

JACKSON COUNTY ZONING COMMISSION

6:00 p.m.

Monday, March 10, 2025

Community Room, Jackson County Courthouse
201 W Platt Street, Maquoketa, Iowa

Commissioners Present: Chair Mike Burke, Vice Chair Tom Stewart, Commissioners Sandra Gerlach, Emerita Kies, Monica McHugh, Kristine Pfab, and Brian Venema

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 Burke at 6:00 p.m. and roll call taken. A sign-in sheet was distributed. The Zoom meeting was launched. There were eleven people noted attending the meeting via Zoom.

Jenn K (via Zoom)

Kelly Gerlach (via Zoom)

Fireflies.Notetaker.April (via Zoom)

Lcarstens (via Zoom)

Marty Murrell (via Zoom)

JP Baric (via Zoom)

Tosha Kensett (via Zoom)

Jered Shipley (via Zoom)

Marlee Klein (via Zoom)

563-370-9645 (via Zoom)

Mary (via Zoom)

Ron Boesch (via Zoom)

Landon's iPhone (via Zoom)

Call in user 2 (via Zoom)

Call in user 3 (via Zoom)

Carla Till – Andrew

Mike Till – Andrew

Randy Rowan – Spragueville

Lonnie Tebbe – Spragueville

Rhonda Rowan – Spragueville

Phyllis Frett – Preston

Joel Frett – Preston

Angie Jo Clayes - Preston

Bernard Frett – Preston

Alan McCormick – Spragueville

Devin Schmidt – Spragueville

Kathy Schmidt – Spragueville

Ron Schmidt – Spragueville

Dar Franzen – Preston

Jackie Regan – Andrew

Don Regan – Andrew

Amanda Rickertsen – Bryant

Gwenn Rickertsen – Bryant
Charlie White – Cedar Rapids
Terry Reuter - Spragueville
Lorin Schwager – Bellevue
Delbert Klemme – Preston
Kevin Banowetz – Spragueville
James Banowetz – Spragueville
Gregg Sommers – Andrew
Tammy Sommers – Andrew
Bev Clausen – Bellevue
Joe Rowan – Bellevue
Nicole Shipley – Maquoketa
Marcus Winkler – Spragueville
Kenneth Lane - Spragueville
Leon Stillmunkes - Spragueville
Dale Stillmunkes - Spragueville

MINUTES: Motion by McHugh, seconded by Kies, to approve the minutes of the February 17, 2025 Zoning Commission meeting as submitted. Motion carried unanimously.

WORK SESSION: Preparation of the Jackson County Zoning Ordinance Update Project Chair Burke recognized Laura Carstens, ECIA and Carstens began by explaining Chapter 4 and stated we are on hold with this until we hear from the Iowa Legislature and this chapter will then be taken back to the Board of Adjustment for review before it's presented again to the Zoning Commission. Carstens then moved on the Matrix of Uses – General Land Use Categories and noted that there were some updates from the last presentation. Moving on to Chapter 2, Carstens explained that they've created a table and when it becomes available online, there will be hyper links available throughout the document. Stewart asked if Carstens was using a template to re-work the ordinance. Carstens explained that she's created a template, and each district will look like this except for the Planned Unit District. Each section has been broken down in an easier format. Carstens pointed out the new section that has been added and will be added to each of the districts. It is: Temporary Uses and Structures Allowed by Zoning Administrator and she goes on to point out the ones added in the A-1 District. Carstens explained the A-1 District Development Regulations chart. She stated that the chart is to make it all encompassing which makes it easier to explain from a staff perspective and easier to understand from a customer perspective. Moving on to the A-1 District Sign Regulations chart, McHugh questioned if we could dictate the signs along Highway 61 with it being a state highway. Carstens stated she would check into that. The next section presented is the A-1 District Clean Version. Carstens explained that what we do is show where the changes are proposed, then we show a draft that shows what happened when all those changes are made. Carstens reiterated that the packet she was presenting is on the project website. The Planned Unit Development District was the next section Carstens presented. Carstens stated that the new ordinance is to be comprehensive and provide cross checks between and within the ordinance to make it clear to all who may use it what the process is and to make it more user friendly. Moving on to the Supplemental Regulations, Carstens pointed out the new graphics that will be

added to the ordinance. McHugh has a question on the site triangle regarding farmers planting right up into the right of way and that it's something we need to look at very closely because in the rural areas it could be an issue. Carstens stated that they can look at that with the County Engineer and get back to the Commission at the next meeting. Carstens stated that she had a question for the Commission in terms of the Off-Street Parking. She wonders if the language needs to be modified and wants the Commission to take a look at that. Carstens then pointed out that Accessory Dwelling Units are currently being debated at the Iowa Legislature, so a spot is reserved for it in the new ordinance for when and if it gets passed. Carstens explained that the Utility-Scale Solar Energy section is a placeholder for when the Commission begins working on it. The regulations that are being presented currently are for homes, farms and businesses on a consumer scale. She goes on to point out that there are also placeholders for Wind Energy Conversion Systems and Data Mining. Stewart asked if we were staying on schedule with the preparation of the ordinance update project, Roling stated that yes, we are on schedule.

Chair Burke opened the meeting up for public comment and gave direction that each person will have a three-minute time limit. Roling reads the role of the Zoning Commission. It is as follows:

Proposed Use Not Covered In Ordinance. - Any proposed use not covered in this ordinance as a permitted use or special exception shall be referred to the Zoning Commission for a recommendation as to the proper district in which such use should be permitted and the ordinance amended as provided in Section 3.2 before a permit is issued for such proposed use.

Should the Commission determine that this use is best under A-1 district with the appropriate special exceptions to be determined by the BOA, the motion would be: Motion to recommend to the Board of Supervisors to keep this Zoned A-1 and then to allow the Board of Adjustment to set the appropriate Special Exceptions for this type of operation.

However, should the Commission determine this that an A-1 district is not appropriate, they would need to determine which district is appropriate. M-1 (or M-2) Zoned district. (choose a district)

If this is the case, there will be an action to follow. They need to determine if this area is suitable for rezoning to M-1 or M-2. If it is, they would need to rezone and make the appropriate motion to recommend to the Board of Supervisors that this operation is best suited for use in a M-1 (or M-2) district and that the Commission also recommends this be area is suitable for an M-1 (or M-2) operation and this 2-acre tract be rezoned to M-1 or M-2 and then allow the Board of Adjustment to set the appropriate Special Exceptions for this type of operation.

OR

If the Commission determines that this area is not suited for M-1 (or M-2) operations/zoning, there will need to be a motion stating that the Commission has determined the type of use proposed is best zoned under M-1 or M-2, the Commission has determine that this area is not suited for M-1 or M2 and for these reasons recommend the Board of Supervisors keep this zoned A-1 and deny the application for special exception use.

Stewart explained that he will be stepping back as he is on the Maquoketa Valley Electric Board. He will not be a part of this discussion and decision, and although his position is not a conflict of interest, he does not want to give anyone the appearance of a conflict of interest.

Public speakers include:

Randy Rowan – Rowan explained that he is the owner of the closest residence to the proposed bit coin mining facility. The proposed facility would be 600 and some odd feet from their house and 400 and some odd feet from their property line. They have lived there for 38 years. Rowan explained they are concerned about the environmental impact. He also stated that he and his wife drove to three facilities currently operating in Iowa, Grundy County, Union and St. Anthony.

Rhonda Rowan – Rhonda Rowan continued where Randy Rowan left off, explaining more regarding their site visits. Rowan stated that all three of those sites are out in the middle of nowhere, there's no livestock and no residences nearby. Rowan went on to say that in Woodbury County the data processing center was denied because the nearest resident was 1100' away. In closing, Rowan stated that if the Commission were to allow the proposal to move forward a condition of use would be that the operation be no closer than 1500' to 1800' away with exhaust fans facing away from the nearest residence and the decibel reading at the nearest residence not exceed 50 decibels at any time of the day and any time of the year.

Amanda Rickertsen – Rickertsen stated that she has family that lives approximately half a mile from the proposed site. Rickertsen stated that she and her family are all opposed to a special use permit for any bit-coin operation. Rickertsen stated her reasons include fire risk, the daily electricity it would use, there is no benefit to the community, high noise level, the Rowan's home is too close to the proposal, and there is nothing ag related about the business.

Gwen Rickertsen – Rickertsen brought up the Grundy County hoop shed that burned down. She expressed concerns about fire and drains on the electrical system which could lead to higher prices, shortages and blackouts. Rickertsen stated she was here to support the Rowan family as this would lower their property values and cause them to put up with significant noise nuisance.

Terry Reuter – Reuter questioned what rights do the people around the proposed site have, stating that many neighbors will be affected financially. Reuter also had environmental concerns and was concerned about the constant noise.

Nicole Shipley – Shipley referred back to the 9/17/2024 Jackson County Board of Supervisors meeting when a moratorium on data mining facilities was signed. Shipley is concerned that the e-waste has not been fully investigated.

Marcus Winkler – Winkler's property line is 100 meters away from the proposed site. Winkler stated he has not been approached by Aurum Capital as they have stated that they've talked to the people that live in the area. He is also concerned about the e-waste. Winkler thanked Stewart for recusing himself. Winkler also had environmental concerns regarding the water table.

Ken Lane – Lane talked of having his nephew face time him from the Union site, he stated it was very loud. He felt at one time he was open-minded, now he's not. Lane is questioning how many sites are being planned for Jackson County. He wonders what consequences they have if they don't follow the rules. Lane is questioning if they have

an escrow set aside for clean-up of these sites, he wonders where the funding will come from to clean the site up. Lane was also concerned about the high electrical usage. Angie Jo Clayes – Clayes stated she had found articles regarding JP Baric being supported by the Republic of China. She stated she had read articles and news features regarding the harmful effects of data processing and JP Baric's motivator is greed. Clayes is concerned about the land and the military torture noise that's detrimental to anything that lives outside and disrupts their instinct to determine threat. Beverly Clausen – Clausen asked the board if they would think about if they would like it beside their house.

Leon Stillmunkes – Stillmunkes gathered signatures opposed to the data processing facility and those were turned into the zoning office.

Jenn Kutsch (via Zoom) – Kutsch urged the county to proceed with caution and transparency and fully disclose the risks and benefits, both publicly and in writing. Kutsch would like environmental effects be independently researched. Kutsch would like an ordinance to be written.

Jered Shipley – Shipley is concerned about the noise and fire risks to our community. Shipley stated that the constant industrial hum of mining machines and cooling machines and it's a direct attack on our ability to enjoy our homes in peace.

JP Baric – Baric stated he was asked why are we doing this and he stated that he believes in the opportunity to turn energy into wealth and creating IT careers in rural America. Baric stated they are not backed by China, they use no harsh chemicals, they do not invest in wind energy, and they have not been given approval to clean up in Grundy County. In new deployments they use direct drive fans which are not the belt driven fans, and those are in the process of being replaced. The proposed site will not be a hoop building. They have seven facilities in Iowa and have not had one example of property values declining due to these facilities. They have an e-waste disposal protocol that they follow. Baric said they give site tours and are happy to answer any questions.

Charlie White – White explained why they shut down during peak times due to the cost of electricity. White explained that they would put in culverts to help with drainage at the proposed site. White wanted to dispel some myths.

Chair Burke asked for a motion to lift the tabled decision from the February 17th meeting. Pfab motions to lift the tabled decision, McHugh seconded. Motion carried unanimously.

Chair Burke opens discussion regarding the determination of the zoning district for Case ZC25-01.

Roling shared video taken from Dale and Deb Stillmunkes from the Union, Iowa site and St. Anthony, Iowa site. Roling also shared video she had taken from both the Union and St. Anthony sites when her and Emerita Kies visited. Roling shared Stillmunkes' Union video from exhaust side. Roling shared her video from the Union site as they were standing right beside it. Roling shared video from standing on the road as they were 60-70 feet away with high winds. Roling shared Stillmunkes' St. Anthony site video from approximately 600' away, they stated in the video that the noise was noticeable but louder next to it. Roling shared the video she took in approximately the same position as the Stillmunkes'. Roling stated they could hear squeaky bearings, and they guessed that only half the fans were

running at the time. Roling stated she appreciated Aurum being accommodating and helpful and answering all questions they had.

Roling stated she spoke with Mr. Thompson who lives a half mile away from a new site near Gilman, IA in Marshall County. Roling asked Baric about it and Baric stated that it's an air-cooled site that is half operational and has been running since late January 2025. Roling stated that Mr. Thompson told her it sounds like a tractor running 24 hours a day. Baric stated that there's a second unit that was being installed that day which is water cooled and now it's a mixture.

McHugh stated that she's concerned that we don't have a data mining ordinance, and we have to go with what is in our ordinance right now. So, with the noise we don't have anything, she would like to propose that this remain an A-1, and her concern is that what's being proposed to be put on there doesn't belong in an agricultural setting, McHugh makes a motion that it remain as ag zoned property, A-1, Kies seconded. Discussion followed.

Roling asked McHugh if she thought the use is A-1?

McHugh stated she doesn't think it should be rezoned to anything other than A-1. Roling asked what McHugh feels the use of the operation is and that they have two things to do. One, what is the use of this type of operation. McHugh stated she thinks that it is industrial.

Roling stated she has a suggested motion for every scenario and asked if McHugh wanted to use that suggested motion.

Burke stated the way he reads it as it is to remain as A-1 and allow the Board of Adjustment to set the appropriate Special Exceptions for this type of operation.

McHugh stated that she is making a motion to recommend to the Board of Supervisors that this remains an A-1.

Pfab asked don't we need to designate what we believe appropriate zoning. Roling states what is the proper district for this use is your first determination. McHugh withdraws her motion.

McHugh motions that this belongs in an M-1 or M-2, Kies seconds.

Discussion followed.

McHugh stated that with our zoning what is being proposed for the use actually belongs in M-1. Pfab stated so we need to either rezone it or leave it as A-1. Roling stated so you think this is an industrial M-1 operation, do you think this is a good location for an M-1 location, do you think this land is conducive to being rezoned to industrial zoning?

Venema stated that in permitted uses and structures, it states no offense noise in industrial zoning. McHugh states this is not an appropriate area for industrial and it should remain as an A-1. Roling stated she has a possible motion for that. McHugh withdraws her previous motion.

McHugh motions this area is not suited for M-1 or M2 and for these reasons recommend the Board of Supervisors keep this zoned A-1 and deny the application for special exception use, Kies seconds.

Roll call vote:

McHugh-yes, Pfab-yes, Kies-yes, Gerlach-yes, Burke-yes, Venema-yes, Stewart-abstain. Motion carried.

The Commission has determined that the type of use proposed is best zoned under M-1 or M-2, the Commission has determined that this area is not suited for M-1 or M2 and for these reasons recommend the Board of Supervisors keep this zoned A-1 and deny the application for special exception use.

Stewart rejoined the Commission discussion.

Other Business: Roling stated that Utility Scale Solar is on the back burner.

Next Meeting: April 21, 2025 7:00 p.m.

Gerlach motioned to adjourn, Pfab seconded. Motion carried unanimously.

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Lori Roling
Zoning Administrator

Adopted: 4/21/2025