

**AGENDA**  
**Cascade Charter Township Planning Commission**  
**Monday, May 16, 2016**  
**7:00 pm**  
**Cascade Library Wisner Center**  
**2870 Jacksmith Ave. SE**

- ARTICLE 1.      **Call the meeting to order**  
                  **Record the attendance**
- ARTICLE 2.      **Pledge of Allegiance to the flag**
- ARTICLE 3.      **Approve the current Agenda**
- ARTICLE 4.      **Approve the Minutes of the March 21, 2016 meeting**
- ARTICLE 5.      **Acknowledge visitors and those wishing to speak to non-agenda items.**  
                  **(Comments are limited to five minutes per speaker.)**
- ARTICLE 6.      **Case # 16:3303 Cascade Thornapple River Association**  
                  **Public Hearing**  
                  **Property Address: 7238 Cascade Rd**  
                  **Requested Action: The applicant is requesting Type II Special Use Permit to**  
                  **allow river association members to launch and retrieve boats.**
- ARTICLE 7.      **Case #16-3301 Patrick Keeler**  
                  **Public Hearing**  
                  **Property Address: 8100 45<sup>th</sup> St**  
                  **Requested Action: The applicant is requesting a Special Use Permit to allow**  
                  **an accessory building resulting in a building in excess of 832 sq. ft.**
- ARTICLE 8.      **Any other business**
- ARTICLE 8.      **Adjournment**

**Meeting format**

- |   |   |
|---|---|
| 1. <b>Staff Presentation</b>            | <i>Staff report and recommendation</i>  |
| 2. <b>Project presentation-</b>         | <i>Applicant presentation and explanation of project</i>  |
| a. <b>PUBLIC HEARINGS</b>               |   |
| i. <i>Open Public Hearing.</i>          | <i>Comments are limited to five minutes per speaker; exception may be granted by the chair for representative speakers and applicants</i> |
| ii. <i>Close public hearing</i>         |   |
| 3. <b>Commission discussion –</b>       | <i>May ask for clarification from applicant, staff or public</i>  |
| 4. <b>Commission decision - Options</b> |   |
| a. <i>Table the decision</i>            | d. <i>Approve with conditions</i>   |
| b. <i>Deny</i>                          | e. <i>Recommendation to Township Board</i>  |
| c. <i>Approve</i>                       |   |

## MINUTES

Cascade Charter Township Planning Commission

Monday, April 18, 2016

7:00 P.M.

**ARTICLE 1.** Chairman Waalkes called the meeting to order at 7:00 PM.  
Members Present: Katsma, Lewis, Mead, Pennington, Rissi, Robinson, Sperla, Waalkes, Williams  
Members Absent: All were present.  
Others Present: Community Development Director, Steve Peterson, and others listed on the sign in sheet.

**ARTICLE 2.** Pledge of Allegiance to the flag.

**ARTICLE 3.** Approve the current Agenda.

**Motion by Member Lewis to approve the Agenda. Support by Member Sperla. Motion carried 9-0.**

**ARTICLE 4.** Approve the Minutes of the March 21, 2016 meeting.

**Motion by Member Rissi to approve the minutes of the March 21, 2016 as written. Support by Member Mead. Motion carried 9-0.**

**ARTICLE 5.** Acknowledge visitors and those wishing to speak to non-agenda items (Comments are limited to five minutes per speaker.)

No one wished to speak on a non-agenda item.

**ARTICLE 6.** Case # 16:3299 Dan Kamphuis

**Public Hearing**

**Property Address: 5800 Thornapple River Drive SE**

**Requested Action: The applicant is requesting the rezoning of 5800 Thornapple River Drive.**

Director Peterson stated that this is a rezoning request from Agricultural to R1 Residential. It is important to remember this is a straight rezoning request from Agricultural to Residential, there are no development plans. The property is in the southern middle of the Township at Thornapple River Dr. and 60<sup>th</sup> Street the Future Land Use Plan has it in the category of Suburban Residential. We rely on this Master Plan to decide whether the change makes sense. In terms of the Future Land Use Plan, what they are proposing is actually what the Master Plan foresees as that area changing. This property used to be zoned R1 Residential and they rezoned it to Agricultural to accommodate tree farming activity and to take

advantage of some agricultural exemptions. Now they would like to change this back to Residential. A couple of the main differences between Agricultural and Residential are:

- Minimum Lot size
  - Agricultural it is 2.2 acres
  - Residential is 40,000 sq. ft.
  - Subdivision lots are smaller but utilities must be available and while it is in our Utility Service Boundary there are not any available nearby and nothing is planned.

Currently they have a tree farm and if it is rezoned back to Residential the tree farm would have to be grandfathered in.

The state law asks you to take a look at these cases as a straight rezoning request with no conditions attached. I included a copy of the rezoning standards and I ask that you take into consideration with the R1 rezoning request.

I asked the Applicant why he was requesting the rezoning and he stated he felt the land would be better valued at Residential than Agricultural.

The Planning Commission is holding the Public Hearing and will forward your recommendation to the Township Board. Staff is recommending approval of the rezoning request from Agricultural to R1-Residential.

Member Sperla asked if any residents came forward with questions. Director Peterson stated that a couple people did it. Member Sperla stated that if it is a 75 acre site it would allow up to 75 homes to be built there in the future if it were developed. Director Peterson stated there would not be that many as you would have to take out for roads and greenspace but certainly there could be a large number of homes. It would be no different than the other subdivisions in the area.

Member Mead asked if there were any concerns about this being a non-conforming use. Director Peterson stated that he is not.

Member Rissi asked if we have had similar requests in the past that are non-conforming. Director Peterson stated that it is not unusual.

Member Lewis asked if the runways with planes taking off and landing is an issue for the people that live near there? Director Peterson stated that there are noise contours around the runways.

Chairman Waalkes asked the Applicant to come forward with comments.

The Applicant did not have any further comments.

**Member Robinson made a motion to open the Public Hearing. Support by Member Rissi. Motion carried 9-0.**

Doug Bush, 5805 Thornapple River Drive, stated that on the concern for airport noise the planes are not an issue. I am not here to be a nimby, they have done an excellent job of maintaining the property across the street. My question is that Thornapple River Drive seems to be an arbitrary boundary between 40,000 sq. ft. lots and 100,000 sq. ft. lots. It is not a geographical or physical division and I am curious why it is used as such. Member Sperla stated that you have to draw a line somewhere and there is nothing that says that it can't be rezoned across the street.

Member Pennington stated that it looks like the Master Plan states it is more industrial around the airport.

Emory Stouffer, 6947 60<sup>th</sup> Street, stated that the property used to be his grandparents farm. I am not opposed to rezoning but it shows it is agricultural, it was residential, then they changed it to agricultural for one reason only, tax structure-dollars and cents. Now, they are coming back to rezone it to residential. There is only one reason to rezone it and that is for it to be developed, whether Mr. Kamphuis states it or not. I am not opposed to it, but I think it is in Cascade Township's best interest to look really hard at this.

Mr. Stouffer stated he could have grown trees on that parcel without the rezoning. Director Peterson stated changing it to Agricultural was viewed as a positive from the Township and the use and zoning coincided with each other and he would not have any issues from the zoning side of things. As non-conforming properties go you are a little more limited in what you can do. If people want to flip flop so to speak, if it makes sense and is consistent with the Townships goals and objectives than we would not see it as a bad thing. Chairman Waalkes stated that he was on the Planning Commission in 2007 at the time of the first rezoning and everyone agreed that it made sense to zone it according to use. I don't know if it made a difference in the tax bills. It was decided based on use only. I am in support of farming and promoting that is fine. We have those areas where we want to preserve farmland. As a Township we have to be aware of the use of the landowners and the use of the land. Mr. Stouffer stated that Mr. Kamphuis has been a good neighbor, I just think the Township has to look closer at the situation.

Bruce Caukin, 7100 Thornview Drive SE, stated he is an adjacent neighbor on the north side. I don't really have a huge concern for what the property might be turned into. My bigger concern is what is going to happen to the roads that service that area. It is a very hilly area both on Thornapple and 60<sup>th</sup> Street with a lot of blind hills and so forth and it's not real wide. With the advent of the University and the Insurance Company the amount of traffic that goes thru there is unbelievably different than it was ten years ago. To have a residential area in there with people pulling in and out of two or three service roads is only going to add to the congestion and liability and dangers and safety of the area. I do think we need to think about what we do to the servicing roads to make it safer as it is not adequate for the traffic that is already on it.

Chairman Waalkes stated that if a plan came before the Planning Commission to subdivide this parcel, the issue of traffic would be discussed. The Township does not own the roads but we would definitely convey our concerns to the Kent County Road Commission. When we have something specific in front of us we can determine requirements. Mr. Caukins stated that it would be more than just curb cuts as its very hilly and there are blind spots.

Member Rissi stated that he concurs with Mr. Caukins assessment with the traffic from Foremost if you are trying to make a turn on 48<sup>th</sup> Street at 5:00.

Director Peterson stated that part of the Master Plan studies where growth can occur and if areas can accommodate that. 60<sup>th</sup> Street and Thornapple are both major arterial roads. Those are some of the factors we use when we look at the Master Plan map. We look at the capacity of the road system and if it the road has the capacity to accommodate.

Mathew Baron, 6064 Songbird Lane SE, stated that the traffic is very heavy in the area. Thornapple is a highway during parts of the day. I am assuming it will become a development and where would the road come out of? Considering the traffic implications should be a huge factor in the decision.

Jon DeGraff, 6960 Thornview Drive SE, stated that he bought the property three years ago and was aware that there could be future residential development. When you move in you have a view and it's a rural area and you assume that your view of the ravine and beautiful old growth trees will continue. The tree farm is up on the hill and it's beautiful and I can see the reason to redevelop the area. My concern is for the buffering or how much is this going to change what we bought in to when we purchased there. My other concern is the traffic. Also the airport, as far as the sound waves go it is very quiet. M6 on the other hand is very different as far as sound, the weekends are far quieter than weekdays.

Chairman Waalkes asked Director Peterson if the R1 zoning has any requirement for open space preservation like we have seen in other developments in the past. Director Peterson replied that it would depend on what type of subdivision they were to do and that would dictate what the minimum parcel size would be. There is some component of open space with every subdivision whether they provide that with larger lots or by actual common area. It is too premature to even guess what type. For the setback questions those won't be any different than they are today, then what any of the neighbors have. We do not and never have required buffering from residential to residential. The only time I can think of was when new roads came in and there were lights shining on existing neighbors, so some trees were put up to block the lights. There are a lot of detail questions, but they are not part of this. Depending on what type of subdivision comes in we would expect that they would meet Township regulations. I think we have very good tough regulations, so if someone comes in and can meet those they may not have to go through a public hearing process because we know we are going to get a really good subdivision. The process would be dictated by what they would want to do.

Dan Kamphuis, 5800 Thornapple River Dr SE, would like to speak on Emory Stouffer's thought that he would save on taxes. I spoke to Director Peterson about this before we even did this in 2007. I asked him if I would save any money by having that be agricultural over the R1 and he said they treated the R1 as agricultural because it was being farmed as agricultural. So the tax consequence would not change. Just wanted to make it clear that I was not trying to get a break on taxes. As far as the traffic, I have the same concerns with the traffic because it is horrible. It is not our traffic or the traffic that will come out of the subdivision, it is the traffic from Farmers Insurance and the other businesses that come around that corner.

**Member Rissi made a motion to close the Public Hearing. Second by Member Robinson. Motion passes 9-0.**

Member Rissi made the comment that in previous minutes when this was converted to the current zoning and it was thoroughly discussed that in the future that it may get switched back. I would be in support of this.

Member Lewis states that he wrote down two words, growth and traffic and since I have been on this board these go hand in hand. When the growth comes which everyone likes to see happen, you are also going to get the traffic and it needs to be tolerated. Your comments are well received. Tonight we just have to deal with this property and the gentleman has every right to follow the ordinance, as written, to do what he wants with the property as he is paying for it.

**Member Mead made the motion to forward Planning Commission approval to the Cascade Township Board on Case #16:3299 to approve the rezoning of the property at 5800 Thornapple River Drive from Agricultural Rural Conservation to R1-Residential. Second by Member Rissi. Motion passes 9-0.**

**ARTICLE 7. Any other business**

Member Mead stated that he had a concern with the County Drain Commission office. It has been brought up on numerous developments about the amount of water flow into the design system. Now having seen first-hand the failure of the system at the detention pond at Santiago and Burton, a log got into the system without any shielding and backed the system up in excess of 3.5 feet of the outlet. The volume of water was a huge issues. When it was brought to the Drain Commissions attention, they sent out a subcontractor who pulled the log out which then immediately flooded the Forest Hills Parking lot for over 24 hours. It took about 28 hours to drain the system. The exiting of the emergency flow outlet was under in excess of 12 inches of debris. When I talked to the Deputy Drain Commissioner he stated that they review their ponds quarterly. Which I find a joke to say the least. Knowing that my basement did not flood, but my sump pump was on every 30 seconds and continues to pump non-stop today a week later. My neighbor did have his basement flood and another neighbor spent over \$7,000 on a back-up system because they did have a flood in their basement. My concern is that the Drain Commission is not maintaining their properties adequately. My concern is with any future developments spilling into that system, not to penalize any developers from using a system that has been bought and paid for, but because of the lack of maintenance on the part of the Drain Commission. Having said that, I would like to ask the Planning Commission to make a recommendation to the Township Board that the Board send notification to the Drain Commissioner that this is a big concern of the Cascade Township Planning Commission. This notification should state that we expect the County Drain system to be maintained accordingly and properly.

Member Rissi stated that he would support the motion. He stated that he recently had to contact the KCRC on a clogged drain that clearly has not been maintained in years. It took them about a week to look at it and another two weeks to act on it. There is clearly a maintenance issue.

Director Peterson stated that we are updating our Storm Water Maintenance Plan and we did receive an update as to the maintenance that they are doing.

Member Lewis stated that he feels that due to lack of money that government reacts to the situations as they occur rather than being proactive in some situations. I think a letter would be fine but I don't really think that much change will come of it.

Member Pennington asked if it was overreaching by the Planning Commission to tell the Drain Commission how to do their jobs. Director Peterson stated that it is not unusual to send a letter stating maintenance concerns. Member Sperla stated that a letter may make them pay attention more than a phone call. I think a letter is just a formal way to make sure we have their attention.

**Member Mead made a motion to recommend to the Township Board to send a letter to the Drain Commission detailing our concerns as we continue to have new developments that flows into their system that it be maintained properly. Support by Member Rissi. Motion carried 9.**

#### **ARTICLE 10. Adjournment**

**Motion made by Member Mead to Adjourn. Support by Member Rissi. Motion carried 9-0. Meeting adjourned at 8:29 PM.**

Respectfully submitted,  
Aaron Mead, Secretary  
Ann Seykora/Julie Kutchins – Planning Administrative Assistant

STAFF REPORT: Case # 16-3301  
REPORT DATE: April 28, 2016  
PREPARED FOR: Cascade Charter Township Planning Commission  
MEETING DATE: May 16, 2016  
PREPARED BY: Steve Peterson, Community Development Director

APPLICANT:  
Patrick Keeler  
8100 45<sup>th</sup> St  
Ada MI 49301

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**STATUS**

**OF APPLICANT:** Property Owner

**REQUESTED ACTION:** The applicant is requesting a Special Use Permit to allow an addition to an accessory building resulting in a building in excess of 832 sq ft.

**EXISTING ZONING OF  
SUBJECT PARCEL(S):** R1

**GENERAL LOCATION:** South side of 45<sup>th</sup> St between Cherry Lane and Whitneyville Ave.

**PARCEL SIZE:** Approximately 1.2 acre.

**EXISTING LAND USE  
ON THE PROPERTY:** Residential

**ADJACENT AREA  
LAND USES:** Residential

**ZONING ON  
ADJOINING PARCELS:** R1

**STAFF COMMENTS:**

1. The applicant is requesting permission to construct an addition to his accessory building. The addition would add 672 sq ft bringing the total size of the building to 1,504. The building will be used for residential storage.
2. They appear to have a lot of equipment stored outside that would be nice to get moved inside.
3. With less than 3 acres the property would only be allowed this one accessory building. They do have small plastic building on the property that will have to be removed.
4. The building is located in the rear yard. The building is planned to be about 14 feet tall. The closest setback is the rear property line which is slightly over 25 feet. This meets our setback requirements.
5. The building is being built to match the existing steel building.
6. Any outdoor lighting will have to meet our standards, requiring it to be shielded and downcast or at a level that is exempted.
7. It should be noted that accessory buildings cannot be used for living space or to run a business.

Upon review of a Type I Special Use Permit for an accessory building, Section 17.03(1)(a) of the Zoning Ordinance requires the Planning Commission to consider several factors. I have listed those items for your consideration followed by my comments for each.

<i>Factors</i>	<i>Comments</i>
The intended use of the building.	Storage.
The proposed location, type and kind of construction and general architectural character of the building.	The addition will match the existing steel building home.
The size of the building in relation to the house, lot and zoning district.	The property is about 1 acre. The home has approximately 2,500 sq. ft. of finished living space.

The type and kind of principal and accessory buildings and structures located on properties which are adjoining and in the general area.	There are only a few other detached buildings in the immediate area. This size building is large for the size home and lot of the area.
The topography and vegetation in the area.	Open flat
Whether the proposed building will affect the light and air circulation of any adjoining properties.	No impact
Whether the proposed building will adversely affect the view of any adjoining property owner or occupant.	The existing landscape buffer on the south property line would make it difficult to see the building.
Points of access to the proposed building and their relationship to adjoining properties and the view from the adjacent streets.	No new access to the street will be created.

#### **STAFF RECOMMENDATION**

I believe the building is right on the edge of being too large, but given that they would be able to move their equipment inside and remove the plastic building, I would recommend that the building be approved, provided it is not used for living space or to run a business.

Attachments:        Application package



# CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan  
49546-7140

## PLANNING & ZONING APPLICATION

APPLICANT: Name: \_\_\_\_\_ Patrick Keeler \_\_\_\_\_

Address: \_\_\_\_\_ 8100 45<sup>th</sup> Street \_\_\_\_\_

City & Zip Code \_\_\_\_\_ Ada, MI 9301 \_\_\_\_\_

Telephone: \_\_\_\_\_ 810-241-3148 \_\_\_\_\_

Email Address: \_\_\_\_\_ keelerpd@rvcenterprises.com \_\_\_\_\_

### OWNER: \* (If different from Applicant)

Name: \_\_\_\_\_ Lois Harris \_\_\_\_\_

Address: \_\_\_\_\_ 8100 45<sup>th</sup> Street \_\_\_\_\_

City & Zip Code: \_\_\_\_\_ Ada, MI 49301 \_\_\_\_\_

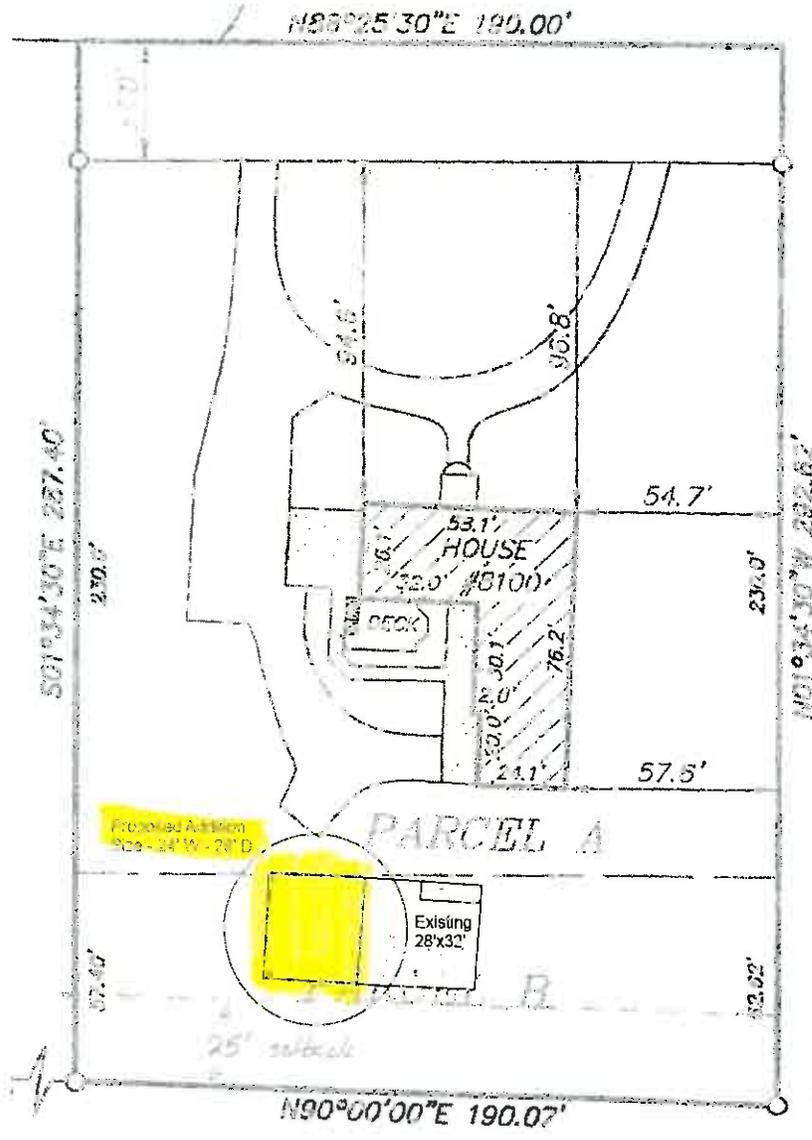
Telephone: \_\_\_\_\_ 810-853-7801 \_\_\_\_\_

Email Address: \_\_\_\_\_ NONE \_\_\_\_\_

### NATURE OF THE REQUEST: (Please check the appropriate box or boxes)

- |  |  |
|--|--|
| <input type="checkbox"/> Administrative Appeal         | <input type="checkbox"/> Administrative Site Plan Review |
| <input type="checkbox"/> Deferred Parking              | <input type="checkbox"/> P.U.D. – Rezoning *             |
| <input type="checkbox"/> P.U.D. – Site Condominium *   | <input type="checkbox"/> Rezoning                        |
| <input type="checkbox"/> Site Plan Review *            | <input type="checkbox"/> Sign Variance                   |
| <input checked="" type="checkbox"/> Special Use Permit | <input type="checkbox"/> Subdivision Plat Review *       |
| <input type="checkbox"/> Zoning Variance               | <input type="checkbox"/> Other: _____ *                  |

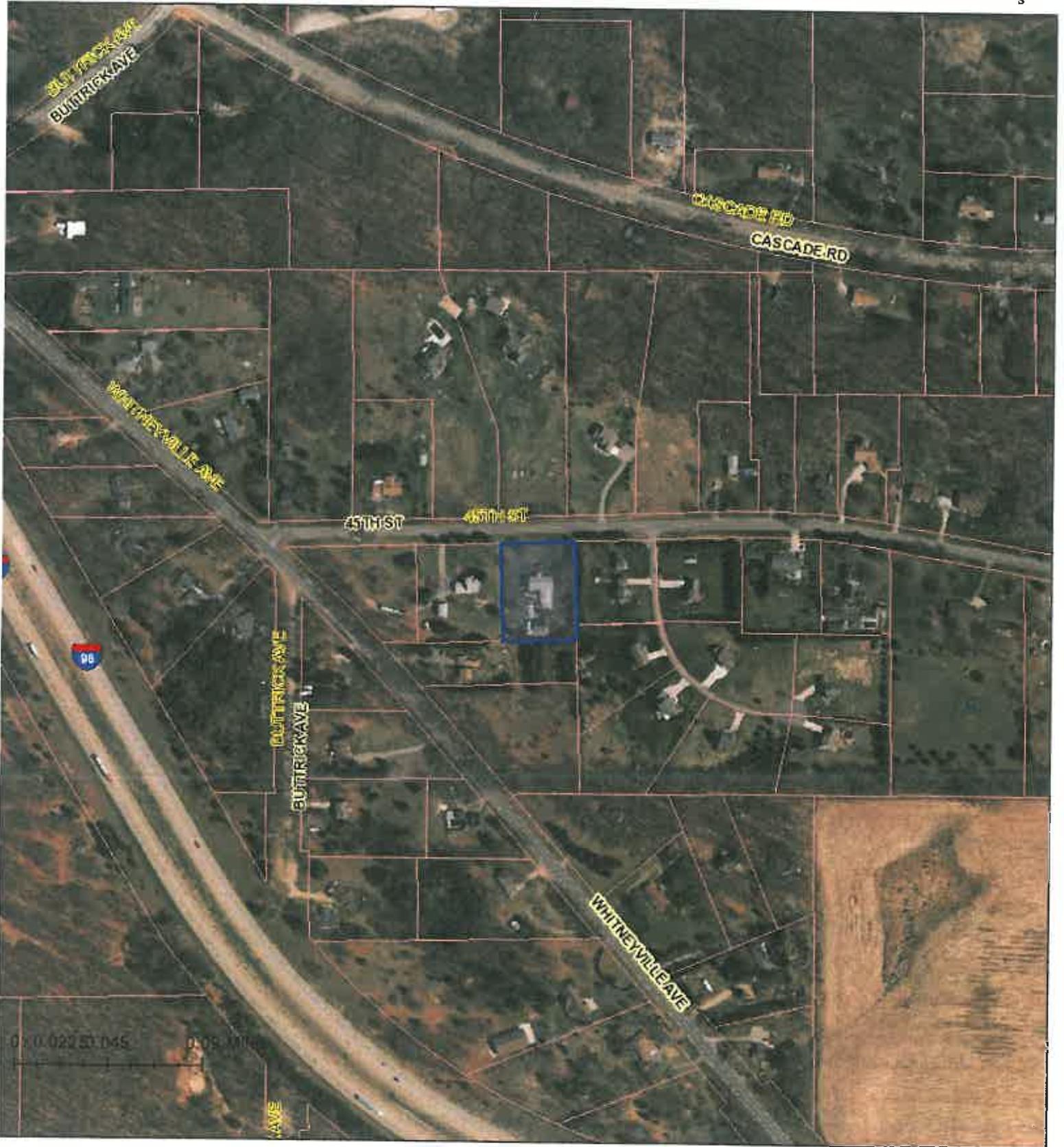
*\* Requires an initial submission of 5 copies of the completed site plan*



Scale 1" = 50'

Location on Site

8100 45th st



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# ***Project Supporting documentation***

**Date** – 4/20/2016

**Applicants** – Patrick Keeler / Lois Harris (Home Owner)

**Project** - Post and beam outbuilding addition

**Project Area** – Adding 672 sq ft to existing 832 sq ft outbuilding.

**Project address** – 8100 45<sup>th</sup> Street, Ada MI 49301

**Project Purpose** – This addition will be used as storage for personal belongings of Lois Harris and Patrick Keeler while allowing the existing area to be converted to a personal, hobby woodshop for Patrick Keeler. Also the additional square footage will serve as storage for lawn and garden implements, a classic car and personal watercraft.

Parcel Number: 41-19-26-102-003

Legal Description:

PART OF NW 1/4 COM 493.16 FT NWLY ALONG CL OF WHITNEYVILLE AVE FROM S LINE OF NW 1/4 NW 1/4 TH 90D 00M 00S E PAR WITH SD S LINE 349.60 FT TO BEG OF THIS DESC - TH N 1D 34M 30S W PERP TO CL OF 45TH ST 287.40 FT TO A PT 625.0 FT N 88D 25M 30S E ALONG CL OF 45TH ST FROM CL OF SD AVE TH N 88D 25M 30S E ALONG CL OF SD ST 190.0 FT TH S 1D 34M 30S E 292.62 FT TO A LINE BEARING 90D 00M 00S E FROM BEG TH 90D 00M 00S W 190.07 FT TO BEG \* SEC 26 T6N R10W 1.27 A.

## ***Construction Notes:***

The addition will be built with the following;

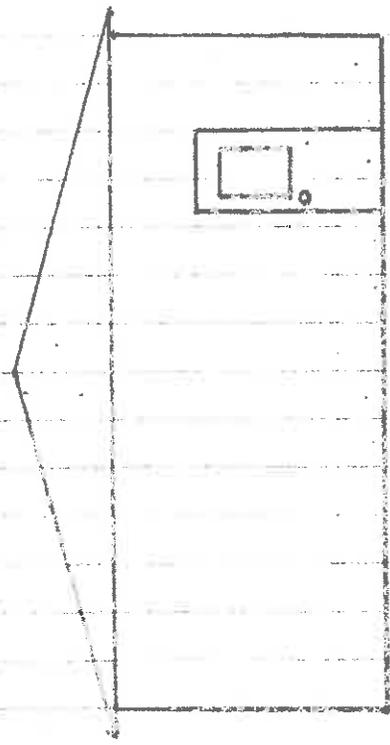
- Double 2 x 12 headers all the way around (same as existing)
- 6 x 6 posts all the way around (same as existing)
- 42" deep, 20" diameter post holes with 8" concrete footing in each (same as existing)
- 4 – 5" Structural Ledger Screws in each header securing header to post (same as existing)
- Exterior side walls to match existing siding, which are constructed of painted steel siding.
- Roof pitch to be steel roof with pitch of 3/12, green in color to match existing roof.
- Height at mid-point to be 13' 8" from grade. (same as existing)
- Height at peak to be 15' 6" at peak from final grade. (same as existing)



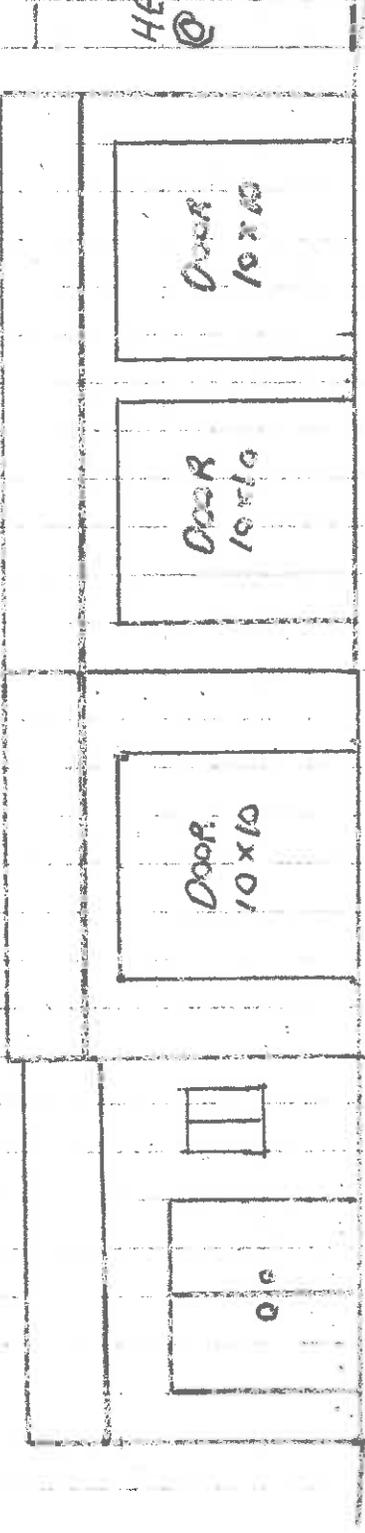
1-22-2016

WHEELER  
100 W. 15th Street

3-12 ROOF PITCH



28' DEEP  
PROPOSED



HEIGHT  
@ MIDPOINT  
13' 8" (15' 6" @ PEAK)

EXISTING  
32'

PROPOSED  
24'

NOTE - ALL MEASUREMENTS  
ARE FROM GRADE

# Pole Layout: (existing plus addition)



STAFF REPORT: Case No. 16-3303  
REPORT DATE: April 28, 2016  
PREPARED FOR: Cascade Charter Township Planning Commission  
MEETING DATE: May 16, 2016  
PREPARED BY: Steve Peterson, Planning Director

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**APPLICANT:**

Cascade Thornapple River Assoc.  
PO Box 888401  
Grand Rapids MI, 49588

**OWNER:**

Scott Rissi  
7238 Cascade Rd.  
Grand Rapids, MI 49546

**STATUS OF APPLICANT:** Association.

**REQUESTED ACTION:** Type II Special Use Permit to allow river association members to launch and retrieve boats.

**EXISTING ZONING OF SUBJECT PARCEL:** R-2, Residential

**GENERAL LOCATION:** West side of Cascade Rd. just north of 36<sup>th</sup> St.

**PARCEL SIZE:** Approximately 1.06 Acres

**EXISTING LAND USE ON THE PARCEL:** Vacant/Access point for Goodwood Plat Owners Association to access the Thornapple River.

**ADJACENT AREA LAND USES:**  
N - Residential  
S - Residential  
E - Thornapple River  
W - Residential

**ZONING ON ADJOINING PARCELS:** All R-2, Residential

STAFF COMMENTS:

- A. The applicant is requesting a Type II Special Use permit pursuant to subsection 4.33 (10)(b) of the Zoning Ordinance (see below). This subsection is a portion of the "keyhole" regulations (section 4.33).
- b. Any easement, private park, common area, or access property having frontage on a lake, river, or stream which provides access to such body of water for more than one (1) single-family home, dwelling unit, condominium unit, apartment unit, lot, or parcel, and which lawfully existed for such use as of November 21, 1995 shall not have any dock, boat ramp, or boat mooring site unless such use is approved as a special use.*
- B. This Special Use Permit would allow the Cascade Thornapple River Association to use the boat ramp at 7238 Cascade Rd to give all its members access to the Thornapple River.
- C. The CTRA extends from the Cascade Dam to 68<sup>th</sup> St. there are approximately 150 members of the association. There are numerous ramps along this stretch of the river. The last survey the township did we found about 27. Some of these are for association uses, such as Goodwood, Maracaibo Shores, Whispering ridge, Kilmer.
- D. The property owner has indicated that he is willing to allow the CTRA members access to the river from his home. The intent would be to allow access to those that do not have good access (high banks or other obstacles) but not for anyone other than CTRA members. He has even indicated that this could be temporary use.
- E. The CTRA has been looking for a launch site to assist their members who have legal access but have obstacles in gaining access to the river. They have never been able to put a plan together that satisfied their membership.
- F. The property is a little over 1 acre and has a long drive access to the river that could provide access without backing up traffic on Cascade Rd.
- G. We approved the Goodwood boat ramp in 2008 for the property owners in their subdivision. There was some concern from neighbors at the time the permit was being sought, but we have not had operational issues since that ramp went in.
- H. In order to control access to the ramp they are proposing an appointment system with the property owner.

- I. The Association has also submitted a list of adopted rules in order to control this common access site.
- J. In formulating recommendations or approving any Special Use, the Planning Commission and Township Board must find that the following general standards are met.

<i>Findings of Fact</i>	
Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the area in which the use is proposed.	The ramp is similar to the numerous other ramps on the river.
Be adequately served by essential facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewer facilities and schools.	The property has adequate room for vehicles to enter and maneuver on the site without interfering with Cascade Rd.
Not create excessive additional requirements at public cost for public facilities and services.	No additional public cost would be associated with the project.
Not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.	Access is off from Cascade Rd. The ability for vehicles and trailers to maneuver on site will not cause any traffic problems on Cascade Rd. The site is intended only for those CTRA members who do not have good access. However, it would allow access to any CTRA member under the rules proposed.
Not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic	The rules proposed by the Association would restrict this ramp more so than other sites on the river.

<i>Findings of Fact</i>	
All applicable federal, state and local licensing regulations shall be complied with, initial and annual proof of such compliance shall be a condition of special use approval and the continuance thereof.	A review after one-year approval to consider the operation would be a good way to ensure the property is in compliance and any unforeseen problems could be addressed.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission forward a recommendation to the Township Board to approve the Type II Special Use permit under the following conditions:

1. The CTRA add a rule that would require the Association to notify the Township Board of any proposed rule changes to the use and restriction for the launch site.
2. The township should be allowed to revoke launching privileges and/or close the launch site for violations.
3. Permit is granted for one year at that time this could be reviewed again by the Township for approval and/or modifications to the special use permit.
4. Member use only.

Attachments:       Application w/attachments  
                           Location Map  
                           List of rules from the  
                           last CTRA launch site.



# CASCADÉ CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

## PLANNING & ZONING APPLICATION

**APPLICANT:** Name: Cascade Thornapple River Assoc.  
 Address: PO BOX 88401  
 City & Zip Code: Grand Rapids MI 49588  
 Telephone: 616-299-8117  
 Email Address: CascadeThornapple@Gmail.Com

**OWNER: \* (If different from Applicant)** Name: Scott Rissi  
 Address: 7238 Cascade rd  
 City & Zip Code: Grand Rapids MI 49546  
 Telephone: 616-299-8117  
 Email Address: Scott.Rissi@Gmail.Com

### NATURE OF THE REQUEST: (Please check the appropriate box or boxes)

- |                                     |                             |                          |                                 |
|-------------------------------------|-----------------------------|--------------------------|---------------------------------|
| <input type="checkbox"/>            | Administrative Appeal       | <input type="checkbox"/> | Administrative Site Plan Review |
| <input type="checkbox"/>            | Deferred Parking            | <input type="checkbox"/> | P.U.D. - Rezoning *             |
| <input type="checkbox"/>            | P.U.D. - Site Condominium * | <input type="checkbox"/> | Rezoning                        |
| <input type="checkbox"/>            | Site Plan Review *          | <input type="checkbox"/> | Sign Variance                   |
| <input checked="" type="checkbox"/> | Special Use Permit          | <input type="checkbox"/> | Subdivision Plat Review *       |
| <input type="checkbox"/>            | Zoning Variance             | <input type="checkbox"/> | Other: _____ *                  |

\* Requires an initial submission of 5 copies of the completed site plan

### BRIEFLY DESCRIBE YOUR REQUEST:\*\*

Request to Allow Riverfront Owners to Launch Boats  
at existing ramp - some Highbanks + other Obstacles Prevent  
Them From reasonable Access on their own.

(\*\* Use Attachments if Necessary)

-SEE OTHER SIDE-

Assessing  
949-6176

Building  
949-3765

Buildings & Grounds  
682-4836

Clerk  
949-1508

Fire  
949-1320

Manager  
949-1500

Planning  
949-0224

Treasurer  
949-6944

LEGAL DESCRIPTION OF PROPERTY\*\*:

Attached -

(\*\*Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19-15-351-027

ADDRESS OF PROPERTY: 7238 Cascade Rd. SE GR MI 98546

PRESENT USE OF THE PROPERTY: Residential Single Family

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)	Address(es)

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) also agree to reimburse the Cascade Charter Township for all costs, including consultant costs, to review this request in a timely manner. I (we) understand that these costs may also include administrative reviews which may occur after the Township has taken action on my (our) request.

I (we) the undersigned also acknowledge that the proposed project does not violate any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.)

Scott Rissi 4-14-16

Owner - Print or Type Name (\*If different from Applicant)

Ronald Hyde

Applicant - Print or Type Name

\* [Signature] 4-14-16

Owner's Signature & Date (\*If different from Applicant)

[Signature]

Applicant's Signature & Date

PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS REVIEW SHEET - THANK YOU

Rev. 7/24/14

August 17, 2004

Eric Neitzel  
Cascade Thornapple River Association  
5060 Sequoia Dr  
Grand Rapids MI 49512

Dear Mr. Neitzel:

This is your notice that the Cascade Charter Township Planning Commission at their regular meeting on August 16, 2004 recommended approval of your Special Use Permit request for a boat launch for the members of the Cascade Thornapple River Association. This item was recommended for approval under the following conditions:

1. The Cascade Thornapple River Association (CTRA) shall amend their rules (within 60 days) to incorporate these conditions and to require the Township Board to review and approve any proposed change to the boat launch rules and regulations.
2. Require the CTRA to come back to the Township Planning Commission for annual review in order to ensure that all standards are being met. The Planning Commission shall recommend to the Township Board for any action that may be needed as a result of annual review.
3. The CTRA shall provide a gated entrance a distance off from the road that is acceptable to the Kent County Road Commission. The Cascade Fire Department prior to installation shall approve this gate. All access to the ramp shall only be done through the gate.
4. Access shall be no greater than:
  - a. **For three consecutive weeks starting the 3rd Friday in April and running through the 2<sup>nd</sup> Sunday in May:** 9:00 AM to 7:00 PM.
  - b. **September 15 through the 1<sup>st</sup> Sunday in November:** 9:00 AM to 7:00 PM.
5. Only Six CTRA Board members (as designated by the CTRA Board) are permitted to have keys to access the ramp. These CTRA Board members may permit access beyond the dates and times noted above for emergency and/or repairs by appointment only.
6. One or more CTRA Board members must be present at all times to permit access.
7. The CTRA can petition the Township Board for changes to any of these conditions at one of the annual reviews being done by the Planning Commission.

The Planning Commission shall forward a recommendation to Township Board after holding a public hearing. The CTRA must provide minutes from their own board meeting showing that the CTRA board has approved of the requested changes.

8. Notify the Township of any proposed changes or extensions to the lease agreement. Special Use permit to expire with termination of the lease.
9. Receive a copy of the approved rules.
10. Approval from the MDNR for boat launch.
11. Have the access reviewed and approved by the KCRC.
12. All exiting of the site to Cascade Rd shall be right turn only.
13. No Fueling, oiling, or other maintenance of watercraft at this site.
14. Watercraft must be registered to the person gaining access to the site.
15. A minimum of a 5 foot tall fence shall be erected between the launch site at 7430 Cascade Rd and the property at 7378 Cascade Rd. This fence shall be located starting at the high-water mark of the Thornapple River and running along the common property line approximately 160 feet towards Cascade Rd.
16. Access to the boat launch is limited to those landowners with physical riverfront property in the Township.
17. The gravel road and turnaround shall be covered with crushed stone, crushed concrete or other dustless material.
18. No picnicking at the launch site.
19. Launching of watercraft only.

The Township Board will consider this recommendation at their August 25, 2004 meeting. If you have any questions please don't hesitate to call me at 949-0224.

Sincerely  
Cascade Charter Township

Steve Peterson  
Planning Director

Cc:  
Mark Peters  
PO Box 7384  
Grand Rapids MI 49510

**THE TOWNSHIP BOARD FOR  
CASCADE CHARTER TOWNSHIP  
KENT COUNTY, MICHIGAN**

**(RESOLUTION NO. 1 of 2009)**

At a regular meeting of the Township Board for the Charter Township of Cascade held on January 14, 2009 at 7:00 p.m. at the Wisner Center in the Cascade Charter Township Library within the Township, Township Board Member Lewis made a motion to adopt this Resolution, which motion was seconded by Township Board Member Dood:

**A RESOLUTION APPROVING A SPECIAL USE REQUEST FOR  
A BOAT RAMP/BOAT LAUNCH AND RELATED ITEMS ON A  
RIVERFRONT PROPERTY WITHIN THE GOODWOOD PLAT  
AS REQUESTED BY THE GOODWOOD PLAT OWNERS  
ASSOCIATION, AND SUBJECT TO CERTAIN CONDITIONS  
AND REQUIREMENTS**

**I. THE PROPERTY INVOLVED**

The property for which the special use at issue is requested is legally described as follows:

Lot 25, Goodwood Plat, dedicated to use of property owners, according to the recorded plat thereof, as recorded in Liber 47 of Plats, Page 23 ("Lot 25").

**II. THE APPLICANT AND THE GENERAL REQUEST**

The Goodwood Plat Owners Association (the "Association") filed an application with Cascade Charter Township (the "Township") for special use approval in order to be able to install and utilize a boat ramp/boat launch and related items on Lot 25 pursuant to subsection 4.33(10)(b) of the Cascade Charter Township Zoning Ordinance, as amended (the "Zoning Ordinance"). Pursuant to the special use review and approval procedures specified in the Zoning Ordinance, the Cascade Charter Township Planning Commission (the "Planning Commission") makes a recommendation on the special use request to the Cascade Charter

Township Board (the “Township Board”), after the Planning Commission has held a public hearing. After considering the recommendation of the Planning Commission, the Township Board makes a final decision regarding the special use request involved.

### **III. FACTUAL BACKGROUND**

The Goodwood Plat (the “Plat”) within the Township was originally platted with a total of 52 lots. Over the years, some of the lots have been reconfigured and/or combined such that the Plat now has a total of 43 lots (including the Lot 25 at issue). Today, 22 of the lots are riverfront lots on the Thornapple River, while 21 of the lots within the Plat do not have frontage on the river. The Plat was created in 1950. Lot 25 of the Plat was dedicated in the plat dedication in 1950 with the language “... and Lot 25 is dedicated to the use of the property owners.” Additionally, the underlying title to Lot 25 was apparently transferred to the Association by a deed recorded with the Kent County Register of Deeds records at some time in the past. Lot 25 has approximately 113± feet of frontage on the river and over the years has generally been a vacant property.

Pursuant to its special use request, the Association desires to maintain and operate a boat launch/ramp and related items on Lot 25 for use by the owners of lots within the Plat. The launch is composed of a hard surface boat ramp/boat launch on the shore and is also located partially in the water. There is a paved driveway from the public road to the boat ramp at the shore/water (as well as a “backup” on site). The Association also wants to maintain landscaping and a keyed gate.

This is the second time that the Association has requested special use approval for the boat ramp/launch and related items for Lot 25 from the Township. In 2005, the Township Board approved the Association’s special use request, and the Association installed the boat

ramp/launch, landscaping, and appurtenances. After the Township zoning approval had occurred and the installation regarding the boat ramp/launch and appurtenances had begun, some of the nearby neighbors filed a lawsuit in the Kent County Circuit Court to stop the project. The boat ramp/launch and appurtenances were finished before the trial court decided the lawsuit. The case was appealed to the Michigan Court of Appeals and eventually to the Michigan Supreme Court.

Prior to the Kent County Circuit Court reaching its decision in the boat ramp/launch litigation, the Township amended Section 4.33 of the Zoning Ordinance and made specific changes to subsection 4.33(10)(b). The current special use is proceeding under that amended subsection 4.33(10)(b).

**IV. THE TOWNSHIP'S INTERPRETATION REGARDING SECTION 4.33 OF THE ZONING ORDINANCE**

Section 4.33 of the Zoning Ordinance is a so-called "anti-keyhole" or "anti-funneling" provision which regulates access to lakes and rivers regarding new developments and newly-created lots or parcels. The regulations were adopted in 1995 and amended in 2005. The relevant portions of Section 4.33 are as follows:

(10) b. Any easement, private park, common area, or access property having frontage on a lake, river, or stream which provides access to such body of water for more than one (1) single-family home, dwelling unit, condominium unit, apartment unit, lot, or parcel, and which lawfully existed for such use as of November 21, 1995 shall not have any dock, boat ramp, or boat mooring site unless such use is approved as a special use.

Initially, Township Planner/Zoning Administrator Steve Peterson reviewed the issue of which subsections of Section 4.33 (if any) would govern the current boat launch request. Mr. Peterson determined that Lot 25 was a lawful river access property which existed on and prior to November 21, 1995 and that the Association could apply for a special use approval for

the boat launch/ramp and appurtenance pursuant to subsection 4.33(10)(b) of the Zoning Ordinance. Mr. Peterson issued that determination in writing via his letter of June 16, 2008 to the Association.

The interpretations/determinations made by the Township Zoning Administrator/Planner via his letter of June 16, 2008 were appealed to the Cascade Charter Township Zoning Board of Appeals (the "ZBA") in a timely fashion by the Van Farowe family, who own a riverfront lot adjacent to Lot 25. The Association also filed a variance application with the ZBA to allow special use consideration for the boat launch/ramp and appurtenances under subsection 4.33(10)(b) should the Van Farowes' appeal to the ZBA be successful.

On September 9, 2008, the ZBA held public a hearing on both the Van Farowes' appeal of the Zoning Administrator/Township Planner's interpretation/determinations regarding whether the Association's boat launch/ramp request would qualify for a special use consideration under subsection 4.33(10)(b) and the Association's request for an alternate variance. At that meeting, the ZBA tentatively decided to deny the Van Farowes' appeal and to grant the alternate variance requested by the Association. At its meeting on October 14, 2008, the ZBA adopted two formal resolutions. The first resolution upheld the interpretations/determinations made by the Zoning Administrator/Township Planner regarding whether the Association's boat launch/ramp and related items application was appropriate under subsection 4.33(10)(b) and dismissed the Van Farowes' appeal. In the second resolution, the ZBA granted the Association's alternate variance request to allow for special use consideration of its application under subsection 4.33(10)(b). Thereafter, the Association formally applied for a special use approval for the boat launch/ramp and appurtenances.

**V. PROCEDURAL HISTORY**

The current special use application was filed by the Association. The Planning Commission held a public hearing on the boat ramp/boat launch and related items special use request at its meeting on December 1, 2008. After the public hearing was closed, the Planning Commission adopted a motion to tentatively recommend to the Township Board that it approve the special use request contingent upon a formal resolution being drafted by Township staff and the Township's attorneys and that resolution being adopted by the Planning Commission at its next meeting. Copies of the proposed resolution for the Planning Commission's recommended approval of the Association's special use request were disseminated to members of the Planning Commission prior to the Planning Commission meeting on December 15, 2008. The Planning Commission considered that draft resolution at its meeting on December 15, 2008 and adopted it at that meeting. The Resolution has been received for consideration by the Township Board.

**VI. THE PLANNING COMMISSION'S RECOMMENDATION REGARDING THE SPECIAL USE REQUEST**

Given that the Planning Commission determined that all of the standards contained in subsections 17.06(1) and (2) of the Zoning Ordinance have been met with regard to the current request, the Planning Commission recommended to the Township Board that it approve the special use request by the Association for the boat ramp/boat launch and associated items on Lot 25 pursuant to subsections 4.33(10)(b) and 17.06(1) and (2) of the Zoning Ordinance subject to certain conditions and requirements. That recommendation is contained in the Resolution adopted by the Planning Commission on December 15, 2008.

**VII. THE STANDARDS FOR SPECIAL USE APPROVAL; FINDINGS**

The standards for a special use approval which are applicable to the type of zoning matter involved with regard to the boat ramp/boat launch and related items in the current situation are

found in subsections 17.06(1) and (2) of the Zoning Ordinance. The Township Board hereby makes the following findings of fact and determinations/conclusions regarding such standards in the current case:

- (a) Subsection 17.06(1)(a) Standard – Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the area in which the use is proposed.

Finding – The boat ramp and landscaping have virtually no impact on adjoining properties or the area with regard to visual appearance. In fact, during the approximately three years that the boat ramp and the related items have been in place and in use, there have been no reported incidents or problems and the boat ramp and related items have had almost no impact on adjoining properties or the area. The actual boat ramp itself is virtually invisible. The driveway leading to the boat ramp is similar to that of any residential driveway. Therefore, the aesthetics have not and will not be affected. Furthermore, the boat ramp is similar to the numerous other boat ramps on and along the Thornapple River. The Township Board finds that the design of the boat ramp and accompanying landscaping is harmonious and appropriate in appearance to the existing or intended character of the area. The appearance of the boat ramp and related uses on Lot 25 is relatively low-key and has a generally favorable appearance. The design of the boat ramp has also been approved by the Township Engineer and the Michigan Department of Environmental Quality has also issued a permit for the boat ramp. The Township Board finds that this standard has been met.

- (b) Subsection 17.06(1)(b) Standard – Be adequately served by essential facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewer facilities and schools.

Finding – An asphalt driveway was constructed within Lot 25 for access to and from the boat ramp and river from Goodwood Drive. Goodwood Drive is a public road which becomes Burger Drive (also a public road), and which eventually ties into Thornapple River Drive, a public road. There has been no additional traffic since all of the users already live in or own property within the Plat. The farthest home from Lot 25 in the Plat is only approximately 1,600 feet from Lot 25. The boat ramp and facilities on Lot 25 are adequately served by highways and streets. The boat ramp and related facilities have had no negative impact (or minimal impact at most) on police and fire protection, drainage, refuse disposal, water and sewer facilities and schools—the boat ramp serves only the existing lots within the plat at issue. With regard to maneuverability, Lot 25 has adequate room for vehicles to enter and maneuver totally on the site without interfering with Goodwood Drive or the adjoining properties. One of the conditions of special use approval will be that the Cascade Charter Township Fire Department will be given a current access key or code for access at all times to

the gate in case of emergency. The Township Board finds that this standard has been met.

- (c) Subsection 17.06(1)(c) Standard – Will not create excessive additional requirements at public cost for public facilities and services.

Finding – The Township Board finds that there has been and will be no additional public cost associated with this project. See also the findings to subsection 17.06(1)(b), above. Accordingly, the Township Board finds that this standard has been met.

- (d) Subsection 17.06(1)(d) Standard – Will not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

Finding – The Township Board finds that the impact of the boat ramp/boat launch on adjoining and nearby properties, the river and surrounding areas has been and will be very minimal. This is not a public boat ramp/boat launch. Rather, its use will be limited to only the owners of lots within the plat. Since most of the riverfront lots within the plat have docks, shorestations, or other boat mooring items on the river adjacent to their respective properties, it is likely that a significant number of the lot owners for those lots will only utilize the boat ramp/boat launch twice a year—once in the spring or early summer to put the boat in and once in the late summer or fall to take it out (or perhaps a few more times a year if they take the boat on a road trip). And, in fact, it appears that most lot owners have only used the boat launch/ramp once or twice per year. For the other lot owners, the use, of course, will be variable. It should also be remembered that the proposed boat ramp/boat launch will only be used seasonally and not year-round. Therefore, it will likely be used off and on for approximately five months per year, thus further minimizing the impact upon surrounding properties and the area. In any event, however, the number of times a boat or watercraft is launched at the boat ramp/boat launch will not be significant, especially when compared with a public boat ramp. The actual act of launching a boat or other watercraft by trailer normally occurs fairly quickly, further minimizing adverse impacts. As mentioned above, access to Lot 25 and the boat ramp is on/from public roads. The ability for the vehicles and trailers to maneuver entirely within Lot 25 has not and will not cause any traffic problems on Goodwood Drive or the other public roads involved. Furthermore, Lot 25 and the boat ramp can only be utilized for the owners of the existing other 42 lots within the Plat (there will be no dwelling on Lot 25). It appears that 22 lots within the Plat at issue have river frontage and the owners thereof normally only put in their boats and take them out once or twice a season. The Kent County Road Commission has reviewed and approved the access regarding the proposed boat ramp. Conflict with uses on adjoining or nearby properties has been nonexistent or minimal given the size of Lot 25 and the limited number of landowners who can use the boat launch. The placement of the boat ramp near the middle of the river frontage of Lot 25 has ensured that the launching of boats will not conflict with uses on the adjoining two riparian parcels

on either side of Lot 25. Furthermore, the other riverfront parcels within the plat and the vicinity (as well as riverfront parcels across the river) are far enough away so that the activities at the boat ramp have not conflicted with uses on those parcels, and will have minimal impact thereon. Finally, this type of private limited boat ramp and river front usage is commonly associated with single-family residential neighborhoods within Cascade Charter Township and along the Thornapple River, both within Cascade Charter Township and within other municipalities. The conditions and requirements attached to the special use approval will further lessen and minimize any potential adverse impacts. See also the findings regarding subsection 17.06(1)(b), above. The Township Board finds that this standard has been met.

- (e) Subsection 17.06(1)(e) Standard – Will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic.

Finding – The boat ramp and related facilities are and will be used only by the owners of existing lots within the Goodwood Plat, with that plat having effectively 43 lots. The Township Board finds that the use will not generate measurable smoke, fumes, glare, vibration or odor. With regard to noise and traffic, the Township Board finds that the impact has been and will be minimal as discussed with regard to the other standards of Section 17.06(1) and are and should not rise to the level of being detrimental to any persons, property or the general public or generate noise associated with automobiles or motor vehicles to the level of being “noxious or offensive.” See also the findings mentioned above. Additionally, the rules of the Association will further restrict the ramp, and perhaps more so than other boat ramps along the Thornapple River. The Township Board finds that these standards have been met.

- (f) Subsection 17.06(2) Standard – All applicable federal, state, and local licensing regulations shall be complied with, initial and annual proof of such compliance shall be a condition of special use approval and the continuance thereof.

Finding – The Michigan Department of Natural Resources permit has already been issued for the boat ramp.

## **VIII. DECISION OF THE TOWNSHIP BOARD**

The Township Board agrees with the recommendation of the Planning Commission. The special use request for the boat ramp/launch and appurtenances is hereby approved subject to the conditions and requirements listed below.

**IX. CONDITIONS AND REQUIREMENTS WHICH ARE ATTACHED TO THE SPECIAL USE APPROVAL**

The following conditions and requirements are hereby attached to the special use approval and such conditions and regulations must always be complied with:

(a) Lot 25 and the boat ramp/boat launch and related items shall be utilized in full compliance with the approved site plan.

(b) No boat, watercraft, trailer, or other item shall utilize the boat ramp/boat launch and related items (or Lot 25 in general) except for those which are specifically owned by and titled in the name of a then-current owner of a lot within the Goodwood Plat.

(c) The boat ramp/boat launch on Lot 25 shall be used only by a then-record title owner of a lot within the Goodwood Plat.

(d) No fueling of boats or watercraft shall occur on Lot 25 or at the boat ramp/boat launch (or the waters immediately adjacent thereto).

(e) The Association shall keep in full force and effect the rules and regulations regarding Lot 25 attached hereto as Exhibit 1. Should the Association propose to modify any of the rules or regulations with regard to the boat ramp, associated structures, and/or their use, no such rule or regulation change shall become effective until approved by the Planning Commission.

(f) The Cascade Charter Township Fire Department (or its successors) shall be given two keys or the applicable code(s) (which are current and up to date at all times) in order to allow that fire department and other government agencies access to and through the area for the boat ramp/boat launch for emergency and firefighting purposes.

The vote on this Resolution was as follows:

YEAS: Lewis, Koessel, Dood, Beahan, Goodyke, Fox, Goldberg

NAYS: None

ABSENT/ABSTAIN: None

RESOLUTION DECLARED ADOPTED.

**CERTIFICATION**

I hereby certify that the above is a true copy of a Resolution adopted by the Township Board for the Charter Township of Cascade at the time, date, and place specified above, and that all applicable statutory requirements have been followed.

Respectfully submitted,

Dated: January 14, 2009

By \_\_\_\_\_  
Ronald Goodyke, Township Clerk for  
Cascade Charter Township

00057 (000) 436187.1

# **Proposed Conditions for Cascade Thornapple River Association (CTRA) Boat Launch use.**

1. Launching will be limited for Members of the CTRA. Members who have deeded access to the river, and a legal dock in which to park at within Cascade Township.
2. Launching will be by appointment only, appointments to be scheduled at property owner's discretion at a reasonable time.
3. Access shall be no greater than:
  - a. April 10<sup>th</sup> and running through the 2<sup>nd</sup> Sunday in May: 9:00AM--to 9--:00 PM.
  - b. SEPTEMBER THROUGH THE 1<sup>ST</sup> Sunday in November: 9:00AM--to 9--:00 PM.
4. NO day time use. The site is intended for spring launch and fall retrieval only. Emergency's such as repairs or sold homes will be at the property owner's discretion and handled on a per time basis by appointment only.
5. All users will sign the waiver of liability before use of the site and abide by it.
6. No parking is allowed on site, this includes watercraft parking at the ramp dock.
7. Watercraft are not to be left at the dock or on-site unattended.
8. It is expected that your launch/retrieval should not last more than 20 minutes. This includes prep time.
9. Vehicles will be driven in designated areas only, unless directed otherwise by the property owner.
10. Mechanical repairs, washing, fueling, or maintenance of any kind is not allowed on site.
11. Appointment's that are scheduled may need to be rescheduled in the event of heavy rain. This will be done at the property owner's discretion.
12. You are expected to be prepared, do not expect help from the property owner, he/she is not there to watch your vessel, repair it, or drive it home for you.
13. Any rule changes (with the exception of fee changes) will be presented to the township for review before being implemented.
14. Family/ Children are to remain in their vehicles and not to use play structures or the yard/facilities/property of property owner or adjacent neighbors.
15. This is private property and you are a guest. Property owner will have right to revoke your launching privilege at any time for any reason with written notice.
16. The current fee will be \$100 per season per household. Fees are collected by the CTRA.
17. The ramp is not slip free and caution should be used anytime you walk or transport across it. There is no guarantee of condition or usability of the site, it is watercraft owners, or responsible party, responsibility to verify site is adequate for his/her needs.

Watercraft is defined as anything using the ramp to be transported above or below the water; this includes but is not limited to docks and shore stations floated off or on site for transportation. Property owners are defined as Scott and Hazel Rissi, owners of 7238 Cascade Rd.

# WATERCRAFT LIABILITY WAIVER OF RIGHTS TO RECOVER WAIVER OF SUBROGATION

## Liability Release *Please Read and Sign*

**RE : Scott & Hazel Rissi, owners of property described with address of "7238 Cascade Rd SE, Grand Rapids, MI 49546".**

**A.** In signing this agreement, I hereby release Scott & Hazel Rissi, and the Cascade Thornapple River Association from any and all damages, claims, demands, cost or expenses relating to injury of any person(s) or any property, which I may sustain or which I may cause by reason of participating in or in connection with any and all activities, including but not limited to, launching our boat from the property of, or in use of or around the river frontage and property of Scott & Hazel Rissi.

**B. Covenant not to sue and Waiver of Subrogation:** I further agree that I will never sue Scott & Hazel Rissi or the Cascade Thornapple River Association, for damages on account of any injury or damage I suffer or cause whether known now or which may develop in the future. In the event Scott & Hazel Rissi and/or the Cascade Thornapple River Association, is sued because of my actions, I expressly agree to indemnify and hold Scott & Hazel Rissi and the Cascade Thornapple River Association, harmless from any liability whatsoever, including court cost and attorney's fees, arising with respect to such actions. I understand that in waiving my rights to sue Scott & Hazel Rissi and/or the Cascade Thornapple River Association, I am also waiving my rights of recovery from Scott & Hazel Rissi and/or the Cascade Thornapple River Association, of my Insurance carrier for any claims they may pay on my behalf. I further understand that by signing this agreement I waive any rights my heirs or relatives have or may have to sue Scott & Hazel Rissi and/or the Cascade Thornapple River Association, for liability.

**C. Verification of liability Insurance:** I state that I maintain liability insurance with a minimum limit of watercraft liability in the amount of \$300,000 or more, and without an exclusions related to injuries, on the boat I will use on or around, including launching from, Scott and Hazel Rissi's river frontage property.

**D.** I signify by my signature that I have read, understand and agree to abide by all rules and regulations and decisions set forth by Scott & Hazel Rissi and the Cascade Thornapple River Association, in respects in usage of river frontage and boat launch access.

**E.** I signify that I am and will be the operator of this watercraft, and that I am fully responsible for any/all operators that I allow to operate my boat, and am signing and assuming exact same liability on above mentioned points, for any operators operating my watercraft.

---

**NAME OF BOATER/BOAT OWNER**

---

**YEAR/MAKE/ OF WATERCRAFT**

---

**DATE SIGNED**

---

**SIGNATURE**

**Additional facts**

Ramp itself is over 230 feet from the nearest neighbor's residence. 90' from my home.

I have allowed friends to launch watercraft at the site in the past as a guest, and have not had any issues with traffic flow.

Neighbors have not indicated any concerns, or ever had any complaints.

I will personally contact all immediate neighbors effected, (7240, 7196, 7278) prior to any meetings or public hearings.

My personal goal is to do this short term, as a test to establish real numbers of how many people wish to have access. This information could then be used by the association to solicit an arrangement with another association's ramp or perhaps seek construction of a CTRA managed ramp.

A handwritten signature in black ink, appearing to be "E. J. ...", located below the main text.

PART SW 1/4 COM 493.41 FT SELY ALONG SLY LINE OF CASCADE RD / 100 FT WIDE/ & 164.77 FT S 38D 48M 30S W FROM W SEC LINE TH N 51D 11M 30S W 95 FT TH NELY TO A PT ON SLY LINE OF SD RD 397.16 FT SELY ALONG SD SLY LINE FROM W SEC LINE TH NWLY ALONG SD SLY LINE 86.75 FT TH SWLY THRU A PT WHICH IS 119.5 FT S 53D 59M E FROM A PT ON W SEC LINE WHICH IS 307.81 FT S FROM S LINE OF SD CASCADE RD TO CONT 666 FT ON RT BANK OF THORNAPPLE RIVER TH SELY ALONG SD CONT LINE TO A LINE BEARING S 38D 48M 30S W FROM BEG TH N 38D 48M 30S E TO BEG \* SEC 15 T6N R10W 1.06 A.





