



NEWS NORFOLK & REGION

County staff stumped by Hastings Drive issue



By Monte Sonnenberg, Simcoe Reformer
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Hastings Drive at Long Point. (Simcoe Reformer file photo)

SIMCOE - Norfolk Mayor Charlie Luke is beginning to wonder if county staff is clear on the concept of "council direction."

This week, Norfolk council was expecting a report containing an interim control bylaw on Hastings Drive in Long Point. Council asked for the report last month.

The draft bylaw did not materialize at Tuesday's meeting. Instead, planning staff described a lengthy consultation process leading to a zoning bylaw next year that will outline allowable uses on Hastings Drive.

"I don't understand what's happening here," Luke said in an angry speech to council. "I don't understand what's happening in Norfolk County. I don't believe it. It's like we're living in the Twilight Zone."

Hastings Drive was once a popular area for cottagers. That changed in December of 1985 when a winter storm knocked dozens of cottages off their foundations. The former Haldimand-Norfolk Region responded by imposing a hazard designation on Hastings Drive.

Very little can be done on hazard land. However, in recent years, owners of vacant lots on Hastings have brought in camping trailers for recreational purposes. Property owners on Hastings whose cottages survived oppose this, as do environmentalists who feel Hastings should be given over to wildlife.

In June, a majority of Norfolk councillors decided it was time to ease restrictions on recreational uses along Hastings. They directed staff to prepare an interim control bylaw that would give council the power to override the current zoning for a maximum of two years. The planning department did not deliver on this Tuesday.

Principal planner Mary Elder explained that the zoning issue on Hastings is so complex and contentious that there is little point in proceeding with an interim control bylaw.

Provisions regarding Hastings in Norfolk's new zoning bylaw have already attracted three appeals to the Ontario Municipal Board. Elder suggested an interim bylaw is a waste of resources, adding staff time is better spent crafting a process that will produce zoning provisions the county can defend at the OMB.

The situation has frustrated Luke because – as it stands – a trailer for human habitation on a vacant lot anywhere in Norfolk is illegal. As far as the mayor is concerned, if council does not pass an interim control bylaw, the county is obliged to move on to enforcement.

"I want our bylaw officers to begin enforcing our bylaws," Luke said, adding he will seek a legal opinion on the matter if staff continues to sit on its hands.

Norfolk CAO Keith Robicheau and Pam Duesling, Norfolk's manager of community planning, countered that the way forward is murky.

Duesling cited Ontario case law which has determined that camping trailers are considered vehicles and not structures under the Ontario Building Code. As such, Duesling says Norfolk's enforcement options may be limited.

Randy Mawhiney of St. Williams, owner of a vacant lot on Hastings Drive and a camping trailer parked on it, said Norfolk staff is reluctant to act for good reason. Mawhiney has spent \$5,000 on legal advice regarding his rights on Hastings. He believes he's on solid ground.

"As long as it has a plate on it, it's a vehicle," Mawhiney said. "And the zoning bylaw doesn't regulate vehicles. They can huff and they can puff if they want to. We'll see where it shakes out."

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