



## Request for Decision

Council Meeting: April 9, 2019

### **8.15 - Request for Encroachment License on Lot 4ER, Block 2, Plan 7922083**

#### **Request**

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At the September 14, 2018 regular council meeting, County Council made a motion to enter into an encroachment license with the owners of Lot 12&13, Block 2, Plan 7922083 to accommodate the deck, outdoor kitchen as well as the shower and sauna buildings that encroach onto Lot 4, Block 2, Plan 7922083. A real property report and subsequent encroachment license would be obtained at the owner's expense.

The landowners are requesting that County Council consider allowing "shed 1" and the outhouse to be included on the encroachment license.

Section 3.3 (1) of the Land Use Bylaw states that: Permanent development may be allowed to exist on Environmental and other Reserve Lands adjacent to lakes and other waterbodies only if it serves the interests of the general public.

Section 671(1) of the Municipal Government Act states that subject to section 676(1), environmental reserve must be left in its natural state or be used as a public park.

#### **Alternatives**

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Council directs administration to prepare a bylaw under section 676(1) of the MGA to allow for a use not specified under section 671(1). A public hearing and advertisement in accordance with 606 and 230 are required. Following enactment of the bylaw, a Real Property Report will be provided by the owners and an encroachment license will be entered into between the landowners and the County of St. Paul. All costs including advertisement, obtaining a Real Property Report, and encroachment license creation will be that of the landowner.

Council uphold Land Use Bylaw 2013-50, section 3.3(1) and MGA 671(1) and deny the request for an encroachment license for shed 1 and the outhouse.



## Recommendation

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Administration is recommending to uphold Land Use Bylaw 2013-50, section 3.3(1) and MGA 671(1) and deny the request for an encroachment license for shed 1 and the outhouse.

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**Submitted by:** Krystle Fedoretz, Director of Planning and Development