

# Council Policy

---

Policy Number: ply\_P&D\_Encroachment Agreement

---

## Encroachment Agreement Policy

---

Date Approved by Council :April 12, 2016

County Commissioner: 

---

**1. Purpose**

To establish a consistent approach with regard to the processing and review of an application for an Encroachment Agreement authorizing the encroachment of an improvement onto adjoining land owned by or under the direction, control and management of the County.

**2. Revision History**

Replaces Policy DEV-ENC-1 adopted in 1999.

**3. Policy Statement**

Sturgeon County may consider entering into an Encroachment Agreement with a landowner who has constructed a private structure or landscaping improvement which encroaches onto adjoining land owned by or under the direction, control and management of the County. Notwithstanding the foregoing, Sturgeon County will not consider entering into an Encroachment Agreement respecting any encroachment onto Environmental Reserve or any encroachment that negatively impacts County operations or public safety.

**4. Definitions**

4.1 **County owned land** includes all land registered in the name of Sturgeon County and includes but is not limited to land under the direction, control and management of the County, including parcels of land designated as Municipal Reserve, Environmental Reserve, Public Utility lots and Road Allowances, as well as easements and right-of-ways registered in the County's name across privately owned land.

4.2 **Encroachment** means any improvement, structure, building or landscaping improvement constructed by a private landowner which encroaches over or under the property line onto County owned land.

4.3 **Encroachment Agreement** means a legal contract between the County and an adjacent property owner to allow an encroachment onto County owned land.

4.4 **Major Encroachment** means an encroachment that covers 50m<sup>2</sup> or greater area.

4.5 **Minor Encroachment** means an encroachment that covers less than 50m<sup>2</sup> in area.

**5. Roles and Responsibilities**

5.1 **Current Planning and Development:** To process an application for an Encroachment Agreement.

5.2 **Legislative Services:** To review any proposed Encroachment Agreement.

5.3 **Chief Administrative Officer or his designate** to decide on applications for proposed Encroachment Agreement for minor encroachments.

5.4 County Council to decide on applications for a proposed Encroachment Agreement for major encroachments.

**6. Cross References**

Fees and Charges Schedule

Encroachment Agreement Procedure (prd\_P&D\_EncroachmentAgreement)