# Sandwich/Headquarters Local Area Plan

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1. Introduction

This Local Area Plan was initiated in response to the recent (2002) annexation of the Sandwick/Headquarters area (Map 1-1) with the City of Courtenay. Developing this Plan was a requirement of the Provincial Government letters patent associated with the annexation.

Purpose

The purpose of this Local Area Plan is to create a long-range land use and servicing plan for the Sandwick/Headquarters Area that is supported by the local residents and businesses, while also respecting the broader community goals of the City of Courtenay. The Plan contains policies and maps that provide direction on land use patterns and services for the Area. Upon acceptance and adoption by City Council, this Plan will become part of Courtenay’s Official Community Plan (OCP).

The objectives of this Local Area Plan are:

• To reflect a mutual understanding of City staff, Council, the Sandwick Transitional Advisory Committee, and the Local Area residents of the significant issues and solutions.
• To respect and foster existing established land uses in the Area.
• To recognize and plan for changes to the Area that may be triggered by the Lerwick Road extension and the provision of sewer services.
• To define what forms of new and infill residential development are appropriate.
• To integrate plans for public holdings in the area, such as the Regional District property and fairgrounds, Vanier High School, and the Cemetery.
• To establish policies for the commercial portions of the Area.
• To plan for public trailways and parks in the Area.
• To recognize and plan for the protection of environmentally sensitive areas in the Area.
• To co-ordinate sanitary, water, stormwater and road servicing plans with land use planning for the Area.
• To provide a framework for considering rezoning, subdivision and development permit applications.

Background - Context

The Plan Area is located in the north part of the City (Map 1-1). The Area is bounded by the Tsolum River on the west, the City on the south and east, and Electoral Area B of the Comox-Strathcona Regional District on the north.

The Plan Area is 285 hectares (705 acres). It encompasses some 300 properties that includes a golf course, exhibition grounds, senior high school, cemetery, approximately 20 businesses (mostly along Highway 19A), and a mix of suburban and rural residential properties. There are several large undeveloped or “underdeveloped” large parcels, as well as larger vacant lots in existing residential areas.

The Area is currently serviced by a community water system. The City is planning to install a sanitary sewer system, and Lerwick Road will be extended through the eastern part to connect to Vanier Drive.

A census was taken in August 2003 which concluded there were 674 residents within the Plan Area.

Planning Process

As a provision of the letters patent for annexing this Area, City Council established the Sandwick Transition Advisory Committee (the Committee) to provide advice on “matters arising from the municipal boundary extension”, including community plan, zoning and other municipal regulations, the provision of municipal services, road networks and public consultation processes.
The consideration of local issues and development of this Local Area Plan involved several steps:

- An information meeting was hosted by the City on December 11, 2002 to provide residents with an opportunity to view and discuss future water and sewer services, road, taxes and land use concerns.
- Lanarc Consultants Ltd was appointed to facilitate the planning process and generate a Plan, under the direction of City staff and the Committee.
- A public presentation and consultation workshop was held on June 11, 2003 to which Plan Area residents were invited by mailed invitation, as were residents in the surrounding Sandwich area. The presentation/workshop was also advertised in local newspapers. The objectives of the session were to:
  - Inform about the Plan Area and its values, and the need for a Local Area Plan.
  - Inform about and ask for input on land use and servicing issues.
  - Inform and ask for responses on the Plan’s goals and objectives.
  - Outline and ask for responses on preliminary options for infill and other potential land use changes.
  - Ask for any other comments and sources of information.
  - Gauge interest and concerns related to the Local Area Plan.
- A questionnaire was distributed at the workshop asking for personal opinions on the above issues. 42 response forms were returned; results are summarized in Appendix 1.
- A series of meetings were held among the consulting team, the Committee and staff to review issues, public involvement organization and preliminary drafts of this Plan.
- This Draft Plan was produced for subsequent review by the Committee, Council and the public.
- A public meeting was held on February 3, 2004 to obtain further input.

**Major Issues**

The major issues that triggered the annexation of the Sandwich/Headquarters Area and/or concern residents of the Local Area can be summarized as follows:

- The need to address failing septic systems throughout the Area. In 1997, the Comox Valley Sewage Commission examined options for a gravity sewer system to serve the Sandwich/Headquarters area. The Committee recognizes that with the annexation of the Area, the most feasible option for liquid waste management is connection to the Comox Valley sanitary sewer system.
- The impact of the extension of Lerwick Road through the Local Area. The extension has been under active consideration for several years to serve traffic travelling from the northeast part of the City to Highway 19 and 19A, and to reduce traffic pressure on local collectors such as Muir and Dingwall Roads.
- The maintenance of the rural and semi-rural character of this Area in the face of these service changes and with them, encroaching urban development. Despite now being part of the City, most residents do not want urban-style standards with respect to roads, street lighting, curbs and gutters, sidewalks, etc., except where they are absolutely necessary for safety.
- Pressure for urban standards and densities of development, particularly with the introduction of sanitary sewer service. While some infill and development of large undeveloped parcels is recognized as necessary, residents do not want this to threaten the semi-rural nature of their community.
2. **Existing Conditions**

**Biophysical Conditions**

**Topography:** The Plan Area slopes generally from north to south and from east to west. The Sandwick Water District property represents the highest point and the Tsolum River floodplain, the lowest. Slopes are steepest immediately to the west of Highway 19A south of Vanier Road.

**Drainage:** The southeast portion of the Plan Area (the Dingwall-Muir neighbourhood) drains south. The northeast sector (Undeveloped Lands and Wentworth-Caledon neighbourhood) drains north and then west via Finlay Creek. The western portions drain west into the Tsolum River via several small tributaries.

**Aquatic habitat** (Map 2-1): The Plan Area contains upper portions of the south branch of Finlay Creek, a tributary of Portuguese Creek that drains into the Tsolum River. “Finlay Creek, in all but the north branch, has a good year-round flow of spring water – essential for the rearing of a remnant run of coho salmon.”

Land clearing and residential development has degraded the natural stream bed and channel characteristics in several places within the Plan Area. Nonetheless, coho fry have been reported as far up as the upper tributary under the powerline that flows from the trailer park off Muir Road. A local stewardship group conducted habitat restoration and enhancement work on the creek between Caledon and Wentworth Roads.

A pond flowing into the headwaters of Finlay Creek is located in the northeast corner of the east undeveloped parcel. A backchannel (presumably human-made) is located on the northwest side of the same parcel, flowing into the main drainage course. These aquatic features are valuable to fish and wildlife as habitat, flow regulators and water quality filters (J. Ellefson, Project Watershed, pers.comm.)

Towhee Creek flows through the School District property and Comox Valley Exhibition Grounds into the Tsolum River. While water levels are low through much of the summer, this creek provides winter habitat for Tsolum River salmon populations.

**Upland habitat** (Map 2-1): The “Sensitive Ecosystem Inventory for Southeast Vancouver Island and the Gulf Islands” identified a “terrestrial herbaceous” sensitive ecosystem polygon on rural lands in the northwest part of the Plan Area. The Inventory also identified mature second-growth forest in the east side of the Area. In addition, there are a variety of what could be defined as “significant” trees under the City’s Tree Management and Protection Bylaw (No. 1819), most notably a number of large individual Garry oak trees and tree groves.

**Existing Land Uses**

The Plan Area currently includes the following land uses (Map 2-2):

**Residential and rural residential:** approximately 41% of the Plan Area. Five neighbourhoods have been identified based on location and similarity in lot size and residential character (Map 2-3):

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2. Chamberlain et al., 1996.
4. Terrestrial herbaceous ecosystems are natural grasslands, open wildflower meadows and grassy hilltops. These ecosystems provide specialized habitats for several rare or endangered plant and animal species. However, they are being rapidly altered or disappearing in the face of development.
- Dingwall-Muir,
- Wentworth-Caledon,
- Cotton-Dundas,
- Glacier Headquarters, and
- the Mobile Home Park.

**Commercial:** approximately 3% of the Plan Area. The majority of commercial lands are located along Highway 19A, with pockets of commercial uses within the Glacier-Headquarters neighbourhood.

**School and cemetery:** approximately 15% of the Plan Area. Vanier Secondary School is located on 41 ha owned by School District 71 in the central part of the Plan Area. A municipal cemetery (4.6 hectares) is located on the east side of Highway 19A.

**Agricultural lands:** about 31% of the Plan Area is designated Agricultural Land Reserve. These lands are currently occupied by a golf course/centre (northern boundary of the Plan Area), the Comox Valley Exhibition Grounds owned and operated by the Comox-Strathcona Regional District (northwestern portion of the Plan Area), and eight rural parcels on the north side of Vanier Road.

**Park:** approximately 4% of the Plan Area. This is a forested parcel owned by the Sandwick Water District that lies on the eastern boundary of the Plan Area. It lies adjacent to the City’s existing Sandwick Park (located in the southeast corner).

**Undeveloped lands** (map 2-4): These are parcels generally greater than 5 ha (12 acres) with few or no existing structures or infrastructure. Two parcels, noted as the “East Undeveloped Lands”, comprise almost 6% of the Plan Area; they are addressed specifically in this Plan.

### Land Use Designations

Before annexation to the City, the Plan Area was part of Electoral Area B of the CSRD, and subject to "Schedule D – Area B Electoral Area and Greenways Plan" of the Rural Comox Valley Official Community Plan (Bylaw No. 2042, 1998). Land use designations under that Plan are shown in Map 2-5.

### Infrastructure

**Roads** (Map 2-6): Highway 19A traverses north to south through the middle of the Plan Area. The proposed Lerwick Road connector will travel across the middle of the Area from east to west. Both of these roads are designated as major arterials. Lerwick Road will be a two-lane road, expandable in the future to four lanes when traffic demand requires, with no direct driveway access to or from the Road. Muir and Dingwall Roads are designated as residential collectors. Other roads within the Plan Area are not yet designated under the City’s road network.

**Water:** Portions of the Plan Area are currently served by the Sandwick Waterworks District. With annexation, those portions will be excluded from the District as of December 31, 2003. Other portions of the Plan Area, near Headquarters Road, were served by the Comox-Strathcona Regional District water system, and were transferred to the City at the time of annexation.

**Sanitary Sewer:** Almost all properties within the Plan Area are currently served by septic systems. The City is preparing concept phasing for extension of sewer service into the Plan Area to meet its obligations under the Supplementary Letters Patent for the annexation.

**Stormwater/drainage management:** The stormwater system consists predominantly of open swales and ditches throughout the Plan Area. Participants at the June 11 public workshop indicated that some localized flooding problems occur in the Suffield/Lupton Road and Headquarter Road areas. The City’s storm drainage plan indicates the need for a detention pond on the East Undeveloped property when the property develops in the future. The Master Plan for the Comox Valley Exhibition Grounds also provides space for two small stormwater facilities at the north and south ends of the property.
3. Land Use and Servicing Strategy

Map 3-1 indicates proposed land use designations for the Local Area.

General Principles

The primary concern expressed by the residents of the Plan Area is preserving the largely rural character of their neighbourhoods, even with the introduction of sanitary sewer service and the potential for other urban services as part of incorporation into the City.

3.1 Maintaining the Area’s rural and semi-rural character will guide all planning and decision-making with respect to land use and services the Sandwick-Headquarters Plan Area.

3.2 Future use and development of land within the Plan Area will comply with the overall land use concepts in the City’s Official Community Plan except where they do not agree with the previous principle and/or where they are superseded by policies contained in this Plan.

Residential Areas

The existing form of residential development within the Plan Area is single-family, detached housing, with the exception being the Mobile Home Park in the northeast corner of the Plan Area. Residents agree that single-family, detached housing should remain the main, if not only, form of residential development in the Plan Area. Many expressed the view that there is sufficient multi-family development to the south of the Plan Area to support the needs of the larger community without converting lands in their neighbourhoods to that use.

3.3 The Plan Area will continue to be a predominantly residential area, with single-family detached dwellings as the primary housing form.

3.4 The Plan supports the continuation, with no substantial change in land use, of the current Mobile Home Park designation.

3.5 The City will adopt zones under its Zoning Bylaw (no. 1427) for each neighbourhood area defined in Map 2-3 that reflects the density and other zoning features of that neighbourhood. These potential zones are reflected in the ‘Residential 1’ to ‘Residential 4’ designations in Map 3-1. 5

3.6 Multi-family forms of development will not be allowed as part of “in fill” development (i.e., development of remaining vacant lots in existing residential neighbourhoods) for the foreseeable future. This includes two-family or duplex development, as there is ample supply of this type of housing in adjacent areas.

3.7 Subdivision of existing larger lots within the neighborhood areas will be permitted once sewer service is provided to any such lots. However, the conditions for considering subdivision will reflect the character of each neighbourhood in the following manner (Table 3-1):

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5 The only similar zone in the City’s Zoning Bylaw is R-1C with a 2500 sq.m. minimum lot size. The City’s Zoning Map includes CSRZ zones RU-1 (8 ha/20 acres), CR-2 (1 ha/2.5 acres) and CR-3 (2 ha/5 acres), but there are no provisions for these zones in the Bylaw itself.
Table 3-1:

<table>
<thead>
<tr>
<th>Land Designation</th>
<th>Average Lot Size – 2003</th>
<th>Proposed Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Neighbourhood Area)</td>
<td>(Existing Lots)</td>
<td>(Future Subdivision)</td>
</tr>
<tr>
<td>Residential 1</td>
<td>1850 m²</td>
<td>1250 m²</td>
</tr>
<tr>
<td>(Dingwall-Muir)</td>
<td>0.44 ac</td>
<td>0.31 ac</td>
</tr>
<tr>
<td>Residential 2</td>
<td>2500 m²</td>
<td>2000 m²</td>
</tr>
<tr>
<td>(Wentworth-Caledon)</td>
<td>0.64 ac</td>
<td>0.49 ac</td>
</tr>
<tr>
<td>Residential 3</td>
<td>3200 m²</td>
<td>2500 m²</td>
</tr>
<tr>
<td>(Cotton-Dundas)</td>
<td>0.80 ac</td>
<td>0.62 ac</td>
</tr>
<tr>
<td>Residential 4</td>
<td>8000 m²</td>
<td>4000 m²</td>
</tr>
<tr>
<td>(Glacier-Headquarters)</td>
<td>2.05 ac</td>
<td>0.99 ac</td>
</tr>
</tbody>
</table>

3.8 The creation of panhandle lots is not supported.

3.9 Home-based businesses will be allowed in all neighbourhood areas, provided they meet the requirements of Part 5 of the Zoning Bylaw (no.1427)\(^6\) and the following:

- The business activity is not invasive or disruptive to immediate neighbours and the neighbourhood in general, by way of generating noise, fumes or odours, etc.
- Business-related parking can be accommodated on the property.
- The lot size is sufficient to support the business and buffer surrounding properties visually and in terms of sound.

3.10 Secondary Suites are allowed in neighbourhood areas provided they meet the conditions of the Residential One S Zone (R-1S) of the Zoning Bylaw (no. 1427).

Undeveloped Lands

With appropriate site design, there is great potential for residential development on the large undeveloped parcels (see Map 2-4) that creates green space buffers and corridors to protect environmentally sensitive areas, wildlife habitat and steeply sloped lands as well as provide amenities for neighbouring residential areas.

To this end, this Plan provides for "green space" development as well as conventional, large lot development. To encourage the former, the City will give favourable consideration to rezoning to allow a modest density bonus over conventional large lot development wherever extra environmental protection and more than normal open space dedication is being offered. The density bonus provision will apply, however, only to lands that would normally be considered appropriate for development; i.e., the bonus will be calculated on lands net of wetted areas, ravines, very steep slopes, etc.

3.11 The development of large undeveloped parcels will be residential in nature.

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\(^6\) Note to reviewers: Part 5 of the Zoning Bylaw contains regulations regarding the type, size and nature of home occupied businesses, including the requirement for a business permit.
3.12 With the provision of sewer services, development of any large undeveloped parcel should reflect the overall density of the surrounding or adjacent neighbourhood(s).

3.13 Some small-scale, “walk to” commercial development (i.e., 1 or 2 commercial operations - not strip mall development) may be permitted on portions of the undeveloped parcels, but only after thorough review with and general approval by the surrounding neighbourhood(s).

East Undeveloped Lands

The largest contiguous undeveloped parcels are located in the eastern part of the Plan Area. They include the "Edgett property" and an adjacent triangular parcel between the Wentworth-Caledon neighbourhood and Highway 19A (see Map 2-4).

Main opportunities and constraints of these property include:

- The BC Hydro right of way that runs east-west through the middle of the property. The right of way is used by local residents as a trail system.

- The southern portion of Finlay Creek which flows south-to-north in a ditched watercourse, with tributary drainages throughout the property. The property originally contained several wetlands, but has been heavily ditched to direct natural flows along with increased stormwater flows from uphill development. The main ditch has developed a defined creek bed that could be enhanced for fish and wildlife habitat.

- A pond in the northeast corner and a shallow wetland in the northwest portion, which provide habitat and local amenities.

- A few groves of larger trees.

- Proximity of the triangular parcel to commercial properties along Highway 19A.

Given their strategic position with respect to surrounding neighbourhoods, Highway 19A, Finlay Creek and a potential greenway/trailway system, a general conceptual plan for these parcels is shown in Appendix B of this Plan.

3.14 Future development of the East Undeveloped Lands will be guided by the following principles:

- The majority of these properties to be developed as single-family residential with an average lot size of 2000 square meters. This may be reduced should areas of this property be held in public ownership to the satisfaction of the City.

That Lot B, Section 19, Comox District, Plan 25085 on Muir Road be considered for single residential development with lots of approximately 650 square meters for the area south of the BC Hydro line and lots of approximately 1525 square meters for the area north of the BC Hydro line with appropriate area for storm detention and fish habitat.

- Emergency access only (i.e., no direct vehicular access) to be provided from Wentworth and Caledon Roads to Muir Road.

- The pond in the northeast sector, its connecting watercourse, and the main channel of Finlay Creek (including the back channel) to be protected by a 15-meter (each side of top of bank) leave area; the watercourse and its leave area to be restored and enhanced to provide riparian cover and instream habitat.

- A stormwater detention pond to be provided in the south portion of the drainage ditch, and its connection to Finlay Creek to be protected by a minimum 5-meter leave area.
- The shallow wetland in the northwest portion of the parcel and its drainage course to be protected by a minimum 5-meter leave area.
- A pedestrian trail shall be provided along the powerline with connecting trails to Muir Road and Caledon Crescent.
- The triangular parcel next to Highway 19A may be developed in part as commercial property for nursery-related purposes only.

**Commercial Areas**

There is no desire for more commercial development within the Plan Area. However, much of the existing commercial lands along Highway 19A will likely redevelop in the future, particularly with construction of the Lerwick Road intersection.

3.15 The Commercial Lands located along Highway 19A, near the intersection with Vanier Road and the future Lerwick Road, will not be extended beyond their current property boundaries with the exception of possible further development of the northwest portion of the East Undeveloped Lands for commercial-nursery purposes (see previous section).

3.16 Only existing and "lighter" types of commercial and industrial activities will be permitted on the Commercial Lands, which include general and service commercial uses as defined under the OCP sections 3.3 and 3.10.

3.17 Buildings will not exceed 2 storeys on Commercial lands.

3.18 Future development and re-development of these lands will provide for the following:

- Improved landscaping. A minimum 15% of total parking area should be dedicated to landscaping. Emphasis should be placed on landscaped strips (minimum width of 6 m) on road frontages. Emphasis should also be placed on creating bioswales (shallow vegetated channels that collect runoff from the adjacent road surface) to provide stormwater treatment and part of the street landscaping. Landscaping should favour native and/or low-maintenance shrubs, trees and groundcover that provide an attractive relief while still allowing business signage and entranceways to be clearly visible.

- Pedestrian walkways between the landscaped areas and the buildings.

**Vanier Secondary School**

The northeastern portion of the School District property is largely undeveloped. This part of the property is generally steeply sloped and heavily treed. There appears to be a number of “significant” trees, as defined under the City’s Tree Management and Protection Bylaw, particularly single and groups of Garry oak. There are few opportunities for road access to this part of the property. For these reasons, development on this property for anything other than school purposes is not encouraged.

3.19 The School District 71 property will continue to be used for school and recreational purposes. Development for other purposes is not supported.

**Cemetery**

The municipal cemetery located on the east side of Highway 19A forms a hub for informal trails from the surrounding neighbourhoods, and is a popular area for walking and dog-walking.

3.20 The Plan supports the controlled use of the Cemetery for walking, dog walking and jogging. “Doggy-do” bag dispensers and disposal containers will be provided.
Agricultural Lands

The Plan is committed to preserving existing farm lands for agricultural purposes. Area residents also wish to remain "good neighbours" to farmlands adjacent to the Plan Area by avoiding land uses that would create conflicts with farm activities.

3.21 This Plan supports the retention and protection of Agricultural Land Reserve (ALR) lands and the enhancement of the lands contained therein for agricultural use. Residents of neighbouring properties must acknowledge and accept that where food production is the primary land use, noise, odours, crop spraying, slow farm traffic and other potentially disruptive activities are a frequent and necessary part of rural life.

3.22 Vegetated buffer strips on ALR land or lands adjacent to them are required as a means of minimizing conflicts between agricultural and residential areas.

3.23 Subdivision of ALR lands will be supported ONLY where such subdivision is intended to facilitate agricultural or farm purposes and supported by the ALC.

3.24 In keeping with residential zones under the Zoning Bylaw (no. 1427), agricultural uses are supported on properties outside the ALR that are greater than 4000 square meters (1 acre) in size.

Comox Valley Exhibition Grounds

The 16-ha (40 acre) Comox Valley Exhibition Grounds, owned by the Comox Strathcona Regional District (CSRD), occupies most of the northeast portion of the Plan Area. Located within the ALR, its purpose is to provide a community amenity to recognize, foster and celebrate agriculture.

A Master Plan has been prepared for the Grounds (Tim O’Brien Associates Ltd., 2002). It defines seven sub-areas based on uses, and presents a program for upgrading each sub-area, to be undertaken in five phases over a 10-year period (see Table 3-2).

The Master Plan is compatible with several policies of this Plan by:

- Recognizing the 200-year floodplain of the Tsolum River and not designating habitable structures and livestock buildings within it.
- Designating a 200-m wide setback (conservation area) along the Tsolum River for ecological purposes.
- Designating a 15-m wide setback zone along Towhee (also called Vanier) Creek.
- Providing 2 sites at north and south ends of the Grounds for future stormwater management facilities.
- Supporting the development of trails along the Tsolum River.

Table 3-2:

<table>
<thead>
<tr>
<th>Sub-area</th>
<th>Details</th>
<th>Plan Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation area</td>
<td>200-m wide area paralleling Tsolum River along west side; contains trails.</td>
<td>Trail improvements, improved parking near Dove Cr. Road bridge.</td>
</tr>
<tr>
<td>Dove Creek field</td>
<td>Northwest end within Tsolum floodplain, used for pasture, camping and overflow parking.</td>
<td>Fencing and access improvements, water and electrical connections for camping and horses.</td>
</tr>
<tr>
<td>Equestrian area</td>
<td>Centred around main barn in northeast end.</td>
<td>Extensive improvements: covered riding ring, washroom building, looped access road at gate 4, manure storage, increasing stabling capacity, refurbish footing of upper ring.</td>
</tr>
<tr>
<td>Location</td>
<td>Description</td>
<td>Changes/Improvements</td>
</tr>
<tr>
<td>---------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Lower field</td>
<td>Between equestrian area and conservation area; used for horse events, camping, exhibitions; contains 2 rings and judging booth.</td>
<td>Minor improvements: portable bleachers, water, electrical upgrades, possibly lighting on ring.</td>
</tr>
<tr>
<td>Upper Terrace north</td>
<td>Includes Curling Club, main entry and parking area, public washrooms, poultry barn, kin hut, maintenance shop, RCMP storage building.</td>
<td>Extensive changes: expansion of Curling Club facilities, expansion and re-lighting of parking area, demolition of hut, replacement of maintenance shop, construction of mercantile hall for farmers' market, 4-m wide gravel walkway, removal or relocation of poultry barn and RCMP storage building.</td>
</tr>
<tr>
<td>Upper Terrace south</td>
<td>Includes former Regional District office site, field, and bulk water facility.</td>
<td>Convert field to parking for mercantile building.</td>
</tr>
<tr>
<td>Rotary Bowl</td>
<td>South-central portion of Grounds; events venue.</td>
<td>Replacement of seating; expand Bowl southwards; organize Bowl area for events with 4-m wide gravel walkway/access lane; improve power and water supply.</td>
</tr>
</tbody>
</table>

3.25 The Plan supports the Comox Valley Exhibition Grounds and its purpose in fostering agriculture. It also supports the 2002 Master Plan and its implementation by the Comox Valley Fairgrounds Committee and related user groups.

**Golf Course**

A golf course, currently Mulligan's Golf Centre, is located on ALR land in the north end of the Plan Area.

3.26 Further development of the Golf Course to improve sewer, water or stormwater services or to support or expand the operations of the Golf Course is permitted.

3.27 Withdrawal of portions of this land with high agricultural values from the ALR and development of any portion of this property for residential purposes or other uses that are not agricultural or golf related are not supported.

**Aquatic Habitats and Features**

The Plan is committed to preserving and enhancing the remaining aquatic habitats within the Plan Area.

3.28 The City will preserve, protect and enhance the Tsolum River and Finlay and Towhee Creek systems and their associated wetlands and other aquatic features by establishing a Development Permit Area (DPA) for Environmental Protection within 30 meters of the top of bank of these watercourses within the Plan Area (Map 3-3).

3.29 Within the DPA, Watercourse Protection Areas from the top of the bank on each side of these watercourses will be established in accordance with the following:

- Finlay Creek: a minimum 15 m, where applicable and available.
- Towhee Creek: a minimum of 5 m, where applicable and available.
- Tsolum River: a minimum of 30 m, where applicable and available.

3.30 All development activities within this DPA will be subject to Development Permit requirements as outlined in Section 4.
Terrestrial Habitats and Features

The Plan is committed to preserving and enhancing the remaining environmentally sensitive areas and other natural features (e.g., Garry Oak trees and tree stands) within the Plan Area.

3.31 The Plan Area is designated as a tree cutting permit area under section 2.1 of the Tree Management and Protection Bylaw for the purpose of regulating the cutting and removal of:

- all Garry Oak trees
- all other trees with a D.B.H. of 20 centimetres or more within a tree cutting permit area
- all trees within 15 metres of a watercourse.

Parks, Greenways and Trails

Plan Area residents supported prudent acquisition of lands for parkland, but particularly supported the acquisition and development of many of the current informal trails as a more formalized trail system.

3.32 Parkland will be acquired as opportunities arise through future development (park dedication), purchase or donation to support the development of a comprehensive Greenway and Trail system through the Plan Area, as shown in Map 3-4. (The routes shown in Map 3-3 are conceptual only, and not site or lot specific.)

3.33 Areas of particular interest for future public park/linear parks and trails include:

- along the Tsolum River, to extend the City’s Tsolum River Greenway.
- To connect to existing School sites, or as School properties that are surplus to their needs becomes available.
- properties along Vanier Drive.

3.34 Parks will generally be “natural”, with forests and trees retained and limited lawns or formal planting.

3.35 Habitat Greenways shown on Map 3-4 will be protected as wildlife habitat and corridors.

3.36 Greenway Trails, shown on Map 3-4, will attempt to link with the Comox Strathcona Regional District Greenway Plan for Electoral Area B, and will be developed as opportunities arise through land planning and development and shall be required to be dedicated to the City as part of any subdivision or development permit approval.

3.37 Where Greenway Trails follow Habitat Greenways, great care will be taken to respect the habitat features and functions of the Habitat Greenways. Any trail development adjacent to or near streams or wetland areas will follow the concepts presented in the Stewardship Series document “Access Near Aquatic Areas: A Guide to Sensitive Planning, Design and Management” (Governments of Canada and B.C., 1997). Similar procedures will be followed in developing and managing trails in or near sensitive terrestrial/upland areas.

3.38 As part of a planned Greenway Trail system, careful consideration will be given to safe crossings of Highway 19A in the vicinity of the municipal cemetery.
Roads

The current rural-standard roads are important in maintaining the rural character of the residential portions of the Plan Area. Residents were very supportive of maintaining these rural standards on their local roads, with upgrades to a more urban standard only to address specific safety issues.

3.39 In general, roads within the Plan Area will remain at the widths and standards that exist today.

3.40 The emphasis of road improvements will be to improve their use by and safety of pedestrians and bicycles, not necessarily vehicles.

3.41 In general, ‘dead end’ streets and roads will be retained, and not opened for vehicle passage. Facilitating pedestrian and bicycle traffic, as well as emergency vehicle access where necessary, will be considered. Inglewood Road will not be a through road for vehicle use.

3.42 The City will develop a new “rural local road” standard that reflects the nature of local roads within the Plan Area such as narrow width, no curbs and gutters, etc. This new standard will be applied to all local roads within the Plan Area.

3.43 Exceptions to the above policies will be permitted where improvements are needed to address identified safety issues. Example sites include:

- Muir Road from the “dog leg” at Ashwood Place to Highway 19A: addition of sidewalk at least on one side; addition of lane stripe.
- Lower Dingwall Road: extension of sidewalk, at least on 1 side, to Highway 19A.
- A paved shoulder along Dingwall and/or Muir Roads for cycling.
- Streetlights and sidewalks along Vanier and Glacier Roads for students going to and from Vanier Secondary School in the winter.
- Dingwall and McQuillan intersection – improving vision and/or slowing vehicle speeds on the blind hill and at the corner stop sign.

3.44 The Plan promotes the preservation and enhancement of the treed buffer that exists along much of Highway 19A – i.e., where land uses other than existing commercial uses abut the Highway. This buffer will be protected under Tree Management and Protection Bylaw.

3.45 The Plan supports the development of pedestrian walkways along Highway 19A, particularly where they are required to support an integrated Greenway Trail network that connects all parts of the Plan Area.

Lerwick Road

As noted in the previous section, Lerwick Road will be a two-lane arterial road, expandable in the future to four lanes when traffic demand requires, with no direct driveway access to or from the Road.

3.46 The Plan supports the construction of Lerwick Road through the Plan Area to a "rural" standard, with a gravel shoulder with no curbs or gutters except at the intersection with Highway 19A.

3.47 The Plan promotes the development of bicycle/walking trail along one side of Lerwick Road.

3.48 The Plan promotes the preservation and enhancement of a treed buffer along Lerwick Road, to be protected under Tree Management and Protection Bylaw.
3.49 For the long term, an alternative route to Vanier Road as the means of connecting Lerwick Road to the Inland Island Highway should be considered.

3.50 “Low impact development” and “source control” measures, as defined in the next section, will be applied as part of managing stormwater from any new or improved roads, including Lerwick Road.

**Stormwater Management**

Plan Area residents are very supportive of “low impact development” methods and “source controls” when it comes to managing stormwater in the Area. These can be defined as follows:

- **Low impact development** – measures that:
  - minimize the creation of impervious cover – i.e., pavement, rooftops, sidewalks and other hard surfaces, particularly that drain to culverted or piped drainage systems instead of to natural soils that allow infiltration;
  - minimize other land cover changes that are detrimental to downstream watercourses, such as clearing of natural vegetation and compaction of soils; and
  - preserve natural features that are key to maintaining healthy aquatic ecosystems, such as riparian forests and wetlands.

- **Source controls** - measures that capture rainfall at the source (on buildings, building lots, road right of ways, neighbourhood facilities) and return it to natural hydrological pathways (infiltration into the ground, and evapotranspiration by vegetation) or use it at the source (e.g., for irrigation).

The City is preparing revisions to its existing Stormwater Management Plan to address the Plan Area. The following policies are intended to guide these revisions to reflect these principles.

3.51 In general, this Plan supports the use and maintenance of open ditches and swales as the primary means of conveying stormwater within the Plan Area.

3.52 There are exceptions where existing ditches are unable to handle many storm events or are deemed dangerous due to their depth and/or steepness. In these cases:

- every attempt should be made to introduce source controls, if they can be retrofitted into the areas from which the stormwater originates.
- Introducing upstream detention facilities is a second preferred option.
- Enclosing stormwater in a piped, underground system should be considered only as a last resort.

3.53 "Low impact development" methods of handling surface runoff and stormwater at source (on site) will be a requirement of all new development within the Plan Area. These methods will include, but not be limited to:

- Ensuring sufficient and appropriate soils are conserved or applied in new development to absorb rainwater.
- Directing roof drainage from buildings to ground rather than piped drainage systems wherever possible (i.e., does not cause flooding problems on the receiving or adjacent properties).
- Directing runoff from roads, parking lots and other hard surface areas to vegetated boulevards, swales, “rain gardens” and bioswales as appropriate to the design and use.
3.54 The City will develop a comprehensive plan for stormwater management for the Plan Area that takes these policies into account, as part of its review and revision of the City’s stormwater management plan.

3.55 The City will pursue the development and/or distribution of information and education materials about low impact development, source controls and proper maintenance of swales and ditches to residents.7

Water

The City’s operation and management of that part of the Sandwick Waterworks District system that lies within the Plan Area should be complete by the end of 2004. Water supply and distribution within the existing system is being reviewed.

3.56 Future consideration of remainder of Sandwick Waterworks District will occur which will be dependant on other properties within the Waterworks District being incorporated into the City.

Sanitary Sewer

As described in the previous section, the City proposes extension of sewer lines into the Plan Area in four stages. Several property owners within the Plan Area have already requested sanitary sewer connections. Their needs will be taken into account in prioritizing areas of extension. Once the sanitary sewer service is available to a property, it will be mandatory to connect.

7 “Natural Approaches to Stormwater Management” by the Puget Sound Action Team (March 2003) is an example of readable material on this subject.
4. **Development Permit Area**

In addition to the objectives and policies stated in the Local Area Plan, the City of Courtenay may, pursuant to the *Local Government Act*, designate some lands as development permit areas. The general purpose of the development permit requirement is to allow a review of a specific development project and to make limited alterations or variations to zoning and subdivision bylaw(s) where the municipality considers that special conditions exist in accordance with one or more of the following categories:

- **A.** Protection of the natural environment, its ecosystems and biological diversity;
- **B.** Protection of development from hazardous conditions;
- **C.** Protection of farming;
- **D.** Revitalization of an area in which commercial use is permitted;
- **E.** Establishment of objectives for the form and character of intensive residential development;
- **F.** Establishment of objectives and the provision of guidelines for the form and character of commercial, industrial or multi-family residential development.

The municipality must also describe the special conditions, which justify the designation; the exemption provisions; and guidelines how these special conditions can be achieved.

The development permit areas, designated on Map No. 3.3, are Environmentally Sensitive Area Development Permit Areas.

### Development Permit Area - General Policies

4.1 Designated development permit areas are shown on Map No. 3.3

4.2 Where land is designated within a development permit area, an owner of land is required to obtain a development permit prior to either the subdivision of the land, the construction of, addition to or alteration of a building or structure on the land, or the alteration of the land within a development permit area, except where exemptions provisions apply.

4.3 Where land is included within more than one development permit area designation, one development permit is required; however, the application will be subject to meeting the guidelines of all applicable development permit areas.

### Environmentally Sensitive Development Permit Area

**QUALIFYING CATEGORIES:**

- A. Protection of the natural environment, its ecosystems and biological diversity.

**LOCATION:**

This Development permit area, designated on Map No. 3.3, includes all lands designated as Environmentally Sensitive and is intended to protect area watercourses, riparian areas, wetlands, and other environmentally sensitive areas.
The development permit area is defined as follows:

1. For the **Courtenay, Puntledge and Tsolum Rivers** – as shown on Map No. 4 in the OCP, the development permit area shall be 30 metres as measured from the top of the bank.

2. For **Wetlands**, and **Ponds**, as shown on Map No. 3.3, the development permit area shall be 15 metres as measured from the natural boundary.

3. For all other **Streams** as shown on Map No. 3.3, the development permit area shall be 15 metres as measured from the top of the bank.

**JUSTIFICATION:**

Increasing environmental awareness and declining fish stocks in the Strait of Georgia and Baynes Sound have led to the need for the protection of the Plan Area's streams and adjacent lands. Streams and their adjacent lands provide essential habitat and corridors for fish, birds, and other wildlife. They also act as natural water storage, drainage, and purifying systems. Riparian areas need to remain in a largely undisturbed state in order to protect habitat, prevent flooding, control erosion and reduce sedimentation, and recharge groundwater.

**EXEMPTIONS:**

Where an owner is proposing to alter the land, commence a subdivision, construct or alter a building or structure within this development permit area, the following activities are exempt from requiring a development permit:

1. Development or alteration of land proposed to occur outside the designated development permit area as shown on Map No. 3.3, as determined by a BC Land Surveyor or by the City of Courtenay.

2. Fence building, growing, rearing, producing, and harvesting of agricultural products in accordance with recognized standards of the **Farm Practices Protection (Right to Farm) Act** on lands upon which Section 2(2) of the Act applies.

3. Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:

   a) emergency flood or protection works;

   b) clearing of an obstruction from bridge, culvert, or drainage flow; repairs to bridges and safety fences; and

   c) the removal of hazardous trees.

   Any emergency works are to be undertaken in accordance with the Provincial **Water** and **Wildlife Acts** and the Federal **Fisheries Act**.

4. A property owner may construct a trail on lands identified on Map No. 3.4 as within this development permit area, subject to the following:

   a) the trail provides the most direct route of feasible passage through the development permit area;

   b) sensitive habitat will not be impacted by the presence of the trail;
c) the ground is stable, i.e. erodible stream banks or other erosion prone areas should be avoided;

d) no vehicles are permitted;

e) the trail is maximum 3 metres in width;

f) no trees, which are greater than 5 metres in height and/or 20 centimetres in diameter, are to be removed. Limbing, pruning and topping of trees should be done instead.

5. The planting of trees, shrubs, or groundcovers for the purpose of enhancing the habitat values and/or soil stability within the development permit area provided the planting is carried out in accordance with the guidelines provided in Stream Stewardship, 1993 and Land Development Guidelines, 1992 published by DFO and MELP and the Environmental Objectives, Best Management Practices and Requirements for Land Developments, February 2000, published by MELP, or any subsequent editions.

6. The removal of invasive plants or noxious weeds on a small scale within the development permit area including; but not limited to: Scotch broom, Himalayan blackberry, morning glory, and purple loosestrife, provided that erosion protection measures to avoid sediment or debris being discharged into the watercourse are taken. Replanting of the development permit area to occur immediately and in accordance with Exemption No. 5 above.

7. Works approved by the City of Courtenay, DFO, and/or MWLAP with respect to installation of public utilities, sewer and water lines, trail construction, stream enhancement, and fish and wildlife habitat restoration.

8. An application for subdivision where the following criteria can be met:
   a) minimum lot sizes can be met exclusive of the development permit area; and
   b) no development activities including grading, clearing, trenching, or installation of pipes, relating to the creation of all parcels will occur within the development permit area.

9. Renovations to existing buildings and structures that are situated within the defined Development Permit Area provided the footprint of the building is not expanded.

10. Additions to existing buildings and structures that do not decrease the present setback between the existing building and the defined Development Permit Area.

**GUIDELINES:**

1. Land use and development should not unnecessarily encroach into the Development Permit Area and all development activity shall take a form that minimizes the area of encroachment into the development permit area.

2. In order to ensure that no encroachment occurs into the Development Permit Area at the time of construction, permanent or temporary fencing measures may be required to be installed along the boundaries of Development Permit Area prior to any development activities.

3. The applicant will work with the City of Courtenay to consider possible variances to the zoning bylaw to minimize encroachment into the Development Permit Area.
4. If development or alteration of land is proposed within the Development Permit Area, the location of development or land/vegetation altering activity shall be encouraged to be located where it will cause the least impact on the environmental values and the site-specific natural features, functions, and conditions that support fish life history processes, wildlife and unique ecosystems within the Development Permit Area.


6. All development is to be undertaken and completed in such a manner as to prevent the release of sediment to any watercourse, storm sewer or overland. The City of Courtenay may require an erosion and sediment control plan, complete with recommendations for implementation, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion.

7. The City of Courtenay may require an applicant to supply a drainage plan, complete with recommendations for implementation that address water quality, water quantity and erosion control that are satisfactory to the City, so as to minimize impacts on fish habitat and to comply with the City's stormwater management policies and plans and the City's Water Balance Model.

8. On parcels where development (including tree and vegetation removal) is proposed for an area with a slope of 30% or greater, the City of Courtenay may require the applicant to supply a report, prepared by a professional geotechnical engineer, indicating that slope stability will not be jeopardized and soil erosion and site mitigation measures can be implemented, to the satisfaction of the City of Courtenay.

9. The City of Courtenay may require the applicant to supply an assessment, prepared by a qualified professional consultant, which assesses the environmental impact of the proposed development and prescribes appropriate recommendations for mitigation, remediation and protection of habitat, to the satisfaction of the City of Courtenay.

10. Existing, native vegetation within the Development Permit Area is to be retained as much as possible to minimize disruption to habitat and to protect against erosion and slope failure. If the area has been previously cleared of native vegetation, or is cleared during the process of development, the City of Courtenay may require the applicant to supply a re-vegetation plan prepared by a qualified consultant to the satisfaction of the City of Courtenay. The Re-vegetation Plan may be included as a condition of the Development Permit. Areas of undisturbed bedrock exposed to the surface or natural sparsely vegetated areas shall not require planting.

11. To ensure their long-term health, existing trees and shrubs that are retained shall be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
12. Vegetation species used in replanting, restoration or enhancement shall be selected to suit
the soil, light and groundwater conditions of the site, should be native to the City, and be
selected for erosion control and/or fish and habitat wildlife habitat values as needed.

13. All replanting shall be maintained by the property owner for a minimum of 2 years from the
date of completion of the planting. Unhealthy, dying or dead stock will be replaced at the
owner's expense within that time in the next regular planting season.

14. Security may be taken as a condition of issuance of a development permit to ensure that the
conditions of the permit and these DPA Guidelines are met. For example, security may be
required, and applied against, erosion control works, site grading, phased clearing, barrier
fence installing, habitat restoration works, post-development success of re-vegetation and
restoration works, or any other requirements of a development permit.

APPLICATION REQUIREMENTS

The City shall set the requirements for development permit application information by selecting
from the following as relevant to the project being considered:

1. A site survey plan, prepared to professional drafting standards, showing:
   a) lot boundaries, scale, date, and direction.
   b) all abutting streets and lanes.
   c) a topographic plan showing existing contours at an interval of 1 meter.
   d) all existing woods and/or trees.
   e) structures and impervious surfaces.
   f) *Natural boundaries and top of bank* of applicable watercourses.
   g) watercourse protection area boundaries.

For developments not subject to subdivision or those of a small scale, the boundaries of
watercourse protection areas may be determined and simply flagged on-site, in cooperation
with the City, instead of requiring a legal survey.

2. A proposed development plan showing:
   a) the area of proposed development, indicating proposed roads, structures, impervious
      surfaces, utilities and other works.
   b) the limit of proposed clearing and grubbing, a limit of grading line, and the final proposed
      elevations by a combination of spot elevations and contours at the same interval as the
      site survey.
   c) an erosion and sedimentation control plan.
   d) existing vegetation to remain after grading and related protective measures.
   e) proposed location of park dedication, if applicable.
   f) proposed replanting - site plans and cross sections showing location and configuration;
   g) details of any proposed works in watercourses, including plans showing:
h) the location and configuration of the proposed work or structures, including the proposed areas of removal or deposit of any rock, gravel or soil, and proposed temporary access roads;

i) cross sections and details of the proposed work to clearly show the materials, scale and relationship of the work to existing conditions;

j) a schedule showing the order of procedure, the timing and completion date of installation of the work.

**DEFINITIONS:**

**Alteration of land** includes removal, alteration, or disruption of vegetation, and soil deposit or removal. (Fish Protection Act)

**Fish habitat** means spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes. (Fisheries Act)

**Natural Features, Functions and Conditions** means the site specific features of an area that make them ecologically valuable and sensitive to disturbance by human use and development. These characteristics are deemed necessary to support fish and other aquatic life processes, and include, but are not limited to, the following:

1. large organic debris that falls into the stream or on the forest floor, such as logs, snags and root wads;

2. areas for channel migration, including active floodplains;

3. side channels, intermittent streams, seasonally wetted continuous areas and floodplains;

4. the multi-canopied and ground forest cover that:
   i) moderates air and water temperature;
   ii) provides a source of nutrients and organic matter to the stream and forest floors;
   iii) establishes root matrices that stabilize soils and stream banks thereby minimizing erosion; or
   iv) maintains an effective visual and sound buffer around eagle and heron nesting sites;

5. natural sources of stream bed substrates;

6. pervious surfaces that permit infiltration and moderate water volume, timing and velocity, and maintain sustained water flows in streams, especially during low flow periods; and

7. sloping terrain or ravines that form the banks of the watercourse, as areas susceptible to erosion or landslip if their vegetation is removed.

**Professional Consultant** means an applied scientist or technologist specializing in a relevant applied science or technology including, but not necessarily limited to, agrology, biology, engineering, fisheries and wildlife management, geology, hydrogeology, landscape architecture or geo-morphology and:

- is registered in BC with their appropriate professional organization and acting under that association’s Code of Ethics and subject to disciplinary action by that association, and/or
• through demonstrated suitable education, experience, accreditation and knowledge relevant to the particular matter, may be reasonably relied on to provide advice within their area of expertise.

Riparian Area means the area adjacent to a stream that may be subject to temporary, frequent or seasonal inundation, and supports plant species that are typical of an area of inundated or saturated soil conditions, that are distinct from plant species on freely drained adjacent upland sites because of the presence of water. (Fish Protection Act)

Stream is defined as including a permanent or non-permanent watercourse, or source of water supply, whether usually containing water or not, a pond, lake, river, creek, brook, ditch and a spring or wetland that is integral to a ‘stream’ and may provide fish habitat.

Top of bank means

a) the point closest to the natural boundary of the stream where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point from a minimum distance of 15 metres measured perpendicularly from the break, and

b) for a floodplain, the edge of the active floodplain. (Fish Protection Act)

Wetland means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal conditions that does support vegetation typically adapted for life in saturated soil conditions including swamps, marshes, bogs, fens, estuaries and similar areas. (Fish Protection Act)