

May 29, 2025

MEMO TO: ADEPT-3 File

F R O M: Tamara Paltin, Councilmember

*Tamara A.M. Paltin*

SUBJECT: **TRANSMITTAL OF LEGISLATIVE PROPOSAL RELATING TO BILL  
75 (2025) AMENDING THE COMPREHENSIVE ZONING  
ORDINANCE ON AGRICULTURAL TOURISM (ADEPT-3)**

The attached legislative proposal pertains to Item 3 on the Committee's List of Legislation.

paf:ebm:24-276b

Attachment

cc: Councilmember Gabe Johnson

AGRICULTURE, DIVERSIFICATION, ENVIRONMENT, AND PUBLIC  
TRANSPORTATION COMMITTEE  
Amendment Summary Form

Legislation: Bill 75 (2025), entitled “A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE ON AGRICULTURAL TOURISM.”

Proposer: Councilmember Tamara Paltin *Tamara A.M. Paltin*

Description: Amends Bill 75 (2025) to:

1. Remove the requirement to consult with the Department of Fire and Safety when the farm’s primary point of ingress or egress is less than 20 feet wide and instead require a site plan approved by the department as part of the agricultural tourism registration process.
2. Authorize enforcement of agricultural tourism cultural misappropriation violations only after consultation with the Department of ‘Ōiwi resources, and authorize the Planning Director to revoke a producer’s registration for up to five years and disallow continued agricultural tourism activities in the case of repeated violations which demonstrate intentional disregard for compliance.
3. Require approval by the Department of ‘Ōiwi Resources to operate agricultural tourism activities based on traditional, ancestral, indigenous, or cultural activities as part of the registration process.
4. Remove agricultural tourism activities operating between 6:00 p.m. and 8:00 a.m. and remove “traditional or ancestral activities related to the location and movement of celestial and elemental bodies” from the activities that a producer may offer.

Motions: Move to amend Section 2 of Bill 75 (2025), by amending Section 19.30A.050, Subsection B, as follows:

Amend proposed paragraph 15(c) to instead read:

“c. Agricultural tourism activities may only operate between 8:00 a.m. and 6:00 p.m.”

And further, amend proposed paragraph 15(e) to instead read:

“e. The farm must have legal access to a public highway and comply with County and State standards for road width and road surface.”

and further, amend by deleting paragraph 15(g)(iii) and renumbering the subsequent paragraphs accordingly, and to amend these new proposed paragraph 15(g)(iii),(iv), and (v) to instead read:

“iii. The sale of agricultural products and non-agricultural commemorative items may be permitted under the commercial agricultural structures requirements of section 19.30A.072.

iv. Activities related to indigenous cultural traditions must not be misappropriated and must be practiced with respect for the host culture’s intellectual property and traditional and ancestral knowledge.

v. Enforcement of this chapter is in accordance with chapter 19.530. In addition, the director may revoke the producer’s registration for up to five years and disallow continued agricultural tourism activities where at least three repeated violations of this chapter have occurred which demonstrate intentional disregard for compliance. The director of ‘ōiwi resources must be consulted prior to enforcement of possible violations involving misappropriation of indigenous cultural traditions under paragraph 15(g)(v) of this section.”

and finally, amending proposed paragraphs 15(h)(v) and (vi), and adding (vii) and (viii) to instead read:

“v. Approval by the director of ‘ōiwi resources of any proposed agricultural tourism activities based on traditional, ancestral, indigenous, or cultural activities;

vi. A site plan approved by the department of fire and public safety;

vii. The signature of the producer, certifying acknowledgment of and compliance with the requirements of this chapter and all other applicable laws and regulations; and

viii. Any additional information needed to ensure compliance with this chapter, if requested by the director.”

Effect: The changes are as follows:

1. Requires producers to provide the Planning Department with a Department of Fire and Public Safety approved site plan when registering agricultural tourism activities.
2. Requires producers to provide the Planning Department with approval from the Department of ‘Ōiwi Resources as to any agricultural tourism activities based on traditional, ancestral, indigenous, or cultural activities.
3. Requires that the Planning Director consult with the Director of ‘Ōiwi resources prior to enforcement of potential violations involving misappropriation of indigenous cultural traditions and allows the Planning Director to require discontinuance of agricultural tourism activities where the producer demonstrates intentional disregard of the requirements after three repeated violations.
4. Removes activities that may operate after 6:00 p.m. and before 8:00 a.m.

paf:emb:24-276c