

TOWN OF BLUFF, UTAH, ORDINANCE NUMBER 2025-09-12

Chapter 8.01 - RENEWABLE ENERGY

8.01.010 PURPOSE

In alignment with Town of Bluff General and Strategic Plans, the purpose of this ordinance is to provide for the siting, development, and decommissioning of renewable energy projects in the Town of Bluff. Solar, wind, and geothermal energy projects provide renewable energy and valuable economic resources compatible with Town goals including sustainability such as water conservation and preservation of open space. This ordinance supports renewable energy projects that:

1. Protect public health;
2. Emphasize safety and welfare of the community; and
3. Promote the development of renewable energy resources on public and state land while balancing preservation of aesthetic views.

8.01.020 DEFINITIONS

The following definitions apply to this Chapter.

- A. **AGRICULTURE** means the science or practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products.
- B. **AGRIVOLTAICS** means agricultural use on sites of renewable energy projects including grazing and growing crops.
- C. **APPLICANT** means the person or entity who submits an application to the Town for a permit to install a renewable energy project under this Chapter.
- D. **BATTERY ENERGY STORAGE SYSTEM (BESS)** or **BATTERY GRID STORAGE** means a type of energy storage technology that uses a group of batteries in the grid to store electrical energy, used to stabilize grids.
- E. **CARPORT SOLAR** means a ground mounted system and must adhere to the definition henceforth and standards of each zone.
- F. **CUSTOMER** means a person receiving electrical service from an electrical corporation for use at a residence, business, or facility located within the Town of Bluff.
- G. **DISTURBANCE ZONE** means the area within the site directly impacted by construction and operation of the renewable energy project.

- H. **ELECTRICAL CORPORATION** has the same meaning as provided in Utah Code §54-2-1(10) and includes public utilities furnishing electrical power to consumers for domestic, commercial, or industrial use.
- I. **FOOTPRINT** means the area of a lot occupied by a structure, measured horizontally.
- J. **GEOTHERMAL** means the energy, in whatever form, including pressure, present in, resulting from, created by, or which may be extracted from that natural heat, directly or through a material medium.
- K. **GLARE STUDY** means a study to measure off-site glare effects from a solar array.
- L. **GRID-CONNECTED SOLAR ENERGY SYSTEM** means a solar photovoltaic system that is connected to an electric circuit served by an electric utility company.
- M. **GROUND-MOUNTED SOLAR ENERGY SYSTEM (ACCESSORY USE)** means a solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and the system is accessory to the primary use.
- N. **GROUND-MOUNTED SOLAR ENERGY SYSTEM (PRIMARY USE)** means a solar photovoltaic system mounted on a rack or pole that is ballasted on, or is attached to, the ground and is the primary land use for the parcel(s) on which it is located. Primary use systems are permitted through a discretionary approval process.
- O. **INTEGRATED PV** means photovoltaics incorporated into building materials, such as shingles.
- P. **LANDOWNER** means an individual, group, or organization who holds the legal property rights to the piece of land or real estate on which the energy project will be built.
- Q. **LESSEE** means a person who acquires the right to possession of land and/or use of goods under a lease.
- R. **LEVEL 0 PROJECT** means the footprint of the project is less than 1 acre.
- S. **LEVEL 1 PROJECT** means the footprint of the project is between 1 and 5 acres.
- T. **LEVEL 2 PROJECT** means the footprint of the project is between 5 and 20 acres.
- U. **LEVEL 3 PROJECT** means the footprint of the project is greater than 20 acres.
- V. **OPERATOR** means the person responsible for the overall operation and management of a renewable energy project.
- W. **OWNER** means the person or entity holding record ownership of the land upon which a renewable energy project may be constructed.
- X. **PHOTOVOLTAIC or PV** means materials and devices that absorb sunlight and convert it directly into electricity.

- Y. **PORTABLE SOLAR GENERATION DEVICE** means a self-contained, movable solar-powered generation unit with integrated inverter and plug-in capability designed to connect to a standard 120-volt alternating current (AC) outlet for supplemental household or business energy use.
- Z. **PROJECT** means any presentation of renewable energy design including wind, solar, geothermal or other. Specifications dictate zoning and size.
- AA. **RATED CAPACITY** means the maximum capacity of a solar energy project based on the sum total of each photovoltaic system's nameplate capacity.
- BB. **RENEWABLE ENERGY** means solar, wind, and geothermal energies and future considerations of power generation.
- CC. **ROOF MOUNTED SOLAR** means a solar photovoltaic system mounted on a rack that is ballasted on, or is attached to, the roof of a building or structure. Roof-mount systems are accessory to the primary use.
- DD. **SITE** means the area containing a renewable energy project.
- EE. **SIZE:**
- a. **COMMUNITY SOLAR** means a project providing energy for multiple residential, commercial or agricultural plots. Small utility scale projects provide energy to be sold in a unique business model.
 - b. **SMALL WIND TURBINES** means turbines that are designed for low-demand applications, such as homes, farms, or small businesses. They typically have a power capacity of less than 100 kW.
 - c. **LARGE WIND TURBINES** means turbines with high power capacity and are used in utility scale wind farms. They typically range from 100 kW to 10 MW (or higher).
 - d. **SOLAR ENERGY PROJECT** means a renewable energy project that either (a) generates electricity from sunlight, consisting of one or more PV systems and other appurtenant structures and facilities within the boundaries of the site, or (b) utilizes sunlight as an energy source to heat or cool buildings, heat or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy, And does not meet any of the following criteria: has a disturbance zone equal to or less than [two acres], is mounted on or over a building or parking lot or other previously disturbed area, or utilizes integrated PV only.
 - e. **UTILITY SCALE** means large-scale energy projects, such as solar farms, which are built to generate electricity for the main power grid, not for individual, on site use.
- FF. **SOLAR ENERGY SYSTEM** means a device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage,

and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

GG.SOLAR PHOTOVOLTAIC SYSTEM means a solar energy system that converts solar energy directly into electricity, the primary components of which are solar panels, mounting devices, inverters, and wiring.

HH. WATER TURBINE means a rotary machine that converts the kinetic energy and potential energy of water into mechanical work.

8.01.030 PERMITTING

A. The following table outlines which renewable energy projects are permitted by right and which are subject to Conditional Use approval in different zoning districts.

Table I: Permitted Uses						
P = Permitted by Right C = Requires Conditional Use Permit						
Project Type	A1	A2	A3	R	C	FI
Level 0 [<1 acre]	P	P	P	P	P	P
Level 1 [1 acre to 5 acres]	C	C	C	Prohibited	P	P
Level 2 [5 acres to 20 acres]	C	C	C	Prohibited	P	P
Level 3 [>20 acres]	Prohibited	C	C	Prohibited	P	P
BESS	C	C	C	Prohibited	C	C

Table II: Submittal Requirements by Project Type		
	Building Permit Required	Site Plan Required
Portable Solar Generation Device with a maximum rated power output of not more than 1,200 watts	No	No
Level 0 - Ground Mounted solar	Yes	No
Level 0 - Rooftop solar	Yes	No
Level 0 - Rooftop Mounted Wind	Yes	No
Level 0 - Wind	Yes	No
Level 0 - Geothermal	Yes	No
Level 1 [>1 to 5 acres]	Yes	Yes
Level 2 [>5 acres to 20 acres]	Yes	Yes
Level 3 [>20 acres]	Yes	Yes

8.01.040 SUBMITTAL REQUIREMENTS AND PROCEDURES

A. Projects permitted by right require an application that shall include the following information:

1. Building permit application;
2. Site plan (if applicable) complying with Section 6.50.030;
3. Full description of all equipment to be installed including dimensions; capacities, and design documents;
4. Proof of ownership of the project site and consent of record owner; and
5. Application fee.

B. Projects subject to Conditional Use Permit approval require an application that shall include the following information:

1. PROJECT DESCRIPTION. A narrative identifying the applicant, land owner, owner and/or operator, and describing the proposed renewable energy project, including an overview of the project and its location; approximate rated capacity of the renewable energy project; the approximate number, representative types and expected footprint of solar equipment to be constructed; and a description of ancillary facilities, if applicable.

2. SITE PLAN. The site plan shall conform to the preparation and submittal requirements specified in Section 6.50.030 (Site Plan Submittal), including supplemental plans and submissions specific to the type of equipment or facility, including:
 - i. Location and configuration of all solar, geothermal, wind turbine, BESS, or related equipment, structures, or buildings;
 - ii. Location and configuration of all utilities that will be connected to all existing and proposed equipment, structures, and buildings, as well as applicable points of connection with public utilities; and
 - iii. Buffering, landscaping, fencing, and similar elements installed to mitigate off-site impacts;
3. Proof of ownership and consent of the record owner to the submittal of the application;
4. Decommissioning plan and other documents required by Section 8.01.060 of this ordinance;
5. Application fee;
6. Proof of liability insurance;
7. Glare study (if deemed necessary by the Town); and
8. Any other information deemed relevant or necessary by the Town to efficiently process the application.

8.01.050 LOCATION, APPEARANCE, AND OPERATION OF A PROJECT SITE FOR ALL ZONES AND PROJECT TYPES

- A. Signage and Lighting – All projects must comply with all Town of Bluff Ordinances, including but not limited to Town of Bluff Sign Ordinance (2024-7-5) and Exterior Lighting Ordinance (2022-18-10).
- B. Noise – All projects shall be designed and constructed so as to not emit excessive noise beyond the site boundary. Excessive noise shall be defined to mean noise levels that substantially disturb or interfere with the use of nearby properties, or which reach a consistent 90 decibels or higher at the site boundary.
- C. Safety - All renewable energy facilities must be designed and constructed to comply with applicable fire, construction, plumbing, mechanical, and electrical codes, including the National Electrical Code, and/or NFPA 855.
- D. Setbacks - Renewable energy equipment shall comply with setbacks which are at least as stringent as those applicable in the underlying zoning district. Greater setbacks may be required to address specific project-related impacts.

- E. Agrivoltaics, Screening Buffering - Where applicable, the project developer shall be encouraged to add or continue agricultural use of the site. Buffering, screening, and/or landscaping (including planting of pollinator friendly species) may be required to mitigate project-related impacts.
- F. Underground Utility Lines - Utility lines within the project site shall be placed underground. Where feasible, offsite utility lines serving a project shall also be constructed underground.
- G. Solar arrays shall implement designs and procedures to reduce or minimize off-site glare that negatively impacts nearby properties.
- H. All projects shall adopt designs, procedures, and mitigation steps to reduce or eliminate dust, erosion, or impacts to drainages or riparian areas.
- I. Projects must avoid placing equipment or structures on archeological sites. Archeological study or mitigation may be imposed as a condition of approval.

8.01.060. DECOMMISSIONING

- A. DECOMMISSIONING PLAN – Where required by this Chapter, the applicant shall submit a decommissioning plan, which at minimum must include the following: (1) the anticipated life of the project; (2) the estimated decommissioning cost in current dollars; (3) how said estimate was determined; (4) the manner in which the project will be decommissioned; and (5) the applicant’s proposal for a decommissioning security to be provided to the Town (performance bond, letter of credit, or the like). The Town may require a suitable decommissioning security to be delivered by the applicant as a condition for project approval.
- B. UNSAFE OR ABANDONED PROJECTS - If a renewable energy project has been determined to be unsafe or abandoned, the Town may issue written notice to the owner requiring, in the alternative, corrective action or demolition of the applicable equipment or facility within a reasonable period of time, but in no instance more than sixty (60) days. If the owner fails or refuses to take corrective action or otherwise comply with the written notice, then the Town may invoke all applicable remedies under this Chapter, including action against any decommissioning security.

8.01.070. SPECIAL EXCEPTIONS

The following special requirements are authorized.

- A. A Portable Solar Generation Devices with a maximum rated power output of not more than 1,200 watts shall be allowed as a use by right in all zoning districts in compliance with Utah State Code 54-15-102.
- B. Flat Roof - On a flat roof, solar energy systems are permitted to exceed the zoning district height limits by up to 10 feet.
- C. Sloped Roof - On a pitched/sloped roof, solar energy systems shall be installed parallel to the roof surface and may not extend beyond the edge of the roof peak.

8.01.80 CONDITIONAL USE PERMIT

- A. Upon submittal of a complete application, the Town will review the application and confer with the applicant about one or more conditions that may be imposed to mitigate the anticipated adverse effects of a proposed use. Following that conferral, the application will be set for a public meeting before the Planning and Zoning Commission. The Planning and Zoning Commission will issue an advisory recommendation that may include other or additional conditions, if applicable. Promptly following completion of the Planning and Zoning Commission meeting, the application shall be referred to the Town Council for a public hearing. The Town Council will act on the application as the final land use authority.
- B. The public hearing shall be conducted on the record with due regard for the rights of the applicant and the public to provide evidence or testimony for or against the application.
- C. The Town Council must approve the application if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated adverse effects of the application. If the reasonably anticipated adverse effects of an application cannot be substantially mitigated by the adoption of reasonable conditions, the conditional use application may be denied. In the consideration of the application, the Town Council may consider all applicable ordinances, advisory documents of the Town (such as the general plan), and/or the studies, reports, or testimony provided in the record. Any decision must be supported by substantial evidence.
- D. A final decision, including the issuance of a conditional use permit, shall be in writing.
- E. A conditional use permit is binding upon the owner and operator of the site. The permit shall be recorded in the San Juan County land records, and it is binding upon successors in title. An issued conditional use permit continues indefinitely until such time as it is abandoned, lapses, or is revoked.
- F. A conditional use permit shall be deemed lapsed if the permittee fails to complete construction and place the project in service within one (1) year of the date of approval.

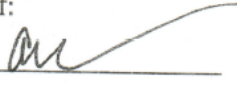
G. Revocation of a conditional use permit must be preceded by written notice delivered to the permittee and the site owner identifying the event, omission, or action constituting a default under the terms of any permit. The owner shall be allowed a reasonable period of time, but not to exceed sixty (60) days, in which to cure or abate any violation(s). If the owner fails or refuses to cure the violation following notice, the Town may issue a written notice of intent to revoke the CUP. A hearing shall be conducted before the Town Council on the record, and the permittee, owner, and all interested persons shall be permitted to present evidence or testimony on the matter. The Town Council will issue a written decision on the revocation promptly following the completion of the public hearing. A decision revoking a conditional use permit shall be recorded in the San Juan County land records.

8.01.090 ENFORCEMENT

It is unlawful for any person to construct or operate any renewable energy facility except as authorized under this Chapter. In the event of any violation of this Chapter or any permits issued under this Chapter, the Town may invoke the remedies provided in Section 6.80.010, as well as any remedies specified within this Chapter, including an action against any decommissioning security.

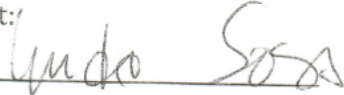
The foregoing ordinance was approved by a majority of the Bluff Town Council at a duly noticed meeting at which quorum was present. Approved this 9th day of December, 2025. This ordinance takes effect immediately upon publication.

Town of Bluff:

By: 
Ann K. Leppanen, Mayor

December 9, 2025
Date

Attest:

By: 
Linda Sosa, Recorder

12-9-2025
Date

-END OF DOCUMENT-