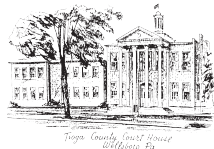


Planning for Data Centers

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Tioga County Planning Commission Monthly Meeting

Every 2nd Wednesday of the Month at 6:30 p.m.

Tokishi Building, 124 Nypum Drive Wellsboro, Tioga County PA

**Unless otherwise advertised.*

Public Comment on Data Center Ordinance

Submit comments by January 31, 2026 to: rcourtney@tiogacountypa.us

In a **proactive** effort to establish clear parameters **before** any data center development occurs, the Planning Commission and County Commissioners have taken coordinated action to draft and adopt a Data Center Ordinance.

The County is now welcoming public comment on the adopted ordinance to help inform potential amendments.

Your input is valuable in ensuring the ordinance supports responsible growth, protects community interests, and reflects the priorities of Tioga County residents.

What's a Planning Commission¹?

Defined by the Pennsylvania Municipalities Planning Code (MPC), Article II, Section 209.1, and by the local ordinance that created the commission.

Primary responsibilities include:

- Serves as an advisory body to the County Board of Commissioners.
- Composed of nine volunteer citizens, appointed by the Commissioners, representing all regions of Tioga County.
- Preparing and presenting the county comprehensive plan.
- Preparing and administering subdivision and land development regulations.
- Approving, denying, or conditioning development proposals under county jurisdiction.

Additional duties may include:

- Recommending updates or amendments to the comprehensive plan.
- Promoting public understanding of planning and the comprehensive plan.
- Conducting special studies and preparing reports.
- Overseeing implementation of plan recommendations.
- Reviewing municipal subdivision and land development plans, zoning ordinances, comprehensive plans, and zoning amendments.
- Tracking growth, new development, and land-use trends.
- Reviewing and commenting on state or local laws affecting planning and commission operations.
- Hosting, attending, or sponsoring planning-related workshops, seminars, and conferences.
- Providing guidance to the Planning Department staff.

¹Pennsylvania Municipalities Planning Code <https://www.legis.state.pa.us/WU01/LI/LI/US/HTM/1968/0/0247..HTM>

Tioga County Efforts in Preparation for Data Centers beyond the Ordinance

Tioga County is taking proactive steps to help municipalities prepare for potential data center development and to support thoughtful, well-planned growth.

Zoning Workshop & Municipal Support

- The County is partnering with Pennsylvania State Association of Township Supervisors (PSATS) to offer a comprehensive Zoning Workshop for municipalities. This session will provide local leaders with industry insights, model ordinances, and best practices, along with guidance, resources, and tools to assist municipalities as they review and update zoning ordinances. This collaborative workshop is designed to support informed, effective decision-making across our communities.

Data Centers to be added to Hazard Mitigation Plan

- Data centers have been identified by the Municipal Advisory Committee (MAC) for inclusion in Tioga County's updated Hazard Mitigation Plan, scheduled for renewal in 2026. This plan, updated every four years and approved by PEMA and FEMA, will now incorporate data centers as part of the county's long-term risk, mitigation, and preparedness strategies—strengthening coordination and keeping communities aligned on future planning needs.

Why does Tioga County need a Data Center Ordinance?

Subdivision & Land Development Ordinance (SALDO): A Pennsylvania Subdivision and Land Development Ordinance (SALDO) is a local law enacted by municipalities under the PA Municipalities Planning Code (MPC) to regulate how land is divided (subdivided) and improved (developed), ensuring orderly growth, public health, safety, and adequate facilities like roads, water, and sewers, by setting standards for plan submission, site design, streets, and public improvements.

Every municipality can have its own SALDO, which overrides county rules, but county planning agencies still review plans for regional impact.

County planning officials determined that the current SALDO does not sufficiently cover development issues associated with data centers.

Why doesn't Tioga County have county wide zoning?

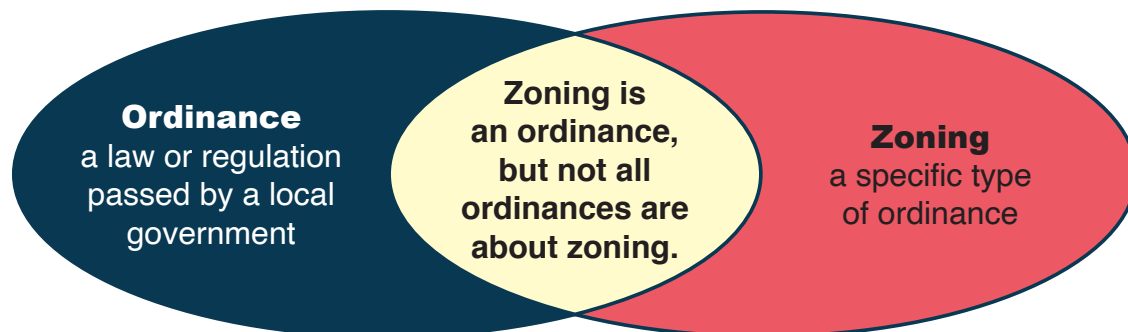
The Tioga County Planning Department and Planning Commission previously explored the adoption of countywide zoning; however, the proposal did not receive broad public support. One advantage of maintaining zoning authority at the municipal level is that it allows residents to have a more direct voice in local land-use decisions.

Can my municipality prohibit data center development within our municipality?

Generally speaking, no. The Municipalities Planning Code requires that zoning provisions provide for all reasonable and lawful uses within a municipality. Municipalities are allowed to prohibit certain uses in certain zones or provide a specific type of land use via conditional use or special exception policies. Contiguous municipalities are also free to adopt multi-municipal plans that exclude a particular use in one municipality(ies) provided that the use is available in some portion of the multi-municipal area.

Where can I find information regarding my Municipality's Zoning Ordinances?

Information regarding zoning ordinances is generally available via the website of the respective municipalities within Tioga County.

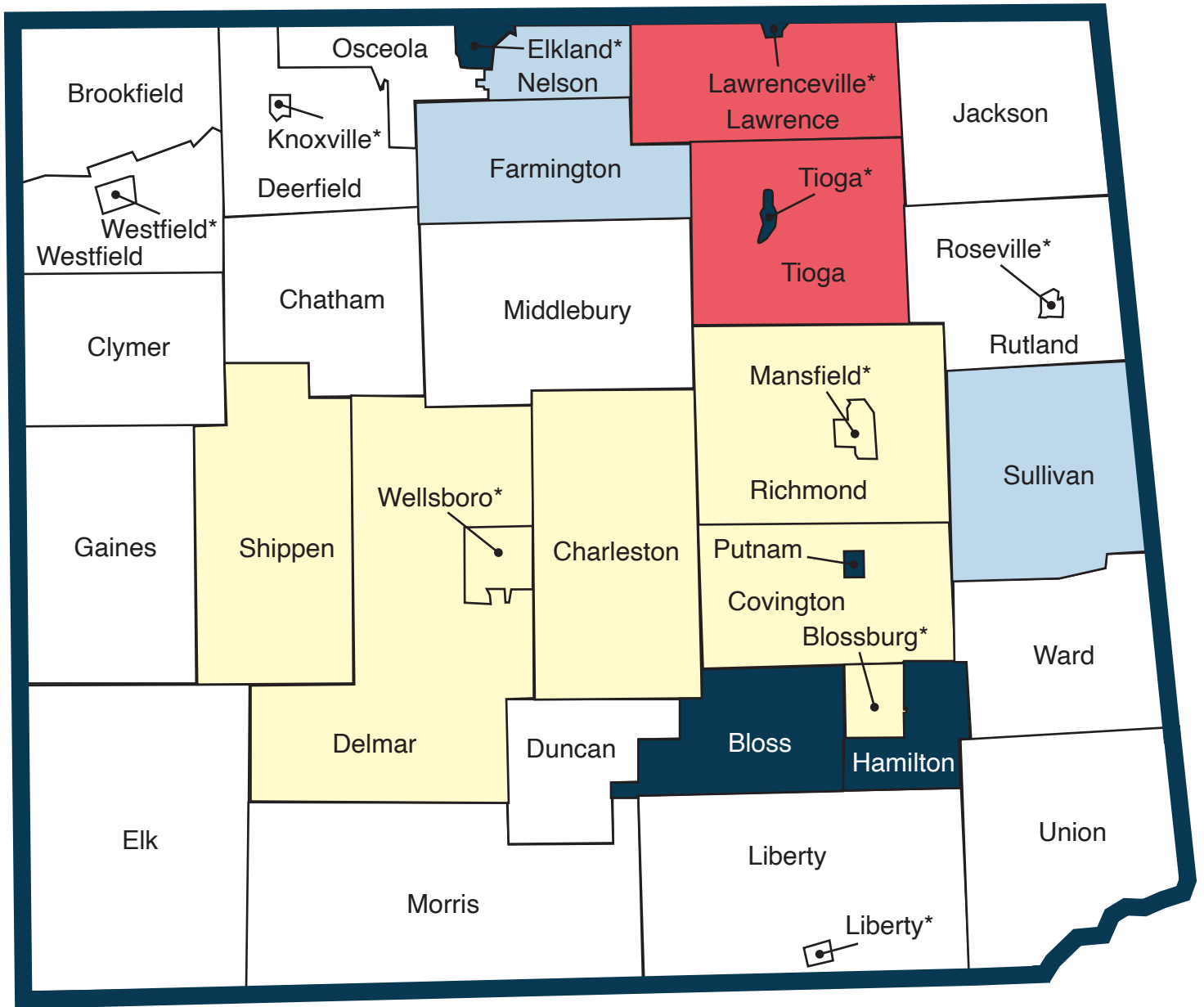


Ordinance = A rule in a house (e.g., "no running in the house.")

Zoning Ordinance = A specific rule about which rooms are for what purpose (e.g. "the kitchen is for cooking and bedrooms are for sleeping.")

Tioga County **DOES NOT** Have County Wide Zoning

Only 41% of Municipalities within Tioga County Have Zoning



- Municipalities with Zoning
 - Municipalities with Planning Commission following Tioga County SALDO with no Zoning
 - Municipalities with Zoning & their own SALDO
 - Municipalities following Tioga County SALDO with no Zoning
 - Municipalities with Zoning and Planning Commission following Tioga County SALDO
- *Borough
Subdivision and Land Development Ordinance (SALDO)

What is Pennsylvania's Position Regarding Data Center Development?

Pennsylvania has been an early adopter of artificial intelligence (AI) technologies, with several state agencies already exploring AI to improve operations and increase government efficiency. Within the General Assembly, lawmakers continue to debate potential regulations to guide the development of data centers, while statewide elected officials, particularly Governor Josh Shapiro and Senator David McCormick, have expressed support for policies that ensure Pennsylvania benefits economically from AI and related technologies.

At the federal level, President Donald Trump announced December 8, 2025 that he intends to sign an executive order establishing a unified national regulatory framework for artificial intelligence.² This action comes as state leaders across the country consider their own proposals in response to public concerns about privacy, energy demand, water usage, and other impacts associated with data center growth.

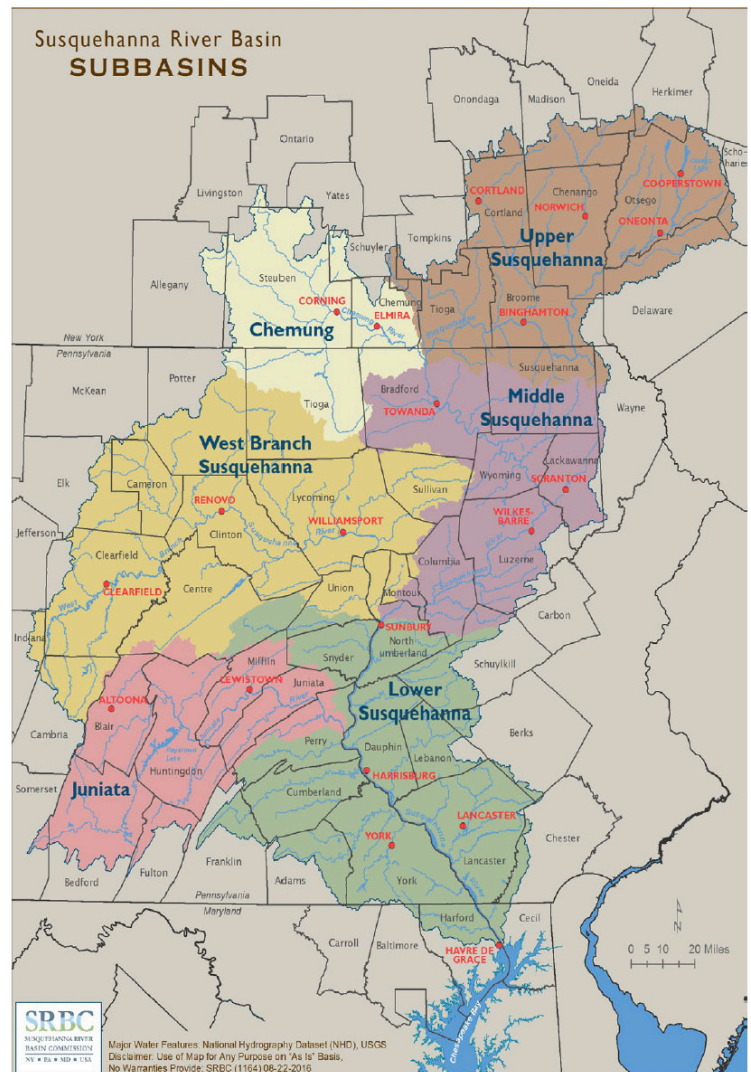
Understanding the scope and limitations of county responsibilities in regulating and overseeing environmental and energy-related issues:

The Tioga County Planning Commission **DOES NOT** control policy issues.

- [PA State Representative Clint Owlett](#)
- [PA State Senator Gene Yaw](#)

Federal, State & Federal-Interstate Agencies Regulating Energy, Air, Water & Chemical Usage

- [Federal Energy Regulatory Commission \(FERC\)](#)
- [U.S. Environmental Protection Agency \(EPA\)](#)
- [Department of Environmental Protection \(DEP\)](#)
- [Susquehanna River Basin Commission \(SRBC\)](#)



²Trump wants 'ONE' national AI rule - <https://www.utilitydive.com/news/ron-desantis-data-centers-ai-ratepayers-increase-florida-hyperscalers/807290/>

REGULATING WATER USES IN THE SUSQUEHANNA RIVER BASIN

OVERVIEW

The waters of the Susquehanna River are used for many purposes — domestic, municipal, agricultural, commercial, industrial, energy, environmental, and recreational. These competing needs led to the drafting of the Susquehanna River Basin Compact, which was signed into law on December 24, 1970, and provides the framework for managing the basin's water resources in a sustainable manner.

The Compact outlines the Commission's authorities, and the adopted regulations establish the procedures for the submission, review, and consideration of projects. The main purposes of the Commission's regulations are to:

- manage water flows and supplies of surface and ground waters;
- avoid conflicts among water users;
- accommodate reasonable economic development;
- promote healthy fisheries and aquatic habitat;
- protect public health, safety and welfare; and
- ensure adequate flows to the Chesapeake Bay.

WHY IS IT IMPORTANT TO REGULATE WITHDRAWALS?

By regulation, withdrawals are limited to the amount of water (quantity and rate) necessary to meet reasonably foreseeable needs of a project and can be withdrawn sustainably without causing significant adverse impacts.

Significant adverse impacts may include:

- excessive lowering of water levels, thus rendering competing supplies unreliable;
- causing permanent loss of aquifer storage capacity;
- degradation of water quality that may be harmful to any existing or potential water use, adversely affecting fish, wildlife or other living resources or their habitat; and
- substantially impacting the low flow of perennial streams.

WHAT DOES THE COMMISSION REGULATE?

WITHDRAWALS

Removal or withdrawal of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the basin is regulated.

CONSUMPTIVE WATER USES

Consumptive water use is defined as water that is withdrawn either from groundwater or surface-water sources, or from public water supplies, and is used in such a way that it is not returned to the basin undiminished in quantity.

Water is considered lost to the basin when it is evaporated, transpired due to irrigation, incorporated into manufactured products or injected underground.

Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source or combination of sources is regulated. Consumptive water use for agricultural purposes is not currently subject to review or approval by the Commission. This is due to a determination that the Commission and its member states have been providing sufficient consumptive use mitigation for agricultural projects.

DIVERSIONS

Generally, any quantity of water diverted into the basin is subject to review and approval. Also, water withdrawn from any source within the basin and diverted out of the basin is regulated if the quantity is 20,000 gpd or more over a 30-day average, with limited situations that are not subject to review and approval. Agricultural projects are generally not subject to diversion regulations if the property where the irrigation occurs is at least partially within the basin.

NATURAL GAS

Any withdrawal, consumptive use, or diversion for unconventional natural gas activities must obtain Commission approval.

WHY IS IT IMPORTANT TO REGULATE CONSUMPTIVE WATER USE?

Droughts are naturally occurring events that cannot be prevented. However, one of the Commission's roles is to minimize the impacts of consumptive use to water resources during dry conditions. The Commission adopted consumptive water use regulations to help manage and reduce human impacts caused by consumptive water use during low flows and established mitigation requirements to protect natural flow conditions. Regulated consumptive water users are required to mitigate impacts from their use. Several options are listed in regulation, and provisions are in place to allow a project sponsor to propose and implement another alternative approved by the Commission.

The primary mitigation methods utilized by approved projects are:

- reduce water withdrawal by an amount equal to the consumptive use and instead rely on alternate surface or underground storage;
- release water for flow augmentation, in amount equal to the consumptive use, from surface or underground storage facilities;
- discontinue the project's consumptive use;
- use a consumptive use source that maintains a conservation release; and
- provide monetary payment for annual consumptive use.

Monetary payments for consumptive use go into a special water management fund that is used to investigate, develop, and maintain Commission controlled water storage and other alternate strategies for mitigating the cumulative impacts of consumptive water use throughout the basin.



*Consumptive water uses take many forms. Left: Recreational irrigation
Right: Incorporation into mining products*

WHY IS IT IMPORTANT TO REGULATE DIVERSIONS?

Out of basin diversions are generally discouraged because they reduce streamflow while providing no benefits to the water resources of the basin. There are, however, instances where diversions out of the basin are appropriate, such as legitimate public welfare considerations. These projects are required to mitigate for impacts resulting from their use. Into-basin diversions of acceptable water quality are generally acceptable.

Standards for review are specified in regulation. Generally, diversions into the basin are scrutinized for water quality impacts or presence of invasive organisms; diversions out of the basin are regulated as consumptive use because the water withdrawn is lost to the basin.

THE PROCESS OF REVIEWING A PROJECT

PRE-APPLICATION

- ☑ A meeting with Project Review staff is encouraged to determine if the project should be regulated, and if so, what type of application is required.
- ☑ Pre-approved aquifer test required for groundwater withdrawal applications.

ADMINISTRATIVE REVIEW & INTERAGENCY COORDINATION

- ☑ Project entered into Commission database and posted on website.
- ☑ Comments solicited from the public, federal, state and local agencies.
- ☑ Coordination with state/federal agencies.

TECHNICAL REVIEW

- ☑ Site investigation conducted.
- ☑ Evaluation of impacts on public interests and water resources.
- ☑ Adjustments or conditions to withdrawals, consumptive water uses, or diversions may be made to limit or eliminate impacts.
- ☑ Monitoring requirements specified.
- ☑ Agency coordination completed.
- ☑ Recommendations for action presented to the Commissioners.
- ☑ Formal action - Commission may approve, approve with conditions, table, or deny a project docket/permit.

COMPLIANCE MONITORING

- ☑ Project sponsors must abide by monitoring requirements and quarterly reporting.
- ☑ Commission will conduct routine audits and inspections to ensure compliance with docket conditions.