

Arizona Military Airport Preservation Committee

2002 ANNUAL REPORT

Committee Members

Senator Edward Cirillo, Cochair
Senator Jay Blanchard
The Honorable Casey Prochaska
The Honorable Max Wilson
Mr. John Ogden
Mr. Mark Spencer
Mr. Steve Jewett
Mr. Tom Manfredi
Mr. Charles Roach

Representative Mike Gleason, Cochair
Representative Mark Maiorana
The Honorable Elaine Scruggs
The Honorable Larry Nelson
Mr. Konstantine Nezer
Mr. Michael Anable
Brig. General Thomas Browning
Col. Dennis Rea

Arizona Military Airport Preservation Committee

PURPOSE

In conjunction with the State Land Department, the Arizona Military Airport Preservation Committee is required to make recommendations to the Legislature to preserve the long-term viability of military airports and the private property rights of property owners in the vicinity of military airports.

INTRODUCTION

Duties

Established by Laws 1995, Chapter 62, the Arizona Military Airport Preservation Committee, in conjunction with the State Land Department, is required to:

- work with political subdivisions and the Department of Commerce to encourage development that is compatible with military airports by recommending nonresidential uses and other economic strategies for high-decibel property;
- consider the purchase or exchange of land or development rights as a method of achieving the goals of preserving the long-term viability of military airports and private property rights;
- study and promote a constitutional mechanism to exchange State trust lands for private or public lands;
- create a data base of ownership and purchase information for properties located in the vicinity of military airports;
- consider the accuracy of existing noise contours as they are issued and facilitate the development and distribution of metes and bounds legal descriptions of noise contours to be utilized in the implementation of State law;
- conduct an engineering survey to assist in the development of legal descriptions for land within the noise contours of Luke Air Force Base and the Marine Air Corp Station- Yuma;
- conduct a baseline study to determine the condition, mission, growth capacity, potential long-term outlook and obstacles to future utility and

development of at least the following military airport bases: Davis-Monthan Air Force Base, Luke Air Force Base, Fort Huachuca, Marine Corps Air Station-Yuma, Barry Goldwater Gunnery Range and Yuma Proving Grounds and;

→ make recommendations to the Legislature.

Requirements: Report to the Legislature by December 15 annually.

Termination: July 1, 2005

Other: Political subdivisions are required to notify the Committee of an proposed residential development on properties in the vicinity of a military airport and experiencing a day-night average sound level of at least sixty-five decibels. The Arizona Attorney General is required to report to the Committee indicating those political subdivisions that are in compliance with the planning and zoning regulation requirements and sound attenuation standards for building codes for territory in the vicinity of a military airport and the action taken by the Attorney General to bring them into compliance.

HISTORICAL NOTES

Created by the Defense Base Realignment and Closure Act of 1990, the Base Realignment and Closure Commission (BRAC) is charged with reviewing the nation's military facilities to make recommendations for installation realignments and closures. BRAC evaluations were conducted in 1991, 1993 and 1995. Arizona was directly impacted by the 1991 BRAC evaluation that resulted in the closure of Williams Air Force Base in 1993.

Laws 1995, Chapter 62, established the Arizona Military Airport Preservation Committee (AMAPC) for the purpose of encouraging the preservation of the long-term viability of Arizona's military airports and the private property rights of property owners in the vicinity of military airports. Additionally, \$200,000 was appropriated from the general fund to the AMAPC for FY 1996 to conduct engineering surveys and related expenses to assist in the development of legal descriptions for land within the noise contours of Luke Air Force Base and the Marine Air Corps Station- Yuma.

The charge of the AMAPC was expanded by legislation passed in 1996 (Laws 1996, Chapter 338) to include the study of noise contours as they are issued and to facilitate the development and distribution to metes and bounds legal description of noise contours. The 1996 legislation also exempted the \$200,000 appropriation from lapsing.

Laws 2000, Chapter 266, required political subdivisions with territory adjacent to a military airport to file a report with the Attorney General to show compliance

with land use planning and zoning regulation requirements and sound attenuation standards for building codes for territory in the vicinity of a military airport. The Attorney General is required to enforce these planning, zoning and sound requirements. The Attorney General is required to report to the Committee indicating those political subdivisions that are in compliance with the planning and zoning regulation requirements for territory in the vicinity of a military airport and the action taken by the Attorney General to bring them into compliance.

PROCEEDINGS

The Committee held one public meeting as follows:

July 30, 2002 (Minutes – Attachment A)

Senate staff provided an overview of the legislation that established the Military Airport Land Exchange Section within the State Land Department to facilitate the exchange of federal land for private land in the vicinity of the military airport. City of Goodyear officials commented on the development surrounding Luke Air Force Base. Representatives from Luke Air Force Base, Yuma Marine Corps Air Station and Davis-Monthan Air Force Base updated the Committee on encroachment around the bases. Alan Maguire presented the Economic Impact of Arizona's Principal Military Operations. Debra Sydenham, Department of Commerce, updated the Committee on the Arizona Military Airports Regional Compatibility Project.

ATTACHMENT A

**ARIZONA STATE LEGISLATURE
INTERIM MEETING NOTICE**

MILITARY AIRPORT PRESERVATION COMMITTEE

**Minutes of the Meeting
Tuesday, July 30, 2002
3:00 p.m., Senate Appropriations Hearing Room #109**

Members Present:

Senator Edward Cirillo, Cochair
Michael Anable
Col. James Cooney
Steve Jewett
The Honorable Larry Nelson
John Ogden
The Honorable Casey Prochaska
Col. Dennis Rea
The Honorable Max Wilson

Representative Mark Maiorana

Members Absent:

Senator Jay Blanchard
Thomas Browning
Tom Manfredi
Konstantine Nezer
The Honorable Elaine Scruggs
Mark Spencer
Charles Roach

Representative Mike Gleason, Cochair

Staff:

Todd Madeksza, Senate Research Analyst

Senator Cirillo called the meeting to order at 3:05 p.m. and attendance was noted.

Overview of Recent Legislation Regarding Military Airports

Todd Madeksza, Senate Research Analyst, explained that in the 45th Legislature, H.B. 2161 was enacted. This legislation establishes the Military Airport Land Exchange Section within the Department of Commerce (DOC) for the purposes of facilitating the exchange of federal land for private land in the vicinity of the military airport. The measure allows the landowner to apply to the section for assistance to exchange the private land in the vicinity of the military airport for federal land if the land is in the high noise or accident potential zone, or if the landowner's land is undeveloped, if it is zoned for uses incompatible with the operations for a military airport and if the landowner

agrees to a rezoning of the land to uses compatible with the operation of a military airport. The measurement establishes requirements and provisions as to the procedures of the transfers and outlines the roles of the Department and the property owner. The measure declares that the policy of the Legislature is to promote the preservation of the military airport by facilitating the conservation of open space around military airports and defines the territory in the vicinity of the military airport and other terms relating to land exchanges around military airport bases.

Mike Anable stated that the new section is not part of DOC but the Land Department.

Presentation of Goodyear Development around Luke Air Force Base

Jerene Watson, Community Relations, City of Goodyear, distributed a map of the "Luke Southern Departure Corridor Land Ownership" (Attachment A) and "Testimony before the Arizona State Senate Arizona Military Airport Preservation Committee" (Attachment B). Her testimony came exactly from the handouts.

John Odgen asked where the 59 residential lots were rezoned to commercial.

Harvey Kraus, Community Development Director, City of Goodyear, stated that it is Suncor Land, phase two of Pebble Creek. It is south of Indian School and just east of the 303 and west of Pebble Creek Parkway. He further stated that Robson Communities did know of this action.

Senator Cirillo stated that it would be nice to work out something with Duncan Farms.

Senator Cirillo proposed that with the Committee's permission he will send a letter in the name of the Committee to the Mayor and Council of El Mirage and the Attorney General expressing the concerns of the Committee and asking that houses and schools not be built on this particular site due to the current statute in place.

Update on Encroachment Around Military Airport Bases

Col. Dennis Rea, Luke Air Force Base (LAFB), stated that LAFB is the only active duty F-16 training base in the United States Air Force. They train the best F-16 fighter pilots and crew chiefs as well as supporting contingency operations around the world as the military requires. LAFB graduates approximately 1,000 fighter pilots and about 950 F-16 crew chiefs every year. Their pilots fly more than 40,000 hours annually with up to 20-year old aircraft. The F-16 will continue to be the fighter backbone of the United States Air Force Fighter Community for many years to come. He stated that the growth in the west valley can impact their mission. Incompatible land use will significantly impact LAFB's success in the near future. Noise sensitive development inside the noise contours around LAFB will eventually have the effect of reducing mission flexibility and hindering the ability to train pilots. Aircraft noise contours are averages. Communities well outside the 65 decibel noise contours may still be affected by jet noise from their operations. Safety risks also become greater as encroachment results in tighter air

space restrictions. He further stated that agricultural remains the most desirable land use in the high noise and accident potential zone near LAFB. DOC currently has a project that will identify acceptable and feasible uses of land within the territory and the vicinity of LAFB and develop a strong implementation plan, financing mechanism and potential funding sources for development, rights and compensation. S.B. 1525 clearly defines compatible land use in the high noise and accident potential zones. The air space that supports their mission is becoming extremely congested and is a concern for mission accomplishment in the future. Since 1975, LAFB has lost 50% of its special use air space and low level routes to the tactical ranges. LAFB has an active air space encroachment program meeting on a regular basis with local airport officials, local and regional FAA leaders as well as private groups representing general aviation interest in the State.

Col. Rea stated that the Barry M. Goldwater Range consists of approximately 1.8 million acres of restricted air space and approximately 800,000 acres of restricted ground terrain on the air force side. The air space is free of commercial and private aviation activity. It is uninhabited and has no mining, grazing or farming operations. It is one of the premiere training ranges in the world. It is unique because of the weather and the air to air and air to ground ranges and its proximity to a great and supportive community.

Michael Anable asked about the threats to the Barry M. Goldwater Range. Col. Rea stated that the range has not been targeted. The bigger concern is the access to the range going and coming from LAFB and some of the other bases to get there.

In response to the Honorable Max Wilson, Col. Rea stated that the noise complaints have decreased in the last year by about half.

Col. James Cooney, Yuma Marine Corps Air Station, presented a slide handout (Attachment C). His testimony came directly from the handout. He stated that the Marine Corps Air Station Yuma operates under an agreement with both the city of Yuma and Yuma County. Most of the training is in aviation war fighting. Yuma has superb flying conditions, great community support and access to two ranges. He stated that bills passed in the Legislature helped them reinforce their joint land use plan. He further stated that Air Installation Compatible Use Zone, a Department of Defense tool, incorporates use, accident history, land use, alternative evaluations and environmental impacts. He described the development of the Barry M. Goldwater Range. They are concerned about potential encroachment on these ranges. The marine corps since 1994 has invested \$1 million into environmental stewardship.

Lt. Col. Karl Bosworth, Davis-Monthan Air Force Base, stated that there is a lot of activity to help protect Davis-Monthan from encroachment and to provide for compatible land uses around the installation. The air field compatibility study is ongoing and the steering committee is finalizing the perimeter development recommendations within the next 60 days. Davis-Monthan also is in the final planning stages of a joint land use study. Davis-Monthan released in April some hypothetical noise contours that local

jurisdictions could use for planning and zoning around the installation. The A-10 is the quietest jet in the air force inventory and the replacement for this aging aircraft is very likely to be significantly louder. The City of Tucson is considering making changes to its airport zoning code to reflect these hypothetical noise contours. The Department of Defense discouraged residential development within the day/night average sound level 65 decibel noise contours. A letter was recently sent to the City of Tucson stating that they cannot support new residential use inside these recently released hypothetical contours. One proposed development falls into those proposed contours.

Senator Cirillo stated his concern that Tucson is going to have a tighter restriction than what is in state statute. Col. Cooney stated that they will be going to the extended paddle out to the 50,000 foot off the end of the runway in order to protect the southeast approach departure zone.

Steve Jewett stated that it has been extended in city ordinance for at least 15 to 17 years.

Summary of Economic Impact of Arizona's Principal Military Operations

Alan Maguire, President, Maguire Company, presented a handout entitled "Economic Impact of Arizona's Principal Military Operations" (Attachment D). His testimony came directly from the handout.

Senator Cirillo stated that employment has gone down in the State of Arizona in the last 18 months, but military operations jobs have remained the same. Mr. Maguire stated that is correct.

Update – Arizona Military Airports Regional Compatibility Project

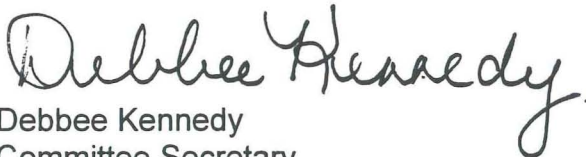
Deb Sydenham, Director, explained that the project is surviving and thriving. The consultants have been engaged in a data collection and inventory analysis process since the end of March. Specific issues have been identified as they relate to land use compatibility and landowner specific issues in the west valley area around LAFB. The project will be looking at land use compatibility and the noise and accident potential zone as well as landowner compensation issues, evaluation measures within the noise and accident potential zone and identify funding mechanisms and potential finance sources for dealing with those landowner compensation measures that may be identified in the implementation. They are currently engaged in arranging a meeting with all of the school districts. Also, the West Valley Planners Group and the base will be meeting in August to develop a process that all the municipalities can embrace as it relates to land use decisions. There is an Open House on September 14 that will include the project team at the Wigwam from 10:00 a.m. to 1:00 p.m. All of the west valley communities will be participating. The general public will be able to learn what happens at the base.

John Ogden commented that Suncor Development has been working on base compatibility issues since 1986. In 1997 the subject was brought up in regards to growth of homes. Now there are over 1,000 homes sitting in the 65 and 70 decibel noise contours to the north side of the base. Mr. Ogden stated that Col. Rea made the correct assessment that due to the growth to the north, the live ordinances have to be flown out to the southwest. It makes it very difficult for the developer and landowner to operate when there are changes and pressures that are not under their control. He stated that they are running out of time and patience to deal with the financial aspect of this.

Senator Cirillo stated that he understood Mr. Ogden's concerns and again reiterated that he would be sending a letter.

There being no further business, the meeting was adjourned at 4:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Debbie Kennedy". The signature is written in black ink and is positioned above the printed name and title.

Debbie Kennedy
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office/Resource Center, Room 115.)