

# HB0241S01 compared with HB0241

{Omitted text} shows text that was in HB0241 but was omitted in HB0241S01

inserted text shows text that was not in HB0241 but was inserted into HB0241S01

**DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.**

1 **Solar Power Plant Amendments**

. 2025 GENERAL SESSION

. STATE OF UTAH

. **Chief Sponsor: Colin W. Jack**

. Senate Sponsor:

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3 **LONG TITLE**

4 **General Description:**

5 This bill enacts provisions related to utility scale solar power plants.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ defines terms;

9 ▶ establishes location and design standards for solar power plants;

10 ▶ sets requirements for lot size, height, setbacks, noise levels, and visual appearance;

11 ▶ prohibits solar power plants in certain areas;

12 ▶ requires a decommissioning plan and fund;

13 ▶ establishes a permit application and review process; and

14 ▶ provides for severability.

15 **Money Appropriated in this Bill:**

16 None

17 None

20 ENACTS:

HB0241

## HB0241 compared with HB0241S01

21 **54-17-1101** , Utah Code Annotated 1953 , Utah Code Annotated 1953  
22 **54-17-1102** , Utah Code Annotated 1953 , Utah Code Annotated 1953  
23 **54-17-1103** , Utah Code Annotated 1953 , Utah Code Annotated 1953  
24 **54-17-1104** , Utah Code Annotated 1953 , Utah Code Annotated 1953  
25 **54-17-1105** , Utah Code Annotated 1953 , Utah Code Annotated 1953  
26 **54-17-1106** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section 1 is enacted to read:

30 **54-17-1101. Definitions.**

As used in this part, "solar power plant" means a utility-scale commercial facility that:

- 32 (1) has a nameplate generating capacity in excess of one megawatt; and  
33 (2) converts sunlight into electricity for the primary purpose of wholesale or retail sales of generated  
electricity.

35 Section 2. Section 2 is enacted to read:

36 **54-17-1102.** ~~**Location and design standards**~~ **Eligibility for state incentives.**

- 37 ~~{(1) {A solar power plant shall:}} }~~  
38 ~~{(a) {have a minimum lot size of:}} }~~  
39 ~~{(i) {40 acres for a concentrated solar thermal power plant; and}} }~~  
40 ~~{(ii) {10 acres for a photovoltaic solar power plant;}} }~~  
41 ~~{(b) {have a maximum structure height of 20 feet, unless specifically justified and permitted;}} }~~  
43 ~~{(c) {establish setbacks of:}} }~~  
44 ~~{(i) {at least 250 feet from all property lines, public road rights-of-way, and intermittent waterways;}} }~~  
46 ~~{(ii) {at least 500 feet from perennial rivers and streams;}} }~~  
47 ~~{(iii) {at least 1,500 feet from all residentially zoned lots, existing residences, planned residences,~~  
~~animal dwelling structures, and lakes; and}} }~~  
49 ~~{(iv) {at least 0.5 miles from sensitive natural resource areas, wildlife management areas, prairies,~~  
~~wetlands, forested areas, known archeology sites, and other significant public lands, owned or~~  
~~managed natural resource areas and property, or documented privately-owned conservation~~  
~~easement protected natural areas;}} }~~  
53 ~~{(d) {establish noise limitations of:}} }~~

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- 54 ~~{(i) {40 dBmax at the property line of any neighboring residentially zoned lot, residence, or animal dwelling;}}~~
- 56 ~~{(ii) {35 dBmax at the property line of any existing neighboring residentially zoned lot, residence, or animal dwelling between the hours of 9:00 p.m. and 7:00 a.m.; and}}~~
- 58 ~~{(iii) {50 dBmax 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;}}~~
- 60 ~~{(e) {maintain a minimum ground clearance for solar panels that;}}~~
- 61 ~~{(i) {is adequate to allow for ground cover; and}}~~
- 62 ~~{(ii) {does not exceed 20 feet unless a special use permit is granted;}}~~
- 63 ~~{(f) {maintain a 4-mile green space for wildlife, cropland access, and land preservation between the nearest solar panel of one solar power plant to the nearest solar panel of another solar power plant;}}~~
- 66 ~~{(g) {be limited to an area no more than 1.2 miles in diameter, measured from the farthest outside edges of the most distant solar panels in all directions;}}~~
- 68 ~~{(h) {use materials, colors, and textures for buildings and accessory structures that, to the extent reasonably possible, will blend the facility into the existing environment;}}~~
- 70 ~~{(i) {comply with local zoning regulations, conditions, and requirements except that a local government;}}~~
- 72 ~~{(i) {may place more restrictive conditions and zoning than those contained in this section; and}}~~
- 74 ~~{(ii) {may not allow less restrictive conditions than those contained in this section;}}~~
- 75 ~~{(j) {have a defensible space for fire protection in accordance with the state Fire Code;}}~~
- 76 ~~{(k) {use ground cover suitable to the soil and light conditions to maintain the soil and prevent excessive runoff;}}~~
- 78 ~~{(l) {maintain control of noxious weeds; and}}~~
- 79 ~~{(m) {minimize and mitigate electromagnetic interference, including interference with radio, Internet, telephone, cellular, wireless broadband, Doppler, television signals, or any electromagnetic interference caused by the solar power plant or the solar power plant's equipment;}}~~
- 83 ~~{(2)}~~ (1) A solar power plant ~~{may}~~ is not {be located} eligible to receive state incentives if the soil where the project is located is:
- 39 (a) prime farmland, farmland of statewide importance, farmland of local importance, or farmland of unique importance, as designated by the Natural Resource Conservation Service;

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- 84 ~~{(a)}~~ (b) ~~{on productive}~~ irrigated cropland~~{, grazing land,};~~ ; or ~~{forests;}~~
- 85 ~~{(b) {in an area that requires clear cutting forests, deforestation, filling in wetlands, or diverting rivers or streams;}}~~
- 87 ~~{(c) {in habitats of any species protected under the federal Endangered Species Act;}}~~
- 88 ~~{(d) {for a thermal solar power plant;}}~~
- 89 ~~{(i) {in areas the Division of Wildlife Resources or United States Fish and Wildlife Service has documented as being used or occupied by bats, including;}}~~
- 91 ~~{(A) {hibernation areas;}}~~
- 92 ~~{(B) {breeding or nursery grounds;}}~~
- 93 ~~{(C) {critical migration corridors; and}}~~
- 94 ~~{(D) {areas where colonies and feeding areas are known to exist; or}}~~
- 43 (c) non-irrigated cropland of a capability class one through four, as designated by the Natural Resources Conservation Service.
- 95 ~~{(ii)}~~ (2) ~~{in areas}~~ A solar power plant may receive half of an eligible state incentive if the soil where the ~~{Division of Wildlife}~~ project is located is non-irrigated cropland of a capability class five or six, as designated by the Natural Resources ~~{or United States Fish and Wildlife}~~ Conservation Service ~~{has documented that bald eagles, condors, golden eagles, or other protected birds nest or breed; or}~~.
- 98 ~~{(e) {within 1.2 miles of another solar power plant;}}~~
- 99 ~~{(3) {Within municipalities;}}~~
- 100 ~~{(a) {non-environmental setback requirements for solar power plants may be waived by the local governing body;}}~~
- 102 ~~{(b) {solar power plants may be prohibited within city or village borders or extraterritorial jurisdiction to preserve land use areas for current and future urban growth and development; and}}~~
- 105 ~~{(e) {permits may be denied on a case-by-case basis;}}~~
- 48 (3) A solar power plant located on grazing land is not eligible to receive state incentives if the land produces greater than 1,000 pounds of vegetative production per acre in a normal year, according to the Web Soil Survey produced by the Natural Resources Conservation Service.
- 52 (4) A solar power plant located on grazing land may receive half of an eligible state incentive if the land produces between 500 and 1,000 pounds of vegetative production per acre in a normal year, according to the Web Soil Survey produced by the Natural Resources Conservation Service.

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56 (5) Pursuant to Subsection 17D-3-103(2), a conservation district may make a recommendation to  
118 exempt a solar power plant from the eligibility limitations described in Subsections (1) through (4).

59 Section 3. Section 3 is enacted to read:

60 **54-17-1103. {Site plans and development } Consultation requirements.**

108 ~~{(1) {An applicant for a solar power plant construction permit shall submit to the local planning~~  
~~commission:} }~~

110 ~~{(a) {a site and development plan; and} }~~

111 ~~{(b) {a transportation plan.} }~~

112 ~~{(2) {A site and development plan for a solar power plant shall identify:} }~~

113 ~~{(a) {all existing and proposed structures;} }~~

114 ~~{(b) {setbacks;} }~~

115 ~~{(c) {access routes;} }~~

116 ~~{(d) {proposed road improvements;} }~~

117 ~~{(e) {any existing inhabitable structures and residentially zoned lots within:} }~~

118 ~~{(i) {a half mile of a photovoltaic solar project; or} }~~

119 ~~{(ii) {one mile of a concentrated thermal solar project;} }~~

120 ~~{(f) {existing utilities, pipelines, and transmission lines;} }~~

121 ~~{(g) {proposed utility lines;} }~~

122 ~~{(h) {utility and maintenance structures;} }~~

123 ~~{(i) {existing topographic contours;} }~~

124 ~~{(j) {existing and proposed drainage pathways;} }~~

125 ~~{(k) {proposed grading;} }~~

126 ~~{(l) {areas of natural vegetation removal;} }~~

127 ~~{(m) {revegetation areas and methods, with an emphasis on native plants;} }~~

128 ~~{(n) {dust and erosion control measures;} }~~

129 ~~{(o) {any floodplains or wetlands; and} }~~

130 ~~{(p) {other relevant items identified by staff or the planning commission.} }~~

131 (3) ~~{A transportation plan for the construction and operation phases }~~ The owner or operator of a solar  
power plant shall ~~{:}~~ consult with the Division of Wildlife

133 ~~{(a) {indicate by description and map what roads the project will utilize during the construction,~~  
~~operation, and maintenance phases; and} }~~

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- 135 ~~{(b) {describe the existing surfaces and condition of the roads.}}~~  
Resources or United States Fish and Wildlife Service regarding how the solar power plant could potentially impact wildlife on affected land.
- 64 Section 4. Section 4 is enacted to read:
- 65 **54-17-1104. Decommissioning plan.**
- 138 (1) An owner of a solar power plant shall:
- 67 (a) place financial assurance with the appropriate local jurisdiction in accordance with Section 11-17-12 in the form of:
- 69 (i) a bond;
- 70 (ii) a parent company guarantee;
- 71 (iii) an irrevocable letter of credit; or
- 72 (iv) an alternate form of financial security;
- 73 (b) ensure the amount of financial security is not less than the estimated cost of decommissioning and reclaiming the solar power plant, after deducting reasonable salvage value, as calculated by:
- 76 (i) a third party with expertise in decommissioning, hired by the owner and agreed to by the appropriate local jurisdiction; and
- 78 (ii) if required by the appropriate local jurisdiction, an engineer registered with the state;
- 139 ~~{(a)} (c) {establish a fund for}~~ create and update a decommissioning ~~{on}~~ and reclamation plan every five years from the ~~{basis of reasonable projections}~~ initial commercial operating date of the ~~{cost to dismantle the}~~ solar power plant ~~{and restore the site to natural condition;}~~ that:
- 82 (i) incorporates changes resulting from inflation or changes in total cost estimates;
- 83 (ii) specifies the condition to which the site must be returned, unless otherwise specified and agreed upon by the property owner and appropriate local jurisdiction;
- 85 (iii) requires removal of materials, including steel piles, concrete foundations, and buried cabling, to a depth of three feet below the surface, unless otherwise specified in the plan due to local permitting requirements; and
- 88 (iv) addresses vegetation and soil restoration, based on environmental field surveys and site characterizations conducted before construction, unless otherwise specified in the plan due to local permitting requirements;
- 91 (d) in the case of cessation of operation, abandonment, or damage of the solar power plant:
- 93

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- 95 (i) rectify any deficiency within 90 days after receiving written notice from the appropriate local jurisdiction by certified mail; or
- 141 (ii) provide a written plan to the appropriate local jurisdiction with an amended cure date if 90 days is insufficient due to circumstances beyond the owner's control; and
- 141 ~~{(b)}~~ (e) ~~{make annual contributions}~~ if seeking to ~~{an escrow account established for the purpose of funding the decommissioning of a}~~ repower the solar power plant ~~{each year during}~~ at the ~~{life-}~~ end of the ~~{solar power plant; and}~~ initial permitted use:
- 144 ~~{(c)}~~ ~~{update the decommissioning plan every four years to account for changes in the cost of the decommissioning as a result of inflation, changes in cost estimates, or removal and reclamation and the balance of the fund at the time of this adjustment.}~~
- 98 (i) complete necessary local permitting and approval requirements within 18 months before decommissioning requirements or penalties are incurred; or
- 100 (ii) obtain an extension from the local permitting authority.
- 147 (2) ~~{The}~~ As a condition of the permit, the decommissioning plan shall be approved by ~~{staff as a condition of the permit}~~ the appropriate local jurisdiction's governing body.

103 Section 5. Section 5 is enacted to read:

104 **54-17-1105. Permit application and review.**

- 150 (1) A person may not construct a solar power plant without first applying for and receiving a solar power plant construction permit.
- 152 (2) An application for constructing a solar power plant shall specify how the location and design standards will be met.
- 154 (3) Site and development plans must identify all existing and proposed structures, setbacks, access routes, utilities, drainage pathways, areas of vegetation removal, and other relevant items identified by staff or the planning commission.

112 Section 6. Section 6 is enacted to read:

113 **54-17-1106. Severability.**

If any provision of this part or the application of any provision to any person or circumstance is held invalid, the remainder of this part shall be given effect without the invalid provision or application.

117 Section 7. **Effective date.**

This bill takes effect on May 7, 2025.

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