

George & Sylvia Baynton



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P4G District Official Community Plan Public Hearing
c/o RM of Corman Park
111 Pinehouse Drive
Saskatoon, Saskatchewan, S7K 5W1

September 21, 2020

Re: Written Submission respecting the Proposed P4G District Official Community Plan and Subsequent Zoning Issues

1. Proposed Plan P4G

We complement those involved in the proposed Plan for their hard work and futuristic approach to their mandate. It is not only timely but also ensures that as the current population continues to rapidly escalate in the future, the proposed Plan will ensure that the ensuing development takes place in an orderly fashion. This will not only benefit the municipalities and governments involved, but will also benefit those who come to reside and do business in the communities to which the Plan will apply.

As happy country residents of Corman Park for 30 years, we fully support the proposed Plan and hope to see its eventual adoption. We can find nothing in the proposed Plan or the existing Zoning Bylaw that we cannot support.

2. Proposed Zoning Plan

We do have a potential Zoning concern however if the proposed Zoning Plan, that is likely to follow the adoption of the Proposed P4G Plan, permits a commercial Parachuting Operation from being conducted on agricultural land within the midst of country residences near the communities of Martensville, Dalmeny and Saskatoon. But we want to briefly outline the basis for our concerns as they do pertain to a legitimate zoning issue that will have to be dealt with in the near future.

We can find nothing that currently authorizes or permits such a use as described above in the R M. of Corman Park Zoning Bylaw - March 2019, or the Corman Park - Saskatoon Planning District Zoning Bylaw - February 2020. Instead, section 5 of the Corman Park - Saskatoon Planning District Zoning Bylaw - February 2020 expressly prohibits such a development use (as set out on the next page).

3. Corman Park - Saskatoon Planning District Zoning Bylaw - February 2020

Section 5. Prohibited Development:

The following developments shall be strictly prohibited within a DAG 1 District:

1. All uses of land, buildings, structures or industrial processes that may be noxious or injurious, or constitute a nuisance beyond the building which contains it by reason of the production or emission of dust, smoke, refuse, matter, odour, gas, fumes, noise, vibration or other similar substances or conditions.
2. All uses of land, buildings and structures except those specifically noted as permitted or discretionary.

4. Proposed P4G District Official Community Plan

Part 3 - Land Use

10.1 Introduction

These general policies are intended to apply to all considerations of land use management in the District, to guide current and future development to 1 million residents.

10.2 Objectives

- a) Provide for development that minimizes land use conflicts and ensures orderly, cost-efficient, and context-appropriate development;

10.3.1 Land Use Compatibility

Development shall be compatible with surrounding uses.

12.3.8 Integrated Development in Country Residential Areas

Convenience commercial, community service and recreational developments may be located within a Country Residential development to provide retail and service-oriented convenience to residents. Locations should be identified as part of a proposal for new Country Residential developments and may be considered for existing Country Residential developments subject to public consultation and additional review to ensure land use integration. The following factors will be considered in all cases:

- c) Land use integration where land use conflict is minimized and the development complements existing communities;

5. The Effect of the Current Parachuting Operations Conducted in the Air Above Country Residents in the Martensville Area

(a) Noise

The Operations use 1 and possibly 2 Aircraft. The Aircraft can accommodate up to 2 Parachute Jumpers. The plane(s) take off from their land location (a couple of miles or so west of Martensville) and proceed in a westerly direction along the north side of Lutheran Road which is the north boundary of our country residence and farm land. The plane(s) are very noisy and can be heard from the time they take off until they return to land after dropping the Parachute Jumpers.

As they fly west along Lutheran Road, the plane(s) climb to an approximate 10,000 foot elevation just north of our home where the parachute jumpers are released. The very loud noise made by the plane(s) as they labor to climb to their drop height is extremely annoying and makes it very difficult for us, and anyone visiting us outside on our deck, to carry on a visit or enjoy a BBQ together. We have to retreat into our home where we can carry on a conversation with our doors closed. But even then we can still hear the plane(s) annoying high pitched whining as they climb. Having to put up with this on a regular basis is enough to drive one crazy.

Once the Jumpers are released, the plane(s) circle back south and east as they drop down to a low altitude and fly east past our home along Lutheran Road. The whistling noise they make as they descend is less than that during their climb, but it is still louder than what an average plane makes as it passes over our home to the airport.

Recently we have noted that at times the plane(s) seem to fly around the area at altitudes well below that required for Parachute Jumps so the Operation may now be providing some sort of pilot training as well as the Parachute Jumps.

(b) Nuisance

The Parachute Operation constitutes a Nuisance for many reasons. We have to put up with the noise on most days of the summer weeks. On some days the racket goes on for as long as 12 hours. It seriously interferes with the enjoyment of our residence and home, not only when we are outside but when we are inside as well. It also interferes with our social life in that we often can't have family and guests for outside events.

The Operation has escalated significantly over the past two or three years so that there are few days except in the winter and inclement weather, when we can have any peace. When the Operation started up a few years ago, it had one building for its plane. It now has likely a dozen buildings it utilizes in its Operation. Initially the Operation was restricted to Parachute Drops, but it now appears to include rotating flights overhead which are not connected to Parachute Drops. We suspect that it now includes some form of pilot training as well.

The Operation also has seriously diminished the value of our home and property. People have told us that they would not consider buying our home because they would not put up with the noise. If we decide to sell our place, we will have to inform prospective purchasers of the problem which of course will either blow the deal or require us to take a much lower price.

6. The Violation of the Zoning Regulations

Our review of the current Zoning Regulations we have outlined, indicates that the Operation violates the Zoning regulations and is an illegal use of the lands over which it operates. In particular, its operations are incompatible with the lawful use of our land which we have enjoyed since 1990 until a few years ago when the Parachute Operation started up. The same can be said for the lawful use of the farm and residential lands around us which also existed long before the Parachute Operation started up. The extensive overbearing noise emitted by the Parachute Operation alone is grossly incompatible with lawful uses of the adjacent lands over which it flies.

7. The Solution to the Ongoing Zoning Violations

In fairness to the Municipality, it likely has not been aware of the Zoning Violation and the Nuisance it has created for landowners that have been detrimentally affected. But it should now enforce compliance with the existing Zoning Regulations and require the Parachute Operation to leave the area and go to a location where it can operate legally. We have recently contacted Corman Park and made our concerns known about the Zoning Violation of the Parachute Operation. We were advised that an Inspector would be sent out to check into the matter and get back to us.

In the event that an application is brought by the Parachute Operation for a Re-zoning of the area to legitimize its operation, we should be notified to enable us to oppose the application and provide evidence to demonstrate that such an application would have no merit. To permit such a unique use at such a location with such a negative impact on the surrounding community would be untenable.

We could commence a legal action for damages for nuisance and an injunction preventing the owners of the Parachute Operation from continuing its Operations. We could also commence a Class Action involving other residents for the same relief on the grounds that the Operation has detrimentally impacted the value of the lands of many other residents in the area and has unlawfully interfered with their enjoyment of their properties. But taxpayers should not have to incur legal costs to require the enforcement of Zoning Regulations. This is the duty of the applicable Municipality which is in a much better position than landowners to enforce compliance with the Zoning Regulations of the Municipality.

8. The Justification for our Concerns

The onus on us is to provide the appropriate Municipality with what we know of the facts of the

Zoning Regulations, most of which will be available to it. We have no knowledge of who owns and operates the Operation and have deliberately not contacted the owner directly. It is obvious that the owner has no consideration for ourselves or any others in the area who are faced with the same problem. It is doubtful the owner would consider any means we might suggest to alleviate the problem, such as relocating the flight path and getting a plane(s) that are not as noisy.

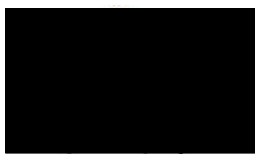
We developed our home and land in 1990 and have enjoyed it immensely up until the last few years when this Parachute Operation started up. We actually enjoy being in the flight path of a variety of interesting aircraft. A few years ago when there was more air traffic, we counted 60-70 planes that passed right over or near our home during a single day. We are not intolerant of aircraft regularly flying over our home to and from the Airport in Saskatoon. The noise and impact of their passage lasts for a minute or two at most. These planes with very few exceptions, also make less noise than the Parachute Plane(s) which whine overhead by the hour restricting their flight plan to our area and that of others who are proximate to us.

We relate this to show that we have no problem with "normal" planes that fly over us. But we are driven nearly crazy by whining Parachute plane(s) flying circles around us hour by hour. We have abandoned our hope that the problem would resolve itself, but unfortunately it has only since escalated significantly.

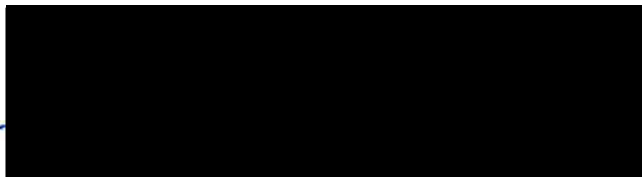
We are not attempting to shut the intense Parachute Operation down. But it has an obligation to obey the Zoning Regulations and find a suitable location from which it can carry out its operations without unduly interfering with the legal rights of property owners. This could easily be done by flying over unpopulated areas or varying its flight plans to minimize the extent of the nuisance to property owners affected. The escalation of the Parachute Operations indicates that they are sufficiently profitable to fund such revised operations.

We thank you for considering our Submission.

(Delivered Personally by Sylvia Baynton on September 21 during Corman Park office hours.



Hon. George W. Baynton, JD, QC



Sylvia G. A. Baynton, B.A.