



Ministry of  
Agriculture  
and Food

# Farm Practices Protection Act

What is it, and how does it apply?



1

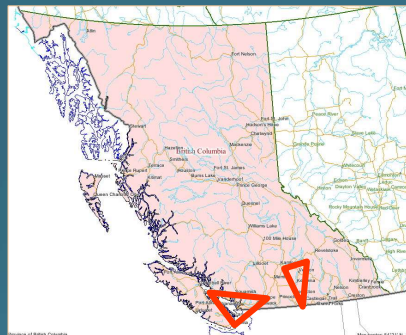
## Historical Context

2

# Motivation for change

- Mid 1990's farmers reported that it was becoming difficult to farm in the ALR.
- Due to two things:
  - Farm practices complaints and lawsuits
  - Local government rules and regulations

3



Areas of  
Concentrated  
Population  
and  
Agricultural  
Activity

4

# Strengthening Farming Program

- Initiated in 1996 to draw agriculture more fully into local government planning to:
  - Address conflicts in farming areas
  - Encourage policies and bylaws supportive of farming
- Farm practices protection component
  - Farm Practices Protection (Right to Farm) Act
  - Farm Industry Review Board
- Planning for agriculture component
  - Local Government Act
  - Land Title Act

5

What is the Farm  
Practices Protection  
(Right to Farm) Act?

6

## Farm Practices Protection Act (FPPA)

- The Act protects farmers from nuisance lawsuits, nuisance bylaws and prohibitive injunctions when they are using normal farm practices.
- Establishes the B.C. Farm Industry Review Board as the body to deal with complaints about farm practices
  - Investigates and attempts to resolve disputes before hearings are held.
  - Has the ability to order a farmer to improve or to stop poor farming practices.

7

## FPPA and BC Farm Industry Review Board (BCFIRB)

FPPA protects farmers:

- Who follow “normal farm practice”
  - Adhering to Acts and land use regulation
- From nuisance action (odour, noise, dust and other disturbances):
  - From individuals in all areas where agriculture is allowed.
  - From local governments nuisance bylaws in the ALR.

BCFIRB

- Hears complaints (site specific)
- BCFIRB may study farm practices (general)

8

# Farm Practices Protection

- Develop farm practice factsheets:
  - e.g. Wildlife Damage Control (propane cannons)
- BC Farm Practice Reference Guide
  - 3 nuisances: odour, noise and dust
  - 24 commodities
  - 34 farm activities
- Informally address farm practice complaints
  - Support BC Blueberry Council - noise complaints
- Support BCFIRB formal complaints:
  - Knowledgeable persons
  - Expert witnesses

9



Scenarios

10

## Scenario 1 – Noise bylaw



Neighbours complain that chicken catchers are arriving late at night on a poultry farm and waking them up.



The municipality has a noise control bylaw in place.

"No Person, who is the owner or occupier of Real Property, shall allow or permit such Real Property to be used in such a manner that Noise emanating from the Real Property disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any Person or persons in the neighbourhood or vicinity."



Is the poultry farm in contravention of the noise bylaw?

11

No. - Why not?

- Section 2(3)(a) of the FPPA states that a farmer does not contravene a bylaw made under section 8(3)(h) of the Community Charter or section 324 of the Local Government Act only by conducting a farm operation.
- It is a common practice for chicken catchers to work after dark.

12

## Scenario 1a: Noise and Normal Farm Practice

- Neighbour complains that chicken catchers are arriving late at night on a poultry farm and are playing loud music as they work.
- Municipal noise control bylaw:
  - No Person shall operate any radio, stereophonic equipment or other instrument, or any apparatus for the production or amplification of sound either in or on private premises or in any Highway or public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of Persons in the vicinity.
- Is the poultry farm in contravention of the bylaw?

13

Yes. - Why?

- Playing loud music or creating any other unnecessary disturbance for neighbours would not be considered a typical farm practice.

14

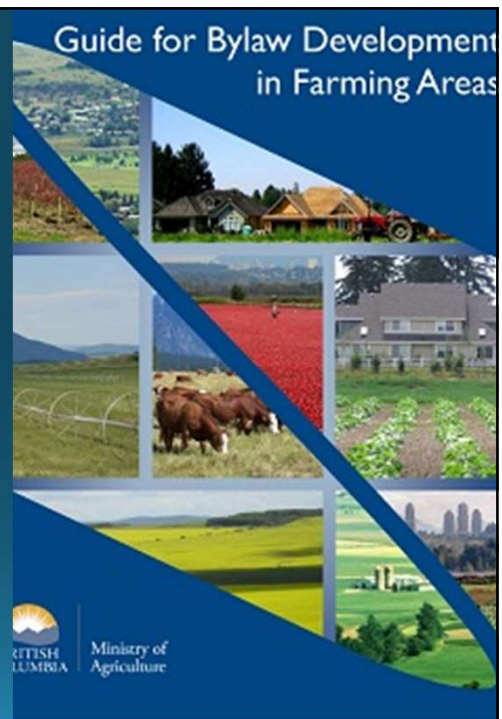
## Scenario 2: Zoning bylaw

- A farmer wishes to locate an intensive swine barn 5 metres from a property line.
- Local government bylaw states confined livestock areas must be 30 metres from a lot line.
- Upon being informed that he/she must either locate the barn 30 metres or apply for a DVP, the farmer claims it is a farming practice protected under FPPA and the local government should issue the building permit.
- Are they correct?

15

## No. - Why not?

- The FPPA does not override local government zoning bylaws.
  - S. 2(2)(c) "not be conducted in contravention of...any land use regulation."
- Section 552 of the Local Government Act allows the Minister to develop standards to guide local governments in developing bylaws.



16



## Scenario 3: Unsightly premises



A neighbour complains that the dairy farmer across the street has a lot of old tires lying around the yard.



The municipality has an unsightly premises bylaw.

"An owner or Occupier of Real Property must not cause, permit, suffer or allow the property to become or remain unsightly, and in particular must not:

- (b) allow the accumulation of filth, rubbish, or Discarded Materials;



Is the dairy farm in contravention of the unsightly premises bylaw?

17

Not as straight forward...

- Tires are used by dairy farmers to help create anaerobic conditions in silage bunkers.
- However, leaving the tires strewn about the yard would not likely be considered a normal farm practice.
- Local government could request that the tires be stacked neatly when not being used.

18



19



Ministry of  
Agriculture  
and Food

# DEATH BY A THOUSAND APPLICATIONS

Implications of Subdivision in the ALR

Thompson Okanagan Shuswap Planner Workshop

December 6, 2023

1



## The Nuts and Bolts of Subdivision in the ALR

- High demand for small parcels
- Cost per acre
- Who is subdividing?
  - Non-farming ALR Landowners
  - Farmers and Ranchers
- Subdivision rarely benefits agriculture

2

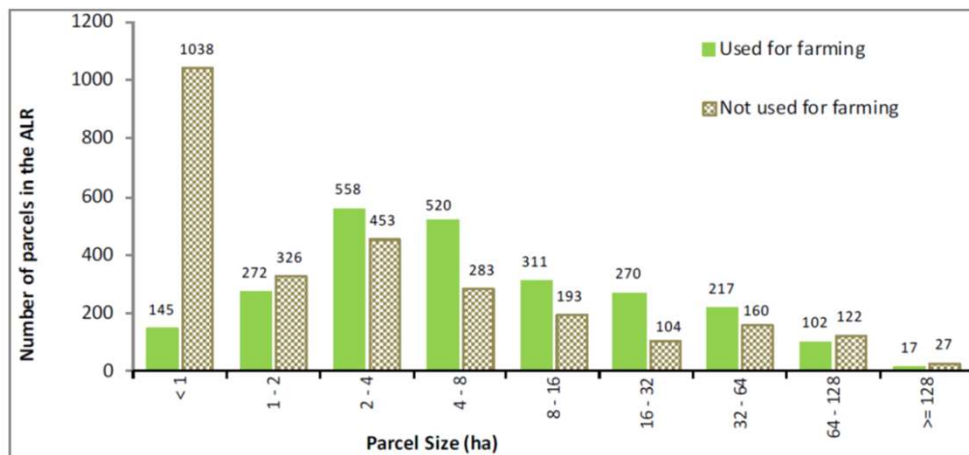
2

## Why is subdivision bad for agriculture?

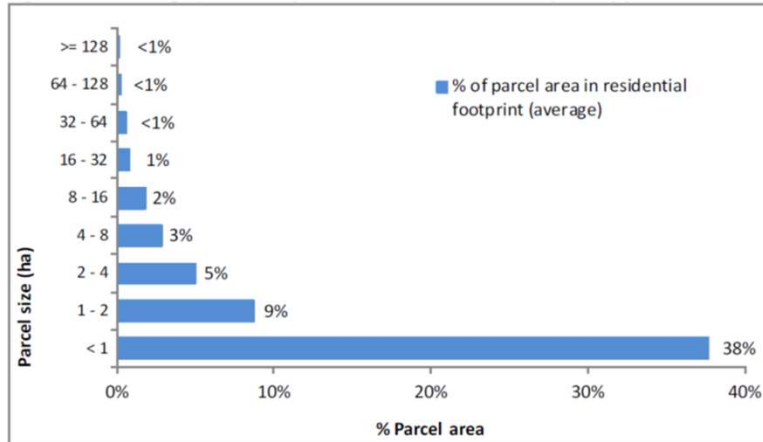
- Increase in land cost per hectare
- Decrease in economies of scale
- Smaller parcels less likely to be farmed
- Increase in conflict between farming and non-farmers



## Small lots = Less likely to be farmed



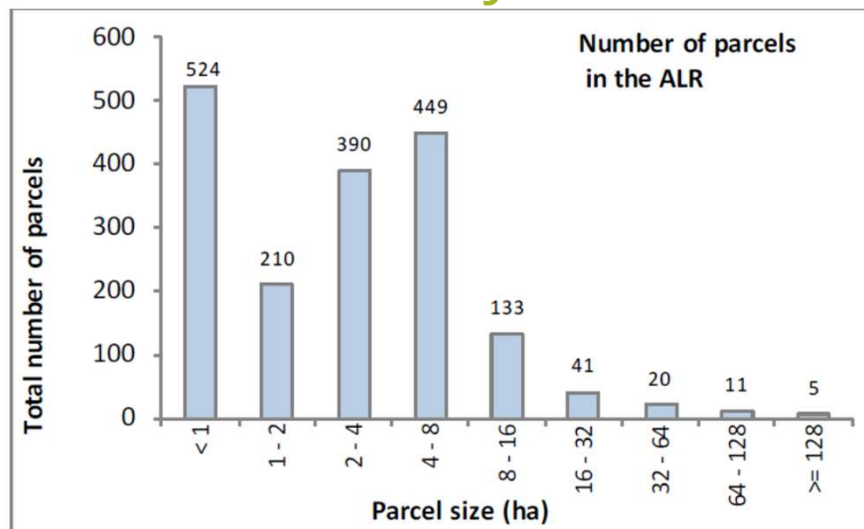
## Small lots = Greater proportion of lot is dedicated to residential uses



5

5

## Soooooo many small lots



6

6

## What applicants say:

- I want to create a small parcel that will be more affordable for a young farmer.
- I need to subdivide a portion of my farm to fund my farm/infrastructure upgrades, etc.
- My kids can't afford to buy a house on their own so we need to support them.
- The farm is getting too much for me and I need to downsize



## Ministry staff perspective:

- Cost per ha goes up with small parcels and agricultural opportunities are limited.
- This suggests a lack of business planning and is not a suitable way to fund a business.
- Yes, housing is expensive, but that isn't a good enough reason to undermine their future food security.
- This is where succession planning comes in.

7

7

## 2022 Kwantlen Polytechnic University Study



- Reviewed 540 ALC subdivision and non-farm use applications that were approved by ALC.
- "30% of all new parcels created as a result of subdivision ceased to have a farm class status"
- "64% of all the parcels had their ownerships transferred within three years after non-farm use and subdivision applications were approved. This percentage becomes higher for subdivided parcels"



8

8



## Ministry Subdivision Referral Impact Study

- 148 subdivision applications from 26 LGs over a six-month timeframe.
- 80% of ALC subdivision applications assessed by Ministry staff as “not beneficial to agriculture”
  - Still being forwarded to ALC for decision.
- 92% of the time ALC decisions are consistent with Ministry assessment.

**WORKLOAD**  
Staying just ahead of the avalanche is the key

OTTIVATIONAL.com

9

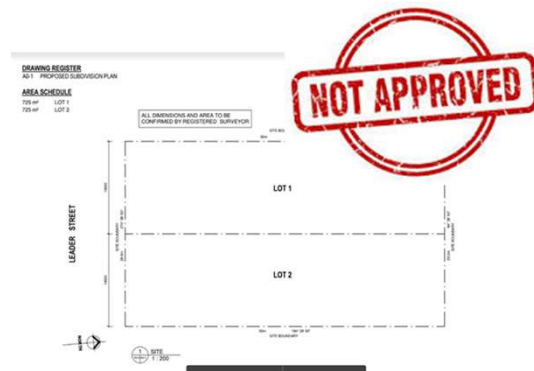
9



10

## Subdivision Referral Impact Study

- Initial 6-month hiatus on reviewing ALC applications has been extended for another year.
- Template letter sent to local governments has general comments regarding subdivision in the ALR.
- Still reviewing referrals that are adjacent to the ALR or where there may be a significant reason for providing a response.



11

## What is the Ministry doing?

- Encouraging landowners to pursue alternatives
  - B.C. Land Matching Program through Young Agrarians
  - Business planning for new entrants and existing farmers
- Resources to support successful farm business transition
  - B.C. Agri-Business Planning Program
  - Succession planning workshops and webinars
- Direct landowners to the many online documents available.



12

12





## What local governments can do

- Large minimum lot size for zones within the ALR
- Strong OCP policies discouraging subdivision
  - “Further subdivision of agricultural lands to create new lots is not supported, including for family members pursuant to Section 514 of the Local Government Act. Boundary adjustment subdivisions that would improve farming and are consistent with provincial legislation may be considered.”
- Public education

13

13



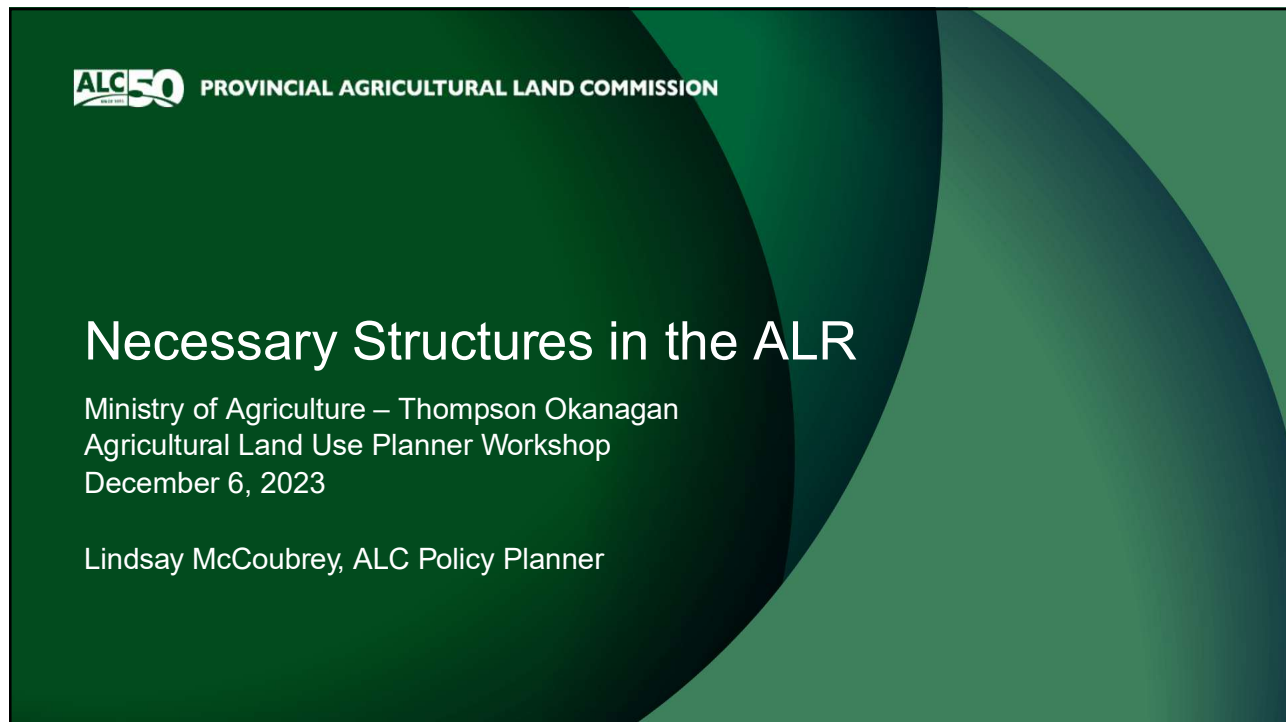
Ministry of  
Agriculture  
and Food

# THANK YOU!

## Questions?

14

14



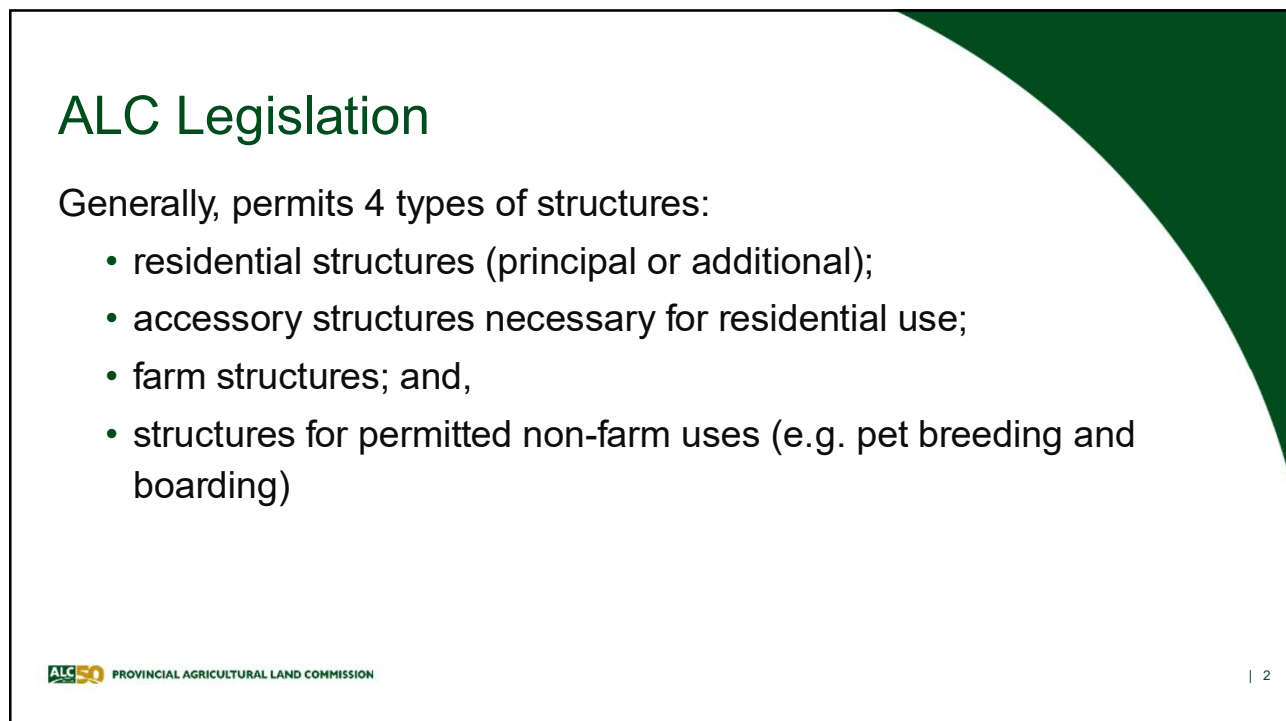
**ALC 50** PROVINCIAL AGRICULTURAL LAND COMMISSION

# Necessary Structures in the ALR

Ministry of Agriculture – Thompson Okanagan  
Agricultural Land Use Planner Workshop  
December 6, 2023

Lindsay McCoubrey, ALC Policy Planner

1



## ALC Legislation

Generally, permits 4 types of structures:

- residential structures (principal or additional);
- accessory structures necessary for residential use;
- farm structures; and,
- structures for permitted non-farm uses (e.g. pet breeding and boarding)

**ALC 50** PROVINCIAL AGRICULTURAL LAND COMMISSION | 2

2

## ALC Legislation

Permits 1,000 m<sup>2</sup> soil and fill for:

- Principal Residence
- Structures for farm use

Notice of Intent required for all other structures requiring fill

NOTE: Fill is defined in the ALCA as anything brought onto the property

3

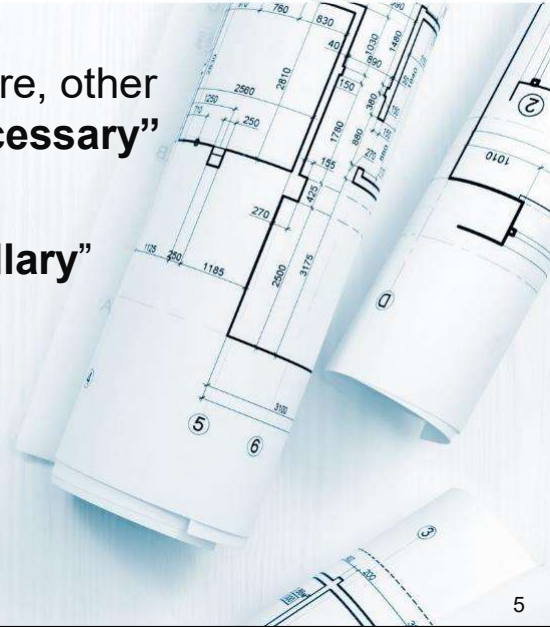
## Why we care

- Farming appears to be secondary to residential
- Competing land uses in the ALR
- Impacts assessed value
- Impacts property utilization (e.g. driveways bisecting land, scattered structures, isolated fields)

4

## Other Residential Related Structures

- Regulation only permits a “structure, other than a residential use, that is **“necessary”** for a residential use”
- LG Bylaws- **“accessory”** or **“ancillary”**



5

## Accessory Residential Structures Guide

- Modelled on ALC’s Farm Structure Guidelines (released June 2023)
- Provide some guidance about structures necessary for a residential use and their typical design features
- Informational as well as providing support to ALC staff when they require further justification from a landowner about a proposed accessory residential structure

6