

SANTA CRUZ COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

TO Planning and Zoning Commission
FROM Frank Dillon, Director
DATE October 22, 2020
SUBJECT CUP-20-2-02 (Alvarez)

APPLICATION REQUEST

The applicants, Jimmy and Minerva Alvarez are requesting a Conditional Use Permit to contain one (1) horse on a R-2 (Residential) zoned property located at 404 Via Balsa in Rio Rico, Arizona.

LEGAL DESCRIPTION Sub Rio Rico Estates Unit No.13 Lot 4 of Blk 118
PARCEL NUMBER 115-16-004
OWNERSHIP Jimmy & Minerva Alvarez
LOCATION 404 Via Balsa, Rio Rico AZ, 85648
PARCEL SIZE 3.75 acres (163,350 sq. ft.)
EXISTING ZONING R-2 (Residential)
EXISTING LAND USE Single-Family Residential
COMP PLAN Medium Density Residential

SURROUNDING PROPERTIES

Direction	Zoning	Use of property
North	R-2 (Residential)	Single-Family Residential
South	R-2 (Residential)	Vacant Land
East	R-2 (Residential)	Vacant Land
West	R-2 (Residential)	Vacant Land

INFRASTRUCTURE AND PUBLIC FACILITIES SERVING THE SITE

Water	Liberty Utilities
Wastewater	Septic Tank
Electric	UniSource
Gas	UniSource
Fire Protection	Rio Rico Fire District

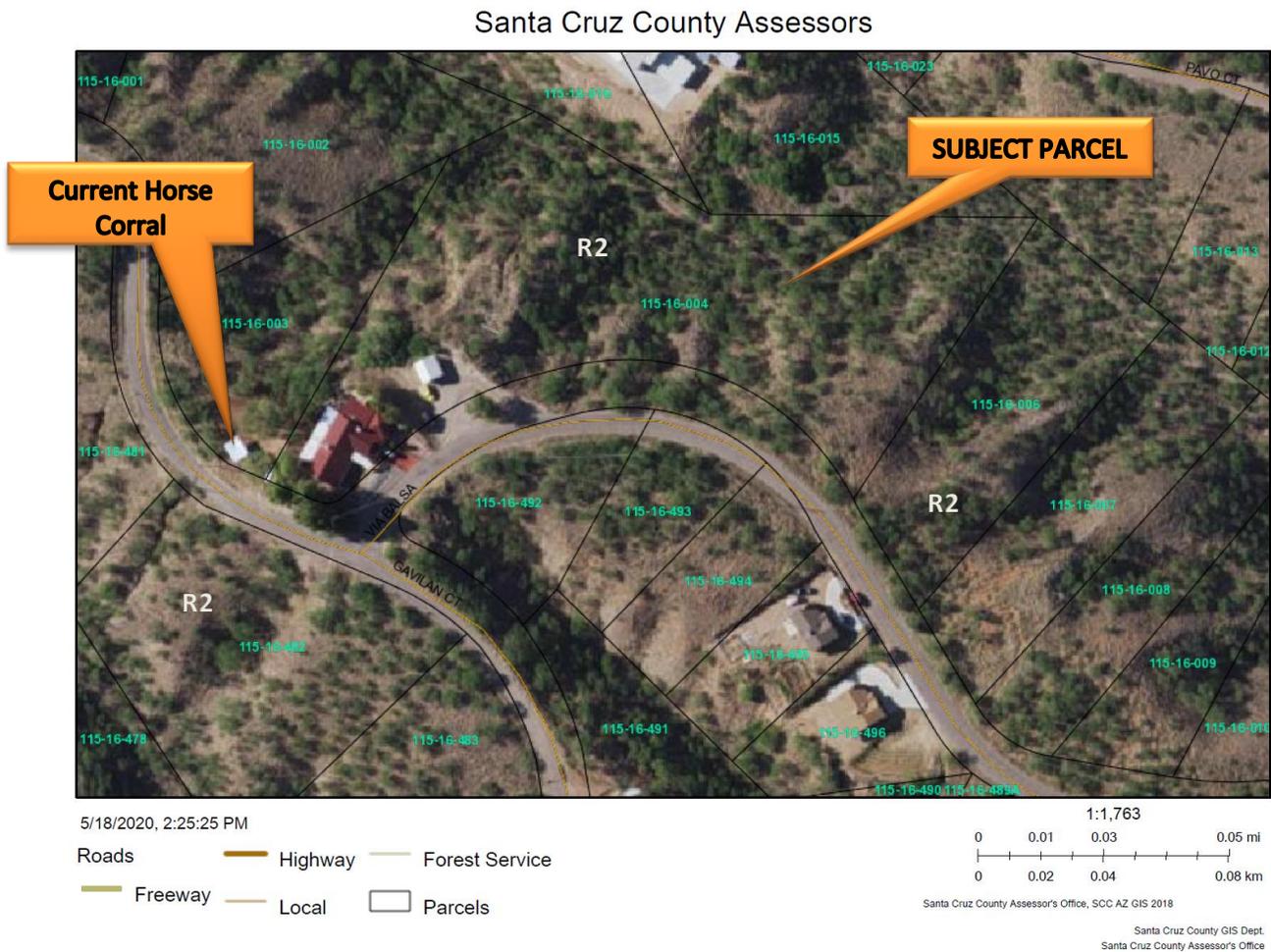
ACCESS TO SITE

The property is accessed along public roads situated in Rio Rico from Interstate 19. Use the Ruby Road exit (12), left on East Ruby Road, right on Old Ruby Road, left on Circulo Guerrero, left on Calle Calabasas, and right to Via Balsa to the subject property.



BACKGROUND

The subject lot is zoned R-2 with the adjacent parcels zoned R-2 also. The applicant is requesting this Conditional Use Permit to resolve a current violation to the Zoning and Development Code (VIO-19-05) to keep a single horse on the property. The violation was confirmed on 1/25/2019 and since that date the owner acquired more land to have the three (3) acres that are required to apply. The corral will be relocated to meet setback requirements as shown on attached site, right now it is located along Via Balsa. The proposed use will be minimal and will not have an adverse impact on the surrounding parcels.



Pursuant to Santa Cruz County Zoning and Development Code Article 9, Section 933.B, two farm animals are permitted in R-2 zones with a Conditional Use Permit:

B. Farm Animals:

1. Each 130,680 (3 acres) square foot R-2 parcel may contain two farm animals providing:
 - a. No barn, corral or stable may be located in the required front yard.

- b. No barn, corral or stable shall be located closer to the required side or rear lot lines than one hundred (100) feet.*
- c. Pigs and/or goats are not permitted.*
- d. Each farm animal shall have four hundred (400) square feet of stock-tight corral fencing with shelter in accordance with B(1)(a) and B(1)(b) above*

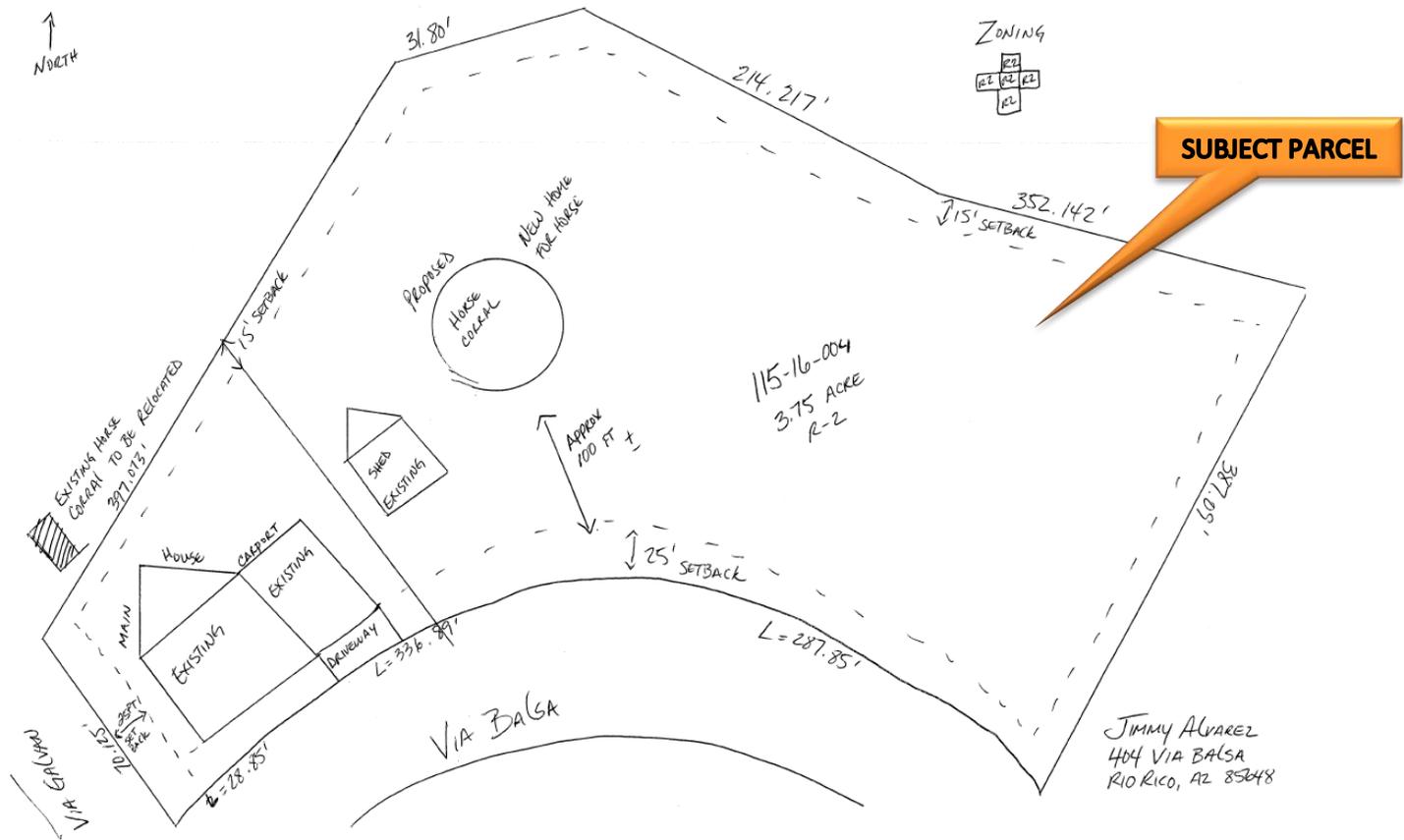
Example:

An 130,680 square foot R-2 zoned parcel can support up to two (2) farm animals providing; a minimum of 800 square feet of stock-tight corral fencing with shelter not closer than one hundred (100) feet from the side and rear property lines.

- 2. For each additional 36,000 square feet of parcel area an additional farm animal will be permitted.*
- 3. The presence of offensive or noxious gases or odors prohibited.*

Every owner, tenant, or occupant of any premises within the R-2 (Residential) Zoning District, in or upon which animals other than household pets are kept and maintained for family food and/or recreation, including, but not limited to, dairy animals, small poultry, cattle, sheep, llamas, horses, mules, ostriches, emus and turkeys shall at all times keep and maintain such premises covered, enclosed, protected, cleaned, drained, and disinfected that no offensive or noxious gases, odors or noises may or shall arise therefrom. Any such premises which are not at all times kept and maintained so covered, closed, protected, cleaned, drained, and disinfected as to prevent any and all offensive noxious gases and odors arising therefrom, or which are allowed or suffered to become a breeding place for flies and insects or to become offensive or noxious to the residents in the immediate neighborhood are hereby declared to be a nuisance.

The lot meets the required criteria to keep the single horse on the property with the proposed relocation of the corral.



PUBLIC COMMENT

Since advertising this application for hearing, the Department has not received comments related to this project.

Factors in Favor of Approving the Conditional Use request

1. To cure the Zoning and Development Code Violation (VIO-19-05);
2. There is enough space on-site to support the proposed use;
3. The lot meets the criteria listed in the Conditional Use requirements;
4. The proposed location of corral will reduce the visual impact;
5. No public opposition to date.

Factors in Favor of Denying the Conditional Use request

1. None.

RECOMMENDATION

Staff recommends Conditional Approval of the request subject to the following Conditions:

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS §12-1134 signed by the property owner of the subject property within thirty (30) days of approval of the Conditional Use request, otherwise the Conditional Use authorization may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant’s responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use due to other federal, state, or local laws or regulations;
3. Changes to the approved Conditional Use shall be considered a new application and will require additional review and approval.

SUGGESTED MOTION

Madam Chair, I move to approve CUP-20-2-02, with the Conditions of Approval as recommended by staff with the Factors in Favor of approval constituting the Findings of Fact.

ATTACHMENTS

1. Complete Application Submittal
2. Letter of Intent
3. Site Plan
4. County Assessor’s Parcel Map
5. Property Profile
6. Notice of Violation No. VIO-29-05



Santa Cruz County
Community Development Department
CONDITIONAL USE PERMIT APPLICATION

2150 N. Congress Drive, Suite 215 ■ Nogales, AZ 85621 ■ 520-375-7930

CUP 20-2-02 (ALVAREZ)

Modification of CUP _____ (_____)

APN 115 - 16 - 004

Property Owner Name(s) (attach additional sheets as needed)

Minerva Alvarez

Property Owner Address(s) (attach sheets as needed)

404 via balsa

City Rio Rico, AZ 85648

Phone (520) 313-1689

Email Jimmyo8al@yahoo.com

Site Address

404 via balsa

City Rio Rico, AZ Zip 85648

Parcel Size (to nearest tenth of an acre) 3.75 Zoning R2

Site Infrastructure and Utilities

Water liberty Wastewater _____

Electricity unisource Gas _____

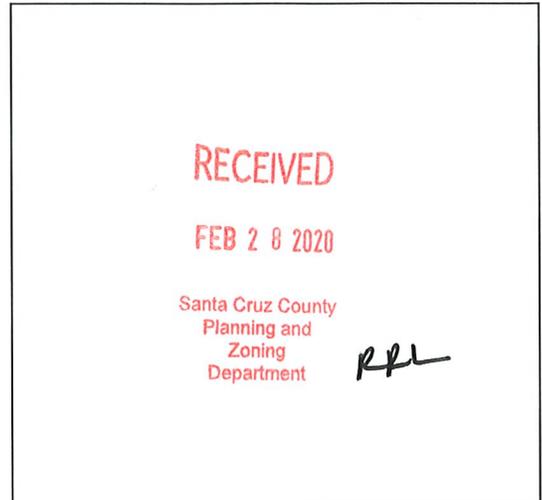
Fire District Rio Rico School District _____

Existing Uses – the size and location and use of all existing structures, add sheets if needed.

Residential

Proposed Uses – what, where and why of the request.

TO have one farm animal horse



office use only

date stamp here

BY SIGNATURE BELOW I HEREBY CONSENT TO STAFF SITE VISITS AT ANY TIME AND PERMIT PHOTOGRAPHS TO BE TAKEN OF THE SITE IN PREPARATION OF THE STAFF REPORT FOR THE PLANNING COMMISSION AND/OR THE BOARD OF SUPERVISORS MEETING, AND TO POST THE PROPERTY PURSUANT TO A.R.S. §§11-805, 11-813, 11-816, 11-829 AND/OR 11-831.

FURTHER, BY SIGNATURE BELOW I HEREBY CERTIFY AND DECLARE THAT TO THE BEST OF MY KNOWLEDGE THE INFORMATION PROVIDED ON AND ATTACHED TO THIS APPLICATION IS TRUE AND CORRECT.



2-06-2020

Applicant signature

Date

OR

I, _____ am the property owner of property in this application and I authorize my representative, indicated by name and address below, to apply for and be responsible for the processing of this application on my behalf.

Applicant signature

Date

Representative

Representative Printed Name

Representative's Signature

Address _____ City _____ Zip _____

Representative's Phone _____ Email _____

<p>FOR OFFICE USE ONLY</p> <p>Applicable Zoning Code Section(s) _____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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Santa Cruz County
Community Development Department
Planning & Zoning and Building Department

2150 N. Congress Dr. Ste 215 • Nogales, AZ 85621 • 520-375-7930

Applicant's Certification and Acknowledgement

TAX PARCEL NUMBER 115-16-004

By signing below, I hereby certify and acknowledge that:

I am the Owner, or authorized agent of the Owner, of the property being developed.

My submitted application is complete and accurate to the best of my knowledge. Submission of false information may constitute fraud, and may be punishable by fine, imprisonment or both. A.R.S. §13-2310

I understand that an incomplete or inaccurate permit application or site plan, or failure to respond to requested corrections, may result in delays, additional permit and plan review fees, return of the submittal, or denial of the application.

I request all meetings, reviews or inspections that are necessary to process my application, and if my permit is approved and issued, I request all inspections necessary to monitor progress, and document completion at all stages of the work related to my permit.

My application is subject to an administrative completeness review of fifteen (15) business days, during or after which time I will receive written or electronic notice that my application is complete, or, in the case of an incomplete application, a list of deficiencies that I need to correct. My application will not be transmitted for substantive review until all deficiencies have been corrected and my revised full application has been submitted to the County.

If the county does not issue a written or electronic notice of administrative completeness within fifteen (15) business days, per A.R.S. §11-1605(F), my application will automatically be deemed administratively complete and transmitted for substantive review.

I understand that I have thirty (30) business days to respond to a Notice of Deficiencies during the administrative completeness phase. My failure to respond within this timeframe may result in my permit application being voided. I have the right to re-apply if my permit application is voided. A.R.S. §11-1605(F)

I understand and acknowledge that the total County review timeframe during the administrative completeness review phase is a total of forty-five (45) business days.

My application is subject to a substantive review period of forty-five (45) business days. I will receive written or electronic notice if my permit is approved or if corrections or additional information are needed. My permit will not be approved or issued until all additional information is provided, all requested corrections are completed and all permit fees have been paid.

I understand that I have sixty (60) business days to respond to a Request for Corrections or to a Request for Additional Information during the substantive review phase. My failure to respond within this timeframe may result in my permit application being denied. I have the right to re-apply if my permit application is denied. A.R.S. §11-1605(G)

I understand and acknowledge that the total County review timeframe during the substantive review phase is a total of one-hundred-five (105) business days.

I understand and acknowledge that my permit application, with a combined administrative completeness review and the substantive review, have a total potential overall County permit application processing time of one-hundred-fifty (150) business days. If my application cannot be approved within this timeframe, or within a written mutually agreed upon extension timeframe, my application may be voided or denied. A.R.S. §11-1605(I) & (J)

I acknowledge that my total response timeframe during the administrative completeness phase is a total of sixty (60) business days, and during the substantive review phase a total of one-hundred-twenty (120) business days. If I request the full extensions allowed for my response of an additional ninety (90) business days, my permit application may have a total potential overall applicant response time of two-hundred-seventy (270) business days. If I am unable to complete my application within this timeframe, my application may be voided or denied. A.R.S. §11-1605(G)

I understand that the substantive review time frames and overall time frames do not include the time required for an applicant to obtain other non-county licenses or to participate in meetings as required by law. A.R.S. §11-1605(C)(9)

I am aware that all required permits, including required permits from outside agencies MUST be obtained before the County will issue my requested permit. Failure to obtain required permits from outside agencies may result in fines or other penalties. I understand that it is my responsibility to plan for outside agency timeframes for necessary approvals or permits.

If my permit application is denied, I can appeal this decision, in writing, to the Santa Cruz County Zoning Inspector at the Santa Cruz County Community Development Department, 275 Rio Rico Drive, Rio Rico AZ 85648, 520-375-7930. An appeal must be received at the Santa Cruz County Community Development Department within thirty (30) business days from the issuance of the permit, or written or electronic notice of permit denial. I acknowledge that my appeal request must include a justification of my appeal. A.R.S. §11-1605(J)(2)

I may have other rights and obligations in the Regulatory Bill of Rights, as set forth by A.R.S. §11-1602-1610, including the right to request, in writing, a clarification of this statute, as applied by the County, to my permit application.


Signature _____ Date 2-06-2020

Minerva Alvarez
Print Name/Company _____ Owner Agent (see below)

If Agent, Owner must complete the following, or submit a letter of authorization.

I, _____, Owner of the property for which this application is being submitted,
APN _____, do herein authorize _____
to submit Zoning applications and Building Permits on my behalf.

Owner Signature _____ Date _____

Owner Printed Name _____

To Whom It May Concern:

I Jimmy Alvarez am writing this letter to justify my need for having a horse in my property, first and foremost is to prevent or eliminate a violation with the County of Santa Cruz, but the most important need is I am a horse lover. I enjoy riding horses and had the opportunity to rescue the horse I have finally had the land to bring her in instead of paying for boarding; I hope I have the chance to get the permit needed to maintain my horse my pet at my location.

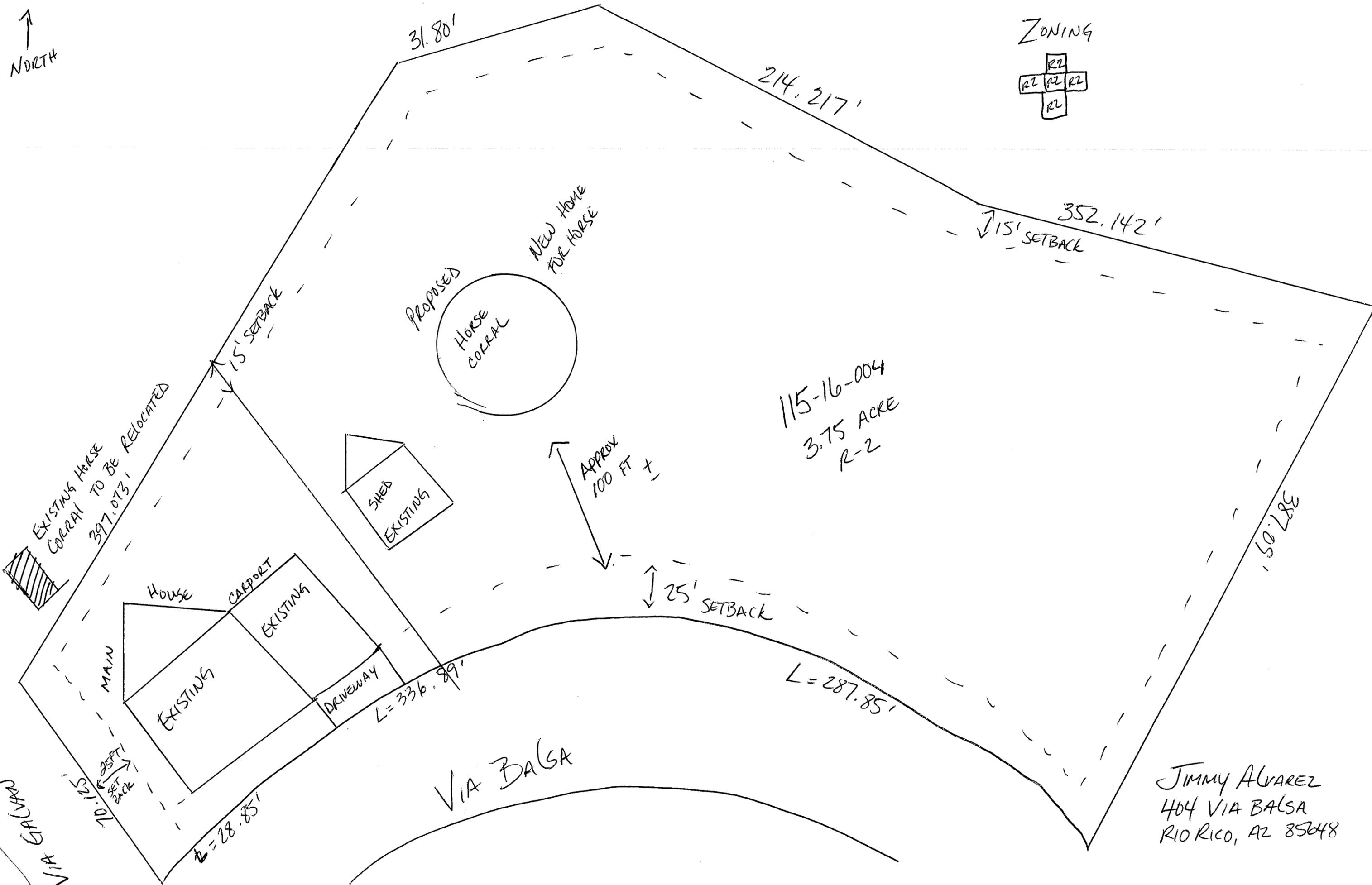
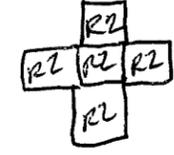
Thank You,

A handwritten signature in blue ink, appearing to read 'Jimmy Alvarez', with a long horizontal flourish extending to the right.

Jimmy Alvarez



ZONING



115-16-004
3.75 ACRE
R-2

EXISTING HORSE
CORRAL TO BE RELOCATED
397.073'

PROPOSED
HORSE
CORRAL
NEW HOME
FOR HORSE

SHED
EXISTING

HOUSE
EXISTING
CARPORT
EXISTING
DRIVEWAY

VIA BALSA

VIA BALSA

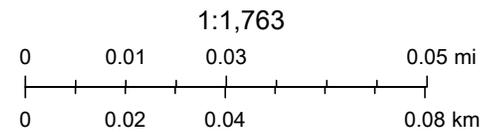
JIMMY ALVAREZ
404 VIA BALSA
RIO RICO, AZ 85648

Santa Cruz County Assessors



5/18/2020, 2:25:25 PM

- Roads
 - Highway
 - Freeway
 - Local
 - Forest Service
 - Parcels



Santa Cruz County Assessor's Office, SCC AZ GIS 2018

Santa Cruz County GIS Dept.
Santa Cruz County Assessor's Office

SANTA CRUZ COUNTY ASSESSOR PROPERTY PROFILE

Account #: R000023933	Local #:	Parcel #: 11516004
Tax Year: 2020	Levy: 0.000000	# of Imps: 1
Tax Dist: 3502	Map #: 16	LEA: 0607
PUC: 0143	Initials:	Acct Type: Residential
Assign To: UnAssigned		Created On:
		Active On: 01/01/2011
		Inactive On:
		Last Updated:

Owner's Name and Address	Property Address
ALVAREZ MINERVA	Street: 404 VIA BALSA
ALVAREZ JIMMY	City: RIO RICO
404 VIA BALSA	
RIO RICO, AZ 85648 -	

Sales Summary

Sale Date	Sale Price	Deed Type	Reception #	Book	Page #	Grantor
06/01/2016	\$82,854	SPECIAL WARRANTY DEED	20160004016			EITIBANK N A
04/13/1987	\$7,000	JOINT TENANTS	19870872249		872249	
01/01/1984	\$4,500	JOINT TENANTS	19840009318	368	373	TATUM HERBERT F & BETTY P

Legal

SUB RIO RICO ESTATES UNIT NO.13 LOT 4 AND 5 OF BLK 118

Section	Township	Range	Qtr	QtrQtr	Government Lot	Government Tract
15	23S	13E				

Subdivision Information

Sub Name	Block	Lot	Tract
RIO RICO ESTATES UNIT #13	118	4-5	

Land Valuation Summary

Land Type	Abst Cd	Value By	Net SF	Measure	# of Units	Value/Unit	Actual Val	Asmt %	Assessed Val
Residential	03L	Market	163,350	Site	1.000000	\$4,500.00	\$4,500	10.00%	\$450
Class	0			Sub Class	0				
Land Subtotal:					3.75		\$4,500		\$450

SANTA CRUZ COUNTY ASSESSOR PROPERTY PROFILE

Account #: R000023933

Local #:

Parcel #: 11516004

Land Attributes

Attribute	Description	Adjustment
Access	Paved	0.000000
Amenities	Deed Restrictions	0.000000
General	Topo - Slight Slope	0.000000
Location	Corner	0.000000
Roads	Paved	0.000000
Shape	Regular	0.000000
Topography	Slight Slope	0.000000
Utilities	Septic	0.000000
View	Mountain - Full	0.000000

Improvement Valuation Summary

Imp #	Property Type	Abst Code	Occupancy	Class	Actual Value	Asmt %	Assessed Val*
1	Residential	031	Single Family Residential		\$183,783	10.00%	\$18,378
Improvement Subtotal:					\$183,783		\$18,378

Total Property Value

Total Value:	\$188,283	\$18,828
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*Approximate Assessed Value

SANTA CRUZ COUNTY ASSESSOR PROPERTY PROFILE

Account #: R000023933

Local #:

Parcel #: 11516004

Imp #: 1

Landscaping \$:

Property Type: Residential

0.00

Quality: Good

Condition: Average

Nbhd: 0607

Perimeter: 261

Nbhd Ext: 00

% Complete: 100.00%

Nbhd Adj: 0.6000

Occupancy Summary

Occupancy: Single Family Residential

Occ %: 100%

Built As Summary

Built As: Ranch 1 Story

Year Built: 1988

Construction Type: Frame Stucco

Year Remodeled: 2019

HVAC: Package Unit

Interior Finish: Drywall

% Remodeled: 0.0500

Roof Cover: Composition Shingle

Adj Year Blt: 1990

Built As SF: 2641

Effective Age:

of Baths: 3.00

of Bdrms: 4.00

of Stories: 1.00

Story Height: 8

Sprinkler SF: 0

Diameter: 0

Capacity: 0

Height: 0

Improvement Summary

Improvement	Units	Units Price	RCN	Actual Value
Add On				
CONCRETE PAVING, UNREINFORCED - PCU	1140.0000	\$5.58	\$6,361.20	\$5,152.00
Appliance				
Fireplace Single	1.0000	\$2,609.25	\$2,609.25	\$2,609.00
Allowance	1.0000	\$5,864.60	\$5,864.60	\$5,865.00
Carpport				
Gable	460.0000	\$24.85	\$11,431.00	\$11,431.00
Fixture				
Bath 3	1.0000	\$0.00	\$0.00	\$0.00
Bath 2	1.0000	\$0.00	\$0.00	\$0.00
Water Heater	1.0000	\$0.00	\$0.00	\$0.00
Sink Standard	1.0000	\$0.00	\$0.00	\$0.00

SANTA CRUZ COUNTY ASSESSOR PROPERTY PROFILE

Account #: R000023933

Local #:

Parcel #: 11516004

Bath 4	1.0000	\$0.00	\$0.00	\$0.00
Porch				
Slab Roof	1030.0000	\$23.62	\$24,328.60	\$24,329.00
Rough In				
Laundry Facility	1.0000	\$0.00	\$0.00	\$0.00
Storage				
Aluminum	416.0000	\$18.74	\$7,795.84	\$7,796.00

Improvements Value Summary

IMPNO: 1

RCN Cost/SF: \$141.47	Design Adj: 0.0000	Func Obs %: 0.0000
Total RCN: \$373,621.00	Exterior Adj: 0.0000	Econ Obs %: 0.0000
Phys Depr %: 0.1800	Interior Adj: 0.0000	Other Obs %: 0.0000
Phys Depr \$: \$67,316.00	Amateur Adj: 0.0000	
RCNLD \$: \$183,783.00	RCNLD Cost/ \$: \$69.59	Market/SF: \$0.00

**SANTA CRUZ COUNTY ASSESSOR
PROPERTY PROFILE - ACCOUNT NOTES - ACCOUNT NOTES**

Entry Date	Note	Category
01/01/2005	DKTS: 336/8, 368/373, 446/154(7000), 587/748, 590/158, 632/931,2016-02115 (TDUS)(148,000) 2016-04016(SWD)(82,854)	DEEDS
03/01/2019	03/01/2019 COMBINED APN 115-16-005 INTO 115-16-004 FOR TY 2020 REF# 2019-01130	CARTOG



Santa Cruz County
Community Development Department
PLANNING – BUILDING

275 Rio Rico Drive ■ Rio Rico AZ 85648 ■ 520-375-7930

January 2, 2020

FINAL NOTICE

Ms. Minerva Alvarez
Mr. Jimmy Alvarez
404 Via Balsa
Rio Rico, AZ 85648

RE: VIO-19-05, Zoning Violation, located at 404 Via Balsa, Rio Rico AZ
APN : 115-16-004

Mr. & Ms. Alvarez,

The following zoning violations of the Santa Cruz County Zoning and Development Code have been confirmed at your property at 404 Via Balsa in Rio Rico, AZ:

Section 933(B)

It is unlawful to maintain farm animals upon a R-2 (Residential) zoned property without legal authorization granted from the Planning and Zoning Commission. A minimum of three (3) acres of lot area is required to store farm animals in an R-2 (Residential) zoned district.

The violations shall be cured within ten (10) days. If the violations remain after January 12, 2019 Santa Cruz County will seek enforcement of the zoning violations. Such enforcement could include the filing of misdemeanor charges.

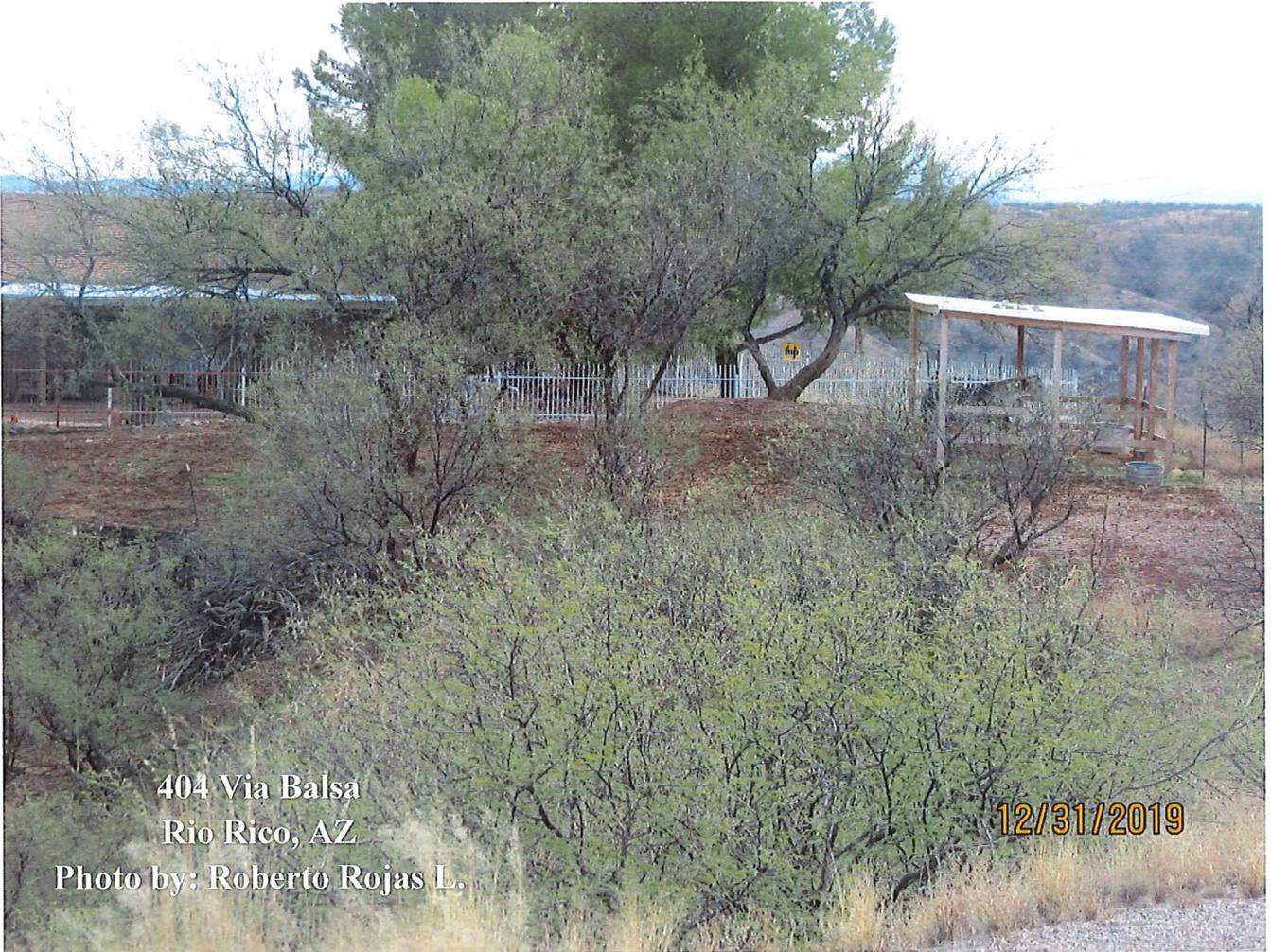
Si necesita informacion en Español, favor de comunicarse al Departamento de Planning & Zoning al 520-375-7930.

Thank you for your cooperation with this matter,

Roberto Rojas L.
Lead Planning & Development Technician

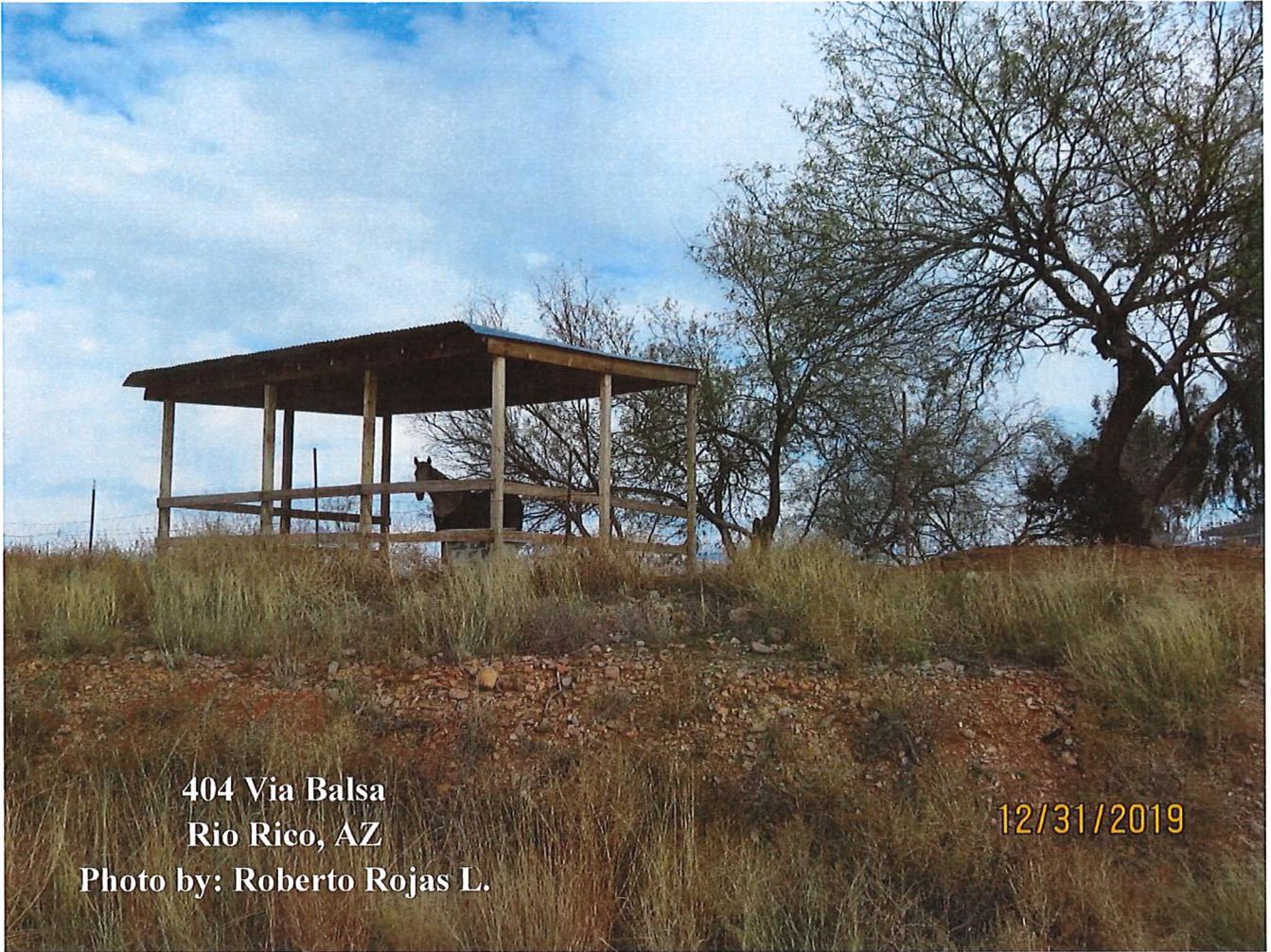
91 7199 9991 7037 9941 2329
+ REG. MAIL 1/2/20

cc: Kimberly Hunley, Chief Deputy Civil County Attorney;
Frank Dillon, Community Development Director



404 Via Balsa
Rio Rico, AZ
Photo by: Roberto Rojas L.

12/31/2019



404 Via Balsa
Rio Rico, AZ
Photo by: Roberto Rojas L.

12/31/2019



Santa Cruz County
Community Development Department
PLANNING – BUILDING

275 Rio Rico Drive ■ Rio Rico AZ 85648 ■ 520-375-7930

January 30, 2019

Ms. Minerva Alvarez
Mr. Jimmy Alvarez
404 Via Balsa
Rio Rico, AZ 85648

RE: VIO-19-05, Zoning Violation, located at 404 Via Balsa, Rio Rico AZ
APN : 115-16-004

Mr. & Ms. Alvarez,

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Section 933(B)

It is unlawful to maintain farm animals upon a R-2 (Residential) zoned property without legal authorization granted from the Planning and Zoning Commission. A minimum of three (3) acres of lot area is required to store farm animals in an R-2 (Residential) zoned district.

The violations shall be cured within thirty (30) days. If the violations remain after March 2, 2019 Santa Cruz County will seek enforcement of the zoning violations. Such enforcement could include the filing of misdemeanor charges.

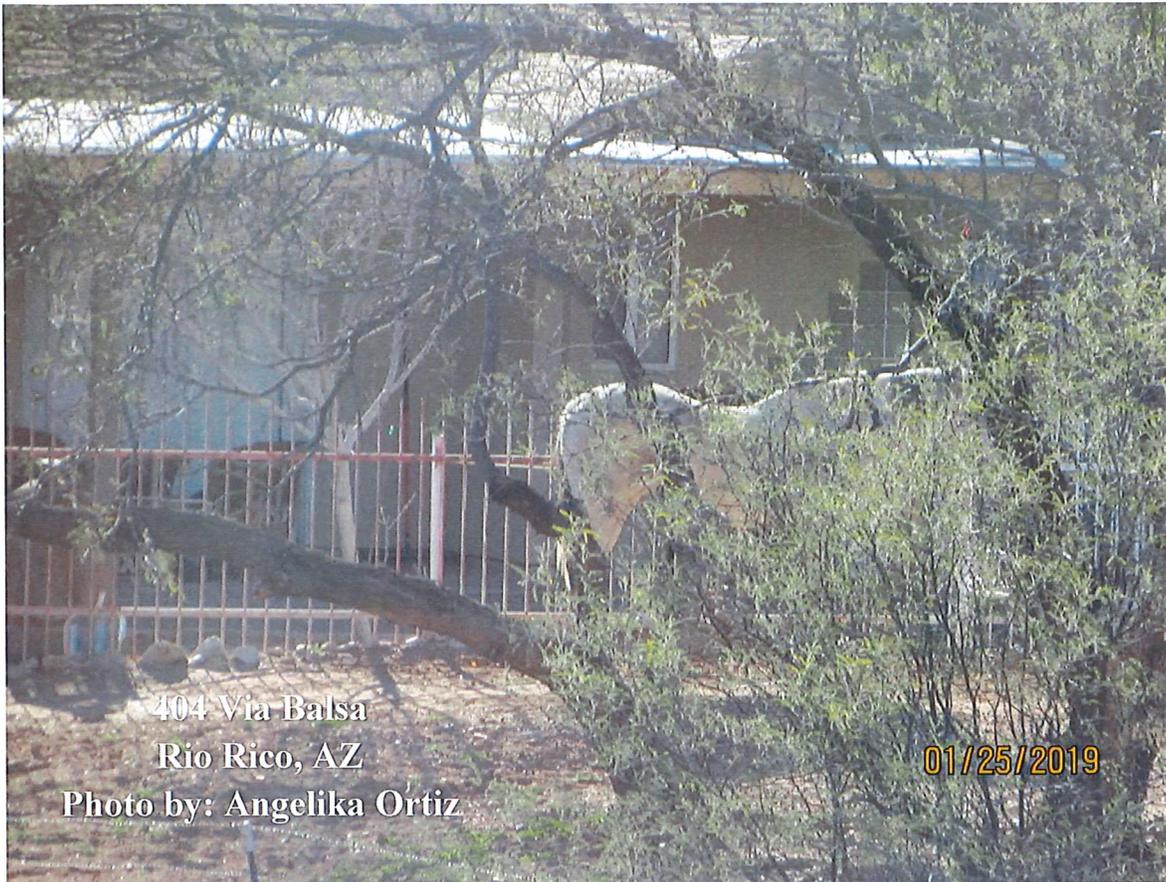
Si necesita informacion en Español, favor de comunicarse al Departamento de Planning & Zoning al 520-375-7930.

Thank you for your cooperation with this matter,

E. Angelika Ortiz
Deputy Planning and Zoning Enforcement Officer

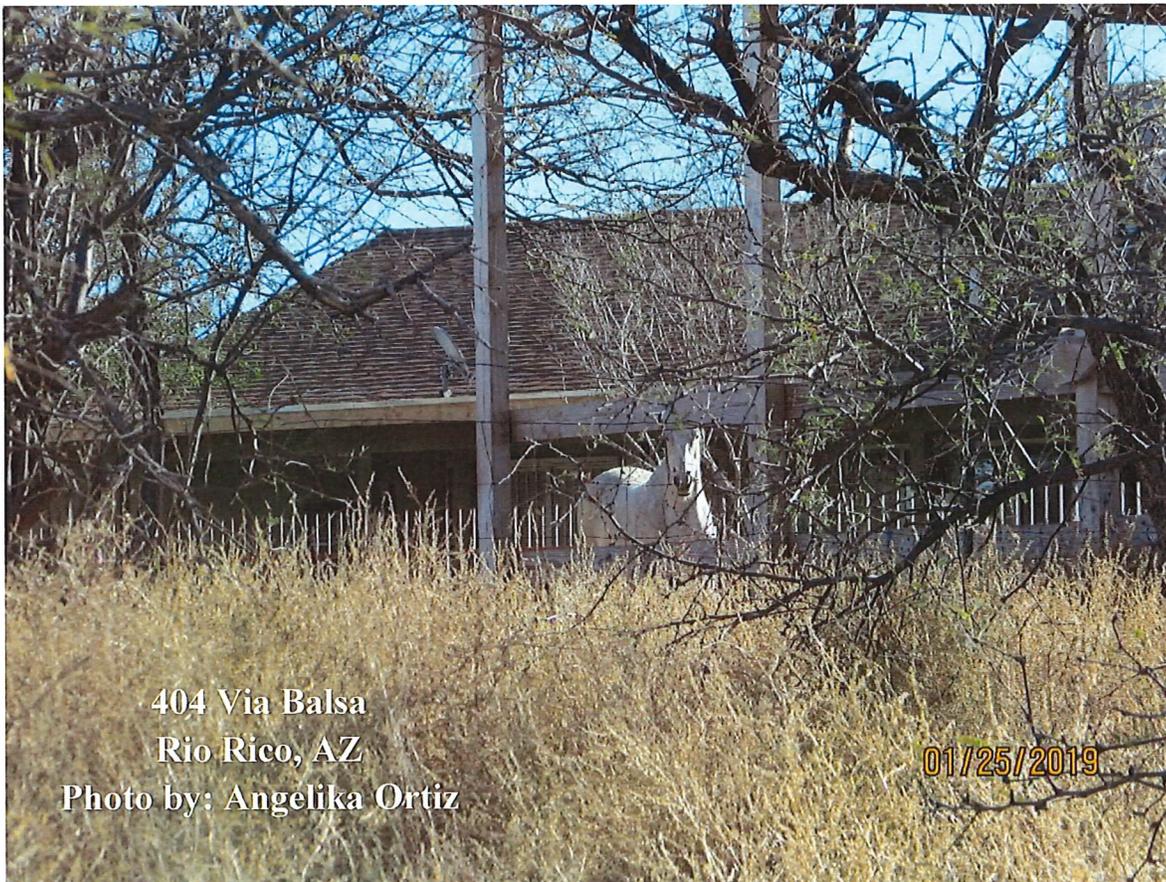
91 7199 9991 7037 9998 4345
+ vls-mud

cc: Charlene Laplante ,Chief Civil Deputy County Attorney
Jesse Drake, Community Development Director



404 Via Balsa
Rio Rico, AZ
Photo by: Angelika Ortiz

01/25/2019



404 Via Balsa
Rio Rico, AZ
Photo by: Angelika Ortiz

01/25/2019

