

FINAL MINUTES
JACKSON COUNTY ZONING COMMISSION

6:00 p.m.

Monday, January 20, 2025
Community Room, Jackson County Courthouse
201 W Platt Street, Maquoketa, Iowa

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

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 Chair McHugh at 6:01 p.m. and roll call taken. A sign-in sheet was distributed. The Zoom meeting was launched. There were 7 people noted that were attending the meeting via Zoom.

Jobeth (via Zoom)

Icarstens (via Zoom)

Ron Boesch (via Zoom)

Troy Connor (via Zoom)

Teresa M (via Zoom)

Ali Kilburg (via Zoom)

563-212-2562 (via Zoom)

Nin Flagel – Jackson County Board of Supervisors

Alyssa Rorah – Maquoketa

Landon Rorah - Maquoketa

MINUTES: Motion by Stewart, seconded by Gerlach, to approve the minutes of the December 16, 2024, Zoning Commission meeting as submitted. Motion carried by the following vote: Aye – Burke, Gerlach, Kies, Manson, Pfab, Stewart, McHugh; Nay – None.

ITEMS FROM PUBLIC: Motion by Burke, seconded by Kies to open public hearing. Motion carried by the following vote: Aye – Burke, Gerlach, Kies, Manson, Pfab, Stewart, McHugh; Nay – None.

Brian Venema – speaker. Venema asked if the Commissioners would consider changing the noise from an average to peak levels. Venema also asked if the Commission would consider extending setback waivers a little further than 1500 feet.

No other speakers.

McHugh asks for a motion and a second to close the public hearing. Motion by Stewart, seconded by Manson. Motion carried by the following vote: Aye – Burke, Gerlach, Kies, Manson, Pfab, Stewart, McHugh; Nay – None.

After some technical difficulties with screen sharing, McHugh thanked Kristine and Sandra for their hard work with the editing of the ordinance.

It was decided to just go through where the issues were in the ordinance. Roling starts out with going to where the first issue was: SECTION 4. 11. Setbacks a) Property Lines Roling reads how it's currently written: "The setback from any neighboring property lines shall be no less than 1500". The owner(s) of adjacent property may voluntarily agree by written and recorded waiver to a property line setback closer than 1500'." Roling points out the word adjacent. The suggested language to change to is, "The owner(s) of property closer than 1500' may voluntarily agree by a written waiver recorded with the Jackson County Recorder which describes the burdened property and advises all subsequent owners of the property of the allowable property line setback closer than 1500'." Roling stated she has consulted with the County Attorney and Assistant County Attorney for this language. Motion to strike the current language and replace it with the suggested language. Motion by Burke, seconded by Pfab. Motion carried by the following vote: Aye – Burke, Gerlach, Kies, Manson, Pfab, Stewart, McHugh; Nay – None.

Roling goes on to read on page 8, 12. Sound Analysis e) The owner(s) of an adjacent property may voluntarily agree by written and recorded waiver to a higher average hourly decibel level as measured from any property line of the non-participating parcel. Roling states she has suggested language to change that to but first asks the Commission if they want to make any consideration to the comments that were made by the public speaker Venema from changing the decibel level from average to peak levels. McHugh asks for a motion and second to change from average to peak. Motion by Pfab, seconded by Kies. Roling then asks if they are going to keep the decibel to 50 or if they are going to increase that and reminds them that it is being measured at the property line. McHugh asks, if we take out the average, would we also have to take it out in a) The average hourly C-WECS decibel level shall not exceed 50 dBA as measured from the property line of any non-participating parcel. The average decibel limit is specific to the source of the sound and does not count against cumulative ambient decibel levels as established in a baseline acoustic evaluation., and also in b) The average hourly decibel level may be exceeded during short-term events such as severe windstorms. Discussion followed.

Stewart states he's not in favor of raising it to peak rather than leaving it to average. Burke states he's not in favor of it as it would be easier to monitor at peak. The vote is to change from average to peak and leave it at 50 decibels. A roll call vote was taken: Burke-no, Gerlach-no, Kies-yes, Manson-yes, Pfab-yes, Stewart-no, McHugh-no. Motion did not pass.

Roling stated she wanted to address another concern that was brought up from Public Speaker Brian Venema. Roling asks the Commission if they would want to consider changing the setback from 1500' to greater than 1500' from a property line. Kies stated she would like to see 2000'. Kies makes a motion to change the setbacks from 1500' to 2000' from the property line, Pfab seconds.

Discussion followed.

A roll call vote was taken: Burke-no, Gerlach-no, Kies-yes, Manson-yes, Pfab-yes, Stewart-yes, McHugh-no. Motion carries, setbacks and waivers will get moved to 2000' from 1500' throughout the ordinance.

Roling, returning to 12. e) reads the suggested language, "Any property owner(s) may voluntarily agree by a written waiver recorded with the Jackson County Recorder which describes the burdened property and advises all subsequent owners of the property of the allowed higher average hourly decibel level as measured from the property line." Motion by Kies, seconded by Pfab to change SECTION 4 12. e) to the suggested language. No further discussion.

Motion carried by the following vote: Aye – Burke, Gerlach, Kies, Manson, Pfab, Stewart, McHugh; Nay – None.

SECTION 4 14. Shadow Flicker c) Roling reads the suggested language, "Any property owner(s) may voluntarily agree by a written waiver recorded with the Jackson County Recorder which describes the burdened property and advises all subsequent owners of the property of the allowed shadow flicker on their property being greater than zero hours as measured from the property line." Motion by Stewart, seconded by Burke to change SECTION 4 14. c) to the suggested language. No discussion.

Motion carried by the following vote: Aye – Burke, Gerlach, Kies, Manson, Pfab, Stewart, McHugh; Nay – None.

Roling feels there is some redundancy with Signal Interference and Electromagnetic Interference. Signal Interference is on page 7 and Electromagnetic Interference is on page 9. Roling states to merge them, but where to put them. Roling states we may have to keep the redundancy. Burke asks why do we need to combine them? Roling asks aren't they redundant. Meri doesn't think they're redundant. Discussion followed. Pfab points out to have the language changed to match, McHugh agrees. It was determined to change Signal Interference to match Electromagnetic Interference. Motion by Pfab, seconded by Stewart to change 8. Signal Interference to: "The applicant shall provide applicable microwave transmission providers and the Jackson County Emergency Management Administrator with copies of the project summary and site plan, in accordance with Section 3 of this ordinance. The applicant shall minimize and mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any C-WECS. If after construction of the WECS, the owner/operator receives a written complaint related to the above-mentioned interference if it is determined that the interference is being created due to the wind energy device/facility, the owner/operator shall take the necessary corrective measures to eliminate the interference." No further discussion.

Motion carried by the following vote: Aye – Burke, Gerlach, Kies, Manson, Pfab, Stewart, McHugh; Nay – None.

Roling moves on to SECTION 6. 1. Roling reads the suggested language to be added per recommendation from the County Attorney, "Failure of the owner/operator to reach a reasonable agreement on sufficient financial security for decommissioning will be considered a breach of the Jackson County Zoning permit that was issued for the C-WECS. The Jackson County Board of Supervisors, on their sole discretion, may revoke the permit and order the C-WECS to be removed with the cost to be paid by the owner/operator." Discussion followed. Motion by Pfab, seconded by Kies to change SECTION 6. 1. to read: C-WECS shall be considered discontinued for use after 1 year without energy production or non-use, unless a plan is developed and submitted to the Jackson County Board of Supervisors outlining the steps and schedule for returning the

C-WECS to service. All C-WECS and accessory facilities shall be removed within 90 days of the discontinuation of use. An extension to such a period may be granted by the Board of Adjustment provided that the owner/developer or operator submits an acceptable alternate plan for the decommissioning. 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. The soil grade will also be restored following disturbance caused in the removal process. 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. At the expense of the owner/operator, cost estimates for decommissioning shall be reviewed by the owner/operator and the Jackson County Board of Supervisors or their appointed representative every 3 years. Failure of the owner/operator to reach a reasonable agreement on sufficient financial security for decommissioning will be considered a breach of the Jackson County Zoning permit that was issued for the C-WECS. The Jackson County Board of Supervisors, on their sole discretion, may revoke the permit and order the C-WECS to be removed with the cost to be paid by the owner/operator. A waiver or agreement with the landowner would be allowed should a landowner want to keep certain parts of the infrastructure. No further discussion.

Motion carried by the following vote: Aye – Burke, Gerlach, Kies, Manson, Pfab, Stewart; Nay – McHugh.

Roling states there is a recommended language change by the County Attorney in SECTION 6. 2. d) It is suggested to read, "Penalties for violation of these timelines will start one day after the missed deadline, the Jackson County Board of Supervisors may proceed with decommissioning, clean-up and removal at the expense of the owner/operator." McHugh states she is bothered by it as it should be in the landowner's contract. Kies says it's a point to start from, let's put it in writing, hoping it doesn't happen. Discussion followed. Motion by Stewart, seconded by Kies to add "the Jackson County Board of Supervisors may proceed with decommissioning, clean-up and removal at the expense of the owner/operator."

Motion carried by the following vote: Aye – Burke, Gerlach, Kies, Manson, Pfab, Stewart; Nay – McHugh.

Roling goes on to read SECTION 7. 1. c) Training shall be provided to the construction contractor and operations and maintenance staff. Roling then asks, who pays for the training, who monitors, and same with d). Roling states this will need to be decided and added. Discussion followed. It was decided to leave it as is.

Roling noted that in SECTION 8. There were a couple of words that got left out. Pfab pointed out runoff is one word and needs corrected. SECTION 8 now reads: "C-WECS shall not be built within 1000' of a known mapped sensitive area. C-WECS built within 1320' of a known sensitive area must adhere to a water protection plan which includes installing and maintaining a buffer strip of perennial grasses and/or native trees with a minimum 30-foot width around the sensitive area. The work of installing and ensuring the buffer around the sensitive area is to be done by a Jackson County Conservation

Department approved independent 3rd party that is qualified to install and maintain buffers which control runoff. Reports of compliance shall be provided to the Jackson County Board of Supervisors and the Jackson County Conservation Department at the time of project completion and every three years after. The cost of installing and maintaining the buffer around the sensitive area shall be incurred by the C-WECS owner. The buffer strip shall be completed before the C-WECS is operational. If there are more restrictive water quality setback restrictions by the State of Iowa or another Federal regulatory agency, that will supersede this part of the ordinance."

Motion by Stewart to add additional language and adding "Jackson" which is not already there, seconded by Burke. No further discussion.

Motion carried by the following vote: Aye – Burke, Gerlach, Kies, Manson, Pfab, Stewart, McHugh; Nay – None.

Roling reads SECTION 11 states that the County Attorney had some concerns with how it is written. It reads, "The Jackson County Board of Supervisors chooses to honor any protection buffers that are placed around specified areas by neighboring counties in relationship to their C-WECS ordinance, should that buffer extend into our county." Roling asks, are we giving up rights in our county and not making decision for our own land use? Discussion followed. It was decided to leave the section as is except to add the word, "Jackson". Motion by Gerlach to add Jackson in front of County, seconded by Pfab. Motion carried by the following vote: Aye – Burke, Gerlach, Kies, Manson, Pfab, Stewart, McHugh; Nay – None.

McHugh asks for a motion to send the Wind Energy Conversion Systems Ordinance Final Draft to the Board of Supervisors after the revisions noted and punctuation and grammar are corrected. Motion by Manson, seconded by Stewart. No further discussion.

Motion carried by the following vote: Aye – Burke, Gerlach, Kies, Manson, Pfab, Stewart, McHugh; Nay – None.

7:24 break called by Chair McHugh. Manson leaves the meeting.
7:30 meeting begins again.

Laura Carstens, ECIA, presents the first work session review of the Zoning Ordinance. Carstens presents the outline and a schedule, she notes that the schedule is pretty much the same as the December schedule that was presented then except for the website date.

Carstens notes that the current ordinance is loosely organized at the moment, it doesn't have a lot of headings or tables or illustrations and there isn't even a chapter for the Zoning Commission. She notes there should be separate ones for the Commission and the Board of Adjustment and there are some language changes that are needed to be consistent with Iowa Code.

Carstens presented the broad goals of the update, and those include, *Create a user-friendly and better organized format, *Address concerns with uses and development regulations, *Create a new residential district for older subdivisions, *Reference most recent Iowa code provisions, *Add tables, illustrations, and definitions for clarity.

Carstens shared the ten objectives of the land use policy.

Carstens detailed both the current ordinance and the proposed ordinance. Carstens explains that we can change and adapt as we go, but this is the outline of where we'd like to get started.

As Carstens highlighted the proposed new Chapter 5, she presented the major updates, which include: *Two new sections 5.1 and 5.2 are based on the Commission's established rules and procedures *Two new sections related to Iowa Code are added (5.3 and 5.6) *Two existing sections in old Chapter 3 are moved to new Chapter 5 (5.4 and 5.5) *Section 5.4 is reworded to clarify procedures for Text Amendments *Section 5.5 is reworked to clarify procedures for Map Changes (Rezonings)

There were no questions for Carstens.

OTHER BUSINESS: Election of Officers

ELECTION OF COMMISSION CHAIR FOR 2025: Discussion about election of Zoning Commission Chair for 2025. Stewart nominated Mike Burke for Zoning Commission Chair. Motion by Stewart, seconded by McHugh, to appoint Burke as the Zoning Commission Chair for 2025. Motion carried by the following vote: Aye – Burke, Gerlach, Kies, Pfab, Stewart, McHugh; Nay – None.

ELECTION OF COMMISSION VICE CHAIR FOR 2025: Discussion about the election of Zoning Commission Vice Chair for 2025. Motion by Gerlach, seconded by Kies, to appoint Stewart as the Zoning Commission Vice Chair for 2025. Motion carried by the following vote: Aye – Burke, Gerlach, Kies, Pfab, Stewart, McHugh; Nay – None.

Roling noted that the Zoning Administrator has been acting as the Commission Secretary and asked the Commission if they would want to continue with that.

Motion by Stewart to keep the secretarial duties being fulfilled by the Zoning Administrator, seconded by Burke. Motion carried by the following vote: Aye – Burke, Gerlach, Kies, Pfab, Stewart, McHugh; Nay – None.

Roling gave a synopsis of the Solar Energy Ordinance.

Stewart asks about data centers. Roling stated there will be one that will be presented at the meeting in February. Roling explains how the ordinance is written for the approval for data centers and that it's a two-step process. The Zoning Commission will first hear the case, to decide what zoning district the Commission would allow this use in, then their recommendation goes on to the Board of Adjustment.

Gerlach asks after the Wind Energy Conversion Ordinance has been submitted to the Board of Supervisors, when would the Commission hear back on it. Roling stated she will try to submit to the Board of Supervisors by January 28, or their first meeting in February. Then the Board of Supervisors would have public meetings and readings. Roling stated we may not know anything until March or April.

ITEMS FROM Commission: Other Business

ITEMS FROM STAFF: Next Meeting February 17, 2025

ADJOURNMENT: Motion by Kies, seconded by Gerlach, to adjourn the January 20, 2025 Zoning Commission meeting. Motion carried by the following vote: Aye – Burke, Gerlach, Kies, Pfab, Stewart, McHugh; Nay – None.

The meeting adjourned at 8:01 p.m.

Respectfully submitted,

Lori Roling

Zoning Administrator

Adopted: 2/17/2025