PLEASE NOTE
THIS IS A DRAFT
VERSION OF THE
PROPOSED SOLAR
ORDINANCE

ADDITIONAL REVISIONS
MAY BE NECESSARY
PRIOR TO ADOPTION BY
THE IBERIA PARISH COUNCIL

Sec. _____. 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:

Abandonment. If any solar power plant falls into a state of disrepair or ceases to be used in whole or in part 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 parish council.

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.

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, a parabolic dish and solar power tower.

Photovoltaics (PV) means a technology that converts light directly into electricity.

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 whole or retail sales of generated electricity.

(c) *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 shall 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 parish, and applicable federal permits.

(3) This section shall be supplemental to and shall not abridge any other applicable local, state or federal rules, regulars, 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 special provision application, building permit, electrical permit and ongoing compliance to this section is mandatory for all solar power plants.

(5) The owner/developer shall provide a maintenance guarantee in the amount of $80.00 per linear foot of the road right-of-way pending review of the economic index at the time of issuance of the guarantee. The cost per linear foot may vary at the time of inspection. The maintenance guarantee shall become effective upon the notice to proceed and will remain in effect until 90 days after the completion of the

project. An approved traffic plan shall be submitted prior to the issuance of the maintenance guarantee. The contractor shall provide both pre and post construction to verify damages caused by the construction. In the event that roads within the traffic plan sustain damages due to construction activities, all repairs shall be completed within 90 days from the completion of the development and in accordance with parish standards. Substandard road conditions, as a result of construction activities, shall be repaired to the satisfaction of the department of public works within ten calendar days from the written notification there of. If the road repairs have not been completed in the allotted time frame the maintenance guarantee will be called in to make the necessary repairs.

(6) *Application requirements.* All applications and plans for solar power production must be submitted to the Permitting, Planning and Zoning Department of Iberia Parish Government and include all the following:

a. Name of the project, names and addresses of the business owners, names of the property owners and the engineers and surveyors.

b. If the site is leased, a lease memorandum executed by all parties to the lease.

c. Date, scale and accurate north arrow of the site plan showing all property to be included in the project.

d. Boundaries and actual dimensions and shape of parcel, including total acreage, with bearings and distances.

e. Site plan showing streets, circulations, driveways, service buildings, easements, arrangement and number of solar panels, and streets; also fencing, gates and vegetative buffer.

f. Horizontal and vertical (elevation) to scale drawing with dimensions that show the location of the solar panels and system on the property.

g. Vicinity map showing the location and surrounding land use.

h. Names and addresses of adjoining property owners.

i. Elevation certificate and preliminary drainage plan.

j. Lane contours.

k. Plan illustrating the intended layout and green space.

l. Traffic plan during construction phase.

m. Other features and designs as deemed reasonably necessary from time to time by the parish council.

n. A decommission plan in compliance with this section.

o. Economic impact report.

p. 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 (example: a, b, c).

q. An application fee of $1,500.00.

r. Public notice requirements Iberia Parish Permitting, Planning and Zoning Department will verify that all public notice requirements have been met prior to the parish council public meeting. A developer must give a 60 day public notice by certified letters and posting of signage in accordance with the following requirements:

1. The developer must give written public notice of the new proposed development 60 days prior to the parish council public meeting Iberia Parish Government Planning and Zoning Department, to all adjacent property owners, each member of the legislature of Louisiana who represents a District in which the proposed facility

to be located by certified mail and must include the following information:

(i) State the name and type of development, a narrative description of the proposed development and a map and preliminary site plan of the proposed facility and a narrative description of the proposed development.

(ii) Developers name and phone number.

(iii) Date and time of the parish council meeting date.

(iv) Meeting location address and time.

2. An applicant shall also cause public notice to be published on three separate days within the period of thirty (30) days prior to the meeting, with at least five (5) days between each publication, which notice shall be published in the official journal of the Parish.

3. The developer must post a sign behind every public right-of-way adjacent to the development and must meet the following requirements:

(i) Sign must be four feet by eight feet in size.

(ii) Sign must state the name and type of development.

(iii) Developers name and phone number.

(iv) Date and time of the parish council meeting date.

(v) Meeting location address and time.

(d) *Provisions for permit review*. Following the provisions of the parish Code, additional or more thorough consideration shall be given to the following as the parish determines whether the project needs to be approved, denied, or conditionally approved:

(1) Project rationale. Project rationale, including estimated construction schedule, project life, phasing, and likely buyers or markets for the generated energy.

(2) Siting considerations. Siting considerations, such as avoiding areas/locations with a high potential for biological conflict, such as wilderness study areas, areas of environmental concern, county and state parks, historic trails, special management areas or important wildlife habitat or corridors; avoiding visual corridors that are prominent scenic viewsheds, or scenic areas designed by the parish; avoiding areas of erodible slopes and soils, where concerns for water quality, severe erosion or high storm runoff potential have been identified; and avoiding known sensitive historical, cultural or archeological resources.

(3) Site and development plans. Site and development plans, which identify and/or locate all existing and proposed structures; setbacks,; access routes; proposed road improvements; any existing inhabitable structures within one mile of a photovoltaic solar project or one mile of a concentrated solar project; existing utilities, pipelines, and transmission lines; proposed utility lines; utility and maintenance structures; existing topographic contours; existing and proposed drainageways; proposed grading; areas of natural vegetation removal; revegetation areas and methods; dust and erosion control; any floodplains or wetlands; and other relevant items identified by the parish staff or planning commission. All maps and visual representations need to be drawn at an appropriate scale.

(4) Due to the complexity of large-scale solar power plant projects, the applicant must submit an economic impact study detailing the estimated economic impact on the parish, including but not limited to jobs created, estimated annual taxes, or any other information that may be required by the parish.

(5) Visual impacts, appearance, and scenic viewsheds. Potential visual impacts may be caused by components of the project such as above-ground electrical lines, accessory structures, access roads, utility trenches and installations, and alteration of vegetation. More visually sensitive proposals may require analysis from

significantly more vantage points, such as different distances and sensitive locations. A photo simulation is required. Significant visual impacts that cannot be adequately mitigated are grounds for denial.

(6) Wildlife habitat areas and migration patterns. Specifically include information on any use of the site by endangered or threatened species and whether the project is in biologically significant area. If threatened or endangered species exist in the area, consultation with the United States Fish and Wildlife Service (USFWS) will be necessary.

(7) Environmental analysis. In the absences of a required state or federal agency environmental review for the project [e.g., National Environmental Protection Act (NEPA)] the parish will require an analysis of impacts to historic, cultural and archaeological resources, soil erosion (water and wind), flora, and water quality and water supply in the area.

(8) Solid waste or hazardous waste. As applicable, the application must include plans for the spill prevention, clean-up, and disposal of fuels, oils, and hazardous wastes, as well as collection methods for solid waste generated by the project.

(9) Height restrictions and Federal Aviation Administration (FAA) hazard review. Compliance with any applicable airport overlay zoning requirements and the ability to comply with the FAA regulations pertaining to hazards to air navigation must be demonstrated if within five nautical mails of an FAA-regulated airport.

(10) Prior to work and during all construction until complete a transportation plan for construction and operation phases.

(11) The drainage plan must follow the latest development drainage requirements of the parish.

(12) Stormwater pollution prevention plan (SWPPP) is a site-specific written document and drawings required by the Environmental Protection Agency (EPA) and Louisiana Department of Governmental Quality (LDEQ) for Louisiana Pollution Discharge Elimination System (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.

(13) Public safety. Identify and address any known or suspected potential hazards to adjacent properties, public roadways, communities, aviation, etc., that may be created by the project.

(14) Noise limitations. Submit sufficient information regarding noise, so as to demonstrate compliance below 60dBA as in subsection (e)(13) of this section.

(15) It is preferred that any related special provision application applications for substations or transmission lines be considered in conjunction with the special provision application for the solar power plant; however, if the details of those improvements are not available at the time of the application for the solar power plant, they may be considered later, through subsequent special provision application review. At a minimum, 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.

(16) Decommissioning plan. Describe 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 owners, 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.

(17) Other state and federal permits.

(18) Substantial modifications to any previous parish council approved site plan.

(e) *Design standards.*

(1) Minimum site size. No concentrated solar thermal power plant will be erected in the parish. No photovoltaic solar power plant will be erected on any site less than two hundred (200) 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 recorded easements, leases, or consent agreements 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 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 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 15 feet. Poles and wires reasonably necessary to connect to public electric utilities shall not be subject to this requirement.

(4) Setbacks and screening. The solar power plant must be set back from all project boundary lines which make up the site perimeter with at least a 50-foot vegetative buffer. In addition, solar power plant structures must be located at least 1 mile from all existing residential property lines, 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) 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.

(6) Vegetated areas will not be subject to chemical fertilization or herbicide pesticide application, except for those applications necessary to establish the vegetative cover and in accordance with the approved vegetative maintenance plan.

(7) Solar power plants must be constructed with evergreen vegetative screening. Landscape buffers for these developments must meet the following requirements:

a. Existing forested vegetative buffers. Existing undisturbed vegetative buffers with six trees over 50 feet deep within every 100 feet of project boundary line shall not be required to install new plant material if the existing vegetation creates a continuous opaque visual barrier within 25 feet of the project boundary line. For existing vegetative buffer locations where gaps are within the visual barrier, shrubs must be added along the edge of the property line as required to create an opaque barrier. New shrubs shall reach a minimum of six feet within a three-year period. Vegetative planting must only use approved native trees and shrubs.

b. Landscape buffer zones without any trees or shrubs must install the following planting material:

1. For every 50 feet of project buffer zone a new 45 foot deep landscape buffer must be installed and comprised of six Class A trees, three Class B trees and 24 shrubs.

2. Shrubs must be installed in a continuous line as to create a continuous six-foot opaque visual barrier within three years.

c. Landscape buffer materials must meet the following requirements:

1. A minimum of 50 percent of all plants must be evergreen.

2. No more than 30 percent of any one species will be allowed

3. Evergreen trees will be a minimum of six feet in height at installation.

4. Deciduous trees must have a minimum of 2 ½ inches caliper at installation.

5. All shrubs must be a minimum of 18 inches in height at installation.

6. A minimum of 50 percent of the evergreen shrubs must reach a minimum of five feet within three years of installation.

7. All landscaping must be maintained and warrantied for one year. Any plant material during the one-year period deemed to be unhealthy by the parish must be replaced immediately.

8. Stamped landscape plans by a licensed landscape architect or landscape horticulturist must be required for permitting. At the completion of the landscape buffer installation a certification of completion signed by the licensed landscape architect or landscape horticulturalist designer of record must be submitted to the parish.

9. Vegetative planting must only use approved native trees and shrubs.

10. Failure to continuously maintain the foregoing visual buffers will constitute a violation.

(8) The individual photovoltaic panels within an array are arranged in a fashion that:

a. Allows the passage of runoff between each module, thereby minimizing the creation of concentrated runoff.

b. Allows for the growth of vegetation beneath the panel and between arrays.

(9) Power inverters and other sound-producing equipment must be no less than 1500 feet from any dwelling unit at the time of construction/installation.

(10) 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 the required vegetative buffer. This is specific to new rights-of-way and roads to be built to the solar power plant.

a. An eight foot security fence must be placed around the perimeter of the solar power plant. Lock boxes and keys must be provided at locked entrances for emergency personnel access and appropriate access. A 12-foot access easement inside the fence is required for emergency access.

b. Appropriate warning signage must be placed at the entrance and perimeter of the solar power plant project every 200 feet.

(11) Ground mounted solar panels that are supported with structures/foundations require little earth disturbance for their installation/construction. Unless evidence is provided to the contrary, it will be assumed that little earth disturbance will occur for these ground-mounted solar panels themselves (not including access drive, etc.)

(12) These developments must not unduly create a land disturbance.

(13) Noise. No operating solar power plant shall produce noise that exceeds in this subsection 60 dBA, as measured at the property lines of the project boundary, unless the owner of the affected property and planning commission agree to a higher noise level. Adequate setbacks must be provided to comply with these limitations.

(14) Visual appearance. Lighting of the solar power plant and accessory structures must be limited to the minimum necessary and full cut-off lighting (e.g., dark sky compliant) may be required when determined necessary to mitigate visual impacts. Lights must be shielded and downcast.

(15) Electrical interconnections and distribution components must comply with all applicable codes and public utility requirements.

(16) Fire protection. All solar power plants must have a defensible space for fire protection in accordance with state and parish fire codes.

(17) Experience and research has shown there are legitimate concerns regarding the possibility for solar power plants to cause a glare hazard for pilots and/or traffic controllers. To address these concerns, all applications submitted pursuant to this section for approval of any solar power plant permit must include a detailed map analysis highlighting all airport

operation and/or designated flight paths within five nautical miles of the outermost proposed boundaries of any proposed solar power plant, and, for all such airport operations or designated flight paths located therein, must additionally include:

a. A certified letter of a notice of intent to construct a solar power plant (containing, at a minimum, the solar power plant's exact proposed location, types of solar technology devices to be used, and overall size including total acreage and surface areas of all panels or other reflective devices).

b. A full report of potential aviation glare hazards (AGH) arising from the proposed solar power plant on all such airport operations and/or designated flight paths using the most recent version of the Department of Energy's Sandia National Laboratories recently developed glare hazard assessment tool (or any other assessment tool required or otherwise recommended by the FAA) in accordance with its user manual, and applying the same evaluation standards required and otherwise recommended by the FAA for evaluating AGH of off-airport solar projects, it being the intent of this section to require all applicants to utilize the most recent and thorough evaluation techniques of measuring AGH then available and required or otherwise recommended by the FAA, as modified from time to time.

c. Proof of said notice and full report being actually delivered not less than 90 days prior to the submission of any application for a solar power plant permit made hereunder to all the following: the local airport district office or the FAA with oversight over the parish, for any airport operated under FAA regulations as part of the National Plan of Integrated Airport Systems (NPIAS) including, (without limitation, the Acadiana Regional Airport and Lemaire Airport); the airport management of all NPIAS and non-NPIAS airports; and the affected military airport or low altitude flight paths in said area.

d. Changes in proposed solar power plant design standards prior to any permit approved under this section will require proof of re-delivery of an updated notice and full report in accordance with the foregoing provisions.

(f) *Permit applications.*

(1) A permit application is required for each identified area (a, b, c) submitted as part of a project.

(2) The permit fee is $60.00 per acre with a minimum fee of $8,500.00.

(3) All plans must be certified by a licensed state engineer.

(4) 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.

(5) Any permit issued pursuant to this section will expire three years from the date of issuance, unless construction has commenced. After the expiration of a permit, the applicant may reapply.

(g) *As-built plans.* Upon completion of site construction, a certified as-built plan by an engineer must be submitted to the parish designed engineer and the Iberia Parish Public Works Director 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.

(h) *Decommissioning, abandonment, hazard abatement.* A signed and notarized decommissioning plan must be submitted to the parish. It must be in a form suitable to be recorded with the clerk of court. The decommissioning plan must include at the minimum all the following provisions and requirements:

(1) Initiation upon "abandonment" of a solar power plant as defined in this section.

(2) A five year financial security deposit in the form of a performance bond, conventional letter(s) of credit, cash, or any combination thereof in the amount of the decommissioning cost. The cost of decommissioning must be reevaluated every five years and a new bond must be posted to reflect the anticipated cost. Every year

a certified letter must be submitted to the parish showing a record of all premiums paid.

(3) Any additional conditions which may be defined or established from time to time by the parish council upon which decommissioning will be initiated (i.e., of lease, condition of a potential public safety hazard, etc.).

(4) 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) 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 parish government.

(6) 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 parish council within its sole discretion for good cause shown.

(7) If the solar power plant, the contract, lease, or any other interest in the solar power plant is going to be sold, the new owners must follow the steps required in this subsection (h) for the decommissioning plan.

(8) A signed statement from the party responsible for completing the decommissioning plan acknowledging such responsibility.

(i) *Violations.*

(1) Upon finding of any inappropriate or illegal activities on the part of any person which would violate the provisions of this section, the planning department director or his designee shall notify in writing the persons responsible for such actions indicating the following:

a. The nature of the violations.

b. The actions necessary to correct the violations.

c. The date by which corrective actions should be taken and completed.

d. Actions which will take place if such corrective action is not taken.

e. When such corrective action has not been taken or is deemed inadequate based upon the conditions listed in this section, 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.

f. Any other action authorized by this section 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 a separate offense.