

---

Appeal File Number: 026-STU-002  
Application Number: 2025-S-039  
Appeal Against: Subdivision Authority of Sturgeon County  
Appellant: Jeff Verge  
Date and Location of Hearing: February 3, 2026  
Council Chambers and Through Electronic Communications  
Date of Decision: February 17, 2026

SDAB Members: Nicole Mackoway (Presiding Officer), Julius Buski, and Lee Danchuk.

---

### NOTICE OF DECISION

---

**IN THE MATTER OF** an appeal by Jeff Verge against the Subdivision Authority’s conditional approval to subdivide 2.70 hectares from 32 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 originally proposed 5.54-hectare configuration better supports long-term agricultural use.
- The original proposal maintains the rural character without increasing impacts.
- Parcel configuration, not just size, determines agricultural usability. The approved smaller subdivision increases agricultural fragmentation and introduces future land use constraints. The proposed, larger subdivision results in a better overall agricultural planning outcome.
- The Applicants intend to actively farm and raise livestock on the parcel.
- The Applicants wish to avoid the creation of remnant or inefficient agricultural parcels.

## RECOMMENDATION OF THE SUBDIVISION AUTHORITY

[10] Jonathan Heemskerck, 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 conditional approval of a 2.70-hectare subdivision.

[11] The Appellant's request is to subdivide a 5.54-hectare (13.69 acre) parcel from an existing 32.4-hectare (80 acre) quarter section. The proposed parcel would include not only the existing farmstead, but also a significant area of additional cultivated farmland. There has been one historic subdivision in 1977, which created the existing north and south portions.

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

[13] Section 11.1.3(e) of the Land Use Bylaw allows for acreage parcels larger than 2.47 acres where the additional land is necessary to "*encompass mature shelterbelts, existing buildings or any other related features associated with an existing farmstead.*" This provision is intended to ensure that enlarged acreage parcels remain tied to the functional footprint of an established farmstead.

[14] Aerial imagery confirms that the existing farmstead has clearly defined and distinguishable boundaries separating it from the surrounding cultivated land. The application proposes to include this farmstead area together with approximately seven additional acres of cultivated farmland outlined in Proposed Lot 1. This expansion beyond the established farmstead footprint is inconsistent with section 11.1.3(e) of the Land Use Bylaw because the additional land is not required to encompass farmstead-related features.

[15] The subdivision does not meet Residential Type 4 Policies and Policy 2.3.13(b) of the Municipal Development Plan, which states that "*subdivision for any purpose should minimize the amount of agricultural land taken out of production and must not hinder the operation of surrounding*

*agricultural land uses.*” The inclusion of additional cultivated farmland into the proposed acreage would remove more agricultural land than is necessary to accommodate the existing farmstead, contrary to this policy direction.

- [16] As a result, the Subdivision Authority conditionally approved an alternative lot configuration of 2.70 hectares (6.67 acres) that limits the acreage parcel to the lands comprising the existing farmstead only. Under this configuration, the additional cultivated farmland originally proposed for inclusion in Proposed Lot 1 remains with the Remnant Lot. This adjustment results in an acreage parcel of approximately 6.67 acres and ensures compliance with the Municipal Development Plan and the Land Use Bylaw.

### **SUMMARY OF APPELLANT’S POSITION**

- [17] The Appellant, Jeff Verge, attended the hearing and made a submission in support of the appeal. The landowners are his wife’s grandparents and he and his family live north of the subject parcel.
- [18] Mr. Verge stated that the intent of the subdivision is not to increase development or residential density, but to create a functional agricultural parcel that supports long-term rural land use for his family, both now and for future generations.
- [19] Mr. Verge indicated that they intend to raise livestock on the parcel. His spouse is a veterinary technician, and their two young children are being raised in an agricultural and outdoor lifestyle involving hunting, fishing, and vegetable production.
- [20] Functionality of the parcel is essential for shelter placement, livestock management, and safe access for agricultural equipment.
- [21] The original proposal of 5.54 hectares was more of a “squared-off” parcel configuration, which best supports agricultural activities. He referenced Exhibit 2 of his submission, noting that the conditionally approved 2.70-hectare layout results in a narrow, irregular eastern portion. This shape limits usable land, creates pinch points, and poses challenges for the safe and efficient movement of large agricultural equipment. The original proposal provides better field efficiency, safer equipment circulation, and a more practical agricultural layout.
- [22] If the Board does not approve the 5.40-hectare configuration, he requested consideration of an alternative layout that aligns with existing site conditions. He referenced fencing previously installed in spring 2025, acknowledging that this is not a determining factor under the Land Use Bylaw, but noted that extending the north - south boundary line to form a more regular configuration would result in a parcel of approximately 3.60 hectares (8.90 acres). The Appellant stated that this alternative would create a more squared, functional agricultural parcel than the approved 2.70-hectare layout and would better support long-term agricultural and livestock use.

### **DECISION OF THE BOARD**

- [23] The Board **GRANTS** the appeal, **REVOKES** the decision of the Subdivision Authority made on December 17, 2025 to conditionally approve a subdivision of 2.70 hectares from 32 hectares, and **APPROVES** a 3.60-hectare 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 Proposed Lot 1 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 the Remnant Lot 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.
- 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 Proposed Lot 1. A payment will be made in place of reserves equal to \$5,118.11 (*determined at a rate of \$14,216.98 per hectare X 10% X 3.6 hectares = \$5,118.11*). 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 farm building conformations 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.

## 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](http://www.firesmartcanada.ca).

## REASONS FOR THE DECISION

- [24] The Appellant's request is to subdivide 5.54-hectare (13.69 acres) parcel from an existing 32.4-hectare (80 acre) quarter section. The lands are designated AG – Agriculture. One subdivision had previously been approved for this quarter section.
- [25] 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(e) of the Land Use Bylaw states that an acreage size larger than 2.47 acres can be accommodated to encompass mature shelterbelts, existing buildings, or any other related features associated with the farmstead. The application proposes to include the existing farmstead as well as approximately seven additional acres of cultivated farmland outlined in Proposed Lot 1. The Subdivision Authority found that this additional cultivated land is not required to encompass farmstead-related features and therefore the proposal does not meet the intent of section 11.1.3(e).

- [26] The Subdivision Authority also determined that the proposed lot configuration was not consistent with the Municipal Development Plan (MDP). The proposed inclusion of additional farmland is contrary to the Residential Type 4 Policies and Policy 2.3.13(b), both of which require minimizing the removal of agricultural land from production and avoiding impacts to surrounding agricultural operations. To address these concerns, the Subdivision Authority conditionally approved a smaller 2.70-hectare parcel limited to the existing farmstead, leaving the remaining cultivated land within the remnant lot and ensuring compliance with the MDP and the Land Use Bylaw.
- [27] The Board considered section 11.1.3(e) of the Land Use Bylaw, which allows for the creation of a parcel larger than 2.47 acres when necessary to encompass the features associated with an existing farmstead. The Board finds that the revised 3.60-hectare configuration provides a more logical and practical layout for the subject lands. In the Board's view, this configuration appropriately reflects the existing pattern of use on the property while avoiding the unnecessary inclusion of additional cultivated farmland within the acreage parcel.
- [28] The Board finds that the revised configuration also meets the intent of the MDP in that it "squares off" the subdivision while recognizing that the current landowners intend to continue to use the land for agricultural purposes.
- [29] The Board finds that, pursuant to section 654(2) of the MGA, it may approve a subdivision application 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.
- [30] For all of these reasons, the Board grants the appeal, revokes the decision of the Subdivision Authority, and approves the subdivision of 3.60 hectares as outlined in Exhibit 3 (attached) and with the conditions listed above.

Dated at the Town of Morinville, in the Province of Alberta, this 17<sup>th</sup> day of February, 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