

Colin W. Jack proposes the following substitute bill:

Solar Power Plant Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Colin W. Jack

Senate Sponsor: David P. Hinkins

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:

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

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

31 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 . Eligibility for state incentives.**

37 (1) A solar power plant is not eligible to receive state incentives if the soil where the project
38 is located is:

- 39 (a) prime farmland, farmland of statewide importance, farmland of local importance, or
40 farmland of unique importance, as designated by the Natural Resource Conservation
41 Service;
42 (b) irrigated cropland; or
43 (c) non-irrigated cropland of a capability class one through four, as designated by the
44 Natural Resources Conservation Service.

45 (2) A solar power plant may receive half of an eligible state incentive if the soil where the
46 project is located is non-irrigated cropland of a capability class five or six, as designated
47 by the Natural Resources Conservation Service.

48 (3) A solar power plant located on grazing land is not eligible to receive state incentives if
49 the land produces greater than 1,000 pounds of vegetative production per acre in a
50 normal year, according to the Web Soil Survey produced by the Natural Resources
51 Conservation Service.

52 (4) A solar power plant located on grazing land may receive half of an eligible state
53 incentive if the land produces between 500 and 1,000 pounds of vegetative production
54 per acre in a normal year, according to the Web Soil Survey produced by the Natural
55 Resources Conservation Service.

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

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

60 **54-17-1103 . Consultation requirements.**

61 The owner or operator of a solar power plant shall consult with the Division of Wildlife
62 Resources or United States Fish and Wildlife Service regarding how the solar power plant

63 could potentially impact wildlife on affected land.

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

65 **54-17-1104 . Decommissioning plan.**

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

67 (a) place financial assurance with the appropriate local jurisdiction in accordance with
68 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
74 decommissioning and reclaiming the solar power plant, after deducting reasonable
75 salvage value, as calculated by:

76 (i) a third party with expertise in decommissioning, hired by the owner and agreed to
77 by the appropriate local jurisdiction; and

78 (ii) if required by the appropriate local jurisdiction, an engineer registered with the
79 state;

80 (c) create and update a decommissioning and reclamation plan every five years from the
81 initial commercial operating date of the solar power plant 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
84 specified and agreed upon by the property owner and appropriate local jurisdiction;

85 (iii) requires removal of materials, including steel piles, concrete foundations, and
86 buried cabling, to a depth of three feet below the surface, unless otherwise
87 specified in the plan due to local permitting requirements; and

88 (iv) addresses vegetation and soil restoration, based on environmental field surveys
89 and site characterizations conducted before construction, unless otherwise
90 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
92 plant:

93 (i) rectify any deficiency within 90 days after receiving written notice from the
94 appropriate local jurisdiction by certified mail; or

95 (ii) provide a written plan to the appropriate local jurisdiction with an amended cure
96 date if 90 days is insufficient due to circumstances beyond the owner's control; and

- 97 (e) if seeking to repower the solar power plant at the end of the initial permitted use:
- 98 (i) complete necessary local permitting and approval requirements within 18 months
- 99 before decommissioning requirements or penalties are incurred; or
- 100 (ii) obtain an extension from the local permitting authority.

101 (2) As a condition of the permit, the decommissioning plan shall be approved by the
102 appropriate local jurisdiction's governing body.

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

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

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

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

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

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

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

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

117 Section 7. **Effective date.**

118 This bill takes effect on May 7, 2025.