
Appeal File Number:	025-STU-012
Application Number:	2025-S-030
Appeal Against:	Subdivision Authority of Sturgeon County
Appellants:	Mahmoud Tebou
Date and Location of Hearing:	October 7, 2025 Council Chambers and Through Electronic Communications
Date of Decision:	October 21, 2025

SDAB Members: Julius Buski (Chair), Lee Danchuk, Don Rigney, Kristin Toms, and Lili Terry.

NOTICE OF DECISION

IN THE MATTER OF an appeal by Mahmoud Tebou against the Subdivision Authority's refusal to subdivide a 2.81 hectare parcel from a 4.43 hectare parcel.

- [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] 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 subdivision continues to support agricultural use and supports Sturgeon County's objectives to continue to diversify agricultural use and support local food production.
- The two existing subdivisions on the property have separate accesses/approaches from the road, ensuring that no new approaches/infrastructure will be required.
- The subdivision will not fragment agricultural land use; both resulting proposed lots remain agriculturally viable.
- Approval of the subdivision would encourage more small-scale agricultural business activities on this parcel and neighbouring parcels, which is consistent with the County's strategic directions toward economically sustainable communities and encouraging diverse agricultural opportunities.

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 subdivision history of the parcel included the creation of four 20-acre (8.09 hectare) agricultural parcels from an unsubdivided quarter section in 1971, as well as a subdivision of the western 20-acre parcel into two 10-acre (4.05 hectare) parcels in 1979.

[12] The intent of this application is to subdivide an existing 10.90 acre (4.41 hectares) agricultural parcel into two pieces of 6.94 acres (2.81 hectares) and 3.96 acres (1.60 hectares). The division line would follow the northern boundary of an existing farmstead that provides a clear and natural boundary between the 'acreage' land and the cultivated farmland.

[13] The presence of four 20 acre (8.09 hectares) parcels on a half quarter section is a unique configuration that is rarely seen in the County and is the result of a subdivision approved 54 years ago by the Edmonton Regional Planning Commission. The western most 20-acre parcel was also subdivided in half to create the subject parcel, previously approved by the Edmonton Regional Planning Commission.

[14] There are currently six agricultural parcels on this quarter section. The proposed subdivision would create the seventh parcel.

[15] The application is not consistent with Policy 2.3.12 of the Municipal Development Plan's "Residential Type 4" policies, which states that 64 hectares (160 acres) shall be applied as the basic agricultural land base unit, and unless otherwise indicated within a Planning Document, the maximum agricultural density is four (4) parcels for every 64 hectares (160 acres).

[16] The application is not consistent with the Land Use Bylaw's "AG - Agriculture" regulations. The

subdivision would not only exceed the density maximum of four (outlined in the Municipal Development Plan), but would also contradict the following sections of the Land Use Bylaw:

Part 11.1.3(a) - A *quarter section* in the AG district of 64.7 hectares (160 acres) shall contain a maximum combined *density* of four *parcels*, comprised of two AG – Major Parcels and two AG – Residential/Minor Parcels

Part 11.1.3(d) - AG – Minor *parcels* shall be considered equivalent to an AG – Residential *parcel* and therefore have no further *subdivision* potential.

- [17] The existing open discharge septic system will need to be replaced/upgraded to comply with the Alberta Private Sewage Standards of Practice.
- [18] Money in lieu of municipal reserve has already been claimed as part of the previous two subdivision applications on this quarter section.

SUMMARY OF APPELLANTS' POSITION

- [19] The Appellant, Mahmoud Tebou, attended the hearing and submitted that the property is fully fenced with a farm-style perimeter including barbed wire. A new gate was installed at the far-left corner of the approach.
- [20] The Appellant had rented the land to a farmer in previous years and began a greenhouse operation this season. The initial greenhouse was damaged by wind before the summer which destroyed the Appellant's initial seedlings.
- [21] The Appellant restarted the garden operation outdoors in July. Due to delayed growth, a two-week pause was taken before continuing with planting efforts.
- [22] Unexpected canola regrowth caused further delays; the Appellant anticipates two more years of labour to fully eliminate it from the property.
- [23] The events resulted in an overall significant financial loss.
- [24] The Appellant plans to subdivide within the AG designation to support greenhouse expansion, as cooler September temperatures require more than one greenhouse. The Appellant also intends to build wooden greenhouse structures along the far end of the parcel for winter operations. The original greenhouse has been reinforced to support this development.
- [25] The Appellant is seeking subdivision to redirect traffic from his residence to the greenhouse operation and wants a separate address for his residence to avoid future confusion.

DECISION OF THE BOARD

- [26] The Board GRANTS the appeal and DENIES the decision of the Subdivision Authority made on September 15, 2025 to deny the proposed subdivision of a 2.81 hectare parcel from a 4.43 hectare parcel, subject to the following conditions:

- Pursuant to Provision 654(1)(d) of the 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 Provision 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 & the Remnant Lot and the adjacent road shall be dedicated as road allowance via plan of survey at no cost to 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.
- The applicant is to obtain all necessary permits to comply with the Land Use Bylaw – to the satisfaction of the Development Authority.
- Pursuant to Provision 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

[27] The Appellant's request is to subdivide a 2.81 hectare (6.94 acre) parcel from a 4.43 hectare parcel (10.94 acres).

[28] The Subdivision Authority refused the subdivision application on the grounds that the proposal does not conform with the Municipal Development Plan section 2.3.12, which states that 64 hectares (160 acres) shall be applied as the basic agricultural land base unit, and unless otherwise indicated within a Planning Document, the maximum agricultural density is four (4) parcels for every 64 hectares (160 acres).

[29] The Subdivision Authority also noted that the subdivision application was refused because it would not only exceed the density maximum of four as outlined in the Municipal Development Plan, but would also contradict the following sections of the Land Use Bylaw:

Part 11.1.3(a) - A *quarter section* in the AG district of 64.7 hectares (160 acres) shall contain a maximum combined *density* of four *parcels*, comprised of two AG – Major Parcels and two AG – Residential/Minor Parcels

Part 11.1.3(d) - AG – Minor *parcels* shall be considered equivalent to an AG – Residential *parcel* and therefore have no further *subdivision* potential.

- [30] The Board finds that 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.
- [31] Having received no evidence or submissions from affected parties, the Board finds 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.
- [32] The Board heard that the subject parcel is unique within Sturgeon County, being a smaller-sized lot designated for intensive agricultural use. Unlike typical quarter sections governed by broader density policies, this parcel has already been developed in a manner that supports specialized agricultural activity.
- [33] The Board finds that the proposed subdivision aligns with the existing agriculture land use designation and represents an effective use of land. The intended agricultural use of the parcel will remain unchanged, and the Appellant's plans for greenhouse expansion and intensive cultivation are consistent with the permitted uses under the Land Use Bylaw. As such, the subdivision does not represent a departure from the established planning framework, but rather a continuation of agricultural activity in a manner suited to the parcel's unique characteristics.
- [34] The Board acknowledges that the Appellant has made significant financial investments into the property, including greenhouse construction, fencing, and land preparation. These efforts demonstrate a clear commitment to agricultural productivity and land stewardship, which the Board finds to be consistent with the intended use of the land under the Land Use Bylaw and supportive of the long-term viability of intensive agricultural operations on the parcel.
- [35] For all of these reasons, the Board GRANTS the appeal and DENIES the decision of the Subdivision Authority to subdivide a 2.81 hectare parcel from a 4.43 hectare parcel, subject to the conditions outlined above.

Dated at the Town of Morinville, in the Province of Alberta, this 21st day of October, 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; and
- Planning & Development Services Report