YOUNG ANDERSON
BARRISTERS & SOLICITORS

DEVELOPMENT APPROVAL TOOLKIT

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I. INTRODUCTION

Local governments assist in providing many benefits to their communities, from basic infrastructure like roads and water systems to parks, affordable housing and environmental protection measures. Without relying on general tax revenue or loans, many of these benefits can only be secured during the development approval process, and it's not always obvious when and how best to do that. This paper discusses the mechanisms available to local governments at different stages of the development process. For the purposes of this paper, we will think of local governments as having a tool kit available to them when development comes calling. The metaphor of the tool kit is apt, as it is always wise to have the right tool for the right job and so this paper will consider how and when each tool can be deployed.

To organize this paper, we will consider the phases of development, and which tools are available in each phase. Central to the discussion of what is available to a local government is identifying the legislative authority engaged at each stage and the level of discretion afforded to the local government. We start with the rezoning of land, then move on to development permits, subdivision, and finally building permits.

II. REZONING

Rezoning is an early, if not the earliest stage of a development and it is the stage when a local government has some of the greatest discretion to accept or reject a developer's proposal. That discretion comes from the council or board exercising its legislative authority in adopting the rezoning bylaw. Although every owner has the right to apply for bylaw amendments, the council or board is under no obligation to adopt a bylaw and therefore can largely act as it sees fit. That means this is the point when it has the greatest discretion to request from an applicant the benefits it believes are necessary and appropriate to justify the rezoning. The benefits can be far ranging, but ultimately they are often related to the development itself. This includes the practice of community amenity contributions, but can also include securing affordable housing within the development or contributions to an affordable housing fund. Local governments may also wish to see certain infrastructure constructed to ease the impact that a development will have on the community or impose conditions related to the phasing of the development.

When it comes to the benefits that may be obtained during rezoning, local governments will want to know that they have secured them prior to adoption of the rezoning bylaw. The reason, of course, is that once the zoning has been adopted, the land will be subject to the zoning bylaw and the property owner will have the rights associated with that rezoning. If the benefits have not yet been secured, it may be difficult, if not impossible, to require the owner to provide them without being able to rely on a further legal obligation. Enter the legal toolkit. The local government can generally secure the benefits it is seeking in one of three ways:

requiring the benefits be provided before adoption, securing the future delivery of the benefits through some form of legal obligation, or securing the benefits as part of the zoning.

A. Future Obligations

When possible, it is always beneficial to obtain the benefit prior to adoption of the rezoning bylaw. A bird in the hand is worth two in the bush, and all that. But convincing a developer to contribute to a housing fund or construct a new pump station before zoning is even adopted is rarely possible. A developer may be relying on funds that will be generated through sales of subdivided lots, other times they are reluctant to invest that level of resources into a project before they know that the zoning has been adopted.[1] On other occasions, the benefit cannot even be given until after the development is complete. Take affordable housing for example – we can secure an agreement to provide it, but the true benefit of affordable housing is an ongoing obligation that is provided over time once the housing itself is available. For all these cases, the local government must rely on its toolkit to secure the future provision of the benefit.

1. Covenants under s. 219 of the *Land Title Act*

A method that many will be most familiar with is a covenant pursuant to section 219 of the *Land Title Act*. While this covenant goes by many names (219 covenant, development covenant, no-build covenant, no-use covenant), at its core it is still a covenant enabled by the *Land Title Act* and therefore must be deployed within the permitted scope of section 219.

> 219(2) A covenant registrable under subsection (1) may be of a negative or positive nature and may include one or more of the following provisions:
>
> (a) provisions in respect of
>
> (i) the use of land, or
>
> (ii) the use of a building on or to be erected on land;
>
> (b) that land
>
> (i) is to be built on in accordance with the covenant,
>
> (ii) is not to be built on except in accordance with the covenant, or
>
> (iii) is not to be built on;
>
> (c) that land
>
> (i) is not to be subdivided except in accordance with the covenant, or
>
> (ii) is not to be subdivided;
>
> (d) that parcels of land designated in the covenant and registered under one or more indefeasible titles are not to be sold or otherwise transferred separately.

[1] Local governments cannot bind themselves to adopting a bylaw, and therefore any method to do so is *ultra vires*. See *Pacific National Investments Ltd. v. Victoria (City),* 2000 SCC 64.

> …
>
> 219(4) (b) that land or a specified amenity in relation to it be protected, preserved, conserved, maintained, enhanced, restored or kept in its natural or existing state in accordance with the covenant and to the extent provided in the covenant.
>
> (5) For the purpose of subsection (4) (b), **"amenity"** includes any natural, historical, heritage, cultural, scientific, architectural, environmental, wildlife or plant life value relating to the land that is subject to the covenant.

From these sections we can see that a 219 covenant can dictate how land that is subject to the covenant can be used, built upon, subdivided, or preserved with respect to specific amenities.

How then can these covenants be used to help deliver the benefits secured through rezoning? What we see most frequently is the use of these covenants to deny development rights or ultimate land use until the benefits have been delivered. A covenant used in this manner is often referred to as a no-build or no-use covenant, as they deny the property owner the ability to use or build on the land until the benefit is realized. A benefit of this method is that enforcement and incentivization are built right into the terms of the covenant in a way that allows the local government to wait until the benefit is provided before needing to do anything.

219 covenants are also desirable because they "run with the land" meaning they bind not only the current owner, but also anyone who obtains an interest in the lands. That means future owners are also bound by their terms. That is significant for the purpose of securing future obligations since developments can have multiple owners over time and it is critical that the obligations associated with the granting of the rezoning bind new owners, lest they be lost before being provided.

While some arrangements can result in complex agreements, ultimately the structure of a no-build/no-use covenant can be straightforward when seeking to implement the no-use/no-build strategy outlined above. The owner covenants that the land will not be subdivided, built upon, and/or used in a specific manner until a benefit or suite of benefits has been provided. Despite what can be a straightforward proposal, there are important factors to keep in mind when preparing these agreements. First, in order for a 219 covenant to be valid, its terms must be within the scope of section 219 of the *Land Title Act*. As laid out above, that means restricting the agreement's provisions to subdivision, use of land, permitted building, and protection of permitted amenities. Which stage of a development should be withheld until the benefit is available is a decision to be made on a case-by-case basis. As a rule of thumb, we generally say the earlier the better. The longer it takes for a local government to obtain the benefit the more time there is for something to go wrong. By this logic, it is better to withhold permission to subdivide than it is to withhold occupancy. Local governments should work with developers to identify when benefits can most reasonably be provided and then secure those commitments with well drafted 219 covenants. The covenant can always be modified as needed, but remember that occupancy is often the last stage that can be withheld before a developer has

effectively no further need for permits or approvals from the local government. After that stage, local governments are likely to need to take more active roles in obtaining benefits compared to the sit back and wait approach that the no-build/no-use allows.

Section 219(6) also allows for an indemnity to be included in the covenant, creating a unique positive obligation to indemnify the local government. A release is often included though there is no express language in section 219 that contemplates their inclusion. The BC Court of Appeal considered whether a release could be a valid term of a 219 covenant in *Rai v. Sechelt (District)*, 2021 BCCA 349. In that case, the District of Sechelt held a 219 covenant registered on title as a condition of subdivision which released claims advanced against the District. The property owner had advanced a claim against the District arguing that the District had been negligent in approving the subdivision and said the claim was not barred by the release in the covenant because section 219 did not authorize the inclusion of releases (only indemnities). The Court of Appeal decided the release was valid and pointed to specific facts of the case as well as the structure of the 219 covenant regime. The Court noted that a 219 covenant can include "provisions in respect of the use of land" and that the covenant was intended to address and allocate risk associated with the use of the land that would result from the subdivision. The Court concluded that the release was a valid term of the 219 covenant and as drafted it addressed the risk for which the owner now sought to have excluded. While one takeaway from this case is that releases are permitted within the scope of a 219 covenant, another important takeaway is that thought should be given to the nature of the 219 covenant and the risks that the local government is seeking to address so that a release and indemnity can be accurately and meaningfully drafted.

Lastly, we have rent charges. These are a little used legal tool that allow the holder of a rent charge to collect rent (money) where the terms of an agreement permit it – often used as a method of enforcement where a breach in the covenant occurs. These are rarely included in development agreements as the structure of a development agreement most often takes the form of the no-use/no-build allowing local governments to sit back and wait until the benefits are provided.

2. Housing Agreements

Housing agreements are authorized under section 483 of the *Local Government Act* and allow local governments to secure affordable housing in a manner similar to a 219 covenant where the agreement runs with the land and binds future owners. Unlike a 219 covenant, housing agreements can regulate the users of the lands and set rental rates, provide for categories of people who are permitted to use the housing units, or set sale prices for housing units. While it is possible to use a no-build/no-use covenant to require a housing agreement be granted later in the development process, it is generally better to obtain these prior to adopting a rezoning bylaw. The reason being that unless the terms are set out in advance (and if they are why are we waiting to enter into the housing agreement), there will be uncertainty as to what terms will be included in the future housing agreement. That can undermine the enforceability of the 219

covenant or result in a housing agreement on terms the local government would rather be different.

Some housing agreements will also contain provisions that are actually covenants under 219 of the *Land Title Act*, rather than being within the scope of section 483 of the *Local Government Act*. For example, the housing agreement may require the owner to build the housing units which will eventually become the affordable rental units governed by the housing agreement. In this case, the agreement is a combination of a housing agreement under s.483 and a 219 covenant. This is legally enforceable but it is important to ensure that the requirements for entering into a housing agreement and registering notice on title are fulfilling in addition to the legal requirements to enter into and register a 219 covenant on title. The major differences are entering into a housing agreement can only be authorized by bylaw and housing agreements have notice registered on title, whereas a 219 covenant must be registered as a charge.

3. Zoning

At least some of what can be done in a housing agreement and arguably most of what can be included in a section 219 covenant, both of which require the agreement of another party, can be achieved with a zoning bylaw, which the local government alone is in charge of. While zoning bylaws cannot impose a "no use / no build" scheme that's often central to the utility of a covenant, and cannot include price and occupancy restrictions beyond a rental tenure rule, zoning is always a good place to start. Probably most important, as already mentioned, is that local governments can adopt zoning unilaterally without having to coax another party into the agreement. Zoning also has the advantage of broader enforcement options, and owners can't rely on defences like delay or acquiescence that might be available in contract enforcement proceedings.

Beyond section 479 of the *Local Government Act*, which itself provides a range of specific and detailed provisions for land use regulations, zoning bylaws can also include density benefits regimes and inclusionary zoning under section 482 of the *Local Government Act*. Similar to what might be secured by a covenant, density benefits and inclusionary zoning can be used to secure a range of amenities, as well as the provision of affordable and special needs housing. Zoning can also set different standards of works and services for different uses or provide that certain uses may only be undertaken in conjunction with other uses on the same land.

III. DEVELOPMENT PERMITS

After rezoning, if applicable, comes subdivision and building, right? Not so fast. Before land within a development permit area can be subdivided or built upon, including land alteration in some cases, the relevant development permits must be issued. Unlike rezoning, local governments have significantly less discretion when issuing development permits. The issuance of development permits must be made in compliance with the guidelines for that development permit area. Local governments do though have much more discretion when drafting their DP guidelines (whether in the OCP or zoning bylaw), to shape development in accordance with the

special conditions or objectives that justify the designation in the first place, but once the guidelines are adopted (which they must be before a DP area designation is valid) permit decisions must respect them.

How do these permits then factor into the toolbox? They can be powerful tools to achieve one or more of the purposes listed in section 488 of the *Local Government Act*. Neighbourhood form and character, protection of the natural environment, and protection from hazardous conditions are just some of the better-known development permit area objectives. There is also protection of farming, promoting energy and water conservation, as well as the more recent mitigation of the effects of displacement on tenants. Other than the benefits implied by compliance with guidelines, development permits cannot be used to obtain other benefits for the local government, such as land dedications[2] or even requiring a 219 covenant (there are subsequent development stages for this as you will read about below). Development permits can be used to regulate development and ensure that what is built fits within guidelines that the local government has established to meet certain goals and objectives. In this way, they can be viewed as fulfilling a different role than what is often sought at the rezoning phase. Development can be regulated to provide a built environment that is pleasing and desirable for commercial redevelopment or inviting to local residents. Development permits can also be used to ensure that developments are safe for those who use them and limit their impact on the natural environment. The full list is set out at section 488(1) of the *Local Government Act*.

Once a development permit is issued, the local government must register through the land title office a notice of the permit on title to the property. Registration of the notice makes the permit binding on all those who obtain an interest in the property. This has a similar effect to a219 covenant, with the advantage that notice is not affected by issues regarding priority, so existing charge holders do not need to consent to the issuance or effect of the permit on the lands. While a permit may only relate to the specific development that brought about the need to have it issued, do not forget that before future development can be undertaken, a new development permit will need to be issued, and so the local government once again will be in a place to update the terms of the development permit.

A tool that might also be useful at the development permit stage is a development approval information requirement under sections 484 to 487 of the *Local Government Act*. These sections authorize the designation of development information approval areas. When developments are proposed for land within these areas (amending zoning, development permit, or temporary use permit) the local government may require studies to be conducted to help ensure that the local government has the information it needs to assess the impacts of the development on the surrounding community. Examples of the types of information that can be sought include impacts on transportation patterns, local infrastructure, public facilities such as schools and parks, community services, the natural environment, and tenants who are or may be displaced by redevelopment. It is important to remember that if the local government

[2] Section 491(1) being the exception that proves the rule. This section that addresses protection of the natural environment includes the authority to require watercourse dedication and works to be dedicated.

decides to designate these areas in its official community plan, it must also adopt a bylaw that establishes procedures and policies on the process for requiring the development approval information. Although in *Port Moody v. Land Castle* the local governments got the information it wanted without a DAI designation or bylaw, that was a rezoning case. For development permits, the risks of "information overreach" might be more acute.

IV. SUBDIVISION

Unlike rezoning, which involves the exercise of broad legislative discretion by council or a regional board, subdivision approval involves the exercise of statutory authority by an approving officer under the *Land Title Act* who is, at least according to the case law, "independent of the local government". While a local government appoints the approving officer and may establish requirements in respect of subdivision through its bylaws, the authority to determine whether an application meets those requirements rests with the approving officer. Municipal councils and regional boards have no direct role in deciding individual subdivision applications.

Section 87 of the *Land Title Act* obliges an approving officer to refuse a subdivision plan that does not conform to applicable provisions of the *Local Government Act* or local government bylaws regulating the subdivision of land and zoning. Zoning bylaws typically include minimum parcel areas, and lot width and depth dimensions; they can also include more nuanced rules about parcel shape, and establish "maximum" parcel areas, all under section 479(1)(d) of the *Local Government Act*. Subdivision servicing bylaws, on the other hand, establish what are commonly known as "works and services" requirements. Although section 87 uses the words "may refuse", the BC Court of Appeal confirmed in *Seaview Land Estates Ltd. v. South*, [1981] B.C.J. No. 771, 124 D.L.R. (3d) 610, that an approving officer must refuse a subdivision that does not comply with applicable zoning and subdivision bylaw requirements. Where an application does not comply, the applicant must obtain the necessary bylaw amendment, variance, or exemption, if available, through the applicable statutory process.

A. Works and Services

The subdivision servicing provisions of the *Local Government Act* were significantly expanded by the *Housing Statutes Amendment Act*, 2024 ("Bill 16"). The *Local Government Act* now authorizes local governments to adopt bylaws regulating and requiring a broader range of works and services in respect of the subdivision, including:

- Minimum standards for highway dimensions, locations, alignment and gradient;
- Water distribution , fire hydrant, sewage collection and disposal, and drainage systems;
- Highways, sidewalks, boulevards, boulevard crossings, street lighting, transit bays and underground wiring;

- Amenities such as benches, bollards, bicycle parking facilities, directional signage, parklets, street lights, street signs, transit shelters and waste disposal and recycling containers;

- Transportation infrastructure supporting walking, bicycling, public transit and other alternative forms of transportation; and

- Sustainable design features providing for energy and water conservation, greenhouse gas emissions reduction and climate resilience.

Note, however, that the authority to require the expanded range of works and services does not extend to subdivisions under the *Strata Property Act*. Under section 506(6) of the *Local Government Act*, a local government must not impose requirements under section 506(1)(b) or (c) in respect of a strata subdivision. The exception is the authority under section 506(1)(a) to regulate and prescribe minimum standards for highway dimensions, locations, alignment and gradient in connection with the development of land.

In addition, section 506.02 authorizes local governments operating community water, sewer, or drainage systems to require connections to those systems. Where no community water system exists, a local government may also require each parcel created by subdivision to have a source of potable water with a specified flow capacity.

The works and services that may be required as a condition of subdivision approval can only be required on the portion of the highway immediately adjacent to the land being subdivided, up to the centre line of the highway. These requirements may be imposed only to the extent "directly attributable to the development of land" and must not include specific services already included in the calculations used to determine development cost charges, unless the owner agrees to provide those services. Note, where the owner agrees, the applicable development cost charges calculation must account for the deductions provided under section 565.

As a general rule, works and services required under a local government's servicing bylaw must be completed before subdivision approval is granted. Section 509(1) of the *Local Government Act* requires the owner to construct and install the required works and services to the applicable bylaw standards before the approving officer approves the subdivision. Alternatively, the approving officer may approve the subdivision if the owner:

- Deposits security with the municipality or regional district in the form and amount established by the applicable bylaw or, where none is prescribed, in a form and amount satisfactory to the approving officer; and

- Enters into an agreement with the local government to construct and install the required works and services by a specified date, failing which the security may be forfeited.

B. SRWs, Easements and Covenants

In considering the requirements for subdivision approval, the approving officer may also need to ensure that appropriate legal interests are secured where works and services are to be located on land that will remain in private ownership. Depending on the circumstances, this may involve requiring registration of a statutory right of way to secure municipal access to the works and services, an easement benefiting municipal land, or a section 219 covenant restricting uses that could interfere with the infrastructure. These interests should be secured as part of the subdivision approval process where they are necessary to support the provision and ongoing maintenance of the required works and services.

In addition to servicing, the *Local Government Act* establishes several other benefits that may be required when land is subdivided.

C. Parkland

Under section 510 of the *Local Government Act*, an owner proposing a subdivision must provide parkland or, alternatively, pay an amount representing the market value of the land that could be required for park purposes. The amount of parkland or cash-in-lieu cannot exceed 5% of the land proposed for subdivision. This requirement does not apply to subdivisions that create fewer than three additional lots (unless the parcel was itself created by subdivision within the preceding five years), subdivisions where the smallest lot being created is larger than two hectares, or consolidations of existing parcels.

D. Dedication of Land

Under section 513 of the *Local Government Act*, an approving officer may require an owner, without compensation, to provide a portion of the land being subdivided for a new highway or widening of an existing highway, subject to the statutory limits. Bill 16 introduced an additional authority under section 513.1, allowing an approving officer to require an owner to provide, without compensation, up to five metres of land for transportation infrastructure supporting walking, bicycling, public transit or other alternative forms of transportation, including sustainable design features. This provides an additional mechanism for securing land needed to support active and alternative transportation as part of subdivision.

E. Development Cost Charges

Section 559 of the *Local Government Act* authorizes local governments to impose development cost charges by bylaw on persons obtaining subdivision approval.

F. Hazardous Lands and Section 219 Covenants

In addition to hazardous condition development permit areas mentioned in section III above, or where such development permit areas are not applicable, subdivision approval provides an opportunity to address hazards affecting land proposed to be subdivided. Section 86(1)(c) of

the *Land Title Act* identifies several grounds on which an approving officer may refuse a subdivision plan, including circumstances where the land is subject, or could reasonably be expected to be subject, to flooding, erosion, land slip or avalanche; where the land has inadequate drainage; where the anticipated development would adversely affect the natural environment to an unacceptable level; or where the subdivision is unsuitable for the configuration of the land or its intended use. In such cases, the approving officer may require, as a condition of subdivision approval, either or both of the following:

- A report certified by a professional engineer or geoscientist experienced in geotechnical engineering confirming that the land may be used safely for the intended purpose; and
- Registration of one or more covenants under section 219 of the *Land Title Act* against any of the parcels being created by the subdivision.

The use of section 219 covenants at the subdivision stage is not limited to natural hazards. They may also be used to address matters such as restrictions on further subdivision, access arrangements, protection of environmentally sensitive areas and the provision or maintenance of specified infrastructure, provided the covenant is within the scope of the statutory authority.

To obtain benefits at the subdivision stage, local governments should ensure that their bylaws are sufficiently detailed to address anticipated development within the municipal boundaries.

V. BUILDING PERMIT

The issuance of a building permit is not a broad discretionary approval process. A building inspector must administer the applicable legislation and bylaws and cannot use the building permit process to request benefits that are not authorized by law. Where an application complies with all applicable enactments, the local government does not have a discretion to refuse the permit.

A. Works and Services

The *Local Government Act* authorizes local governments to require works and services as a condition of issuing a building permit (in addition to subdivision). Under section 506.03(2), a local government may require an owner, as a condition of a building permit, to provide works and services on the site being developed and on the portion of the highway immediately adjacent to the site, up to the centre line of the highway.

Similar to the subdivision stage, the *Local Government Act* limits these requirements to works and services that are directly attributable to the development of land and a local government must not require specific services that are included in the calculations used to determine the amount of a development cost charge, unless the owner agrees to provide those services. If the owner agrees, the development cost charge calculation must be adjusted in accordance with section 565(2) to (5) of the *Local Government Act*.

Section 509 of the *Local Government Act* requires works and services that are to be constructed and installed at the owner's expense to be completed, to the applicable bylaw standards, before the building inspector issues the building permit. However, the permit may be issued before completion if the owner:

- Deposits security with the municipality or regional district in the form and amount established by bylaw or, if none is established, in a form and amount satisfactory to the building inspector; and
- Enters into an agreement to construct and install the required works and services by a specified date, failing which the security may be forfeited.

B. Dedication of Land

Bill 16 introduced additional authority to require the provision of land as a condition of issuing a building permit. Sections 513.2 and 513.3 of the *Local Government Act* authorize a servicing officer to require an owner, without compensation, to provide a portion of the land for specified highway, transportation infrastructure and sustainable design purposes. The servicing officer is a newly created position through the Bill 16 amendments and for local governments that choose to have one, it must be designated by local government bylaw and must fall within a class of persons prescribed by regulation (the Planning and Land Use Management Regulation, B.C. Reg. 15/2025).

Under section 513.2, a servicing officer may require land for highway use, including land for a highway within a subdivision or for widening an existing local highway that borders or is within the subdivision. The amount of land that may be required is subject to the statutory limits, although a greater amount may be required in the circumstances described in subsection (3), where terrain and soil conditions prevent adequate support, protection or drainage of the roadway within the prescribed limits.

Section 513.3 authorizes a servicing officer to require, as a condition of issuing a building permit, up to five metres of land for constructing and installing sustainable design features and transportation infrastructure that supports walking, bicycling, public transit or other alternative forms of transportation.

C. Housing Agreements

A housing agreement may also be a prerequisite to issuing a building permit in specific circumstances. Section 482.7(5) of the *Local Government Act* requires a local government to enter into a housing agreement under section 483 before issuing a building permit for property that is subject to requirements in a zoning bylaw adopted under section 482.7 respecting affordable and special needs housing units.

D. Development Cost Charges

Development cost charges are not limited to the subdivision stage. Under section 559 of the *Local Government Act*, a local government may impose development cost charges on a person obtaining a building permit.

E. Hazardous Lands and Section 219 Covenants

Section 56 of the *Community Charter* applies where a bylaw regulating the construction of buildings or other structures is in effect and the building inspector considers that construction would take place on land that is subject to, or is likely to be subject to, flooding, mud flows, debris flows, debris torrents, erosion, land slip, rockfalls, subsidence or avalanche. In those circumstances, the building inspector may require the owner to provide a report certified by a qualified professional confirming that the land may be used safely for the intended purpose. If the qualified professional determines that the land cannot be used safely for the intended purpose, the building inspector must not issue the building permit.

Where the qualified professional certifies that the land may be used safely for the intended purpose, provided that specified conditions are met, the building inspector may issue the permit subject to those conditions. Before doing so, the owner must covenant with the municipality to use the land only in the manner certified by the qualified professional, including conditions respecting reimbursement of municipal expenses resulting from a breach of the covenant. The covenant must be registered under section 219 of the *Land Title Act*. See section II above on our thoughts related to inclusion of indemnities and releases in 219 covenants.

The authority under section 56 is not necessarily exhausted by a geotechnical report or covenant obtained at an earlier stage of development. In *Compagna v. Nanaimo (City)*, 2018 BCCA 396, the Court of Appeal confirmed that a building inspector may require a further geotechnical report at the building permit stage, even where a report was provided in connection with an earlier subdivision.

VI. CONCLUSION

The development approval process provides local governments with a range of tools to secure community benefits, regulate development and address risks associated with the use of land. No single tool will be appropriate for every development or every community benefit. The key is understanding which tools are available at each stage and the extent of the local government's authority to use them. Whenever possible, local governments should avoid leaving important obligations to a later stage when the available discretion may be narrower or the opportunity to secure the benefit may have passed.

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