

From: Absher, Sean  
Sent: Wednesday, October 18, 2017 9:27 AM  
To: Barbara Leibold  
Cc: John McClendon; Craig Sherman  
RE: City's Revised Proposal Not Acceptable

Barbara,

Mt. SAC has carefully considered the City's revised settlement proposal and it is not acceptable as to the provision related to moving the West Parcel earth work off-site. As I have previously mentioned, a "must have" for Mt. SAC is the right to deposit earth work on the West Parcel site per the existing grading plans. Mt. SAC remains willing to provide for landscaping and contouring of the pad to achieve the City's (and UWT's) interest in creating pasture and hill-like features (at Mt. SAC costs).

For Mt. SAC, a core issue is its right as an instrumentality of State government to control the use of its property. Under the current facts, the City's jurisdiction over the West Parcel is a limited one, particularly so because of Judge Chalfant's ruling that the solar project is exempt from City land use and zoning controls and Mt. SAC has the right to locate the solar project at the West Parcel site. For this reason, Mt. SAC views its willingness to permanently restrict development of an energy project at the West Parcel site (solar or otherwise) as a major concession in its effort to reach an accommodation that satisfies all parties.

It is my understanding the City Council will be meeting in closed session next Wednesday. I am authorized to re-submit to the City Mt. SAC's settlement proposal transmitted to you on October 4th.

I want to also confirm that no Notice of Determination will be filed as to the Solar Project SEIR until November 8, 2017.

Please call or email if you have any questions.

Sean B. Absher