

Community Development Department

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**MINUTES
PLAN COMMISSION
JULY 5, 2022
CITY COUNCIL CHAMBERS**

Members Present: Lisa Moody, Patricia LaRue, Diane Odeen, Dan Toland, Mike Woolsey
Members Absent: Chris Holtkamp, Rebecca Prendergast
Staff Present: Emily Shively, Angie Bond, Jon Smits, Jason Stroud, Scot Simpson, David Hovel
Others Present: Marni Poquette, Therese Stacy, Joelle Huley, community members

CALL TO ORDER

Meeting convened at 6:31 p.m.

APPROVAL OF MINUTES

M/Odeen, S/Woolsey to approve minutes. Motion carried 4/0. LaRue asked for clarification on when the picnic shelter will be installed in Sterling Ponds Park as it is mentioned in the minutes as the next year or two, and again mentioned being in the budget in 2027. Shively will look it up in the Capital Improvement Plan.

PUBLIC COMMENTS

Mayor Toland spoke about the undedication of 3 acres of parkland in Sterling Ponds Park to provide clarity. At the June 7, 2022 Plan Commission meeting, the Plan Commission voted against recommending the parkland be undedicated and forwarded to City Council. No further action will take place, by Plan Commission or City Council, and the site will remain as is. The City is updating its Comprehensive Plan, Bicycle & Pedestrian Plan, and Outdoor Recreation Plan. The process, known as Focus River Falls, provides residents the opportunity to provide input on what they would like considered in these plans. Please visit engagerf.org to participate in the planning.

Marni Poquette, 3215 Sussex St., thanked the Commission for listening to concerns about the undedication of parkland in Sterling Ponds. Therese Stacy, 3248 Sussex St also thanks Commissioners for voting against the undedication. Joelle Huley, Sterling Ponds resident, thanked LaRue for advocating for residents of Sterling Ponds and asked what it means for that parkland in the future. Mayor Toland said nothing will happen now, the issue may possibly come up in the future and stated you can sign up on City website for meeting notifications.

ORDINANCES AND RESOLUTIONS

Resolution to approve Zoning Ordinance Text Amendments and City Code Amendments.

City Planner Emily Shively provided a presentation on changes proposed to City Ordinances regarding issues such as parking, nuisances, rental property, signage and code enforcement. This is in response to issues that have arisen and were presented to the City Council in June of 2021. City Council directed staff to begin enhancing proactive code enforcement. Larry Kirch, Prologue Planning, was consulted to

evaluate existing City Code and research best practices from other communities to provide new code enforcement manual and modify city code to be able to consistently and effectively respond to issues. Five primary areas have been addressed which include parking, public nuisances, rental standards, signage and code enforcement procedures. Clearer standards in these areas will protect the health and safety of residents.

The first issue is parking, which currently has no minimum setback. This means paving can go to the property line making issues for stormwater. Surfacing materials requirements ensure there are no stormwater issues as well. A minimum setback of 5 feet will allow for drainage and keep the area near the property line clear for any easements such as utilities.

The nuisance section of the code has a lack of specificity which has created challenges in educating the community regarding expectations and responding to issues. Currently code is very broad and doesn't address some of the most common concerns. For example; inoperable vehicles and maintenance of exterior property such as storage of garbage and household appliances. New code changes will address these issues and give specific examples of what is prohibited.

The next ordinance change is regarding rental uses. Recent state legislation has prohibited the City from the ability to regulate and inspect rental properties. In the past the City had a rental inspection program which allowed the inspector to identify potential health and safety issues on a regular basis. Current law only allows Cities to have required inspections for areas designated as blighted. There are very few areas in the state that are considered blighted. State law allows for the City to have a rental registration program, which the City currently has. New code changes will clarify rental registration and complaint and enforcement procedures and adopt State statutes regarding contractor licensure requirements. Changes also include establishing minimum space and occupancy standards and regulate maximum occupancy of a dwelling unit.

The next amendment is regarding signage. The Supreme Court has ruled that all signs must be regulated in the same way and not based on content of the sign. Currently temporary garage sale signs and realty signs are allowed in the right-of-way (ROW). The intent was to allow these signs for a limited time. Since the City cannot differentiate between signs like garage sale, commercial business, or political signage, the City cannot regulate any of the signs in the ROW. This has led to signs being placed in unsafe or inappropriate locations. The provisions would remove signs from being allowed in the ROW. Signs must be placed outside the ROW meaning they must get permission from the property owner to place signs on property they do not own. Since the ROW area can vary and be difficult to be aware of, the change proposes that all signs be placed 15' from the street.

The last code amendment issue is code enforcement. Code enforcement processes and procedures must be in place within the zoning ordinance and City Code. The process proposed is similar to our existing process but has more specificity to remain consistent in code enforcement. Customer service is a big part in code enforcement. There will be education and communication efforts to educate property owners of expectations. The code enforcement manual has a step-by-step process to prevent, intervene and resolve code enforcement violations. It is noted that in the process, it would take thirty-four days before any type of citation would be issued. The goal is and always has been for education and compliance.

The proposed amendments are in response to issues identified by staff and prioritized by City Council. All proposed ordinances have been reviewed by the City Attorney. Staff recommends that the Plan Commission forward the proposed ordinance amendments to city council with a favorable recommendation.

M/Odeen, S/Woolsey to approve the Zoning Ordinance Text Amendments and City Code Amendments.

LaRue had comments regarding parking standards. The RV section states that it shall be unlawful to back into parking space. LaRue requests that the requirement of backing into a parking space on a driveway be removed as it is unsafe to back out of a driveway. The length of time an RV is allowed to be parked and used by a visiting family member was questioned by Moody. Shively stated that 72 hours is what is allowed, and the long-term parking of recreational vehicles is what is trying to be avoided. Woolsey asked for clarification on the expectation of storage in the side and rear yard, specifically screening the vehicle. Woolsey would like to strike the screening of vehicles behind a double gate due to cost to resident and whether it is a necessary requirement. Woolsey also stated implementing a lead time to give residents time to prepare for these changes.

Dave Hovel, Building Inspector, had comments regarding code enforcement. He stated the intent is to screen the storage of items as neighbors may not want to look at the camper. People have different opinions of what is acceptable. Simpson clarified that there are many opinions as to restricting resident's personal property. These ordinance amendments were the best result regarding issues we have heard from citizens, staff and city council. This is a policy decision for the community and how tolerant we want to be regarding personal property. Shively summarized that the goal is to be clear as to what the standards are and enforce consistently. Shively stated that once this in place the policies can be revisited if there is a need to adjust. There is responsibility when owning these items that should be taken into consideration.

Moody raised the question regarding garage sale signs and enforcement. Shively stated the City will start with education and informing the residents of where signs can be placed. LaRue asked if political signs can stay up for long period of time. Hovel said yes currently, we cannot take down certain signage based on content such as political, so it is all or nothing.

Simpson gave statistics from the last citizen survey. Code enforcement overall has been rated lower possibly due to lack of swift code enforcement. Citizen response in this area could mean the desire for more enforcement.

Woolsey asked for an infestation definition, what is considered an infestation and how that is enforced. Hovel stated that if it is an issue for the tenant, the landlords follow up quickly once they are contacted by the City.

LaRue asked about the nuisance section regarding courtesy notices, whether the tenant has the right to challenge early on. Shively stated that we act in a uniform way and make sure it is health, safety issue. If residents don't agree, they can plead not guilty. Shively stated the intent is not make lives harder, but to gain compliance and be consistent and provide resources to resolve the issue. Simpson stated the due process part is beneficial and to understand that it does not mean there will be a clean sweep of the entire City with notices and citations. There is only so much that can be responded to with resources available.

LaRue moved to amend section 17.80.020 (4) Off Street Parking requirement removing, "It is unlawful to back a vehicle into any parking space. Second by Woolsey. The Mayor asked for comments. There were none. The Mayor asked for a vote on the amendment. All voted in favor of the amendment. The Mayor asked for a vote on the original vote. The vote passed unanimously. Odeen thanked staff for the work on these issues and explained as a council member these items are what she hears the most from citizens.

Simpson shared that Assistant City Administrator Jason Stroud will assist Community Development Department, which will allow director Peterson to focus on the two largest current plans, the Comprehensive Plan the Kinni Corridor Plan. The number of projects in the works is driving this change for the time being. Woolsey appreciates the work staff has done on these ordinance amendments and suggests that some of this gets staggered to allow community to adjust to some of the changes.

ADJOURNMENT

Odeen made a motion to adjourn at 7:36 p.m. S/Woolsey; motion carried 4/0.

Respectfully submitted,

Angie Bond, Community Development Assistant