



- Janet Urquhart / The Aspen Times

Aspen council meeting could feature solar square-off

Should off-site mitigation be allowed?

APRIL, 11 2011

ANDRE SALVAIL

THE ASPEN TIMES
ASPEN CO COLORADO

ASPEN — Environmentalists will be battling environmentalists at Monday's Aspen City Council meeting if a scheduled public hearing on an energy conservation ordinance is held.

At issue: language in a city ordinance that incorporates the 2009 International Energy Conservation Code, which sets standards for various forms of solar energy, into the city's conservation code.

In actuality, the controversy has little or nothing to do with the 2009 IECC. The sole debate, according to various sources involved, revolves around the acceptance of "community solar power" — whether to allow downvalley solar farms to serve as a mitigation source for local projects that apply for credit under the Renewable Energy Mitigation Program (REMP), a longtime initiative involving the city of Aspen, Pitkin County and the Community Office for Resource Efficiency (CORE).

About two months ago, city staff included language in the ordinance that allowed community-based solar, or "off-site mitigation," to be included as a mitigation source within REMP. Later, following a meeting of officials representing three city departments, that language was withdrawn, much to the displeasure of those involved in or supporting the development of downvalley solar farms.

To understand the issue at hand, one needs to understand REMP and its goals. Created by the city, county and CORE in the 1990s, REMP "is designed to put Aspen and Pitkin County on the path to a sustainable energy future; to tap the valley's renewable energy resources; to reduce air pollution and greenhouse gas emissions; and to establish a new benchmark in responsible energy codes." That description was written in 1999 by Randy Udall, one of the founders of REMP and CORE.

REMP requires homes of 5,000 square feet or more to offset a portion of their fossil-fuel consumption through on-site renewable energy systems, or pay a fee. It mainly applies to outdoor energy uses, such as swimming pools and heated driveways. Initially applied to residential construction, the REMP rules in recent years have changed to include commercial developments that involve outdoor energy uses.

The revenue generated by REMP fees go to other energy conservation efforts, as determined by CORE, including energy-efficiency projects in public buildings and rebates to citizens who install solar-conservation systems, such as "photovoltaic" — solar panels that convert sunlight into electricity — or those who buy certain energy-efficient appliances.

Put simply, the owner of a new building that meets the standard for REMP inclusion has these mitigation options: install solar-based energy systems, cut down on energy usage or pay the REMP fee.

Tim Braun, who handles marketing efforts for the solar-development company Clean Energy Collective, said that although REMP was a ground-breaking program, the basic rules have become outdated and should incorporate off-site mitigation.

"Solar systems inside the city limits of Aspen are very poor, very limited — at least compared to downvalley sites — for reasons such as weather patterns and sun exposure," he said. "CORE has said that they like [off-site mitigation], but the city doesn't, and so they took it out of the equation altogether."

Braun said it's hard to understand why the city reversed its position within the span of a few weeks. Some

observers have said it's because of the revenue from REMP payments. Some of that revenue would otherwise be diverted to the operators of solar farms as another mitigation option.

"The question is, what is the city's resistance to off-site, community-based solar?" Braun said. "It's the way the industry is evolving. The old ways are just no longer relevant. Community solar is much more efficient."

Clean Energy Collective (CEC, founded by Paul Spencer, has already created solar farms, or "gardens," in El Jebel and inside the boundaries of the Garfield County airport in Rifle, Braun said. Both will provide power to Holy Cross Electric, which serves much of Pitkin County.

"This is not just about the CEC, it's about community solar," Braun said. "Spencer just happens to be the only one doing it at the moment but that certainly will change as competition starts coming into the valley."

Braun said Spencer has been getting a lot of attention from utilities who are interested in his business model.

"He's found a way to make it work," Braun said. "Solar gardens are considered the sweet spot of the solar industry. They are more efficient than a system on a house, and they are easier to build than these giant solar landscapes that we are seeing in southern Colorado and Arizona and other places that use thousands of acres."

Stephen Kanipe, chief building official for the city of Aspen, said the city's position on off-site mitigation is not really changing.

"We had considered language [in our energy-conservation ordinance] which was, that the chief building officer and CORE can approve off-site mitigation," he said.

"Then we reconsidered that. It was my mistake; I hadn't considered the secondary implications of this when I brought the ordinance up for first adoption."

Kanipe said the task before the council at Monday's meeting will be to "delete the one sentence that allows off-site mitigation." A committee that involved officials from the city departments of asset management, utilities and engineering met and decided that was the best route for the city to take.

"The real issue is whether there is a problem. Seventy-five percent of REMP projects in city and county already use on-site mitigation. And if you can't mitigate on site, then you have the payment option."

Kanipe said in his opinion, off-site mitigation doesn't benefit the REMP program on the whole.

"The funds are used for educational programs, for community benefit. They are used in a way that CORE has decided is best. And the use of the funds has been agreed upon by the city and county to satisfy an overall community benefit," he said.

Kanipe said if the City Council were to decide that REMP and the city's energy-conservation code needs to be restructured, with the addition of off-site mitigation, he would abide by the council's direction.

He said that those who are developing solar-energy generation sites could look to other communities besides Aspen as places where their energy can be marketed.

"Every town has the opportunity to create their own program," Kanipe said. "All of this focus on off-site mitigation within the city of Aspen is occurring simply because we have a program."

Spencer, president of CEC, has written a letter to the editor outlining his position on the issue. He said he hopes that proponents of off-site mitigation can reach a workable solution with city officials – one that would benefit the environment and the overall community without jeopardizing funds that are used for CORE programs.

asalvail@aspentimes.com