

Supervisor Max Wilson on Luke-related lawsuit

Note: Maricopa County has challenged the state's efforts to restrict residential development near some pockets around Luke and other military facilities. Last week, a Superior Court judge deleted language in a state judgment that imposed a moratorium on building permits for new housing in those pockets. Litchfield Park resident Max Wilson, chairman of the Maricopa County Board of Supervisors, answered The Republic Editorial Board's questions about development around Luke.

[Other governmental bodies have complied with the state law designed to protect Luke. Why is the county waging a vigorous legal fight to allow residential construction near the base?](#)

We are not fighting to “allow” construction. The residents had the right to construct on their property and, by the most recent court ruling, they have it again. The problem we face is how to interpret and implement a state law that is in places confusing and puts private property owners in jeopardy. We felt it was prudent to clarify what the law actually requires of Maricopa County and other jurisdictions because of the millions of dollars at stake for our taxpayers. Maricopa County has and will continue to support Luke Air Force Base and has stated that it will comply with whatever the court determines.

[If this is a private-property rights issue, shouldn't individual property owners challenge the law?](#)

The reason that Maricopa County is trying to get the law interpreted is because under its current form, taxpayers in Maricopa County will be paying to buy the private land of those around the air bases. That's an unfair burden on local taxpayers. Our task, and the best long-range policy, is to avoid such potentially expensive lawsuits in the first place. Remember, it is a federal facility, a state asset and a state law. If such private-property rights challenges do occur, the state of Arizona — which is requiring Maricopa County to undertake these rezones — should be willing to assume the financial risks that could result. Is it only the county board that has thought this through?

[Has the county considered alternatives to allowing residential development near Luke?](#)

Maricopa County will comply with and implement whatever the court requires. But understand, much of the area around bases is rural with few if any roads, sewerlines, waterlines and other essential services to support non-residential development. This is the reality, which is why since the late 1960s, most property owners have had rights to build residential at very low densities. We can't cavalierly dismiss these rights. We don't do that in America. We don't believe that government should simply take or restrict property rights without compensating the owners. Surely the attorney general understands this.

[If, as the county argues, residential construction is allowed in limited areas around Luke, from a planning standpoint is residential an appropriate land use?](#)

The Arizona Legislature determined that low-density residential is appropriate in certain areas and under certain conditions. But again, whether we believe residential is appropriate or not, there are long-standing private property rights that have been established for decades in these areas. Good planning is important and something we take very seriously in Maricopa County, but it does not and should not come at the expense of citizens' existing property rights.

[Does the county's fight against the law run counter to its stated support for protecting Luke?](#)

Again, we are not fighting the law or its intent. We worry that it's confusing in places and might trigger massive lawsuits. No one wants to talk about the liability exposure our citizens will have once action is taken by the county in following this law. Not the cities, not the AG. But the problem stares us in the face. We hope the attorney general and the state will also stand up for the citizens of Arizona and Maricopa County whose property rights are being taken away. It is our responsibility to make sure we act in the best interest of our citizens while protecting the base's great mission.

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