



## WATER SERVICE AREA REVIEW BOARD (WSARB)

10:00 a.m., Tuesday, July 25, 2023  
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 Kris LaFleur at 10:02 a.m. Those present were:

**WSARB Members present:**

Liz Morales	Assistant City Manager
Carlos De La Torre	Director, Environmental & General Services
Kristina Swallow	Director, Planning & Development Services

**Appellants:**

Dennis Manley	Owner, Parcel No. 224-19-085H
Shannon Giles	Owner, Parcel No. 224-19-085H

**Representing Tucson Water:**

Michael Mourreale	Planning and Engineering Administrator, Tucson Water
-------------------	--

**City of Tucson:**

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

2. **Appointment of Board chairperson or acting chairperson** – Member De La Torre nominated Member Morales as Chair. Member Morales accepted the nomination. The motion passed unanimously.
3. **Announcements** – None.
4. **Review of water service denial for Pima County Parcel 224-19-085H, a parcel located in unincorporated Pima County**
  - a. **Report from Tucson Water Staff** – Mr. Mourreale 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 unincorporated Pima County, 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. Mourreale indicated that the subject parcel is located within unincorporated Pima County and is bordered on two sides by current Tucson Water customers. He explained that the parcel did not meet the criteria for new service under the SAP and was denied service accordingly.

## Water Service Area Review Board

Legal Action Report

July 25, 2023

- b. **Appeal of water service denial** – The appellants indicated that they purchased the property in 2007 when Tucson Water service was available and would not have purchased it if water had been unavailable at the time. They indicated that they still owe \$85K on the lot, which is under a contract to sell for \$85K pending availability of water service. They explained that they were unaware of the implementation of the SAP and did not know they needed to act to receive water service prior to its initiation. The appellants indicated that the cost to drill a well on the property would be \$50K.
- c. **Call to the audience (specific to this case)** – There were no audience comments.
- d. **Board deliberation, decision, and recommendations** – Board members, City staff, and appellants discussed additional background on the parcel, the SAP, and the options available to the property owners. Mr. Avery provided a summary of the Board's available actions, per City ordinance.

Mr. Avery summarized the appellants' viable options for receiving Tucson Water service on their property.

Member Swallow moved to uphold Tucson Water's denial of water service; Member de la Torre seconded the motion. The motion passed unanimously.

- 5. **Call to the audience (general)** – There were no audience comments.
- 6. **Adjournment** – The meeting was adjourned at 10:28 a.m.



# Water Service Area Review Board

July 25, 2023

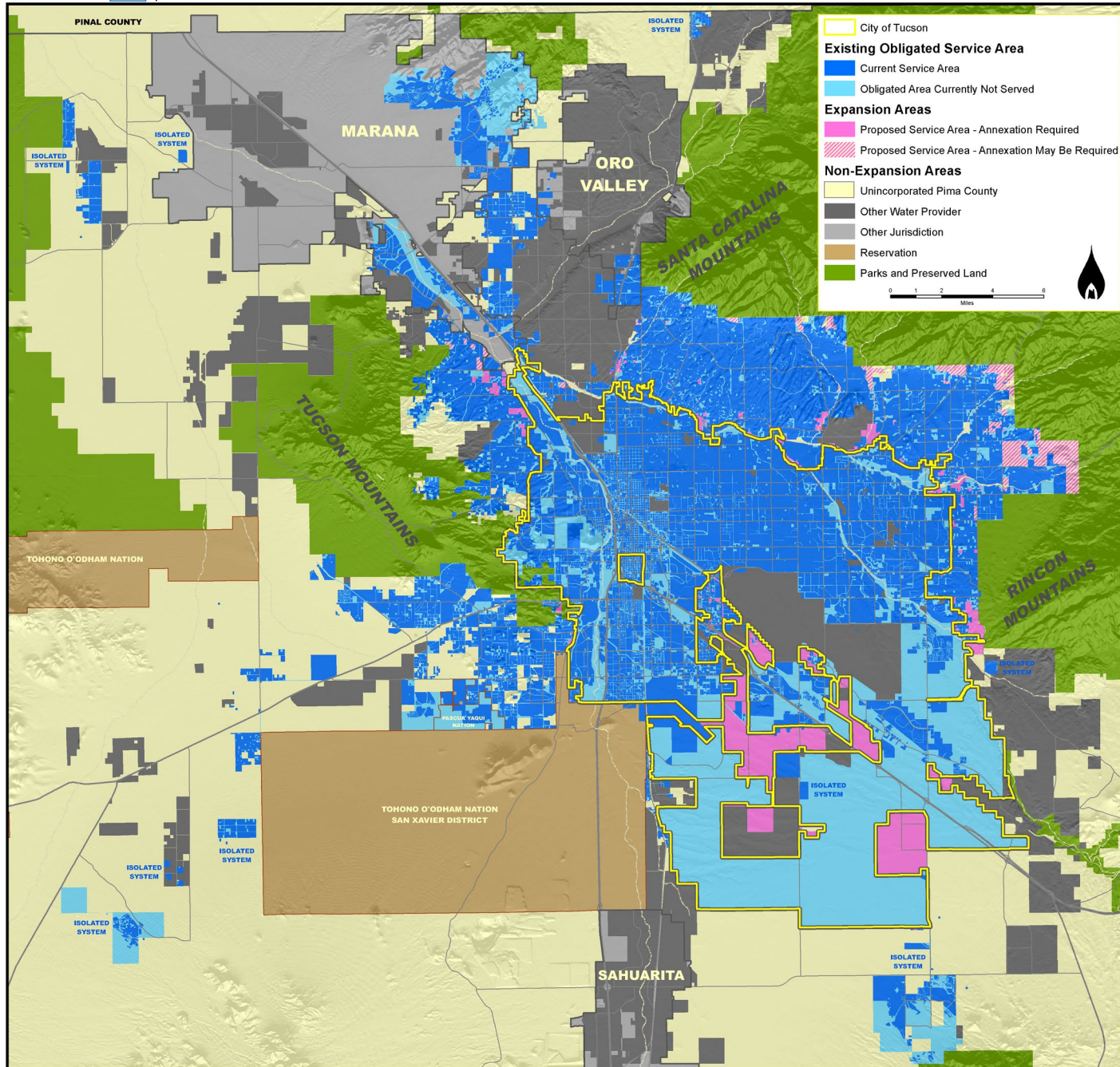
# Meeting Agenda

1. Call to Order
2. Appointment of Board Chairperson
3. Announcements
4. Review of water service denial
  - a) Report from Tucson Water staff
  - b) Appeal of water service denial
  - c) Call to the audience (case specific)
  - d) Board deliberation, decision, and recommendations
5. Call to the audience (general)
6. Adjournment



# Pima County Parcel 224-19-085H

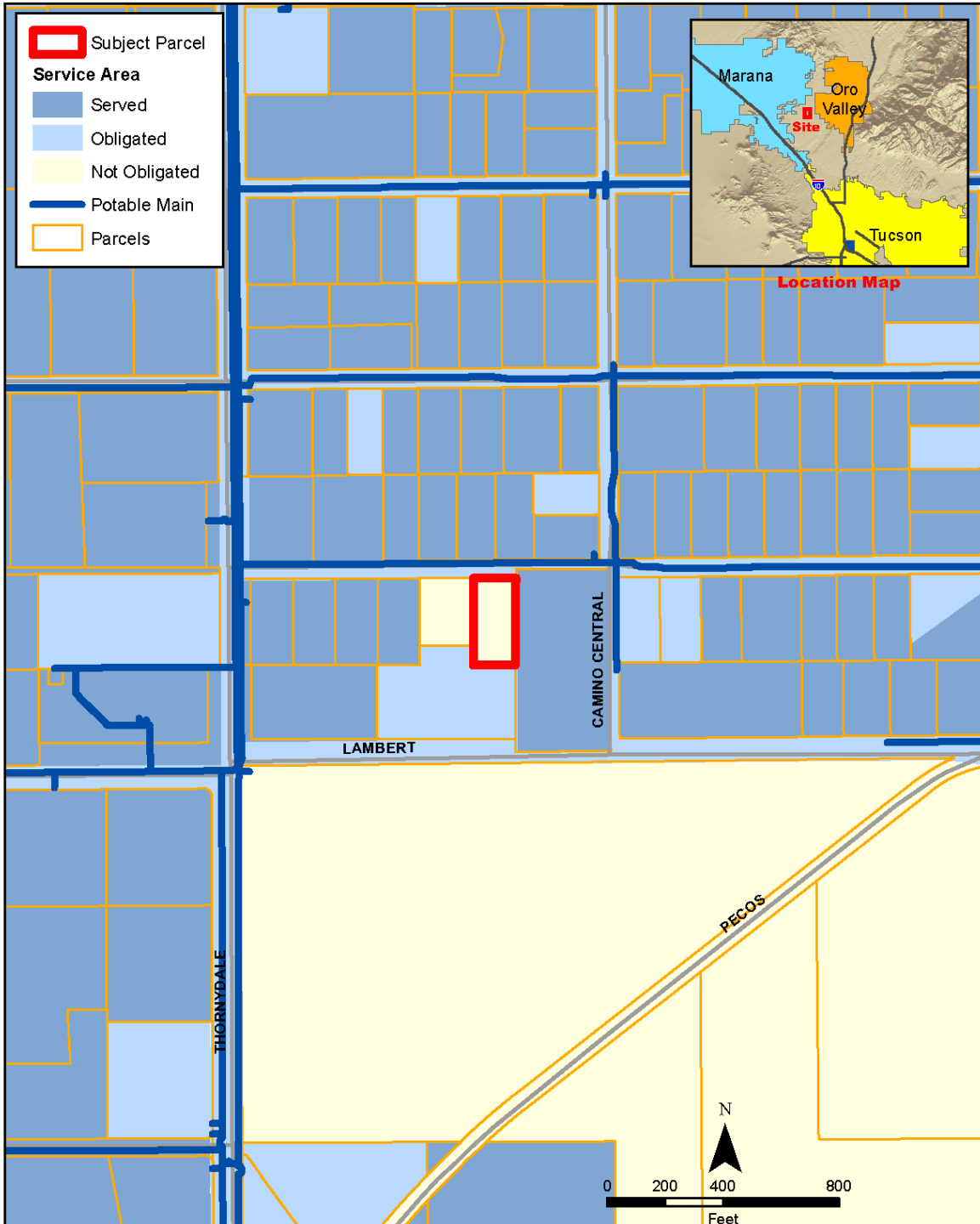
Report from Tucson Water Staff



## Tucson Water Service Area Policy

- Established by Mayor and Council on August 4, 2010
- Requires Tucson Water to review requests for water service beyond its Service Area on a case-by-case basis
- Requests for new service beyond the existing Water Service Area must be denied if:
  - Parcel contains 20 acres or more of developable land; or
  - Parcel is abutted on fewer than three sides by existing Tucson Water customers





# Pima County Parcel 224-19-085H

**Location:** Unincorporated Pima County, vicinity of N Thornydale Rd & W Lambert Ln

**Area:** 1 acre

**Service Area proximity:** Abuts existing Tucson Water customers on two sides (north and east)

## Reasons for service denial:

- Parcel lies within a Non-Expansion Area as defined by the Water Service Area Policy (Sec. A.3.a)
- Parcel is not surrounded on three sides by parcels currently receiving service from Tucson Water (Sec. C)



June 06, 2023

Dennis Manley  
2180 N Wilmot Road  
Tucson, AZ 85712  
Attn: Dennis Manley

**SUBJECT: Water Availability for Project: Manley/Giles Property, APN: 22419085H, Case#: TW-WAV-0623-00181, 12S13E08, Location Code: UNINCORPORATED PIMA COUNTY, Total Area: 1.00ac**

Tucson Water is unable to provide water service to this parcel due to the fact that it does not conform to the requirements of the Tucson Water Service Area Policy. Please contact the Arizona Coporation Commission at 520-628-6550 for information regarding other potential water sources.

If you have any questions, please call New Development at (520) 791-4718.

Sincerely,

Michael Mourreale, P.E.  
Engineering Manager  
Tucson Water Department

## Denial of Water Service

### Tucson Water issued a denial-of-service letter for this property on June 6, 2023

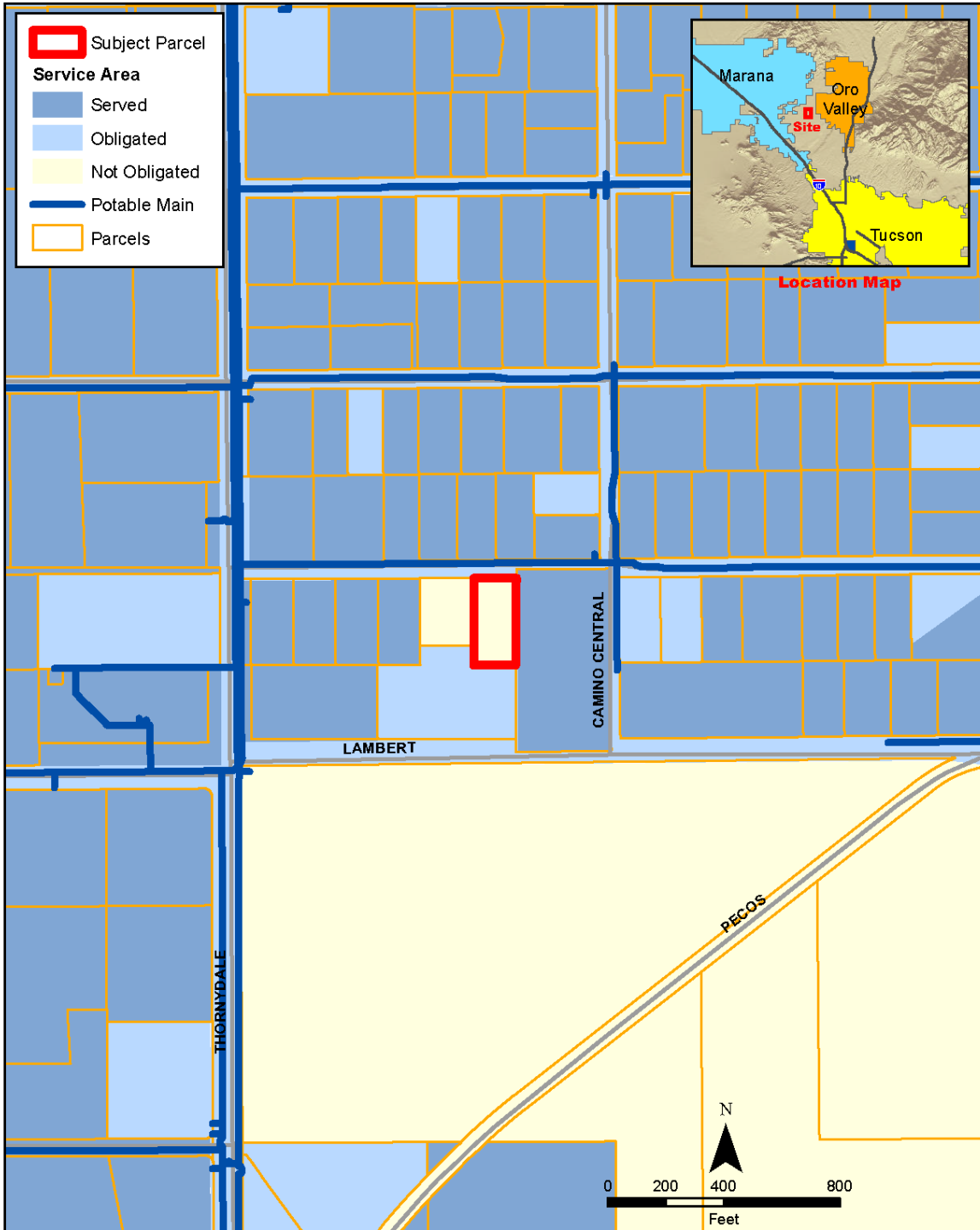






# Pima County Parcel 224-19-085H

Appeal of water service denial



## Request for water service by property owner

- Parcel purchased in 2007
- Owner is seeking to sell property
- Owner seeks reversal of service denial



# Pima County Parcel 224-19-085H

Call to the audience



# Pima County Parcel 224-19-085H

Board deliberation & decision



# Pima County Parcel 224-19-085H

General call to the audience



General call to the audience



Adjournment