

FINAL MINUTES

JACKSON COUNTY ZONING COMMISSION

7:00 p.m.

Monday, May 20, 2024

Community Room, Jackson County Courthouse
201 W Platt Street, Maquoketa, Iowa

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

Commissioners Absent: Sandra Gerlach and Kristine Pfab

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 Chair McHugh at 7:00 p.m. and roll call taken. A sign-in sheet was distributed. The Zoom meeting was launched. There were 13 people attending the meeting via Zoom. Those in attendance were:

- Laura Carstens, ECIA via Zoom
- Mike Steines, Zoom
- Alexis Beck, Zoom
- Robin, Zoom
- Brian Donnelly, Zoom
- Susan Gossman, 103 S Main
- Brian Venema, 56621 17th Street
- Dori Venema, 56621 17th Street
- Don Bales, 57182 17th Street
- Kathy Bales, 57182 17th Street
- Jim Beck, 944 613th Avenue
- Coralie Beck, 944 613th Avenue
- Les Beck, 3406 Sycamore Ct. NE
- Gene Ruchotzke, 2096 584th Avenue
- Stephen Trenkamp, 893 45th Avenue
- Doris Trenkamp, 893 45th Avenue
- Carolyn Grant, 47839 17th Street
- Tom Marcus, 15281 261st Avenue
- Alex Filloon, 2842 258th Avenue
- Landon Rorah, 27318 24th Street
- Allyson Rorah, 27318 24th Street
- Michelle Braswell, 2966 160th Street
- James McDonald, Zoom
- Jodi Meyer, 617 Hwy 67
- Trent Meyer, 617 Hwy 67
- Glen Mommsen, 73 Section Road
- 8 unidentified Zoom attendees

MINUTES: Motion by Stewart, seconded by Kies, to approve the minutes of the April 15, 2024 Zoning Commission meeting as submitted. Motion carried by the following vote: Aye – Manson, Burke, Kies, Stewart, and McHugh; Nay – None.

CITIZEN'S COMMENTS COMPREHENSIVE PLAN

Les Beck stated he reviewed the Comprehensive Plan. He stated that the policies on renewable energy in the Comprehensive Plan did not address utility scale wind and solar.

Sue Gossman would like to see an item added to Chapter 11 Hazard Mitigation, a coronal mass ejection. Gossman would like to see a plan in place for this type of emergency.

COMPREHENSIVE PLAN:

Carstens presented an update on the Jackson County Comprehensive Plan. The Comprehensive Plan has 14 chapters plus an appendix. Carstens presented the chapter highlights. Carstens presented the role of the Zoning Commission. The 96 pages of survey results are available to view on ECIA website. Chair McHugh thanked Carstens for all her work on the Comprehensive Plan. Carstens asked for a motion to recommend approval and adoption of the Comprehensive Plane.

Motion: Motion by Burke, seconded by Stewart, to recommend approval and adoption of the Jackson County Comprehensive Plan by the Jackson County Board of Supervisors. Motion carried by the following vote: Aye- Manson, Burke, Stewart, McHugh, and Kies; Nay – None.

CITIZENS COMMENTS WIND ENERGY ORDINANCE:

Tom Marcus stated he did not know about the wind ordinance and asked for an explanation.

Zoning Administrator Roling presented a history of the Wind Energy Ordinance Draft.

Chair McHugh stated the need to be fair and balanced for property owners in Jackson County.

Marcus stated his concern regarding wind turbines affecting the natural beauty of Jackson County.

Kathy Bales questioned how the MET Tower went up illegally. Discussion followed. Bales stated concern about the noise the turbines will create.

Jim Beck stated his concern regarding a decrease in property values near wind turbines. Discussion followed.

Gene Ruchotzke stated concern regarding how the wind turbines will affect the migratory path of the Canadian geese and ducks. Discussion followed regarding the federal government's requirements for wind turbine companies to study migratory patterns of birds.

Glen Mommsen stated concern about individuals' rights and the process of decommissioning. Discussion followed regarding the decommissioning plan. Mommsen also stated concerns regarding NextEra Energy.

Commissioners stated a request that property owners in Jackson County read the ordinance.

Les Beck provided his opinion on the wind ordinance draft. Beck discussed the ADLS lighting system. Beck discussed the setbacks and noise levels. Beck discussed adding wording for the battery energy systems and removing wording for the Board of Adjustment variance provision as it is already covered in Iowa Code. Beck also suggested adding wording to allow the property owner to keep property improvements such a field road that is created by the wind energy company.

Jim Beck questioned whether eminent domain would be used for transmission lines. Discussion followed. Roling will speak with the county attorney.

Marcus asked if the Zoning Commission has the right to set regulations for wind turbines. Discussion followed. McHugh explained the Zoning Commission can recommend regulations, but the Board of Supervisors makes the final decision on the ordinance.

Kathy Bayles expressed concern regarding setbacks. Discussion followed on the current setbacks mentioned in the ordinance.

James McDonald spoke via Zoom. McDonald stated his experience working with wind turbines in three different states. McDonald stated concerns regarding setback distances, emergency protocol, fire suppression systems, and road damage. Discussion followed. Chair McHugh stated that the roads are under the direction of the County Engineer's Office. The Zoning Commission asked for input from the County Engineer regarding the road system. Discussion followed.

Michelle Braswell stated her concern about wind turbines and read testimonials that she took offline of individuals dealing with health issues from wind turbines.

Jodi Meyer stated wind turbines do not pay for themselves with the electricity they produce.

Landon Rorah suggested using a decibel limit at the property line. Rorah stated concern about property owners being limited in where they can build on their property if a wind turbine is on an adjoining property. Rorah inquired about a height restriction on the wind turbines. Rorah asked the commission about the possibility of a 2-mile radius around areas of the county that are zoned residential. Discussion followed. The zoning commission had not discussed the 2-mile radius or the tower height restrictions yet. Discussion followed regarding how shadow flicker is measured and if the county could require the shadow flicker measurement to be done in a certain way.

Jim Beck stated concerns about the decommissioning process.

Alex Filloon had questions about the escrow process for decommissioning. Discussion followed.

Allyson Rorah questioned the emergency evacuation plan for wind turbines. Discussion followed.

Alexis Beck spoke via Zoom. Beck questioned the plan for repairing the roads. Discussion followed.

Glen Mommsen stated concerns about setbacks from property lines and inhabited structures.

Landon Rorah expressed concern about farmers drain tiles being damaged by the heavy equipment using the roads. Discussion followed.

Discussion followed regarding the lack of participation from Jackson County residents prior to the current meeting. McHugh gave information regarding Iowa's Open Meeting Law. Roling presented information on the new Jackson County website.

Brian Venema requested his email to be read by Zoning Administrator Roling, the email stated concerns regarding the rights of all property owners in Jackson County.

Roling asked Zoom participants if they had any comments.

Brian Donnelly spoke via Zoom. Donnelly encouraged the Zoning Commission to require a greater setback distance and expressed concern over the plan for repairing the roads.

Roling read the written comments from Zoom.

Chair McHugh closed public comments at 8:39 p.m.

WIND ENERGY ORDINANCE DRAFT:

Roling presented an update on the Jackson County Wind Ordinance Draft. Roling discussed Battery Energy Storage Systems.

Roling went to page 4, section 3 of the wind ordinance. We have a 1-mile notification from the wind energy system. It is suggested to have a 1-mile notification from the property line. The wording will reflect the change.

Roling went to page 5, section 3, #18, letter a. McHugh stated the wording should be checked against Iowa Code. Letter b should be changed to 1-mile from property line.

Roling went to page 6, 4a, #1, the color and finish of the blades. Discussion followed. Commissioners agreed to leave the wording as is. Chair McHugh disagrees.

Page 7, section 11, letter a – Changed the wording to occupied structures of 144 sq'. On letter b, Commissioners discussed the requirement for a setback of 1.1 times the height of the tower. Discussion followed regarding making the setback greater, possibly ¼ mile. A motion was made by Manson for a one-mile setback from the nearest adjoining property line. The motion was seconded by Kies. McHugh asked for discussion. Manson withdrew the motion after discussion. Commissioners agreed they are currently in favor of ¼ mile setback.

Chair McHugh requested discussion on restricting the height of commercial wind turbines. Discussion followed regarding restricting the height and the consequences. The Board of Adjustment could grant variances on height restrictions.

Discussion followed regarding setbacks of ¼ mile to property lines and a ½ mile to inhabited structures.

Discussion followed regarding a 2-mile radius around cities. Roling presented a 2-mile radius around Bellevue using Beacon.

Chair McHugh requested tabling the setback requirements from property lines until the next meeting.

The next meeting is June 17, 2024, at 7 pm.

There will not be a quorum for the Zoning Commission meeting in September.

ADJOURNMENT: Motion by Burke, seconded by Stewart, to adjourn the May 20, 2024 Zoning Commission meeting. Motion carried by the following vote: Aye – Manson, Burke, Kies, Stewart and McHugh; Nay – None.

The meeting was adjourned at 9:29 p.m.

Respectfully submitted,

Lori Roling
Zoning Administrator

Adopted: June 17, 2024