

David P. Hinkins proposes the following substitute bill:

**Solar Power Plant Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Colin W. Jack**

Senate Sponsor: David P. Hinkins

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- defines terms;
- establishes eligibility criteria for state incentives for solar power plants based on land characteristics;
- provides for reduction of incentives for solar power plants located on certain protected farmland;
- creates exemptions for solar power plants with existing agreements or incentives;
- requires wildlife impact consultation with state or federal agencies for solar power plants;
- establishes requirements for decommissioning plans and financial assurance for solar power plants;
- creates a permitting process for solar power plants;
- requires submission and approval of site and development plans before permit approval;
- requires consultation with agriculture protection area advisory boards and the Department of Agriculture and Food when solar power plants may affect lands within or adjacent to agriculture protection areas; and
- provides for severability.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

54-17-1201, Utah Code Annotated 1953

54-17-1202, Utah Code Annotated 1953

54-17-1203, Utah Code Annotated 1953

54-17-1204, Utah Code Annotated 1953

54-17-1205, Utah Code Annotated 1953

54-17-1206, Utah Code Annotated 1953

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

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

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

As used in this part:

(1) "Agriculture protection area" means the same as that term is defined in Section 17-41-101.

(2) "Solar power plant" means a utility-scale commercial facility that:

(a) has a nameplate generating capacity in excess of one megawatt; and

(b) converts sunlight into electricity for the primary purpose of wholesale or retail sales of generated electricity.

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

(b) "State incentive" includes:

(i) a clean energy systems tax credit under Sections 59-7-614, 59-10-1014, and 59-10-1106;

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

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

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

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

(1) A solar power plant for which a conditional use permit is issued after May 6, 2026, is not eligible to receive state incentives if the soil where the project is located is:

(a) prime farmland, farmland of statewide importance, farmland of local importance, or farmland of unique importance, as designated by the Natural Resource Conservation Service;

(b) irrigated cropland; or

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

(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.

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

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

(5) In accordance with 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).

(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.

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

(a) holds a position in an interconnection queue before January 1, 2026;

(b) is subject to a signed commercial agreement to provide power that was executed before January 1, 2026; or

(c) meets the requirements for, or is receiving, a state incentive before May 6, 2026.

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

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

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

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

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

(1) An owner of a solar power plant for which a conditional use permit is issued after May 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);

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

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

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

(i) consider whether the proposed solar power plant would be located on land within or adjacent to an agriculture protection area or interfere with agricultural production activities or supporting infrastructure, and the submissions, recommendations, and findings provided under Subsection (5)(a); and

(ii) make reasonable efforts, in coordination with the applicant, to avoid, minimize, or eliminate impacts to agricultural land, water rights, irrigation or drainage facilities, or agricultural operations.

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

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

**54-17-1206 . 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.

Section 7. **Effective Date.**

This bill takes effect on May 6, 2026.