

**RESOLUTION OF THE TOWNSHIP OF VENANGO, COUNTY OF ERIE,
COMMONWEALTH OF PENNSYLVANIA**

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF LAND USE APPEAL NO. 10311-24
#2024-11**

KNOW ALL MEN BY THESE PRESENTS THAT:

WHEREAS, On July 23, 2023, Wilson Solar, LLC (“**Wilson**”) filed a conditional use application (the “**Initial Application**”) for a proposed solar project with Venango Township (“**Township**”) pursuant to Section 309 of the Township’s Zoning Ordinance (the “**Ordinance**”) which regulates conditional uses and pursuant to Township Ordinance 2023-01 (the “**Solar Ordinance**”) which regulates solar energy systems; and

WHEREAS, pursuant to the Township’s Ordinance, the Venango Township Board of Supervisors (the “**Board**”) held two (2) public hearings on the Initial Application on September 20, 2023, and November 1, 2023; and

WHEREAS, On January 8, 2024, and after considering the evidence presented, community comments and other factors, the Board issued findings of fact and conclusions of law denying the Application based in large part on the Board’s determination that the proposed project did not comply with the Venango Township-Wattsburg Borough Area Comprehensive Plan 2006, as amended; and

WHEREAS, On February 6, 2024, Wilson timely filed an appeal to the Board’s decision in the Court of Common Pleas of Erie County, Pennsylvania captioned *Wilson Solar LLC v. Board of Supervisors of Venango Township* at Docket Number 10311-24 (“**Land Use Appeal**”) and;

WHEREAS, as more fully detailed in Wilson Solar’s Notice of Land Use Appeal filed in the above-referenced action, Wilson Solar alleges that the Board unlawfully denied Wilson Solar’s Conditional Use Application (“Application”) to authorize the construction of a solar electric generation facility (“**Solar Facility**”) proposed in Venango Township; and

WHEREAS, the Board maintains that its reasons for denying the Application were in accordance with applicable law; and

WHEREAS, Wilson also filed a new conditional use application (the “**Second Application**”) with the Township on February 2, 2024, containing several modifications from the Initial Application; and

WHEREAS, since the filing of the Land Use Appeal, Wilson Solar has submitted to the Township a number of concessions and modifications to the Application (“**Proposed Agreement**”) in an effort to satisfy the reasons for the Board’s initial denial of the Application in an effort to amicably resolve and settle the Land Use Appeal without the need for further litigation; and

WHEREAS, on September 23, 2024, the terms of the Proposed Agreement were presented to the public at a duly advertised special public meeting of the Board; and

WHEREAS, on November 4, 2024, the terms of this Proposed Agreement were again presented to the public at a duly advertised regular public meeting of the Board; and

WHEREAS, on November 4, 2024, the Board voted by a vote of 2 to 0 with one abstention to accept the general terms of the Proposed Agreement and directed the Township Solicitor to proceed with

drafting the appropriate documents necessary to formalize the Proposed Agreement and oversee the termination of the Land Use Appeal; and

WHEREAS, as a result of subsequent negotiations between the Parties, the Proposed Agreement has been formalized into a written Settlement Agreement attached hereto as Exhibit "A"; and

WHEREAS, after taking into consideration the concessions and revisions to the Initial Application proposed by Wilson, the factual and legal issues raised by both Parties and the risk, uncertainty, burden and cost involved in continuing the litigation in the Land Use Appeal as well as other relevant considerations, the Parties have determined and concluded that it is the best interests of the Parties to compromise and settle the Land Use Appeal, subject to the terms of the Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Venango Township Board of Supervisors approves the Settlement Agreement as set forth in the attached Exhibit "A" and the execution thereof, and directs the Township Solicitor to proceed with the termination of the Land Use Appeal filed in the Erie County Court of Common Pleas at No. 10311-24.

VOTE:

<u>SUPERVISOR</u>	<u>FOR</u>	<u>AGAINST</u>
Dean Curtis	_____	_____
Mike Vogel	_____	_____
David Austin	_____	_____

IN WITNESS WHEREOF, on the ____ day of December 2024, the Board of Supervisors of Venango Township hereby _____(approves/denies) the within Resolution.

VENANGO TOWNSHIP BOARD
OF SUPERVISORS

Dean Curtis, Chairman

Mike Vogel, Secretary

David Austin