

**ONEIDA COUNTY PLANNING and DEVELOPMENT COMMITTEE
OCTOBER 3, 2012
COMMITTEE ROOM #2
ONEIDA COUNTY COURTHOUSE
RHINELANDER, WI 54501**

Members present: Chairman, Scott Holewinski
Jack Sorensen
Mike Timmons
Dave Hintz
Gary Baier

Department staff present: Karl Jennrich, Planning & Zoning Director
Pete Wegner, Assistant Zoning Director
Lila Dumar, Secretary III

Other county staff present: Brian Desmond, Corporation Counsel

Guests present: Attorney Greg Harrold
Attorney John Schiek
Clark Schuette
Janet Alesauskas
William Alesauskas
Sue Zanon
Dave Zanon
Scott Saykally
Jimmy Rein
Bob Martini
Bob Metropulos
Marcus Neseaman, River News

Call to order.

Chairman Scott Holewinski called the meeting to order at approximately 12:30 P.M., in accordance with the Wisconsin Open Meeting Law. All members are present.

Discussion/decision of the agenda.

Motion by, Jack Sorensen second Dave Hintz to approve the amended agenda. With all members present voting "aye", the motion carried.

Public Comments.

Attorney Greg Harrold. Mr. Harrold stated that he represents Mr. & Mrs. Art Sonneland; and Scott & Kristine Morrissey, who are abutting landowners. Mr. Harrold provided a map of the property and explained that the property is 70 acres with a firing range (built without permits) by Jay Schuette. There are approximately 18-19 single family residences along the waterfront. Mr. Harrold stated that in this situation, the County should act. The ordinance states that "it is the underlying purpose of the ordinance to promote public health, safety, convenience and general welfare. To encourage planned orderly land use development. To protect property values and property tax base. To permit careful planning and efficient maintenance of highway systems". Mr. Harrold stated that a shooting range under the ordinance is permitted in districts #4 and possibly #14; it is identified in the ordinance as a use, so it has not been forgotten. The County was aware that there are shooting ranges when they drafted the ordinance. It cannot be argued that this is something that is not a separate use. This is not just a bull's eye nailed to a piece of wood 100 yards away. I have heard estimates that the amount that has been expended is up to \$250,000.00. There are clay pigeons that shoot targets; skeet range. This is a very extensive activity that is going on there. It is virtually a dead end. These 18 homeowners dead end against the lake on one side and the shooting range is on the other. During the past summer it has been used many times. I think there are people hear that will tell you that. The noise is absolutely incredible. Dr. & Mrs. Sonneland have been very much disrupted. They live in Green Bay and enjoy coming to their home here. It has been absolutely disruptive and they don't know when it is going to happen and when it won't. It is sporadic particularly on September 15th. There were several calls to the Oneida County Sherriff's Department complaining about it. Because it was literally non-stop constant shooting for 2.5 hours. Where does the zoning department fit into this? (1) This is not a permitted use in district 15. It is zoned District 15. Rural Residential. If you look at Rural Residential, it is not a conditional use, it's not an administrative review use and it's not a permitted use. Under Section 9.29 A, in rural residential district is to establish and preserve residential characteristics in outlying areas of Oneida County. This is a low density residential area requiring large open spaces while at the same time, preserving protecting and enhancing woodlands, wild life habitat areas and other scenic and natural areas. I would suggest that the use it is being put to does not comport with that definition. Not only does it violate because it is not an allowable use in that district, secondly no permits were pulled for any of the work that was done. But I'm not dwelling on that because as you know, people can get after-the-fact permits. We are placing our position and our request to this board upon that fact that it is not an allowable use in that district. A second aspect of that is in the district where it is allowable, it is a conditional use. And those of you who work in town government I'm sure you can appreciate this fact. When there is a conditional use, the towns that where the facility is located give input and suggestion conditions. Just as this committee suggest conditions. Just as the public suggests conditions. Right now, the way it has been done, there are no conditions whatsoever. He can shoot anytime he wants to. There is some suggestion that this might be a private shooting range. And I would suggest that the zoning ordinance does not differentiate between private and public. It's shooting range. And you know as well as I do that if you are ½ mile away from one, you don't know if it's public or private. It's constant shooting going on. I know that, for example, in Minocqua they've had a long time shooting range, but they frequently get complaints from the

neighbors that are ½ mile away who bought the land knowing there was a shooting range. That leaves me to the second point; I really think that the property rights of all of these neighbors are being violated. Not only because of the sound and the disturbance, but I think it is going to have a very serious, negative impact on their property values. That is one of the purposes for this committee and this ordinance has created to try to protect against that. There might even be people that are trying to sell their property and I have a feeling they would have to disclose under the real estate disclosure laws, a disturbance such as this that is this close. Mr. Sonneland's house is located right across the street from this property. He says it is just like right in your living room where it is coming into. I believe that not only does it violate the ordinance, it is causing harm and damage to the neighbors and their property rights are being penalized. But above all that, it really constitutes a nuisance in the way it has been built and the way it has been used. So I would ask this committee to give some very serious and strong weight toward the enforcement of the ordinance and compelling the property owner, Sunflower II LLC, to follow the ordinance.

Attorney John Schiek: I have been contacted by Sarah Friedle. An unusual situation. She is the daughter of Marv Schuette, who some of you might be familiar with. He is now deceased, but he was connected with Wausau Homes and Jay Schuette is his son, and his only daughter is my client. She is a 30% owner of Sunflower LLC. I have had an opportunity to talk to Mr. Wegner earlier today. And gave him a letter that I thought went to Karl Jennrich as well. I don't know if the Committee has had a chance to see that. It is a letter...she indicates her situation that this was built without any advice or consent from her. She was totally shocked when she found out that the range was put up. She is upset with her brother. And it turns out her mother kind of runs everything and she feels that her mother has been put in the middle with her brother Jay being a bit of a bully and trying to push this through. She is totally against it, 100%. She feels that she shouldn't have put it up and she is shocked and has indicated she is totally against it. I was also contacted by an attorney in Milwaukee who is also represents my client and he sent a letter as well, which I would like to make part of the record. Mr. Schiek read the letter from Atty Steve Fisher. Mr. Schiek continued. To me, Mr. Schuette, who is in the building trade, did not get a building permit. How can you allow him to go ahead without getting a building permit? If he would have gotten a building permit, the project involves over \$200,000, obviously you have to have a permit for that and all of these issues would have been addressed before hand. And again, it's not even a permitted use in this particular zoning district. And if in any sense of the word you were going to allow this in an area where it is allowed, you have to have conditions. I know at least Mr. Sorensen is aware of the shooting range here in Rhinelander that is very well constructed and well supervised and there is all kinds of conditions as to when they can shoot, the hours they can shoot, the days they can shoot and there are very, very strict rules on that. And it has to do with the noise and interrupting the peace and quiet and somebody's enjoyment of the land. Again, it is an unusual situation when I am speaking for one of the owners of the property and ask that this ordinance be enforced in the sense that no building permit, it should be ripped out and if not the full weight of the law should fall on them just for totally disregarding what the zoning laws are. Again, a building permit is a pretty basic situation. Thank you.

Clark Schuette: Sarah and Jay are my first cousins. We have a cottage there adjacent to Dr. Sonneland. It is in the LLC also. Basically, what I am...I am unpleasantly surprised that none of the

family members knew anything about this until it was under construction and being used. He has no trespassing signs. I haven't gone in there myself because of it. Not only is the noise unpleasant, it is unsettling for the number of hours that are being shot continuously. Up to 3 hours at a time. We have grandchildren that cover their ears when in the cottage. There are cottages that have pets that are afraid of thunder and noise. And who knows what is going on inside those houses in terms of urination and things like that. So it is a safety issue also...we are not pleased that this thing took place and in the manner that it took place.

Janet Alesauskas: I am directly across the entryway into the shooting range. I live there almost full time. I would have thought with all the traffic that was going in and out that he was building ponds or something. We did hear gunshots for quite awhile before we knew it was a shooting range. At one point, there was 2 hours, and it was 5:00 pm. I had just about had it. I was sitting outside and I feel sorry for people who are in a war zone. This is exactly what it sounded like. I went over there and I told Jay that 2 hours is plenty of time. There were three boys there with him. And he stopped shooting then. I would just like to say that I personally am against this shooting range.

Dave Zanon: We have two properties and unbeknownst to us, the shooting range was developed and is being used. We reside in Colgate, Wisconsin. So we drive up for the peace and quiet and the serenity of the area; and also for the property values. Owning two properties, this would be a tremendous detriment if we were going to sell our property knowing that there is an existing shooting range and it would bring our property value down. And we also have two grandchildren, I am concerned about the safety in the area, being backed up right next door to it, it is rather close. So the peaceful side of it, the safety factor and knowing that this was done without proper permits, I don't think it is the right way to do it.

Scott Saykally: I am here on behalf of Scott and Chris Morrissey. They asked if I would stop by for them. They would echo the same things that these people here have said. They own two residences on Bird Lake Road. Their concern is the noise. They have dogs and the safety, they like walking up and down Bird Lake Road. I'm here to gather information to see what goes on here.

Public Comment ended.

It is anticipated that the Committee may meet in Closed Session pursuant to Wisconsin Statutes, Section 19.85(1)(g), conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. A roll call vote will be taken to go into closed session.

a. A shooting range in the Town of Lake Tomahawk.

Gary Baier asked Corporation Counsel if this was the right thing to do, or should this be in open session. Corporation Counsel advised Mr. Baier that the Committee can go into closed session to receive legal advice about a lawsuit that the Committee may become involved in.

12:50 p.m. Motion by Mike Timmons, second by Jack Sorensen to go into closed session. On roll call vote: Mike Timmons, aye; Jack Sorensen, aye; Scott Holewinski, aye.

12:58 p.m. Motion by Mike Timmons, second by Dave Hintz, to go into open session. On roll call vote: Mike Timmons, aye; Jack Sorensen, aye; Scott Holewinski, aye; Dave Hintz: "aye"; Gary Baier, "aye."

Chairman Holewinski stated that there was one motion made in closed session. The Secretary read the motion into the record.

Motion by Gary Baier, second by Jack Sorensen, for staff to pursue enforcement on the shooting range complaint in the Town of Lake Tomahawk. The motion carried unanimously.

Section 9.94, Ordinary High Water Mark Setbacks and Special Zoning Permission for Structures in Shoreland Setback. The Committee will consider allowing flat roofs on boat houses.

Peter S. Wegner, Assistant Zoning Director, reviewed the history of flat roofs on boathouses in Oneida County. Mr. Wegner distributed handouts regarding Boathouse Setback Standards and Boathouse Standards for the Committee to review & discuss. The Committee compared Oneida County's regulations to other counties in Wisconsin

Jimmy Rein spoke in favor of flat roofs on boathouses and stated that a flat roof boathouse is less intrusive than a pitched roof. A flat roof also allows for a better view of the lake.

Bob Martini, County Board Supervisor, supported elimination of boathouses. But barring that, Mr. Martini supported a setback from the OHWM, a smaller size, no flat roofs, no decks.

Dave Hintz stated his opposition to flat roofed boathouses in Oneida County. Gary Baier stated that he would support flat roofed boathouses. Mr. Baier stated that flat roofed boathouse is less structure to look at from the water or landward. It would require less excavation for stairways or walkways and increase property values. Jack Sorensen offered his opposition to boathouses in general. But barring that, Mr. Sorensen, suggested prohibiting asphalt shingles; and requiring rubber or metal roofs. Another option would be to grandfather what is out there, and prohibit new boathouses less than 35 or 75 feet from the OHWM. Mr. Sorensen is adamant that there should be no more boathouses; allowing an impervious surface at the water's edge is senseless. Mike Timmons stated that he would support a flat roofed boathouse if boathouses are allowed, but to move them back. Scott Holewinski stated he would be in favor of flat roofed boathouses, but is afraid of the number of party decks it would create.

The Committee directed staff to develop language/concepts and bring it back to the Committee for further consideration. Look at prohibiting boathouses, setbacks, flat roofs, size, design and so on.

Line item transfers, purchase orders and bills

Bills - \$486.40

Purchase Orders - \$484.67

Motion by Jack Sorensen, second by Mike Timmons, to pay the bills and purchase orders as presented. The motion carried unanimously.

Refunds.

There are no refunds.

Approve future meeting dates: October 16 and November 7, 2012.

The Committee confirmed meeting dates of October 16 & November 7, 2012.

Public comments.

There was no public comment.

Future agenda items.

Adjourn.

1: 37 PM - The meeting was adjourned.

Chairman Scott Holewinski

Karl Jennrich, Planning & Zoning Director