

Monday, March 2, 2009

Supervisors lift building permit suspension

By Carolyn Dryer

The Maricopa County Board of Supervisors voted unanimously Wednesday to lift a six-month suspension on building permits in an area near Luke Air Force Base.

Supervisors put the building permit suspension in place last August after State Attorney General Terry Goddard and several West Valley cities filed a lawsuit against the county to prevent it from allowing residential homes to be built in high-risk potential areas around Luke Air Force Base and its Auxiliary 1 Field.



Rusty Mitchell, right, director of Community Initiatives Team at Luke Air Force Base, talks with Attorney General Terry Goddard following a presentation last week at Peoria City Council. Mitchell is now helping Maricopa County Supervisors with their effort to come up with a solution to their building permit situation around military installations.

The decision comes just two weeks after Superior Court Judge Edward Burke ruled the county retains zoning authority over the area, but must comply with the statutory restrictions to protect the air base from residential encroachment.

“The judge's decision clarifies some of the uncertainty over the future of the area around Luke,” Supervisor Chairman Max Wilson said. “And it clearly lays out the direction to protect Luke by making sure future property uses do not jeopardize Luke's mission. This was never about hurting Luke. No one ever wanted to do that.”

According to a separate statement released by county officials: “At issue was a state law, passed in 2004, to regulate development around certain military facilities. Specifically, Maricopa County questioned whether the law eliminated its planning and zoning authority in the areas addressed by the statute and whether the state was responsible for paying any potential future monetary claims.”

In addition, a series of claims from property owners were filed last week on behalf of the property owners by the Goldwater Institute, a conservative policy group. Lawyers for the Goldwater Institute complained the suspension of the building permits adversely affected

and reduced the value of those properties and they filed the claims to seek “just compensation.”

The county will only approve those building permit requests that will comply with the 2004 legislation and is already working to update its Comprehensive Plan and Zoning ordinance to comply with the ruling.

Carrie Ann Sitren, the attorney with Goldwater Institute, who filed the claims for the property owners in the West Valley, responded to the supervisors' action.

“The county has indicated in its statement it is now going to revise its planning and zoning ordinance to comply with state statute. As far as our claims, lifting of the moratorium satisfies those claims. It was one of three ways the county could respond to the claims and it was a great response.”

“In the claims,” Sitren said, “the property owners requested compensation, or alternatively, they requested that the county repeal the land restriction. And, the county has chosen to repeal the land restriction, which was what most property owners preferred. The county's action returned property owners rights to them, so there's no need for further action.”

Rusty Mitchell, director of Luke Air Force Base Community Initiatives Team, responded to the moratorium being lifted by saying, “The lifting of the moratorium will be welcome news to landowners around Luke AFB, Aux. 1 and Gila Bend. Throughout today and scheduled to continue tomorrow, we are in discussions with Maricopa County. There is lots of effort being put forth to work out a solution to this situation by everybody that will be beneficial to all parties concerned.”

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