Pleasant Valley Ranch Development

Updated April 13, 2024

The small parcel, high-density, suburban-like Pleasant Valley Ranch (PVR), proposed by Brooks Land Holding, Inc. (Brooks), would be an anomaly in our rural, remote agricultural landscape. 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.

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.

From a regional perspective, the development would increase residential, commercial, contractor, and heavy truck traffic on the already dangerous Williamson Valley Road. It would impose additional demands on our Williamson Valley aquifer and significant contamination risks from the numerous proposed leach fields.

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.

1. 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.

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.

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.

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).
- Require Brooks to assume responsibility for specific damage from their construction efforts.
- Require Brooks to submit to interest and penalty payments for unpaid Association Dues and assume the costs for any necessary liens.
- Require PVR to pay full association dues since their planned community would support five times as many homes than currently exist at LVRE.

2. 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 Jeff Derby) indicated that they opposed the development and would not grant access.

Our Request to the County:

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

3. 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 Schaider[1], Janet M Ackerman[2], Ruthann A Rudel[2]

  > "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)

  > "…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."
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  > "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^2 (1 system per 16 acres) as regions of potential groundwater contamination."
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> "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.

4. 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 weeks, 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).

5. 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.

6. 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.

7. 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.

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.
- 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.

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.