

Request for Decision

File No: Q 126 000

Date April 23, 2025
Author Jamie Davies, Recreation & Control Services Supervisor
Michele Bates, General Manager, Development & Protective Services
Subject Moyie Lake Public Access Encroachment

REQUEST

To provide direction in rectifying the existing encroachment on a portion of land at Moyie Lake Public Access Park.

OPTIONS

1. THAT subsequent to a Notice of Disposition being published, the Chair and CAO be authorized to enter into a five-year lease agreement with the owner at 3081 Park Road, in the Moyie area for a portion of land at Moyie Lake Public Access Park.
2. THAT staff be authorized to proceed with the following option as outlined in the April 23, 2025 Request for Decision, to rectify the encroachment on a portion of land at Moyie Lake Public Access Park:_____

RECOMMENDATION

Option 1

A five-year term lease agreement would provide time for the RDEK to determine the needs of the park and potential effects to the adjacent property. Entering into a lease agreement with the adjacent property owner would contribute to annual park operations and maintenance costs.

BACKGROUND/ANALYSIS

In October 2024, the Regional Parks Plan was amended to include Moyie Lake Public Access as an Electoral Area C Park. As per section 279 of the *Local Government Act*, this land has been designated as a Regional District park since 1902.

This park is located at the southwest end of Moyie Lake. The area includes limited parking, a gravel boat launch, a small dock and approximately 0.5 acres of forested area.

In 2024, a legal survey was completed to determine the boundaries of the park. The legal survey determined that the adjacent property owner has one recreational vehicle, two sheds and multiple decks that are encroaching on the park. The adjacent property owner has owned the property since 1989.

Staff have met with the adjacent property owner and have discussed the options that could be considered to rectify the encroachment. The owner has voiced a preference in either leasing or subdivision and purchase of the “proposed lease area”.

Options to Rectify the Encroachment

Option 1: Removal of the Encroachments

The adjacent property owner would be required to remove the encroachments and be provided 60 days to do so.

Option 2: Lease Agreement

The RDEK and the adjacent property owner would enter into a lease agreement for a period of time to determine the impacts of the park on the encroached land and the needs of the RDEK. Following the expiration of the lease, the lease could either be renewed or one of the other options listed in this report to rectify the encroachment could be considered. The lease term proposed is for a five-year term with the provision that either party could cancel the lease with notice.

Option 3: Boundary Adjustment

A boundary adjustment be completed to consolidate the “proposed lease area” with the adjacent owner’s property. The “proposed lease area” would be larger than the 309 m² shown but not larger than 450 m² to allow for the required zoning bylaw setbacks.

Option 4: Subdivision

The “proposed lease area” would be subdivided into a separate lot with the adjacent property owner having the opportunity to purchase. This would not be the preferred option as it would create a small lot which may not be able to meet subdivision servicing requirements.

SPECIFIC CONSIDERATIONS

Financial

An annual lease fee for the proposed leased area will be determined at a rate which will assist with costs associated with park operations and maintenance costs which are estimated at \$8,000 per year. These costs include brushing and clearing, installation of picnic tables and pit toilets.

Comparisons of recreational lot leases in the RDEK range from \$2,700 to \$9,100 per year with higher costs being in the Columbia Valley or on waterfront property. Lease fees for properties along the Moyie River range from \$3,500 to \$4,250 per season, or \$4,700 per year. Staff will carry out the negotiations with the owner and will consider engaging a consultant to carry out a market analysis to assist in determining an appropriate lease rate.

It is proposed that the costs of a market analysis, removal of encroachments, boundary adjustment and subdivision options would be the responsibility of the adjacent property owner.

Notice of Disposition

Disposition of property may include assigning, granting, selling, charging, conveying, leasing, or divesting property owned and controlled by the RDEK.

Before the RDEK can dispose of land or improvements, it must publish public notice of the proposed disposition in accordance with the *Community Charter* and *Local Government Act*.

Attachments:

- Survey Plan
- Survey Plan of Proposed Lease Area
- Location Plan
- Aerial Photo
- Photos