

# WATER SERVICE AREA REVIEW BOARD (WSARB)

3:00 p.m., Thursday, September 26, 2019  
City Hall, 1<sup>st</sup> Floor, East Conference Room  
255 W Alameda, Tucson, AZ 85701



## Legal Action Report

- 1. Roll Call:** The meeting was called to order by Chair Albert Elias at 3:01 p.m. Those present were:

### **WSARB Members present:**

Albert Elias, Chair	Assistant City Manager
Scott Clark	Director, Planning and Development Services
Carlos De La Torre	Director, Planning & Policy Program

### **Appellants:**

Huw Jones	Owner, Parcel Nos. 224-22-0320 & 224-22-0330
Cynthia Jones	Owner, Parcel Nos. 224-22-0320 & 224-22-0330

### **Representing Tucson Water:**

Richard Sarti	Planning and Engineering Administrator, Tucson Water
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### **City of Tucson:**

Chris Avery	City of Tucson Attorney's Office
Kris LaFleur	Lead Management Analyst, Tucson Water

- 2. Announcements** – None.
- 3. Review and Approval of July 2, 2019, Legal Action Report and Minutes** – Member De La Torre moved for approval of the Legal Action Report. The motion was seconded by Member Clark. The motion passed by a voice vote of 3-0.
- 4. Water Service Request – Pima County Parcel Nos. 224-22-0320 & 224-22-0330**
  - a. Report from Tucson Water Staff** – Mr. Sarti provided a summary of the Tucson Water Service Area Policy (SAP), and an explanation of the Water Service Area map, including areas which Tucson Water is obligated to serve, those already being served, and those that are considered non-expansion zones. He explained that a residential parcel located in a non-expansion zone, such as within the Town of Oro Valley, must be smaller than 20 acres and must be bordered on three sides by parcels already receiving Tucson Water service, in order to qualify for new water service. Mr. Sarti indicated that the subject parcels are located within the Town of Oro Valley and each is bordered on two sides by parcels currently receiving Tucson Water Service. He explained that the parcels did not meet the criteria for new service under the SAP, and were denied service accordingly.
  - b. Response from Appellant** – Mr. Jones indicated that he and his wife have owned the subject parcels for 12 years. He described the couple's intent to develop the land and actions they have taken toward that end, beginning with a split from one parcel into two in 2011 through Oro Valley's subdivision process. He told the Board that Tucson Water provided an assurance of water availability to Oro Valley when the parcels were split, but

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water service was subsequently denied after the water assurance expired and Tucson's SAP was instituted. He indicated that the parcels in their current configuration are now difficult to sell and their value has been diminished due to a lack of City water service. Mr. Jones asked the Board to provide a variance to the Policy, and to grant water service.

Board members pointed out that the appellants have options for obtaining City water service, which could include recombining the parcels to meet the three-side rule, or encouraging a neighboring property owner to install a water meter to create another adjacent Tucson Water-served parcel. Mr. Jones indicated that these options were not viable due to expense, or due to relations with the neighboring property owner.

- c. **Call to the Audience** – There were no audience comments.
  - d. **WSARB Deliberation, and Recommendations or Decisions** – Member Clark moved to uphold Tucson Water's denial of water service. Member De La Torre seconded the motion, which passed on a voice vote of 3-0.
5. **Call to the Audience** – There were no audience comments.
6. **Adjournment** – The meeting was adjourned at 3:37 p.m.