

**DATE:** March 6, 2023

**REPORT NO:** PD-07-2023

**SUBJECT:** **Recommendation Report – By-law Enforcement and Land Use Planning Update – Grimsby Airpark**

**CONTACT:** Brian Treble, Director of Planning & Building

**OVERVIEW:**

- On October 12, 2021, the Township of West Lincoln was notified that a petition had been prepared and signed by many residents from both West Lincoln and Grimsby and had been addressed to Mayor Jeff Jordan and Harry Schlange (Grimsby CAO) (See attachment 1).
- Former Township Mayor Dave Bylsma met with and spoke to numerous residents and was in direct communication with representatives of the Town of Grimsby as well.
- Further, Dean Allison, MP, was also approached and spoken to about the resident concerns since federal government regulations of Transport Canada apply to regulate air parks such as this one.
- More recently Township staff and Mayor Ganann have met with residents and discussed the file with Town of Grimsby staff and have been in contact with Dean Allison's office.
- Generally, as Township staff understand the situation, the Grimsby airpark is a legal use in the Town of Grimsby on lands zoned for an air park. The use must comply with Transport Canada regulations. Local rules and regulations, including zoning, are limited in their authority as federal regulations overrule Provincial and Local municipal documents.
- Township By-law and Planning staff provide this update to inform the Committee and Council that staff are now in direct communication with Transport Canada staff about all of the concerns that have been raised to date. It is clear that the Grimsby airpark management and a local Noise Committee should be the first point of contact. Should that not be successful then an online contact/complaint form as illustrated by attachment 2 to this report is to be completed according to Transport Canada officials.
- There is little more that Township staff can do except help to facilitate connection and responses.

### **RECOMMENDATION:**

1. That, Recommendation Report PD-07-2023, regarding “By-law Enforcement and Land Use Planning Update – Grimsby Airpark”, dated March 6, 2023, be RECEIVED; and,
2. That, staff continue to brief Committee and Council, as required, and to offer facilitation services to local residents who remain concerned, including those West Lincoln residents who abut the airpark. This could include contacting Transport Canada, as required.

### **ALIGNMENT TO STRATEGIC PLAN:**

#### **Theme #4 and 5**

- Local Attractions
- Community Health and Safety

### **BACKGROUND:**

Ongoing complaints have been received from time to time relating to the Grimsby Airpark. There have also been complaints from time to time about a new airstrip at 8059 Twenty Road in West Lincoln as well. Both have expanded in recent years and both have resulted in the Township receiving compatibility complaints over the last several years.

The Township of West Lincoln and the Town of Grimsby are limited in what a local municipality can do since local rules and regulations are trumped by Federal jurisdiction. Staff are, however, in direct contact with Transport Canada Enforcement officers which might help facilitate concerns.

### **CURRENT SITUATION:**

The October 2021 petition identifies nine reasons why the airpark should not be operating on the lands in Grassie, on the north side of Mud Street. The nine concerns were as follows:

- 1) It is inconsistent with the Green Belt and its land use policies.*
- 2) It negatively impacts property owners in TWO municipalities.*
- 3) The property is not large enough to support this largely recreational activity without adversely affecting long-time TAX PAYING residents and livestock operations. It depends on adjacent properties in order for its planes to attain a safe flight altitude.*
- 4) It will negatively impact the ability of the municipalities of Grimsby and West Lincoln in forward looking planning given its proximity to current built up areas and the ridge.*
- 5) It has proven itself unwilling to operate in a manner that positively contributes to the area and is inconsiderate of its neighbours. Emails and phone calls go unanswered. No complaint process has been put in place.*
- 6) It is a PRIVATELY owned operation that offers little in the way of economic benefit to either municipality or the region at large.*

7) *The property's zoning should never have been changed from RURAL to UTILITY without public consult, GreenBelt Policy relating to land use and the Official Plan which designates that all properties within this area are to be retained for agricultural purposes.*

8) *They have used the property for other events like drag racing. These illegal events had no insurance, no facilities, no security and no medical response teams. If we understand correctly, they even told the police investigating the drag racing that they had no jurisdiction on the property because it was an airpark regulated under federal jurisdiction. The police not knowing better did not pursue charges.*

9) *Recreational activities should not trump the rights of TAX PAYING property owners in any manner that affects their SAFETY, ENJOYMENT of PROPERTY and PRIVACY.*

More recently, a document entitled “Grimsby Airpark – Historical context, Existing Policy and Recommendations” was provided to multiple parties (see Attachment 1). Township staff have recently contacted Transport Canada staff who have confirmed that on site meetings and discussions with the Airpark Management Team have occurred.

It is recommended by Transport Canada staff that complaints should be directed to Airpark Management. Former Transport Canada Enforcement Officers were helpful in connecting Township staff with the new contact at Transport Canada who has been very knowledgeable on this file.

#### **FINANCIAL IMPLICATIONS:**

Any incurred fees for staff investigation will be expensed to the general Operating by-law enforcement account.

#### **INTER-DEPARTMENTAL COMMENTS:**

Contact with the Town of Grimsby Planning staff and by-law enforcement staff have occurred on numerous occasions and will remain ongoing as required.

Correspondence with Transport Canada, as received on February 10, 2023 states as follows:

*Good afternoon Brian,*

*Thank you for your email of February 8, 2023. Your correspondence has been forwarded to me from the Hamilton Transport Canada Office for a response.*

*Transport Canada (TC) focuses on the safety and security of the aviation system in Canada. Through the development and administration of policies, regulations, and programs, the department strives to work with partners and stakeholders to achieve an efficient, effective, and environmentally responsible transportation system. In doing so, the department exercises its authority through the Aeronautics Act and the Canadian Aviation Regulations (CARs). The CARs are available to the public at the following website:*  
<http://laws-lois.justice.gc.ca/eng/regulations/SOR-96-433/>.

*Various concerns reported to the department have been reviewed by our subject matter experts and as a result, an on-site inspection was conducted with the management team of the aerodrome.*

*Upon discussing the concerns with the management team, department officials were advised of the following:*

- 1. A noise committee was established between the Grimsby Airpark and concerned citizens in December of 2020 due to the noise complaints received. In response to the noise and operational concerns raised by community members, two meetings were held and various changes in procedures were subsequently implemented. One example includes the requirement of pilots to reach 1000' above ground-level on the runway heading before any turns can be initiated.*
- 2. The noise committee email inbox is regularly monitored by management, and complaints are investigated accordingly.*
- 3. The proximity of the aerodrome to built-up areas, its relative safety measures and potential to impede on future plans of the nearby communities was examined. TC technical experts reviewed the proximity of the aerodrome's location both on-site and via satellite imagery. There were no regulatory concerns identified.*
- 4. The use of the aerodrome for other events was raised. TC was advised that under the current management team, requests for the use of the aerodrome by third parties has been denied due to the excessive noise generated.*

*As a result of the department's follow up on the matter, there were no contraventions to the CARs identified. Noise management is a complicated and often difficult issue faced by air operators and communities around the world. It is an issue that must be managed while ensuring that aviation safety is not compromised. Transport Canada's experience has shown that noise issues are most effectively addressed at the local community level. Therefore, it is encouraged that concerns continue to be directed to the aerodrome operator directly.*

*Thank you for writing.*

A Transport Canada complaint form (Attachment 2) can be found at the following link, <https://tc.canada.ca/en/aviation/civil-aviation-contacts-offices/civil-aviation-communications-centre-contact-form>.

## **CONCLUSION:**

Township Planning and By-law staff are now bringing this report forward to keep Committee and Council aware of the ongoing discussions surrounding this previous and ongoing by-law complaint that impacts residents in West Lincoln.

This report is provided for the information of Committee and Council.

**ATTACHMENTS:**

1. Attachment 1 - Grimsby Airpark Petition & Grimsby Airpark Existing Policy
2. Attachment 2 - Contact/Complaint Form, Transport Canada

**Prepared & Submitted by:**

**Approved by:**



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**Brian Treble**  
**Director of Planning & Building**



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**Bev Hendry**  
**CAO**