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# HALTING URBAN SPRAWL: SMART GROWTH IN VANCOUVER AND SEATTLE

DAVID FOX\*

**Abstract:** Haphazard and unorganized land-use planning in United States cities has resulted in endless sprawl that is straining infrastructure, polluting the atmosphere, and negatively affecting quality of life. This Note compares efforts of two similarly situated North American cities—Seattle and Vancouver—in enacting Smart Growth policies to combat sprawl and argues that Seattle, and American cities in general, should look to Vancouver’s example to limit urban sprawl and comprehensively plan at local and regional levels for sustainable growth and more livable spaces over the coming decades.

## INTRODUCTION

The most pressing land use problem facing North American cities is the containment of urban sprawl.<sup>1</sup> Sprawl is low-density, land-consuming, non-contiguous development on the fringe of settled areas, often near a decaying central city that invades undeveloped areas.<sup>2</sup> It is haphazard development that expands without limits or order from the core of a metropolitan area.<sup>3</sup> In areas characterized by sprawl, residential development consists primarily of single-family housing, with a significant number of them scattered in distant areas.<sup>4</sup> Examples of non-residential development include shopping malls, strip malls along arterial roads, isolated industrial and office parks, and freestanding schools or other public buildings.<sup>5</sup> Sprawl usually results in infrastructure problems.<sup>6</sup> Ei-

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<sup>1</sup> ROBERT H. FREILICH, *FROM SPRAWL TO SMART GROWTH*, at xviii (1999); JAMES A. KUSHNER, *HEALTHY CITIES: THE INTERSECTION OF URBAN PLANNING, LAW AND HEALTH* 57 (2007) (quoting JOEL GARREAU, *EDGE CITY: LIFE ON THE NEW FRONTIER* 3 (1991)).

<sup>2</sup> Edward T. Canuel, *Supporting Smart Growth Legislation and Audits: An Analysis of U.S. and Canadian Land Planning Theories and Tools*, 13 MICH. ST. J. INT’L L. 309, 310 (2005).

<sup>3</sup> *Id.*

<sup>4</sup> Julian C. Juergensmeyer, *Symposium on Urban Sprawl: Local and Comparative Perspectives on Managing Atlanta’s Growth, Forward: An Introduction to Urban Sprawl*, 17 GA. ST. U. L. REV. 923, 925 (2001).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

ther the infrastructure (sewage and water distribution systems are examples) is unavailable in the outer areas where development is taking place, or an entirely separate system must be developed, which is economically wasteful and inefficient.<sup>7</sup> By concentrating poverty in urbanized areas, sprawl re-segregates society and drains public investment in vital urban services.<sup>8</sup>

The costs of sprawl are borne both individually and collectively.<sup>9</sup> Individual costs include expenses of ever-increasing commuting and related stress, decreased time spent with family, and alienation from cultural activities available in community centers.<sup>10</sup> Collective costs include the costs of providing multiple infrastructure systems, pollution, and the loss of wilderness, farmland, and natural ecosystems.<sup>11</sup>

North American cities are embracing Smart Growth principles in order to limit sprawl while revitalizing central cities.<sup>12</sup> Smart Growth is a sustainable approach to development that aims to balance economic progress with environmental preservation and quality of life concerns.<sup>13</sup> Smart Growth focuses development in high density, mixed-use developments in already urbanized, pedestrian-friendly areas that either are, or will be, served by public transportation, creating complete communities where residents can live and work with minimal reliance on long automobile commutes.<sup>14</sup>

Canadian metropolitan areas are closer to achieving Smart Growth.<sup>15</sup> Much of this is due to a history of urban planning that emphasized high density and multi-use development.<sup>16</sup> In contrast, in the United States, through massive subsidization of the automobile industry exemplified by the interstate highway system and lack of regional and national land use planning, sprawling suburbs became the dominant engine of population growth.<sup>17</sup>

This Note compares how the United States and Canada employ land use regulation through a case study comparing the metropolitan areas of Seattle, Washington (Greater Seattle) and Vancouver, British

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<sup>7</sup> *Id.*

<sup>8</sup> FREILICH, *supra* note 1, at 21–22.

<sup>9</sup> Juergensmeyer, *supra* note 4, at 25.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Canuel, *supra* note 2, at 329.

<sup>13</sup> *Id.* at 313.

<sup>14</sup> *See id.* at 322–23.

<sup>15</sup> *See id.* at 330.

<sup>16</sup> *Id.* at 330.

<sup>17</sup> FREILICH, *supra* note 1, at 2–3, 21.

Columbia (Greater Vancouver). In particular, it examines how the Puget Sound Region has adopted successful urban planning policies that have been instituted in Greater Vancouver. Part I explains the legal basis for land use regulation in the United States and Canada, and how that power is administered. The Note then compares Greater Seattle and Greater Vancouver's geography and population statistics. Part II discusses how Greater Vancouver and Greater Seattle have implemented land use planning to stem urban sprawl. Part III analyzes how and why Greater Vancouver has been more successful at halting urban sprawl than Greater Seattle due to early embracing of planning, and recommends that American states and cities follow Greater Seattle's lead in implementing Greater Vancouver's successful land use policies on a municipal, regional and state-wide level.

## I. BACKGROUND

Land use in both the United States and Canada is regulated by zoning.<sup>18</sup> By the end of the nineteenth century, with the United States in the midst of the rapid urbanization that accompanied the Industrial Revolution, Americans found that unregulated development was hampering their ability to develop spacious, attractive cities.<sup>19</sup> In 1926, the Supreme Court of the United States held that zoning was a constitutional use of the police power reserved for the states in *Village of Euclid v. Ambler Realty Co.*<sup>20</sup> A state is free to enact zoning regulations, so long as they are rationally related to promoting the health, safety and welfare of its citizens.<sup>21</sup> Through enabling legislation, the state typically delegates authority over zoning and land use planning to local municipalities.<sup>22</sup>

Growth control ordinances were first approved in 1972, in the landmark case, *Golden v. Planning Board of Ramapo*.<sup>23</sup> In *Ramapo*, the

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<sup>18</sup> Jack S. Frierson, *How Are Local Governments Responding to Student Rental Problems in University Towns in the United States, Canada, and England?*, 33 GA. J. INT'L & COMP. L. 497, 504 (2005).

<sup>19</sup> FREILICH, *supra* note 1, at 3.

<sup>20</sup> *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 395–97 (1926). The zoning upheld by Euclid allowed municipal bodies to limit the uses of private property pursuant to social objectives. Steven Hendrix, *Property Law Innovation in Latin America with Recommendations*, 18 B.C. INT'L COMP. L. REV. 1, 54 (1995).

<sup>21</sup> *Village of Euclid*, 272 U.S. at 395 (citing *Cusack Co. v. City of Chicago*, 242 U.S. 526, 529, 530 (1917)).

<sup>22</sup> FREILICH, *supra* note 1, at 3.

<sup>23</sup> *Golden v. Planning Board of Ramapo*, 30 N.Y.2d 360, 382–83 (1972); see BARLOW BURKE, UNDERSTANDING THE LAW OF ZONING AND LAND USE CONTROLS 124–26 (2002).

New York Court of Appeals upheld a comprehensive plan that conditioned residential development on the availability of essential infrastructure.<sup>24</sup> Proposed development that was too far from available infrastructure was halted until either the infrastructure expanded or eighteen years elapsed, whichever event occurred first.<sup>25</sup> The plan was valid because it was supported by a pre-existing comprehensive planning process; did not implement permanent land use restrictions; allowed exceptions, variances, and tax relief for burdened land owners; and was authorized by the state's enabling statute.<sup>26</sup> Washington State and the Puget Sound Regional Council incorporated much of the *Ramapo* method into its growth management land use planning, starting with the passage of the Growth Management Act in 1990.<sup>27</sup>

In Canada, under the Constitution Act of 1867, provinces exercise exclusive power to enact laws affecting property and municipalities within their respective jurisdictions.<sup>28</sup> Zoning is a power that may be delegated by the provincial government to the local municipalities.<sup>29</sup> There is no Canadian constitutional right above parliamentary law protecting property.<sup>30</sup> This differs from the Fifth Amendment in the United States, which constitutionally prohibits takings without just compensation.<sup>31</sup> Takings are governed largely by common law.<sup>32</sup> Like in the United States, land use regulations must strive to avoid causing a regulatory taking of property.<sup>33</sup>

"Land use scholars have argued that the separately prepared comprehensive plan, or master plan, is the critical element to local land regulation."<sup>34</sup> Some states, however, have either not required municipalities to enact comprehensive plans, or not held them to be binding.<sup>35</sup> In Canada, provinces play a greater role than U.S. states in land-use planning by mandating municipalities to adhere to comprehensive

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<sup>24</sup> See *Ramapo*, 30 N.Y.2d at 382–83; BURKE, *supra* note 23, at 125.

<sup>25</sup> *Ramapo*, 30 N.Y.2d at 380; BURKE, *supra* note 23, at 125.

<sup>26</sup> See *Ramapo*, 30 N.Y.2d at 382–83; BURKE, *supra* note 23, at 125.

<sup>27</sup> FREILICH, *supra* note 1, at 138.

<sup>28</sup> Frierson, *supra* note 18, at 505 (2005).

<sup>29</sup> *Id.*

<sup>30</sup> Raymond Young, *Vancouver: Made in America, Eh?*, 17 GA. ST. U. L. REV. 1109, 1116 (2001).

<sup>31</sup> U.S. CONST. amend. V.

<sup>32</sup> Young, *supra* note 30, at 1116–17.

<sup>33</sup> *Id.* at 1117.

<sup>34</sup> KUSHNER, *supra* note 1, at 19.

<sup>35</sup> *Id.*

plans and provincial policy statements.<sup>36</sup> In contrast to U.S. comprehensive plans, Canadian plans are now legally binding.<sup>37</sup>

The municipal zoning process in Canada is similar to the U.S. process.<sup>38</sup> Sections of a municipality are zoned for different land uses through zoning by-laws compatible with the comprehensive plan.<sup>39</sup> In Canada, however, zoning by-laws must be compatible with the comprehensive plan, whereas the binding authority of the plan in the United States varies from binding, to no plan at all, depending on the state.<sup>40</sup> Additionally, Canadian metropolitan areas engage in more regional, coordinated planning than their American counterparts.<sup>41</sup> In the United States, through their neglect of zoning responsibility, states have permitted municipal governments to dominate land use policy by enacting strategies that further only the municipality's self interest.<sup>42</sup>

In the early 1990s, sprawl-intensive development in Greater Seattle threatened to destroy the area's quality of life, and with it, the region's economy.<sup>43</sup> The region faced traffic congestion, population growth that strained the environment, and depleting natural resources.<sup>44</sup> The Washington State legislature responded by adopting a planning mechanism for controlled growth while simultaneously promoting potential economic development.<sup>45</sup> Washington's Growth Management Act (GMA) sought to reduce sprawl by encouraging development in areas already well served by public facilities and services, by providing "efficient multimodal transportation systems," and by maintaining quality transportation services to match increased development.<sup>46</sup> The GMA aimed to integrate land use planning in Greater Seattle.<sup>47</sup> Greater Seattle is considered to be near the forefront of using Smart Growth principles to combat urban sprawl in the United States.<sup>48</sup>

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<sup>36</sup> Frierson, *supra* note 18, at 504.

<sup>37</sup> *Id.* at 506.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 506–07.

<sup>40</sup> *See id.* at 504.

<sup>41</sup> *See* FREILICH, *supra* note 1, at 3; *see, e.g.*, Young, *supra* note 30, at 1111–15.

<sup>42</sup> FREILICH, *supra* note 1, at 3; KUSHNER, *supra* note 1, at 43.

<sup>43</sup> FREILICH, *supra* note 1, at 137.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 137–38.

<sup>46</sup> WASH. REV. CODE § 36.70A.020 (1990); FREILICH, *supra* note 1, at 138.

<sup>47</sup> § 36.70A.210(7); FREILICH, *supra* note 1, at 140–41.

<sup>48</sup> FREILICH, *supra* note 1, at 148.

The city of Vancouver lies just 141 miles away from Seattle.<sup>49</sup> Since 1929, Vancouver has used various land use regulation tools to create attractive communities established at very high densities approaching those of Manhattan, Hong Kong, or London.<sup>50</sup> Through rigid zoning calling for high density, mixed-use development, strong pedestrian and public transportation networks, protection of green space, and regional planning, Vancouver bucked the trend of many newer North American cities like Tampa, Phoenix, Calgary, and Seattle, which relied on sprawl for growth.<sup>51</sup> Greater Vancouver's land use policies have set a strong example for urban development across North America, especially for Seattle.<sup>52</sup>

Seattle and Vancouver are similar in many ways: the City of Seattle has a population of 586,200 while the City of Vancouver had a population of 578,041 as of 2006, and both cities are abutted by mountains to the east, and the Pacific coast on the west.<sup>53</sup> Yet, the two cities also have some important differences.<sup>54</sup> The area of the City of Seattle (84 square miles) is nearly twice that of the City of Vancouver (44.3 square miles), while the population density of Vancouver (48.3 people per hectare) is nearly twice that of Seattle (25.9 people per hectare).<sup>55</sup> Greater Seattle (consisting of King, Snohomish, Pierce and Kitsap Counties), due to urban sprawl, has created a joint metropolitan area with Tacoma and had a population of 3,524,000 as of 2007.<sup>56</sup> By contrast, Greater Vancouver has been contained around its city.<sup>57</sup> Greater Vancouver had a population of 2,116,581 as of 2006.<sup>58</sup>

Greater Seattle is further along than most American metropolitan areas in trying to control sprawl and refocus development into already urbanized areas.<sup>59</sup> While significantly behind Greater Vancouver, Greater

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<sup>49</sup> About.com, Seattle Mileage Chart, <http://gonw.about.com/library/special/blSEAmileage.htm> (last visited Mar. 23, 2010).

<sup>50</sup> KUSHNER, *supra* note 1, at 63; Trevor Boddy, *New Urbanism: "The Vancouver Model,"* 16.2 PLACES 14, 16 (2004).

<sup>51</sup> Boddy, *supra* note 50, at 16; *see* Young, *supra* note 30, at 1111–14.

<sup>52</sup> Boddy, *supra* note 50, at 18.

<sup>53</sup> Office of Intergovernmental Relations, *The Greater Seattle Datasheet* (2008), <http://www.seattle.gov/oir/datasheet/Datasheet2008.pdf> [hereinafter *Greater Seattle Datasheet*]; Community Services Group, City of Vancouver, *2006 Census—Population Counts 1* (2007) [hereinafter *Vancouver Population Counts*].

<sup>54</sup> *See Greater Seattle Datasheet, supra* note 53; *Vancouver Population Counts, supra* note 53.

<sup>55</sup> City of Vancouver Planning Department, *Information Sheet: West Coast City Facts 2003*, (2003), <http://www.city.vancouver.bc.ca/commsvcs/cityplans/4CitiesFacts03.pdf>.

<sup>56</sup> *Greater Seattle Datasheet, supra* note 53.

<sup>57</sup> *See* Young, *supra* note 30, at 1114.

<sup>58</sup> *Vancouver Population Counts, supra* note 53, at 1.

<sup>59</sup> *See* FREILICH, *supra* note 1, at 148.

Seattle has reinvented itself by adopting Greater Vancouver's successful land use planning strategies. As a result, Greater Seattle has begun to reverse the trend toward urban sprawl and improve the functioning of the region's infrastructure and the quality of life of its residents.<sup>60</sup>

A peripheral yet highly influential metric of comparison is how each country's national government policy has affected development.<sup>61</sup> The United States has a highly subsidized interstate highway system, which has fueled the exodus of many city dwellers to suburbs.<sup>62</sup> The construction of the interstate highway system before the advent of comprehensive planning in most U.S. metropolitan areas led to ad-hoc development in outlying areas without regard for basic infrastructure needs.<sup>63</sup> While Canada does have a highway system, it is not nearly as extensive as the American system.<sup>64</sup> For example, in Seattle, Interstate 5 bisects the city, Interstate 405 encircles it, and Interstate 90 enters it, facilitating car travel from the city to the suburbs.<sup>65</sup> Conversely, Vancouver has no major highway running through its borders.<sup>66</sup> In addition, in the United States, mortgage payments have been tax-deductible since 1913, which has encouraged citizens to own homes rather than rent.<sup>67</sup> This use of tax policy has influenced many Americans' decisions to buy single family homes, rather than rent, fueling urban sprawl.<sup>68</sup> Canada has no government tax policy incentivizing home ownership.<sup>69</sup>

State and provincial government policies have also impacted land uses in Greater Seattle and Greater Vancouver.<sup>70</sup> Until 1990, the state of Washington did not require municipalities to zone according to a comprehensive plan, whereas all Canadian provinces have encouraged municipalities to plan since the 1950s.<sup>71</sup> In particular, the Greater Vancouver Regional District has coordinated planning between Vancouver and

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<sup>60</sup> See *id.* at 148; Young, *supra* note 30, at 1111–12; William Dietrich, *A Tale of Three Cities: Portland and Vancouver Get Going While Seattle Stalls*, SEATTLE TIMES, Feb. 2, 2003, <http://community.seattletimes.nwsourc.com/archive/?date=20030202&slug=pangst2> (comparing Seattle, Vancouver, and Portland, OR).

<sup>61</sup> Boddy, *supra* note 50, at 14.

<sup>62</sup> *Id.*

<sup>63</sup> FREILICH, *supra* note 1, at 39.

<sup>64</sup> Boddy, *supra* note 50, at 14.

<sup>65</sup> Go Northwest!, Puget Sound, Washington Map, [http://www.gonorthwest.com/Washington/puget/map\\_puget.htm](http://www.gonorthwest.com/Washington/puget/map_puget.htm) (last visited Mar. 23, 2010).

<sup>66</sup> Boddy, *supra* note 50, at 15.

<sup>67</sup> Daniel Gross, *Location, Location—Deduction*, SLATE, Apr. 14, 2005, <http://www.slate.com/id/2116731>.

<sup>68</sup> Boddy, *supra* note 50, at 14; Gross, *supra* note 67.

<sup>69</sup> Boddy, *supra* note 50, at 14.

<sup>70</sup> FREILICH, *supra* note 1, at 137–38; Frierson, *supra* note 18, at 507.

<sup>71</sup> FREILICH, *supra* note 1, at 137–38; Frierson, *supra* note 18, at 507.



its suburbs since 1967, with the prior Lower Mainland Planning Regional Planning Board coordinating planning as early as 1948. Meanwhile, there was no framework for regional cooperation between Seattle and its suburbs across county lines until the 1990s.<sup>72</sup>

## II. DISCUSSION

### A. *Stopping Sprawl: Land Use Planning in Vancouver*

Vancouver first instituted a comprehensive plan in 1929 (the “1929 Plan”).<sup>73</sup> Though not legally binding, the 1929 Plan heavily influenced the City’s zoning and land use regulations.<sup>74</sup> The 1929 plan provided for narrow streets that encouraged dense living friendly to pedestrian travel.<sup>75</sup> The plan also called for complete neighborhoods, with requisite community centers, schools, and parks.<sup>76</sup> This led to development of what would later be termed “complete communities,” neighborhoods where residents could live, work, shop, educate their children, and take advantage of parks.<sup>77</sup>

The 1929 plan continued to be highly influential as Vancouver grew and developed.<sup>78</sup> In the 1960s, Vancouver parted ways with dominant trends in newer North American cities such as Seattle, Los Angeles, and Phoenix by promoting high-density and mixed-use development through zoning.<sup>79</sup> This coincided with a wave of immigration from Hong Kong and an incorporation of Hong Kong’s architectural ideals of high-density, mixed-use development.<sup>80</sup> Whereas nearly every other western North American city grew outward, Vancouver grew upward.<sup>81</sup> Vancouver’s decades-long policy of encouraging high-density

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<sup>72</sup> Metro Vancouver, History (interactive timeline), <http://www.metrovancouver.org/about/Pages/history.aspx> (last visited Mar. 23, 2010); Judy Oberlander, History of Planning in Vancouver, <http://www.discovervancouver.com/GVB/vancouver-history-planning.asp/> (last visited Mar. 23, 2010); see FREILICH, *supra* note 1, at 137–38.

<sup>73</sup> Elizabeth MacDonald, *The Efficacy of Long-Range Physical Planning: The Case of Vancouver*, J. OF PLANNING HISTORY 176, 180 (2008).

<sup>74</sup> *Id.* at 207.

<sup>75</sup> *See id.* at 191, 202, 206, 207.

<sup>76</sup> *Id.* at 197–98.

<sup>77</sup> *See id.*

<sup>78</sup> *See id.*

<sup>79</sup> Boddy, *supra* note 50, at 16.

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

development, complete neighborhoods, and green space was codified in 1993's binding CityPlan.<sup>82</sup>

In 1968, Vancouver shelved construction plans for freeways in the city.<sup>83</sup> Seeing studies emerging from Los Angeles that indicated that freeways generated more traffic, encouraged sprawl, and required the destruction of many areas of the city, Vancouver instead invested in public transportation.<sup>84</sup> Vancouver also chose not to implement urban renewal projects which, in U.S. cities, destroyed neighborhoods by constructing poorly functioning public housing for the poor.<sup>85</sup> Sprawl was also limited, unintentionally, by a 1972 executive order to protect British Columbia agriculture, which froze all commercial and residential development of agricultural land, strictly limiting land use to farming.<sup>86</sup> Because much of British Columbia is covered by mountainous terrain, undeveloped parcels of land suitable for farming or habitation are in scarce supply. This act created a precedent for preserving undeveloped farmland and green wilderness from development, while containing sprawl to defined borders, 48% of the land in Greater Vancouver.<sup>87</sup>

From 1968 to 1972, a strong regional government for Greater Vancouver also developed, culminating in 1972's Livable Region Strategic Plan (1972 LRSP).<sup>88</sup> A government with jurisdiction over an entire metropolitan area is best equipped to coordinate planning, and ensures that regulations necessary to implement Smart Growth policies are enforced.<sup>89</sup> The 1972 LRSP has four, interrelated main components, which continue to guide the 1999 Livable Region Strategic Plan (LRSP).<sup>90</sup> The first involves a commitment to mass transit over freeways.<sup>91</sup> Greater Vancouver is served by a dual-line light-rail system called SkyTrain.<sup>92</sup> Opened in 1985, SkyTrain helped reduce street congestion

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<sup>82</sup> See generally VANCOUVER CITY COUNCIL, CITYPLAN (1995) (mandating zoning according to a comprehensive plan at the municipal level to further goals of encouraging high-density development, complete neighborhoods, and green space).

<sup>83</sup> Young, *supra* note 30, at 1111.

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.* at 1112.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.* at 1111–13.

<sup>89</sup> Janice C. Griffith, *Smart Governance for Smart Growth: The Need for Regional Governments*, 17 GA. ST. U. L. REV. 1019, 1019–20 (2001).

<sup>90</sup> GREATER VANCOUVER REGIONAL DISTRICT, LIVABLE REGION STRATEGIC PLAN 9 (1999) [hereinafter LRSP]; Young, *supra* note 30, at 1114–15.

<sup>91</sup> Young, *supra* note 30, at 1115.

<sup>92</sup> NationMaster.com, Encyclopedia: SkyTrain (Vancouver), [http://www.nationmaster.com/encyclopedia/SkyTrain \(Vancouver\)](http://www.nationmaster.com/encyclopedia/SkyTrain%20(Vancouver)) (last visited Mar. 23, 2010) [hereinafter SkyTrain (Vancouver)].

and fuel population and economic growth in urban neighborhoods.<sup>93</sup> As of 2007, SkyTrain averages 220,000 riders each day and is projected to increase by another 100,000 daily riders when the Canada line opens in 2009.<sup>94</sup> In 1996, Translink, a joint incorporation by the provincial government and the Greater Vancouver Regional District, was formed to coordinate regional transportation policy.<sup>95</sup> It is required to develop and adhere to a Strategic Transportation Plan, and must be consistent with the LSRP.<sup>96</sup> Translink also provides extensive bus and ferry services which service Greater Vancouver.<sup>97</sup>

The second component of the LRSP states that Greater Vancouver should be a compact region.<sup>98</sup> Out of the twenty-one municipalities in Greater Vancouver, development is steered toward four, core municipalities around the City of Vancouver, known as the Growth Concentration Area.<sup>99</sup> In 2000, 70% of development growth took place in the Growth Concentration Area, while most of the remaining 30% of growth occurred in designated town centers, which will ultimately be linked to the core through transit.<sup>100</sup>

The third policy direction of the LRSP is to promote complete communities.<sup>101</sup> Downtowns of municipalities outside the Growth Concentration Area are encouraged to develop as live, work, shop, and play towns.<sup>102</sup> The network of downtowns distributed throughout the region has improved resident access to services and facilities they need within their towns, reduced travel times and distances, and improved connections between communities.<sup>103</sup> Housing has been diversified throughout the region to provide for affordable, multi-family housing.<sup>104</sup> In 2000, 75% of all houses under construction were multi-family developments.<sup>105</sup> In 1991, that figure was just 25%.<sup>106</sup>

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<sup>93</sup> Graham Crampton, *Economic Development Impacts of Urban Rail Transport*, ERSA 2003 CONFERENCE 3 (2003); SkyTrain (Vancouver), *supra* note 92.

<sup>94</sup> SkyTrain (Vancouver), *supra* note 92; NationMaster.com, Encyclopedia: Canada Line, <http://www.nationmaster.com/encyclopedia/Canada-Line> (last visited Mar. 23, 2010).

<sup>95</sup> Young, *supra* note 30, at 1115.

<sup>96</sup> *Id.*

<sup>97</sup> Vancouver Transportation Guide—Vancouver Transport, <http://www.virtualvancouver.com/transport.html> (last visited Mar. 23, 2010).

<sup>98</sup> LRSP, *supra* note 90, at 12.

<sup>99</sup> LRSP, *supra* note 90, at 12; Young, *supra* note 30, at 1115.

<sup>100</sup> Young, *supra* note 30, at 1115.

<sup>101</sup> LRSP, *supra* note 90, at 11; *see* Young, *supra* note 30, at 1115–16.

<sup>102</sup> LRSP, *supra* note 90, at 11; *see* Young, *supra* note 30, at 1115–16.

<sup>103</sup> *See* LRSP, *supra* note 90, at 11.

<sup>104</sup> Young, *supra* note 30, at 1116.

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

The fourth policy direction of the LRSP is to protect the Green Zone.<sup>107</sup> The Green Zone defines the limit of urban expansion, and encourages a shared responsibility among the municipalities of the region to protect lands within it.<sup>108</sup> Much of this has already been accomplished through the provincial statute on agricultural protection in 1972.<sup>109</sup> Most of the land protected by this statute has been left completely undeveloped, even for farming, at the directive of British Columbia.<sup>110</sup> The bulk of the Green Zone is publicly owned and unavailable for development.<sup>111</sup> The rest is maintained by various governmental authorities as parks or environmentally protected areas.<sup>112</sup>

In 1996, the Legislative Assembly, in Part 25 of the Local Government Act, reaffirmed its support for binding Regional Growth Strategies, successful in Greater Vancouver since the 1972 LRSP.<sup>113</sup> The members of the board responsible for developing the regional growth strategy are appointed by municipal governments in the region.<sup>114</sup> Given that each of Greater Vancouver's twenty-one municipalities has adopted the Livable Region Strategic Plan through bylaw, they must plan and zone according to the regional plan.<sup>115</sup>

#### B. *Seattle Follows Vancouver's Example in Addressing Sprawl*

For Greater Seattle, using planning to limit sprawl is a much more recent phenomenon.<sup>116</sup> During the 1980s, the region had the fastest growing economy in the United States, with its population increasing at a rate of 100,000 people each year.<sup>117</sup> This growth led to a construction boom that quickly consumed land.<sup>118</sup> Because of a lax regulatory structure, preference for private cars and decentralized workplaces combined with accelerated growth to cause increased traffic congestion and

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<sup>107</sup> LRSP, *supra* note 90, at 10; Young, *supra* note 30, at 1116.

<sup>108</sup> LRSP, *supra* note 90, at 10.

<sup>109</sup> Young, *supra* note 30, at 1112, 1116.

<sup>110</sup> *Id.* at 1116.

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> See generally Local Government Act, R.S.B.C., ch. 323, part 25 (1996) (British Columbia statute mandating binding regional planning).

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*; see LRSP, *supra* note 90, at 26–27.

<sup>116</sup> FREILICH, *supra* note 1, at 137–38.

<sup>117</sup> *Id.* at 140.

<sup>118</sup> *Id.*

pollution.<sup>119</sup> Investment in Seattle's public transportation system drastically declined from the 1940s to 1990s.<sup>120</sup>

With Washington's passage of the GMA in 1990, Greater Seattle was required to institute binding comprehensive plans at the municipal and regional levels.<sup>121</sup> Seattle's first comprehensive plan was adopted in 1994.<sup>122</sup> Updated in 2006, the plan furthers Smart Growth policies by using zoning policy to promote downtown development in Urban Centers and create complete neighborhoods like in Vancouver through zoning for Urban Villages, where residents can live, work, shop and play without the use of a car.<sup>123</sup> The Seattle Comprehensive Plan's map designates four downtown neighborhoods, and two uptown neighborhoods as Urban Centers.<sup>124</sup> Twenty-four neighborhoods are designated as Urban Villages.<sup>125</sup> Single-family zones are protected in the plan, but development is to be steered into the Urban Centers and Urban Villages.<sup>126</sup>

Seattle has also followed Vancouver's lead in using regional government to coordinate growth management and combat sprawl.<sup>127</sup> Washington State delegated police powers for planning purposes to multi-county planning agencies where contiguous counties in the same urban area each exceed a population of 450,000.<sup>128</sup> The Puget Sound Regional Council (PSRC) was established just before the GMA was passed in 1990.<sup>129</sup> The PSRC consists of King, Kitsap, Pierce and Snohomish Counties.<sup>130</sup> The PSRC is a planning association of cities, towns, ports and state agencies that acts as a body for developing policies and making decisions on regional growth strategy, transportation issues, environmental issues, and economic development.<sup>131</sup> The PSRC's primary decision-making body is the General Assembly, which is composed of the elected officials from all levels of local government: county

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<sup>119</sup> *Id.*

<sup>120</sup> See Walter Crowley, *Interurban Rail Transit in King County and the Puget Sound Region*, HISTORYLINK, Sept. 19, 2000, [http://www.historylink.org/index.cfm?DisplayPage=output.cfm&File\\_Id=2667](http://www.historylink.org/index.cfm?DisplayPage=output.cfm&File_Id=2667).

<sup>121</sup> WASH. REV. CODE § 36.70A.210(7) (1990); FREILICH, *supra* note 1, at 138, 140.

<sup>122</sup> CITY OF SEATTLE COMPREHENSIVE PLAN: A PLAN FOR MANAGING GROWTH 2004–2024 (as amended 2006), at iii [hereinafter SEATTLE COMPREHENSIVE PLAN].

<sup>123</sup> See *id.* at 1.3–1.4.

<sup>124</sup> See *id.* at 1.8.

<sup>125</sup> See *id.*

<sup>126</sup> See *id.*

<sup>127</sup> FREILICH, *supra* note 1, at 140–41. See generally LRSP, *supra* note 90.

<sup>128</sup> WASH. REV. CODE § 36.70A.210(7).

<sup>129</sup> FREILICH, *supra* note 1, at 140–41.

<sup>130</sup> PUGET SOUND REGIONAL COUNCIL, VISION 2040: PEOPLE—PROSPERITY—PLANET, at ii (2008) [hereinafter VISION 2040].

<sup>131</sup> FREILICH, *supra* note 1, at 140.

executives and commissioners, city mayors, and members of city and county councils.<sup>132</sup>

In 1993, the PSRC amended its *Vision 2020* regional plan to establish a framework for implementing the goals specified in the GMA.<sup>133</sup> These goals, as listed in *Vision 2040*, the updated regional plan released this year, are to protect the natural environment; to focus growth and development in central places to create communities interconnected through transit; to improve access to housing; to pursue sustainable economic growth; to foster a safe, clean, integrated, sustainable, and efficient transportation system; and to support infrastructure and public service improvements that support regional planning objectives.<sup>134</sup> These goals mirror and expand upon the goals listed in Vancouver's LRSP.<sup>135</sup>

One of the primary focuses of *Vision 2040* is to steer development into 'central places,' similar to the Growth Concentration Areas in the LRSP, which were influenced by the 'complete communities' in Vancouver's 1929 Plan.<sup>136</sup> These central places are mixed-use pedestrian-friendly areas where residents can live, work, shop, and take part in cultural and recreational activities with easy access to transit.<sup>137</sup> Planning in centers combines the two goals in the LRSP of achieving a compact metropolitan region and building complete communities.<sup>138</sup> *Vision 2040* also contains an environmental provision quite similar to the Green Zone section of the LRSP.<sup>139</sup> This goal is achieved by focusing development into centers and by promoting statutory protection of undeveloped lands at all levels of government, similar to British Columbia's use of statutes to prevent development of possible farmlands and areas rich in natural resources.<sup>140</sup>

Greater Seattle's transportation policy is on its way to becoming a functional alternative to automobile reliant commuting.<sup>141</sup> The PSRC, as the federally designated Metropolitan Planning Organization, is

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<sup>132</sup> VISION 2040, *supra* note 130, at ii.

<sup>133</sup> FREILICH, *supra* note 1, at 140–41.

<sup>134</sup> VISION 2040, *supra* note 130, at 1.

<sup>135</sup> *See id.*; LRSP, *supra* note 90, at 9.

<sup>136</sup> *Compare* VISION 2040, *supra* note 130, at 51, *with* LRSP, *supra* note 90, at 12, *and* MacDonald, *supra* note 73, at 207.

<sup>137</sup> VISION 2040, *supra* note 130, at 51.

<sup>138</sup> *Id.* at 1; LRSP, *supra* note 90, at 11–12.

<sup>139</sup> *See* VISION 2040, *supra* note 130, at 7–14; LRSP, *supra* note 90, at 10.

<sup>140</sup> VISION 2040, *supra* note 130, at 17; *see* Young, *supra* note 30, at 1112–13.

<sup>141</sup> *See* FREILICH, *supra* note 1, at 141.

charged with formulating the metropolitan transportation plan.<sup>142</sup> Greater Seattle's public transportation is administered and maintained by Sound Transit, created by the State legislature and approved by voters in 1996.<sup>143</sup> Seattle has begun reinstating street cars to provide for transportation between Urban Villages.<sup>144</sup> The city is also developing a light rail system, called "Link Rail," which initially will connect Seattle's downtown neighborhoods to Seattle Tacoma International Airport, located sixteen miles south of Seattle.<sup>145</sup>

When completed in 2009, the singular rail line will run vertically through much of the city, from the downtown neighborhood of Westlake in the north to Seattle-Tacoma International Airport in the south.<sup>146</sup> By 2016, the Urban Centers of the University of Washington campus and Capitol Hill will be added.<sup>147</sup> By 2020, the City of Seattle anticipates that 45,000 customers will travel on Seattle's Light Rail system.<sup>148</sup> The comprehensive plan calls for further rail development to link Urban Villages to the Urban Centers.<sup>149</sup> Promisingly, on November 4, 2008, Washington voters approved a massive expansion of light rail service, adding thirty-six miles of new light rail track and nineteen stations.<sup>150</sup> Once the approved expansion is complete in 2030, Seattle expects ridership to reach 286,000.<sup>151</sup>

### III. ANALYSIS

Even with Seattle's improving progress in combating sprawl, it remains decades behind Vancouver and is unlikely to achieve parity with

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<sup>142</sup> *Id.*

<sup>143</sup> Sound Transit, About Us, <http://www.soundtransit.org/x8.xml> (last visited Mar. 23, 2010).

<sup>144</sup> See SeattleStreetCar.org, About the Streetcar, <http://www.seattlestreetcar.org/about> (last visited Mar. 23, 2008).

<sup>145</sup> Seattle Department of Transportation, Light Rail Service on Its Way, <http://www.seattle.gov/Transportation/lightrail.htm> (last visited Mar. 23, 2010).

<sup>146</sup> *Id.*

<sup>147</sup> Sound Transit, University Link, <http://www.soundtransit.org/x1698.xml> (last visited Mar. 23, 2010).

<sup>148</sup> Sound Transit, Sound Transit Unveils First Central Link Light Rail Vehicle, Dec. 16, 2006, <http://www.soundtransit.org/x3970.xml>.

<sup>149</sup> SEATTLE COMPREHENSIVE PLAN, *supra* note 122, at 3.3.

<sup>150</sup> SOUND TRANSIT, MASS TRANSIT GUIDE: THE SOUND TRANSIT 2 PLAN 5 (2008), *available at* <http://future.soundtransit.org/documents/maier.pdf> [hereinafter SOUND TRANSIT 2 PLAN]; Mike Lindblom, *Sound Transit Calls Prop. 1 a Gift "to Our Grandchildren,"* SEATTLE TIMES, Nov. 5, 2008, <http://seattletimes.nwsourc.com/html/home/index.html> (enter title of article in search box; then follow hyperlink).

<sup>151</sup> SOUND TRANSIT 2 PLAN, *supra* note 150, at 5.

the Canadian city.<sup>152</sup> The case of Vancouver highlights the importance of planning at multiple levels on a continuous basis.<sup>153</sup> Since 1929, the City used a comprehensive plan to focus on developing complete neighborhoods.<sup>154</sup> This strategy, combined with decisions in the 1960s and 1970s to limit highway development, implements binding regional planning and protects land through provincial statute, which facilitated sustainable growth in the decades leading up to the twenty-first century.<sup>155</sup>

While Greater Vancouver used urban planning to grow in a sustainable manner, Greater Seattle did not begin to take planning seriously until the early 1990s, when sprawl had already irreversibly developed across four counties in the Puget Sound region.<sup>156</sup> In the United States, comprehensive planning based on timed growth did not become evident until the influential *Ramapo* decision in 1972.<sup>157</sup> Because of parliamentary supremacy (until 1982), and later, the absence of property rights in its Constitution, Canadian metropolitan areas did not have Constitutional concerns with substantive due process.<sup>158</sup> It appears this led to the unquestioned ability of Greater Vancouver to provide for regional planning through the LRSP in 1973.<sup>159</sup> The 1970s and 1980s were decades of fast-paced growth in the Pacific Northwest.<sup>160</sup>

Greater Vancouver's ability to enforce a cohesive, regional comprehensive plan on its municipalities, combined with British Columbia's statute protecting much of the arable land, ensured development proceeded according to clear, policy objectives.<sup>161</sup> During that same time period, the lack of land use planning, especially regionally, in Greater Seattle led to the rapid sprawl-based growth, and the negative consequences that accompany it.<sup>162</sup> Since 1973, every municipality in Greater Vancouver has had to zone according to the LRSP.<sup>163</sup> That has only been the case in Greater Seattle since 1993.<sup>164</sup> Thus, in the most

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<sup>152</sup> See Dietrich, *supra* note 60; Sightline Institute, Seven Northwest Cities: The Smart-Growth Ranking (2007), <http://www.sightline.org/maps/charts/Sprawl-ByCity-CS07>.

<sup>153</sup> See Young, *supra* note 30, at 1114.

<sup>154</sup> See Oberlander, *supra* note 72.

<sup>155</sup> See Young, *supra* note 30, at 1111–12, 1115.

<sup>156</sup> See FREILICH, *supra* note 1, at 137, 140.

<sup>157</sup> *Id.* at 31.

<sup>158</sup> See Young, *supra* note 30, at 1116–17.

<sup>159</sup> See *id.*

<sup>160</sup> See VISION 2040, *supra* note 130, at 6; LRSP, *supra* note 90, at 6.

<sup>161</sup> See Young, *supra* note 30, at 1111–15.

<sup>162</sup> See FREILICH, *supra* note 1, at 137, 140.

<sup>163</sup> See Young, *supra* note 30, at 1114.

<sup>164</sup> See FREILICH, *supra* note 1, at 140–41.



explosive period of growth in the Pacific Northwest, Greater Vancouver limited sprawl through planning while Greater Seattle's lack of planning encouraged it, resulting in the differences between the regions that persists to this day.<sup>165</sup>

Greater Vancouver has shown that with dedicated and consistent planning, Smart Growth can be achieved in an area with a rapidly expanding population.<sup>166</sup> Smaller, growing metropolitan areas can still prevent urban sprawl, rather than just contain it as Greater Seattle has done.<sup>167</sup> Through focusing development in urban areas, implementing binding regional planning, and enacting statutory protection of outlying areas, growing North American cities can develop sustainably.<sup>168</sup>

Greater Seattle and the State of Washington's exercise of land use planning to mitigate the negative effects of sprawl also serves as a useful model for cities suffering the effects of urban sprawl.<sup>169</sup> They have developed one of the United States' most successful land use planning regimes.<sup>170</sup> Their strides since 1990, however, pale in comparison to the results of decades of Smart Growth policy embraced by Greater Vancouver and British Columbia.<sup>171</sup> U.S. metropolitan areas should implement comprehensive planning at the municipal and regional level, backed by a strong state statute, focusing development into already urbanized areas, develop public transportation systems, and create common, binding regional goals like Seattle has done.<sup>172</sup>

#### CONCLUSION

This analysis of land use policy in Greater Vancouver and Greater Seattle highlights the importance of planning at multiple levels of government in halting urban sprawl. In adopting many of Greater Vancouver and British Columbia's successful Smart Growth planning legislation, Greater Seattle and the State of Washington have made significant advances in addressing urban sprawl. The updated comprehensive plans at the municipal and regional levels have bound Greater Seattle to focus development in urbanized areas, provide its residents with better transportation options, and will facilitate the development of func-

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<sup>165</sup> See *id.* at 137, 140; Young, *supra* note 30, at 1111–15.

<sup>166</sup> See Young, *supra* note 30, 1111–15.

<sup>167</sup> See FREILICH, *supra* note 1, at 137, 140; Young, *supra* note 30, at 1111–15.

<sup>168</sup> See FREILICH, *supra* note 1, at 30–31.

<sup>169</sup> See *id.* at 148.

<sup>170</sup> See *id.*

<sup>171</sup> See *id.* at 137, 140, 148; Young, *supra* note 30, at 1111–15; Dietrich, *supra* note 60.

<sup>172</sup> See FREILICH, *supra* note 1, at 30–31.

tional neighborhoods. Nevertheless, Seattle has a long way to go due to its late start. That Greater Seattle is currently one of the United States' Smart Growth success stories underscores how far American cities and states are from halting urban sprawl. In an era of ever-increasing commutes, high energy prices, depleting natural resources, a decaying environment and global warming, it is imperative that state governments implement legislation providing for mandatory, binding comprehensive planning at the municipal and regional levels as quickly as possible.

