

Regulatory Environment in British Columbia

There is no single act that specifically regulates agritourism in British Columbia. Rather, several different regulations coming from the three levels of government build the regulatory framework within which the industry operates. In addition to the federal and provincial regulations, there are 154 municipalities and 27 regional districts with the power to make by-laws in the province. The major categories of regulations that apply to the industry include: zoning and land usage, health and food safety, business registration/licenses and permits, environmental, employment standards, production and inspection guidelines, and protective legislation like the “right to farm” act. A listing of over thirty-five separate pieces of legislation and regulations were found relevant to agritourism operations. A full listing of the regulations as well as a description of the implications for agritourism operators can be found in Appendix A.

The provincial government is responsible for the greatest number of regulations, followed by the municipal government and finally, with the lowest count, the federal government. The survey results may tell a different story, however, in terms of which level of regulations are the most onerous for the operators. The municipal-level regulations deal primarily with zoning and development considerations. The provincial level is broader, ranging from land use stipulations in the Agricultural Land Reserve to health concerns in the Health Act. Federally, the focus is predominantly on food safety, food standards, trade and packaging.

British Columbia is a unique province in that the Agricultural Land Reserve Act (ALR) designates a provincial zone in which agriculture has the priority use. The ALR comprises those lands within BC that have the potential for agricultural production, this amounts to 4.7 million hectares or 5% of the province. While the ALR secures that zoning to support farming and preserve farmlands is a matter of provincial importance, municipal government growth strategies, official community plans and bylaws are still maintained in ALR land.

The Agriculture Land Reserve is currently undergoing changes that will have an impact on the agritourism industry. On July 3, 2002, Order In Council No. 571 was approved which will bring into effect, the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (B.C. Reg. 171/2002) on November 1, 2002. Under the

previous regulations, land owners would have to apply before being permitted to undertake certain activities on ALR land. Now more agritourism activities are explicitly permitted. By expanding certain permitted uses, the regulation expands diversification and economic opportunity for farmers in the ALR. The regulation also clarifies those permitted farm uses that a local government may regulate but not prohibit. Generally, the ALR regulations set the bar for what is permissible on a farm and then a municipal by-law will either follow suit or add further restrictions. The newly introduced changes are a step in the right direction to alleviate some of the present conflict between municipalities and farmers wishing to diversify.