

REPORT

Planning and Development Council

Meeting Date: August 14, 2023

FROM: Planning Services Department

DATE: August 1, 2023

SUBJECT: Official Plan Review Update - August 14, 2023

LOCATION: Town-wide

WARD: Town-wide Page 1

RECOMMENDATION:

That the information in the staff report dated August 1, 2023, titled, *Official Plan Review Update – August 14, 2023*, from the Planning Services Department be received.

KEY FACTS:

The following are key points for consideration with respect to this report:

- This report provides Council with an update on the town's ongoing Official Plan (OP) Review, including the status of projects within the work program, information on technical work required, potential implications with respect to provincial and regional policy, and the anticipated path to completion.
- With Council support, significant progress has been made in advancing the OP Review. Significant portions of the Livable Oakville Plan have been reviewed, and several Official Plan Amendments (OPAs) have updated OP designations and policies and are in effect. Other OPAs are at various stages of the planning process.
- There are several areas of the OP to be updated to conform with provincial and regional policy, including but not limited to the removal of bonusing permissions, changes to employment areas, and the inclusion of minimum densities within approved Major Transit Station Areas (MTSAs) and Protected Major Transit Station Areas (PMTSAs).

BACKGROUND:

The purpose of this report is to update Council on the town's ongoing OP Review. Council last received an OP Review report at their Planning and Development Council meeting on December 7, 2021 (Item 7.2).

There are two local official plans that guide land use decisions within the town:

- The Livable Oakville Plan, as amended, applies to the lands south of Dundas Street and north of Highway 407. The Livable Oakville Plan was adopted by Council in June 2009 and approved by Halton Region in November 2009, with modifications. Several parties appealed the region's decision; the Ontario Municipal Board adjudicated most of the appeals and approved the Plan, with modifications, in May 2011. The current consolidation incorporates amendments up to August 31, 2021.
- The 1984 Official Plan, as amended, remains in effect as the parent official plan to the North Oakville Secondary Plans, which apply to the lands between Dundas Street and Highway 407. Policies not under appeal came into effect on October 12, 2018.

COMMENTS/OPTIONS:

Official Plan Review and Work Program

The purpose of the OP Review is to consolidate and harmonize the town's OP documents under the Livable Oakville Plan. It will also ensure the Plan is updated in conformity with provincial and regional legislation and policies, and the Regional Official Plan, as amended through the Regional Official Plan Review.

The town's OP Review was launched at a Special Public Meeting of the Planning and Development Council on May 11, 2015 (Item-6). A staff report was received by Council confirming the need to complete an assessment of how development within the town's Growth Areas is meeting the objectives and policies of the Livable Oakville Plan. In 2016, Planning and Development Council appointed the Livable Oakville Council Subcommittee to provide input to staff on OP Review matters.

On September 27, 2017, following the Urban Structure Review, a foundational component of the OP Review, Council adopted the town-wide urban structure through OPA 15 to the Livable Oakville Plan as well as OPAs 317 and 318 to the North Oakville Secondary Plans (1984 Official Plan). OPAs 15, 317 and 318 were approved by the Region of Halton on April 26, 2018. Following resolution of appeals, the town-wide urban structure has been in full force and effect since July 29, 2021.

Changes in the Planning Legislation and Policy

Since the OP Review was initiated in 2015, numerous changes to provincial policy have been realized or proposed to which municipal official plans must be consistent or conform. For example, the 2014 Provincial Policy Statement was replaced in 2020. The 2006 Growth Plan for the Greater Golden Horseshoe was replaced in 2017 and 2019 and then amended in 2020. The 2006 Greenbelt Plan was replaced in 2017 and has since been amended.

Additional provincial changes not anticipated when the OP Review was initiated include the removal of bonusing permissions under section 37 of the *Planning Act* and replacement with the Community Benefit Charge (CBC) regime through Bill 108 in 2019; the removal of upper-tier planning approval authority (upon proclamation), and the 2031/32 Housing Pledge through Bill 23 in 2022; and changes to municipal financial tools introduced through Bill 108 in 2019 and revised through Bill 197 in 2020, in response to concerns of municipalities.

Figure 1

Legislation	Dates	Broad Effect
Bill 139, Building Better Communities and Conserving Watersheds Act, 2017	Royal Assent: December 12, 2017	Represented a significant shift in Ontario's approach to land use planning by placing greater authority with municipal councils & planning authorities. Bill 139 replaced and amended existing Acts, including the <i>Planning Act</i> , the <i>Ontario Municipal Board Act</i> and the <i>Conservation Authorities Act</i> , and made changes to the planning appeals system.
Growth Plan for the Greater Golden Horseshoe (Growth Plan (2019))	In Effect: May 16, 2019	The Ministry of Municipal Affairs and Housing established a deadline of July 1, 2022, for municipalities to update their Official Plans to achieve conformity with the Growth Plan (2019) through a conformity exercise and Municipal Comprehensive Review (MCR).
Bill 108, More Homes, More Choice Act, 2019	Royal Assent: June 6, 2019	 Bill 108 resulted in amendments to 13 Acts. Some of the most significant changes were to: municipal revenue generation tools, powers, and timelines for DC payments under <i>Development Charges Act</i> (DCA). Sections 37, 42 & 51.1 of the <i>Planning Act</i> (density bonusing; parkland dedication). Bonusing (s.37) replaced with municipal authority to pass a "Community Benefit Charge" (CBC) by-law for "soft services".

Legislation	Dates	Broad Effect
		Scope of services cost recoverable under the DCA limited to "hard" services.
Bill 138, Plan to Build Ontario Together Act, 2019	Royal Assent: December 10, 2019	Bill 138 set out an appeal process for the CBC regime introduced under Bill 108 and provided information on transition related to parkland dedications from new development.
Bill 197, COVID-19 Economic Recovery Act, 2020	Royal Assent: July 21, 2020	Significant changes introduced through Bill 108 were rolled back through Bill 197 in response to concerns raised by municipalities. Changes included returning additional services to the DCs regime; removing the statutory 10% discount for soft services; flexibility to use funding tools in tandem; and reverting to status quo regarding s.42 of the <i>Planning Act</i> .
Provincial Policy Statement, 2020 (PPS (2020))	In Effect: May 1, 2020	
A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Amended August 2020)	In Effect: August 28, 2020	Under the 2020 Growth Plan, municipalities are required to update official plans to accommodate forecasted population and employment growth to 2051.
Regional Official Plan Amendment 48 (ROPA 48)	In Effect: November 10, 2021	Regional Official Plan Amendment (ROPA) 48 was modified and approved by the Minister of Municipal Affairs and Housing on November 10, 2021. Revised the Regional Structure, implemented a Regional Urban Structure and a hierarchy of Strategic Growth Areas in the ROP to address local planning priorities. Also delineated boundaries of Strategic Growth Areas in accordance with 2019 Growth Plan.
Regional Official Plan	In Effect: (with Minister modifications):	Regional Official Plan Amendment (ROPA) 49 implemented the results of the Region's Integrated Growth Management Strategy.

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Legislation Amendment 49	Dates November 4,	Broad Effect Through Ministerial approval, population and
(ROPA 49)	2022.	employment growth distributions were set to 2051, and new urban areas and employment conversions beyond those proposed through the original regional adoption were included.
Bill 109, More Homes for Everyone Act, 2022	Royal Assent: April 14, 2022 Some provisions in force; others to come into force at a later date.	Refer to staff reports brought to Planning and Development Council on April 4, 2022 (Item 7.2) and May 15, 2023 (Item 4.2). Bill 109 amended 6 Acts, including the Planning Act and the Development Charges Act. Key changes included: • Ministerial approval authority for OPAs. • The Site Plan Control process. • Planning application fees. • Municipal review of CBC by-laws. • Parkland requirements on TOD land. • Extensions (Plan of Subdivision approvals). • Refunds for OPA/ZBA/Site Plan application fees if approvals deadlines not met.
Bill 23, More Homes Built Faster Act, 2022	Royal Assent: November 28, 2022 Some provisions in force; others to come into force upon proclamation (no earlier than 2024).	 Refer to staff reports brought to a Planning and Development Council meeting December 5, 2022 (Item 7.2) and May 15, 2023 (Item 4.2). In force changes include, but are not limited to: Requirement for municipalities to update zoning for Protected Major Transit Station Areas (PMTSAs) with minimum densities within one year of PMTSA approval. Permitting inclusionary zoning in PMTSAs. Gentle density as-of-right zoning to permit up to three residential units per lot. Some key Bill 23 changes will not be in effect until proclamation (no earlier than 2024): Removal of upper-tier planning authority. Affordable and attainable housing to be defined in regulation. Exempting affordable, attainable and inclusionary zoning from DCs, and

Legislation	Dates	Broad Effect
		discounts to CBCs and parkland dedication, where they are not part of an inclusionary zoning contribution. Parkland dedications of encumbered lands. Revocation of the Parkway Belt West Plan. Timed with Bill 23, the province requested Oakville commit to a housing pledge target of 33,000 units by 2031. Staff provided an overview of Oakville's Housing Pledge to Council on March 20, 2023 (<a 2023="" <i="" and="" areas"="" employment="" href="Item:Item:Item:Item:Item:Item:Item:Item:</td></tr><tr><td>Bill 97, Helping
Homebuyers,
Protecting
Tenants Act,
2023</td><td>Royal Assent:
June 8, 2023</td><td>Refer to a staff report brought to a May 15, 2023 Planning and Development Council meeting (Item 4.2). Bill 97 proposes changes to definition of " in="" pps="" proposed="" the="">Planning Act, to focus on heavy industry, manufacturing, and large-scale manufacturing. Uses that can locate in mixed use areas would no longer be considered employment. These amendments will come into force upon proclamation. The "Proposed Approach to Implementation of the proposed Provincial Planning Statement" was released with Bill 97, indicating that provincial government will not remove the planning responsibilities from upper-tier municipalities until Winter 2024, at the earliest.
Proposed Provincial Planning Statement (PPS (2023))	Introduced April 6, 2023, (with Bill 97). Comment period extended to August 4, 2023.	Refer to a staff report brought to a May 15, 2023 Planning and Development Council meeting (Item 4.2). Draft policy document released to replace the current Provincial Policy Statement 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe. The proposal was updated on June 16, 2023, to provide notice that natural heritage policies were ready for input.

OP Review - Progress To-Date

Despite the evolving provincial policy context, substantial portions of the Livable Oakville Plan have been reviewed and updated through the ongoing OP Review. Appendix A provides an overview of the OP Review and Work Program. Comprehensive, project-specific reporting has been provided to Council separately. The OP Review will continue to evolve and respond as provincial policy is finalized.

The focus of the OP Review continues to be the implementation of the town-wide urban structure (OPAs 15, 317 and 318), which aims to protect natural heritage, open space, and cultural heritage; maintain established areas; and direct growth to strategic growth areas and intensification corridors supported by public transit.

To prepare for future growth and address the evolving mobility needs of the community, the town is creating a transportation plan in two phases – through the town-wide Urban Mobility and Transportation Study (UTMS), first presented at the February 15, 2022 Special Planning and Development Council meeting (Item 7.1), and an update to the town's Transportation Master Plan (TMP). The UTMS and resulting policies from the updated TMP, while not undertaken as part of the OP Review directly, strategically positions to the town on how to integrate land use and transportation. It is critical to the ongoing implementation of the urban structure and will inform amendments to OP transportation and mobility policies as part of the OP Review.

Timed together with Bill 23, *More Homes Built Faster Act, 2022*, the province requested Oakville commit to a housing pledge target of 33,000 units by 2031. Staff provided an overview of Oakville's Housing Pledge to Council on March 20, 2023 (Item 3.2). Oakville's Housing Pledge was submitted to the Ministry of Municipal Affairs and Housing prior to March 22, 2023. The Town is in the process of developing a Housing Strategy and Action Plan and Housing Policy Update. This will include inclusionary zoning and approaches to improving housing affordability.

As priority projects are completed, projects that were previously initiated but put on hold will be reactivated throughout 2023. This includes the Residential Areas Review. The planned discussion papers (see Appendix A) will commence in late 2023 or early 2024 and will address current provincial and regional policies, incorporate findings from related town studies and recommend updates to Livable Oakville Plan policies. Other issues may be included in the OP Review, pending further provincial changes.

Growth Area Reviews

Staff resources have been primarily devoted to projects related to the town's Growth Areas. All Growth Area Review OPAs will need to be reviewed within the context of the evolving provincial and regional policy framework. Bill 23 introduced changes to the *Planning Act* that affect Protected Major Transit Station Areas (PMTSAs). Bronte

GO and Midtown Oakville are the town's PMTSAs. In force changes through Bill 23 require municipalities update zoning to specify minimum densities for PMTSAs within one year of PMTSA approval. Bill 23 also brought into force changes that permit inclusionary zoning in PMTSAs.

Palermo Village and the North West (Appealed - OPAs 34, 37 & 38)

Council adopted OPAs implementing the recommendations of the Palermo Village Growth Area Review and the incorporation of the North Oakville East Secondary Plan into Livable Oakville (OPAs 34, 37 and 38). These OPAs, adopted by Council on March 22, 2021, introduced area-specific policies and updated schedules to identify a revised boundary for the Palermo Village Growth Area, including lands north of Dundas Street. The area-specific policies provide a policy framework to guide development of the North West Area as an urban community, with nodal development, prestige industry, and green linkages continuing to define the landscape. Employment areas will provide a range of employment opportunities that complement and integrate the existing built form elements to develop the area as a complete community. OPA 37 and 38, providing area-specific parking and cultural heritage policies for the Growth Area was adopted by Planning and Development Council on July 5, 2021 (Item 6.1). OPAs 34, 37 and 38 were approved by the region on March 13, 2023, and are under appeal currently.

Bronte GO Major Transit Station Area (In Effect - OPA 41)

On November 1, 2021, Council passed a by-law to adopt OPA 41 (ltem 7.1). On November 25, 2022, the region approved (with modifications) OPA 41. OPA 41 has been in full force and effect as of December 16, 2022.

Hospital District Study (In Effect – OPA 35)

A study of the lands north of Dundas Street at Third Line produced an Area Specific Plan with land use designations and policies to support the complete community vision for North Oakville. A town-initiated OPA for the Hospital District (OPA 35) was presented at a June 7, 2021 Planning and Development Council meeting (Item 6.2). On March 7, 2023, the region issued a notice of decision to approve with modifications. The region's decision came into effect on March 28, 2023.

Midtown Oakville Growth Area Review (In Progress)

A draft town-initiated Midtown Oakville OPA was brought to a Special Planning and Development Council meeting on May 23, 2023 (Item 4.1) following public engagement throughout spring 2023. An earlier draft OPA was brought to Planning and Development Council on June 7, 2022 (Item 6.2). A Council recommendation was adopted at the May 23, 2023, Special Planning and Development Council meeting to establish a Committee of the Whole for Midtown Oakville.

A staff report was brought forward to a June 26, 2023 Planning and Development Council meeting (Item 7.1) to establish the purpose of the Committee of the Whole,

and its intent to review the proposed town-initiated OPA in greater detail. The first Committee of the Whole meeting took place on July 18, 2023 (Item 5.1). A report back to Council is required by Q4 2023, and a recommended OPA shortly thereafter to establish the land use policy framework for Midtown Oakville in the Livable Oakville Plan.

Neyagawa Urban Core Review (In Progress)

A staff report introducing the study and providing initial analysis was presented to Planning and Development Council on October 4, 2021 (Item 7.4). A public information meeting was held on February 17, 2022, and a Statutory Public Meeting was held on May 16, 2022 (Item 6.3) for two town-initiated proposed OPAs (326 and 45) to identify and establish policies for the Neyagawa Urban Core strategic growth area. The Review will determine the appropriate mix of land uses for the strategic growth area. The resulting OPA to the North Oakville East Secondary Plan will also address density, scale and built form within the context of the urban structure.

<u>Uptown Core Growth Area Review (Planned)</u>

In May 2018, staff held an information session to introduce the Uptown Core Growth Area Review and gather initial feedback. The Uptown Core Growth Area Review was put on hold in 2018 due to departmental priorities. The town will be issuing a Request for Proposals (RFP) for a consultant team to re-examine the policies that guide growth and change in Uptown Core. It is anticipated that the RFP will be issued in Summer 2023, with engagement in Fall 2023.

North Oakville Secondary Plans: Consolidation with Livable Oakville Plan
The 2021 OP Review Update to Council highlighted the OPAs adopted by Council
(OPAs 34, 35, 37 and 38) that would have the effect of bringing all lands currently
subject to the North Oakville West Secondary Plan into the Livable Oakville Plan.
Findings from the North Oakville growth area reviews in progress, as well as the
North Oakville East Commercial Study will inform recommended policy updates.

Employment Studies

Following proclamation of Bill 97 and the proposed 2023 PPS, a town-wide Employment Study will need be undertaken to inform amendments to the Livable Oakville Plan employment area policies to ensure conformity with provincial policy. Additional studies underway include Phase 2 of the Warehousing Review.

Growth Management Updates

In response to provincial policy changes, Halton Region is working closely with local municipalities including the Town of Oakville to update the Joint Best Planning Estimates (JPBEs) for Halton Region for Fall 2023. The JPBEs are based on inputs, including:

 the Land Needs Assessment prepared as part of Halton Region's Integrated Growth Management Strategy (IGMS),

- commitments by local municipalities to provincially requested Municipal Housing Pledges by 2031,
- active development applications currently under review, and
- other local plans and priorities.

Conformity Review

The Provincial and Regional Conformity Review assesses the conformity of the town's existing and proposed policies with all applicable and proposed provincial legislation, policies, and Regional Official Plan Amendments (ROPAs) 48 and 49.

Resource implications, including staffing requirements associated with provincial and regional policy changes and the OP Review will be coming forward for Council consideration through the 2024 Budget process.

Halton Region

The Regional Official Plan Review (ROPR) was advanced through several official plan amendments, with ROPAs 48 and ROPA 49 adopted by Regional Council, and subsequently modified by the Minister of Municipal Affairs and Housing on November 10, 2021 (ROPA 48) and November 4, 2022 (ROPA 49), respectively.

ROPA 48 revised the Regional Structure and implemented a Regional Urban Structure and a hierarchy of Strategic Growth Areas in the Regional Official Plan. ROPA 48 also delineated boundaries of Strategic Growth Areas in accordance with the 2019 Growth Plan, including Urban Growth Centres, MTSAs and PTMSAs.

On November 4, 2022, the Minister of Municipal Affairs and Housing issued the notice of decision with respect to ROPA 49. The Minister made forty-five (45) modifications to ROPA 49 to address provincial policy direction related to growth management to 2051. Key modifications included identifying local municipal distribution of population and employment growth to 2051 (previously ROPA 49 included only the total regional distribution). Policies outlining the process for determining the distribution of growth from 2041 to 2051 were deleted. Modifications were also made to the Regional Urban Structure and employment areas.

These changes may compromise the town's ability to address future employment needs. The proposed removal of intensification and density targets to accommodate forecasted growth, except for MTSAs in fast growing municipalities will need to be addressed through the town's conformity review.

The Regional Official Plan and its planning approval authority will transition to the Town of Oakville upon proclamation of Bill 23, *More Homes Built Faster Act, 2022*. Prior to Bill 23, the region had planned to proceed with ROPA 50 to address remaining policy matters associated with the region's Municipal Comprehensive Review not addressed through ROPAs 48 and 49. Given the proposed changes to

upper-tier approval authority under Bill 23, the region will not advance ROPA 50; instead, the remains of the ROPR work will be transitioned to local municipalities.

The region will deliver a transition package to local municipalities and has agreed to provide transition support for a period of up to six months following proclamation of Bill 23. The proposed 2023 PPS has not been considered as part of the region's transition materials. Once received, town staff will review the regional transition materials and report back to Council on anticipated next steps. While growth management will be taken over by local municipalities as per Bill 23, Halton Region has stated its intent to continue to co-ordinate the implementation of infrastructure master planning and allocation with the local municipalities.

Provincial

As noted above, numerous legislation changes have taken place over the last few years significantly effecting the way in which land use planning is undertaken in the province. Bill 108, the *More Homes, More Choice Act, 2019* and Bill 197, *COVID-19 Economic Recovery Act, 2020* replaced and amended (respectively) the bonusing regime under section 37 of the *Planning Act* with a new Community Benefits Charge (CBC) regime (see Appendix A). To conform to the *Planning Act*, the bonusing permissions in the Livable Oakville Plan must be eliminated. Part E Implementation Policies will need to be removed from the Livable Oakville Plan, and Main Street Schedules will require mapping changes to delete bonusing hatching.

Municipalities were previously working on policy updates to accommodate growth to 2051. On April 6, 2023, alongside Bill 97, the proposed Provincial Planning Statement 2023 proposed removing the requirement that municipalities meet specific intensification and density targets to accommodate forecasted growth, except for density targets for MTSAs in fast growing municipalities. Policy updates will be needed for Bronte GO MTSA and Midtown Oakville to ensure conformity with provincial policy regarding PMTSA density requirements.

In response to provincial policy changes, Halton Region is working with the town to update the JPBEs for Halton Region for Fall 2023. Amendments to other sections of the Livable Oakville Plan will be undertaken as appropriate.

Bill 97 proposes changes to the definition of Employment Areas in both the proposed 2023 PPS and the *Planning Act*, to focus on heavy industry, manufacturing, and large-scale manufacturing. Other uses that can locate in mixed use areas, such as retail, commercial and office, would no longer be considered employment. These amendments are not yet in force.

NEXT STEPS / IMPLICATIONS:

Comprehensive, project-specific reporting will continue to be provided to Council throughout 2023 and 2024 as provincial policy is finalized, and as regional transition materials are provided to town staff for review and analysis.

The exclusion of institutional uses, commercial uses, including retail and office uses from employment areas as proposed under Bill 97 will necessitate a re-evaluation of the town's employment areas presently designated in the Livable Oakville Plan.

On October 25, 2022, the province posted a proposal to revoke the Parkway Belt West Plan (PBWP). The comment period closed on December 30, 2022. Analysis is underway to ensure an OPA and ZBA to the Livable Oakville Plan is prepared in anticipation of the proposed revocation of the PBWP. Opportunities to designate new Employment Areas where it is compatible and appropriate will continue to be encouraged. Other approaches to achieving employment growth within the context of the proposed 2023 PPS and Bill 97 policy changes, include, but are not limited to encouraging more innovative employment forms within the town's mixed-use areas.

Impacts to the town's Natural Heritage System (NHS) through the proposed 2023 PPS are being addressed through the ongoing OP Review. Further discussion papers on natural heritage are also planned for late 2023 and early 2024.

Once the 2023 is finalized, work will continue on addressing the implications to the town's Employment Areas and initiating work on the discussion papers required to finalize the town's Conformity OPA. Near term priorities include providing project-specific reporting on key initiatives including, but not limited to the Housing Strategy and Action Plan and Housing Policy Update and the Growth Area Reviews.

Additionally, ongoing report backs will be provided to Council throughout 2023 and 2024 on the status of regional transition, updates to the various growth area reviews, plans for removing bonusing permissions from the Livable Oakville Plan, and resource and timing implications of provincial and regional policy changes on the town's OP Review. Resource implications, including staffing requirements associated with provincial and regional policy changes and the OP Review will be coming forward for Council consideration through the 2024 Budget process.

CONSIDERATIONS:

(A) PUBLIC

No public notice is required or provided in relation to this report. Staff will continue to communicate and engage with stakeholders as part of the remaining projects within the OP Review work program. Notice of any proposed OPAs will be provided in accordance with the *Planning Act*.

(B) FINANCIAL

There are no financial impacts from this report. As details on approved provincial and regional policy becomes available, the OP Review and Work Program will require significant policy resources from across town departments. Town staff will continue to monitor new provincial and regional policy updates and will identify any resource concerns.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The town's Official Plan effects the entire town and is produced with the input from all town departments. At this time, there are no impacts on other departments and users from this report.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) related to livability, the environment, and mobility. Through the OP Review, Council is updating its land use policies in accordance with the approved urban structure, which aims to provide natural heritage, open space and cultural heritage, maintain the character of residential areas, and direct growth to the nodes and corridors.

(E) CLIMATE CHANGE/ACTION

The OP Review will continue to recommend policy changes that enable more efficient land use patterns that are supportive of climate change mitigation.

APPENDICES:

Appendix A - Official Plan Review – Status of Projects

Prepared by:

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Recommended by:

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Submitted by:

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