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Delivered via Environmental Registry of Ontario and email

From:
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1112 Rymal Road East
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To:
Ministry of Municipal Affairs and Housing
16 – 777 Bay Street
Toronto, ON M7A 2J3
Attn: Claire Champagne

WE HBA Submission: ERO 026-0900 / Ministry Reference 26-OP-253396 Town of Grimsby Adopted Official Plan

Dear Ms. Champagne:

The West End Home Builders' Association (WE HBA) is the voice of the land development, new housing and professional renovation industries in Hamilton, Burlington, and Grimsby. WE HBA represents 300 member companies made up of all disciplines involved in land development and residential construction. In the Hamilton CMA in 2025 (which includes Grimsby), residential construction contributed over \$4.6 billion in investment value and provided over 26,300 jobs paying about \$2.02 billion in wages¹.

WE HBA appreciates the opportunity to provide comments regarding the Town of Grimsby's adopted Official Plan through Environmental Registry of Ontario posting 026-0900.

WE HBA participated extensively throughout the Town's Official Plan review and recognizes the considerable work undertaken by Town Council and staff. The Official Plan evolved significantly through that process, and a number of stakeholder concerns were addressed. We appreciated the Town's willingness to engage with the development community and make revisions in response to feedback.

There are, however, several outstanding matters that WE HBA believes warrant consideration by the Ministry as part of its review of the adopted Official Plan. Many of these concerns were raised with the Town throughout the municipal review process and remain relevant now that the Plan is before the Province for approval. Furthermore, WE HBA has and continues to articulate concerns that short-term political considerations may have borne considerable weight in the decision making process so close to the municipal election cycle, rather than longer-term planning consideration or considerations and respect for provincial policy and provincial investments in local transportation and transit infrastructure.

Given the Province's objectives of increasing housing supply, supporting intensification, reducing unnecessary planning barriers and ensuring the efficient use of land and

¹ CHBA Economic Impacts 2024 Fact Sheet, City of Hamilton.



infrastructure, WE HBA respectfully requests that the Ministry consider whether modifications to the following policies are appropriate prior to provincial approval:

1) Section 5.4.2 – Downtown District Height and Built-Form Requirements

WE HBA has concerns regarding the treatment of six-storey development within the Downtown District and the cumulative effect of the built-form requirements associated with achieving that height.

Section 5.4.2 permits development of up to six storeys in portions of the Downtown Main Street Area and Downtown Neighbourhood Area. The Plan also contemplates buildings of up to eight storeys within the Downtown Neighbourhood Area west of Murray Street where it can be demonstrated that site-specific conditions and the surrounding context can accommodate an appropriate transition.

WE HBA supports the objective of achieving high-quality, context-sensitive development. However, we are concerned that the detailed built-form requirements may, when applied cumulatively, make achieving the permitted six-storey height unnecessarily difficult and expensive. In particular, Section 5.4.2(10) requires development within the Downtown Main Street Area to create a continuous street wall, limits that street wall to a maximum of four storeys, and requires the fifth and sixth storeys to be stepped back a minimum of three metres from the fourth-storey façade along the main street. This is in effect an angular plane policy that severely restricts intensification opportunities downtown, where five or six storeys is a reasonable and modest form of intensification. WE HBA notes that angular planes are increasingly being reconsidered in jurisdictions across North America because of their potential to constrain development capacity and add complexity and cost to otherwise appropriate development.

Importantly, the implications of these restrictions extend beyond building design. Reducing achievable height affects the number of residents and jobs that can be accommodated per hectare. The Plan cannot reduce the development capacity of individual sites through restrictive built-form requirements without also considering the cumulative effect those restrictions may have on the Downtown District's planned residential population, employment capacity and overall density. Where population and employment forecasts rely on a particular level of intensification, the policies governing height and built form must realistically enable that level of development to occur.

Where the Plan expressly permits six-storey development, and even contemplates greater height in portions of the Downtown where site-specific conditions support it, the planning framework should not impose requirements that unnecessarily constrain the ability to achieve that permitted height or compromise project viability.

WE HBA is not suggesting that appropriate transition, heritage context or good urban design should be disregarded. Rather, the Official Plan should establish the desired planning and urban design outcomes while providing sufficient flexibility for applicants and qualified professionals to demonstrate alternative design solutions that achieve those objectives within site-specific contexts.



WE HBA therefore requests that the Ministry review Section 5.4.2 to ensure that six-storey development is appropriately enabled as-of-right within the Downtown District and that the associated built-form requirements provide sufficient flexibility to support viable, context-sensitive intensification. The Ministry should also consider whether the cumulative effect of these requirements is consistent with the residential population, employment and density assumptions underpinning the Plan.

2) Section 7.1.1 – Adequacy of Municipal Services

WE HBA remains concerned with the policy providing that the adequacy of municipal services will be considered in all instances of development or redevelopment and allowing development to be phased where services are considered inadequate. The Plan expressly includes roads, parks and school facilities within the definition of municipal services for this purpose.

We agree that growth must be supported by appropriate infrastructure and that infrastructure and land-use planning should be coordinated. Our concern is that the availability of existing infrastructure should not operate as a fixed prerequisite for growth or become an unintended barrier to the delivery of housing. Infrastructure needs should instead inform the sequencing and prioritization of municipal investment. Official Plans should establish where and how communities are expected to grow while municipalities plan and deliver the infrastructure necessary to accommodate that growth.

This principle is consistent with the Ontario Land Tribunal's findings in its decision respecting Hamilton's Urban Boundary Expansion. In that decision, the Tribunal expressly found that "Master planning is an exercise to implement growth, it cannot become a justification to restrict it." The Tribunal further recognized the municipality's responsibility for infrastructure planning, noting that the City controls the planning for infrastructure as well as the review and approval of development. These findings reinforce that the need for infrastructure planning, including the completion or updating of municipal master plans, should not itself be used at the Official Plan level as a basis to prohibit or unduly restrict otherwise appropriate planned growth. Rather, infrastructure and master planning should be undertaken to determine how that growth will be serviced and implemented.

WE HBA therefore requests that the Ministry ensure that infrastructure considerations are used to coordinate growth and investment rather than unnecessarily delay or prevent otherwise appropriate development. Where growth is otherwise contemplated by the Official Plan, the absence of completed infrastructure or supporting master planning should not, on its own, operate as a policy basis to prohibit that growth. Municipal servicing and infrastructure planning should instead support the implementation, sequencing and delivery of the growth contemplated by the Plan.

3) Section 7.1.1 – Parkland Availability

WE HBA is concerned with the inclusion of parks when determining the adequacy of municipal services to support development. Developers already make substantial contributions toward municipal parkland through the parkland dedication and cash-in-lieu framework established under the *Planning Act*. These contributions are specifically intended to assist municipalities in acquiring and developing the parks required to serve growing communities.



Accordingly, an existing shortage of parkland should not itself become a basis for delaying or refusing otherwise appropriate development. An existing shortage is the responsibility of the Town of Grimsby and existing residents to address, and should not be utilized as a barrier to new growth that will contribute its fair share of future parkland through Parkland dedication established under the *Planning Act*. Where additional parkland is required to accommodate growth, the planning framework should enable the municipality to use the tools available to it to expand and improve the parks system alongside development.

WE HBA requests that the Ministry ensure that existing parkland capacity does not become a precondition to housing development.

4) Section 7.1.1 – School Capacity

WE HBA has a similar but distinct concern with the inclusion of school facilities when determining whether municipal services are adequate to support development.

We recognize the importance of ensuring growing communities have access to schools and support continued coordination between the Town, school boards and the Province. However, responsibility for school capacity planning and the provision of school facilities ultimately rests outside the municipal land-use approval process. School capacity should therefore not become a municipal planning impediment to otherwise appropriate housing development. Housing approvals and education planning should be coordinated and proceed in parallel rather than requiring one to precede the other.

WE HBA requests that the Ministry ensure that school capacity cannot be interpreted or applied as a prerequisite to otherwise appropriate development.

5) Section 2.4.1(5) – Affordable Housing Targets

Section 2.4.1(5) establishes targets that at least 20% of new rental housing and at least 10% of new ownership housing be affordable. WE HBA supports the objective of creating a full range of housing options across the housing continuum. However, planning policy alone cannot make below-market housing economically viable.

For the private sector to deliver housing below market prices, meaningful partnerships and financial offsets are generally required. These can include streamlined approvals, tax reductions, fee and charge relief and support from provincial and federal governments.

WE HBA requests that the Ministry ensure that these affordability targets do not operate as unfunded development requirements that increase the cost of delivering market housing or undermine project feasibility.

6) Section 2.4.6(6) – Cultural Heritage Resources

Section 2.4.6 provides that all development shall “avoid the isolation of cultural heritage resources from their surrounding context.” WE HBA continues to recommend replacing “avoid” with language focused on mitigating against isolation.

Avoidance establishes an absolute standard that may not be achievable or necessary in every circumstance. A mitigation-based approach allows heritage impacts to be appropriately assessed and addressed while recognizing that communities and their surrounding built environments will continue to evolve.

7) Section 2.4.7(4) – Building Massing and Heritage

Section 2.4.7(4) provides that “Building massing and architecture shall accentuate the built heritage resources throughout Grimsby.” WE HBA recommends replacing “shall” with “should.” This would maintain the planning objective while allowing appropriate professional judgment based upon individual site circumstances.

8) Section 3.2.1(9) – Above-Grade Parking and Building Height

Section 3.2.1(9) establishes that the greatest variety of residential building forms and sizes should exist in the Downtown and permits a mix of low- to mid-rise development. WE HBA recommends providing flexibility for enclosed above-grade parking structures within Downtown developments, including consideration of excluding up to two storeys of enclosed parking from applicable height calculations.

Underground parking has become a cost prohibitive barrier that in some cases can approach or exceed \$100,000 per unit depending on soil conditions, water table and depth. Such significant cost considerations can materially affect the viability of residential development. Allowing appropriately designed above-grade structured parking provides another means of accommodating parking while supporting the residential development contemplated by the Plan.

9) Section 3.2.5 – Neighbourhood Area and Gentle Intensification

WE HBA believes the Official Plan should provide greater recognition of opportunities for context-sensitive medium-density housing within and adjacent to existing neighbourhoods. Grimsby has very limited opportunities for outward expansion. Future housing supply will therefore increasingly depend upon intensification and the gradual evolution of existing communities.

There are opportunities for “greyfield” redevelopment, smaller scale missing-middle housing infill and density transition zones along neighbourhood edges. While established neighbourhoods may not accommodate the majority of Grimsby’s future growth, they should not be treated as static.

WE HBA requests that the Ministry ensure the Plan appropriately enables gentle intensification and a broader range of housing forms within the existing built-up area.

10) Sections 4.1(9) and 4.1(15) – Heritage Impact Assessments and “In the Vicinity”

WE HBA is concerned that the use of the phrase “in the vicinity” creates ambiguity regarding when heritage-related evaluation or a Cultural Heritage Impact Assessment may be required.

The term “vicinity” potentially captures a considerably broader and less defined geographic area than “adjacent,” creating uncertainty as to how far heritage-related requirements may extend from a protected heritage property. This language could result in inconsistent interpretations and uncertainty for applicants and leave the scope of the policy subject to administrative or political interpretation on a site-by-site basis.

WE HBA recommends that the Official Plan more closely reflect the terminology and policy framework of the Provincial Planning Statement, which uses the concept of “adjacent lands” in relation to protected heritage property. Using clearer and more consistent terminology would provide greater certainty for municipalities, applicants, property owners and other stakeholders regarding when heritage assessment requirements are triggered.

WE HBA recommends a more precise and context-sensitive approach that provides clarity and proportionality while ensuring studies are required where there is a reasonable potential for impact. Accordingly, WE HBA requests that the Ministry review the use of “in the vicinity” in Sections 4.1(9) and 4.1(15) and consider replacing or defining the term in a manner consistent with the Provincial Planning Statement’s approach to “adjacent lands.”

11) Section 4.3 – Noise/Vibration Studies and Peer Review

WE HBA recognizes the importance of mitigating impacts associated with railway and stationary noise sources. However, we remain concerned with the cumulative study and peer-review requirements contained in Section 4.3. The Plan requires vibration-sensitive development within 75 metres of a railway right-of-way to submit a Noise/Vibration Study and also permits peer review at the applicant's expense in certain circumstances. While a requirement for appropriate assessment in proximity to railway corridors is reasonable, WE HBA questions whether a blanket 75-metre requirement is necessary in all circumstances. Railway corridors and surrounding lands vary considerably in their physical characteristics, including instances where railway lands are significantly elevated relative to adjacent development sites. These site-specific conditions may materially affect potential noise and vibration impacts and should be considered in determining the appropriate scope of technical study.

Rather than automatically requiring a Noise/Vibration Study based solely on a prescribed distance, the need for and scope of such a study should be informed by the qualified professional retained by the proponent, having regard to the particular characteristics of the site and railway corridor. This approach would maintain appropriate technical oversight while avoiding unnecessary studies where site conditions demonstrate that impacts can be appropriately addressed.

WE HBA also notes that railway operators and transit agencies, including CN and Metrolinx, maintain their own requirements applicable to development in proximity to their infrastructure, including requirements related to noise, vibration, setbacks and environmental easements. The Official Plan should recognize these existing requirements and avoid unnecessary duplication or overlapping technical processes.

Meanwhile, Provincial reforms have increasingly sought to recognize professionally prepared technical submissions and reduce unnecessary duplication within the development review process.



WE HBA requests that the Ministry ensure that these provisions are consistent with applicable provincial requirements and that peer review is limited to circumstances where it is reasonably justified. WE HBA further requests that the Ministry review the blanket 75-metre study requirement and consider a more flexible, risk- and site-based approach that allows a qualified professional to determine the appropriate study requirements based on actual site conditions and applicable railway or transit agency requirements.

12) Section 5.3.3 – Mid-Rise Height and Right-of-Way Width

Section 5.3.3 indicates that mid-rise building heights should generally not exceed the width of the adjacent right-of-way. WE HBA considers this unnecessarily restrictive. A prescribed relationship between building height and right-of-way width is an overly simplistic measure of appropriate built form and does not adequately account for the varied conditions found within an established urban area. This is particularly concerning in the Downtown, where alleyways, historically narrow streets and substandard rights-of-way may result in significantly reduced development permissions simply because of the width of the adjoining roadway. In these circumstances, an arbitrary height-to-right-of-way ratio could unintentionally constrain otherwise appropriate intensification on sites that are well suited to accommodate additional height.

Appropriate setbacks, transition and urban design can allow mid-rise buildings to exceed the width of the adjoining street while maintaining an appropriate relationship with the public realm. Building height should therefore be evaluated based on site-specific planning and urban design considerations rather than determined primarily by roadway width.

WE HBA requests that the Ministry consider modifying this policy to provide greater flexibility for appropriate mid-rise development and ensure that irregular, narrow or substandard rights-of-way do not arbitrarily limit the development potential of otherwise appropriate sites.

13) Section 5.4.3(4) – TOD Village Maximum Height

WE HBA has concerns with the four-storey maximum within the TOD Village identified on Schedule C4. We recommend restoring the previous maximum of six storeys. The new Official Plan essentially “down-zones” previous opportunities, at the same time as Provincial Policy is moving in the opposite direction to permit a wider range of opportunities for intensification within existing transit-oriented communities.

Restricting development to four storeys within an area intended to benefit from proximity to higher-order transit represents a missed opportunity to accommodate additional housing and make more efficient use of transit-supportive lands.

14) Section 5.1.2.1 – Additional Residential Units

WE HBA has concerns with Section 5.1.2.1, which requires additional residential units to be clearly subordinate to the principal dwelling, remain on the same parcel and under the same ownership as the principal dwelling, and prohibits severance of an additional residential unit.



These restrictions may unnecessarily limit opportunities for gentle intensification and do not reflect the increasingly blurred distinction between ARUs and other small-scale multi-unit housing forms.

WE HBA requests that the Ministry review these requirements for consistency with the provincial framework governing additional residential units and the broader provincial objective of enabling additional housing within existing neighbourhoods. We believe the approach that the Town of Grimsby has undertaken is not consistent with provincial policy.

15) Section 5.6 – Residential Area Character

The introductory policy direction for the Residential Area designation states that its intent is to “protect and enhance the character of existing residential areas while accommodating growth and change in a way that is compatible with surrounding uses.” WE HBA is concerned with this language.

Character policies can have unintended consequences (or perhaps the intention is very much to be “exclusionary”) when used to resist housing forms that differ from existing development patterns, even where those forms represent appropriate gentle intensification.

WE HBA requests that the Ministry ensure this language cannot be applied in a manner that unnecessarily inhibits missing-middle housing or the reasonable evolution of existing neighbourhoods.

16) Section 5.10 – Parks and Open Spaces

As an overarching principle, WE HBA recommends that the parkland policies provide the greatest possible diversity and range of options for delivering meaningful public open space. In a municipality where opportunities to acquire and develop new parkland are inherently limited, particularly within established and intensifying areas, the Official Plan should not unnecessarily eliminate viable forms of parkland based on preferred size, configuration or ownership models. A range of options including traditional parks, parkettes, urban squares and Privately Owned Public Spaces should be given appropriate consideration based on their ability to provide a meaningful public benefit. While smaller parks may present different operational or maintenance considerations, this alone should not preclude their acceptance where they represent an appropriate and functional response to the surrounding context.

17) Section 5.10.1.8(e) – Parkettes

WE HBA remains concerned that the Plan provides that parkettes should only be accepted as parkland dedication where they create a connection between parks, schools, plazas or neighbourhoods and should not be accepted as small, isolated parcels. Small parkettes can provide legitimate and valuable public open space, particularly within compact urban environments where assembling larger parcels may be difficult or counterproductive to housing objectives. The fact that a smaller or stand-alone park may be more challenging to maintain

should not be sufficient justification for excluding it as a viable form of parkland. The focus should instead be on whether the space is functional, accessible and provides a meaningful public benefit.

WE HBA is concerned by the target minimum size of 0.25 hectares. Parkland should be evaluated primarily according to its functionality, accessibility and contribution to the public realm rather than through unnecessarily rigid size or configuration requirements. Where opportunities to create new parks are limited, policies should allow for the widest reasonable range of options for securing additional public open space.

18) Section 5.10.2 – Privately Owned Public Spaces and Parkland Credit

WE HBA appreciates that the Plan provides that Privately Owned Public Spaces (POPS) may be eligible for parkland dedication credit. However, greater certainty is required regarding how these spaces will be credited.

WE HBA requests clarification regarding whether qualifying POPS will receive credit on a one-to-one basis relative to fee-simple land dedication or how the applicable credit will otherwise be calculated. A meaningful and predictable credit framework is important if POPS are intended to function as a genuine alternative for providing publicly accessible open space, particularly in areas where conventional parkland acquisition opportunities are constrained.

19) Section 5.10.3(24) – Requirements for Privately Owned Public Spaces

WE HBA is concerned that the requirements governing POPS are overly granular and may discourage their use.

Section 5.10.3(24) requires, among other matters, that POPS be publicly accessible at all times without fees or physical barriers, be located entirely outdoors at established grade, incorporate active ground-floor uses along building frontages, and be encouraged to be delivered within the early phases of multi-phase development. These requirements may not be appropriate or achievable in every development context.

The Official Plan should enable POPS and establish their broad planning objectives while allowing more detailed implementation requirements to be addressed through appropriate downstream instruments. The objective should be to maximize opportunities for useful and accessible open space rather than establish requirements that inadvertently make otherwise beneficial POPS impractical to deliver.

20) Downtown Cash-in-Lieu of Parkland

WE HBA notes that the previous Official Plan provided for the waiving of cash-in-lieu of parkland within the Downtown. WE HBA supports maintaining this approach as a means of encouraging investment and intensification within the Downtown and requests that the Ministry consider whether the adopted Plan should retain this incentive.

21) Section 5.10.1(2) – 400–800 Metre Parkland Access

Section 5.10.1(2) provides that all Grimsby residents within the Urban Settlement Boundary should have access to parkland located within a 400–800 metre walking buffer of a Neighbourhood Park. WE HBA supports improving residents' access to parks but remains concerned with the practical implementation of this objective. Achieving universal coverage may be particularly difficult within established and intensifying areas such as the GO Transit Secondary Plan Area, Downtown and Hospital District, where opportunities to acquire substantial new parkland are constrained.

WE HBA requests that this policy recognize these practical limitations and provide sufficient flexibility for alternative forms of open space. Where conventional Neighbourhood Parks cannot reasonably be provided, smaller parks, parkettes, urban squares, POPS and other appropriate forms of publicly accessible open space should be recognized as legitimate tools for improving access to recreational and open-space opportunities. The Plan should also clarify whether the 400–800 metre measurement refers to straight-line distance or actual pedestrian travel distance.

22) Section 5.10.1.8 – Urban Squares and Parkette Sizes

Separate from our concern regarding whether stand-alone parkettes qualify for dedication, WE HBA remains concerned with the contemplated sizes for Urban Squares and Parkettes.

WE HBA supports smaller standards of 0.25 hectares for Urban Squares and 0.1 hectares for Parkettes. Compact urban environments often require creative approaches to public open space. Smaller spaces can provide substantial public benefit and should not be excluded simply because they do not meet a larger predetermined land-area target. Particularly in an established municipality with limited opportunities to assemble new parkland, prescribing larger minimum sizes may have the unintended effect of reducing rather than increasing opportunities to create new public open space. The Plan should therefore provide flexibility to consider a range of park sizes and configurations based on their function, location, accessibility and public benefit.

23) Section 5.2.1 – Views, Prominent Sites, Landmarks and Gateways

WE HBA remains concerned that the policies addressing views, prominent sites, landmarks and gateways may be overly restrictive. Mandatory requirements can create significant impediments to development, particularly in intensification areas such as the Casablanca PMTSA where taller buildings will necessarily alter existing views. In fact, we believe these policies are entirely inappropriate in the context of the Town of Grimsby.

WE HBA recommends more flexible policy direction where appropriate so these objectives can be balanced with the Plan's intensification and housing objectives.

24) Section 5.3.1(3) – Climate-Resilient and Energy-Efficient Buildings

The Official Plan encourages climate-resilient and energy-efficient buildings. WE HBA supports these objectives but requests that the Ministry review the policy to ensure that its

implementation remains within the scope of municipal authority and does not establish development standards that conflict with applicable provincial legislation or regulation. The province has been crystal clear with respect to the applicability of the Building Code and municipal incursion and scope creep into areas of provincial jurisdiction; therefore we request the province to review this section of the Official Plan.

25) Sections 5.3.3 and 5.3.4 – Angular Plane Requirements

WE HBA remains concerned with mandatory angular-plane requirements for mid-rise and high-rise development. While transition is an important planning consideration, rigid angular planes can significantly constrain building massing, reduce achievable density, create inefficient floorplates and compromise unit layouts.

WE HBA recommends replacing rigid angular-plane requirements with more flexible approaches to transition.

26) Section 5.4.3(2) – 28-Storey Height Limit

Section 5.4.3(2) establishes a maximum height of 28 storeys within the TOD Centre and provides that building heights shall contribute to a diverse skyline complementary to the Niagara Escarpment. WE HBA is concerned with establishing a fixed 28-storey maximum where the Niagara Escarpment is used as a principal basis for limiting height. WE HBA notes recent case law at the OLT where the City of Hamilton attempted to also limit buildings to the height of the escarpment, which the OLT deemed to be inappropriate planning policy.

Building height should be evaluated based upon good planning and site-specific considerations, including built form, transition, shadow impacts, infrastructure and urban design.

WE HBA requests that the Ministry reconsider whether this fixed height cap is an appropriate means of regulating development within Grimsby's primary intensification area.

27) Section 7.2.2(22)(a) – Road Widening Land Acquisition

Section 7.2.2(22)(a) provides that, as a condition of approval of a development application, the Town and/or Region may acquire land required for a road allowance at no cost and free of encumbrances, encroachments and improvements unless otherwise agreed to by the Region.

WE HBA is particularly concerned with the blanket requirement that lands conveyed for road widening purposes be "free of encumbrances." In practice, road widening lands may already be subject to registered easements, heritage designations or other instruments involving third parties that have no material impact on the municipality's ability to acquire, use or maintain the lands for road purposes. Requiring applicants to discharge or otherwise resolve these interests as a condition of conveyance can involve third-party negotiations, legal proceedings and additional registrations, resulting in significant delays even where the existing encumbrance has no practical impact on the proposed road widening.



Our members have experienced circumstances in Niagara Region where road widening conveyances were delayed for several months because existing third-party easements were required to be addressed despite having no material impact on the Region's proposed use of the lands. Registered heritage interests can create even greater complexity and have resulted in substantially longer delays. These experiences demonstrate that a blanket "free of encumbrances" requirement can create significant cost and delay disproportionate to any actual municipal interest being protected.

WE HBA requests that the Ministry review this provision to ensure that the authority and circumstances under which land may be required are clearly established and consistent with the applicable statutory framework. The policy should also provide flexibility for the Town or Region to accept road widening lands subject to existing easements, heritage interests or other encumbrances where those interests do not materially interfere with the intended public use of the lands. The presence of an encumbrance should not, in and of itself, prevent a conveyance or delay development approval where there is no demonstrated impact on the municipality's ability to use the lands for their intended road purpose.

28) Section 6.1.6 – Refinements to the Natural Environment System

Section 6.1.6 provides that changes to the limit or classification of individual features of the natural environment system must be determined through the appropriate study "as determined by the Town."

WE HBA requests that the Ministry review this wording to ensure that study requirements appropriately reflect provincial requirements and jurisdiction and do not create unnecessary or duplicative municipal study requirements.

29) Section 6.6.2 – 30-Metre Shoreline Setback

WE HBA recommends maintaining the previous 15-metre requirement rather than the 30-metre setback now contained in Section 6.6.2.

We request that the Ministry review the justification for the 30-metre requirement and consider restoring the 15-metre standard unless a clear planning and environmental rationale supports the greater distance.

30) Section 7.2.1(12) – Electric Vehicle Infrastructure

Section 7.2.1(12) provides that new developments should include a minimum number of electric vehicle charging stations/outlets based on anticipated market demand and be designed to "readily increase" that number as demand increases. WE HBA appreciates the market-demand approach but requests clarification regarding what "readily increase" is intended to require. If interpreted as requiring developments to significantly oversize on-site or off-site electrical infrastructure at the outset, the policy could impose substantial additional costs and potentially create conflicts with local electrical servicing capacity. The province has recently established clear provincial policy with respect to Electric Vehicle Infrastructure,

More fundamentally, WE HBA questions whether this policy is consistent with the Province's recent amendments to the *Planning Act*. Through the *Building Homes and Improving Transportation Infrastructure Act, 2026*, the Province expressly limited municipal authority to require electric vehicle supply equipment in connection with parking facilities. Section 34(1.1.1) of the *Planning Act* now provides that a zoning by-law may not require an owner or occupant of a building or structure to provide and maintain electric vehicle supply equipment in connection with parking facilities. Similarly, section 41(9.2) prevents municipalities from imposing such a requirement through site plan control.

Given these express statutory limitations, it is unclear how the requirement contemplated by Section 7.2.1(12) of the Official Plan is intended to be implemented. A policy encouraging the voluntary provision of EV infrastructure in response to market demand is materially different from establishing a minimum number of charging stations or outlets that development is expected to provide. The latter risks creating an Official Plan expectation that the municipality may subsequently be unable to require through its zoning by-law or site plan approval process.

There is also a related concern with the requirement that developments be designed to "readily increase" EV charging infrastructure. If this is intended to require EV-ready parking spaces, additional electrical capacity, conduit, transformers or other infrastructure at the development stage, the Ministry should confirm whether such requirements are consistent with the intent and scope of the Province's recent limitations on municipal EV infrastructure requirements.

WE HBA therefore requests this section be reviewed by the Ministry for provincial policy conformity. Specifically, WE HBA requests that the Ministry determine whether Section 7.2.1(12) is consistent with sections 34(1.1.1) and 41(9.2) of the *Planning Act* and, if necessary, modify the policy so that EV charging infrastructure is market-driven and voluntary rather than imposed as a municipal development requirement.

31) Section 9.1.2 – Air Movement Study and Viewshed Impact Assessment

Section 9.1.2 includes an Air Movement Study among the studies that may be required in support of a complete application and a Viewshed Impact Assessment among the additional studies the Town may request during application review.

WE HBA requests that the Ministry review these requirements against the applicable provincial framework governing the studies and information municipalities may require. The Official Plan should not establish study requirements that exceed or conflict with provincial authority.

32) Section 9.1.6 – Application Maintenance Fees and Five-Year Abandonment

Section 9.1.6 requires an annual maintenance fee for Official Plan Amendment applications that have not received a Council decision within two years of being deemed complete and provides that an application with no activity or correspondence beyond payment of the maintenance fee will be deemed abandoned after five years. WE HBA is concerned with this policy.

An applicant should not lose an application simply because a municipality has not rendered a decision. Where an application has remained unresolved for an extended period, WE HBA



submits that the appropriate response is for the Town to bring the matter forward for consideration and decision rather than deeming it abandoned without a Committee or Council decision.

33) Section 9.1.5(3) – Maximum of Three Lots Through Consent

Section 9.1.5(3) establishes that the maximum number of lots approved on one property through consent shall be three, with proposals exceeding three lots required to proceed by plan of subdivision. WE HBA is concerned with establishing a firm numerical limit. A fixed limit does not adequately account for site-specific circumstances where additional severances may represent good planning and create appropriate opportunities for new housing. A limit of three is particularly restrictive.

WE HBA requests that the Ministry consider replacing the fixed cap with criteria through which severances can be evaluated based upon planning merit.

34) Section 9.3.5 – Inclusionary Zoning

WE HBA remains concerned with the inclusionary zoning policies in Section 9.3.5. Inclusionary zoning is a complex and highly market-sensitive tool. While intended to create affordable housing, its costs are ultimately absorbed elsewhere within a development unless accompanied by sufficient financial offsets. Without those offsets, inclusionary zoning can reduce project feasibility, increase costs borne by market purchasers and renters and ultimately reduce the overall supply of new housing.

WE HBA is particularly concerned about shifting the cost of subsidized units onto new homebuyers and renters who are themselves confronting significant housing affordability challenges.

Given the Province's current framework governing municipal inclusionary zoning authority, WE HBA requests that the Ministry review Section 9.3.5 and determine whether its inclusion remains appropriate and consistent with provincial direction.

35) Section 9.12.2 – Block Plans

WE HBA is concerned with the broad circumstances under which the Official Plan permits the Town to require a Block Plan as part of a complete development application. Section 9.12.2 provides that a Block Plan may be required for development involving consolidated lands, development within a Centre, Node or Corridor, large-scale sites or where identified through the pre-consultation process.

WE HBA recognizes that coordinated planning may be appropriate for large or complex redevelopment areas. However, the broad application of a Block Plan requirement has the potential to introduce an additional layer of planning, studies, cost and delay where the matters at issue can otherwise be appropriately addressed through the underlying development application process.



WE HBA requests that the Ministry review Section 9.12.2 to ensure that Block Plans are required only where there is a demonstrated planning need for coordinated area-level planning and are not routinely imposed as an additional complete-application requirement for otherwise straightforward development within Centres, Nodes and Corridors.

36) Flexibility and Overly Prescriptive Official Plan Policies

More broadly, WE HBA has consistently advocated for an Official Plan that emphasizes flexibility, outcomes and good planning rather than unnecessary prescription.

An Official Plan must provide certainty regarding the municipality's long-term vision while retaining sufficient flexibility to respond to different sites, changing housing needs, market conditions, new building forms and evolving provincial policy.

This is particularly important given the lengthy lifespan of an Official Plan extending to 2051. Policies that are overly detailed or prescriptive today may unintentionally constrain forms of housing and development that are entirely appropriate over the life of the Plan.

WE HBA therefore encourages the Ministry to identify opportunities to replace unnecessarily prescriptive requirements with policies that establish clear planning objectives and allow those objectives to be achieved through site-specific planning and professional judgment.

In conclusion, WE HBA recognizes the considerable effort that has gone into preparing the Town of Grimsby's new Official Plan and appreciates the constructive engagement that occurred throughout the municipal review process.

We also recognize that the Town addressed a number of concerns raised by WE HBA during that process. The adopted Plan now incorporates several changes that we had previously requested, and we appreciate those improvements. The remaining concerns identified above are not intended to undermine the broader direction of the Plan. Rather, they identify specific opportunities to ensure that the final planning framework can accommodate the housing, investment and growth Grimsby will experience through 2051.

Grimsby faces a particular planning challenge. With very limited opportunities for outward expansion, accommodating future residents will increasingly require thoughtful intensification, redevelopment and more efficient use of existing urban land. The Official Plan must therefore do more than acknowledge the need for housing; its individual policies must collectively make that housing achievable.

The Ministry's review provides an important opportunity to ensure that the policies ultimately approved are consistent with provincial planning objectives and create a planning framework that enables rather than inadvertently constrains housing.

WE HBA respectfully requests that the Ministry consider each of the matters outlined above and, where appropriate, modify the adopted Official Plan prior to approval.



We would welcome the opportunity to discuss any of these matters further with Ministry staff as part of its review.

Respectfully submitted,

Mike Collins-Williams, RPP, MCIP
Chief Executive Officer
West End Home Builders' Association