

DATE: March 2, 2004

TO: Chairman and Members of the Planning and Development Committee

FROM: Edward Sajecki, Commissioner of Planning and Building

SUBJECT: **Proposed Official Plan and By-law Amendments -
Cooksville Creek Floodplain Policies Supplementary Report
MEETING DATE: March 22, 2004**

ORIGIN: Planning and Building Department

BACKGROUND: On September 29, 2003, a public meeting was held to consider proposed amendments to City Plan, Mississauga Plan and the Zoning By-law regarding the Cooksville Creek floodplain. City Council, on October 10, 2003, adopted the following Recommendation:

RECOMMENDATION PDC-0097-2003:

"That the report titled "Proposed Official Plan and By-law Amendments - Cooksville Creek Floodplain Policies" dated September 9, 2003 from John Calvert, Acting Commissioner of Planning and Building recommending amendments to City Plan, Mississauga Plan and Zoning By-law 5500, be received."

COMMENTS: The report titled "*Proposed Official Plan and Zoning By-law Amendments - Cooksville Creek Floodplain Policies*" dated September 9, 2003 considered at the public meeting is attached as

Exhibit S-1. It contains the proposed Official Plan and Zoning By-law amendments to implement the recommendations arising from the Special Policy Area Study for the Cooksville Creek, April 2003 prepared by Philips Engineering. This report responds to questions raised following the public meeting.

Cooksville Munden Park Ratepayers Association

The Cooksville Munden Park Ratepayers Association inquired if owners of individual homes would be affected by the policies and, if so, how these policies would affect individual homeowners.

It was noted that the proposed policies were directed at specific areas along the Cooksville Creek corridor. Any development that would involve a change in land use, in addition to the specific areas, would be required to go through the development application process. These proposed policy and zoning changes are intended to provide the City with the tools to address flooding and to impose erosion setbacks on new development or redevelopment within the Cooksville Creek floodplain.

Other Sites

A question was raised regarding the options for sites that were not identified in the study. The sites that were selected for consideration of relaxing the floodplain policies were those that had an extensive history of development inquires and had not been able to redevelop because of the floodplain issues. If other sites present themselves as redevelopment sites, they will be required to undertake similar investigations to demonstrate the feasibility of structural options and secondly, a consideration of the feasibility of relaxing the policies. In most cases, the structural options are expensive, and must ensure there are no upstream or downstream impacts. Therefore, there is limited opportunities for individual properties to go forward on their own.

Pakistani Community Centre Site

Representatives from the Pakistani Community Centre, on the North Service Road inquired as to what restrictions will be placed on their lands as a result of the proposed two-zone policy framework. Most of the site (approximately 75-80%) falls within the floodway of the Cooksville Creek. The erosion corridor also affects a major portion of the site including the existing building. If the culvert under the Queen Elizabeth Way is upgraded, access would become flood free. However, the majority of this site would remain in the floodway because of the proximity to Cooksville Creek. There may also be potential under the two-zone policy regime to address the access issues to the site but it will not allow any additional development because it is located in the floodway rather than the flood fringe areas of the Cooksville Creek. Earlier studies, including the Cooksville Creek Flood Remediation Study looked at the potential of reducing the floodway and found it was not feasible. This was reconfirmed through the Special Policy Area Study for the Cooksville Creek Flood Plain.

Although the new development potential of the site is restricted, it should be noted that the property known as 2045 Camilla Road was severed from the Pakistani Community Centre property in 1997 and it may benefit from either structural improvements or the two-zone policy.

Impact on Taxes

A resident asked if the proposed works would impact his taxes. It was clarified that taxes are based on the assessed value of the property not directly as a result of capital projects. Should the upgrades to the culvert proceed, the City will be looking for cost sharing among the Province, benefiting land owners and the City through development approvals.

Community Meeting

A community meeting was held on October 20, 2003 to discuss the issues around Cooksville Creek. There were no objections raised to the proposed policies and by-law amendments.

Credit Valley Conservation Comments

In a letter dated September 25, 2003, Credit Valley Conservation (CVC) requested some minor editorial revisions to the proposed amendment to provide clarification. Otherwise, they are supportive of the proposed Official Plan amendments.

The CVC, however, expressed concern with respect to the proposed Zoning By-law because the exact limits of the floodway and flood fringe will be determined through further study in conjunction with any development applications. To address CVC concerns, it is proposed that the limits of the floodway and flood fringe not be shown in the proposed by-law, nor will the floodway lands be zoned G-1324 at this time. Instead, it is proposed that the all the lands within the floodplain be subject to zone provisions which state the floodway and flood fringe areas will be determined by the CVC. This will allow the boundary to be refined at the time of a development application once all the proposed grades are known. It was determined that a better method for implementing the requirements that buildings be floodproofed and that safe access be provided for any new buildings in the flood fringe would be through the application of a holding zone ("H") provisions as set out in Mississauga Plan to the lands within the flood fringe of Cooksville Creek. Safe access is part of the CVC review process. Using the holding provisions will ensure their review of any development proposal.

Therefore, those lands within the floodplain of Cooksville Creek, north of Queen Elizabeth Way, where the creek crosses Camilla Road, would be subject to the following Zoning By-law provisions:

1. No development shall be permitted within the Cooksville Creek floodway;
2. The following uses shall not be permitted within the Cooksville Creek flood fringe area: hospitals, nursing homes, private and public schools, and day nurseries;
3. 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, heating equipment and the electrical panel or electrical room shall not be permitted below the regulatory flood level;
 - c. windows, doors and other openings to habitable floor space shall not be permitted below the regulatory flood level;
4. "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 as delimited by the Credit Valley Conservation Authority;
5. "COOKSVILLE CREEK FLOODWAY AREA" means the portion of the flood plain that is required for the safe passage of flood water as delimited by the Credit Valley Conservation Authority;
6. "REGULATORY FLOOD LEVEL" means elevation of the regulatory flood;

7. "REGULATORY FLOOD" means the inundation of areas adjacent to a river or stream system and not ordinarily covered by water as delimited by Credit Valley Conservation Authority;
8. "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;
9. Map Number 14 of Schedule "B" to By-law 5500, as amended is further amended by changing thereon from:
 - (a) "R3" to "H-R3-Special Section";
 - (b) "O3" to "H-O3-Special Section";
 - (c) "AC" to "H-AC-Special Section";
10. The holding provisions ("H") is to be removed from the category "H-R3-2643", "H-O3-2643" and "H-AC-2643" with respect to the whole or any part of the lands upon satisfaction of the following requirements:
 - (i) a letter from a Registered Professional Engineer in the Province of Ontario certifying that the building meets the requirements for flood proofing to the satisfaction of the City and the Credit Valley Conservation Authority;
 - (ii) confirmation in writing from Credit Valley Conservation that safe access to the site has been provided.

CONCLUSION:

The public meeting regarding Official Plan and Zoning amendments pertaining to Cooksville Creek was held on September 29, 2003. There has been no objections in principle to the proposed Official Plan amendments and proposed two-zone policy area by-law. In accordance with subsection 34(17) of the

Planning Act, R.S.O. 1990, cP13, as amended, City Council is given authority to determine if further public notice is required. The proposed revisions do not require a further public meeting as they are consistent with the intent of the proposed Official Plan amendments and Zoning By-law amendments considered at the public meeting. The proposed Official Plan and Zoning By-law amendments will assist in dealing with the floodplain issues of Cooksville Creek.

RECOMMENDATIONS:

That the report titled "Proposed Official Plan and By-law amendments - Cooksville Creek Floodplain Policies" dated March 2, 2004 from the Commissioner of Planning and Building recommending amendments to City Plan, Mississauga Plan and Zoning By-law 5500, be adopted in accordance with the following:

1. That notwithstanding that subsequent to the public meeting, changes to the proposed Official Plan and Zoning By-law amendments have been made, City Council considers that the changes do not require further notice and, therefore, pursuant to the provision of subsection 34(17) of the *Planning Act* R.S.O. 1990, cP.13, as amended, any further notice regarding the proposed amend is hereby waived.
2. That staff be authorized to prepare Official Plan Amendments:
 - a. to implement a two-zone policy area for the floodway and flood fringe lands from the north side of the Queen Elizabeth Way to where the Cooksville Creek crosses Camilla Road;
 - b. to ensure that all lands adjacent to Cooksville Creek be restricted within the erosion corridor of Cooksville Creek;

- c. to ensure no portion of the lands on the east and west side of Shepard Avenue, between Paisley Boulevard and King Street are redeveloped until the flooding and erosion issues are addressed to the satisfaction of the City and Credit Valley Conservation;
 - d. to require off-site works for the lands north of Lakeshore Road East to the CN railway, on the east and west side of Cooksville Creek, to ensure that they have safe access for any redevelopment;
 - e. to amend the Holding Zone Provisions in Mississauga Plan to allow the use of the holding zone provision to address natural hazards.
3. That staff be authorized to prepare Zoning By-law Amendments to implement a two-zone policy area for floodway and flood fringe lands from the north side of the Queen Elizabeth Way to where the Cooksville Creek crosses Camilla Road;
- a. to prohibit development within the Cooksville Creek Floodway Area;
 - b. to prohibit hospitals, nursing homes, private and public schools, and day nurseries in the Cooksville Creek Flood Fringe Area;
 - c. to add the following restrictions within the Cooksville Creek Flood Fringe Area:
 - i) habitable floor space shall not be permitted below the regulatory flood level;

- ii) mechanical, heating equipment and the electrical panel or electrical room shall not be permitted below the regulatory flood level;
 - iii) windows, doors and other openings to habitable floor space shall not be permitted below the regulatory flood level;
 - d. to subject the lands to holding provisions to ensure that new development is flood proofed and has safe access to the satisfaction of the City and the Credit Valley Conservation.
4. That staff be authorized to prepare amendments to the Site Plan By-law to include the lands within the two-zone policy area on Cooksville Creek.

Original Signed By:

Edward Sajecki
Commissioner of Planning and Building