



St. Landry Parish Clerk of Court
P.O. Box 750
Opelousas, LA 70571

Phone (337) 942-5606

Charles Jagneaux
Clerk of Court
Parish of St. Landry



Clerk use only

Instrument Number: 1252545

Book/Index: COB

Document Type: ORDINANCE

Recording Date: 02/23/2024 3:01 PM CST

Page Count: Scanned Page Count: 8 not including this page

Grantor 1: ST LANDRY PARISH GOVERNMENT

Grantee 1: ORDINANCE NO 2024-002

COB: 1252545

THIS PAGE IS RECORDED AS PART OF YOUR DOCUMENT AND
SHOULD BE RETAINED WITH ANY COPIES.



Lolita Vidrine

Lolita Vidrine, Deputy Clerk

STATE OF LOUISIANA

ST. LANDRY PARISH GOVERNMENT

ORDINANCE NO. 2024-002

AMENDING AND SUPPLEMENTAL TO
ORDINANCE NO. 2022-017

The following ordinance was offered by Councilman Ken Mark and seconded by Councilman Harold Taylor

AN ORDINANCE OF THE ST. LANDRY PARISH COUNCIL AMENDING AND SUPPLEMENTING CHAPTER 32, ARTICLE III, SECTIONS 32-51, 32-52, 32-53, 32-54, 32-55, 32-56, 32-57, 32-58, 32-59, 32-60, AND 32-61, AND TO ADD SECTIONS 32-62, 32-63, 32-64, 32-65, 32-66, AND 32-67, IN THE ST. LANDRY PARISH CODE OF ORDINANCES TO ESTABLISH REGULATIONS AND PERMIT REQUIREMENTS FOR ENERGY GENERATION PROJECTS IN ST. LANDRY PARISH TO CREATE THE ST. LANDRY PARISH ENERGY DISTRICT, AND TO PROVIDE FOR OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the St. Landry Parish Council (the "Governing Authority"), acting as the Governing Authority of the Parish of St. Landry (the "Parish"), State of Louisiana, is a home rule charter government and a political subdivision of the State of Louisiana (the "State") pursuant to Article VI, Section 5 of the Louisiana Constitution (1974); and

WHEREAS, the Governing Authority adopted Ordinance No. 2022-017 (the "Solar Farm Ordinance") on December 21, 2022, establishing regulations and permit requirements for solar farms located in the Parish; and

WHEREAS, the Solar Farm Ordinance presently governs the regulations and permit requirements for solar farms in the Parish; and

WHEREAS, the Governing Authority seeks to develop a strategic and unified approach to address the vendors and developers seeking to establish energy generation systems, including but not limited to solar energy, within the boundaries of the Parish; and

WHEREAS, a comprehensive and coordinated effort through the establishment of a special energy district will ensure the best opportunity for the Parish to facilitate and oversee the development of new energy generation technologies that will be in the best interest of the Parish; and

WHEREAS, the Governing Authority desires to establish a special energy district within all of the territory within the boundaries of the Parish to most effectively achieve these goals; and

WHEREAS, pursuant to Sections 1-02 and 1-06 of the St. Landry Parish Home Rule Charter (the "Home Rule Charter"), the Governing Authority has the special power to pass all ordinances necessary to promote, protect, and preserve the general welfare, safety, health, peace, and orderly conduct of the Parish; and

WHEREAS, pursuant to the Home Rule Charter, the Governing Authority desires to create a special district with the authority to negotiate, procure, and oversee any type of renewable energy project or energy-producing system within the Parish to be designated the "St. Landry Parish Energy District" (the "District") for the purpose of promoting renewable energy projects within the boundaries of the Parish, carrying out the provisions of the previously adopted Solar Farm Ordinance, and as amended (the "Amended Ordinance"), providing and encouraging a cohesive development of, supporting, and regulating renewable energy projects in the Parish; and

NOW, THEREFORE, BE IT ORDAINED by the St. Landry Parish Council, acting as the governing authority of the Parish; that CHAPTER 32, ARTICLE III, SECTIONS 32-51, 32-52, 32-53, 32-54, 32-55, 32-56, 32-57, 32-58, 32-59, 32-60, AND 32-61 IN THE ST. LANDRY PARISH CODE OF ORDINANCES shall be amended and supplemented to delete any and all references to "Solar Farm(s)" and replace and insert "Energy Generation System" in place thereof, and shall now read as follows:

ARTICLE III. – ENERGY GENERATION SYSTEMS

RECORDED ORIGINAL
ST. LANDRY PARISH CLERK OF COURT

Sec. 32-51. – Purpose; CREATION OF ENERGY DISTRICT

- (a) The purpose of this article is to promote the health, safety, and general welfare of the citizens of St. Landry Parish by regulating Energy Generation System Projects located within St. Landry Parish.
- (b) Under the authority of the Home Rule Charter there is hereby created a special energy district within St. Landry Parish, to be named the "St. Landry Parish Energy District" (the "District"), having geographical boundaries conterminous with that of St. Landry Parish, less and except the incorporated areas therein. The District shall have the authority and jurisdiction to oversee all proposals, approvals, and establishment of any Energy Generation Systems within St. Landry Parish, including but not limited to solar farms, wind, and any other renewable energy source or project, and shall have the authority to promote, negotiate, enter into, or amend contracts or obligations for renewable energy projects for the benefit of St. Landry Parish, and to consider and oversee all other matters in connection therewith. The District shall have the authority to approve, negotiate, modify, and renew tax abatement and payment in lieu of tax (PILOT) obligations or agreements. The District's governing authority shall be the St. Landry Parish Council (the "Governing Authority").

Sec. 32-52. - Definitions.

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

- (a) Solar energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
- (b) Solar energy systems: 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.
- (c) Solar farm: 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. A 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.
- (d) Energy Generation System: Any use of land, development device, structural design, collection system, or project for the purpose of energy generation within the Parish, including but not limited to projects involving solar, wind, and any other renewable energy source, system, or project.

Sec. 32-53. - Permits and fees.

- (a) Prior to placing, establishing, expanding, or substantively altering the operation of an Energy Generation System, a permit must be obtained by the developer from St. Landry Parish Government. Permits shall be issued only after the plan has been approved as provided for in this section.
- (b) The developer shall submit an Energy Generation System Permit Application along with the plans for the proposed project. Each Permit Application will include a site plan showing all property to be included in the project, all access roads, a drainage study, an environmental study, and a traffic plan.
- (c) The Parish Engineer shall review the Permit Application and site plan.
- (d) If the Parish Engineer disapproves of the plan and project, the developer shall be given sixty days to correct the problems cited by the Parish Engineer for rejection of the plan and project, and then the developer may resubmit the Permit Application to the Parish Engineer for approval. If the Parish Engineer approves of the plan and project, the developer 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 before obtaining Energy Generation System permit. Notice of the time and location of the public meeting shall be published at least twice in the official journal before the public meeting.

(e) After the community meeting, the Permit Application and site plan shall be presented to the St. Landry Parish Council at a council meeting to approve or deny the permit.

(f) If a permit is granted hereunder, the developer of the Energy Generation System shall pay a fee of \$1,000.00 to the St. Landry Parish government for any project consisting of 500 acres or less, and for a project consisting of more than 500 acres, the fee shall be \$1,000.00 plus an additional \$1.00 for each acre in excess of 500 acres. The applicable permit fee shall be determined by consideration of the entire project, including buffer zones and access roads.

(g) A permit issued under this Ordinance may be transferred or assigned, with the assignee being obligated to all requirements of the permit and this Chapter. However, written notice of such transfer or assignment shall be made to the St. Landry Parish Government, and the identity of the new permittee shall be noted in the parish records.

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

(i) A permit shall expire one year from the date of issuance if construction has not yet commenced on the Energy Generation System.

Sec. 32-54. - Single or multiple tracts.

(a) An Energy Generation System may be operated on a single contiguous tract or multiple contiguous tracts, either with ownership by the developer/applicant, under one or more leases in which the developer/applicant is a lessee, or any combination thereof.

(b) Any permit issued for an Energy Generation System which relies upon one lease agreement shall become null and void upon the termination of said lease agreement, unless the lease agreement is terminated because the developer/applicant has conveyed ownership of the property previously subject to the lease. In the case of a permit issued for an Energy Generation system that relies on more than one lease agreement, if one of the lease agreements is terminated the permit shall become null and void only to the part of the project that is affected by the lease termination by being on the land subject to the lease that was terminated.

Sec. 32-55. - Traffic plan.

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

(b) The plan shall provide for the remediation of any damages occasioned to parish roads during the construction or erection, maintenance, and decommissioning of the Energy Generation System.

Sec. 32-56. - Drainage plan.

(a) The proposed Energy Generation System shall include a drainage plan.

(b) The drainage plan shall include a hydrologic and hydraulic (H&H) analysis to establish that the Energy Generation System shall not have any adverse impact on the parish drainage system or adjacent property owners, or, 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 Energy Generation System. The plan shall also include an ongoing schedule of water sampling and testing of water runoff from the project site.

Sec. 32-57. - Buffer zones.

- (a) The plan for a proposed Energy Generation System shall include the provision of a buffer zone around the perimeter of the project.
- (b) The buffer zone shall include a setback of not less than 150 feet from the center of any adjacent public roadway.
- (c) The buffer zone shall include a setback of at least 150 feet from any residence, unless otherwise waived by the homeowner, and 50 feet from any adjacent property line used for residential purposes at the time of the application.
- (d) Each buffer zone shall include a stand of trees or shrubbery between the operational area of the Energy Generation System and the adjacent roadway or property owner to screen the Energy Generation System from view, the sufficiency of which is subject to review and approval as part of the plan.
- (e) The buffer zone shall be maintained in such a manner so as to not present a nuisance as provided for otherwise in the Code of Ordinances.

Sec. 32-58. - Secured access and lighting.

- (a) The proposed Energy Generation System plan shall include a plan for secured limited access to the project by a security fence no less than six feet nor no greater than eight feet in height.
- (b) Lighting. To reduce light pollution, lighting shall be limited to the minimum lighting reasonably necessary for the Energy Generation System's safe operation, and the lighting shall be directed downward where reasonably feasible.

Sec. 32-59. - Decommissioning plan.

- (a) The plan for a proposed Energy Generation System shall include a decommissioning plan for the remediation of the area of project upon the cessation of operations of the Energy Generation System.
- (b) Decommissioning of the Energy Generation System shall begin no later than 12 months after the project has ceased to operate as an Energy Generation System. For purposes of this provision, temporary cessation of operations of the Energy Generation System due to circumstances beyond the control of the developer, such as force majeure or commercial decisions by the developer's customers, for a period of less than 12 months would not trigger any decommissioning requirements.
- (c) The decommissioning plan shall provide for the removal of the solar panels, wind mills, ancillary structures, and other infrastructure utilized in the operation of the Energy Generation System.
- (d) The decommissioning plan shall provide for the remediation of any environmental hazards remaining on the property of the Energy Generation System,, as determined by the EPA, DEQ, or the St. Landry 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.
- (f) The decommissioning plan shall provide for a decommissioning fund with sufficient funding to remediate all the property encompassing the project and restoring said property to its original purpose. The developer shall present documentation to St. Landry Parish Government that the decommissioning fund is established.

Sec. 32-60. - Legal fund established.

One and one-half percent of the proceeds derived from the payment-in-lieu-of taxes for ad valorem taxes from all taxing bodies shall be deposited into a special fund to be used to pay all legal fees and cost associated with potential litigation arising from the Energy Generation System's construction, operation, maintenance, and decommissioning.

Sec. 32-61. - Economic development fund established.

One and one-half percent of the proceeds derived from the payment-in-lieu-of taxes for ad valorem taxes from all taxing bodies shall be deposited into a special fund to be used for economic development projects in St. Landry Parish in unincorporated areas and small incorporated municipalities with populations of less than 4,000 residents.

Sec. 32-62. – Responsibilities and duties.

(a) The Parish President and two Council members appointed by the Council Chairman shall be charged with negotiating the terms and conditions of any and all agreements and contracts for establishing an Energy Generation System, including but not limited to the following:

1. Tax abatements, leases, and related payments in lieu of tax agreements.
2. Terms and conditions regarding removing energy-generating equipment at the end of operations or the equipment's end-of-life period.
3. Engage with community leaders and citizens to keep them informed about the establishment of an Energy Generation System to ensure community feedback and public comment.
4. Provide an updated legal and regulatory framework for consideration for adoption by the Parish Council.
5. Ensure compliance with all terms and conditions of agreements entered into by the energy-producing entity and the Parish of St. Landry.
6. Ensure compliance with all state and federal laws and local rules and regulations.

Sec. 32-63. – Authorization of officers.

The Parish President, the Chairman of the Parish Council, and the Clerk of the Parish Council are hereby authorized, empowered, and directed to do any and all things necessary and incidental to carry out the provisions of this Article.

Sec. 32-64. – Severability.

If any provision of this Article shall be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Article, but this Ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this Ordinance which validates or makes legal any provision of this Ordinance which would not otherwise be valid or legal shall be deemed to apply to this Ordinance.

Sec. 32-65. – Repeal.

All ordinances or resolutions, or parts thereof, in conflict herewith, are hereby repealed.

Sec. 32-66. – Recordation.

A certified copy of this Ordinance shall be filed and recorded as soon as possible in the Clerk of Court's Mortgage Records of the Parish of St. Landry, State of Louisiana.

Sec. 32-67. – Publication; effective date.

Upon its adoption, this Ordinance shall be published one (1) time in the official journal of St. Landry Parish. The Ordinance shall become effective immediately upon its adoption.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

COUNCIL MEMBER			ABSENT	ABSTAIN
WHITE, JODY	✓			
CARRIERE, NANCY	✓			
JOLIVETTE, FALTERY	✓			
THIERRY, MILDRED	✓			
TAYLOR, HAROLD	✓			
MARKS, KENNETH	✓			
Stelly, Alvin	✓			
OLIVIER, VIVIAN	✓			
Ardoin, Wayne	Chairman			
Brown, Dexter	✓			
LEJEUNE, TIMMY	✓			
EDWARDS, JIMMIE	✓			
BLANCHARD, ERNEST	✓			

And this Ordinance was Introduced on this 17th day of January, 2024, and passed on the 21st day of February, 2024.

ST. LANDRY PARISH COUNCIL, STATE OF LOUISIANA

Wayne Ardoin
WAYNE ARDOIN CHAIRMAN

Jessie Bellard
JESSIE BELLARD ST. LANDRY PARISH PRESIDENT

ATTEST:

Sherell Jordan
SHERELL JORDAN CLERK

**STATE OF LOUISIANA PARISH
OF ST. LANDRY**

I, the undersigned Clerk of the St. Landry Parish Council, State of Louisiana (the "**Governing Authority**"), do hereby certify that the foregoing pages constitute a true and correct copy of an Ordinance adopted on **February 21, 2024**, to wit:

**AMENDING AND
SUPPLEMENTAL ORDINANCE
TO NO. 2022-2017**

**AN ORDINANCE OF THE ST. LANDRY PARISH COUNCIL
AMENDING AND SUPPLEMENTING ORDINANCE NO.
2022-017 TO ESTABLISH REGULATIONS AND PERMIT
REQUIREMENTS FOR ENERGY GENERATION PROJECTS IN THE
PARISH TO CREATE THE ST. LANDRY PARISH ENERGY
DISTRICT, AND TO PROVIDE FOR OTHER MATTERS IN
CONNECTION THEREWITH.**

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of the St. Landry Parish Council at Opelousas, Louisiana, on this, the __ day of February 2024.

ST. LANDRY PARISH COUNCIL
STATE OF LOUISIANA



SHERELL JORDAN
CLERK

ORDINANCE NO. 2024-002
(Sponsored By: Councilman Harold Taylor)

AN ORDINANCE OF THE ST. LANDRY PARISH COUNCIL AMENDING AND SUPPLEMENTING CHAPTER 32, ARTICLE III, SECTIONS 32-51, 32-52, 32-53, 32-54, 32-55, 32-56, 32-57, 32-58, 32-59, 32-60, AND 32-61, AND TO ADD SECTIONS 32-62, 32-63, 32-64, 32-65, 32-66, AND 32-67, IN THE ST. LANDRY PARISH CODE OF ORDINANCES TO ESTABLISH REGULATIONS AND PERMIT REQUIREMENTS FOR ENERGY GENERATION PROJECTS IN ST. LANDRY PARISH TO CREATE THE ST. LANDRY PARISH ENERGY DISTRICT, AND TO PROVIDE FOR OTHER MATTERS IN CONNECTION THEREWITH.


Presiding Officer's Signature

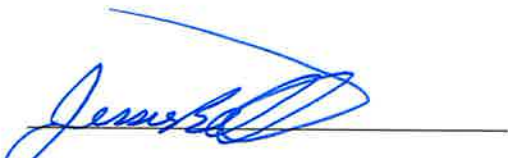

Clerk of the Council's Signature

Delivered to the Parish President:

Date 2/23/2024 Time 11:40 am/pm

APPROVED:

VETOED:


Parish President's Signature

Parish President's Signature

Returned to the Clerk:

Date 2/23/2024 Time 11:41 am/pm

Received by: 

RECORDED ORIGINAL
ST. LANDRY PARISH CLERK OF COURT