

# Community Development Department

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**MINUTES**  
**PLAN COMMISSION**  
**January 5, 2021 at 6:30 p.m.**  
**Virtual and City Council Chambers**

Members Present: Dan Toland, Lisa Moody, Patricia LaRue, Hal Watson, Craig Hofland, Rebecca Prendergast  
Members Absent: Craig Hinzman  
Staff Present: Amy Peterson, Crystal Raleigh, Brandy Howe, Sam Wessel  
Others Present: Larry Kirch, Prologue Planning Group

**CALL TO ORDER**

Meeting convened at 6:30 p.m.

**APPROVAL OF MINUTES**

LaRue requested an amendment to the November 16, 2020 Plan Commission minutes to change the statement under public comments from “120 years for public power” to “120 years for River Falls hydro power.”

M/LaRue, S/Moody – motion carried 6-0

**PUBLIC COMMENTS**

None

**ORDINANCES AND RESOLUTIONS**

**Ordinance amending and recreating Chapter 17.124 – Shoreland Protection Regulations of the Municipal Code**

Howe gave a presentation that summarized the key take-aways from the draft ordinances as discussed at the November workshop. The shoreland-wetland ordinance is intended to regulate land uses within all wetlands that are within 300 feet of the OHWM of a river or stream. Shoreland zoning is a little more complicated in that it regulates the placement of buildings rather than uses. It is further broken down by pre- and post-1982 annexation areas of the city based on the DNR’s requirement that post-1982 annexation areas be regulated no more restrictively than NR 115. Howe asked the Commission to recall that staff proposes a 120-foot shoreland setback in the pre-1982 area. The exception to this rule is that properties in the Downtown Overlay may adhere to a 75-foot setback if additional stormwater standards are met. This exception is a holdover from the existing ordinance, and it was determined by the Plan Commission in November to keep the exception as is rather than expand it to the entire pre-1982 area. The post-1982 setback is proposed to be 75’. Additionally, a 15 percent impervious surface limit is imposed within 200’ of the Kinnickinnic, S. Fork, and Rocky Branch waterways. The purpose of this is to provide a level of protection that is comparable in scale to the existing ordinance, but also provides flexibility to landowners that want to build small structures or additions. Howe then walked the

Commission through a number of mapped sites in the community that compared the existing shoreland setback to the proposed setbacks. It was noted that many presently existing nonconforming structures will become conforming with the proposed regulations. Those that do not would be covered by nonconforming regulations that would allow vertical or horizontal expansion if certain conditions are met. Howe also noted that in reviewing this it was found that an older version of NR 115 of the Wisconsin Code was used in drafting the ordinance and that the draft must be revised to ensure it is not out of compliance with state standards. Howe walked the Commission through those nonconforming standards.

Moody asked for clarification on the zoning administrator. Howe responded that it is the designee of the Community Development Director, typically the city planner and the planner. Mayor asked why the proposed setback in the pre-1982 area is 120' rather than 75' to be consistent with the post-1982 area and the exception in the Downtown Overlay. He noted that he was concerned that the 120' setback might be prohibitive to redevelopment. Watson responded that in his thinking 75' is appropriate because it acknowledges that the downtown is a historic area where buildings are closer to the river. He added, that as you move out of the downtown you enter residential areas with steep slopes. In his opinion, the wider setback aids in the protection against soil erosion. He agrees that there might be some missed opportunities with redevelopment, but it should be balanced against the protection of the river. Mayor asked if the extra stormwater requirements would provide adequate protection. Raleigh responded that the stormwater standards deals with infiltration for small rain events, but it does not protect against erosion of slopes in the big rain events. The Mayor noted that in the staff report it was mentioned that there is no added benefit to a setback that is greater than 100'. Howe and Wessel clarified that the recommendation for the extra 20' came from a different study that looked at an area with similar topography to River Falls as opposed to the standard lakefronts without a lot of slopes as are typical in Wisconsin. Mayor then asked for clarification/confirmation that the calculations to determine the pitch of the slope on a site are not part of the proposed ordinance, but rather it is simply a standard setback of 120'. Staff confirmed that is the case. Watson then noted that while the proposed ordinance is more restrictive than the post-1982 area, it is considerably less restrictive than the existing ordinance which can have a setback of up to 400' in some areas. He added that this is a positive refinement of the current ordinance.

Watson made a motion to recommend approval of Ordinance 2021-01 with amendments as suggested by staff regarding nonconforming structures.

M/Watson, S/LaRue; motion carried 6-0

### **Ordinance creating Chapter 17-117 – Breweries, Brewpubs, Wineries, and Distilleries of the Municipal Code**

Peterson gave a brief background on this ordinance. In the last few years, Rush River, Swinging Bridge, and The Garage Bike and Brews opened in River Falls. This ordinance helps clarify where these establishments are allowed as they increase in popularity. Until now, the code hasn't had specific language about these establishments. Larry Kirch with Prologue Planning Group presented the ordinance. It is designed in line with industry standards and state statutes. He researched communities across Wisconsin and primarily based the ordinance off Hudson's since the city is similar in size and character.

The ordinance allows for breweries, brewpubs, wineries, and distilleries in select zoning districts (TND, B-1, B-2, B-3, and I-1) and sets forth development standards for them. This ensures that impacts like noise or odor won't affect other properties. Nano- and microbreweries are small and are permitted in TND and I-1 and an accessory use. For example, a multi-tenant space or other establishments could have a micro or nano brewery attached to them, but avoid a nano- or microbrewery from being a principal use on large lots in corporate parks that are more suitable for large scale, corporate park uses.

The ordinance was reviewed against state liquor license laws, and was discussed with the City Clerk, City Attorney, and Wastewater Treatment Plan staff (byproducts can impact wastewater treatment facilities because of the biological oxygen demand). The ordinance allows wastewater staff to review and approve wastewater requirements. The ordinance is simple and helps River Falls use these establishments as an economic driver. It sets forth clear expectations without over-regulation or impacting existing businesses.

LaRue asked why nano breweries were treated separately from the other categories, and Kirch explained that they are more of an accessory use, and the language can be clarified to avoid confusion. Mayor asked for clarification on how nanobreweries work as an accessory use. Kirch explained that they would need to be part of another business to be an accessory use. It is hard for an individual to get licensed from the state for a home-based brewery unless they just do it as a hobby, so it shouldn't be a concern that breweries would show up on residential TND lots. Watson asked Peterson for some background on the TND zoning district, and she explained that Sterling Ponds is an example where mixed residential exists and commercial is needed to make it a true TND. Hofland asked Kirch if the barrel limits are typical and to verify that the ordinance wouldn't be a burden on existing businesses. Kirch confirmed that the measurements reflect industry or state requirements and the ordinance would not negatively impact existing establishments. Kirch also mentioned that Brewpubs are required to have a restaurant, and non-brewpubs need to have a separate entity serving food per state law.

Watson made a motion to recommend approval of Ordinance 2021-02.

M/Watson, S/Moody; motion carried 6-0

## **REPORTS/DIALOGUE**

### **Director's Report**

Peterson provided a brief director's report of departmental activities. She commented that Sterling Ponds 3rd addition and a General Development Plan (GDP) for the 112-unit Dawes Place project will come to Plan Commission in February. She pointed to the Director's Report to see 2021-2026 Capital Improvement Plan (CIP) projects, the upcoming comprehensive plan project, and impending WisDOT design and construction projects in the City. Peterson expects another busy year for development in 2021.

Watson thanked City staff for high-quality and detailed presentation and packet materials.

## **ADJOURNMENT**

Watson made a motion to adjourn at 7:35 p.m.

M/Watson, S/Hofland; motion carried 6-0

Respectfully submitted,



Brandy Howe, AICP, City Planner



Sam Wessel, AICP, Planner