

**JACKSON COUNTY ZONING COMMISSION/
BOARD OF SUPERVISORS
JOINT WORK SESSION**

6:00 p.m.

Thursday, November 7, 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, John Manson, Emerita Kies via Zoom, Kristine Pfab via Zoom

Commissioners Excused:

Commissioners Absent:

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

CALL TO ORDER AND ROLL CALL: The work session was called to order by Chair McHugh at 6:01 p.m. and roll call taken. A sign-in sheet was distributed. Zoom was launched. There were at least 8 people attending via Zoom. Those in attendance that were noted were:

- Marty
- Murrell
- TJ
- mbartels
- 563-212-5262

Those in attendance in person were:

- Brian Venema, Sabula
- Dori Venema, Sabula
- Ali Kilburg, Maquoketa
- Jenn Kutsch, Delmar
- Mary K. Wirth, Maquoketa
- Alice Daurell, Maquoketa

Roling starts by explaining that she reached out to a geologist and hydrologist regarding the Plum River Fault Zone. Instead of using an arbitrary number of miles for a buffer around the Plum River Fault Zone, they wanted information from the experts.

Don Schwenker states the reason he asked for this meeting is there were a few things he would like to see in the ordinance. He would like a fire detection and fire suppression system. He sent out information that Germany uses. McHugh agreed. Schwenker states the United States does not require fire suppression. Stewart when you scan out on Jackson County there are a lot of sink holes all over. We have a lot of restrictions already and from the experts' point of view, it shouldn't affect the fault line itself. The sink holes might be a problem, but a geological study would have to be done for each individual site anyway. Mike Steines states regarding the sinkholes, they're various sizes, but there's activity there and there could be more activity. Stewart stated the ones they identified were just strictly from an aerial view, they didn't come out and probe them. The fault line itself, it didn't sound like that was a problem.

Roling states that the DNR when they're permitting their CAFOs that there's restrictions around the sink holes for groundwater contamination. Around any identified sinkholes

they're recommending a 1000 foot setback and that's for the groundwater contamination. That was more or less not about the settling of the sinkhole itself but about the contaminants that could possibly leech from the turbine into the ground.

Pfab states she's concerned about the sinkholes and adding the turbine, is just another variable that we don't know what will happen without further geological surveys. Steines states he asked him if he would guarantee that and he said no. Stewart states after that conversation he not that concerned about the fault line itself but am about the sinkholes. Stewart goes on to state that there might be degradation of the sinkhole but the real concern is that if you have a catastrophic failure then that's opening up the groundwater to any contaminants come out of the windmill.

Steines states that we can agree to have some of that wording in there. McHugh states that another thing that needs to be in there, is that companies need to do a geological survey as a requirement, put that language in and include the 1000 feet.

Steines states to check off discussion points, it can all be agreed to add fire suppression/fire detection. If maintenance can't get within 3,000 feet, nobody else should be within 3,000 feet.

Steines discussing blade speed, being a little concerned about blade speed. They talked about ice throw distance, they talked about if they do come apart, how far they throw material. Is that something we want in there?

Flagle states she's still not comfortable not having anything in there regarding the fault zone. Pfab agrees, the windmill is just another variable to add to what we have and they have no idea what the unintended consequences would be on that fault. Schwenker states that if you did a three or five mile setback off the fault line and with everything else you wouldn't really have to deal with the cities, and their passing ordinances with setbacks. If we put something in this ordinance, stating x number from all cities. Stewart states he doesn't have a problem putting something in the ordinance and making it uniform. That would cover a lot of the area that's not covered because of the scenic byway. Steines asks if two miles is enough or if we should go by three. Some discussion took place. Schwenker states that we put it out we're just going to do a standard three mile zone around all incorporated areas in Jackson County. Unincorporated, I don't know how you would do that. McHugh states since we already have the two mile with the Comprehensive Plans, I think we should stick with the two miles. Stewart states because we've been requested higher than that, I was going to say three. Schwenker states I was going three just because Miles already has that on their books, it's been adopted by one town. McHugh states she'd rather have a standard set. Kies agrees with the three miles. Pfab agrees that she'd be more comfortable with the three. There was discussion between the two and three mile buffer. Stewart stated he is all for the three mile buffer.

Steines states we never finished up the blade speed. In the last meeting when we heard how far the ice flew. Mc Hugh states her concern with limiting how fast they can go is we're not engineers to know how they work. McHugh states rather than doing wind speed is there something we can look at with the potential for ice storms that we require

them to be shut down. That would take care of the speed. Steines says that's just for ice, but we have other potential disasters if they break apart. McHugh states how do we enforce it, Steines brings up shadow flicker, who's going to time that. Roling states the way the ordinance is currently, it's computer generated. Pfab asks if it's a computer analysis, who performs that analysis, the turbine company or an independent entity. Discussion took place regarding shadow flicker. Pfab questioned if we can require or designate a third party that the wind turbine people have to pay for so we choose the third party and they can't object to it as long as it was competitive with the market price for doing the survey. McHugh and Steines both agree that the county shouldn't be involved. Discussion took place that the county shouldn't be responsible. Gerlach stated if we change it to zero that's not an issue. Steines, Burke and Flagel agree they are ok with zero. Some discussion took place. Kies stated that she's ok with zero too.

Steines states something else he had written down was about the cemeteries. Flagel brings up if you are at a cemetery for a service. Steines asks about Pioneer Cemeteries, there is burial rights. There was discussion about putting a buffer up around cemeteries. Flagel brought up keeping the distances consistent.

Roling brings up 1500 foot setbacks on 100 foot personal tower. Discussion took place with tower height and smaller towers for the landowner's purpose.

Flagel is questioning if we added in the 3.75 or whatever is greater. Roling states that is one thing they will want to think about. Maybe if you want to consider, I don't know if there's any way to put in to where there are no Special Exceptions to the height or neighbor waivers, there might be some other things you might want to add into that too. Stewart asks if we can put it in there that there are no Special Exceptions to the height? Roling states that's a good question for the County Attorney. She will also ask about neighbor waivers. Ones that would say that they are ok with being a little closer to the property line. See if we can omit waivers.

McHugh states the other thing we wanted to talk about was blade storage. No blades that are outdated or damaged can be stored anywhere in Jackson County. Flagel states she's wasn't comfortable with, "shall be removed from the site within a time period as established by the Jackson County Wind Conversion Ordinance or disposal in accordance with the applicants local state..", I don't like leaving it open-ended. Roling states there was something in the notes. Gerlach states we don't want a recycling center where they can bring theirs to. Discussion took place. McHugh states the recycling needs to go somewhere else. Roling states she will double check they have to have plan within thirty days. Flagel states it addresses catastrophic there's nothing under just the waste so if they're changing out blades there's nothing in there for it.

Schwenker asks with decommissioning, are you going to require them to grind the base down to 10 feet or are we going to leave it at four? Stewart states after some thought and discussion he didn't think four was deep enough. If we are going to take this back to farmland, tilers go deeper than four feet. Pfab agrees it needs to be deeper than four feet. Discussion took place. Roling states she will do more research on what some other counties are doing. Stewart says to find out what they're doing now. Roling states standard language she is seeing is between four and six.

Schwenker asks, can we include in the decommissioning having then not cut up the blades on site just because of the fiberglass contamination? Because of the fiberglass contamination we saw at Mechanicsville, if they start cutting the blades there with that then lead to contamination. Roling asks if she should investigate that? McHugh says yes, let's look that up too. Schwenker says there was fiberglass everywhere. Some discussion followed with recycling.

Roling checks to make sure we got all of our talking points in. We've talked about shadow flicker, we have sound on here, but we've already addressed that unless there was something else you guys were wanting to add to that. Steines asks, what do you have in there when they measure? Roling says it's from the property line. Flagel asks if it's an average. Roling states yes, and Flagel doesn't like that. Roling states maybe we could rewrite it for average time while it's operational. Pfab asks, what about peak levels. Roling states that's why we need to look and make sure our language has times of operation. There was some discussion.

Stewart stated the last on the list of items that we had down to talk about is the airport flight path buffers. Flagel states ours is very vague. McHugh states it's another one she has trouble with because the FAA is in charge of that. Flagel says that guy from the FAA did not say they regulated any of that. McHugh says they have to file an application with the FAA when they put in a turbine. Flagel says she would like to see a five mile around our airport. Jackson County is close enough to Dubuque that we'll get that traffic and we have our own airport. Schwenker states the single biggest user other than the private people is the University of Dubuque Aviation classes. They're novice people, they're students, Schwenker would like to see a bigger setback because they are not knowledgeable and don't have the expertise to handle mistakes. Discussion followed. Schwenker asks would we want to include something in their ordinance recognizing neighboring setbacks and we do the same. Discussion followed.

Can we assign liability. Stewart only established models, not including prototypes. Schwenker states the tower itself is concrete, that's how you know the difference.

Gerlach asks what if the owner leased it to someone else. Roling asks when the wind turbine changes hands. That is the concern about how we get those surety bonds to follow the ownership of the turbines. That's something we need to address, and I will ask John about that.

Flagel brings up tax credits, McHugh states she doesn't know about the tax. Flagel states when she attended the other county's meetings, one thing they talked about is putting in there that if they're rebuilding, they're not taken back to ground zero, they're back to at the tax point. McHugh asks how can we put it in. Flagel states that's what they do, so you don't get tax money off them. Roling states taxes are based off acquisition cost so they should never go back to zero. It should add to the top and never go down and that's the language I would like to see you consider, not just that it comes back, it doesn't go to zero, that it actually goes up because you're adding to your acquisition cost. McHugh asks why are we putting tax anything into the ordinance. Roling states it's actually value. Taking the value back down to zero. McHugh asks if Roling can write it

down how this is tax so she can understand because I don't understand why the zoning board should be concerned with the taxation of it. Steines states it's in the agreement when they make the application, no different than a tif. McHugh asks why would we put it in an ordinance. Roling states she would encourage the Board of Supervisors if that came across their desk, don't let it go back to zero. Pfab asks, do we know where the battery storage for the power would be that would be generated by these turbines? She goes on to bring up issues in Scotland of batteries that have been struck by lightning and caught on fire and can't be put out. She was wondering if Roling knows what they're doing in other counties. Roling states we don't know because they haven't been sited yet and we haven't developed that ordinance yet. Stewart states won't that be covered more when we do the battery ordinance. Pfab asks, so there will be a separate ordinance for that. Schwenker states there's currently a moratorium on battery storage. Schwenker brings up the crossover setbacks between county lines. McHugh states that she's concerned about how much additional work it puts on the zoning administrator. Dubuque County has a new administrator and they're going through the whole process. Will they be able to cover that and know what's going on. Roling states it could happen with GIS layer, it would not be any additional burden. Stewart asks, so you just want it to be static, not keep up with it over time. Roling says yes, make it a static layer. We would build our own layer. Steines states it will be on Beacon before you know what to do. McHugh states we are solely responsible for Jackson County, we're not responsible for Clinton, Jones, Dubuque and I just want to make sure that all the bases are covered, so that if we do look at doing something like this that they can all work together and everybody knows about it. We've got to know what's going on. Roling states that would be where we'd have to adopt a new part of the ordinance that recognizes the border county. They can't make rules for us, just like we can't make rules for Clinton County or Jones. McHugh states she wants to make sure that everything is clear because I don't want to add extra work because our focus isn't on any of those other counties, it's on Jackson County. Stewart states that he thinks they've made some good progress. McHugh doesn't see anything else on the agenda, she asks if there's anything she's missing and says with nothing else, we can adjourn.

ADJOURNMENT: Work Session adjourned at 7:57 p.m.

Respectfully submitted,

Lori Roling
Zoning Administrator

Adopted: 11/18/2024