

REPORT TO COUNCIL

DATE: April 9, 2024
TO: Mayor and Council
FROM: Ann Carr, Planning Administrator
SUBJECT: Trailers and Recreational Vehicles on Vacant Land

BACKGROUND INFORMATION:

Trailer by-laws have become a topic of heated debate in many northern Ontario towns. Currently, within the Township of Bonfield, recreation vehicles are not permitted on vacant land. The 2018 bylaw was adopted to further clarify past comprehensive zoning bylaws. This has never been a permitted use in the Township. Council has had delegations and conversations with citizens expressing concern for both allowing and not allowing trailers to be used while on vacant land. Council would like to address the issue and determine if there should be a review of the bylaws.

Several other municipalities have been reviewing their regulations in recent years. Here are some reasons behind these bylaws and their implications:

Rising Trailer Presence:

With the increasing cost of waterfront properties and the expansion of southern Ontario's "cottage country" further north, trailers are cropping up across rural areas. Many towns and townships are now considering bylaws to regulate where trailers can be set up, enforce environmental rules, and determine permit fees. It enables a municipality to provide responsible ownership guidance policies and implements health and safety assurance for the owners.

Control and Fairness:

By-laws aim to strike a balance between property rights and community interests. Licensing trailers ensures that cottage owners who pay property taxes are treated fairly. It also helps maintain order and prevent overcrowding in rural areas.

Challenges and Concerns:

Citizens have expressed concerns about the impact on their rights and property. For example, the proposed bylaw in Sables-Spanish River sets a minimum lot size of 2.5 acres, potentially affecting existing trailer owners with smaller lots. Some opponents argue that such by-laws could be unconstitutional. The Township of Nipissing's by-law was challenged at the Ontario Land Tribunal and was found that the municipality had the authority to exercise the by-law.

Balancing Growth and Tax Base:

Townships aiming for growth need to expand their tax bases. Practical and enforceable by-laws can help achieve this while maintaining a fair balance between residents' rights and community needs.

By-laws aim to regulate trailer placement, ensure fairness, and contribute to community well-being. However, finding the right balance remains a challenge for local authorities.

ANALYSIS

The current zoning by-law regulates trailers and recreational vehicles and does not permit any trailer or recreational vehicle to be on vacant land. Trailers are only permitted to be used on lands with a dwelling for 120 days in any calendar year, or in a commercial campground. The municipality also allows for trailers to be used when a resident is building a home.

To better understand the community the Township conducted a community survey and then a specific survey from the Town Hall meeting regarding trailers and recreational vehicles. The survey was anonymous. According to the survey results there are currently 24 trailers on vacant land and 50% of those are not hooked up to septic systems. However, that does not mean that the trailers are not being pumped or they are using other methods for grey water and septic, but it does raise the question from an environmental perspective.

Most municipalities do not permit the use of trailers and RVs due to lack of assessment value, the inability to appropriately tax properties for the use of services, and they are not suitable for primary residences. Health and safety reasons are a concern to prevent year long residency in a trailer that is not meant for habitation as most trailers and RVs do not fall under the building code. Environmental concerns regarding septic and grey water also do not fall under the building code for trailers and recreational vehicles, another reason why they were never permitted.

Spending a summer in a trailer has become a more affordable retreat for many people in Ontario's cottage country and was a trending way of vacationing during COVID. Trailers have grown in popularity, and municipalities are looking for a way to manage their use including the Township of Bonfield.

Trying to find a balance between allowing trailer use and protecting the environment, and not over stressing our services by adding more occupancy during the summer, while protecting the aesthetics of our northern waterfront and protecting the health and safety of the user has been a contentious conversation for almost a decade.

Several municipalities in our region have begun permitting trailers and recreational vehicles to use on vacant lands with a by-law to ensure that they are not used for habitation, that environmental protection is in place concerning septic and grey water as well as licencing to capture revenue for the purpose for lack of assessment for utilizing Township services. Other

by-laws have zoning amendments attached to them as trailers and RVs are only permitted in certain zones to maintain the character of the neighbourhood.

The Township of Strong, Municipality of French River, West Nipissing, and Nipissing Township, to name a few, have regulated and licenced trailers and recreational vehicles. The questions in the survey were derived by viewing the various by-laws that the above municipalities have in place. The Township of Nipissing had their by-law challenged at the Ontario Land Tribunal and were found to have had the authority to execute the by-law for licencing and regulating the use of trailers and recreational vehicles on vacant land and amended the zoning by-law accordingly.

Confidence in the survey:

When reviewing the survey results it was found that the same IP address had conducted the survey 18 times and one other had conducted the survey 6 times which creates uncertainty in the validity of the survey. Therefore, there is an estimated 8.7% discrepancy in the survey results. A conclusive answer in reviewing the survey answers is considered when there is a margin of 20% or more between yes and no.

Recognizing that 88% of the respondents of the survey do not own a trailer on vacant land provides an interesting perspective of the community's opinion of those who were surveyed. Only 12% of those surveyed have a trailer on vacant land, indicating that most people who answered the survey have no gain by participating in the survey and expressing their opinion. The full survey results are in Appendix A.

Results from the survey indicate that that 78% feel trailers should be allowed on vacant land. There are many parameters around allowing them that show the community is still quite divided. These are summarized as follows:

	Regulate	Do NOT Regulate	Inconclusive
Allow with regulation			X
Allow on waterfront			X
Allow in hamlets/rural area	X		
License			X
Permit for Group/Weekend only		X	
Proof of Septic / Grey water management			X
Regulate structure modifications	X		
Allow accessory buildings			X
More than one trailer per property			X
Require property setbacks			X

COUNCIL OPTIONS:

1. To keep the zoning by-law as is and to not permit trailers and recreational vehicles to be on vacant land.

Consequences:

- I. Continue to enforce the zoning by-law and remove all trailers from vacant lands.
 - II. Missed opportunities for seasonal residents.
 - III. Vacant landowners / trailer owners still feel over governed.
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2. Allow trailers and recreational vehicles to be on vacant land with a licence and regulations.

Consequences:

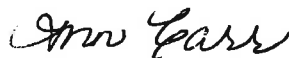
- I. Ensures proper management of septic and grey water. Ensuring environmental protection and responsible ownership.
 - II. Provides regulation to ensure the health and safety of the user by regulating habitation in the trailer or rv through seasonal limitations when permitted to be used.
 - III. The ability to amend the zoning by-law to the placement of trailers in certain zones to maintain the character of the neighbourhood.
 - IV. Licencing provides revenue for services that are not being taxed due to no assessment.
 - V. Regulation will provide clear guidance and transparency.
 - VI. Owners of vacant land feel over governed.
 - VII. By-laws will need to be enforced.
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RECCOMENDATION:

WHEREAS the survey results from the community indicate that there is a desire to allow trailers and recreational vehicles on vacant land through the use of licencing and regulation;

THEREFORE Council directs the Planning Administrator to draft a by-law with licencing provisions to be reviewed by Council.

Respectfully submitted,



Ann Carr
Planning Administrator

I concur with this report,



Nicky Kunkel
CAO

Appendix A

Survey Results

Survey Results:

A community survey was conducted, and four questions were asked regarding short-term rentals. 140 answers were received with the following results:

1. **Should the trailers be permitted on Vacant Land?**
64.25% agree 35.48% disagree
2. **Allow trailers on vacant land but licence and regulate?**
42.00% agree 58.00% disagree
3. **Allow on waterfront property?**
14.19% agree 85.81% disagree
4. **Allow trailers in rural areas?**
38.67% agree 61.33% disagree

The Township proceeded to take this information to a Town Hall meeting. Another survey was conducted for the purpose of trailers and rvs on vacant land at the Town Hall Meeting and the survey was also posted to the Township Website. On average each question was answered by 200 participants.

1. **Should the Township allow trailers on vacant land?**
Yes 78.21% 201 responses No 21.79% 56 responses
2. **Allow with regulations?**
Yes 53.20% 108 responses No 46.80% 95 responses
3. **Allow on waterfront property?**
Yes 88.67% 180 responses No 11.33% 23 responses
4. **Allow in rural?**
Yes 96.02% 193 responses No 3.98% 8 responses
5. **Allow in the hamlets of Bonfield and Rutherglen?**
Yes 81.09% 163 responses No 18.91% 38 responses
6. **Licence to capture assessment values for services?**
Yes 41.00% 82 responses No 59.00% 118 responses
7. **Allow from April 01st to November 30th with a licence?**
Yes 47.92% 92 responses No 52.80% 100 responses
8. **Allow from May 1st to September 30th with a licence?**
Yes 40.86% 76 responses No 59.14% 110 responses
9. **Special Occasion permits for visitors?**
Yes 24.37% 48 responses No 75.63% 149 responses
10. **Regulate more than one trailer per property?**

Yes	44.33%	90 responses	No	55.67%	113 responses
11. Require a licence?					
Yes	43.44%	106 responses	No	56.56%	138 responses
12. Require proof of septic and grey water?					
Yes	54.23%	109 responses	No	45.77%	92 responses
13. Require meeting setbacks from property lines?					
Yes	56.25%	55 responses	No	43.75%	84 responses
14. Regulate modifications to trailer or rv?					
Yes	35.68%	71 responses	No	25.71%	128 responses
15. Allow accessory buildings?					
Yes	77.61%	156 responses	No	64.32%	45 responses
16. Allow one shed for lawnmower, etc.?					
Yes	55.56%	25 responses	No	44.44%	20 responses
17. Do you own a trailer on vacant land?					
Yes	12.00%	24 responses	No	88.00%	176 responses
Survey says that if they answered no, the survey was complete					
18. Is the trailer or rv on the waterfront?					
Yes	46.43%	13 responses	No	53.57%	15 responses
19. Is the trailer located in the rural area?					
Yes	64.00%	16 responses	No	36.00%	9 responses
20. Do you have a septic system?					
Yes	50.00%	13 responses	No	50.00%	13 responses
21. Do you live there permanently?					
Yes	3.85%	1 response	No	96.15%	25 responses