ONEIDA COUNTY BOARD OF ADJUSTMENT – PUBLIC HEARING
DECEMBER 14, 2017
17-003, OF MARSHFIELD CLINIC, INC

Chairman Harland Lee called the meeting to order at 9:00 a.m. in accordance with the Wisconsin Open Meeting Law.

Chairman Lee introduced the members of the Board. Mr. Albert; Mr. Hansen; Mr. Ross; Mr. Bloom; Mr. Hammer; and Mr. Lee

Chairman Lee introduced the County Staff present today. Karl Jennrich, Zoning Director; Julie Petraitis, Secretary; and Mike Fugle, County Corporation Counsel.

Other individuals present: See Sign in Sheet.

Approve the agenda.
Motion by Harland Lee, second by Norris Ross to amend the agenda by striking item seven (7). With all members present voting "aye", the motion carried.

Secretary Phil Albert read the notice of public hearing into the record:
Notice is hereby given that the Oneida County Board of Adjustment will hold a public hearing at the Oneida County Courthouse, in the County Board Room, December 14, 2017 beginning at 9:00 a.m., to consider the appeal described herein. All interested persons should attend and may present testimony orally at the hearing, or in writing at or prior to the hearing. The appellant must be present or represented. Provisions of the Wisconsin Open Meeting Law will govern.

Appeal No. 17-003 of Marshfield Clinic, Inc., owner, to appeal the denial of a Conditional Use Permit for the construction of a building addition for the operation of a hospital/surgical center/in-patient beds/ER/Imaging, Lab and Heliport. The property is located at 9601 Townline Rd., further described as part NW NW, Section 11, T39N, R6E, PIN MI 2137, Town of Minocqua, Oneida County, Wisconsin.

Oneida County Board of Adjustment Rules of Procedure, Section 17.05 (12), Chapter 71, Oneida County Code of Ordinances, proved that a timely appeal shall stay all proceedings and furtherance of the action appealed from, unless such stay would cause imminent peril to life or property.

The Board of Adjustment conducted an onsite inspection of the property involved on September 19, 2017 at approximately 10:00 a.m. A representative or the appellant were present. The inspection was open to the public.

Following adjournment of the public hearing, the Board will vote in open session for a decision on this appeal. Information on the decision can be had by calling or visiting the

Planning & Zoning Office during normal business hours on or after the next or a later day set by the Board at the hearing. The appellant will be notified of the decision via certified mail.

Copies of appeals and related documents are available for public inspection during normal business hours at the Planning & Zoning Office.

Motion to include in the record all previous testimony and records pertaining to this appeal, including the records of the Minocqua Plan Commission, the Minocqua Town Board, and the Oneida County Planning and Zoning Committee.
Motion by Guy Hansen, second by John Bloom to include in the record all previous testimony and records pertaining to this appeal, including the records of the Minocqua Plan Commission, the Minocqua Town Board, and the Oneida County Planning and Zoning Committee. With all members present voting "aye", the motion carried.

Chairman Harland Lee stated that the meeting will be held in accordance with Wisconsin open meeting law and will be tape-recorded and sworn testimony will be transcribed. This is an administrative hearing, it is not a judicial proceeding and therefore The Rules of Civil Procedure and Evidence are not of concern to the Board. Witnesses are not sequestered and there is no cross-examination. The Board has reviewed Act 67, which revised a part of § 59.69 of the State Statute regarding consideration of CUP applications. Act 67 only applies to applications for a CUP that were filed on/or after November 29, 2017. The Clinic's application for a CUP was filed on January 20, 2017. Consequently, Act 67 does not apply to or govern the hearing held today by this Board of Adjustment. The Board's consideration of the Clinic's CUP application will be limited to the factors set out in Chapter 9.42 E of the Oneida County Zoning and Shoreland Protection Ordinance. The Board will not consider factors that are economic in nature, relate to competition or employment or relate to duplication of services or proper use of the land.

The Board has also reviewed a recent Wisconsin Supreme Court Decision, AllEnergy Corporation vs. Trempealeau County Environment and Land Use Committee. The decision is instructive and of benefit to the Board; however, the decision did not change existing law or create new law as regards standard and criteria for consideration by the Board of an application for a Conditional Use Permit. The hearing today will be conducted in the usual form and manner. The Board has reviewed all file, records, and materials resulting in hearings held by the Minocqua Planning Commission, the Town of Minocqua Board, the County Planning and Development Committee, public testimony, comments, letters and e-mails were also reviewed by the Board. Thousands and thousands of pages. We can all attest to that. Testimony and evidence offered today should be supplemental to that, which is already a part of the record and has been reviewed by the Board. Testimony and evidence previously given should not be repeated again today.

Chairman Lee stated that the procedure for the public hearing will as follows: First, we will hear the appellant's side, then the Director and/or the opposition's side. There will be public testimony and any member of the public who wishes to express their opinion can do that. We want you to state your name and the Town or City you reside in. Many of the comments, as I said before in my statements, were made in these other hearings and meetings; as much as possible I would like to not redundant in that regard. If you want to say something that you've said before, fine but keep it short. My intention, my goal, is to get this done today.

After the public testimony will be the appellant's rebuttal, then the Director and/or opposition's rebuttal and the appellants closing statement. After that is all done I will close the hearing, the Board will have discussion and they will vote on the decision.

See Court Reporter's submittal of meeting minutes.

Motion by Guy Hansen, second by John Bloom to approve Appeal 17-003 of Marshfield Clinic to construction a hospital without a heliport, with the following conditions:

1. **The nature and extent of the conditional use shall not change from that described in the application and approved in the Conditional Use Permit.**
2. **Proper permits to be obtained prior to construction. (Town/County/State).**
3. **Stormwater Management/Erosion Control Plan (s) as required and approved by Wisconsin Department of Natural Resources.**
4. **Short-term and long-term maintenance of wetlands detention pond and catch basins, storm sewer and outfall required as needed.**
5. **No excavation within 5' of delineated wetland areas.**
6. **Silt fence to be placed within 25' of wetland area prior to excavation/construction.**
7. **Filling of wetland areas is prohibited without proper approval/permits.**
8. **Signage to comply with Sec. 9.78, Sign Regulations, Oneida County Zoning and Shoreland Protection Ordinance as amended May 21, 2017.**
9. **The number of parking stalls shall comply with Section 9.77 and parking stall sizing to comply with Sec. 9.77 9D) Dimensions of Single Parking Space of the Oneida County Zoning and Shoreland Protection Ordinance as amended May 21, 2017.**
10. **Dumpster(s) to be screened from view (CLINC to recycle waste materials as required).**
11. **Exterior lighting to be downcast and shielded from above.**
12. **Subject to the Town's review and recommended conditions.**
    1) **The hospital will erect clear and distinct way finding and signage.**
    2) **The CLINIC must meet all other County and State requirements.**
    3) **Oneida County must investigate the potential for problems that might result from increased traffic on Townline Road.**

13. **Free and unlimited access to the project site during daylight hours to any Committee member or any Planning and Zoning employee investigating the project's construction, operation or maintenance.**
14. **Written notification to the Department at least five days before the project is started and five days after each phase of the project is completed.**
15. **Conditional Use Permit prohibits construction of a heliport or helipad.**
16. **Access of Hwy 70, staff from Townline Road.**
17. **Fifty (50) foot buffer of vegetation along Townline Road.**

On roll call vote: John Bloom, "aye"; Norris Ross, "aye"; Guy Hansen, "aye"; Phil Albert, "nay"; Harland Lee, "aye". The motion carried. Appeal #17-003, Marshfield Clinic, is approved.

Motion by Norris Ross, second by Guy Hansen to complete the Decision by December 27, 2017. With all members present voting "aye", the motion carried.

Review/revise meeting schedule.
Three Lakes Demmer Library - On hold
Martin Glass – January 9, 2018 9:00 am.
Jesse Scheeler – January 16, 2018 9:00 am.

4:05 pm - The meeting was adjourned on a motion by Phil Albert and second by Guy Hansen; and all members voting aye.

Harland Lee, Chairman

Phil Albert, Secretary

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