



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

TERRY GODDARD  
ATTORNEY GENERAL

July 29, 2008

Maricopa County Board of Supervisors  
301 West Jefferson Street  
Phoenix, Arizona 85003

Dear Members of the Board:

This letter is in response to your letter of July 25, 2008.

Luke AFB is extremely important to the security of the United States, as well as to the economic well-being of Maricopa County. We must do everything in our power to protect that valuable asset. Toward that end, and in the interest of the public health and safety, our Legislature enacted A.R.S. § 28-8481, which clearly and unequivocally requires Arizona counties to amend their comprehensive plans to assure that future development will be compatible with the high noise and accident potential zones surrounding military airports and ancillary military facilities.

For a number of legal and ethical reasons, the Attorney General's Office is not authorized to provide legal advice to a county board of supervisors. In the present situation, for example, my Office will represent the State of Arizona in the lawsuit you threatened in your letter, so we obviously cannot provide legal advice to you. You should consult the Maricopa County Attorney regarding the requirements of state law.

Your July 25 letter acknowledges, however, that you understand the legal requirements but refuse to follow them. You admit on page 5 of your letter that Arizona law requires Maricopa County to adopt a comprehensive plan and enforce zoning regulations to assure development compatible with any high noise and/or accident potential zones around Luke. Your letter then admits that "[t]o date, Maricopa County has not done so." It is undisputed that granting residential building permits in these zones poses a grave risk to the future operations of Luke AFB. Thus, it logically follows from your own statements that your next steps should be to adopt, without further delay, an amendment to Maricopa County's comprehensive plan that complies with A.R.S. § 28-8481 and submit it to the Office of the Attorney General for review as required by A.R.S. § 28-8481 (I).

Your letter states that you intend to file a lawsuit in ten days. If you still believe you need judicial guidance, I see no reason for you to wait ten days. I am ready and willing to accept service of process on behalf of the State, if that is what it takes to preserve Luke AFB.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Goddard", written over a horizontal line.

Terry Goddard  
Attorney General