

House Study Bill 692 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY CHAIRPERSON
YOUNG)

A BILL FOR

1 An Act relating to the siting and operation of renewable electric
2 power generating facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 6A.22, Code 2026, is amended by adding the
2 following new subsection:

3 NEW SUBSECTION. 3. Notwithstanding any other provision of
4 law, a person shall not exercise the power of eminent domain
5 to acquire right-of-way for, construct, or operate any renewable
6 electric power generation facility, as defined in section
7 476.53B.

8 Sec. 2. NEW SECTION. **476.53B Local authority standards —**
9 **renewable electric power generation.**

10 1. The standards in this section shall apply to the approval
11 by local authorities of all wind energy conversion facilities
12 proposed after January 1, 2026.

13 2. For purposes of this section, unless the context otherwise
14 requires:

15 a. "*Abutting dwelling*" means an occupied building or
16 structure used primarily for human habitation that is located on
17 nonparticipating property.

18 b. "*Battery energy storage system*" means an electrochemical
19 device that charges, or collects, energy from the grid or a
20 generation facility, stores that energy, and then discharges that
21 energy at a later time to provide electricity or other grid
22 services.

23 c. "*Community building*" means any one or more of the
24 following buildings that is existing and occupied on the date
25 that the application for approval, rezoning, or a special or
26 conditional use permit is filed with the county: a school, a
27 place of worship, a day care facility, a public library, or a
28 community center.

29 d. "*Local authority*" means a city as defined in section 362.2
30 or a county as provided in chapter 331.

31 e. "*Nonparticipating property*" means any real property owned
32 by a person who has not granted written permission, consent, an
33 easement, or other similar agreement pertaining to a wind energy
34 conversion facility on such property.

35 f. "*Public road right-of-way*" means the same as defined in

1 section 306.3.

2 g. "Railroad right-of-way" means the same as defined in
3 section 476.27.

4 h. "Renewable electric power generation facility" means
5 a battery energy storage system, a solar energy conversion
6 facility, or a wind energy conversion facility.

7 i. "Renewable electric power generation moratorium" means a
8 regulation that explicitly or implicitly disallows a renewable
9 electric power generation facility from being developed or
10 operated in any district zoned to allow agricultural or
11 industrial use.

12 j. "Repowering" means the same as defined in section 476.53.

13 k. "Solar energy conversion facility" means a solar energy
14 conversion facility, as defined in section 476C.1, that has a
15 nameplate generating capacity greater than one hundred kilowatts.

16 l. "Unoccupied structure" means a building or structure that
17 is not occupied or used primarily for human habitation at the
18 time of siting.

19 m. "Wind energy conversion facility" or "facility" means a
20 wind energy conversion facility, as defined in section 476C.1, or
21 a wind turbine that is part of a wind energy conversion system,
22 that has a nameplate generating capacity greater than one hundred
23 kilowatts.

24 3. a. A local authority may determine setback standards
25 for wind energy conversion facilities that, notwithstanding any
26 statute or regulation to the contrary, shall be no greater than
27 and shall not include any setback requirements beyond those in
28 this subsection:

29 (1) The facility shall be sited three times the total height
30 of a wind energy conversion facility to be constructed on
31 a proposed facility from any existing abutting dwelling or
32 community building.

33 (2) The facility shall be sited one and one-tenth times
34 the total height of a wind energy conversion facility to
35 be constructed on a proposed facility from any existing

1 nonparticipating property.

2 (3) The facility shall be sited one and one-tenth times
3 the total height of a wind energy conversion facility to be
4 constructed on a proposed facility from any existing overhead
5 utility line, electric substation, public road right-of-way,
6 railroad right-of-way, or unoccupied structure.

7 (4) Each wind turbine shall not exceed the height allowed
8 under the determination of no hazard for that turbine from the
9 federal aviation administration obstruction evaluation under 14
10 C.F.R. pt. 77.

11 b. For purposes of this subsection, the facility site
12 distance shall be measured from the center of the wind
13 energy conversion facility foundation to the nearest point
14 of the abutting dwelling, community building, nonparticipating
15 property, overhead utility line, electric substation, public road
16 right-of-way, railroad right-of-way, or unoccupied structure.

17 c. For purposes of this subsection, the total height of a
18 wind energy conversion facility shall be measured as the distance
19 from ground level to the tip of the wind energy conversion
20 facility's blade at its highest vertical point.

21 4. A local authority may determine setback standards for
22 solar energy conversion facilities. For purposes of this
23 subsection, distance shall be measured from the nearest
24 aboveground point of a solar facility, not including any fencing,
25 to the nearest point of the abutting dwelling, overhead utility
26 line, electric substation, nonparticipating property line,
27 public road right-of-way, railroad right-of-way, or unoccupied
28 structure. The standards shall be no greater than:

29 a. Fifty feet from the near edge of any existing
30 nonparticipating property line or one hundred feet from any
31 existing abutting dwelling or community building, whichever is
32 greater.

33 b. Fifty feet from any existing overhead utility line,
34 substation, public road right-of-way, or railroad right-of-way.

35 5. A local authority may determine setback standards for

1 battery energy storage systems. For purposes of this subsection,
2 distance shall be measured from the nearest storage container
3 edge to the nearest point of the abutting dwelling, overhead
4 utility line, electric substation, nonparticipating property
5 line, public road right-of-way, railroad right-of-way, or
6 unoccupied structure. The standards shall be no greater than:

7 a. Fifty feet from any existing participating property line.

8 b. One hundred feet from any existing nonparticipating
9 property line or any existing abutting dwelling or community
10 building.

11 c. Fifty feet from any existing nonassociated transmission,
12 substation, or distribution lines.

13 d. Fifty feet from any public road right-of-way or railroad
14 right-of-way.

15 6. A local authority may only implement the following
16 additional standards and only to the extent specified in this
17 subsection:

18 a. A shadow flicker standard that is no more restrictive
19 than thirty hours per year under planned operating conditions as
20 indicated by industry standard computer modeling measured from an
21 abutting dwelling or community building.

22 b. A sound limitation that is no more restrictive than
23 a maximum forty-seven decibel sound from the wind energy
24 conversion facility as measured at an existing abutting dwelling
25 or community building. Decibel modeling shall use the
26 A-weighted scale as designed by the American national standards
27 institute. Sound modeling shall be completed by a professional
28 board-certified by the institute of noise control engineering, or
29 an appropriately licensed professional engineer.

30 c. A requirement that the applicant of a proposed wind
31 energy conversion facility shall agree to repair or replace any
32 damaged drainage infrastructure if directly attributable to the
33 construction or operation of the facility.

34 d. A requirement that renewable electric power generation
35 facilities meet all applicable national electric safety code and

1 international building code requirements.

2 e. A requirement that renewable electric power generation
3 facilities meet all applicable provisions of national fire
4 protection association standard 855.

5 f. A requirement that renewable electric power generation
6 facilities for fencing are no more restrictive than the
7 requirement issued by the national electric safety code.

8 g. A requirement for solar energy conversion facilities
9 to maintain appropriate ground cover within the solar energy
10 conversion facility's fence line throughout the life of the
11 facility to minimize erosion.

12 h. A height requirement for solar energy conversion
13 facilities for a minimum one and one-half feet panel height
14 from the ground, exclusive of supporting infrastructure, with no
15 additional or higher minimum height requirements for the solar
16 energy conversion facility.

17 7. A local authority must provide a process for the owner
18 of any abutting dwelling, nonparticipating property, or community
19 building to waive the standards in this section or those adopted
20 by a local authority.

21 8. A local authority must use reasonable estimates of the
22 cost of approving an application for a facility, which shall not
23 exceed one thousand dollars per wind energy conversion system,
24 solar energy conversion system, or battery energy storage system.
25 A local authority may not require the facility owner to pay
26 costs, fees, or charges for administrative or road work that is
27 not specifically and uniquely attributable to the approval and
28 construction of the facility.

29 9. A local authority shall not prohibit or regulate testing
30 activities undertaken by a wind energy conversion facility owner
31 for purposes of determining the suitability of the placement of a
32 wind energy conversion facility.

33 10. Ordinances, limitations, or other requirements imposed
34 after an application for approval, rezoning, or a special or
35 conditional use permit for a renewable electric power generation

1 facility has been submitted or previously approved shall not
2 be construed to limit or impair the construction, operation, or
3 maintenance of the renewable electric power generation facility.

4 11. A local authority shall not prohibit an affected
5 landowner or other entity from waiving any requirements under
6 this section by the conveyance of an easement or other property
7 interest.

8 12. a. A local authority may require the owner of the
9 proposed renewable electric power generation facility to file
10 with the county recorder of the county or counties in which
11 the proposed facility will be located a decommissioning plan
12 outlining measures that will be taken to return the land to a
13 reasonably similar state to the condition that existed before
14 construction of the renewable electric power generation facility.
15 Removal requirements of underground project infrastructure may
16 not exceed a maximum depth of four feet. A local authority shall
17 not require a revision or amendment of a decommissioning plan.

18 b. A local authority may require the owner to provide
19 in the decommissioning plan proof of financial assurance to
20 fund decommissioning efforts, which assurance is calculated
21 by an independent third party as the estimated costs of
22 decommissioning, inclusive of net salvage value, no earlier than
23 the following schedule:

24 (1) Five percent of determined decommissioning costs
25 committed by the initial commercial operation date.

26 (2) One hundred percent of determined decommissioning costs
27 committed by the fifteenth year of commercial operation.

28 c. After the fifteenth year of commercial operation, the
29 owner of the renewable electric power generation facility may
30 reestimate the cost of decommissioning, inclusive of net salvage
31 value, using an independent third party for the purpose of
32 redetermining the amount required for financial assurance.

33 d. Evidence of financial security may be in the form of a
34 surety bond, collateral bond, parent guaranty, cash, cashier's
35 check, certificate of deposit, bank joint custody receipt, or

1 other approved negotiable instrument.

2 e. This subsection shall not apply to a renewable electric
3 power generation facility owned or operated by a public utility
4 regulated by the Iowa utilities commission.

5 13. a. This section shall not apply to a wind energy
6 conversion facility that has a nameplate capacity of twenty-five
7 or more megawatts on any single gathering line and if the
8 facility has applied for certification pursuant to chapter 476A.

9 b. This section shall not apply to a renewable electric
10 power generation facility that is operating or has submitted
11 an application for the issuance of permits on or before the
12 effective date of this Act.

13 c. This section shall not apply to the repowering of a wind
14 energy conversion facility existing on or before January 1, 2025.

15 d. This section shall not apply to the repowering of a
16 renewable electric power generation facility, which is not
17 already excluded under paragraph "c", existing on or before
18 January 1, 2026, provided that the repowering does not require
19 the issuance of any new permits, or amendments to existing
20 permits, from a local authority. This section shall apply to
21 the repowering of a renewable electric power generation facility
22 existing on or before January 1, 2026, when such repowering
23 requires the issuance of any new permits, or amendments to
24 existing permits, from a local authority.

25 14. a. A local authority shall not adopt regulations that
26 explicitly or implicitly disallow a renewable electric power
27 generation facility from being developed or operated in any
28 district zoned to allow agricultural or industrial use. A local
29 authority may not prohibit or otherwise limit renewable electric
30 power generation facility development based on corn suitability
31 rating as calculated using the methodology recognized by the Iowa
32 state university of science and technology. A local authority
33 may not limit the size of any specific project or create caps on
34 projects based on total land mass within the local jurisdiction.

35 b. A local authority may place one temporary moratorium for

1 up to six months on the installation of a wind energy conversion
2 facility for the purpose of adopting new regulations that are
3 consistent with this section. All new, revised, or amended
4 ordinances or regulations pertaining to solar or solar energy
5 conversion facilities shall only be prospectively applied.

6 c. Nothing in this section requires a local authority
7 to adopt standards for approval of renewable electric power
8 generation facilities.

9 15. a. Any requirement for renewable electric power
10 generation siting, compliance, and operation pursuant to
11 subsections 3 through 14 may be waived by the local authority
12 if the local authority fulfills the requirements under paragraph
13 "b".

14 b. If on the effective date of this Act a local authority
15 has in effect a renewable electric power generation moratorium
16 or standards not in compliance with subsections 3 through 14,
17 the local authority must do all of the following by January 1,
18 2028, and a local authority enacting a renewable electric power
19 generation moratorium or not in compliance with subsections 3
20 through 14 must do all of the following before the enactment of
21 the moratorium or standards:

22 (1) Send notice to all persons under the local authority's
23 jurisdiction required to pay property tax to the local authority.
24 The notice shall include the amount of estimated property tax
25 revenue that has not been received by the local authority
26 based on any renewable electric power generation moratorium or
27 standards not in compliance with the requirements of subsections
28 3 through 14. If the local authority is unable to determine
29 the tax revenue amount, the local authority must review another
30 local authority with a similarly sized population that has not
31 adopted a renewable electric power generation moratorium and is
32 in compliance with the standards of this section and determine
33 the amount generated annually in property tax revenue from
34 renewable electric power generation facilities by the other local
35 authority.

1 (2) Hold a public hearing discussing reasons for the
2 renewable electric generation moratorium or standards not
3 in compliance with subsections 3 through 14, including
4 a demonstration showing the renewable electric generation
5 moratorium or the noncompliant standards are necessary to prevent
6 an adverse impact on the health or safety of the local
7 authority's residents or public facilities.

8 Sec. 3. COMPLIANCE BY LOCAL AUTHORITIES. If any local
9 authority has a standard in effect on or after the effective date
10 of this Act that does not comply with the provisions in this
11 Act, the local authority must amend the standard to comply with
12 this Act by December 31, 2026, or follow procedures described in
13 section 476.53B, subsection 15, as enacted by this Act.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill relates to siting and operation of certain renewable
18 electric power generation facilities.

19 The bill prohibits exercising the power of eminent domain
20 for acquiring right-of-way for, constructing, or operating any
21 renewable electric power generation facility (facility).

22 The bill creates standard-making ability for local authorities
23 approving a facility proposed after January 1, 2026.

24 The bill sets guidelines for a local authority to implement
25 a facility setback standard, which shall include a facility's
26 distance from specified existing buildings based on the
27 facility's height. The local authority must include a process
28 for an owner of an abutting dwelling, nonparticipating property,
29 or community building to waive the setback standards.

30 The bill includes additional standards a local authority may
31 implement including shadow flicker standards, sound limitations,
32 a requirement that an applicant for a proposed facility shall
33 agree to repair any damages caused by the facility, wind turbine
34 height limitations, electric code and building code standards,
35 fire protection standards, fencing limitations, ground cover

1 standards, and solar energy conversion facility panel height
2 requirements.

3 The bill requires a local authority to utilize reasonable
4 estimates for application approval costs and prohibits the
5 local authority from requiring the facility owner to pay for
6 administration or road work that is not directly attributable
7 to the approval and construction of the facility. A local
8 authority shall not prohibit or regulate a facility testing the
9 suitability of a facility placement. Any regulations enacted
10 after the application for a facility permit shall not limit the
11 construction, operation, or maintenance of that facility. A
12 local authority shall not prohibit an affected landowner or other
13 entity from waiving requirements by conveyance of an easement.

14 The bill provides that a local authority may require
15 a facility that is not owned or operated by a public
16 utility regulated by the Iowa utilities commission to file a
17 decommissioning plan including certain measures. The local
18 authority is prohibited from requiring a facility to provide a
19 revision or amendment of a decommissioning plan.

20 The bill shall not apply to a wind energy conversion facility
21 with a nameplate capacity of 25 or more megawatts and that has
22 applied for certification under Code chapter 476A, a facility
23 that is currently operating or has applied for certification
24 before the enactment of the bill, or the repowering of a facility
25 existing on or before January 1, 2026, subject to certain
26 conditions.

27 The bill allows a local authority to place one temporary
28 moratorium for up to six months on the installation of a wind
29 energy conversion facility for the purpose of adopting new
30 regulations that are consistent with the bill. The bill provides
31 that all new, revised, or amended ordinances or regulations
32 pertaining to solar or solar energy conversion facilities shall
33 only be prospectively applied.

34 The bill authorizes a local authority to waive any requirement
35 for renewable electric power generation under the bill if the

1 local authority complies with additional requirements established
2 in the bill.

3 The bill provides that if, on the effective date of the
4 bill, a local authority has in effect a moratorium on renewable
5 electric power generation or has adopted standards that do not
6 comply with standards in the bill, the local authority must
7 complete specified actions by January 1, 2028. The bill further
8 provides that a local authority that enacts a renewable electric
9 power generation moratorium or adopts noncompliant standards must
10 complete the same actions prior to enactment of the moratorium or
11 standards.

12 The bill requires the local authority to provide notice to all
13 persons within its jurisdiction who are required to pay property
14 tax to the local authority. The notice must include an estimate
15 of the amount of property tax revenue not received by the local
16 authority as a result of the moratorium or noncompliance with
17 standards in the bill. If the local authority is unable to
18 determine the amount of property tax revenue, the bill requires
19 the local authority to compare itself to another local authority
20 with a similar population that has not adopted a renewable
21 electric power generation moratorium and that complies with the
22 standards in the bill, and to determine the amount of property
23 tax revenue generated annually by facilities in that comparable
24 jurisdiction.

25 The bill also requires the local authority to hold a public
26 hearing to discuss the reasons for the renewable electric power
27 generation moratorium or noncompliant standards. The public
28 hearing must include a demonstration that the moratorium or
29 noncompliant standards are necessary to prevent an adverse impact
30 on the health or safety of the local authority's residents or
31 public facilities.

32 The bill expounds that a local authority is not required
33 to adopt standards for approval of renewable electric power
34 generation facilities; however, a local authority with existing
35 siting standards in effect on or after the effective date of the

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1 bill that do not comply with the bill must amend the standards
2 to comply with the bill by December 31, 2026, or follow the
3 noncompliance procedures described in the bill.

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