

Dear Ms. Collins,

Attorney General's office,

Tucson, AZ.

This letter is a complaint about the behavior of some Cochise County administrators, and a request for an immediate stop to any helicopter-related activity at Healthcare Innovations, Inc. (HCI) at its 1.5 acre property at 675 E. First Avenue in St. David, zip 85630.

675 E. First Avenue is in a residential area, very very close to homes, a state highway, utility wires, a monastery, and the San Pedro River. Yet HCI currently bases an ambulance service there and is rapidly preparing a helicopter maintenance and fueling base. There are questionable aspects to HCI, a for-profit corporation, but our focus is on the *location* of the helicopter activity. We are a group of residents and property owners in St. David, all citizens of Cochise County. We have done everything we can think of within a scope of civility and propriety to convince the county to do the right thing and to follow the rules.

It remains unclear why the subject of helicopter activity is continuing to be ignored by the County, as that would be the most dangerous, disruptive and offensive activity at the site. Helicopters are particularly vulnerable to mishaps while taking off and landing. The presumed 'need' for helicopters to be based in St. David is a fallacy, as there are always three helicopters within 24 minutes of St. David, and a helipad at the St. David fire station.

Several years ago a person wanted to install a small airport. I then learned about the Special Use Permit process. By the conclusion of the airport proceedings, I'd been assured by the Planning and Zoning Department that this use would not have been permitted by the county because of the proximity to the San Pedro. The fuel storage tanks would be no more than 300 yards from the San Pedro. The pollution factor is obvious. Less obvious is the fact that the San Pedro River Valley is the last remaining major migration corridor in the desert southwest. The enormity of this is often missed, unfortunately, and as often minimized due to ignorance. Ignorance in this case cannot be claimed by our Supervisor as the San Pedro River is a major element in Cochise County.

From its inception, the permit history of HCI has been flawed. In 2003, ARS 34-461 was cited as reason to exempt the establishment of HCI from county zoning regulations (informational permit #025141). ARS 34-461 exempted only the USDA-funded building, not the property, not the business, certainly did not declare HCI an 'essential governmental service'. The ARS 'exemption' was then cited in 2014 by our deputy county administrator to justify citing county zoning ordinance 2002.02.C as reason to exempt the construction of hanger and helipad as an "emergency governmental service". But 2002.02.C states that *"Shared uses by public agencies and private parties shall not be exempt unless determined by the County Zoning Inspector that the proposed use by a public agency meets the intent of an essential governmental service"*. Our own search through the permit files, the results of which were confirmed by the Planning and Zoning Department Director herself, shows there is no record of

this rule having been observed.

An October 2013 e-mail from a county Planning and Zoning staff person to our District 3 County Supervisor and others shows the flawed process here: "In 2002 the permit to construct the facility was issued to Healthcare Innovations Inc. as an essential government service under the auspices of Saint David E.M.S., exempt from zoning regulations under ARS". But there is nothing in the 2003 file regarding exemption as 'an essential government service' ; HCI and Saint David E.M.S. were one and the same, hardly a partnership between public and private *or* government, and ARS 34-461 has nothing to do with this type of exemption. Only the USDA-funded building was exempt.

Our District 3 Supervisor brought this recent application to the Planning and Zoning Department; perhaps not an illegal action, but certainly inappropriate as it gave his imprimatur to the project. Informational permit # 14-0027 for the construction of the helipad is coupled with #14-0028 for the construction of the hangar. A notation on the transmittal letter states: "The applicant wishes to get them both reviewed quickly with the hope of getting the helipad permit issued as soon as possible.". The normal time frame of 10 days for response was reduced to 7 including the day of transmittal. The county now informs us that a permit will be required for the fuel storage tanks, but not for the helicopter activities.

Normally, an airport or heliport is required to follow the detailed procedures set out in Zoning Regulations 607.15, 1305.09, and 1716.03, procedures which include notice to the public, and the opportunity for a response from the public. Cases in which high impact is anticipated are accorded two notifications and two opportunities for public response. In this case, the public and the Planning and Zoning Commission were by-passed. The county is allowing a helicopter base owned by a private business, with no government contract or lease for the property, to be built within an existing residential area without any review or input from the public, adjacent property owners, nor the county zoning commission under the guise of an "essential governmental service". The county has made exemption citing 2002.02.C without appropriately and properly defining, documenting, and approving the essential government service being provided. Agencies which would normally be brought into the permitting process have not been notified: FAA, US Fish and Wildlife, EPA, and Arizona Game and Fish, possibly others.

In an e-mail, our District 3 Supervisor stated that his job is to make sure that everyone at the county 'follows the rules'. This has not been done. In an e-mail, the Director of Planning and Zoning, states: "...this has escalated into a nuclear bomb with fallout attached. If this is true, " (we don't know precisely what she means by 'this') " we need to regroup on our original decisions of essential services - for both permits. I will take the fall on it, but we need to make sure that we are doing the right thing for everyone. Adam," ( a county attorney) "let's discuss again at 10." "Everyone" obviously does not include the citizens.

In short:

- we are a group of St. David residents and property owners, citizens of Cochise County
- the San Pedro River Valley, especially the riparian area, is of special importance
- the planned helicopter activity, maintenance, and fueling will be dangerous, disruptive, and offensive to the local environment and residents
- the county has had and continues to have a flawed permitting process for this site
- the county is not following the correct process for permitting aircraft
- the county has admitted that it can and perhaps should reconsider decisions

-- the county has confirmed that it will not be reconsidering decisions

This vacuum of responsibility by people who are sworn to protect citizens of this county is bizarre and possibly illegal. Even more so is the intensity of the drive of the county to *assure* the installation of the helicopter base. Today we were informed by the County Attorney's Office that the county will not be changing its course. We know something is very wrong here. We ask you to prevent helicopters from being based, maintained, and fueled at Healthcare Innovations Inc. in St. David, and we thank you for your efforts.

Anna Lands for the St. David group

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