Development Review Committee
Analysis & Recommendation

Rezoning/Text Amendment Application
Immigration Centers of America

April 18, 2019
# Table of Contents

Cover Memo ........................................................................................................................................... 3  
Planning Report ...................................................................................................................................... 4  
Exhibit A. Legal Review by City Attorney .............................................................................................. 18  
Exhibit B. City of New Richmond Comprehensive Plan Future Land Use .............................................. 25  
Exhibit C. City of New Richmond Zoning Map ....................................................................................... 26  
Exhibit D. Aerial Map of Property ........................................................................................................... 27  
Exhibit E. Water & Sewer Infrastructure Map .......................................................................................... 28  
Exhibit F. Electrical Infrastructure Map .................................................................................................... 29  
Exhibit G. Infrastructure Review by Short Elliott Hendrickson ................................................................. 30  
Exhibit H. Class 2 Meeting Notice ........................................................................................................... 33  
Exhibit I. Map of Notified Property Owners ............................................................................................. 34  
Exhibit J. Frequently Asked Questions .................................................................................................... 35  
Exhibit K. ICA Application Materials ..................................................................................................... 41  
Exhibit L. Farmville Detention Center Aerial Photo .................................................................................. 56
The purpose of this staff memorandum is to provide a review of the evaluation criteria for the application for rezoning. Five evaluation criteria, which an application for rezoning or text amendment must meet, are identified in the City’s Zoning Ordinance. Throughout the memorandum, City staff and the Development Review Committee (DRC) are used interchangeably. Thus, when referring to a staff recommendation, it is assumed that the recommendation is made by the DRC. The DRC consists of key staff members from multiple departments, and reviews all applications for text amendments, site plans, variances, and conditional use permits. Per the City Code of Ordinances, the DRC is a recommending body to the Plan Commission and City Council.

The Applicant has the right to respond to and address the findings of the staff report prior to the Plan Commission and City Council meetings.
MEMORANDUM

TO: Plan Commission and City Council

FROM: Noah Wiedenfeld, Director of Planning
       Beth Thompson, Community Development Director
       Mike Darrow, City Administrator

CC: Development Review Committee

DATE: April 18, 2019

SUBJECT: Application to Rezone: Immigration Centers of America

PROJECT PROPOSAL
Immigration Centers of America (referred to hereafter as ICA or Applicant) has submitted an application to rezone property located in the northwest limits of the City of New Richmond (Parcel ID: 038-1138-10-002) from an existing Z3 Multi-Use/Corridor District zoning designation, to a proposed Z8 Special Use District zoning designation. ICA seeks to construct and operate a civil detention facility that would house immigrants detained on behalf of the U.S. Immigration and Customs Enforcement Agency. This type of use is currently not permitted in the City of New Richmond. Through the proposed rezoning and text amendment, ICA seeks to make a “detention facility” a permitted use in a new zoning district, subject to a conditional use permit.

PROCESS
The City of New Richmond’s official zoning map may be amended pursuant to Wisconsin Statutes Chapters 66 and 68, and in accordance with the process identified in Section 121-29.B of the City Code of Ordinances. The rezoning process requires two insertions in the local newspaper, a recommendation from the DRC, a public hearing and recommendation from the Plan Commission, and final action by the City Council. The timeline is shown in the table to the right.

<table>
<thead>
<tr>
<th>ACTION</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Received</td>
<td>4/5/19</td>
</tr>
<tr>
<td>Publication of FAQ Handout</td>
<td>4/12/19</td>
</tr>
<tr>
<td>Public Notice #1</td>
<td>4/17/19</td>
</tr>
<tr>
<td>Development Review Committee</td>
<td>4/17/19</td>
</tr>
<tr>
<td>Notification of Surrounding Property Owners</td>
<td>4/19/19</td>
</tr>
<tr>
<td>Community Meeting</td>
<td>4/23/19</td>
</tr>
<tr>
<td>Public Notice #2</td>
<td>4/24/19</td>
</tr>
<tr>
<td>Plan Commission Public Hearing &amp; Recommendation</td>
<td>5/7/19</td>
</tr>
<tr>
<td>City Council Final Action</td>
<td>5/7/19</td>
</tr>
</tbody>
</table>
BACKGROUND

About the Proposal

The United States Department of Homeland Security (DHS) published a request for proposals (RFP) on March 13, 2019 for contracted comprehensive detention services for an estimated population of 500 detainees, with these services preferably being performed within a 100-mile radius of Fort Snelling, Minnesota. Responses to the RFP are due May 20, 2019. The City of New Richmond has not responded to the RFP.

ICA is a privately owned corporation based in Virginia. Founded in 2008, ICA provides detention and transportation services for DHS. ICA currently operates a detention facility in Farmville, Virginia. ICA is interested in responding to the aforementioned RFP, and has identified a privately-owned property in New Richmond as a potential site for a civil detention facility.

Existing ICA Facility

The existing civil detention facility operated by ICA in Farmville, Virginia is located on a 50-acre parcel zoned B-3 Business District and is considered a commercial use. The intent of the B-3 Zoning District per the Farmville City Code of Ordinances recognizes “the demand for a variety of commercial land uses which might not be compatible with the land uses in many areas of town.” While not defined, Section 29-312 of the Farmville City Code identifies “private or public detention or holding facilities for adult immigrant detainees” as an allowed use subject to a conditional use permit. Surrounded by a largely wooded area, nearby uses include a recycling center, wastewater treatment plant, Piedmont Regional Jail, and Piedmont Regional Juvenile Center. The Piedmont Regional Jail houses over 700 inmates including U.S. Marshals Service inmates and state and local inmates from six counties. It previously housed immigrant detainees prior to the construction of the ICA operated civil detention facility. See Exhibit L for an aerial photo of the Farmville Detention Center.

Timeline

As with the vast majority of development proposals, the City of New Richmond had informal inquiries about this project from the developer beginning in 2018, as ICA explored possible project sites in various communities. These inquiries were focused on zoning, land use, and the community process. City staff were informed that the project was going to be sited in a different Wisconsin community until January of 2019, when ICA reconnected with City staff about zoning information. Following the publication of the RFP by DHS, ICA submitted applications to the City of New Richmond on April 4 and April 5 of 2019.
**About the Property**
The property in question, Parcel ID 038-1138-10-002, (referred to hereafter as Site) was attached to the City of New Richmond in September of 2018 in accordance with the 2012 City of New Richmond/Town of Star Prairie Cooperative Plan. At that time, the property owners attached 21 parcels totaling 844.6 acres from the Town of Star Prairie to the City of New Richmond. When the Site was attached to the City of New Richmond, it received a Z3 Multi-Use/Corridor District zoning designation. Any and all future land use and development of the property shall be considered in accordance with the provisions of the City’s Zoning Ordinance.

**The New Richmond Way**
In keeping with the “New Richmond Way,” the City of New Richmond makes transparency and community engagement a high priority for all applications. Press releases and updates have been published regularly by the City of New Richmond since the date that the application was received, including copies of the application materials and a frequently asked questions handout (Exhibit J). A community conversation, which is not required for this application, has been scheduled for April 23, 2019 to provide residents with the opportunity to learn more about the application, ask questions, and offer feedback. The City of New Richmond has responded to multiple inquiries, phone calls, and emails from community members and the media regarding the application.

**EVALUATION CRITERIA**
According to Section 121-29.D of the City Code of Ordinances, the Plan Commission and City Council shall consider possible adverse effects of the proposed amendment or rezoning. Its judgement shall be based upon, but not limited to, the following factors:

A. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the City Comprehensive Plan, including public facilities and capital improvement plans.

B. The proposed action meets the purpose and intent of this Ordinance or, in the case of a map or text amendment; it meets the purpose and intent of the individual zoning district.

C. There is adequate public infrastructure available to serve the proposed action.

D. There is an adequate buffer or transition provided between potentially incompatible zoning districts.

E. The change will be compatible with existing and planned use in the area.
**Criterion A. Has the proposed action been considered in relation to the specific policies and provisions of and has been found to be consistent with the City Comprehensive Plan, including public facilities and capital improvement plans?**

**About the Comprehensive Plan**

The City of New Richmond 2040 Comprehensive Plan was officially adopted in June of 2018 by the City Council. The Comprehensive Plan was developed over the course of one year through a unique citizen-led process. Over the course of seven months, more than 20 citizens volunteered a cumulative total of over 900 hours developing a vision, guiding principles, recommendations, and project portfolios. They also delivered presentations to the City Council, at a well-attended community open house, and at the annual State of the City Address.

A Comprehensive Plan serves as the guide for future growth and development of a community. It outlines the vision of the community for future land use, parks and open space, transportation, and utilities. A good comprehensive plan also provides guidance to City leaders concerning various other issues, including the protection of environmentally sensitive lands, overall economic development strategies and policies, historic preservation, and a variety of other topics. Above all, the Comprehensive Plan outlines the vision of the New Richmond community for how the area will evolve and change over the next twenty years. The overall goal of the plan is to outline a “roadmap” that will maintain New Richmond as a healthy, functional, and desirable place to live and work.

**Comprehensive Plan: Vision**

New Richmond aspires to be a safe, welcoming, and prosperous community poised for continued and balanced growth in the 21st century. As a multi-generational, diverse community, New Richmond will offer well-connected educational, shopping, business, housing, park, trail, and recreational opportunities that are accessible to all. We will maintain our strong community image and sense of place by celebrating our connection to the Willow River and its watershed, striving to protect our natural resources, and preserving and enhancing the downtown’s historic roots as the civic, commercial, and cultural heart of the community. We will cultivate an attitude of stewardship and partnership within the community and provide high quality, cost effective services to all residents. Entrepreneurship and business innovation will thrive in New Richmond and we will strive to be become a regional technology leader.

**Future Land Use Plan**

The Future Land Use Plan of the City of New Richmond 2040 Comprehensive Plan guides the community’s land toward a desired land use pattern and identifies areas in the City for future growth. Establishing a future land use plan provides a reasonable level of certainty and predictability in both public and private future investments. The Site is placed into the Mixed-Use/Corridor category. Proceeding north, the neighboring parcels transition to Medium-High Density Residential and eventually Low Density Residential.

Per the Comprehensive Plan, the Mixed-Use/Corridor land category includes a mixture of regional commercial, retail, office, lodging, and multi-family residential uses in a mixture of
building forms, oriented either vertically or horizontally. Other complementary uses may be included such as schools, churches, and parks. Mixed-used Corridors are located primarily along arterial streets. Development will include landscaped parking lots and interconnected sidewalks or multi-use trails.

![Future Land Use Map]

**Related Definitions**

Per Section 121-14 of the City Code of Ordinances, for terminology not defined in the Zoning Ordinance, the City Code, the Wisconsin State Building Code, or the Webster’s Dictionary shall be used to define such terms in the reasonable discretion of the Zoning Administrator. From time to time, the Zoning Administrator may also utilize definitions from the American Planning Association (APA) or other commonly accepted professional resources.

**Regional:** Pertaining to activities or economies at a scale greater than that of a single jurisdiction, and affecting a broad geographic area (Source: APA)

**Commercial:** The growing, processing, or manufacturing of products or the provision of services for consideration and profit (Source: APA)

**Retail:** The selling of goods, wares, or merchandise directly to the ultimate consumer or persons without a resale license (Source: APA)

**Office:** A room or group of rooms used for conducting the affairs of a business, professional, service industry, or government (Source: APA)

**Lodging:** A place to live; sleeping accommodations; a temporary place to stay; a room in the house of another used as a residence (Source: Merriam-Webster Dictionary)
Multiple-Family Dwelling: A residential building designed for or occupied by three or more families, with the number of families in residence not to exceed the number of dwelling units provided (Source: Zoning Ordinance)

Low-Density Residential: This land use category includes the traditional residential neighborhoods adjacent to downtown and the predominantly single-family detached subdivisions that occur throughout the remainder of the community. In addition to single-family detached homes, also allowed in this category would be two family dwellings. (Source: Comprehensive Plan)

Medium-High Density Residential: The Medium-High Density Residential land use category includes primarily attached housing types, such as townhomes, apartments, and manufactured housing. (Source: Comprehensive Plan)

Detention Center: A place where people who have entered a country illegally are kept for a period of time (Source: Merriam-Webster Dictionary)

**STH 64 Corridor**
Driven in part by the 2017 completion of the St. Croix River Crossing, the Comprehensive Plan identifies the STH 64 Corridor as a key mixed-use corridor of focus.

The completion of the St. Croix River Crossing has improved the connection to the Twin Cities metro area and raised expectations for increased development interest along the STH 64 corridor. Future development ... should be well-designed and of a high quality due to their high visibility from the highways and their roles as gateways into the community.

**Additional Policies from the Comprehensive Plan**
LU-1.1 Promote development opportunities to meet future growth needs by prioritizing infill development within the current City boundaries, revitalizing blighted or underdeveloped areas, and taking advantage of existing infrastructure capacities.

LU-1.3 Ensure redevelopment and infill projects add to the City’s housing and business diversity while maintaining the integrity of the community.

LU-1.4 Ensure consistency between the Land Use Plan and the Zoning Map for all properties that have the ability to be connected to public sewer and water services.

LU-1.5 Evaluate requests for property rezoning for their short and long term impacts on the adjacent land uses and the cost-efficiency to the community of extending City utilities and services.
Findings of Fact – Evaluation Criterion A

It is the opinion of the Development Review Committee that the application does not meet Evaluation Criterion A based upon the following findings of fact:

1. The proposed use, a civil detention facility, is inconsistent with the City of New Richmond 2040 Comprehensive Plan. The Site is guided for a Mixed-Use/Corridor land use designation consisting of a mixture of regional commercial, retail, office, lodging, and multi-family residential uses in a mixture of building forms. The proposed use of a detention facility is inconsistent with the land use designation.

2. The rezoning of the Site necessitates the need to amend the Future Land Use Plan of the Comprehensive Plan for the Site, as it’s not currently guided for the proposed use.

3. Rezoning the Site as proposed would necessitate the need to amend the Future Land Use Plan of the Comprehensive Plan for the entire surrounding area, as it is reasonable to expect that a civil detention facility will have a significant impact on the future development of abutting and nearby properties, particularly residential uses.

4. The proposed use would be in conflict with the identification of the STH 64 Corridor as a key mixed-use corridor of focus and future gateway to the community.

5. The proposed application is in conflict with the overall objectives identified by the community as part of the City of New Richmond 2040 Comprehensive Plan.

Criterion B. Does the proposed action meet the purpose and intent of this Ordinance or, in the case of a map or text amendment, does it meet the purpose and intent of the individual zoning district?

Z3 Multi-Use/Corridor District

The property is currently zoned Z3 Multi-Use/Corridor District. Per Section 121-39 of the City Code of Ordinances, the purpose of the Multi-Use/Corridor District is to provide a mixture of regional commercial, retail, office, lodging, and residential uses in a mixture of building forms. Other complementary uses such as schools, churches, and parks will be allowed. These neighborhoods will generally be located along arterial streets. Developments will include landscaped surface parking lots and interconnected sidewalks or multi-use trails.
**Existing Challenge Incarceration Program**

The St. Croix Correctional Center, constructed in 1978, transitioned to a Challenge Incarceration Program (CIP) facility in 1991 when ownership of the property was transferred from St. Croix County to the State of Wisconsin. The property was annexed from the Town of Star Prairie to the City of New Richmond in 1992 and was assigned an I1 Light Industrial zoning designation. A low-security, earned early release state prison, the CIP facility has an operating capacity of 120 adult male inmates.

The CIP facility is classified as a legal nonconforming use, as the use is not identified as an allowed use in Table 3 of the Zoning Ordinance, which has been in effect since 2015. Per Section 121-8 of the City Code of Ordinances, a form or function not allowed in Table 3 of the Zoning Ordinance shall be considered prohibited. A nonconforming use is defined in the City Code: “The use of land, a dwelling, or a building that existed lawfully before this Zoning Ordinance was enacted or amended, but that does not conform with the use restrictions in this Ordinance.” Per Section 121-20 of the City Code, the CIP may continue to operate, provided:

- **A.** Structural repairs and/or structural alterations to the building or structure shall not exceed 50% of the total assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. A cumulative total of all structural costs shall be maintained by the City.

- **B.** The nonconforming uses shall not be expanded.

- **C.** If the nonconforming use is continued for a period of 12 months, any future use of the building, premises, structure, or fixture shall conform to the Zoning Ordinance.

When the St. Croix Correctional Facility was first constructed in 1978, the New Richmond community was very different than it is today. The estimated population at that time according to the Wisconsin Department of Administration was 4,212 people, as compared to the 2018 population of 9,070 people, and most notably the STH 64 Corridor did not yet exist. The City of New Richmond has evolved from a small, rural community to one of the fastest growing cities in the entire state of Wisconsin and a community that is poised for continued development.

**Proposed Z8 Zoning District**

ICA proposes to create a new Z8 Special Use zoning district that would allow for the operation of a civil detention facility subject to a conditional use permit. The Site would be the only parcel in the City of New Richmond that would have said zoning designation.
Spot Zoning
Spot zoning occurs when a zoning ordinance is amended to zone a relatively small area for uses significantly different from those allowed in the surrounding area to favor the owner of a particular piece of property. Based on Wisconsin case law, spot zoning is not illegal, but should only be indulged in where it is in the public interest and not solely for the benefit of the property owner requesting the rezoning. Rezoning should be consistent with long-range planning and based upon considerations which affect the whole community.

Findings of Fact – Evaluation Criterion B
It is the opinion of the Development Review Committee that the application does not meet Evaluation Criterion B based upon the following findings of fact:

1. A civil detention facility is not a permitted use per the City Code of Ordinances.

2. A civil detention facility is inconsistent with the purpose and intent of the Z3 Multi-Use/Corridor zoning district.

3. The CIP is allowed as a legal non-conforming use. Similar to the proposed civil detention facility, the use of the CIP is not currently allowed within the City of New Richmond’s Z3 Zoning District, but it can legally remain in operation.

4. Rezoning the parcel to the proposed Z8 Special Use zoning district is inconsistent with long-range planning and zoning best practices, as it creates spot zoning. The proposed zoning only benefits the Applicant, and is not supported by the public interest.

Criterion C. Is adequate public infrastructure available to serve the proposed action?
Per Section 117-22 of the City Code of Ordinances, public facilities and public services for a proposed land division may be found to be adequate only when the following conditions exist:

1. The proposed land division is located in an urban service area where adequate sewer service is presently available for extension, under construction, or designated by the Common Council for extension of sewer service within the current capital budget year and funds are specifically provided for such extension either from public or private financing. The Plan Commission and the Common Council shall consider the recommendations of the Director of Public Works and the appropriate committee on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.

2. The proposed land division is located within an urban service area contiguous to an arterial transmission water main of adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction within the current budget year, and funds, either public or private, are available for the program. The Plan Commission and the Common Council shall consider
the recommendations from the City’s Utilities Commission and the Director of Public Works and the appropriate committee on line capacities, water sources, and storage facilities, as well as any other information presented.

3. The City Clerk verifies to the Plan Commission and the Common Council that adequate funds, either public or private, are available to ensure the installation of all necessary stormwater management facilities.

4. The Director of Public Works can demonstrate to the Plan Commission and the Common Council that street maintenance and refuse collection services, either public or private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety, or general welfare to the future residents of the proposed land division or existing City residents.

5. The Plan Commission verifies that the future residents of the proposed land division can be assured park, recreation, and open space facilities and services which meet the standards of the City’s master plan.

6. The Police Department, E.M.S. and Fire Department verify that timely and adequate service can be provided to the residents.

7. The proposed land division is accessible by existing or officially mapped, publically maintained, all-weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division in accordance with the official map and City standards.

Per Section 117-23 of the City Code of Ordinances, as a condition of final plat or certified survey approval, the sub-divider agrees to make and install all public improvements required by this Ordinance and that the sub-divider shall provide the City with a development contract and security to ensure that the sub-divider will make the required improvements. As a further condition of approval, the Common Council hereby requires that the sub-divider be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the platting or certified survey map, fall within the public right-of-way.

*Water, Sanitary Sewer, Stormwater, & Streets*

Engineering consultant SEH, Inc. has provided an independent review (Exhibit G) regarding the availability and adequacy of the current infrastructure available at the Site, and a discussion of the anticipated improvements that would be required to serve the proposed use.

*Electric*

New Richmond Utilities has 3-phase, primary electric service, extending west from the intersection of 185th Ave (N Fourth Street) and County Rd K (120th Street). The overhead line is on the north side of 185th Ave, then turns north along 115th Street remaining on the east side of
115th Street. The line has available capacity to serve potential large commercial and industrial customers. Please see Exhibit F.

**Parkland**
The City of New Richmond’s 11.33 acre off-leash dog park is located southeast of the Site. No additional parks are currently planned for this general area of the City. Any future single-family or multi-family residential developments would be required to comply with the City of New Richmond’s parkland dedication requirements.

**Emergency Services**
The Site is located within the service jurisdiction of the New Richmond Police Department, New Richmond Area Ambulance, and the New Richmond Fire & Rescue Department. It’s reasonable to assume that there will be an increased volume of calls for services to the New Richmond Police Department in comparison to the current use of the Site, but the actual extent is unknown. Additional information would need to be gathered to determine any potential need for additional law enforcement resources.

**Findings of Fact – Criterion C**
It is the opinion of the Development Review Committee that the application does not meet Evaluation Criterion C based upon the following findings of fact:

1. Adequate water infrastructure, sanitary sewer infrastructure, stormwater infrastructure, and roadway infrastructure are not currently available at the Site to serve the proposed development. If the project moves forward, ICA would be responsible for all costs of infrastructure improvements necessary to serve the proposed development of the Site. Written provisions would be outlined within a future development agreement between ICA and the City of New Richmond.

**Criterion D. Is there an adequate buffer or transition provided between potentially incompatible zoning districts?**

**Related Definitions**
Buffer: An area of land, including landscaping, berms, walls, fences, and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel. (Source: APA)

Transitional Use: An area in the process of changing from one use to another, or an area which functions as a buffer between land uses of different types or intensity (Source: APA)

Land Use Compatibility: The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict. Some elements affecting compatibility include: intensity of occupancy as measured by dwelling units per acre; floor area ratio; pedestrian or vehicular traffic generated; volume of goods handled; and such environmental effects as noise, vibration, glare, air pollution, or radiation. (Source: APA)
Buffers or Transitions in the City of New Richmond

It is not unprecedented within the City of New Richmond to have zoning districts that appear to be in conflict located next to each other. These examples include portions of the city’s north side, the south side industrial district, and portions of the downtown district. In these transitional areas, the land use compatibility is guided by the City’s official land use plan as well as the City’s official zoning ordinance, which permit (or allow by conditional use permit) buffers and/or transitional uses to occur. As a specific example, the City’s business and technical park (located on the southwestern portion of the City) is in close proximity to residential uses. The Phillips-Medisize facility is zoned Z7 Specific Use/Industrial and abuts a residential neighborhood zoned Z4 General Urban District. The transitional uses are allowed and guided within the Comprehensive Plan.

The proposed use of a detention center is not currently supported by the Comprehensive Plan and Zoning Ordinance, nor is it a transitional use. So, to the question of will this use (civil detention facility) be potentially incompatible with other zoning districts, the answer is yes. Under the definition of land use compatibility, uses must be in harmony and without conflict. In the opinion of the Development Review Committee, it is reasonable to anticipate that the proposed use would have a negative impact on surrounding land uses which cannot be remedied by landscaping or fencing alone.

Findings of Fact – Criterion D

It is the opinion of the Development Review Committee that the application does not meet Evaluation Criterion D based upon the following findings of fact:

1. The proposed use is not currently allowed within the City of New Richmond’s Z3 Zoning District, nor is it supported by the Comprehensive Plan.

2. A civil detention facility is not an appropriate transitional use near residential uses. The proposed use would not be in harmony and not without conflict with the future land use of the surrounding properties, regardless of traditional buffering means, such as landscaping, fencing, or greater setbacks.

Criterion E. Will the change be compatible with existing and planned use in the area?

Existing Uses

The Site is located in the northwest City limits. Existing surrounding uses in the area include undeveloped farmland, City of New Richmond Off-Leash Dog Park, St. Croix Correctional Center, single-family homes, and the St. Croix County Health & Rehab Center.

Planned Uses

As previously covered in this report, the Future Land Use Plan guides the Site for Mixed-Use Corridor. In addition to other Mixed-Use Corridor designations, other uses in the surrounding area include medium-high density residential and low density residential. As has been noted
previously in this report, the proposed use is not compatible with planned use in the area and is inconsistent with the City Comprehensive Plan.

Findings of Fact – Criterion E
It is the opinion of the Development Review Committee that the application does not meet Evaluation Criterion E based upon the following findings of fact:

1. The proposed use would not be in harmony and without conflict with the surrounding zoning districts.

2. The proposed use, a civil detention facility, is inconsistent with the City of New Richmond 2040 Comprehensive Plan. The Site is guided for a Mixed-Use Corridor land use designation, which does not include the proposed use of a detention facility.

3. Rezoning the Site as proposed would necessitate the need to amend the Future Land Use Plan of the Comprehensive Plan for the entire surrounding area, as it is reasonable to expect that a civil detention facility will have a significant impact on the future development of abutting and nearby properties, particularly residential uses.

EXECUTIVE SUMMARY
Through the rezoning and text amendment process, many municipalities are guilty of evaluating proposals based on politics and personalities, and making arbitrary decisions that do not conform to the Comprehensive Plan. Out of respect and fairness to all applicants and for the long-term interests of the New Richmond community, it’s critical that policymakers be objective and base their decisions on findings of fact.

With this in mind, the Development Review Committee has reviewed the application from ICA according to the review criteria identified in Section 121-29.D of the City Code of Ordinances. The Development Review Committee formally recommends denial of the rezoning and text amendment application based on the following findings of fact:

1. The proposed use, a civil detention facility, is inconsistent with the City of New Richmond 2040 Comprehensive Plan. The Site is guided for a Mixed-Use/Corridor land use designation, which includes a mixture of regional commercial, retail, office, lodging, and multi-family residential uses in a mixture of building forms. The proposed use of a detention facility is inconsistent with the land use designation.

2. The rezoning of the Site necessitates the need to amend the Future Land Use Plan of the Comprehensive Plan for the Site, as it’s not currently guided for the proposed use.

3. Rezoning the Site as proposed would necessitate the need to amend the Future Land Use Plan of the Comprehensive Plan for the entire surrounding area, as it is reasonable to expect that a civil detention facility will have a significant impact on the future development of abutting and nearby properties, particularly residential uses.
4. The proposed use would be in conflict with the identification of the STH 64 Corridor as a key mixed-use corridor of focus and future gateway to the community.

5. The proposed application is in conflict with the overall objectives identified by the community as part of the City of New Richmond 2040 Comprehensive Plan.

6. A civil detention facility is inconsistent with the purpose and intent of the Z3 Multi-Use/Corridor zoning district.

7. Adequate water infrastructure, sanitary sewer infrastructure, stormwater infrastructure, and roadway infrastructure are not currently available at the Site to serve the proposed development. If the project moves forward, ICA would be responsible for all costs of infrastructure improvements necessary to serve the proposed development of the Site. Written provisions would be outlined within a future development agreement between ICA and the City of New Richmond.

8. Rezoning the parcel to the proposed Z8 Special Use zoning district is inconsistent with long-range planning and zoning best practices, as it creates spot zoning which is not in the interest of health, safety, and general welfare of the public.

9. A civil detention facility is not an appropriate transitional use near residential uses. The proposed use would not be in harmony and without conflict with the future land use of the surrounding properties, regardless of traditional buffering means, such as landscaping, fencing, or greater setbacks.

10. The proposed use would not be in harmony and without conflict with the surrounding zoning districts.

POSSIBLE ACTIONS

A. Motion to deny the rezoning and text amendment application based on the findings of fact as outlined in the Development Review Committee report dated April 18, 2019

B. Motion to approve the rezoning and text amendment application based on the findings of fact presented to the Plan Commission and/or City Council on May 7, 2019, and direct City staff to work with the Applicant to prepare draft amendments to the City Code of Ordinances, Official Zoning Map, and Comprehensive Plan

C. Motion to table the rezoning and text amendment application for further discussion
Immigration Centers of America (“ICA”) has submitted an application (“Application”) for the creation of a new Z-8 Zoning District, along with a request for a rezoning for certain property to the new Z-8 designation and a text amendment defining the uses in the Z-8 Zoning District and its proposed use of a civil detention center to house immigrants detained on behalf of the U.S. Immigration and Customs Enforcement Agency.

I have reviewed the Application in addition to the City’s Development Review Committee Analysis. This Memorandum describes the City’s authority for taking action on the Application and addresses various legal considerations raised by the Application.

**Wisconsin Statutory Authorization for Zoning**

The State Legislature grants zoning power to municipalities under Wis. Stat.§62.23(7). Wis. Stat. §62.23(7) provides as follows:

(7) Zoning.

(ab) **Definition.** In this subsection “nonconforming use” means a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance.

(am) **Grant of power.** For the purpose of promoting health, safety, morals or the general welfare of the community, the council may regulate and restrict by ordinance, subject to par. (hm), the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, subject to s. 66.10015 (3) the density of population, and the location and use of buildings, structures and land for trade, industry, mining, residence or other purposes if there is no discrimination against temporary structures. This subsection and any ordinance, resolution or regulation enacted or adopted under this section, shall be liberally construed in favor of the city and as minimum requirements adopted for the purposes stated. This subsection may not be deemed a limitation of any power granted elsewhere.
(b) **Districts.** For any and all of said purposes the council may divide the city into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this section; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures or land. All such regulations shall be uniform for each class or kind of buildings and for the use of land throughout each district, but the regulations in one district may differ from those in other districts. No ordinance enacted or regulation adopted under this subsection may prohibit forestry operations that are in accordance with generally accepted forestry management practices, as defined under s. 823.075 (1) (d). The council may establish mixed-use districts that contain any combination of uses, such as industrial, commercial, public, or residential uses, in a compact urban form. The council may with the consent of the owners establish special districts, to be called planned development districts, with regulations in each, which in addition to those provided in par. (c), will over a period of time tend to promote the maximum benefit from coordinated area site planning, diversified location of structures and mixed compatible uses. Such regulations shall provide for a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities and insure adequate standards of construction and planning. Such regulations may also provide for the development of the land in such districts with one or more principal structures and related accessory uses, and in planned development districts and mixed-use districts the regulations need not be uniform.

(c) **Purposes in view.** Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to preserve burial sites, as defined in s. 157.70 (1) (b). Such regulations shall be made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city.

Under its zoning authority, the City may, for the purpose of promoting health, safety, morals or the general welfare of the community, regulate and restrict building size and height, size of yards, open spaces, density of population and use of buildings and land for trade, industry, residences of other purposes. These regulations shall be designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Decisions regarding zoning must also be made with consideration given to the character of the district and its suitability for particularly uses with a view toward conserving value and encouraging the most appropriate use of land throughout the City.

The City is also permitted to amend its zoning ordinance. If the City enacts or amends its zoning ordinance, the ordinance shall be consistent with the local its comprehensive plan.
City of New Richmond Considerations for Rezoning Requests

The New Richmond City Code sections which direct the processing of applications such as ICA’s are set forth in the New Richmond Zoning Ordinance at Chapter 121, Article V, Sec. 121-29 entitled Text Amendments and Rezoning. Section 121-29 sets forth that “the regulations, restrictions and boundaries set forth in this Ordinance may be amended from time to time pursuant to Wisconsin Statutes Chapters 66 and 68.” The Zoning Ordinance provides that “an official map amendment may be required to … rezone an area to implement adopted plans, or to change the regulations and restrictions of an area as reasonably necessary to promote the health, safety and general welfare.”

Under Sec. 121-29(B), an application for rezoning shall be approved or denied pursuant to Wisconsin Statutes Chapters 66 and 68. The City of New Richmond has incorporated the following additional requirements:

1. Initiation. Any person owning real estate within the City may initiate a request to amend zoning boundaries. The Common Council or Plan Commission may also initiate a request to amend zoning boundaries.

2. Request for Approval. A request for approval must be filed with the City Clerk on an official application form along with a non-refundable fee. Detailed written and graphic materials explaining the change must be submitted with the application. The request is officially submitted when all required information has been received.

3. Proof of Ownership of Authorization. The applicant shall provide proof of property ownership or written authorization from property owners to proceed with requested zoning approval.

4. Procedures

   a. After completion of preliminary Development Review Committee (DRC) analysis of the application, the City Clerk shall set a public hearing following proper hearing notification, where appropriate.

   b. Notice of said hearing shall be published in the official newspaper as a Class II notice (publication 2 times) at least 10 days prior to the hearing.

   c. Notice of hearing shall be mailed at least 14 days prior to all owners of land within 100 feet of boundary of the property in question.

   d. Failure of a property owner to receive notices does not invalidate the proceedings.

   e. The Plan Commission and DRC have the authority to request additional information or to retain expert testimony at applicant’s expense as to operational factors, with information declared necessary to establish performance conditions.
f. The Plan Commission shall conduct a hearing and report findings and make recommendations to the Common Council.
g. The Applicant or representative must appear before Plan Commission to present information and answer questions.
h. The Plan Commission, with assistance of the DRC, shall make findings of fact and a recommendation to the City Council. Recommendations shall be accompanied by the report and recommendation of the DRC.
i. The Common Council must receive the report and recommendation from the Plan Commission and DRC before acting on rezoning.
j. Upon receiving the reports and recommendations of the Plan Commission and DRC, the City Clerk shall schedule the application for consideration by the Common Council. The reports and recommendations shall be made part of permanent written record of the Common Council meeting.
k. The Applicant or representative may appear before Common Council to present information or answer questions.
l. The rezoning does not become effective until the Common Council approves an Ordinance and Findings of Fact reflecting the rezoning by majority vote.
m. If an application for rezoning has been considered and denied by the Common Council, the Plan Commission or Common Council shall not consider a similar application for at least 6 months from date of denial.

The evaluation criteria for rezoning applications to be considered by the Plan Commission and the Common Council are outlined in New Richmond City Code Section 121-29(D). The possible adverse effects of the proposed zoning are to be considered and judgment shall be based upon (but not limited to) the following factors:

1. Consistency with the City’s Comprehensive Plan.
2. Purpose and intent of the zoning ordinance.
3. Whether there is adequate public infrastructure to serve the proposed action.
4. Whether there is adequate buffer or transition between potentially incompatible zoning districts.
5. Compatibility with existing and planned use in the area.

Wisconsin Case Law Supporting City Zoning and Rezoning Authority

Zoning is a legislative action left to the discretion of cities and rezoning by amending an ordinance is equally legislative. Howard v. Village of Elm Grove, 80 Wis.2d 33, 42-43, 257 N.W.2d 850 (1977). Zoning ordinances enacted pursuant to Wis. Stat. Section 62.23(7) are presumed to be valid and must be liberally construed in favor of the municipality. Cushman v. City of Racine, 39 Wis.2d 303, 159 N.W.2d 67 (1968). Courts cannot substitute their opinion for that of the zoning authority. The opinion of the zoning authority controls in the absence of an abuse of discretion, excess of power or error of law. Rodgers v. Village of Menomonee Falls, 55 Wis.2d 563, 201 N.W.2d 29 (1972).
Zoning power serves the overarching purpose of protecting the health, safety, and welfare of the community. Zwiefelhofer v. Town of Cooks Valley, 2012 WI 7, 338 Wis.2d 488, 809 N.W.2d 362 (2012). In determining the validity of a zoning ordinance, each case is determined of the facts. Ballenger v. Door County, 131 Wis.2d 422, 388 N.W.2d 624 (Ct. App. 1986). Several factors are weighed when considering validity and reasonableness of rezoning. These factors include whether the rezoning is consistent with long range planning and considerations which affect the whole community. The nature and character of the parcel, the use of the surrounding land and the overall scheme or zoning plan are also relevant. The interests of public health, morals and safety are to be considered and also the promotion of public welfare, convenience and general prosperity. State ex rel. Am. Oil Co. v. Bessent, 27 Wis.2d 537, 135 N.W.2d 317 (1965).

The concept of public welfare is broad and includes the orderliness of community growth, land value and aesthetic objectives. An individual parcel of land is not entitled to be zoned or rezoned for its highest financial use, but the use of an individual parcel must be related to the nature and character of the parcel, to the use of the surrounding land and the overall scheme of the zoning plan, and rezoning should be based upon long-range planning and purposes for the whole community, and not upon isolated considerations. Buhler v. Racine County, 33 Wis.2d 137 (1966). Judicial interference is only appropriate in cases where there is an abuse of discretion, excess use of power or error of law. Buhler v. Racine County, 33 Wis.2d 137, 146, 146 N.W.2d 403 (1966).

What is Spot Zoning and is it Illegal in Wisconsin?

“Spot zoning” has been defined as a practice whereby a single lot or area is granted privileges which are not granted or extended to other land in vicinity in same use district. Howard v. Village of Elm Grove, 257 N.W.2d 850, 80 Wis.2d 33(1977); Cushman v. Racine, 39 Wis.2d 303, 306-7, 159 N.W.2d 67 (1968).

Spot zoning is not illegal per se. Howard v. Village of Elm Grove, 257 N.W.2d 850, 80 Wis.2d 33 (1977). It is not necessarily inconsistent with the purposes for which zoning ordinances can be passed according to Wisc. Stats. Section 62.23(7). However, rezoning should be consistent with the City’s long-range planning and be based upon considerations which affect the whole community. Cushman v. Racine, 39 Wis.2d 303, 307, 159 N.W.2d 67 (1968) Accordingly, spot zoning should only be considered where it is in public interest and not solely for benefit of property owner who requests rezoning. Howard v. Village of Elm Grove, 257 N.W.2d 850, 80 Wis.2d 33 (1977).

What Impact Does the Challenge Incarceration Program Have on the City’s Decision on the Application?

The Plan Commission and City Council are required to consider the City’s Comprehensive Plan and the impact on the entire community when making a decision on the Application. The Challenge Incarceration Program is located on a parcel adjacent to the land on which the ICA proposes its civil detention center. Under the City of New Richmond’s current zoning, the Challenge Incarceration Program is located in the City’s Z-3 Zoning District and is a legal non-
conforming use. The use is not permitted by the City’s Code but existed prior to the City’s amendment of its Code.

A proposed use that is not specifically authorized in a zoning district is prohibited in that district. Zoning ordinances may be permissive in form, permitting specified uses and buildings and prohibiting all others within a district. The mention or listing of things which may be done necessarily implies the exclusion of others unless the ordinance is vague or ambiguous. *Foresight, Inc. v. Babl*, 211 Wis. 2d 599, 281-282, 565 N.W.2d 279 (Ct. App. 1997).

The City’s Zoning Code does not permit the Challenge Incarceration Program’s use. However, that use existed prior to the enactment of the City’s current zoning ordinance. This fact makes the use legally non-conforming. Wis. Stat. §62.23(7) defines a non-conforming use as a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance.

Non-conforming uses are permitted to continue after the zoning ordinance is amended. Accordingly, existence of the Challenge Incarceration Program as a legally non-conforming use does not obligate the City to approve the Application. Its location, proximity and operation is a factor that may be considered by the Plan Commission and City Council as findings are developed in accordance with New Richmond City Code Section 121-29(D).

Moreover, the fact that ICA’s proposed use of the property is not permitted by the City’s Zoning Code requires it to seek approval of the proposed text amendment creating the Z-8 Zoning District and providing for civil detention centers to be operated within the City. A civil detention center may not be operated in the City under the City’s Zoning Code which is the reason the Application has been submitted for consideration.

**Summary Conclusion**

In sum, as outlined in this Memorandum, the City has the authority to take action on the Application. The application review process is expressly set forth in, and governed by, the City’s Code and Wisconsin Statutes. Additionally, the well-established case law reinforces the City’s zoning authority and further clarifies interpretation and limits on authority.

In reviewing the Application, I confirm the City has appropriately focused its Analysis on the following factors:

1. Consistency with the City’s Comprehensive Plan.
2. Purpose and intent of the zoning ordinance.
3. Whether there is adequate public infrastructure to serve the proposed action.
4. Whether there is adequate buffer or transition between potentially incompatible zoning districts.
5. Compatibility with existing and planned use in the area.
The City has also considered the Legislative directives as outlined in Wis. Stat.§62.23(7)(c).

Accordingly, it is my conclusion that the City has complied with its Code of Ordinances and Wisconsin law. Further, I support the City’s Findings of Fact provided in its Analysis as they are well supported and based upon the City’s Comprehensive Plan, its Future Land Use Plan and the long-term vision established for the future development of the City.
The property in question is guided for Mixed-Use Corridor District. Areas within this land use category includes a mixture of regional commercial, retail, office, lodging, and multi-family residential uses in a mixture of building forms, oriented either vertically or horizontally. Other complementary uses may be included such as schools, churches, and parks. Mixed-Use Corridors are located along primary arterial streets. Development will include landscaped parking lots and interconnected sidewalks or multi-use trails.
DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.
TO: Mike Darrow, City Administrator,  
Jeremiah Wendt, Public Works Director  
FROM: Jana Nyhagen and Dan Schaefer  
DATE: April 16, 2019  
RE: Infrastructure Availability Review, ICA Application  
SEH No. 132154  14.00

The Immigration Centers of America (ICA) has submitted an application to the City of New Richmond to construct and operate a civil detention facility that would house up to 500 adult immigrants detained on behalf of the US Immigration and Customs Enforcement Agency. The facility would also employ up to 200 staff.

The facility is proposed for a 20 acre parcel located at the northeast corner of the intersection of 185th Avenue and 115th Street. The Concept Plan submitted by ICA shows access to the site being provided from 115th Street, via three separate access drives. Two separate stormwater management facilities were shown along the south end of the 20 acre parcel.

The commentary provided below provides a preliminary review of the current infrastructure available at the existing parcel, and also provides discussion of the anticipated improvements required to serve the new development, as well as impacts to the overall City infrastructure assets, should the development occur. The focus areas below include water, sanitary sewer collection and treatment, storm water and streets.

WATER

Is adequate water infrastructure available at the site to serve the proposed development?

- No.

What would need to be done to provide water service to the site?

- Water main is present and adequate in size (16-inch) in 185th Avenue and 115th Street.
- Storage and supply are not adequate to serve the facility.
  - Storage is not present within the zone, and supply is limited to a single source (West Booster Station).
  - The existing booster pumping station and appurtenances are adequate for a closed zone without storage serving 50 or less equivalent living units per NR 811 but the addition of the proposed facility to the system would cause this level to be exceeded.
- The following options would increase the capacity of the boosted zone and allow for adequate fire protection service to the proposed facility:
  - Option 1 - Construction of elevated storage within the boosted zone.
  - Option 2 - Construction of ground storage adjacent to the booster station and replacing and/or adding booster pumps to serve the full range of demands including fire protection.
What would the impact be on future capacity to the water system if service was provided?

- Construction of additional storage as described above would provide storage capacity for future growth within the West Boosted Zone. Transmission infrastructure is already in place, and supply capacity from the five main zone wells has room for additional demand. In summary, construction of additional storage with one of the options listed above would provide needed storage capacity for future growth in the northwest part of the City.

SANITARY SEWER COLLECTION AND TREATMENT

Is adequate sanitary sewer infrastructure available at the site to serve the proposed development?

- No.

What would need to be done to provide adequate sanitary sewer service to the site?

- An 8 in. diameter gravity sewer extension would be required from the current west termination on 185th Ave, west approximately 1,800 to 2,000 ft. to serve the new development.

What would the impact be on future capacity to the sanitary sewer system and wastewater treatment facility (WWTF) if service was provided?

- Using typical wastewater flowrates for institutional sources (Metcalf & Eddy, 5th Ed.) and data provided in ICA’s application, approximately 46,500 gpd of wastewater could be generated. The new 8 in. gravity sewer would have a minimum capacity of 0.49 MGD with the ICA facility accounting for 10% of the capacity at average conditions, indicating additional capacity would be available for adjacent residential development, should it occur following extension of utilities to serve the ICA development.
- Alternatively, flows generated from the facility are the equivalent of total flow generated by approximately 309 single family residential units.
- The downstream CIP Lift Station currently operates with a wet well detention time longer than that allowed by DNR code. Addition of the flows from the ICA development would reduce the detention time to within DNR requirements, which would cause the lift station to operate more efficiently.
- Flow is eventually conveyed by a 15 in. interceptor to the Main Lift Station. This interceptor appears to have adequate capacity to receive the flow from the new facility under current conditions, however it is recommended that the capacity of this interceptor be reviewed further under future conditions.
- The Main Lift Station has a firm capacity of 5.16 MGD, which is adequate under projected current and future peak hour flow conditions with the addition of the ICA development.
- Adding 0.0465 MGD would increase current maximum month flows at the WWTF to 0.8465 MGD, or 86.3% of rated capacity, up from 81.6% of rated capacity. This equates 4.7% of the overall plant capacity on a flow basis.
- Adding the organic loading from the ICA development would increase the maximum month BOD loading at the WWTF to 2,195 lb/d, or 101.6% of rated capacity, up from 96.3% of rated capacity. This equates to 5.3% of the overall plant capacity on an organic loading basis, and would cause the plant to exceed it rated organic loading capacity. This could potentially inhibit future growth in the City until a plant expansion was completed to increase the organic loading capacity.

STORM WATER

Is adequate storm water infrastructure available at the site to serve the proposed development?

- No.
What would need to be done to provide adequate storm water service to the site?

- In order to avoid flooding of lands around the closed depression to the east, a regional storm water basin would be required to retain and infiltrate storm water runoff from the site and adjacent road improvements for design storms up to and including back-to-back 100-year storm events. Storm sewer would need to collect and convey storm water to the regional storm water basin.

What would the impact be on future capacity to the stormwater system if service was provided?

- If properly designed and constructed, the regional storm water basin would be self-contained and would not impact downstream storm sewer capacity.

STREETS

Is adequate roadway infrastructure available at the site to serve the proposed development?

- No

What would need to be done to provide adequate roadway infrastructure to the site?

- The existing road serving the site today is 185th Avenue. This is a bituminous paved Town road, with a pavement width of approximately 22', and 2' gravel shoulders. In order to accommodate the additional traffic, it would need to be widened and brought up to City standards from 115th Street to the County Nursing Home, where the road has already been widened. This is a distance of about 0.9 miles.

What would the impact be on future capacity to the roadway system if service was provided?

- Additional traffic would be added to 185th Avenue, and the road would need to widened and upgraded. Additional traffic would also be added to STH 64. As the City grows, 185th Avenue will need to be extended to the west to 110th Street, and 110th Street reconstructed to STH 64. This connection to the west would provide a second access in and out from the facility, and would be a shorter distance to STH 64 for traffic generated by the facility and traveling to and from the west.
PUBLIC NOTICE

Notice is hereby given that there will be a Public Hearing on Tuesday, May 7, 2019 at 6:00 p.m. at the Plan Commission Meeting in the conference center at WITC, 1019 South Knowles Avenue, City of New Richmond, WI:

1) Public Hearing to consider the following:
   a) A Request from Immigration Centers of America for the creation of a new Zoning District of Z-8 – Proposed Special District and a request for Rezoning from Z-3 Multi-Use/Corridor District to Z-8 Special Use District to allow for a civil detention facility. Property is described as Part of the SW ¼ of the NE ¼ of Section 34, T31N, R18W of the City of New Richmond, St. Croix County, Wisconsin and located west of the Correctional Center on North Fourth Street.

2) Action on Public Hearing Agenda.

Tanya Batchelor
City Clerk
PROPOSED ICA SITE: 100FT ADDRESS SELECTION
CITY OF NEW RICHLAND, WISCONSIN
Frequently Asked Questions

Who is the Applicant?
Applications were submitted by Immigration Centers of America (ICA). ICA proposes to construct and operate a civil detention facility that would be located in the City of New Richmond. According to ICA, the civil detention facility would house up to 500 adult immigrants detained on behalf of the US Immigration and Customs Enforcement Agency.

Who is not the applicant?
The City of New Richmond is not the applicant for this request, nor does the City have any vested interest in the applications other than the required processing of the applications as they were submitted to the City.

Is this proposal located on City owned land?
No, the land is not City owned.

What terms or abbreviations are we likely to hear and what do they mean?
CSM- Certified Survey Map: means the map prepared by a registered land surveyor and recorded in the Register of Deed’s office, in accordance with Wisconsin Statute Section 236.34.

Findings of Fact- Staff will refer to certain items within our staff report as “findings of fact.” Findings of Fact are elements that might include ordinance provisions, council authorizations, legal standards or common practices.

New Richmond Way- The New Richmond Way is a commitment to include community conversations in a dignified and respectful way. Regardless of the issue, the City is committed to allowing for a respectful community conversation.

Rezone- A request to change an existing zoning classification to a different zoning classification. This process involves consideration by, and a formal recommendation from the Plan Commission and further requires the approval of the City Council.

CC- City Council. The City’s governing body consists of an elected Mayor and six elected Alderman.

PC - Plan Commission. The Plan Commission is an advisory board appointed by the Mayor and City Council to review any planning and zoning requests or issues.

DRC- Development Review Committee. The DRC is an internal review committee of the City of New Richmond. The DRC consists of key staff from the following departments: airport, water, wastewater, library, finance, utilities, electric, community development, public works, parks, police, fire, administration and planning.
When did the City receive these applications and what are they for?
The applications were submitted on April 4 and April 5 of 2019. The first application requests the approval of a concept plan and land division with a CSM. The second application requests the creation of a new zoning district, a rezoning of property into the new zoning district and a text amendment to the City’s Code defining the proposed use and requiring a conditional use permit for the proposed use in the new zoning district.

When did the City become aware of this application?
As with the vast majority of development proposals, the City had informal inquiries about this project from the developer beginning in 2018. City staff was informed that the project was going to be sited in a different Wisconsin community until January of 2019 when ICA reconnected with staff about zoning information.

Why did the City hire a media consultant for this project?
The City hired a media consultant to assist with community outreach and to respond to media requests as communication on all applications is essential. Since receiving this application, the City’s initial Facebook post has generated over 60,000 views, over 1,000 comments and many requests from the media. The consultant is working with the City to ensure that questions are answered efficiently and that this process remains transparent.

Who pays for this process?
It is standard practice to secure an escrow prior to reviewing any application received from the City. When the City receives an application, it requires funds to assist with the legal and professional review of the application. These are called escrow funds. A standard escrow amount is $1,500 for a planning application within the City of New Richmond. In this case, the City has asked ICA to escrow an additional $10,000 to cover costs related to this application.

Does the City have a contract with ICA?
No. The City has not entered into any negotiations with ICA and has no formal or informal agreements with ICA. ICA reached out to the City of New Richmond to discuss zoning classifications. As part of our due diligence, City staff was clear on two issues: the proposed use of a detention center is not permitted under the City’s Zoning Code and that any discussion of changing the zoning must include a public process.

What is the City being asked to do?
Once a formal application is received, City staff will provide a memorandum which outlines Findings of Fact. Staff will also provide a recommendation for consideration by the Plan Commission and City Council. This process is consistent with other planning applications that go before the Plan Commission and City Council for land use and zoning requests.

A staff recommendation is not the final say on the decision. Both the Plan Commission and City Council will have the opportunity to review the staff report and generate their own Findings of Fact and/or opinions prior to a formal vote.

Who makes the decision?
After a public hearing, the Plan Commission will review the application and vote on the rezoning request. The Plan Commission’s vote represents a formal recommendation to the City Council for an approval or denial of the rezoning application. We anticipate that vote to occur on May 7. After the Plan Commission’s vote, the City Council, on that same evening, may vote on the rezoning request.
What if I cannot attend to the Community Conversation on April 23 or the Public Hearing on May 7?
Written comments are welcome at any time and will be entered into the formal record on the application. Please include your name (first and last), full address and contact information with your comments and submit them to applications@newrichmondwi.gov. Those comments will be provided to the Plan Commission and City Council as formal comments.

How will the public be made aware of the meetings?
The City posts all meeting notices on its website www.newrichmondwi.gov. In addition, the City will be posting meeting notices on its various social media platforms.

What can we expect during the community conversation on April 23, 2019?
The community will be invited to participate in a community conversation on April 23, 2019. The meeting will be held at WITC, 1019 S Knowles Ave, New Richmond, WI 54017. The meeting will begin at 4:30 pm and continue until 9:00 pm. There will be no action taken on the application on April 23.

What is the difference between the Community Conversation on April 23 and the Public Hearing on May 7?
The Community Conversation is an informal discussion, no action will be taken by the City. The Public Hearing is a formal meeting where action on the application may take place by the Plan Commission.

What are the next steps?
City staff intend to have a formal memorandum on this application completed prior to the Community Conversation. The staff report will be submitted to the Plan Commission and City Council for consideration on May 7 during the Public Hearing.

What is zoning?
Zoning is the way that a community controls the physical development of land and the use of property. Zoning was originally created to protect the health and safety of a community by separating incompatible land uses. Over the years, zoning has evolved to also protect neighborhood character and property values, create public spaces with a unique sense of place, promote connectivity and a mix of compatible land uses, encourage high quality building design and architectural integrity, and implement the overall design and land use goals and vision of a community.

What is a zoning district?
Every property has a legal zoning designation, referred to as a zoning district, which determines how a property may be utilized and where (and to what extent) buildings can be constructed. Properties are categorized into general groupings of land use such as agricultural, residential, commercial, and industrial. Each zoning district has its own regulations regarding aspects such as land use, building height, setbacks, landscaping requirements, and lot coverage.

How do local governing bodies such as the City of New Richmond determine zoning districts?
The City of New Richmond’s official zoning map was revised in 2015 following a year-long process of public meetings and the dedication of a working group of private citizens and City staff. Currently there are seven zoning districts in the City of New Richmond: Agriculture/Preservation District, Sub-urban District, Multi-Use/Corridor District, General Urban District, Traditional Neighborhood District, Central Business District, and Specific Use/Industrial District. Zoning district determinations require a forward-looking approach at the
desired land use, building design, and neighborhood character of individual properties and the collective New Richmond community in the future.

**What is the process for creating a new zoning district?**
The creation of a new zoning district would require a text amendment to the City Code of Ordinances. An applicant would need to propose revisions to the City’s official zoning map, state the purpose of the new zoning district, define and identify permitted uses within the new zoning district, and recommend district standards and other lot and building performance standards for the new zoning district. Text amendments follow the same authorization process as a rezoning application, which is described in further detail below.

**What is the process for rezoning a property into a different zoning district?**
The rezoning process begins with a property owner completing an application and paying a fee. The application is reviewed and analyzed by the Development Review Committee. Two notices are published in the local newspaper. Surrounding property owners within 100 feet of the boundary of the property in question are notified of the request. Depending on the nature of the request, a community meeting might be requested to provide the public with an opportunity to ask questions and learn more. The application proceeds to the Plan Commission, which hosts a public hearing and makes a formal recommendation to the City Council. The City Council makes a final decision regarding the application.

**Graphic: Rezoning & Text Amendment Process**

**What is the role of the community, Plan Commission, and City Council?**
Beyond the process described above, when it comes to reviewing rezoning requests, the Plan Commission and City Council carefully consider potential adverse effects of the proposed rezoning. They base their decision upon, but not limited to, the following questions:

A. Has the proposed action been considered in relation to the specific policies and provisions of, and been found to be consistent with, the City’s Comprehensive Plan, including public facilities and capital improvement plans?

B. Does the proposed action meet the purpose and intent of this Ordinance or, in the case of a map or text amendment; does it meet the purpose and intent of the individual zoning district?

C. Is adequate public infrastructure available to serve the proposed action?
D. Is there an adequate buffer or transition provided between potentially incompatible zoning districts?

E. Will the change be compatible with existing and planned use in the area?

The community’s role is to become educated about the proposed rezoning request and to provide feedback to the Plan Commission and City Council at a public hearing according to (but not limited to) the aforementioned review factors to help them make decisions that are in the community’s best interests.

**How are uses authorized within a zoning district?**

Permitted uses are specified in the City Code of Ordinances. Uses may be permitted administratively, with a site plan application, or with a conditional use permit. These various authorization processes are determined according to the proposed use and the corresponding zoning district. For example, small projects such as a garage or backyard swimming pool have a simpler review and authorization process than a 10,000 square foot medium box commercial building, which requires approval from the Plan Commission. Other projects may be approved with conditions through a conditional use permit. For example, a gas station and car wash might have conditions regarding outdoor music, hours of operation, landscaping buffers, etc. to prevent adverse impacts on the surrounding neighborhood.

**If a use is allowed by a conditional use permit (CUP), what is the process for obtaining a CUP?**

Some uses may be beneficial in specific instances to the general welfare of the community, subject to conditions that ensure said uses are not detrimental to surrounding property and are consistent with the stated purpose of the zoning district in which such uses are located. Conditional use permit applications are first reviewed by the Development Review Committee. Depending on the nature of the request, a community conversation might be requested to provide the public with an opportunity to ask questions and learn more information. After the publication of two notices in the newspaper and the notification of surrounding property owners, a public hearing is held by the Plan Commission, which makes a final decision to approve or deny the application. Note that the City Council does not vote on the application. When reviewing CUP applications, the Plan Commission bases its judgment upon (but not limited to) factors including the following:

1. Compliance with and effect upon the City Comprehensive Plan, including public facilities and capital improvement plans.

2. The establishment, maintenance, or operation of the conditional use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort.

3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted.

4. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

5. Adequate public facilities and services are available or can be reasonably provided to accommodate the proposed use.
6. The conditional use shall, in all other aspects, conform to the applicable regulations of the zoning district in which it is located.

7. The conditional use and site conforms to standards in the Zoning Ordinance.

In accordance with Wisconsin law, if the applicant meets or agrees to meet all of the requirements and conditions specified in the City Code of Ordinances or those imposed by the Plan Commission, the City shall grant the conditional use permit. Provided conditions are desired to be included in the conditional use permit, all conditions imposed must be related to the purpose the ordinances cited and must be based upon facts and information directly pertaining to the requirements and conditions the applicant must meet to obtain the conditional use permit.

What is the role of the community, Plan Commission, and City Council when an applicant applies for a conditional use permit?

The role of the City Council and the community is to become educated about the application and to provide feedback to the Plan Commission at a public hearing according to (but not limited to) the aforementioned review factors to help them make decisions that are in the community’s best interests. The Plan Commission carefully and objectively reviews the application and the recommendation from the Development Review Committee, and makes the final decision to approve or deny the application.
SITE PLAN/STORM WATER REVIEW, CONCEPT PLANS, & CERTIFIED SURVEY MAPS APPLICATION AND REVIEW PROCESS

City of New Richmond
156 East First Street • New Richmond, WI 54017
Phone: (715) 246-4268 • Fax: (715) 246-7129

Overview: Concept Plan, Certified Survey Map, and Site Plan/Storm Water Review applications will be reviewed by the Development Review Committee (DRC) and discussed by the Plan Commission, which meets on the first Tuesday of each month. A decision by the Plan Commission is final for Site Plan/Storm Water Reviews. The Plan Commission makes a recommendation to approve or deny Certified Survey Maps and Concept Plans and the final decision is made by the City Council at its regular meeting on the second Monday of that month.

Application Deadline: Applications must be received by the close-of-business on the first Thursday of each month due to publication requirements for Certified Survey Maps; applications for CSM or Concept Plan received after this date will not be heard at the Plan Commission meeting the following month. Wisconsin State Law requires that a decision be issued for each application within 60 days of the submission of a complete application.

Submission Requirements: The attached application form must be completed and submitted with all requested materials. Failure to submit all application materials may delay the review process described below.

Escrow Deposit: Because these applications can involve a significant amount of research and analysis by staff and/or outside consultants, the applicant must deposit $1,500 in escrow in addition to the application fee. Unused escrow funds will be returned to the applicant at the conclusion of the review process.

Example

Applications are due on the first Thursday of a month.

Timeline

MONTH A

<table>
<thead>
<tr>
<th>Su</th>
<th>M</th>
<th>Tu</th>
<th>W</th>
<th>Th</th>
<th>F</th>
<th>Sa</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

MONTH B

<table>
<thead>
<tr>
<th>Su</th>
<th>M</th>
<th>Tu</th>
<th>W</th>
<th>Th</th>
<th>F</th>
<th>Sa</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The public hearing will be held by the Plan Commission on the first Tuesday of the following month.

The City Council will take action during its regular meeting on the second Monday of the month.

Concept Plan, Certified Survey Map, and Site Plan/Storm Water Review Application & Review Process
Page 1 of 2

RECEIVED APR 4 2019

BY:
**Initial Review:** Applications will be reviewed for completeness by City staff, and a determination of completeness will be provided to the applicant either by phone call, email, or letter. We will notify you of the items that are needed in order to complete the application; once all of the outstanding application materials are received, the 60-day action timeline will begin and the formal review process will begin as described below.

**Formal Review:** Concept Plan, Certified Survey Map, and Site Plan/Storm Water Review applications will be discussed by the Development Review Committee (DRC), which consists of a panel of City staff representing various departments. The members of this panel will address points of concern based on their respective professional experience. A summary of these comments will be provided to the applicant and will be reflected in the staff report presented to the Plan Commission.

**Staff Report:** City staff will prepare a report summarizing the application, reviewing it against City ordinances and policies, and provide a recommendation for the Plan Commission. A copy of this report, along with the relevant meeting agenda, will be provided to the applicant prior to the public hearing at the Plan Commission meeting.

**Plan Commission Meeting:** Applicants are encouraged to attend and participate in the public hearing in order to present the application and respond to questions from the Plan Commission and/or members of the public. The meeting will be held in the City Hall Council Chambers, which is equipped to display drawings, photographs, videos, or other materials.

The Plan Commission Chairperson will call the meeting to order at the appointed time and the minutes of the previous meeting will be reviewed. Items requiring public hearings are next. The applications that do not require a public hearing, will follow after any items requiring the public hearing. The Chairperson will introduce an application, and City staff will review the issues and recommendations detailed in the staff report. Commissioners may ask questions about the application to be answered by City staff and the applicant. The Commissioners will discuss the application and make a recommendation for City Council action if applicable.

- **Plan Commission Action:** The Plan Commission does not approve or deny an application for Certified Survey Map or Concept Plan; instead, it makes a recommendation of approval or denial to the City Council. The application, along with the recommendation of the Plan Commission, is then brought to the City Council which has authority to approve or deny the application. The Plan Commission has the authority to approve or deny Site Plan/Storm Water Review applications.

**City Council:** At the scheduled time, the Mayor will call the meeting to order and it will progress similar to the Plan Commission meeting. Based on the recommendation from the Plan Commission, the City Council may approve or deny the proposal as an item on the agenda. At its discretion the City Council may instead choose to review the application in greater detail and take public comment, similar to the public hearing, before ultimately approving or denying the request.
CITY ORDINANCE SECTION 117 & 121
www.newrichmondwi.gov

☐ SITE PLAN/STORM WATER REVIEW FEE: $250.00  ESCROW: $1,500.00
☑ CONCEPT PLAN FEE: $150.00  ESCROW: $1,500.00
☑ CERTIFIED SURVEY MAP FEE: $200.00  ESCROW: $1,500.00
☐ AMENDED CERTIFIED SURVEY FEE: $200.00  ESCROW: $1,500.00

Application fees should be made payable to City of New Richmond upon submittal of completed application. Escrow funds will be drawn to cover project-related costs. Additional funds may be required; surplus funds will be returned.

Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

   Company name: ________________________________

   Last name: Neumann   First name: Roger J. & Laurie M. (Trust)

   Address: ____________________________________ City/State/Zip: New Richmond, WI 54017

   Phone number: ____________________ Email address: ____________________

2. Applicant Information: (if different from above)

   Company name: Immigration Centers of America

   Last name: Ragsdale   First name: Duane

   Address: 7113 Three Chopt Road, Suite 210 City/State/Zip: Richmond, VA 23226

   Phone number: 434.395.8114   Email address: dragsdale@ica-farmville.com

3. Address(es) of Property Involved: (if different from above)

   PID: 038-1138-10-002   Part of the SW 1/4 - NE 1/4 Section 34, T31N, R18W

4. Zoning Designation: Z3 - City of New Richmond

5. Statement of Intent: Briefly describe what will be done on or with the property: Subdivider is seeking to split the 35 acre parcel into a 20 acre site for a detention facility, with the remnant parcel being roughly 12 acres, with areas to the west and south set aside for road right-of-way purposes.

   [Handwritten Remark]

   Concept Plan, Certified Survey Map, and Site Plan/Storm Water Review Application
   Page 1 of 2

   RECEIVED
   APR 4 2019
6. Additional Required Information:

a. **Legal Description and PIN**: Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.

b. **Consultant Fees**: Whenever third party consultants are utilized in the preparation of application materials (e.g., a traffic study) or the City’s review of an application (e.g., traffic study analysis), the applicant shall be responsible for paying the entirety of those costs.

c. **Other Information**: In addition to a full size site plan and an 11” x 17” copy, topographic survey, landscape plan, grading and drainage plan, exterior building elevation drawings, and other information may also be required if deemed necessary by City Staff. Please refer to Sec. 121-31 for further information on Site Plans.

7. **Signature(s)**: By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

**Property Owner**: Laurie M. Newman  
**Date**: 4-4-2019

**Applicant**:  
(as agent for ICA)  
**Date**: 4/4/2019

**Fee Paid**: $150 + $200  
**Date**: 4/4/19  
**Receipt #:** 69149

**Escrow Paid**: $1500 + $1500  
**Date**: 4/4/19  
**Receipt #:** 69149

---

**Zoning change applications must be received by the first Thursday of each month; applications received after this date cannot be heard at the Planning Commission meeting the following month.**

ST. CROIX COUNTY CERTIFIED SURVEY MAP
VOLUME PAGE
A DIVISION OF PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 31 NORTH, RANGE 18 WEST, CITY OF NEW RICHMOND, ST. CROIX COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE
I, Christopher R. Badtke, Professional Land Surveyor, hereby certify:

That I have surveyed, divided and mapped part of the Southwest Quarter of the Northeast Quarter of Section 34, Township 31 North, Range 18 West, City of New Richmond, St. Croix County, Wisconsin and being more particularly described as follows:

Commencing at the North Quarter Corner of said Section 34:
Thence South 00°24'10" East, along the West line of said Northwest Quarter, 1204.41 feet to the Northeast corner of said Southwest Quarter of the Northeast Quarter and the Point of Beginning.
Thence North 89°21'10" East, along the North line of said Southwest Quarter of the Northeast Quarter, 1300.97 feet to the Northeast corner of said Southwest Quarter of the Northeast Quarter;
Thence South 00°08'42" East, along the East line of said Southwest Quarter of the Northeast Quarter, 243.70 feet to the North line of Lot 1 of a Certified Survey Map recorded in Volume 8 on page 2394 as Document Number 472822;
Thence South 89°18'06" West, along said North line, 139.65 feet to the Northwest corner of said Lot 1;
Thence South 00°08'20" West, along the West line of said Lot 1, 1050.15 feet to the South line of said Southwest Quarter of the Northeast Quarter;
Thence South 89°18'28" West, along said South line, 1150.29 feet to the Southwest corner of said Southwest Quarter of the Northeast Quarter;
Thence North 00°24'10" West, along said West line of the Southwest Quarter of the Northeast Quarter, 1204.41 feet to the Point of Beginning.

Said parcel contains 1,530,385 square feet or 35.13 acres, more or less and is subject to restrictions, right of way, and easements of record.

That I have made such survey, land division and map by the direction of ICA Minnesota, LLC, subdivider of said land.

That such map is a correct representation of the exterior boundaries of the land surveyed and the division thereof.

That I have fully complied with the provisions of s. 236.34 of the Wisconsin Statutes and the subdivision regulations of the City of New Richmond in surveying, dividing, dedicating, and mapping the same.

Christopher R. Badtke, PLS No. S-3150
Dated this __________ day of __________________, 2019

OWNERS CERTIFICATE
Roger J. Neumann and Laurie M. Neumann, Trustees of the Roger J. and Laurie M. Neumann Living Trust, Dated February 10, 2000, as owner of the above described lands, does hereby certify that is has caused the land described on this map to be surveyed, divided, mapped, and dedicated as shown herein.

In witness hereof, Roger J. Neumann and Laurie M. Neumann, Trustees, have caused these presents to be signed:

Dated this ______ day of __________________, 2019.

By: ROGER J. NEUMANN, TRUSTEE

By: LAURIE M. NEUMANN, TRUSTEE

State of Wisconsin)

CountySS

Personally appeared before me this _____ day of __________________, 2019 the above named OWNERS, to me known to be the person who executed the above and foregoing instrument and acknowledged the same.

Notary Public, ________________________________, WI

My Commission Expires: __________________________ (SEAL)

AVRES ASSOCIATES
3453 Oakwood Hills Parkway
Eau Claire, WI 54702
(715) 834-3161

DATE: 04/04/2019 SHEET 2 OF 3
ST. CROIX COUNTY CERTIFIED SURVEY MAP
VOLUME____ PAGE_____
A DIVISION OF PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34, TOWNSHIP 51 NORTH, RANGE 18 WEST, CITY OF NEW RICHMOND, ST. CROIX COUNTY, WISCONSIN.

CONSENT OF CORPORATE MORTGAGEE:
Agstar Financial Services, FLCA, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, and mapping of the land described on this plat, and does hereby consent to the above certificates of Roger J. Neumann and Laurie M. Neumann, Trustees.

In witness whereof, the said Agstar Financial Services, FLCA has caused these presents to be signed by ________________, its President, and countersigned by ________________, its Secretary, at ________________, Wisconsin, and its corporate seal to be hereunto affixed this day of ________________, 2019.

In the presence of:
________________________________________ (corporate seal)

Corporate Name

__________________________  __________________________  ______________________
President                          Secretary                        Date

State of Wisconsin) ss.

__________________________
County/SS

Personally came before me this day of ________________, 2019, _________________________, President, and _________________________, Secretary of the above named corporation, to me known to be such President and Secretary of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

(notary seal)

Notary Public, _________________________, Wisconsin

My Commission Expires ________________

CITY COUNCIL RESOLUTION
Resolved, that this Certified Survey Map in the City of New Richmond is hereby approved by the City Council of the City of New Richmond.

Date__________________________  Approved ______________________

Fred Horne, Mayor

I hereby certify that the foregoing is a copy of a resolution adopted by the City Council of the City of New Richmond.

Date__________________________  City Clerk ______________________

Tanya Batchelor, Mayor

COUNTY TREASURERS CERTIFICATE

STATE OF WISCONSIN) ss.

ST. CROIX COUNTY)

I, Denise Anderson, being the duly elected, qualified and acting Treasurer of the County of St. Croix do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments on any of the land included in this Certified Survey Map.

Dated this _____ day of ____________________, 2019

Denise Anderson, St. Croix County Treasurer

CITY TREASURERS CERTIFICATE

STATE OF WISCONSIN) ss.

ST. CROIX COUNTY)

I, Beverly Langenbach, City Treasurer, being the duly qualified and acting Treasurer of the City of New Richmond, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments on any of the land included in this Certified Survey Map.

Dated this _____ day of ____________________, 2019

Beverly Langenbach, City of New Richmond, Treasurer
April 5, 2019

Tanya Batchelor, City Clerk
City of New Richmond
156 E. First Street
New Richmond, WI 54017

RE: Rezoning and Text Amendment Application - City of New Richmond

Dear Clerk Batchelor:

As local counsel to and on behalf of ICA, please find attached a Rezoning and Text Amendment Application to be included as a supplement to the already submitted Concept Plan and CSM Applications. The check for the application and escrow fees is also included.

After your review, please let us know if you have any questions or need any additional information and thank you in advance for your time and consideration. We look forward to collaborating with the City on this project.

Very truly yours,

WELD RILEY, S.C.

John Robert Behling

Anders B. Helquist

ABH/aaw
Enclosures
cc: John Hiller (via e-mail)
Overview: Applications for Rezoning will be reviewed by the Development Review Committee (DRC). The application will then be discussed at a public hearing held by the Plan Commission, which meets on the first Tuesday of each month. A recommendation from the Plan Commission will be forwarded to the City Council who will vote to approve or deny the request at its regular meeting on the second Monday of that month.

Application Deadline: Applications must be received by the first Thursday of each month; applications received after this date will not be heard at the Plan Commission meeting the following month. Wisconsin State Law requires that a decision be issued for each application within 60 days of the submission of a complete application.

Submission Requirements: The attached application form must be completed and submitted with all requested materials. Failure to submit all application materials may delay the review process described below.

Initial Review: Applications will be reviewed for completeness by City staff, and a determination of completeness will be provided to the applicant either by phone call, email, or letter. We will notify you of the materials that are needed in order to complete the application; once all of the outstanding application materials are received, the 60-day action timeline will begin and the formal review process will begin as described below.

Formal Review: Applications for Rezoning will be discussed by the Development Review Committee (DRC), which consists of a panel of City staff representing various departments. The DRC will address points of concern based on their respective professional experience. A summary of these comments will be provided to the applicant and will be reflected in the staff report presented to the Plan Commission.

Staff Report: City staff will prepare a report summarizing the application, reviewing it against City ordinances and policies, and provide a recommendation for the Plan Commission. A copy of this

Example

Applications are due on the first Thursday of a month.

Timeline

MONTH A

<table>
<thead>
<tr>
<th>Su</th>
<th>M</th>
<th>Tu</th>
<th>W</th>
<th>Th</th>
<th>F</th>
<th>Sa</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The public hearing will be held by the Plan Commission on the first Tuesday of the following month.

MONTH B

<table>
<thead>
<tr>
<th>Su</th>
<th>M</th>
<th>Tu</th>
<th>W</th>
<th>Th</th>
<th>F</th>
<th>Sa</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The City Council will take action during its regular meeting on the second Monday of the month.
report, along with the relevant meeting agenda, will be provided to the applicant prior to the public hearing at the Plan Commission meeting.

**Notice of Public Hearing:** Wisconsin State Law requires notice of a public hearing to be published in a specified, legal newspaper two times, 14 days prior to a public hearing. City Ordinance further requires that notices be mailed to property owners within 100 feet of the affected property. This notice is prepared and sent by the City Clerk.

**Plan Commission Meeting:** Applicants are encouraged to attend and participate in the public hearing in order to present the application and respond to questions from the Plan Commission and/or members of the public. The public hearing will be held in the City Hall Council Chambers, which is equipped to display drawings, photographs, videos, or other materials.

**At the Public Hearing:** The Plan Commission Chairperson will call the meeting to order at the appointed time, Commissioners and representatives of the City in attendance will be introduced, and the minutes of the previous meeting will be reviewed. Items requiring public hearings are next. The Chairperson will introduce an application, and City staff will review the issues and recommendations detailed in the staff report. Commissioners may ask questions about the application to be answered by City staff and the applicant. Then members of the public will be invited to ask questions about the application and to make comments about the proposal. Once the public comment period has concluded, the Chairperson will close the public hearing, and the Commissioners will discuss the application and make a recommendation for City Council action.

- **Plan Commission Action:** The Plan Commission does not approve or deny an application; instead, it makes a recommendation of approval or denial to the City Council, and provides the rationale for its recommendation. The application, along with the recommendation of the Plan Commission, is then brought to the City Council which has authority to approve or deny the application.

**City Council:** At the scheduled time, the Mayor will call the meeting to order and it will progress similar to the Plan Commission meeting. Based on the recommendation from the Plan Commission, the City Council may approve or deny the proposal as an item on the agenda. At its discretion, the City Council may instead choose to review the application in greater detail and take public comment, similar to the public hearing, before ultimately approving or denying the request.
APPLICATION TO REZONE
City Ordinance Section 121-29
www.newrichmonddwi.gov

City of New Richmond
156 East First Street  New Richmond, WI 54017
Phone: (715) 246-4268  Fax: (715) 246-7129

APPLICATION FEE: $250  ESCROW: $500
Application fee should be made payable to City of New Richmond upon submittal of completed application. Escrow funds will be drawn to cover project-related costs. Additional funds may be required; surplus funds will be returned.

Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:
   Company name: ____________________________
   Last name:  Neumann  First name:  Roger J. & Laurie M. (Trust)
   Address: ________________________________  City/State/Zip:  New Richmond, WI 54017
   Phone number: ____________________________  Email address: ____________________________

2. Applicant Information: (if different from above)
   Company name:  Immigration Centers of America
   Last name:  Ragsdale  First name:  Duane
   Address:  7113 Three Chopt Road, Suite 210  City/State/Zip:  Richmond, VA 23226
   Phone number:  434.395.8114  Email address:  dragsdale@jica-farmville.com

3. Address(es) of Property Involved: (if different from above)
   PID:  038-1138-10-002 Part of the SW 1/4 - NE 1/4 Section 34, T31N, R18W

4. Zoning Change Requested: Complete item 5a and/or 5b as appropriate for your application.
   a. Zoning Map Change:
   Existing Designation(s):  Z-3
   Proposed Designation(s):  Z-8 (proposed new special use district)

5. Reason for Zoning Change: In approving a request for rezoning a property or amending the zoning text, one or both of the following circumstances must be evident; indicate which of the following best characterizes the reason that the intended use is not allowed by the existing zoning designation.
   □ A mistake was made when the existing zoning text or map was approved.
   □ Circumstances have changed since the original zoning that now justifies a change.

Zoning Change Application Page 1 of 2
6. Additional Required Information:
   a. **Legal Description and PIN**: Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.
   b. **Consultant Fees**: Whenever third party consultants are utilized in the preparation of application materials (e.g., a traffic study) or the City’s review of an application (e.g., traffic study analysis) the applicant shall be responsible for paying the entirety of those costs.
   c. **Written Narrative**: The narrative should describe in detail the nature of the intended use, why you believe the use is not permitted by the existing zoning, and how the use would be permitted under the proposed rezoning or zoning text amendment. Narratives should also state whether any additional land use applications (e.g., conditional use Permit or variance) would be necessary to accommodate the intended use in compliance with the requirements of the proposed zoning change.
   d. **Consultant Fees**: Whenever third party consultants are utilized in the preparation of application materials (e.g., a traffic study) or the City’s review of an application (e.g., traffic study analysis), the applicant shall be responsible for paying the entirety of those costs.
   e. **Other Information**: In addition to the written narrative, a full size site plan, topographic survey, landscape plan, grading and drainage plan, exterior building elevation drawings, and other information may also be required if deemed necessary by City Staff.

7. **Signature(s)**: By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

   **Property Owner**: [Signature]  Date: 4-8-19

   **Applicant**: [Signature] (as agent for ICA)  Date: 4/5/19

   **Fee Paid**: $250  Date: 4/5/19  Receipt #: 69160

   **Escrow Paid**: $500  Date: 4/5/19  Receipt #: 69160

---

Zoning change applications must be received by the first Thursday of each month; applications received after this date cannot be heard at the Planning Commission meeting the following month.

Zoning Change Application Page 2 of 2
Written Narrative

Nature of Intended Use
ICA proposes to construct and operate a civil detention facility that would be located in the City of New Richmond, Wisconsin. It will house immigrants detained on behalf of the U.S. Immigration and Customs Enforcement Agency. It will be an approximately 500 bed facility and situated on a 20-acre site. The proposed concept plan was already submitted to the City and is reattached for the City’s convenience.

It is anticipated that the proposed ICA civil detention facility would employ approximately 200 individuals.

Existing Zoning
The proposed site is located in the zoning district designated as Z-3. An existing correctional facility abuts the proposed site in the Z-3 district. It is our understanding a new zoning district is desired for this type of use so other areas designated “Z-3” through the City will not be used for detention facilities or similar uses.

Conditional Use under Zoning Amendment
ICA proposes a rezone to a new zoning district (through a text amendment) that could be classified as “Z-8 Special Use District.” Within that district, ICA’s proposed facility would fall within a conditional use classification, such as a “detention facility.” We propose to work collaboratively with the City to clarify and develop a more specific definition of “detention facility” through the rezoning and text amendment process in order to both fulfill the City’s desires regarding the zoning district’s scope and allowing ICA’s proposed use.