

JACKSON COUNTY ZONING COMMISSION

6:00 p.m.

Monday, October 21, 2024

Ohnward Fine Arts Center

1215 E Platt Street, Maquoketa, Iowa 52060

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

Commissioners Excused:

Commissioners Absent:

Staff Member Present: Zoning Administrator Lori Roling, Administrative Assistant Becca Pflughaupt

CALL TO ORDER AND ROLL CALL: The meeting was called to order by Chair McHugh at 6:01 p.m. A sign-in sheet was distributed. The Zoom meeting was launched. There were people attending the meeting via Zoom.

Jerome Burken, 3753 220th St, Clinton

Barb Trenkamp, 671 400th Ave, Preston

Brenda Tebbe, 42203 112th St, Bellevue

Julie Sherrard, 6405 33rd St, Baldwin

Jo Caven, 210 Thomas Ave, Maquoketa

DaVonne Eberhart, 1289 235th Ave, Delmar

Michelle Braswell, 2966 160th St, Charlotte

Jenn Kutsch, Delmar

Ali Kilburg, Elwood

Alyssa Rorah, Maquoketa

Marty Murrell, Charlotte

Gwenn Rickertsen, Bryant

Jim Taplin, Miles

Tim Sheehan, LaMotte

Ron Beesch, DeWitt

Mark Beauchamp, Bellevue

Jane Steines, Bellevue

Mike Steines, Bellevue

John Kies, LaMotte

Sidney Braswell, Bellevue

Dori Venema, Sabula

Brian Venema, Sabula

Mary Bartels, Maquoketa

Megan Andresan, Maquoketa

Sheryl Ganzer, City of Preston

Jane Kutsch, 22759 Hwy 64, Maquoketa

Kevin Kutsch, 22759 Hwy 64, Maquoketa

Bryan McLeod, 4640 48th Ave, Baldwin

Teresa McLeod, 4640 48th Ave, Baldwin

Zach Peiffer, 2801 593rd Ave, Sabula

Danny Peiffer 602 Pearl St, Sabula

R. Kutsch, 22944 Hwy 64, Maquoketa
Val Volquardsen, Miles, IA
Alice Daurelle, 1016 N Angus Ct, Maquoketa
Tom Daurelle, 1016 N Angus Ct, Maquoketa
Bill Goettler, 16862 Hwy 62, Maquoketa
Mary Ann Goettler, 16862 Hwy 62, Maquoketa
Colleen Schwenker, Maquoketa
Don Schwenker, Maquoketa
Richard Sherrard, Jackson Co Pioneer Cemetery Commission
Scott Olson, 21843 92nd St, Maquoketa
Emily Highnam, 21843 92nd St, Maquoketa
Brandon Rickertsen, 31199 381st Ave, Bellevue
Kristine Vogele, 2708 233rd Ave, Maquoketa
Randall Ganzer, 35810 Iron Bridge Rd, Spragueville
Ann Burns, Ottercreek
Kim Snook, Maquoketa
Ronda Taplin, 5432 550th Ave, Sabula
Chuck Schwager, 24435 250th Ave, Bellevue
James Shepherd, 1405 280th Ave, Delmar
Peggy Flenker, 110 S Prospect St, Maquoketa
Craig Flenker, 110 S Prospect St, Maquoketa
Gloria Friederichsen, 1938 240th Ave, Delmar
Brenda Snyder, 1347 290th Ave, Charlotte
Roberta Rosheim, Box 076, Maquoketa
Scott Jess, 307 W 11th St
Cheryl Heinrich, 94th Ave, Maquoketa
Steve Heinrich, 408 N 5th St, Maquoketa
Mary Gordon, 3195 550th Ave, Sabula
Adam Miller, 18350 19th St, Maquoketa
Karen Miller, 18350 19th St, Maquoketa
Sloan Dow, 436 254th Ave, Maquoketa
Michael DeMoss, 21041 92nd St, Maquoketa
Amanda Rickertson, 3873 Hwy 136, Bryant
Darcie Effenheim, Maquoketa
Carol Ketelsen, 414 Rosemere Ln, Maquoketa
Terri Potter, 234 N Mitchell St, Preston
Pat Walke, 410 N Main St, Maquoketa
Doug Flagel, 26511 17th St, Maquoketa
Nick Gordon IV, 3195 550th Ave, Sabula
Nicholas Gordon 3rd, 3195 550th Ave, Sabula
Melody DeMoss, 21041 92nd St, Maquoketa
Kayla Coakley, 15997 100th St, Maquoketa
Dave Ketelsen, 414 Rosemere Ln, Maquoketa
Sherri James, Maquoketa
Mick Schrobilgen, Bellevue
Michelle Turner, 8890 150th St, Maquoketa
Jay Macy, 55342 Hwy 64, Sabula
Melanie Macy, 55342 Hwy 64, Sabula

Luke Friedman, 2568 110th St, Maquoketa
Allyse Friedman, 2568 110th St, Maquoketa
Ron Boesch, 1766 280th Ave, Charlotte
Treva Boesch, 1766 280th Ave, Charlotte
Rebecca Schmidt, 4932 47th St, Baldwin
Linda Bowman, 14976 Hwy 64, Maquoketa
Joyce Stone, 16785 85th St, Maquoketa
George Stone, 16785 85th St, Maquoketa
Angel Schiffer, 9780 Hwy 62, Maquoketa
Lois Kischer, 1048 185th Ave, Maquoketa
Lorri Schmidt, 41237 17th St, Preston
John Gruhn, 56219 83rd St, Sabula
Sue Sharp, 44836 58th St, Preston
Sandy Dale, Monmouth
Kadley Tracy, 28447 114th St, Maquoketa
Hannah Davison Roeder, 308 W Van Buren, Andrew
Beth O'Brien, Bettendorf
L Rorah, 27318 24th St, Maquoketa
Austin Reuter, 507 N 5th St, Maquoketa
Frank Yaklin, 30332 274th St, Bellevue
Alexia Yaklin, 30332 274th St, Bellevue
Randy Ernst, 15201 268th Ave, Maquoketa
Sharon Ernst, 15201 268th Ave, Maquoketa
Trent Meyer 617 Hwy 67, Sabula
Jodi Meyer 617 Hwy 67, Sabula
Sue Schlichter, 3490 160th, Goose Lake
Tracey Till, 312 Main St, Maquoketa
Dean Engel, 22444 13th St, Delmar
Jenny Engel, 22444 13th St, Delmar
Todd Till, 1946 140th St, Delmar
Rachel Till, 1946 140th St, Delmar
Karen Phillip, Otter Creek
Bonnie Andersen, 25797 Dark Hollow Rd, Maquoketa
Trish Feuss, 1329 150th Ave
Geni Carr, 119 S. Vermont, Maquoketa
Cody Hasenbank, 27428 200th St, Bellevue
Rich Schlichter, 3490 160th St, Goose Lake
Jim Blitgen, 33049 Hwy 52, Bellevue
Dennis Dever, 33715 Hwy 64, Preston
Sue Dever, 33715 Hwy 64, Preston
LuAnne, 24103 Highway 64, Maquoketa
Tom, 24103 Highway 64, Maquoketa
Roger Stewart, 2340 184th Ave, Maquoketa
Theresa Ganzer-Blitgen, 33183 Hwy 52, Bellevue
Kelly Gerlach 108 W Quarry St, Maquoketa
Brent Kilburg, 508 Emma Ct, Maquoketa
Joan Good, 2135 23rd St, Bettendorf
Lee Good, 2135 23rd St, Bettendorf

Nancy Carlis, 36 Hillcrest St, Miles
Bernard Frett, 324 E Gillet St, Preston
Phyllis Frett, 324 E Gillet St, Preston
James Reuter, 23789 Hwy 64, Maquoketa
Lori Reuter, 23789 Hwy 64, Maquoketa
Nancy Burken, 9516 500th Ave, Miles
Elizabeth Kelsey, Telegraph Herald
Brian Sandholdt, 3059 525th Ave, Miles
Vanessa Cahill, 725 Country Club Dr, Maquoketa
Laurine Gruhn, 57179 83rd St, Sabula
Larry McDevitt, 3187 223rd Ave, Maquoketa
Julie McCoy, 100 O'Brian St, Goose Lake

MINUTES: Motion by Burke, seconded by Kies, to approve the minutes of the September 9, 2024, Zoning Commission meeting as submitted. Motion carried by the following vote: Aye – Manson, Burke, Gerlach, Pfab, Stewart, Kies and McHugh; Nay – None.

Roling wanted to point out some of the changes that have been made. Page one, in Section 2. Definitions. The word developer was added in both Applicant and with Owner. Developer was used throughout the ordinance, but it was not part of the definition anywhere. At the direction of the Zoning Commission, we've also added a definition of Catastrophic Damages: "Any damage by act of fire, severe weather, structural or mechanical failure that causes the WEC-S unit to be inoperable."

Burke asked about the definition of Setback. Roling states it will read: "The minimum required distance from the property line."

Section 3. Siting Approval Application Requirements. Language has been added, "After a required pre-application meeting with the Jackson County Board of Supervisors or their designated representative," Although not a specific request by the Zoning Commission, at one point pre-application meetings have been mentioned.

Some technical difficulties are being relayed and worked out with the public not being able to read what is on the overhead screens and some people not being able to get into the Zoom.

Roling goes on to state that the new language had been talked about before. Roling has learned that pre-application meetings, even for just regular zoning permits, are a big deal and this shouldn't be any different. This should be even more important. Section 3.A.7. Roling reads, "All required engineering specifications provided as part of the application process shall be reviewed by the Jackson County Engineer to ensure documents are prepared, stamped and signed by a duly licensed professional engineer under the laws of Iowa." New language that was added after being reviewed by the County Attorney's office, and deciding those additional protections were needed.

Section 3.A.15. Roling states, most of this is new, the Zoning Commission asked for new language in the decommissioning plan. We didn't have any really good examples, so

this is where we ended up with. "A detailed decommissioning plan shall include means by which bonding will be acquired through an "A Rated Bonding Company." The decommissioning costs and bonding amount shall be reviewed by a third party to be a licensed engineer specializing in the construction or decommissioning of C-WECS units to be chosen by Jackson County Board of Supervisors, (expenses to be covered by the owner of the WEC-S unit), and the Jackson County Engineer and approved by the Jackson County Attorney and bond secured before issuance of a zoning permit."

John Kies, County Attorney states, one of the things that came up when I was discussing this with other counties that has been through this process, and a couple have had their cases go up before Appellate Courts, on specific issues, is one of the lessons learned was that on these decommissioning costs, it was suggested the bond required be three times the amount of the projected decommissioning cost to guard against unforeseen problems, as everything seems to go up in cost. McHugh states, John, my question on that is if something could happen, costs could go up three, five, ten times from the time these are put into place. If we have something from the Jackson County Engineers office telling them how much they have, will that be sufficient because with the decommissioning a lot of companies have already put a lot of dollars away and I don't know if that's the case with some of these companies, but if the engineers' office approves it, would that be sufficient or would that be something in their documentation when they go to look at these? Kies states, I think I understand what you're saying, is that something our engineer's office will take into consideration. You certainly could do it that way. It was just something that was brought up to me, this is obviously a very specialized area of the law, and I've talked to attorneys that specialize in this and that was just one of the things that was brought to my attention. So, it may well be something that our engineer looks at and says when they determine what's sufficient.

McHugh states that her concern with us saying it should be three times the amount and then fifteen years down the road it's actually six times the amount and that's my concern to have something in writing now and then we have the issue like what they had, I believe it was in Cedar County will all the fiberglass all over the field so that if we leave it in the hands of the Jackson County Engineer who should have some I guess more engineering expertise than what we have.

Roling interjects, in other language that we have under sound analysis we have in there that it will be reviewed every five years; we can also add that language to the decommissioning part for the bonding so that it is something that is reviewed on a regular basis. McHugh states yes, let's add something like that into it. Roling addresses John Kies asking if he thinks that would suffice. Kies states, whatever you decide, I'm not a decision-making authority, I'll just help you craft the language of the decisions that you make.

Section 3.A.20. Roling reads, "The applicant is responsible to reimburse the County for legal costs incurred by Jackson County during the application process. All fees and legal costs shall be received by Jackson County before the issuance of the permit." Roling asks John Kies to explain this. Kies states, I think we're just going to make sure it covers all legal cost that the county incurs as a result of enforcing the rights and obligations of the parties either in the application process the decommissioning process and again the reason for this language and again this is proposed by people who have

been through the process and the idea is that the county shouldn't suffer a legal cost detriment trying to enforce this. More importantly and I'm not saying anyone would ever do this but if ultimately the applicant paying the costs they do not have an incentive to try to bury us in litigation, again, not saying anyone would ever do this but this sort of cuts that off because ultimately the applicant would be paying.

Burke and Pfab pointed out some grammatical errors that need to be addressed.

Section 4.A.3. Lighting. The word developer, Roling wanted to share where it was in the ordinance and why it was important to add to the definitions.

Burke pointed out in Section 4.A.4. Signage. that it should say "and the entrance" not "or the entrance". It will read, "Upon Completion of the WECS Tower, the Owner's company name and/or logo and the phone number and name of the person to contact in case of emergency shall be placed upon the base of the WECS Tower and the entrance to any enclosure fence."

Section 4.A.6. Waste Disposal. Roling points out that we don't have a time limit anywhere within this ordinance for disposal. McHugh asks, didn't we talk about this because don't we have an ordinance with disposal, as far as clean-up of a property. Roling asks you're talking like our nuisance? We don't have specific time limits that I can think of anywhere else that says a construction site has to be clear of debris within x number of days after completion or anything like that. McHugh asks the board for a recommendation on that, she states she thinks they should put something. Burke says in Section 6.2.b), "The plan shall not extend out beyond 120 days", but that's for catastrophic failure, and in c" we got something about 45 days, but Roling states that's just notable clean up that they started making effort. Pfab asks isn't that just for decommissioning though. Yes, Burke says it's for catastrophic failure. Pfab says we need to have something in there that address that they're going to clean it up and still have a wind turbine on the site. Burke says he was just saying that's one of the timelines we have listed, I don't know if that's the right thing or not. Roling states I know we're staying away from "reasonable" and using words like that because they're subjective. McHugh asks if anyone on the board wants to make a motion to a certain amount of days. Burke makes a motion that we use 45 days. Kies seconds. There is no further discussion. All in favor of adding 45 days to clean up of the waste disposal. All ayes. Motion carried by the following vote: Aye – Manson, Burke, Gerlach, Pfab, Stewart, Kies and McHugh; Nay – None. McHugh states to add in that it must be cleaned up within 45 days and we can take out the rest of the time period but keep in applicable local, state, and federal regulations that would be a part of that. Burke asks when the 45 days starts. McHugh says, 45 days of when the event happens, from the day of the operation.

Section 4.A.11.a) Property Lines. Roling points out a new word was added "any", and some of the language that was there previously has been taken out. It now will read, "a) Property Lines. Setback from any neighboring property lines should be no less than 1500'."

McHugh points out Section 4.A.11.b) that the "a" and "of" need to come out. Pfab states, that it should say "no less than". McHugh agrees. "b) Public Right-of-Way. Setbacks from public right-of-way, railroad right-of-way, power lines and structures shall be no less than 1500'."

Gerlach points out it should also say that on Section 4.A.11.c) "no less than 1500'". "c) Communication and Electrical Lines. Each wind turbine and meteorological tower shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 1500', determined from the existing power line or telephone line."

Roling reads a note that she had for c.: Meteorological Towers are lower in height than a WECS turbine and are a mono pole style construction secured with guy wires and asked if it was the zoning commissions intent to restrict placement of MET towers at the same distance of the property line as the Wind Turbines? It is more restrictive than cell phone towers and they're of similar construction. Those setbacks are one times the total height of the tower. McHugh states that she thinks the Met towers should have the same setbacks as the wind turbines. Others said yes, keep it consistent.

Section 4.A.12. Sound Analysis. That whole section is brand new language that was added by the Zoning Commission during the September 9th meeting, it cleaned up what was there before and added clarity. McHugh states it looks a lot better than what they had.

Section 4.A.14 Shadow Flicker. Roling pointed out that all the way through that section she added "or structures". Anywhere there was "non-participating residence" "or structure(s)" was added. McHugh pointed out a formatting issue in that section. Burke has a question on Shadow Flicker part a). How long of a period of time could be from the time they file for an application and something actually gets built. What if somebody builds a house somewhere in between that time period not realizing this is going on. Roling states if there is a turbine being built, even before it gets to application there are state and federal review meetings. She also states that they are required to notify people within one mile. McHugh says even if you sell a piece of property, the notifications have to go from the seller to the buyer.

Section 5.1. Roads. The word site has been added. It now reads, "Applicants shall identify all roads to be used for the purpose of transporting C-WECS, substation parts, concrete, and/or equipment for construction, operation, or maintenance of the C-WECS site and obtain applicable weight and size permits from the impacted road authority(ies) prior to construction.

Section 6 – Reads, "Discontinuation, Catastrophic Failure and De-Commissioning." Catastrophic Failure has been added. Also, new language has been added in 1, to now read, "At the time of application, each C-WECS shall have a decommissioning plan outlining the anticipated means and cost of removing C-WECS at the end of their serviceable life, upon becoming discontinued in use or in case of catastrophic failure." And further in the paragraph, "The cost estimates shall be made by a professional engineer licensed in the State of Iowa and reviewed by the Jackson County Engineer

for accuracy and potential errors or omissions in the estimated costs." "The plan shall also identify the financial resources or bonding that will be available to pay for the decommissioning and removal of the C-WECS and accessory facilities."

Rolling states, all Section 6.2. is newly added information.

2. A C-WECS shall be considered a catastrophic failure should it become inoperable due to fire, a natural disaster, severe weather event, or other serious structural or mechanical failure that causes the WEC-S unit to be inoperable. In the case of such catastrophic failure:

a) A written plan shall be submitted to the Jackson County Board of Supervisor within 30 days of the event rendering the C-WECS in operable. The written plan shall detail a timeline for cleanup and debris removal.

b) The plan shall not extend out beyond 120 days from the day of the event rendering the C-WECS in operable.

c) A concerted effort for clean-up must be notable within 45 days for the event.

d) Penalties for violation of these times lines will start one day after the missed deadline.

McHugh asks if anyone has any comment on that. Gerlach pointed out grammatical errors.

Pfab asks referring to Section 6.1 questioning why it is four feet. Rolling states that is pretty standard language and thinks they are built to be removed down to that level. She asked if they needed discussion on that. Pfab says she is not a farmer, she grew up in the city and doesn't know if only going down four feet affects the soil quality. McHugh states most people are no-till or if they do till they don't come close to four feet.

Gerlach points out another grammatical error and asks if we can go ahead and have her make those changes and not have to point them all out. McHugh states as long as it doesn't substantially change the language, if there's substantial change we would need a motion, but on grammatical things we can go ahead and point them out.

Section 7. Wildlife Monitoring and Mitigation Plan (WMMP) the following language is all new in sections 1 and 2, it's what was chosen to add during the September 9th meeting.
SECTION 7. WILDLIFE MONITORING AND MITIGATION PLAN (WMMP)

1. The C-WECS facility Owner/Operator shall submit a WMMP to mitigate risk to avian and bat populations during the construction and operation phases of the project. The purpose and procedures shall be designed to ensure:

a) Avian and bat fatalities and secondary effects on wildlife are minimized.

b) All C-WECS projects SHALL comply with both federal and state wildlife regulations AND recommendations; (The ZC, you recommended stronger language here and wanted it to include SHALL. Please review.)

c) Adequate implementation training is provided to the construction contractor and operations and maintenance staff;

- d) Coordination between the project developers (Same here... no definition for developer.) and operators, wildlife agencies including Iowa Dept of Natural Resources (IDNR), and the Iowa Utilities Board (IUB) is effective and continuous.
- 2. The WMMP shall include, at a minimum, a narrative including the following:
 - a) Local, state and federal regulatory framework
 - b) Site characterization
 - c) Field studies documenting C-WECS project area wildlife conditions and predict project impact.
 - (i) A baseline study of the avian and bat habitat within the project boundary and a 2-mile perimeter outside the project boundary. It shall be conducted by a third-party licensed professional and approved by the county.
 - d) Preconstruction/construction avoidance and minimization measures
 - e) Operation and maintenance procedures
 - (i) Post construction avian and bat fatality monitoring conducted by third party licensed professional for three years following completion of the project construction phase.
 - (ii) Upgrades or retrofits to existing C-WECS should not result in increased avian/bat collisions. The 3-year monitoring timeline shall restart after 12 months of discontinued operation of any C-WECS following a repair, retrofit, or repowering event.
 - f) Quality control and mitigation procedures

Rolling points out that in 1.c) she is crossing off adequate and changing that to training shall be provided. Rolling asks if they are good with the wildlife part.

Pfab points out in i) Post construction avian and bat fatality monitoring conducted by third party licensed professional for three years following completion..." Pfab asks, if we want to have that every three years, or just once. Gerlach states, I think we want it every three. McHugh agrees and states it's one that needs to have a motion and a second on because it substantially changes that.

Open for discussion to motion to change and add additional language.

Burke states, we can take advisement from that licensed professional that do the monitoring and take under advisement his correction to the problem.

Burke motions/Gerlach 2nds Use a third party licensed professional that you had do it for every three years whether it's the same guy/person/company/whatever every year it doesn't make any difference but whatever they find out take their advice and their administration of the process to correct it. McHugh states, so shall take their advisement, shall take their recommendation to correct the issue. We need to add that the cost will be borne by the owner/operator of the C-WECS. Rolling states, post construction avian and bat fatality monitoring conducted by third party licensed professional for three years following the completion of the project construction phase and continued every three years thereafter owner/operator shall take the advisement for remedy with the cost to be covered by the owner/operator. McHugh asks if there's any other board discussion or comments. Motion carried by the following vote: Aye – Manson, Burke, Gerlach, Pfab, Stewart, Kies and McHugh; Nay – None.

Section 7.2.f) Quality control and mitigation procedures. It was copied from another

county but doesn't seem to have any context. McHugh asks if it's something they'd like to see removed or changed and she's open to discussion and comments from the board.

Burke motions to remove, Stewart seconds, no other discussion. Vote to remove f) Quality control and mitigation procedures. Motion carried by the following vote: Aye – Manson, Burke, Gerlach, Pfab, Stewart, Kies and McHugh; Nay – None.

Section 8.1.c) Sound: Roling states it currently reads: "Ambient sound levels shall be measured at the exterior of potentially affected existing residences or from inhabited structures over 144sq' that are permanently occupied by humans or livestock." Roling would like to see that struck because it's been talked before about the sound is to be measured from the property line, that was with commercial, so how are we going to do this with non-commercial and ag exempt. If it's being used on the farm they don't have to get a permit, they're exempt from setbacks, they're exempt from the bulk of our ordinances if it's a non-commercial farm-use turbine. Discussion followed regarding ag exemption and setbacks. McHugh states right now we have it from inhabited dwelling, the intent has been the property line but since we have it in inhabited dwelling this would require a motion, a second and a vote to change this. Pfab makes a motion to change it to property lines. Kies seconds. McHugh asks for board discussion to change it from inhabited dwelling to property line. Motion carried by the following vote: Aye – Manson, Burke, Gerlach, Pfab, Stewart, Kies and McHugh; Nay – None.

Stewart makes a motion to move to substitute the words "closest neighboring inhabited dwelling", with "measured at the property line". Burke seconds. McHugh states the vote on the table is to change it to read, "Ambient sound level shall be measured at the property line." Remove the rest of that. McHugh asks for board discussion. Motion carried by the following vote: Aye – Manson, Burke, Gerlach, Pfab, Stewart, Kies and McHugh; Nay – None.

Roling will look for other language to match it.

Section 12. Penalty. The wrong ordinance was there before, it was corrected from #281. #282 is the correct ordinance number for penalties.

Roling brought up the resolution from the city of Miles asking for a buffer around their town. There's been talk from the city of Preston, emails have been received from their city clerk requesting a buffer. Roling has had a conversation with the city manager in Maquoketa, he had mentioned there's been some talk about it, but she's not seen anything official. McHugh's concerned with adding that into this ordinance when we have not added in to any others. Discussion began regarding allowing cities to put out their own ordinance. Roling stated, it's giving them that room to grow. It's the developer's responsibility to reach out to the town. Can the cities put a resolution out to notify that they are requiring notification when something goes on. Kies states what he does when there's a potential conflict, we contact elected officials, and we work that out. We can work with elected officials. You can pass a resolution for just about anything. You're saying if a city ordinance conflicts with a county ordinance, who would win. I can get an opinion for you on that, that's not something that I just want to throw out of the top of my head, that's something I want to research. McHugh states she would encourage the Board of Supervisors, especially if there's a project like this

within two miles of a city, she would encourage the board to contact the city. She's hesitant to add it to the ordinance, since the works very well with the cities and if a project has to go before the board, they would be more than willing and do it on precedence. McHugh asks for input from other board members. Gerlach says she suggests if John (Kies) is willing to research it, maybe wait until we hear what can and can't be done. Kies asks, you're just talking about the Miles ordinance, right. McHugh would like an opinion on Miles as they are asking for a three-mile buffer and it's by resolution.

McHugh states one of the things that when the Board of Supervisors put in the first moratorium on the wind energy was that they discussed the scenic byways. This is a discussion that we need to have as far as looking at our scenic byways. We have a national scenic byway which is Highway 52 that runs along the Mississippi. We also have Highway 64 which is the state scenic byway which is the Grant Wood scenic byway, and it starts in Andrew and goes past Monticello and over to Anamosa, is that something we want to look at adding. Roling has a map pulled up that shows the scenic byways and explains where there are, and states people come to our area to come and partake in that. If we're trying to protect the beauty, the views of Jackson County, part of it would be to protect our Scenic byways and what a two-mile buffer on each side is that something the commission would want to consider is adding that buffer around those scenic byways. Stewart states we've talked about this in the past and he would be strongly in favor of putting some kind of buffer to protect the scenic byways. McHugh asks if that is something the board would like to do then she would need a motion and a second. Pfab makes the motion to put a two-mile buffer on both sides, Stewart seconds. McHugh asks if there's any more board discussion on that. Roling asks that's on the national and the state. McHugh verifies. Kies asks if two miles is enough. There was some discussion.

Pfab withdraws her motion on that distance, Stewart withdraws second. Stewart asks if supervisors have any input from their previous discussions.

Mike Steines, Jackson County Board Chair reiterates that the zoning commission has been working on this since September 2023. Steines thanks the commission who has worked extremely hard on this. Steines states that they've been gathering information and they need to be fair to everyone that's concerned, we want to sustain our quality of life and our natural resources. We also need to be very respectful of landownership and there's a fine line to draw there. Steines agrees it's a great idea to have a buffer around the scenic byway, but we should also consider our other natural resources that cost us a fair amount of money that nobody else has. We have a North Fork, a South Fork, the Mississippi, we have a lot of tributaries that we need to consider, how do we protect them.

Roling states that buffer would add protections for the river all the way north and south and looking at the route that the Grant Wood scenic byway goes you would be putting a big buffer around a lot of those watersheds that flow into the Maquoketa.

Pfab moves to add 5-mile buffer on each side, Manson seconds. McHugh states there is a motion and a second for five miles around each byway and opens it for board

discussion. McHugh thinks five miles on each side is too much and the reasoning is because we have some protections that are in the ordinance right now that requires the project manager, the owner of the wind turbines, that they shall follow the recommendations by the Corps of Engineers and the Iowa DNR and some of those include two miles around eagle's nests, or is it five miles? Roling interjects that there may be some changes with the state, theirs is five, the federal wildlife is 500 or 600 feet but they'd look at whatever the most restrictive is at the time. However, after having a conversation with state DNR, we may not have those to fall back on. We may not be able to rely on their recommendations. Pfab states if we defer to them, they change it, we're still deferring to them. McHugh agrees but states the other part is if we put things that are so restrictive out there the state law still comes back and supersedes what the county does. Roling asks, what is the state law. McHugh says right now they don't have one, other than the DNR putting the five miles. Pfab states that it's just suggested and recommended it's not codified. McHugh states she's hoping this pushes the DNR to decide what they're going to do, the more of these that we put in, the more it forces the state agencies to come forward, which we've requested that they come in person to a zoning board meeting, they refuse to do so. Roling states, there is a shall written in the wildlife monitoring mitigation plan, shall follow any recommendations and regulations by federal and state wildlife authorities. Pfab states that they can change that. Some discussion followed. John Kies wants it clarified if it's the center line of roadway or from the easement. It's stated that it's the center line of the roadway. McHugh asks for a roll call vote. John Manson-yes, Mike Burke-no, Sandra Gerlach-yes, Tom Stewart-yes, Kristine Pfab-yes, Emerita Kies-yes, Monica McHugh-no. Motion carries, add five-mile buffer from the center line of the scenic byway the national and state scenic byways.

Discussion followed on whether to make a motion regarding the city of Miles Resolution. McHugh asks if there are any other changes or additions that any of the board would like to discuss. Hearing none, McHugh calls for a ten-minute break and then will open the public hearing and discussion from the public.

Public Hearing begins at 7:48 p.m.

McHugh states both sides can speak tonight without any retribution, she wants people to be able to be heard tonight. Speakers will have three minutes, prefer to have one or two speakers on a certain topic, and will close public comments at 9:45 so that the board can continue and finalize the meeting. Roling calls the speakers up who signed up to speak.

Public speakers included:

Brenda Tebbe
Michelle Braswell
Jenn Kutsch
Ali Kilburg
Alyssa Rorah
Marty Murrell
Jim Taplin
Tim Sheehan

Ron Beesch
Dori Venema
Mary Bartels
Brian McLeod
Bill Goettler
Richard Sherrard
Kristine Vogele
Gwen Rickertsen
Ryan Schmitz - Comment via Zoom

8:28 McHugh closes public hearing

Don Schwenker states he's been talking with Lori about including fire suppression, fire detection systems and making sure lightning protection on the windmills, and that's something I'd like to see included in this ordinance.

McHugh asks for any board discussion on any of the issues brought up tonight.

McHugh states that one of the things that was brought up tonight was regarding the storing of the discarded blades, it's been an issue in the state of Iowa, an article was passed on to her concerning the old Maytag site in Newton, another one in Fort Dodge. It's something we should consider adding. Discussion regarding discontinuation or catastrophic failure.

McHugh states the board has been having discussions that hasn't been on mic, there are several things that were brought up tonight that we would like to add or at least have discussion and to add to the ordinance, so we will not send it to the board tonight, but we will have another meeting.

Mike Steines has a couple of concerns on section 3 number 18, that the Board of Adjustments can give a variance. McHugh states there's things they have to follow. Roling gave some examples and explained the quantitative restriction and explained that any variance would have to go before the Board of Adjustment and every neighbor within that area would be notified, there would be a public notice in the newspaper and it wouldn't be worth the effort in asking for a variance. Steines asks regarding blade speed. McHugh states blade speed is something we have not discussed it, we haven't heard from anyone regarding blade speed. Roling says not regarding blade speed. Stewart states he was told they can get up to 200 mph at the tip. Flagel would like to look at setbacks have a number figure in there, a whichever is greater type of deal. There was discussion regarding that it was in there at one time, but it was taken out. Stewart states taking into consideration a 400' tower, that's why we took out the multiplier for the height of the tower, but if you're concerned about the BOA allowing a variance then we should add the multiplier. McHugh asks, what are other things they want staff to look at to add into the ordinance. Stewart wants to revisit 4' depth for decommissioning and blade storage. The Plum River Faults and the water issues were a concern, and shadow flicker and sound sleep disturbance. We should have a discussion on if we're all comfortable with the setback as we currently have it. Have something in about cemetery setbacks and highways. More information on ice throw. McHugh thinks we need to get traffic count with some of the roadways.

McHugh states fire suppression and fire protection look to see what we have on that. Gerlach asks if we can look at the Blade speed does it make a difference of the height

of the turbine, and can we get some evidence as to is it 80-100 or is it 200? Stewart asks is it variable? Does blade speed alternate with different sizes of towers and can it be adjusted. McHugh would like to address the comment regarding the DNR and they've been asked to come to the meetings but they've been told by higher ups that it's a contentious subject and to not go. McHugh states she has frustration that the law does require it to be in the newspapers, and readership is down and you're not getting informed of it. Be sure to look at the JacksonCounty.iowa.gov website, the law does not require us to put out a draft, but because this is contentious and I think that's something that we will probably continue to do to keep people informed, but just know it's not required by law, but we are putting it out there as we are trying to be as transparent as possible. McHugh states we need another meeting to clear some things up.

Next meeting will be November 18, 2024 at 6:00 pm, to be determined where.

Flagel would like the board to consider the 4' decommissioning to be looked at, and to look at the email she sent to Lori regarding the Clinton Municipal Airport on what they have and consider what the FAA has recommended.

ITEMS FROM STAFF: Next Meeting November 18, 2024, 6:00 p.m.

ADJOURNMENT: Motion by Manson, seconded by Stewart, to adjourn the October 21, 2024 Zoning Commission meeting. Motion carried by the following vote: Aye – Manson, Burke, Gerlach, Pfab, Stewart, Kies and McHugh; Nay – None.

The meeting adjourned at 8:52 p.m.

Respectfully submitted,

Lori Roling
Zoning Administrator

Adopted: 11/18/2024