

March 5, 2008

To: RC Planning Commissioners & Growth Management Director
From: Fern and Ross Johnson, 1450 Sammis Trail
Property owners of Section 36--east of proposed platting.

Issues: Item 19: No. 08AN002-Highview Subdivision
Item 20: No. 08PL012-Highview Subdivision
Item 21: No. 08 08SV007-Highview Subdivision

In consideration to grant the requested variances and/or exceptions regarding the above noted issues, we submit the following objections:

I. Proposed Layout plat and variance requests by applicant.

- a. The criteria required to except the applicant from the specific requirements of the street plan, code enforcement and, statutory enforcement provisions set forth by city ordinances and applicable state law have not been met;
 - i. The land has no topographical or other condition that establishes a hindrance beyond the control upon which the applicant cannot remedy if the specific requirements of code are enforced; and
 - ii. The applicant has not shown that any applicable hardship exists upon which the requested variance/exceptions could or should be granted—the planned development is for profit.
- b. The proposed layout plat is not consistent with existing and planned streets within the municipality;
- c. The private access easement currently running through and upon the applicants property serves as the only useable access to our 700 acres of land;
 - i. The proposed layout plat intends to allow five lots to take access from the existing private access easement without the access being brought to City Standards; and
 - ii. Granting the variances or exceptions would have a significant and irreversible impact to our property, land locking our 700 acres of land. This, in essence, would seriously interfere with any future development potential we are lawfully entitled to exercise.

II. Our Requests of the Planning Commission pertaining to these issues.

- a. Any proposed development of applicants property must require the following:
 - i. The existing 66 foot private access easement turn into a dedicated public right of way preserving the existing 66 foot right of way width;
 - ii. Sewer system: that a dry sewer line be installed. Because the pending development to the south and west of applicants property will also require city sewer; having this dry sewer installed on applicants property will ease potential septic system problems in the future as the area continues to develop;
 - iii. We will NOT allow the vacating of any section line Right of Way which is adjacent to our entire property;
 - iv. The plat of the applicant shall contain, in specificity, the writing of the existing 66' right of way highway. The plat shall also require, in specificity, the writing of the 100' power line right of way; and
 - v. Upon further platting submissions, we reserve the right to present any further objections that may be necessary as this process continues to final resolution.