



WATER SERVICE AREA REVIEW BOARD (WSARB)

4:00 p.m., Wednesday, May 8, 2024
Tucson Water, 3rd Floor, Director's Conference Room
310 W Alameda, Tucson, AZ 85701

Legal Action Report and Meeting Minutes

- 1. Roll Call:** The meeting was called to order by Liz Morales at 4:00 p.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:

Jeff Gross	Attorney, Berry Riddel, Parcel No. 209-12-0030
Monson Cowley	Cowley Companies, Parcel No. 209-12-0030
Mark Nicholls	Haley Aldrich, Parcel No. 209-12-0030

Representing Tucson Water:

Michael Mourreale	Planning and Engineering Manager, Tucson Water
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City of Tucson:

Chris Avery	City of Tucson Attorney's Office
Richard Sarti	Administrator, Tucson Water
Jessica Rodriguez	Staff Assistant, Tucson Water

- 2. Announcements – None.**
- 3. Review of water service denial for Pima County Parcel 209-12-0030, 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.

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- b. **Appeal of water service denial** – The appellant’s attorney encouraged the board to hear all relevant and pertinent information not whether Tucson Water followed the existing policy and consider facts that justify a modification of the policy. Those facts according to the appellant included:
- i. The City adopted the One Water 2100 Plan, which concluded that Tucson has an adequate water supply and Tucson has become one of the most water resilient cities in the Southwest. The policy does not accurately reflect Tucson Water’s Portfolio of water security to include groundwater storage, recharge and recovery, additional water uses and conservation efforts.
 - ii. The appellant commissioned a study of water availability in the vicinity of the parcel incorporating a model from Arizona Department of Water Resources to simulate the availability and use of groundwater. The study concluded sufficient groundwater to support development.
 - iii. According to the 2022 Water checkbook the utility has an excess of water, and the surplus will continue to increase based on continued Conservation Program efforts.
 - iv. The checkbook also indicated population growth and a continued reduction in water usage. There is an increase in available potable water and storage credits. The parcel is expected to consume approximately 250af a year of water, and over 100 years the water usage is insignificant, to the overall water table. There are also additional conservation measures and incentives available to the developer to reduce water consumption.
 - v. No factual basis for the denial as the property is adjacent to obligated services on two sides including the water pipes on the Westside of the street. equaling the three sides in addition to being adjacent to the service area. There is also the availability of water supply and it is physically possible to serve the parcel. There is no alternative, and denial of service will deprive the parcel of economically viable use.
- 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.

4. **Call to the audience (general)** – There were no audience comments.

5. **Adjournment** – The meeting was adjourned at 4:27 p.m.