

DATE: July 15, 2003

TO: Chairman and Members of the Planning and Development Committee

FROM: John Zipay, Acting Commissioner of Planning and Building

SUBJECT: **Proposed Official Plan and Zoning By-law Amendments -
Cooksville Creek Floodplain Policies
MEETING DATE: August 5, 2003**

ORIGIN: Planning and Building Department

BACKGROUND: On May 14, 2003, City Council adopted the following recommendation:

RECOMMENDATION PDC-0054-2003:

- "1. That the report titled "Special Policy Area Study for the Cooksville Creek Floodplain" dated April, 2003, prepared by Philips Engineering, be received.
2. That City staff be directed to prepare a report outlining the proposed Official Plan and Zoning By-law amendments to designate the area on the north side of the North Service Road, on the east and west sides of the Cooksville Creek (Consulate Property and others), as a Two-Zone policy area and further, the amendments required to impose conditions requiring landowners to undertake structural improvements to alleviate flooding risks and also prohibiting development within the erosion hazard of Cooksville Creek as a condition of development approval in accordance with the report titled "Special Policy Area Study for the Cooksville Creek Floodplain" dated April, 2003, prepared by Philips Engineering.

3. That the consultant's findings and recommendations in the report titled "Special Policy Area Study for the Cooksville Creek Floodplain" dated April, 2003, prepared by Philips Engineering, be used in the evaluation of all development applications within and adjacent to the Cooksville Creek Floodplain.
4. That the letter dated April 29, 2003 from Mr. R. Scheckenberger, Philips Engineering, providing clarification on the upstream and downstream impacts associated with urbanization of potentially developed areas - Cooksville Creek Special Policy Area Study for the Cooksville Creek Floodplain, be received.
5. That the letter dated May 2, 2003 from Mr. R. Webb, Davis Webb, Schulze & Moon, requesting referral back of the above report, be received."

COMMENTS:

The Special Policy Area (SPA) Study For Cooksville Creek Floodplain dated April, 2003 by Philips Engineering made a number of recommendations that require amendments to *City Plan, Mississauga Plan* and *Zoning By-law 5500*. A description of the proposed amendments by affected property (see Exhibit I) is as follows:

1. Former Inglis Property - Lakeshore Road East

This site is located north of Lakeshore Road East, south of the Canadian National Railway and includes the vacant former Inglis site on the east side of the Cooksville Creek and the industrial lands on the west side of the creek. The lands are proposed to be designated "Business Employment" in *Mississauga Plan*. However, the Business Employment Policies of *Mississauga Plan* are under appeal. The lands are zoned "M1-Industrial".

To ensure that the structural improvements are undertaken prior to development proceeding, the following amendment to *City Plan* is proposed.

That section 6.18.7, Lakeview District Policies, *City Plan*, be amended by adding subsection, 6.18.7.17, Site 16, which states that:

"The lands identified as Special Site 16 are located on the north side of Lakeshore Road East and on the east and west sides of Cooksville Creek.

Notwithstanding the "Business Employment" designation of this Plan the following additional policy will apply:

- a. Ingress/egress for all new development will be such that emergency vehicular and pedestrian movement is not prevented during times of flooding in order that safe access/evacuation is ensured. The determination of safe access will be made by the Credit Valley Conservation and the City, and will be based on depth and velocity factors."*

Should the *Mississauga Plan* Business Employment policies come into effect during the process to consider the proposed *City Plan* policies, then City Council will be requested to consider a parallel amendment to *Mississauga Plan* to carry forward the proposed policy amendment if it can not be dealt with as part of the appeals to the Business Employment policies of *Mississauga Plan*.

2. Consulate Property Camilla Road - North of the QEW

This 1.3 ha (3.2 ac.) vacant site is located north of the North Service Road, west of Camilla Road. The lands are designated "Other Commercial" by the *Cooksville District Plan - Munden - Park Area* due to the fact that OPA 69 to *City Plan*, which proposed designating the lands as "High Density II", was appealed by the Credit Valley Conservation(CVC) and the Ministry of Municipal Affairs and Housing (MMAH). *Mississauga Plan* recognizes the appeal of OPA 69. The lands are zoned "R3".

Although it was OPA 69 which triggered the SPA study, surrounding lands were also examined. There is a large area between the 100-year floodline and the Regional floodline that would be subject to shallow flooding (< 0.6 m or 24 in.). If the culvert under the QEW was upgraded, it would remove the floodplain designation for most of the lands. Until arrangements are made for the culvert improvement, the Special Policy Area Study for Cooksville Creek recommended an interim Two-Zone policy area.

A Two-Zone policy area approach requires a set of policies and zoning provisions for the floodway and the flood fringe of the Cooksville Creek. The floodway would have a very restrictive policy and zoning regime designed to prohibit new development while the flood fringe area would be subject to a number of development criteria including, as a condition of development, the provision of flood free access roadway as well as the elevation of the development site above what would normally be done to raise buildings and the lowest openings would not be within the flooding hazard.

To ensure that the provision for the culvert upgrade is addressed and to ensure that development is in compliance with the Two - Zone policy framework, the following amendments to *Mississauga Plan* are proposed:

1. *Schedule 3, Environmental Areas, is amended by adding Two-Zone floodplain policy between the QEW and where Cooksville Creek crosses Camilla Road.*
2. *Section 4.8., Cooksville District Policies, is amended by adding the following section "4.8.5 Environmental Planning Areas" and renumbering the subsequent sections accordingly:*

4.8.5 Environmental Planning Areas



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The lands identified above are located generally north of the North Service Road where Cooksville Creek crosses Camilla Road. The lands shown are subject to the Two-Zone floodplain management concept, which divides the floodplain into two portions known as the floodway and the flood fringe.

Notwithstanding the Natural Hazards policies of this Plan, the following policies will apply to those lands within the regulatory floodplain:

- a. *the lands within the floodway are designated "Greenbelt". Notwithstanding the Greenbelt policies, the following uses will be permitted within the floodway subject to the satisfaction of the City and the Credit Valley Conservation:*
 - *flood and/or erosion works;*
 - *facilities which by their nature must locate near water or traverse watercourse (i.e. bridges, storm sewer outlets and stormwater management facilities);*
 - *passive recreation activities;*

- b. *floodway lands will be zoned in an appropriate hazard category in the implementing zoning by-law;*
- c. *the lands within the flood fringe are subject to their respective land use designations and the following additional policies:*
- *development may be permitted provided the use, building or structure is flood proofed to the regulatory flood level as required by the Credit Valley Conservation;*
 - *ingress/egress for all development located in the flood fringe will be such that emergency vehicular and pedestrian movement is not prevented during times of flooding in order that safe access/evacuation is ensured. The determination of safe access shall be made by the Credit Valley Conservation based on the depth and velocity factors;*
 - *enclosed underground parking will be subject to the installation of stringent flood proofing measures to the elevation of the regulatory flood level;*
 - *the zoning of lands may utilize a holding zone to provide direction as to future permitted uses to while ensuring flood proofing and safe access are addressed prior to development to the satisfaction of the City and Credit Valley Conservation. The zoning by-law will be amended to remove the holding symbol when the requirements for flood proofing, the provision of safe access to the proposed development and a detailed spill assessment and a financing agreement for the reconstruction of the culvert at the QEW has been completed to the satisfaction of the City, Credit Valley Conservation and the Ministry of Transportation.*
- d. *the following uses will not be allowed within the floodplain:*
- *institutional services such as hospitals, nursing homes, and schools where there would be a significant threat to*

the safety of inhabitants involved in an emergency evacuation situation as a result of flooding or failure of flood proofing measures;

- *new uses associated with the manufacture, storage, disposal and/or consumption of hazardous substances or the treatment, collection and disposal of sewage, which would pose an unacceptable threat to public safety if they were to escape their normal containment/use as a result of flooding or failure of flood proofing measures;*
- *emergency services such as those provided by fire, police, and ambulance stations and electrical substations, which would be impaired during a flood emergency as a result of flooding or failure of flood proofing measures.*

If the above amendments are incorporated into *Mississauga Plan*, the policies found in Special Site 10 of the Cooksville District policies are no longer needed and can be deleted. Therefore, the following amendment is also proposed:

Section 4.8.6.11, Cooksville District Policies, Special Site Policies, Site 10, is deleted in its entirety.

If the Two-Zone policy amendments and proposed Zoning By-law amendments are approved, the City can request CVC and the Province to withdraw their appeals to OPA 69.

Humenik Lands - Shepard Avenue

These lands are located on both sides of Shepard Avenue and are occupied by residential detached dwellings. The total land holdings including Shepard Avenue are approximately 8.8 ha (22 ac) in size. *Mississauga Plan* designates the lands as "Residential - Medium Density I" and "Residential Low Density I". The lands are zoned "R1". Although the landowner has expressed a desire to redevelop the lands for high density, no application has been filed.

This site has a number of options available to the landowners with respect to structural improvements and policy regimes. However, until details of an application come forward, there is no certainty on how the flooding and erosion issues will be dealt with. However, an overall co-ordinated approach will be required for the lands. Therefore, it is proposed that the special site policies contained in Section 4.8.6.2, Cooksville District Policies, Special Site Policies, Site 1, be amended by adding the following:

- d. No portion of this site will be approved for development until flooding and erosion issues are addressed to the satisfaction of the City and Credit Valley Conservation.*

Other Official Plan Provisions

Mississauga Plan has general policies that address the erosion hazards associated with valley and watercourses, however, they do not explicitly address the erosion issues that are identified within Cooksville Creek. The *Special Policy Area Study for Cooksville Creek* identified an erosion setback for a number of sites, however, there will be other sites that will want to come forward for development. In order to address the erosion hazard within Cooksville Creek, it is proposed that Section 3.12.3 (Natural Hazards) be amended by adding the following additional wording to Section 3.12.3.2 j.:

"except for lands adjacent to Cooksville Creek where development will be restricted within the erosion corridor established through the Special Policy Area Study for the Cooksville Creek."

To allow the City to stage its development approvals in instances where there are structural improvements required to address flooding issues or the provision of flood free ingress/egress, the Section 5.3.3.1 (b), Holding Zone, of *Mississauga Plan* be amended by adding the following bullet point:

- *the provision of flood free ingress/egress.*

Zoning By-law Provisions:

Part of implementing the Two-Zone policy area north of the Queen Elizabeth Way also requires amendments to *Zoning By-law 5000*. These amendments would prohibit new development within the floodway, and identify, in the by-law, the flood fringe area and the associated restrictions to development within the flood fringe area.

The by-law amendments would restrict development in the floodway and regulates the development in the flood fringe ensuring that development has flood free ingress/egress; and prohibiting habitable rooms and openings below the level of the regulatory flood plain.

The by-law amendments proposed are as follows:

1. *amend the zoning of a number of properties within the floodway from "R3", and "O3", to "G-1324" to prohibit new development within the floodway of Cooksville Creek;*
2. *amend the zoning of a number of properties within the flood fringe from "O3" to "O3-2643", "R3 to R3-2643" and "AC" to "AC-2643" to make the lands subject to general provisions in the by-law to regulate development within the Cooksville Creek Flood Fringe Area. The special provisions would include the following provisions:*

Notwithstanding any other zone provisions of this by-law, the following uses shall not be permitted within the Cooksville Creek Flood Fringe Area: hospitals, nursing homes, schools, and day nurseries.

In addition to other zone provisions of this by-law, any building or structure located within the Cooksville Creek Flood Fringe Area shall be in compliance with the following:

- (a) *habitable floor space shall not be permitted below the regulatory flood level;*

- (b) *mechanical, electrical and heating equipment shall not be permitted below the regulatory flood level;*
- (c) *flood proofing shall be required for that part of the building or structure below the regulatory flood level;*
- (d) *windows, doors and other openings to habitable floor space shall not be permitted below the regulatory flood level;*
- (e) *safe access shall be provided for pedestrians and vehicles.*

For the purposes of this section, "COOKSVILLE CREEK FLOOD FRINGE AREA" means the lands in the outer portion of the flood plain between the floodway area and the flooding hazard limit where depths and velocities of flooding are less severe than in the floodway area and where development will not impact upstream and downstream properties.

For the purposes of this section, "COOKSVILLE CREEK FLOODWAY AREA" means the portion of the flood plain that is required for the safe passage of flood water or the areas where flood depths and velocities pose a potential threat to life or property. The deliniation of the floodway area is approved by Credit Valley Conservation.

For the purposes of this section, "REGULATORY FLOOD LEVEL" means elevation of the regulatory flood.

For the purposes of this section, "REGULATORY FLOOD" means the inundation of areas adjacent to a river or stream system and not ordinarily covered by water. Along Cooksville Creek, the regulatory flood is the greater of: the flood resulting from the rainfall actually experienced during the Hurricane Hazel storm, transposed over the Cooksville Creek watershed; or the one-hundred year flood.

For the purposes of this section "ONE-HUNDRED YEAR FLOOD" means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average or a one percent chance of occurring or being exceeded in any given year.

For the purposes of this section, "FLOOD PROOFING" means a combination of structural changes or adjustments incorporated into the basic design or construction of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood damage. Flood proofing includes, but may not be limited to the use of fill, columns and design modifications to elevate openings in buildings of structures above the regulatory flood level or the use of water tight doors, seals, berms or flood walls to prevent water from entering openings below the regulatory flood level. The use of flood proofing will require a certificate of approval from a structural engineer which indicates that the building or structure will maintain its structural integrity during a regional storm for all buildings and structures.

For the purposes of this section "SAFE ACCESS" means unobstructed direct, or elevated access for pedestrians and vehicles in an area covered by flood water during a regulatory flood event. This level is calculated through a combination of the depth and velocity of flood water and is approved by the Credit Valley Conservation.

For the purposes of this section "HABITABLE FLOOR SPACE" means a room commonly used for living purposes, including a bedroom, kitchen, washroom, lobby, hallway, closet but does not include a parking garage.

3. *amend the special site provisions contained in Section "RM7D3-169", "RM7D3-187" and "RM7D3-188", "RM7D3-993" to make the sites subject to the general provisions that regulate development within the Cooksville Creek flood fringe.*

Site Plan Control By-law

It is also proposed that the Site Plan Control By-law be amended to require those properties within the Two-Zone Policy area be subject to Site Plan Approval. This will allow a detailed review of the proposed land use to ensure conformity with the Two-Zone Policy Area policies and the Zoning By-law.

CONCLUSION:

The *Special Policy Area Study for Cooksville Creek* identified a number of options available to address the flooding hazard on a number of properties and provides direction for assessing development applications. To ensure that the recommendations of the study are implemented appropriately, a number of amendments are required to *City Plan, Mississauga Plan* and *Zoning By-law 5500*. A public meeting is required in order to consider the amendments as outlined in this report.

RECOMMENDATION:

That a public meeting be held at the Planning and Development Committee to consider the proposed *City Plan, Mississauga Plan* and *Zoning By-law* amendments contained in the report titled "*Proposed Official Plan and Zoning By-law Amendments - Cooksville Creek Floodplain Policies*" dated July 15, 2003 from the Acting Commissioner of Planning and Building.

Original Signed By:
John Zipay,
Acting Commissioner of Planning and Building