

House File 2580 - Introduced

HOUSE FILE 2580
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 692)

A BILL FOR

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

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

3 NEW SUBSECTION. 3. Notwithstanding any other provision of
4 law, a person shall not exercise the power of eminent domain to
5 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 renewable electric power generation
12 facilities proposed after January 1, 2026.

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

15 *a. "Abutting dwelling"* means an occupied building or
16 structure used primarily for human habitation that is located
17 on 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
21 that energy at a later time to provide electricity or other
22 grid 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
30 362.2 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,
33 an easement, or other similar agreement pertaining to a wind
34 energy 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
10 or 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
15 a nameplate generating capacity greater than one hundred
16 kilowatts.

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

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

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

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

34 (2) The facility shall be sited one and one-tenth times
35 the total height of a wind energy conversion facility to

1 be constructed on a proposed facility from any existing
2 nonparticipating property.

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

8 (4) Each wind turbine shall not exceed the height allowed
9 under the determination of no hazard for that turbine from the
10 federal aviation administration obstruction evaluation under
11 14 C.F.R. pt. 77. Nothing in this section shall be construed
12 as prohibiting an airport, aviation authority, or municipality
13 from administering and enforcing airport zoning pursuant to
14 the provisions of chapter 329 for the protection of navigable
15 airspace.

16 *b.* For purposes of this subsection, the facility site
17 distance shall be measured from the center of the wind energy
18 conversion facility foundation to the nearest point of the
19 abutting dwelling, community building, nonparticipating
20 property, overhead utility line, electric substation, public
21 road right-of-way, railroad right-of-way, or unoccupied
22 structure.

23 *c.* For purposes of this subsection, the total height of
24 a wind energy conversion facility shall be measured as the
25 distance from ground level to the tip of the wind energy
26 conversion facility's blade at its highest vertical point.

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

1 *a.* Fifty feet from the near edge of any existing
2 nonparticipating property line or one hundred feet from any
3 existing abutting dwelling or community building, whichever is
4 greater.

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

7 5. A local authority may determine setback standards
8 for battery energy storage systems. For purposes of this
9 subsection, distance shall be measured from the nearest storage
10 container edge to the nearest point of the abutting dwelling,
11 overhead utility line, electric substation, nonparticipating
12 property line, public road right-of-way, railroad right-of-way,
13 or unoccupied structure. The standards shall be no greater
14 than:

15 *a.* Fifty feet from any existing participating property line.

16 *b.* One hundred feet from any existing nonparticipating
17 property line or any existing abutting dwelling or community
18 building.

19 *c.* Fifty feet from any existing nonassociated transmission,
20 substation, or distribution lines.

21 *d.* Fifty feet from any public road right-of-way or railroad
22 right-of-way.

23 6. A local authority may only implement the following
24 additional standards and only to the extent specified in this
25 subsection:

26 *a.* A shadow flicker standard that is no more restrictive
27 than thirty hours per year under planned operating conditions
28 as indicated by industry standard computer modeling measured
29 from an abutting dwelling or community building.

30 *b.* A sound limitation that is no more restrictive than
31 a maximum forty-seven decibel sound from the wind energy
32 conversion facility as measured at an existing abutting
33 dwelling or community building. Decibel modeling shall use the
34 A-weighted scale as designed by the American national standards
35 institute. Sound modeling shall be completed by a professional

1 board-certified by the institute of noise control engineering,
2 or an appropriately licensed professional engineer.

3 *c.* A requirement that the applicant of a proposed wind
4 energy conversion facility shall agree to repair or replace any
5 damaged drainage infrastructure if directly attributable to the
6 construction or operation of the facility.

7 *d.* A requirement that renewable electric power generation
8 facilities meet all applicable national electric safety code
9 and international building code requirements.

10 *e.* A requirement that renewable electric power generation
11 facilities meet all applicable provisions of national fire
12 protection association standard 855.

13 *f.* A requirement that renewable electric power generation
14 facilities for fencing are no more restrictive than the
15 requirement issued by the national electric safety code.

16 *g.* A requirement for solar energy conversion facilities
17 to maintain appropriate ground cover within the solar energy
18 conversion facility's fence line throughout the life of the
19 facility to minimize erosion.

20 *h.* A height requirement for solar energy conversion
21 facilities for a minimum one and one-half feet panel height
22 from the ground, exclusive of supporting infrastructure, with
23 no additional or higher minimum height requirements for the
24 solar energy conversion facility.

25 7. A local authority must provide a process for the owner of
26 any abutting dwelling, nonparticipating property, or community
27 building to waive the standards in this section or those
28 adopted by a local authority.

29 8. A local authority must use reasonable estimates of the
30 cost of approving an application for a facility, which shall
31 not exceed one thousand dollars per wind energy conversion
32 system, solar energy conversion system, or battery energy
33 storage system. A local authority may not require the facility
34 owner to pay costs, fees, or charges for administrative or road
35 work that is not specifically and uniquely attributable to the

1 approval and construction of the facility.

2 9. A local authority shall not prohibit or regulate testing
3 activities undertaken by a wind energy conversion facility
4 owner for purposes of determining the suitability of the
5 placement of a wind energy conversion facility.

6 10. Ordinances, limitations, or other requirements imposed
7 after an application for approval, rezoning, or a special
8 or conditional use permit for a renewable electric power
9 generation facility has been submitted or previously approved
10 shall not be construed to limit or impair the construction,
11 operation, or maintenance of the renewable electric power
12 generation facility.

13 11. A local authority shall not prohibit an affected
14 landowner or other entity from waiving any requirements under
15 this section by the conveyance of an easement or other property
16 interest.

17 12. *a.* A local authority may require the owner of the
18 proposed renewable electric power generation facility to file
19 with the county recorder of the county or counties in which
20 the proposed facility will be located a decommissioning plan
21 outlining measures that will be taken to return the land to
22 a reasonably similar state to the condition that existed
23 before construction of the renewable electric power generation
24 facility. Removal requirements of underground project
25 infrastructure may not exceed a maximum depth of four feet. A
26 local authority shall not require a revision or amendment of
27 a decommissioning plan.

28 *b.* A local authority may require the owner to provide
29 in the decommissioning plan proof of financial assurance to
30 fund decommissioning efforts, which assurance is calculated
31 by an independent third party as the estimated costs of
32 decommissioning, inclusive of net salvage value, no earlier
33 than the following schedule:

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

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

3 *c.* After the fifteenth year of commercial operation, the
4 owner of the renewable electric power generation facility
5 may reestimate the cost of decommissioning, inclusive of net
6 salvage value, using an independent third party for the purpose
7 of redetermining the amount required for financial assurance.

8 *d.* Evidence of financial security may be in the form of a
9 surety bond, collateral bond, parent guaranty, cash, cashier's
10 check, certificate of deposit, bank joint custody receipt, or
11 other approved negotiable instrument.

12 *e.* This subsection shall not apply to a renewable electric
13 power generation facility owned or operated by a public utility
14 regulated by the Iowa utilities commission.

15 13. *a.* This section shall not apply to a wind energy
16 conversion facility that has a nameplate capacity of
17 twenty-five or more megawatts on any single gathering line
18 and if the facility has applied for certification pursuant to
19 chapter 476A.

20 *b.* This section shall not apply to a renewable electric
21 power generation facility that is operating or has submitted
22 an application for the issuance of permits on or before the
23 effective date of this Act.

24 *c.* This section shall not apply to the repowering of a wind
25 energy conversion facility existing on or before January 1,
26 2025.

27 *d.* This section shall not apply to the repowering of a
28 renewable electric power generation facility, which is not
29 already excluded under paragraph "*c*", existing on or before
30 January 1, 2026, provided that the repowering does not require
31 the issuance of any new permits, or amendments to existing
32 permits, from a local authority. This section shall apply
33 to the repowering of a renewable electric power generation
34 facility existing on or before January 1, 2026, when such
35 repowering requires the issuance of any new permits, or

1 amendments to existing permits, from a local authority.

2 14. *a.* A local authority shall not adopt regulations
3 that explicitly or implicitly disallow a renewable electric
4 power generation facility from being developed or operated
5 in any district zoned to allow agricultural or industrial
6 use. A local authority may not prohibit or otherwise limit
7 renewable electric power generation facility development
8 based on corn suitability rating as calculated using the
9 methodology recognized by the Iowa state university of science
10 and technology. A local authority may not limit the size of
11 any specific project or create caps on projects based on total
12 land mass within the local jurisdiction.

13 *b.* A local authority may place one temporary moratorium
14 for up to six months on the installation of a wind energy
15 conversion facility for the purpose of adopting new regulations
16 that are consistent with this section. All new, revised,
17 or amended ordinances or regulations pertaining to solar or
18 solar energy conversion facilities shall only be prospectively
19 applied.

20 *c.* Nothing in this section requires a local authority
21 to adopt standards for approval of renewable electric power
22 generation facilities.

23 15. *a.* Any requirement for renewable electric power
24 generation siting, compliance, and operation pursuant to
25 subsections 3 through 14 may be waived by the local authority
26 if the local authority fulfills the requirements under
27 paragraph "b".

28 *b.* If on the effective date of this Act a local authority
29 has in effect a renewable electric power generation moratorium
30 or standards not in compliance with subsections 3 through 14,
31 the local authority must do all of the following by January 1,
32 2028, and a local authority enacting a renewable electric power
33 generation moratorium or not in compliance with subsections 3
34 through 14 must do all of the following before the enactment
35 of the moratorium or standards:

1 (1) Send notice to all persons under the local authority's
2 jurisdiction required to pay property tax to the local
3 authority. If the local authority operates an internet
4 site, the local authority shall post notice on the local
5 authority's internet site. The notice shall include the amount
6 of estimated property tax revenue that has not been received
7 by the local authority based on any renewable electric power
8 generation moratorium or standards not in compliance with
9 the requirements of subsections 3 through 14. If the local
10 authority is unable to determine the tax revenue amount, the
11 local authority must review another local authority with a
12 similarly sized population that has not adopted a renewable
13 electric power generation moratorium and is in compliance
14 with the standards of this section and determine the amount
15 generated annually in property tax revenue from renewable
16 electric power generation facilities by the other local
17 authority.

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

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

32

EXPLANATION

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

35 This bill relates to siting and operation of certain

1 renewable electric power generation facilities.

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

5 The bill creates standard-making ability for local
6 authorities approving a facility proposed after January 1,
7 2026.

8 The bill sets guidelines for a local authority to implement
9 a facility setback standard, which shall include a facility's
10 distance from specified existing buildings based on the
11 facility's height. The local authority must include a process
12 for an owner of an abutting dwelling, nonparticipating
13 property, or community building to waive the setback standards.

14 The bill includes additional standards a local authority
15 may implement including shadow flicker standards, sound
16 limitations, a requirement that an applicant for a proposed
17 facility shall agree to repair any damages caused by the
18 facility, wind turbine height limitations, electric code
19 and building code standards, fire protection standards,
20 fencing limitations, ground cover standards, and solar energy
21 conversion facility panel height requirements.

22 The bill requires a local authority to utilize reasonable
23 estimates for application approval costs and prohibits the
24 local authority from requiring the facility owner to pay for
25 administration or road work that is not directly attributable
26 to the approval and construction of the facility. A local
27 authority shall not prohibit or regulate a facility testing the
28 suitability of a facility placement. Any regulations enacted
29 after the application for a facility permit shall not limit the
30 construction, operation, or maintenance of that facility. A
31 local authority shall not prohibit an affected landowner or
32 other entity from waiving requirements by conveyance of an
33 easement.

34 The bill provides that a local authority may require a
35 facility that is not owned or operated by a public utility

1 regulated by the Iowa utilities commission to file a
2 decommissioning plan including certain measures. The local
3 authority is prohibited from requiring a facility to provide a
4 revision or amendment of a decommissioning plan.

5 The bill shall not apply to a wind energy conversion facility
6 with a nameplate capacity of 25 or more megawatts and that has
7 applied for certification under Code chapter 476A, a facility
8 that is currently operating or has applied for certification
9 before the enactment of the bill, or the repowering of a
10 facility existing on or before January 1, 2026, subject to
11 certain conditions.

12 The bill allows a local authority to place one temporary
13 moratorium for up to six months on the installation of a
14 wind energy conversion facility for the purpose of adopting
15 new regulations that are consistent with the bill. The bill
16 provides that all new, revised, or amended ordinances or
17 regulations pertaining to solar or solar energy conversion
18 facilities shall only be prospectively applied.

19 The bill authorizes a local authority to waive any
20 requirement for renewable electric power generation under
21 the bill if the local authority complies with additional
22 requirements established in the bill.

23 The bill provides that if, on the effective date of the
24 bill, a local authority has in effect a moratorium on renewable
25 electric power generation or has adopted standards that do
26 not comply with standards in the bill, the local authority
27 must complete specified actions by January 1, 2028. The bill
28 further provides that a local authority that enacts a renewable
29 electric power generation moratorium or adopts noncompliant
30 standards must complete the same actions prior to enactment of
31 the moratorium or standards.

32 The bill requires the local authority to provide notice to
33 all persons within its jurisdiction who are required to pay
34 property tax to the local authority and to post the notice
35 on the local authority's internet site, if applicable. The

1 notice must include an estimate of the amount of property tax
2 revenue not received by the local authority as a result of the
3 moratorium or noncompliance with standards in the bill. If the
4 local authority is unable to determine the amount of property
5 tax revenue, the bill requires the local authority to compare
6 itself to another local authority with a similar population
7 that has not adopted a renewable electric power generation
8 moratorium and that complies with the standards in the bill,
9 and to determine the amount of property tax revenue generated
10 annually by facilities in that comparable jurisdiction.

11 The bill also requires the local authority to hold a public
12 hearing to discuss the reasons for the renewable electric power
13 generation moratorium or noncompliant standards. The public
14 hearing must include a demonstration that the moratorium or
15 noncompliant standards are necessary to prevent an adverse
16 impact on the health or safety of the local authority's
17 residents or public facilities.

18 The bill expounds that a local authority is not required
19 to adopt standards for approval of renewable electric power
20 generation facilities; however, a local authority with existing
21 siting standards in effect on or after the effective date
22 of the bill that do not comply with the bill must amend the
23 standards to comply with the bill by December 31, 2026, or
24 follow the noncompliance procedures described in the bill.