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Experts weigh in on Bible camp case

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Two more expert witnesses have weighed in on a lawsuit between Oneida County, the town of Woodboro and three brothers who want to build a Bible camp on Squash Lake.

Brothers Art, Randy and Wes Jaros filed suit last March in the United States District Court for the Western District of Wisconsin alleging Oneida County, the town of Woodboro and the Oneida County Board of Adjustment have unconstitutionally prevented the use and operation of their proposed Bible camp "through their discriminatory laws and a four-year pattern of hostile, capricious and irrational actions."

The Jaros brothers have been fighting to build the camp since 2004 but Oneida County has refused to issue a Conditional Use Permit on the grounds a recreational camp is not a permitted use in the single family residential zoning district in which the property is located. The project includes plans for a chapel, classrooms, a dining hall, lodging facilities, and a multi-purpose room/gymnasium. Outdoor recreational facilities are also planned.

The Jaroses are claiming the county's refusal to allow the camp to exist in the planned location violates their right to freely practice their religion. They also say the county's decision violates the federal Americans with Disabilities Act since the camp intends to serve, among others, youth with medical disabilities.

The brothers are asking the federal court to order a permit be granted and are seeking unspecified compensatory and punitive damages.

The county and town have repeatedly claimed they acted in the best interest of county residents and have not discriminated against the Jaros brothers.

An expert hired by the town of Woodboro backed up those claims in a 35-page report filed last month.

Based on her review of the record, land use planning expert Sarah Pittz said the town and county did not make the permit process unduly burdensome for the plaintiffs as they have claimed.

Two experts retained by the plaintiffs are now sharing their thoughts on land use planning and the benefits of Bible camps.

In his report, Dr. George "Bud" Williams Jr., an emeritus professor at Wheaton College in Illinois, explains in great detail the history of Bible camps, their purpose and the benefits derived.

"Coming apart from permanent communities and routines and busyness of ordinary life has been a method by God to allow people to more clearly hear his calling on their lives and to shape them for special tasks," Williams' report states.

"Similarly to college or vocational training, being separated from one's permanent community at a Bible camp can be a powerful person-enhancing experience under quality faculty who are willing to mentor students and with peers that have excellent values and are good role models," the report states. "These mentors and friends often provide the person with a fresh view of potential and expectations. When people are freed from the routines and constraints of normal life they are more likely to change their lives. A Christian camp can be a powerful temporary community that frees people to become more open to positive growth and maturity."

The report also discusses the value of holding Bible camps in natural settings, away from the trappings of technology.

"Over the past decade, our culture has been moving rapidly into the digital and electronics world as its source of reality and entertainment. This has gradually minimized time in the outdoors and even time together, face to face, with other human beings while increasingly engaging in numerous but shallow digital relationships," the report states.

Alan C. Weinstein, the second plaintiffs' expert and an associate professor at Cleveland State University, answered two questions posed by the plaintiff's counsel.

Weinstein has expertise in the fields of law and land use planning.

The questions were:

1. How do the land use impacts that would be generated by the proposed Bible camp compare to the land use impacts generated by those uses permitted as-of-right or otherwise allowed on the site proposed for the Bible camp as regards the following governmental interests identified by Oneida County: Neighborhood character, traffic, noise, and recreational use of Squash Lake?

2. To the degree that the land use impacts that would be generated by the proposed Bible camp would threaten the governmental interests listed in the above, would it be possible for Oneida County to impose various restrictions and conditions on the proposed use to mitigate those land use impacts to acceptable levels, rather than simply prohibiting development and operation of the proposed Bible camp?

Weinstein concludes that using the Jaroses' 59-acre property for a Bible camp would have less of an adverse impact than other potential scenarios for developing the property including the potential construction of as many as 26 single family homes.

"It is my professional opinion that the proposed use, as compared with either of the scenarios (use of the property for multiple single family residential developments or a combination of permitted single-family residential developments and other permitted uses such as churches, parks and playgrounds), will not substantially impair or diminish the uses, values and enjoyment of neighboring property: is compatible with the use of adjacent land and any adopted local

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plans for the area; and will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district," Weinstein wrote.

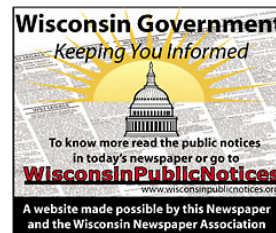
Weinstein also found it would be possible for Oneida County to "impose various restrictions and conditions on the proposed use to mitigate those land use impacts to acceptable levels, rather than simply prohibiting development and operation of the proposed Bible camp."

Williams was not paid for his expert report. Weinstein was paid \$200 per hour for work done in office and \$250 per hour for work done out of office.

Both men may eventually testify if the case goes to trial in federal court.

The brothers won a preliminary battle last week when U.S. District Judge William Conley denied the town of Woodboro's request to dismiss the case on the grounds it should have been filed in state court.

The case is now set for a status conference on April 1. A two-week trial is scheduled to begin Sept. 8.



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