



Report to Council

Department: Development Services

Division: Planning

Date: March 15, 2021

Prepared by: Corinne Chiasson, Assistant Planner

Report Number: Planning 2021-04

Subject: Natural Heritage Conservation Easement Agreement –
3rd Concession Road, Part Lot 17, CON 2, designated
Part 1 on 12R-28527

Number of Pages: 4 including attachments

Recommendation(s)

That Planning Report 2021-04 entitled Natural Heritage Conservation Easement Agreement – Part Lot 17, CON 2, designated Part 1 on 12R-28527, prepared by Corinne Chiasson, Assistant Planner, dated March 15, 2021 be received, and

That Council adopt Bylaw 1994 being a bylaw to enter into a Conservation Easement Agreement between the Owner of Part Lot 17, CON 2, designated Part 1 on 12R-28527 and The Corporation of the Town of Essex.

Purpose

To provide Council with background information regarding the requested natural heritage conservation easement agreement for lands identified as Part Lot 17, CON 2, designated as Part 1 on 12R-28527 in the former Township of Colchester South, Ward 3.

Background and Discussion

On November 17, 2020, the Town of Essex Committee of Adjustment approved an application for Consent to Sever (B-18-20) for the subject lands known municipally as 3873 3rd Concession Road, currently owned by Mr. Marc Johnston, and located in the former Township of Colchester South, Ward 3.

The approval by the Committee resulted in the severance of a 6.88 acre parcel from the subject lands to be added to the abutting lands identified as 3881 3rd Concession Road, also owned by Mr. Johnston. The retained parcel resulted in a balance of 5 acres. The severed and retained portions are outlined in **Figure 1**.



Figure 1. Severance proposal for 3873 3rd Concession Road

The severed parcel contains an existing natural heritage feature that has been identified as a significant woodlot, valleyland, and Provincially Significant Wetland. As a result, a condition of the Committee's approval requires the Owner to enter into a Conservation Easement Agreement with the Town of Essex in order to prohibit any use which would damage or destroy the "Protected Area", identified as Part Lot 17, CON 2, designated as Part 1 on 12R-28527, or prevent its reforestation and enhancement. 12R-28527, identifying the "Protected Area" is **attached to this report**.

This condition was applied by the Committee to ensure that the Consent to Sever complied with the policies of the Provincial Policy Statement (PPS) and the natural heritage policies of the Town's Official Plan. The Owner is in agreement with this condition and has reviewed the Conservation Easement Agreement **attached to this report**. Council's approval of Bylaw 1994 is required to execute the Agreement. Once executed, the Agreement will be registered on title for the lands identified as Part 1 on 12R-28527 only.

Financial Impact

None. The applicant's solicitor will be registering the agreement on title, thus the costs associated with this will be borne by the applicant. For future such agreements, the respective applicant will be responsible for these costs.

Consultations

Robert Auger, Town Solicitor/Clerk

Jeffrey Morrison, Director, Corporate Services/Treasurer

Rita Jabbour, Manager, Planning Services

Kevin Carter, Manager of Building Services/Chief Building Official

Dan Lebedyk, Essex Region Conservation Authority (ERCA)

Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- ☐ Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.

Report Approval Details

Document Title:	Natural Heritage Conservation Easement.docx
Attachments:	- BYLAW CONSERVATION EASEMENT.docx - 2020-372 Ref Plan - Final.pdf
Final Approval Date:	Mar 10, 2021

This report and all of its attachments were approved and signed as outlined below:

Rita Jabbour, Manager, Planning Services - Mar 9, 2021 - 6:56 PM

A handwritten signature in black ink, appearing to read "Lori Chadwick".

Lori Chadwick, Director, Development Services - Mar 10, 2021 - 9:06 AM

A handwritten signature in black ink, appearing to read "Chris Nepszy".

Chris Nepszy, Chief Administrative Officer - Mar 10, 2021 - 11:44 AM