

Appeal File Number: 026-STU-005
Application Number: 2025-S-046
Appeal Against: Subdivision Authority of Sturgeon County
Appellant: Trevor and Meaghan Sheehan
Date and Location of Hearing: March 3, 2026
Council Chambers and Through Electronic Communications
Date of Decision: March 17, 2026
SDAB Members: Julius Buski (Chair), Nicole Mackoway, and Kristin Toms.

NOTICE OF DECISION

IN THE MATTER OF an appeal by Trevor and Meaghan Sheehan against the Subdivision Authority's refusal to create four parcels consisting of: 28.53 hectares, 5.83 hectares, 17.81 hectares, and 3 hectares from 55.33 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;
 - Adjacent Landowner Submissions; and
 - The Appellants' Written Submissions.

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 proposed subdivision reflects:
 - Historic infrastructure-driven fragmentation of the land that has existed for over 100 years.
 - Existing title and parcel patterns on the land.
 - Existing residential and agricultural improvements on the land.
 - Current multi-operator agricultural use of the land.
 - Logical and orderly land use planning outcome.

RECOMMENDATION OF THE SUBDIVISION AUTHORITY

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

[11] The Appellants' request is to create four parcels consisting of: 28.53 hectares (70.50 acres), 5.83 hectares (14.41 acres), 17.81 hectares (44.01 acres), and 3 hectares (7.41 acres) from 55.33 hectares (136.72 acres). The subject parcel is located within the AG – Agriculture district. Given the presence of both existing and former CN rail rights-of-way, the land is divided into three main sections. The intent of the application is to separate these three distinct areas into their own titles and to subdivide out the existing homestead in the southwest corner of the parcel into an acreage lot.

[12] No subdivisions have been approved by the Subdivision Authority on this quarter section; however, several parcels have been created due to railway expropriations and lands that have since been designated within the AG – Agriculture district of the Land Use Bylaw. An active CN Rail line districted within AJ – Alternative Jurisdiction currently exists on the quarter section. In addition, there are seven parcels designated as AG – Agriculture, as outlined in the below table:

Parcel #	District	Size	Description
1	Agriculture	6.52 acres / 2.64 hectares	Acreage developed with a home and shop
2	Agriculture / Hamlet Unserviced	0.80 acres / 0.32 hectares	A portion of land that is split zoned between AG and R3 and is developed with a home and garage
3	Agriculture	0.64 acres / 0.26 hectares	A long and skinny parcel that is a 'private road' used to provide access to other parcels
4	Agriculture	1.88 acres / 0.76 hectares	An undeveloped agricultural acreage parcel
5	Agriculture	1.59 acres / 0.64 hectares	Former rail line that has been developed as an acreage property
6	Agriculture	0.86 acres / 0.35 hectares	Attached to parcel #5 and used in conjunction with it for an acreage development
7	Alternative Jurisdiction	1.69 acres / 0.68 hectares	Existing CN Rail line
8	Agriculture	136 acres / 55.04 hectares	The remnant subject parcel which is being proposed for subdivision

[13] If the Subdivision Authority were to interpret Parcel 3 as unsuitable for development (as a private road) and Proposed Lot 6 as attached to Parcel 5 for development purposes, five agricultural parcels remain on the quarter section.

[14] Section 654(1) of the *Municipal Government Act* requires that: *“A subdivision authority must not approve an application for subdivision approval unless: (a) the land that is proposed to be subdivided is, in the opinion of the subdivision authority, suitable for the purpose for which the subdivision is intended; (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.”*

[15] This application does not conform to section 11.1.3(a) of the Land Use Bylaw, which outlines that a quarter section shall contain a maximum combined density of four parcels, comprised of two AG – Major Parcels and two AG – Residential/Minor Parcels. The proposed subdivision would result in a parcel density that exceeds this maximum.

[16] The proposed subdivision would result in a minimum of eight agricultural parcels on this quarter section, which exceeds the maximum agricultural parcel density permitted under the Municipal Development Plan’s (MDP) “Residential Type 4” policies. These policies require Agricultural Residential areas to maintain long-term agricultural sustainability by applying a 64-hectare (160-acre) agricultural land base unit and limiting density to a maximum of four parcels per unit.

[17] The Subdivision Authority received four letters of objection regarding the proposed subdivision, which included concerns of:

- Permanently altering the rural character and setting a precedent for continued fragmentation of farmland.
- Loss of agricultural land.

- Impacts to local wildlife and natural habitat.
- Increased traffic on the surrounding rural roads.
- Higher amounts of dust, noise, drainage impacts and safety concerns.
- Limited access to Proposed Lot 2 which would require an access easement.
- Environmentally significant features on Proposed Lot 2 that should be protected.
- Concerns with erosion in the area.
- Request that the County provide proof of legal access prior to any approval granted.

[18] As a result, the Subdivision Authority refused the application.

SUMMARY OF APPELLANTS' POSITION

[19] The Appellants, Trevor and Meaghan Sheehan, attended the hearing and Mr. Sheehan made a presentation in support of the appeal.

[20] They have long-standing agricultural roots in Sturgeon County and reside on a small hobby farm west of Legal, where they operate a small agricultural consulting business. Motivated to provide an agricultural lifestyle for their children, they undertook an extensive search for land with quality soils, natural livestock habitat, and reasonable proximity to an urban centre, ultimately purchasing the SW 17-55-24-W4 property because it met these criteria. High land costs pose a significant barrier to entering prime agriculture, and therefore the ability to subdivide a portion of the subject property that does not support agricultural use is essential to recover capital investment and support the long-term viability of the intended agricultural operation.

[21] The subject land had been for sale for two years and neighbouring producers were not interested in purchasing it due to its historic and irreversible fragmentation, which limits its suitability for large-scale grain farming, but aligns well with the Appellants' intended small-scale agricultural use.

[22] The Appellants' short-term plans for the property include renting the cultivated portions for agriculture production while pursuing subdivision; long-term plans include developing a small farm-to-fork livestock operation.

[23] The property is eligible for subdivision because it has never been subdivided by a landowner and currently exists as approximately 136.4 acres. Its reduced size and fragmentation result from historic railway expropriations in 1914, 1927, and 1942, not by voluntary subdivision. These expropriations created multiple severed titles long before modern agricultural preservation policies existed. Historic aerial photos show the parcel has been fragmented in essentially the same configuration since at least 1917.

[24] The proposed subdivision aligns with historic rail geometry, existing land use patterns, and the built form on the property. Cultivated portions have long been farmed by multiple operators because of existing fragmentation, which is a pattern that will continue.

[25] The proposed approximate 7.5-acre farmstead lot incorporates existing buildings, shelterbelts, and natural features. Preserving these features aligns with County objectives, whereas a larger producer would likely remove the existing tree cover for equipment access.

[26] The Appellants provided a response to adjacent landowner concerns, noting that:

- The area already has a significant rural-residential presence (approximately 50 residences within a 1-mile radius; 114 residences within 2 miles). No additional development beyond the existing use is being proposed; proposed lot sizes are sufficient for small-scale agriculture. Further, due to the existing fragmentation, the SW 17 has been utilized by four separate individuals for decades, with three separate farmers working the land.
- Wildlife, traffic, dust, noise, drainage, and safety concerns were not supported by evidence of any actual adverse impact; the natural areas will be kept intact. There have been conversations with the County, Ducks Unlimited, and the Alberta Conservation Association about how best to preserve the habitat through easements and utility rights of way. There is also the possibility of a utility right of way caveat for inspection and maintenance and an Environmental Reserve Easement.
- There is significant traffic in the area from the rural residential character of the neighbourhood. There will be no further development on the property; therefore, there should be no concerns relative to additional traffic. They are focused on preserving the natural habitat and have had discussions with the County about granting a utility right of way to the County to address any drainage concerns.
- Although Proposed Lot 2 does not directly abut a public roadway, it currently has legal and physical access to Township Road 552 by way of a 1995 Caveat for Access Agreement registered in favour of SW 17. An access easement can address legal access concerns.

[27] In summary, the proposed subdivision reflects:

- Historic infrastructure-driven (i.e. railway) fragmentation that has existed since 1914 prior to any private landowner ever owning the property.
- Existing use patterns on the land (current and historic multi-operator agricultural use).
- Existing residential and agricultural improvements on the land.
- Logical and orderly land use planning outcomes.
- Local, municipal and personal desire to preserve the natural features of the land.
- No adverse impacts to the existing characteristics of the area.
- No additional nuisance to the neighbourhood.

DECISION OF THE BOARD

[28] The Board **GRANTS** the appeal, **REVOKES** the decision of the Subdivision Authority made on February 3, 2026, and **APPROVES** the subdivision of four parcels consisting of: 28.53 hectares, 5.83 hectares, 17.81 hectares, and 3 hectares from 55.33 hectares 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 Development Engineering and Land Services, a 5-metre-wide area parallel and adjacent to the boundary of the Remnant Lot and Range Road 245 shall be dedicated as road allowance via plan of survey at no cost to Sturgeon County. Furthermore, a 10-metre-wide area parallel and adjacent to the boundary of the Remnant Lot and Township Road 552 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 Development Engineering and Land Services, a 5-metre-wide area parallel and adjacent to the boundary of Proposed Lot 1 & 3 and Range Road 245 shall be acquired by Sturgeon County in the future via the terms and conditions of a land acquisition agreement. Furthermore, a 10-metre-wide area parallel and adjacent to the boundary of Proposed Lot 3 and Township Road 552 shall be acquired by Sturgeon County in the future via the terms and conditions of a land acquisition agreement. Note: these agreements 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 11(b) of the Matters Related to Subdivision and Development Regulation, an Access Easement shall be registered or retained on the title of relevant adjacent lands (Lot 55, Block RLY, Plan 5773AY) and Proposed Lot 2, to provide lawful means of access to Proposed Lot 2 (note: this agreement to be prepared to the satisfaction of Sturgeon County).
- The applicant is to obtain all necessary permits and/or farm buildings declarations to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.
- 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 2 and the Remnant Lot. A payment will be made in place of reserves equal to \$14,642.25 (*determined at a rate of \$16,582.39 per hectare X 10% X 8.83 hectares = \$14,642.25*). 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 Proposed Lot 1 and Proposed Lot 3 shall be deferred by caveat (note: this caveat to be prepared by Sturgeon County).
- The surveyor shall provide a sketch or drawing for all low-lying/undevelopable land in proximity to the creek within an 'Environmental Reserve Easement', in accordance with the *Surveys Act* and to the satisfaction of Sturgeon County – as illustrated conceptually in Exhibit 3.

- A Utility Right of Way/ Drainage Easement shall be registered on Proposed Lot 1 and Proposed Lot 3 allowing for Sturgeon County to access these lands for the purpose of inspection and maintenance – as illustrated conceptually in Exhibit 3 (note: this document to be prepared by 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 Protected Areas.
- 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.
- A search of the Alberta Energy Regulator’s *Abandoned Well Map Viewer* identified an abandoned well on Proposed Lot 1. Further due diligence is recommended prior to any future development desired in close proximity.
- *FireSmart* principles should be incorporated into all future construction and development on all lots. Please visit www.firesmartcanada.ca.

REASONS FOR THE DECISION

[29] The Appellants’ request is to subdivide four parcels consisting of: 28.53 hectares, 5.83 hectares, 17.81 hectares, and 3 hectares from 55.33 hectares. The lands are designated AG – Agriculture. No previous subdivisions exist on this property; however, several parcels have been created due to railway expropriations and lands that have since been designated within the AG – Agriculture district of the Land Use Bylaw. An active CN Rail line districted within AJ – Alternative Jurisdiction currently exists and there are seven parcels designated as AG – Agriculture on this quarter section.

- [30] The Subdivision Authority refused the application on the basis that it does not conform to section 11.1.3(a) of the Land Use Bylaw or the Municipal Development Plan's (MDP) "Residential Type 4" policies , which states that a quarter section shall contain a maximum combined density of four parcels, comprised of two AG – Major Parcels and two AG – Residential/Minor Parcels. The Board finds that this density provision presumes a normally configured, unified quarter section. In this case, the subject lands have been physically and legally fragmented due to multiple railway expropriations. As a result, the parcel does not function as a single agricultural quarter in the manner contemplated by the MDP and Land Use Bylaw and constitutes a unique circumstance.
- [31] The Board is satisfied that the proposed subdivision largely reflects existing physical divisions, current access patterns, long-standing agricultural use by multiple operators, and the location of the existing homestead. The Appellants are not proposing any new residential development or changes to the current land use. Instead, the proposed parcels recognize the fragmented reality already present on the ground. The Board finds that formalizing these long-standing divisions will not negatively affect agricultural operations or rural character.
- [32] The Board accepts that the irregular shape and isolation of the fragmented portions limit their practicality for large-scale grain farming. The Appellants' intended small-scale agricultural use is compatible with the land's physical realities and supports agricultural continuity rather than detracting from it.
- [33] The Board finds that the environmental protection measures required through the conditions of approval adequately address the preservation of natural features and maintenance of drainage on the subject lands. These measures include the requirement for an Environmental Reserve Easement to capture low-lying and undevelopable lands in proximity to the creek, as well as the registration of a Utility Right-of-Way/Drainage Easement on Proposed Lots 1 and 3 to allow the County access for inspection and maintenance. These conditions demonstrate a responsible approach that aligns with the County's environmental stewardship objectives.
- [34] The Board considered the written objections submitted by adjacent landowners, including concerns related to rural character and precedent, loss of agricultural land, impacts on wildlife and natural habitat, increased traffic, dust, noise, drainage and safety, as well as issues regarding access to Proposed Lot 2. While these concerns were noted and reviewed, the Board finds that no technical evidence, expert analysis, or supporting documentation was presented to substantiate the objections. As a result, the Board placed limited weight on this evidence.
- [35] For all of these reasons, the Board grants the appeal, revokes the decision the Subdivision Authority made on February 3, 2026, and approves the subdivision of four parcels consisting of: 28.53 hectares, 5.83 hectares, 17.81 hectares, and 3 hectares from 55.33 hectares, as outlined in Exhibit 3 (attached) and subject to the conditions noted above.

Dated at the Town of Morinville, in the Province of Alberta, this 17th 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;
- Planning & Development Services Report;
- Adjacent Landowner Written Submissions; and
- Appellants' Submissions.