SUPREME COURT OF IOWA

Worthwhile Wind, LLC v. Worth County Board of Supervisors

Worthwhile Wind · No. 24-1813 · Decided April 24, 2026

SUMMARY

The Iowa Supreme Court reversed a district court judgment granting Worthwhile Wind, LLC vested rights to continue developing a commercial wind energy project under preexisting county law. The court held that the developer lacked vested rights because it had not obtained a permit or other formal governmental authorization for the project. The court also addressed the bad-faith exception to the time-of-decision rule and concluded, on the portion provided, that the county had not shown the requisite illegality and improper purpose.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Justice McDonald; Justice McDermott; All other justices of the Supreme Court of Iowa
JURISDICTION	Iowa Supreme Court
DECIDED	April 24, 2026
DOCKET	24-1813
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Worthwhile Wind brought a declaratory judgment action challenging a county moratorium and ordinance regulating commercial wind energy systems. After a bench trial, the Iowa District Court for Worth County found that Worthwhile had vested rights to complete its project under the prior law and that the county acted in bad faith. The Worth County Board of Supervisors appealed.
STANDARD OF REVIEW	The court reviewed the district court's factual findings for substantial evidence and its legal conclusions de novo.
PRECEDENTIAL VALUE	published
PARTIES	Worth County Board of Supervisors v. Worthwhile Wind, LLC

TOPICS

zoning · municipal law · real estate · standard of review · appellate procedure

PRACTICE AREAS

zoning and land use · municipal law · administrative law · real estate development · appellate procedure

QUESTIONS PRESENTED

1. Whether Worthwhile Wind acquired vested rights to complete its commercial wind-energy project under the zoning and regulatory regime existing before the county's moratorium and ordinance.
2. Whether Worth County acted in bad faith by adopting the moratorium and new wind-energy ordinance to frustrate Worthwhile's proposed project.
3. Whether the district court properly ordered that Worthwhile could complete the project under pre-moratorium law.

HOLDINGS

1. Worthwhile did not acquire vested rights to complete the commercial wind-energy project because it never obtained a permit, formally approved plat, or other official governmental authorization to proceed with construction or operation of the project.
2. Worth County did not act in bad faith in adopting the new wind-energy ordinance because Worthwhile failed to establish both illegality and an improper purpose.
3. The vested-rights and bad-faith exceptions are directed to claims arising from administrative-executive decisions and do not, standing alone, divest the county of legislative authority to enact new land-use regulations in a previously unzoned area.

KEY QUOTATIONS

> *"No enforceable right arises in a regulatory vacuum."* (13)

> *"Where no permitting process has been established, the decision to create one is a paradigmatic exercise of the police power, not evidence of bad faith."* (19)

> *"It requires evidence of illegality coupled with an improper purpose that transcends a legitimate exercise of the police power."* (20)

FACTUAL BACKGROUND

Worthwhile Wind spent several years and millions of dollars developing a proposed commercial wind-energy project involving as many as fifty-five turbines across approximately 100 parcels in Worth County. Its activities included studies, land and easement agreements, grid-interconnection work, meteorological towers, and preliminary foundation work, but it never applied for or obtained a permit to construct or operate the commercial turbines. Worth County later adopted a moratorium and then a countywide ordinance imposing setbacks, height limits, noise restrictions, and shadow-flicker limits that materially restricted the project.

PROCEDURAL HISTORY

Worthwhile sought declarations that it had vested rights to complete its wind-energy project under pre-moratorium law and that the new ordinance was enacted in bad faith. The district court ruled for Worthwhile on count I and ordered that the project could proceed under the law existing before the moratorium and ordinance. The Supreme Court of Iowa reversed and remanded for further proceedings, including proceedings on count II.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded for further proceedings consistent with the opinion, including any remaining proceedings on count II of Worthwhile's petition.

CASES CITED

- Graziano v. Bd. of Adjustment, 323 N.W.2d 233, 236-37 (Iowa 1982)
- Quality Refrigerated Servs., Inc. v. City of Spencer, 586 N.W.2d 202, 204, 206-08 (Iowa 1998)
- U.S. Cellular Corp. v. Bd. of Adjustment, 589 N.W.2d 712, 717-18 (Iowa 1999)
- Geisler v. City Council, 769 N.W.2d 162, 166-68 (Iowa 2009)
- Ackman v. Bd. of Adjustment, 596 N.W.2d 96, 101, 104 (Iowa 1999)
- Kasparek v. Johnson Cnty. Bd. of Health, 288 N.W.2d 511, 518 (Iowa 1980) (en banc)
- Keller v. City of Council Bluffs, 66 N.W.2d 113, 119 (Iowa 1954)
- Board of Supervisors v. Paaske, 98 N.W.2d 827, 830-31 (Iowa 1959)
- Crow v. Board of Adjustment, 288 N.W. 145, 146-47 (Iowa 1939)
- City of New Hampton v. Blayne-Martin Corp., 594 N.W.2d 40, 45 (Iowa 1999)
- City of Lamoni v. Livingston, 392 N.W.2d 506, 510 (Iowa 1986)
- Incorporated Town of Carter Lake v. Anderson Excavating & Wrecking Co., 241 N.W.2d 896, 902 (Iowa 1976)
- TSB Holdings, L.L.C. v. Bd. of Adjustment, 913 N.W.2d 1, 14-15 (Iowa 2018)
- Neuzil v. City of Iowa City, 451 N.W.2d 159, 163 (Iowa 1990)
- Shriver v. City of Okoboji, 567 N.W.2d 397, 401 (Iowa 1997)
- Anderson v. City of Cedar Rapids, 168 N.W.2d 739, 743 (Iowa 1969)
- Nemmers v. City of Dubuque, 716 F.2d 1194, 1197-99 (8th Cir. 1983)
- Application of Campsites Unlimited, Inc., 215 S.E.2d 73, 77-78 (N.C. 1975)
- State ex rel. Humble Oil & Refin. Co. v. Wahner, 130 N.W.2d 304, 311 (Wis. 1964)
- Hatcher v. Plan. Bd., 490 N.Y.S.2d 559, 560 (App. Div. 1985)