

Appeal File Number: 025-STU-015
Application Number: 2025-S-033
Appeal Against: Subdivision Authority of Sturgeon County
Appellant: 2325925 Alberta Ltd. c/o Stephen Bara
Date and Location of Hearing: November 18, 2025
Council Chambers and Through Electronic Communications
Date of Decision: December 2, 2025

SDAB Members: Julius Buski (Chair), Lee Danchuk, Don Rigney, and Nicole Mackoway.

NOTICE OF DECISION

IN THE MATTER OF an appeal by 2325925 Alberta Ltd. c/o Stephen Bara against the Subdivision Authority's refusal to subdivide a 1.88-acre lot from 3.75 acres

- [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; and
 - 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 Appellant raised the following grounds of appeal:

- The subject neighbourhood adjoins an area where growth is expected to occur as set out in the Neighbourhood Area Structure Plan.
- The proposed subdivision to create two 1.75-1.8 acre lots is within the norm for the Sturgeon Valley.
- The proposed subdivision maintains the rural integrity of the neighbourhood, while at the same time provides an opportunity for country residential living on a significantly more manageable parcel of land than its original state.
- The subdivision would create more affordable housing options in the community.

RECOMMENDATION OF THE SUBDIVISION AUTHORITY

[10] Jonathan Heemskerk, representative for the Subdivision Authority, provided a presentation which included an issue analysis for the Appellant's proposal and reasons for the Subdivision Authority's refusal.

[11] The parcel was created as part of the original subdivision of the Skyglen Air Park multi-lot subdivision in 1970.

[12] The intent of the application is to subdivide an existing R1 – Country Residential parcel within the Skyglen Air Park multi-lot subdivision. This would create two new acreage parcels, both of which would be accessed from the local road of Harrold Crescent.

[13] There are 18 residential parcels within Skyglen Air Park, which vary in size from 1.28 acres to 6.99 acres. The average lot size is 3.18 acres, and the median lot size is 3.10 acres. Currently, the five smallest lots in the subdivision are 1.28 acres, 1.54 acres, 1.54 acres, 1.72 acres, and 3.00 acres. The two newly created parcels would fit within the subdivision as follows:

- Remnant Lot: 0.8 hectares (1.98 acres) – sixth smallest lot in Skyglen Air Park.
- Proposed Lot 1: 0.75 hectares (1.85 acres) – fifth smallest lot in Skyglen Air Park.

[14] 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.*" Pursuant to Part 654(1) of the *Municipal Government Act*, this application cannot be supported by the Subdivision Authority.

[15] 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. The proposal does not conform with the Municipal Development Plan as per Section 654(1) of the *Municipal Government Act*. The policies are noted below:

- Policy 2.2.2 prevents any residential subdivision layout that does not reflect future development potential, or that may result in development restrictions of the adjacent parcel.
- Policy 2.2.7 notes the 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 (LUB).

[16] 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.

[17] 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.

[18] This application does not conform with the subdivision regulations outlined in the Land Use Bylaw. Part 12.1.3 of the Land Use Bylaw “R1 - Country Residential” district outlines a minimum parcel area of 1 hectare (2.47 acres) if a parcel is not connected to a municipal sanitary line. Parcels within Skyglen Air Park rely on private servicing and are not connected to a wastewater line. This subdivision would result in parcel sizes of roughly 0.8 hectares (1.98 acres) and 0.75 hectares (1.85 acres), both of which fall short of the minimum size requirements.

[19] Part 12.1.3 of the Land Use Bylaw outlines a minimum parcel area of 1 hectare (2.47 acres) for parcels not connected to a municipal sanitary line.

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

[21] Money in lieu of municipal reserve has already been claimed as part of the original subdivision of Skyglen Air Park.

SUMMARY OF APPELLANT’S POSITION

[22] The Appellant, Stephen Bara, attended the hearing and submitted that he is representing himself and three others who have a vested interest in the subdivision. Together, the group purchased the subject property.

[23] The Appellant emphasized that the proposed subdivision aligns with the rural character of the neighbourhood while supporting country residential living and maintaining practical access to the property. The proposal would create two parcels consistent in size with existing lots in the Skyglen Airpark (which includes four smaller lots) and North Pointe (which has 17 smaller lots). The proposed lots are also comparable to those in the Greater Sturgeon Valley, where most range from 0.5 to 1 acre.

- [24] The proposed lot sizes are consistent with the Sturgeon Valley Area Structure Plan (ASP), which permits future development of up to 35 residential units per hectare. Even under future development scenarios, the proposed lots would remain among the largest in the area.
- [25] As no written objections were received prior to the hearing, the Appellant believes the subdivision would not negatively affect adjacent landowners.
- [26] The Appellant views the proposal as a means to support ongoing development trends, potentially enhancing property values and revitalizing the area. The subdivision would contribute to population and tax base growth without requiring County investment or the conversion of prime farmland.
- [27] The Appellant stated that the Sturgeon Valley is a desirable area due to its rural setting and proximity to St. Albert and Edmonton. Currently there are no vacant land subdivisions available in the area, and only two lots are for sale, both priced at a premium. Families looking to move to the area face limited and costly options, often needing to purchase older homes exceeding \$1 million. The proposed lots would offer more accessible alternatives.
- [28] The Appellant stated that the two proposed lots are intended for friends or family and would not be listed on the open market. Future discussion is pending the Board's decision.

SUBMISSIONS FROM OTHER AFFECTED PERSONS

- [29] Bill and Barb Smith were in attendance and provided a verbal presentation in opposition of the subdivision. When they first moved in, all properties were over 3 acres. They stated that smaller lots belong in other developments like Tuscany Hills and feel the current subdivision should maintain its larger lot sizes (e.g., 3.7 acres).
- [30] Increased housing density could lead to more traffic and strain on the subdivision's dead-end road. In emergency situations, such as a fire, evacuation could become chaotic due to limited access and the existing number of homes. They stated that they were frustrated with the trend of subdividing and selling properties, which they feel disrupts the stability of the community. They emphasized that Sturgeon County is not Edmonton and should not adopt urban-style development.

DECISION OF THE BOARD

- [31] The Board **GRANTS** the appeal, **REVOKES** the decision of the Subdivision Authority made on October 7, 2025 to refuse the proposed subdivision of a 1.88-acre lot from 3.75 acres, and **APPROVES** the subdivision subject to the following conditions, and as outlined in Exhibit 3 (attached):
- Pursuant to section 654(1)(d) of the *Municipal Government Act (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 shall also prepare a Signed/Stamped Site Plan or

Real Property Report to confirm building/septic system locations, to the satisfaction of Sturgeon County.

- Pursuant to section 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 all lots 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).
- 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.
- The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.
- Pursuant to section 654(1)(c) of the MGA, the proposed subdivision must result in compliance with the 2021 Alberta Private Sewage Systems Standard of Practice. A certificate of compliance may be required from the County's Gas & Plumbing Inspector confirming that the existing septic system either meets the Standard of Practice, the system has been replaced, relocated, or redesigned to comply, or confirmation must be provided to Sturgeon County demonstrating that all setback requirements have been achieved. Note: An Alberta Land Surveyor may be required to confirm distances from the septic system to property lines, buildings or other features – to the satisfaction of Sturgeon County.
- The applicant shall complete and submit a lot grading plan. The plan will include overall grading, swales, and infrastructure to accommodate lot grading, along with pre / post grading contours, swale locations and percentage grades clearly shown. The proposed lot and remnant lot must operate independently with site grading, with drainage directed towards the public right of way. The applicant shall obtain a lot grading permit and undertake the grading work to the satisfaction of Sturgeon County Engineering Services, Sturgeon County Transportation Services, and/or Sturgeon County Development Services in accordance with General Municipal Servicing Standards.

REASONS FOR THE DECISION

[32] The Appellant's request is to subdivide a 1.88-acre lot from 3.75 acres on lands districted R1 – Country Residential District in the Skyglen Airpark neighbourhood.

[33] The Subdivision Authority refused the subdivision application on the grounds that the proposal does not conform with Policies 2.2.2 and 2.2.7 of the Municipal Development Plan, which require infill subdivision to reflect long-term development potential, complement neighbourhood character, and conform to Land Use Bylaw criteria. Section 654(1)(b) of the MGA states that the proposed subdivision must conform with any statutory plan, which includes Sturgeon County's Municipal Development Plan.

[34] The Board finds that the proposed subdivision aligns with Policies 2.2.2 and 2.2.7 of the MDP. In the Board's view, the subdivision reflects the long-term development potential of

the area, aligns with the established character of the neighbourhood, and satisfies the criteria of the Land Use Bylaw. The Board finds that the proposed subdivision represents efficient use of land and maintains the integrity and established character of the neighbourhood.

- [35] The Board is satisfied that the proposal is consistent with the future land use direction outlined in the Sturgeon Valley Area Structure Plan (SV ASP). In particular, the densification contemplated by the application supports long-term accessibility and aligns with broader planning objectives. Additionally, the Board recognizes that the subdivision is compatible with existing development in the neighbourhood, as the smallest lot within the subdivision is 1.28 acres. The Board further recognizes that the SV ASP anticipates smaller parcels over a 75-to-100-year horizon. Approving this subdivision is therefore consistent with that long-range vision and reflects evolving housing trends within the County.
- [36] The Board finds that, pursuant to section 654(2) of the MGA, 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.
- [37] The Board considered the evidence and submissions from affected parties and finds that the proposed subdivision would not unduly interfere with the amenities of the neighbourhood, nor materially affect the use, enjoyment, or value of adjacent parcels of land. The Board notes that objections primarily focused on concerns related to public safety. However, no evidence was presented to substantiate these claims.
- [38] For all of these reasons, the Board **GRANTS** the appeal, **REVOKES** the decision of the Subdivision Authority made on October 7, 2025 to refuse the subdivision of a 1.88-acre lot from 3.75 acres, and **APPROVES** the subdivision as outlined in Exhibit 3 with the conditions listed above.

Dated at the Town of Morinville, in the Province of Alberta, this 2nd day of December, 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; and
- Planning & Development Services Report