

Appeal File Numbers: 025-STU-008
Application Number: 2025-S-006
Appeal Against: Subdivision Authority of Sturgeon County
Appellant: Quillcorp2016Inc. (c/o Yvon Brochu)
Date and Location of Hearing: September 16, 2025
Council Chambers and Through Electronic Communications
Date of Decision: September 29, 2025

SDAB Members: Julius Buski (Chair), Neal Comeau, Lee Danchuk, Nicole Mackoway, and Lili Terry.

NOTICE OF DECISION

IN THE MATTER OF an appeal by Quillcorp2016Inc.(c/o Yvon Brochu) against the Subdivision Authority’s conditional approval to subdivide a 31.47 hectare parcel from 53.97 hectares.

- [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.

PROCEDURAL MATTERS

- [4] There were no objections to the proposed hearing process as outlined by the Chair.
- [5] There were no objections to the composition of the Board hearing the appeal.
- [6] The Board is satisfied that it has jurisdiction to deal with this matter.

PRELIMINARY MATTERS

- [1] The Board noted that section 678(2)(b) of the *Municipal Government Act* requires the appeal of a subdivision authority decision to be filed within 14 days after receipt of the written decision. The Subdivision Authority's decision was issued on June 23, 2025, and the appeal was received 59 days later on August 21, 2025. The Chair asked the parties to make submissions with respect to this preliminary matter.

APPELLANT'S SUBMISSION ON THE PRELIMINARY MATTER

- [2] The Appellant, Yvon Brochu, submitted that the delay in filing the appeal was attributable to an unforeseen illness. He further stated that, historically, he has consistently filed all required documents with Sturgeon County in a timely manner.

SUBDIVISION AUTHORITY'S SUBMISSION ON THE PRELIMINARY MATTER

- [3] Jonathan Heemskerk, representative for the Subdivision Authority, confirmed the Appellant's statement, and indicated that the Subdivision Authority was supportive of proceeding with the appeal.

DECISION OF THE BOARD

- [4] **The Board determined that they would proceed with hearing the merits of the appeal.**

ISSUES

- [5] The Appellant raised the following grounds of appeal:

- The Applicant applied for 2.47 acres (1 hectare) as shown in the map (attached).
- The Subdivision Authority approved an alternate split in half configuration but refused the 2.47 acres.

RECOMMENDATION OF THE SUBDIVISION AUTHORITY

- [6] 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.

- [7] The original proposal was to subdivide 31.08 hectares (76.80 acres) and 1 hectare (2.47 acres) from 54.58 hectares (134.87 acres). Historically, two subdivisions occurred: one in 1966 and another estimated in the 1970s, resulting in the creation of a 8.09 hectare (20 acre) parcel in the southeast corner of the quarter section, and a 0.40 hectare (1.31 acre) parcel situated southeast of the existing railroad tracks.

- [8] There are currently three agricultural parcels on this quarter section which includes one AG – Major, one AG – Minor, and one AG – Residential parcel. The Municipal Development Plan's "Residential Type 4" policies and the Land Use Bylaw's "AG - Agriculture" regulations both outline a maximum of four parcels allowed per quarter section consisting of:

- Two "large" parcels (AG – Major)
- Two "small" acreage parcels (AG – Minor or AG – Residential)

- [9] With two "small" parcels and one "large" parcel already existing on this quarter section, one additional subdivision is permitted: specifically, a split in half to create a second AG – Major parcel. The proposed subdivision includes this split, along with an additional acreage subdivision (Proposed Lot 2), resulting in a fifth parcel on the quarter section and a third acreage parcel.

Removing Proposed Lot 2 (acreage) would allow for the proposal to align with the subdivision regulations and policies, which can be supported. A restrictive covenant registered on Proposed Lot 1 indicating that no further subdivision is permitted would be required.

- [10] Part 654(1) of the *Municipal Government Act* requires 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; (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.

SUMMARY OF APPELLANTS' POSITION

- [11] The Appellant, Yvon Brochu, attended the hearing and submitted that the Appellant did not account for subdivisions caused by natural land fragmentation, a change introduced by the County's revised Land Use Bylaw in 2017.

- [12] The proposed subdivision will provide an opportunity for additional income.

- [13] The Appellant has historically observed all subdivision rules regarding previous subdivision applications with the County.

DECISION OF THE BOARD

- [14] The Board GRANTS the appeal with an alternative configuration and REVOKES the decision of the Subdivision Authority made on June 23, 2025, to conditionally approve subdivision application 2025-S-006. The Board hereby approves the subdivision with an alternative configuration for proposed Lot 2, as outlined in Exhibit Three (attached), subject to the following conditions:

- 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.
- 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 may also be required to prepare a Signed/Stamped Site Plan or Real Property Report to confirm building/septic system locations, to the satisfaction of Sturgeon County.
- 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 Proposed Lot 2 and the adjacent road shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County.
- 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 1 and the Remnant Lot and the adjacent roads (Township Road 551 & Range Road 245) 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).

- 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.
- 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 2. A payment will be made in place of reserves equal to \$1,474.55 (*determined at a rate of \$14,745.52 per hectare X 10% X 1 hectare = \$1,474.55*). The money-in-lieu calculation will be based on the actual amount of land (in *hectares*) shown on a plan of survey.
- Pursuant to Provision 669 of the MGA, municipal reserves owing on Proposed Lot 1 and the Remnant Lot shall be deferred by caveat (note: this caveat to be prepared by Sturgeon County).
- The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.

REASONS FOR THE DECISION

- [15] The Appellant's request is to subdivide 31.08 hectares (76.80 acres) and 1 hectare (2.47 acres) from 54.58 hectares (134.87 acres), resulting in two acreage parcels located on the same half-quarter section. This configuration would exceed the maximum number of parcels identified in the Land Use Bylaw and Municipal Development Plan.
- [16] The Subdivision Authority conditionally approved the subdivision application on the basis that a removing Proposed Lot 2 (the acreage parcel) 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 Part 11.1.3(a) of the Land Use Bylaw, which limits subdivisions to a maximum of four parcels allowed per quarter section, consisting of two AG-Major parcels and two AG-Minor or AG-Residential parcels.
- [17] Changes made to the Land Use Bylaw in 2017 included counting fragmented parcels towards the maximum of four allotted, which removed the Appellant's potential to further subdivide beyond the four allotted parcels.
- [18] 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.

- [19] In weighing the merits of the Appellant’s application against the consistent application of land use policies, the Board finds that the changes to the Land Use Bylaw in 2017 created unique unintended consequences which limited future subdivision opportunities for the Appellant due to natural land fragmentation. Further, the Board finds that it is unlikely that the parcel will be subdivided further in the future.
- [7] The Board finds that the Appellant is agreeable to the recommended conditions and reconfiguration of Proposed Lot 2 as presented by the Subdivision Authority. While the proposed subdivision does not strictly conform to the statutory plans, the Board recognizes that the application constitutes a unique, one-off circumstance of the kind for which its discretionary decision-making authority is appropriately exercised.
- [20] The Board notes that no objections were received from adjacent landowners regarding the proposed subdivision and considers this lack of opposition to be a relevant factor in its deliberations.
- [21] The Board determined that an alternative configuration for proposed Lot 2, in accordance with Exhibit 3 (attached to this document), is appropriate for the subject lands.
- [22] For all of these reasons, the Board grants the appeal with amended configuration (Exhibit 3, 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 29th day of September, 2025.



Julius Buski, Chair

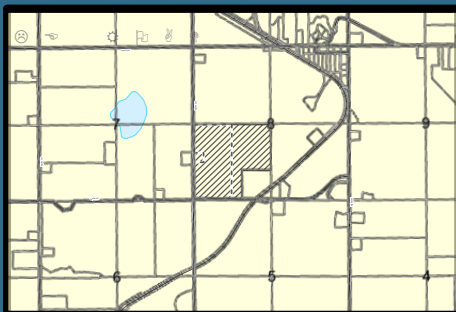
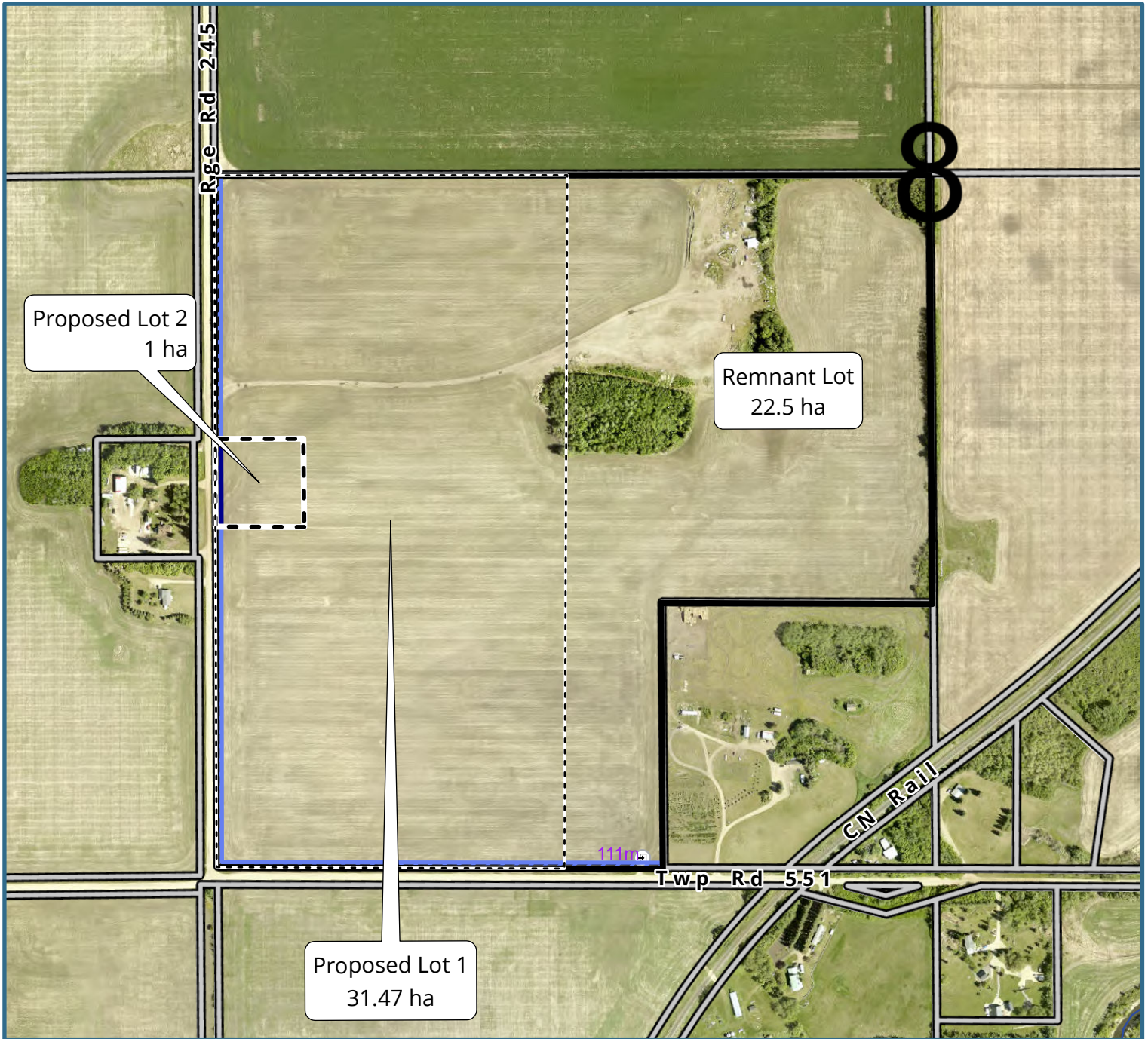
Pursuant to Section 688(1)(a) of the Municipal Government Act (MGA), an appeal of a decision of the Subdivision and Development Appeal Board lies with the Alberta Court of Appeal on a matter of law or jurisdiction. In accordance with Section 688(2)(a), if a decision is being considered, an application 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 Decision]

File Number: 2025-S-006



Legal Description: 4;24;55;8;SW

Roll Number: 1881000

Total Acres/Hectares: 133.37ac / 53.97ha

Land Use: AG - Agriculture

Municipal Address: N/A

Date: 9/22/2025

Legend



Existing Approach

Road Widening By
Caveat



Road Widening By
Survey