

Legislative Action

West Valley communities have proactively and successfully worked together to secure statewide legislation that provides statutory guidance to ensure responsible land-use planning around Arizona's military airports.

SB 1062 (1995) established the “territory in the vicinity of Luke AFB” known as “the box” requiring disclosure to property owners. The legislation addressed the concern of residential encroachment around Arizona’s military airports by requiring all political subdivisions in the vicinity of a military airport to adopt land use plans and adopt and enforce zoning regulations that assure development compatible with the high noise and accident potential generated by military airport operations.

SB 1514 (2000) provided penalties and places responsibility for enforcement of the 1995 statute with the Attorney General.

SB 1120 (2001) ultimately appropriated \$500,000 to develop comprehensive land-use plans in the noise and accident potential zones surrounding Arizona’s active military airports, with Luke AFB being the first priority. This effort also includes identifying acceptable and feasible uses of land, consulting with stakeholders, and developing a strong implementation plan, financing mechanisms, and potential funding sources for landowner compensation.

SB 1525 (2001) established enhanced notification of proposed developments to the state’s military airports and provided heightened disclosure requirements on the sale of land within the vicinity of a military airport. These measures provide for open communication between the military base, political subdivisions, developers, and the community so that responsible, safe planning around Arizona’s bases can occur. Key provisions of the bill include enhanced notification and disclosure requirements for rezonings or new development proposals; noise attenuation requirements with noise contours; and definitions of High Noise and Accident Potential Zones.

SB 1393 (2002) was a technical correction bill to the provisions of SB 1525 with one of the main points being that school districts are included in the definition of political subdivisions. This addition ensured schools are located in areas consistent with military airport operations for safety purposes. The bill also changed the term “particular” to “individual” in relation to compatible uses within the High Noise and Accident Potential Zones. This change is intended to encourage more communication between political subdivisions and military airports and would allow a military base to comment on all individual uses and not restrict comment to particular uses. It also clarified legislative intent regarding sound attenuation for developments located near a military airport.

HB 2134 (2004) prohibited natural gas storage facilities within nine miles of an active duty military air force base whose primary mission is pilot training.

HB 2141 (2004) extended protections to Luke’s Auxiliary Airfield-1 (Aux-1) in Surprise where Luke pilots practice instrument approaches and departures. It established high-noise and accident potential zones where development will be limited to compatible uses, and it established a box in the vicinity of Aux-1. Potential homeowners would also be informed that military aircraft fly overhead. It provided essentially the same protection around Aux-1 that Luke has around its main base.

HB 2140 (2004) established protection at the base’s Auxiliary Airfield-1 (Aux-1) and the Gila Bend Air Force Auxiliary Field, the hub for pilot training over the Barry M. Goldwater range (BMGR) in southern Arizona. The legislation includes an annual appropriation of \$4.8 million for military installation preservation and enhancement projects, such as buying lands near military bases or financing infrastructure improvements. It also established a military affairs commission for the disbursement of these funds.

HB 2140 required the State Land Department to provide a legal description of the auxiliary fields for the public and to provide a map of the fields, to include descriptions of high noise and accident potential zones, to the Real Estate Commissioner and county government. Such areas are also required on municipal and county general or comprehensive plans.

HB 2662 (2004) required notification of potential buyers of real estate underlying military training routes that there is military activity over their land. It defined a military training route as a low-level military route that allows military aircraft to conduct flights that may be as low as 100 feet above the ground at speeds in excess of 250 knots indicated air speed.

