

The following Ordinance was moved for adoption by Mr. Guillory and seconded by Mr. Peterson.

ORDINANCE NO. 2403

An Ordinance Amending Chapter 12 1/2 – MINERALS AND NATURAL RESOURCES

WHEREAS, the Jefferson Davis Parish Police Jury is empowered to adopt amendments and revisions of its ordinances by Louisiana Revised Statutes.

WHEREAS, the Jefferson Davis Parish Police Jury is desirous of exercising said power; now therefore

BE IT ORDAINED by the Jefferson Davis Parish Police Jury, and it is hereby ordained by the same:

Chapter 12 1/2 – MINERAL AND NATURAL RESOURCES, is hereby amended to read as follows:

ARTICLE VI SOLAR ENERGY

Sec. 12 1/2-66- Renewable energy power plants (solar energy).

- a) *Purpose*. The purpose of this section is to establish minimum requirements and regulations for the placement, construction and modification of solar power plants, as defined herein, while promoting the safe, effective and efficient use of such energy systems.
- b) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
 - 1) *Abandonment*. If any solar power plant falls into a state of disrepair for a one-year period, such solar power plant shall be deemed abandoned. Should the cause of the disrepair be due to any natural disaster, or other force majeure, the owner/operator shall request an extension beyond the one-year date and submit a plan of repair to the Police Jury.
 - 2) *Accessory solar energy systems* includes any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.
 - 3) *Concentrating solar thermal devices or concentrated solar thermal power (CST)* means systems that use lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area. The concentrated energy is absorbed by a transfer fluid or gas and used as a heat source for either a conventional power plant, such as a steam power plant, or a power conversion unit, such as a sterling engine. Although several concentrating solar thermal technologies exist, the most developed types are the solar trough, parabolic dish and solar power tower.
 - 4) *Photovoltaics (PV)* means a technology that converts light directly into electricity.
 - 5) *Solar power plant*, except as expressly limited below, means any use of land where a series of one or more solar energy systems are placed in an area on a parcel of land for the purpose of converting sunlight into electricity, photovoltaics (PV), for the primary purpose of wholesale or retail sales of generated electricity.
- c) Nothing in this Section shall, in any way, replace, excuse, obviate, or preclude the application or enforcement of other applicable and/or required local, state, or federal permits, licenses, costs/taxes/fees, applications, approvals, certificates, or other rules and regulations, including, but not limited to, those found in the Jefferson Davis Parish Code of Ordinances.
- d) *General regulations*.

- 1) All solar power plants must comply with the minimum regulations and design standards set forth in this section.
- 2) Local, state and federal permits. A solar power plant must be required to obtain all necessary permits from the state department of environmental quality, including the state division of air quality and the state division of water quality; the state department of natural resources; and any applicable permits required by the Police Jury, and applicable federal permits.
- 3) This section shall be supplemental to and shall not abridge any other applicable local, state, or federal rules, regulations, or laws, including without limitation any more restrictive provision set forth in this chapter. Should any state or federal legislation go into effect, the owner/developer must comply with any such rules which may apply.
- 4) A valid conceptual plan, building permit, electrical permit and ongoing compliance to this section is mandatory for all solar power plants.

e) *Design Standards.*

- 1) *Minimum Site Size.* No solar power plant will be erected on any site less than ten acres in size.
- 2) *Agreements/Easements.* If the land on which the project is proposed is to be leased, rather than owned, by the solar energy development company, all property within the project boundary must be included in a recorded easement(s), lease(s), or consent agreement(s) specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the solar development company and the affected parties must be in place prior to commencing construction, unless specified otherwise by the conditional use permit. A copy of any signed lease memorandum must be submitted with the application and filed with the Jefferson Davis Parish Clerk of Court.
- 3) *Maximum Height.* The height of solar panels shall be measured from the highest natural grade below each solar panel to the top of that panel. Panel height will not exceed fifteen feet. Poles and wires reasonably necessary to connect to public electric utilities shall not be subject to this requirement.
- 4) *Setbacks and Screening.* Solar power plant must be set back from all project boundary lines which make up the site perimeter with at least a fifty-foot vegetative buffer. In addition, solar power plant structures must be located at least five hundred feet from all existing occupied residences, places of worship or occupied structures. Additional setbacks may be required to mitigate noise, or to provide for designated road or utility corridors, as identified through the review process.
- 5) *Safety/Access.* Fencing and gates are required around the perimeter of all Solar Power Plants. Nothing contained herein shall be construed to block reasonable access to any Solar Power Plant including required vegetative buffer.
 - i) A security fence of at least six feet must be placed around the perimeter.
 - ii) Lock boxes and keys must be provided at locked entrances for emergency personnel access.
 - iii) A 12-foot access easement inside the fence is required for emergency access. The plan for this access must be included in the application process.
 - iv) Appropriate warning signage must be placed at the entrance and perimeter of the solar power plant project every 200 feet.
- 6) *Noise.* No operating solar power plant shall produce noise that exceeds sixty dBA, as measured at the property lines of the project boundary, unless the owner of the affected property and the planning commission agree to a higher noise level. Adequate setbacks must be provided to comply with these limitations.
- 7) *Visual Appearance.* Lighting of the solar power plant and accessory structures must be limited to the minimum necessary. Lights must be shielded and downcast.
- 8) *Fire Protection.* All solar power plants must have a defensible space for fire protection in accordance with State of Louisiana and the Parish Fire Code.

- 9) Electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.
 - 10) Power inverters and other sound producing equipment must be no less than three hundred feet from any dwelling unit at the time of construction.
 - 11) The individual panels must be arranged in a fashion that allows the passage of runoff between each module, thereby minimizing the creation of concentrated runoff, and allows for the growth of vegetation beneath the panels.
 - 12) Power inverters and other sound producing equipment must be no less than three hundred feet from any dwelling unit at the time of construction.
 - 13) A vegetative maintenance plan is required for general upkeep of the premises. Adherence to the plan will be subject to periodic inspections by the Parish.
 - 14) Vegetated areas will not be subject to chemical fertilization or herbicide/pesticides application, except for those applications necessary to establish the vegetative cover and in accordance with the approved vegetative maintenance plan.
 - 15) None of the ground on the site of a Solar Power Plant shall be kept bare, without vegetation.
 - 16) Solar Power Plants must be constructed with one of the two following screening options:
 - i) Natural Screening: composed of healthy plants which possess growth characteristics of such a nature as to produce a dense, compact visual screen not less than six feet in height. Natural buffers may contain deciduous or perennial vegetation but shall contain existing or planted evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.
 - ii) Structural Screening: Walls or fencing solid in appearance, at least seven feet in height. Fencing may be wood stockade or chain link with slats a color similar to hunter green or forest green.
- f) *Process.* First, a conceptual plan must be submitted to be reviewed by the Parish Engineer and approved or disapproved by the Police Jury. Second, if the conceptual plan is approved by the Police Jury, then a permit application must be submitted to be reviewed by the Parish Engineer, and then approved or disapproved by the Police Jury.
- 1) *Conceptual plan requirements.* All conceptual plans for solar power production must include all the following:
 - i) An application fee of \$750.00.
 - ii) Name of the project, names and addresses of the business owners, names of the property owners and the engineers and surveyors.
 - iii) If the site is leased, a lease memorandum executed by all parties to the lease.
 - iv) Date, scale and accurate north arrow of the site plan showing all property to be included in the project.
 - v) Boundaries and actual dimensions and shape of parcel, including total acreage, with bearings and distances.
 - vi) Site plan showing streets, circulations, driveways, service buildings, easements, arrangement and number of solar panels, and streets; also fencing, gates and vegetative buffer.
 - vii) Horizontal and vertical (elevation) to scale drawing with dimensions that show the location of the solar panels and system on the property.
 - viii) Vicinity map showing the location and surrounding land use.
 - ix) Names and addresses of adjoining property owners.
 - x) Elevation certificate for structures proposed in a regulatory flood zone and preliminary drainage plan.
 - xi) Land contours.

- xii) Plan illustrating the intended layout and green space.
 - xiii) Traffic plan during construction phase.
 - xiv) General estimate of annual taxes.
 - xv) Any parcels that are part of the project that is interrupted by a road or other parcels not part of the project must be identified on the site plan labeled as individual areas.
- 2) *Permit Application.* Following the provisions of the Jefferson Davis Code, additional or more thorough consideration shall be given to the following as the Police Jury determines whether the project needs to be approved, denied, or conditionally approved.
- i) A permit fee of \$60.00 per acre, with a minimum of \$8,500.00.
 - ii) Solar panel materials must be listed and labeled by a nationally recognized testing agency. Documentation of compliance must be provided with the seal and signature of a licensed design professional in the state.
 - iii) All plans must be certified by licensed state engineer.
 - iv) The permit and its application shall expire three years from the date of issuance, unless construction has commenced.
 - v) A permit application is required for each identified area (a, b, c) submitted as part of a project.
- 3) *Permit Application Requirements:*
- i) Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.
 - ii) Siting considerations, such as avoiding areas with a high potential for conflict with biology/wildlife, county and state parks, or special management areas; avoiding visual corridors that are prominent scenic areas; avoiding erodible slopes and soils, where concerns for water quality, severe erosion, or high storm runoff potential have been identified.
 - iii) Site and development plans, which identify existing and proposed structures; setbacks; access routes; proposed road improvements; any existing inhabitable structures within one-quarter mile; existing utilities, pipelines, and transmission lines; proposed utility lines; utility and maintenance structures; existing topographic contours; existing and proposed drainageways; proposed grading; revegetation areas and methods; dust and erosion control; and any floodplains or wetlands. All maps and visual representations must be drawn at an appropriate scale.
 - iv) Detailed estimate of annual taxes.
 - v) Visual impacts caused by components of the project such as above-ground electrical lines, accessory structures, access roads, utility trenches and installations, and alteration of vegetation. A photo simulation is required.
 - vi) Environmental analysis, including soil erosion (water and wind), flora, and water quality and water supply in the area.
 - vii) Solid waste or hazardous waste plans, including spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as collection methods for solid waste generated by the project.
 - viii) FAA hazard review if within five nautical miles of a FAA-regulated airport.
 - ix) A transportation plan for construction and operation phases, prior to work and during all construction until complete.
 - x) Drainage plan, which must follow the latest development drainage requirements of the parish.
 - xi) Stormwater pollution prevention plan (SWPPP), a site-specific written document and drawings required by the EPA and LDEQ for LPDES general permits for discharge of stormwater from construction activities (LAR100000 and

LAR200000), LPDES multi-sector general permit, or any LPDES individual permit which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity at the facility.

- xii) The intended route for connecting to the power grid and the alternative locations of any substation must be disclosed with the application for the solar power plant.
 - xiii) Decommissioning plan, describing the decommissioning and final land reclamation plan to be followed after the anticipated useful life, or abandonment, or termination of the project, including evidence of proposed commitments with affected parties (parish, any lessor or property owner, etc.) that ensure proper final reclamation of the solar energy project. Among other things, revegetation and road repair activities should be addressed in the plan.
 - xiv) Other state and federal permits.
 - xv) Substantial modifications to any previous Police Jury approved site plan
- 4) *As-built plans.* Upon completion of site construction, a certified as-built plan by an engineer must be submitted to the Parish Engineer and/or drainage district engineer for approval. The as-built plan shall receive approval prior to final inspection and prior to issuance of any letter of completion and/or the notice to proceed to any utility provider. Once approved, it must be filed with the clerk of court.
- g) *Decommissioning, abandonment, hazard abatement.* The plan must be approved by the Parish Engineer, and shall include the following terms and be subject to the following conditions:
- 1) A signed and notarized decommissioning plan must be submitted to the Police Jury. It must be in a form suitable to be recorded with the clerk of court, and include a signed statement from the party responsible for completing the decommissioning plan acknowledging such responsibility.
 - 2) Abandonment. If any solar power plant falls into a state of disrepair for a one-year period, such solar power plant shall be deemed abandoned.
 - i) Should the cause of the disrepair be due to any natural disaster, or other force majeure, the owner/operator shall request an extension beyond the one-year date and submit a plan of repair to the Police Jury, for approval at the Police Jury's discretion.
 - 3) Bond. A five-year bond in the amount of the anticipated decommissioning cost, the amount of which shall be approved by the Parish Engineer.
 - i) The cost of decommissioning must be reevaluated every five years and a new bond must be posted to reflect the anticipated cost. Every quarter, a certified letter must be submitted to the Police Jury showing a record of all premiums paid.
 - ii) The first year of the bond's premiums must be paid upon commencement of the project, with monthly payments (which will each be a year in advance) to recur thereafter.
 - iii) Any failure to pay a month's premium a year in advance of when due shall be a premium payment default, for which the Police Jury may revoke the solar power plant's permit.
 - iv) The Police Jury shall be additionally named as beneficiary of the bond, and shall have the right therein to call the bond pursuant to the terms and conditions of the decommissioning plan.
 - 4) Removal. Complete removal of all non-utility-owned equipment conduits, structures, fencing, roads and foundations; and restoration of property to a condition prior to development of the solar power plant, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
 - 5) Remediation. The decommissioning plan must provide for the remediation of any environmental hazards remaining on the site, as determined by the EPA, state DEQ, or the Police Jury.

- 6) **Timeframe.** The timeframe for completion of removal and decommissioning activities must begin within 60 days of termination of site use, abandonment, or revocation of permit and be completed within 12 months unless otherwise extended by the Police Jury within its sole discretion for good cause shown.
- 7) **Reservation of Rights.** The Police Jury may establish additional decommissioning plan requirements and conditions, from time to time, at its discretion.
- 8) **Sale and Lease Requirements.** If the Solar Power Plant, the contract, lease, property, or any other interest in the Solar Power Plant, is going to be sold or leased, the new owners must follow the above steps required for the decommissioning plan. The Police Jury must be provided written notice thirty (30) days prior to the sale or lease.
- 9) **Remedies.** Upon any failure to initiate or complete any decommission plan, the Police Jury or its authorized representative may take any action as authorized by law, including but limited to calling the bond, revoking any previously issued permits, or initiating any civil action or criminal action as described below.
- h) **Inspections.** The Parish Engineer is authorized and shall be permitted to inspect, at any time and during any phase, the site of the Solar Power Plant, and any buildings, structures, or other equipment on the site, to ensure compliance and identify violations of this Section. The Parish Engineer shall follow all reasonable safety requirements of the facility.
- i) **Violations.**
 - 1) Upon finding of any inappropriate or illegal activities on the part of any person which would violate the provisions of this ordinance, the Police Jury or its authorized representative shall notify in writing the person(s) responsible for such actions indicating the following:
 - i) The nature of the violations.
 - ii) The actions necessary to correct the violations.
 - iii) The date by which corrective actions should be taken and completed.
 - iv) Action(s) which will take place if such corrective action is not taken.
 - v) When such corrective action has not been taken or is deemed inadequate based upon the conditions listed in this section, previously issued permits may be revoked by the Police Jury and/or an order for the discontinuance of the use or occupation of any land, building or structure or any illegal additions, alterations or structural changes thereto may be issued.
 - vi) Additionally, any other action authorized by this ordinance may be taken by the Police Jury to ensure compliance with or to prevent violation of any provision.
 - 2) Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished for each offense not more than \$500.00 or imprisonment not to exceed 30 days. Each day such violation continues shall be deemed to be a separate offense.

THUS DONE AND PASSED BY THE POLICE JURY ON JEFFERSON DAVIS PARISH,
LOUISIANA, on this 14th day of December, 2022.

APPROVED:

S/J Steven Eastman
President

ATTEST:

S/Rhoda Richardd
Assistant Sec/Treas

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