

## Request for Decision

<b>Title</b>	<b>Bylaw 1665/24 – Amendment to Land Use Bylaw 1385/17 – Redistricting a Portion of NE,NW,SE,SW-20-54-26-W4, NE-19-54-26-W4, SW-21-54-26-W4, and NE-17-54-26-W4 from RE – Resource Extraction District and AG – Agriculture District to REDC2 – Resource Extraction Direct Control District 2 – First Reading</b>
<b>Proposed Motions</b>	<ol style="list-style-type: none"> <li>1. That Council give first reading of Bylaw 1665/24.</li> <li>2. That the confidential attachment of item 4.1 of the June 10, 2025 Regular Council Meeting remain confidential in accordance with section 16 (disclosure harmful to business interests of the third party) of the <i>Freedom of Information and Protection of Privacy Act</i>.</li> </ol>
<b>Administrative Recommendation</b>	Administration recommends that Council give first reading of Bylaw 1665/24.
<b>Previous Council / Committee Direction</b>	<p><u>July 4, 2023 Regular Council Meeting</u> Motion 254/23: That Council give third reading of Bylaw 1607/22 as amended.</p> <p><u>July 10, 2017 Regular Council Meeting</u> Motion 351/17: That Council give third reading to Bylaw 1385/17, Land Use Bylaw.</p>
<b>Report</b>	<p><u>Background Information</u></p> <ul style="list-style-type: none"> <li>• The setbacks in the standard RE – Resource Extraction District are based on commodity type. A setback of 400m is required for sand, gravel, and clay operations – while an 800m setback is required for silica sand operations. <ul style="list-style-type: none"> <li>○ Single lot setbacks are measured from the outside wall of an existing dwelling to the nearest edge of the operating area of a natural resource extraction and secondary processing use.</li> <li>○ Multi-lot setbacks are measured from the district boundary of a multi-lot subdivision, hamlet, or area subject to an approved planning document that includes residential development.</li> <li>○ Existing extraction operations districted RE would be unaffected until they require a permit renewal, at which time compliance with any new setbacks, additional communication and performance requirements would apply.</li> </ul> </li> </ul>

- Land Use Bylaw 1385/17 also allows for a new site-specific Direct Control district for cases where the above noted setbacks are not met. This district provides for:
  - Built-in flexibility, where the regulations can be adapted to each parcel of land considering its site-specific characteristics, and where a developer could apply for a mining operation with setbacks that could be anything less than what is stated in the existing RE District.
  - Setback(s) would be determined on a case-by-case and site-specific basis at the redistricting stage and based on scientific analysis and the characteristics of the site.
  - Neighboring landowners would retain the ability to engage with and potentially negotiate with operators.
- A full range of enhanced performance standards could be applied on a case-by-case basis, and could include:
  - Noise performance standards that include mitigation measures (e.g., the implementation of new technology) and compliance with specific decibel limits.
  - Air quality performance standards, which require compliance with specific provincial limits and adherence to leading mitigation measures.
  - Development regulations that specify setbacks for any secondary processing activities, prescribe hours of operation, and requirements for progressive extraction and reclamation; Transportation performance standards that represent a comprehensive traffic management strategy, including both on-site and off-site mitigation measures.
  - Groundwater management requirements.
  - Community consultation and communication requirements which require an operator to host consultation before any gravel application is received, and to communicate throughout the lifespan of any operation.

#### Application Details

- An application has been received requesting an amendment to Land Use Bylaw 1385/17 to facilitate the continuation of a natural resource extraction area.
- The subject lands make up “Pit 45” which has been operating since the 1960s as one of the first pits in the Villeneuve area. It serves as both an aggregate extraction area in addition to the proponent’s main processing and shipping facility within the Villeneuve area. The most recent five-year permit was issued in 2019.
- Historically, the operator has relied on landowner agreements to operate closer than the 400m setback established under the previous Land Use Bylaw regulations. Currently, the pit has been operating without a signed landowner agreement with an adjacent resident within

the required 400m setback and is therefore non-compliant with both the previous and current Land Use Bylaw.

- Therefore, to issue a new development permit the subject lands must be rezoned to the new Resource Extraction Direct Control district. These updates do not constitute renewals and would rather be considered as new permits.
- **This application does not propose to expand the existing boundaries of the land districted for aggregate extraction, rather to comply with updated regulations and ensure a new permit can be issued in line with the Land Use Bylaw.** Any boundary amendments, including areas which have been reclaimed and/or certified will remain within the proposed boundary for operational purposes, where possible some areas have been excluded to accommodate the 400m residential buffer.
- The operator undertook pre-application community consultation on July 17, 2024, from 5:00 -7:00 p.m. at the Villeneuve Community Hall. Records indicate it was attended by 41 members of the public, however some members chose not to sign in. Attendees were given the opportunity to speak with Heidelberg employees, Sturgeon County staff, and comments cards were provided. A total of 12 sets of comments were received which included:
  - Aggregate piles are too high and impact many residences including those far away.
  - Trees should be planted in reclaimed areas to help provide buffering.
  - The existing aggregate pile is not 400m from adjacent residences and the standard setback should be maintained.
  - Highway 44 should have two lanes north and south.
  - Trucks coming and going from the pits have mostly been sensible and courteous to other drivers.
  - Half of the residents indicated that their questions were answered and had no concerns with the proposed operations.
- The stockpile referenced in the comments above is roughly 325m from the mentioned residence. In response to the comments received the applicant has attempted to mitigate these concerns by:
  - Funding the annual application of dust suppressant to Township Road 544 adjacent to the residence.
  - Frequently watering internal roads.
  - Limiting disturbance of the sand pile to the south and east faces of the pile, allowing vegetation to establish along the north face.
  - Committing to no additional activity on the reclaimed land within 400m of this residence.
- There are no proposed changes to the current access points to Pit 45. Access is primarily from Highway 44. Additional access points are located on Township Road 544 and Range Road 264. Product material travels to market north/south on Highway 44, or east/west on Highway 633.

- To facilitate the extraction of remaining aggregate reserves within SW-21-54-26-4, Heidelberg will require a road closure of Range Road 264 to allow for appropriate sloping setbacks; a temporary closure has been considered however not yet finalized. The two landowners directly affected by the closure have provided permission. These plans were presented as part of the most recent development permit in 2019.
- Reclamation within the pit boundary has been completed progressively since 1985, and Heidelberg has certified portions of the reclaimed pit areas throughout the boundary.

#### Proposed Direct Control District

- The intent of the RE-DC district located within the Land Use Bylaw is to act as a template, allowing resource extraction operators to tailor setbacks and requirements specific to the proposed site and bring it forward to Council for consideration. Council may amend the proposed district as deemed necessary.
- The applicant indicated that as an existing pit, the additional requirements of the RE-DC district should not apply to this operation. Furthermore, based on the outcome of the open house, no revisions are proposed to the operational plans, no additional mitigations, or assessments as part of this redistricting application. The following information was left out of the submission:
  - Noise Impact Assessment
  - Noise Implementation Plan
  - Air Quality Impact Assessment
  - Air Quality Implementation Plan
  - Visual Impact Assessment
- The full proposed RE-DC2 district can be found within Attachment 1. Most regulations align with the previous development permit issued in 2019 which include:
  - Amending the hours of operation allowing natural resource extraction, secondary processing, a temporary asphalt plant, and hauling of materials to operate 24 hours/day 7 days/week.
  - Adding temporary asphalt plant as a permitted use.
  - Prescribing setbacks from all surrounding residents within 400m, which align with the current operational boundaries of the pits area.
  - Removal of additional noise requirements/monitoring, air quality requirements/monitoring, and additional landscaping and visual impact requirements.
  - A regulation was added indicating that the operator must enter into a development agreement and road closure for Range Road 264.

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### Referral Comments

- Continued participation in the Calahoo-Villeneuve Groundwater monitoring program will be required. Increased monitoring of the data loggers may be required, and this will be communicated to the operator by Sturgeon County at the time any deviations in the water table are observed.
- The operator must continue to work alongside Sturgeon County and Alberta Transportation and Economic Corridors to secure an acceptable form of access to the pit for all parties.
- The rezoned lands are required to obtain provincial water act approvals for their process water and work within the water table.
- As the operations are non-compliant with the current and previous Land Use Bylaw, it would be best practice to require additional air quality monitoring, noise monitoring, and landscaping in line with the RE-DC.

### External Communication

- The results of the operator's pre-application community consultation are referenced above.
- Should Council give first reading of the Bylaw, Administration will ensure public notification and advertising for the Public Hearing are completed in accordance with relevant legislation and County processes.

### Relevant Policy/Legislation/Practices

- The *Municipal Government Act* (MGA) authorizes Council to establish and amend bylaws.
- As no Area Structure Plan (ASP) exists for the area, the County's Municipal Development Plan (MDP) provides the overarching land use policy for the application. The relevant MDP policies are listed below.
  - Policy 5.3.6 – *"Shall encourage the extraction of Natural Resources prior to any development that may confine future extraction opportunities..."*
  - Policy 5.4.9 – *"Should ensure that existing infrastructure and road corridors are able to accommodate the proposed growth identified by the Non-Residential development."*
  - Neighbourhood D:
    - *D.1(c) - Reducing the sterilization of Natural Resources by limiting development in areas with known aggregate deposits, in which the proposed use is conflicting in nature, or until extraction is complete.*
    - *D.3(f) - Requiring aggregate resource extraction operations to comply with an approved reclamation plan. Development permits for aggregate resource extraction will reclaim sites to their former agricultural capability or other post-extractive use as the County deems appropriate.*

<b>Implication of Administrative Recommendation</b>	<p><u>Strategic Alignment</u></p> <p><b>Planned Growth</b> – Supporting resource extraction demonstrates Sturgeon County’s commitment to this key industry and to economic development and jobs, without negatively affecting its current residents. The regulations of the Land Use Bylaw aim to create a scenario that strikes an appropriate balance between economic development, environmental stewardship, and community well-being factors.</p> <p><b>Collaborative Governance</b> – The Land Use Bylaw amendment process is legislated by the MGA. Those affected by the proposed bylaw are provided the opportunity to comment during the Public Hearing, ensuring communities are consulted and engaged. Decisions made by Council are transparent and based on policy after respectful and informed debate.</p> <p><b>Environmental Stewardship</b> – The applicant has participated in progressive land reclamation, returning areas to an acceptable agricultural capability following the completion of the natural resource extraction. Reclamation will continue as extraction is complete throughout the pit.</p> <p><u>Financial</u></p> <p>The County receives CAP levy contributions from this operation.</p> <p>Financial implications include the advertising of the Public Hearing.</p>
<b>Alternatives Considered</b>	<p>Council may defeat the motion to give first reading of Bylaw 1665/24.</p>
<b>Implications of Alternatives</b>	<p><u>Strategic Alignment</u></p> <p>If Council refuses to grant first reading, the Bylaw would be defeated and would not proceed to Public Hearing or further readings.</p> <p><u>Organizational</u></p> <p>A decision to give first reading of a Bylaw is not support for the Bylaw, but approval that the matter may proceed to Public Hearing to receive feedback from affected parties. It is the advice of Sturgeon County’s legal counsel that providing a first reading of bylaws initiated by a third party is appropriate to ensure due consideration and procedural fairness.</p> <p><u>Financial</u></p> <p>None.</p>
<b>Follow up Action</b>	<ol style="list-style-type: none"> <li>1. Schedule a Public Hearing with respect to Bylaw 1665/24 (Planning and Development Services, July 2025).</li> </ol>
<b>Attachment(s)</b>	<ol style="list-style-type: none"> <li>1. Attachment 1: Bylaw 1665/24</li> <li>2. Attachment 2: CONFIDENTIAL – Link to Resource Extraction Submission</li> </ol>

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<b>Report Reviewed by:</b>	Martyn Bell, Program Lead, Current Planning Tyler McNab, Acting Manager, Planning and Development Services Milad Asdaghi, General Manager, Development and Economic Services Travis Peter, Chief Administrative Officer
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## Strategic Alignment Checklist

**Vision:** *Offering a rich tapestry of historical, cultural, and natural experiences, Sturgeon County is a municipality that honours its rural roots and cultivates desirable communities. Uniquely situated to provide world-class agricultural, energy, and business investment opportunities, the County prioritizes responsible stewardship and dreaming big.*

**Guiding Principles:** Collaboration | Accountability | Flexibility | Excellence | Safety | Future Readiness | Affordability | Innovation

Community Outcome	Not consistent	Consistent	N/A
<b>Planned Growth</b>			
<ul style="list-style-type: none"> <li>Internationally competitive to attract, grow and sustain diverse businesses; tenacious focus on new growth and innovation</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Modern broadband and digital capabilities</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Low cost, minimal red-tape regulations</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Reliable and effective infrastructure planning; comprehensive land use and infrastructure planning</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Thriving Communities</b>			
<ul style="list-style-type: none"> <li>Beautiful, surprising places with high standards; integrated natural spaces &amp; trail systems; healthy and resilient</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Engaging cultural, historical, and civic amenities; strong community identity and pride</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Safe, welcoming, and diverse communities; small community feel and personal connection; commitment to high quality of life</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Environmental Stewardship</b>			
<ul style="list-style-type: none"> <li>Clean air, land, and water; Carbon neutral municipal practices; circular economy opportunities</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Conservation of natural areas and agricultural lands; enhanced greening and biodiversity; safekeeping ecosystems</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Sustainable development; partnerships with industry and others to drive emission reductions</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Collaborative Governance</b>			
<ul style="list-style-type: none"> <li>Predictable and stable external relationships; volunteer partnerships</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Meaningful connections with Indigenous communities</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Ongoing community consultation and engagement; transparent and action-oriented decision making based on sound rationale</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Respectful and informed debate; clear and supportive governance processes</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Operational Excellence</b>			
<ul style="list-style-type: none"> <li>Engaged and effective people – Council, Admin and Volunteers; continuous learning and improvement mindset; nimble and bold, with strong leadership</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Quality cost-effective service delivery; robust procurement and operational practices and policies; asset management and performance measurement; careful debt and reserve stewardship; long-term financial planning and sustainability</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Future focused thinking to proactively respond to emerging opportunities and challenges</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Alternative revenue generation and service delivery models integrated strategic and business planning</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>