

COUNTY OF WYOMING
PENNSYLVANIA
ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE WYOMING COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE:
AFFECTING LAND DEVELOPMENT PLAN APPLICATIONS INCLUDING THOSE PERTAINING TO DATA CENTERS.**

- ITEM 1 – ADD DEFINITIONS IN §204
- ITEM 2 – AMEND ARTICLE VI (REGARDING ELECTRIC UTILITY CONNECTION AGREEMENTS)
- ITEM 3 – AMEND ARTICLES IV AND VI (REGARDING WATER USE)
- ITEM 4 – AMEND ARTICLE IV (REGARDING EROSION, SEDIMENTATION, STORMWATER, AND WATER POLLUTION)
- ITEM 5 – AMEND ARTICLE VII (REGARDING AMBIENT NOISE AND SOUND STUDIES)
- ITEM 6 – AMEND ARTICLE VI (REGARDING VISUAL BUFFERING)
- ITEM 7 – AMEND ARTICLE VI (REGARDING FIRE SAFETY)
- ITEM 8 – AMEND ARTICLE VII (MITIGATING EXCESS HEAT GENERATION)
- ITEM 9 – AMEND ARTICLE VII (SETBACKS FOR MITIGATING AMBIENT NOISE AND EXCESS HEAT)
- ITEM 10 – AMEND ARTICLE VII (REGARDING DECOMMISSIONING)

BE IT ORDAINED AND ENACTED by the Board of Commissioners of Wyoming County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the *Pennsylvania Municipalities Planning Code*, that an Ordinance entitled AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF WYOMING COUNTY AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS dated March 22, 2016, is amended as follows:

ITEM 1

Add to §204 the following language:

DATA CENTER - A facility, structure, or building used for the housing, operation, and/or co-location of computer and/or communication equipment utilized for the storage, management, processing, and/or transmission of digital data or information that may be associated with or in support of the operation of one or more businesses, commercial, private, or governmental entities.

DATA CENTER CAMPUS/COMPLEX/PARK – A development involving multiple (more than one) Data Centers proposed or located upon a single or multiple parcels of land.

County of Wyoming Subdivision and Land Development Ordinance Amendment – 2026

SCREENING, NOISE (AUDIBLE) – Physical materials or barriers designed to muffle, absorb, deflect, or redirect the travel of sound. Such Noise Screening may or may not double as features also required for visual Buffer or visual Screening. Examples may include an earthen berm, a solid wall, rooftop parapets, sound blankets, fan silencers, sound curtains, steel barriers, carpeting, foam membranes, sound insulation/gaps/barriers, and other forms of screens, enclosures, and muffling materials/devices.

SOUND PRESSURE LEVEL – The logarithmic measurement of the effective pressure of sound relative to a referenced value, reflected as a decibel (dB) reading or rating.

SOUND PRESSURE LEVEL, AMBIENT – The dBA weighted sound pressure level associated with a given environment.

SOUND PRESSURE LEVEL, DAY-NIGHT (L_{dn}) – The dBA weighted sound pressure level for any given 24-hour period with a 10 decibel penalty applied to noise occurring between 10:00 PM and 7:00 AM. Also understood to incorporate the term Day-Night Average Sound Level.

SOUND PRESSURE LEVEL, EQUIVALENT (L_{eq}) – The average dBA weighted sound pressure level that exceeds the ambient sound pressure level. Also understood to incorporate the term Equivalent Continuous Sound Level.

SOUND PRESSURE LEVEL, MAXIMUM (L_{max}) – The maximum dBA weighted sound that exceeds the ambient sound pressure level.

SOUND PRESSURE LEVEL, 10 (L₁₀) – The dBA weighted sound pressure level that exceeds the ambient sound pressure level 10 percent of the time.

SOUND PRESSURE LEVEL, 90 (L₉₀) – The dBA weighted sound pressure level that exceeds the ambient sound pressure level 90 percent of the time.

SOUND TRANSMISSION CLASS (STC) – A single number integer rating of how effectively a Noise (Audible) Screening assembly attenuates airborne sound through a barrier.

NOISE REDUCTION COEFFICIENT (NRC) – A single number integer rating of how effectively a Noise (Audible) Screening assembly absorbs or deflects airborne sound.

ITEM 2

Add §613.1 containing the following language: “If a development is self-reported as anticipated not to be self-sufficient with regards to providing for its own electric needs, then the Commission/Department may require, as a condition of land development plan approval, the applicant provide a copy of their approved agreement for electric service from the rural electric cooperative or PA-PUC certified public utility jurisdictional to the site. As of the date of this amendment, known providers in Wyoming County include (in alphabetical order): Claverack Rural electric cooperative; First Energy Companies/Penelec; PPL (Pennsylvania Power & Light) Electric Utilities; and UGI Utilities (United Gas Improvement Corp.). Depending on the provider, such an agreement may take the form of an executed Electric Services Agreement (ESA) and/or Transmission Services Agreement (TSA). Any interconnection infrastructure and associated easements anticipated to be needed to secure an approved ESA/TSA must be shown on the applicant’s land development plan.”

Add §613.2 containing the following language: “If a development is self-reported as anticipated to be self-sufficient in providing for its own electric needs (which may involve co-location of a power plant onsite or nearby), but wishes to connect its operations with the wider power grid in order to sell excess electricity as a supplier, or

County of Wyoming Subdivision and Land Development Ordinance Amendment – 2026

gird itself against the effects of any plant disruptions, then the Commission/Department may require, as a condition of land development plan approval, the applicant provide a copy of their approved agreement for electric connection from the rural electric cooperative or PA-PUC certified public utility jurisdictional to the site. As of the date of this amendment, known utilities in Wyoming County include (in alphabetical order): Claverack Rural electric cooperative; First Energy Companies/Penelec; PPL (Pennsylvania Power & Light) Electric Utilities; and UGI Utilities (United Gas Improvement Corp.). Depending on the utility, such an agreement may take the form of an executed Electric Services Agreement (ESA) and/or Transmission Services Agreement (TSA). Any interconnection infrastructure and associated easements anticipated to be necessary to secure an approved ESA/TSA must be shown on the applicant's land development plan."

ITEM 3

Add §403.4F.3 containing the following language: "When connecting to a central water-pipe system, a will-serve letter from the water company or authority stating that said company or authority will supply the development, including verification of the adequacy of service for the self-reported maximum gallons per day that could be measured over any 30-day rolling average or moving average of water need anticipated, or by whatever rubric of measurement is used by the company or authority."

In §611D, remove the following language: "at the preliminary stage."

Add §611I containing the following language: "All commercial and industrial Land Developments must self-report on their plan, during point of application, their maximum anticipated consumptive water use in gallons per day (gpd) over a 30-day average, regardless of whether it be sourced from groundwater, surface water, and/or public water supplies. If this amount equals 20,000 gpd or more over a 30-day average, then the applicant must secure a Consumptive Water Use Permit from the Susquehanna River Basin Commission (SRBC) as a condition of plan approval. Any days a property spends in noncompliance with SRBC regulations (upon SRBC issuing a Notice-of-Violation which may occur after a random, routine, or complaint-driven inspection is conducted by SRBC Compliance Staff) shall also constitute a violation of this Ordinance provision which the County may prosecute and enforce as outlined in Ordinance Section 1104."

Add §611J containing the following language: "When considering the proposal of industrial scale open-loop evaporative cooling mechanisms as comprising part of their land development plan application (which can consume large quantities of water), developers must consider whether a closed-loop non-evaporative cooling system might achieve the same functionality goals while precluding the need for such large quantities of water consumption."

ITEM 4

Add to §403.4G the following language: "This includes securement of a Chapter 102 NPDES Permit from Pennsylvania Department of Environmental Protection (PA-DEP) for any project disturbing more than 1 acre of land to ensure the Applicant is properly regulated regarding any major erosion, sedimentation, and stormwater issues as required by the National Pollutant Discharge Elimination System (NPDES). This also includes any PA-03 Stormwater NPDES Permit or Individual NPDES Permit to Discharge Industrial Wastewater that may be required by PA-DEP."

County of Wyoming Subdivision and Land Development Ordinance Amendment – 2026

ITEM 5

Add §702.2F: “Requiring applicants to self-report on their land development plans, at point of submission, whether they intend to utilize any of the following noise-making devices: industrial-scale fans and blowers; industrial-scale air conditioning units; cooling system components; industrial-scale heating, ventilation, and air-conditioning (HVAC) systems; chillers; water or other liquid cooling pumps; electrical transformers or substations; gas-fired turbines; or multiple back-up electric generators. Roof-mounted equipment is subject to reporting as well as equipment installed indoors, outside, or appurtenant to the development. If planning to utilize any such noise-making devices, as described above, then the applicant must include a Sound Study as part of their Land Development Plan at point of submission. The applicant must hire an acoustics engineering expert to help them prepare the Sound Study. The applicant will be subject to the following with regards to the Sound Study:”

Add §702.2F.1: “Describe the pre-existing ambient background noise of the site for a minimum of one 24-hour period of a non-holiday weekday in an active school year at all property lines (the 24-hour period shall not be more than 9 months prior to submission of the Sound Study).”

Add §702.2F.2: “Describe the predictive post-construction conditions showing maximum design capacity utilization with maximum acoustic levels at all property lines.”

Add §702.2F.3: “Provide the following metric information for the 24-hour testing period: Leq, L10, L90, Ldn, and Lmax as defined in this Ordinance.”

Add §702.2F.4: “Disclose any atypical sound sources encountered during the study sample.”

Add §702.2F.5: “Identify areas at any of the property lines predicted at post-construction conditions to exceed the maximum noise level threshold of Leq = 55 dBA (day and night) listed in §702.2G.1.”

Add §702.2F.6: “Model mitigation measures for those areas identified as described in §702.2F.5, and the describe the “Noise (Audible) Screening” methods to be utilized (examples listed under Definitions in Ordinance §204) to gain site compliance with the noise limit of Leq = 55 dBA (day and night) listed in §702.2G.1. When describing the Noise Screening methods, the applicant must provide details on materials, location, height, encirclement, encapsulation, modifications, or operational adjustments utilized. Particularly useful Noise Screening methods will include those with a Sound Transmission Class (STC) of 35 or greater, or achieve a Noise Reduction Coefficient of 1.0.”

Add §702.2F.7: “Model sound levels along all property lines detailing maximum post-constructive design capacity with maximum ambient acoustic levels after installment and utilization of Noise (Audible) Screening measures demonstrating the predictive capacity for compliance with the noise limit of Leq = 55 dBA (day and night) listed in §702.2G.1.”

Add §702.2F.8: “If an earthen berm or retaining wall is to be utilized as a Noise Screening measure, it must be demonstrated on the plan to have a structural integrity so as not to unreasonably risk its collapse or erosion onto neighboring properties. Visual screening materials (walls or opaque fences) and/or evergreen buffer plantings may be perched atop an earthen berm so long as its structural integrity will not be compromised.”

Add §702.2F.9: “The Commission/Department may utilize a separate acoustics engineering consultant to help verify the accuracy of a Sound Study. The Commission/Department may invoice the applicant for reimbursement of costs incurred by the County for hiring a separate acoustics engineering consultant, and require payment of those expenses by the applicant as a condition of plan approval (MPC Section 503.1 and Wyoming County Fee Schedule).”

County of Wyoming Subdivision and Land Development Ordinance Amendment – 2026

Add §702.2G: “Requiring commercial and industrial land developments to be held to the following ambient noise limits:”

Add §702.2G.1: “The maximum levels of ambient sound permissible at the property line are Leq = 55 dBA (day and night). Exceptions of up to Leq = 70 dBA are allowed during instances of emergency backup electric generators use. Additional exceptions of up to Leq = 70 dBA are allowed during routine testing of emergency backup electric generators, but such testing must occur between the hours of 9:00 AM and 4:00 PM. Under no circumstances will backup electric generators act as the primary power source for a commercial or industrial building, structure, or facility in any non-emergency situation.”

ITEM 6

In §615, remove: “which require a NPDES Permit.”

Add §615.6B.1: “The Commission/Department may require sight-line subplans with artistic renderings to be included as part of a land development plan showing how the plan will comply with the visual screening/buffering provisions of this Ordinance at certain key flashpoints.”

Add to §615.6C.7: “In cases where pre-existing vegetation is proposed to help provide the level of visual buffering required by this Ordinance, a note of covenant shall be added to the plan stating that the specific depicted vegetation ‘will be left to remain onsite, and that its removal risks noncompliance with County Ordinance, requiring comparable replacement plantings.’”

ITEM 7

Add to the end of §620 the following language: “For particularly large and complex development sites, for the protection of public safety, the Commission/Department may require as a condition of plan approval the applicant propose installation of any number of the following features to ensure an outbreak of fire onsite could be adequately contained by tanker truck fire crews: wet hydrants, dry hydrants, water pumps, water tanks, and/or manufactured ponds/water reservoirs. The Commission/ Department may request input from, or require applicant coordination with, local fire chiefs to help establish the rationale and basis for requiring such improvements at a particular site. The Commission/Department may utilize a Professional Engineer consultant to help verify the functionality of the proposed improvements and systems required by this provision. The Commission/Department may also invoice the applicant for reimbursement of the costs of hiring the engineering consultant, and require payment of those expenses as a condition of plan approval (MPC Section 503.1 and Wyoming County Fee Schedule).”

Add §621.3A: “Regardless of whether fire lanes are required, the Commission/Department may require the applicant add a note of covenant to the plan stating that: ‘The developer will consult with fire/emergency safety crews on an annual basis, as a condition of plan approval, in order for crews to become more familiar with the development site, and so collaborative emergency trainings may occur onsite. Invitees/contacts must include the Wyoming County Emergency Management Agency and all fire companies local to Wyoming County.’”

County of Wyoming Subdivision and Land Development Ordinance Amendment – 2026

ITEM 8

Add §712: “Applicants must self-report on their plan at point of Land Development Plan submission whether their project is anticipated to generate a heat island effect.

Add §712.1: “In particular, Applicants must self-report whether they plan to incorporate into their project any of the following features already known and documented to raise surrounding ambient air temperatures:”

Add §712.1A: “Substantial circuitry, data storage servers, and computer hardware which generate heat to be expelled from a building;”

Add §712.1B: “Systems which cool interior features of a development but which generate heat to be expelled from a building; and/or”

Add §712.1C: “Any other heat-generating features.”

Add §712.2: “When a development proposes to comprise such features, the Commission/Department may require the Applicant to incorporate any or all of the following design concepts into their plan as a condition of plan approval:”

Add §712.2A: “The purposeful coloration of heat-generating buildings’ exposed paint facades and/or building materials to comprise a lighter color in order to lower the solar energy absorption and heat generating effect of the overall site;”

Add §712.2B: “Retention of existing canopy shade tree cover, or achievement of substantial new shade tree cover by means of new shade tree plantings;”

Add §712.2C: “Removal of pre-existing dense areas of underbrush amidst and surrounding the site in order to allow/maximize air circulation whenever the wind happens to blow;”

Add §712.2D: “Installation/utilization of outside air-circulation fan cooling systems/roof-mounted vent fans;”

Add §712.2E: “installation of green roof vegetative plantings; and/or”

Add §712.2F: “Strategic designing of the site incorporating wind tunnels/corridors to remain around buildings to allow/maximize air circulation whenever the wind happens to blow.

ITEM 9

Add the following footnote to Table 704.1A on Page VII-3: “Applicants are required to self-report, at point of land development plan submission, if the development is proposed to contain any of the following features known to raise ambient air temperatures or ambient levels of noise/decibels (dBA): substantial circuitry, data storage servers, and computer hardware which generate heat to be expelled from a building; systems which cool interior features of a development but which generate heat to be expelled from a building; and/or any other heat-generating features; industrial-scale fans and blowers; industrial-scale air conditioning units; industrial-scale heating, ventilation, and air-conditioning (HVAC) systems; chillers; water or other liquid cooling pumps; electrical transformers or substations; gas-fired turbines; or multiple back-up electric generators—regardless of whether these features are installed indoors, outside, roof-mounted, and/or appurtenant to the development. In these instances, in order to protect the public welfare, the Commission/Department requires Front, Side, and Rear setbacks of 400 feet each, unless a waiver is granted per §1103.”

County of Wyoming Subdivision and Land Development Ordinance Amendment – 2026

ITEM 10

Add §711.2A.5: “Data Center and Data Center Campus/Complex/Park, for which decommissioning will only be required for the interior content of structures and buildings, including circuitry, servers, computer units, batteries, and any and all hazardous/toxic components.”

SEVERABILITY

Should any section, subsection, clause, provision, or other portion of this Ordinance be declared invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance; the Board of Commissioners having adopted this Ordinance as if such invalid portions had not been included therein.

EFFECTIVE DATE

This Ordinance shall become effective on _____.

In all other respects the Wyoming County Ordinance entitled *AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF WYOMING COUNTY AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS* dated March 22, 2016, and amended on May 17, 2016 and May 17, 2024, is ratified, and affirmed.

BE IT HEREBY ORDAINED AND ENACTED this _____ day of _____, **2026** by the Board of Commissioners of Wyoming County, Pennsylvania.

Wyoming County Commissioners

Richard Wilbur, Chairman

Thomas S. Henry, Vice Chairman

Ernest A. King, Jr., Commissioner

ATTEST:

Amber Franko, Chief Clerk