



Legislation Text

File #: 21-1249, **Version:** 1

Resolution To Approve the Development Agreement and Amendment to the Swift Run Service Center Planned Unit Development for the Wheeler Center Solar Array With Pittsfield Charter Township In furtherance of its sustainability, climate, and clean energy goals, the City has begun pursuing development of an approximately 24 MW solar array at its closed landfill site and surrounding City-owned property, much of which is located in Pittsfield Township and subject to a Planned Unit Development approved by the Township.

The proposed solar array would generate electricity nearly equivalent to that used by the City's municipal facilities and would significantly advance the City's progress toward its sustainability goals.

To bring this project to life, the City has pursued several different parts of the project simultaneously. After initial evaluation of the site and preliminary designs to maximize the solar output from use of the property if developed as a solar array, the City also commissioned DTE to provide engineering and interconnection studies which show the project can be connected into the energy grid provided the project includes system improvements and upgrades to handle this project.

Also, in spring 2021, the City approved a Settlement Agreement with DTE in two MPSC cases in which DTE agreed to create a pilot program which will allow the City's landfill solar array project to become a community solar offering (with optional low-income component) available to other DTE customers under the MI Green Power program. The City will become the "anchor" customer for its solar array project and other customers can choose to participate in the project at the same pricing available to the City. The City and DTE also approved a Memorandum of Understanding in which they agreed to further explore the costs and details (such as required agreements) for the solar array project. That Settlement Agreement was approved by the Michigan Public Service Commission and is in effect.

The City previously submitted to Pittsfield Township an application to amend the Swift Run Service Center Planned Unit Development (RZ #20-02) to change approximately seventy-seven (77) acres from "composting, passive recreation, and natural areas" to solar array. Sixty-five (65) acres will have ground mounted solar arrays and twelve (12) acres will have floating solar arrays on an existing onsite stormwater facility.

As part of the PUD amendment process and in an effort to promote intergovernmental cooperation, the City committed to reserving 1 MW of electricity from the project for Pittsfield Township at the same terms available to the City, and the Settlement Agreement with DTE makes that a reality where the Township will be able to subscribe to the project and take advantage of the same pricing the City will get from the project.

Also, as part of the PUD amendment process, and provided the project proceeds to construction, the City has offered and agreed to make or cause to be made the on-site and off-site improvements depicted on the Wheeler Center Solar Array Site Plan which the parties agree are necessary and

roughly proportional to the burden imposed in order to (i) ensure that public services and facilities affected by the Development will be capable of accommodating increased service and facility loads caused by the Development, (ii) protect the natural environment and conserve natural resources, (iii) ensure compatibility with adjacent uses of land, (iv) promote use of the Property in a socially and economically desirable manner, and (v) achieve other legitimate objectives authorized under the Michigan Zoning Enabling Act, MCL 125.3301 *et seq.*

On February 20, 2020, the Township Planning Commission reviewed the City's application to amend the PUD to allow the solar array project as a permitted use within the project areas, and it recommended approval with conditions all of which have all been addressed by the City.

The next step is review and action by the Township Board of Trustees on the proposed Development Agreement and PUD Amendment which is anticipated to happen in July 2021.

In advance of the Township Board's consideration, staff recommends that Council approve the Development Agreement and PUD Amendment to demonstrate the City's commitment to its solar array project and its commitment to providing the Township with 1 MW of electricity at the same pricing available to the City.

Prepared by: Timothy S. Wilhelm, Deputy City Attorney
Reviewed by: Missy Stults, Office of Sustainability and Innovation Manager
Craig Hupy, Public Services Area Administrator

Approved by: Tom Crawford, City Administrator

Whereas, The City of Ann Arbor has set aggressive climate and energy goals, including the goal of powering 100% of its municipal operations with clean and renewable energy by the year 2035;

Whereas, City Council has passed a Climate Emergency Declaration, adopted the A²ZERO Plan, and requested that staff identify how the community could achieve carbon neutrality by the year 2030;

Whereas, The City's former landfill and abutting City-owned properties surrounding the Wheeler Service Center, parts of which are subject to the Swift Run Service Center Planned Unit Development approved by Pittsfield Township, have been identified as a strong location for a large solar array installation;

Whereas, The City and DTE have agreed to work cooperatively to explore the details of what it would take to develop the landfill site into a solar energy facility;

Whereas, The City has already submitted a Planned Unit Development amendment to Pittsfield Township, which if approved, would allow the proposed site and PUD areas to be developed and used as a solar array;

Whereas, The City has entered into a Settlement Agreement with DTE in which DTE will create a pilot project allowing the City to anchor the solar array project and make it available to the Township and other DTE customers on an equal footing (including identical pricing), which will make the City's commitment to making 1 MW of electricity available to Pittsfield Township achievable;

Whereas, Developing this site as a solar array installation would significantly advance the City's climate and energy goals; and

Whereas, The City desires to take steps necessary to developing the site as a solar array installation by approving the proposed Development Agreement and PUD Amendment which would allow the site to be developed consistent with the preliminary plans for the solar array project;

RESOLVED, That City Council approve the Development Agreement and Amendment to the Swift Run Service Center Planned Unit Development for the Wheeler Center Solar Array with Pittsfield Charter Township substantially in the form of that attached, dated June 29, 2021;

RESOLVED, That the Mayor and City Clerk are authorized and directed to sign the Development Agreement and Amendment to the Swift Run Service Center Planned Unit Development for the Wheeler Center Solar Array after approval as to substance by the City Administrator and approval as to form by the City Attorney; and

RESOLVED, That the City Administrator be authorized to take necessary administrative actions to implement this resolution.

Sponsored by: Mayor Taylor and Councilmembers Griswold and Radina