

STATE OF LOUISIANA

PARISH OF EVANGELINE

EVANGELINE PARISH POLICE JURY

ORDINANCE No. 04032023

Introduced on: April 3, 2023
Introduced by: Evangeline Parish Police Jury
Public hearing held on: April 3, 2023

**THE EVANGELINE PARISH
UTILITY SCALE SOLAR FACILITY STANDARDS ORDINANCE**

WHEREAS, the Evangeline Parish Police Jury, in order to protect the health, safety, and welfare of the public, and to provide for the orderly, planned, efficient, and healthy development of utility scale solar facilities in Evangeline Parish, hereby adopts this ordinance to be entitled The Evangeline Parish Utility Scale Solar Facility Standards Ordinance, which shall be designated as Article III of Chapter 8, Buildings and Construction, of the Evangeline Parish Code of Ordinances.

BE IT ORDAINED, that the Evangeline Parish Utility Scale Solar Facility Standards Ordinance be adopted as follows, to-wit:

**ARTICLE III
UTILITY SCALE SOLAR FACILITY STANDARDS**

Sec. 8-107. – General.

- a. The following provisions of Article III comprise the Evangeline Parish Utility Scale Solar Facility Standards Ordinance. This ordinance has been promulgated by the Evangeline Parish Police Jury (“the Police Jury”) to protect the health, safety, and welfare of the public, and to provide for the orderly, planned, efficient, and healthy development of Utility Scale Solar Facilities in Evangeline Parish (“the Parish”).
- b. The Police Jury hereby delegates to the Police Jury secretary treasurer, the authority to conduct an administrative review of an application for a Utility Scale Solar Facility Permit (“Permit”). The administrative review, to confirm the application is complete and meets the design parameters and conditions herein, shall be completed within thirty (30) days of application submittal (the “Initial Administrative Review Period”). The Police Jury secretary treasurer, may enlist Parish staff and the Acadiana Regional Planning Commission, and retain consultants for the administrative review.
- c. By or before the Initial Administrative Review Period expiry, the Police Jury secretary treasurer, shall: (i) approve the Permit, providing the Permit applicant with a written and signed authorization on official letterhead; or (ii) notify the Permit applicant of deficiencies in its application, providing a detailed list of all deficiencies. Should a Permit application be deemed deficient, the Permit applicant shall have thirty (30) days to cure all deficiencies, unless a written request for additional time is submitted to the Police Jury president or its designee. Once all deficiencies are cured, the Police Jury secretary treasurer, shall have thirty (30) days to review the revised Permit application (the “Second Administrative Review Period”). By or before the Second Administrative Review Period, the Police Jury secretary treasurer, shall approve the Permit, providing the Permit applicant with a written and signed authorization on official letterhead.
- d. A Permit shall be valid for three (3) years unless construction has commenced on the Facility. A minimum thirty (30) days prior to the expiration of a Permit, the applicant and/or its assignees, may extend the permit for an additional year by submitting a current site plan that meets the requirements herein and a progress report detailing efforts made to move the project closer to construction. A Permit may be extended to a maximum period of ten (10) years.

Sec. 8-108 – Definitions.

- a. **Utility Scale Solar Facility:** Sometimes referred to herein as “USSF” or a “Facility,” a power generating, transmission or storage facility with a nameplate capacity of twenty (20) megawatts or more, and its associated interconnection facilities, constructed on immovable property for the purpose of producing photovoltaic electricity that is injected into the electrical transmission grid.

- b. **Utility Scale Solar Facility Permit:** Sometimes referred to herein as “Permit,” a written authorization on official letterhead, signed by the Police Jury president, that permits the construction and indefinite operation of a Utility Scale Solar Facility on the condition that the requirements herein shall be abided and fulfilled by the applicant and/or its assignees. The Permit shall serve as a building permit, meaning construction of the Facility may commence once approved and all permit fees paid.

Sec. 8-109. – Permit fees.

- a. A Permit applicant shall be responsible for necessary, reasonable, and demonstrated fees incurred during the administrative review of a Permit application (“Administrative Review Fees”). Approval of a Permit shall be conditioned upon payment in full of all Administrative Review Fees, to include inspection fees during construction.

Sec. 8-110. – Design and development standards.

- a. **Setbacks.** Photovoltaic solar panels, inverters, and project substations shall be setback the distances specified in this section. Site fencing, access roads, stormwater management features, and landscaping, if any, may be placed within the setbacks. Except for the public road and highway setback, all setbacks may be reduced to as few as zero (0) feet if the affected parties agree in writing.
1. Public road and highway setback: fifty (50) feet from edge of right-of-way.
 2. Non-participating property setback: twenty-five (25) feet from edge of immovable property line.
 3. Occupied dwelling setback: one hundred (100) feet from occupied dwelling.
- b. **Height.** Photovoltaic solar panels may not exceed eighteen (18) feet.
- c. **Fire protection.** All equipment posing a fire risk shall be equipped with a fire monitoring system. The system shall automatically notify off-site emergency personnel. The Facility’s design shall comply with all applicable codes and regulatory stands for fire protection. The district fire marshal shall be consulted on the Facility design, emergency response plan, and training regimen.
- d. **Safety and access.** A minimum six (6) foot security fence shall enclose all electrical and mechanical components of the Facility. Lock boxes and keys shall be stored at locked entrances for emergency personnel access.
- e. **Signage.** Signs specifying owner, operator, and emergency contact information shall be affixed at all entrances. Warning signs, including contact information, shall be placed every five hundred (500) around the perimeter.
- f. **Maintenance.** The owner or operator of the Facility shall maintain it in good condition. A maintenance plan shall be prepared that includes a schedule of maintenance of the solar farm. The plan will specifically include grass cutting, shrubbery and tree maintenance, and general maintenance of the premises. Alternative vegetation management practices, such as agrivoltaics farming or grazing, will be considered as acceptable maintenance options.
- g. **Landscaping.** Vegetation to obscure view of the Facility occupied dwellings within two hundred (200) feet of panels, inverters, and project substations, shall be required. Landscaping shall be maintained in good condition.

Sec. 8-111. – Permit application requirements.

- a. Facility description and rationale, which shall include:
1. Identify the type, size, rated power output, and safety characteristics of the proposed system.
 2. Identify construction timeframe, estimated construction jobs, markets for the generated energy, and possible expansions.
 3. Identify the name of the Facility, name(s) and address(es) of the Facility owner and/or operator, name(s) of the property owner(s), and contact information for consultants involved in the design, permitting, and construction of the facility.
- b. **Permits.** Application shall include a detailed list of required state and federal permits. Copies of permits must be submitted to the Police Jury secretary treasurer. While a Permit may be granted prior to the conclusion of state and federal permitting, the Facility may not deliver power in commercial quantities until all other permits are secured and the Police Jury secretary treasurer is furnished with copies.

- c. **Economic impact.** Application shall include an economic impact analysis prepared by a qualified, third-party expert, describing the financial characteristics of the Facility over its service life.
- d. **Site plan.** Application shall include a site plan showing immovable property boundaries, names of adjacent landowners, streets, driveways, access roads, service buildings, easements, topography, environmental features, arrangements and locations of panels and all systems and equipment, and signage.
- e. **Traffic plan.** Application shall include a preliminary traffic plan identifying best management practices for the movement of vehicles that will use Parish roads during the construction, maintenance, and decommissioning of the solar farm, and provide for the remediation of any damages tied to Facility traffic.
- f. **Drainage analysis.** Application shall include a preliminary drainage analysis showing runoff from the Facility area is disbursed appropriately and no adjacent landowners experience measurably adverse impacts. A stormwater permit from the Louisiana Department of Environmental Quality shall be obtained prior to construction.
- g. **Public safety and emergency response plan.** Application shall include a plan that outlines regular and emergency shutdown procedures. It shall demonstrate compliance with applicable fire protection regulatory requirements and codes. It shall identify potential hazards to adjacent immovable properties, to public roads and highways, and to the community in general. It shall provide regular on-site emergency response training. The district fire chief and Parish public works department shall be consulted.
- h. **Decommissioning plan.** Application shall include a plan for decommissioning as described in Sec. 8-114.
- i. **Public involvement.** Before the Initial Administrative Review Period, a Permit applicant must hold a public meeting to disseminate information about the Facility. The public meeting must be advertised at least fourteen (14) days in advance.

Sec. 8-112. – Inspections.

- a. Upon twenty-four (24) hour's notification, except for emergency situations, as determined at the discretion of the Committee, authorized representatives of the Parish may enter upon the premises and conduct an inspection of the Facility, whether during construction, operation, or decommissioning, to verify compliance with any and all applicable requirements, standards, and guidelines.

Sec. 8-113. – Decommissioning.

- a. **Decommissioning plan.**
 - 1. The plan for a proposed solar farm shall further include a preliminary decommissioning plan for the remediation of the area of the solar farm upon its cessation of operations despite the basis therefore.
 - 2. Cessation of operations for a period in excess of one hundred eighty (180) days straight in any calendar year shall trigger the decommissioning of the Facility. An extension may be requested of the Police Jury, and not unreasonably withheld, if weather events, grid complications, or other acts of force majeure cause the Facility to have an unplanned cessation of operation.
 - 3. The decommissioning plan shall provide for the removal of the solar panels, ancillary structures, and other infrastructure utilized in the operation of the solar farm.
 - 4. The decommissioning plan shall provide for the remediation of any environmental hazards remaining on the property of the former solar farm, as determined by any federal, state, or local regulatory body.
 - 5. Any lease forming a portion of the application for the Permit shall include reference to the decommissioning plan and the funding thereof as a necessary term therein.
 - 6. A final decommissioning plan shall be filed within six (6) months of site closure.

b. Requirement of a bond.

1. As a condition for the issuance of a Permit, applicant shall provide a bond or other acceptable financial security, payable to the Evangeline Parish government, to ensure the proper decommissioning or other closure of the Facility. The bond shall be in the amount required by La. R.S. 30:1154(A)(9)(a), and shall ensure compliance with this Article inclusive of the cost of decommissioning and compliance with any condition of the permit issued pursuant to this Article.
2. If a bond is provided to a State of Louisiana agency, such as the Louisiana Department of Natural Resources, the requirement that a bond is provided to the Parish shall be nullified.

Sec. 8-114. – Transfer and/or sale.

- a. The Committee shall be notified within thirty (30) days of any transfer of ownership, assignment, operation, and/or sale of the Facility. The new owners and/or operators of the Facility shall be held to the same standards, requirements, and conditions of the Permit.

Sec. 8-115. – Conflicts of laws.

- a. Whenever the requirements of this ordinance conflict with the requirements of any other applicable statute, regulation, or law, including, without limitation, any regulations that may be promulgated by the Louisiana Department of Natural Resources, the more restrictive regulation shall apply. In the event the requirements of this ordinance conflict with any ordinance previously enacted by the Police Jury, the provisions of this ordinance shall apply.

BE IT FURTHER ODRAINED, that to the extent that any prior ordinances may be contradictory to the provisions of this ordinance, such prior ordinances are repealed.

BE IT FURTHER ORDAINED, that as authorized by Chapter X, Article Y, Section Z of the Evangeline Parish Home Rule Charter that this ordinance shall be published in summary by title.

The above and foregoing have been submitted to a vote, the vote thereupon resulted as follows:

YEAS:	<u>8</u>
NAYS:	<u>0</u>
ABSENT:	<u>1</u>
ABSTAIN:	<u>0</u>

The ordinance was declared adopted on the 3rd day of April, 2023.

EVANGELINE PARISH POLICE JURY

By:

Etc., etc.