sites for the location of a wind farm and solar fields.

Phase 1 will begin upon approval of the PUD Application.

Prior to the commencement of Phase 2, and upon notice by the Applicant to Pueblo County that the property is suitable for a Clean Energy Park, Pueblo County will initiate and process to completion an amendment to the Comprehensive Plan for this area of Pueblo County.

Phase 2: NRC Compliance Phase. Phase 2 will begin no later than 30 months after Phase 1 begins. Within the first 24 months of this Phase 2, Applicant will submit to Pueblo County Planning and Development those items for which a deferral is being requested herein in paragraph II a. showing the specific site for construction of a nuclear power plant (approximately 700 acres), a buffer zone around the site as well as proposed sites for a wind farm, solar fields and additional energy related development, storage and support facilities. As soon as practical after submitting all materials and documentation required to the Pueblo County Planning and Development office, a hearing will be held before the Pueblo County Commissioners, after notice to all landowners within 500 feet of the property, to determine the acceptability of the proposed location of the proposed energy generating, storage and support improvements and the infrastructure necessary to provide access to them. The County Commissioners shall not receive evidence or make a further determination about the proposed uses of the property; their determination shall be limited to whether or not the improvement locations and infrastructure providing access to those improvements are acceptable to the County. During this Phase 2 determination will be made by the Applicant as to what clean energy sources should be built on the property and Applicant will pay an application fee reimbursing the Pueblo County Planning and Development office its costs.

During Phase 2, after receipt of all of the required materials submitted to it by the Applicant, the Pueblo County Commissioners shall determine if any 1041 Permit is required. If such a permit is required, the Applicant shall submit an application for same which application shall be determined simultaneously with the hearing described above

before the Pueblo County Commissioners to determine the acceptability of the proposed location of improvements and access routes.

After receiving approval from the County Commissioners, the Applicant (or its assignee) will apply to the Nuclear Regulatory Commission for approval to construct the energy generating, storage and support improvements and infrastructure on the property. During this phase all plans for on-site and off-site infrastructure will be designed in accordance with Pueblo County design standards and those standards required by Federal law. During this phase plans for an on-site water treatment plant and on-site sewage disposal plant and other on-site energy production and storage and support facilities will be designed in accordance with Nuclear Regulatory Commission specifications to serve the needs of improvements to be located on the property.

Phase 2 will end upon approval of the land and water by the Nuclear Regulatory Agency for development of a nuclear power production facility on the site identified.

Phase 3: Construction Phase. This Phase 3 will commence immediately upon completion of Phase 2. During this phase all on-site and off-site infrastructure and on-site improvements for the nuclear power plant and related support facilities will be constructed. Additional energy production and storage facilities may be constructed simultaneously during this Phase 3 or may be deferred to a later time.

II. Deferrals, Variances and Waivers requested:

a. Variance of 17.126.040 to allow the deferral to the first 24 months of Phase 2 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. Note: the Applicant will submit with the Application a list of ownership of adjoining land use and ownership of adjoining property and zoning within five-hundred (500) feet of the exterior boundary of the subject property
b. Variance of 17.128.060 to reduce the cost upon filing the Application to $100.00 and defer payment of other costs and fees as provided above in Paragraph I, Phase 2.
c. Include within Permitted Uses in 17.126.020 all forms of energy production and storage and support facilities with the exception of coal fired electric plants.
d. Modification of Design Standards set forth in 17.126.130 for all site, 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.
e. Variance for maximum height of structures as set forth in 17.126.030 D. to allow structures to be 300 feet in height to accommodate containment

dome for nuclear power plant and 350 feet in height for wind towers and communication towers.

f. Variance for noise standard to be no more than 55db of noise within 3000 feet of any structure not related to wind generation.
g. Variance of 17.126.150 to allow the property to revert back to its zoning as of the date of the PUD Application associated with this Development Plan if a) at the conclusion of Phase 1 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 the Nuclear Regulatory Commission fails to issue a permit for construction of a nuclear power plant.
h. Variance of duration of Approval as set forth in 17.128.040 to provide that if Phase 1 is completed within thirty months of approval, Phase 2 may be completed within seventy-two months (six years) of approval. Phase 3 may be completed within one-hundred and thirty-two months (11 years) of approval.
i. Variance of 17.126.040 to accept the submittals set forth in paragraph IV. hereof and attached to this Development Plan as satisfying the Submittal Requirements sufficient to proceed with the Application.
j. There are five parcels of land surrounded by the land included in the Colorado Clean Energy Park. Three are owned by the United States government and two are owned privately. 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 United States government has indicated that this process could take over a year to complete.

III. **Justification for Deferrals, Variances and Waivers**.

The Colorado Clean Energy Park is a unique concept that can change the course of history in Pueblo County. The development of such an energy park can be as significant to this County and its inhabitants in this century as the construction of the CF&I Steel Mill was in the previous century. A developer of any nuclear power plant will spend between five to eight million dollars ($5M-$8M) during Phase 1 investigating the suitability of the land and sources of water. Assuming the land and water are suitable for construction of a nuclear power plant the developer will spend another one-hundred million dollars ($100M) in complying with the regulatory requirements of the Nuclear Regulatory Commission. The benefits of having a Colorado Clean Energy Park in our community include: a) up to 5,000 construction jobs for a 4 to 5 year period...jobs that would pay Davis-Bacon wages; b) 500 to 700 permanent jobs on-site, and an additional 1,500 to 2,000 jobs off-site. The jobs on-site that would pay average wages significantly higher than the current average wage in Pueblo and would provide jobs that can't be relocated outside of the community; c) significant sales, use taxes that would benefit the community; and d) significant property taxes that would generate as much as $27M in tax revenue annually for the County, allowing expansion of programs important to our community or alternatively, reduction in the overall mill levy assessed by the County, benefitting the entire community.

These benefits justify the County allowing the deferrals, variances and waivers requested by the Applicant. The Applicant has used the terminology "waivers" to coincide with the language of the County regulations, but in this Development Plan no "waiver" is being requested, merely deferral of certain regulatory submittals until it is determined that the project can move forward and variances that would allow construction of the components needed in a nuclear power plant. All Nuclear Regulatory Commission standards that are more stringent than Pueblo County standards will be complied with. All Pueblo County standards that are more stringent than the Nuclear Regulatory Commission standards will be complied with. Any conflict between safety standards will be resolved by complying with the Federal standards which preempt local standards.

IV. Submittals with this Development Plan include:

a. A Vicinity Map, north arrow and date of preparation attached as Exhibit B in compliance with 17.126.040 B.1.b.
b. A complete legal description of the property attached as Exhibit A in compliance with 17.126.040 B.1.c.
c. A map showing the property described in the legal description, attached as Exhibit C.
d. A listing of the Pueblo County Assessor's tax schedule numbers for each parcel of property described in the legal description attached as Exhibit D.
e. A listing of all property owners within 500 feet of the exterior boundary of the property showing the land use of each owner attached as Exhibit E.
f. Consents authorizing Donald J. Banner to act on behalf of owner of property described in legal description.

V. Additional Information:

Applicant is acting as agent for the landowners and does not own the property which is the subject of this application. Applicant's company, Puebloans For Energizing Our Community, has a contract to purchase the property. Should the project move forward, Applicant will seek a company that specializes in the construction of energy generating facilities and Applicant will assign the contract to said company. The assignee will provide the engineering, technical review and design for all improvements and pay all fees associated with this application and construction of the improvements. Applicant's company is wholly controlled by Donald J. Banner and no third parties have any economic interest in Applicant's company.

Date: January 19, 2011

Donald J. Banner, Applicant's Representative and Acting on behalf of Owners

Legal Description

A parcel of land situated in sections 34, 35 and 36, Township 21 South, Range 62 West of the 6th P.M., sections 31 and 32, Township 21 South, Range 61 West of the 6th P.M., sections 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, Township 22 South, Range 62 West of the 6th P.M., sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, Township 22 South, Range 61 West of the 6th P.M., County of Pueblo, State of Colorado, said parcel being more particularly described as follows:

Township 21 South Range 61 West of the 6th P.M.
Section 31: W ½; SE ¼
Section 32: S ½

Township 21 South Range 62 West of the 6th P.M.
Section 34: E ½ SE ¼
Section 35: E ½ NE ¼; W. ALONG THE NORTH LINE OF THE SAID S.E ¼ OF SAID SEC TO A POINT WHERE THE CENTER LINE OF THE WELTON DITCH CROSSES THE NORTH LINE OF SAID ¼ SECTION; THENCE IN A GENERALLY SOUTHWESTERLY DIRECTION ALONG THE SAID CENTER LINE OF SAID DITCH, AS SAID DITCH EXISTS UPON THE GROUND ON THE DATE HEREOF, TO THE W LINE OF SAID ¼ SEC., AT A POINT 740 FT NORTH OF THE S.W. CORNER OF SAID ¼ SECTION; THENCE SOUTH ALONG THE WEST LINE OF SAID ¼ SECTION TO THE POINT OF BEGINNING, THE TRACT OF LAND HEREIN DESCRIBED CONTAINING AN AREA OF 128 ACRES MORE OR LESS, PUEBLO, COUNTY, COLORADO ALL LOCATED S.E. ¼ SECTION 35 TOWNSHIP 21S WEST OF THE 6TH P.M. PUEBLO COUNTY COLORADO; SW ¼ SW ¼
Section 36: NE ¼; NE ¼ NW ¼; S ½ NW ¼; S ½

Township 22 South, Range 61 West of the 6th P.M.
Section 4: W ½ NW ¼; W ½ SE ¼; SW ¼
Section 5: ALL
Section 6: ALL LESS NE ¼
Section 7: ALL
Section 8: ALL
Section 9: ALL
Section 16: SW ¼ SW ¼
Section 17: ALL
Section 18: ALL LESS SW ¼ NW ¼ (USA)
Section 19: ALL
Section 20: ALL
Section 21: S ½; NW ¼; W ½ NE ¼; SE ¼ NE ¼
Section 22: W ½
Section 27: W ½; S ½ NE ¼; NW ¼ SE ¼
Section 28: ALL
Section 29: ALL LESS NW ¼
Section 30: ALL

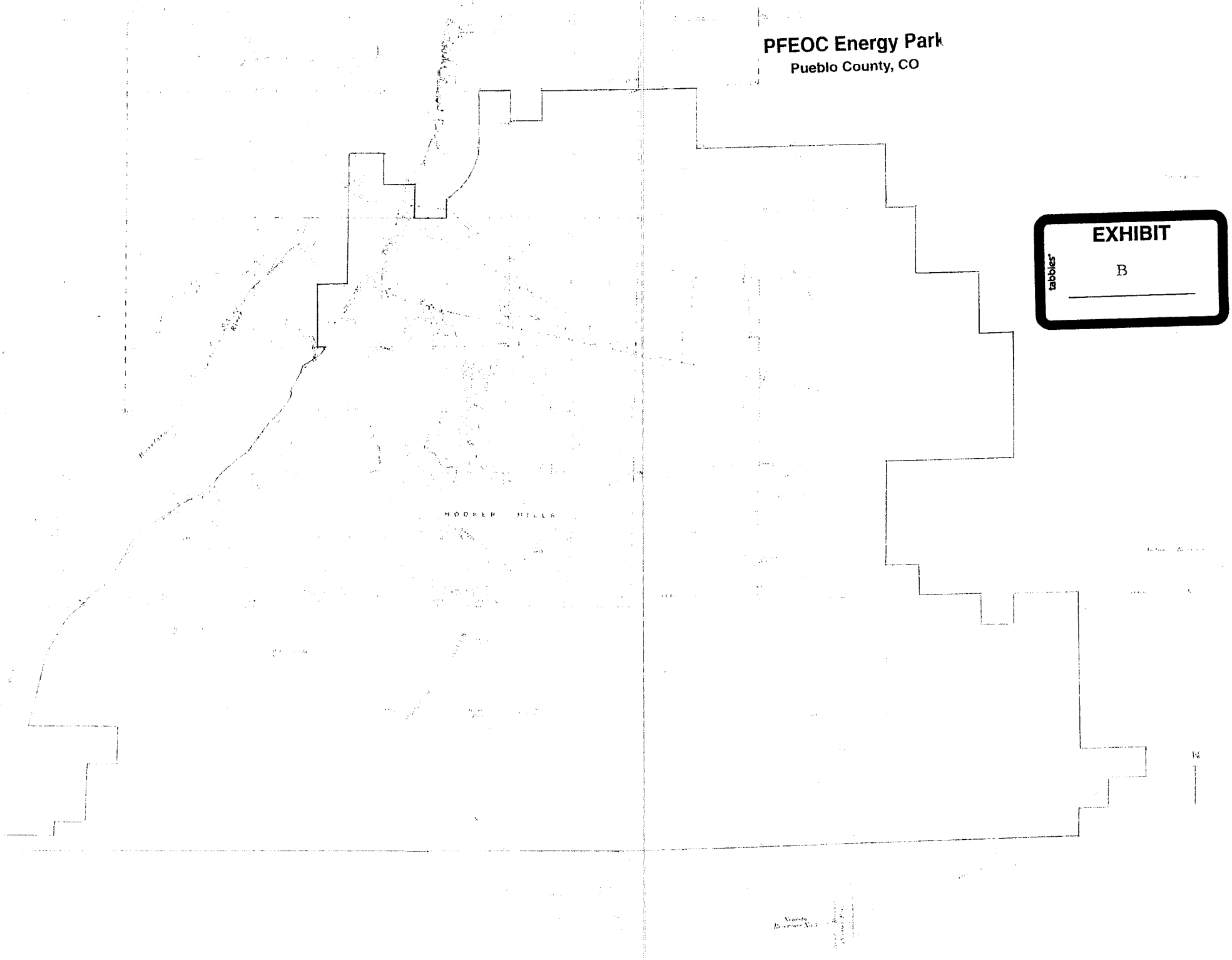
EXHIBIT
tabbies
A

Township 22 South, Range 62 West of the 6th P.M.

Section 1: ALL LESS NW ¼ SE ¼ (USA)
Section 2: ALL
Section 3: SE ¼; E ½ NE ¼
Section 9: S ½; NE ¼ LESS PORTION TO HRG LLC BY WD #1392277
Section 10: ALL LESS PORTION TO HRG LLC BY WD #1392277
Section 11: ALL
Section 12: ALL LESS S ½ NE ¼ (USA)
Section 13: ALL
Section 14: ALL
Section 15: ALL
Section 16: ALL LESS PORTION TO HRG LLC BY WD #1392277
Section 17: E ½; E ½ SW ¼; SE ¼ NW ¼ 439A LESS PORTION TO HRG LLC BY WD #1392277
Section 20: ALL 640A LESS PORTION TO HRG LLC BY WD #1392277
Section 21: ALL
Section 22: ALL LESS SE ¼
Section 23: ALL
Section 24: ALL
Section 25: ALL
Section 26: ALL
Section 27: ALL
Section 28: ALL
Section 29: S ½ S ½ SW ¼; SW ¼ SE ¼; SE ¼ NE ¼; E ½ SE ¼

PFEOC Energy Park

Pueblo County, CO



EXHIBIT

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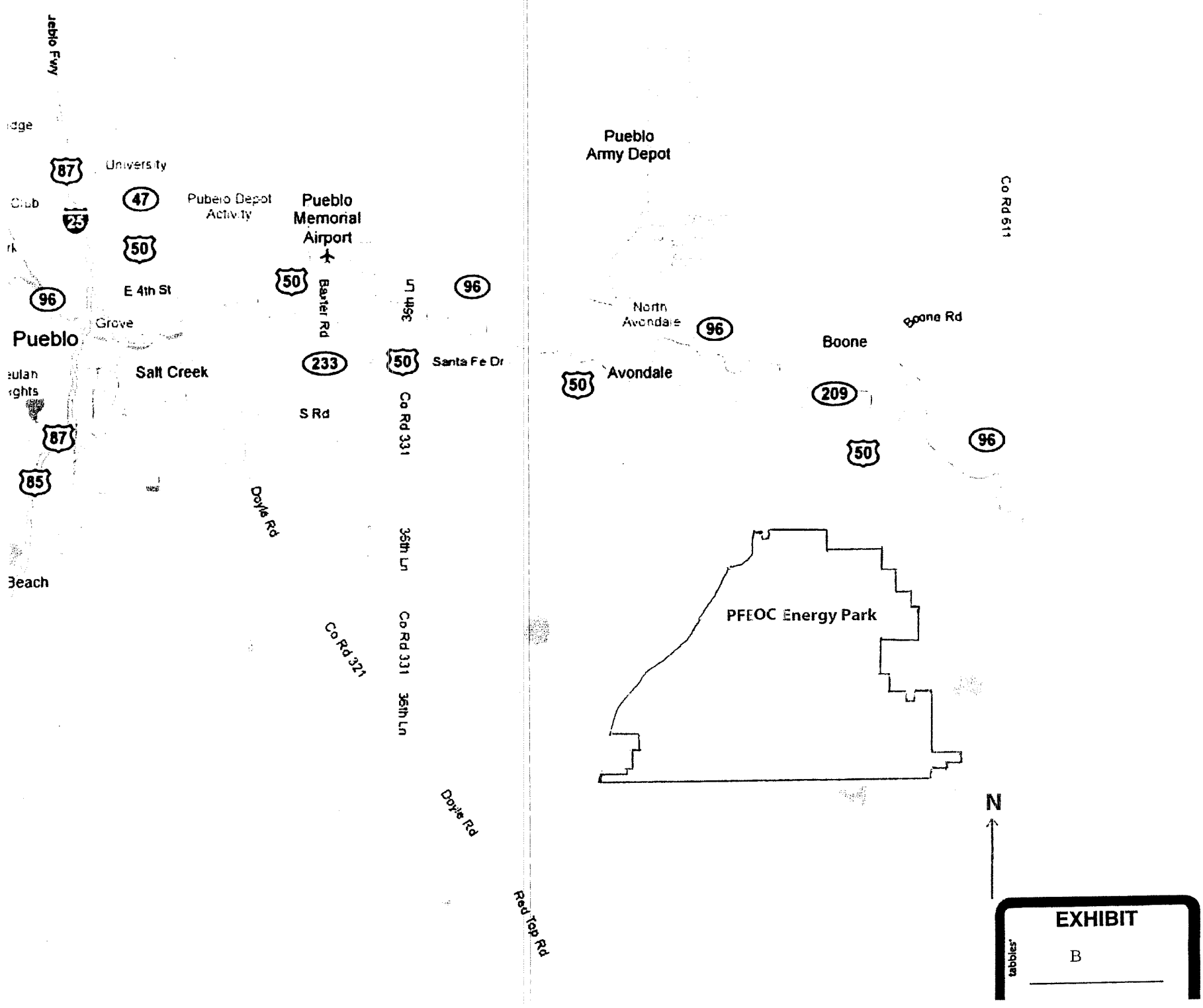
Pueblo Army Depot
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North Avondale
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Boone Rd
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Avondale
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209
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PFEOC Energy Park
N
Jebio Fwy
87
University
47
Pueblo Depot Activity
Pueblo Memorial Airport
25
50
50
Baxter Rd
96
E 4th St
Grove
Pueblo
Salt Creek
233
50
Santa Fe Dr
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Doyle Rd
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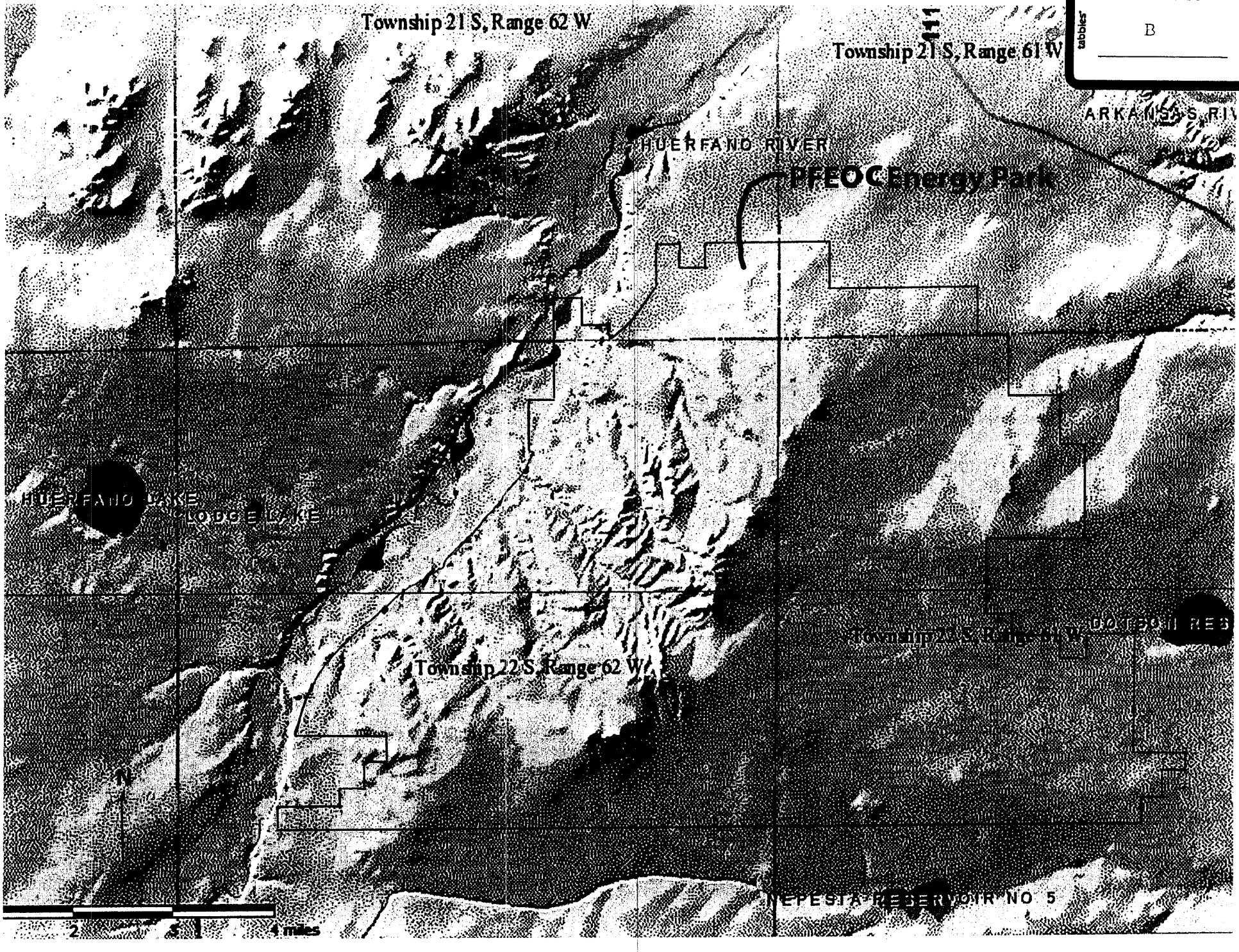
35th Ln
Doyle Rd
Red Top Rd
EXHIBIT
B



EXHIBIT

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Schedule numbers for PUD

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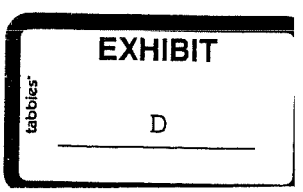

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Property Owners Within 500 Feet Exhibit E

United States of America (owns a parcel surrounded by the Applicant's property)
Building 20, Denver Federal Center
Denver, CO 80225

William E. & Patricia M. Sears (owns a parcel surrounded by the Applicant's property)
1127 Dow Jones Road
Alma, AR 72921

Marjorie Swartz & Ann Arden Miller (owns a parcel surrounded by the Applicant's property)
2511 Dearborn Street
Salt Lake City, UT 84106

Bob S. & Margaret D. Lawrence
5000 East Grant Road, #130
Tucson, AZ 85712

Larry Morgan
HGR, LLC
4231 East Huerfano Road
Boone, CO 81025

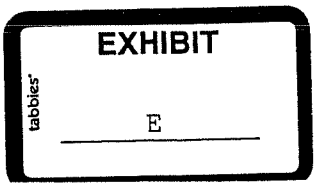
Larry Morgan, President
Welton Land & Water Company
PO Box 57
Avondale, CO 81022

Respond, LLC
8480 East Orchard Road, Suite 1100
Greenwood Village, CO 80111

Herman R. Wooten
6200 East Huerfano Road
Avondale, CO 81022

Donaceano A. Duran
29325 East US Highway 50
Pueblo, CO 81006

Emmett Seal
Seal Pharmacy, Inc.
3231 Nrthridge Drive
Pueblo, CO 81008



H. Emmett & Marjorie K. Seal
3231 Northridge Drive
Pueblo, CO 81008
State of Colorado
1375 Sherman Street
Denver, CO 80203

Ernesto Estrada TR
801 North Bush Street
Santa Ana, CA 92701

Michael Major
4826 Flying A Road
Fowler, CO 81039

Paul Carl Wetzig
6 Pourtales Road
Colorado Springs, CO 80906

Florence D. Leonard
68 Loch Lomond Lane
Pueblo, CO 81001

Clint T. & Teresa E. Heltibridle
60000 Huckleberry Road
Boone, CO 81025

George W. & Elaine Flinsbaugh
108 Redbud Drive
Winfield, KS 67156

Dale H. Hammond TR
1201 S. La Crosse Ave
Pueblo, CO 81001

Di Santi Land & Cattle Company
29114 South Road
Pueblo, CO 81006

Thomas E. & Nancy Pope
2874 59th Lane
Boone, CO 81025

Michael A. Anselmo
2797 59th Lane
Boone, CO 81025

James R. Connor
Connor Land Company, LLC
2547 58th Lane
Boone, CO 81025

Denise J. Duran
2633 58th Lane
Boone, CO 81025

Douglas J. & Elizabeth A. Weber
55332 Elderberry Road
Boone, CO 81025

Aurelio & Dora L. Sisneros
55000 Elderberry Road
Boone, CO 81025

Delbert L. & Joyce A. Fountain
52521 Grape Road
Boone, CO 81025

Ruby R. & Letha M. Stahl
53497 East US Highway 50
Boone, CO 81025

Elk Mountain Cattle Company
36483 Highway 194
La Junta, CO 81050

Dave Fountain
52521 Grape Road
Boone, CO 81025

Clastine E. Rowland TR
1501 Zuni Road
Pueblo, CO 81001

Robert W. Poe
619 Cragmor Road
Colorado Springs, CO 80907

William R. Knight
Flying A Ranch, LLC
3801 62nd Lane
Fowler, CO 81039

John A. & Judith D. Tilton
170 Fordham Circle
Pueblo, CO 81005

Mary F. Clark a/k/a
Mary Frazier Clark
P.O. Box 947
Comanche, TX 76442

Delbert L. Fountain
Joyce A. Fountain
52521 Grape Rd.
Boone, CO 81025