

Trina Cruikshank

From: Catherine Vanderwereld [REDACTED]
Sent: November 17, 2021 1:56 PM
To: Mayor Young; Denise Blackwell; Lanny Seaton; Lillian Szpak; Matt Sahlstrom; Norma Stewart; Roger Wade; Marie Watmough; Braden Hutchins; Darren Kiedyk
Subject: 2684 Selwyn Road

I am very much against removing the covenant on this land.

Poor Mr. Jennings would be so sad to know that his wishes to preserve and protect his land are being ignored.

Catherine Vanderwereld
3484 Happy Valley Rd.

From: [Colette Miller](#)
To: [Mayor Young](#); [Lanny Seaton](#); [Denise Blackwell](#); [Matt Sahlstrom](#); [Norma Stewart](#); [Lillian Szpak](#); [Roger Wade](#); [Langford Planning General Mailbox](#)
Subject: Re: 2684 Selwyn Road – Covenant Removal
Date: November 14, 2021 9:16:52 PM

Good evening Mayor and Council

Further to my email previously sent it has come to my attention that the original owner was

Residents remember [REDACTED] and how [REDACTED] biggest wish was to never have [REDACTED] sheep farm subdivided. Hence why the covenant is in place. I hope Mayor and Council will remember [REDACTED] and respect [REDACTED] wishes and keep the covenant standing.

Thank you again.

Colette & Aaron Miller
552 Hoffman Ave, Victoria, BC V9B 5W4, Canada

On Sun., Nov. 14, 2021, 16:11 Colette Miller, [REDACTED]
Good day Mayor Young and Council Members,

I am writing today regarding the 2684 Selwyn Road – Covenant Removal noted on the Nov 15, 2021 agenda. I would like to voice my opposition to this request. 2684 Selwyn is a very unique ecosystem within Langford and home to diverse wildlife - numerous garry oaks and arbutus trees. Our house abuts onto the property and it is a rare sight to be so close to the core and be surrounded by such beauty. It is a gem that should be preserved by the City. Many homeowners in the area have purchased their house knowing that the property behind them was protected by a covenant. A covenant imposes duties or restrictions upon the use of that land **regardless of the owner**. What is the point of a covenant if in the end, it can be removed?

The owner's were fully aware of the covenant in place when they purchased the property years ago and have tried previously in the past to have the covenant removed, which Council denied. The report notes how the property has not been taken care of by the homeowner. Which makes one wonder if this was the homeowner's plan all along? Let it get so run down that it would force Council to reconsider removing the covenant? If the homeowner was so keen on buying land and subdividing it, why did they choose a property, which has a

covenant in place for nearly 20 years ago and is also part of a Woodland Sensitive Ecosystems Development Permit Area? I also believe that the TLC probably only sold the property due to financial constraints in 2015.

It is interesting that the letter following this staff report to council is regarding the City of Langford's commitment to reducing the carbon footprint. Please ask yourself how will allowing the covenant to be removed and the property ultimately subdivided help the City meet this commitment?

The covenant was put there for a reason and Council has denied this request before. I truly hope that Council will once again deny this application again.

Thank you

Colette & Aaron Miller
Annie & Hardy Schultz
552 Hoffman Ave

Trina Cruikshank

From: Kara Middleton [REDACTED]
Sent: November 17, 2021 1:46 PM
To: Mayor Young; Norma Stewart; Denise Blackwell; Lillian Szpak; Matt Sahlstrom; Lanny Seaton; Roger Wade; Langford Planning General Mailbox; m.baldwin@langford.ca
Subject: Re: Public Hearing, November 17, 2021: Covenant Removal at 2684 Selwyn Road

Dear Mayor, Council and Planning Department of the City of Langford,

I am relieved that The Land Conservancy is now reconsidering the removal of its covenant at 2684 Selwyn Road.

I agree that much of the property is in a degraded state, and that the central part has already been cleared. Logs are stacked there. Indeed it looks, in its present state, like only the small Garry Oak meadow at the front and the larger Oak and Fir groves on the back slope are worth preserving as parkland.

Garry Oaks are a red-listed species, and it's time for all of us in Langford to protect these trees, and restore ecosystems that they nurture.

However, there is also a remarkable opportunity here, to rehabilitate the ENTIRE piece of land.

The Planning report states that some of the property could be used as a "repository" for salvaged Native Species. This idea could be taken much further: salvaged plants could be re-homed there permanently, and carefully, to regenerate a natural ecosystem over the entire property.

I have been participating in Invasive Species removal and Native Plant salvage and planting, in several locations around Langford. I recently received Native Plant salvage training from Habitat Acquisition Trust.

The City of Langford could collaborate with community volunteers, and perhaps TLC and HAT, to create a natural legacy park, with native plants that would otherwise be sacrificed for development. Additionally, owners of the excavation sites involved could make contributions to the project - (eg. providing tools, soil, etc) - as a show of goodwill that would get lasting public acknowledgment and gratitude.

Such a restoration project could also be an amazing educational opportunity. We could have interpretive signage. There could also be schools involved - not just in visiting the park, but maybe even in helping with some of the planting. There is a school just a few blocks away. Royal Roads University, or Horticultural programs from other institutions, might be interested in being involved too.

Also, Mill Hill Park, and the CRD Parks headquarters, are close by. Maybe there could be interpretive programs and events at the Selwyn property hosted by both CRD Parks and Langford Parks.

A restored Garry Oak meadow is also an act of Reconciliation. These ecosystems provided Camas, a staple and sacred food of Indigenous people who lived here for thousands of years. The meadows were tended with reverence.

I believe that the restoration of 2684 Selwyn Road would not only be a wonderful project environmentally, but would also be a real community-builder - and a source of pride and hope for all of us in these very difficult times. I would be thrilled to be part of this.

Thank you very much,

Kara Middleton

628 Kingsview Ridge

Trina Cruikshank

From: Matt Rodgers [REDACTED]
Sent: November 17, 2021 1:32 PM
To: carmstrong@conservancy.bc.ca; lbron@conservancy.bc.ca; Mayor Young; Norma Stewart; Lillian Szpak; Denise Blackwell; Roger Wade; Matt Sahlstrom; Lanny Seaton
Cc: Darren Kiedyk; Marie Watmough; Matthew Baldwin; Adriana Proton; Langford Planning General Mailbox
Subject: 2684 Selwyn Road covenant

Dear Land Conservancy of BC and Langford Mayor and Council,

I was disappointed to hear Langford mayor and council and The Land Conservancy (TLC) are considering removing the covenant protecting 2684 Selwyn Road. Removing this covenant goes against TLC's vision to protect the biological diversity of BC, including areas of scientific, historical, cultural, scenic and compatible outdoor recreational value and TLC's mission to protect and restore the biological diversity of BC for present and future generations through action and education. Removing this covenant also goes against the City's community sustainability goal to maximize and maintain the ecological value of natural areas as outlined in the Official Community Plan.

My concerns include the following:

- Dead and decaying trees on the property serve an important ecological purpose and act as wildlife trees, providing food sources and habitat for birds, bats and small mammals;
- Despite its relatively small size, this property is home to a variety of wildlife, including deer, eagles, bats, owls, migratory birds, song birds, and western garter snakes, among others;
- Much of the area home to the endangered and culturally important Garry oak ecosystem, as well as arbutus and mature Douglas fir trees;
- Local community volunteers, including myself, have the experience and knowledge to restore the land to a more natural state; and,
- The covenant does not allow for a "considerable area" of the property to be developed as described in TLC's 2017 letter - per the covenant, Mr. Jennings had hoped for maintenance of existing structures on the property and that the Anglican Church would build a chapel or place of worship for quiet meditation.

I highly recommend that mayor and council and TLC keep the covenant in place so that community volunteers like myself can coordinate a restoration effort on the property, potentially in collaboration with Langford parks. On Earth Day earlier this year a group of community volunteers worked with Langford Parks to replant the understory of the forest around Jordie Lunn bike park and, more recently, volunteers worked with Langford Parks staff to remove invasive plant species and replant riparian areas in Cedar Vale park. Should 2684 Selwyn remain under protective covenant, community volunteers such as myself have the desire, experience and knowledge to restore the site to a more productive ecological state. Finally, the close proximity of the property to Savory Elementary School also provides a potential opportunity for Savory students to take part in the restoration and use the restored site for ecological education purposes.

I urge you to do the right thing for the community and what remains of its natural environment by keeping this covenant in place.

Sincerely,

Matt Rodgers
2711 Windman Lane

Trina Cruikshank

From: Neil Hagerty [REDACTED]
Sent: November 17, 2021 8:06 AM
To: Langford Administration General Mailbox
Subject: 2684 Selwyn Road - Covenant Removal/ Meeting November 17, 2021

Hello Adriana,

I hope that you can read this for me at the meeting tonight. I was prepared to attend on Monday but have prior engagements tonight. I have also sent copies to a few of the neighbours in the event that you are unable to present it.

Thank you,

Dear members of the council,

Thank you for providing the opportunity for us to discuss our concerns regarding the Covenant at 2684 Selwyn Road. My name is Neil Hagerty and I reside at 517 Selwyn Oaks Pl with [REDACTED]. Our property is immediately to the North (right side) of this parcel of land and backs on to it. My apologies for not attending; I was prepared to attend the Monday meeting and discuss these concerns in person, but unfortunately I have prior engagements for this evening.

I write to you today requesting that the council immediately reject the application to remove the covenant, fine the property owner for violating the Covenant currently in place and force them to return the property to its pre-existing condition, or as reasonably close as possible.

We purchased our home in [REDACTED] and one of the major selling points was that it backed on to a green space with a covenant that it could not be developed into a major residential project. For the first 3 years of living in the home we enjoyed the shade and peace provided by the forested area. It was a beautiful property with lots of wildlife that roams through and those that made it their home. We have seen families of raccoons, squirrels, many birds and lots of deer use this space continuously. We even witnessed on two occasions deer giving birth to offspring in this space. It was a safe space for them and provided for peaceful living for us.

In late summer or early fall of 2019, the owner of the property started cutting down trees in the space and later in the fall started excavating the land, scraping much of the top soil, grass, moss and other forest floor material away, exposing the bedrock. All of the material was moved to the rear of my property and piled against a large tree. Additionally, they have removed a lot of the soil around other trees that remained in place, compromising the root system. Where was once a beautiful forest, is now a partially cleared work site with a giant mound of dirt that has been over taken by huge weeds and pooling rain waters at the rear of our property. It has created a nuisance affecting the use of our own property. In March 2020, three trees from that property fell damaging our fence, destroyed our garden shed and caused significant damage to our neighbours home as well. They had removed so much dirt from around the base of those trees that they simply fell over with some wind. Additionally, the pooling of water and the huge mound of dirt have increased the bugs and rodents in the area and is a major eyesore at the back of our property. Lastly, the removal of the trees has increase the wind load through that area and threatens other trees that remain in place. The property owners negligence and actions have caused damage to our property and affected our enjoyment of the property. We have attempted to contact the landowner for compensation on this matter, but [REDACTED] refused to accept responsibility or even apologize for such matters. They've even gone so far as to tell our insurer that they did not excavate the area, but we have photos of the before and after if you wish for us to share them.

The property owners actions were reported to the City of Langford in the fall of 2019 and we were advised that there was no tree protection bylaw and [REDACTED] could do what [REDACTED] wants with [REDACTED] land. We inquired about the intended purpose of

the clear cutting and excavation and were told that the property was zoned for one house no more than 4000 square feet. In review of the covenant, it is clear that the property owner did not follow the restrictions in place with respect to the removal of trees, because [REDACTED] was not intending to build a single home, nor was [REDACTED] making revisions to current buildings or pathways. Therefore, [REDACTED] is in direct violation of the current covenant and should be reprimanded accordingly.

Furthermore, we would like to discuss the application for the removal of the covenant and the documents provided. I will start by referencing the letter provided by Andrew MacKinnon, the Conservation Manager with The Land Conservancy dated August 30, 2021. The Letter states that the property does not represent, and is not connected to, a significant ecological reserve area, yet in In a write up dated 23rd June 2015 on their website they state "this site also hosts Garry oak trees and associated species. Garry oak ecosystems are threatened, so every place that contains these rare species are incredibly valuable." Therefore, before accepting their recommendation, a review should be conducted into how the TLC went from this statement in 2015 recommending preserving the covenant to the statement in 2017 discharging its role as the covenant holder. <http://conservancy.bc.ca/2015/06/jennings-covenant-ants-and-armadillidiidae/> [conservancy.bc.ca]

Additionally, in that letter the Conservation Manager states that "the original owner bequeathed the land to the Anglican Church who subsequently sold the land under private sale, hence it can be argued the original owner's intent has somewhat been usurped by this change in ownership and the covenant's purpose is similarly made effectively redundant." It is inappropriate for the TLC to make such comments regarding this matter as they cannot speak to the intent of the original owner or the Anglican Church and such comments are outside their scope of authority and responsibility in this matter. It also states on their website that "All of the promises you make in a covenant apply not only to you, but also to every future landowner." Therefore, we would argue that the comments made by the TLC regarding the previous owners and the Anglican Churches intentions should be stricken from the application and not considered when you make your decision. Furthermore, the TLC has contradicted themselves twice regarding this matter, so we caution you on accepting their recommendation. The land was sold with the covenant remaining in place, so that restriction knowingly transferred to the new owner. The original owners intentions are clearly laid out in the covenant and by maintaining that covenant when selling the property, the Anglican Church intended to honor the original owners wishes. Had they intended for the covenant to be lifted they likely would have done so themselves to make more money off of the sale of the property or properties. Therefore, the City of Langford in good conscience and respect for the original owners wishes should not discharge the covenant.

Our final discussion regarding this matter is the potential development of the land in to multiple residences with park land on either end:

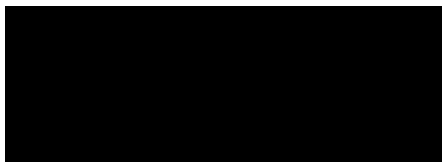
- There are real concerns regarding the volume of rock that is on the parcel of land that will have to be removed. Much of that rock is located near the side of the property that borders the homes on the Selwyn Oaks Place. Our lot was built into a hill using boulder and fill to level the ground. Our properties are positioned in a stair like order and separated by rock retaining walls. These are all man-made and subject to regular movement, but any blasting or jack hammering of the bedrock near by will likely cause significant slippage and movement of those materials resulting in damage to our properties. There is a large rock near our property that if blasted away will create significant vibration affecting three or four houses along Selwyn Oaks Place.
- On page 21 of the original Covenant agreement it talks about how the soil and bedrock combination are important for soil and moisture retention, which was scarce at the time and even more scarce now as seen by recent flooding events in Langford after the rains on November 14th and 15th, 2021. It is important to preserve that in this area in order to prevent damage to the surrounding properties. As the property currently sits partially excavated, there is already pooling and flooding of water in some of the basin areas, so should more earth be moved and those areas flattened/ removed flooding is imminent.
- The Staff Report to Council dated November 15, 2021 and recent addendum to that report states that owner would have to transfer 41% of the parcel area to the City for parks. How was this number arrived at? The covenant clearly states that the entire property is to be used only as a single residence or as park land, so saving 41% appears to be a significant and unwarranted decline in that amount. The argument is that the whole thing

should stay a park, not just a bit at each end. There are so few parks in Langford that allowing the middle of this one to be developed is a bad public policy decision.

- Stating that if the covenant stays as a park or green space is failing is complete ludicrous. As stated previously, this is a parcel of land used frequently by wildlife. The removal of trees and soils already have threatened that, but it still remains a busy area for wildlife. We fear that by developing it into a residential area, the wildlife will be displaced permanently or harmed in the process.
- The owner has shown a disregard for public procedure and has previously violated the covenant currently in place, so we have no confidence that they would be able to effectively and competently develop the property without damaging the neighbouring properties or creating further issue for the surrounding residents.

In closing, we argue that actions of the property owner from Fall 2019 to present violate the covenant currently in place and removing the covenant to allow the owner to develop the site beyond the covenant will create undue hardship on the neighbouring residents, the wildlife, the water retention of the surrounding area and the City of Langford in general. Therefore, we demand that the covenant remain in place and the owner be reprimanded for their actions to date and forced to return the property to it's original condition or as close as reasonably possible.

Thank you for your time,



Neil Hagerty



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