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MEMORANDUM

TO: Board of Supervisors
FROM: Daniel Coxworth, AICP, Development Services Director
FOR: Richard Karwaczka, County Administrator
SUBJECT: Docket R-24-01 Agritourism, Zoning Regulation Amendment
DATE: March 12, 2024

BACKGROUND

Staff-initiated amendment to the Cochise County Zoning Regulations to support agricultural tourism in Cochise County. Amending the following Articles:

- Article 2.03 Definitions
- Article 2.15 RU, Rural Zoning Districts
- Article 2.18 R, Residential Zoning Districts
- Article 2.42 PD, Planned Development Districts
- Article 2.48 Administration

Agricultural tourism, often referred to as agritourism, is a type of tourism that involves visitors engaging in various activities and experiences related to agricultural or rural life. It is a form of niche tourism that focuses on the interaction between tourists and agricultural activities, providing them with opportunities to learn about, participate in, or enjoy the rural lifestyle and the agricultural environment.

The goals of agricultural tourism often include promoting local agriculture, supporting rural economies, and providing educational and recreational experiences for visitors. This type of tourism not only benefits farmers and rural communities by diversifying income sources but also fosters a better understanding of the agricultural industry and encourages tourism.

Per Arizona Revised Statutes (A.R.S. 3-111), "Agritourism" means any activity that allows members of the general public, for recreational or educational purposes, to view, enjoy, or participate in rural activities, including farming, ranching, historical, cultural, u-pick, harvest-your-own produce or natural activities and attractions occurring on property defined as agricultural real property pursuant to section 42-12151 if the activity is conducted in connection with and directly related to a business whose primary income is derived from producing livestock or agricultural commodities for commercial purposes.

Per Arizona Revised Statutes (A.R.S. 11-812) (a) "General agricultural purposes" includes agritourism as defined in section 3-111 but does not include any of the following:

- (i) Food establishments under the authority of the department of health services pursuant to section 36-136, subsection I that are associated with an agritourism business.

(ii) Rodeo events that are open to the general public and that sell tickets for admission. For the purposes of this item, rodeo events do not include generally accepted agricultural practices associated with livestock and equine operations.

(iii) The cultivation of cannabis as defined in section 13-3401 or marijuana as defined in section 13-3401 or 36-2801.

PROPOSED CHANGES

The proposed changes to the Zoning Regulations are more permissive than the State Statutes referenced above. The proposed changes allow Agritourism by right as a permitted use in RU, Rural and PD, Planned Development Zoning Districts and a Special Use Permit in R, Residential Zoning District on sites that meet the definition of General Agriculture. Currently, most types of Agritourism would require Special Use in RU, Rural Zoning District and approval by the Planning & Zoning Commission.

Agriculture, General: *A tract containing a minimum of five (5) contiguous commercial acres used for the production of farm, garden, or orchard crops or the grazing or raising of farm animals, including feeding pens that are incidental and subordinate to a grazing operation. Examples of commodities produced include vegetables, fruit trees, grapes, cotton, grain, poultry, horses, cattle, sheep, and swine. The term "general agriculture" includes the necessary treatment, packing, or storage of farm products produced on premises, the sale of any farm crops or livestock raised on-premises, and any signs, structures, or fences utilized for agricultural functions. By statute, "general agriculture" includes dairy operations, including areas designated for raising heifers and bulls owned by the same dairy operation that is on property contiguous to the dairy operation or within one-quarter of a mile. It does not include signs advertising off-premises facilities, junkyards, other retail sales, manufacturing, any non-agricultural services, stockyards, slaughterhouses/meat packing plants, commercial pen feeding, production wineries, bone yards, plants for the reduction of animal matter, poultry feeding operations, or agricultural processing plants, or the growing of marijuana.*

The proposed change is also removing from the definition of Wine Tasting Room the exemption from permitting a wine tasting room.

See attached **Exhibit A** below for the proposed changes to the Zoning Regulations

RECOMMENDATION

The proposed changes would amend the Cochise County Zoning Regulations, as indicated in **Exhibit A** of the attached document.

Staff Recommendation and Sample Motion:

*Madam Chair, I move to recommend to the Board of Supervisors **approval** of Docket R-24-01 supporting agritourism and amendments to Articles 2.03, 2.15, 2.18, 2.42, and 2.48 of the Cochise County Zoning Regulations as outlined in Exhibit A.*

Exhibit A:

Article 2.03 Definitions

Agritourism: An on-site, accessory, and subordinate commercial enterprise in connection with and directly related to the General Agricultural, as defined in Section 2.03, of the property whose primary income is derived from the production of livestock or agricultural commodities for commercial purposes on a working farm, or ranch.

Winery Tasting Room: A building or portion thereof, subordinate in size, accessory to, and located on the same site as a Farm Vineyard, Farm Winery, Small Production Winery, or Large Production Winery operation, in which wine may be sampled and/or purchased. ~~If the principal winery use, including vineyards, is exempt, then the tasting room shall be exempt as well.~~ A Winery Tasting Room may also include incidental retail sales of wine and related products.

Article 2.15 RU, RURAL ZONING DISTRICTS

Section 2.15.050 PERMITTED ACCESSORY USES

Agritourism, subject to the maximum densities in Section 2.15.040(1) for guest lodging and Article 2.48.220 for all other requirements.

Article 2.18 R, RESIDENTIAL ZONING DISTRICTS

Section 2.18.070 SPECIAL USE AUTHORIZATION

Agritourism, subject to the requirements of Article 2.48.220

Article 2.42 PD, PLANNED DEVELOPMENT DISTRICT

Section 2.42 PERMITTED PRINCIPAL USES

Agritourism, subject to the requirements of Article 2.48.220

Article 2.48 ADMINISTRATION

Section 2.48.220 Agritourism

1. Purpose: The purpose of this section of the Zoning Regulations is to help promote local agriculture, support rural economies, and provide educational and recreational experiences for county residents and visitors while preserving the character of residential and rural zoning districts.
 2. Applicable Zoning District: Agritourism is a permitted non-residential accessory use in Rural (RU) Zoning Districts and Planned Development (PD) Zoning Districts. Agritourism is a Special Use in Residential (R) Zoning districts. All sites must meet the definition of "Agriculture General" per Section 2.03 Definitions and possess an active agricultural zoning exemption.
 3. Types of Agritourism
 - a. Farm Tours: Guided tours of farms or agricultural operations where visitors can learn about farming practices, cultivation techniques, and the production of crops or livestock.
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- b. U-Pick Operations: Visitors can pick their own fruits, vegetables, or other crops directly from the fields, providing a hands-on experience of harvesting.
 - c. Farm-to-Table Experiences: Events or activities that showcase the connection between agriculture and food, often involving on-farm dining experiences featuring locally produced food, wine tasting rooms, and food establishments under the authority of the Department of Health Services.
 - d. Educational Programs: Workshops, demonstrations, or classes that teach visitors about various aspects of agriculture, sustainability, and rural life.
 - e. Guest Lodging: Accommodations where visitors can experience daily farm life and activities as part of their stay. This includes RV overnight parking and tent camping but does not include a hotel, motel, or resort.
 - f. Agritourism Events: Special events such as festivals or seasonal celebrations that highlight local agricultural products, traditions, and local culture. A special event permit is required subject to Section 2.48.200 Temporary Uses.
 - g. Outdoor Recreation: Activities such as hiking and bird watching, corn mazes, wagon and hayrides, and commercial riding stables (on a minimum site of 10 acres).
 - h. Retail: Shops or roadside stands for retail sale of agritourism-related products or crafts produced on the farm or farm products from the region. All shops and roadside stands must be on site and not located in the public right-of-way. The sale of non-agriculturally related products is limited to twenty-five (25) percent of items offered for sale.
 - i. Other agritourism uses that support agriculture may be permitted as determined by the Zoning Administrator on a case-by-case basis.
4. Development Standards
- a. Parking. All parking shall be provided on-site, subject to Section 2.51.040 off-street parking and loading. Off-site parking for special events may only be permitted with a parking and transportation plan submitted with a special event use permit application.
 - b. Signage. Subject to Section 2.54 Signs
 - c. Food: All prepared food available for sale shall be prepared in accordance with applicable federal, state, and local regulations.
 - d. Sanitation: All requirements of the Cochise County Health Department, the Arizona Department of Health Services, and other applicable laws shall be met.
 - e. Structures. Permanent structures, including, but not limited to, wine tasting rooms, guest lodging, retail sales, and food establishments associated with agritourism, shall require a non-residential building permit.
5. Application Submittals.
- a. A properly completed permit application to the Cochise County Development Services Department.
 - b. Processing Fee.
 - c. Plot plan and narrative illustrating conformance with the development standards for Agritourism.
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