



Date: July 27, 2023
To: Community Planning Branch
From: Fundy Regional Service Commission

Subject

Applicant: Rutherford, Stephanie
Owner: Rutherford, Stephanie
Location: 3479 Red Head Road, Saint John, NB
PID: 55241319
Zoning: *Mixed Use Zone (M)*
Application Type: Rural Plan Amendment
Proposed Use: Tourism Accommodation

Application Summary

Stephanie Rutherford is seeking to create a small tourism accommodation establishment comprised of four (4) geodesic glamping domes on platform structures, in addition to a new residential home at 3479 Red Head Road, Mispec, E2J 4X6 (PID 55241319) (the “subject property”). In order to achieve this, an amendment to the Rural Plan in the form of a rezoning from *Mixed Use* is required as the *Mixed Use Zone* does not currently permit recreational uses such as geodesic glamping domes for short term tourism accommodations. The application is to allow this proposed use under a new zone in the Simonds Parish Planning Area Rural Plan.

Planning Analysis

Proposal

The Applicant is proposing to amend the Rural Plan from *Mixed Use Zone (M)* to a new zone *3479 Red Head Road Zone (RHR)* to permit this tourism accommodation use. This amendment would allow for the conversion of the land from undeveloped woods to contain two main uses; a tourism accommodation use made up of four (4) geodesic glamping domes on platforms and a new single detached dwelling. The geodesic glamping domes will be utilized for short term rental accommodations for locals and visitors. The single detached dwelling shall be used by the operators as a home to live on site. The applicant plans to have access to the site directly off of Red Head Road. The applicant proposes to operate the domes as an occupation and does not intend to have employees on-site. The domes will operate year round.

No negative impacts on adjacent lands and neighbors are expected due to the small size and nature of the proposed development.

Site and Neighbourhood

The proposed development will be located near Cape Spencer, located just outside the City of Saint John in the Fundy Rural District. The subject property is ~32,090 m² (roughly 7 acres) and is slightly sloped. The immediate area consists of low density, unserviced single unit dwellings on large one acre lots and dense unmanicured bush. It appears the subject property comprises the parent property of the two subdivided properties located immediately south of the subject property along Red Head Road. Both of these subdivided properties front onto Red Head Road. The property is located near the end of Red Head Road, where it terminates at Cape Spencer. The area is a popular destination, the Cape Spencer Lighthouse and surrounding landscape and trails attract visitors year round. Additionally, the property is located approximately four (4) kilometers from Mispic Park, a popular seasonal beach and park, maintained by the City of Saint John.

Statutory Authority

Section 110 of the New Brunswick Community Planning Act authorizes the Advisory Committee of Fundy Regional Service Commission (FRSC) to give its views concerning amendments to rural plans.

Policy Review

The following table provides an analysis of the Rural Plan policy as it relates to the proposed application:

Policy Section (b) Residential Uses	Application Assessment
It is the policy of the community to maintain existing residential character of the Simonds Parish Planning Area.	The proposal does not impact the existing residential character of the area. Although it includes non residential use, the proposed structures will be set back from Red Head Road and will be obstructed by shrubbery and trees.
It is proposed to minimize land use conflicts between residential, commercial and industrial developments.	The proposal minimizes conflicts between residential and commercial uses by providing appropriate separation from use to use.
Policy Section (c) Commercial Uses	
It is the policy of the community to control the type of commercial uses.	The proposed commercial use type is not invasive on the community.
It is proposed that a commercial use not	The commercial use proposed is not indicated in

indicated in the Regulation may be considered subject to an agreement pursuant to section 39 of the Community Planning Act.	the Regulation, as such the applicant is abiding by this proposal and seeking an agreement per the appropriate section of the CPA.
Policy Section (i) Conservation of the Physical Environment	
It is the policy of the community to protect and ensure the quality of life of the residents, to control environment pollution, and to protect the aesthetic beauty of the natural environment.	There is no indication that the proposal will negatively impact the quality of life of the residents, the environment, or the aesthetic beauty of the natural environment. There will be some removal of vegetation, however based on the proposed site plan it can be assumed the subject property will not be cleared of trees and shrubbery.

Site Specific Amendment

As a result of Local Governance Reform, the administration of the Simonds Planning Area Rural Plan has been transferred to the Village of Fundy-St. Martins and the Minister for the relevant section falling within the Fundy Rural District. The issue of tourism accommodations has been previously addressed by PRAC in the section of the Planning area currently managed by the Village of Fundy-St. Martins. Therefore, we are moving forward with the implementation of a site-specific policy to align with the community's objective of limiting tourism accommodations across the planning area. The Fundy St. Martin's Council is presently engaged in the process of updating and consolidating various planning documents into a new Rural Plan tailored for their locality, where the implications and application of tourism accommodations will be thoroughly assessed.

Engagement

Input was sought from various provincial agencies and departments. A standard list of reviewers was provided by the Department of Environment and Local Government and reviewers were given a two-week period to submit concerns regarding the proposed application. The summary of engagement is provided in the table below:

Department/Branch	Contact	Feedback
Source and Surface Water Management	Jason Bower	<i>No comments.</i>

Air Sciences	Darrell Welles	<p>I have reviewed the proposal for the Air Sciences Section of the Department of Environment and Local Government (DELG) and offer the following comments with respect to potential impacts to air quality:</p> <p>The proposal does not specify all potential activities associated with “glamping”. However, if this includes the use of campfires then it should be understood that these can impact local air quality.</p> <p>Considering the remoteness of this location it appears unlikely that the current proposal (4 units) would be a significant concern with respect to smoke.</p> <p>It should be understood that campfire smoke can impact surrounding properties (as a nuisance with respect to low levels, or as a significant concern at higher levels), which may become relevant if the proposed development expands to additional units in the future and/or if other developments are proposed for the adjacent properties in the future.</p> <p>Thank you for providing the opportunity to review and comment. Please let me know if you have any questions or concerns.</p>
Environmental Science and Protection	Sarah Arnold	<p>I have no concerns from a drinking water protection perspective with this rezoning request, but I would like to note that a portion of the property falls within the 30 metre buffer of a wetland and as such, a WAWA permit would be required for any work or ground disturbance located within this area.</p>
Authorizations	Mark Glynn	<p><i>No comments.</i></p>
Transportation and Infrastructure	Mark Morrell	<p><i>No comments.</i></p>
Tourism, Heritage and Culture	Lynn White	<p><i>Tourism, Heritage and Culture provided comments relating to the business plan of the applicant, the applicant's skill set, beach access from the property, local services, distance from domes to residence, and the utilization of</i></p>

		<i>trees for privacy on the site. Tourism, Heritage and Culture additionally provided some resources relating to domes and target guest profiles.</i>
Surface Water Management	Alexsis Ramos	<ol style="list-style-type: none"> 1. There is a mapped wetland near the western boundary of PID 55241319, with its associated 30-meter regulated boundary falling within the property in question. Please note that all wetlands that meet the definition under the Clean Water Act are regulated as per their presence and boundaries on-the-ground (i.e., whether they are mapped or not). 2. Should the proposed development fall within the 30-meter buffer of the wetland or should they encounter a watercourse and/or wetland on the ground, a watercourse and Wetland Alteration permit is required prior to undertaking any alterations.
Natural Resources and Energy Development	Colette Lemieux	<p>DNRED's Fish and Wildlife Branch:</p> <p>If the plans go forward and domes are built, care should be taken by customers to keep any waste cleaned up around the area to reduce potential conflicts with wildlife.</p> <p>DNRED's Resource Tenure Branch:</p> <p>The Recorder's office would have no issue with this rezoning, but would like to note that this area is within and active claim (#7799) with elevated mineral potential. Also note, it is also less than 500 m from the abandoned Cape Spencer (Au) Mine Site. If you have any questions, please contact Jennifer.L.Cormier@gnb.ca or Joe.MacIntosh@gnb.ca.</p>

Based on the above comments there are no concerns identified that would impact the proposed rezoning of the subject property.

First Nation and Rural District consultation shall occur under the Community Planning Branch of Government of New Brunswick (GNB).

A notice will be sent to surrounding landowners and residents. As of the date of this report, this notice has not been sent.

Proposed Terms and Conditions

For the rezoning of PID 55241319 or 3479 Red Head Road from from *Mixed Use Zone (M)* to *3479 Red Head Road Zone (RHR)* to facilitate the development of a new tourism use made up of four (4) geodesic glamping domes and one (!)single detached dwelling for personal use, the following suggested terms and conditions for the proposed use are suggested:

1. The development and use of the parcel of land be in accordance with detailed building elevation and site plans, prepared by the proponent and subject to the approval of the Development Officer, illustrating the design and location of buildings and structures, outdoor storage, driveway accesses, vehicle parking, loading areas, landscaping, amenity spaces, signs, exterior lighting, and other such site features;
2. The above elevation and site plans are attached to the permit application for the development of the parcel of land;
3. A landscaped buffer of at least 3 metres wide shall be maintained along all property lines shared with lots containing residential uses
4. A final Site Plan must be approved by the Development Officer before a Development Permit is issued.
5. A 30-metre buffer shall be included from the wetland located on the western side of Red Head Road from the subject property to all new construction;
6. The applicant shall provide signage discouraging the littering of food on the subject property to avoid conflict with wildlife.
7. The applicant shall utilize mitigation measures such as locking outdoor garbage receptacles to avoid conflict with wildlife;
8. The applicant shall contact the department of Natural Resources and Energy prior to construction beginning due to the proximity to the abandoned Cape Spencer (Au) Mine Site to ensure no disruptions resulting from construction will occur.

Staff Request

Staff is requesting that, as per the Community Planning Act, the Advisory Committee provide their written views of the proposed Rural Plan Amendment, through the Chair within 30 days receipt of this report.

July 28, 2023

Date



Timothy Gouveia, Planner

Attachments

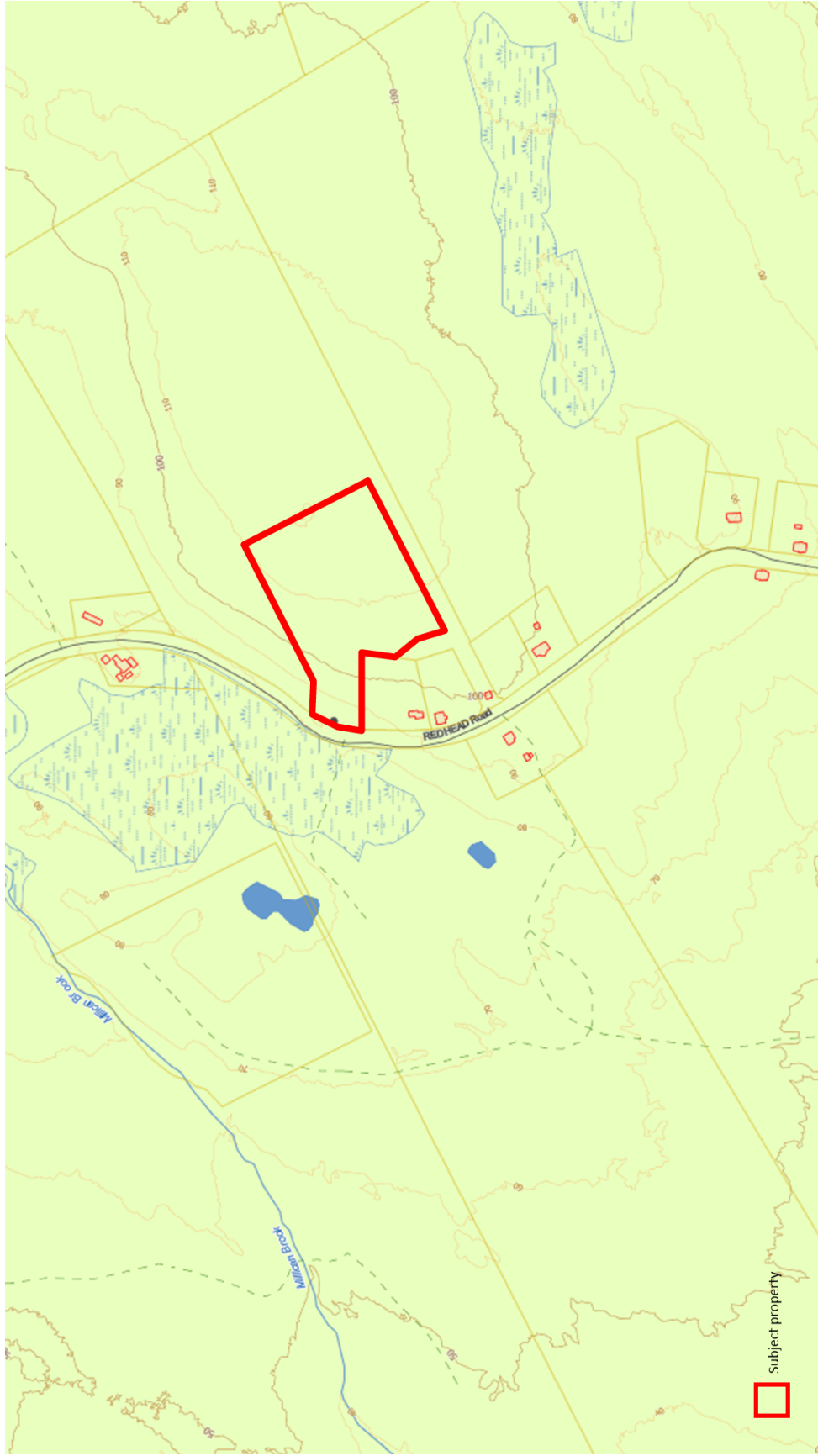
- Appendix A: Air Photo
- Appendix B: Site Location
- Appendix C: Current Zoning
- Appendix D: Infrastructure Plan
- Appendix E: Wetland Location

Appendix A



Subject property







Appendix B



Appendix C

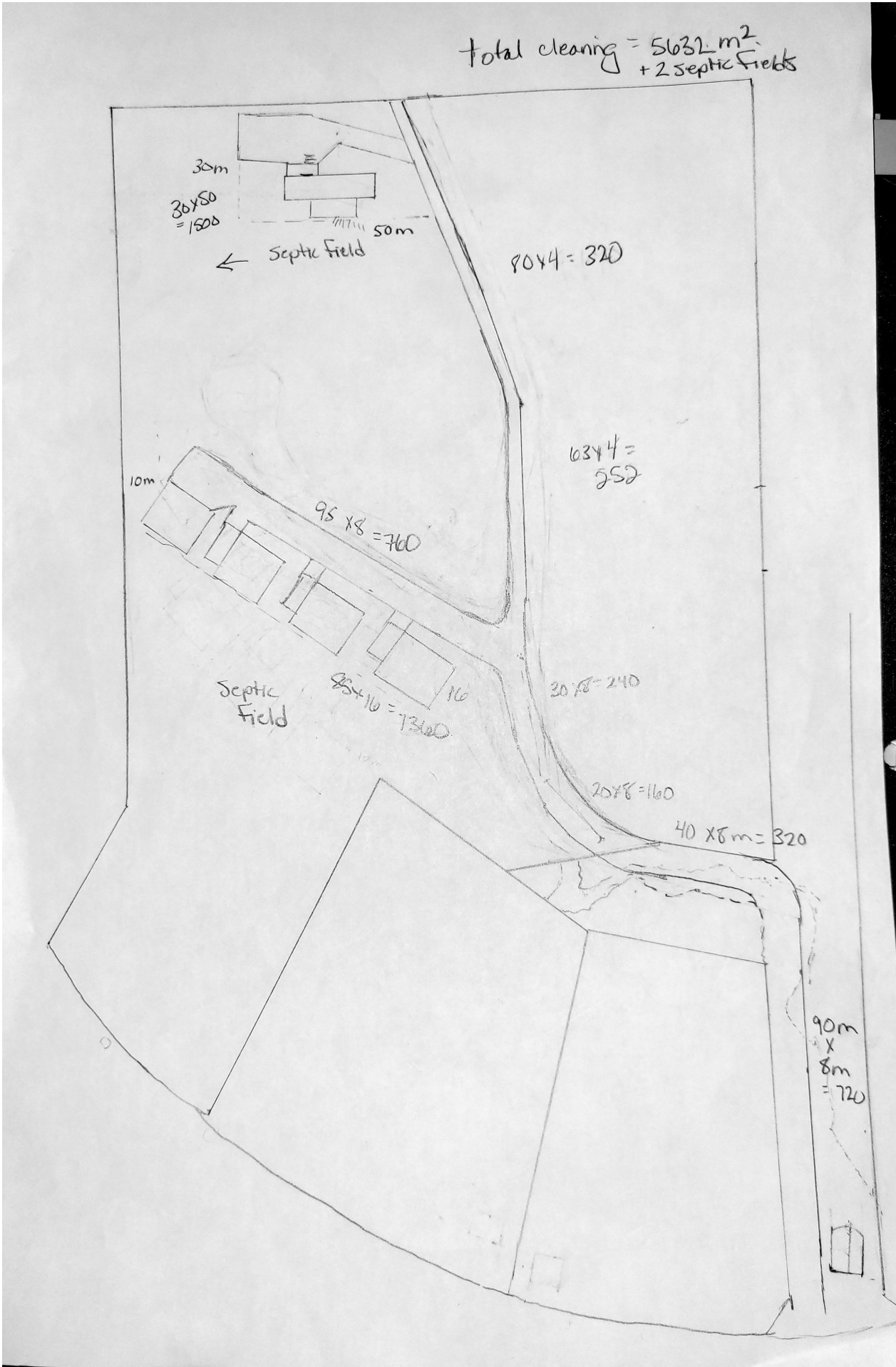
Capre Spencer



- Zone
- Mixed Use Zone "M" 
 - Integrated Development Zone "ID" 
 - Recreational Use Zone "R" 
 - Zone mixte «M» 
 - Zone d'aménagement intégrée «ID» 
 - Zone d'usage récréatif «R» 

 Subject property

Appendix D



Appendix E

