

COUNTY OF WYOMING
PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE WYOMING COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE:
**TO ESTABLISH ENHANCED LAND DEVELOPMENT APPLICATION, REVIEW, AND PLAN DESIGN REQUIREMENTS FOR
HIGH-INTENSITY NONRESIDENTIAL LAND DEVELOPMENTS AND RELATED LARGE-SCALE DEVELOPMENT IMPACTS.**

- ITEM 1 – ADD DEFINITIONS IN §204
ITEM 2 – AMEND ARTICLE IV (REQUIREMENTS FOR HIGH-INTENSITY NONRESIDENTIAL LAND DEVELOPMENTS)
ITEM 3 – AMEND ARTICLE VI (REGARDING ELECTRIC UTILITY CONNECTION AGREEMENTS)
ITEM 4 – AMEND ARTICLES IV AND VI (REGARDING WATER USE)
ITEM 5 – AMEND ARTICLE IV (REGARDING EROSION, SEDIMENTATION, STORMWATER, AND WATER POLLUTION)
ITEM 6 – AMEND ARTICLE VII (SOUND IMPACT STUDY AND PLAN-BASED NOISE MITIGATION)
ITEM 7 – AMEND ARTICLE VI (REGARDING VISUAL BUFFERING)
ITEM 8 – AMEND ARTICLE VI (REGARDING FIRE SAFETY)
ITEM 9 – AMEND ARTICLE VII (HEAT-RELATED SITE DESIGN AND EXTERIOR EQUIPMENT LAYOUT)

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 definitions in alphabetical order:

EXTERIOR MECHANICAL or UTILITY EQUIPMENT AREA – The portion of a land development site used for exterior mechanical, electrical, cooling, power distribution, transformer, generator, pump, chiller, turbine, or similar equipment, whether ground-mounted, roof-mounted, attached to a structure, or appurtenant to the development.

GLINT or GLARE – Reflection of sunlight or artificial light from surfaces, including solar panels, glass, metal, equipment, building materials, lighting fixtures, or similar surfaces, that may be visible from off-site locations or may affect adjoining properties, public roads, public rights-of-way, or other visually sensitive vantage points.

GROUND-BORNE VIBRATION – Oscillatory motion transmitted through the ground or structures that may be generated by mechanical, electrical, cooling, pumping, turbine, generator, transformer, substation, or similar equipment associated with a proposed land development.

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HIGH-INTENSITY NONRESIDENTIAL LAND DEVELOPMENT – A nonresidential land development application for which: the combined area of proposed/cumulative buildings and ground-mounted equipment/facilities comprises 10,000 square feet or more (triggering special fire safety considerations); or which brings heat-generating features (such as substantial circuitry, data storage servers, computer hardware, or other features/systems which may cool the interior of a development but which generate heat to be expelled from a building); or which brings Sound Pressure/noise-generating features (such as industrial-scale fans or blowers, chillers, cooling system components, pumps, transformers, substations, turbines, generators, or similar equipment); or which brings an Exterior Mechanical or Utility Equipment Area; or has high water consumption needs (20,000 gallons per day or more) proposed as part of the development.

LOW-FREQUENCY SOUND – Sound energy occurring primarily in lower frequency ranges, including octave-band or one-third octave-band sound levels, where analysis is appropriate due to the type, size, or operation of proposed exterior mechanical, electrical, cooling, pumping, power generation, or utility equipment.

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

OFF-SITE LIGHTING IMPACT – Light, glare, reflection, illumination, or related visual effect generated by a proposed land development and reasonably anticipated to be visible from or affect adjoining properties, public roads, public rights-of-way, or other off-site vantage points.

OFF-SITE SOUND IMPACT – Predicted sound, low-frequency sound, tonal sound, vibration, or related acoustical effect generated by a proposed land development and reasonably anticipated, based on a Sound Impact Study, to be perceptible or measurable at or beyond the exterior boundary of the development site or at an adjacent property line.

PLAN-BASED MITIGATION – Physical site design measures, improvements, facilities, structures, landscaping, screening, buffering, equipment orientation, enclosures, access improvements, stormwater facilities, emergency response improvements, or other improvements shown on a land development plan and installed or financially secured as part of land development approval.

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/vibration insulation/gaps/barriers, and other forms of screens, acoustic enclosures, and muffling/attenuating materials/devices to be shown on a land development plan.

SOUND IMPACT STUDY – A report prepared by a qualified acoustical professional identifying existing ambient sound conditions, predicted post-construction sound conditions associated with the proposed land development at full design capacity, major sound sources, and proposed plan-based mitigation measures.

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.

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SOUND PRESSURE LEVEL, EQUIVALENT (Leq) – 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 (Lmax) – 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/enclosure attenuates airborne sound through a barrier.

ITEM 2

Add §410: Requirements for High-Intensity Nonresidential Land Developments

Applicability. A land development application shall be reviewed as a High-Intensity Nonresidential Land Development if: the combined area of proposed/cumulative buildings and ground-mounted facilities/features comprises 10,000 square feet or more (for fire safety planning); or if the development brings heat-generating features (such as substantial circuitry, data storage servers, computer hardware, or other features/systems which may cool the interior of a development but which generate heat to be expelled from a building); or if the development brings Sound Pressure/noise-generating features (such as industrial-scale fans or blowers, chillers, cooling system components, pumps, transformers, substations, turbines, generators, or similar equipment); or if the development proposes a substantial Exterior Mechanical or Utility Equipment Area; or if high water consumption needs (20,000 gallons per day or more) are proposed as part of the development.

Enhanced Application Materials. In addition to all other materials and processes required by this Ordinance for Land Development Plans, an applicant for a High-Intensity Nonresidential Land Development shall submit the studies, narratives, plans, and supporting documents required by this section, to the extent applicable to the proposed site design and improvements.

Required Enhanced Application Materials. A High-Intensity Nonresidential Land Development application shall include, as applicable to the proposed development, the following enhanced application materials: electric utility and energy infrastructure documentation required by Ordinance Sections 613.1 and 613.2; water demand, cooling system, and water infrastructure narrative required by Sections 403.4F.3; 611D and 611I; erosion, sedimentation, stormwater, and water pollution documentation required by Section 403.4G; Sound Impact Study and plan-based noise mitigation materials required by Section 702.2F; lighting, glint/glare prevention, and reflective surface narrative or study, buffering, screening, and site design plan required by Sections 615; 615.6; 617 and 708; emergency access and fire protection narrative required by Sections 620 and 621; and heat-related site design and exterior equipment layout narrative required by Section 712.

Completeness Review. The County may determine that a High-Intensity Nonresidential Land Development application is incomplete if the application does not include the enhanced application materials required by this section and the cross-referenced sections applicable to the proposed development. Nothing in this section shall

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require submission of a study, narrative, or plan element that is not reasonably applicable to the physical characteristics, infrastructure, or site design of the proposed development.

ITEM 3

Add §613.1: 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 shall 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. 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: 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 gird itself against the effects of any plant disruptions, then the Commission/Department shall 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. 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 4

Add §403.4F.3: 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: 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.

ITEM 5

Add to §403.4G: 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.

ITEM 6

Add §702.2F:

A High-Intensity Nonresidential Land Development that includes Exterior Mechanical or Utility Equipment Areas, industrial-scale fans or blowers, chillers, cooling system components, pumps, transformers, substations, turbines, generators, or similar equipment shall submit a Sound Impact Study as part of the land development application which must be prepared and signed by a credentialed acoustics engineering expert.

The Sound Impact Study shall identify existing ambient sound conditions for a representative 24-hour period, or other representative operating condition where 24-hour monitoring is not practicable, predicted post-construction sound conditions at full design capacity with maximum acoustic levels at all property lines, major sound sources, proposed equipment locations, equipment orientation, and physical site design measures intended to reduce Off-Site Sound Impacts. The study shall include generally accepted acoustical metrics appropriate to the proposed equipment and site conditions, which may include Leq, L10, L90, Ldn, Lmax, octave-band or one-third octave-band data, tonal characteristics, manufacturer equipment specifications, and other accepted acoustical information where applicable.

Where the proposed development includes equipment reasonably anticipated to generate Low-Frequency Sound, tonal sound, impulsive sound, or Ground-Borne Vibration, including turbines, generators, chillers, pumps, transformers, substations, cooling equipment, or similar equipment, the Sound Impact Study shall include appropriate additional analysis. Such analysis may include octave-band or one-third octave-band data, tonal characteristics, manufacturer specifications, vibration screening, foundation or isolation methods, and proposed physical mitigation measures.

Where the Sound Impact Study identifies potential Off-Site Sound Impacts, Low-Frequency Sound, tonal sound, impulsive sound, or Ground-Borne Vibration, the applicant shall identify Plan-Based Mitigation and Noise Screening measures, which may include building orientation, equipment orientation, acoustic enclosures, walls, berms, parapets, screening, sound attenuating materials, fan silencers, vibration isolation pads, foundations, separation distances, landscaping, or other physical site improvements. Where sound walls, berms, enclosures, or other physical barriers are proposed, the applicant shall identify the proposed location, height, materials, and, where applicable, STC or NRC information. Such mitigation measures shall be shown on the approved land development plan and installed or financially secured as required improvements.

Identify areas at any of the property lines predicted at post-construction conditions, without mitigation measures, to exceed the maximum noise level threshold of Leq = 55 dBA (day and night) during normal operations.

Plan-Based Mitigation and Noise Screening measures must be demonstrated on the Land Development Plan and through the Sound Study to achieve a maximum level of ambient sound at all property lines at Leq = 55 dBA (day and night) during normal operations (instances of emergency backup electric generator/turbine use excepted).

Model mitigation measures and describe the Noise (Audible) Screening methods to be utilized to gain site compliance with the noise limit of Leq = 55 dBA (day and night) during normal operations. When describing the Noise Screening methods, Applicant must provide details on materials, location, height, encirclement,

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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 a Noise Reduction Coefficient of 1.0.

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) during normal operations (instances of emergency backup electric generator/turbine use will be excepted).

The County may retain a qualified acoustical engineering consultant to review a Sound Impact Study where reasonably necessary to determine whether the study adequately identifies existing conditions, predicted post-construction conditions, Off-Site Sound Impacts, Low-Frequency Sound, tonal characteristics, Ground-Borne Vibration, and proposed Plan-Based Mitigation. The Commission/Department may invoice the applicant for reimbursement of costs incurred by the County for hiring the 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).

ITEM 7

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

Add §615.6B.1: The Commission/Department shall 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 8

Add to the end of §620: For High-Intensity Nonresidential Land Developments, for the protection of public safety, the Commission/Department shall 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 shall 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 shall utilize a Professional Engineer consultant to help verify the functionality of the proposed improvements and systems required by this provision. The Commission/Department will 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 shall 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

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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.”

ITEM 9

Add §712: A High-Intensity Nonresidential Land Development shall submit a site design narrative identifying major exterior heat-generating equipment, exterior mechanical equipment areas, building placement, equipment orientation, impervious coverage, proposed landscaping, retained vegetation, shading, roof or facade materials, airflow and circulation considerations, and other physical site design measures proposed to reduce off-site impacts associated with building scale, impervious area, and exterior equipment layout.

Plan-Based Mitigation may include building orientation, equipment placement, vegetative buffering, shade tree preservation or planting, screening of exterior equipment, reduction or organization of impervious surfaces, lighter-colored roof or facade materials where voluntarily proposed or otherwise supported by applicable standards, green roof or vegetative roof areas where proposed, preservation of airflow corridors, and other physical site design measures shown on the land development plan.

GENERAL REVIEW STANDARDS AND OBJECTIVE CRITERIA

Where this Ordinance authorizes the County, County Planning Commission, or County Planning Department to require additional studies, improvements, mitigation measures, or conditions of approval, such requirement shall be based upon objective criteria, written findings, the application materials submitted, the physical characteristics of the proposed development, or the standards of this Ordinance.

Conditions of approval shall be related to land development plan review, site design, infrastructure, access, stormwater, erosion and sedimentation control, utilities, buffering, screening, lighting, fire protection, emergency access, or other physical improvements associated with the proposed development.

This Ordinance shall not be construed to determine whether a particular use is permitted, nor to create a Conditional Use, Special Exception, or zoning approval process, where no zoning ordinance applies.

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.

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EFFECTIVE DATE

This Ordinance shall become effective on Sept. 9th, 2026.

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 8th day of Sept., **2026** by the Board of Commissioners of Wyoming County, Pennsylvania.

Wyoming County Board of Commissioners

Richard Wilbur, Chairman

Thomas S. Henry, Vice Chairman

Ernest A. King, Jr., Commissioner

ATTEST:

Amber Franko, Chief Clerk