



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.

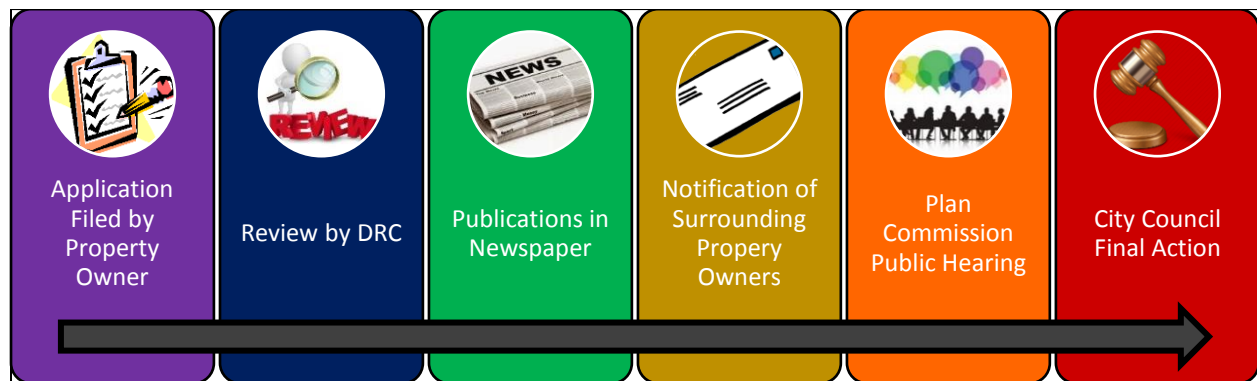
What is the process for creating a new zoning district?

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.