

Water Service Area Review Board

Summary Minutes

February 5, 2015

- 6. Water Service Request – 5350 N. Crestview Drive:** Mr. Sarti presented Tucson Water's report to the Board. He reported that the parcel in question is within Tucson Water's service area but does not meet the Water Service Area Policy infill requirements, which state that, to receive new service, a parcel must be surrounded on three adjacent sides by parcels currently being served by Tucson Water. Referring to a map of the parcel, Mr. Sarti indicated that areas north and west of 5350 N. Crestview were in the Lazy C Water Company service area. Mr. Sarti indicated that Tucson Water was obligated to serve the adjacent parcel south of 5350 N. Crestview, but that this was not currently being served. Mr. Sarti also indicated that the parcel east of 5350 N. Crestview was not being served.

Mr. and Mrs. Whitthorne presented their case to the Board. The Appellants indicated that water service was desired in order to sell the land. The Appellants indicated that it would be impractical to obtain service from Lazy C Water Company due to access issues across neighboring properties, elevation gain from Lazy C's service area to the Appellant's property, a need for Corporation Commission approval of Lazy C service outside of its service area, and overall expense. The Appellants noted that they were approached by property owners to the south and east, in an offer to jointly bring water and electrical utilities to the three properties through a common easement. They stated that the adjacent property to the east had, in fact, recently been granted a will-serve notice by Tucson Water. This, they said, effectively gave the property adjacent service on two sides. The Appellants claimed that property immediately west of their parcel was public land, which would not be made available for development. The Appellants indicated that water service would never be possible on three sides, warranting an exception to the infill requirements of the Water Service Area Policy.

Back-and-forth discussion was held between the Appellants, Mr. Sarti, and the Board in order to clarify various points from the two parties' presentations.

The Board requested Audience comments specific to the case at hand. Chris McVie, representing the Community Water Coalition, spoke. The case, she said, raised questions about the Water Service Area Policy in regard to properties adjacent to protected lands, for which there can be no possibility of water service based on a strict interpretation of the Policy. Such scenarios, she said, deserved further consideration.

The Board began deliberation. Member Elias asked Staff to produce documentation of Tucson Water service status for neighboring parcels. The hearing was briefly suspended while Staff responded to the request. Upon the resumption of the hearing, Mr. Sarti indicated that the property east of 5350 N. Crestview had, in fact, been granted a will-serve notice in June 2013, valid for two years. He also indicated that the property to the south had no record of having received a will-serve notice. Mr. Sarti presented a map indicating that the property to the west of 5350 N. Crestview was private property, and potentially available for future development.

The Board continued deliberation. Chairperson Duarte indicated that Staff had correctly interpreted the Water Service Area Policy in its decision to deny water service. Member Elias concurred.

Member Elias moved to support Tucson Water's decision to deny water service to the parcel at 5350 N. Crestview. The motion was seconded by Chairperson Duarte.

The motion was carried by a vote of 2-0.

- 7. Call to the Audience –** There were no comments from the audience.

- 8. Adjournment:** The meeting was adjourned at 4:21 p.m.