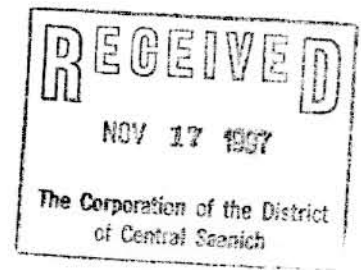


Frank Towler
630 Senanus Drive
Saanichton, BC
V8M 1S6

November 17, 1997



Mayor and Council
District of Central Saanich
1903 Mt. Newton X Road
Saanichton, BC
V8M 2A9

Dear Mayor Hunter and Members of Council:

RE: Watermain Extension – Mount Newton X Road/Senanus Drive

As mentioned in my letter of November 12, 1997, legal advice has been requested in order to properly respond to the conditions stated in Council's letters of November 5, 1997 and November 12, 1997. With this preliminary legal information I am pleased to be able to respond as follows:

a) ZONING AMENDMENT

Speaking as a single homeowner, I have previously gone on record as saying that I would not object to an amendment to the RE3 zoning. This has not changed.

Council has the sole responsibility for zoning decisions, and does not require homeowner's permission.

If Council wishes to amend the zoning bylaws or OCP they may do so under the normal rules of Municipal law.

Thus, the condition is inappropriate, as these powers may not be transferred to the homeowner.

b) RESTRICTIVE COVENANTS

Given that Council can achieve its goals through zoning amendments and the OCP, as mentioned in a) there is no requirement for the condition b) restrictive covenant. A covenant covering the same ground would be fettering the discretion of future Councils and the Democratic process.

As well, such an attempt would be discriminatory, unless applied equally to ALL similar properties in the Municipality.

c) SURVEY

Rather than a survey, which apparently would serve little useful purpose. We have been told that we need to conduct two petitions, pursuant to sections 631 and 646 of the MUNICIPAL ACT. One would be to establish a specified area and the second would be to formally provide the 66% approval required for the watermain project and the homeowner agreement on funding.

d) FUNDING

The informal community survey stated that the residents along the water route would pay for that part of the project not funded by senior Government. The second formal petition mentioned in c) would provide Council with the assurance it requires, that this project would be undertaken at no cost to the Municipality. It is understood that the Municipality would cover all costs that would be associated with any over sizing or other project components that are not a necessary part of the watermain project.

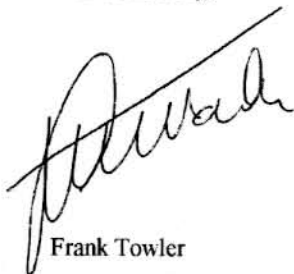
For the two petitions, it is our intention to use the document structure and content, changed to reflect the different project and specified area that the Municipality has previously approved and accepted for the Lamont Road watermain extension project. Draft attached, please advise us if this is not acceptable to you.

The Lamont Road project has a great deal of similarity to the Senanus/Mt Newton X Road project, we should note that the Council of the day did not place any conditions on the residents, other than asking them to follow due process.

In summary, Council may, if they so wish, proceed with a zoning amendment. This may be acted upon by Council at any time and thus need not be linked to the watermain extension project. Conditions c) and d) have been agreed to as outlined above, and as these conditions meet Council's requirement for concurrency, we believe that this letter completely meets Council's conditions as far as is allowed by Municipal law. **Thus we request that Council meet its commitment to immediately submit the watermain extension Infrastructure Grant Application.** Could Council also provide approval for staff to release the property owners' names, civic addresses and legal property descriptions along the route of the proposed watermain extension, for the purpose of conducting the petitions?

We also wish to advise Council that it is our wish to also apply for Provincial funding and that our petitions will include this as an alternative.

Yours sincerely,



Frank Towler