



**Agricultural Land Commission**  
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November 23, 2005

Reply to the attention of Ron Wallace

Sunshine Houseboat Vacations Ltd.  
1304 – 14<sup>th</sup> Street, S.  
Cranbrook, BC – V1C 5E8

Attention: Brant Cullum, President

**Re: Application # L-36151**  
**Lot 226, District Lot 329, Kootenay District, Plan 1171**  
**Part of Lot 239, District Lot 329, Kootenay District, Plan 1171**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to use 4.3 ha of the above noted properties for a Commercial Houseboat Moorage and Marina. The application was submitted pursuant to section 20(3) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on October 11, 2005. The Commission found the meeting and site visit informative.

The Commission writes to advise that it approved your application based on the following conditions:

- At the south side of the proposed tenure area Sunshine Houseboat is to provide watering facilities and a pumping system to ensure that water is available at all times sufficient for the number of cattle legally allowed on the Ashfire Grazing Lease (volume approximated @10-12 gal a day per head). This water is to be available whenever the cattle are legally allowed to be on the Ashfire Grazing Lease. This water requirement is waved when the houseboat operation is shut down for the season. The water system is to be funded, installed and maintained by Sunshine Houseboat Vacations.
- The cattles' traditional access to water is to be maintained. The cattle access adjacent to the new boat launch is to be as large as possible to cause the lease possible disruption to the cattle. An easement(s) should be registered on title of the subject property to ensure continuity of access.
- A large sign is to be posted stating the use of ATV's, quads and motorbikes is prohibited except for the utilitarian purpose of transporting goods and materials.
- Compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the Regional District of East Kootenay at your earliest convenience.

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These conditions will also apply to the heirs and successors of both the Sunshine Houseboat Vacations Ltd. tenure permit and the holders of the Ashfire Grazing Lease.

Sunshine Houseboats is to send a registered letter to the holder of the grazing lease (Charlesworth Ranching) which outlines the conditions and confirms details as to the supply of water and access. A copy of this letter is to be sent to the Commission.

The decision noted above is recorded as Resolution #613/2005.

Please quote your application number in any future correspondence.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:



Erik Karlsen, Chair

cc: Regional District of East Kootenay – P-705-204  
BC Assessment, Cranbrook  
Land and Water BC Inc. – 1902 Theatre Road, Cranbrook, BC – V1C 7G1  
Charlesworth Ranch, Newgate Road, RR #1, Elko, BC – V0B 1J0  
Attention: Noreen Thielen

RW/lv  
36151d1

**MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION**

**Minutes of a meeting held by the Provincial Agricultural Land Commission (the “Commission”) on November 8, 2005 in Vancouver, B.C.**

<b>PRESENT:</b>	Monika Marshall	Chair
	Cheryle Huscroft	Commissioner
	Carmen Purdy	Commissioner

**For Consideration**

The application, #L-36151, is to use 4.3 ha of Crown ALR land for a Commercial Houseboat Moorage and Marina. The purpose of this proposal is to provide the following:

- Allow expansion of the existing operation
- Provide moorage for 30 houseboats
- Provide charter facilities
- Provide small craft moorage
- Provide economical disposal of septic waste from the houseboats
- Provide appropriate boat launch facilities for the houseboats
- Provide additional public boat launch capacity
- Rectify issues with the existing tenure lease

In addition to the Marina application, the application requires a permitted use of the statutory right of way to access the proposed development. This roadway is known as Abbey Road.

Due to the expressed concern with this application from local cattle farmers during the site inspection, noted below, the Commission indicated that it would delay its decision until the week of October 24<sup>th</sup> to allow for further written comments from those wishing to do so. On October 20, 2005 the Commission received further correspondence from Noreen Thielen, Charlesworth Ranch, and subsequent correspondence from the applicant, Brant Cullum.

**Site Inspection**

A site inspection was conducted on October, 11, 2005. Those in attendance were:

- Commissioners Marshall, Huscroft & Purdy
- Agricultural Land Commission Staff: Ron Wallace, Regional Research Officer
- Ministry of Agriculture and Lands Staff: Rieva McCuaig, Resource Stewardship Agrologist
- Applicant: Brant Cullum, President, Sunshine Houseboat Vacations
- Local cattle farmers and residents including Noreen Thielen, Charlesworth Ranch, the current holder of the Ashfire Grazing Lease.

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The Commissioners were shown the site of the proposed development including the access route for both the public boat launch and cattle route.

The site inspection lasted from roughly 2:00 p.m. to 2:30 p.m.

### **Commission Discussion**

Upon final review the application was approved based on the following conditions:

- At the south side of the proposed tenure area Sunshine Houseboat is to provide watering facilities and a pumping system to ensure that water is available at all times sufficient for the number of cattle legally allowed on the Ashfire Grazing Lease (volume approximated @10-12 gal a day per head). This water is to be available whenever the cattle are legally allowed to be on the Ashfire Grazing Lease. This water requirement is waved when the houseboat operation is shut down for the season. The water system is to be funded, installed and maintained by Sunshine Houseboat Vacations.
- The cattle's traditional access to water is to be maintained. The cattle access adjacent to the new boat launch is to be as large as possible to cause the least possible disruption to the cattle. An easement(s) should be registered on title of the subject property to ensure continuity of access.
- A large sign is to be posted stating the use of ATV's, quads and motorbikes is prohibited except for the utilitarian purpose of transporting goods and materials.

These conditions will also apply to the heirs and successors of both the Sunshine Houseboat Vacations Ltd tenure permit and the holders of the Ashfire Grazing Lease.

Sunshine Houseboats is to send a registered letter to the holder of the grazing lease (Charlesworth Ranching) which outlines the conditions and confirms details as to the supply of water and access. A copy of this letter is to be sent to the ALC.

### **IT WAS**

**MOVED BY:** Commissioner C. Huscroft

**SECONDED BY:** Commissioner M. Marshall

THAT the staff report be received and the application to use 4.3 ha of Crown ALR land for a commercial houseboat moorage and marina be approved subject to the conditions noted in the discussion.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED



**Staff Report**  
**Application # L – 36151 – 0**  
**Applicant: Sunshine Houseboat Vacations Ltd.**

**DATE PREPARED:** September 29, 2005

**TO:** Chair and Commissioners – Kootenay Panel

**FROM:** Simone Rivers, Regional Research Officer

**PROPOSAL:** To use 4.3 ha of Crown ALR land for a Commercial Houseboat Moorage and Marina.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The purpose of this proposal is to provide the following:

- Allow expansion of the existing operation
- Provide moorage for 30 houseboats
- Provide charter facilities
- Provide small craft moorage
- Provide economical disposal of septic waste from the houseboats
- Provide appropriate boat launch facilities for the houseboats
- Provide additional public boat launch capacity
- Rectify issues with the existing tenure lease

In addition to the Marina application, the application requires a permitted use of the statutory right of way to access the proposed development. This roadway is known as Abbey Road.

A detailed Management Plan for the proposed expanded houseboat operation was included with the application.

Currently this land is included in the Ashfire Grazing Lease and is managed by the Ministry of Forests. The Ashfire Grazing Lease has an allocation of 100 Animal Unit Months with access to water to the east of the proposed tenure area, west of the tenure area and from a small lake on the southern portion of the grazing lease. Access to water will be maintained.

Approximately 165 head of cattle are grazed on this lease. This results in the pasture being grazed for 18 days per year. If this grazing period coincides with the summer operating period of the houseboat operation, Sunshine Houseboat Vacations is prepared to provide additional water for the cattle.

The Ministry of Forests has requested that the 4.1 ha site be fenced to control movement of the cattle. This will not inhibit the access to Lake Kooacanusa by cattle, but will result in a small loss of forage area. The amount of forage loss to cattle is approximately 2/3 of a round bale of hay. The grazing leaseholder has stated that they are not concerned about this minor loss.

The applicant states that the forage that is lost to cattle will then be available for use by ungulates. There will be minimal use of the site during the off-season period, and it is expected that the proposed septic field area will produce more forage than the native soils.

The proposed tenure area will be fenced to control movement of cattle as requested by the Ministry of Forests. Access for cattle will be maintained to the east of the property, west of the property adjacent to the boat ramp; as discussed with Charlesworth Ranching, the Kootenay Livestock Association, and the RDEK Agricultural Planning Committee. In addition, water will be pumped from the lake space to the south side of the tenure area at a rate of 1.2 gpm for a total of 10 gallons per day for each of the 165 head of cattle during any potential periods of joint use of the grazing lease and summer operations for the houseboat operations.

**Local Government:**

Regional District of East Kootenay

**Legal Description of Property:**

PID: 023-326-298  
Lot 226, District Lot 329, Kootenay District, Plan 1171

PID: 015-916-251  
Part of Lot 239, District Lot 329, Kootenay District, Plan 1171

**Location of Property:**

West side of Lake Koocanusa and on the south side of Gold Creek Bay. The Gold Creek Bay Forestry campground is immediately west of the proposed site. The proposed tenure area is approximately 95 km from Cranbrook and 75 from Fernie

**Size of Property:**

Lot 226 4.1 ha (The entire property is in the ALR).

Lot 239 0.2 ha (The entire property is in the ALR).

**Present use of the Property:**

Crown grazing lease

**Surrounding Land Uses:**

**WEST:** Ministry of Forests Gold Creek Bay Recreation Site (ALR)  
**SOUTH:** Grazing Lease (ALR)  
**EAST:** Grazing Lease (ALR)  
**NORTH:** Lake Koocanusa (non-ALR)

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 82G/3  
The majority of the property is identified as having secondary ratings.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**The Regional District of East Kootenay Regional Board:** The Board adopted the following resolution: That the RDEK supports the application subject to

1. No use of ATV's, quads or motor bikes within permitted land
2. Traditional access to water left as is and boat-launching ramp be constructed away from said area
3. An alternative source of water for an off site watering facility for cattle be installed and made available should there be an interruption of access to above source.
4. All costs associated with installation and materials be borne by permittee.


**Advisory Planning Commission:** The APC for Area B supported the LWBC tenure referral subject to land being outside the ALR. The commission did have concerns regarding the high-end count of 30 houseboats & their subsequent use on the Lake. However, they do support Sunshine Houseboats verbal agreement to provide adequate water supplies and full access to gold bay bottom for the livestock and range holder.

**Agricultural Advisory Commission Areas B & C:** The AAC supported LWBC tenure referral subject to tenure permits including conditions as supported by the RDEK. The Committee feels strongly that these conditions be part of requirement of any Permit of License issued by LWBC as it helps mitigate impacts on agriculture now and in the future.

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**END OF REPORT**

  
Signature

  
Date