

# **Bond Case Briefs**

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## **UTILITIES - IOWA**

### **Mathis v. Palo Alto County Board of Supervisors**

**Supreme Court of Iowa - May 3, 2019 - N.W.2d - 2019 WL 1967120**

Landowners filed petition for declaratory and injunctive relief and for a writ of certiorari against county board of supervisors, seeking declaration that county's wind-energy ordinance was arbitrary, capricious, unreasonable, void, and unenforceable, and seeking a writ determining that board's approval of renewable energy companies' application for approval of wind-energy project should be set aside as illegal, arbitrary, capricious, unreasonable, and void.

Renewable energy companies were granted leave to intervene as defendants. The District Court granted summary judgment in favor of board and companies. Landowners appealed.

The Supreme Court held that:

- Wind-energy ordinance was not rendered illegal by the fact that renewable energy companies had provided input on the ordinance;
- Company that was current owner of the project at time of application substantially complied with ordinance requirement that any request for site plan and approval be submitted by the "Owner/Developer" of project, although company intended to transfer ownership of the project;
- Record failed to establish that board acted arbitrarily or capriciously in not following recommendations of Department of Natural Resources (DNR) and state archaeologist;
- Board did not act illegally, arbitrarily, or capriciously in approving the project despite acoustical expert's opinion that the project would at times exceed the maximum permissible 50-decibel noise level; and
- Board did not act illegally, arbitrarily, or capriciously in relying on estimate provided by licensed professional engineer regarding cost of decommissioning each wind turbine.