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**Symposium on Urban Sprawl:  
Local and Comparative Perspectives on  
Managing Atlanta's Growth**

**VANCOUVER: MADE IN AMERICA, EH?\***

Raymond Young†

I was invited to this Symposium to discuss another North American city and to describe the planning principles at work there in order to give you some reference for comparison in the North American context of what other cities are doing. Given that we are in Atlanta for this Symposium, I should begin with a few words about the role of America in Canadian affairs. Many of you may not know much about Canada, let alone about Vancouver, and there probably is no reason that you should. But America exerts a tremendous influence on us in all walks of life. In particular, in almost everything that we do in our urban areas—the government of our urban areas, how they grow, and what we do about the problems that emerge—are all matters clearly influenced by what happens in the United States.

Canada's confederation happened in 1865. One of the Fathers of the Confederation, looking back at the issues that were in front of the British colonies at that time, really summed it up. During the confederation debates, he said, "The whole issue resolved itself to this: whether there will be a confederation of British North America or whether there will be a greater American confederation." And so the existence of America was actually a central fact in the creation of Canada. Given that, I

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\* This essay is an edited transcript of Mr. Young's remarks at a symposium on urban sprawl, co-sponsored by the Georgia State University Law Review and the Andrew Young School of Policy Studies, on February 1, 2001. The transcript has been modified to reflect a print rather than an oral presentation.

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think it comes as no surprise that the existence of America continues to play a central role in Canadian life today. In some cases it is just in reacting to what you do or the fact that you are there (as with the confederation debates). We often emulate you, but in some cases we look across the border at what is happening in America to see this big democratic, constitutional, liberal experiment, and we have the luxury of sitting back and learning lessons from your mistakes. One way or another, America really has a lot to do with how Vancouver was formed and what is happening there today.

Having said that, I should say obviously there are other factors, not just the existence of America, that influence Vancouver. There is the fact that Vancouver is an international seaport on the Pacific Ocean. So there are all of the obvious geopolitical factors that arise from those circumstances, and which come into play in the formation of the city. Also, mundane things like the local geography have a lot to do with where and how Vancouver grows and how we plan our city. There is historical circumstance and a legal context in which we govern ourselves in relation to zoning and land use management which are somewhat different than the ones perhaps that you have. And finally, sometimes there is just a little native ingenuity involved.

While preparing for this presentation, I focused on three decisions, three very critical decisions that were made in Vancouver within a four year period. Between the years 1968 and 1972, we made three decisions that gave rise to everything we have done since 1972. Those decisions underpin the entire philosophy behind the "Livable Region Plan," the document that governs Vancouver's growth. Each of those three decisions in its own way was "Made in America" and implemented in Canada. Each is reflected in the "Livable Region Plan." Before I discuss the "Livable Region Plan" itself, I should tell you about those three decisions.

One of the advantages of being in Canada is that it is a bit of a backwater in terms of North America. We have a lag period between what you do and what we decide to do. Sometimes that lag period is five, or even ten years. When I started as a planner in the City of Vancouver in the late 1960s, we had plans all over the shelves for freeways just like Los Angeles. We also had some urban renewal plans to demolish what we considered urban blight

and take out much of the city center's eastern fringe; we planned to destroy all of the old, rundown residential neighborhoods and replace them with modern, bright, new, affordable rental housing projects.

The first decision we made, in 1968, was that there would be no freeways. The second was that there would be no urban renewal and no urban housing projects. We made those decisions based on the American experience. We were ten years behind you. Studies emerging from Los Angeles indicated that freeways were self-fulfilling prophecies: they just generated more traffic and became congested with cars. The freeways promoted sprawl, required the demolition of huge tracts of land in core areas within the city, and unnaturally divided stable working communities into artificial and isolated islands.

We had a similar experience with respect to urban renewal; just as we had our finger on the button, studies started to come out that indicated that we should not build large-scale housing projects as a method of providing affordable housing for the urban poor. The literature indicated that we would be "ghettoizing" families and creating an environmental sink which would in fact destroy the neighborhood and the families that lived there. Those two key decisions were a direct result of lessons we learned from America, and in great part Vancouver has based much of its planning on those two decisions.

The third decision was made in 1972, and it was also influenced by America, but in a back-handed way. It was similar to America's effect on the confederation debates in that it was not a lesson that we learned, but rather something we reacted to. In the early 1970s, we had a little boom in development, and at the same time our agricultural industry was on the ropes. Our farmers could not make money and could not compete with cheaper produce from Washington and California. The airwaves were plugged and the newspapers were filled with editorials about loss of farmland to new suburban subdivisions. You could not turn on the television without witnessing chainsaws cutting through hundreds of apple trees in the Okanagan orchards. The government moved very quickly to remedy the situation. One theme that ran through the entire debate about farmland that year was that we were selling our birthright. Many argued that we were putting ourselves in the hands of the Washington farmers and the California producers. We would have no

agricultural land left for our children, and we would be forever tied to the Americans in the south from whom we would have to buy all of our produce. That particular concern was a very persistent refrain around all of the discussion that emerged from the agricultural land preservation movement. The government moved quickly and passed an executive order in 1972 freezing all farmland in the province—all land that was under production, all land that was not under production but was zoned agricultural by any local government in both the unorganized areas and organized areas of the province, and all land that did not fall into the first two categories but which nevertheless met the standard for first four grades of the Canadian Soil Classification Index for arable land.

The Province of British Columbia is fairly mountainous. The places that you can live and the places where you can farm are pretty much the same places—in the river valleys, between the mountains, and on the high plains. About eight percent of the provincial land base is arable land, and thus the same percentage is habitable land. So in 1972 with one stroke of a pen freezing all agriculture land so that it could be used for no other use except farm use, we suddenly put an urban containment boundary around all of our municipalities. The boundary did not have anything to do with analysis of urban growth trends, where growth should occur, or how fast we should grow. It was a line drawn in the sand that followed agricultural land use and soil patterns. Be that as it may, we have the agricultural land reserve still today, and it has become a political sacred cow. One of the benefits to us is that the sprawl we have experienced since 1972 has not been wholly mindless because it has been compelled to be agriculturally wise.

Those three decisions, all influenced in one way or another by the United States of America, moved us off our original plans and onto new directions. In lieu of freeways we decided to substitute planned public transit. With respect to funding for affordable housing, we moved from urban renewal to urban rehabilitation in the inner areas, and we planned to provide diverse forms of housing throughout the entire region—some of it subsidized as affordable housing and some of it merely affordable because it was at higher densities dispersed outside the core. The third decision, the establishment of the agricultural land reserve, focused our minds on sprawl and

containment of sprawl. Those three decisions underpin everything that Vancouver is doing today. The "Livable Region Plan" is a reflection of those three key decisions that were "Made in America."

But before I go any further I should probably introduce you to Vancouver. First of all, as I have already mentioned, it is a major seaport on the Pacific Ocean. It is fifty minutes from the central downtown area to the American border, and it is 2-1/2 hours from Vancouver to Seattle by car. Vancouver is set in the Fraser River Valley, right in the delta where the river meets the ocean. It is the largest arable delta in British Columbia, and it is the richest farmland in the province. Vancouver is bounded on the west by the ocean. On the north, it lies right up against the coastal mountains, and in fact the northern part of the urban area, a mile from the central business district, development goes up to about the 2800 foot level. To the south, the Vancouver region extends to the U.S. border, and to the east, the urban area extends about 30-40 miles up the Fraser River Valley. The valley itself extends east about 80 miles, then narrows and disappears into the mountains.

The region itself consists of twenty-one separate and autonomous municipalities. It has a population of just under 2.1 million people. For the last five years, the growth rate (which has slowed down slightly) has averaged about 1.6%. The average was 2% over the five years preceding that. The land mass is approximately 700,000 acres. Twenty percent of the land mass is in the agricultural land reserve (ALR), and on that 20%, all within the twenty-one municipalities, 27% of the total value of the province's agricultural production takes place. Twenty percent of the land mass is actually developed for urban uses, and 52% is set aside as a green zone. The bulk of the green zone is watershed located in the mountains to the north. There are no public roads into the watershed, and there is a strict policy of keeping it undeveloped; even most recreational uses are heavily restricted. The watershed amounts to over 200,000 acres of public land in the region that is completely off limits to development. The remaining 8% of the region's land base is potential urban land for future development.

Vancouver has a highly homogenous population, culturally, racially, and economically. The largest ethnic minority is Chinese, which comprises about 13% of the population. About

half of those are second generation, and the other half are recent immigrants. In the 1990s there was a tremendous rate of immigration from Hong Kong, prior to the British leaving in 1999 and the colony being taken over by China. Those recent immigrants tend to be well-educated professionals and wealthy entrepreneurs, for the most part.

The core of the city is incredibly strong. It is still a healthy commercial center and remains the financial center of the region. It is also one of the most desirable areas in the region to live. We have added 15,000 units of housing in the downtown core in the last ten years. Part of the reason it is desirable is that the core is near the water. Much of it is on the harbor front, and there are other fingers of water that find their way into various parts of the core, providing for miles of beach and consequently a lot of valuable real estate. The vacancy rates in the core are consistently lower than the vacancy rates in the suburbs. When the vacancy rate in the suburbs is 2%, the rate in the core is between 0 and 0.1%. In terms of housing costs outside of the downtown but still around the core, the central area of the region reflects values 50% to 100% more than in areas that are ten miles away. The public school system is very healthy and there is no substantial tradition in British Columbia of private schooling. There are a few private schools, but 95% of all students are enrolled in the public system. To the extent that there has been movement to the suburbs, that has not been a response to the undesirability of the core but more for affordability of housing.

We have had the "Livable Region Plan" off and on in various forms, with all of the key elements since 1972. Of some importance, we have had, since 1968 a fairly strong regional government. The regional government has important functions as far as planning activity is concerned. It has always had an exceptionally strong planning function on a regional basis. Except for a very short time of five to six years over a thirty-year period, there has been a plan consistency requirement, of one type or another, requiring the various municipalities in the region to formulate their own community plans to make them consistent with the regional plan.

The region's other longstanding functions are the trunk sewer function and the trunk water function. The watershed I mentioned earlier is under the jurisdiction of the regional

government. To the extent that the twenty-one municipalities distribute water and collect sewerage, they must distribute it from water from the trunks that are provided by the regional government, and they have to direct their sewerage into trunk sewers and to treatment plants provided by the regional government. To the extent that they want to increase their consumption of water or output of sewerage, they must deal with the regional government.

The fourth relevant function (and the newest) at the regional level is regional transit, a very important function from a planning perspective. In the last five years, a separate public agency called Translink, a joint incorporation by the provincial government and by the regional government, has come into existence. The board of Translink is dominated by regional politicians, and its Strategic Transportation Plan, which is required by law, must also be consistent with the regional plan prepared by the regional government.

The "Livable Region Plan" has four main components, each flowing from the three decisions that were made between 1968 and 1972. The first component involves a commitment to transit rather than freeways. The transit component gives rise to the second theme in the "Livable Region Plan," which is that we should have a compact region. One element of the compact region concept is that the four inner municipalities, of the twenty-one, are designated as the urban concentration area. Last year, 70% of all new growth took place in the urban concentration area. The remaining 30% happened in designated town centers outside of the urban concentration area that will ultimately be linked by the transit system as it expands and as population concentration supports transit efficiency.

At the present time, we have three types of transit: buses by far still move the majority of people. There are 900 buses in service at the present time. We have Sky Train, light rail which serves four of the nine regional town centers, and another line opening summer 2001 will serve two more of the designated centers. One other center is served by fixed rail so that actually seven of the regional centers will have full rail service by the end of 2001.

The third component of the "Livable Region Plan" is that we ought to have complete communities. The town centers that are being developed outside the growth concentration area are



encouraged to develop as live, work, shop, and play communities. To illustrate the extent that housing is being diversified in order to provide more affordable housing, last year almost all housing starts (75%) within the growth concentration areas and in the town centers were multi-family houses, that is triplexes, town houses, or apartment units. Ten years ago, that figure was 75% the other way—of almost all housing starts, 75% were single family dwellings in 1991.

The fourth theme in the plan is to protect the green zone. In great part, that is not a large problem because the agricultural land reserve is subject to provincial statute. An agency called the Agricultural Land Commission has the prime directive to maintain agricultural land, not necessarily for production, but to maintain arable land that is capable of producing crops both now and in the future. Very little of that land since 1972 has been released from the agricultural reserve, and an extremely rigid line has been maintained with respect to exemptions. The bulk of the green zone which is situated in the watershed area is publicly owned and therefore not subject to direct development pressure from the private sector. The balance of the green zone is divided into municipal, regional, and provincial parks and some provincial habitat areas and environmentally sensitive areas having provincial protection of various sorts.

Finally, one of the things that has shaped Vancouver is the legal context within which we govern ourselves and control growth. We come from a common law tradition that is similar to America's, but in one respect is quite different. We do not have a major problem with our land use laws being characterized as takings or constructive takings—that is, expropriation without compensation. We do have a written constitution (and always have had a constitution), but since 1982 we have had a constitutional democracy in the sense that we have enshrined certain written principles over and above the reach of legislative assemblies. Prior to 1982, we were a parliamentary democracy; Parliament was supreme and could do what it wished. One of the things that we did not enshrine in the written constitution was any kind of overt protection for property ownership. So by and large we are still in a common law position with respect to takings; thus, there is a very strong presumption that property is not to be taken without due compensation being paid, but

such presumption is rebuttable. The legislative body exercising the power must expressly provide to take land without compensation before the presumption is rebutted. So far, no elected government has felt comfortable enough to pass any such statute.

So for us, the basic rule is an interpretive rule whether or not the presumption is rebutted by anything the legislature has said. In terms of constructive takings, that is where land is not taken but is either sterilized by regulation or its use is substantially limited by regulation, the common law has required a two-part test. The first part of the test requires a substantial diminution or sterilization of some property right on the part of the owner. I am thinking now of examples around the agricultural land freeze and the subsequent agricultural land reserve that I mentioned earlier. The loss must be of an interest or an estate in the property. The second part of the test requires such loss to be coupled with a commensurate augmentation of a property interest of the state. Therefore, if there is only some transfer of an inchoate benefit, something that is merely giving effect to a public interest without any effective transfer of an actual interest in land to the state or of a specific benefit to land owned by the state, there will likely be no taking. This position made many of the measures we have taken in terms of planning and in terms of consequential land use restrictions much easier for us. Our constitution does not require the same analysis that the United States Constitution mandates. While remedies for owners severely impacted by land use regulation may not sound in compensation, remedies in judicial review for setting aside unreasonable or oppressive regulations are readily available.

In closing, I would like to thank the organizers of this Symposium for inviting me to participate. I would also like to express the wish that if anything in my presentation is of use to you, take it simply as a lesson learned and returned to you.

