

JACKSON COUNTY ZONING COMMISSION

7:00 p.m.

Monday, April 21, 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, Kristine Pfab, Monica McHugh, and Brian Venema

Commissioners Excused:

Commissioners Absent:

Staff Member Present: Zoning Administrator Roling & Administrative Assistant Pflughaupt

CALL TO ORDER AND ROLL CALL: The meeting was called to order by Chair Burke at 7:00 p.m. and roll call taken. A sign-in sheet was distributed. The Zoom meeting was launched. There was 1 person attending the meeting via Zoom. Those noted that were in attendance include:

Laura Carstens – via Zoom

Randy Rowan – Spragueville

Nin Flagel – Jackson County Board of Supervisors

Dale Stillmunkes - Bellevue

MINUTES: Motion by McHugh, seconded by Stewart, to approve the minutes of the March 10, 2025 Zoning Commission meeting as submitted. Motion carried unanimously.

WORK SESSION:

Zoning Ordinance Update Project

Laura Carstens, ECIA, began by presenting the Zoning Ordinance Update Project. Carstens began the presentation with the Revised Draft of Section 2.2 A-1 Agricultural District. It has been reformatted to use tables and an outline format to provide for a more user-friendly layout of regulations and additional resources. The Redline version outlines the proposed changes with commentary and the Clean version shows the resulting restructuring. Carstens highlighted that the major updates that are being proposed are as follows:

*Tables are used for Principal and Accessory Uses and Structures and Sign regulations.

*Land uses and parking requirements are revised according to the Matrix of Allowed Uses.

*References are shown for relevant sections of the Zoning Ordinance and other County ordinances; these will become hyperlinks in the online version.

*An outline format has been used for Special Exception uses and Structures, with additional conditions such and parking requirements for consistency and clarification.

*A new section has been added for Temporary Uses and Structures.

Carstens pointed out that with the new ordinance, when going from district to district, that now the language will be consistent.

Carstens went on to point out that she and Roling have been working on the first draft of the cell towers section. It is borrowing some language from the new wind ordinance including, "The Discontinuation, Catastrophic Failure, and Decommissioning regulations

in the Jackson County WECS Ordinance #314 shall apply to new station and tower sites."

Carstens went through the A-1 Agricultural District Redline version and then moved on to the Clean version. Roling pointed out the table for parking spaces. McHugh asked regarding the parking for an Elder group home and Family group home and is questioning why each only has .5 space per dwelling unit. Carstens stated that typically those residents do not drive and that only the caretaker or on-site manager will have a vehicle. Carstens stated it could be changed to one space per dwelling unit. McHugh would prefer 1 per dwelling unit. Pfab wanted clarification on the definition of Elder group home. Carstens stated these tend to be small and located within neighborhoods and act like a single-family home. There was some discussion regarding parking ratios and assisted living facilities in this A-1 District. McHugh stated that at one time most county homes were on farms and the residents did all of their own farm work and raised most of their own food, and asked is this something we want to allow in A-1. Carstens stated that we might have to allow it as wherever you allow a single-family dwelling under state law and that's why it's there. Kies questioned Ag land is allowable use for schools. It is treated as a single-family dwelling. Roling asked if they wanted to keep it .5 parking spaces, Burke says keep it. Gerlach stated it should match the state, otherwise the cost would get passed down to the people of the home. Stewart would also like to leave it.

Roling was questioning why there are 1.5 spaces per employee at the elementary and secondary schools. Carstens stated the numbers are gathered from studies done across the country. Pfab asked where they gathered the average. Carstens stated that she could provide the information at the next meeting. Pfab asked if they differentiated between a rural and a metro area. The study will give a description of where the facilities were located and Carstens will share that information. McHugh stated it would be different and there would be differences so the information would be helpful.

Roling stated she started having questions and concerns in the Special Exception Uses and structures and Roling reads, "1.a. The business produces no offensive noise, vibration, smoke, dust, odor, heat, glare or electrical interference detectable within the limits of the nearest dwelling." Carstens stated this was the only sentence that is actually from the old ordinance, it's existing language. That is currently the only existing requirement. Roling states to leave it as is.

McHugh's concern with this is that you have an ag business, when you state, "no offensive noise", that is very subjective. Roling states that the setbacks should help us. Carstens agrees that the language is very subjective. Roling states we may be putting restrictions that may be punitive for no good reason. Some discussion took place. Carstens pointed out that what we are discussing is existing language. McHugh states that although it's been in place for forty years, is it what we want to continue to have. Carstens asked what the problem properties are and if any are in any of these categories over time. Roling stated, not in her experience. Carstens then said that if there aren't any problems, then the language is probably ok and the regulations are probably working.

Roling brings up Bulk Station and doesn't know if this language is appropriate. McHugh asks how they compare to DNR. Carstens said she did not know. McHugh states we should look to see what's out there, most of it will be regulated by the DNR. We need to look at current regulations and determine whether or not it's valid. Pfab asks can we make it slightly more restrictive than the DNR. Some discussion followed. Carstens states our best bet may be to refer to Code and states that a good solution to some of these is to just reference compliance with those state requirements.

Roling moved on to Commercial communications (cell) station and tower, stating that it should read, "Aircraft detection lighting system (ADLS) shall be provided unless prohibited by FAA regulations." Shall should be used instead of may. All commissioners were in agreement. Roling stated unless they are changing the footprint or the height, we don't make them get permits. Roling asked how do we add language to include upgrades. Carstens says to go to Iowa Code and see what they say, any questions could be answered by that code.

Roling is questioning nonconformities, stating she has trouble wrapping her head around nonconformities, legal vs illegal.

Roling moved on to number 15, "Multiple family dwelling including residential condominium provided that a. Such units abut a hard surfaced road.", Roling would like to change the language to accessible to a hard surfaced road. Discussion followed. McHugh states it puts more restrictions on a property owner. McHugh disagrees with must access a paved road. Carstens tells Roling that it would be a good question to ask first responders to see. McHugh motions to strike out 15. a., Pfab seconds. Discussion followed. Motion passed unanimously.

Moving on to the R-1 Residential District, there was talk about doing a whole other district, but decided to instead try alternative regulations. Looking at research from Leisure Lake and cases that came before the Board of Adjustment regarding setbacks and what were they for. With the information gathered, it shows that Leisure Lake is very particular, and we are trying to work on ways to accommodate ways in which that community was set up. Major updates proposed are as follows:

- *Tables are used for Principal and Accessory Uses and structures.

- *Land uses and parking requirements are revised according to the Matrix of Allowed Uses.

- *References are shown for relevant sections of the Zoning Ordinance and other County ordinances; these will become hyperlinks in the online version.

- *An outline format has been used for Special Exception Uses and Structures, with additional conditions such as parking requirements for consistency and clarification.

- *A new section has been added for Temporary Uses and structures.

Specific updates to address older subdivisions also have been proposed as follows:

- *Subdivisions were platted in the County's unincorporated areas prior to the effective date of the first Zoning Ordinance on May 6, 1976. One of the planned Zoning Ordinance updates to accommodate these older subdivisions was the creation of an R-2A Alternative Residential District.

- *Rather than create a new zoning district, Conty Zoning and ECIA staff have drafted a revised R-1 Residential District that we think can accomplish the same goals without having to rezone any parcels.

*The report researched and prepared for the Leisure Lake Planned Unit Development proposal formed the basis for the alternative recommendations. This report included input from the Leisure Lake Property Owner's Association.

*Alternative regulations and requirements have been established to better reflect and accommodate their historical and existing development and land uses patterns.

McHugh asked in regards to the roads at Leisure Lake if there are actually right-of-way markers, is the right-of-way clearly marked, how do we identify it in a place like Leisure Lake. Roling stated they have to locate pins or get it re-pinned. Leisure Lake was surveyed over a 10-15 year period in the 60's and 70's. Roling stated they all have lots and blocks and legal descriptions. Carstens stated that these are some of the ways we're trying to accommodate existing developments that happened before the ordinance.

Roling asked regarding signs and to make it clear that it's also ok to have wall mounted signs. Carstens will change that to all districts. We're making it very clear so people understand their options per Carstens.

Roling wants detail on "more than one principal structure on a lot". Carstens will check into this.

Roling had questions on Accessory Dwelling Unit Table 1. R-1 Side setback has 20 feet, Roling is wondering why. Carstens will look into this. Carstens pointed out in ADU Table 2 and explains that the regulations are more flexible.

Moving on to C-1, Carstens shows where it's been introduced that there are increased opportunities for more types of commercial uses similar in terms of parking demands.

The major updates proposed are as follows:

*Tables are used for Principal and Accessory Uses and Structures.

*Land uses and parking requirements are revised according to the Matrix of Allowed Uses.

*References are shown for relevant sections of the Zoning Ordinance and other County ordinances; these will become hyperlinks in the online version.

*An outline format has been used for Special Exception Uses and Structures, with additional conditions such as parking requirements for consistency and clarification.

*A new section has been added for Temporary Uses and Structures.

Carstens pointed out the table that will be included now in the C-1 District. There were no questions on C-1.

Next is the M-1 District.

The major updates are as follows:

*Tables are used for Principal and Accessory Uses and Structures.

*Land uses and parking requirements are revised according to the Matrix of Allowed Uses.

*References are shown for relevant sections of the Zoning Ordinance and other County ordinances; these will become hyperlinks in the online version.

*An outline format has been used for Special Exception Uses and Structures, with additional conditions such as parking requirements for consistency and clarification.

*A new section has been added for Temporary Uses and Structures.

There was some discussion on log storage in regards to both A-1 and M-1. Carstens pointed out that the Accessory Uses has been made consistent with other districts. Development regulations are similar for C-1. Carstens stated there were no sign changes.

McHugh is questioning the special requirements for sewage disposal and shouldn't that be environmental health department and DNR would be for lagoons. Carstens said yes and we could move that. Carstens provided an overview of the changes. There were no changes or comments from the Commission.

Break at 8:46
Resume at 8:52

ITEMS FROM STAFF:

Introduction to Data Center Ordinance – used wind ordinance as a template – Roling took out the things that doesn't apply, but the commission can put them back in. Not online yet, she wanted to give the Zoning Commission the opportunity to look at it first, Roling stated there has been almost three hours of public comment and we know the direction that the public wants to go in. McHugh stated that in regards to the data response load, we're a zoning commission and demand has nothing to do with land. Roling states she'll hit the highlights and make a list. In regards to siting, after talking with another Zoning Administrator, they discussed an overlay district. It's for this use and this use only and when this use ceases it resumes back. McHugh stated if you're going to change zoning for just that business, who is going to remember to maintain that and revert it back. McHugh had that concern for using an overlay. Roling stated that some counties use it for renewable energy. McHugh does not like the idea. Roling states there are some merits to it. Venema states that we don't do this for any other business, now, correct? Roling answered, no, that we do not. Gerlach asked regarding the height, what would the height be for that structure. Roling states, it would go by the district. Discussion followed. Stewart stated that our language on data processing is the bitcoin and that's what we're talking about, and that's what we'll get in Jackson County, so we might want to tighten up the description of that. McHugh stated there are all kinds of data centers out there and we need to take them into consideration but may not need to identify each type. We need to be careful of how detailed we get. Interruptible load that can be shut off and the kinds that can be left on 24/7. McHugh states that's not part of the land use.

Roling asked for their comments and to send them to her after looking over the draft. Roling wants the Commission to think about that they have the decibel levels at the property line. These are sitting on small lots, so we might have to think about decibel level from the nearest dwelling and a setback from the nearest dwelling. Venema states that there is technology to mitigate sound.

ITEMS FROM PUBLIC:

Randy Rowan would like to commend the Commission for all of the information they are gathering. Rowan's fear is if a decibel level is set, who will police that, once it's up and running. Roling states that there is something in the draft ordinance that will address that. Rowan stated that they would like to see 1500' from the nearest dwelling.

Dale Stillmunkes expressed concern about the decibel, it depends upon the amount of noise, hopefully it wouldn't be like the other ones they looked at.

Rhonda Rowan stated that from listening to Charlie White (Aureum representative) in the Board of Supervisors meeting that it seemed like they were trying to get away with the cheapest build.

Nin Flagel said the noise decibel would be the big concern for the neighboring residents. People that live in the country live in the country for the peace and quiet.

ITEMS FROM Commission: Other Business – Roling stated she will be giving her notice tomorrow and it will be effective August 1, 2025.

ITEMS FROM STAFF: Next Meeting – May 19, 2025

ADJOURNMENT: Motion by McHugh, seconded by Gerlach, to adjourn the April 21, 2025 Zoning Commission meeting. Motion carried unanimously.

The meeting adjourned at 9:32 p.m.

Respectfully submitted,

Lori Roling
Zoning Administrator

Adopted: 5/19/2025