

May 2, 2023

VIA EMAIL TO:

Tom Drzazgowski
PIMA COUNTY
Development Services
Chief Zoning Inspector
Email: tom.drzazgowski@pima.gov

With a copy to:
cob_mail@pima.gov

Re: Arizona Liquor License Job No.: 236186
Jon Kelvin Post, d.b.a. Marana Farm Festivals, LLC

Dear Mr. Drzazgowski:

I write in connection with the above liquor license application and the Zoning Report dated April 24, 2023.

The liquor license application is for property located at 14950 N. Trico Rd., Marana, Arizona. Your office indicated on the Zoning Report that the property is “not in compliance with applicable zoning regulations” because no permits were issued. I write to respectfully inform you that the property *is in compliance* with applicable zoning because the property and all of the improvement located thereon are devoted to “Agritourism”, as that term is defined by Arizona law. Because the property and the improvements are devoted to Agritourism, the project is exempt from zoning and permit review.

In 2019, the State of Arizona passed HB 2556 which gave formal legal recognition to agritourism operations throughout the state. Codified at ARS 3-111 and ARS 11-812(2), the law gives the same legal protected status to agritourism as to general agricultural uses. Moreover, if the agritourism operation is located within an unincorporated area of the state, as it is here, county governments are prohibited from “**preventing, restricting, or otherwise regulating the use or occupation of land or improvements devoted to agritourism.**” See ARS 11-812(2).

A.R.S. 3-111 defines agritourism as the following:

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.

CLERK'S NOTE:
COPY TO SUPERVISORS
COUNTY ADMINISTRATOR

cc: DATE 5/3/23
Thomas
Drzazgowski

Marana Farm Festivals, LLC, which operates the "Marana Pumpkin Patch" is located on the property and consists of roughly 300 acres of agritourism and agriculture. Visitors can enjoy corn mazes, u-pick pumpkin fields, a petting zoo, agricultural themed amusement rides, entertainment, play areas, and many other agriculturally-themed attractions. For more information regarding the site, I would encourage you to visit www.maranapumpkinpatch.com. The Marana Pumpkin Patch clearly satisfies the definition of agritourism under ARS 3-111. Though all of the improvements on the site have been professionally engineered and constructed, because the improvements are devoted to agritourism and agriculture, the constructed improvements were not subject to a zoning and/or permit review process in accordance with Arizona law.

Based on the above, I kindly request modification of the Zoning Report to reflect zoning compliance in accordance with Arizona law as cited above. Or, at a minimum, I request an addendum to the Zoning Report to indicate the property and facilities located thereon are devoted to Agritourism and therefore are not subject to zoning/permit review pursuant to ARS 11-812(2).

If you have any questions or concerns, please contact at my office or my personal cell phone [REDACTED].

Thank you for your prompt attention to this very important matter.

Sincerely yours,



Jon Post
Marana Farm Festivals, LLC