



**DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND**

13 December 2022

Mr. Christopher P. Toale
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon Street
Luke AFB AZ 85309-1629

Mr. Jose Macias
Planner, Community Development
10000 N. El Mirage Road, El Mirage, AZ 85335

Re: Pulido Subdivision (APN: 501-44-111B)

Dear Mr. Macias

Thank you for the opportunity to provide comments on the Preliminary Plat for the Pulido Subdivision Project. The site sits on approximately 12.2 acres of vacant land located at 10600 N. El Mirage Road in El Mirage, AZ and is part of the Dysart Ranchettes Subdivision. This application request is for a 10-lot subdivision of single-family residences. The site sits inside the Luke AFB 1988 JLUS 70 and 75 Ldn “high noise or accident potential zone” as identified by A.R.S. §28-8461 and is within the “territory in the vicinity of a military airport” also defined by A.R.S. §28-8461.

Given the parcel sits within the Luke AFB 1988 JLUS 70 and 75 Ldn “high noise or accident potential zone”, Luke AFB is concerned with the mission impact, safety, and noise issues of this residential development. Arizona Revised Statute prohibits new residential development inside the noise contours and our determination of what uses will and will not impact our training mission is generally consistent with the land use compatibility determination within the “high noise or accident potential zone of a military airport or ancillary military field” table found in A.R.S. §28-8481. For this reason, Luke AFB finds this development may negatively impact our flying mission; however, the City of El Mirage recognizes this development as "grandfathered" per the Attorney General's 11 July 2003 determination (attached) that the Dysart Ranchettes Subdivision has been previously approved and falls under “grandfathered” status.

While Luke AFB defers to the Attorney General's determination on the Dysart Ranchettes, this does not minimize our safety concerns for this area. This housing development remains one of the most hazardous residential areas near Luke AFB. As the location is immediately outside of Accident Potential Zone II and is directly in line with the runway extension and under the flight path there is a high potential for negative impact to both Luke AFB's flying operations and the residents.

Since the site will be located within the “territory in the vicinity of a military airport,” it will be subjected to approximately 165 over flights a day. If this development is approved, we recommend you review the sound attenuation requirements found in A.R.S. § 28-8482. In addition, a strong notification program on the part of the applicant would be essential to inform potential residents about Luke AFB operations.

If there are any questions, please contact my Community Planner, Mr. Mark James at (623) 856-9981.

Sincerely

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TOALE.CHRISTOPHER.P.10396
96165
Date: 2022.12.13 11:11:41 -07'00'

CHRISTOPHER P. TOALE

Attachment:

AZ Attorney General Letter, dated 11 July 2003

cc:

Colonel Keagan L. McLeese, Vice Commander, 56th Fighter Wing

Ms. Timothy A. Forero, GS-13, General Law Attorney, 56th Fighter Wing



Terry Goddard
Attorney General

Office of the Attorney General
State of Arizona

Patricia J. Boland
Assistant Attorney General

July 11, 2003

James R. Mitchell
Director, Encroachment Team
56th Fighter Wing
14185 W. Falcon Street
Luke AFB, AZ 83309-1629

Re: Surprise and El Mirage

Dear Mr. Mitchell:

I wanted to respond to Colonel Rea's letters that were hand-delivered to me at our June 6, 2003, meeting at the base. Those letters complained of two subdivisions: Dysart Ranchettes in El Mirage and Kenly Farms II in Surprise. I have gathered information regarding those subdivisions and wanted to make sure that you had this information.

Fredda Bisman, attorney for El Mirage, responded to my request for information regarding Dysart Ranchettes. I have enclosed a copy of her letter. From her letter, it appears that Dysart Ranchettes was grandfathered pursuant to the provisions of A.R.S. § 28-8481.E. I would appreciate your providing me with any information you may have that suggests Dysart Ranchettes was not grandfathered.

With respect to Kenly Farms II in Surprise, I understand that the Surprise City Council, at its meeting last night, rezoned Kenly Farms II from residential to commercial. I believe that action relieves the concerns expressed in Colonel Rea's June 6, 2003, letter.

I am also enclosing a copy of a letter dated June 23, 2003, that I received from Jeff Blilie, Deputy City Attorney for Surprise. I will be out of the office until July 30, 2003. At that time I will be developing a response to Mr. Blilie's letter. I will call you when I return.

Very truly yours,

A handwritten signature in black ink, appearing to read "Patricia J. Boland", written over a horizontal line.

Patricia J. Boland
Chief Counsel
Natural Resources Section

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PJB/llh