

DRAFT MINUTES

JACKSON COUNTY ZONING COMMISSION

7:00 p.m.

Monday, June 17, 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, Kristine Pfab, 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 Chair McHugh at 7:00 p.m. and roll call taken. A sign-in sheet was distributed. The Zoom meeting was launched. There were 5 people attending the meeting via Zoom. Those in attendance were:

- Janet via Zoom
- Nin Flagel via Zoom
- Jim via Zoom
- Commissioner Mike Burke via Zoom
- Commissioner Emerita Kies via Zoom
- Ryan Keller, Des Moines, IA
- Brian Venema, Sabula, IA
- Mitchell Braswell, Charlotte, IA
- Tim Arnold, Cedar Rapids, IA

MINUTES: Motion by Stewart, seconded by Gerlach, to approve the minutes of the May 20, 2024 Zoning Commission meeting as submitted. Motion carried by the following vote: Aye – Manson, Burke, Gerlach, Kies, Stewart, Pfab and McHugh; Nay – None.

Work Session (Jackson County Wind Energy Ordinance Draft):

John Manson made a request to keep the meetings to two hours. Commissioners agreed to hold the meeting time to two hours.

Roling presented the changes that were made to the Wind Energy Ordinance draft from the beginning. Roling stated that the County Attorney advised that the wind energy ordinance cannot include information on imminent domain. Commissioners discussed a height restriction for wind turbines. Some counties in Iowa have a wind ordinance with a height restriction. Most new wind turbines are approximately 600' in height. Chair McHugh suggested a height restriction of 400'. Discussion followed regarding the height restriction and the need for Board of Adjustment action if the height restriction is lower than industry standard. The ordinance can be revisited as technology advances.

Motion by Stewart to make the height restriction 500' with the provision to go before the Board of Adjustment if the wind tower needs to be higher. There was not a second. Chair McHugh stated the motion dies for lack of a second.

Motion by Pfab to limit the height of towers to 400', seconded by Manson. Chair McHugh opened for discussion. Discussion followed. Motion carried by the following vote: Aye – Pfab, McHugh, Manson, Kies; Nay – Stewart, Gerlach, and Burke.

Discussion regarding setbacks from the property lines. Chair McHugh suggested two times the total height or 1250' (whichever is greater) from the property line. Stewart agreed.

Discussion followed regarding the use of the language sound or noise on page 7, section 12. Commissioners agreed to use the word sound. Discussion followed regarding the decibel level. Commissioners agreed to measure sound from the tower to the closest permanent occupied structure of 144 sq ft.

Discussion followed regarding setbacks to the property line. Setbacks will be $\frac{1}{4}$ of a mile (1320') from the nearest permanent inhabited structure of 144 sq ft. Setbacks to the property line will be 1.1 times the total tower height. The neighboring property owner can sign a waiver to allow the wind turbine to be closer to an inhabited structure or a property line.

Discussion followed regarding the fencing requirement on page 9, letter g. Commissioners requested Roling review this before taking out the wording for visible fencing around anchor points on guy wires.

Discussion followed regarding television and satellite interference on page 9, letter j. Commissioners requested adding the wording to include other forms of interference.

Discussion followed regarding fixing grammatical errors on page 10, letter g. Discussion followed regarding if the hours of shadow flicker are consistent. Zoning Commission Members would like 20 hours per year not 30.

Discussion followed regarding page 11, section (i). Commissioners agreed to leave this section as it is.

Discussion followed regarding page 12, number 4. Discussion followed regarding project completion. Commissioners agreed to leave the section as is.

Discussion followed regarding page 12, number 6. Discussion followed regarding adding wording to allow the property owner to maintain improvements that they would like to keep such as field roads. Discussion followed regarding a waiver to keep or remove improvements that a landowner may want. Discussion followed regarding including wording about storm damage to wind turbines. Chair McHugh suggested that wind turbines clean up could fall under the Hazard Mitigation Plan for Jackson County.

Discussion followed regarding page 14, section 8. Roling will remove the wording for the neighbor notification for non-c-wecs and present it next meeting.

The next Zoning Commission meeting will be held on July 15, 2024 at 7 pm. Chair McHugh requested a work session for the next meeting. Public input will not be taken.

ADJOURNMENT: Motion by Manson, seconded by Stewart to adjourn the June 17, 2024 Zoning Commission meeting. Motion carried by the following vote: Aye – Manson, Burke, Gerlach, Kies, Stewart and McHugh; Nay – None.

The meeting adjourned at 8:38 p.m.

Respectfully submitted,

Lori Roling
Zoning Administrator

Adopted: 8/19/2024