

Staff Report

Presented By: Dawn Mittelholtz, Manager, Legislative Services/Clerk
Meeting Date: January 6, 2025
Subject: Encroachment Policy Update
Attachment(s): Draft Encroachment Policy

Recommendation

That Council adopt the Encroachment Policy.

Report Summary

The Town's Encroachment Policy was last updated in 2015 and is due for review. The concepts of the Policy have not altered significantly, but it reaffirms that encroachments are not permitted unless there is a demonstrated need. The Policy also outlines responsibilities, alternative remedies, and how an application may be considered.

Background/Analysis

The Town of Saugeen Shores adopted the Encroachments on Municipally Owned Lands Policy on June 9, 2005, and then updated it on December 14, 2015. The Town has grown and changed significantly over this time-period. A review of this Policy was due.

The Policy was reviewed and considered for its existing strengths and areas that could be improved to meet the values of the Town and Council concerning the preservation of Town owned land. Town property was considered to have two general purposes: Town operations and/or public use. Encroachments, regardless of their degree of encroachment, take the land from these intended purposes which may not be in the best interest of the public or the corporation.

The format of the Policy was updated to align with the Governance Document Framework approved by Council on November 13, 2023, which resulted in a recognition of legislative authority, a definition section and stated intent. The Policy starts by clearly stating that encroachments are not permitted, then becomes more specific on different types of encroachments, when an encroachment may be considered, what other remedies may be more appropriate than an encroachment agreement, what happens if the policy is contravened, and how an encroachment may be granted, if warranted.

An addition to the Policy is an exclusions section that provides for the consideration of the Sidewalk Patio and Sidewalk Café Policy, Sale and Other Disposition of Land Policy, Licensing Agreements or other forms of agreement.

Town owned land is an asset to the municipality, therefore, the responsibility for administration of the Policy will be with Development Services, as a function of Asset Management.

Linkages

- Strategic Plan Alignment: Pillar 1: Meeting the Needs of a Growing Community
- Business Plan Alignment: Corporate Services Division Highlight

Financial Impacts/Source of Funding

No costs or revenue is associated with this report.

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Reviewed By: Jim Bundschuh, Director, Corporate Services
Mark Paoli, Director, Development Services

Approved By: Kara Van Myall, Chief Administrative Officer