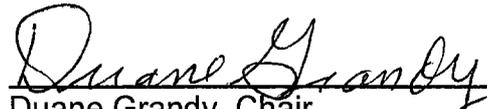




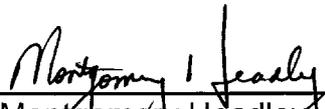
That said zoning is conditioned upon adherence to the attached Development Plan as Exhibit B and the following further conditions:

1. The permitted uses in the Planned Unit Development District shall be as specifically noted within the Development Plan as single-family residential dwellings, facilities necessary for the provision of sewage treatment and water to the residences contained within the Planned Unit Development District, and open areas used for wildlife and woodland management, trails, walkways and recreation.
2. Accessory uses allowed shall include accessory buildings in conformity with Section 6.2 of the Benton County Development Code.

Upon enactment, this ordinance shall be effective upon the date of its publication as provided by law.

  
\_\_\_\_\_  
Duane Grandy, Chair  
Benton County Board of Commissioners

ATTEST:

  
\_\_\_\_\_  
Montgomery Headley  
Benton County Administrator

## Paradise Legal Description

The North Half of the Northeast Quarter (N1/2 NE1/4) excepting however from the West half of said Northeast Quarter (W1/2 NE1/4) of Section Twenty-two (22), that part or parcel thereof conveyed to Northern Pacific Railway Company by deed dated April 1, 1910, and recorded in the Office of the County Recorder of Benton County Minnesota. in Book 48 of Deeds, page 384, such exception containing 20.57 Acres, and less and except that part which lies westerly of the westerly right of way line of Burlington Northern Railroad and right of way of Burlington Northern Railroad which lies Westerly of the East Water's edge of Little Rock Creek. Together with the North 33 feet and the East 18 feet of said NE1/4 NE1/4.

And the Southwest Quarter of the Northeast Quarter (SW1/4 NE1/4) all in Section Twenty-two (22) in Township Thirty-seven (37) North of Range Thirty-one (31) less and except that part which lies westerly of the westerly right of way line of Burlington Northern Railroad and the right of way of Burlington Railroad, and less and except that part of the Southwest Quarter of the Northeast Quarter (SW1/4 NE1/4) of Section Twenty-two (22) Township Thirty-seven (37) North, Range Thirty-one (31) West, described as follows: Commencing at the North Quarter corner of said Section Twenty-two (22), thence South on an assumed bearing along the west line of said Southwest Quarter of the Northeast Quarter (SW1/4 NE1/4), 2158.26 feet to the point of beginning of the tract to be described, thence at right angles 233.00 feet, thence south paralleled with the west line of said Southwest Quarter of the Northeast Quarter (SW1/4 NE1/4) 283.50 feet, thence South 80 degrees 20 minutes West, 230.36 feet to the west line of said Southwest Quarter of the Northeast Quarter (SW1/4 NE1/4) thence North along said West line, 322.19 feet to the point of beginning. Containing 1.5 Acres more or less, subject to Township Road right-of-way and easement to used with others for the purpose of ingress and egress over the North 33 feet thereof.

Lot One (1), Block Four (4), of CIRCLE PINE ACRES, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for said Benton County, Minnesota.

AND

That part of the Southeast Quarter of the Southeast Quarter of Section 15, Township 37 North, Range 31 West of the 4th Principal Meridian, Watab Township, Benton County, Minnesota, described as follows:

Beginning at the southeast corner of Lot 1, Block 4, CIRCLE FINE ACRES, according to the recorded plat thereof; thence North 00 degrees 36 minutes 40 seconds West, plat bearing, along the east line of said Block 4, a distance of 214.32 feet, to the northeast corner of said Block 4, also being a point on the southerly right-of-way line of Channel Drive, as platted in said CIRCLE PINE ACRES; thence North 78 degrees 00 minutes 00 seconds East, along said southerly right-of-way line, a distance of 76.57 feet; thence South 57 degrees 05 minutes 00 seconds East, along the southerly right-of-way line of a 33 foot public road as platted in HARRIS'S CHANNEL RANCH, according to the

recorded plat thereof, a distance of 105.83 feet; thence South 08 degrees 14 minutes 00 seconds West, along the westerly right-of-way line of a 33 foot public road as platted in said HARRIS'S CHANNEL RANCH, a distance of 173.05 feet, to the south line of said Southeast Quarter of the Southeast Quarter; thence South 89 degrees 23 minutes 20 seconds West, along said south line, a distance of 136.68 feet, to the point of beginning.

**“Paradise” Planned Unit Development Plan**

“Paradise” Planned Unit Development (PUD) is one part of the approved Preliminary Plat of the same name. “Paradise” PUD covers 46.91 acres and includes 17 dwelling units.

“Paradise” is intended to create a single family neighborhood housing styles that are linked by a strong system of open space and trails. The residential layout recognizes many of the existing natural amenities and proposes them to be “improved site amenity areas” for common residential uses. Much of the common areas will remain in a natural state for their natural value and visual beauty. A private trail system is proposed through the site that will link the neighborhoods. “The Cove” PUD will be connected to a centralized water supply and wastewater treatment system. The project will be advanced in four or more phases. The market will drive the actual pace of development.

**Density Calculations and Design Standards**

“The Cove” PUD contains residential lots as well as open space. The total number of units within the project complies with the allowable density (based on standard lot sizes). The base density calculation for the site is based on minimum lot size within the shoreland area for a transitional river segment, 30,000 square feet. The calculation for maximum potential dwelling units is as follows:

Determine the buildable area

$$\begin{aligned} \text{Buildable area} &= 656,362 \text{ s.f. (Total Area)} - 18,798 \text{ s.f. (wetlands)} - 0 \text{ (bluffs)} \\ &= 637,564 \text{ s.f. or } 14.6 \text{ acres} \end{aligned}$$

$$\begin{aligned} \text{Dwelling units allowed} &= \text{Buildable area divided by minimum lot size} \\ &= (14.6 \text{ ac} \times 43,560) / 30,000 \text{ s.f.} = 21 \text{ units} \end{aligned}$$

Proposed Dwelling Units: 17

The base density for the PUD is 21 units. The density multiplier has not been calculated as the proposed 17 units is less than the base density.

This PUD creates some non-typical development details. It creates multiple lot sizes with proportionately sized building setbacks. The following is a summary of the minimum building setbacks.

Public Road – 63 feet from the centerline of the development road and 98 feet from Lakewood Shores Road.

Private Road – 25 feet from the edge of Outlot G.

River – 100 feet from the closest point of Little Rock Creek , outside of the 100 year flood boundary , and 10 feet from the rear property line if the river setback is within Outlot B.

Side yard – 15 feet .

**Residential Building Types**

Single family residential homes is the only type of building type being proposed.

### **Parks, Trails & Open Space**

The Parks Commission recommended cash in lieu of land dedication for the site. Outlot B is designated as open space and will allow a single pathway to be created to allow access to the common docking facility. Both the docking facility and Outlot B are regulated through the Conditional Use Permit for the MUD. With the exception of Outlot A for utility purposes, no structures are allowed on the designated outlots.

### **Outlots**

Outlot	Size	Use	Ownership
A	196,364 S.F.	Open Space/ Community Septic System/ Stormwater Pond/ Utilities	HOA
B	307,668 S.F.	Open Space/ Trail for access/ centralized docking	HOA
C	37,376 S.F.	Open Space	HOA
D	28,076 S.F.	To be sold to adjacent property owner	Developer
E	27,952 S.F.	Island- Open Space	HOA
F	33,308 S.F.	Island – Open Space	HOA
G	17,178 S.F.	Private Drive	HOA

### **Homeowner's Association and Restrictive Covenants**

“Paradise” PUD will be subject to a homeowners association and restrictive covenants. These documents will be recorded under a separate document.

### **Water Supply and Distribution**

This site will have a central water supply and distribution system. The main source of the water will be from wells located within the Development.

### **Wastewater System**

“Paradise” PUD will have a community wastewater collection and treatment system. The wastewater system will ultimately be owned and operated by the Homeowner's Association.

### **Grading and Drainage Plans**

Grading and drainage plans were included as part of the final plat submission. Additional information on grading and erosion control issues can also be found in the Stormwater Pollution Prevention Plan (Stormwater Management Plan) for “Paradise” Final Plat.

### **Final Plans**

The Final PUD/MUD Plan shows the layout of all of the lots, outlots, and roads proposed for the site. Individual lots are subject to Land Use permits to insure compliance with setbacks and other regulations stipulated in this and other documents.