



March 6, 2020

Aaron Fedora
Vice President
Cedar Coast
Suite 3300 - 1021 West Hastings St.
Vancouver, BC V6E 0C3

RE: Tree Cutting Limitations - Land Surrounding National Lighthouse Heritage Site - Covenant Enforcement

Dear Mr. Fedora:

As communicated to you upon receipt of your December 23, 2019 letter regarding tree cutting on Lot 1 - remainder lot, the Society as covenant holder will review the plan with the intention to protect the interests confirmed by the covenant - October 2008. This is the first of two communications with regard to the covenant. Please note that we appreciate your willingness to extend the deadline for communication as outlined in your email because of sending the initial notification two days before Christmas, 2019.

The spirit and intent of the covenant as filed is:

The parties agree that the general intent of this Agreement is to minimize the impact of building and site development on the Land, to minimize removal of trees and associated disturbance of vegetation. This Agreement is for the benefit of all of the owners of the Land from time to time, and the Grantee, and is binding upon each owner of the Land from time to time during their ownership.

While we're certain you did your best, the Society does not believe the plan comes even close to the spirit or intent of the covenant as agreed to. We know you don't live in the community so you may not be able to appreciate the value of and the concern about the National Lighthouse Heritage Site at Sheringham Point. We further understand that you are in a position to maximize profit, clear as many trees as legally allowed in any fashion possible to insure a profit.

But the Society has a different charge - to protect and preserve the National Lighthouse Heritage Site, public access and surrounding property. That's why the covenants are in place. The plan you have submitted disrespects and tramples the intent and spirit of the covenants.

First of all the proposed “tree topping” as mentioned to the JDFA planning staff is unacceptable. Nowhere in the covenant does it allow for “topping” and if you are interpreting topping as trimming - it does not qualify. We would ask you to immediately suspend any plans for tree “topping” in any area of Lot 1.

Secondly, we are gravely concerned, as our other members of the Shirley Community, about your plan to cut tress on the southern portion of Lot 1 - the area below the strata road. This also is an unacceptable part of the plan. That section is just above the National Lighthouse Heritage Site and the Federal Government property, next door. This part of the plan would do irreparable damage to the local environment and site lines and therefore should not be a part of the plan. We ask you suspend this part of the timber plan also.

Third, the intent of the covenant was to allow for small building envelopes on Lot 1 - not one huge building envelope that is surrounded by the trail buffer. We would ask that you work with the Society to create minimal building envelopes to satisfy any buyer that there are buildable lots, not to decimate the entire area outside the buffer. While the 20% removal is permitted under the provisions of the covenant - your plan does not comply with the spirit, intent or reasonable interpretation of the covenant. We would ask that you come to the table and immediately suspend the plan to ignore the building envelope concept as outlined in the covenant and work with the Society to create useable and environmentally friendly envelopes within the perimeters of the lot.

Fourth, with regard to the driveway planned, we understand that you are considering a driveway to Lot 1 off the strata road and public trail behind the strata gate. The Society appreciates any plan that will minimize disruption of the hard fought for public trail that features walking on the strata road (Lighthouse Point Road) from the end of Seaside Drive to the lighthouse gate. It is imperative that th driveway not be located anywhere on Lighthouse Point Road because of the disruption of the public walking trail. That portion of the trail is already a challenge because of existng car and truck traffic. It looks like you have chosen a location that is within a couple of meters of the trail crossing and the strata road trail - a place that will allow dozens of cars from your new development to cross the walking trail that leads to the parking area and the trail from the upper portion of the property. This location is not acceptable and is unsafe.

The Society, in addition, would ask that when you remove timber please respect the neighbourhood and remove timber only between the hours of 9 am and 4 pm - Monday through Friday, as the noise, trucks and removal activity on the land will be a significant cause significant road safety hazards and a huge bother to the otherwise peaceful nature of the community.

Cedar Coast/Timber Plan
Lighthouse Site
March 6, 2020
page 3

Please also ask the drivers to take it slow as kids, young adults, seniors and people walking their dogs are always using the various roads and connected trails.

The community has already been disadvantaged by a marked increase in traffic due to your sub-division and unsafe driving by contractors, workers and casual labour who are the worst offenders. Safety, speed and caution signs are ignored. Please note that speed warning signs on Woodhaven Road advise 30 kph as approaching Seaside Drive and speeds on Sheringham Point Road are similarly advised. **Please spend the time necessary to, in writing and verbally, warn and instruct drivers as to these community concerns.**

We are in the process of receiving a final report from the expert engaged by the Society to review the plan - and we will be in further contact as soon as we have that document.

We also know many in the local community have these same concerns as does the local community organization Shirley Education and Action Society. I'm sure you will be hearing from both very soon.

These covenants **including a no further sub-division covenant on the remainder lots; a "limited tree cutting" covenant to protect the trail and the forest on the remainder lots; and the required buffer for the public trail** are provisions which help the Society keep faith with the commitments to the local community which overwhelming support the work of the Society. The Society has worked and will continue to work to ensure all provisions are adhered to.

Sincerely,

Michael Galizio

Michael Galizio
President

John Walls

John Walls
Vice President

Bill Turner

Bill Turner
Board Member

copies:

John Horgan, MLA/Premier
RD Mike Hicks, CRD
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Sheringham Point Lighthouse Preservation Society
"Dedicated to Preserving and Protecting"

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