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September 15, 2023

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Re: Wilson Solar LLC - Conditional Use Application / Solar Ordinance

Dear Sir or Madam:

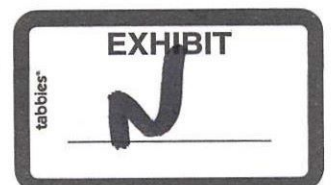
Please accept this correspondence in response to the August 15, 2023 letter from the Venango Township Planning Committee regarding the Conditional Use Application (the "Application") submitted by Wilson Solar LLC (the "Applicant"). We are happy to provide any additional information about these items and we can discuss them further at the September 20, 2023 public hearing.

Section 309 criteria and discussion:

Page 7 - (B)

On page 7 of the Application, the Applicant sets forth numerous reasons that the proposed use would be consistent with the purpose and intent of the Ordinance and the zoning district within which it will be located, including preservation of natural cultural resources, low maintenance use of the land, non-disruption of neighboring properties, and creation of jobs. The Planning Commission expressed concern regarding only two of the cited benefits, increased tax revenues and possible reduction in energy costs as a result of additional electricity generation.

With respect to the tax revenues, Applicant respectfully disagrees that increased tax revenue is hypothetical. Several of the parcels in the Project are currently enrolled in the Pennsylvania Farmland and Forest Land Assessment Act, commonly known as Clean and Green, and a change in use of these parcels would result in a significant rollback tax that will be paid by Applicant.



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Applicant estimates that the rollback tax alone will be approximately \$102,992, to be divided among the Township, County of Erie, and Wattsburg School District. Going forward, those parcels would no longer have preferential tax assessments, and would accordingly have higher real estate taxes. Additionally, Applicant anticipates that the assessed value of all parcels in the Project Site will increase based upon the purchase price for the properties or the leases, as the case may be, which Applicant estimates could triple the amount of current real estate taxes paid with respect to these parcels. Applicant estimates that it will pay well over six figures in real estate taxes each year of the Project life, resulting in millions of dollars in increased real estate taxes over the expected life of the Project that will benefit the Township, Erie County, and the Wattsburg School District. Based on the foregoing, Applicant is confident that there will be additional real estate tax revenues paid to the Township as a result of the Project.

Page 7 - (B)

With respect to enhancing community utilities and reducing electricity rates, the Applicant does not have control over the utility rates charged by the local electric utilities, but the Applicant will inject carbon-free, renewable energy into the bottom of the supply stack of the regional grid which the local electric utilities buy from and, accordingly, it is reasonable to infer that this substantial increase in local energy supply should reduce the local cost paid over time.

Even though Applicant cannot know the exact amount of increased tax revenue or any possible reduction in utility costs, the Planning Commission did not dispute the numerous other benefits of the Project cited in the Application that will further objectives set forth in the Zoning Ordinance, including preservation of natural cultural resources, low maintenance use of the land, non-disruption of neighboring properties, and creation of jobs. Accordingly, Applicant submits that this criteria has been satisfied notwithstanding the inability to more precisely quantify or define certain other benefits.

Page 8 - (E)

Additionally, the Planning Commission stated without discussion that it disagrees converting farmland to solar panels drastically changes the character of the neighborhood. However, the Planning Commission, by passing the Solar Ordinance that permits solar projects on a conditional use basis in A-1 and I-1 zoning districts, presumably has determined that use to be appropriate in those zoning districts provided the conditions set forth in the Solar Ordinance are met. Otherwise, it would not have permitted the use in those zoning districts even on a conditional use basis. Accordingly, Applicant is unclear what about its Application causes the Planning Commission to take this position with respect to the Project. However, as stated in the Application, the Project Site is largely farmland, or vacant land, with some industrial, and the surrounding area is largely rural farmland. The Project has a low-impact on the land, which does not restrict its future use for agricultural or other purposes, and the Project has been carefully designed to reduce any negative aesthetic impact or other negative impact on neighboring properties. Following the construction

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of the Project, there will be little traffic or noise associated with the Project and large setbacks and vegetative buffers to be aesthetically pleasing. The project is temporary, with a lifespan of approximately 35 years, at which time the equipment and infrastructure will be removed and the land returned to its previous state.

Solar ordinance criteria and discussion:

Page 9 - 1. (a)

The Applicant appreciates that the Planning Commission will approve the rezoning of the two residential parcels to agricultural.

Page 11 - 2. (e)

Applicant respectfully disagrees with the Planning Commission's stated interpretation of the plain language of the Solar Ordinance that describes two screening and vegetation requirements. Section 2(e)(i) sets forth "Street screening" requirements for "property abutting a public right-of-way." Section 2(e)(ii) sets forth "Residential buffer screening" with slat fencing or vegetation spaced to achieve a continuous visual barrier reaching 6-8' in height within two years. Nowhere in the Solar Ordinance does it state that the screening and vegetative buffer must be a "continuous barrier" nor is there any definition or use of the term "continuous barrier" in the Solar Ordinance. In accordance with the plain language of the Solar Ordinance, the Site Plan placed screening and vegetative buffers along all property abutting a public-right-of-way and adjacent to residences. In addition, it is important to note that much of the Project Site currently has either mature trees and/or other vegetation that will naturally act as a vegetative buffer on the outside perimeter of the Project Site, or the panels and perimeter fencing will be located a far enough distance from any public road or adjacent parcel that it will not be easily visible. Accordingly, the absence of a vegetative buffer on the Site Plan does not indicate that the panels or even the perimeter fencing will necessarily be visible outside of the Project Site. That said, if there are particular areas in the Site Plan where the Township believes additional visual barriers should be located, the Applicant requests that the Township make such additional visual barriers a condition of the conditional use permit.

Page 12 - 7. (c)

Applicant will work with the Township Roadmaster on a bond of acceptable value.

Page 12 - 8. (a)

The Affidavits of Authority for both leases submitted with the Application do contain a description of the decommissioning or similar provisions in the leases at paragraph 6 of the Affidavits of Authority. The Application also indicated that redacted copies of the leases could be provided, if necessary, but none were requested.

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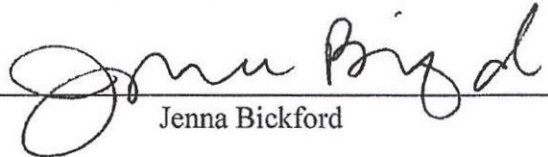
Page 12 - 8. (d)

The Applicant is required to, and will, post a bond or other financial assurance as may be acceptable to the Township, to ensure the Project will be satisfactorily decommissioned.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

MacDONALD, ILLIG, JONES & BRITTON LLP

By  _____
Jenna Bickford

JKB: 1824765v2