
Appeal File Number: 026-STU-001
Application Number: 2025-S-038
Appeal Against: Subdivision Authority of Sturgeon County
Appellant: Kierra Sabrowski
Date and Location of Hearing: January 6, 2026
Council Chambers and Through Electronic Communications
Date of Decision: January 20, 2026

SDAB Members: Nicole Mackoway (Presiding Officer), Lee Danchuk, Amanda Papadopoulos, and Lili Terry.

NOTICE OF DECISION

IN THE MATTER OF an appeal by Kierra Sabrowski against the Subdivision Authority’s refusal to subdivide a 4.69-hectare lot from 62.7 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’s Written 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 Presiding Officer.

[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 proposed subdivision would allow the homeowner to continue to reside on the land that has been in their family for over 100 years. The subdivision is key to ensuring the homestead remains within the family.
- The remnant parcel would remain designated for agricultural use with the intent of being farmed by the landowner's grandson and his grandson's wife. Their intent is to continue the agricultural legacy built over the years.
- The quarter section south of the subject property has been subdivided multiple times, with seven homes currently built on the property and an eighth currently under construction. This demonstrates a long-standing precedent for subdivisions in the area.

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] There are three parcels currently located on the quarter section: one AG-Major parcel and two AG-Residential parcels. There has been one historical subdivision in 2001, which created two 2.45-acre (1 hectare) parcels from 160 acres (64.75 hectares).

[12] The intent of the application is to create one 4.69-hectare (11.59 acre) lot from 62.78 hectares (155.13 acres). If approved, the proposed subdivision would create a third acreage and result in one AG – Major parcel and three AG – Residential (acreage) parcels on the quarter section.

[13] Section 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."

[14] While the configuration aligns with the maximum density requirements outlined in the Land Use Bylaw, it does not align with the AG-Agriculture Regulations set out in section 11.1.3(a) of the Land Use Bylaw, which states that:

Unless otherwise indicated within a planning document, a quarter section in the AG district of 64.7ha (160ac) shall contain a maximum combined density of four parcels, comprised of:

- (i) *two AG – Major parcels of approximately 32.4ha (80ac) each or alternative sizes necessary due to land fragmentation; and*
- (ii) *two AG – Residential parcels (one of which may be subdivided from each AG – Major parcel having a minimum size of 32.4ha (80ac) in accordance with Paragraph 11.1.3(e) of this Bylaw).*

[15] The application is inconsistent with section 11.1.3(a) of the Sturgeon County Land Use Bylaw, which states the maximum allowable agricultural subdivision layout for a quarter section is two large agricultural parcels and two acreage lots and cannot be supported by the Subdivision Authority. The proposed subdivision would create a parcel configuration of one AG-Major parcel and three AG-Residential parcels, which exceeds the maximum of two AG-Residential parcels permitted on a quarter section. Therefore, the Subdivision Authority refused the application.

SUMMARY OF APPELLANT'S POSITION

[16] Kierra Sabrowski and Jeff Holterhus made submissions with respect to the appeal. Ms. Sabrowski submitted that she represents the current landowner, Vern Holterhus, whose family has lived and farmed in Sturgeon County for over 125 years, with the homestead supporting five generations. Vern Holterhus has lived on and farmed the land for 53 years and wishes to begin transferring the farm to the next generation while remaining in his home.

[17] The request is to subdivide the existing 11.5-acre homestead from the remainder of the quarter section so the farmland can continue to be operated by Vern's grandson and his future wife.

[18] The Appellant acknowledged that the proposal does not strictly meet section 11.1.3(a) of the Land Use Bylaw, which limits agricultural layouts to two large agricultural parcels and two acreage lots per quarter section. She stated that the proposal aligns with the intent of the Municipal Development Plan's Residential Type 4 – Agricultural Residential policies, noting that:

- Section 2.3.11 states that subdivisions shall support agricultural land to ensure the long-term sustainability and functionality of the agricultural land base.
- Section 2.2.13(a) emphasizes that subdivided agricultural land should result in parcels appropriate for agricultural use, be sufficiently sized to maintain flexibility, and minimize the amount of land removed from production.
- Section 2.3.12 allows a maximum agricultural density of four parcels per 160 acres, and Section 5.3.2 encourages subdivision layouts that maintain large, contiguous tracts of land to support long-term agricultural viability and reduce land-use conflicts.
- The Appellants stated that the proposal supports agricultural continuity, maintains large contiguous farmland, minimizes land removed from production, and remains within the maximum agricultural parcel density.

[19] The Appellant emphasized that no new acreage development is proposed, agricultural functionality is fully preserved, and the subdivision reflects long-established boundaries. The remaining 11.5-acre homestead will provide flexibility for future owners, including opportunities for hobby farming or other compatible uses, while preserving the integrity of the surrounding farmland.

[20] The request is to ensure family continuity and protection of long-standing agricultural values.

SUMMARY OF PRESENTATIONS FROM OTHER AFFECTED PERSONS

[21] Vern Holterhus submitted that the farm has been in his family for generations and he has lived there his entire life, following his father and uncle who previously farmed the land. The intention is to keep the property together as one parcel and pass it on to his grandson, who plans to continue farming and has no intention of dividing or fragmenting the land.

DECISION OF THE BOARD

[22] The Board **GRANTS** the appeal, **REVOKES** the decision of the Subdivision Authority made on December 1, 2025 to refuse the subdivision of a 4.69-hectare lot from 62.7 hectares, and **APPROVES** the subdivision subject to the following conditions:

- 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 Proposed Lot and the adjacent road (Range Road 252) 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 the Remnant Lot and the adjacent road (Range Road 252) 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 Proposed Lot. A payment will be made in place of reserves equal to \$6,776.52 (*determined at a rate of \$14,448.87 per hectare X 10% X 4.69 hectares = \$6,776.52*). 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 on 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 and/or variances 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 Land Use Bylaw, 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.
- Any parcel without an existing approach must collaborate with Planning & Development Services to submit an Approach Application and determine access requirements prior to any construction in the future. No development permits shall be issued until a suitable approach has been constructed to General Municipal Servicing Standards and inspected. For assistance with access issues and inspections, please telephone 780-939-8275.
- 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* principles should be incorporated into all future construction and development on all lots. Please visit www.firesmartcanada.ca.

REASONS FOR THE DECISION

- [23] The Appellant's request is to subdivide a 4.69-hectare (11.59 acre) lot from the existing 62.78-hectare (155.13 acre) quarter section. The lands are designated AG – Agriculture. Two acreage subdivisions have previously been approved on this quarter section. The proposed subdivision would create a third acreage parcel, resulting in one AG – Major agricultural parcel and three AG – Residential (acreage) parcels within the quarter section.
- [24] The Subdivision Authority refused the application on the basis that it does not conform to Sturgeon County's Land Use Bylaw. Section 11.1.3(a) of the Bylaw states that a quarter section in the AG District (64.7 hectares or 160 acres) may contain up to four parcels: two AG–Major parcels of approximately 32.4 hectares (80 acres) each, or alternative sizes where land fragmentation requires it, and two AG-Residential parcels, with one AG-Residential parcel permitted to be subdivided from each AG–Major parcel, provided each AG–Major parcel is at least 32.4 hectares (80 acres).

- [25] 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.
- [26] 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.
- [27] The Board heard the Appellant's rationale for creating a third acreage parcel on the quarter section, namely to ensure family continuity and protection of long-standing agricultural values. In assessing the proposal, the Board considered whether the subdivision would remain appropriate over the long term. Preventing further fragmentation of agricultural land is a core principle of the Municipal Development Plan, and the Board determined that maintaining larger, contiguous agricultural parcels is essential to preserving the long-term viability of the land base. As such, the Board's decision reflects long-term planning objectives rather than the specific circumstances of the current landowners.
- [28] For all of these reasons, the Board grants the appeal, revokes the decision of the Subdivision Authority made on December 1, 2025 to refuse a subdivision of a 4.69 hectare (11.59 acre) lot from the existing 62.78 hectare (155.13 acre) quarter section, 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 20th day of January, 2026.



Nicole Mackoway, Presiding Officer

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's Written Submission