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**DEPARTMENT OF PLANNING, ZONING, AND SOLID WASTE**

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## **Memo**

To: Pine County Planning Commission

From: Caleb Anderson, Land and Resources Manager

Date: March 25, 2016

Re: Cheryl Effertz' Application for Drainage and Utility Easement Extinguishment

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A Planning Commission meeting has been scheduled for April 12, 2016 as the County has received an Application for Drainage and Utility Easement Extinguishment. Details are provided in the Background/Staff Findings section. Also provided in this memo are details on agenda item G2, road frontage requirements in the Subdivision and Platting Ordinance. This has been a topic of much discussion with landowners wanting to split land.

### **Background / Staff Findings:**

It is a requirement of the Pine County Subdivision and Platting Ordinance Section 6.04 that all subdivision plats include "an easement for drainage and utilities at least ten (10) feet wide...along the front line and/or rear line of lots where necessary. If necessary for the extension of water main or sewer lines or similar utilities, easements of greater width may be required along lot lines or across lots." Cheryl Effertz' property at 30202 Birch Dr. Pine City had a manufactured home placed on top of a lot line drainage and utility easement in 2002. As she is now selling the property the buyer is requesting to have the easement extinguished to secure compliance of the home.

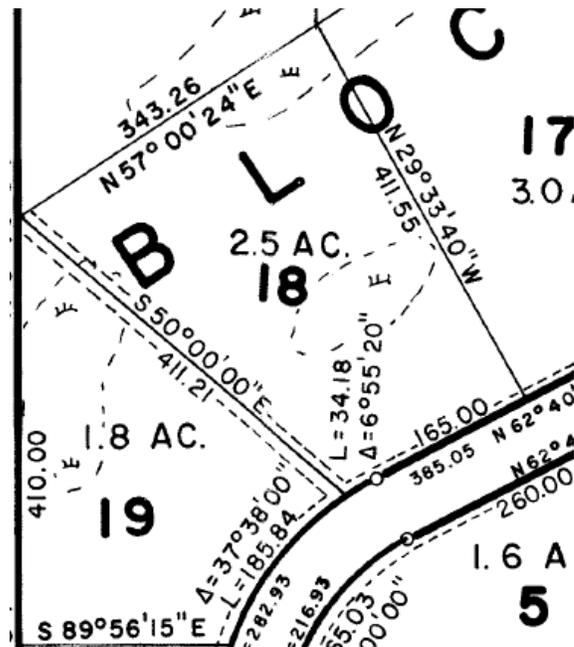
Pine County Subdivision and Platting Ordinance 6.04(B) states that "These easements, when approved, shall not hereafter be changed without the approval of the County Board, upon recommendation of the Planning Commission."

- 1.) The Alton family had the home installed in 2002. They own two adjacent parcels and had the home placed on the lot line between their two parcels (figure 1).
- 2.) Not all lots in the subdivision have drainage and utility easements between lots. The Alton's lots are shown in figure 2. The full plat is shown in appendix A.

3.) The home and the garage were permitted through Munch Township. The permit file shows no record of where the structures were to be placed, only construction details.



**Figure 1.** The Alton family owns both parcels shown. The brown roofed home and garage are on and near the lot line. Both structures are on top of the drainage and utility easement.



**Figure 2.** The Alton family purchased lots 18 and 19. The dotted line represents 10' drainage and utility easements.

4.) Beroun Acres is located approximately 6 miles east of Beroun. It is approximately 0.5 miles north of Beroun Crossing Road off of Evergreen Road.

## **Subdivision and Platting Ordinance Road Frontage Requirement (Agenda Item G2)**

Pine County Subdivision and Platting Ordinance Section 4.01 A states:

"The following subdivisions qualify as a minor subdivision:

Any subdivision not requiring the construction of a new road (public or private) to service the newly created parcels, provided that each parcel created must have a minimum lot size of 2.5 acres, **a minimum road frontage of three hundred (300) feet...**"

The question our office frequently gets asked is whether a new lot can have 300' of frontage on a private road in order to meet the 300 foot requirement. For this we turn to the definition of "road," which exists in section 2.25 of the Subdivision and Platting ordinance and reads as follows:

" A public right-of-way which affords the primary means of access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, land, or however otherwise named or designated. Service roads are roads or streets of relatively short length that provide direct access to a limited number of abutting properties. Marginal access roads are service roads, parallel with and adjacent to a thoroughfare, which provide access from the thoroughfare to abutting properties."

Zoning staff have been advised the County Attorney to interpret this as all new lots created through minor subdivision must have 300' of frontage along a public road.

**Does the Planning Commission find it important and justified that all new lots have frontage on a public road? When the ordinance was written, was that the intent?**

Appendix A

