
Farm Practices Protection (Right to Farm) Act

1. HIGHLIGHTS

The new *Farm Practices Protection (Right to Farm) Act* provides a balanced approach to resolving concerns about farming for those British Columbians who live near farms. The legislation is unique in Canada because the act links the “right to farm” concept with bylaw powers of local governments.

The legislation is one tool in an overall agri-food strategy being developed by the ministry to strengthen farming in B.C. This initiative will help to increase certainty for B.C. food producers and also raise greater public understanding for the needs of farmers and the valuable role of farming in society.

How will the act benefit farmers and residents who live near farms?

- protects farmers who use normal farm practices
- creates a new process to resolve complaints about farm practices
- supports local governments to include farming in their local community planning

What does the act do?

The fundamental policy of the new act, which replaces the *former Agriculture Protection Act*, is that farmers have a right to farm in B.C.’s important farming areas, particularly the Agricultural Land Reserve, provided they use “normal farm practices” and follow other legislation listed in the act (*Waste Management Act, Pesticide Control Act, Health Act*).

The act also establishes an improved complaint resolution process for people who live near farms and have concerns about farm practices which create dust, odour, noise or other disturbances.

The act also amends the *Municipal Act* and *Land Title Act* to encourage local governments to support farming by ensuring local bylaws reflect provincial standards for farming.

Farm practice guidelines

The ministry, in co-operation with B.C.’s farm community, local governments and other ministries, is developing a comprehensive guide to farm practices. This guide, which describes existing farm practices and references ministry and government guidelines for farm practices, will be useful to farmers, local governments and interested individuals.

Farm Practices Board

The new legislation creates a Farm Practices Board to provide a fair and equitable process for resolving farm practice disputes as a cost effective alternative (for all parties) to the court system. The board includes members from the B.C. Marketing Board (currently six people) and up to 10 other members who may be appointed by the Minister of Agriculture, Food and Fisheries. Board members will have a wide range of experience including farming, local government and dispute resolution.

FACTS



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Local Governments

The new legislation makes changes to the *Municipal Act* and *Land Title Act* to encourage local governments to support farming in their local plans and bylaws. Farm practices which meet the conditions defined in the act will be exempt from certain nuisance and miscellaneous bylaws. However, a local government's nuisance (e.g. noise) and miscellaneous (e.g. animal control) bylaws will continue to apply to farmers' non-farm activities (e.g. loud parties, barking dogs).

Approving officers under the *Land Title Act* will have new powers to assess impacts of new subdivisions on farmland when they consider applications for subdivision. A guide for subdivision approving officers is being developed by the provincial Agricultural Land Commission.

Changes to the *Municipal Act* state that community plans may include policies that help to maintain and enhance farming and may now designate development permit areas to protect farming (e.g. buffering to separate farming and residential areas). A new division of the act provides for development of bylaw standards by the ministry (assisted by local governments, the farm community and the ALC) to help local governments prepare zoning and rural land-use bylaws which support farming. The ALC is preparing a "Planning for Agriculture" guide to suggest practical ways that local governments throughout B.C. can plan for farming at the local level.

This new division of the *Municipal Act* also enables the regional implementation of a three-year process to review zoning and rural land-use bylaws to meet the minister's standards. The timing of regional implementation will be based in part on local governments' own planning timetables. Changes to zoning and rural land-use bylaws affecting farming must be approved by the Minister of Agriculture, Food and Fisheries, once these provisions are implemented in a region.

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The Future

As British Columbia continues to grow and develop, these new planning and bylaw procedures and conflict resolution processes will help to avoid future conflicts between farmers and their neighbours.

The ministry and the ALC are committed to working in partnership with local governments and B.C.'s farm community to develop a better working environment for the farm sector.

FOR MORE INFORMATION,
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Fisheries office.

The ministry's Resource
Management Branch
(Abbotsford).

Phone: 604 556-3100
Fax: 604 556-3099

The Farm Practices Board
(Victoria).

Phone: 250 356-8946
Fax: 250 356-5131

The Agricultural Land
Commission (Burnaby).

Phone: 604 660-7000
Fax: 604 660-7033

Or visit the ministry's home
page on the Internet.

<http://www.agf.gov.bc.ca/>

This fact sheet is one of a
series on the new *Farm
Practices Protection
(Right to Farm) Act*