

Denial of Iron Horse solar has ramifications

On Jan. 10, 2017, the Kittitas County Board of Commissioners denied the Iron Horse Solar Conditional Use Permit in a 2-1 vote.

This decision does not comply with the Kittitas County Code, adopted by the board to implement the county's local vision to Growth Management Act requirements. As confirmed by Commissioner Paul Jewell at the hearing, the code allows major energy facilities, including solar, in the Ag-20 zone as a conditional use.

A primary concern expressed by opponents of the project, and the key factor in the board's decision, is whether the project is consistent with the "rural character" of the landscape. But the Ag-20 zone was not established to create a pastoral preservation district. The code makes it clear the Ag-20 zone is to be a working landscape, and one that affords private property owners with ample options to exercise their rights.

As such, the county has historically approved a very wide variety of projects as conditional uses in the Ag-20 zone including: a 45-acre basalt mining operation (CU-09-00006), forest product and marijuana processing facilities (CU-14-00002), a shooting range (CU-11-00003), a 50-acre event facility (CU-14-00004),

and campsites (CU-11-00002). By comparison, solar is less obstructive to viewsheds and rural character, with low-lying panels and minimal noise or activity during operation, facts which we suspect were taken into consideration when a similar solar facility was previously reviewed and approved (CU-14-00003).



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The board's rejection of OneEnergy's permit on supposed "rural character" grounds was very surprising due to this history, particularly since county staff and the permit hearing examiner both recommended approval of the

permit as fully compliant with the county's comprehensive plan and zoning code.

By denying this permit, the board is denying county residents their basic right to use their property, even for activities allowed by the code. As detailed by county staff in the conditional use permit review of this project, "the property belongs to a private individual entering into a private contract, with a private corporation for a permitted conditional use."

As the developer, we are obviously interested in seeing this project through to completion. However, the board's decision sends an ominous signal to private investors that local laws may not be relied upon in support of economic growth and development.

This has wide repercussions.

For property owners, solar leases offer long-term and reliable revenue with commitments to return the property to its previous condition so agricultural operations can resume at the end of the project's life. In this case, the project involves a local private property owner seeking diversified income on about 47 acres while continuing to uphold an agricultural business and tradition in Kittitas County by farming the remaining 450 acres of his property.

While opponents argue that solar and agricultural production are at odds, projects like Iron Horse demonstrate the opposite: solar can play an important role providing stable revenue to a farming operation without having to give up control or the long-term agricultural potential of the land. And frankly, it is offensive that some are arguing that farmers don't know what's good for their own land and business.

Private infrastructure investments like Iron Horse also deliver a reliable and sustainable source of revenue to the county through property taxes that help to fund local schools, roads, police, fire and rescue, and other essential services that benefit the entire Kittitas community.

Finally, we understand there is a concern about precedent — not the approval of a single project, but of many. While Kittitas County has great potential

for solar project development in Washington, with geography and sun making the generation of solar power more efficient and cost-effective than other parts of the state, there is limited available capacity on the local power grid. This imposes a physical limitation on both the size of individual projects as well as on the collective amount of solar that can commercially operate in Kittitas County.

By denying conditional use permits that are squarely within the bounds of the law, Kittitas County is delegitimizing the private property rights of its citizens and deterring investments of all kinds that spur economic growth, and furthermore, setting itself up for pre-emption by the state by ignoring its own land use laws. This decision signals that no investor can rely on the laws adopted by the Kittitas County Commissioners.

OneEnergy Renewables is headquartered in Washington and we are passionate about promoting solar in our state and for the benefit of our residents and ratepayers. If Kittitas County rejects solar development, and blatantly denies private property owners their rights under Kittitas County code, solar energy developers will not be alone in looking to other counties for future investments.

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