

## JACKSON COUNTY ZONING COMMISSION

7:00 p.m.

Monday, August 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, Kristine Pfab, and John Manson.

**Commissioners Excused:**

**Commissioners Absent:**

**Staff Member Present:** Zoning Administrator Lori Roling and Administrative Assistant Becca Pflughaupt.

**CALL TO ORDER AND ROLL CALL:** The meeting was called to order by at 7:01 p.m. and roll call taken. A sign-in sheet was distributed. The Zoom meeting was launched. There were 24 people attending the meeting via Zoom. Those in attendance were:

- Dukes via Zoom
- Brent via Zoom
- Jovon Harkless via Zoom
- Claudia's phone via Zoom
- Don & Ann Enp via Zoom
- Robin via Zoom
- Stan Bates via Zoom
- Joans iPad via Zoom
- Janet via Zoom
- Lisa via Zoom
- Jesse Lawson via Zoom
- iPhone 5 via Zoom
- 563-212-5262 via Zoom
- iPhone via Zoom
- iPhone via Zoom
- Lori via Zoom
- Miriam Hoffman via Zoom
- Watch Planet of...via Zoom
- Gary Holtz via Zoom
- BKH via Zoom
- Susan's iPad via Zoom
- BFI via Zoom
- RH via Zoom
- bmtre's iPhone via Zoom
- Mary Bartels, Maquoketa, IA
- Bill & Mary Ann Goettler, Andrew, IA
- Steve Heinrich, Maquoketa, IA
- Cheryl Heinrich, Maquoketa, IA
- Warren Moeller, Miles, IA
- Angel Schiffer, Maquoketa, IA
- Susan Scott, Maquoketa, IA
- Brian Venema, Sabula, IA
- Dori Venema, Sabula, IA
- Steve Vortus, Maquoketa, IA

- Jodi Meyer, Sabula, IA
- Kristi Vogele, Maquoketa, IA
- David Stevens, Maquoketa, IA
- Jenn Kutsch, Delmar/Maquoketa, IA
- Patricia Duvall Lawson, Sabula, IA
- D. S. Maquoketa, IA
- Don Bales, Sabula, IA
- Brian Sandholdt, Miles, IA
- Michelle Turner, Maquoketa, IA
- Tom Deuwe, Maquoketa, IA
- Jim Beck, Sabula, IA
- Coralie Beck, Sabula, IA
- Kent Marshall, Sabula, IA
- Kim Hayward, Maquoketa, IA
- Gene Ruchotzke, Sabula, IA
- Nick Gordon, Sabula, IA
- Matt Potter, Monmouth, IA
- Bryan McLeod, Baldwin, IA
- Terri McLeod, Baldwin, IA
- Beth O'Brian, Sabula, IA
- James Taplin, Sabula, IA
- Landon & Alyssa Rorah, Maquoketa, IA
- Jim & Theresa Blitgen, Bellevue, IA
- Additional people in attendance that likely did not sign in.

**MINUTES:** Motion by Stewart, seconded by Gerlach, to approve the minutes of the June 17, 2024 Zoning Commission meeting as submitted. Motion carried by the following vote: Aye – Manson, Burke, Gerlach, Kies, Stewart, Pfab, and McHugh; Nay – None.

**WIND ENERGY ORDINANCE DRAFT:**

Roling presented that it was not yet documented in the Wind Ordinance Draft, but it has been discussed and approved that all WECS constructed be a total height of 400' or less. Roling also stated that when reading through the ordinance, she would point out within the ordinance where these concerns, that were presented from the public that had either be presented during public meetings, at meetings, phone calls and via email were being addressed within the ordinance.

Section 3: McHugh noted a second period is needed after the second F.A.A. in Section 3. A.13.

Pfab pointed out the inconsistencies of the periods of F.A.A. throughout the document. Roling agreed this should be standardized. Roling agreed that staff will address this to assure the language is standardized throughout the document.

On page 6, McHugh stated there's been many hours discussing setbacks – Stewart mentioned being talked to regarding Good Neighbor agreements – Roling brought up meeting a lady from Poweshiek County who gets a Good Neighbor stipend, she does get shadow flicker but she told Roling it's a non-issue. Roling also spoke with a gentleman from Marshall County and stated he feels no ground vibration, he does get

good neighbor stipend of \$600 per year and to him the flicker is a non-issue. McHugh told of an owner of a house in another county who receives \$2000 per year for nuisance factor.

Gerlach pointed out to make things uniform throughout the document, for example, page 7 144sq', make square foot standard for either sf or sq'. Roling agreed this should be addressed and that staff will look into making that language consistent.

Section 11. b) Roling brought attention to the question included in that section. Manson is questioning if everyone came up to the conclusion that setbacks shall be a minimum of 1.1 times the total height of the tower. Discussion followed and needed to keep that standard as to whether it should be from property line or right of way. Manson asked if Roling checked w/other counties, she stated Union, Buchanan, and Marion have truly prohibitive ordinances. Roling has talked with several other counties, Boone County has no valid complaints. Manson stated he is not in favor of 1.10 times the height of the tower, Manson stated at one time they had discussed 1.5 times. Discussion followed, Roling brought up her property on Beacon and drew a half mile circle around the property, then drew 5280' as a buffer – then mentioned that some people are wanting a one mile buffer around a cemetery. John wanted to know why she used a mile – she stated it was a previous request from the public.

Stewart pointed out that State and Federal government will have restrictions by the river and McHugh stated Army Corps of Engineers has their own checks & balances.

Regarding setbacks, Burke would be in favor of a property line and right of way both of 660'. Burke is making a motion Stewart seconds – discussion followed. Stewart would be in favor of 660' whichever is greater. It was suggested to make it 1.5 times the height of the tower for both property lines and the Public Right-of-Way.

Manson, Pfab and Kies are not in favor. Roll call vote was taken for it to be greater than 1.1 times the total height of the tower– Aye – Burke, Gerlach, and Stewart; Nay – Manson, McHugh, Kies, and Pfab. McHugh stated she doesn't think it should go out a mile although 660' is not enough.

Table this discussion, 1.1 will stay for now on both Property Lines and Public Right-of-Way.

12. Noise. Noted to change Noise to Sound and make that consistent throughout the document.

12.b) Roling pointed out the note to address the following note from the document: (could potentially need to be reworded should the sound level at a certain distance from the property line be added.) McHugh stated she's ok with how it's worded, Burke is ok with it. Stewart stated he remembers the concern that was brought up was what if someone might want to build on that property, but feels it is ok to leave as is. Kies wants it from property line and is making a motion, Pfab seconds.

Motion is discussed – McHugh states although there may be a chance someone may build a dream house, but it's not dealt with any other zoning issue and should be dealt with as such. Kies disagrees as she feels it's not a regular – every other zoning issue. Stewart states we're trying to make a good zoning ordinance and wants it to look like

they are making a good zoning ordinance. McHugh thinks we need to keep the zoning similar and keep good zoning in mind.

Vote to change wording to "Ambient noise levels shall be measured from property line" instead of "Ambient noise levels shall be measure from inhabited structures over 144sq' that are permanently occupied by humans or livestock." Aye – Manson, Kies, and Pfab; Nay – Burke, Gerlach, Stewart, and McHugh. No won the vote, wording will stay as is.

13. Safety. Roling brought up outside concerns regarding fault lines and McHugh thinks the Zoning Commission should stay out of that. Roling questioned how do we address if something were to happen and it gets blamed on the WECS, referring to the statement "owner shall take the necessary corrective measures to eliminate interference."

McHugh thinks it should not be in the document.

Discussion was tabled.

14. Shadow Flicker. Roling stated this had public comments during the May meeting and it has not been addressed since. Considerable improvement has been made to the wording for non-participating residents. The inconsistency has been pointed out in this section stating hours per year of shadow flicker, both 20 hours and 30 hours is written, and this will be corrected.

Discussion was tabled to give staff time to review the document and ensure the correct amount of hours is being addressed.

Roling wants to discuss conversations she's had with people regarding the damaged WECS. That has been an issue in Cedar County, after multiple lighting strikes which resulted in fires and fiberglass debris strewn about the landowners property. McHugh wants to know how we can make them clean up; how can we force the WECS to clean up after acts of God? She doesn't believe it's a zoning issue, is it in the contract with the farmer & the WECS? We don't know. McHugh states we can't force them to have insurance.

#### Section 6: Discontinuation and De-Commissioning

McHugh is questioning how would we know if a wind turbine hasn't been in service for a year. Roling is asked to contact Iowa Utilities Board and check if they get a report to see how much, if anything, is being produced. Roling would like to recommend 30 days to submit a plan and clean up needs to be done in how many days.

Tabled until the question can be run by the county attorney

#### Section 7. Non-Commercial WECS–

Should the ordinance separate the commercial & non-commercial? It was decided to wait to make a decision on this until after Noise has been decided and that has been tabled.

McHugh states it's been 13 months that this ordinance has been worked on and it should go to Supervisor after next mtg. No further discussion with the Wind Energy Conversion Ordinance.

**ITEMS FROM STAFF:** Roling would like to have the Jackson County Zoning Ordinance updated. It is missing some terms that are now used frequently in zoning. The current

ordinance fails to address common home occupations and fails to leave room for the Board of Adjustment to act on conditional uses that are not defined. Roling requests permission to move forward and be able to contract with ECIA to facilitate the updated ordinance. Roling was granted permission to move forward with having ECIA help rewrite the county zoning ordinance.

**NEXT MEETING:** September 9, 2024. It's a different date than usual as a major subdivision in Bellevue first presented to the Commission in March of 2023, but it then had to go through the Army Corps of Engineers, who made their decision in July of 2024. McHugh stated she wants to clean up the Wind Energy Ordinance also at the September 9, 2024 meeting.

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

The meeting was adjourned at 9:23 p.m.

Respectfully submitted,

*Lori Roling*  
Zoning Administrator

Adopted: 9/9/2024