

Solar Power Plant Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Colin W. Jack

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- defines terms;
- establishes location and design standards for solar power plants;
- sets requirements for lot size, height, setbacks, noise levels, and visual appearance;
- prohibits solar power plants in certain areas;
- requires a decommissioning plan and fund;
- establishes a permit application and review process; and
- provides for severability.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

54-17-1101, Utah Code Annotated 1953

54-17-1102, Utah Code Annotated 1953

54-17-1103, Utah Code Annotated 1953

54-17-1104, Utah Code Annotated 1953

54-17-1105, Utah Code Annotated 1953

54-17-1106, Utah Code Annotated 1953

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

Section 1. Section **54-17-1101** is enacted to read:

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
34 generated electricity.

35 Section 2. Section **54-17-1102** is enacted to read:

36 **54-17-1102 . Location and design standards.**

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
42 permitted;

43 (c) establish setbacks of:

44 (i) at least 250 feet from all property lines, public road rights-of-way, and intermittent
45 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
48 residences, animal dwelling structures, and lakes; and

49 (iv) at least 0.5 miles from sensitive natural resource areas, wildlife management
50 areas, prairies, wetlands, forested areas, known archeology sites, and other
51 significant public lands, owned or managed natural resource areas and property, or
52 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,
55 residence, or animal dwelling;

56 (ii) 35 dBmax at the property line of any existing neighboring residentially zoned lot,
57 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
59 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
64 between the nearest solar panel of one solar power plant to the nearest solar panel of
65 another solar power plant;

- 66 (g) be limited to an area no more than 1.2 miles in diameter, measured from the farthest
67 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
69 extent reasonably possible, will blend the facility into the existing environment;
- 70 (i) comply with local zoning regulations, conditions, and requirements except that a
71 local government:
- 72 (i) may place more restrictive conditions and zoning than those contained in this
73 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
77 prevent excessive runoff;
- 78 (l) maintain control of noxious weeds; and
- 79 (m) minimize and mitigate electromagnetic interference, including interference with
80 radio, Internet, telephone, cellular, wireless broadband, Doppler, television signals, or
81 any electromagnetic interference caused by the solar power plant or the solar power
82 plant's equipment.
- 83 (2) A solar power plant may not be located:
- 84 (a) on productive cropland, grazing land, or forests;
- 85 (b) in an area that requires clear cutting forests, deforestation, filling in wetlands, or
86 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
90 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
96 Wildlife Service has documented that bald eagles, condors, golden eagles, or other
97 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
101 the local governing body;
- 102 (b) solar power plants may be prohibited within city or village borders or extraterritorial
103 jurisdiction to preserve land use areas for current and future urban growth and
104 development; and
- 105 (c) permits may be denied on a case-by-case basis.

106 Section 3. Section **54-17-1103** is enacted to read:

107 **54-17-1103 . Site plans and development requirements.**

- 108 (1) An applicant for a solar power plant construction permit shall submit to the local
109 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 of a solar power plant
132 shall:
- 133 (a) indicate by description and map what roads the project will utilize during the

134 construction, operation, and maintenance phases; and
135 (b) describe the existing surfaces and condition of the roads.

136 Section 4. Section **54-17-1104** is enacted to read:

137 **54-17-1104 . Decommissioning plan.**

138 (1) An owner of a solar power plant shall:

139 (a) establish a fund for decommissioning on the basis of reasonable projections of the
140 cost to dismantle the plant and restore the site to natural condition;

141 (b) make annual contributions to an escrow account established for the purpose of
142 funding the decommissioning of a solar power plant each year during the life of the
143 solar power plant; and

144 (c) update the decommissioning plan every four years to account for changes in the cost
145 of the decommissioning as a result of inflation, changes in cost estimates, or removal
146 and reclamation and 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.

148 Section 5. Section **54-17-1105** is enacted to read:

149 **54-17-1105 . Permit application and review.**

150 (1) A person may not construct a solar power plant without first applying for and receiving
151 a solar power plant construction permit.

152 (2) An application for constructing a solar power plant shall specify how the location and
153 design standards will be met.

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

157 Section 6. Section **54-17-1106** is enacted to read:

158 **54-17-1106 . Severability.**

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

162 Section 7. **Effective date.**

163 This bill takes effect on May 7, 2025.