



## STAFF REPORT

**Title:** Encroachments on City-Owned Property

**Meeting Date:** October 15, 2019

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### **Executive Summary:**

During the summer of 2019 the City undertook a review of encroachments on City-owned lands throughout the community. A summary of the findings is presented for consideration.

### **Background:**

During its' 2019 Budget Deliberations, Council had allocated funds to examine the issue of encroachments on City-owned lands along the lakeshore as well as throughout the community. A summary of the findings are presented below.

### Lakeshore Area

The City contracted Stantec Geomatics to conduct a survey of the City's lakeshore Municipal Reserve and Environmental Reserve lands and catalogue all encroachments that were observed. As part of the project, the surveyors placed stakes to delineate the location of the boundary between the City's land and the private residences. Where encroachments were located, Stantec prepared a formal Real Property Report detailing the extent of the encroachment(s) on the City's property and also provided photos of the associated encroachment. The type of encroachments observed range from simple fire pits and stairs to access the lake, to more elaborate patios, docks and sheds. In total, 68 lakeshore properties were found to have encroachments on the City's reserve land. In a small number of instances, it was not readily apparent which of the adjacent properties the observed encroachments belonged to.

In early September, Administration was contacted by Alberta Environment and Parks (AEP) regarding private encroachments on Crown lands along the lake. AEP indicated that Horseshoe Bay has been identified as one of several high-priority areas for enforcement action and that AEP would like to coordinate with the City, to ensure that residents don't simply move their items from the Crown Lands to the City's reserve land. Administration requested that AEP send a letter outlining their plans and what assistance they are seeking from the City so that Council can consider the request.

It should also be noted that the Municipal Government Act sets out the uses of Environmental Reserve land and Municipal Reserve land as follows:



- Environmental Reserve: *environmental reserve must be left in its natural state or be used as a public park.*
- Municipal Reserve: *a public park; a public recreation area; school board purposes; to separate areas of land that are used for different purposes.*

#### Remainder of the City

Further to the above the City undertook a review of encroachments on City lands throughout the community, excluding the lakeshore area that was surveyed by Stantec. A total of 104 encroachments were noted. The vast majority of the encroachments observed were trailers/RVs/boats being stored on City properties or within lane/road rights-of-way. As the field assessments were being conducted in July/August it is expected that the actual number of encroachments will increase through the fall as residents bring their RVs and boats into town for winter storage.

The encroachments that involve vehicle/trailer parking on public lands could be addressed under the City's *Traffic Bylaw 536-PL-14* and the *Parks and Public Facilities Bylaw 539-PL-14*:

*Traffic Bylaw 536-PL-14 Sections 5.16-5.17:*

*"5.16. No person shall park a vehicle in an alley except while loading and unloading goods:*

*5.16.1. from a commercial vehicle; or*

*5.16.2. from a passenger vehicle for a period of not more than 15 minutes.*

*5.17. Notwithstanding Subsection 5.16, no person shall park a vehicle in an alley such that the passage of other vehicles through the alley is obstructed."*

*Traffic Bylaw 536-PL-14 Section 5.3:*

*"5.3 Unless required or permitted by a traffic control device, this bylaw, the Traffic Safety Act, in compliance with the direction of an officer or in order to avoid conflict with other traffic, no person shall stop, park or leave a vehicle:*

*5.3.24. on any land owned by the City unless designated as a parking area without the express or written approval of the CAO."*

*Parks and Public Facilities Bylaw 539-PL-14 Section 7.11:*

*"7.11 Except in areas designated or intended for vehicle movement or parking, no person shall park or drive any vehicle, including an off highway vehicle in or upon any park area or public facility unless permission has been obtained from the City of Cold Lake."*



The remainder of the encroachments observed were primarily fences and sheds. It should be noted that the assessments were undertaken using the City's GIS and field observations. A formal legal survey was not conducted as was done for the lakeshore area. Given this, it is expected that small encroachments, which could not be identified using GIS or field inspection, will continue to be found through applications for Compliance Certificates and Development Permits. In those cases where a significant encroachment of real property such as fences or structures was observed.

Administration would suggest that the City obtain a real property report to accurately evaluate the extent of the encroachments that are of a fixed or permanent nature.

#### Next Steps

Items to consider when discussing how to address the encroachments moving forward would include:

- Impact of the encroachment(s) on public access or public use of City-owned land;
- Impact of the encroachment(s) on City or Franchise utilities;
- Impact of the encroachment(s) on City operations and maintenance;
- Potential liability exposure;
- Municipal Government Act regulations regarding the use of Reserve Land and Public Utility Lots;
- Expectations of the adjacent landowners and members of the public

Administration would recommend that Council hold a public meeting to gather feedback from the community as a whole, regarding the direction that the City should take in addressing encroachments throughout the City. This process should include a community consultation input process.

Potential solutions to the encroachment issue include but are not limited to the following:

- Removal of various reserve designations (if desired);
- Encroachment agreements/Leases/Licenses;
- Land disposition(s);
- Enforcement

Administration anticipates a combination of these potential solutions, amongst other solutions, will be required in order to satisfactorily address the encroachment issues throughout the community.



**Alternatives:**

1. That the Corporate Priorities Committee recommend that Council hold a public meeting to gather citizen feedback regarding the direction that the City should take to address encroachments on City lands.
2. Accept as information only.

**Recommended Action:**

Administration recommends that the Corporate Priorities Committee recommend that Council hold a public meeting to gather citizen feedback regarding the direction that the City should take to address encroachments on City lands.

**Budget Implications (Yes or No):**

No

**Submitted by:**

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