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Appeal File Numbers: 025-STU-007  
Application Number: 2025-S-024  
Appeal Against: Subdivision Authority of Sturgeon County  
Appellants: Ross Cowley  
Date and Location of Hearing: September 2, 2025  
Council Chambers and Through Electronic Communications  
Date of Decision: September 16, 2025

SDAB Members: Julius Buski (Chair), Lee Danchuk, Nicole Mackoway, Amanda Papadopoulos, and Kristin Toms.

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#### **NOTICE OF DECISION**

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**IN THE MATTER OF** an appeal by Ross Cowley against the Subdivision Authority's conditional approval to subdivide a 1 hectare parcel from a 32.4 hectare parcel.

- [1] This is the decision 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] In making this decision, the Board reviewed all the evidence presented and considered provisions of the *Municipal Government Act*, Sturgeon County's Land Use Bylaw 1385/17 (the "Land Use Bylaw" or "LUB"), and Sturgeon County's Municipal Development Plan (MDP), and any amendments thereto.
- [3] 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.

#### **PRELIMINARY MATTERS**

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

#### **PROCEDURAL MATTERS**

- [5] The appeal was filed on time and in accordance with section 678(2) of the MGA.

[6] There were no objections to the proposed hearing process as outlined by the Chair.

[7] There were no objections to the composition of the Board hearing the appeal.

[8] The Board is satisfied that it has jurisdiction to deal with this matter.

#### **ISSUES**

[9] The Appellants raised the following grounds of appeal:

- Seeking a 4 acre (1.62 hectare) subdivision to take into consideration existing floodplain conditions, with more suitable higher land to the west.

#### **RECOMMENDATION OF THE SUBDIVISION AUTHORITY**

[10] 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 conditional approval.

[11] The original proposal was to subdivide 1.2 hectares (2.97 acres) from 30.9 hectares (76.36 acres) of agriculture land, creating a single acreage parcel from a half-quarter section. The appeal currently being presented proposes an addition to the original application, requesting a subdivision of 1.62 hectares (4 acres) from 30.9 hectares (76.36 acres).

[12] While the creation of a single acreage parcel from a half quarter section of Agricultural land aligns with the density requirements of the Land Use Bylaw and Municipal Development Plan, the size of 1.2 hectares (2.97 acres) contradicts the maximum size that the Subdivision Authority can approve of 1.0 hectares (2.47 acres). Part 11.1.3(e) of the Land Use Bylaw provides specific criteria that must be met for a larger parcel size to be considered. This includes encompassing mature shelterbelts, buildings, and other features related to an existing farmstead.

[13] As a 'bare land' subdivision, none of these criteria can be met. Administration reduced the size of Proposed Lot 1 to 1.0 hectares (2.47 acres), maintaining the same width of parcel with an adjustment to the depth of the parcel by 24 metres. The adjustment allows for consistency with the Municipal Development Plan's "Residential Type 4" policies and with the Land Use Bylaw's "AG - Agriculture" regulations.

[14] The Subdivision Authority's decision for approval with a reduced size of 1.0 hectares (2.47 acres) from the original application is consistent with the Land Use Bylaw, Municipal Development Plan, and the *Municipal Government Act*.

#### **SUMMARY OF APPELLANTS' POSITION**

[15] The Appellants, Ross and Sherri Cowley, attended the hearing and submitted that due to the nature of water runoff on the property, the Appellants are seeking to subdivide 4 acres in order to facilitate construction of a building located at a higher elevation. The proposed subdivision will not interfere with existing farmland.

[16] The proposed development would occur against the property line and not along a township road, with the intent of constructing a new approach.

- [17] No inquiries have been made to external agencies regarding wetlands or drainage on the property.

#### **DECISION OF THE BOARD**

- [18] The Board GRANTS the appeal with an alternative configuration and REVOKES the decision of the Subdivision Authority made on August 5, 2025, to conditionally approve subdivision application 2025-S-024. The Board hereby approves the subdivision with an alternative configuration for proposed Lot 1, as outlined in Exhibit Three (attached), subject to the following conditions:

- a. Pursuant to Provision 654(1)(d) of the MGA, any outstanding taxes on the subject property shall be paid or arrangements be made, to the satisfaction of Sturgeon County, for the payment thereof.
- b. The applicant shall retain the services of a professional Alberta Land Surveyor, who shall submit a drawing to Sturgeon County resembling Exhibit 3, and submit it in a manner that is acceptable to Land Titles. The surveyor shall also prepare a Signed/Stamped Site Plan or Real Property Report to confirm building/septic system locations, to the satisfaction of Sturgeon County.
- c. Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 3 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Proposed Lot and the adjacent road shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- d. Pursuant to Provision 662(1) of the MGA, as illustrated in Exhibit 3 and as required by Sturgeon County Engineering Services, a 5-metre-wide area parallel and adjacent to the boundary of the Remnant Lot and the adjacent road shall be acquired by Sturgeon County in the future via the terms and conditions of a land acquisition agreement (note: this agreement to be prepared by Sturgeon County).
- e. All upgrades to *existing* culverts and/or *existing* approaches, and construction/removal of approaches, as determined necessary by the Development Engineering Officer will be the responsibility of the developer and upgraded to the satisfaction of Sturgeon County in accordance with General Municipal Servicing Standards, *before* this subdivision is endorsed.
- f. Pursuant to Provision 666 of the MGA, money in lieu of municipal reserve shall be provided to Sturgeon County respecting 10% of the area of the Proposed Lot. A payment will be made in place of reserves equal to \$1,342.40 (*determined at a rate of \$11,186.65 per hectare X 10% X 1.2 hectare = \$1,342.40*). The money-in-lieu calculation will be based on the actual amount of land (in *hectares*) shown on a plan of survey.
- g. Pursuant to Provision 669 of the MGA, municipal reserves owing on the Remnant Lot shall be deferred by caveat (note: this caveat to be prepared by Sturgeon County).

- h. The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.

#### ADVISORY NOTES

- Natural Gas servicing to any new subdivision is the responsibility of the applicant. The applicant will be required to provide the required easements across existing lots or subdivided lots for natural gas servicing, if service is approved by the natural gas provider. Sturgeon County does not allow natural gas servicing lines to be located within the road right of way. Setbacks from the road right of way are required. Easements of private property must be obtained by the applicants or service providers. Any service lines which cross Sturgeon County property will require a crossing agreement with conditions.
- Pursuant to Section 2.4.3 of the LUB, at the development permit stage on any property, it is highly recommended that the developer retain the services of a qualified engineering professional to prepare and submit a geotechnical investigation confirming that the proposed building site on is suitable for development and prescribing any preventative engineering measures to be taken to make the building site suitable for future development or future development suitable for the building site.
- Pursuant to the Water Act and the Alberta Wetland Policy, any future development or site grading which might alter or disturb a wetland may require additional approvals from Alberta Environment and Parks.
- The subject properties shall not be used in any manner or way that impedes or will impede the use of adjacent lands for agricultural purposes or agricultural operations, as defined in the Agricultural Operation Practices Act, RSA 2000 c.A-7.
- *FireSmart* principals should be incorporated into all future construction and development on all lots. Please visit [www.firesmartcanada.ca](http://www.firesmartcanada.ca).

#### REASONS FOR THE DECISION

- [19] The Appellant's request is to subdivide 1.62 hectares from a 30.9-hectare parcel of agricultural land, resulting in a single acreage parcel derived from a half-quarter section. This request represents a revision from the original application, which proposed a subdivision of 1.2 hectares from the same parent parcel.
- [20] The Subdivision Authority conditionally approved the subdivision application on the grounds that a reduced parcel size would better conform to the requirements of the *Municipal Government Act*, the Land Use Bylaw, and the Municipal Development Plan. The original application does not comply with the Residential Type 4 policies outlined in the Municipal Development Plan, nor with Section 11.1.3(e) of the Land Use Bylaw, which limits the maximum subdivision size for Agricultural (AG) land to 1 hectare (2.47 acres).
- [21] The Board finds that it may approve an application for subdivision approval even though the proposed subdivision does not comply with the Land Use Bylaw if, in its opinion, the proposed subdivision would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land, and the proposed subdivision conforms with the use prescribed for that land in the

Land Use Bylaw. Having received no evidence and submissions from affected parties, the Board finds that the proposed subdivision would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land.

- [22] In weighing the merits of the Appellant's appeal, the Board did not hear compelling reasons for the larger lot size and finds that the Appellant's proposal to increase the subdivision area from 3 acres (1.2 hectares) to 4 acres (1.62 hectares) did not include sufficient evidence to demonstrate compliance with applicable planning policies or to justify the additional land allocation.
- [23] Based on the information presented, the Board finds that the drainage conditions on the subject property do not constitute a sufficiently significant concern to warrant approval of a larger subdivision. The Board is of the view that the proposed development can reasonably be accommodated within the parcel size outlined in the original application.
- [24] The Board determined that an alternative configuration for proposed Lot 1, in accordance with Exhibit 3 (attached to this document), is appropriate for the subject lands, and will closely align with the original application submitted.
- [25] For all of these reasons, the Board grants the appeal with amended configuration (Exhibit 2, attached) and subject to the conditions listed above, and revokes the decision of the Subdivision Authority to conditionally approve the subdivision.

Dated at the Town of Morinville, in the Province of Alberta, this 16<sup>th</sup> day of September, 2025.



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Julius Buski, Chair

*Pursuant to Section 688(1)(a) of the Municipal Government Act (MGA), an appeal of a decision of the Subdivision and Development Appeal Board lies with the Alberta Court of Appeal on a matter of law or jurisdiction. In accordance with Section 688(2)(a), if a decision is being considered, an application for permission to appeal must be filed and served within 30 days after the issuance of the decision and, notice of the application for permission must be provided to the Subdivision and Development Appeal Board and in accordance with Section 688(2)(b), any other persons that the judge directs.*

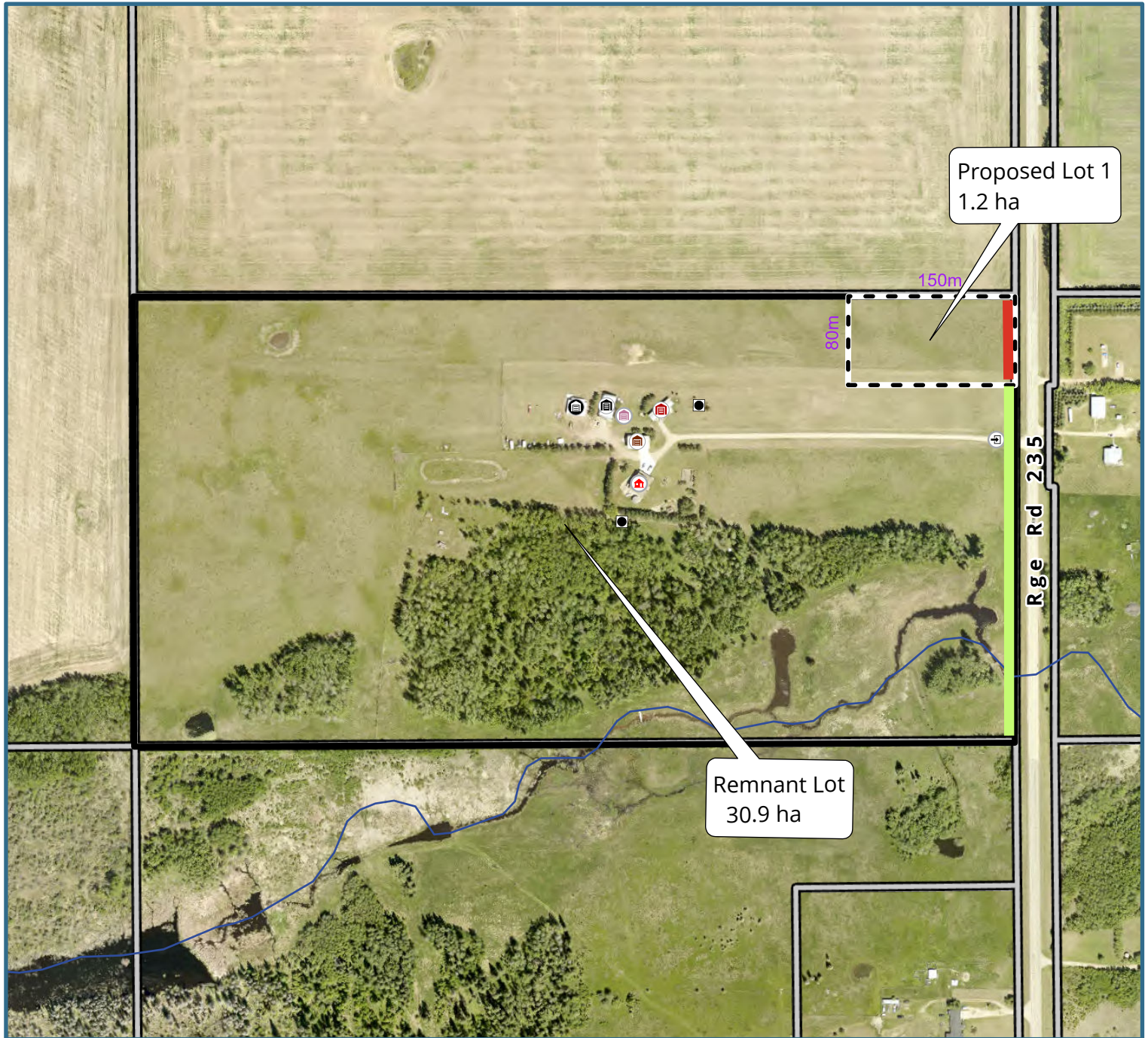
**APPENDIX "A"**  
**List of Submissions**

- The Notice of Appeal;
- A copy of the subdivision application with attachments;
- The Subdivision Authority's written decision;
- Planning & Development Services Report; and
- Exhibit 3 – Updated Lot Plan



# Exhibit 3 [SDAB Approval]

File Number: 2025-S-024



Legal Description: 9824586;;2

Roll Number: 1407001








Total Acres/Hectares: 79.07ac / 32.00ha

Land Use: AG - Agriculture

Municipal Address: 57106 Lily Lake Rd

Date: 9/2/2025

## Legend

- |                                                                                      |                         |                                                                                       |                    |
|--------------------------------------------------------------------------------------|-------------------------|---------------------------------------------------------------------------------------|--------------------|
|  | Accessory Dwelling Unit |  | Pump Out           |
|  | Dwelling                |  | Shed               |
|  | Existing Approach       |  | Shop               |
|  | Garage                  |  | Temporary Building |
|  | 5m caveat               |  | 5m plan of survey  |