

# **AK-CHIN INDIAN COMMUNITY**

## **Community Government**

42507 W. Peters & Nall Road • Maricopa, Arizona 85138 • Telephone: (520) 568-1000 • Fax: (520) 568-1001



November 20, 2013

Dana Burkhardt, Zoning Administrator  
City of Maricopa  
39700 W. Civic Center Plaza  
Maricopa AZ 85138

Re: Major General Plan Amendment GPA#13-01

Dear Mr. Burkhardt:

The Ak-Chin Indian Community has reviewed the material you provided regarding the proposed General Plan Amendment for the area near the Maricopa Casa Grande Highway and Anderson Road intersection. The Ak-Chin Regional Airport is 2000 feet northeast of the subject property with Runway 4-22 directing air traffic directly over the subject property. As an airport owner and operator, we are deeply concerned about adding residential uses, especially high density residential uses off the end of the runway.

We are currently developing a 20-year master plan for the airport that is approaching "draft" status. Our master plan and Federal Aviation Administration standards address land uses beyond the airport property in terms of "compatibility" of various uses around the airport. The subject property is in the "approach zone" to Runway 4. It is expected that aircraft flying over the subject property will be between 100 to 200 feet above the ground. Our master plan states industrial type uses are the most compatible in the approach zone. It is my understanding that the existing zoning in the county is industrial. We cannot support a General Plan Amendment or a change in zoning that moves toward an incompatible use with the airport.

The airport is an important transportation facility that is an attraction for the Community's industrial park that surrounds the airport property. Protecting the future of the airport is important to attracting additional businesses and jobs to the airport environment. This sustainable economic development is important for the local economy and the basis of our airport master plan.

The attached exhibits are from the draft airport master plan. The various airspaces are based on Federal Aviation Administration standards for navigable airspace (Part 77 Airspace). The

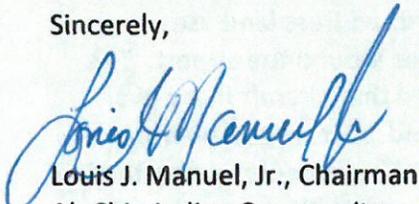
subject property boundary is sketched on the exhibit. The exhibit discusses various uses in terms of their compatibility with the airport. The concern is that residential uses are the least tolerant of the noise associated with low-flying aircraft.

The Community also offers the following comments regarding the material you provided:

- As noted above, the Community believes property east and west of Anderson Road is currently zoned Heavy Industrial by Pinal County. The application exhibit appears to misstate the existing zoning of the site.
- Section 3h of the narrative discusses compatibility issues with the proposed development of the property but fails to adequately discuss the land use impacts of the Ak-Chin Regional Airport and the noise impact associated with the Union Pacific Railroad. In addition, the material did not include a map of the Santa Cruz Floodway or the Floodplain to identify areas impacted by potential flooding.
- Section 4 Goal 1, Objective (d) regarding sufficient infrastructure states: "A development agreement between Anderson Russell LLC, the City of Maricopa and the Ak-Chin Indian Community will provide for the planning, design, construction and funding of infrastructure needed for the project." Note that there is no such agreement. The Community and the City of Maricopa have an agreement regarding future cooperation regarding Anderson Road north of the Maricopa Casa Grande Highway.
- The Community requests that "avigation easements" be created at the time of rezoning or subdivision of any of the subject property.

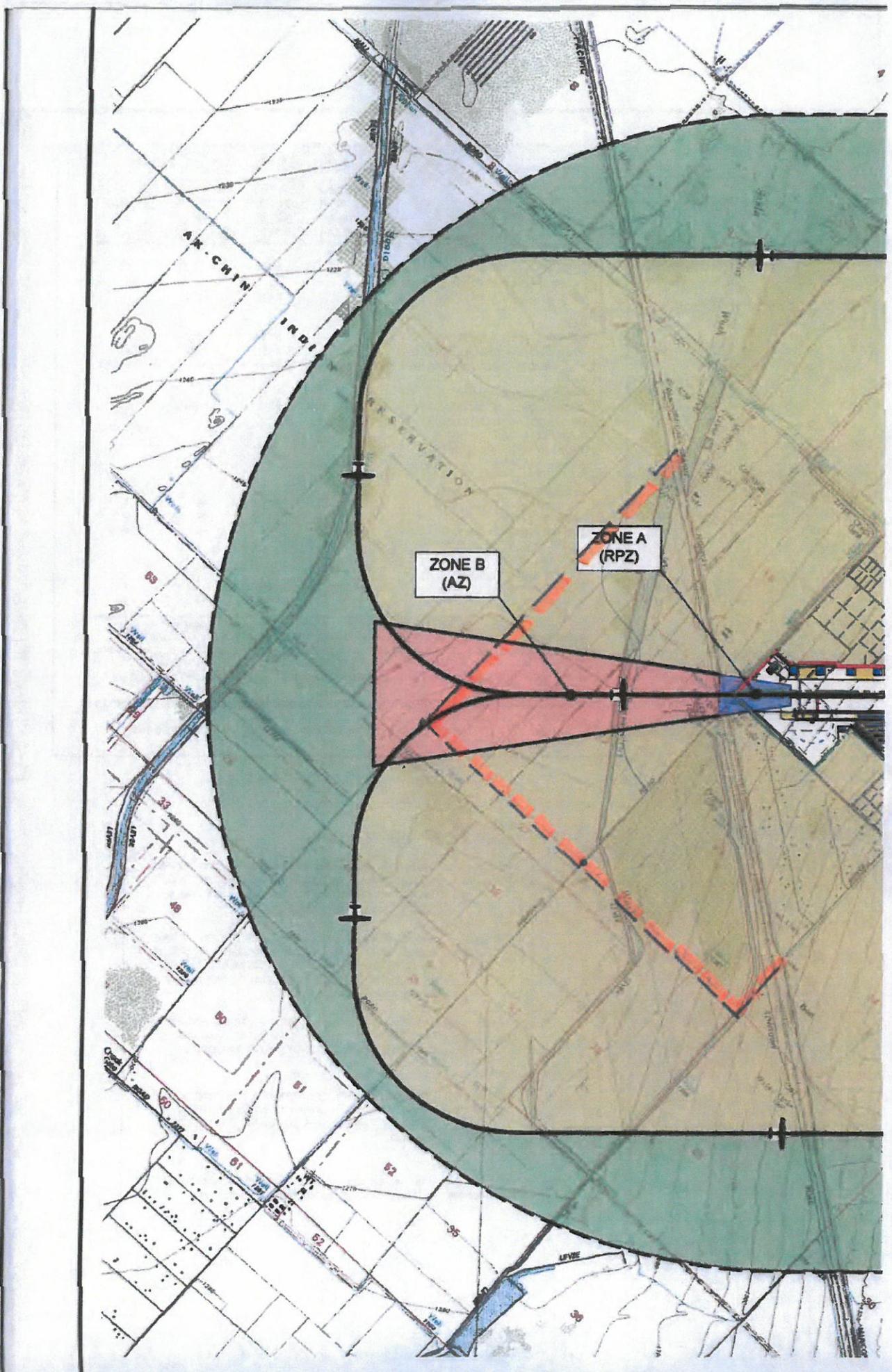
Thank you for the opportunity to provide the Community's input into this proposal. We believe that preventing incompatible uses near the Ak-Chin Regional Airport is in best interest of Ak-Chin, the City of Maricopa and western Pinal County.

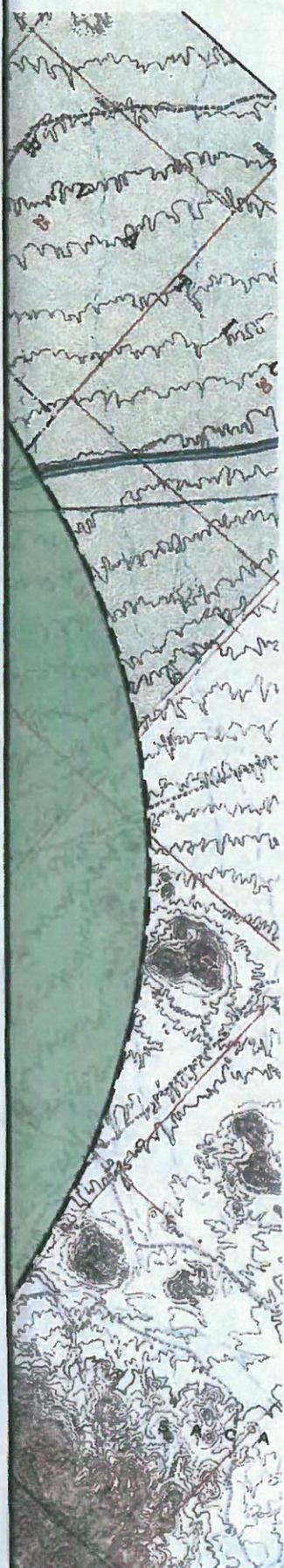
Sincerely,



Louis J. Manuel, Jr., Chairman  
Ak-Chin Indian Community

xc. Mayor Christian Price





### LAND USE COMPATIBILITY GUIDELINES

Land Use Category	ZONE D Airport Influence (AIZ)	ZONE C Traffic Pattern (TPZ)	ZONE B Approach (AZ)	ZONE A Runway Protection (RPZ)
<b>Residential</b> single-family, nursing homes, mobile homes, multi-family, apartments, condominiums transient lodging, hotel, motel	+	o (3)	- (1,3)	--
<b>Public</b> schools, libraries, hospitals churches, auditoriums, concert halls transportation, parking, cemeteries	+	o (3)	- (3)	--
<b>Commercial and Industrial</b> offices, retail trade, service commercial, wholesale trade, warehousing, light industrial, general manufacturing, utilities, extractive industry	++	+	o (3)	--
<b>Agricultural and Recreational</b> cropland livestock breeding parks, playgrounds, zoos, golf courses, riding stables, water recreation outdoor spectator sports amphitheaters open space	++	++	++	++
	++	++	++	- (2)
	++	++	++	- (2)
	++	+	- (3)	--
	o	- (4)	--	--
	++	++	++	++

NOTE: DEVELOPMENT PROJECTS WHICH ARE WILDLIFE ATTRACTANT, INCLUDING SEWERAGE PONDS AND LANDFILLS, WITHIN 10,000 FEET OF THE AIRPORT ARE UNACCEPTABLE. (REF.: FAA AC 150/5200-33)

- (1) If allowed, aviation easements and disclosure must be required as a condition of development.
- (2) Any structures associated with uses allowed in the RPZ must be located outside the RPZ.
- (3) If no reasonable alternative exists, use should be located as far from extended centerline as possible.
- (4) If no reasonable alternative exists, use should be located as far from extended runway centerline and traffic patterns as possible.
- (5) Transportation facilities in the RPZ (i.e. roads, railroads, waterways) must be configured to comply with Part 77 requirements.

### CRITERIA

Land Use Availability	Interpretation/Comments
++ Clearly Acceptable	The activities associated with the specified land use will experience little or no impact due to airport operations. Disclosure of airport proximity should be required as a condition of development.
+ Normally Acceptable	The specified land use is acceptable in this zone or area. Impact may be perceived by some residents. Disclosure of airport proximity should be required as a condition of development. Dedication of aviation easements may also be advisable.
o Conditionally Acceptable	If appropriate disclosure aviation easements and density limitations are put in place, residential uses and uses involving indoor public assemblies are acceptable.
- Normally Unacceptable	Specified use should be allowed only if no reasonable alternative exists. Disclosure of airport proximity and aviation easements must be required as a condition of development.
-- Clearly Unacceptable	Specified use must not be allowed. Potential safety or overflight nuisance impacts are likely in this area.



**Dana Burkhardt**

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**Subject:** FW: City of Maricopa ANX13-01

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**From:** Steve Miller [<mailto:Steve.Miller@pinalcountyaz.gov>]

**Sent:** Tuesday, November 19, 2013 5:34 PM

**To:** Dana Burkhardt

**Subject:** RE: City of Maricopa ANX13-01

Ms. Burkardt

At this late notice I will not be able to attend. Here are my thoughts as I review the packet.

How soon will they start development? I see no benefit to the City of Maricopa at this time. Unless the developer is willing to bond the project, and start development within the next 12 months, how does it benefit the citizens of the city of Maricopa? The add expense of public safety is there and is burden to the tax payer and is not needed.

I wish I could be there however these are my thoughts.

*Stephen Q Miller*

Pinal County Supervisor

District # 3

820 E Cottonwood Ln

Casa Grande AZ 85122

520-866-7401

[steve.miller@pinalcountyaz.gov](mailto:steve.miller@pinalcountyaz.gov)





# City of Casa Grande

November 13, 2013

Mr. Kazi Haque  
Planning Manager  
City of Maricopa Planning Division  
City Hall  
39700 W. Civic Plaza  
Maricopa, AZ 85138

Dear Mr. Haque:

The City of Casa Grande is in receipt of the Notice of Public Hearing for an annexation request (Case # ANX13-01), and a General Plan Amendment request (Case # GPA13-01) for the Anderson Russell Property. As your graphic indicates the portion of the subject area located east of the Anderson Road and west of Russell Rd is located within the established City of Casa Grande Planning Boundary.

The City of Casa Grande formally objects to the annexation and general plan amendment requests. As indicated in my e-mail to Dana Burkhardt on October 31, 2013, the City of Casa Grande requested that the City of Maricopa not annex, nor include within your General Plan, property that is located within the City of Casa Grande Planning Area. The act of annexing this portion of property east of the Anderson Road is in violation of the Intergovernmental Agreement between the City of Maricopa and the City of Casa Grande dated January 24, 2005 and February 18, 2005.

As we discussed in our October 14, 2013 meeting, and as indicated in a previous letter from the Casa Grande City Manager dated August 16, 2011 (copy attached), we are open to having a discussion with the City of Maricopa to adjust our respective Planning Area boundaries to accommodate this Annexation and General Plan Amendment. However, we do object to any annexation or General Plan amendment that would encroach into our Planning Area Boundary until the IGA regarding same is amended to reflect the new Planning Area Boundaries of both cities.

Respectfully yours,

Paul Tice, AICP  
Planning and Development Director

C: Jim Thompson, Casa Grande City Manager



## City of Casa Grande

August 16, 2011

~~Mayor Anthony Smith  
City of Maricopa  
PO Box 610  
Maricopa, AZ 85139~~

Dear Mayor Smith:

Thank you for the letter dated August 8, 2011, regarding a proposed annexation filed on July 20, 2011, by the City of Maricopa which would extend into the City of Casa Grande's Planning Area.

We have attached the Intergovernmental Agreement executed in early 2005 that established our planning areas. Further, the enclosed map shows the City of Casa Grande's Designated Management Area for wastewater as designated by ADEQ and the EPA which is consistent with our planning area. Of further concern, is our water system, we serve residents in the area being considered for annexation. We have also provided a map which shows the city's current water service area as designated by the Arizona Department of Water Resources.

We are concerned with this proposed action to annex the area proposed for multiple reasons, some of which are, but not limited to, conflicts with the Intergovernmental Agreement between our two communities; entering our water service area; entering our Designated Management Area; fiscal issues, etc.

We would like to meet with the City of Maricopa prior to any further action being taken on its part, to discuss our concerns and mutual interests. We understand there are reasons to consider taking in some of the other areas outlined in the proposed annexation area due to length and width requirements, however, this can be achieved by taking in far less of an area in our general planning area, DMA, and water service areas.

We understand the need to have access to the south for growth and prosperity and in 2004 during the discussions pertaining where to establish the boundaries, the City of Casa Grande made concessions to allow for such growth and prosperity for the City of Maricopa.

We believe a reasonable resolve can be found and welcome the opportunity to discuss in detail. We have a meeting scheduled with our staff for Friday, August 19, 3 p.m. at City Hall, and we believe we can cover many of the issues and concerns this proposal presents.

Telephone: 520/421-8600 – Telefacsimile: 520/421-8602 – TDD: 520/421-2035  
510 East Florence Boulevard – Casa Grande, Arizona 85122  
[www.casagrandeaz.gov](http://www.casagrandeaz.gov)

City of Maricopa  
Proposed Annexation  
Page 2

If you should need additional information we will be happy to assist in any way possible.

Sincerely,



Jim Thompson  
City Manager

cc: City of Maricopa City Clerk Vanessa Bueras

City of Maricopa Vice Mayor Edward Farrell, w/attachments  
City of Maricopa Council Member Marvin Brown, w/attachments  
City of Maricopa Council Member Carl Diedrich, w/attachments  
City of Maricopa Council Member Marquisha Griffin, w/attachments  
City of Maricopa Council Member Julia Gusse, w/attachments  
City of Maricopa Council Member Alan Marchione, w/attachments  
City of Maricopa City Manager Brenda Fischer, w/attachments  
City of Maricopa Development Services Manager Brent Billingsley, w/attachments

City of Casa Grande Mayor Robert Jackson, w/attachments  
City of Casa Grande Mayor Pro Tem Matt Herman, w/attachments  
City of Casa Grande Council Member Dick Powell, w/attachments  
City of Casa Grande Council Member Steve Miller, w/attachments  
City of Casa Grande Council Member Mary Kortsen, w/attachments  
City of Casa Grande Council Member Karl Montoya, w/attachments  
City of Casa Grande Council Member Lisa Navarro Fitzgibbons, w/attachments  
~~City of Casa Grande Planning Director Paul Tice, w/attachments~~

Enclosures: Copy of Intergovernmental Agreement CG Contract No. 105-5  
Map: Santa Cruz Ranch Annexation – CG Land Use  
Map: Santa Cruz Ranch Annexation – CG Water Company

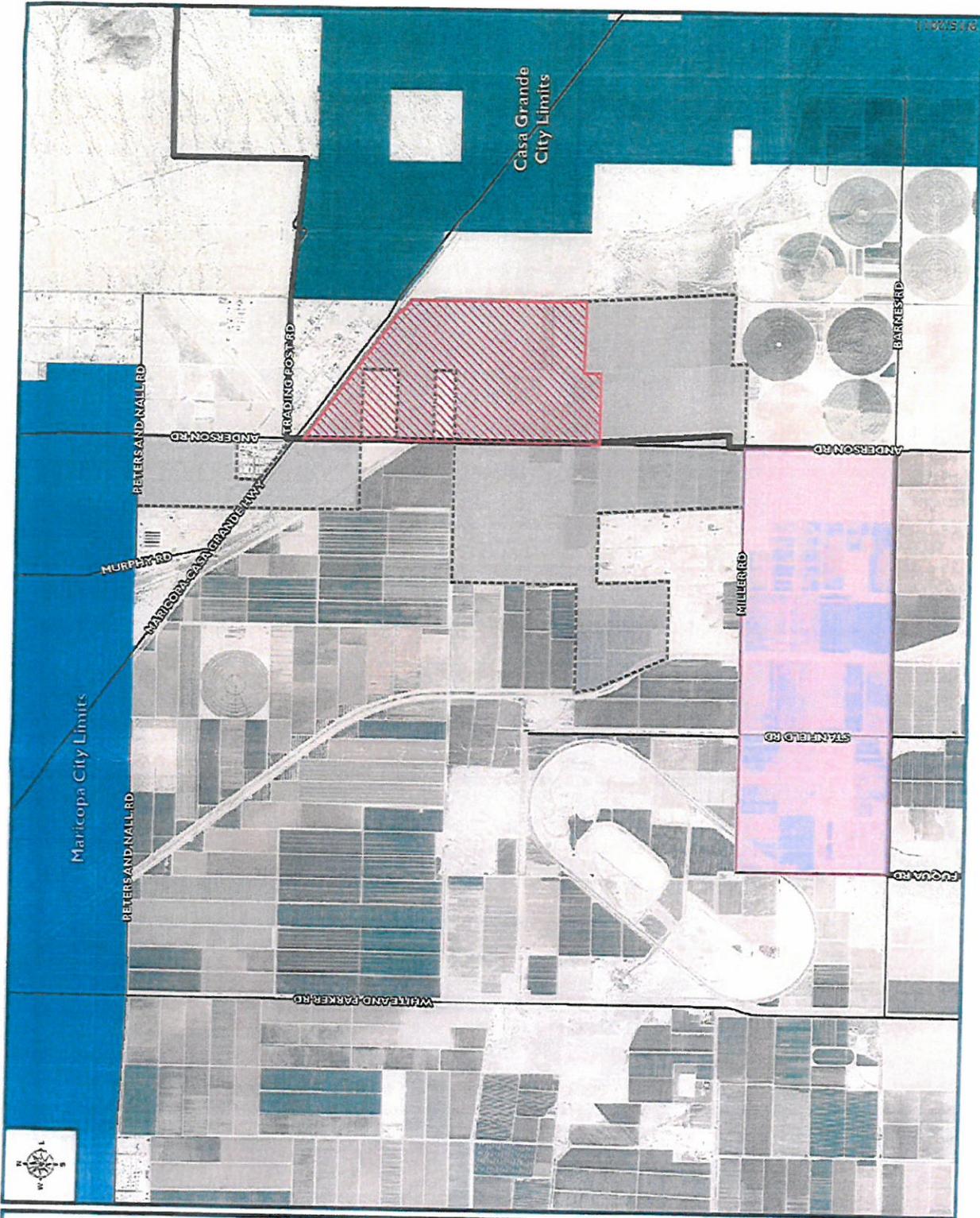


# City of Casa Grande Proposed Planning Boundary Change

-  Proposed CG Planning Boundary Extension  
Approximately 1,989 acres
-  Proposed Maricopa Planning Boundary Extension  
Approximately 1,035 acres
-  City of Maricopa Proposed Santa Cruz Annexation Boundary  
Approximately 3,205 acres
-  Casa Grande City Limits
-  Maricopa City Limits
-  CG Planning Boundary



**Disclaimer:** Information shown is derived from public records that are constantly changing and do not replace a site survey. This map is not guaranteed for content accuracy. The City of Casa Grande does not guarantee the positional or thematic accuracy of this map.





November 18, 2013

Paul R. Tice II, AICP  
Planning & Development Director  
City of Casa Grande  
510 E. Florence Blvd  
Casa Grande, AZ 85122

RE: Citizen Petition to Annex to City of Maricopa; ANX13-01

Paul,

Thank you for meeting with me and members of the City of Maricopa staff to discuss the above referenced annexation request. As discussed, the City received an unsolicited petition from a private property owner requesting to annex their land, which spans a portion of the east and west sides of Anderson Road. As a result, the property is located in both the City of Maricopa and City of Casa Grande's planning areas.

The City denies that this proposed annexation conflicts with or violates the 2005 Intergovernmental Agreement between the City of Maricopa and the City of Casa Grande which addresses these matters ("IGA"). Pursuant to Section (b) of the IGA, the parties agreed that citizens cannot be prohibited from petitioning for annexation on either side of the boundary but that the parties would not seek annexation petitions from citizens that crossed the proposed boundary. We understand that the intent of the IGA is to allow the land owner to determine their fate and not to be predetermined, unless already established. As set forth above, the subject annexation is an unsolicited petition for annexation by a citizen.

The purpose of this letter is to address the City of Casa Grande's request to "exchange" an equal amount of Planning Area as outlined in the letter dated August 16, 2011 from Jim Thompson and the letter dated November 13, 2013 from Paul Tice, and to propose an equitable procedure for evaluating future citizen petitions in the spirit of the IGA.

As a follow up to our October 14, 2013 meeting, our Planning Staff further considered your proposal to "exchange" Planning Area as a solution to citizen petitions to annex across our common Planning Area boundary. Upon review and considering there are hundreds of privately held properties along our 16 mile common boundary, we believe this "exchange" of Planning Area proposal would be burdensome to both municipalities and to the affected property owners. The "exchange" of planning areas, as proposed, is not only counterproductive to land development, but could result in a significant burden on municipal resources, requiring continued processing of Major General Plan amendments by City staff, Planning Commission, our respective City Councils, etc. The result is a negative fiscal impact to the cities and may not be of interest to the property owners subject to such exchange. Dictating the re-designation of unincorporated property owners from one planning area to another planning area could also be detrimental to public confidence.

The current planning boundary is based on hypothetical public service management areas, unreflective of the true nature of land development, which largely occurs based on property ownership. For instance, if a property owner or developer holds 1,000 acres of contiguous land, they typically prefer to develop that land under one set of rules for zoning, flood control, and infrastructure, and not to develop and entitle a portion of the land under one jurisdiction, and another portion under a separate jurisdiction. The latter scenario is very complicated and cumbersome for the land owner and the municipalities to negotiate. We believe a solution for future Planning Area boundary and annexations should reflect this reality and your proposed modification to the City of Maricopa's planning area (see attached), which appears to bisect at least three (3) existing privately owned land holdings, does not do so.

For the reasons discussed above, the City of Maricopa is not agreeable to the proposed exchange process. However, the City of Maricopa is willing to work toward an amenable and sustainable solution to future citizen petitions in a manner that upholds the spirit of the IGA and minimizes the impacts to municipal resources. To this end, the following criteria are proposed to evaluate this and future unsolicited citizen petitions that cross our common Planning Area boundary:

- 1) In the event that the communities agree that there is a legitimate public health and safety concern or public/utility service conflict at issue, an annexation petition will be denied.
- 2) The communities will not annex land that would negatively impact the other community's ability to incorporate into their greater planning area or cause the other community to become land locked.

Should one or more of these criteria be reasonably found to exist by either community, it is the annexing community's responsibility to prove that the conflicts can be reasonably resolved.

The City of Maricopa would like to continue this dialogue at the staff level in an effort to gain a mutual understanding and legitimate procedure for responding to cross planning boundary requests. Please contact me to further discuss the ideas expressed in this letter or to discuss other sustainable alternatives.

Sincerely,



Robert Goodhue  
Director of Development Services

Attachment: City of Casa Grande Proposed Planning Boundary Change Map