

**David P. Hinkins** proposes the following substitute bill:

1 **Solar Power Plant Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Colin W. Jack**

Senate Sponsor: David P. Hinkins

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2 **LONG TITLE**

3 **General Description:**

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

5 **Highlighted Provisions:**

6 This bill:

7 ▶ defines terms;

8 ▶ establishes eligibility criteria for state incentives for solar power plants based on land  
9 characteristics;

10 ▶ provides for reduction of incentives for solar power plants located on certain protected  
11 farmland;

12 ▶ creates exemptions for solar power plants with existing agreements or incentives;

13 ▶ requires wildlife impact consultation with state or federal agencies for solar power plants;

14 ▶ establishes requirements for decommissioning plans and financial assurance for solar  
15 power plants;

16 ▶ creates a permitting process for solar power plants;

17 ▶ requires submission and approval of site and development plans before permit approval;

18 ▶ requires consultation with agriculture protection area advisory boards and the Department  
19 of Agriculture and Food when solar power plants may affect lands within or adjacent to  
20 agriculture protection areas; and

21 ▶ provides for severability.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 ENACTS:

29       **54-17-1201**, Utah Code Annotated 1953  
30       **54-17-1202**, Utah Code Annotated 1953  
31       **54-17-1203**, Utah Code Annotated 1953  
32       **54-17-1204**, Utah Code Annotated 1953  
33       **54-17-1205**, Utah Code Annotated 1953  
34       **54-17-1206**, Utah Code Annotated 1953

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

37       Section 1. Section **54-17-1201** is enacted to read:

38       **54-17-1201 . Definitions.**

39       As used in this part:

- 40       (1) "Agriculture protection area" means the same as that term is defined in Section  
41       17-41-101.  
42       (2) "Solar power plant" means a utility-scale commercial facility that:  
43           (a) has a nameplate generating capacity in excess of one megawatt; and  
44           (b) converts sunlight into electricity for the primary purpose of wholesale or retail sales  
45           of generated electricity.  
46       (3)(a) "State incentive" means a tax credit, grant, subsidy, loan, or other form of  
47           financial support provided by the state or a state agency to promote or support the  
48           development or operation of a solar power plant.  
49       (b) "State incentive" includes:  
50           (i) a clean energy systems tax credit under Sections 59-7-614, 59-10-1014, and  
51           59-10-1106;  
52           (ii) a tax credit for high cost infrastructure projects under Sections 79-6-602 and  
53           79-6-603; and  
54           (iii) an alternative energy development tax credit under Section 79-6-5.

55       Section 2. Section **54-17-1202** is enacted to read:

56       **54-17-1202 . Eligibility for state incentives.**

- 57       (1) A solar power plant for which a conditional use permit is issued after May 6, 2026, is  
58           not eligible to receive state incentives if the soil where the project is located is:  
59           (a) prime farmland, farmland of statewide importance, farmland of local importance, or  
60           farmland of unique importance, as designated by the Natural Resource Conservation  
61           Service;  
62           (b) irrigated cropland; or

63 (c) non-irrigated cropland of a capability class one through four, as designated by the  
64 Natural Resources Conservation Service.

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

68 (3) A proposed solar power plant located on grazing land is not eligible to receive state  
69 incentives if the land produces greater than 250 pounds of vegetative production per acre  
70 in a normal year, according to the Web Soil Survey produced by the Natural Resources  
71 Conservation Service.

72 (4) A proposed solar power plant located on grazing land may receive half of an eligible  
73 state incentive if the land produces between 125 and 250 pounds of vegetative  
74 production per acre in a normal year, according to the Web Soil Survey produced by the  
75 Natural Resources Conservation Service.

76 (5) In accordance with Subsection 17D-3-103(2), a conservation district may make a  
77 recommendation to the Office of Energy Development to exempt a solar power plant  
78 from the eligibility limitations described in Subsections (1) through (4).

79 (6) If a solar power plant is partially located on land described in Subsection (1)(a), the total  
80 amount of state incentives available to the solar power plant shall be reduced by the  
81 same percentage as the percentage of the solar power plant's total area that overlaps with  
82 the described land.

83 (7) This section does not apply to a solar power plant that:

84 (a) holds a position in an interconnection queue before January 1, 2026;  
85 (b) is subject to a signed commercial agreement to provide power that was executed  
86 before January 1, 2026; or  
87 (c) meets the requirements for, or is receiving, a state incentive before May 6, 2026.

88 Section 3. Section **54-17-1203** is enacted to read:

89 **54-17-1203 . Consultation requirements.**

90 The owner or operator of a solar power plant shall consult with the Division of Wildlife  
91 Resources or United States Fish and Wildlife Service regarding how the solar power plant  
92 could potentially impact wildlife on affected land.

93 Section 4. Section **54-17-1204** is enacted to read:

94 **54-17-1204 . Decommissioning plan.**

95 (1) An owner of a solar power plant for which a conditional use permit is issued after May  
96 6, 2026, shall:

- 97 (a) place financial assurance with the appropriate local jurisdiction, state entity, or land  
98 owner in accordance with Section 11-17-12 in the form of:  
99 (i) a bond;  
100 (ii) a parent company guarantee;  
101 (iii) an irrevocable letter of credit; or  
102 (iv) an alternate form of financial security;  
103 (b) ensure the amount of financial security is not less than the estimated cost of  
104 decommissioning and reclaiming the solar power plant, after deducting reasonable  
105 salvage value, as calculated by:  
106 (i) a third party with expertise in decommissioning, hired by the owner and agreed to  
107 by the appropriate local jurisdiction; and  
108 (ii) if required by the appropriate local jurisdiction, an engineer registered with the  
109 state;  
110 (c) create and update a decommissioning and reclamation plan every five years from the  
111 initial commercial operating date of the solar power plant that:  
112 (i) incorporates changes resulting from inflation or changes in total cost estimates;  
113 (ii) specifies the condition to which the site shall be returned, unless otherwise  
114 specified and agreed upon by the property owner and appropriate local jurisdiction;  
115 (iii) requires removal of materials, including steel piles, concrete foundations, and  
116 buried cabling, to a depth of four feet below the surface, unless otherwise  
117 specified in the plan due to local permitting requirements; and  
118 (iv) addresses vegetation and soil restoration, based on environmental field surveys  
119 and site characterizations conducted before construction, unless otherwise  
120 specified in the plan due to local permitting requirements;  
121 (d) in the case of cessation of operation, abandonment, or damage of the solar power  
122 plant:  
123 (i) rectify any deficiency within 90 days after receiving written notice from the  
124 appropriate local jurisdiction by certified mail; or  
125 (ii) provide a written plan to the appropriate local jurisdiction with an amended cure  
126 date if 90 days is insufficient due to circumstances beyond the owner's control; and  
127 (e) if seeking to repower the solar power plant at the end of the initial conditional use  
128 permit period:  
129 (i) complete necessary local permitting and approval requirements within 18 months  
130 before decommissioning requirements or penalties are incurred; or

(ii) obtain an extension from the local permitting authority.

(2) As a condition of the conditional use permit, the decommissioning plan shall be approved by the appropriate local jurisdiction's governing body before an owner commences construction on the solar power plant project site.

Section 5. Section **54-17-1205** is enacted to read:

## **54-17-1205 . Permit application and review.**

(1) A person may not construct a solar power plant without first applying for and receiving from the governing body of the appropriate local jurisdiction:

(a) a conditional use permit;

(b) a grading permit;

(c) a building permit; and

(d) any other permit required by the local jurisdiction.

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

(3) Before receiving the permits required under Subsection (1), an owner shall submit to the appropriate local jurisdiction for review and approval:

(a) site and development plans that identify:

(i) all existing and proposed structures;

(ii) setbacks:

(iii) access routes:

#### (iv) utilities:

(v) drainage pathways, conveyance facilities, and easements;

(vi) areas of existing vegetation and proposed vegetation removal;

(vii) irrigation and water conveyances, and service areas; and

(viii) agriculture protection areas; and

(b) a comprehensive decommissioning plan that complies with Section 54-17-1204.

(4) If a proposed solar power plant may affect land located within or adjacent to an agriculture protection area, the applicant shall submit the site and development plans described in Subsection (3)(a) to:

(a) the advisory board of the affected agriculture protection area; and

(b) the commissioner of agriculture and food.

(5)(a) The advisory board described in Subsection (4)(a) and the commissioner of agriculture and food described in Subsection (4)(b) shall:

(i) review the site and development plans described in Subsection (4);

165 (ii) recommend modifications to protect the integrity of the agriculture protection  
166 area, prevent nonagricultural encroachment, or minimize impacts to agricultural  
167 land, agricultural operations, water rights, or irrigation or drainage infrastructure;  
168 and

169 (iii) identify anticipated detrimental effects of the proposed conditional use that  
170 cannot be substantially mitigated by the proposal or the imposition of reasonable  
171 conditions.

172 (b) Before approving a conditional use permit under this section, the governing body  
173 shall:

174 (i) consider whether the proposed solar power plant would be located on land within  
175 or adjacent to an agriculture protection area or interfere with agricultural  
176 production activities or supporting infrastructure, and the submissions,  
177 recommendations, and findings provided under Subsection (5)(a); and  
178 (ii) make reasonable efforts, in coordination with the applicant, to avoid, minimize,  
179 or eliminate impacts to agricultural land, water rights, irrigation or drainage  
180 facilities, or agricultural operations.

181 (6) The governing body shall make written findings demonstrating consideration of the  
182 submissions, recommendations, and findings required under Subsections (4) and (5) in  
183 making the conditional use permit decision.

184 Section 6. Section **54-17-1206** is enacted to read:

185 **54-17-1206 . Severability.**

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

189 Section 7. **Effective Date.**

190 This bill takes effect on May 6, 2026.