



**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
OF THE TOWN OF OKOTOKS
DATED NOVEMBER 15, 2017**

DECISION

Hearing held at:	Town of Okotoks Municipal Centre Council Chamber 5 Elizabeth Street, Okotoks
Date of Hearing:	November 1, 2017
Members present:	Jasse Chan, Chair Councillor Matt Rockley Corey Brandt Kelly Rogers
Members absent:	Andrew Cutforth Todd Martin Gerry Melenka
SDAB Legal Counsel:	Tyler Shandro, Wilson Laycraft
Staff present:	Jamie Dugdale, Planning Services Manager Kari Idland, Development Planner Karen Humby, Recording Secretary
Summary of Appeal:	This is an appeal against the decision of the Development Officer to refuse Development Permit Application Number 150-17 for on-site and off-site signage at Drake Landing Square (formerly 11 Drake Landing Heights), Okotoks, Alberta (Lots 1 to 31, Plan 161 1981).
Summary of Grounds for Appeal:	<i>"i. Lifestyle Homes Inc. is by definition a Developer ii. The Parkhouses are a neighbourhood. The Town of Okotoks did not change the definition when approving the development"</i>
Appeal Filing:	The appeal was filed by Lifestyle Homes Inc. (applicant for the Development Permit).

The Town of Okotoks Land Use Bylaw (the “Land Use Bylaw”) Section 4.5.4(b) Refusals states “*Delivery of any notice provided under this Bylaw and sent by regular mail shall be in accordance with the Interpretation Act 23(a) and amendments thereto.*”

The *Municipal Government Act* (“MGA”) Section 686(1) states “*A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days, ...*”

The appeal form was filed with Subdivision and Development Appeal Board (the “Board”) on October 5, 2017. The Notice of Decision from the Development Officer was emailed and mailed to Lifestyle Homes Inc. on September 15, 2017.

The Board finds that the Appeal was properly filed within the time allowed, pursuant to Sections 685 and 686 of the *MGA*.

Notice of Hearing:

Sections 606 and 686 of the *MGA* set out requirements for giving notice of an appeal hearing. The Land Use Bylaw does not set out requirements for giving notice of an appeal hearing regarding a development permit application.

Written notice of the November 1, 2017 hearing was mailed on October 13, 2017 to: the Appellant, the registered owners of the units that have been purchased from the Appellant, the Town, and those persons identified by the Board as “affected” persons. This provided at least five (5) days advance notice of the hearing (counting the seven (7) days presumed for regular mail).

As an alternative (and in addition) to personally delivered notice, notice of the November 1, 2017 hearing was published in two issues of the *Western Wheel* (October 18, 2017 and October 25, 2017), both issues being published more than five (5) days prior to the hearing.

The Board heard verbal submissions from the following:

Kari Idland, Development Planner (“Administration”); and
Ron Bird, President of Lifestyle Homes Inc. (“Appellant”).

The Board reviewed the agenda package and PowerPoint presentation prepared by Administration and directly received a submission from the Appellant dated November 1, 2017.

The Board hereby adopts the November 1, 2017 summary attached hereto as Schedule "C".

DECISION:

Following the conclusion of the public portion of the appeal hearing on November 1, 2017, the Subdivision and Development Appeal Board upheld the appeal. Development Permit Application Number 150-17 for the temporary placement of two (2) Fascia Signs, six (6) Freestanding Signs, and one (1) Directional Sign, and for the permanent placement of two (2) Identification Signs is approved with variances subject to the following conditions:

1. Development Conditions:
 - a. the Developer shall construct the development in accordance with:
 - i. all conditions of this approval; and
 - ii. the site plan and sign details approved by the Subdivision and Development Appeal Board on November 1, 2017 (attached as Schedules "A" and "B");
 - b. this approval is limited to the following temporary on-site signage as follows:
 - i. one (1) 12.52m² (2.49m x 5.03m) temporary fascia sign (identified as a "garage door banner" on the sign details WD1.1 and WD3.1 attached as Schedule "B") in a location to be determined by the Developer;
 - ii. one (1) 3.28m² (3.60m x 0.91m) temporary fascia sign (identified as a "banner" on the sign details WD1.1 and WD3.1 attached as Schedule "B") in a location to be determined by the Developer limited to the fence located along Milligan Drive;
 - iii. six (6) 0.73m² each (1.21m x 0.60m each) temporary freestanding signs (identified as "flag poles" on the sign details WD1.1 and WD3.1 attached as Schedule "B") in the locations shown as "8" on Schedule "A" with a cumulative area of 4.38m² (not including the poles) and a maximum height of each pole of 6.40m; and
 - iv. one (1) 0.85m² (1.39m x 0.61m) temporary directional sign (identified as "showhome arrow banner" on the sign details WD1.1 and WD3.1 attached as Schedule "B") in the location shown as "6" on Schedule "A";
 - c. **the approval of the temporary signage listed in condition 1.b.i through 1.b.iv above expires on November 30, 2018.** All temporary signage:
 - i. must be completely removed from the site on or before this date; or
 - ii. application to extend the placement of the temporary on-site signage approved in condition 1.b.i through 1.b.iv above may be made by submitting a new development permit application to the Development Officer, provided that the application is received no later than August 31, 2018;

- d. this approval is limited to two (2) permanent identification signs for a cumulative area of 1.68m² as follows:
 - i. one (1) 1.32m² (1.78m x 0.74m) identification sign (identified as “Parkhouse Sign” on the sign details WD1.1 and WD3.1 attached as Schedule “B”); and
 - ii. one (1) 0.36m² (1.78m x 0.2m) identification sign (identified as “address sign” on the sign details WD1.1 and WD3.1 attached as Schedule “B”);
- e. this approval is for temporary and permanent on-site signage only. All other conditions and requirements of Development Permit 105-15 as approved by the Town of Okotoks Council on February 23, 2015 remain unchanged; and
- f. the issuance of a development permit by the Town of Okotoks does not relieve the permit holder of the responsibility of complying with all other relevant municipal bylaws and requirements, nor excuse violation of any regulation or act, which may affect this project.

VARIANCE

The following Sections of the Land Use Bylaw are varied pursuant to Section 4.4.1 of the Land Use Bylaw:

- 1. to Section 10.3.1(a)(i) [Signs not Requiring a Development Permit] of the Town of Okotoks Land Use Bylaw to permit two (2) temporary fascia signs (one (1) “garage door banner” and one (1) “banner”) with a cumulative area of 15.80m², where the maximum permitted is one (1) sign with an area of 0.6m², variances of one (1) sign and a cumulative area of 15.20m²;
- 2. to Section 10.6.7(a) [Freestanding Signs] of the Town of Okotoks Land Use Bylaw to permit six (6) temporary freestanding signs (“flag poles”) in a Direct Control (DC) District, where zero (0) are permitted, a variance of six (6) temporary freestanding signs; and
- 3. to Section 10.3.1(c) [Signs not Requiring a Development Permit] of the Town of Okotoks Land Use Bylaw to permit the two (2) permanent identification signs (one (1) “Parkhouse Sign” and one (1) “address sign”) with a cumulative area of 1.68m², where the maximum permitted is one (1) sign with an area of 0.2m², a variance of one (1) sign and a cumulative area of 1.48m².

LEGISLATION:

Authority of the Subdivision and Development Appeal Board

Section 687(3) of the MGA states:

“In determining an appeal, the subdivision and development appeal board

- (a) must act in accordance with any applicable ALSA regional plan;*
- (a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;*

- (b) *must have regard to but is not bound by the subdivision and development regulations;*
- (c) *may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;*
- (d) *may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw, if, in its opinion,*
 - i. *the proposed development would not*
 - (A) *unduly interfere with the amenities of the neighbourhood, or*
 - (B) *materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,*
 - and*
 - ii. *the proposed development conforms with the use prescribed for that land or building in the land use bylaw.”*

Development Authority

Land Use Bylaw, Section 2.1.2 – Development Officer

“The Development Officer is authorized to act as Development Authority in those matters prescribed in this Bylaw.”

Land Use Bylaw, Section 16E.4.1 - Delegation of Decisions

“Notwithstanding Section 16A.3.0, for sites designated as a Direct Control District for which Council has approved specific uses or has designated the listed uses of another district to be used as a guideline when considering any development permit on that site, the Development Officer and Municipal Planning Commission are delegated by Council the authority to approve an application, with or without conditions, or to refuse an application for:

- (a) *A development permit for a sign on a developed site in a Direct Control District.*
- (b) *A development permit authorizing a change in use within an existing building where no changes are proposed to the exterior of the building or the site and the parking requirements for the proposed use have been met. The Development Officer shall have the authority to make decisions on applications, but may refer the applications to the Municipal Planning Commission, at the discretion of the Development Officer. All other applications that fall under this subsection (b) shall be referred to the Municipal Planning Commission for a determination.*

The Development Authority shall determine which regulations are to apply to each site consistent with the specific uses approved by Council for that Direct Control District. A decision on an application for a development permit in a Direct Control District made further to this section may be appealed to the Subdivision and Development Appeal Board in accordance with the Act.”

Development Permit RequiredLand Use Bylaw, Section 1.2.0 - Development Permits Not Required

“A development permit is not required for the following developments but they shall otherwise comply with the provisions of the Bylaw. Proponents of any development not requiring a permit should consult with the Development Officer to ensure compliance with this Bylaw:

- (a) works of maintenance, repair or alteration, on a structure, both internal and external, or on a site if, in the opinion of the Development Authority, such work:
 - (i) does not include major structural alterations,*
 - (ii) does not change the use or intensity of the use of the structure or the site, and*
 - (iii) is performed in accordance with obligatory legislation or other government regulations;**
- (b) the erection, construction, or the maintenance of gates, fences, walls, or any other means of enclosure 2m or less in height, in any district, provided it does not contravene any other provision of this Bylaw and does not form part of a development which requires a development permit;*
- (c) the construction and maintenance of a public road, public utility, utility building or public park within a public road, public easement or publicly owned parcel;*
- (d) single detached dwellings, duplexes, studio suite dwellings and additions thereto in a district in which it is listed as a “Permitted Use”, except where it is located in the flood risk area;*
- (e) the use of a building or part thereof as a temporary polling station for a Federal, Provincial, or Municipal election, referendum or plebiscite;*
- (f) the construction, maintenance, and repair of walkways, pathways and driveways at grade, except where they form part of a development which requires a development permit;*
- (g) excavations, importing, removal or stockpiling of soil associated with an approved development permit, Stripping and Grading Permit or executed Subdivision Servicing Agreement;*
- (h) the construction of an accessory building in a residential district, except where the accessory building is located in the flood risk area or is a swimming pool, hot tub or water feature located within 30m of an escarpment;*
- (i) a change in use on a site in any commercial or industrial district where:
 - (i) the development has been approved,*
 - (ii) the proposed use is a permitted use in the district, and*
 - (iii) any additional parking requirements have been met on the site;**
- (j) home occupation-minor;*
- (k) awnings and canopies which do not project over a public road, setback or public property;*
- (l) landscaping where the existing grade and natural surface drainage pattern is not materially altered, except where landscaping forms part of a development which requires a development permit;*

- (m) *the temporary use of a portion of a building or structure for which a development permit has been granted under this Bylaw, for the marketing of the building or structure;*
- (n) *a satellite dish less than 0.6m in diameter;*
- (o) *a family day home in a residential district;*
- (p) *placement of a shipping container on any non-residential or multi-residential site for use during construction of a development for which a development permit has been issued, notwithstanding that shipping containers may not be a listed use in the district, provided the placement is satisfactory to the Town and the shipping container is removed from the site prior to occupancy of the development or upon thirty days written notice by the Town, whichever is sooner;*
- (q) *a deck, balcony or retaining wall that conforms to all requirements of this Bylaw;*
- (r) *development within the Aerodrome (AD) District directly related to aviation;*
- (s) *the placement or replacement of a manufactured home in the Residential Manufactured Home (RMH) District where a development permit has been approved for the development of the entire site; and*
- (t) *the use of a building or site for a maximum of one (1) year resulting from and directly related to the declaration of a state of emergency provided the use is a listed use in the district."*

Land Use Bylaw, Section 10.2.1 - Permits Required

"Except as stated in Section 10.3.0, no sign shall be erected on land or affixed to any exterior surface of a building or structure unless a development permit for this purpose has been issued by the Development Authority."

Land Use Bylaw, Section 10.3.0 - Signs Not Requiring a Development Permit

"The following signs do not require a development permit, but shall otherwise comply with this Bylaw:

- (a) *one (1) temporary sign in any commercial or industrial district which does not exceed 3m² in area, and any sign in a residential district, the Heritage Mixed Use (HMU) and Public Service (PS) Districts that does not exceed 0.6m² and is intended for:*
 - (i) *advertising the sale or lease of a building, or a bay, or land,*
 - (ii) *identifying a construction or demolition project for which a permit has been issued,*
 - (iii) *identifying a political campaign. Such a sign may be displayed for thirty (30) days prior to an election or referendum and must be removed within seven (7) days following the election or referendum,*
 - (iv) *advertising a garage sale or open house. Such a sign may be posted for a maximum period of forty-eight (48) hours, or*
 - (v) *advertising a campaign event or drive which has been approved by Council. Such a sign may be posted for a maximum period of fourteen (14) days;*

- (b) *one (1) interim sign in any district which does not exceed 18m² in area and is intended for identifying and advertising a new development area;*
- (c) *signs in the Residential Narrow Lot Single Detached (R1N), Residential Small Lot Single Detached (R1S), Residential Single Detached (R1), Residential Studio Suite (R1ST), Residential Estate Single Detached (R1E), Residential Single Detached Air Ranch (R1AR), Residential Narrow Lot Air Ranch (RNAR), Residential Low Density Multi-Unit (R2), Residential Manufactured Home (RMH), Residential Mixed Dwelling (RMD) and Restricted Development (RD) Districts and residential developments in the Heritage Mixed Use (HMU), Mixed Use Low Density (MUL) and Mixed Use Medium Density (MUM) Districts which contain no more than the name, address, and number of a building or occupant, provided the sign area does not exceed 0.2m²;*
- (d) *signs associated with an approved Home Occupation or Bed and Breakfast Accommodation;*
- (e) *municipal signs used to indicate street names, to control traffic, or to identify municipal buildings;*
- (f) *an official notice, sign, placard or bulletin required to be displayed pursuant to the provisions of Federal, Provincial, or Municipal legislation;*
- (g) *existing signs when only the face of a previously approved sign is being changed to reflect a change in the business name;*
- (h) *signs in the Residential Medium Density Multi-Unit (R3), Residential Medium Density Multi-Unit Air Ranch (R3AR) Urban Holdings (UH), and Public Service (PS) Districts, commercial developments within the Heritage Mixed Use (HMU), Mixed Use Low Density (MUL) and Mixed Use Medium Density (MUM) Districts, and all commercial and industrial districts which contain no more than name, address, and number of a building, institution or occupant provided that sign area does not exceed 1.5m²;*
- (i) *on-site traffic circulation and parking regulations provided the sign area does not exceed 1.0m² and the height, if freestanding, does not exceed 1.2m;*
- (j) *maintenance of any lawful sign;*
- (k) *window signs that meet the regulations of Section 10.6.11;*
- (l) *A-board signs;*
- (m) *signs intended to provide guidance, warning or restraint of persons, provided the sign area does not exceed 0.4m²; and*
- (n) *sponsorship signs within Direct Control (DC) Districts where sponsorship signs are permitted."*

Signage

Municipal Development Plan, General (page 17)

Vision Statement states *"The policies established in this section of the Municipal Development Plan are formulated to serve, in conjunction with the provisions of the Land Use Bylaw, as a day to day reference and basis for decision making regarding*

land use planning and development in Okotoks. 82% of respondents to the MDP survey indicated that the Town should refuse development if it does not comply with sustainable design principles. A substantial number of comments have been received through the MDP survey and the Community Survey that express a distaste for creating “another suburb of Calgary”. These findings will be reflected in policies and design standards that apply sustainable principles and incorporate a desire to maintain a unique environment that preserves small town atmosphere.”

Policies – General, Item 4 states “Council shall refuse development if it does not comply with sustainable design principles (emphasis on high quality architecture, nodal rather than strip commercial development, attractive and limited signage, creation of pedestrian linkages, mixed land uses in new neighbourhoods, broader range of housing mix, quality landscaping).”

Municipal Development Plan, Policies - Residential (page 60)

Section 16 states “The Town should endeavor to maintain high standards with respect to the aesthetics of new developments, maintenance of public and private property and appearance of signage to ensure that Okotoks remains an attractive community.”

Land Use Bylaw, Section 10.1.0 – Definitions

*“**A-board** means a self-supporting A-shaped sign or sandwich board which is set upon the ground and has no external supporting structure.”*

*“**advertising sign** means a sign directing attention to or identifying, in any matter an object, event or person.”*

*“**area** means the size of the surface of the face of a sign;*

- (a) and in the case of a sign comprising individual letters or symbols, means the size of a single geometric figure (e.g. square, rectangle, circle, triangle, trapezoid) which would enclose all of the letters or symbols; and*
- (b) in the case of a sign comprising two (2) or more faces, means one-half of the size of the surface of all the faces of the sign.”*

*“**directional sign** means a sign which gives direction to a private premises.”*

*“**fascia sign** means a flat sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached and may include a computerized sign.”*

*“**freestanding sign** means a sign supported independently of a building, wall, or structure and attached permanently to the ground and may include a computerized sign. It is supported by one (1) or more columns, uprights, or braces in or upon grade.”*

*“**identification sign** means a sign which contains no advertising, but is limited to the name, address and number of a building, institution or the occupation of the person.”*

“neighborhood identification sign means a sign which states the name of a neighborhood and may contain a logo or symbol which is related to the neighborhood.”

“sign means anything that serves to indicate the presence or the existence of something, including but not limited to a lettered board, a structure, or a trademark displayed, erected, or otherwise developed and used or serving or intended to identify, to advertise or to give direction.”

Land Use Bylaw, Section 10.5.1 – General Regulations for Signs

“In considering a development application for a sign, the Development Authority shall have due regard to the amenities of the district in which the sign is located and the design of the proposed sign and ensure that the sign does not conflict with the general character of the surrounding streetscape or the architecture of nearby buildings.”

Land Use Bylaw, Section 10.5.10 – General Regulations for Signs

“When a sign no longer fulfills its function under the terms of the approved development permit or is deemed to create a hazard for pedestrian or vehicular traffic or is deemed to be in a state of disrepair such that it negatively impacts on the amenities of the neighborhood, the Development Authority may order the removal of such a sign, and the lawful owner of the sign or where applicable, the property owner, shall:

- (a) remove such a sign and all related structural components within thirty (30) days from the date of receipt of such a removal notice; and*
- (b) restore the immediate area around the sign, to the satisfaction of the Municipality, including the ground or any building to which the sign was attached, as close as possible to its original from prior to the installation of the sign.”*

Land Use Bylaw, Section 10.5.12 – General Regulations for Signs

“The owner of a sign shall be responsible for maintaining the sign in a proper state of repair and shall:

- (a) keep it properly painted at all times;*
- (b) ensure that all structural members and guy wires are properly attached to the sign and building; and*
- (c) wash or otherwise clean all sign surfaces as it becomes necessary.”*

Land Use Bylaw, Section 10.5.13 – General Regulations for Signs

“When a sign cannot be clearly categorized as any one (1) of the sign types defined in this Bylaw, the Development Authority shall determine the sign type and applicable controls.”

Pageantry Features for New Neighbourhoods Policy P12-03 and associated Administrative Guidelines A12-03

See Table of Contents Item 8, Attachment 2 from Agenda Package.

Establishment and Management of New Neighbourhood Signage Policy P10-04 and associated Administrative Guidelines A10-04

See Table of Contents Item 8, Attachment 3 from Agenda Package.

Traffic Bylaw 10-10, Section 7.6

“No person shall leave, store or deposit or permit to accumulate on any street or sidewalk any article or thing that may be dangerous or in any way interfere with the proper use of the street or sidewalk or interrupt the free flow of vehicular or pedestrian traffic, nor shall any waste paper, debris, or things be left on any street, alley, highway, sidewalk or public place in the Municipality.”

Open Spaces and Recreation Facilities Bylaw 22-12, Section 2.17 - Definitions

*“**open space** means an area, including vegetation and improvements located therein, over which the Town exercises control; and so as not to restrict to generality of the foregoing, includes: ...*

(d) median strips, boulevards and traffic island; and ...”

Open Spaces and Recreation Facilities Bylaw 22-12, Section 7.2 - Conduct

“No person in an open space or recreation facility shall, without written authorization from the Municipal Manager: ...

i) leave, place, store, deposit or hoard anything; ...”

Open Spaces and Recreation Facilities Bylaw 22-12, Section 14.1 Sale of Goods

“No person shall, in an open space or recreation facility, unless such activity is permitted and the Municipal Manager has first given written approval: ...

c) place a sign or device or any kind advertising; ...”

REASONS:

In reviewing the Appellant’s Development or Subdivision Appeal form application and the package submitted to the Board on November 1, 2017, as well as Administration’s Report to the Board, the Board determined that the major issues of the appeal could be categorized as: proposed off-site signage; and proposed on-site signage.

Proposed Off-site Signage

The development permit application included five (5) “Burma-shave style directional signage” to be located in the medians along Milligan Drive and “Parkhouses decals” to be mounted on new community wayfinding signage throughout Okotoks.

Item 1 of the Notice of Decision dated September 15, 2017 states “*Land Use Bylaw 40-98 provides for administration of land uses on titled lands and does not have*

authority over the use of, or development within, roadways. Signage proposed in road rights-of-way cannot be approved under a Development Permit. The “Burma-Shave style directional signage” and “Parkhouses Decal” signs proposed for placement within public road rights-of-way as outlined in the application therefore cannot be considered under this application”.

In the Introduction section of the November 1, 2017 package submitted to the Board, the Appellant stated “Signage and pageantry are important components of site identification and marketing for any residential development. Wayfinding signage is also critical in order to get prospective purchasers to any development. In the absence of adequate wayfinding, site signage becomes absolutely critical. Without appropriate on-site signage, potential purchasers are not able to identify the site for what it is and a large portion of the advertising dollars spent directing people to the area are wasted. Residential sales is a function of numbers. The higher the traffic volume the more likely a project or development is to achieve sales. Only a small percentage of those who view any project actually purchase, so traffic volume is essential to the success of any development. When wayfinding signage was placed on the median or boulevard, showhome traffic increased by a multiple of 3 to 4 times to 12 to 20 units per week.”

The Land Use Bylaw regulates the use and development of titled lands, and is administered by the Development Authority as set out in the MGA. Median strips, boulevards and traffic islands are located outside of property lines and therefore are not regulated by the Land Use Bylaw. Uses within these areas are administered through a mix of policies and their associated administrative guidelines, and bylaws, all of which are outside of the jurisdiction of the Development Authority, and by extension, the Board. Regardless of the arguments made by the Appellant regarding increased visitor traffic to the showhome by placement of signage in the median or boulevard, the Board recognizes that only the Council of the Town of Okotoks has the authority to make any amendments to bylaws (including the Land Use Bylaw) or the other policies and their associated administrative guidelines.

The Traffic Bylaw 10-10, and the Open Spaces and Recreation Facilities Bylaw 22-12 both administer uses located within road rights-of-way. The development permit application included five (5) “burma-shave directional signage” proposed to be located within the median along Milligan Drive. The Board determined that a decision regarding the placement of these signs would be outside of the jurisdiction of the Board because they will not be located on the subject property (Lots 1 to 31, Plan 161 1981), and because administration of uses outside of property lines does not lie with the Development Authority, and by extension, the Board. As stated above, the Board recognizes that only the Council of the Town of Okotoks has the authority to make any amendments to bylaws (including the Land Use Bylaw) or the other policies and their associated administrative guidelines.

The development permit application also included “Parkhouse decals” to be mounted on new community wayfinding signage throughout Okotoks on a temporary basis. The Establishment and Management of New Neighbourhood Signage Policy P10-04 and the associated Administrative Guidelines A10-04 are administered by the Economic Development Business Centre. The Board determined that a decision regarding the

addition of the “Parkhouses decal” to any New Neighbourhood signage is outside the jurisdiction of the Board because these signs are not located on the subject property (Lots 1 to 31, Plan 161 1981), and because the approving authority is the Economic Development Business Centre. As stated above, the Board recognizes that only the Council of the Town of Okotoks has the authority to make any amendments to bylaws (including the Land Use Bylaw) or the other policies and their associated administrative guidelines.

Proposed On-site Signage

The Board determined that the Development Officer (as Development Authority) was acting within its authority in issuing a decision regarding the on-site signage which included two (2) “garage door banners”, one (1) “Parkhouse sign”, one (1) “address sign”, six (6) “flag poles”, one (1) “showhome arrow banner” and two (2) “banners” (see Sections 2.1.2 and 16E.4.1(a) of the Land Use Bylaw).

The Board reviewed Section 16E.5.32 of the Land Use Bylaw, and recognized that signage is not an allowable use for this site under the language of this section. Allowable uses in this Direct Control District include Single Detached Dwellings, Duplexes-Side by Side, Accessory Buildings, and Utility Buildings. Section 16E.4.1 Delegation of Decisions of the Land Use Bylaw; however, delegates the Development Authority the ability to decide upon “*a development permit for a sign on a developed site in a Direct Control District*”. Therefore, the Board was of the opinion that they are acting within their authority to allow signage in this district.

The Board referred to the Land Use Bylaw in determining the classification of the on-site signage. The Board recognized that all of the temporary signage (“garage door banners”, “flag poles”, and “banners”) except the “showhome arrow banner” meet the definition of advertising signs, but the Board wanted to further classify the type of each individual temporary advertising sign.

The Board determined that the “garage door banners” and the “banners” would be classified as fascia signs. A “*fascia sign means a flat sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached ...*” and a “*building means anything constructed or placed on, in, over or under land but does not include a highway or public road or a bridge that forms part of a highway or public road.*” The Board was of the opinion that a fence would fall within the definition of building.

The Board determined that the “flag poles” would be classified as freestanding signs. The Board reviewed the Pageantry Features for New Neighbourhoods Policy Number P12-03 and its associated Administrative Guidelines A12-03, but were of the opinion that as the “flag poles” were located on-site, as opposed to being within a public road, they would not be considered a pageantry feature, and this policy would not apply. The Board then reviewed the Land Use Bylaw, more specifically the definition of freestanding sign, which states “*a sign supported independently of a building, wall, or structure and attached permanently to the ground and may include a computerized sign. It is supported by one (1) or more columns, uprights, or braces in or upon grade.*” The

“flag poles” are approved for a temporary use only; however, the Board determined that they still fit within this definition.

The Board determined that the “showhome arrow banner” would be classified as a directional sign which “*means a sign which gives direction to a private premises*”. In this case it is providing direction to the showhome located on the site.

The Board determined that the “Parkhouse sign” and the “address sign” would be classified as identification signs as both are limited to the “*name, address and number of a building*”. The “Parkhouse sign” contains only the name of the development, and the “address sign” contains the address of the development.

Section 687(3)(c) of the MGA allows the Board to “*make or substitute an order, decision or permit of its own*”, and Section 687(3)(d) allows to the Board to “*make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw, if, in its opinion, i. the proposed development would not (A) unduly interfere with the amenities of the neighbourhood, or (B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land...*”

The majority of the on-site signage is temporary in nature, and is proposed to be used for the advertising of the sale of the individual condominium units located on the parent parcel. The Board recognized that the surrounding neighbourhood is residential in nature; however, the Board was of the opinion that the temporary on-site signage (or the permanent on-site identification signage) did not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of the neighbouring parcels of land. The Board was of the opinion that the condition for re-application if the Appellant required the temporary signage beyond November 30, 2018, would allow any affected landowners the opportunity raise any concerns. Furthermore, Sections 10.5.10 and 10.5.12 of the Land Use Bylaw set out maintenance requirements and allows the Development Authority to order the removal of such, if the signage is not properly maintained or becomes a safety issue.

In determining how much of the temporary on-site signage requested under the development permit application to be allowed, the Board tried to balance the needs of the Appellant with the signage permitted under the Land Use Bylaw. The Board reviewed Section 10.3.1 Signs not Requiring a Development Permit of the Land Use Bylaw to achieve this balance. The following outlines the relevant sections:

“The following signs do not require a development permit, but shall otherwise comply with this bylaw:

- (a) one (1) temporary sign in any commercial or industrial district which does not exceed 3m² in area, and any sign in a residential district, the Heritage Mixed Use (HMU) and Public Service (PS) Districts that does not exceed 0.6m² and is intended for:*
 - (i) advertising the sale or lease of a building, or a bay, land, ...*
- (c) signs in the Residential Narrow Lot Single Detached (R1N), Residential Small Lot Single Detached (R1S), Residential Single Detached (R1), Residential Studio*

Suite (R1ST), Residential Estate Single Detached (R1E), Residential Single Detached Air Ranch (R1AR), Residential Narrow Lot Air Ranch (RNAR), Residential Low Density Multi-Unit (R2), Residential Manufactured Home (RMH), Residential Mixed Dwelling (RMD) and Restricted Development (RD) Districts and residential developments in the Heritage Mixed Use (HMU), Mixed Use Low Density (MUL) and Mixed Use Medium Density (MUM) Districts which contain no more than the name, address, and number of a building or occupant, provided the sign area does not exceed 0.2m²; ...

- (i) *on-site traffic circulation and parking regulations provided the sign area does not exceed 1.0m² and the height, if freestanding, does not exceed 1.2m; ...*

The Board allowed the Appellant to place one (1) 12.52m² temporary "garage door banner" and one (1) 3.29m² temporary "banner" for a total cumulative area of 15.81m². This is far greater than the maximum 0.6m² permitted in a residential district. The property is comprised of 31 individual bare land condominium units. If the 0.6m² maximum was allowed for every unit, the cumulative area allowed would be 18.6m² (0.6m² x 31 units). However, the Board viewed the site as a single unit, as opposed to 31 individual units, and granted a variance of 15.21m². A variance was also required for the number of on-site signs as only one (1) is allowed. In allowing the two (2) signs (one (1) 12.52m² "garage door banner" and one (1) 3.29m² "banner"), the Board was of the opinion that this allowed the Appellant the level of advertising required to attract traffic, but did not contribute to a proliferation of on-site signage.

The Board allowed the Appellant to place six (6) 0.76m² each temporary "flag poles". These flags poles are clustered in two groups of three "flag poles" each. The clusters are located on-site: one at the corner of Milligan Drive and Drake Landing Heights; and the second at the corner of Drake Landing Heights and Drake Landing Square. The Board was of the opinion that these signs provided direction to the Appellant's development, and allowed the Appellant the level of advertising required to attract traffic, but again did not contribute to a proliferation of on-site signage.

The Board allowed the Appellant to place two (2) permanent identification signs (one (1) 1.32m² "Parkhouse Sign" and one (1) 0.36m² "address sign"). The Board was of the opinion that the two (2) permanent identification signs, especially the "Parkhouse Sign", would not conflict with the general character of the surrounding residential area, nor create a visual appearance of an overabundance of signage on the site, and that it is consistent with the existing neighbourhood identification signs found throughout Drake Landing.

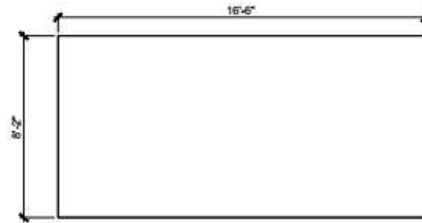


Karen Humby
Subdivision and Development Appeal Board Secretary

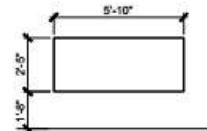
Schedule "A"
Site Plan approved by the



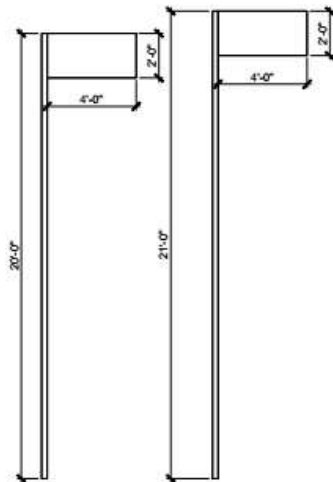
Schedule "B"
Sign Details approved by the
Subdivision and Development Appeal Board on November 1, 2017



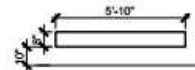
7
GARAGE DOOR BANNERS
 248.92cm H x 502.92cm W
 AREA : 134.75 SQ.FT.



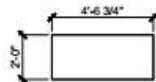
PARKHOUSE SIGN
 177.8cm x 73.66cm
 @50.8cm HIGH
 AREA : 14.10 SQ.FT.



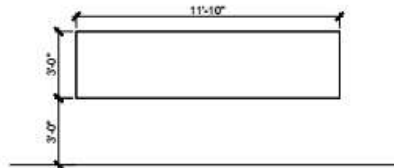
8
FLAG POLES
 6.096M AND 6.4008M
 WITH 1.21m x 0.6m FLAGS.
 AREA : 8 SQ.FT.



ADDRESS SIGN
 177.8cm x 73.66cm @ 25.4cm
 AREA : 3.89 SQ.FT.



6
SHOWHOME ARROW BANNER
 1.39m x .6m
 AREA : 9.12 SQ.FT.



9
BANNERS
 3.6m x .91m @ .48m &
 .91m HIGH
 AREA : 35.45 SQ.FT.

 Lifestyle Homes 3122-114 Ave SE CALGARY, AB T2Z 3V6 PH: 403.215.0500 www.lifestylehomes.ca	
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DRAWING SET BUILDING PERMIT SET	
ISSUED FOR:	DATE: (MM/YY)
DESIGN REVIEW	XXXXXX
REVISION:	
1. XXXXXX	XXXXXX
2.	
3.	
4.	
CONSTRUCTION REVIEW	XXXXXX
REVISION:	
1. XXXXXX	XXXXXX
2.	
3.	
4.	
RELEASED FOR CONSTRUCTION	XXXXXX
REVISION:	
1. XXXXXX	XXXXXX
2.	
3.	
4.	
MODEL NO. LIFESTYLE SIGNAGE	
PROJECT NAME & ADDRESS LIFESTYLE SIGNAGE	
DRAWING TITLE: SIGNS	
PROJECT #:	17-07674
DATE:	AUG. 21, 2017
DRAWN BY:	EC
DRAWING NO.:	WD1.1

Schedule "B"
Sign Details approved by the
Subdivision and Development Appeal Board on November 1, 2017

⑧

FLAG POLES
 6.096M AND 6.4008M
 WITH 1.21m x 0.6m
 FLAGS.
 AREA : 8 SQ.FT.



⑧

FLAG POLES
 6.096M AND 6.4008M
 WITH 1.21m x 0.6m
 FLAGS.
 AREA : 8 SQ.FT.



⑥

**SHOWHOME ARROW
 BANNER**
 1.39m x .6m
 AREA : 9.12 SQ.FT.



⑦

GARAGE DOOR BANNERS
 248.92cm H x 502.92cm W
 AREA : 134.75 SQ.FT.



⑦

GARAGE DOOR BANNERS
 248.92cm H x 502.92cm W
 AREA : 134.75 SQ.FT.



⑨

BANNERS
 3.6m x .91m @ .48m &
 .91m HIGH
 AREA : 35.45 SQ.FT.



⑨

BANNERS
 3.6m x .91m @ .48m &
 .91m HIGH
 AREA : 35.45 SQ.FT.



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DRAWING SET	
BUILDING PERMIT SET	
ISSUED FOR:	DATE: (MM/YY)
DESIGN REVIEW	XXXXXX
REVISION:	
1. XXXXXX	XXXXXX
2.	
3.	
4.	
CONSTRUCTION REVIEW	XXXXXX
REVISION:	
1. XXXXXX	XXXXXX
2.	
3.	
4.	
RELEASED FOR CONSTRUCTION	XXXXXX
REVISION:	
1. XXXXXX	XXXXXX
2.	
3.	
4.	
MODEL WALL	
LIFESTYLE SIGNAGE	
PROPERTY NAME & ADDRESS	
LIFESTYLE SIGNAGE	
DRAWING TITLE:	
IMAGES	
PROJECT #:	17-07674
DATE:	AUG. 21, 2017
DRAWN BY:	EC
DRAWING NO.:	
WD3.1	

Schedule “C”

**SUMMARY OF THE HEARING AND MEETING OF THE
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
OF THE TOWN OF OKOTOKS
HELD ON NOVEMBER 1, 2017
IN THE OKOTOKS MUNICIPAL CENTRE
COUNCIL CHAMBER**

COMMITTEE MEMBERS

Jasse Chan, Chair
Councillor Matt Rockley
Corey Brandt
Kelly Rogers

ABSENT

Andrew Cutforth
Todd Martin
Gerry Melenka

STAFF PRESENT

Jamie Dugdale, Planning Services Manager
Karen Humby, Recording Secretary

SDAB LEGAL COUNSEL

Tyler Shandro, Wilson Laycraft

A AGENDA

A.1. Call to Order
Chair Chan called the meeting to order at 7:02 p.m.

A.2. Additions and/or Deletions
None

A.3. Adoption

MOTION: By C. Brandt that the November 1, 2017 agenda be adopted as presented.

Carried Unanimously

B APPEAL**B.1. Development Appeal Number 2017-03 (DPA 150-17)**

Applicant/Owner: Lifestyle Homes Inc.
Address/Legal: Drake Landing Square (formerly 11 Drake Landing Heights) /
Lots 1 to 31, Plan 161 1981
Proposal: Signage

Against the decision of the Development Officer to refuse Development Permit
Application Number 150-17 for on-site and off-site signage.

Appellant: Lifestyle Homes Inc.

The Board Members introduced themselves.

Tyler Shandro of Wilson Laycraft, SDAB Legal Counsel, introduced himself.

Jamie Dugdale, Planning Services Manager, and Kari Idland, Development Planner,
acting on behalf of Administration, introduced themselves.

K. Humby, Recording Secretary, read the appeal.

This appeal is against the decision of the Development Officer to refuse Development
Permit Application Number 150-17 for on-site and off-site signage at Drake Landing
Square (Lots 1 to 31, Plan 161 1981).

Lifestyle Homes Inc. have submitted an appeal on this matter.

The reasons for the appeal are:

- i. "Lifestyle Homes Inc. is by definition a Developer;
- ii. The Parkhouses are a neighbourhood. The Town of Okotoks did not
change the definition when approving the development."

Notification of this hearing was provided to:

- the Appellant (also the Applicant for the Development Permit;)
- the registered owners of the units that have been purchased from the Appellant;
- Town of Okotoks Chief Administrative Officer;
- Town of Okotoks Development Services Director;
- Town of Okotoks Planning Services Manager;
- Town of Okotoks Development Planner;
- the Okotoks Subdivision and Development Appeal Board Members;
- the Okotoks Subdivision and Development Appeal Board Legal Counsel; and
- all affected landowners as required under the *Municipal Government Act*.

The Appellant, Ron Bird, President of Lifestyle Homes Inc. introduced himself.

Chair Chan asked the Appellant if he objected to any of the present Board Members hearing this appeal. The Appellant replied that he did not.

Chair Chan asked if individuals in the audience who may be affected by this appeal had any objections to any of the present Board Members hearing this appeal. The audience replied that they did not.

Chair Chan outlined the hearing process and confirmed that all present had no concerns with the process as outlined.

K. Idland, Development Planner, presented information from Administration's written submission dated October 26, 2017.

Chair Chan asked if any member of the Board had questions of Administration for clarification.

- In response to a question regarding the definition of new neighbourhood under the pageantry signage guidelines, K. Idland, Development Planner, responded that under the Establishment and Management of New Neighbourhood Signage Policy and associated Administrative Guidelines, New Neighbourhood signs are intended to identify the "New Neighbourhood" and not a phase of development within a New Neighbourhood. New Neighbourhood is defined as a parcel of land designed for mixed residential use with community amenities and possibly some commercial uses. The land is being developed in phases as a result of an outline plan. Under the Pageantry Features for New Neighbourhoods Policy, New Neighbourhood is defined as an area of the community with a neighbourhood name approved by Council that has an approved Outline Plan, and is under active development. Typically a New Neighbourhood involves several separate and distinct phases of subdivision. A single phase of subdivision or a grouping of multi-unit buildings (e.g. apartments, duplexes, or attached housing) on a single development approval are not considered a New Neighbourhood.

Chair Chan asked if any member of the Board had any further questions of Administration. No response was received.

The Appellant, Ron Bird, provided the following comments:

- that his presentation will not be as long nor as complex, and that it is straight forward.
- that he was going to make the assumption that everybody on the Board is familiar with The Parkhouse development and how it was approved.
- that Lifestyle Home's request is for temporary signage, and not for sustained use.
- that when Council approved The Parkhouse development as a pocket neighbourhood, it was a new concept. This is a prototype development and there had to be some assumption that there would be signage placed on-site similar to other residential neighbourhoods. It was certainly their assumption as the developer of the site, and also as the builder, that signage would be

- permitted to identify the project and the concept, and to be used in marketing purposes to attract people to the site.
- that the development appeal board has the authority to approve signs in direct control districts. Contrary to what he understood from Administration's presentation, that there can be a significant variance. There is a significant variance in this particular site in terms of the type of product built, that it was a new and innovative project to the community, and a new and innovative product to the province of Alberta. Therefore, there has to be some sort of advertising and promotion to get people there.
 - that with respect to the signage bylaw as written, unless something is specifically prohibited, then it is allowed. To repeat this, it is allowed. Unless there is something specifically saying you cannot do this, then the development appeal board has the authority to say "yes you can".
 - that in this case, I would argue that the discretion would be a little bit wider than normal due to the innovative nature of the product. The product was determined to be a need for the Town of Okotoks. When this project was passed by Council, it was passed unanimously, and Council agreed that there was a need for an adult community, and a need for an innovative product that addressed different market segments. On a go forward basis, and even in retrospect on this one, signage will have to be permitted on these types of developments.
 - that when the project was approved, signage as an element was never discussed. It was never discussed at Council, in the development agreement process, nor with Administration until we had signage, and were endeavouring to attract the buying public to the site.
 - that there is off-site signage in the form of Burma-shave signs that were put on the median, and that there was an issue with enforcement in that regard. When the Burma-shave signs were installed, our traffic increased three to four fold. Signage is instrumental in attracting sales by generating traffic. Only a small amount of pedestrian traffic or people coming to any type of development are actual purchasers. When I say our traffic increased three to four fold, we are not talking big numbers; however, the increase was from three to four people a week to 12. The maximum we ever had was 20, which is not very much traffic in order to market a development such as this.
 - that the signage proposed is generally accepted within the industry. Less than 1 km away along Milligan Drive, there is Ranchers Rise which is a subset of Okotoks Air Ranch. Some of the signage in Cimarron was placed on the boulevard. The reason that we requested signage on the median is that our steering wheel is on the left hand side of the vehicle and this signage is placed so that people are not looking over to the right. If safety is being cited as an issue, the signage is right there. It lends itself to easy reading by anybody driving along Milligan Drive.
 - that the signage we are really concerned and focussed on here today is on-site signage. Everything that we see out there is on-site. Whether it is a banner on fence, the fence is built within the property lines of The Parkhouses which is owned by Lifestyle Homes.
 - that there is not anything governing pageantry on direct control sites. Flagging has been essential in every showhome parade that we have ever been involved with in the 30 years that I have been in business. In every development that I

have ever participated in, flagging is something that attracts the potential buyer's eye. When people see flagging in front of a house, they identify it as a residential development and the potential for having people stop and visit your showhome is greatly enhanced.

- that under the *Municipal Government Act*, it states that does the use materially affect the use and enjoyment of the neighbourhood. Does it affect the use enjoyment or value of the neighbouring properties. If the answer is no, then approval should be given. Again I go back to the point that our signage is temporary, and the faster we build this project, the faster the signage is removed. It is not there on a permanent basis.
- that there is a question of whether or not Lifestyle Homes is a developer. We are in every respect a developer, and I think that the thing that bears testimony to that is the development agreement with the Town of Okotoks. On pages 1, 2, and 4, Lifestyle Homes is referenced as the developer. In that context there can be no argument.
- that The Parkhouses is a pocket neighbourhood, and it should get the benefit of signage available to all developers. Again, it is not a neighbourhood in the context of offering a variety of land uses. It is a specific land use created for this one particular project. There are a variety of pocket neighbourhoods. This was a prototype. This is the first of its kind in the province of Alberta, and maybe the first of its kind in Canada. The fact that the Town of Okotoks rewrote its Land Use Bylaw to include The Parkhouses, and not only defined it as a pocket neighbourhood, but they went a little further and defined the pocket neighbourhood as per our development application for that particular project. It is highly unlikely that you will ever get a pocket neighbourhood that matches the exact one we did here. This is a small project and our initial thoughts were for something much larger, but the availability for a suitable parcel of land precluded anything of a substantially greater size.
- that again I mention that signage that is not allowed is specifically identified in the Land Use Bylaw and includes billboards, rooftop signage, etc. Otherwise they are allowed subject to approval by the development appeal board. Regulations are simply guidelines, particularly for the direct control district. There is nothing in there that states that you cannot do this under a direct control designation.
- that one of the things that really indicate an absence of what we are doing as being a detriment to the neighbourhood is lack of opposition to our application. There is nobody here representing an opinion against what Lifestyle Homes is doing. We have sold four units in The Parkhouses. In the package prepared for the Board, we have letters of support from three of the four residents in The Parkhouses. The fourth is out of the country and unfortunately we were unable to reach that individual. They would be the parties that are primarily impacted by our "panel" signage on the garage doors. Again that panel is not something that is specifically stated that you cannot do, so therefore it should be allowed. Also there is no detriment to property value or enjoyment of their living in the neighbourhood or it would have been voiced.
- that with respect to the directional signage, we agree with the position of the Town in that directional signage requires approval by the Town. But in order to see this as a neighbourhood and sign accordingly, we would request that the development appeal board consider what we are doing with the directional

Burma-shave signage as it does have a big impact. It is not out of sync with what you see in Ranchers Rise as they have signage in the median, and Cimarron has it on the boulevard. All we are requesting is that we get approval for it. We may have to go back to the municipality and get Council's blessing in this as well, but I would respectfully ask that this be included.

- that the other element that was pointed out was the wayfinding signage being inadequate. The municipality of the Town of Okotoks hired a wayfinding signage expert by the name of Roger Brooks four years ago. The Town's website will show the Mayor of the Town agreeing that the wayfinding signage in Okotoks is woefully inadequate. The colours and the size of the print just do not lend themselves to bring people to the various areas. I am sincerely hoping that this is going to be addressed at some point in the future.
- that with respect to the fascia signs, the indicator that it is not a detriment to any of the residents in the neighbourhood is that we have no complaints about our fascia signage which is the signage on the two garage doors (one facing in a northerly direction, and the other facing in a southerly direction) at opposite ends of the project.
- that the signs on the flagpoles are not signs on flagpoles, they are an identification of the Lifestyle Homes name. We do that in front of every showhome that we build. We install our flags which have our name on them.
- that the pageantry signage has a very narrow interpretation. Lifestyle Homes is a developer and The Parkhouses is a neighbourhood as per the Town's documents.
- that our showhome signage, which is usually found in new residential neighbourhoods, is not offensive, and is in keeping with what you would expect in any new residential community.
- that from our perspective, and the reason for the appeal, it is imperative that the temporary signage be allowed to enable the completion of the community, and to eliminate any need for signage at all.
- that in reviewing my notes, many of the things that I am saying are contained in my submission. The signage bylaws we have are really onerous, and they do not apply in the direct control zone. They are a guideline only. The development appeal authority can decide what is appropriate and what is not. That is the whole purpose of the direct control district.
- that the pageantry policy is not part of the Land Use Bylaw; therefore, it is not relevant. All our pageantry is on private land.
- that we have a major disconnect happening here in that the approving authority said this evening that if it is not specifically permitted, then it is prohibited. Actually it is the other way around. The reality is that if it is not specifically prohibited, then it is allowed. And that is the interpretation that I would request the board take. That if it is not specifically prohibited, it is allowed.
- that in summary, I have to say that you cannot have new residential development without signage and advertising. If you engage in a new project of any size and description, you can anticipate signage. I do not think that what Lifestyle Homes is requesting is out of line with the objectives of the Town of Okotoks, and as a matter of fact, I think our project and what we have done in Okotoks really enhances what the community is all about.

- Thank you.

Chair Chan asked if any member of the Board had questions of the Appellant for clarification.

- In response to a question regarding if the Appellant had estimated numbers for what affect on-site signage has for increasing potential traffic, the Appellant responded that we keep traffic signage on everything that we do on every project that we are involved in. We had a big jump in traffic when we put out the Burma-shave signage specifically for The Parkhouses. It is not a monumental jump, going to 12 to 20 units per week. The other times that we have had significant increases in traffic at The Parkhouses was when we ran special events, whether garage sales or another function that brought people out. They were very targeted. The clear one that brought people into project was the Burma-shave signage.
- In response to a question regarding what Burma-shave signage was, the Appellant responded that the name was derived from the Burma Shave Shaving Foam Company, similar to Gillette, back in the 1950's. They invented the type of signage and since then it has been called that for marketing purposes. They put messages on billboards spaced a quarter of a mile apart and while drive along a highway you would read three or four words on one sign, then another three or four words on the next and so on. We did the same thing did for The Parkhouses. The signs are spaced about 150 to 200 yards apart with very simple messages. The message we had on the Burma-shave signs was included in our submission.
- In response to a question regarding if the project was a condominium, the Appellant responded that it was.
- In response to a question regarding if there are any bylaws for the condominium corporation that address on-site signage and if it is permitted, the Appellant responded that there are none at this point in time, but currently Lifestyle Homes is the major owner of the condominium and the condominium association. It is really a bare land condominium in that the homeowners have title to their own individual parcels of land, and then there is a homeowners group that has title to all of the common lands. That is something that may or may not come up in the future, but the need for signage as the project is sold and built out diminishes. I cannot see anything in terms of remaining signage other than the entrance signage which we haven't installed in this point in time. Also we are still waiting for Fortis to give us the okay to wrap their pedestals. I don't know if you noticed that, but we are the only private development that the utility companies have given approval to wrap their pedestals so that they are not the unsightly green. I wish to address one other thing that I forgot to mention in my presentation and that has to do with street signage. It was pointed out that the developer, Lifestyle Homes, has not installed street signage. Within the past two weeks, Lifestyle Homes became aware that it was responsible for installing the Drake Landing Square signage. It was not mentioned in the Development Agreement nor in the conditions of approval, so we were under the assumption that municipality looked after street signage. We will be attending to that and getting appropriate street signage installed. At this point in time we don't have the square identified.

Chair Chan asked if any member of the Board had any further questions of the Appellant. No response was received.

Chair Chan asked if there was anyone in the audience who would like to speak in favour of the appeal. No response was received.

Chair Chan asked if there was anyone in the audience who would like to speak against of the appeal. No response was received.

K. Humby, Recording Secretary, stated that the Appellant provided a package to the Board, and that copies were provided at this evening's hearing.

Chair Chan called a recess to go In Camera at 8:07 p.m. Reconvene at 8:24 p.m.

Chair Chan asked if the Board had any questions for clarification of Administration.

- In response to a question regarding safety concerns associated with signage in the median of Milligan Drive, K. Idland, Development Planner, responded that that Okotoks Municipal Enforcement has concerns with traffic visibility, signage blowing onto the roadway in a high wind situation, and pedestrian safety where jaywalking is likely to occur. The pageantry policy speaks explicitly to the fact that pageantry features are not permitted within Milligan Drive. Median signage could be distracting and thus a safety concern. Winds are a concern due to signage potentially getting knocked over and onto the road leading to a liability for the Town. Also Okotoks Parks Business Centre has concerns due to the maintenance of boulevards.

Chair Chan asked if the Board had further questions for Administration. No response was received.

Chair Chan asked if the Board had any questions of clarification for the Appellant.

- In response to a question regarding if the garage door signs are proposed or existing, the Appellant responded that they are existing.

Chair Chan asked if the Board had further questions for the Appellant. No response was received.

Chair Chan asked if the Board had any questions of clarification for any other speaker. No response was received

Chair Chan asked if any member of the audience had questions. No response was received.

Chair Chan asked if Administration had any final comments.

K. Idland, Development Planner, stated:

- that the appeal is against the application for signage, and not the original Development Permit.
- that the Economic Development Business Centre has wayfinding signage under their budget, and they are currently working on a wayfinding signage program.
- that off-site signage options and processes are approved through Council, and Planning is willing to help Appellant with those processes.
- that Lifestyle Homes is a site developer as it is defined in the Development Agreement; and as development is defined in the Land Use Bylaw. However, they are not a subdivision developer as that is defined under the Subdivision Servicing Agreement.
- that the Appellant has signage on the garage doors of two of the single detached dwellings in the development and Planning is unsure if they are the showhomes versus non-showhomes.
- that the Appellant made a comment regarding all pageantry is on private land, but there is signage in the median, and we would like to reiterate that only the on-site signage is what the Board should be concerned with.
- that the Appellant acknowledges that the largest impact on numbers to his development was through the median signage, not due to on-site signage. My question to the Board is that if on-site signage is not effective at generating traffic to the development, then why approve such large variances given the residential context?
- that regulations are in fact regulations as defined in the Land Use Bylaw.
- that Planning acknowledges the temporary nature of request; however, it still requires a development permit to be approved as it is not exempt under the Land Use Bylaw. Temporary means a period of time up to one year. Anything further would require an extension to that Development Permit along with associated plans and fees.

Chair Chan asked if the Appellant had any final comments.

The Appellant stated:

- that he would like to emphasize, and I cannot overemphasize, that there is no detriment to be found in anything that we have done. The aspect of safety with regard to signage, you see the signage mounted in Ranchers Rise and the signage mounted in Cimarron. We are prepared to mount the signage on posts so it does not blow over. The height of the signs do not impede visibility in any direction so that is not a safety factor either. The placement of the signs is such that it does not impede people that are typically jaywalking. Safety is not an issue with any of the median signage that we propose.
- that my last comment is a reinforcement of another statement - that if it is not specifically prohibited, it is allowed. And that is the thing I would request that the development appeal board consider. Lifestyle Homes is doing nothing wrong. We are trying to market a high quality project in the municipality of Okotoks for the betterment of both parties.
- Thank you.

Chair Chan asked if any other individuals who made representations at the hearing would like to make any final comments. No response was received.

Chair Chan asked if the individuals who made representations at the hearing felt that they have had a fair hearing. All in attendance replied yes.

Chair Chan commented that provincial legislation states that the Board is required to hand down the decision within 15 days from the date of hearing. No decision will be binding on the Board until it issues a written decision. The decision will be posted on the Town of Okotoks website.

Subdivision and Development Appeal Board hearing 2017-03 regarding the decision of the Development Officer to refuse Development Permit Application Number 150-17 for on-site and off-site signage at Drake Landing Square (Lots 1 to 31, Plan 161 1981) concluded at 8:32 p.m.