

From: Dale and Marlene Land [mailto:badlands@internetextension.com]  
Sent: Friday, January 21, 2011 1:26 PM  
To: Morrissey, Michael  
Subject: 12/20 rule

Dear Mr. Morrissey,

I realize there is only one more meeting of the Solar Advisory Committee, and I would like to add the following:

First I would like to clarify something that Todd Gregory, (Obsidian Finance) stated in his letter posted at the Solar Rule Making Advisory Committee comments page. And then I will explain our feelings about the possible changes to the 12/20 rule.

His comment about the "anti-solar" group is incorrect. The group is not "anti-solar", in fact when this group was formed we invited members from our community to join in the meetings. To have their voices heard.

We chose the name "Concerned Citizens of North Lake County", instead of anything to suggest that we are anti-solar. But because we've made a firm stand on the siting of these facilities, the use of farm land, the possible property devaluation of adjoining property, and at the beginning the lack of any clean-up bond in place, we have now become known as an "anti-solar" group. This group is made up of mostly farmers, and retired folks.

And now the move by these solar developers, some County officials, and individuals are pushing to change the 12/20 rule in order to expedite the placement of these facilities. They object to the "two-step" permitting process involved. It takes longer than they like, and there is more public comment allowed, which can allow appeals from opponents at two separate stages.

As I have stated before, Oregon's Statewide Planning Goal 3 has protected and preserved agricultural lands for farm use for 35 years. The 12/20 rule (OAR 660-033-0130), limiting the size of large power generation facilities, such as solar facilities to 12 or 20 acres (depending on the quality of the land), was put into place for a reason. And the need for an exception to the Statewide Planning Goal 3 for any facility greater than 20 acres, is still needed.

**The 12/20 rule should stay in place as it has served the preservation of farm land, quite well in the past.**

**The fact that developers do not like the extra steps, or the chance for more appeals from opponents, is not a reason to change the 12/20 rule at all.**

It should stand the way it is now. To help maintain agricultural lands for the existing and future needs of the State for agricultural products.

My husband and I are both members of the "Concerned Citizens of North Lake County". I am the Secretary/Treasurer of the group.

And to call us "anti-solar" is so far from the truth, it's almost silly. Or actually, misleading.

My husband and I have lived totally off-grid, with solar and wind power for our

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electricity, for 11 years now. And that is not what I would call "anti-solar".  
Thank you,  
Dale & Marlene Land  
Christmas Valley, OR

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you, Dale & Marlene Land Christmas Valley, OR

**Tuttle, Casaria R.**

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**From:** perkinshay@aol.com  
**Sent:** Wednesday, January 19, 2011 12:08 PM  
**To:** jimjohnson@state.or.us; casaria.r.tuttle@state.or.us; michaelmorrissey@state.or.us; pam@friends.org; pattysnow@state.or.us  
**Subject:** Final comment for Solar rulemaking Advisory Committee  
**Follow Up Flag:** Follow up  
**Flag Status:** Red  
**Attachments:** newcamerapics.JPG

Dear Staff,

This is not going to be final comment that I would preferred to have prepared. I thought that I needed to prepare a rebuttal to the accusations that Mr. Todd Gregory sent in to you on January 13 instead. I want you to know that the only fiction is in the presentation of the map that Mr. Todd Gregory has posted on-line. He fails to mention that his company Obsidian Finance is the owner of tax lots 1501 and 1502 combined to make 160 more acres that border Oster Farms on the east side of tax lot 1500 and north of Oster Farms tax lot 200. The 160 acres that make up tax lots 1501 and 1502 do not have current CUP's for solar but, I do not think that Obsidian Financial bought those parcels of land to begin a farming or ranching venture. The map was prepared correctly for what it was intended - for a LUBA appeal of the three CUP'S that were approved by Lake County\_ **without going through the Goal 3 Exception process!** So if I have said that Oster Farms is surrounded on three sides and that does not appear correct to you let revise that and say that Obsidian Finance has the potential for solar on three sides of Oster Farms and has fence boundaries on five sides. This is the kind of example I have tried to explain. Linn Oster could very well have a difficult, if not impossible, time farming on any parcel of land because there won't be any direction of blowing wind that won't cause dust and dirt contact with a solar site.

I don't know why the solar developers are in such a mad rush to strip away the little protection that a Goal 3 Exception process currently provides local residents. They stand to make millions selling overpriced power. All we ever hear is it's too far to power, it's too hard to do, it costs too much to do that and we don't have a big enough profit margin. What do all those complaints have to do with anything? A business plan like theirs needs to succeed under it's own steam. They are already getting three free years of property taxes. Maybe a little challenge would make them tougher.

Obsidian Finance was awarded 10 million dollars in state BETC credits for their site here in Christmas Valley. They make no bones about saying that they are selling their produced power to a Washington utility. As stated before, Obsidian Finance was also granted three "backdoor" CUP's from Lake County without going through the Goal 3 Exception process (and you want us to trust in our county to do the right thing?) Lake County Planning minutes dated 01-19-2010 has a paragraph on the last page that says and I quote:

"A little before the meeting Ken Gershchler sent a email asking if before the meeting I could ask the Chairman to insert an special item at the end of the agenda. There is no need to open the item to the public but to simply have a look and vote. All of the Obsidian projects in Christmas Valley were in excess of 20 acres and as such the applicant was required to demonstrate that the subject properties were not subject to the rule. The applicant provided proof that the properties were not commercially viable due to primarily to a lack if irrigation. The Planning Department concurred as well as Jon Jinnings at the DLCD". This is word for word including the mistakes in grammar.

I did not receive these minutes until I requested them, I received them April 23, 2010 via the internet and Mr. Oster and Mr Kersey did not learn of the planning commission's actions until I told them at a later date.

My point is that Mr Gregory would like very much to appear as a victim but in reality it is Linn Oster and Ron Kersey that were not notified or allowed to comment at the January 19, 2010 planning commission meeting where the County gave Obsidian Finance a free pass on Goal 3. That is why they appealed to LUBA and even though they did lose the case it was their right to appeal.

01/25/2011

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**Tuttle, Casaria R.**

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pam@friends.org; pattysnow@state.or.us Subject: Final comment for Solar rulemaking  
Advisory Committee Follow Up Flag: Follow up Flag Status: Red Attachments: newcamerapics.JPG

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Sincerely,  
Gary Perkins

01/25/2011



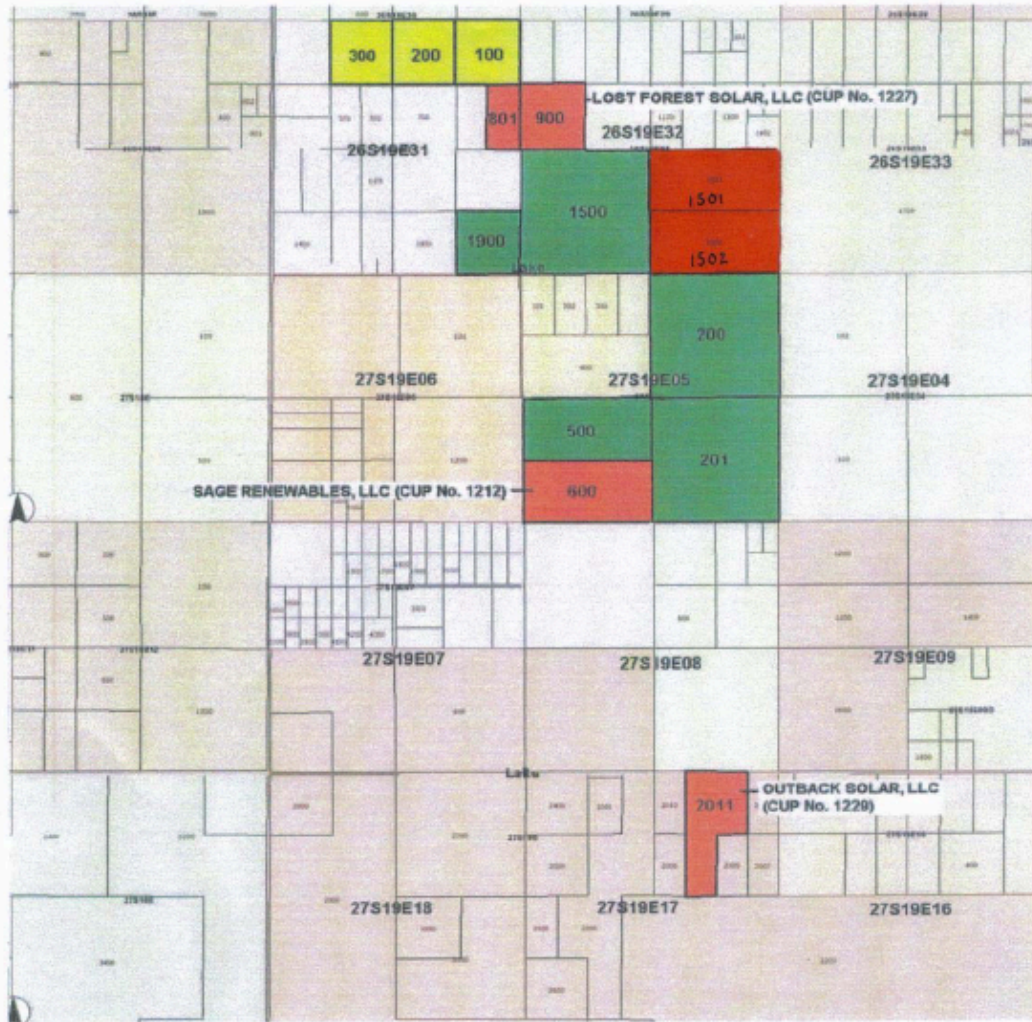
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01/25/2011

EXHIBIT C Revised June 9, 2010

- OBSIDIAN SOLAR PANEL PROPERTIES
- RON KERSEY PROPERTIES
- LINN OSTER PROPERTIES



PREPARED BY JAMES A. MANN, LLC  
FOR RON KERSEY & LINN OSTER VS. LAKE COUNTY LUBA NO. \_\_\_\_\_

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