

*Dear Mr. Turner,*

*April 8th, 2024*

*Please see the responses in red to your POA letter dated March 21<sup>st</sup>, 2024. Again, if you would please also have the courtesy, decency and integrity to share all my responses to your thoughts and remarks with your POA and all else whom you may have sent this to I would really appreciate that. I will also make sure the County also see my remarks and thoughts to your concerns as well.*

## **Pleasant Valley Ranch Development**

*Updated March 21, 2024*

The small parcel, high-density, suburban-like Pleasant Valley Ranch (PVR),

***RESPONSE:*** *First of all, starting your letter out like this is so off base as nobody in general ever thinks 5+ acre parcels are small residential parcels and create a “high density”, “suburban-like” feeling or atmosphere? This area is zoned for 2 acre parcels and so we actually are looking to go to a 2.5X lower density and you act like we are planning on creating a cookie cutter small home subdivision made up of 60’x100’ or a 1/4 acre lots. Now that is a truly high-density subdivision and not 5-13.49 acre parcels.*

proposed by Brooks Land Holding, Inc. (Brooks), would be an anomaly in our rural, remote agricultural landscape.

***RESPONSE:*** *An anomaly to your “rural, remote agricultural landscape”? This is going to be a high-end subdivision behind a beautiful privately gated entrance and no one will even see probably 80-90% of the eventual homes behind the gate. Do you also realize that a 6,000 square foot home on 5 acres uses up just 3% of that entire 5 acre parcel and leaves 97% of the 5 acre parcel as open space. How in the world is this creating a high-density subdivision and especially in an area where it is already zoned for 2 acre lots or what amounts to 2.5x more lots than we have planned to create?*

It is incompatible with the surrounding large cattle ranches, the large parcel communities of Las Vegas Ranch Estates (LVRE), Long Meadow, and Crossroads Ranch, and a few nearby residential parcels, none less than 10 Acres.

***RESPONSE:*** *This development is on 890 acres being subdivided into 5-13.49 acre parcels with two phases of about 80 lots each or approximately 160 total lots. Would you rather see 445- 2-acre lots out there on our 890 acres as is zoned for currently? Alternatively, I guess we could probably do what the county suggests and cluster all the lots. So based on the current 2-acre zoning for 890 acres that would still be roughly 445 lots and if we clustered the 445 lots into say 1/2 acre lots, would leave us with about 670 acres of open space. Does that make sense to you or work better for you and the residents of LVRE? Alternatively, I guess we could also take the number*

*down from 445 lots to say 300 1-acre lots and cluster them to keep about 590 acres of open space. Do you like that idea better? I am sure you absolutely do not, as that is now creating an additional 140 to 285 more homes and additional families running down Las Vegas Road vs just the 160 parcels we have planned. Also people want their own open space on their individual lot and don't want to be right up against their neighbor.*

PVR would severely impact our LVRE community since its only access point would be via our private Las Vegas Ranch Road. The increased residential, construction, and significant truck traffic could significantly damage this road, make travel unsafe, and impose additional security risks on LVRE residents. The development would harm the local environment, impact wildlife, contaminate our water, reduce surrounding community and individual home asset values, and generally impact our quality of life.

**RESPONSE:** *PVR will severely impact your community via your private Las Vegas Ranch road? Then why did the former developer and property owner make sure and create the current deed restrictions for this access road that was to allow for the future development of other surrounding private properties? The warranty deed language was specifically created to help pay for the on-going maintenance of this main access road and so now what was created just will not work? There is going to be too much traffic, unsafe conditions and it is going to severely impact your quality of life? Seriously?*

*Sounds like your real beef is actually with the former developer and property owner for creating the warranty deed restrictions related to this road and making it available for access to others and their private properties that will ultimately live in the area. The bottom line is that it is a recorded and dedicated access road for other private property owners in this area with deed restrictions attached to it for future maintenance. It is not only just your private LVRE road. Other future private property owners in the area have their rights to use the only road created to access their property, just as you do.*

From a regional perspective, the development would increase residential, commercial, contractor, and heavy truck traffic on the already dangerous Williamson Valley Road.

**RESPONSE:** *Demands on Williamson Valley road? With all of the greater Prescott area continuing to grow all the roads and highways around Prescott including Williamson Valley Road will eventually experience more demand in the future and then eventually that's why more roads or access routes are ultimately going to need to be established or widened or upgraded when necessary. You cannot really stop ultimate growth very easily, but you can properly manage it and plan for it.*

It would impose additional demands on our Williamson Valley aquifer and significant contamination risks from the numerous proposed leach fields.

**RESPONSE:** *These are 5-13 acre lots and the closest one to you is located a minimum of over a mile away from the closest home in LVRE. This perspective is totally*

*unfounded and ridiculous and once again fake news. This property was intentionally not located within the Prescott AMA and why this area is considered to have plenty of water available within the Williamson Valley aquifer. Again, per the county zoning, we could be doing individual wells and septic's on 2 acre lots out there! We are actually trying to be the welcomed neighbor that's doing something very nice and of lower density than the zoning calls for, and will only increase or add value to the area. The additional private property owners will only help to better maintain the access road and now somehow we are being made out to be the bad guys coming in with a development that will only cause all kinds of potential problems?*

*I understand and get the mentality of you have what you have now and you don't want to see that change in anyway, but that's just being selfish and we are all that way, but there are always positives as well. Many others that would like to have this country ranchette lifestyle as well and they will make for great common goal local area residents with the same values that you have.*

*Frankly, according to the county, we only have to notice neighbors within ½ mile of our proposed development and LVRE does not fall within that parameter. So while we are open to listening to your thoughts and potential concerns we would also appreciate more of your support about some of the positives things we will be accomplishing. Being friendly somewhat neighbors living over one mile away and trying to work together is a much more productive way to go. All the negativity and grasping for straws about the perception of our development is just disappointing to say the least.*

*I guess we could potentially look to do all 10-acre parcels vs 5-13's? We would just not then plan to do as nice of a private gated entrance and go with gravel roads, with no community center, way less restrictive CCR's and very minimal design guidelines and probably allow for manufactured houses, etc. We could then sell them for much less per acre and just get in and out and never look back. Would that work better for all of you? I really do not think so.*

Moreover, based on our research and in our opinion, Brooks has demonstrated a poor history with other land developments throughout the West, and we question if they would honor any agreements that they might make to mitigate the significant impacts they would inflict on our community, especially if the development falters or fails. In our opinion, they operate more like a finance company than a conscientious real estate developer, mainly offering remote, cheaply developed land with low down payments, reduced market-rate financing, and steep discounts when the development falters, and the properties do not sell.

***RESPONSE:*** *This is a bunch of more fake news horse pucky! We have never had a failed development ever and we have always done things by the book and have always honored any agreements we have ever made. Sounds like you are the ones actually not wanting to honor the current access road agreement and current zoning as I see it! What would possess you to say this kind of fake news?! Oh, I know you want to make us out to be some awful developer that is going to potentially hurt everyone's property values vs only increasing them. I do strongly think our development can only do one thing for LVRE and that's help with your property values and your apparently*

*underwater HOA budget for road maintenance!*

*You think our developments are cheaply developed land? That makes no sense and every development is different that is for sure, based on its location, property beauty, character and demand. What do you think your LVRE land was originally purchased for or its value was before it was developed? Was it cheaply developed land? Again, in your research, you intentionally forget to mention The Estates in Flagstaff I recently developed and also actually another development I did near Williams, Arizona called the Spring Flower Ranch. As I said before, I will compare ANY of my projects to the LVRE all day long for development details, true value and a good sense of community and most importantly all having very happy proud land owners!*

*The LVRE entrance that our folks will be have to use and I wish we didn't, but there's as there's no way around it, is frankly a bit of an eye sore, and sets a not so great first impression for this beautiful area and was not well designed! A nice entrance alone sets the initial tone and perceived value for the whole project. Maybe we can actually help LVRE make this entrance much better. Going by the Long Meadow Ranch and Whispering Canyon I also noticed very poor entrance features.*

*PVR will be a serious overall aesthetic improvement to this area and will resemble more of the Talking Rock development without the golf course, etc and at a much lower density than Talking Rock. Actually, I think our entrance will be more appealing and attractive than that of Talking Rock. What we plan to create should absolutely be welcomed with open arms by all those within the gates of LVRE. I have also attached rendering pictures of what our entrance will look and feel like and what our plans are for a well-designed community center as well, so you are at least aware of the look and feel we plan to create.*

*Sure the bottom line is our development will create more traffic on Las Vegas Ranch Road and that's inevitable, but not a crazy amount more. Do you also really think our folks are going to want to have to drive on a main access road that you say cannot be properly maintained by the two HOA's that will be contributing to its maintenance?*

*Do you not think that the residents of PVR will not want to solve any potential road issues that may arise in the future from the way the previous developer and property owner of the LVRE created? These new property owners' will be contributing much more financially to keep the road properly maintained than it probably is right now. Sure there be more traffic on the road in the future, but also more folks to help pay for the maintenance of their road and maybe even doing an upgraded road in the future.*

*Some growth is inevitable and what we plan to do is ultimately bringing in much fewer residents than could be potentially done under the current zoning and or with some clustering.*

Our significant concerns include:

1. Las Vegas Ranch Road
2. Access
3. Leach Fields
4. Parcel Density
5. Compatibility
6. Non-Designated Growth Area
7. Feasibility

We can relate almost every area of concern to specific policy statements, initiatives, and directives in the County's Comprehensive (Development) Plan. Unfortunately, it appears that County planners are not bound to stated policies even when the directives include emphatic verbs like "Require" or "Ensure." For instance:

- *Policy 9c: **Require** developers of major projects to provide a centralized wastewater treatment system to eliminate the need for septic systems.*
- *Goal 7: **Ensure** that developments are compatible with the surrounding area.*
- *Policy 7c: **Ensure** that the density of new Subdivisions or Planned Area Developments adjacent to low-density rural residential areas is compatible with the adjoining densities.*
- *Policy 2b: **Approve** major new developments **only** in Growth Areas where there is adequate infrastructure, including roads, water, wastewater management, fire protection and utilities.*

Our concerns illuminate the significant impacts PVR will impose on the LVRE community, surrounding landowners, Williamson Valley residents, and the environment. These concerns offer a fact-based, objective basis for the county to reject or significantly curtail the proposed PVR.

***RESPONSE: We have already tried to make it much lower density than is currently zoned for, which 5-13 acre parcels are very low density compared to 99% of all other residential developments within the county! Very large neighboring actual working ranches do not necessarily really count into the overall equation, as those are not actual developments at least as of yet.***

***There is also 1.25mm acres of National forest that surround this area that provides an enormous amount of open space. This is private property zoned for 2-acre lots with wells and septics and that could potentially have dirt or gravel access roads, but that is not what we are trying to create.***

***Do you think Talking Rock hurts your values in this area or American Ranch? I guarantee they help. I noticed you pulled Talking Rock out from your first***

*rendition of this POA notice. Maybe they actually told you like our actual neighbor directly across the street from us told us that they actually really like what we are proposing for the area.*

*Do you think Talking Rock or American Ranch or all the other various 1-40 acre lot developments somewhat close to this area also hurt our development and our water or are potentially contaminating everyone's water as well? You are the furthest away from any of these developments.*

Las Vegas Ranch Road

*Policy 7a: Discourage higher-density development of remote private inholdings surrounded by public lands, where the lack of adequate infrastructure and higher traffic volume could cause problems.*

Las Vegas Ranch Road was built specifically to provide access to LVRE. It was not built to county standards nor inspected or approved by the county. It was never intended to safely support the high-volume residential and construction traffic resulting from the PVR development.

LVRE governing documents require us to maintain the road and repair specific damage. We have the authority to regulate traffic on that road and require all LVRE construction traffic, including heavy trucks, to use the Camp Wood entrances to LVRE, thus minimizing the damage to Las Vegas Ranch Road. We can also require owners to pay for damage due to willful or negligent acts.

***RESPONSE: Our buyers and/or us as the developer will be happy to pay for any specific damage that an individual or a contractor may have wrongfully created. That is certainly fair and a no brainer. Again, do you think our folks want a screwed up access road any more than you do?***

We will not have the same authority to restrict PVR traffic or recover costs for specific damage. The increased contractor, heavy truck, and residential traffic will likely cause significant damage to our chip seal roads, make them unsafe, and diminish the usability of the road for LVRE residents. The inevitable contractor speeding and reckless driving will likely increase our liability and insurance costs.

***RESPONSE: We will have similar verbiage in our HOA that also explains that people are fully responsible for any damage they may individually cause to the main access road as they and we want to protect the main access road just as much as you do and of course also all of our interior roads as well. Why would only your insurance go up and not ours or our residents also paying in for the road? That makes no sense to me. If the two HOA's also need more insurance then there will be more money coming in to pay for it. Again, we want to be friendly neighbors working together for all common sense goals and interests and not adversaries.***

The ½ Association Dues required of each parcel at PVR will not cover basic road maintenance costs, nor will they pay for specific damages or make the roads safer. Moreover, the increased costs for essential maintenance and specific damage repair may increase member Association Dues (currently at \$1,400/year) and require special assessments for the first time.

Based on a question PVR's project manager asked us, we are not sure Brooks understands that they are obligated by deed restriction to pay LVRE ½ (annual) Association Dues when the parcels are registered, even if the parcels are unsold. If they or parcel owners refuse to pay, our only recourse is to file a lien.

***RESPONSE: If that's the way it reads then that's the way it works and so that's what will happen and if that's the case you will actually be stock piling a lot of money for many years with not much additional traffic occurring anytime soon. It will take many years before all the houses are actually built within PVR.***

***Your fees will be built into our communities HOA fee's and if someone doesn't pay then their PVR HOA property dues, then their property will be have a lien on it and fines will be in order. We also currently use the same HOA manager as you do at The Estates property. Our HOA fees will be also obviously be covering more than just the main access road, but all of our interior roads and all other improvements like the very nice front entry gate, landscape and community center etc.***

***How do you know the ½ fees of your association set up by your previous developer and property owner will not cover the road maintenance? If for some reason the road maintenance as I said earlier is not working per the way it was structured now, then it can and will have to be addressed and it's not going to be just LVRE problem, but all private land owners in the area issue.***

***However, why should the PVR folks pay your same HOA fees when they won't be using the road that goes up from PVR to your properties? That does not make sense. Is there some potential new formula that may be felt to work or be fair in the future, yes that's entirely possible and may need to be addressed in the future. Again, a friendly overall close knit private community with common goals.***

**Our Request to the County:**

- Require Brooks to rebuild that portion of Las Vegas Ranch Road they will use to access PVR to county standards (i.e., widen it, pave it using asphalt, and mark it).

***RESPONSE: Why should that be required of this development when it's already a private established access road and that already has a dues structure for maintenance set in place long before we showed up. Again, maybe all homeowners***

*out in the area can all go into together and do that at some point down the road as well.*

- Require Brooks to assume responsibility for specific damage from their construction eXorts.

**RESPONSE:** *That can certainly be worked out and is fair.*

- Require Brooks to submit to interest and penalty payments for unpaid Association Dues and assume the costs for any necessary liens.
- **RESPONSE:** *That will or can all be worked out within and between the two HOA's as neither HOA wants any delinquent HOA fees.*
- Require PVR to pay full association dues since their planned community would support five times as many homes than currently exist at LVRE.
- **RESPONSE:** *That is not the way it was set up and we did not set it up, as your developer did and if it doesn't work out right, again, I am sure some options will need to be explored down the road.*

## **1. Points of Access**

Subdivisions are required to have two access points for ingress/egress. In Brooks' letter of intent to the county, Ben F. Brooks III poses that two points of access exist along Las Vegas Ranch Road to serve the subdivision. We question that for these reasons:

- There is only one for Las Vegas Ranch Road. PVR owners and guests, by deed restriction, cannot use the Las Vegas Ranch Road beyond the northern boundary of PVR. They would need LVRE permission to trespass to exit onto Camp Wood Road, which we will not grant.
- As the two-point access requirement relates to the PVR subdivision, we believe title restrictions only allow one access point to Las Vegas Ranch Road. Even if they were allowed two access points, they would be in proximity and not adequately provide alternate fire escape routes. Any other exit would have to cross private land, and the landowners (Steve Pierce and JeX Derby) indicated that they opposed the development and would not grant access.

**RESPONSE:** *I do not think you understand the two access points, as yes all subdivisions over 30 lots must have to have two access points for fire safety mainly. We have already fully looked into that and checked with the Fire Marshal for the area and he is all good with what we are creating.*



*We do not plan to nor will our buyers ever plan to go north and use Camp Wood road, why would we? Especially since your so adamant about it. I guess if anyone from PVR makes friends with anyone from LVRE then the LVRE friend will have to come south as God forbid a PVR resident ever goes north. I guess if there was a big fire and no one could go south on Las Vegas Ranch road that may create a need.*

*If you're so worry about it, why don't you just gate the south end of the LVRE property and never worry about it. I am sure if someone also from LVRE needed to get into our property for a fire escape route then we would certainly open up the gate if someone's life depended on it. There is also a forest service road that can be used in an emergency located on the southwest end of PVR.*

*We also plan to have a pond located at the community center and the fire department said they really love that idea to be able to use as an additional water source and I guess our HOA could be nice and let your HOA use it in an emergency as well.*

Trespassing and unauthorized use of Las Vegas Ranch Road have always been a severe problem. We imagine Brooks will promote PVR as having close vehicular access to the Prescott National Forest via nearby Camp Wood Road. However, that would require unauthorized use of a Las Vegas Ranch Road section and trespassing onto LVRE. To prevent trespassing by PVR owners, guests, and contractors, we must install another security gate at the South Entrance to LVRE, about a mile north of PVR on Las Vegas Ranch Road.

**RESPONSE:** *Nope we will not and have no plans to promote that!! Our residents will all actually have an easement and direct access to the National Forest right out the south end of PVR. Yes put in another gate in if you so choose! Actually, that may serve you better than having the current gate and hopefully done much nicer. Although, I am sure Mr. Pierce would not like that as he probably wanted the gate there and it helps protect his ranch and headquarters and that's fine as he and your developer also helped set up the road maintenance agreement going forward and so that's how they wanted it to all work.*

**Our Request to the County:**

- Clarify the two points of access requirement and confirm that PVR meets that requirement

**RESPONSE:** *This has already been addressed by the fire chief and the fire marshal with us and all is fine. The County looks to them for approval.*

Require Brooks to pay for a new Security Gate at the South Entrance to LVRE to prevent PVR owners, guests, and contractors from trespassing.

**RESPONSE:** *Now that's frankly kind of funny to even make that kind of a request. But as they say I guess it never hurts to ask. How about you all get some money into your HOA and make that happen all on your own.*

## 2. Leach Fields

Policy 9c: **Require** developers of major projects to provide a centralized wastewater treatment system to eliminate the need for septic systems.

Numerous studies explicitly demonstrate that the effluent from high-density leach fields (e.g., 5 acres) imposes a high contamination risk to well water and groundwater with a toxic mix of pathogens, pharmaceuticals, phosphates, etc.

Here are excerpts from some of those studies:

- **Septic systems as sources of organic wastewater compounds in domestic drinking water wells in a shallow sand and gravel aquifer.** National Library of Medicine (<https://pubmed.ncbi.nlm.nih.gov/26822473/>). [Laurel A Schaidler](#)<sup>1</sup>, [Janet M Ackerman](#)<sup>2</sup>, [Ruthann A Rudel](#)<sup>2</sup>

"In this study, we found organic wastewater compounds, including per- and poly-fluoroalkyl substances, pharmaceuticals, and organophosphate flame retardants, in shallow domestic drinking water wells in a sand and gravel aquifer where septic systems are prevalent."

- **ANALYSIS OF SEPTIC-TANK DENSITY FOR FOUR COMMUNITIES IN IRON COUNTY, UTAH: NEWCASTLE, KANARRAVILLE, SUMMIT, AND PARAGONAH** by Trevor H. Schlossnagle, Janae Wallace, and Nathan Payne. REPORT OF INVESTIGATION 284 UTAH GEOLOGICAL SURVEY UTAH DEPARTMENT OF NATURAL RESOURCES 2022. ([https://ugspub.nr.utah.gov/publications/reports\\_of\\_investigations/ri-284.pdf](https://ugspub.nr.utah.gov/publications/reports_of_investigations/ri-284.pdf))

"...water quality degradation are critical issues that should be considered in determining the extent and nature of future developments..."

"Areas having high densities of septic-tank systems risk elevated nitrate concentrations reaching unacceptable levels."

- **Domestic wells have high probability of pumping septic tank leachate.** J. E. Bremer and T. Harter. [Hydrology and Earth System Sciences](#) (<https://hess.copernicus.org/articles/16/2453/2012/>)

"From a risk management perspective, our results raise significant concern about allowing septic systems to be built on lots smaller than 20 acres (8 ha). Under most aquifer conditions, an assembly of lots that small in size (sub-

rural or sub-urban subdivisions, ranchettes) is associated with a potentially significant risk for impacting well water quality in domestic wells."

- **Septic System Impacts on Water Sources. EPA**  
(<https://www.epa.gov/septic/septic-system-impacts-water-sources#:~:text=Excess%20nitrogen%20contamination%20in%20surface,even%20in%20very%20small%20amounts.>)

"Systems that are sited in densities that exceed the treatment capacity of regional soils and systems that are poorly designed, installed, operated or maintained can cause problems."

"Excess nitrogen contamination in surface or groundwater supplies can impact drinking water systems requiring special treatment."

"Chemicals that may be discharged into septic systems can negatively impact water quality and public health in both groundwater and surface water sources, even in very small amounts."

- **SEPTIC TANKS AND THE THREAT TO OUR POTABLE WATER SUPPLY.**  
A

Position Paper Prepared by the American Decentralized Wastewater Association. (<https://www.norweco.com/wp-content/uploads/2018/10/ADWA-paper.pdf>):

"Of all groundwater pollution sources, septic tank systems and cesspools rank highest in total volume of wastewater discharged directly to soils overlying groundwater, and they are the most frequent sources of contamination." — United States Environmental Protection Agency

- **Septic Tank Density and Groundwater Contamination.** Marylynn V. Yates. R.S. Kerr Environmental Research Laboratory.

"The U.S. Environmental Protection Agency has designated areas with septic tank densities of greater than 40 systems per mi<sup>2</sup> (1 system per 16 acres) as regions of potential groundwater contamination."

"The single most important means of limiting groundwater contamination by septic tanks is to restrict the density of these systems in an area."

The contamination risk increases when developers install high-density leach fields on porous soils above shallow aquifers. A nearby Arizona Department of Water Resources Ground Water Survey site reports the groundwater level 9 feet below the surface. Mike Pierce of the Bar Triangle Ranch, a couple of miles from PVR, reports groundwater at 15 feet near his house and a groundwater breach a few hundred yards away. Groundwater is also close to the surface along Las Vegas Ranch Road near the Chapel.

Brooks recognizes that risk in their letter of intent to the county:

*"It is understood that for approval of a subdivision, water adequacy and suitability for on-site wastewater disposal must be demonstrated."*

Based on the literature, porous soils, shallow aquifer, and the proposed high-density leach fields, we don't think Brooks can demonstrate that well and groundwater will not be contaminated. Not only will any contamination affect PVR residents, but it may impose significant risks to nearby residents who use water from our aquifer, including those of Crossroads Ranch, Long Meadow, Talking Rock, and Hootenanny Holler. Moreover, our aquifer is part of the Verde River Watershed, which provides water for Phoenix and the surrounding towns.

**Our Request to the County:**

- Require Brooks to build a community water supply and septic system.
- At a minimum, 10A parcels with no splits might mitigate the possible contamination.

**RESPONSE: Now you're really grasping for straws thinking our development with individual septic systems is going to containment the whole state basically! Wow if that is the case I guess your wells at LVRE and septic's could also cause issues all the way down to Phoenix as well! If there was a major or real concern or issue here, the state or county would have passed law that wells and septic's are no longer allowed anywhere in the state on 2+ acre sites! Again, this is zoned for 2-acre parcels that can have individual wells and septic's. There is no issue here and you are just dreaming up or trying to create some more drama through fake news.**

**There is no issue here and if there was, then LVRE is already a part of the supposed problem and so you should go ahead and create your own on-site water company and sewage treatment plant.**

### **3. Parcel Density**

*Policy 5d: Encourage landowners and developers to use the Open Space or the Sustainable Development Option to preserve open spaces and wildlife corridors.*

Susan Hebert of your Planning Department is already pushing the Open Space requirement on PVR. In a letter to Brooks, she wrote:

*The recommended 40% designated open space called for in the Cluster/Open Space option of the Planning & Zoning Ordinance would be highly appropriate considering the unique features of the area.*

Due to the steep, rolling terrain and multiple drainages, the site has few decent building locations in its undeveloped state. Creating 160+ lots would require a massive earth-moving and deforestation effort. It would significantly impact the environment, destroy elk, deer, antelope, and other wildlife habitats, create avenues for noxious and undesirable weeds, and possibly destroy archeological sites.

#### **Our Request to the County:**

- We support your recommendation for Brooks to provide 40% designated open space.
- We also recommend 10A parcels, with no splits, to be compatible with surrounding densities (see next section).

***RESPONSE: Let me get this straight, you want this private 890 acre piece of property zoned for 2-acre parcels to now be limited to 10 acre parcels, with an additional have 40% of the overall property to be open space (which you don't have). PVR must also form a water company (which you don't have and will use the same amount of water pretty much anyway), create a sewage treatment plant (which you don't have), fully improve the main access road that was built for your community and for ongoing access to other private land owners at our expense, put in a new southern gate for LVRE and pay the same HOA fee's LVRE pays to your association.***

***Wow, you sound like many folks in this country that don't want to anyone else's dreams come true, want much more regulations, more handouts and want it to all be paid for by someone else!***

***Just again disappointing that you cannot see or appreciate that this is private property that also has rights under its zoning and you are acting like it is going to ruin the entire area and really potentially Phoenix as well. Did you move here from California?***

#### **4. Compatibility**

Goal 7: ***Ensure*** that developments are compatible with the surrounding area.

Policy 7c: ***Ensure*** that the density of new Subdivisions or Planned Area Developments adjacent to low- density rural residential areas is compatible with the adjoining densities.

Policy 7a: Discourage higher-density development of remote private inholdings surrounded by public lands, where the lack of adequate infrastructure and higher traffic volume could cause problems.

Policy 2a: Encourage preservation of the character and function of historic established neighborhoods.

Policy 4a: Discourage fragmentation of landscapes to better preserve the county's natural character.

Policy 4c: Discourage undesirable and incompatible land uses along scenic corridors.

Policy 4e: Encourage development that improves and protects the aesthetic qualities of the local region and scenic routes.

Based on these Policy recommendations, you could make the case that no aspect of PVR is compatible with the existing rural, agricultural, historic cattle ranch and surrounding large parcel communities of LVRE, Crossroads Ranch, and Long Meadow.

**Our Request to the County:**

- At a minimum, we suggest 40% open space with 10A minimum lots and no splits.

***RESPONSE: Completely ridiculous! Let's also make sure every property owner at LVRE also gives up 40% of their private land for open space?***

**5. Non-Designated Growth Area**

*Policy 2a: Discourage high-density developments outside of designated Growth Areas.*

*Policy 2b: **Approve** major new developments **only** in Growth Areas where there is adequate infrastructure, including roads, water, wastewater management, fire protection and utilities.*

Yavapai County has designated 15 county-wide growth areas; Williamson Valley is not one of them. Our rural, remote, agricultural community is incompatible with a high-density subdivision. As noted above, the roads are inadequate to support PVR, and Brooks has yet to provide an adequate plan for wastewater management.

**Our Request to the County:**

- Consider whether a high-density subdivision is appropriate for Williamson Valley, a non-designated Growth Area.
- Require Brooks to provide a realistic plan to address the potential damage to our roads, to keep our roads safe, and to prevent contamination of our groundwater.

***RESPONSE: I have already addressed this more and with 5-13.49 acre parcels this is very far from being a high-density subdivision and is 2.5x less dense than the current zoning calls for.***

**6. Feasibility**

We recognize the county does not make decisions based on a developer's competency, integrity, and track record nor a development's risk of failure.

However, as numerous articles attest, the West is littered with failed subdivisions. Two articles in High Country News discuss the residual problems created by the B.B. Brooks development in Wyoming, a Brooks Holding Company project.

***RESPONSE: This is where you really cross the line and I will not tolerate any comments about any failed subdivisions as we have never had one and this turning into a potential failed subdivision is totally absurd! By the way, the only one that truly loses on any failed subdivision is the original developer! Do you really think I am going to risk doing a failed development? Do you think I have not done my homework here?***

***You are obviously are not a developer nor do you understand all the risks of development and doing it right and knowing your demand for the product.***

*Two articles about residential problems at the BB Brooks Ranch in Wyoming? What residential problems? Show me the articles and what they really say? Again, fake news and grasping for straws, as the BB Brooks Ranch has been a great very successful project and we have several hundred happy owners within that development and it's definitely been far from ever being a failure. BB Brooks is also a 40-acre ranch development like LVRE and not anything like this 890 acre planned 5-13 acre development will be. Different product and a different buyer.*

We think PVR is a high-risk venture with a high likelihood of failure:

- PVR lots are overpriced (\$60,000/acre). Available parcels at LVRE cost between \$9,000-\$11,000 per acre; some have been on the market for almost a year.
- PVR is 45 minutes from stores, schools, and emergency medical services.
- PVR is accessed by a narrow, unmarked, potentially unsafe road unsuitable for high-volume residential or construction traffic.

***RESPONSE:*** *So you think PVR in your opinion will be a failure! That's disappointing to hear! Has LVRE been a failure and people just hate the location and terrain, lifestyle, etc No 5-13.49 acre parcels are not much different from what you have at LVRE.*

*By the way, we are not doing a condo project out here or a small lot track home subdivision. These are 5-13.49 acre ranchettes! These folks won't have any issue just as you don't with the time and distance to schools, stores, etc. Do you have a problem with that and it is actually a bit farther to these places from LVRE? More like 45 minutes depending on where you are on the LVRE.*

*More like 35 minutes to a store and medical from PVR! Its 15 minutes to the Stagesop gas and a convenience store and 35 minutes to downtown Prescott. Most people drive more than that every day to work and other places within large cities and that's in stop and go traffic. People will welcome this scenic drive and probably like you won't be doing it every day.*

*Sounds like you're also now a developer and marketer and have a crystal ball that knows what people will pay for what we are creating and you don't or didn't really even know what we are creating! Why on God's green earth do you think I as a developer would ever do a project that I knew I could not get these prices? I know I can get these prices!*

*Your assumptions here once again are baseless and ignorant! You should be praying and overjoyed that I will get these prices or even close to these prices! This product and subdivision that I am creating is also far from a carved off 10-acre parcel at LVRE at \$10,000/acre!*

*I am sorry to hear that those parcels are not selling at LVRE, but I blame that on whoever is actually marketing them, what kind of access they have, any improvements and their perceived value and apparently, that is not being very well done at LVRE.*

PVR requires a "dry lot" approach (individual wells and sewer systems) that may contaminate well and groundwater and impose severe health and legal liability risks to owners.

- PVR title and trespassing restrictions prohibit vehicular access to nearby Camp Wood Road and Prescott National Forest, negating one of the selling points for PVR.

Moreover, as previously stated, PVR could significantly damage Las Vegas Ranch Road, make travel unsafe, impose additional security risks, endanger the environment, contaminate our water, reduce LVRE community and individual home asset values, increase Association dues, require special assessment fees, and generally impact our quality of life. Also, based on their history, we cannot trust Brooks to honor any agreements they might make to gain the county's approval of this development.

**Our Request to the County:**

- Impose appropriate restraints on their project to reduce the potential damage to Las Vegas Ranch Estates and the surrounding ranches, residents, and nearby communities.

**RESPONSE:**

**Dear County Planner and Commissioners, I just want you to fully understand what we are really creating and the want we are really filling. Pleasant Valley Ranch is going to be a special prideful subdivision within Yavapai County that will make Yavapai County proud and eventually will be filled with higher paying property tax residents.**

**There is 1.25 million acres of open space close to this development along with a couple very large open ranches surrounding us. Nearby open space within proximity to this 890 acres is abundant to say the least and certainly not an issue. This development is not being done within the city of Prescott, Chino or Prescott Valley or another more closer into town location were some additional open space may be more important.**

**These 5-13 acre ranchettes and are far from creating a “high-density” subdivision situation. As I pointed out earlier if someone were to build a 6,000 square foot house on a 5-acre lot and even add another 3,000 foot barn there would still be more than 95% of open space left within the 5-acres. 95%!**

**These property owners will also be paying more than their fair share to maintain the private Las Vegas Ranch access road going to their homes, as was already all set up for future growth by the developer of Las Vegas Ranch and the local area rancher Mr. Pierce. So for the LVRE residents and Mr Pierce to now say it will not work and we do not want to honor that agreement is not only unethical, but illegal.**

**We consciously also tried to make this a lower density subdivision that it is currently zoned for and thought that would be appreciated and to now get all this backlash when we were actually trying to be the more open space conscious developer is disappointing.**



Per the current zoning, we could have submitted a plan for say 400- 1.25 acre clustered lots and kept roughly 360 acres (40%) for open space, but figured that did not make any sense. We are looking to create more of rural country ranchette subdivision setting that is actually very compatible with the greater surrounding Williamson Valley Corridor area.

We are excited to make this happen and we know this will also make many folks dreams come true as where else can you find what we are creating? It really does not exist!

One can find 1-2 acre parcels all over, but a 5-13 ranchettes are much more rare and especially within a well thought out and nicely appointed subdivision with good CCR's and design guidelines. If we were to even try and make 10-acre parcels vs 5-13 acre parcels work, we would have to substantially cut our development costs. We would need to do gravel roads, no nice entrance feature/gate and no community center to make the development pencil because we would have basically the same development costs with the lengths of roads, power extension, etc with 10 acre parcels as we would with 5-13 acre parcels. So the overall cost to the buyer would just double if we didn't cut some corners. It then becomes non-affordable to most people and talk about a recipe for a failed development.

If you have any further questions or concerns I would be happy to address them.

Sincerely,

~Ben "Tres" Brooks III  
Developer for Pleasant Valley Ranch