

FINAL MINUTES

JACKSON COUNTY ZONING COMMISSION

6:00 p.m.

Monday, February 19, 2024

Community Room, Jackson County Courthouse

201 W Platt Street, Maquoketa, Iowa

Commissioners Present: Chair Monica McHugh, Vice Chair Tom Stewart, Commissioners Sandra Gerlach, Mike Burke, Emerita Kies, and John Manson.

Staff Member Present: Zoning Administrator Lori Roling and Administrative Assistant Ruth Eltrich.

CALL TO ORDER AND ROLL CALL: The meeting was called to order by Tom Stewart at 6:00 p.m. and roll call taken. A sign-in sheet was distributed. The Zoom meeting was launched. There were three people attending the meeting via Zoom. Those in attendance were:

- Laura Carstens, ECIA via Zoom
- Monica McHugh via Zoom
- Emerita Kies via Zoom

MINUTES: Motion by Burke, seconded by Manson, to approve the minutes of the January 23, 2024, Zoning Commission meeting as submitted. Motion carried by the following vote: Aye – Manson, Burke, Gerlach, Kies, Stewart, and McHugh; Nay – None.

WIND ENERGY ORDINANCE DRAFT:

Roling presented the update to the Wind Energy Ordinance Draft. On page 2, the draft was updated to match the height definition of non-WECS found elsewhere in the ordinance. The height was changed from 120' to 100'. Roling explained that she chose 100' instead of 120' after researching other ordinances.

On page 4 the Zoning Commission had discussed which zoning districts wind energy conversion units would be allowable. A one-mile notification was agreed upon for C-WECS towers. Regarding non-WECS the ordinance requires ¼ mile notification. We had a one-mile notification, for the non-WECS. we were going to do a ¼ mile. Discussion followed regarding the requirements for notification. Discussion followed about making non-WECS allowable use in zoning districts instead of special exception use. If non-WECS are allowable use they need to meet all the criteria for that zoning district but would not need a Board of Adjustment action. Zoning Commissioners questioned whether they would want a neighbor notification for a non-WECS. Roling explained that if a non-WECS is allowable use it would not require a neighbor notification. Discussion followed. Zoning Commission members discussed they would like an agreed upon distance from neighboring properties to be part of the ordinance. If a property is closer to a neighboring property than is allowable it would trigger a Board of Adjustment action and a neighbor notification. Roling explained many counties are allowing the non-WECS as allowable use and not requiring a Board of Adjustment action. Zoning Commission members agreed that they do not want the non-WECS requirements to be as restrictive as the C-WECS requirements. Discussion followed. Roling requested that Zoning Commission members travel to a non-WECS that is in Jackson County. Zoning Commission members agreed to visit the site and take up the topic of the neighbor notification and Board of Adjustment action for non-WECS at the next meeting.

On page 7, the audible noise due to C-WECS was changed from 55 decibels to 50 decibels. There was a conflict found in the ordinance and after research Roling chose to change the decibels from 55 decibels to 50 decibels. Zoning Commissioners agreed with the updated decibel requirement.

On page 9, letter h, Roling contacted several aerial applicators. Many of the aerial applicators did not know that they could request to have the wind turbines shut off during the application process. Discussion followed about the need to update the ordinance to include this information for aerial applicators. Zoning Commissioners agreed that the ordinance should include wording in the signage requirements to include the contact information for aerial applicators to request the wind turbines to be turned off during the aerial application process. Zoning Commissioners agreed to keep the wording in letter h the same.

On page 10, Roling updated the ordinance to C-WECS to differentiate between commercial and noncommercial wind turbines. Roling discussed the need to read the ordinance carefully for contradictions and repeated elements before it is presented to the Board of Supervisors.

On page 11, Roling spoke with the county engineer, and it was requested to update the ordinance to include 130% of the estimated cost to bring the roads back up to the standards that existed at the time the pre-construction baseline survey was conducted. Zoning Commissioners agreed to update the ordinance to meet the county engineer's request.

On page 12, Roling stated that the non-WECS requirements conflicted with our current Zoning Ordinance. Roling will update to follow our current Zoning Ordinance.

On page 13, letter d, Roling discussed the requirement for an engineering certificate for non-WECS. Discussion followed. It was requested that the Zoning Permit contain wording for the property owner to contact their energy provider before hooking up to the grid.

On page 13, section 9, All WECS will be changed as the requirements for non-WECS will not be the same as the C-WECS requirements.

Roling discussed the desire to bring the ordinance before the Board of Supervisors after next month's meeting. Zoning Commissioners agreed to request that the Board of Supervisors do three full readings of the ordinance and not waive the second two readings. It was discussed to have that condition in the motion when it is passed to be sent to the Board of Supervisors.

COMPREHENSIVE PLAN:

Carstens presented the discussion outline.

Carstens presented an updated draft of Chapter 1. The updated information begins on page 5. Page 5 includes plans that are referenced in chapters of the Comprehensive Plan. On page 6 the broad goals and priorities that were developed by the Steering Committee are presented.

Carstens presented a draft of Chapter 3 Public Participation. Chapter 3 takes an in-depth look at survey results. Carstens presented the information that was discussed during the Steering Committee Meeting. Zoning Commissioners were interested in the difference between the demographics of Jackson County and the demographics represented in the community survey. Carstens will update the Zoning Commission on the information.

Carstens presented a draft of Chapter 12. This chapter discusses zoning and zoning ordinances in Jackson County. The existing land use maps will be found in this chapter.

NEW BUSINESS:

Roling will be asking for an extension on the wind moratorium at the Board of Supervisors meeting on February 20, 2024. Roling reminded Zoning Commission members that we have an opening on the Zoning Commission Board and that the county is accepting applications. Next meeting March 18, 2024, at 6 pm.

ADJOURNMENT: Motion by Gerlach, seconded by Manson, to adjourn the February 19, 2024, Zoning Commission meeting. Motion carried by the following vote: Aye – Manson, Burke, Gerlach, Kies, Stewart and McHugh; Nay – None.

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Lori Roling
Zoning Administrator

Adopted: 3/18/2024