

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
BYLAW NO. 1369-26**

Being a bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to amend Bylaw No. 1349-23, being the Land Use Bylaw.

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**WHEREAS** Section 640 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, provides that a municipality must pass a Land Use Bylaw;

**WHEREAS** The Municipal District of Pincher Creek No. 9 desire to amend sections of the Land Use Bylaw as shown on Schedule 'A' attached hereto; and

**WHEREAS** The purpose of the proposed amendment is to define dugouts and reservoirs within the agriculturally oriented districts in the Land Use Bylaw;

**NOW THEREFORE**, under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipal District of Pincher Creek No. 9, in the Province of Alberta, duly assembled does hereby enact the following:

1. This bylaw shall be cited as "Land Use Bylaw Amendment No. 1369-26".
2. Amendments to Land Use Bylaw No. 1349-23 as per "Schedule A" attached. That the amendments to Bylaw No. 1349-23, being the Land Use Bylaw, include additions to section that affect numbering and formatting which will be changed to maintain the consistency of the portions of the Bylaw being amended.
3. This bylaw shall come into force and effect upon third and final passing thereof and a consolidated version of the Land Use Bylaw reflecting the amendment is authorized to be prepared.

READ a first time this 3 day of March 2026.

A PUBLIC HEARING was held this 14 day of April 2026.

READ a second time this 28 day of April 2026.

READ a ~~third~~ time and finally PASSED this 28 day of April 2026.

  
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**Reeve**  
Rick Lemire

  
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**Chief Administrative Officer**  
Roland Milligan

## SCHEDULE 'A'

### 1. Add to Administration Section 6 Definitions the following:

#### Agricultural Water Reservoir

An agricultural water reservoir means a development specifically constructed for the purpose of containment and storage of a water supply for non-public use that is greater than 1 acre (0.40 ha) in size, including any associated berms, stockpile and fencing and/or includes any means of water storage above the natural grade of the surrounding lands.

#### Dugout

A dugout means a development by excavation specifically for the purpose of catching and storing water below the natural grade of the surrounding lands. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. Construction that is greater than 1 acre (0.40 ha) or includes storage above grade is classified as a "Agricultural Water Reservoir" and is a separate use.

### 2. Revise Administration Section 6 Definitions the following:

#### 6.62 Farm Buildings and Structures

In accordance with the National Building Code – Alberta Edition, the development of buildings or structures commonly or normally contained in a farmstead that is associated with a farming operation or an "Extensive agriculture" use where the buildings are of low human occupancy for the housing of livestock or the storage or maintenance of equipment, materials, or produce. Examples include barns, granaries, implement machinery and equipment sheds, dugouts, corrals, fences and haystacks but this use does not include "Intensive horticultural facility", or any "Dwelling unit" or "Sleeping unit" including conventional "Single-detached residences" and "Manufactured homes".

### 3. Add to Part III Section 15 Development Not Requiring a Permit the following:

aa) A dugout or agricultural water reservoir that meets the requirements of the sight triangle, setbacks of the district, and Section 64 of this bylaw.

### 4. Add to Part VII Special Land Use Provisions the following:

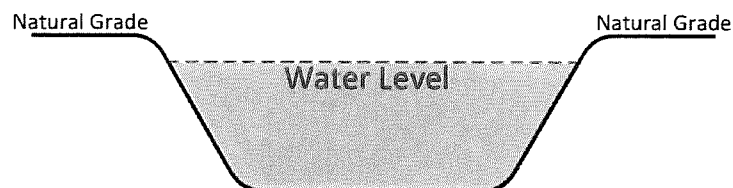
## SECTION 64 DUGOUTS AND AGRICULTURAL WATER RESERVOIRS

### Dugouts

64.1 A dugout used by a landowner to store water for the purposes of agricultural or domestic use that has a capacity of less than 7,500 cubic metres (88,287 cubic ft.) will not require a development permit if located outside the sight triangle and is a minimum of 30.0 m (98.4 ft.) from the right-of-way of a highway or municipal road to the designed capacity of the dugout.

64.3 Any requests for a variance to setbacks shall be accompanied by a soil analysis and/or engineered design for the dugout to indicate the ability of the dugout to

#### Dugout



function without leakage beyond the property line.

64.4 Where a variance has been granted, a barricade shall be installed along 100 percent of the length of that part of the dugout fronting the highway or public road and 25 percent of the length of the sides of the dugout. The minimum standard of a barricade that may be required around a dugout shall be a post and cable barricade as per Alberta Transportation and Economic Corridors standards.

64.6 Perimeter fencing may be required to be installed in proximity of residential dwellings if deemed necessary by the Development Officer or the Municipal Planning Commission.

**Agricultural water reservoirs**

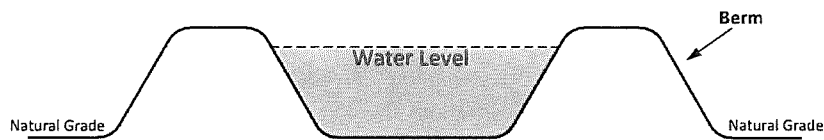
64.7 Development permit application for an above grade water reservoir or dugout greater than 1 acre (0.40 ha) for agricultural purposes with a capacity greater than 2,500 cubic metres (88,287 cubic ft.) shall submit the following information:

- (a) a detailed site plan including all setbacks from property lines, location of municipal road, location of easements in proximity of the proposed reservoir site; and
- (b) if the water source to fill the reservoir is not located on the parcel of land, a site plan indicating the location of the source, information regarding the proposed conveyance route, any proposed road crossings, distances between the proposed development and any existing residences, grouped residential developments, or recreational areas;
- (c) engineered design plans prepared by a professional engineer.

64.8 Agricultural reservoirs may require an approval under the Water Act. Proof of approval or an active application process shall be submitted as part of the development application to determine application completeness.

64.9 Upon completion, the developer shall submit a certified copy of the “as built” construction drawing to the municipality.

Above-grade Storage



**5. Add to Part IX – DISTRICTS Agriculture -A, Airport Vicinity Protection – AVP, Rural Business – RB, Urban Fringe – UF, Wind Farm Industrial – WFI Section 2.1 Permitted Uses the following:**

Agricultural Water Reservoir (see Section 15.1 (aa) and Section 64).

Dugout (see Section 15.1 (aa) and Section 64)