
Appeal File Numbers:	024-STU-001
Application Number:	2023-S-027
Appeal Against:	Subdivision Authority of Sturgeon County
Appellants:	Landon and Aurore Kolesar
Date and Location of Hearing:	February 6, 2024 Council Chambers and Through Electronic Communications
SDAB Members:	Julius Buski (Chair), Kristin Toms, and Don Rigney

RECORD OF HEARING

IN THE MATTER OF an appeal by Landon and Aurore Kolesar against the Subdivision Authority's refusal to subdivide a 1-hectare parcel and a 14.46 hectare parcel from 29.50 hectares at SE-29-54-27-W4M, 54416 Range Road 274 within Sturgeon County.

- [1] This is the record of hearing of the Sturgeon County Subdivision and Development Appeal Board (the "SDAB" or "Board") on an appeal filed with the SDAB pursuant to section 678(1) of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (the "MGA" or "Act").
- [2] The following documents were received and form part of the record:
- a. The Notice of Appeal;
 - b. A copy of the subdivision application with attachments;
 - c. The Subdivision Authority's written decision;
 - d. Planning & Development Services Report; and
 - e. Submissions from affected persons.

PRELIMINARY MATTERS

- [3] There were no preliminary matters addressed at the hearing.

PROCEDURAL MATTERS

- [4] The appeal was filed on time and in accordance with section 678(2) of the MGA.
- [5] There were no objections to the proposed hearing process as outlined by the Chair.
- [6] There were no objections to the composition of the Board hearing the appeal.
- [7] The Board is satisfied that it has jurisdiction to deal with this matter.

ISSUES

- [8] The Appellants raised that they would like to increase land density in Sturgeon County to allow hobby farms and smaller farms to provide or have livestock for retail purposes. They also raised that in 2021 a subdivision was approved but family health issues prevented it from proceeding.

RECOMMENDATION OF THE SUBDIVISION AUTHORITY

- [9] Jonathan Heemskerk, representative for the Subdivision Authority, provided a presentation which included an issue analysis for the Appellants' proposal and reasons for the Subdivision Authority's refusal of the application.
- [10] Section 654(1) of the *Municipal Government Act* provides that a subdivision authority must not approve an application for subdivision approval unless: (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended; and (b) the proposed subdivision conforms to the provisions of any growth plan under Part 17.1, any statutory plan and, subject to subsection (2), any land use bylaw that affects the land proposed to be subdivided.
- [11] The proposal does not conform with the Municipal Development Plan as per Section 654(1) of the *Municipal Government Act*. The specific reasons are noted below:
- a. The maximum agricultural density as outlined in Policy 2.3.15 of Sturgeon County's Municipal Development Plan would be exceeded with this application.
 - b. No plan amendment or redistricting application has been received to support increased densities as outlined in Policy 2.3.16 of Sturgeon County's Municipal Development Plan.
- [12] The proposal does not conform with the Land Use Bylaw as per Section 654(1) of the *Municipal Government Act* as the proposal for further subdivision on this quarter section would exceed the maximum combined density of four parcels as outlined under 11.1.3(a) of the LUB.
- [13] The proposal does not conform with Section 11 of the Matters Related to Subdivision and Development Regulation of the *Municipal Government Act* as Proposed Lot 2 does not have direct access to a roadway or lawful means of access satisfactory to the Subdivision Authority.

SUMMARY OF APPELLANTS' POSITION

- [14] The Appellant, Landon Kolesar, acknowledged the issues raised by the Subdivision Authority in their refusal of the subdivision application, and requested approval for the subdivision application with an alternate configuration where the parcel would be subdivided into two approximately equal lots with the dividing boundary running from east to west.

POSITION OF THE BOARD

- [15] The Board advised the Appellant that the appeal would be heard based on the application submitted, and that if he wished to pursue a substantially alternate configuration, he would be required to make a new application to the Subdivision Authority.

CONCLUSION

[16] The Appellant withdrew the appeal and the hearing was concluded.

Dated at the Town of Morinville, in the Province of Alberta, this 16th day of February, 2024.

A handwritten signature in blue ink, appearing to read "J Buski", is positioned above a horizontal line.

Julius Buski, Chair

APPENDIX "A"
List of Submissions

- The Notice of Appeal;
- A copy of the subdivision application with attachments;
- The Subdivision Authority's written decision;
- Planning & Development Services Report; and
- Submissions from affected persons.