
Appeal File Number:	025-STU-016
Application Number:	2025-S-037
Appeal Against:	Subdivision Authority of Sturgeon County
Appellant:	Shawnee LaBonte
Date and Location of Hearing:	December 2, 2025 Council Chambers and Through Electronic Communications
Date of Decision:	December 16, 2025

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

NOTICE OF DECISION

IN THE MATTER OF an appeal by Shawnee LaBonte against the Subdivision Authority's approval to subdivide a 1.9-hectare lot, reduced from the original requested size of 4.1 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
 - Appellant Submission.

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:

- There is need to maintain proper slope and drainage of the already established homestead. There is a drainage ditch located east of the homestead encompassed in the original 4.1-hectare application that needs to remain in place; otherwise, flooding will occur.

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 approval of 1.9-hectare subdivision, reduced from the requested 4.1 hectares.

[11] The intent of the application is to create two subdivisions. The first is an acreage subdivision resulting in a 4.1-hectare (10.13-acre) parcel. The second subdivides the remaining agricultural land to create a 16.62-hectare (41.07-acre) parcel.

[12] There has been one historical subdivision to create the 20.63-acre (8.35 hectare) parcel in the northeastern portion of the quarter section.

[13] This quarter section is fragmented by Township Road 545, which runs through the northern portion of the parcel due to a section of low-lying wetlands. Both the area north of the roadway and the acreage development to the south are registered on one title at a size of 20.63 acres (8.35 hectares). This parcel is considered AG – Minor, and as defined in the Land Use Bylaw, would be equivalent to AG – Residential for subdivision purposes. The remainder of the quarter section would be allowed to do a second acreage subdivision and a split of the farmland.

[14] Split of the Quarter Section:

- Section 11.1.3(a)(i) of the Land Use Bylaw indicates that a split of the quarter section must result in two AG – Major parcels (greater than 39.5 acres or 15.99 hectares) of approximately 80 acres (32.4 hectares) or alternative sizes necessary due to land fragmentation.
- While the location of the split is not in half, the Applicant indicated that the reason for creating one smaller and one larger AG Major parcel is to line up this division with the two distinctly seeded crops of the existing agricultural operation. The proposed division line marks out a boundary between the two types of crops that are farmed in a distinct location supported by aerial imagery dating back over fifteen years.
- While this may not perfectly align with land fragmentation, the division as proposed will help to ensure this agricultural operation can continue the status quo. Section 654(2) of the *Municipal Government Act* provides flexibility for a Subdivision Authority for scenarios such

as this. It indicates that:

"A subdivision authority may approve an application for subdivision approval even though the proposed subdivision does not comply with the land use bylaw if, in its opinion,

(a) The proposed subdivision would not:

(i) unduly interfere with the amenities of the neighbourhood, or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land, and

(b) the proposed subdivision conforms with the use prescribed for that land in the land use bylaw."

- Whether the farmland is divided into two equal halves or arranged to match the existing crop configuration, neither option conflicts with the above statements. Such a division would not interfere with neighbourhood amenities, nor affect the use, enjoyment, or value of adjacent lands. It also fully conforms to the prescribed use of extensive agriculture.

[15] Subdivision of the Acreage Parcel:

- Section 11.1.3(e) of the Land Use Bylaw outlines that an acreage size larger than 2.47 acres (1 hectare) can be accommodated to:

"...encompass mature shelterbelts, existing buildings or any other related features associated with an existing farmstead."

- There is a defined boundary between the area utilized for the acreage parcel (including outbuildings and mature tree stands) and that of the surrounding cultivated farmland. The application as proposed is for 10.13 acres (4.1 hectares); however, this would incorporate a significant portion of potential farmland within the acreage. Therefore, Administration has amended the parcel size to approximately 4.75 acres (1.92 hectares) which will encompass existing acreage site features in line with the Land Use Bylaw regulations.
- Amendments to the acreage size will also result in minor adjustments to the AG Major parcels, which are minimal and include the rest of the potential farmland previously included within the acreage.

[16] Following the amendments described above, this application is consistent with the Municipal Development Plan's "Residential Type 4" policies, and with the Land Use Bylaw's "AG - Agriculture" regulations.

[17] Although the proposed lot exceeds the default maximum size of 1 hectare (2.47 acres), it complies with Policies 2.3.13 of the Municipal Development Plan, and with Part 11.1.3(e) of the Land Use Bylaw, since the lot will encompass existing site features without compromising additional cultivated farmland.

[18] The existing open discharge septic system will need to be replaced/upgraded to comply with the Alberta Private Sewage Standards of Practice.

- [19] An abandoned well was identified on Proposed Lot 1. Although it does not appear to impact this subdivision application, further due diligence is recommended prior to any future development desired in close proximity.
- [20] Money in lieu of municipal reserve will be required for the acreage parcel.

SUMMARY OF APPELLANT'S POSITION

- [21] Dale LaBonte, on behalf of the Appellant, Shawnee LaBonte, attended the hearing and made submissions with respect to the appeal. He submitted that a drainage ditch runs to the back of the property. In the future, if the land is subdivided and a future owner chooses to close or alter the ditch, the Appellant's land could be subject to flooding.
- [22] The ditch was installed during pipeline construction at Mr. LaBonte's request and is quite deep, serving as essential drainage for his property.
- [23] Crossing the ditch with equipment is already difficult, and any closure would worsen the situation.
- [24] The Appellant owns the land behind the subject property, which is low-lying and drains well.

DECISION OF THE BOARD

- [25] The Board **GRANTS** the appeal, **REVOKES** the decision of the Subdivision Authority made on October 31, 2025 to approve a 1.9-hectare lot, reduced from the original requested size of 4.1 hectares, 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 the Remnant and the adjacent road shall be dedicated as road allowance via plan of survey at no cost to 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 Proposed Lot 1 & 2 and the adjacent roads 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 section 666 of the MGA, money in lieu of municipal reserve shall be provided to Sturgeon County respecting 10% of the area of the Remnant Lot. A payment will be made in place of reserves equal to \$3,600.00 (*determined at a rate of \$8,780.49 per hectare X 10% X 4.10 hectares = \$3,600.00*). The money-in-lieu calculation will be based on the actual amount of land (in *hectares*) shown on a plan of survey.
- Pursuant to section 669 of the MGA, municipal reserves owing Proposed Lot 1 and Proposed Lot 2 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.
- 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 open discharge 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.

REASONS FOR THE DECISION

- [26] The Appellant's request is to create two subdivisions. The first is an acreage subdivision resulting in a 4.1-hectare (10.13 acre) parcel. The second subdivides the remaining agricultural land to create a 16.62-hectare (41.07 acre) parcel. The subject lands are districted AG – Agriculture.
- [27] The Subdivision Authority refused the subdivision application on the basis that it does not conform to Sturgeon County's Land Use Bylaw. Section 11.1.3(a)(i) of the Bylaw indicates that a split of the quarter section must result in two AG – Major parcels (greater than 39.5 acres or 15.99 hectares) of approximately 80 acres (32.4 hectares) or alternative sizes necessary due to land fragmentation. In addition, section 11.1.3(e) of the Land Use Bylaw outlines that an acreage size larger than 2.47 acres (1 hectare) may be permitted where it encompasses mature shelterbelts, existing buildings or any other related features associated with an existing farmstead. The proposed 4.1-hectare subdivision would incorporate a substantial portion of potential farmland into the acreage, and does not align with mature shelterbelts or existing buildings or other farmstead features.
- [28] While the Subdivision Authority referenced Section 11.1.3 of the Land Use Bylaw, which addresses the alignment of larger acreages with shelterbelts, the Board concludes that the presence of the drainage ditch constitutes a comparable site limitation and therefore a valid mitigating factor. In this case, the Board accepts that the drainage feature justifies the variance from the default lot size requirements.

- [29] The Board finds that the proposed subdivision is consistent with Sturgeon County's Municipal Development Plan "Residential Type 4" policies, which require that subdivision support the long-term sustainability and function of the agricultural land base, adhere to general subdivision principles, allow flexibility in lot size to accommodate future agricultural options, and minimize the amount of land taken in a way that does not hinder surrounding agricultural operations.
- [30] The Board considered the Appellant's rationale for creating one smaller and one larger AG-Major parcel, namely to align the subdivision boundary with the two distinctly seeded crops of the existing agricultural operation. The proposed division line reflects a long-standing boundary between crop types, as confirmed by aerial imagery spanning more than 15 years. The Board accepts the evidence that agricultural activity has been successfully conducted on parcels of similar size on the property, and finds that the division as proposed will allow the agricultural operation to continue in its established manner.
- [31] 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. The Board received no submissions from landowners indicating opposition to the application, and therefore determined 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, and the proposed subdivision conforms with the use prescribed for that land in the Land Use Bylaw, being extensive agriculture.
- [32] For all of these reasons, the Board grants the appeal, revokes the decision of the Subdivision Authority made on October 31, 2025 to approve a subdivision for a 1.9-hectare lot, reduced from the original requested size of 4.1 hectares, and approves the subdivision as outlined in Exhibit 3 (attached) and with the conditions listed above.

Dated at the Town of Morinville, in the Province of Alberta, this 16th 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;
- Planning & Development Services Report; and
- Appellant Submission