

West Valley unites to celebrate Luke Air Force Base accord

by **David Madrid** - February 4, 2010
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In an overwhelming display of unity Thursday, the county, state and West Valley elected officials gathered to celebrate an agreement that ends litigation over residential encroachment on Luke Air Force Base.

The Maricopa County Board of Supervisors meeting and subsequent accord-signing ceremony included a who's who of dignitaries at the Wigwam Golf Resort and Spa in Litchfield Park. Gov. Jan Brewer, Attorney General Terry Goddard, state Sen. John Nelson and Col. Jeff Weed, the vice wing commander of Luke, joined the Board of Supervisors as it unanimously approved the agreement.

Mayors and representatives of virtually every West Valley city, people from Luke and a host of other West Valley officials and interests watched as the governor, the attorney general and the board participated in the signing ceremony.

Under the settlement, the county adopted an ordinance prohibiting development of single-family homes in high-accident and high-noise areas around Luke, Luke's Auxiliary Field 1 and Gila Bend Air Force Auxiliary Field.

The show of unity was meant to send a message to the U.S. Defense Department that Luke is the best place for the F-35 Lightning II, also called the Joint Strike Fighter.

The F-35 replaces the aging F-16s flown at Luke, a base in Glendale.

"It's no secret that Luke Air Force Base is on the short list for the F-35," Brewer said. "It's no secret that Luke alone injects \$2 billion a year into the Arizona economy. Our message today is clear to the decision-makers in Washington: Luke stands ready for the F-35, and the state of Arizona will do all (it) can to make it happen."

The litigation and much of the lingering dispute centered on Aux 1, an Air Force training site in north Surprise that is adjacent to Wittmann. There, long-established landowners felt their property rights had been infringed upon by a 2004 state statute sponsored by Nelson to prohibit building new homes in the accident-potential and high-noise zones.

Goddard sued the county in August 2008 to stop it from issuing building permits for new homes in Luke's restricted areas. The county countersued, asking the courts to strike down as unconstitutional the law that prevented building in those areas. The county maintained that landowner property rights prevented the denial of building permits.

In February 2009, the court ruled in favor of the state, but the battle continued over a narrow noise zone between the 65- and 80-decibel range.

After the signing ceremony, Supervisor Max Wilson said it was important for the county to protect the rights of property owners. He said it was that intent that led to the litigation and long and drawn-out negotiations.

Once the state agreed to indemnify the county against takings lawsuits, the agreement between the state and county became possible, Wilson said. A taking is when government takes land from a private party without fair compensation.

Goddard said he is confident there are no takings, and he is prepared to defend the county against any such lawsuits.