
Farm Practices Protection (Right to Farm) Act

6. IMPORTANT INFORMATION FOR LOCAL GOVERNMENT SUBDIVISION APPROVING OFFICERS

Increased urban development near agriculture, and the changing technology of farming have created many uncertainties for farmers and their neighbours.

British Columbia's new *Farm Practices Protection (Right to Farm) Act* benefits farmers and residents who live in or near farming communities by supporting farmers who use normal farm practices, establishing a new process to resolve complaints about farm practices, and encouraging local governments to support farming in their local plans and bylaws.

This new legislation represents a new partnership between local governments and the province to work together to strengthen farming in communities throughout B.C.

New opportunities to enhance land-use compatibility

The *Farm Practices Protection (Right to Farm) Act* provides local governments and subdivision approving officers with opportunities to ensure more sensitive urban or rural residential development in close proximity to farm areas, thereby reducing the potential for land-use conflicts between residential and farming areas.

The objective of these new tools is to anticipate the potential for impacts of new development on farms and to reduce or eliminate them so that farming can continue to thrive in communities across B.C.

Important changes to the *Land Title Act*

To further support the *Farm Practices Protection (Right to Farm) Act*, Section 86(1)(c) of the *Land Title Act* has been amended. Two new discretionary powers have been added. Section 86 now gives approving officers the right to evaluate a plan of subdivision if:

“(x) the anticipated development of the subdivision would unreasonably interfere with farming operations on adjoining or reasonably adjacent properties, due to inadequate buffering or separation of the development from the farm; or

(xi) despite subparagraph ix of Section 86(1)(c), the extent or location of highways and highway allowances shown on the plan is such that it would unreasonably or unnecessarily increase access to land in an agricultural land reserve.”

These new powers are only applicable to new subdivision applications made after April 1, 1996, the date of the proclamation of the *Farm Practices Protection (Right to Farm) Act*.

The *Land Title Act* amendments have two important purposes: to ensure that new residential developments do not affect agriculture and that developments adjacent to farming eliminate unnecessary road endings directed at land in the Agricultural Land Reserve (ALR). These provisions may also apply to subdivisions within the ALR.

FACTS



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Designation of Development Permit Areas

Local governments may designate development permit areas under Section 945 of the *Municipal Act* for the purpose of requiring screening, landscaping, fencing and siting of buildings or structures in order to buffer and separate development from farming on adjoining or reasonably adjacent land (Sec. 976).

Guidelines for buffering within development permit areas may include:

- reasonable set-backs of buildings;
- specified buffering requirements;
- open space uses next to agriculture;
- sensitive handling of walkways and trails in buffer strips;
- adequate water retention capacity;
- storm water control where roads & parking areas form part of a buffer;
- no road endings abutting farmland; and
- minimal pedestrian or vehicular encroachment on farmland.

New Resources and Support

The Ministry of Agriculture, Fisheries and Food and the Agricultural Land Commission will establish an ongoing liaison with approving officers to provide support.

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The ministry and the ALC are producing the following resource materials:

- Landscaped Buffering Specifications and Fencing Specifications (now available through the ALC).
- A guide for approving officers explaining new Section 86 changes. The guide may form part of existing approving officer handbooks.
- An information brochure for developers and the public working or living near the ALR. This brochure will ensure awareness of the need for sensitive subdivision design next to farmland at an early stage of the subdivision process.
- A comprehensive guide to long-term buffering techniques.

The ministry and the ALC will establish long-term communications and support including:

- Workshops for approving officers to discuss Section 86 amendments and to review new resource material.
- Opportunities for approving officers to discuss any ALR and farming issues.
- Advice on potential impacts and buffering techniques for proposed subdivisions.

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*