

Meeting Date: August 6, 2024
Department: Building, By-law & Planning
Report No.: BBP-2024-96
Submitted by: Jake DeRidder, Senior Development Coordinator
Reviewed by: Jennifer Huff, Director of Building & Planning
Approved by: Trisha McKibbin, Chief Administrative Officer
SUBJECT: **22608 Adelaide Road Request for Wye Connection**

RECOMMENDATION: THAT: Council receive Report BBP-2024-96 22608 Adelaide Road Request for Wye Connection for information, and further;

THAT: Council Approve / Not Approve the request for a 'Wye' Connection at 22608 Adelaide Road, Mt. Brydges.

BACKGROUND:

Council received a report (attached) at its April 2nd, 2024 meeting regarding a potential severance application located at 22608 Adelaide Road which would create a lot fronting onto Emerson Street. This report was in regards to a request from the owners for a servicing exemption to allow for two sanitary connections on a single lot. Council permitted the exemption, which allowed for a sanitary connection to Adelaide Road through the existing lot on a temporary basis until sanitary services are installed on Emerson Street. The location of the lands are shown below on the Location Map.

Following the exemption, the owners have completed further investigations alongside an engineering consultant and have identified that the costs for installing a new sanitary connection to Adelaide Road are higher than expected. The owner's consultant estimates the cost will be between \$60,000-\$120,000, largely due to concerns with dewatering of groundwater. The consultant has approached municipal staff with a proposal to utilize a wye connection to the existing sanitary connection for 22608 Adelaide Road, which would once again be temporary until sanitary services are installed along Emerson Street. This means the existing pipe is separated into two individual pipes that then leads into each dwelling. However, the pipe within the road allowance remains as a single pipe and the two lots would share this portion of pipe. This solution is contrary to the Municipality's Sewer System Use By-law (details below) and the Municipality's servicing standards, and also is not consistent with the conditions of consent approval.

A delegation was presented at the July 15th, 2024 council meeting with this request in which Council directed staff to bring forward a report to provide additional information on the wye connection and timing of servicing Emersion Street.

Council will recall that a previous request for 22566 Adelaide Road to utilize a wye connection was made to Council at the May 6th, 2024 under report number BBP-2024-43 in which Council denied the request.

REGULATORY FRAMEWORK:

Section 4.28(2) of the Strathroy-Caradoc Zoning By-law and section 2.1.6 of the Strathroy-Caradoc Official Plan states that for development in fully serviced settlement areas, no land shall be used or built upon unless all municipal services are available and adequate. This means that the severed and retained lots must be developed on full municipal services and that the existing septic system for the existing dwelling cannot be utilized.

Section 2.17 of by-law 64-14 being the Sewer System Use by-law, states that *“In situations where a shared sewer lateral would result from a division of land the shared sewer lateral shall be eliminated and a separate sewer lateral from each lot to the sanitary sewer shall be installed at the Owner’s expense.”*

Use of a wye connection would be in contravention Section 2.17 of By-law 64-14 given it is a division of land and the *“sewer lateral”* referenced in the by-law refers to the portion of the sanitary connection on the right of way, which would be shared with a wye connection. Section 2.17 also states, *“where separate sewer laterals for each lot is impractical, the Owner shall create reciprocal easements for maintenance purposes over each lot.”* In this case, the proper installation does not appear to be impractical but rather more costly than putting in a wye connection.

Section 2.11 of the Sewer System Use by-law also indicates that *“All sanitary sewer pipes and sewer laterals located within Municipal property shall be constructed according to the Municipal standards.”* The Servicing Standards indicate that the location for both water and sanitary service should be at the front of the property, which would not be achieved by servicing the lots with a wye connection.

TECHNICAL COMMENTS ON THE USE OF A WYE “Y” SEWER CONNECTION

In regards to the technicalities of a “Y” connection, staff offer the following information:

- A common issue with “Y” connections is clogging within the “Y” itself as it creates an area of low flow and conflicting flows.
- If the “Y” is located on municipal road allowance, the clogging could become a matter involving the municipality.
- If the “Y” is on private lands, the clogging tends to lead to conflicts between property owners as it is very hard to determine who or what caused a clog and who is responsible for paying

to have the clog removed. Typically, the home with the lower basement ends up dealing with the sewage back up.

- When new Owners purchase properties relying on a “Y” connection, they may not be aware of the “Y” connection arrangement before purchasing which potentially further increases the conflict.
- The Municipality is aware of conflicts arising from historic wye connections, which is one of the reasons they are no longer permitted in Strathroy-Caradoc and several municipalities in the area.
- While reciprocal permanent easements would be required to be registered on title associated with any “Y” connections on private lands, homeowners may not appreciate the implications of a “Y” connection until an issue arises.
- Much of Mount Brydges appears to sit over a high groundwater table. This means that dewatering costs associated with the installation of sanitary services are normal servicing related costs associated with the area and are anticipated for many other developments (including other provisionally approved or future severances and subdivisions). If Council approves this “Y” connection request, staff anticipate other applicants who have a provisional severance approval or intend to make a severance application will come forward requesting a similar exemption in order to reduce servicing costs.
- Anecdotally, lots in Mount Brydges tend to sell higher than those in other parts of the Municipality.
- Should Council permit servicing exemptions for the use of a “Y” sanitary connection, staff anticipate future applications coming forward with similar requests. There are always solutions/options that are cheaper and easier initially than those requirement found in a Municipality’s standards. However, they typically create issues for all parties such as neighborly disputes, conflicts, limitations and increased costs in the future, including unforeseen financial burdens on the Owners or the Municipality.
- The reason that the Municipality has Servicing Standards and By-laws is to ensure consistent and fair application of the standards to everyone, and not have a negative impact on our sanitary system and our servicing strategy.
- It becomes challenging for staff to advise applicants on servicing expectations, or review and approve works, when a precedence of exemptions becomes the normal.

EMERSON STREET TIMING

The Municipality is currently undertaking a Servicing Master Plan, which Council has provided direction to review servicing of all the currently unserviced areas of Mount Brydges. Through the master plan, Council will get a better understanding of all the implications and possible timing of servicing Mount Brydges. The master plan is not anticipated to provide specific timing for each section of road or sewer work, so specific timing of Emerson Street will remain largely unknown.

One driving factor that may determine when Emerson Street is reconstructed with sanitary sewers is the pavement condition. If a road needs to be reconstructed due to a poor road surface, the expectation would be that the road would be reconstructed to a full urban standard, including sanitary sewers. The Municipality is currently undertaking a Roads Needs Assessment which will

help provide a better understanding of where Emerson Street will fall on the list of priority roads, however that study is not yet complete. It is acknowledged that Emerson Street is currently not constructed to an urban standard and has an aging road surface.

It is also worth noting that there appears to be limited development potential along the remainder of Emerson Street, which may also be a consideration when determining servicing priorities.

At this time, sanitary servicing of Emerson Street is unknown.

NEXT STEPS

As the alternative servicing solution is contrary to the Sewer System Use by-law and Strathroy-Caradoc Municipal Engineering Standards, as approved by Council, the authority to approve the alternative servicing solution rests with Council. The application for severance application has not yet been brought forward to the Committee of Adjustment, however it would be inappropriate for the Committee of Adjustment to approve a servicing solution that is contrary to Council's standards. Therefore, the first step in this request is for Council to determine whether they approve the applicant's request to use the "Y" connection.

Regardless of Council decision, the owners will need to determine if they wish to proceed with an application for severance to the Committee of Adjustment. The "Y" connection would also require an easement.

OPTIONS

Option 1: No exemption

Staff recommends Option 1. Council upholds its Servicing Standards and the Sewer System Use By-Law and does not approve the use of a 'wye' connection. The Owner could then explore other potential servicing options or install individual services as was approved by Council on April 2, 2024.

Option 2: Permit exemption

Permit the request for a 'wye' connection as an exemption to the Municipality's Servicing Standards and the Sewer System Use By-Law. The applications would then be required to go to the Committee of Adjustment to seek conditional approval for an application to sever the lands.

It is staff's recommendation that Option 1 be applied to the servicing exemption request for the reasons noted above, including the precedent that would be set within the Municipality, the technical concerns with the "y" connection, and, the potential impacts it might have on the Municipality as well as current and future landowners.

CONSULTATION:

- Manager of Environmental Services

STRATEGIC PLAN ALIGNMENT:

This matter is in accord with the following strategic priorities:

- Growth Management: Strathroy-Caradoc will be an inclusive community where growth is managed to accommodate a range of needs and optimize municipal resources.

FINANCIAL IMPLICATIONS:

None at this time. Future costs for the Municipality and Owners.

ATTACHMENTS:

April 2nd, 2024 - 22608 Adelaide Road Servicing Report

LOCATION MAP

