

WATER SERVICE AREA REVIEW BOARD (WSARB)

Friday, February 13, 2015, 3:00 p.m.
City Hall, 1st Floor, East Conference Room
255 W Alameda, Tucson, AZ 85701



Legal Action Report (*Amended)

1. **Roll Call:** The meeting was called to order by Chairperson Ernie Duarte at 3:05 p.m. Those present were:

WSARB Members present:

Ernie Duarte	Director, Planning and Development Services (Chair)
Albert Elias	Assistant City Manager
Nicole Ewing-Gavin	Director, Office of Integrated Planning

Appellant:

Greg Mitchell	Parcel owner, 9011 and 9021 N. Scenic Dr.
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Representing Tucson Water:

Melodee Loyer	Chief Planner, Tucson Water
Richard Sarti	Engineering Manager, Tucson Water

*** Others Present:**

Mike Rankin	City Attorney, City of Tucson
Steve Arnquist	Council Aide, Ward 1
Tamara Prime	Council Aide, Ward 3
Amy Stabler	Council Aide, Ward 6
Christine McVie	Community Water Coalition
Andrew Greenhill	Management Coordinator, Tucson Water
Johanna Hernandez	Staff Assistant, Tucson Water
Kris LaFleur	Staff Assistant, Tucson Water

2. **Announcements:** There were no announcements.
3. **Review and Approval of LAR and Minutes from 2/5/2015:** Member Elias moved to approve the Legal Action Report and Meeting Minutes of February 5, 2015. The motion was seconded by Member Ewing-Gavin and carried by a vote of 3-0.
4. **Continuation of Water Service Request – 9011 and 9021 N. Scenic Drive:** Mr. Rankin presented a report from the City Attorney's Office. The CAO advised that it could not identify any legal options that would provide certainty in eliminating the possibility of allowing adjacent property owners from requesting or receiving water service from Tucson Water. The CAO recommended that the Board's consideration of water service to the parcels in question should not include a covenant or any other action that would burden the land or owner with additional legal obligations.

Mr. Sarti presented Tucson Water's report to the Board. Mr. Sarti indicated that the parcels are in unincorporated Pima county, outside of Tucson Water's service area, and outside of and directly adjacent to the Town of Marana. He indicated that water service was denied to the parcels because they do not meet Water Service Area Policy requirements. Specifically, the

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parcels are not 20 acres or less in size and/or are not currently bordered on three adjacent sides by parcels being served by Tucson Water.

Mr. Mitchell, owner of the above parcels, presented his case to the Board. In response to the CAO recommendation, Mr. Mitchell proposed subdividing his parcels as indicated in the presentation distributed to the Board. Mr. Mitchell further proposed that water service be provided only to the parcel at 9011 N. Scenic Drive, for the purposes of home fire protection.

Discussion ensued between Mr. Mitchell, the Board, and Tucson Water's representatives. Tucson Water staff indicated that the parcels, if subdivided as proposed, would still not meet Water Service Area Policy requirements for new service.

Member Elias inquired if Mr. Mitchell had the option of annexing into the Town of Marana and receiving water service. Mr. Mitchell indicated that this was possible, but that he objected to annexation by the Town. Member Ewing-Gavin indicated that she had discussed the case with Marana officials, who expressed interest in discussing annexation with Mr. Mitchell. In such a scenario, she indicated, Mr. Mitchell would become a Tucson Water customer receiving Marana's wheeled water. Members Ewing-Gavin and Elias encouraged Mr. Mitchell to consider this option.

Mr. Mitchell inquired about the status of the wheeling agreement between the City and Town. Tucson Water staff indicated that the agreement is in the process of being negotiated.

Mr. Mitchell, Board Members, and Staff continued to engage in discussion and debate.

Chairperson Duarte issued a Call to the Audience for comments specific to the case. No comments were made.

The Board began deliberation. Members asked Mr. Mitchell for further information about the fire protection requirements for his home at 9011 N. Scenic Drive. The Board and Mr. Mitchell engaged in additional discussion. Members noted that the parcel at 9011 N. Scenic Drive still does not meet the Water Service Area Policy requirement of existing water service on three sides.

Member Ewing-Gavin moved that the Board's only option would be to grant water service, subject to Mr. Mitchell's annexation into the Town of Marana. Member Elias seconded the motion.

Chairperson Duarte clarified the motion: The Board agrees to provide water service through Tucson Water, with the condition that Mr. Mitchell annex his parcels into the Town of Marana.

Mr. Mitchell asked the board for further clarification.

Chairperson Duarte indicated that Mr. Mitchell had means with which to get water. He indicated that Mr. Mitchell's was an acute situation requiring him to reach out to the Town of Marana. He stated that the easiest means for Mr. Mitchell to acquire water service would be to agree to annex into the Town of Marana.

Mr. Mitchell indicated his understanding.

The Board voted and the motion carried, 3-0.

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5. **Call to the Audience:** There were no comments from the audience.
6. **Adjournment:** The meeting was adjourned at 3:46 p.m.