

Good Neighbour Farming

**A FARMER'S GUIDE TO MITIGATING COMMON
NUISANCE COMPLAINTS AND B.C.'S FARM
PRACTICES PROTECTION (RIGHT TO FARM) ACT**



**BRITISH
COLUMBIA**



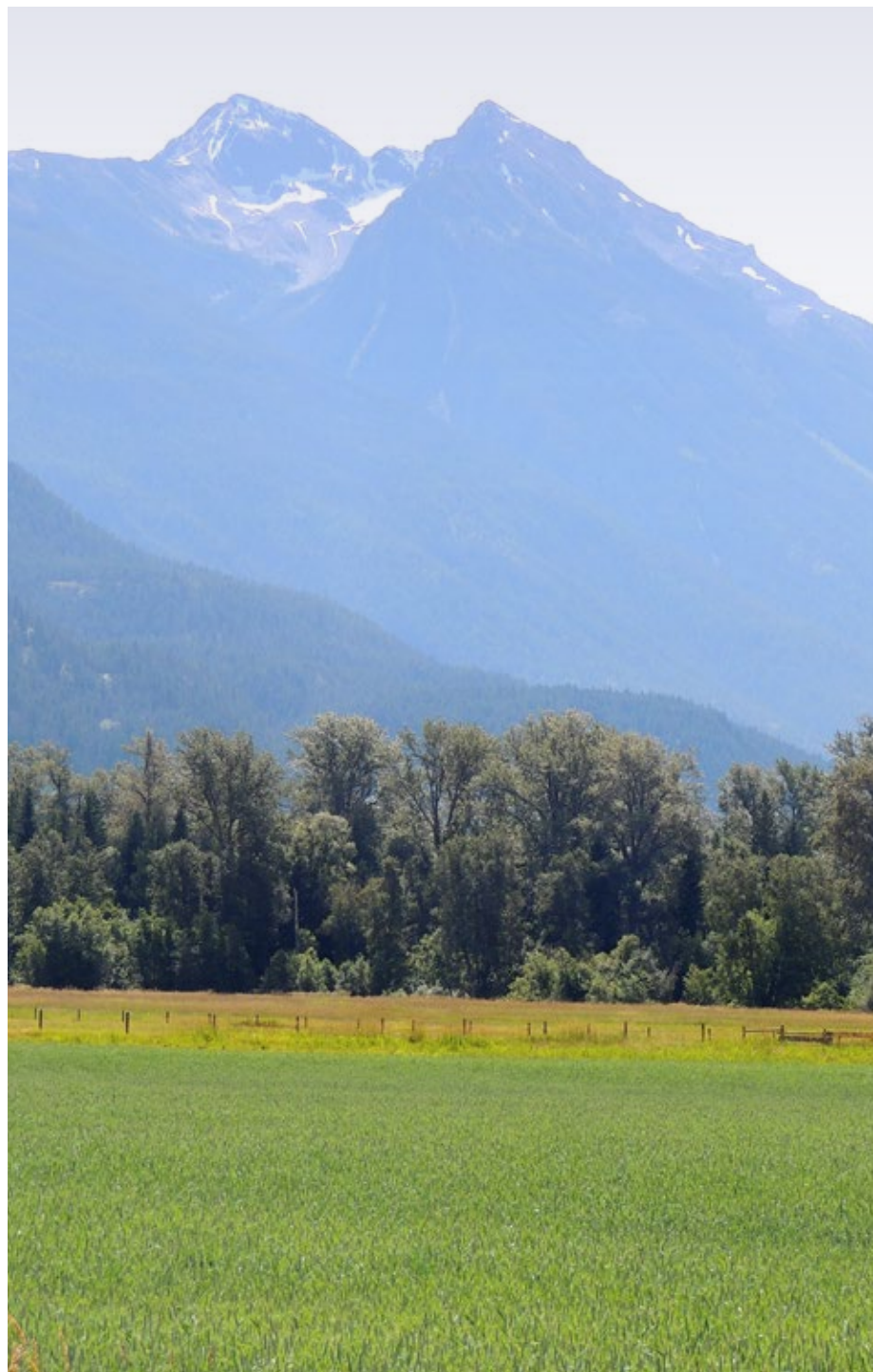
*GOOD NEIGHBOUR FARMING
A FARMER'S GUIDE TO MITIGATING COMMON NUISANCE
COMPLAINTS AND B.C.'S FARM PRACTICES PROTECTION
(RIGHT TO FARM) ACT
MARCH, 2022*

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Farmers and Neighbours

As B.C.'s population grows, many people are moving into new neighbourhoods within traditional farming areas. Some non-farm residents may be unfamiliar with normal farming practices which can sometimes create dust, odour, noise or other disturbances. The intent of this guide is to provide farmers insight into many of the common issues and concerns that are typically raised by non-farming neighbours and to provide some tips and tools on how to prevent or mitigate these issues. The recommendations and best practices in this guide can go a long way to ensure farms can maintain the good neighbourly relations that will allow them to continue to operate smoothly.

RESPECTING EACH OTHERS' NEEDS

In some instances, people may move into a farming area or next to a farm operation and not understand the types of disturbances that may occur on a daily or seasonal basis. Other non-farm residents may move into quiet and tranquil areas that border underutilized agricultural land, or land being used for a low intensity farming operation, and then shortly after

their move the land is converted to a more intensive farm operation that is accompanied by odour, noise and/or dust. In both cases, the disturbances can come as a surprise to non-farm residents whose expectations of a quiet and tranquil rural lifestyle are quickly shaken.

Often the best farm practice is simply being a good neighbour and opening the lines of communication. It is significantly easier to prevent farm-related disputes before they occur and to handle potential nuisances quickly and efficiently. Building a good relationship with neighbours may prevent nuisance complaints from escalating to a formal hearing, which can be a lengthy process that is costly both emotionally and financially to everyone involved.

Start by getting to know each other. Talking to neighbours about farm practices or changes to farm operations before they happen can help to prevent surprises and complaints.

Provincial Legislation Supporting Farm Practices

B.C.'S FARM PRACTICES PROTECTION (RIGHT TO FARM) ACT (FPPA)

B.C.'s *Farm Practices Protection (Right to Farm) Act (FPPA)*¹ benefits farmers and residents who live in or near farming communities. Farm practice protection involves the creation of fair and balanced processes to consider and resolve concerns and complaints about nuisances associated with farm operations.

The FPPA protects farmers in the Agricultural Land Reserve (ALR) who follow normal farm practices from nuisance lawsuits from neighbours and from local government nuisance bylaws and encourages local governments to support farming in their local plans and bylaws. Farms following normal farm practices that are in areas that are zoned by the local government for farming but are outside the ALR receive protection from nuisance lawsuits, but must comply with local government nuisance bylaws.

Where nuisance conflicts cannot be settled through communication or mediation, the FPPA also creates a separate forum where neighbours can

file a complaint about a neighbouring farm operation before the British Columbia Farm Industry Review Board (BCFIRB) and seek an order that farm practices cease or be modified.

A normal farm practice is defined in the FPPA to include an activity “that is conducted by a farm business in a manner consistent with proper and accepted customs and standards as established and followed by similar farm businesses under similar circumstances.” These farm practices vary among different commodity groups and with local or regional conditions across the province.

TYPICAL NUISANCE COMPLAINTS

The protection provided by the FPPA specifically relates to nuisances such as odour, noise, dust or other disturbances. Some examples of nuisance complaints from neighbours about normal farm practices could include:

- » Odour from livestock or mushroom composting operations;
- » Light pollution emanating from greenhouses or farm equipment at night;

- » Noise generated by farm equipment, livestock, ventilation fans, wind machines, propane cannons and helicopters;
- » Smoke produced from burning crop residue, trees or other organic waste;
- » Overspray of pesticides;
- » Flies that are attracted to manure or animal feed; and
- » Dust arising from field tillage or harvesting.

FARM PRACTICES NOT PROTECTED

Where BCFIRB finds a farmer is not using normal farm practices, the farmer will not be protected under FPPA. In addition, to receive protection under the FPPA from court orders or bylaws, farm operations must be conducted in accordance with the provincial Public Health Act, Integrated Pest Management Act, Environmental Management Act, the regulations under those Acts, and any local government land use regulation such as a zoning bylaw.

While farm operations in the ALR typically receive protection from enforcement of local government nuisance bylaws for normal farm practices related to a farm operation, this protection does not extend to activities that are not considered normal farm practices or that are

unrelated to the farm. For instance, noise from barking dogs or gatherings for events could be subject to local government bylaws related to animal control, noise and nuisance if not related to the farm operation.

Farm operations, as defined in the FPPA, do not include:

- » An activity, other than grazing or hay cutting, if the activity constitutes a forest practice as defined in the Forest and Range Practices Act;
- » Breeding pets or operating a kennel; and
- » Growing, producing, raising or keeping exotic animals, except types of exotic animals prescribed by the minister.



Preventing Farm Concerns and Complaints

FARM PRACTICES IN B.C. REFERENCE GUIDE

The Ministry of Agriculture, Food and Fisheries (Ministry), in co-operation with B.C.'s farming community, local governments and other ministries, has developed a comprehensive guide that describes current farm practices used by farmers throughout B.C. This guide consists of 59 factsheets that are divided into three categories: Farm Activities (i.e. composting, irrigation, etc.), Commodities (i.e. dairy, field vegetables, etc.) and Farm Nuisances (i.e. dust, noise and odour). The guide references existing government legislation and industry guidelines and is available online.

www.gov.bc.ca/farmpracticesguide

BCFIRB typically expects farmers to meet or exceed the practices outlined in the guide and will refer to the factsheets when they are determining normal farm practices. Although BCFIRB is not bound by the factsheets, and although every operation is unique and some farms will operate differently from what is outlined in the factsheets, they do provide a useful starting point for determining normal farm practices and whether or not a farmer is meeting that test.

The following is a snapshot of some common farm practices that are the most frequent sources of complaints and how to mitigate them.

DUST AND SMOKE

Dust can result from many farm practices including land preparation prior to planting, tillage, harvest, barn ventilation and equipment transport. Smoke can result from burning crop residues, prunings and incinerating poultry mortalities. This could be visually unappealing but also construed as potentially dangerous to a person's health. In order to minimize complaints related to dust and smoke:

- » Avoid conducting farm operations during wind and weather conditions that are highly conducive to dust generation whenever possible.
- » If engaging in open burning, ensure that you have all proper permits and permissions and are only burning when the venting index is favourable.
- » When siting a new poultry or livestock barn, orient exhaust fans away from neighbours and property lines whenever possible.



- » Locate new poultry or livestock barns well back from property lines especially when the barn will utilize very large exhaust fans designed to quickly move a large volume of air, i.e. tunnel ventilation, and consider installing a vegetative buffer that will help capture dust.
- » If incinerating poultry mortalities, only utilize a properly maintained incinerator and ensure compliance with the provincial *Code of Practice for Agricultural Environmental Management*² (AEMCoP) when incinerating.

FLIES

Flies may breed in organic material including manure, spoiled/wet feed, bedding, and livestock/poultry mortalities. Breeding “hot spots”

can cause significant numbers of flies that may spread throughout the neighbourhood and into neighbouring homes.

Utilize a fly control program, which may include components such as biological control agents, sticky traps and pesticides. Professional pest control agents may be helpful in designing and implementing a control program. Minimize breeding areas by cleaning up spilled feed or grain, fixing leaky water lines, managing the moisture content of stored manure and properly disposing of mortalities promptly.



IRRIGATION

Irrigation helps to fill the soil profile with water, which the crops consume as they grow. Some complaints from neighbours may occur regarding irrigation, such as:

- » It's raining and the farmer is continuing to irrigate.
- » The farmer irrigated yesterday.
- » The farmer irrigates all day and night.

Neighbours may need some education that:

- » Irrigation usually applies 50-75 mm (2 to 3 inches) of water and a typical session of rain is well under 25 mm (1 inch). During heavy rains the farmer should stop irrigating to prevent runoff from the farm.
- » Irrigation systems are moved to a dry location once or twice a day (but this is often not noticed by neighbours).
- » To reduce stream or aquifer withdrawal rates farmers must irrigate 24 hours a day in the peak season to have the least impact on surrounding aquatic ecosystems.

When these concerns arise, farmers may inform neighbours of some of the reasons behind common irrigation practices.

Irrigation pumps can also create extremely loud noises and neighbours

may be disturbed if they are not familiar with the practice. Diesel pumps are commonly used and create the most noise compared to electric pumps.

Farmers can do their part to mitigate irrigation concerns by:

- » Converting diesel pumps to electric pumps (*Environmental Farm Plan (EFP)/Best Management Practices (BMP)*³ could provide partial funding to support the conversion if an EFP plan has been completed).
- » If possible, moving the irrigation intake (and the pump) away from neighbours (provided it is technically feasible for the field, and a water source and a proper water licence is secured) by:
 - a) Setting up the pump on the opposite end of the field where it is not close to another neighbour's house; and
 - b) Planting the rows next year facing the other direction (e.g. north to south instead of east to west) if it is an annual crop.

Another irrigation related complaint could be excessive water spilling into the neighbour's property, which could occur if there is a major leak in the irrigation lines or the irrigation system is running for longer than needed. Conducting an irrigation system assessment to identify where repairs



are required or converting to a more efficient system, as well as establishing a proper irrigation schedule could help mitigate these concerns (EFP planning advisors could conduct the assessment for free as part of developing an EFP plan). Repairs, system conversion, and equipment to help with irrigation scheduling could be partially funded by EFP/BMP programs.

LIGHTING

Lighting on farms is used for security, safety, and extending working and growing hours. At wineries, lighting is often used during the evening hours as grapes are processed following the

day's harvest. Livestock operations may require lighting to allow animals to safely eat and drink at night. Greenhouses may utilize lighting to increase crop yield and quality. Neighbours may complain if the light disrupts their sleep or other evening activities.

The use of hoods can be effective for directing light away from neighbours where required. Farmers should use lighting as required for operations and when possible minimize its use if it is impacting neighbours. Greenhouses may consider using light curtains to mitigate impacts on neighbours.

LIVESTOCK AT LARGE

In British Columbia laws govern where cattle can roam. Livestock may be located on private property or—when authorized—on Crown land. When livestock cross boundaries either between private properties or between Crown land and private property, they may be at large. The [Livestock Act](#)⁴ defines livestock districts as areas where livestock may be at large and pound districts as areas where livestock at large are subject to capture. Complaints often arise from neighbours in livestock districts that are not aware that it is their responsibility to fence livestock out of their property.

Have a conversation with new neighbours about what it means to be in a farmer's livestock or pound district. Consider providing neighbours with a link to the Livestock Act and the [Trespass Act](#)⁵ so they are aware of their roles and responsibilities regarding livestock at large. If you become aware of a new subdivision planned next to Crown range, consider reminding local government officials that the area is in a livestock district and request that the subdivision approving officer require the developer to fence newly created properties.



NOISE

Noise complaints from neighbours can arise from a variety of normal farm practices like propane cannons, which are used to protect crops from damage from wildlife, particularly birds. Wind machines also cause quite a bit of noise. They are commonly used to protect crops from frost and are typically operated at night and in the early morning when temperatures are coldest, so may disturb people's sleep.

Helicopters may also be used very early in the morning to dry cherries after a rainfall. While it is essential that the water is removed from the cherries to prevent splitting, this can be very disturbing for neighbours.

A farmer can do the following things to reduce noise complaints:

- » Prepare an integrated pest management plan and monitor the orchard/vineyard to determine the times and areas where pest pressure is highest. Refer to the guidelines for wildlife control in your area, especially with respect to the use of audible bird scare devices.
- » Try to place cannons in areas where impact will be least on your neighbours. These cannons are to be used as part of an integrated pest management program and should not be relied upon as the sole method of deterrent. To be effective, a variety of scare tactics should be used.
- » Maintain equipment per the manufacturer's recommendations and frequently check to confirm the equipment is operating properly.
- » Wind and temperatures should be monitored, and equipment used only when necessary.
- » Site new barns with large fans or tunnel ventilation well back from property lines.
- » Where possible, inform neighbours prior to the start of use of noisy equipment, particularly at the beginning of the season when it will be used.



ODOUR

Manure

While manure is a valuable input on farms, as it conditions the soil and provides nutrients for plant growth, it can also generate odour when stored or applied to a field. This odour can be unpleasant for neighbours who may not be familiar with the odour and may not understand the reasons for storage and application on farms.

Odour complaints about manure are more common when manure piles or stores have not been adequately aerated or are kept in such a way that encourages anaerobic activity.

Farmers must comply with the Code of Practice for Agricultural Environment Management (AEMCoP) with respect to manure management. This regulation details requirements about monitoring, setbacks, and distribution.

To prevent complaints from manure odour, farmers should:

- » Locate manure storage facilities well back from property lines (see



the *Guide for Bylaw Development in Farming Areas*⁶ for some recommended setbacks from property lines).

- » Locate temporary manure piles (temporary field storage) well back from property lines.
- » Ensure your manure remains on your property.
- » Ensure that manure is kept well aerated in storage to prevent anaerobic conditions from developing.
- » When possible, inform neighbours of upcoming spreading activity.
- » When possible, accommodate neighbour requests to avoid spreading on special days, e.g. a family wedding.
- » When replacing spreading equipment, consider options that result in less odour, e.g. banding or injection equipment.

Compost

Livestock and crop production produce waste that farmers often compost on their property to apply to their fields in the future. Mushroom operations often create compost on site to use as a growing medium. Compost piles can create an unpleasant odour for neighbours who may not be familiar with normal farming practices.



Farmers must comply with the Code of Practice for Agricultural Environment Management (AEMCoP) when composting. This regulation details requirements about monitoring, setbacks, and distribution. Mushroom operations must also comply with the Mushroom Compost Facilities Regulation under the Environmental Management Act.

Where possible, farmers can consider increasing setbacks from property lines or siting piles away from neighbours. Actively managing the piles, ensuring aeration and using appropriate materials in the compost will help to reduce the odour.

Livestock and confined livestock areas

Odour may emanate from buildings or areas where livestock are housed intensively, such as dairy or poultry barns and feedlots. Odour can attach itself to dust particles, so effective dust management will also be helpful in managing odour.

The following planning and management tips can help to avoid odour complaints related to livestock and poultry buildings and confined livestock areas:

- » Orient fans away from property lines and neighbouring residences.
- » Larger setbacks from property lines for buildings and confined livestock areas may help. The Ministry's Guide for Bylaw Development in Farming Areas recommends a minimum setback of 15-30 metres for buildings that may expect to have odour.
- » Vegetative buffers can be helpful in trapping dust and associated odour or in dispersing it.
- » When livestock are confined in outdoor pens consideration should be given to the management of manure.
- » Manage litter wetness as litter that is too wet can create anaerobic conditions, which increases odour or creates more foul-smelling odours.
- » Talk with neighbours so they are aware that there may be periodic odour associated with cleaning out barns. If you can provide expected dates when this will occur and give adequate notice, neighbours can be prepared or arrange to be away when this is happening.

PESTICIDES

Pesticides are used on farms as part of an overall pest management plan. Pesticide use is regulated by both the federal Pest Management Regulatory Agency and the provincial Ministry of Environment and Climate Change Strategy. Spraying pesticides can occur at various times of the day, including in the evening and early morning. The use of pesticides can result in complaints for both noise (spraying equipment) and spray drift, especially if there's a perceived health threat.

- » Farmers should use pesticides in a manner that prevents non-target application, including trying to keep pesticides within their property boundaries.

- » Farmers should utilize production guides, advice from consultants, and field observations to determine the timing and types of pesticides to use.
- » Monitoring weather, calibrating equipment, and using vegetative buffers and buffer zones can all be useful tools to minimize spray drift.

Communication with neighbours can be useful in preventing and resolving conflict. It is important for neighbours to know that farmers are not always applying pesticides when using their sprayers (e.g. application of nutrients or drying fruit after rainfall). Conversations with neighbours about what is being sprayed and when can help to avoid conflict and complaints.



Resolving Public Concerns and Complaints

HOW TO AVOID COMPLAINTS

Often the best way of resolving complaints is to pre-emptively take steps to ensure that conflict does not reach the level where a complaint will be made. Most conflicts can be prevented or resolved by simply having good relationships with neighbours. The steps farmers take to build relationships with neighbours makes it easier to discuss nuisances as they develop.

Build a trusting relationship by helping neighbours understand your farming practices. It is worthwhile for farmers to let their neighbours know about the importance of farming in their community in a friendly and respectful way. Inviting neighbours over to the farm is a way for them to experience the farmer's perspective and allows the farmer to come across as approachable and interested in potential concerns.

Being neighbourly means helping neighbours in some way or being willing to accommodate them. The occasional favour does not need to be costly or time-consuming and serves as an opportunity to create a friendship.

Often, the need to stick to a strict farm schedule often leaves the farmer unable to control when they till, spray

or harvest. Where possible, there may be farming practices where farmers may accommodate the schedule of their neighbours – like avoiding certain activities on days where neighbours or the community are holding a special event.

To neighbours, the appearance of the farm may influence their perception of the farm owner's competence and ability to control nuisances. A tidy farmyard may be perceived more favorably by neighbours than an unsightly one. Make the farm attractive by using visual buffers to promote compatibility between the different types of land-uses and diminish potential clashing perspectives. Using vegetative buffers strategically can go a long way as often "out of sight is out of mind" in many cases.

ROLE OF LOCAL GOVERNMENTS

Local governments are often the first point of contact for a person who has a concern with a farm practice. Local government staff may be able to resolve a concern by explaining the relevant legislation or referring the person to the Ministry for more information about farm practices.

If the concern is not related to a farm practice, other local bylaws, such as animal control or unsightly premises and visual nuisance legislation, may apply. This may include disruptive non-farm animals, the family dog barking, or allowing the accumulation of discarded material, such as derelict cars or other rubbish.

ROLE OF REGIONAL MINISTRY STAFF

Informal complaint resolution process

The Ministry is committed to finding quick, efficient and reasonable solutions to concerns about farm practices. By explaining what farm practices are normally used on farms in B.C., many concerns can be resolved to the person's satisfaction.

Ministry staff may use other resources such as discussions with industry associations and visits to similar operations to determine whether the farm practice is typical for that type of farming. If it is not, Ministry staff are available to work with the farmer to provide guidance and/or expertise in order to make modifications to their farming practices.

Every attempt will be made to resolve a concern at the local neighbour level and solutions will be discussed with both the farmer and the concerned individual. This informal approach offers a low-cost, efficient alternative to formal complaints to BCFIRB as described below.

B.C. FARM INDUSTRY REVIEW BOARD (BCFIRB)

Formal farm practice complaints process

A person aggrieved by a farm practice does not have to use the informal Ministry process, but rather, can file a complaint directly with BCFIRB.

A person may also take a concern to BCFIRB if they are not satisfied with the outcome of the informal Ministry process.

The complainant submits a complaint by completing a Notice of Complaint form found online, accompanied by a filing fee.

BCFIRB is the statutory body established under the FPPA to provide an independent, fair and equitable process for resolving farm practice disputes between neighbours. It is made up of part-time members (the 'Board') appointed by the Lieutenant General in Council, who are supported by staff. Board members have a wide range of skills and expertise in areas such as: agriculture and food production, marketing and processing, consumer representation, land-use planning, animal welfare, facilitation and mediation, and regulatory or quasi-judicial experience.

The Board may initially try to resolve a complaint through a settlement process, which may include the use of Ministry experts, mediators and other knowledgeable persons. In some

instances, a knowledgeable person retained by BCFIRB will conduct a site visit and write a report.

If the parties are unable to reach a settlement, the BCFIRB Chair will establish a panel of BCFIRB members to hear the complaint in a formal hearing. The hearing process is governed by *BCFIRB's Practice and Procedure for Complaints*⁷. Hearings are held at a date, time, and location that are agreed to by the complainant and the farmer.

A BCFIRB hearing is not as formal as a court process, and the farmer does not need to be experienced in formal hearings to participate. The BCFIRB panel will follow certain practices and procedures to ensure a fair and well-organized hearing. While it is up to the panel to decide precisely what

procedures to follow, they will generally include the following: introductory comments by the panel Chair, opening statements, presentation of evidence, closing statements, and a decision.

The panel will consider generally accepted industry practices and site-specific factors to determine whether the practice in question is a normal farm practice and if not, the panel can order the farmer to cease or modify the practice.

Decisions of the Board may be judicially reviewable at the Supreme Court of British Columbia.

The Board may also study and make recommendations to a local government or the Minister on any matter related to normal farm practices.



Understanding Farming in Local Plans and Bylaws

The FPPA links the right to farm concept with planning and bylaw powers of local governments. This legislation recognizes co-management between local governments and the province and affects our most important farming areas, including the ALR.

OTHER LEGISLATION

Approving officers under the *Land Title Act* have powers to assess the impacts of proposed new subdivisions on land in the ALR when they consider applications for subdivisions. A guide for subdivision approving officers developed by the Agricultural Land Commission (ALC) and the Ministry is available, which outlines effective subdivision design practices that can help minimize conflict between residents of a subdivision and bordering agricultural areas.



The *Local Government Act* (LGA) states that community plans may include policies that help to maintain and enhance farming, and may designate development permit areas to protect farming (e.g. buffering to separate farming and residential areas). Farmers can advocate for these policies to be included during Official Community Plan and bylaw reviews in their communities.

FARM BYLAWS

In some circumstances, certain farm operations may be inappropriate for a specific area such as feed lots bordering a densely developed urban edge. A local government may wish to develop a farm bylaw to regulate or prohibit certain farm operations in these areas. A farm bylaw establishes certain rules for farm practices within a specific area that, like other local bylaws, can then be enforced directly by local governments. Farm bylaws require approval of the Minister of Agriculture, Food and Fisheries before they are adopted, and local governments must be regulated under section 553 of the LGA prior to adopting one.

Currently, four local governments, the Township of Langley and the Cities of Delta, Abbotsford and Kelowna, are



regulated communities under section 553 of the LGA and can therefore adopt farm bylaws. They are also restricted from using zoning bylaws to restrict the use of a farming area for farming operations without approval of the Minister of Agriculture, Food and Fisheries. Farm uses identified in the Agricultural Land Reserve Use Regulation under the *Agricultural Land Commission Act* can be restricted by

a farm bylaw made by a community regulated under section 553 of the LGA. Farm operators within these regulated communities must run their operations in accordance with the adopted farm bylaws in order to receive protection under the FPPA. The Ministry encourages local governments to consult with the farming industry in their area when developing these bylaws.

The Future

As British Columbia continues to grow and people continue to move into new neighbourhoods adjacent to or within traditional farming areas, it is important that all members of a community recognize that B.C.'s ALR and other areas identified for farming, are working landscapes. Legislation to protect farming is important but is only one method to help reduce common nuisance concerns and strengthen farming in B.C.

Farming is both a livelihood and a business that can be associated with a variety of farm practice disturbances. Raising agricultural awareness in the larger community can help provide greater understanding of the needs of farmers and their neighbours, and the valuable role farming plays in society.

It can also help to improve harmony between farming and non-farming communities.

By being an active member of the larger community, farmers can strengthen agriculture in their immediate neighbourhoods. Joining a local government's Agricultural Advisory Committee, other municipal advisory committees, or running as an elected official for office, can also make a difference.

It is unlikely that conflict and contention regarding farm practices will fade away any time soon. It is important to be prepared and know how to effectively help mitigate them so as to preserve one's own farming operations as well as the larger regional agricultural sector.





Endnotes

- 1 https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96131_01
- 2 https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/8_2019
- 3 <https://bit.ly/3CkTID3>
- 4 https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96270_01
- 5 <https://www.bclaws.ca/civix/document/id/complete/statreg/18003>
- 6 <https://bit.ly/35HnC8p>
- 7 <https://www.bclaws.ca/civix/document/id/complete/statreg/18003>



Contacts

If you have any questions or require more information, please contact:

✔ **B.C. MINISTRY OF
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