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The Ontario Municipal Board

July 20, 2004.

**Re: Ontario Municipal Board Hearing - File No. Z970119**

This document constitutes the substantive core of my testimony to the Board as an expert witness relating to the above hearing

**QUALIFICATIONS**

I am a Professional Planner, a member of the Canadian Institute of Planners (MCIP), a Registered Professional Planner (RPP) in Ontario, a Member of the Economic Developers Council of Ontario (EDCO), and a member of several other organizations active in community development, social welfare, environmental matters and local government.

I have been an active practitioner for 35 years, in all regions in Canada, in Europe and in other international settings. I specialize in community development planning and management, with some emphasis on local economic development, participatory process and strategic planning and management. I have completed a great variety of urban development, land use and related projects ranging from downtown revitalization (e.g. Cambridge, Waterloo, Kitchener, Lethbridge, Bathurst), commercial bylaw preparation (e.g. Regina), retail market potential analyses (e.g. Edmonton, Regina, Logan Lake), industrial location (e.g. Vancouver, Drumheller, Halton), recreation facilities feasibility assessments (e.g. Red Deer), and economic base analyses and development strategies (e.g. Oakville, Region of Durham, Peterborough, Hamilton-Wentworth, Niagara, Ottawa-Carleton, Edmonton), to housing (e.g. Thunder Bay, Vaughan), population forecasting (e.g. Mississippi Mills), municipal organization reviews/design (e.g. Port Colborne, Edmonton, McKenzie RPC, FCM), and a variety of training, professional development and facilitation assignments for organizations (e.g. AMCTO, EDCO, Bell Canada, EDAC) and communities across Canada. Recent assignments have included a land use/community design project for several former Ottawa-Carleton municipalities, a rural

policy strategy for the new City of Ottawa, and a major three-year applied research project involving an assessment of economic development practice in rural Ontario.

I was a Partner in Woods Gordon (now Ernst & Young/Cap Gemini) from 1980 to 1984, and Director of the former University School of Rural Planning and Development, at the University of Guelph from 1985 to 1992. I am currently a Professor in the School of Environmental Design and Rural Development, at the University of Guelph.

## **TESTIMONY**

Within the time and resources available, I have examined a substantial set of materials relating to the application by 6&7 Developments Limited for an Official Plan Amendment regarding a proposed “big box” development on the northwest corner of Woodlawn Road and Woolwich Street in Guelph. It is my professional opinion that the nature of the development proposed, specifically the proposed location, does not constitute good planning and should not be approved.

My conclusions center around the desirability of a *comprehensive and integrated* approach to urban planning, with the associated and appropriately designed and managed *participatory processes*, and the imperative of assessing any significant commercial development proposals in terms of their *longer term ramifications*. My conclusions accord with some of those presented by Mr. David Butler in his report on these and related matters.

I summarize the rationale for my professional opinion below.

### ***COMPREHENSIVE INTEGRATED URBAN PLANNING AND THE COMMERCIAL POLICY REVIEW***

1. The proposal should only be examined in the context of a comprehensive and integrated commercial development and land use policy review. It is a basic and fundamental tenet of planning that significant or structural developments should be critically examined, analyzed, assessed, tested, refined, evaluated and decided upon in the context of all other relevant components of the planning and development context. This is evident in the foundation textbooks used in the education and training of planners. It is evident in the values and professional standards used by practitioner organizations. It is evident in the way Official Plans are prepared in Ontario. It is based on a rational logic that in complex dynamic systems, such as an urban economy, the design of significant components must take into account the complex array of interrelationships between each major component (e.g. a regional shopping center, the Downtown) and all others. The direct impact should be gauged, the indirect impacts should be identified and assessed, and the feedback processes should be understood and taken into account.

This comprehensive integrated approach to major commercial development proposals is no different than integrated decision designing in business environments. Generically, it differs little from the rational, prudent approach to integrated planning that a household will pursue in understanding the impacts and interrelationships between (say) resource allocations to children's education and resources allocation to home improvements. The business, the household is understood as a system, and major decisions on major components have complex and oftentimes unforeseen cross-impacts on other components. The logic is evident in urban land use and transportation studies (e.g. Vancouver). It is evident in understanding the impacts and implications of major parks expansions, airport developments and other initiatives.

Within the Guelph context prospective commercial developments are very substantial, possibly amounting to a 40-48% increment to the city's floorspace over the next five years (Council Report, May 25, 2004, p.4). The proposed development from 6&7 Developments Limited is a significant component of this growth. Every accepted planning principle would indicate that this proposal should be thoroughly analyzed, understood and assessed in the context of a comprehensive commercial policy review. This clearly has been the view of the professional planning staff in the City (Council Report, January 25, 1999, p.8; Council Report, December 17, 2001, p.4; South Guelph District Centre Land Use Study, March 2002, p.7, Schedule 2; Council Report, May 25, 2004, p.13).

### ***PROVINCIAL PLANNING POLICY AND URBAN DEVELOPMENT***

2. This proposal contravenes Provincial Policy on urban planning and development as contained in the *Provincial Policy Statement* (1996), the *Provincial Policy Statement: Draft Policies* (June 2004) and the clear intentions of the Province's Discussion Paper, *Places to Grow* (Summer 2004). It not only introduces a very significant regional commercial use on the northern edge of the city, but contributes to a cumulative massing of similar land uses and associated ancillary retail and service developments (see below). The location of this development will not only propel further development on this northern edge of the city, but create unneeded pressures for further commercial development in the neighbouring Township, generate asymmetrical journey-to-shop travel patterns with attendant diseconomies because of its off-centre location to expanding urban retail markets, be very difficult to service with efficient transit, and supplant an opportunity for inner-city development. All of these implications contribute to sprawling urban form, the development of peri-urban uncoordinated development, and inefficient use and under-utilization of spaces and infrastructure already in place within the city proper.

While it is always difficult to apply broad Provincial policies to site-specific contexts, and the broad intent is always open to debate, it is clear that the Province has vigorously advocated a "smart" approach to urban development, better use of inner-city spaces and infrastructure, a more circumspect approach to

peripheral land use development proposals (such as this), and greater attention to intensification. This proposal works against the spirit and intent of Provincial Policy, which itself reflects long held and conventional principles of planning. This proposal is therefore, in my professional opinion, bad planning.

### ***THE CONSTITUENCY - PUBLIC PARTICIPATION***

3. Contemporary planning is characterized by an increased commitment to public participation, and Ontario has seen a considerable investment in experimental and innovative process here over the last 10-15 years (e.g. Hamilton). Guelph itself invested in an innovative and very broad-based participatory and communications process as part of the *SmartGuelph* initiative. Participation is formalized in many statutes and enshrined in the value system and Code of Professional Conduct guiding the Canadian planning profession.

The contentious issues that have attended the “big box” proposals before the OMB since 1998 have elicited a very vigorous and healthy response from a great variety of parties and interests in Guelph. What has been evident is that there is significant numbers of opponents, who for a variety of reasons (e.g. corporate practices of the proponents, integrity of the community’s Official Plan) have and still do oppose one or more of the proposed major commercial developments. In the public forums available to opponents and supporters, the number of those opposing have consistently far exceeded the number of those supporting one of more of the proposals. While this is in no way a firm indicator of a majority of the community in opposition, and while City Council has within its remit the option of deciding contrary to any majority view, the indications are clear that a substantial proportion of the community is opposed to the development proposal brought forward and insisted on by 6&7 Developments Limited. The only exploration of the community’s sentiment on these matters, that I am aware of, is a statistically representative household survey that was conducted under my supervision by graduate students from the University of Guelph in 1997. It showed a clear opposition to the prospect of two “big box” developments, and an evenly divided comfort with either a Zeller’s or a Walmart store. The report from this survey is in the public realm and a copy was made available to the City shortly after its release. I am not aware of any updating of this, or a similar systematic sounding of the public’s views on these matters.

Good planning, especially in contentious situations and especially in situations where significant developments are involved that will have long term structural effects on the urban community, demands a credible and effective public communications and participatory process. Notwithstanding the parade of presentations, the opportunistic media content, and the OMB’s process, a credibly designed and well managed participatory process has not happened in Guelph. We really do not know whether only a small vociferous and articulate group of residents oppose this proposal, or whether a substantial majority oppose it. Given the issues involved, given the stakes here it behooves the City to invest in an

independent process of public participation tailored to the development proposal at hand to gauge the community's sentiments and development priorities here. This would be a democratic process, very much in keeping with today's understanding of community governance, transparent process, grass-roots consultation and subsidiarity. Given the environment, given the unknowns alluded to, given the stakes involved, dispensing with this readily available option would, in my professional opinion, constitute bad planning.

### ***THE LONGER TERM AND CUMULATIVE IMPACTS***

4. In the early phases of the "big box" development proposals in Guelph I raised the prospect of commercial "swarming". Over the years this has been further articulated by a number of parties to the process. By all accounts, the concerns I raised regarding the potential indirect effects on Guelph's Downtown, have been substantiated by other professional practitioners. This issue has not and is not being dealt with in the process. It constitutes, in my professional opinion, bad planning.

The "swarming" phenomenon is evident in most major commercial developments. It involves the attraction of a variety of ancillary and complementary land uses that cluster around a major or anchor use. It underpins the logic of the original shopping centre designs from the mid-20<sup>th</sup> century. A "big box" store will not only attract others to constitute the anchors of poles in the development complex, but they will also attract fast food, gas station, convenience retail shops, and a variety of other retail trade and retail service establishments. This phenomenon is evident throughout Ontario and Canada. This tendency has been substantiated in the testimony provided by Mr. Peter Walker (PL971055) and his reference to an incrementalist approach to planning (or non-planning as some authorities would express it). It is also evident in Mr. Herman Kirscher's testimony (PL970903), together with the documentary evidence he submitted. Any notion that these ancillary uses, all permitted within the prevailing zoning, would be regulated cannot be taken seriously.

The development of a significant commercial centre along the tract of land from Woolwich to the Guelph Junction Railway line, a regional commercial node, with a clustering of ancillary retail trade and service businesses will detract from the viability of Guelph's Downtown. No impact assessment has been undertaken of this likely development, and the Downtown is at an unnecessary risk. Any assertion based on short term evidence (i.e. 2000-02 data) regarding vacancy rates and sales estimates from two retail sectors that the Downtown has now reached a healthy vibrancy and is without competitive risk (Council Report, May 25, 2004. p.8-9), is unfounded. The proposed land uses (and contiguous cumulative effects) will generate ancillary land uses (all permissible) that will materially detract from the Downtown. Facilitating this indirect effect of the "swarming" phenomenon constitutes bad planning that clearly contravenes the policy of the City's Official Plan.

***LOCATIONAL ALTERNATIVES***

5. Any contention that suggests that the development proposed by 6&7 Developments Limited needs special accommodation and does not conform to the City's "Community Commercial" is at odds with the facts. The Planning Report *New Format Retail Commercial Development Proposals* (November 30, 2001) indicates that the scale and intent of the "big box" developments being proposed could be accommodated with the "Community Commercial" designation. This allows the proposed development to locate in pre-zoned spaces deemed appropriate by the City through the investment of planning research and analysis, and extensive public consultation which were integral to the Official Plan preparation process. Rezoning on the basis of either the unavailability of appropriately zoned lands or inadequacy of the current "Community Commercial" designation, would in my opinion constitute an unwarranted accommodation and bad planning.