

## Community Development Department

222 Lewis Street  
River Falls, WI 54022  
715.425.0900  
www.rfcity.org



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**EXTRATERRITORIAL ZONING COMMITTEE (WITH THE TOWN OF RIVER FALLS)**  
**March 27, 2023, at 6:00 pm**  
**CITY HALL COUNCIL CHAMBERS**  
**AGENDA**

**CALL MEETING TO ORDER**

**APPROVAL OF AGENDA/MINUTES**

None.

**PUBLIC COMMENTS – Non-Agenda Items**

**CURRENT ITEMS**

1. Rezoning Request for XXX 965<sup>th</sup> St. in the Extraterritorial Zone (PID 022010310100)

**UPDATES AND INFORMATION**

**ADJOURNMENT**

***Council members may be in attendance for informational purposes only.  
No official Council action will be taken.***

**NOTE:** Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials to be in an accessible location or format may contact City Clerk Amy White at (715)-426-3408 or in person at 222 Lewis Street for accommodations. Requests for accommodations should be made at least three (3) business days in advance of the meeting. Every effort will be made to arrange accommodations.

Post: River Falls Journal, March 15, 2023, and March 22, 2023 (Public Hearing Notice)  
Post: City Hall Bulletin March 21, 2023  
Post: River Falls Public Library, March 21, 2023  
Post: Police Department March 21, 2023

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### MEMORANDUM

TO: Members of the ETZ Committee for the City of River Falls and the Town of River Falls

FROM: Kendra Ellner, Planner, City of River Falls and Jerome Rodewald, Zoning Administrator, Town of River Falls

RE: Rezoning Request for XXX 965<sup>th</sup> St. in the Extraterritorial Zone (PID 022010310100)

DATE: March 27, 2023

#### BACKGROUND:

An application for rezoning or a zoning map amendment in the Extraterritorial Zoning area has been submitted by Joseph Block for the property south of 965<sup>th</sup> St. adjacent to the southwest corner River Falls High School (Parcel Identification Number: 022-01031-0100).

The applicant is requesting to rezone the 15-acre property from Exclusive Agriculture (A1) to Agriculture (A) for the purpose of building a single-family dwelling on the property without the restriction of needing to “earn substantial part of his or her livelihood from farm operation on that farm parcel” according to the municipal code [Section 17.108.150](#). Access to the parcel has been granted from south 965<sup>th</sup> St through part of the River Falls School District property and through the City of River Falls right-of-way easement to the subject parcel by a privilege in the street agreement with the City of River Falls. The applicant intends to install and maintain a private driveway with the understanding that once the designated future roadway is constructed, the privilege in the street agreement will expire and they will be able to access their private driveway from a public road.

*Location Map (Subject Parcel Outlined in blue):*



## ANALYSIS:

### CONTEXT

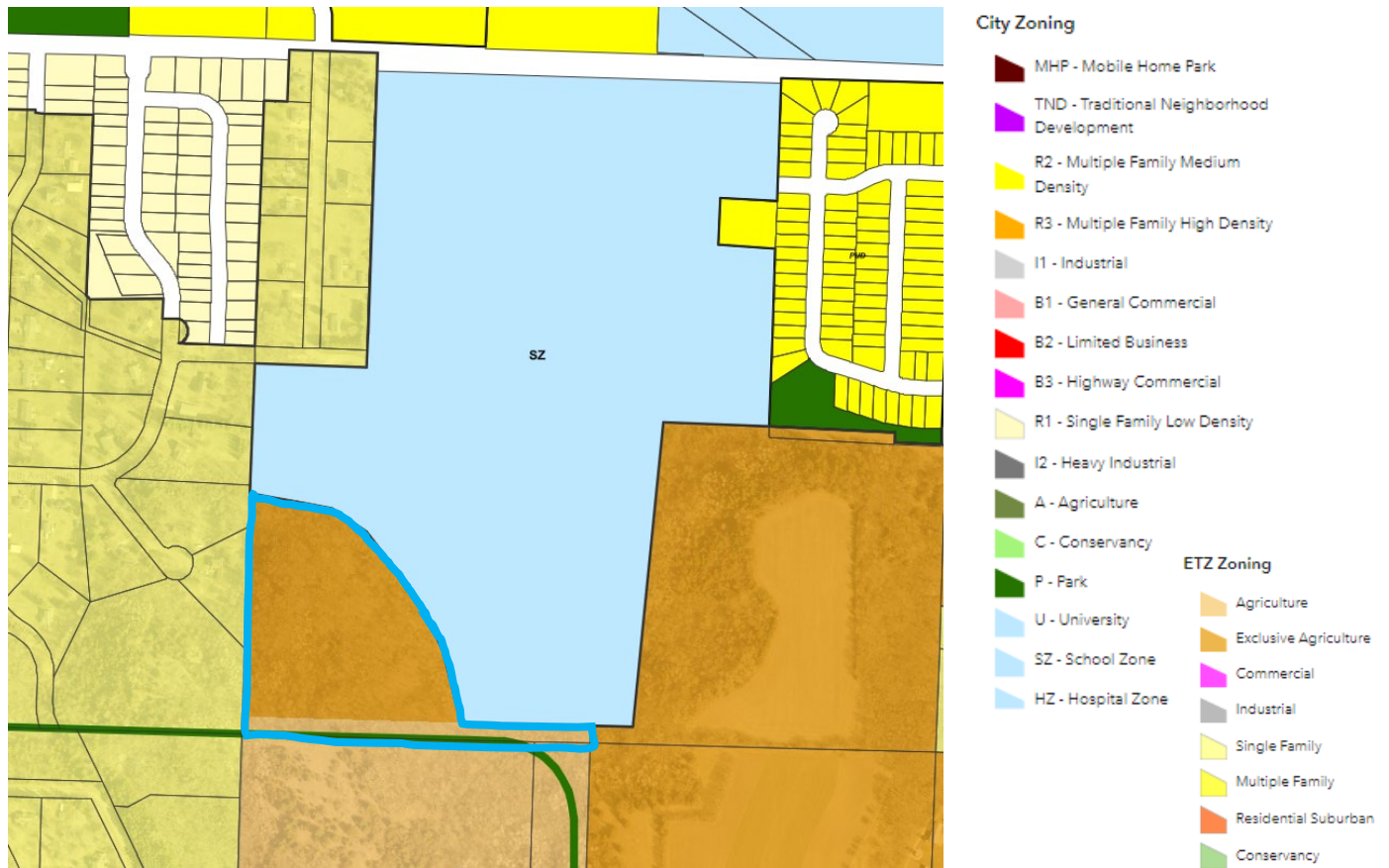
The parcel was originally contained within with the 147.77 acres of the Tostrud Farm. The ETZ boundaries were created in 1974, where the original ETZ map listed the subject parcel as Agriculture (A). In 1985 the subject parcel and the several others were rezoned to Exclusive Agriculture (A1) by the City. The purpose is more fully informed by “The Farmland Preservation Plan, City of River Falls” attached as an exhibit. After 1989, the majority of the Tostrud farm had been sold and annexed to the City; while the final 15 acres of the subject parcel remained in the township and tied to a 50-year Managed Forest Agreement.

### EXISTING AND PROPOSED ZONING

The current zoning of Exclusive Agriculture (A1) in the Extraterritorial Zone allows single family dwellings and farm related structures. However the A1 zoning limits the use of single-family dwellings where at least one member must earn a “substantial part” of their livelihood from farm operations. The property has significant steep slopes which render it unlikely to balance the preservation of productive farmland, and produce the minimum state required income.

The surrounding land uses include mostly Extraterritorial Zoning, with Single Family to the west, Exclusive Agriculture to the east, and Agriculture to the south of the subject parcel. Northeast is within the City, property of River Falls High School zoned School Zone. The proposed change from (A1) Exclusive Agriculture to (A) Agriculture is anticipated to remain compatible with the surrounding land uses and the requirements for the proposed request.

*Current Zoning Map (Subject Parcel outlined in blue)*

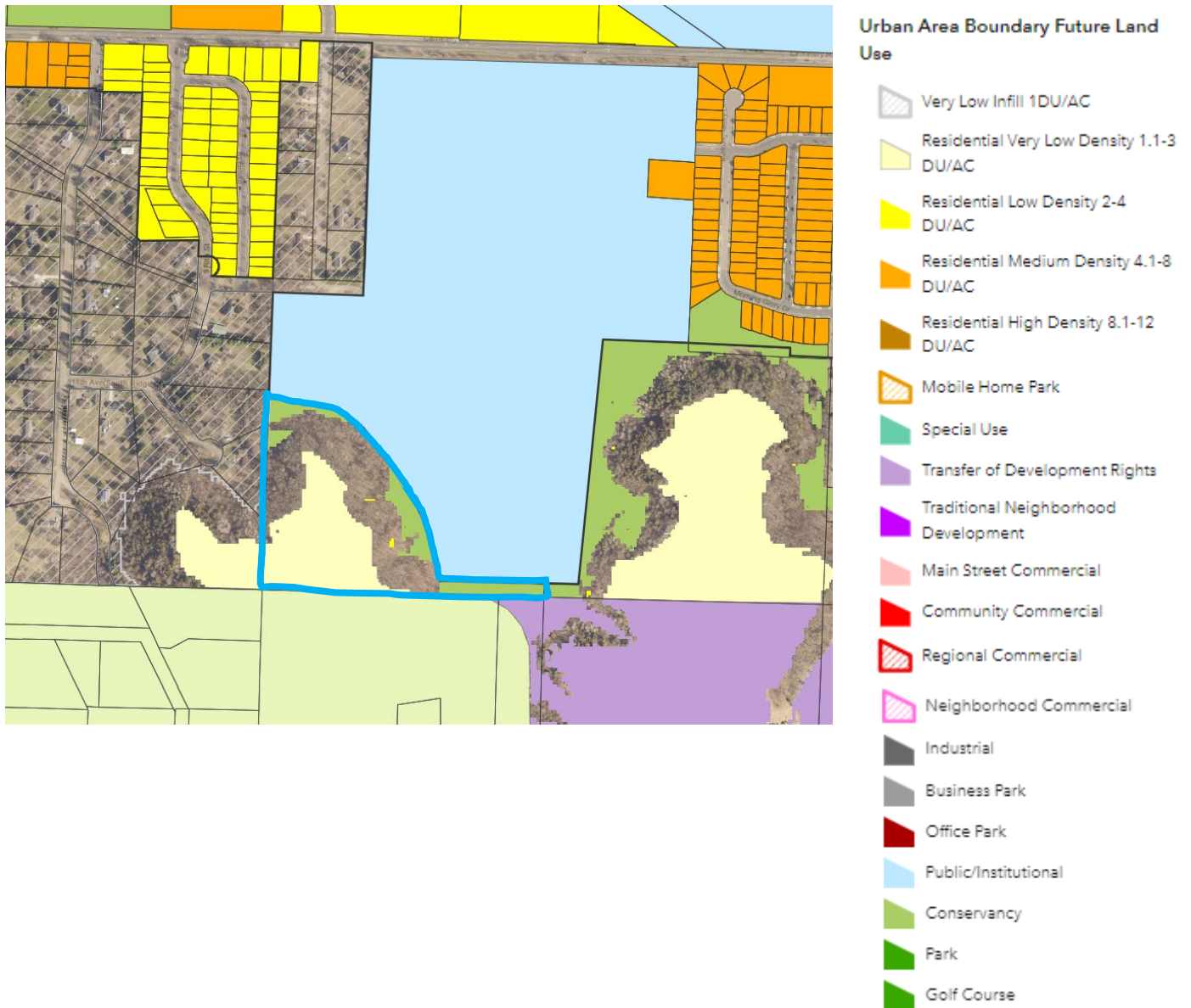


## **COMPREHENSIVE PLAN AND FUTURE LAND USE**

Section 66.1001(3), Wis. Stats. requires consistency between the Comprehensive Plan and the zoning ordinance. The current future land use designation of the project site is Residential Very Low Density which was applied in accordance with the 2005 Comprehensive Plan.

To establish consistency between the Future Land Use map and zoning designation, staff recommends a zoning map amendment to change the land use designation of the site from Exclusive Agriculture (A1) to Agriculture (A). The proposed Agriculture zoning amendment aligns with the Future Land Use Map and would be compatible with the surrounding land uses to allow the proposed development of a single-family dwelling without the requirement for substantial income from farming operations on the subject property.

*Future Land Use Map: Subject Parcel Outlined in Blue*





## **CRITERIA FOR REZONING A PARCEL FROM EXCLUSIVE AGRICULTURE DISTRICT**

Upon the ETZ Committee's recommendation, the City Council shall approve the amendment of the districts and regulations in accordance with Section 62.23(7a) and (f), Wis. Stats. Considerations of a zoning amendment of a parcel of land zoned exclusive agricultural zoning district (A-1), shall follow the procedures and standards listed in the municipal code [Section 17.108.200](#). The criteria, with staff analysis, are detailed below.

1. *Notification.* The Town of River Falls notified the department of agriculture, trade and consumer protection on March 21, 2023, as a requirement for all rezonings of an A1 district.
2. *Infrastructure and Suitability.*
  - a. *Infrastructure. Adequacy of existing or proposed public facilities to serve the development and potential burdens which these facilities place on local government.* The proposed single-family home will not require public utilities or other public infrastructure for development at this time. There are adequate existing public that could be extended to serve the development from 965<sup>th</sup> St. if justified by development in the future. This proposed development of a single-family home will not be requesting additional facilities or infrastructure at this time. Thus there is no burden placed on the local government.
  - b. *Suitability. Suitability of the land for development; air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas which the development causes.* There are no anticipated adverse effects on soil erosion, air and water pollution, or on rare or irreplaceable natural areas if the property were to develop. The continuation of the 50- years of the Managed Forest Contract with the property will provide assurance that the forest will be sustained, and the steep slopes will retain water and snow to reduce erosion. The proposed development of a single-family home will be a suitable use without the requirement of "substantial income" from farming.
3. *Potential Conflicts and Productivity.*
  - a. *Potential Conflicts. Potential for conflict with remaining agricultural uses in the area.* Staff do not foresee potential conflicts with the remaining agricultural uses in the area as the property will be zoned from (A1) Exclusive Agricultural to (A) Agriculture which allows for the development of a single-family home, but without the requirement that substantial income be generated from farming operations on the property.
  - b. *Productivity. Productivity of the agricultural lands involved.* There should not be any impact on the productivity of the agricultural lands involved. The property owner will still be permitted to farm on the land, if warranted but they won't have the burden of the income requirement. The subject property is largely unsuitable for agricultural production due to the steep slopes.
4. *Location Needs and Alternatives.*
  - a. *Location Needs. Need of the proposed development for a location in an agricultural area and location of the proposed development to minimize the amount of agricultural land converted.* The location of the proposed development does not minimize the amount of agricultural land converted as the property is requesting (A) Agriculture zoning designation from (A1) Exclusive Agriculture. The single-family use of the large property will not significantly alter the character of the land.
  - b. *Alternatives. Availability of alternative locations.* While the property is also bordering city limits with residential nearby this shall not impact surrounding agricultural land. There could be a possibility of alternative locations, but staff does not find any issues with the rezoning as proposed. The proposed use is reasonable and the process the property owner(s) are undertaking is appropriate to evaluate this rezoning and development of the property for a single-family home.

**NOTIFICATION/PUBLIC COMMENT**

The Town of River Falls Town Board voted on approval for this rezoning request on July 18, 2022. However, since the property is within the Extraterritorial Zone the City is also involved. A notice of the proposed rezoning was mailed on March 21, 2023, to property owners within 300 feet of the parcel proposed for the rezoning. A class 2 notice was published on March 15, 2023, and March 22, 2023, for the public hearing at the Extraterritorial Zoning (ETZ) Committee. If the ETZ Committee recommends approval for the rezoning request, it will be properly noticed and brought forth to City Council for two public hearings. As the writing of this memo, no comments regarding the proposed rezoning have been received.

**SUMMARY**

The applicant has stated their intent to build a single-family home on the subject property and has filed an application for a rezoning or zoning map amendment to change from its current Exclusive Agriculture (A1) designation to Agriculture (A) designation in the ETZ area. A rezoning request is a zoning map amendment which is analyzed for consistency with the future land use designation of the site and compatibility with surrounding land uses. The proposed zoning map amendment (rezoning) would apply a zoning designation that is consistent with the surrounding properties in the Township and City of River Falls ETZ area.

**RECOMMENDATION**

Staff recommends that the Extraterritorial Zoning Committee approve the attached resolution and forward the request to the City Council with a favorable recommendation.

**RESOLUTION RF-ETZ- 2023-01  
REGARDING ZONING MAP AMENDMENT**

**WHEREAS**, the City has received a request from Joseph Block and Adam Tripp for a Zoning Map Amendment in the Extraterritorial Zone in the Town of River Falls; and

**WHEREAS**, the Zoning Map Amendment will allow the subject parcel (PID: 022-01031-0100) to be rezoned from Exclusive Agriculture (A1) to Agriculture (A); and

**WHEREAS**, the request was approved by the Plan Commission and the Town Board for the Town of River Falls on July 18, 2002; and

**WHEREAS**, the request was reviewed at a public hearing before the Extraterritorial Zoning Committee of the City of River Falls and the Town of River Falls on March 27, 2023; and

**NOW, THEREFORE, BE IT RESOLVED** that the Extraterritorial Zoning Committee for the City of River Falls and the Town of River Falls approves the request for a Zoning Map Amendment and forwards the request to the River Falls Common Council with a favorable recommendation.

Dated this 27th day of March, 2023

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Diana Smith, ETZ Chairman, Town of River Falls

ATTEST:

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Amy White, City Clerk