

The Indiana County Commissioners are accepting public comments on a proposed amendment to the Subdivision and Land Development Ordinance (SALDO) regarding large-scale solar and wind energy facilities.

Please submit any and all feedback to:

Planning@ceo.co.indiana.pa.us

Comments will be accepted from Monday, May 18th, to Thursday, July 2nd, 2026.

**SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE FOR LARGE-SCALE SOLAR AND
WIND FACILITIES**

Indiana County Ordinance No. _____.

AN ORDINANCE AMENDING ORDINANCE NO. 2023-0412 of INDIANA COUNTY.
KNOWN AS THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF
INDIANA COUNTY TO PROVIDE FOR THE REGULATION OF LARGE SCALE SOLAR
ELECTRIC ENERGY FACILITIES AND WIND ENERGY FACILITIES.

Section 1. Title:

This Chapter shall be known as the Large-Scale Solar Energy Facility and Wind Energy Facility Ordinance for Indiana County.

Section 2. Purpose:

The purpose of the Ordinance is to provide for the construction, installation, operation and decommissioning of Large-Scale Solar Electric Facilities and Wind Energy Facilities in Indiana County, subject to reasonable conditions that will protect the public health, safety and welfare.

Section 3. Definitions:

ACCESSORY BUILDING: A building which (1) is subordinate to and serves a principal building; (2) is subordinate in area, extent or purpose to the principal building; (3) contributes to the comfort, convenience, or necessity of occupants of the principal building; and (4) is located on the same lot as the principal building.

APPLICANT: The Landowner or Developer, as those terms are defined in the Municipalities Planning Code and including their heirs, successors and assigns, who has filed an application for development of a Solar Energy Facility or Wind Energy Facility under this Ordinance.

FACILITY OWNER: The individual, group, or entity responsible for the permitting, construction, operation, or ownership of a Solar or Wind Energy Facility, including any person or entity holding an equity interest in the facility, along with their heirs, successors, and assigns. Said individuals or entities shall include the land owner, developer, lessor, lessee, or any other such individual, group, or entity responsible for the permitting, construction, operation, or ownership of a Solar or Wind Energy Facility.

FINANCIAL RESPONSIBLE PARTY: While it is primarily the responsibility of the developer, facility owner and operator to post financial security required under its Ordinance and to pay all expenses related to the Energy Facility and Decommissioning, the land owner, lessor, lessee, developers, facility owner and operator shall ultimately be jointly and severally liable, for all financial obligations related to the Energy Facility, including, but not limited to the posting of Financial Security and Decommissioning Costs.

FINANCIAL SECURITY: A form of security including a cash deposit, surety bond, irrevocable letter of credit, cashier's check, or escrow account from a federal or Commonwealth chartered lending institution in the amount of 110% of the total proposed decommissioning costs and in a form satisfactory to the County.

Under this Ordinance all individuals or entities, including the land owner, developer, operator, lessor, lessee, or any other such individual, group, or entity responsible for the permitting, construction, operation, or ownership of a Solar or Wind Energy Facility shall be responsible provide the above referenced financial security required under this Ordinance and shall ultimately be jointly and severally liable for all financial obligations related to all costs associated with the construction, operation, development, leasing, and decommissioning costs

HUB HEIGHT: The distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

HYDROGEN/PHOTOVOLTAIC-PUMPED HYDRO STORAGE: Energy storage system that pumps water from the bottom of a water well to a reservoir at ground-level to store surplus energy in the form of gravitational potential energy.

LARGE SCALE SOLAR OR WIND ENERGY FACILITIES: A Solar or Wind Energy Facility consisting of 2 acres or more proposed for the construction of the Energy Facility, including all accessory buildings.

NON-PARTICIPATING LANDOWNER: Any landowner except those on whose property all or a portion of a Wind Energy Facility or Solar Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

OCCUPIED BUILDING: A residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

OPERATOR: The entity responsible for the day-to-day operation and maintenance of the Solar Energy or Wind Energy Facility.

PRINCIPAL BUILDING: A building or structure in which is conducted the principal use of the lot on which the building or structure is located.

SOLAR EASEMENT: A right, expressed as an easement, restriction, covenant, or condition contained in any deed, contract, or other written instrument executed by or on behalf of any landowner for the purpose of assuring adequate access to direct sunlight for Solar Energy Systems.

SOLAR ENERGY: Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR ENERGY FACILITY (SEF): An area of land used for a solar collection system principally to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use.

SOLAR ENERGY PROJECT: A grouping of two or more Solar Energy Facilities which are held by owner or leased to a common lessor and which are part of a single solar energy production development project.

SOLAR ENERGY SYSTEM: A solar photovoltaic cell, module/panels, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

SOLAR PANEL: That part or portion of a Solar Energy System containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and cooling, and/or for electricity.

SOLAR ARRAY: A grouping of multiple solar modules/panels with the purpose of harvesting solar energy.

SOLAR CELL: The smallest basic solar electric device which generates electricity when exposed to light.

SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy

TURBINE HEIGHT: The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

WIND ENERGY FACILITY: An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WIND TURBINE: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

Section 4. Applicability

A. This Ordinance applies to any Solar or Wind Energy Facility of 2 acres or more proposed to be constructed after the effective date of this Ordinance.

B. A Solar or Wind Energy Facility constructed prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any physical modification or alteration to an existing Solar or Wind Energy Facility that alters the size, type or components of the Solar or Wind Electric System shall require a permit under this Ordinance. Routine operation and maintenance or like-kind replacements do not require a permit.

Section 5. Land Development Plan Requirements:

A. Applications filed pursuant to this Ordinance shall comply with the Subdivision and Land Development Ordinance of Indiana County and shall contain the following:

1. A narrative describing the proposed Solar or Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Solar or Wind Energy Facility, the approximate number, representative types and height or range of heights or towers and/or of the panels or other Solar or Wind Energy Electric System equipment to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of all ancillary facilities.
2. An affidavit or similar evidence of agreement between the Landowner of the real property on which the Solar or Wind Energy Facility is to be located and the Facility Owner, demonstrating that the Facility Owner has permission of the Landowner to apply for necessary permits or approvals for construction and operation of the Solar or Wind Energy Facility ("Participating Landowner Agreement").
3. Identification of the properties or portions thereof on which the proposed Solar or Wind Energy Facility will be located, and the properties adjacent to where the Solar or Wind Energy Facility will be located.
4. A site plan showing the planned location of each Solar or wind Energy Facility

property lines, setback lines, access roads and turnout locations, substation(s), electrical cabling from the Solar or Wind Electric System to the substation(s), ancillary equipment, buildings and structures, including associated distribution and/or transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.

5. Documents related to decommissioning, including a schedule for decommissioning.
6. Other relevant studies, reports, certifications and approvals as may be provided by the Applicant or required by the Indiana County to ensure compliance with this Ordinance.

Section 6. Solar Energy Facility:

A. Regulations/Criteria Applicable to All SEFs:

1. SEFs constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to any existing SEF, whether or not existing prior to the effective date of this Section that expands the SEF shall require approval under this Ordinance. Routine maintenance or replacements do not require a permit.
2. All on-site utility transmission lines and plumbing shall be placed underground to the greatest extent feasible.
3. The Applicant shall include a construction transportation plan that shows all roadways that will be utilized to access the site, which shall be forwarded to the County and Municipality for review. The plan shall address conditions for repair or replacement if damage to municipal roads occurs during construction activities.
4. The developer, operator or owner of a SEF shall provide the County and Municipality written confirmation that the public utility company to which the SEF will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. The owner shall provide a copy of the final inspection report or other final approval from the utility company to the County and Municipality prior to the issuance of a certificate of use and occupancy for the SEF.
5. If a SEF is being used as an accessory use for commercial/industrial activity on another property, then the municipality shall be informed of the intent of the SEF.
6. All SEFs shall be situated to prevent concentrated glare onto nearby structures or roadways. Exterior surfaces shall have a non-reflective finish. The Applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation as provided in this ordinance.
7. All solar energy systems shall be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.
8. The SEF owner, developer and/or operator shall maintain and post on fencing an identification of a local person or entity responsible for the public to contact with inquiries, complaints, and public safety issues, throughout the life of the project and

provide the number and name to the County and Municipality.

B. Ground-Mounted SEF

1. Solar Related Equipment shall not be located in:
 - a. Floodways, as identified in the FEMA FIRM mapping.
 - b. Regulated natural and man-made drainage corridors, extending 25 feet from the centerline of any such drainage feature, unless the Planning Commission at the time of the plan approval determines a lesser setback would create less impacts to the overall project.
 - c. Wetlands.
 - d. Riparian buffers extending twenty-five feet from any wetland or body of water, unless the Planning Commission at the time of the plan approval determines a lesser setback would create less impacts to the overall project.
 - e. Slopes in excess of fifteen percent, unless the Planning Commission at the time of the plan approval determines location in an area in excess of 15% would create less impacts to the overall project.
 - f. Legal easement and rights-of-way.
 - g. Setback areas, as defined by Section 508 in the Indiana County SALDO
 - h. Woodland areas.
2. Setbacks
 - a. SEF shall be treated as a Class VI Land Development and must comply with building setbacks for Class VI Development.
3. Stormwater Management
 - a. See Sections 506.3-506.5 of Indiana County SALDO
4. Ground-Mounted SEF shall be screened from adjoining properties.
5. Security
 - a. All Ground-Mounted SEFs shall be completely enclosed by fencing that consists of a minimum 8 foot high fence with a self-locking gate, or as required by the municipality. A 25 foot wide gate is recommended and a minimum 20 foot wide gate shall be provided.
 - b. A rapid access key box shall be available for first responders to access the property in the event of an emergency (Knoxbox or equivalent).
 - c. A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the SEF informing individuals of potential voltage hazards
6. Access
 - a. At a minimum, a 25 feet wide access must be provided from a state or township roadway into the site.
 - b. At a minimum, a 20 foot wide cartway shall be provided between solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles. Cartway width is the distance between the bottom edge of a solar panel to the top edge of the solar panel directly across from it. An exception for a cartway width may be permitted if the plan can demonstrate effective access on-site for emergency management vehicles for a cartway width less than 20 feet.

7. Lighting

- a. The Ground-Mounted SEF shall not be artificially lighted excepted to the extent required for safety or applicable federal, state, or local authorities. Any lighting shall be directed downward so as to minimize negative impacts to adjacent uses.

Section 7. Wind Energy Facilities

A. General Standards

The installation and construction of a Wind Energy Facility shall be subject to the following development and design standards:

1. Authorization

Any Wind Energy Facility connected to the utility grid shall provide written authorization from the local utility company acknowledging and approving such connection.

2. Height

Permitted height limits are subject to applicable Federal Aviation Administration (FAA) regulations regarding objects affecting navigable airspace. The Applicant shall provide acknowledgment from the FAA that such request indicating height of the Wind Energy Facility does not adversely affect the airspace of local airports.

3. Unauthorized Access

Wind Energy Facilities shall be equipped with an appropriate anti-climbing device or other similar protective device to prevent unauthorized access to the wind energy facility. Such anti-climbing device shall be installed to a minimum height of fifteen (15) feet from the ground. Access doors to Wind Energy Facilities and electrical equipment shall be locked to prevent entry by non-authorized persons.

4. Warnings

- a. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to the height of ten feet from the ground.

5. Underground Power Transmission Lines

All power transmission lines from the Wind Energy Facility to any building or other structure shall be located underground. There shall be no exposed wiring.

6. Lighting

Wind Energy Facilities shall not be artificially lighted unless required by the FAA or other applicable regulatory authority. If the FAA requires safety lighting, the use of red beacons is preferred to flashing strobe lights. Illumination of the Wind Energy Facility shall be avoided.

7. Mechanical Equipment

Any mechanical equipment associated with and necessary for the operation of the Wind Energy Facility that is not enclosed within the wind energy tower or within an accessory structure shall comply with the following:

- a. Mechanical equipment shall be screened from any Adjacent Property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other plant materials which provides a visual screen. In lieu of a planting screen a fence meeting the requirements of the governing ordinance may be used.
- b. Mechanical equipment shall be setback at least ten (10) feet from the rear and side property lines and/or per the accessory structure setback requirements of the Municipality.

8. Setbacks

a. Setbacks from the Property Line

All Wind Energy Facility Turbines shall be set back from the nearest property line distance of not less than the applicable setback requirements of the Indiana County SALDO, or 1.1 times the height of the system, whichever is greater. The setback distance shall be measured to the center of the Wind Energy Facility base.

b. Setbacks from Occupied Buildings

Wind Energy Facility Turbines shall be set back from the nearest Occupied Building located on the Applicant's property a distance not less than the maximum applicable setback requirements as established in the Indiana County SALDO, or 1.1 times the Turbine Height, whichever is greater. The setback distance shall be measured from the center of the Wind Energy Facility Turbine base to the nearest point on the foundation of the Occupied Building.

Wind Energy Facility Turbines shall be set back from the nearest Occupied

Building located on a Non-Participating Landowner's property a distance of not less than five (5) times the Turbine Height, as measured from the center of the Wind Energy Facility Turbine base to the nearest point on the foundation of the Occupied Building.

c. Setbacks from Utilities

All Wind Energy Facilities shall be set back from all above ground utility lines, radio, television or telecommunications towers a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way lines to the above ground utility lines, radio, television or telecommunication towers.

d. Setbacks from Public Roads

All Wind Energy Facilities shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the right-of-way line of the nearest public road to the center of the base of the Wind Energy Facility.

e. Setbacks from Accessories to the Wind Energy Facility

The setback for guy wires, accessory structure, and other appurtenances shall be a distance of ten (10) feet from any property line.

f. Setbacks from Other Wind Systems

Wind Energy Facilities shall maintain separation distances from each other that promote safety and energy efficiency.

Section 10. Decommissioning of Solar Energy Facilities:

- A. The Land Owner, lessor, Lessee, Operator, Developer or Facility Owner is required to notify Indiana County immediately upon permanent cessation or abandonment of the operation. The SEF shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period 12 continuous months. The Land Owner, Lessor, Lessee, Operator, Developer or Facility Owner may provide the County with a status update and plan for continuing operation prior to reaching a period of 12 months of no electricity being generated or within 90 days of reaching the 12-month period of no electricity being generated. This plan must be accepted as sufficient by the County. A determination of the sufficiency of the plan will be made within 45 days of receipt of the plan and no other actions will be taken by

the County in enforcing this provision while the sufficiency of the plan is being determined.

- B. While it is primarily the responsibility of the developer, facility owner and operator to complete decommissioning of the SEF within 12 months after the end of the useful life of such Facility at their expense, the land owner, lessor, lessee, developers, facility owner and operator shall ultimately be jointly and severally liable, at their expense, to complete decommissioning of the SEF within 12 months after the end of the useful life of such Facility.
- C. If it is determined that an SEF has permanently ceased its operation, or has been abandoned, the SEF owner, developer, or operator shall have 18 months in which to dismantle and removed the SEF, including all SEF related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations, solar or wind facility connections, and the associated facilities in accordance with agreements with landowners and good industry practice.

If the owner, developer, or operator fails to dismantle and/or remove the SEF within the established timeframes, upon default, which is declared fifteen (15) days after delivery of notice of this default to all financially responsible parties, the County shall automatically be entitled to draw funds from the bond or other posted financial security by providing written notice to all financial responsible parties and the entity or person posting any such security for the bond or other posted financial security demanding the same for purpose of completing the removal of the Energy Facility. Any request by the County shall be honored regardless of any objections which would be made by the Financially Responsible Parties or any third party even if said objections indicate that no defaults have arisen therein, or if defaults are found to exist, that the same have been corrected.

Should such security be insufficient to dismantle and remove such energy facility the County may complete the decommissioning at the expense of the Land Owner, Developers, Facility Owner and Operator expense who together shall be jointly and severally liable for such costs.

- D. In the event that the present SEF Owner has temporarily ceased its operation, but is in the process of transferring ownership and SEF management, the present Owner has the responsibility of notifying the municipality which will allow this transference to occur within 18 months of this notification.

- E. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). Said estimates shall be submitted to Indiana County after the first year of operation and every fifth year thereafter.
- F. To the extent possible, the materials should be re-sold or salvaged. Materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials by federal or state law.
- G. Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.
- H. Any access from public roads shall remain for future use unless directed otherwise by the landowner.
- I. The SEF site area shall be restored to its pre-existing condition, suitable for its prior use, except the landowner may authorize, in writing, any buffer landscaping or access roads installed to accommodate the SEF to remain.
- J. Any necessary permits, such as Erosion and Sedimentation and NPDES permits, shall be obtained prior to decommissioning activities.
- K. At the time of issuance of approval for the construction of the SEF, a Financially Responsible Party shall provide financial security in the form and amount acceptable to the County and Municipality and in favor of the municipality, to secure its obligations under this Section.
 - 1. The SEF developer shall, at the time of the SALDO application, provide the County and Municipality with an estimate of the cost of performing the decommissioning activities required herein. A Financially Responsible Party shall provide financial security of 110% of the estimated cost of decommissioning.
 - 2. On every 5th anniversary of the date of providing the decommissioning financial security, the SEF developer, operator or owner shall provide an updated decommission cost estimate, utilizing the formula set forth above with adjustments for inflation and cost and value changes. If the decommissioning security amount increases a Financially Responsible Party shall remit the increased financial security to the County/Municipality within 30 days of the approval of the updated decommissioning security estimate by the

County/Municipality. If the decommissioning security amount decreases by greater than 10%, the County/Municipality shall release for security any amounts held in excess of 110% of the updated decommission cost estimate.

3. Decommissioning security estimates shall be subject to review and approval by the County and Municipality, and the SEF developer/owner shall be responsible for administrative, legal, and engineering costs incurred by the municipality for such review.

4. The decommissioning security may be in the form of cash deposit, surety bond, irrevocable letter of credit, cashier's check, or escrow amount from a federal or Commonwealth chartered lending institution in the amount of 110% of the total proposed decommission cost estimate and in a form satisfactory to the County.

5. Prior to final approval of any plans for a SEF, the SEF Facility Owner, Developer and Operator shall enter into a decommissioning agreement with the municipality outlining the responsibility of parties under this agreement as to the decommissioning of the SEF.

Section 11. Decommissioning of Wind Energy Facilities

- A. While it is primarily the responsibility of the developer, facility owner and operator to complete decommissioning of the WEF within 12 months after the end of the useful life of such Facility at their expense, the land owner, lessor, lessee, developers, facility owner and operator shall ultimately be jointly and severally liable, at their expense, to complete decommissioning of the WEF within 12 months after the end of the useful life of such Facility or individual Turbines.

The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.

The Land Owner, Lessor, Lessee, Operator, Developer or Facility Owner may provide the County with a status update and plan for continuing operation prior to reaching a period of 12 months of no electricity being generated or within 90 days of reaching the 12-month period of no electricity being generated. This plan must be accepted as sufficient by the County. A determination of the sufficiency of the plan will be made within 45 days of receipt of the plan and no other actions will be taken by the County in enforcing this provision while the sufficiency of the plan is being determined.

- B. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
- C. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- D. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). Said estimates shall be submitted to Indiana County after the first year of operation and every fifth year thereafter.
- E. A Financially Responsible Party shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than twenty five percent (25%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by Indiana County.
- F. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to Indiana County
- G. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Paragraph (A), then the landowner shall have six (6) months to complete decommissioning.
- H. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Paragraphs (A) and (G), then the County may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the County shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the County may take such action as necessary to implement the decommissioning plan. Such actions shall include, but not limited to the County’s right to automatically be entitled to draw funds from the bond or other posted financial security by providing written notice

to the Facility Owner, Operator and Land Owner posting any such security for the bond or other posted financial security demanding the same for purpose of completing the removal of the Energy Facility. Any request by the County shall be honored regardless of any objections which would be made by the said Financially Responsible Parties or any third party even if said objections indicate that no defaults have arisen therein, or if defaults are found to exist, that the same have been corrected.

- I. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the County concurs that decommissioning has been satisfactorily completed, or upon written approval of the County in order to implement the decommissioning plan.