

**IN THE COURT OF COMMON PLEAS OF ERIE COUNTY,
PENNSYLVANIA**

WILSON SOLAR LLC,)	CIVIL ACTION – LAND USE
)	APPEAL
Appellant,)	
)	No. 10311-2024
v.)	
)	
BOARD OF SUPERVISORS OF)	
VENANGO TOWNSHIP,)	
)	
Appellee.)	

CONSENT ORDER AND AGREEMENT

This CONSENT ORDER AND AGREEMENT (the “COA”) is made and entered into this 12 day of December, 2024 by and among Wilson Solar LLC (“Wilson Solar”), Birch Creek Development, LLC (“Birch Creek”) and the Board of Supervisors of Venango Township (“Board”)(collectively, the “Parties”), as follows:

WHEREAS, on July 27, 2023, Wilson Solar, a special purpose entity wholly owned by Birch Creek, filed a zoning application seeking conditional use approval for a solar electric generation facility (“Solar Facility”) and related rezoning request for relief for its proposed Solar Facility (“Application”) on property comprised of 15 lots (Tax Parcel Nos. 44010023001000, 44010023000900, 44010024000200, 44010024000400, 44010024000401, 44010024000600, 44010024000701, 44016022002000, 44016022002300, 44016022002301 44017022000400, 44017022001400, 44016024000701, 44017022001200 and 44016022001600) located in the Township’s A-1, I-1 and R-1 Zoning Districts (“Subject Property”); and

WHEREAS, on January 8, 2024, the Board denied the Application in its entirety (“Decision”); and

WHEREAS, Wilson Solar appealed the Decision to the Court of Common Pleas of Erie County at No. 10311-2024 (“Appeal”); and

WHEREAS, Wilson Solar also filed a second conditional use application (“Second Application”) with the Township on February 2, 2024 that removed the R-1 zoned parcels from the Application; and

WHEREAS, during the pendency of the Appeal, Wilson Solar submitted to the Township a number of concessions and modifications to the Application 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 Appeal without the need for further litigation (“Proposed Settlement Terms”); and

Rule 236 notice
Provided on: 12/12/24

Case# 2024-10311-0015 Received at Erie County Prothonotary on 12/12/2024 1:26 PM.

WHEREAS, the Proposed Settlement Terms were presented to the public at duly advertised meetings on September 23, November 4 and December 2, 2024; and

WHEREAS, the Parties ultimately reached a settlement, which they incorporated into a settlement agreement, executed on December 3, 2024 (“Settlement Agreement”); and

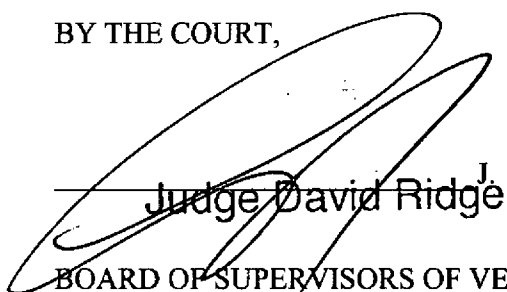
WHEREAS, as part of their settlement, the Parties agreed to prepare and jointly submit this Consent Order for entry by the Court.

NOW THEREFORE, in consideration of the mutual promises contained herein, and intending to be legally bound hereby, the Parties to this Consent Order and Agreement voluntarily agree as follows:

1. The foregoing recitals are incorporated herein by reference.
2. The Solar Facility shall be modified in accordance with the plan (“Amended Plan”) attached hereto as Exhibit “A.” Specifically, the Amended Plan: (1) eliminates any solar development on properties designated as Residential (R-1) as found in Sheet C-X00 of the original Application; (2) includes an increased setback requirement on the site of the project found on Hill Road (Sheet C-X08 of the original Application) to 300 feet; (3) includes at the project site section on Hill Road (Sheet C-X08 of the original Application) an eight (8) foot solid vinyl fence as an additional street screening buffer for Hill Road; (4) includes at the project site section on Hill Road (Sheet C-X08 of the original Application) an additional twenty-five (25) foot-wide vegetation street screening buffer for Hill Road, which shall be installed in accordance with the requirements of Section 608.5 of the Venango Township Zoning Ordinance (excluding its width provisions); (5) eliminates any solar development on the property abutting Jones Road as found in Sheet C-X12 of the original Application; (6) limits the total utilized area of the solar project to approximately two hundred sixty (260) acres (the acreage that the solar panel themselves cover and also including the land between each solar panel and between each solar panel row); (7) limits the actual solar panel ground coverage of the project site to approximately one hundred twenty (120) acres (the acreage that the solar panels themselves cover); (8) replaces the access road on Sheet C-X08 of the original Application with one to the northwest most border of the project site on Sheet C-X08 of the original Application.
3. The Court approves the terms of the Settlement Agreement and shall retain jurisdiction as necessary to enforce this Agreement and the Settlement Agreement.
4. The execution of this Consent Order and Agreement resolves all issues raised by Wilson Solar in its Appeal.

IN WITNESS WHEREOF, and intending to be legally bound, the Parties have executed this Agreement on the date first written above.

BY THE COURT,



Judge David Ridge

BOARD OF SUPERVISORS OF VENANGO
TOWNSHIP

By: 
Anthony Angelone, Esquire

WILSON SOLAR LLC and BIRCH CREEK
DEVELOPMENT, LLC

By: 
Shawn Gallagher, Esquire