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Vacant lots limited to day uses: ruling

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

SIMCOE - The Ontario Municipal Board has sided with those who want strict limits on human activity on Hastings Drive in Long Point.

Intensified uses on Hastings was the subject of a five-day OMB hearing in Simcoe in early January.

In his ruling Monday, OMB chair Blair Taylor said vacant lots on Hastings should be treated like beach front or parkland. Uses beyond that he said, are contrary to provincial policy and Norfolk's official plan.

"The tribunal finds the subject lands are within an area where there are patent and imminent hazards," Taylor writes in his decision. "The draft order does not sterilize the subject lands but it does severely limit their use in accordance with the risks to public health and safety that are posed."

The ruling is a blow to property owners who want to situate camping trailers and mobile homes on Hastings Drive for overnight use. Some property owners have built "docks" on these lots with change houses that happen to provide shelter for overnight visits.

Hastings Drive was once a thriving resort area with dozens of cottages. The OMB heard that Hastings suffered significant property damage during Hurricane Hazel in 1954 and again during a devastating winter storm during a time of record-high lake levels in 1985. Following the 1985 storm, the former Haldimand-Norfolk Region imposed a hazard land designation on this part of Long Point.

Taylor gave particular weight to submissions from Norfolk EMS and Norfolk Fire & Rescue. Both say it would be difficult to help in an emergency on Hastings Drive under conditions where flooding is an issue.

"I am pleased that a decision has finally been made on permitted land uses for Hastings Drive," Mayor Charlie Luke said in an email Tuesday.

"It has been a long five years. Permitted uses will now be limited to public park on government-owned land only and day use. Now, it is time to move on."

Monday's ruling was a vindication of the position Simcoe Coun. Peter Black staked out at the beginning of this debate.

Black says intensified uses in the hazard land areas of Hastings are contrary to provincial policy and Norfolk's official plan. Provincial pol not only discourages activity and development in hazard land areas, it also discourages the same in ecologically significant areas where there are species-at-risk.

"The county must now enforce this ruling," Black said Tuesday in an email. "Any trailers on site must be removed and none permitted in the future. Any structures that have been constructed should be removed except for existing grandfathered cottages."

"The enforcement aspect of the OMB ruling, I believe, will be challenging for the county bylaw department. It is my strong belief that this ruling is correct in order to protect the safety of people and for the protection of an environmentally-significant and sensitive narrow strip of sand bounded by, at times, an angry and uncontrollable lake on one side and the ever-threatening Big Creek delta on the other that could easily punch through to the lake."

The appeal was initiated by Ellen and Suzanne Boyce. The sisters own cottages on Hastings Drive and object to the intensification of activity in the neighbourhood given its hazard land designation.

Other appellants include Carefree RV Resorts (Hidden Valley Park), Gerry Livingston, "and others." The Ministry of Municipal Affairs also weighed in against intensified uses.

For their part, vacant property owners were represented by counsel and a professional planning consultant.

County staff met Tuesday to discuss the implications of Taylor's ruling. Norfolk council will be debriefed April 24.

There are 24 cottages, 75 private lots and 47 county-owned lots on Hastings Drive. There is also a maintained road and hydro.

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