

Response to Tres Brooks III Letter and Notification Response of April 8, 2024
April 13, 2024

Tres,

When we first heard about the proposed Pleasant Valley Ranch development, we did the obvious: We Googled "Brooks Land Holding" and visited your website. Our initial impression of your company was formed by what we found:

- Two articles in the award-winning, highly regarded, non-profit "High Country News" highlighted the problems of subdivisions in the rural west and in which Brooks figured prominently. To wit: "The subdivision that became the poster child of bad development was owned by none other than Brooks Realty."
- On your website, you were already hawking lots at Pleasant Valley Ranch using a preliminary, unapproved plat map and lovely landscape photos purportedly taken at Pleasant Valley Ranch, but they were not.
- The unattractive quality of some of your development projects (e.g., wind-blow, exposed, barren sagebrush-greasewood tracts in Wyoming) and your used-car sales model: low down payment, below-market interest rates, and no qualifying.

This initial exposure to Brooks left us unimpressed and concerned. We knew Pleasant Valley Ranch would seriously impact our roads, endanger the safety of our residents, and impose significant environmental impacts. Moreover, the development did not fit into our rural, remote, agricultural community. If the County allowed the development to proceed, we assumed it would impose significant constraints on Brooks to protect our roads, safety, and water. However, based on our initial impression, we had no confidence that you would honor any agreements to address our many concerns and mitigate impacts. Especially if the development falters or fails.

Our subsequent research allayed our concerns somewhat. Brooks appears to be a successful company with seemingly solid management. Although we are doubtful that you can address our many concerns, we accept your commitments, as you expressed in your "Response" document, that you would:

- Pay for any damage an individual or a contractor may have wrongly created.
- Assume responsibility for any damage from your construction efforts.
- Pay ½ Association Dues for each Pleasant Valley Ranch lot.
- Support liens, fines, and interest payments on unpaid Association Dues

I'm not sure you understand the potentially significant financial obligations these commitments will impose on Brooks and the residents of Pleasant Valley Ranch. However, because of these commitments, I will remove all negative references to Brooks in our "Concerns" document.

I will also post your email and the attached Notice Response commentary on our website and alert our members and other interested parties to its presence. I suspect it will only further motivate an already engaged and somewhat enraged community. I will also post this response.

While we appreciate your willingness to work with us on some issues and your desire to be a good neighbor, your arguments concerning road damage, groundwater contamination, and compatibility are specious, uninformed, and non-compliant with specific policy directives and statements in the Yavapai County Comprehensive Plan.

Roads. We know our roads, their condition, what it takes to keep them in good condition, and what damage heavy truck traffic causes. If the County does not require you to rebuild that road to county standards, the heavy truck traffic (e.g., 40,000 lbs. well drill rigs) needed to build your infrastructure will significantly damage the road. Most vulnerable is the .8-mile stretch between the chapel and the one-lane bridge and the one-lane bridge. It would not take much damage for that stretch to become unpassable, with estimated repair costs of several hundred thousand. Repair costs for our bridge could easily exceed \$1M.

We will hire a traffic engineer to benchmark the road before the start of your construction effort and regularly monitor the road for damage. Based on your commitment, we expect you to fix any damage and pay the repair costs immediately.

You decry "our apparently underwater HOA budget for road maintenance." We have maintained our roads without raising our association fees with careful budgeting and scheduling and through the intelligent, diligent effort of the volunteers on our road committee. Once you start construction, our Board will likely propose increasing our association fee. You understand that raising our association fee to \$4,000 will immediately obligate you, based on your commitment, to pay us \$160K annually for your Phase I development (80 lots x \$2,000).

Well and Groundwater Contamination. Based on the various scientific studies we quoted in our "Concerns" document, one can surmise that every leach field in Arizona has the potential to contaminate wells and groundwater. However, these studies also explicitly demonstrate that the effluent from high-density leach fields (e.g., 5 acres) imposes a higher contamination risk to well water and groundwater, especially if those leach fields exist in porous soils over a shallow aquifer. It is not a question of avoiding contamination altogether but mitigating the risk by increasing the minimum lot size to at least 10A. We contend that you will put the health and

welfare of your residents at risk if you put individual leach fields on 5A or smaller lots.

Will any groundwater contamination from Pleasant Valley Ranch extend beyond the development? Recent studies in Massachusetts show that PFAS, also known as "Forever Chemicals," are prevalent in household wastewater (i.e., from the disposal of personal care products) and can cause various health problems, from asthma to testicular cancer. PFAS can persist in leach field effluent and groundwater; a little can go a long way.

This is why the EPA recently set legal drinking water limits for six of the most studied and toxic PFAS compounds at the center of an ongoing environmental crisis. The new rules are "groundbreaking," said Erik Olson, senior strategic director for the Natural Resources Defense Council non-profit, which tracks PFAS pollution. "We have a five-alarm fire, and setting strong standards will help ensure the fundamental right of every family to have safe water flowing from their kitchen tap," he said.

We imagine you will continue to ignore the possibility of well and groundwater contamination from high-density leach fields at Pleasant Valley Ranch: "There is no issue here, and you are just dreaming up or trying to create some more drama through fake news." Your penchant for dismissing "Inconvenient Truth" as "Fake News" is lazy and irresponsible. If you want to convince us that you will keep our groundwater safe, do so with fact-based logic, serious effort, and thought.

If Pleasant Valley Ranch is approved, our Board will recommend that we hire a Hydrologist to establish benchmark water quality in three nearby wells and monitor those wells regularly for any contamination. If we find contamination and identify Pleasant Valley Ranch as the source, we suspect restitution and remediation will fall to Brooks.

Compatibility. Goal 7 in the County's Comprehensive Plan is "**Ensure** that developments are compatible with the surrounding area." Combine that emphatic directive with the County's intent to preserve the quality of rural areas and to encourage developments like Pleasant Valley Ranch to reside in Growth Areas (Williamson Valley is not a Growth Area), then we can make the case that no aspect of Pleasant Valley Ranch is compatible with the existing rural, agricultural, historic cattle ranch and surrounding large parcel communities of LVRE, and the nearby communities of Crossroads Ranch, and Long Meadow.

Points of Access. We are not yet convinced that two points of access exist for ingress/egress at Pleasant Valley Ranch. It is not an ethical question of whether we would allow residents to flee using our Camp Wood Road exit (we would) but whether a restricted road through private lands satisfies the legal requirement for a point of access.

Even if the U.S. Forest Service allowed it, constructing an access road in Prescott National Forest would be difficult and expensive. Also, any gate built to allow residents to access the National Forest becomes public access and will compromise your security.

The LVRE POA Board is a collection of five volunteers. Our primary responsibility is to protect community and individual asset values, keep our residents safe, minimize environmental impacts, and enhance our quality of life. We believe Pleasant Valley Ranch is a threat to each of these objectives.

We will continue to aggressively oppose Pleasant Valley Ranch. We will focus our efforts and the County's attention on the concerns I've described in our "Concerns" document. Numerous concerned and influential individuals from Crossroads Ranch, Long Meadow, Talking Rock, and Inscription Canyon have joined our effort.

If the County approves your project in some form, we should put our relationship on a more professional level and find a way to work together. We trust you will act in good faith, honor your commitments, and help us mitigate the inevitable impacts. We have always intended to meet with you, and I suggest we do so now.

We also suggest you open your required "meet and greet" to all concerned individuals, not just those within ½ mile. If you intend to be a good neighbor, are convinced that Pleasant Valley Ranch will be good for the area, and are confident that you can adequately address our concerns, why wouldn't you open the meeting? We suggest a large venue but don't expect a standing ovation.

Tom Turner