



WATER SERVICE AREA REVIEW BOARD (WSARB)

2:00 p.m., Thursday, May 22, 2025

Tucson Water, 3rd Floor, Director's Conference Room

310 W Alameda, Tucson, AZ 85701

Legal Action Report and Meeting Minutes

1. **Call to Order:** The meeting was called to order by Tim Thomure at 2:00 p.m.

2. **Roll Call** - Those present were:

WSARB Members present:

Tim Thomure (Chair)

Koren Manning

Carlos De La Torre

City Manager

Director, Planning & Development Services

Director, Environmental Services

Appellants:

Richard Benner

Christina Benner

Terry Myers

Dan Donatelli

Property Owner

Property Owner

TLM Engineering

Property Owner Representative

Representing Tucson Water:

Richard Sarti

Scott Schladweiler (virtual)

Jessica Rodriguez

Planning and Engineering Administrator, Tucson Water

Deputy Director, Tucson Water

Public Affairs, Tucson Water

City of Tucson:

Christopher Avery

Attorney, City of Tucson

3. **Announcements** – None.

4. ****Review and Approval of May 8, 2024, Legal Action Report and Meeting Minutes–**

Motion: Member De la Torre moved to approve the Legal Action Report & Meeting Minutes. Member Manning duly seconded the motion. **Discussion:** None. The motion passed on a voice vote, 3 – 0.

5. ****Review of water service denial (2:16 a.m.) 30 minutes**

- 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

Water Service Area Review Board

Legal Action Report

May 8, 2024

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 of parcels already receiving Tucson Water service to qualify for new water service. Mr. Sarti indicated that the subject parcels are located within unincorporated Pima County. Parcel A borders on one side and Parcel B on two sides, which are currently served by Tucson Water customers. He explained that the parcels did not meet the criteria for new service under the WSAP and were denied service accordingly.

- b. Appeal of water service denial TW-WAV-0924-00162 (Myers & Benner) -The appellants presented irrelevant information regarding existing sewer and power service, as well as the property's proximity to Metro Water and adjacent State Land. They failed to provide factual evidence that Tucson Water did not comply with the Water Service Area Policy (WSAP). Instead, the appellants requested a variance or modification to the policy to obtain utility service. There was also discussion concerning the potential availability of an easement across State Land.
- c. Call to the (Case specific) – There were no audience comments.
- d. Board deliberation, decision, and recommendations – **Motion:** Member De La Torre moved to uphold Tucson Water's denial of water service; Member Manning seconded the motion. The motion passed unanimously. **Discussion:** None. The motion passed on a voice vote, 3 – 0.

6. **Review of water service denial

- 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 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. Sarti indicated that the subject parcel is located within unincorporated Pima County. The parcel is bordered on two sides by properties currently served by Tucson Water. He explained that the parcels do not meet the criteria for new service under the Water Service Area Policy (WSAP) and were therefore denied service. The committee acknowledged the challenges faced by the appellant, noting that the land division had effectively eliminated the possibility of receiving service from the utility. The board posed several questions to the appellant, expressing concern over the number of times the property had been subdivided and the apparent negligence involved during the split. Water service was available at some point, and the board will consider options during deliberation to assist the appellant.
- b. Appeal of water service denial TW-WAV-0125-00014 (McNabb & Donatelli) - The appellants provided documentation for the board to review. The appellant did not

Water Service Area Review Board

Legal Action Report

May 8, 2024

need to present a case for the board. The board chose to make a recommendation to assist the appellant.

- c. Call to the (Case specific) – There were no audience comments.
- d. Board deliberation, decision, and recommendations – **Motion:** Chair Thomure moved to uphold Tucson Water's denial of water service to the parcel based on the WSAP. Chair Thomure advised the appellant to seek relief under the Mayor and Council based on the limited and unique circumstances of the board. Member Manning seconded the motion. **Discussion:** None. The motion passed on a voice vote, 3 – 0.

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

8. **Adjournment** – The meeting was adjourned at 2:54 p.m.