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Attachment 2

November 10, 2025

Sturgeon County
9613 100 Street
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Attention: Planning and Development Services

**Reference: Heidelberg Materials Canada Limited
Textural Land Use Bylaw Amendment**

Heidelberg Materials Canada Limited has retained Aspen Land Group Inc. (Aspen) to prepare an application for a textural amendment of Land Use Bylaw 1385/17 with respect to Section 11.2.4 c (i & iii) RE - Resource Extraction District, and 11.3.4 (b) (i) RE-DC - Resource Extraction -Direct Control District. The following letter provides the proposed textural amendment, along with the justification for the proposed changes.

1.0 Background

Under previous versions of the Land Use Bylaw, natural resource extraction developments were permitted to operate within a 400 m setback of existing dwellings if adjacent landowners provided written consent. This framework allowed for flexibility in siting operations, while respecting the rights of nearby residents, often facilitated through negotiated agreements.

The current bylaw structure has removed this flexibility. Even when adjacent landowners provide written consent, or are purchased by the aggregate operator, developments within 400 m of a dwelling are now subject to heightened regulatory scrutiny under a Resource Extraction - Direct Control District, potentially including more intensive monitoring requirements. Given the regulatory burden is uncertain (regardless

of consent), this creates a disincentive for operators to pursue mutually beneficial agreements with landowners.

Under the current Land Use Bylaw, if a natural resource extraction and secondary processing development is setback 400 m from the outside of an existing dwelling, the development falls within the requirements of the Resource Extraction District under Section 11.2.4 (c) (i)., while subsection (iii) acknowledges that if the existing dwelling is located on the subject property there is no prescribed setback, and the development can continue under this district. However, there are no exemptions to the 400 m setback in the Resource Extraction District in circumstances where adjacent parcels are under the ownership of the applicant, or where the owner of an adjacent dwelling has provided written consent to the proposed development.

The requirements for Resource Extraction - Direct Control District under Section 11.3.4 (b) indicate that if the development falls within the 400 m setback from an existing dwelling the operation shall conform to this district and Council is to consider a suitable setback, along with any additional monitoring conditions. There are no exemptions to Section 11.3.4 (b) in circumstances where adjacent parcels are under the ownership of the applicant, where the owner of an adjacent dwelling has provided written consent to the proposed development, or where an existing dwelling is on the subject parcel.

2.0 Textural Amendment

2.1 Amendment of Section 11.2.4 (c)

Section 11.2.4 RE - Resource Extraction District (c) currently read as follows:

- (c) The operating area of a natural resource extraction and secondary processing use shall not be located less than:
 - (i) 400m (1,312.3ft) from the outside wall of an existing dwelling or the district boundary of a multi-lot subdivision, hamlet, or area



subject to an approved planning document that includes residential development.

- (ii) Notwithstanding Subparagraph 11.2.4(c)(i), natural resource extraction of silica sand shall not be located less than 800m (2,624.6ft) from the outside wall of an existing dwelling or the district boundary of a multi-lot subdivision, hamlet, or area subject to an approved planning document that includes residential development.
- (iii) Notwithstanding the above prescribed setbacks, the operating area of a natural resource extraction and secondary processing use has no defined setback from an existing dwelling located on the subject parcel.

The proposed amendment for Section 11.2.4 RE - Resource Extraction District (c) is:

- (c) The operating area of a natural resource extraction and secondary processing use shall not be located less than:
 - (i) 400m (1,312.3ft) from the outside wall of an existing dwelling or the district boundary of a multi-lot subdivision, hamlet, or area subject to an approved planning document that includes residential development.
 - (ii) Notwithstanding Subparagraph 11.2.4(c)(i), natural resource extraction of silica sand shall not be located less than 800m (2,624.6ft) from the outside wall of an existing dwelling or the district boundary of a multi-lot subdivision, hamlet, or area subject to an approved planning document that includes residential development.
 - (iii) Notwithstanding the above prescribed setbacks, the operating area of a natural resource extraction use has no defined setback *from:*



- (A) a dwelling located on the subject parcel,*
- (B) a dwelling on an adjacent property under the ownership of the applicant,*
- (C) a dwelling where the landowner has provided written consent to the development authority confirming agreement to a reduced setback, and/or*
- (D) a dwelling or expansion to a dwelling constructed after redistricting of the subject parcel to Resource Extraction (RE).*

- (iv) Notwithstanding the above prescribed setbacks, the operating area for secondary processing use has no defined setback from a dwelling located on the subject parcel.*

2.2 Amendment of Section 11.3.4 (b)

Section 11.3.4 RE-DC - Resource Extraction - Direct Control District (b) currently read as follows:

- (b) Council is to consider the proposal operating area of natural resource extraction and/or a secondary processing use against the impacts to adjacent land uses to determine a suitable setback that is less than:
 - (i) 400m (1,312.3ft) 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.
 - (ii) in the case of the extraction of silica sand, 800m (2,624.6ft) from the outside wall of an existing dwelling or from the district boundary of a multi-lot subdivision, hamlet, or area subject to an approved planning document that includes residential development.

The proposed amendment for Section 11.3.4 RE - Resource Extraction District (b) is:



- (b) Council is to consider the proposal operating area of natural resource extraction and/or a secondary processing use against the impacts to adjacent land uses to determine a suitable setback that is less than:
- (i) 400m (1,312.3ft) 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.
 - (ii) in the case of the extraction of silica sand, 800m (2,624.6ft) from the outside wall of an existing dwelling or from the district boundary of a multi-lot subdivision, hamlet, or area subject to an approved planning document that includes residential development.
 - (iii) *Notwithstanding Subparagraph 11.2.4(c)(i), the operating area of a natural resource extraction use has no defined setback from:*
 - (A) a dwelling located on the subject parcel,*
 - (B) a dwelling on an adjacent property under the ownership of the applicant,*
 - (C) a dwelling where the landowner has provided written consent to the development authority confirming agreement to a reduced setback, and/or*
 - (D) a dwelling or expansion to a dwelling is constructed after redistricting of the subject parcel to Resource Extraction - Direct Control (RE-DC).*

3.0 Justification

As described above, the current Land Use Bylaw requirement for natural resource developments to redistrict to either Resource Extraction District or Resource Extraction Direct Control District is primarily based on the distance the natural resource activity is from the outside wall of an existing dwelling. However, it does not recognize ownership of adjacent lands or landowner agreements for reduced setbacks. As such,



the proposed textural amendments as indicated above are to provide clarity on land ownership and property rights, along with providing an opportunity for industry and landowners to work collaboratively. The proposed textural amendment is being proposed to:

- Align with the intent of the Land Use Bylaw;
- encourage proactive engagement with potentially affected landowners;
- provide regulatory certainty for operators prior to entering into negotiations with landowners within 400m of proposed operations;
- provide flexibility to prevent resource sterilization;
- reduce administrative burden; and
- preservation of council oversight.



3.1 Alignment with Intent of the Land Use Bylaw

The proposed amendments support the overarching intent of the Land Use Bylaw by encouraging responsible development that respects the interests of affected landowners. Currently, Section 11.2.4 c) indicates that when a dwelling is on an existing parcel that is being developed for resource extraction and processing, that the owner of said dwelling has approved the operation on their property based on a mutually beneficial agreement between both parties. Given this, it would appear that the Land Use Bylaw contemplates that agreements made between an operator and property owner (land or dwelling) are acceptable in order to reduce the prescribed setback. Where the dwelling is owned by the operator, ensuring the dwelling does not need to be demolished, provides a potential rental source at a potentially lower cost, which is beneficial during this period of unaffordable housing.

Unfortunately, this exemption does not clarify the ownership of adjacent dwellings within the prescribed setback, as there are instances where the operator may own, or have purchased adjacent dwellings. The proposed amendment clarifies this scenario by including the ownership of adjacent dwellings at the time of redistricting.

3.2 Encourages Proactive Engagement with Potentially Affected Dwelling Owners

By allowing for reduced setbacks from dwellings where landowner consent is provided, the amendment promotes proactive engagement and collaboration between operators and neighbouring residents. This approach fosters transparency, builds trust, potentially provides mitigation and ensures that development decisions are informed by local context and stakeholder input, rather than rigid, one-size-fits-all regulations.

The Land Use Bylaw in its current form does not incentivize operators to enter into agreements with adjacent neighbours, as such agreements do not result in regulatory certainty. By allowing site specific agreements, this encourages operators to work collaboratively with their neighbours on shared solutions to mitigate potential impacts from the operation such as noise, dust, and/or traffic. Importantly, this approach



empowers adjacent landowners to shape the terms of development in a way that reflects their preferences and lifestyle. Whether through operational adjustments or other negotiated benefits, adjacent residents gain autonomy in informing acceptable conditions for nearby development. With the ability to confirm reduced setbacks through landowner consent, Council is relieved from the responsibility to impose conditions on a case-by-case basis.

3.3 Provides Flexibility to Prevent Resource Sterilization

Aggregate is a finite resource, sources within the Villeneuve area are depleting. With the increase in rural residential development, there is increased potential of sterilizing the remaining aggregate resources in Sturgeon County. The RE-DC District outlines a comprehensive set of performance standards that are designed to protect the adjacent landowner while providing access to this important resource. In cases where aggregate and adjacent residences are not supportive of the operations, these performance standards may be appropriate. Where an adjacent landowner is able to have negotiated reasonable operating conditions and / or benefits, this provides operators flexibility. In some cases, adhering to the performance standards may not be financially feasible, and operators may instead prefer the predictability and flexibility offered through negotiated operating conditions, rather than proceeding through the bylaw process.

3.4 Reduce Administrative Burden

Under the current bylaw, even when adjacent landowners provide written consent, developments within the setback are subject to potentially increased monitoring and regulatory oversight. This creates unnecessary administrative complexity for both applicants and County staff, particularly in cases where there is no opposition to the proposed development. It also adds cost to the operator, that instead could be more beneficial to adjacent landowners as a mitigation to operations.



The proposal is anticipated to reduce administrative burden by streamlining approval process for resource extraction projects where impacts are localized and consented to. It also reduces the time requirements to review additional technical studies, mitigation plans, and annual reporting for the proposed activity. It also decreases the potential for complaints, as a direct line of communication has already been made between the operator and landowner.

3.5 Preservation of Council Oversight

The proposed amendment does not remove Council's decision on districting. Instead, it provides a structured framework to consider reduced setbacks in specific, consent-based scenarios. New aggregate extraction and secondary processing developments require redistricting, and as a result Council maintains direct oversight of these applications.

Included with this letter is a Land Use Bylaw Amendment Application. I trust that the attached information will allow for a complete review of the package, but if you should have any questions or concerns with the content of this letter, please do not hesitate to contact the undersigned at lfoy@aspenlandgroup.com or Dale Soetaert at dale.soetaert@heidelbergmaterials.com.

Regards,

Lesley Foy, P.Ag
Aspen Land Group Inc.

cc: Dale Soetaert, Heidelberg Materials Canada Limited

Enclosure

