ORDINANCE NO. 2025 – 10-14

St. Helena Parish Solar Energy/Solar Farm Permitting Ordinance

Purpose.

The purpose of this article is to promote the health, safety and general welfare by regulating solar farms within the Parish of St. Helena.

Definitions.

For the purposes of this chapter the following terms shall mean:

Solar energy means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar energy system means a device or structural design feature intended to provide for collection, storage, and distribution of solar energy for heating or cooling, electricity generation, or water heating.

Solar farm means the use of land where a series of solar collectors and related equipment and accessories are placed in an area on a parcel of land for the purpose of generating photovoltaic power which has a generation capacity of at least fifty (50) kilowatts (kW) direct current (dc) or more when operating at maximum efficiency. Solar farm shall not be interpreted to mean one or more solar collectors intended to provide electrical power generation for a single residential dwelling or commercial property.

Permits and fees.

(a) Prior to placing, establishing, expanding, or substantively altering the operation of a solar farm, a permit must be obtained by the developer from the St. Helena Parish Police Jury. Permits shall be issued only after the plan therefore has been approved as provided for in this chapter.

(b) The St. Helena Parish Police Jury shall develop and promulgate a solar farm permit application to be submitted along with the plans for the proposed solar farm. Each application will include a site plan showing a survey of all property to be included in the project, all access roads, drainage study, environmental study, and a traffic plan. The applicant shall conduct at least one community meeting to provide adjacent landowners and the public an opportunity to ask questions and discuss the project. The community meeting shall be conducted prior to permit approval. Notice of the community meeting shall be published at least twice in the official journal and the meeting shall be held at a location in the parish which is suitable for public meetings.

(c) The applicant shall include with the permit application the plan(s) for the solar farm that meets the requirements provided for in this ordinance.

(d)(i) The permit application shall be submitted to the Parish Building Official, and upon submission of a permit application the applicant shall pay a fee to the parish in the sum of five thousand ($5,000.00) for a solar farm consisting of five hundred (500) acres or less. For a solar farm consisting of more than five hundred (500) acres, the fee shall be ten thousand

dollars ($10,000.00) plus an additional five dollars ($5.00) for each acre in excess of five hundred (500) acres. The applicable permit fee shall be determined by consideration of the entire project, inclusive of buffer zones and access roads

(ii) Additionally, the applicant shall reimburse the parish for all the reasonable expenses incurred by the parish related to contracting with professionals or consultants to assist the parish in the review of the application, including but not limited to professionals reviewing the proposed land use pattern, traffic plan, drainage plan, and environmental studies.

(e) The application and plan(s) shall be reviewed by the parish building official. If approved by the building official, the application, plan(s) and any comments by the building official shall be forwarded to the parish engineer for review. If approved by the parish engineer, the application, plan(s) and any comments thereon shall be forwarded to the Police Jury for review and consideration. The parish clerk, or a designee, shall present the application and plan to the parish council to approve or deny the permit.

(f) If the application is denied at any step of the review process, the official issuing such denial shall provide a written statement as to the reasons for the denial to the applicant and the applicant shall be afforded thirty (30) days to submit additional information or an amended plan to remediate the defects that were the basis for the denial.

(g) The issuance of a permit under this chapter shall serve as the agreement and acknowledgment by the permittee, and its successors and assigns, as well as the property owners, that St. Helena Parish Government shall have standing to enforce any and all provisions and obligations of the permit.

(i) A permit shall expire one year from the date of issuance, unless construction has commenced on the solar farm. After the expiration of a permit, the applicant may reapply.

(ii) A permit may be extended by one hundred eighty (180) days by the police jury upon application by the permittee not less than sixty (60) days prior to expiration, upon a showing of good cause.

(iii) A permit may not be extended beyond the 180-day extension provided for herein.

(iv) Once a permit expires, the solar farm associated therewith shall not commence construction until the solar farm is the subject of a new permit that has been awarded after a full re-application.

(j) A site plan and property survey shall be included with permit application, showing the location of the panels, substations, roads, buffer areas, and other infrastructure. Any material change to the project outside of the buildable area(s) identified in the permit application shall require the approval from the police jury.

DEVELOPMENT STANDARDS AND REQUIREMENTS FOR SOLAR FARMS

Single or multiple tracts.

(a) A solar farm may be operated on a single contiguous tract or multiple non-contiguous tracts, either with ownership by applicant, under one or more leases in which applicant is lessee, or any combination thereof.

(b) Any permit issued for a solar farm which relies upon one or more lease agreements of which the solar farm relies upon for operation shall become null and void upon the termination of any such lease agreement, unless the lease agreement is terminated upon the permittee/lessee taking ownership of the property previously subject to the lease.

Traffic plan.

(a) The plan for a proposed solar farm shall include a traffic plan for the movement of vehicles that will use parish roads during the construction, maintenance and decommissioning of the solar farm.

(b) The plan shall provide for the remediation of any damages occasioned to parish roads during the construction, maintenance and decommissioning of the solar farm.

Drainage plan.

(a) The plan for a proposed solar farm shall include a drainage plan.

(b) The drainage plan shall include an hydrologic and hydraulic (H&H) analysis to establish that the solar farm will not have any adverse impact on the parish drainage system or adjacent property owners; alternatively the drainage plan shall establish a plan for remediating any adverse impact on the parish drainage system or adjacent property owners that may result from the construction of and the operation of the solar farm. The plan shall also include an ongoing schedule of water sampling and testing of water runoff from the site of the solar farm.

Buffer zones.

(a) The plan for a proposed solar farm shall include the provision of a buffer zone around the perimeter of the solar farm.

(b) The buffer zone shall include a setback of not less than seventy five (75) feet from the property line of the proposed solar farm.

(c) The 75 foot buffer zone shall include a minimum of 50 feet area of trees or shrubbery, between the operational area of the solar farm plus a 25 foot area to the property line of maintained landscaped and/or clear cut grass area or maintained natural forestry area to screen the solar farm from view, the sufficiency of which is subject to review and approval as part of the plan.

(d) The buffer zone shall be maintained in such a manner so as to not present a nuisance in accordance with Parish ordinance Section 26-87. And thereof shall be subject to the enforcement provisions in regard to nuisances.

(e) The police jury may allow a waiver from a buffer zone upon the request of the applicant for reasonable accommodation to the project. Approval of a waiver request requires the majority vote of the police jury.

Secured access and lighting.

(a) The plan for a proposed solar farm shall include a plan for securing limited access and fencing to any areas which include solar farm equipment to the solar farm.

(b) The plan for a proposed solar farm shall include the minimum lighting necessary for the safe operation of the solar farm and shall be designed to limit, to the extent practicable, the impact of artificial lighting of adjacent roadways or properties.

Decommissioning plan.

(a) The plan for a proposed solar farm shall include a decommissioning plan for the remediation of the area of the solar farm upon the cessation of operations of the solar farm.

(b) Cessation of operations for a period in excess of one hundred eighty (180) consecutive days or a lack of operations for more than one hundred eighty (180) days, in the aggregate, in any calendar year, shall trigger the decommissioning plan and termination of the permit.

(c) 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.

(d) The decommissioning plan shall provide for the remediation of any environmental hazards remaining on the property of the former solar farm, as determined by the EPA, DEQ or the St. Helena Parish Government.

(e) Any lease forming a portion of the application for the original permit shall include reference to the decommissioning plan and the funding thereof as a necessary term therein.

Maintenance plan.

(a) The plan shall include a schedule of maintenance of the solar farm and buffer zone including but not limited to grass cutting, shrubbery and tree maintenance, and general upkeep of the premises.

(b) Adherence to the plan is subject to periodic/biannual inspections by the parish, and the parish may require adherence to the plan in regard to maintenance.

(c) In the event an inspection notes a failure to adhere to the plan, the parish shall provide written notice to the permittee of the deficiency, which notice shall be deemed provided upon delivery by mail or electronic means. The permittee shall have 10 business days from the date of delivery of the notice to remediate or provide a plan for remediation of the deficiency. If the parish accepts a plan for remediation, the permittee must implement the plan immediately. If the permittee fails to remediate the deficiency, the permittee shall be fined five hundred dollars ($500.00). The permittee shall be fined five hundred dollars ($500.00) for each day, or part thereof, for each subsequent day that the deficiency is not remediated, with each day considered a separate violation.

(d) The parish may also enforce the plan through the existing parish ordinances regarding nuisances.

Economic impact statement.

(a) The permit application shall also include a statement detailing the anticipated economic impact on the parish related to the proposed solar farm.

(b) The statement shall, at a minimum, address:

i. The impact on parish sales tax revenue during construction of the solar farm.

ii. The impact on parish sales tax revenue during the anticipated post construction operational life of the solar farm; and

iii. The impact on parish ad valorem tax revenue related to the solar farm.

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iv. Identification of any local, state, or federal tax exemptions related to the solar farm.

(c) The police jury may consider the economic impact statement in the determination of whether the granting of the solar farm permit is in the best interests of the parish.

Inspection and enforcement expenses.

The permit holder shall reimburse the parish for all reasonable expenses incurred by the parish related to contracting with professionals or consultants to assist the parish performance of inspections and enforcement actions provided for in this chapter.