
Appeal File Number: 026-STU-004
Application Number: 2025-S-043
Appeal Against: Subdivision Authority of Sturgeon County
Appellant: William Rudko
Date and Location of Hearing: February 17, 2026
Council Chambers and Through Electronic Communications
Date of Decision: March 3, 2026

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

NOTICE OF DECISION

IN THE MATTER OF an appeal by William Rudko against the Subdivision Authority’s conditional approval to subdivide 3.20 hectares from 64 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; and
 - Planning & Development Services Report

PRELIMINARY MATTERS

- [4] As the Appellant was absent at the scheduled hearing time, the Board delayed the commencement of the hearing. The Clerk contacted the Appellant, who confirmed that he received notice and would not be attending the hearing. Therefore, the Board proceeded in the Appellant’s absence.

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:
 - An enlarged subdivision is required to accommodate larger field equipment.
 - The northwest corner of the area located on the southeast portion of the proposed parcel is constrained, leaving limited room for the placement of a sewage discharge mound.
 - The proposed subdivision would maintain straight property lines for a future solar project proposal.

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 conditional approval of a 3.20-hectare subdivision.
- [11] The Appellant's request is to subdivide a 3.97-hectare (9.81 acre) parcel from an existing 64.7-hectare (160 acre) quarter section. The proposed subdivision would separate the existing farmstead from the surrounding cultivated lands while also incorporating several acres of cultivated farmland that are not required to encompass farmstead-related features.
- [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 two 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 3.20 hectares (7.91 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 7.91 acres and ensures compliance with the Municipal Development Plan and the Land Use Bylaw.

SUMMARY OF APPELLANT'S POSITION

- [17] In the Appellant's absence, the Board relied upon the Appellant's Notice of Appeal, which indicated that the proposed subdivision is required to accommodate larger field equipment, the northwest corner of the southeast portion of the parcel is constrained and limits the placement of a sewage discharge mound, and that the subdivision would maintain straight property lines for a future potential solar project.

DECISION OF THE BOARD

- [18] The Board **DENIES** the appeal and **UPHOLDS** the decision of the Subdivision Authority made on January 9, 2026 to conditionally approve a subdivision of 3.20 hectares from 64 hectares.

REASONS FOR THE DECISION

- [19] The Appellant's request is to subdivide 3.97-hectare (9.81 acres) parcel from an existing 64.7-hectare (160 acre) quarter section. The lands are designated AG – Agriculture. There have been no other historical subdivisions on this property.
- [20] The Subdivision Authority refused the application on the basis that it does not conform to Sturgeon County's Land Use Bylaw, specifically section 11.1.3(e) which 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 Subdivision Authority submitted 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). The Board finds that the existing, original parcel configuration has functioned without known issues. The Appellant did not provide any documentary evidence as to why the additional cultivated land is required in Proposed Lot 1. As a result, the Board had no meaningful context for the appeal, and in the Appellant's absence, was unable to obtain clarification of the issues raised.
- [21] The Subdivision Authority also determined that the proposed lot configuration is inconsistent with the Municipal Development Plan (MDP), specifically Residential Type 4 Policies and Policy 2.3.13(b), 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 3.20-hectare parcel limited to the existing farmstead, leaving the remaining cultivated land within the remnant lot. The Board finds that the Appellant's proposal is inconsistent with these MDP policies. Further, the existing

parcel configuration has functioned without any known issues, and no evidence was provided to demonstrate that the existing configuration is hindering farming operations.

- [22] Although the Notice of Appeal referenced the need to accommodate larger farm equipment, the Board could not assess or validate this claim due to the lack of verbal or documentary evidence presented. The Board also questioned how the proposed changes would improve equipment movement within the existing yard. References were made to septic system constraints and large farm equipment, but without clarification from the Appellant, the Board could not determine their significance or relevance to the proposed subdivision.
- [23] With respect to the request for the subdivision to have straight lines, the Board heard from the Subdivision Authority that the Land Use Bylaw does not make consideration for this, but instead considers lots size, with the caveat of section 11.1.3(e) to encompass mature shelterbelts, existing buildings, or any other related features associated with the farmstead. Therefore, the Board was not persuaded by this argument.
- [24] For all of these reasons, the Board denies the appeal and upholds the decision the Subdivision Authority made on January 9, 2026 to conditionally approve a subdivision of 3.20 hectares from 64 hectares.

Dated at the Town of Morinville, in the Province of Alberta, this 3rd day of March, 2026.



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