

AGENDA

Corporation of the Town of Moosonee

Special Meeting #10-2026

April 28th, 2026

5:30 p.m. Council Chambers

This territory is the customary and traditional lands of the Ojibwe People since time immemorial. We acknowledge this sacred land on which the Town of Moosonee operates, within the lands protected by the James Bay Treaty – Treaty no.9. We are grateful to have the opportunity to make decisions at this table that will impact our community. *Meegwetch*

1. CALL TO ORDER

2. REVIEW OF AGENDA

3. DISCLOSURE OF PECUNIARY INTEREST

4. PRESENTATION/DELEGATIONS

→ 158 Ferguson- Application for Official Plan Amendment and Zoning By-law
Amendment- MHBC, Patrick Townes

5. ADJOURNMENT

TOWN OF MOOSONEE – COUNCIL			
Report Prepared For:	Boblin Jardino, Clerk	Owner Name:	Smith Falls Property Inc. c/o Tanvi Bhandari
Report Prepared By:	Jamie Robinson, MCIP, RPP and Patrick Townes, BA, BEd	Applicant Name:	Michael del Puerto
Applications:	Official Plan Amendment and Zoning By-law Amendment	Location:	158 Ferguson Road
Application Numbers:	OPA-2026-07 and ZBA-2026-08	Report Date:	April 28, 2026

RECOMMENDATION

THAT Council receives the Planning Report for the Official Plan Amendment and Zoning By-law Amendment (Michael del Puerto) applications, dated April 28, 2026, for information purposes; and,

THAT Council refuse Official Plan Amendment Application No. OPA-2026-07; and,

THAT Council refuse Zoning By-law Amendment Application No. ZBA-2026-08.

OVERVIEW/PROPOSAL

The Town of Moosonee received an Official Plan Amendment and a Zoning By-law Amendment, for the subject property located at 158 Ferguson Road. The subject property is legally described as PLAN M14C LOT 441 PCL 7019NEC PT. The applications were submitted by Michael del Puerto on behalf of the owner, Smith Falls Property Inc. The location of the subject property is shown on Figure 1. It is our understanding that the subject lands were previously deemed surplus by the Town and purchased by the owner for the purpose of this proposed development.

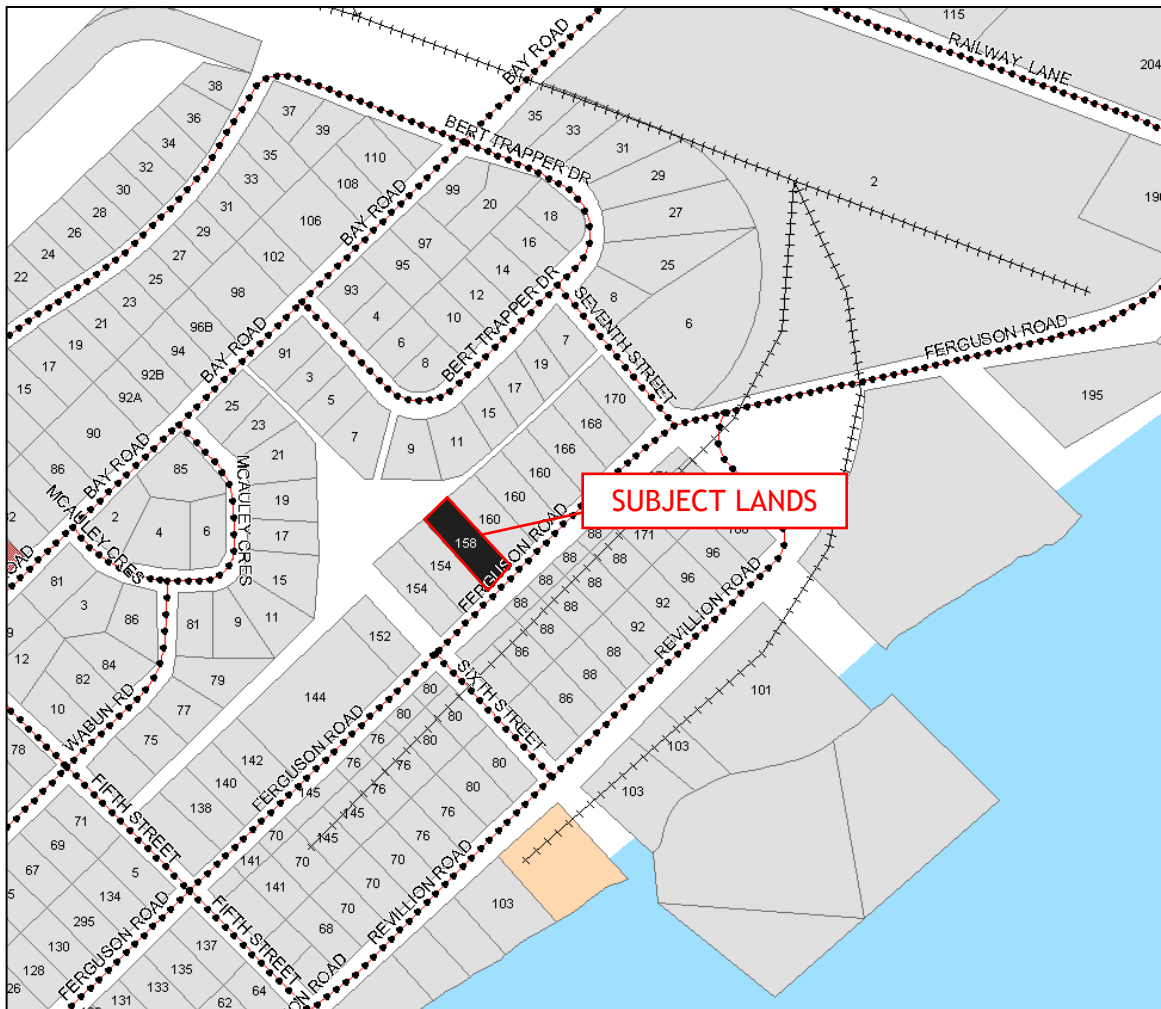
The purpose and effect of the applications is to permit a commercial use on the subject property, specifically for a retail store. The proposed retail store is for the sale of cannabis products. A copy of the site plan drawing and the building drawings have been included as Attachment 1 to this Report. From a land use planning perspective, planning documents do not typically differentiate the sale of retail goods. For this reason, the proposed commercial use is a retail use.

In order to permit the proposed development on the subject property, the Town of Moosonee required the following applications:

- Official Plan Amendment;
- Zoning By-law Amendment; and,
- Site Plan Control.

The Site Plan Control application will be processed following the consideration of the Official Plan Amendment and the Zoning By-law Amendment. A draft Official Plan Amendment and Zoning By-law Amendment are included as Attachment 2 and 3 to this Report.

Figure 1: Subject Property



The subject property is designated Transportation and Service in the Official Plan. Commercial (retail) and permanent residential uses are not permitted within the Transportation and Service designation. An Official Plan Amendment is required to permit the proposed retail and accessory residential use on the subject property.

The subject property is located within the Light Industrial (M1) Zone. Commercial (retail) and residential dwelling units are not permitted within the M1 Zone and a Zoning By-law Amendment is required to permit these uses on a site-specific basis.

The surrounding land uses include a mix of mainly industrial uses; however, there are some existing commercial uses located on Ferguson Road as well. There are residential uses located to the north of the subject property.

The owner submitted similar applications to the Town in 2024. Council made a decision to deny the applications on the basis that the proposed use on the subject property is a departure from the land use framework in the Official Plan. Since the previous applications were submitted, the owner has removed the proposed accessory dwelling unit from the proposed building.

PLANNING POLICY ANALYSIS

The following sections provide an overview of the relevant land use planning policies that apply to the subject property.

Provincial Planning Statement

The Provincial Planning Statement (PPS) is a document that provides policy direction on matters of Provincial interest concerning land use planning. Ontario has a policy-led planning system and the PPS sets the foundation for regulating the development and use of land in the Province. Policies are set out to provide for appropriate development while also protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. When making land use planning decisions, Planning Authorities must ensure that decisions are consistent with the PPS.

The subject property is located within the Moosonee Townsite boundary which is a Settlement Area. Settlement Areas are intended to be the focus of growth and development as referenced in Section 2.3.1.1 of the PPS.

Section 3.4.1 of the PPS states that planning for land uses in the vicinity of rail facilities shall be undertaken so that their long-term operation and economic role is protected. There are existing commercial and industrial uses in the general area surrounding the subject property. The owners and applicant were previously informed that the proposed applications would likely not be supportable from a land use planning perspective. The subject property and surrounding area are designated for industrial uses in the local Official Plan, and a proposed commercial use is a departure from the land use framework established in the Official Plan.

Section 3.3 of the PPS relates to Transportation and Infrastructure Corridors. Specifically, Section 3.3.3 states planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified. New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities. The subject property is located adjacent to an existing transportation corridor, being a rail spur that is used for the delivery of fuel to adjacent businesses. It is understood that the rail spur at this location does not operate in the same manner as a main portion of the railway, and only travels in and out slowly to drop off fuel at an adjacent business. Nonetheless, the comments previously received from the Ontario Northland Transportation Commission (ONTC) and the Ministry of Municipal Affairs and

Housing speak to the requirement for studies to address potential impacts. No technical studies were required with the application submission; however, if the applications were approved by Council, it is recommended that the implementing Zoning By-law include a Holding Provision to require the necessary studies be completed to demonstrate conformity with the Town Official Plan.

Section 3.6.2 of the PPS states that municipal sewage services and municipal water services are the preferred form of servicing for Settlement Areas to support the protection of the environment and minimize potential risks to human health and safety. The proposed development will utilize existing municipal water and wastewater services.

Section 4 of the PPS contains policies that address the wise use and management of resources. Section 2.1 of the PPS includes policies related to natural heritage features and states that the ecological function and the biodiversity of the natural heritage system should be maintained, restored, and where possible, improved, recognizing linkages between and among natural heritage feature areas. There are no natural heritage features identified on the subject property or on adjacent lands.

Section 5 of the PPS contains policies related to directing development away from natural or human-made hazards. In general, development shall be directed outside these areas as referenced in the PPS. There are no natural hazards located on the subject property.

Staff are not able to confirm that the proposed applications are consistent with the PPS. The proposed use on the subject property is a departure from the land use framework in the local Official Plan and therefore staff cannot recommend approval of the Official Plan Amendment and the Zoning By-law Amendment.

Growth Plan for Northern Ontario

The Growth Plan for Northern Ontario, released March 3, 2011, is a 25-year plan that provides policies and guidance around key growth management goals including:

- Diversifying of traditional resource-based industries
- Workforce education and training
- Integration of infrastructure investments and planning
- Tools for Indigenous peoples' participation in the economy

The Growth Plan also encourages the development of service hubs in the north so that housing and service delivery can occur in a coordinated manner. It is anticipated that the proposed development will result in investment for economic and population growth in the Town.

Town of Moosonee Official Plan

The subject property is located within the Transportation and Service designation in the Official Plan. The permitted uses for this designation are included in Section 5.3.2 of the Official Plan:

Permitted uses in the Transportation & Service designation include transportation facilities and industries, warehouses, manufacturing, producing, fabricating, ancillary offices, short-term staff accommodation as a temporary use, municipal sewage treatment plant, municipal water treatment plant, municipal works yards, public uses and similar uses.

The Transportation and Service designation does not include commercial uses (retail) and residential uses as permitted uses. Retail and residential uses are permitted within the Community Core designation.

Section 4.6 of the Official Plan includes policies regarding land use compatibility. Whenever a change in land use is proposed, consideration shall be given to the effect of the proposed use on existing land uses. Where there are potential compatibility concerns, consideration shall be given to the extent to which increased site plan requirements can reduce the potential impacts. If the impacts cannot be minimized to acceptable levels the proposed development should not proceed.

Section 4.6 requires that all new developments within 100 metres of the rail line shall require noise and vibration studies to be completed to the satisfaction of the Town to assess potential impacts and recommend mitigation measures. The mitigation measures shall be incorporated into the conditions of development approval. It is understood that the rail spur at this location does not operate in the same manner as a main portion of the railway, and only travels in and out slowly to drop off fuel at an adjacent business. It is assumed that impacts on the subject property and the adjacent businesses on Ferguson Road would be less than a typical railway. No technical studies were required with the application submission; however, if the applications were approved by Council, it is recommended that the implementing Zoning By-law include a Holding Provision to require the necessary studies be completed to demonstrate conformity to Section 4.6 of the Official Plan, including a Noise and Vibration Study.

Section 4.8 states that prior to adopting an amendment to the Official Plan to change the designation of a property or approving a rezoning to allow residential, institutional or recreational and parkland uses on any property which may have been contaminated by previous uses, Council shall require the proponent to submit a Record of Site Condition, prepared by a qualified consultant in accordance with Ministry guidelines and acknowledged by the Ministry of Environment, Conservation and Parks. The owner has removed the accessory dwelling unit from the proposal, however based on the comments received from the Ministry it is recommended that the implementing Zoning By-law include a Holding Provision to require the necessary studies be completed to demonstrate conformity to Section 4.8 of the Official Plan, including a Record of Site Condition.

Staff are not able to support the proposed Official Plan Amendment, due to the proposed departure from the land use framework in the Official Plan. Although there are some existing

commercial uses on Ferguson Road, this area of the Town is designated for industrial development. Proposed commercial uses are directed to other areas of the Town.

No technical studies were required with the application submission; however, if the applications were approved by Council, it is recommended that the implementing Zoning By-law include a Holding Provision to require the necessary studies be completed to demonstrate conformity with Sections 4.6 and 4.8 of the Official Plan, including a Noise and Vibration Study and a Record of Site Condition.

Town of Moosonee Zoning By-law

The subject property is currently zoned the Light Industrial (M1) Zone. The Zoning By-law Amendment is to permit the commercial use (retail store). This use is not permitted within the M1 Zone.

As referenced in previous sections, the proposed Zoning By-law Amendment cannot be supported by staff. Commercial uses are not permitted within the M1 Zone and the subject property and surrounding properties are designated and zoned for industrial uses.

If Council approves the applications, the draft Zoning By-law Amendment should include a Holding Provision that would require the completion of a Noise and Vibration Study and a Record of Site Condition to demonstrate the subject property is suitable for the proposed development.

AGENCY COMMENTS

Ontario Northland Transportation Commission (ONTC) previously provided comments on the proposed applications. The ONTC has indicated that there is an existing rail right-of-way located in proximity to the subject property and as such, noise and vibration will be experienced due to the operation of the railway. The ONTC also indicated that the Guidelines for Development in Proximity to Ontario Northland Railway Operations be considered for any *Planning Act* application related to the subject property.

The Guidelines for Development in Proximity to Ontario Northland Railway Operations require that noise and vibration studies be prepared given the subject property's proximity to the existing rail right-of-way.

Planning staff also had a virtual meeting with Ministry of Municipal Affairs staff on March 5, 2024, at the request of Ministry staff to discuss the proposed development. During the meeting, Ministry staff indicated concerns regarding the proposed Official Plan Amendment and Zoning By-law Amendment applications as no technical studies (Noise and Vibration Study) or Record of Site Condition were provided to address the relevant PPS and Official Plan policies, and additional Provincial requirements. The Ministry confirmed their previous comments on the current applications.

SUMMARY

The purpose and effect of the Official Plan Amendment and the Zoning By-law Amendment is to permit the development of a cannabis retail store on the subject property. Commercial uses

are not permitted in the context of the Official Plan and the Zoning By-law on the subject property.

It is understood that the applicants are going through the process of obtaining a license for the proposed cannabis retail store from the Alcohol and Gaming Commission of Ontario. This is a separate approval process and not tied to the Official Plan Amendment and Zoning By-law Amendment application.

As referenced in the PPS and Official Plan sections of this Report, staff are not able to support the proposed Official Plan Amendment, due to the proposed departure from the land use framework in the Official Plan. Although there are some existing commercial uses on Ferguson Road, this area of the Town is designated for industrial development. Proposed commercial uses are directed to other areas of the Town.

No technical studies were required with the application submission; however, if the applications were approved by Council, it is recommended that the implementing Zoning By-law include a Holding Provision to require the necessary studies be completed to demonstrate conformity with Sections 4.6 and 4.8 of the Official Plan, including a Noise and Vibration Study and a Record of Site Condition.

Respectively submitted,

MHBC PLANNING

Patrick Townes, BA, BEd
Planning Consultant
MHBC Planning

Jamie Robinson, BES, MCIP, RPP
Planning Consultant
MHBC Planning

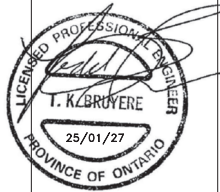
ATTACHMENTS

1. Site Plan and Floor Plan
2. Official Plan Amendment
3. Zoning By-law Amendment

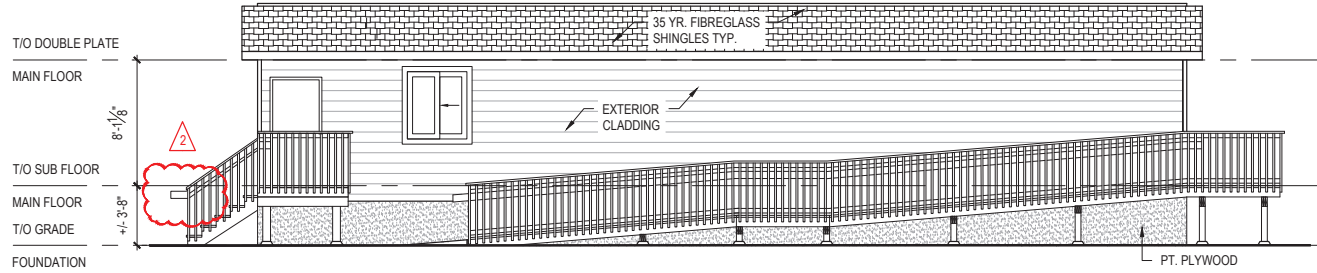


SAULTEAUX CONSULTING & ENGINEERING

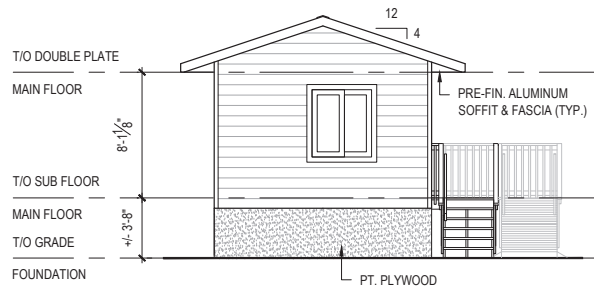
SITE 206-207 RR#2
FORT FRANCES, ONTARIO
P9A 3K3
1-800-274-7114



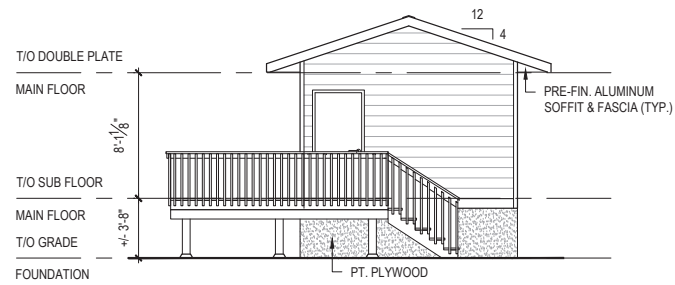
ISSUED FOR PERMIT



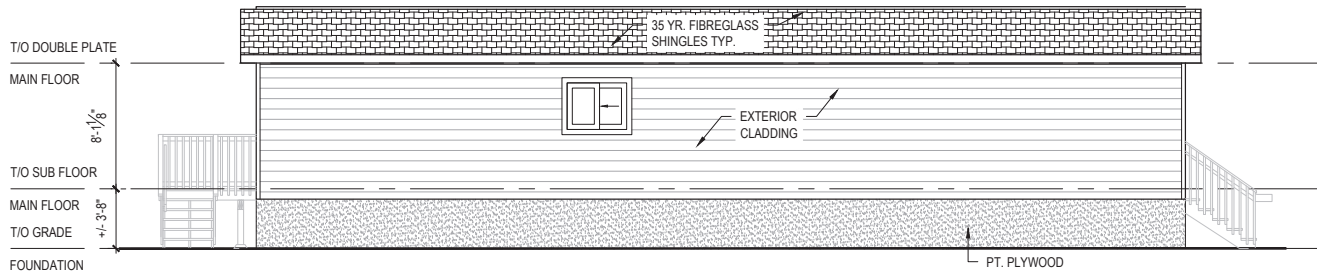
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2.0 SCALE: 1/8" = 1'-0"



2 NORTH ELEVATION WITH RAMP
2.0 SCALE: 1/8" = 1'-0"



3 SOUTH ELEVATION WITH RAMP
2.0 SCALE: 1/8" = 1'-0"



4 EAST ELEVATION WITH RAMP
2.0 SCALE: 1/8" = 1'-0"

2	ISSUED FOR PERMIT	25/01/27
1	ISSUED FOR PERMIT	25/01/21
NO.	DESCRIPTION	YRMMDD

REVISIONS

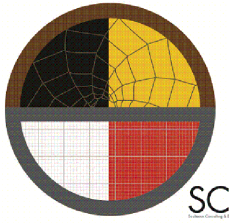
MOOSONEE TCANN PROJECT

158 FERGUSON RD, MOOSONEE

SHEET TITLE:
EXTERIOR BUILDING ELEVATIONS
WITH RAMP AND STAIRS

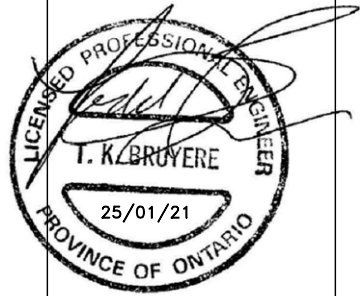
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CHECKED BY:	TB/M
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REVISION NO.:	-
PROJECT START DATE:	2023-06-01
SHEET NO.	

2.0

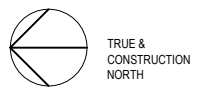


SAULTEAUX CONSULTING & ENGINEERING

SITE 206-207 RR#2
FORT FRANCES, ONTARIO
P9A 3M3
1-807-274-7114



ISSUED FOR PERMIT



NO.	DESCRIPTION	YRMMDD
3	REISSUED FOR PERMIT	25/01/21
2	REISSUED SITE PLAN	23/07/13
1	DRAFT FOR CLIENT REVIEW	23/05/24

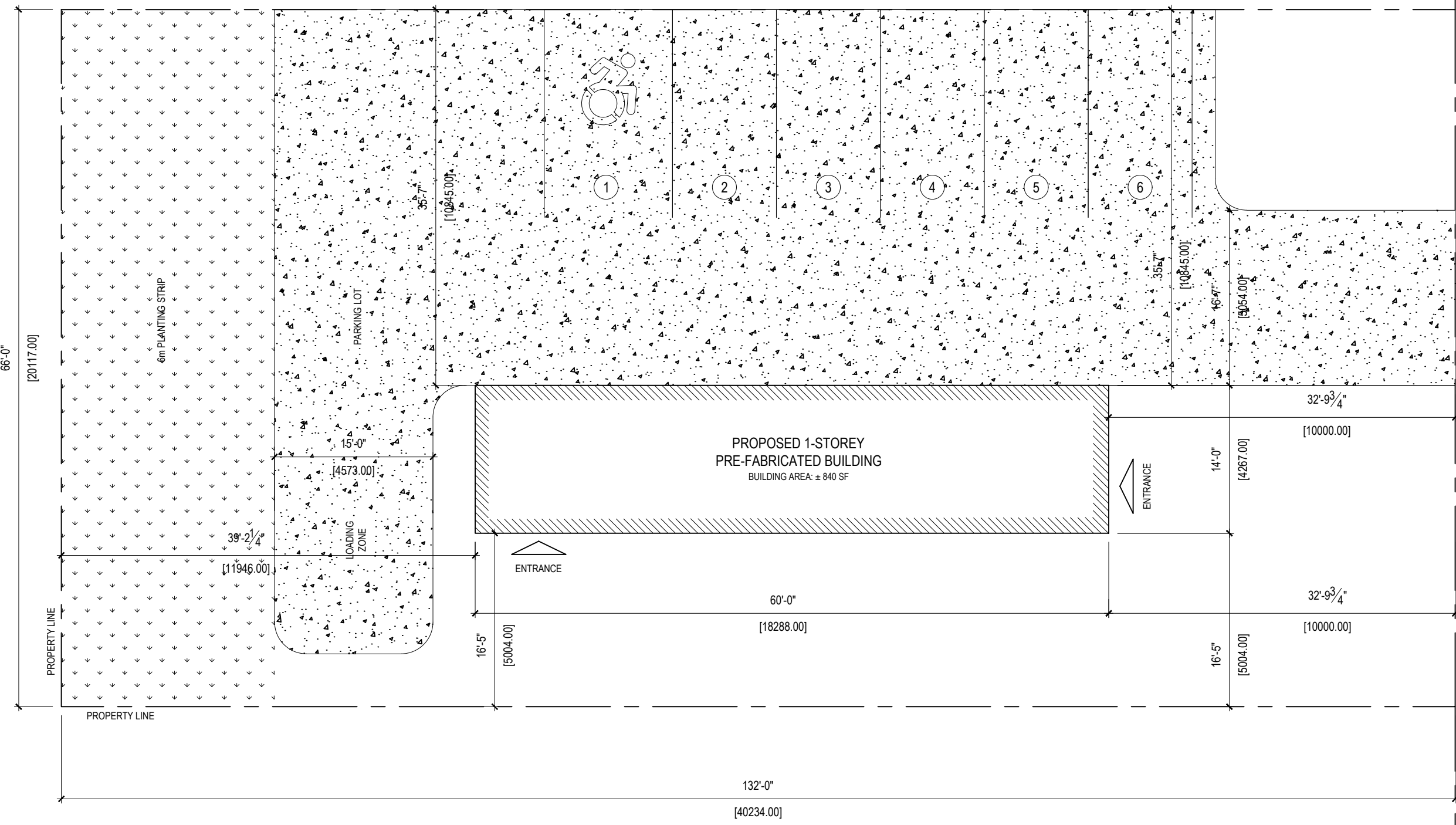
MOOSONEE TCANN PROJECT

158 FERGUSON RD, MOOSONEE

SHEET TITLE:
SITE PLAN

SCALE: AS SHOWN
DRAWN BY: AM
CHECKED BY: TB/MD
PROJECT NO.: TCANN
REVISION NO.:
PROJECT START DATE: 2023-06-01

SP



EXISTING VEHICULAR ACCESS POINT (FROM FERGUSON RD)

FERGUSON RD

23	SPATIAL SEPARATION - CONSTRUCTION OF EXTERIOR WALLS									3.2.3.	9.10.14.
	WALL	AREA OF EXPOSING BUILDING FACE (m ²)	LIMITING DISTANCE (m)	L/H OR H/L	MAX PERMITTED % OF OPENINGS	PROPOSED % OF OPENINGS	FIRE RESISTANCE RATING (HOURS)	COMB. OR NON-COMB. CONST. REQ'D	COMB. OR NON-COMB. CLADDING REQ'D		
	SOUTH	10.40	10.00	LESS THAN 3:1	UNLIMITED	18%	0	BOTH	BOTH		
	NORTH	10.40	10.50	LESS THAN 3:1	UNLIMITED	12%	0	BOTH	BOTH		
	EAST	44.60	10.85	LESS THAN 3:1	UNLIMITED	2%	0	BOTH	BOTH		
	WEST	44.60	5.00	LESS THAN 3:1	32%	7.5%	1HR	BOTH	BOTH		

Official Plan Amendment No. 7

Town of Moosonee

DRAFT

**Amendment Number 7 to the
Official Plan of the
Municipality of Moosonee**

The attached explanatory text and constituting Amendment Number 7 to the Official Plan for the Town of Moosonee, was prepared and adopted by the Council of the Corporation of the Town of Moosonee, by By-law Number 08-2026 in accordance with the provisions of Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

Mayor

Clerk

THE CORPORATION OF THE MUNICIPALITY OF MOOSONEE

BY-LAW NO. 09-2026

**A By-law to adopt Amendment No. 7 to the
Official Plan for the Town of Moosonee.**

WHEREAS The Corporation of the Town of Moosonee is empowered to amend its Official Plan as required;

AND WHEREAS Sections 17 and 22 of the Planning Act, R.S.O. 1990, Chapter P. 13, as amended, provide Council such authority to amend its Official Plan;

AND WHEREAS the policies of the Official Plan of the Town of Moosonee are approved and in force and effect at this time;

AND WHEREAS the Council of the Corporation of the Town of Moosonee deems it necessary and desirable to adopt an amendment to the Official Plan;

NOW THEREFORE the Council of the Corporation of the Town of Moosonee enacts as follows:

1. Amendment No. 7 to the Official Plan for the Town of Moosonee, consisting of the explanatory text is hereby adopted.
2. That the Clerk of the Town of Moosonee is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and Schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

This By-law will take effect on the date of its passage, subject to the provisions of Section 34(30) and (31) of the Planning Act, R.S.O. 1990, c.P.13.

**READ a first and second time
this 28th day of April 2026**

Mayor – Wayne Taipale

Clerk – Bobylyn Jardino

**READ a third time and finally passed
this 28th day of April 2026**

Mayor – Wayne Taipale

Clerk – Bobylyn Jardino

Certification

Certified that the above is a true copy of By-law No.09-2026 as enacted and passed by the Council of the Town of Moosonee on the 28th day of April 2026.

Clerk

DRAFT

THE CONSTITUTIONAL STATEMENT

The following Amendment to the Official Plan for the Town of Moosonee consists of three parts:

Part A – THE PREAMBLE does not constitute part of this Amendment.

Part B – THE AMENDMENT, consisting of the details of Amendment No. 7 to the Official Plan of the Town of Moosonee.

Part C – THE APPENDICES do not constitute part of this Amendment. The appendices contain the background material, planning considerations and public involvement associated with this Amendment.

Schedule D – THE SCHEDULES associated with the proposed mapping amendments to the Official Plan.

Part A – Preamble

Purpose

The purpose and effect of the Official Plan Amendment and the associated Zoning By-law Amendment is to permit a commercial use (cannabis retail store) on the subject property. The Official Plan Amendment application is required to amend Schedule A-1 Land Use, to re-designate the entirety of the subject property from 'Transportation and Service' to a site-specific designation to permit the use.

Location

Amendment No. 7 applies to the subject property located at 158 Ferguson Road. The subject property is legally described as PLAN M14C LOT 441 PCL 7019NEC PT, Town of Moosonee, District of Cochrane.

A map of the subject property is included in Part D of the Amendment.

Part B – The Amendment

1.0 Introductory Statement

Part B – The Amendment, consisting of the following details constituting Amendment No. 7 to the Official Plan for the Town of Moosonee.

2.0 Details of the Amendment

The Official Plan of the Town of Moosonee is amended in accordance with the following:

- Amend Schedule A-1 Land Use of the Town of Moosonee Official Plan, to re-designate the property, as shown in Part D of this Amendment, to identify the subject property as “Amendment No. 7”.
- That Section 5.3.4, entitled *Exceptions*, be added to the Official Plan following Section 5.3.3.
- That Section 5.3.4.1 be added to the Official Plan following Section 5.3.4, stating the following:

“5.3.4.1 *Amendment No. 7*

For the subject property located at 158 Ferguson Road, in addition to the permitted uses listed in Section 5.3.2 of the Official Plan, a retail store shall be permitted.”

3.0 Implementation and Interpretation

The provisions of the Official Plan regarding the implementation of that Plan shall also apply to this Amendment. In all other respects the provisions of the Municipality of Moosonee Official Plan shall apply.

Upon approval of this Amendment, Council shall consider an implementing Zoning By-law Amendment.

The provisions of the Official Plan, as amended from time to time, shall apply in regard to the Amendment.

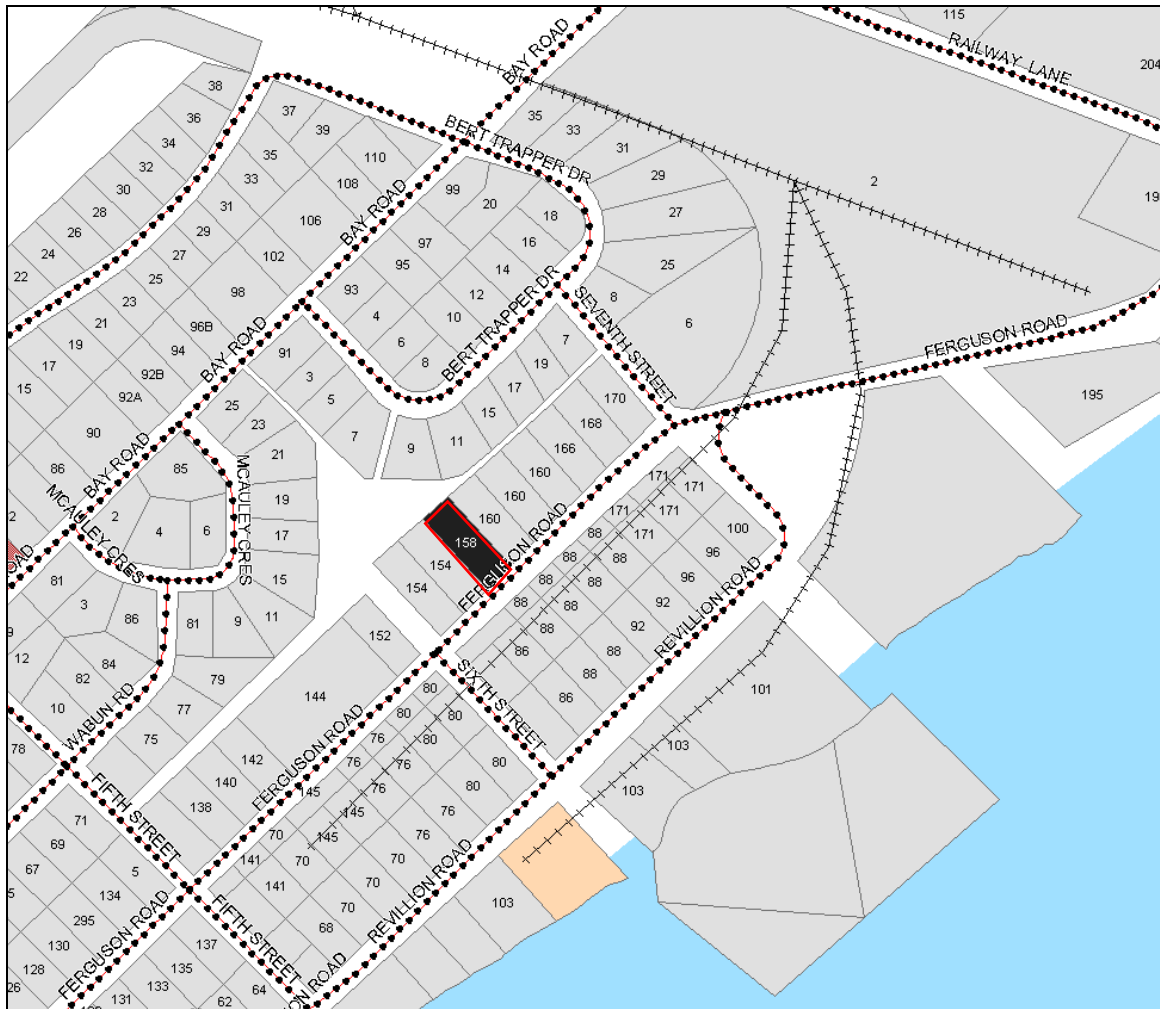
Part C – The Appendices

Planning Report, dated April 28, 2026.

DRAFT

Part D – The Schedules

The subject property is outlined in red.



Corporation of the Town of Moosonee

BY-LAW NO 08-2026

A BY-LAW TO AMEND ZONING BY-LAW 37-07 FROM THE LIGHT INDUSTRIAL (M1) ZONE TO THE LIGHT INDUSTRIAL EXCEPTION TWO HOLDING (M1-2(H)) ZONE

WHEREAS By-law No.37-07, as amended is the Comprehensive Zoning By-law governing the lands located within the Town of Moosonee; and,

AND WHEREAS the Council of The Corporation of the Town of Moosonee, having received and reviewed an application to amend By-law No. 37-07 for 158 Ferguson Road, within the Town of Moosonee, in agreement with the proposed changes;

AND WHEREAS authority is granted under Section 34 of the *Planning Act* R.S.O. 1990, c.P.13, as amended;

NOW THEREFORE the Council of The Corporation of the Town of Moosonee enacts as follows:

1. THAT Schedule A-1 Land Use to By-law No. 37-07, as amended, is hereby amended by changing the zone category from the 'Light Industrial (M1) Zone' to the Light Industrial Exception Two Holding (M1-2(H)) Zone' in accordance with Schedule "A" attached hereto.
2. THAT By-law No. 37-07, as amended, is hereby amended by adding the following subsection following Section 4.6.3.1:

"4.6.3.2 Light Industrial Exception Two Holding (M1-2(H)) Zone

In addition to the permitted uses of the Light Industrial (M1) Zone, within the Light Industrial Exception Two (M1-2) Zone, a retail store shall also be permitted.

The imposition of the Holding (H) symbol shall be lifted upon the following conditions being met:

- i. The completion of a Record of Site Condition to the satisfaction of the Ministry of Environment, Conservation and Parks, as well as the Town of Moosonee; and,
- ii. The completion of a Noise and Vibration Study to the satisfaction of the Town of Moosonee."
3. THAT Schedule "A" attached hereto forms part of this By-law.
4. THAT this By-law shall come into force and take effect pursuant to the provisions and regulations made under the *Planning Act*. R.S.O., 1990, c.P.13, as amended.

**READ a first and second time
this 28th day of April 2026**

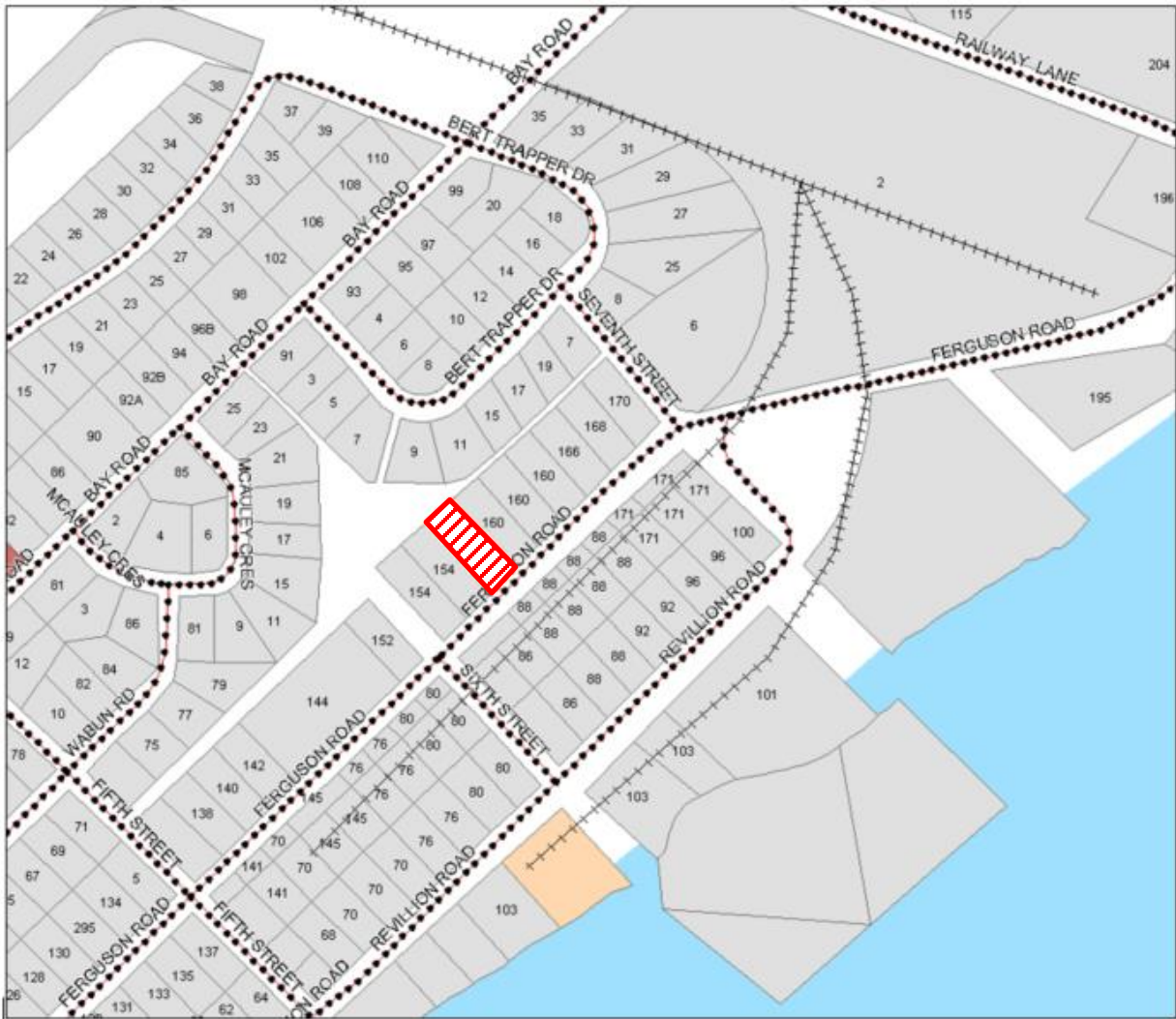
Mayor – Wayne Taipale

Clerk – Bobylyn Jardino

**READ a third time and finally passed
this 28th day of April 2026**

Mayor – Wayne Taipale

Clerk – Bobylyn Jardino



Lands to be rezoned from the Light Industrial (M1) Zone to the Light Industrial Exception Two Holding (M1-2(H)) Zone.