

State of Louisiana

Parish of Acadia

In the Name and By the Authority of The
Acadia Parish Police Jury

ACADIA PARISH POLICE JURY
September 12, 2023

ROBERT T. "ROBBY" BAROUSSE
ACADIA PARISH CLERK OF COURT
Inst# 948199 CO
Recorded On: 10/3/2023 9:59 AM

The following amended ordinance was offered by Steve Comeaux and seconded by Jeffery Morgan.

ORDINANCE NO. 2023-009
(Amending Ordinance No. 2023-004)

Chapter [1] - SOLAR FARM REGULATIONS

(Ord. 2023-004)

Sec. [1]-1 - Purpose.

The purpose of this article is to promote the health, safety and general welfare by regulating Solar Farms within the Parish of Acadia ("Parish").

(Ord. 2023-004)

Sec. [1]-2 - Definitions.

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

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.

(Ord. 2023-004)

Sec. [1]-3 - Permits and fees.

- (a) Prior to placing, establishing, expanding, or substantively altering the operation of a Solar Farm within the Parish, a special Solar Farm permit must be obtained by a developer from the Parish of Acadia. Solar Farm permits shall be issued only after the Solar Farm developer's plans therefor have been approved as provided for in this chapter.
- (b) The Parish 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 all property to be included in the project, all access roads, drainage study, environmental study, and a traffic plan.
- (c) The applicant shall conduct at least one community meeting in the Parish to provide adjacent landowners and the public an opportunity to ask questions and discuss the project. The community meeting shall be conducted after the Solar Farm permit application is filed but prior to permit approval. Notice of the public 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. All costs of publication shall be paid by the applicant as an additional application fee. The community meeting shall be conducted at the offices of the Parish or such other venue as selected by the President of the Police Jury. The meeting shall be under the direction of the Parish engineer and the applicant shall have in attendance a representative of the permit application who possesses sufficient information and knowledge regarding the proposed Solar Farm and the plans thereof.

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- (d) The applicant shall include with the Solar Farm permit application the plans for the Solar Farm that meets the requirements provided for in this chapter.
- (e) The permit application shall be submitted to the Parish permitting office and upon submission of a permit application the applicant shall pay a fee to the Parish in the sum of one thousand dollars (\$1,000.00) for a Solar Farm consisting of five hundred (500) acres. For a Solar Farm consisting of more than five hundred (500) acres, the fee shall be one thousand dollars (\$1,000.00) plus an additional one-dollar (\$1.00) for each acre in excess of five hundred (500) acres. The applicable permit fee shall be determined by consideration of the entire Solar Farm project, inclusive of all buffer zones and non-public access roads.
- (f) The application and plans shall be reviewed by the Parish engineer. If approved by the Parish engineer, the application, plans and any comments thereon shall be forwarded to the Parish Police Jury President for review and consideration. The Parish's Police Jury President, or a designee, shall present the application and plans to the Parish Police Jury to approve or deny the permit.
- (g) 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 sixty (60) days to submit additional information or amended plans to remediate the defects that were the basis for the denial. If the application is finally denied, the applicant shall have the option to appeal the denial to the Police Jury, and the Police Jury may, by majority vote, direct the Police Jury President to grant the permit.
- (h) A Solar Farm permit issued under this chapter may, with the approval of the Parish, 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 Parish and the identity of the new permittee shall be noted in the Parish records.
- (i) The issuance of a Solar Farm 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 the Parish shall have standing to enforce any and all provisions and obligations of the Solar Farm permit.
- (j) A Solar Farm permit shall expire one year from the date of issuance, unless construction has commenced on the Solar Farm within that time. The Solar Farm permit applicant may request an extension up to one year to commence construction if requested in writing not less than 30 days prior to expiration of the initial one-year period. The extension may be granted upon approval of the Police Jury President. After the expiration of a Solar Farm permit, the applicant may reapply for a new Solar Farm permit.
- (k) Issuance of a Solar Farm permit shall not relieve the permitholder or the Solar Farm from obligations to comply with other applicable building code requirements and to submit to Parish inspections regarding same.

(Ord. 2023-004)

Sec. [1]-4 - 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 Solar Farm permit issued for a Solar Farm which relies upon one or more lease agreements shall become null and void upon the termination of any such lease agreement, unless (i) the lease agreement is terminated upon the Solar Farm permittee/lessee taking ownership of the property previously subject to the lease or (ii) Solar Farm permittee/lessee can demonstrate to the Parish engineer's reasonable satisfaction that the Solar Farm plans and specifications can be modified to accommodate the permitted Solar Farm without the use of the property that is the subject of the terminated lease.



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(Ord. 2023.009)

Sec. [1]-5 - Traffic plan.

- (a) The plans 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. The traffic plan shall include the estimated count and weights of vehicles that will use the Parish roads, as well as any expected wide or oversized loads. Based on the traffic plan and/or an inspection of actual traffic generated, the Parish may require the roads to be upgraded to withstand the expected traffic. Such upgrades may include structural and/or width improvements. All costs to upgrade the roads, including design, inspection, and testing, shall be borne by the applicant and/or developer.
- (b) The traffic plan shall provide for the remediation of any damages occurred to Parish roads during the construction, maintenance and decommissioning of the Solar Farm.
- (c) In the event an inspection notes a failure of the permittee to satisfy the requirements of the traffic 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 thirty (30) days from the date of delivery of the notice to remediate the deficiency. 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 traffic plan through the existing Parish ordinances.

(Ord. 2023-009)

Sec. [1]-6 - Drainage Plan.

- (a) The plans for a proposed Solar Farm shall include a drainage plan.
- (b) The drainage plan shall include a 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.
- (c) In the event an inspection notes a failure of the permittee to satisfy the requirements of the drainage 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 thirty (30) days from the date of delivery of the notice to remediate the deficiency. 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 drainage plan through the existing Parish ordinances in regard to drainage.

(Ord. of 2023-009)

Sec. [1]-7 - Buffer zones.

- (a) The plans 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 eighty (80) feet from the center of any adjacent public roadway or fifty (50) feet from the apparent right of way of any adjacent public roadway, whichever results in a larger buffer zone.
- (c) The buffer zone shall include a setback of at least one hundred fifty (150) feet from any residence and fifty (50) feet from any adjacent property line at the time of the application.
- (d) Each buffer zone shall include a stand of trees or native prairie grassland, between the operational area of the Solar Farm and the adjacent roadway or property owner which, at



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maturity, will screen the Solar Farm from view, the sufficiency of which is subject to review and approval as part of the plans.

- (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. Maintenance thereof shall be subject to the enforcement provisions in regard to nuisances.
- (f) Each buffer zone shall include a 7 (seven) foot minimum height fence. To the extent that it does not conflict with other rules, laws or ordinances regarding public safety or security, each fence shall be a game/agricultural fence with wood posts and wire mesh fabric.

(Ord. 2023-004)

Sec. [1]-8 - Secured access and lighting.

- (a) The plans for a proposed Solar Farm shall include a plan for secured limited access to the Solar Farm.
- (b) The plans 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.

(Ord. 2023-4)

Sec. [1]-9 - Decommissioning Plan.

- (a) The plans 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 three hundred sixty-five (365) consecutive days or a lack of operations for more than three hundred sixty-five (365) days, in the aggregate, in any calendar year, shall trigger the decommissioning plan and termination of the Solar Farm 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 and restoring the tract of land to a state of condition that is free from any and all environmental hazards and free of all equipment, components and other debris that was used in operating and maintaining the Solar Farm, except to the extent the lessor of the land upon which the Solar Farm is constructed desires certain improvements made by the Solar Farm operator to remain in place.
- (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 Acadia 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.

(Ord. 2023-009)

Sec. [1]-10 - Requirement of a bond.

- (a) As a condition for the issuance of a permit, applicant shall provide evidence of a bond or other acceptable financial security, to ensure the proper decommissioning or other closure of the Solar Farm. The bond shall be in the amount required by L.A. R.S. 30:1154(A)(9)(a). The permit holder shall also annually provide for approval, evidence of the maintenance of such bond or other acceptable financial security as required by L.A. R.S. 30(A)(9)(a), due within 30 days of the anniversary date of the issuance of the permit.
- (b) The Parish may also require additional bonds or other acceptable financial securities to return, to the original or improved condition, other public or private properties not included in Paragraph (a), such also being subject to annual approval with 30 days of the anniversary of the issuance of the permit. Additional properties the Parish may consider include public and private roadways, drainage infrastructure, and other utilities not otherwise covered. Such determinations shall be made based on the proposed plan and existing site conditions.



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(Ord. 2023-004)

Sec. [1]-11 - Maintenance Plan.

- (a) The plans 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 maintenance plan is subject to periodic or random inspections by the Parish, and the Parish may require the adherence to the maintenance plan.
- (c) In the event an inspection notes a failure of the permittee to adhere to the maintenance 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 thirty (30) days from the date of delivery of the notice to remediate the deficiency. 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 maintenance plan through the existing Parish ordinances in regard to nuisances.

(Ord. 2023-004)

Sec. [1]-12 - Zoning Classification.

To the extent the Parish adopts a zoning ordinance with respect to the property on which the Solar Farm is, or is to be, located, all Solar Farms shall be and are hereby considered as an industrial activity under any such zoning ordinance, and will be assigned the zoning classification of [I-1 (Light Industrial)]. Upon decommissioning activities, the zoning classification will revert to original zoning class.



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THUS DONE, SIGNED AND ADOPTED in regular session duly convened on this 12th day of September, 2023, at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: Walter Andrus, Jeffery Morgan, Gordon Morgan, Pat Daigle, Chance Henry, Steve Comeaux, A.J. Credeur.

NAYS: N/A

ABSENT: N/A

ADOPTED: September 12, 2023

/s/ Huey Bryan Borill

Huey Bryan Borill

Secretary-Treasurer

/s/ Chance K. Henry


Chance K. Henry

President

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CERTIFICATE

I, Huey Bryan Borill, Secretary-Treasurer of the Acadia Parish Police Jury, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Acadia Parish Police Jury in regular session on the 12th day of September, 2023, at which a quorum was present.

GIVEN UNDER THE OFFICIAL SIGNATURE AND SEAL OF OFFICE ON THIS 13TH DAY OF SEPTEMBER, 2023.


HUEY BRYAN BORILL
SECRETARY-TREASURER



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