



Municipality of the District of Argyle

Item: February 27, 2024

Date: Minor modification of
Development agreement –
Elemental Energy

Vision statement

Argyle is the community of choice to invest, live and play.

Mission statement

Argyle invests time & talent in growth opportunities in fishing, tourism, and renewable energy sectors.

Argyle provides affordable taxation while providing safe and healthy communities and strives to engage and inform our residents on decisions that affect them most.

Argyle provides high class, accessible recreational and cultural facilities and helps celebrate its unique heritage and culture and welcomes new residents to our region.

CAO's Recommendation:

Recommend that the Council accept the addition of an additional property, PID 90093113 as party to the Development Agreement, as Elemental has an alternate plan for an access route to the development. Site plan alterations shall be to the mutual satisfaction of Elemental Energy and our Development Officer.

Suggested motion:

Move that PID 90093113 be added to the Development Agreement as a minor alteration of the contract, and that minor amendments to site plans be managed and approved by the Development Officer in accordance with the agreement.

Background:

The Municipality of the District of Argyle received a request from Elemental Energy to modify the Development Agreement to make minor access route changes to the site. These changes were determined by Elemental since there was a dispute over ownership of two properties that are on either side of the Public Works right of way. The accommodation is that the revised access route crosses through three properties, two owned privately and one owned by MODA – all already have right of way agreements. Since one of the 2 private properties (PID 90093113) was not a party to the original Development Agreement, it should be added.

Minor or major change to the Development Agreement (DA)?

Alterations to road access may be approved by the Development Officer and does not require council approval. The addition of another PID to the DA should have Council approval.

This is clearly a minor alteration of the agreement, as defined in both section 4.1 and 4.3 of the approved DA. There is no argument to suggest otherwise, as the road access and right of way shall in no way alter nuisance related provisions of the DA, nor substantially change the location of the turbines in question.

Other considerations:

Both parties must approve this change in writing, according to Section 4.2 of the DA.

MGA considerations:

MGA allows for a Development Agreement and the regulations provided inside the agreement are being used to recommend to Council.

Financial considerations:

None of note.