
Appeal File Numbers:	025-STU-009
Application Number:	2025-S-023
Appeal Against:	Subdivision Authority of Sturgeon County
Appellants:	2656819 Alberta Ltd. c/o Tarek Hatoum
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 2656819 Alberta Ltd. against the Subdivision Authority’s refusal to subdivide a 0.46 hectare parcel and a 0.51 hectare parcel from 1.27 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:
- 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 Adjacent Landowners and Other Affected Parties

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 Appellant raised the following grounds of appeal:

- Appealing the Subdivision Authority's decision for refusal based on the belief that the proposed lots are compatible with the North Point subdivision.
- Requesting a review of the decision and appeal process.

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 refusal.

[11] The applicant proposes subdivision of two new residential parcels sized at 0.51 hectares (1.20 acres) and 0.46 hectares (1.14 acres) leaving a remnant parcel of 0.3 hectares (0.74 acres). This parcel was created during the original subdivision of North Point.

[12] Four letters of objection were received from adjacent landowners in the North Point Subdivision. Concerns included:

- Neighbourhood continuity: Previous subdivisions in the area have typically been undertaken by resident owners who remained in the neighbourhood. In contrast, the subject property is currently unoccupied and appears poorly maintained.
- Traffic and safety: The proposed creation of new access points has prompted concerns regarding increased traffic and potential safety risks.
- Subdivision scale and consistency: Whereas prior subdivisions have generally resulted in two lots, the current proposal seeks to create three, each on the smaller end of the lot size spectrum for North Point. This is viewed as inconsistent with the established subdivision pattern.
- Neighbourhood character: Objectors noted that recent subdivisions were presented as being intended for family members, but the resulting lots were subsequently sold. New owners have reportedly disrupted the character of the neighbourhood through increased traffic and littering.
- Driveway placement and visibility: It was suggested that driveways be located at the bends of each lot, with removal of surrounding trees to improve sightlines and ensure safe access.
- Road infrastructure: Concerns were expressed about the adequacy of roadway infrastructure at the intersection of Range Road 250 and North Point, with suggestions that turn lanes and other upgrades are needed to accommodate increased traffic volumes.
- Sewage system proximity: The location of the existing Minnesota Mound sewage disposal system was flagged as potentially too close to adjacent property lines.

[13] There are 29 residential parcels within North Point, which vary in size from 1 acre (0.40 hectares) to 3.52 acres (1.42 hectares). The average lot size is 2.12 acres (0.86 hectares), and the median lot size is 1.63 acres (0.66 hectares). Currently, the five smallest lots in the subdivision are 1 acre (0.40 Hectares), 1.36 acres (0.55 hectares), 1.37 acres (0.55 hectares), 1.5 acres (0.60

hectares), and 1.5 acres (0.60 hectares). The three newly created parcels would be some of the smallest within North Point:

- Remnant Lot: 0.3 hectares (0.74 acres) – smallest lot in North Point;
- Proposed Lot 2: 0.46 hectares (1.14 acres) – third smallest lot in North Point; and
- Proposed Lot 1: 0.51 hectares (1.20 acres) – fourth smallest lot in North Point

[14] Part 12.1.3 of Sturgeon County's Land Use Bylaw's "R1 - Country Residential" district outline a minimum parcel area of 1 hectare (2.47 acres) if a parcel is not connected to a municipal sanitary line. Parcels within North Point rely on private servicing and are not connected to a wastewater line. This subdivision would result in parcel sizes of 0.51 hectares (1.20 acres), 0.46 hectares (1.14 acres), and 0.3 hectares (0.74 acres), all of which fall short of the minimum size requirements. Therefore, the application does not conform with the subdivision regulations outlined in the Land Use Bylaw.

[15] The intent of the Sturgeon Valley South Area Structure Plan is to facilitate a framework that allows for orderly and efficient future residential development at densities outlined within the plan. This area of the plan outlines a future average density of 35 dwelling units per net residential hectare. The premature fragmentation of lands contradicts the goal of a cohesive and contiguous land supply by creating additional lots that pose greater challenges to the future development potential of the lands.

[16] Policy 2.2.7 of the Municipal Development Plan indicates that infill subdivision shall conform to the criteria outlined in the Land Use Bylaw, and this application does not meet the minimum size requirements for an R1 parcel.

[17] Part 654(1) of the *Municipal Government Act* requires that a subdivision authority must not approve an application for subdivision approval unless, "...*(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.*"

[18] The premature fragmentation of land to create an additional lot does not align with the future development potential of the area. As such, the application contradicts the Municipal Development Plan and the Sturgeon Valley South Area Structure Plan. Furthermore, the application does not conform to the subdivision regulations outlined in the Land Use Bylaw. Therefore, in line with Part 654(1) of the Municipal Government Act, this application cannot be supported by administration.

[19] It appears that the existing septic tank would continue to comply with the Alberta Private Sewage Systems Standard of Practice – however a certificate of compliance is necessary to verify.

SUMMARY OF APPELLANTS' POSITION

- [20] The Appellant, Tarek Hatoum, attended the hearing and submitted that the Appellant has proposed a subdivision of the property into three lots, intended to support estate planning for his three children. The Appellant's goal is to build a residence on the second lot for his mother and to leave the third lot vacant for a future residence for one of his children.
- [21] The Appellant has no intention of pursuing further subdivisions and is willing to revise the current proposal to better align with the established pattern of 1-acre parcels in the surrounding neighbourhood.
- [22] The existing dwelling on the property is currently insufficient to accommodate the Appellant's family.
- [23] The Appellant is prepared to upgrade the septic system to meet applicable regulatory standards.
- [24] The Appellant noted that the neighbouring region has been approved for high density development. The Appellant had previously searched for suitable land in this area two years ago and was unsuccessful.
- [25] The current residence is not being rented out; the Appellant and his family often utilize the residence on weekends and holidays.

DECISION OF THE BOARD

- [26] The Board REFUSES the appeal and UPHOLDS the decision of the Subdivision Authority made on August 7, 2025, to deny the proposed subdivision of a 1.27 hectare (3.14 acre) parcel into two smaller parcels measuring 0.46 hectares (1.14 acre) and 0.51 hectares (1.20 acre), respectively.

REASONS FOR THE DECISION

- [27] The Appellant's request is to subdivide a 0.46 hectare (1.14 acre) parcel and a 0.51 hectare (1.20 acre) parcel from 1.27 hectares (3.14 acres).
- [28] The Subdivision Authority refused the subdivision application on the grounds that the proposal does not conform with the Municipal Development Plan section 654(1), which prevents any residential subdivision layout that does not reflect future development potential, or that may result in development restrictions of the adjacent parcel. The Municipal Development Plan also states that County shall ensure infill subdivision and development complement the established character of the area, complies with the associated Residential Type policies, addresses any infrastructure constraints, and conforms to the criteria outlined in the Land Use Bylaw.
- [29] The Subdivision Authority also noted that the subdivision application was refused because it does not conform with the Land Use Bylaw as per Section 654(1) of the *Municipal Government Act* to the policy or intent of the Sturgeon Valley South Area Structure Plan. This policy requires the County to develop the area in an orderly and phased manner at densities described within the plan. The Subdivision Authority determined that the application does not meet these requirements.

- [30] 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.
- [31] The Board finds that the proposed subdivision represents a premature fragmentation of land that is inconsistent with the long-term development vision for the area. Specifically, the application conflicts with the objectives and policies set out in both the Municipal Development Plan and the Sturgeon Valley South Area Structure Plan, which emphasize coordinated growth and compatibility with surrounding land uses. In addition, the proposal does not meet the subdivision standards prescribed in the Land Use Bylaw. Pursuant to Section 654(1) of the *Municipal Government Act*, the Board accepts the recommendation of the Subdivision Authority and determines that the application cannot be supported.
- [32] Having received evidence and submissions from affected parties, the Board finds that the proposed subdivision would unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land. The scale and configuration of the proposed lots, combined with concerns regarding traffic, safety, and neighbourhood character, are inconsistent with the established pattern of development in North Point and would result in a negative impact on surrounding properties.
- [33] The Board also received evidence and submissions from affected parties regarding safety concerns related to the proposed placement of an updated approach at the entrance to the subdivision. The Board finds that these concerns are credible and warrant consideration. In particular, the location of the approach near a bend in the road and its proximity to existing driveways may impair sightlines and increase the risk of vehicular conflict. The Board considered the broader safety implications for residents and road users and determined that its placement does not sufficiently mitigate the identified risks.
- [34] In weighing the merits of the appeal, the Board did not hear compelling reasons to justify approval, particularly with respect to the Appellant's stated intention of future estate planning. While estate planning may be a personal consideration, it does not, in and of itself, constitute sufficient grounds to override planning principles or address the concerns raised by affected parties. The Board finds that the rationale provided lacks the necessary planning justification to support the proposed subdivision.
- [35] Based on the information presented, the Board agrees with the Subdivision Authority's conclusion that the proposed subdivision does not meet the criteria for approval and fully supports its decision. The Board finds that the Subdivision Authority's assessment was thorough, consistent with applicable planning principles, and appropriately responsive to both statutory requirements and community context.

[36] For all of these reasons, the Board REFUSES the appeal and UPHOLDS the decision of the Subdivision Authority to subdivide a 0.46 hectare (1.14 acre) parcel and a 0.51 hectare (1.20 acre) parcel from 1.27 hectares (3.14 acres).

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
- Submissions Received from Adjacent Landowners and Other Affected Persons