

Overview of Other Jurisdictions

Canada

Aside from the Agriculture Land Reserve, the regulatory environment in other Canadian provinces appears to be highly comparable to BC. Federal regulations are the same in all provinces; all have a Health Act, which takes precedence over every other act with the exception of a provincial Bill of Rights. Provincial highway regulations, liquor control acts, employment requirements and environmental legislation are fairly consistent. Municipalities of other provinces appear to have the same powers as those in BC, but there is some variance in terms of how many different municipalities exist in a province, each legislated the power to create their own zoning and licensing restrictions. All provinces with the exception of Prince Edward Island have also invoked some form of “right-to-farm” legislation. Despite similar laws and regulations in most provinces, Nova Scotia and Alberta have each taken steps to add clarity to the regulatory environment for agritourism operators in their provinces. On the other hand, Ontario with the most developed agritourism industry is reviewing the rigor of regulations.

Nova Scotia

- The government of Nova Scotia has gone through a major regulatory review and “red-tape reduction” process, which has affected all industries in the province.
- An online single-window access point was developed for citizens to gather information on every license and permit required in the province. For each permit/license, there is information on who needs it, which department issues it, where the permit/license can be obtained from, what the application process and waiting period is, expiry and renewal guidelines and a price listing.
- The greatest strength of this system is that municipal permits/licenses are also listed, so that it is truly a single-window access point.
- Someone interested in beginning a new business in Nova Scotia could conduct a search in the online database to find out exactly which regulations and permits relate to that business. The web-site for the permit directory is:
<http://www.gov.ns.ca/snsmr/paal/index.stm>

Alberta

- The Alberta Ministry of Agriculture, Food and Rural Development (AMAFRD) has developed a factsheet listing regulations that apply to direct farm sales businesses

along with contact information relevant to each of the regulations. Within this document is a case study of a potential agritourism business and takes the reader through the process of deciding which regulations are applicable to this business. The resource is available from the ministry's web-site at: <http://www.agric.gov.ab.ca/agdex/800/845-7.html>

- AMAFRD has a policy of performing much of the “behind the scenes” resource development to educate operators and provide support to the emerging industry. The Ministry has developed other factsheets that are available at: http://www.agric.gov.ab.ca/economic/mgmt/diversification/index_agtour.html These resources include:
 - Agri-Tourism: Country Vacation Enterprise
 - Country Vacation Profit: profit planning tools in a start-up country vacation enterprise
 - Agritourism: Rural Festivals and Special Events
 - Providing Farm Tours
- Alberta is home to the Alberta Country Vacations Association, a self-regulating body with published guidelines and a web site for members and customers. Before granting membership, this organization inspects operations to ensure they comply with provincial and federal regulations.

Ontario

- Much of the regulatory debate surrounding agritourism in Ontario is occurring in relation to the Niagara Escarpment, a 725-km long stretch that passes through the most heavily developed region of Canada. This is also an area with a rich agricultural heritage.
- Twenty years ago, the escarpment was just another stretch of farmland in southern Ontario. Today, dotted among the area's wine estates and apple orchards are historic towns full of country inns, taverns and top restaurants. It attracts over 3.5 million visitors a year.
- The Niagara Escarpment Planning and Development Act established a planning process to ensure that the area would be protected for future generations. Seven land-use designations describe how land shall be used throughout the area of the Niagara Escarpment Plan.
- Despite the act, many believed that too much development has occurred in the past decades. In 2001, after extensive consultation with stakeholders, the Niagara Escarpment review committee recommended that:
 - The size of wineries in Niagara's wine region be capped at 15,000 square feet, instead of the previous 25,000 square feet restriction;
 - Full-service restaurants should be prohibited in the Escarpment countryside and instead be directed to local towns and hamlets;
 - High-impact tourism developments such as inns, hotels and resorts should be prohibited in the Escarpment countryside;

- Commercial billboards should be prohibited on country roads, so as not to negatively affect the Escarpment's famous scenic vistas
- These restrictions follow closely the development of Napa and Sonoma valleys' in California, whereby neighboring towns are encouraged to develop accommodations and restaurants to meet the tourism demand while the actual farms provide only tours and wine tasting or similar low-impact activities.

United States

Several states have begun introducing policies or legislation that apply specifically to the agritourism sector. While none of the examples offered below are necessarily recommendations for BC's industry development, they serve as informational examples of the regulatory initiatives undertaken in parts of the US to date.

California

- The California Agricultural Homestay Bill, (AB 1258), passed in July 1999, paved the way for more farmers and ranchers to offer tourists overnight visits. The bill exempts farms and ranching operations that offer overnight stays and limited food service from the more stringent requirements of operating a commercial restaurant. To qualify for overnight stays, the farms and ranches must produce agricultural products as their primary source of income. Additionally, farmers are limited to six guest rooms and 15 visitors a night - less than the amount allowed for a bed and breakfast operation.

Napa Valley

- Napa Valley Agricultural Preserve was created in 1968 to protect 23,000 acres along the Valley floor, and legally established agriculture as the predominant land use in Napa County. Napa Valley was the first region in the U.S. to institute such an ordinance, and the protection of the valley from non-agricultural development has been key to maintaining the land base and the environmental quality of this valuable wine region. Napa Valley continues to protect this resource, with over 30,000 acres in the Preserve and 85-87% of the valley's land designated for agricultural use - primarily wine grapes. Another control measure utilized has been to enlarge the minimum parcel of land from 20 acres to 40 acres.
- The Napa Valley General Plan (1990) includes some specific regulations governing wineries that are aimed at protecting the resource and limiting the ecological impact: Wineries are not permitted to have restaurants on-site, as they are not deemed to be appropriate uses at wineries, nor are they permitted accommodations on-site. However, some food service capabilities are permitted so as to cater to non-commercial events directed at the wine trade.

- Because of this measure, the towns in Napa Valley act as commercial centres for tourist accommodation and dining, and the wineries are not competing with the urban areas for this business. The communities in the region play an important role as traveler service centres and ‘hubs’ for visitor activity. The Napa Valley approach has been to cluster all accommodations, restaurants and retail outlets in strategic communities, and this has proven to be a very successful concept for winery tourism.

Massachusetts

- Legislation (M.G.L. CH 40A section 3) allows farmers with a minimum of 5 acres of farmland in production during the growing season to construct a roadside farm stand on their property regardless of town zoning. The majority of items sold at the stand must be raised on the property during the months of June, July, August, and September. Farmers who own less than 5 acres of farmland must work with their local town government if they wish to establish a roadside stand.
- The Agriculture Directional Signage Program (Ag-signage) allows for the placement of directional signs along state roadways for farms located off such roadways. Only operations with a majority of on-site grown products are eligible for the Ag-signage program.

Kentucky

- In 2001, the Kentucky Department of Agriculture released an Agritourism White Paper, which identified regulations as a developmental obstacle for agritourism in the state. The report stated:
 - It is not always clear which government agency is responsible for regulating the various components of the agri-tourism enterprise. For example, in regards to zoning, county planning officers or county executives need to be contacted for an official statement on the status of county zoning policies. The county health departments and the state department of agriculture must be contacted for waste-handling regulations. Other areas such as commercial kitchens, signage, sales taxes, etc. need to be explored and agencies responsible for regulating these areas need to be contacted for official statements regarding their regulatory policies.
- In the 2002 Kentucky State Legislative Session, Agritourism Legislation HB 654 was passed to establish an agri-tourism interagency position within the Kentucky Department of Agriculture and Tourism Development Cabinet to work directly with Farmers involved in agritourism.

North Carolina

- Senate Bill S 7. *An Act to provide for the posting of directional signs to agricultural marketing and processing facilities.* The bill now requires the Department of Agriculture and Consumer Services of North Carolina to provide directional signs on

major highways that promote tourism by providing tours and on-site sales or samples of NC agricultural products.

- To qualify for the signs, a facility must be open for business at least four days a week, ten months of the year. The bill requires the Department to assess the facility, and charge a reasonable cost for the sign and its installation.