

COMMUNITY WATER COALITION

January 24, 2012

Dear Mayor and Council Members,

After reviewing CWAC's Draft List of Recommendations for Proposed Refinements to the City of Tucson Water Service Area Policy, the Community Water Coalition would like to express a number of concerns. As previously expressed, we believe the Water Service Area Policy is a sound policy, balancing economic development with water and ecosystem conservation to ensure a secure and healthy future for Tucson.

In addition, the Community Water Coalition believes that before considering substantial changes to the policy it needs to be given a reasonably long trial period. Given the scale of climate, population, and economic cycles, 16 months is an inadequate length of time to test the policy; more time is needed before substantial changes are made.

In regards to specific proposed amendments approved by CWAC on December 7, 2011, the Community Water Coalition recommends the following:

1. Streamlining the PADA Process: This amendment is workable as long as all provisions of the regular annexation review process are retained and it is clear when input from other parties can take place related to annexation proposals and the requested water service.
2. Clarify 20-Acre Infill Threshold: As expressed previously, revising the definition of infill within the water policy to define an infill parcel as 20 *net* acres of development from 20 *gross* acres is reasonable. However, it should be made clear that allowing infill on a qualifying parcel cannot then create eligibility for an adjacent parcel previously ineligible for infill.
3. Infill Criteria for Commercial Development: Increasing the threshold for commercial infill from 20 to 50 acres is problematic when using water use as a sole criterion. The impacts of 50 acres of commercially developed land are very different than those of residential development. However, if approved, it should be made clear that allowing infill on a qualifying parcel cannot then create eligibility for an adjacent parcel previously ineligible for infill.
4. Clarify Infill Criteria: Making clear that the infill criteria are only applied in the yellow (non-expansion) areas is reasonable. However, the addition of the "economic development exemption" language is troubling. This wording is significantly more weighted than current wording referring to "clear and substantial benefit," and we feel the original wording should be retained.
5. Clarify Grandfather Rights: Some clarification of what constitutes "substantial infrastructure" is needed.

Again, it should be made clear that development on a grandfathered parcel cannot then create infill eligibility for an adjacent parcel previously ineligible for infill.

6. Retract Southeast Expansion Area: This proposal seems reasonable.

7. Modify the Review Board Process: Modifications to this process are neither necessary nor prudent. The process works as implemented, as evidenced by the fact that only 5 out of 166 requests have been denied to date. Additionally, we have the following thoughts about some specific amendments being proposed:
 - Again the addition of language referring to “economic development exemptions” is troubling. This “exemption” does not currently exist in the policy and should not be added at this time.
 - Allowing a presentation of requests in person by the applicant to the Board is a good addition to the process and ensures greater transparency. It should be further clarified to explicitly permit attendance of interested stakeholders and members of the public at these presentations.
 - (See above regarding economic development exemption wording.)
 - Exemption decisions can currently be appealed, so with the transparency provided by the provision above we do not believe it is necessary to bring appeals to Mayor and Council.
8. Criteria for Reviewing Appeals: This proposal assumes the addition of an “economic development exemption,” which should not be added to the policy as mentioned above.
9. Wheeling Agreements: Wheeling agreements can be beneficial. However, it is very important that these agreements not be used to circumvent the intent of the water policy. The policy defines a clear service area and does not encourage the unregulated use of water outside the designated growth areas or the established service boundaries.

The Community Water Coalition appreciates the opportunity to comment on the Tucson Water Service Area Policy, and we are available to answer questions and participate in future discussions and policy revisions. For more information, you may contact the following Coalition representatives: Ron Proctor, ronproctor@hotmail.com; Lisa Shipek, lshipek@watershedmg.org; and Dr. Ed Verburg, eaverburg@yahoo.com.

Thank you for your careful consideration of our concerns.

Sincerely,

The Community Water Coalition

Carolyn Campbell, Coalition for Sonoran Desert Protection
Leona Davis, Community Food Bank
Paul Green, Tucson Audubon
Gayle Hartmann, Save the Scenic Santa Ritas
Peggy Hutchison, Primavera Foundation
Bill McDorman, Native Seed Search
Christina McVie, Desert Watch
Ronald Proctor, Sustainable Tucson
Randy Serraglio, Center for Biological Diversity
Lisa Shipek, Watershed Management Group
Edwin Verburg, Tucson Mountains Association