



## HB0241 compared with HB0241S02

- 12       ▶ requires ~~{a decommissioning plan}~~ submission and ~~{fund;}~~ approval of development plans for  
13       solar power plants; and  
14       ▶ ~~{establishes a permit application and review process; and}~~  
15       ▶ provides for severability.

### 20 Money Appropriated in this Bill:

21       None

### 22 Other Special Clauses:

23       None

### 25 ENACTS:

26       **54-17-1101** , Utah Code Annotated 1953 , Utah Code Annotated 1953

27       **54-17-1102** , Utah Code Annotated 1953 , Utah Code Annotated 1953

28       **54-17-1103** , Utah Code Annotated 1953 , Utah Code Annotated 1953

29       **54-17-1104** , Utah Code Annotated 1953 , Utah Code Annotated 1953

30       **54-17-1105** , Utah Code Annotated 1953 , Utah Code Annotated 1953

31       **54-17-1106** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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

34       Section 1. Section 1 is enacted to read:

### 35 **54-17-1101. Definitions.**

#### As used in this part:

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

41       (2)

42       (a) "State incentive" means a tax credit, grant, subsidy, loan, or other form of financial support provided  
43       by the state or a state agency to promote or support the development or operation of a solar power  
44       plant.

44       (b) "State incentive" includes:

45       (i) a clean energy systems tax credit under Section 59-7-614;

46       (ii) a tax credit for high cost infrastructure projects under Sections 79-6-602 and 79-6-603; and

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48 (iii) an alternative energy development tax credit under Section 79-6-5.

49 Section 2. Section 2 is enacted to read:

50 **54-17-1102. {~~Location and design standards~~} Eligibility for state incentives.**

37 (1) A solar power plant ~~{ shall }~~ that is permitted after May 7, 2025, is not eligible to receive state  
incentives if the soil where the project is located is:

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:} }~~

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;}  
}~~

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- 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) {A solar power plant may not be located;}-}~~
- 53 (a) prime farmland, farmland of statewide importance, farmland of local importance, or farmland of  
unique importance, as designated by the Natural Resource Conservation Service;
- 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 ~~{(e) {in habitats of any species protected under the federal Endangered Species Act;}-}~~
- 57 (c) non-irrigated cropland of a capability class one through four, as designated by the Natural Resources  
Conservation Service.
- 59 (2) A proposed solar power plant may receive half of an eligible state incentive if the soil where the  
project is located is non-irrigated cropland of a capability class five or six, as designated by the  
Natural Resources Conservation Service.
- 62 (3) A proposed 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.

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- (4) A proposed 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.
- 70 (5) Pursuant to Subsection 17D-3-103(2), a conservation district may make a recommendation to the Office of Energy Development to exempt a solar power plant from the eligibility limitations described in Subsections (1) through (4).
- 73 (6) If a solar power plant is partially located on land described in Subsection (1)(a), the total amount of state incentives available to the solar power plant shall be reduced by the same percentage as the percentage of the solar power plant's total area that overlaps with the described land.
- 88 ~~{(d)} (7) {for} This section does not apply to a {thermal} solar power plant that:~~
- 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 } }~~
- 95 ~~{(ii) {in areas where the Division of Wildlife Resources or United States Fish and Wildlife 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: } }~~
- 78 (a) holds a position in an interconnection queue prior to January 1, 2025;
- 79 (b) is subject to a signed commercial agreement to provide power that was executed prior to January 1, 2025; or
- 100 ~~{(a)} (c) {non-environmental setback} meets the requirements for {solar power plants may be waived by the local governing body:}, or is receiving, a state incentive prior to May 7, 2025.~~
- 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. } }~~
- 82 Section 3. Section 3 is enacted to read:
- 83 **54-17-1103. {Site plans and development} Consultation requirements.**
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- {(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}~~
- 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.
- 87 Section 4. Section 4 is enacted to read:

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88 **54-17-1104. Decommissioning plan.**

- 138 (1) An owner of a solar power plant that is permitted after May 7, 2025, shall:
- 90 (a) place financial assurance with the appropriate local jurisdiction, state entity, or land owner in  
accordance with Section 11-17-12 in the form of:
- 92 (i) a bond;
- 93 (ii) a parent company guarantee;
- 94 (iii) an irrevocable letter of credit; or
- 95 (iv) an alternate form of financial security;
- 96 (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:
- 99 (i) a third party with expertise in decommissioning, hired by the owner and agreed to by the appropriate  
local jurisdiction; and
- 101 (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:
- 105 (i) incorporates changes resulting from inflation or changes in total cost estimates;
- 106 (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;
- 108 (iii) requires removal of materials, including steel piles, concrete foundations, and buried cabling, to a  
depth of four feet below the surface, unless otherwise specified in the plan due to local permitting  
requirements; and
- 111 (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;
- 114 (d) in the case of cessation of operation, abandonment, or damage of the solar power plant:
- 116 (i) rectify any deficiency within 90 days after receiving written notice from the appropriate local  
jurisdiction by certified mail; or
- 118 (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
- 120 (e) if seeking to repower the solar power plant at the end of the initial permitted use:

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- 121 (i) complete necessary local permitting and approval requirements within 18 months before  
122 decommissioning requirements or penalties are incurred; or
- 123 (ii) obtain an extension from the local permitting authority.
- 141 ~~{(b)}~~ (2) {make annual contributions to an escrow account established for} As a condition of the  
142 {purpose of funding} permit, the decommissioning {of a solar power plant each year during} plan  
143 shall be approved by the {life-of} appropriate local jurisdiction's governing body before an owner  
144 commences construction on the solar power plant{;and} project site.
- 144 ~~{(c) {update the decommissioning plan every four years to account for changes in the cost of the~~  
145 ~~decommissioning as a result of inflation, changes in cost estimates, or removal and reclamation and~~  
146 ~~the balance of the fund at the time of this adjustment.}}~~
- 147 ~~{(2) {The decommissioning plan shall be approved by staff as a condition of the permit.}}~~
- 127 Section 5. Section 5 is enacted to read:
- 128 **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  
151 power plant construction permit.} from the governing body of the appropriate local jurisdiction:
- 131 (a) a conditional use permit;
- 132 (b) a grading permit;
- 133 (c) a building permit; and
- 134 (d) any other permit required by the local jurisdiction.
- 152 (2) An application for constructing a solar power plant shall specify how the location and design  
standards will be met.
- 137 (3) After receiving the permits required under Subsection (1), but before commencing construction  
138 of a solar power plant, the owner shall submit to the appropriate local jurisdiction for review and  
139 approval:
- 140 (a) site and development plans that identify:
- 141 (i) all existing and proposed structures;
- 142 (ii) setbacks;
- 143 (iii) access routes;
- 144 (iv) utilities;
- 145 (v) drainage pathways; and
- 154



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{(3)} (vi) {~~Site and development plans must identify all~~} areas of existing vegetation and proposed  
{~~structures, setbacks, access routes, utilities, drainage pathways, areas of~~} vegetation removal{~~;~~}  
and {~~other relevant items identified by staff or the planning commission.~~}

147 (b) a comprehensive decommissioning plan that complies with Section 54-17-1104.

148 (4) The local jurisdiction may not unreasonably withhold approval of the plans and documentation  
required under Subsection (3).

150 Section 6. Section **6** is enacted to read:

151 **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.

155 Section 7. **Effective date.**

This bill takes effect on May 7, 2025.

2-24-25 9:15 AM