

**SANDS TOWNSHIP PLANNING COMMISSION  
MINUTES**

February 25, 2019  
(Originally scheduled January 15, 2019)

1. Call to Order at 6:30 by Planning Commission Vice-Chair S. Brauer
2. Roll Call: S. Brauer, J. Yelle, A. Burbey, S. Sundell & P. Lajewski-Pearson
  - a. Absent: E. Anderson & R. Titter
  - b. Others in Attendance: Randy Yelle, Carolyn Kerkela, Dave Hall, Bob Stephenson, George Lindquist, Tom Seablom, Scott Jandron, Kathy Leone, Tom Leone, Karen Duquette, Joyce Tredeau, Gerald Tredeau, Tom Johnson, Rich Schwenke, Katie Krysmalski, Jim Kochevar, Stacy Haughey
3. Approval of Agenda: **Motion by P. Lajewski-Pearson, Supported by A. Burbey, to approve agenda as presented. Ayes: 5 Nays: 0 Motion Carried.**
4. Approval of Minutes:
  - a. October 16, 2018 – **Motion by A. Burbey, Supported by S. Sundell, to approve minutes of October 16, 2018, as presented. Ayes: 5 Nays: 0 Motion carried.**
5. Public Comment: Dave Kallio, Gerald Tredeau, Bob Stephenson, Nancy Olsen & George Lindquist all reserved time to speak under 6b.
6. Business:
  - a. Public Hearing: SUP19-01 (UP Prime Properties)
    - i. Open Public Hearing: S. Brauer opened Public Hearing at 6:34.
      - A. Staff Input: R. Yelle explained the request for one mini storage building, with up to four additional buildings.
      - B. Requester Input: Katie Krysmalski stated the request.
      - C. Public Input: None
    - ii. Close Public Hearing: S. Brauer closed Public Hearing at 6:38.
    - iii. Commission Discussion & Action:  
**Motion by A. Burbey, Supported by J. Yelle, that, after conducting the required public hearing, receiving input from Township staff, Township residents, the general public and the requester, and reviewing the Township's Zoning Ordinance and Master Plan, the Sands Township Planning Commission grants approval for Special Use Permit SUP19-01, to construct one additional storage unit and, as needed per demand, up to four additional units, after receiving an approved Zoning Compliance Permit from the Sands Township Zoning & Planning Department (Zoning Administrator).**  
**Ayes: 5 Nays: -0 Motion carried.**
  - b. Public Hearing: SUP18-06 (State Shooting Range)
    - i. Open Public Hearing: S. Brauer opened Public Hearing at 6:42.

- A. Staff Input: R. Yelle gave an overview and showed where the property is located.
- B. Requester Input: Tom Seablom said the lease approval is contingent on the SUP approval.
- C. Public Input:
- David Kallio thanked the Planning Commission for their work. He was disappointed the DNR was back after hearing reasons why residents, UPAWS and the Township did not want the range in the original location. He has concerns about the current property, groundwater, and the UPAWS animals. He also is concerned no one can access the site at this time to look at it, and with how the Shooting Range Act of 1989 is worded, which he feels gives extreme legal freedom.
  - Gerald Tredeau is in opposition. He worries it could decrease property value and questions noise levels. It will be unsupervised, causing a nuisance and an increase in vehicle and recreational traffic. He feels there are other alternatives.
  - Bob Stephenson has concerns with the impact of sound on the UPAWS animals. There is a dog park and walking trail outside of their facility. What is the remittance if there are problems with sound? He would like to see sound testing relevant to animals.
  - Nancy Olsen is displeased this new site is so close to the previous one. She feels other sites from the original meeting were better suited. Her main concerns are noise and the environment. Will there be new testing with the different terrain? She also questioned what could be done if noise is a problem? Will shell casings be picked up? Is lead contained? Is it supervised? Hours? Recourse for violations?
  - George Lindquist feels the site would be a big value versus what is going on there now, which is a free-for-all. This would bring order, be controlled and monitored, and be safe. It is a great opportunity and the grants could be lost if this is not approved. Bullets are recovered from the berms and the property will be clean. There is no state range in the U.P. and this will benefit area businesses.
  - Stacy Haughey, DNR, thanked the Planning Commission and said this site is the site that was preferred after the very first public meeting. When sound testing was done, it was done from the Goose Lake Road and was monitored at the UPAWS site, with no measurable decibels. That was without any sound abatement, and they will have state-of-the-art abatement. They will clean up the property and do an environmental assessment. Grants are approved and ready to move forward if they get approval.
  - Kathy Leone clarified that UPAWS would like to see the sound testing done relevant to an animal's ear, not the human ear.
  - Joyce Tredeau said the current range others are referring to is illegal. She wanted to know about the DNR supervision – how, when, days?

- Dave Hall said it appears most people want to have a shooting range, but issue seems to be where. He would like to see people work together to make it happen and would hate to see this opportunity be taken away.
- ii. Close Public Hearing: S. Brauer closed Public Hearing at 7:09.
- iii. Commission Discussion & Action:  
Discussion followed, with several questions asked of the DNR about environmental abatement, the expected life of the range, if it will be staffed, how cleanup is enforced and the site is monitored, operational hours of the site, if there will be a liner, the proposed fence, and the sound study. There was also discussion with UPAWS on the sound study and the animals.

**Motion by P. Lajewski-Pearson, seconded by S. Sundell, that, after conducting the required public hearing, receiving input from Township Staff, residents, surrounding municipalities, clubs, and the MDNR, following requirements for postings and notices, and reviewing the Sands Zoning Ordinance and Master Plan, the Sands Township Planning Commission approves SUP 18-06 with the following conditions of approval:**

- **Must comply with the “DNR Shooting Range Rules” (Attachment A);**
- **Must comply with “The Sport Shooting Ranges Act, 1989” (Attachment B);**
- **Must comply with all Local, County, and State Ordinances and Laws addressing shooting ranges;**
- **Must comply with Sands Township Noise and Nuisance Ordinances;**
- **Range shall be fenced with an 8 foot fence and locked during non-open hours;**
- **Range shall be staffed during open hours;**
- **Range shall be organized and kept in a clean condition, including shell casings picked up daily;**
- **Lead shall be contained within an area lined to prevent groundwater contamination;**
- **At close of the shooting range, the area shall be returned to its natural condition, at the expense of the MDNR;**
- **Security cameras must be installed;**
- **Install test well/s per GEI recommendations, and provide copy of test results to the Sands Township Zoning & Planning Department yearly;**
- **Follow up review of SUP 18-06 at 18 months (August 2020);**
- **Copy of property agreement between the MDNR & Cliffs provided to the Sands Township Zoning & Planning Department.**

**Ayes: 5   Nays: 0   Motion carried.**

7. Administrative Report: R. Yelle gave an update on Township violations and MCSWMA activity.
8. Public Comment:

- Dave Kallio said he has no objection to the range, just the location. He agrees with the conditions stated by the Planning Commission. He knows some people will continue to cause problems with uncontrolled shooting, just in a different spot. He hopes this range does not cause problems for residents of UPAWS.
- Tom Seablom thanked everyone who came to the meetings and participated in the public process. He also thanked the Planning Commission. Stacy Haughey seconded his comments.
- Gerald Tredeau said his biggest concern is the noise. He lives close to the site.

9. S. Brauer adjourned meeting at 8:21.

S. Brauer  
Vice-Chairman

P. Lajewski-Pearson  
Secretary

C. Kerkela  
Recording Secretary

## **DNR Shooting Range Rules**

- **General Rules**
- **Rifle/Pistol Range Rules**
- **Muzzleloader Range Rules**
- **Trap Range Rules**
- **Shotgun Patterning Rules**

### **GENERAL RULES**

- The gated parking lots are designated for range participants only.
- Range hours have been established to ensure safety and to protect the ranges against vandalism. Shooting is allowed only when DNR range personnel are present.
- Range firearms must be unloaded and cased in order to enter the range.
- Shooters under the age of 16 must be supervised by an adult.
- Range firearms may be uncased only at the shooting stations on the firing lines. They must be cased prior to leaving the shooting station.
- Shooters must keep their range firearms pointed in a safe direction at all times.
- Range firearms may be loaded and discharged only at an established shooting station at approved targets.
- Only approved targets may be used; no human-form silhouettes or metal targets. Paper targets with a bullseye pattern or a depiction of legal game may be used.
- No alcoholic beverages are allowed at the ranges. Individuals under the influence of alcohol or drugs are not permitted on the firing line.
- Shooters are responsible for keeping their shooting area in order and properly disposing of all targets, trash and shell casings.
- For your protection, range participants are responsible for providing – and required to wear – eye and ear protection.

### **RIFLE/PISTOL RANGE RULES**

- **One Shot Rule:** A blanket permit has been issued, which allows more than one round to be loaded at a time on the rifle/pistol ranges. Up to six rounds may be loaded in the magazine and chamber combined, with a minimum of three seconds required between shots. Range officers may suspend this permission, based on their discretion, when conditions exist that may compromise the safety of the shooters and others.
- The 25-, 50-, 100- and 200-yard ranges are designated for hand-held rifles (.50 caliber BMG and larger centerfire rifles are prohibited), muzzleloaders (not exceeding .80 caliber), pistols, revolvers and shotguns with slugs only.
- The 10-yard ranges are designated for pistols and revolvers only.
- Paper targets must be fastened to backboards. Targets may not be set up partway downrange.
- Firearms can be loaded at and discharged only from established shooting stations on the firing line and only under the direction of a range officer.

- Muzzles must always be kept pointed downrange.
- All range firearms must be unloaded with action open, except when being fired.</p>
- During a target check, shooters must move behind the yellow line and are not permitted to re-enter the shooting line until the range command – “All clear downrange. You may commence fire. Commence fire.” – is given.
- Range firearms may not be taken downrange.</p>
- No incendiary, explosive and/or tracer ammunition.</p>
- No open flame or lighted smoking materials are allowed on the firing line, apron or transfer table areas. Smoking is allowed in designated areas only.

#### MUZZLELOADER RANGE RULES

- Only the original container, flask or cow horn – holding one pound or less of black powder, pyrodex or other black powder substitute – may be used.
- Muzzleloaders must be loaded from a separate powder measure only, not from a container, even if it is equipped with a measuring device – and only at the shooting stations.
- No open powder or flammable powder solvent containers are allowed on the firing line except when loading.
- Range firearms larger than .80 caliber are prohibited.
- Before a target check occurs, all range muzzleloaders must be discharged and have no obstruction in the barrel.

#### TRAP RANGE RULES

- Only target and low brass shells with light loads, 7 1/2 – 9, are allowed.
- Only one shell may be loaded. If doubles are being thrown, two shells may be loaded.
- Only clay targets may be used.
- Shooters are to bring a target thrower and clay targets to Ortonville, Pontiac Lake, Rose Lake and Sharonville.

#### SHOTGUN PATTERNING RULES

- Only one shell may be loaded.
- No buckshot or slug shooting is allowed.

**SPORT SHOOTING RANGES**  
**Act 269 of 1989**

AN ACT to provide civil immunity to persons who operate or use certain sport shooting ranges; and to regulate the application of state and local laws, rules, regulations, and ordinances regarding sport shooting ranges.

*History:* 1989, Act 269, Imd. Eff. Dec. 26, 1989.

*The People of the State of Michigan enact:*

**691.1541 Definitions.**

Sec. 1. As used in this act:

(a) "Generally accepted operation practices" means those practices adopted by the commission of natural resources that are established by a nationally recognized nonprofit membership organization that provides voluntary firearm safety programs that include training individuals in the safe handling and use of firearms, which practices are developed with consideration of all information reasonably available regarding the operation of shooting ranges. The generally accepted operation practices shall be reviewed at least every 5 years by the commission of natural resources and revised as the commission considers necessary. The commission shall adopt generally accepted operation practices within 90 days of the effective date of section 2a.

(b) "Local unit of government" means a county, city, township, or village.

(c) "Person" means an individual, proprietorship, partnership, corporation, club, governmental entity, or other legal entity.

(d) "Sport shooting range" or "range" means an area designed and operated for the use of archery, rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.

*History:* 1989, Act 269, Imd. Eff. Dec. 26, 1989;—Am. 1994, Act 250, Imd. Eff. July 5, 1994.

**691.1542 Sport shooting ranges; civil liability or criminal prosecution; state rules or regulations.**

Sec. 2. (1) Notwithstanding any other provision of law, and in addition to other protections provided in this act, a person who owns or operates or uses a sport shooting range that conforms to generally accepted operation practices in this state is not subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time of construction or initial operation of the range.

(2) In addition to other protections provided in this act, a person who owns, operates, or uses a sport shooting range that conforms to generally accepted operation practices is not subject to an action for nuisance, and a court of the state shall not enjoin or restrain the use or operation of a range on the basis of noise or noise pollution, if the range is in compliance with any noise control laws or ordinances that applied to the range and its operation at the time of construction or initial operation of the range.

(3) Rules or regulations adopted by any state department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere do not apply to a sport shooting range exempted from liability under this act. However, this subsection does not restrict the application of any provision of the generally accepted operation practices.

*History:* 1989, Act 269, Imd. Eff. Dec. 26, 1989;—Am. 1994, Act 250, Imd. Eff. July 5, 1994.

**691.1542a Continuation of preexisting sport shooting ranges.**

Sec. 2a. (1) A sport shooting range that is operated and is not in violation of existing law at the time of the enactment of an ordinance shall be permitted to continue in operation even if the operation of the sport shooting range at a later date does not conform to the new ordinance or an amendment to an existing ordinance.

(2) A sport shooting range that is in existence as of the effective date of this section and operates in compliance with generally accepted operation practices, even if not in compliance with an ordinance of a local unit of government, shall be permitted to do all of the following within its preexisting geographic boundaries if in compliance with generally accepted operation practices:

(a) Repair, remodel, or reinforce any conforming or nonconforming building or structure as may be necessary in the interest of public safety or to secure the continued use of the building or structure.

(b) Reconstruct, repair, restore, or resume the use of a nonconforming building damaged by fire, collapse,

explosion, act of god, or act of war occurring after the effective date of this section. The reconstruction, repair, or restoration shall be completed within 1 year following the date of the damage or settlement of any property damage claim. If reconstruction, repair, or restoration is not completed within 1 year, continuation of the nonconforming use may be terminated in the discretion of the local unit of government.

(c) Do anything authorized under generally accepted operation practices, including, but not limited to:

(i) Expand or increase its membership or opportunities for public participation.

(ii) Expand or increase events and activities.

**History:** Add. 1994, Act 250, Imd. Eff. July 5, 1994.

#### **691.1543 Local regulation.**

Sec. 3. Except as otherwise provided in this act, this act does not prohibit a local unit of government from regulating the location, use, operation, safety, and construction of a sport shooting range.

**History:** 1989, Act 269, Imd. Eff. Dec. 26, 1989;—Am. 1994, Act 250, Imd. Eff. July 5, 1994.

#### **691.1544 Acceptance of risk.**

Sec. 4. Each person who participates in sport shooting at a sport shooting range that conforms to generally accepted operation practices accepts the risks associated with the sport to the extent the risks are obvious and inherent. Those risks include, but are not limited to, injuries that may result from noise, discharge of a projectile or shot, malfunction of sport shooting equipment not owned by the shooting range, natural variations in terrain, surface or subsurface snow or ice conditions, bare spots, rocks, trees, and other forms of natural growth or debris.

**History:** Add. 1994, Act 251, Imd. Eff. July 5, 1994.