



Staff Report
Application # F – 38886
Applicant: John & Susan Madden
Agent: David Madden

DATE RECEIVED: March 16, 2009

DATE PREPARED: April 17, 2009

TO: Chair and Commissioners – Kootenay Panel

FROM: Brandy Ridout, Land Use Planner

PROPOSAL: To legitimize an existing small business - "Madden Timber Frames" - that has been operating for the past three years and exceeds the size limitations for a home-based business.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Regional District of Central Kootenay (RDCK)

Legal Description of Property:

PID: 015-928-471

Parcel A (see Lot20165) Lot 150 District Lot 398 Kootenay District Plan 959

Purchase Date:

October 1980

Location of Property:

715 Crescent Bay, Nakusp

Size of Property:

1.8 ha (the entire property is in the ALR).

Present use of the Property:

Residence, small business

...2

BACKGROUND INFORMATION (continued):

Surrounding Land Uses:

WEST: Forested residential property
SOUTH: Forested residential property
EAST: Forested residential property with some grazing for one horse
NORTH: Grazing pasture

Agricultural Capability:

Data Source: Agricultural Capability Map #82K/04
The majority of the property is identified as having Prime ratings (60% Class 3 with a limitation of topography, 40% Class 2 with a limitation of cumulative and minor adverse characteristics)

RDCK Planning:

Area 'K' - The Arrow Lakes Rural Land Use Bylaw No. 1248 (1997) - currently undergoing review
Designation: Agriculture (AG)
Minimum lot size: 8 ha (20 acres)

PREVIOUS FILES:

#F-38323 - John Madden
The land owner was notified that the activity currently taking place on the property did not comply with the Commission's home occupation policy in that it exceeded the 100m² area permitted.
As a result of this notification, the applicant submitted the current non-farm use application.

COMMENTS:

RDCK Board: Forwarded, as per Resolution adopted at the May 23, 1998 meeting of the RDCK Board.

RDCK Planning Staff: RLUB 1248 is currently undergoing a review. The proposed use will require a zoning amendment. The business under application falls under the list of allowable uses in the Industrial (M1) zone in the current RLUB. The Area Director feels that a specific zoning for Wood Processing which would include uses such as this would be appropriate for the Arrow Lakes area. Staff advised the applicant that it may be best to rezone the property when this Zone is in place as it would likely be more palatable to the surrounding residents.

ATTACHMENTS:

1. ALC Context Maps (2 pages)
2. Aerial Photograph
3. Agricultural Capability Map
4. Proposal description (includes 2 sketches of property)
5. Photos

END OF REPORT

Signature

Date