
Farm Practices Protection (Right to Farm) Act

4. LOCAL GOVERNMENTS AND THE “RIGHT TO FARM”

The new *Farm Practices Protection (Right to Farm) Act* represents a new partnership with local governments and the province in B.C.’s most important farming areas, particularly the Agricultural Land Reserve.

The legislation provides a balanced approach to resolving concerns about farming for those British Columbians who live near farms. Public concerns about farm practices can be resolved either informally through ministry staff and farm peer advisors – or formally through the Farm Practices Board, established under the act.

Continuing role for 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 legislation, or refer the person to the ministry for more information about farm practices. If the concern is not related to a farm practice, other local bylaws would apply.

The ministry, in co-operation 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.

Effect of the right to farm on certain local bylaws

The new act, which replaces the former *Agriculture Protection Act*, is unique in Canada because it links the right to farm concept with bylaw powers of local governments.

The “right to farm” part of the act will exempt farm practices from certain nuisance and miscellaneous bylaws. Farming activities that are protected under the act are those which:

- are within the definition of normal farm practices;
- take place in the ALR, in other areas where farming is permitted; and,
- comply with the *Health Act*, *Pesticide Control Act*, *Waste Management Act*, and any approved land-use regulation.

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).

Poor farm practices not protected

A farmer not using normal farm practices can be ordered by the Farm Practices Board (established under the act) to stop or modify unacceptable farm practices. Farmers who refuse to do so would not be protected from nuisance lawsuits or the enforcement of a local government’s nuisance or miscellaneous bylaws.

FACTS



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Land Title Act – Approving Officers

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 Agricultural Land Commission.

Municipal Act Changes – Bylaw Review

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). The ALC is preparing a “Planning for Agriculture” guide to suggest practical ways that local governments through-out B.C. can plan for farming at the local level.

Of particular importance is a new division in the *Municipal Act* which 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.

This new division of the 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, Fisheries and Food, once these provisions are implemented in a region.

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Special farm bylaws

Sometimes, certain farm operations may be inappropriate for a specific area. The ministry and a local government may agree to use the new special farm bylaw under the *Municipal Act* to directly regulate or prohibit farm operations in a manner consistent with the minister’s standards.

A farm bylaw will set special rules for farm practices in that area that can then be enforced directly by local governments just like any other local bylaw. Farm bylaws must be approved by the Minister of Agriculture, Fisheries and Food.

These new bylaw procedures and new powers will help to reduce uncertainty for both farmers and their neighbours.

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.

FOR MORE INFORMATION,
CONTACT:

Your local Ministry of
Agriculture, Food and
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*