



# The Buck Lake Association Inc.

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*"To enhance people's enjoyment of Buck Lake now and for future generations"*

## *Buck Lake News – June 2016*

### **Change to South Frontenac Comprehensive Zoning By-Law**

Submitted by Greg Fisher

On June 7<sup>th</sup>, township council passed an amendment to the South Frontenac comprehensive zoning by-law that impacts the right of use, and potentially the property value, of many waterfront properties in our community. This amendment was passed in spite of a huge negative response from residents, including the Buck Lake Association. Residents need to be aware of these changes, realize how they may impact their property and decide what action, if any, they wish to take.

#### **Background**

On March 15, 2016 the Planning Department introduced "Housekeeping Amendments" to the Township of South Frontenac Comprehensive Zoning By-Law, which may have a significant impact on waterfront properties in the County. These changes may infringe on the legally established rights of property owners to continue to use existing structures within 30 metres of the shoreline.

Among other things, the planning department indicated that the changes were meant to implement the Official Plan which is "... (ii) that existing buildings within the 30 metre setback, once removed, should be set back further so that, some day in the future, all buildings will be set back from water bodies to ensure protection of our lakes into the future." We could find no reference in the official plan related to the elimination of existing buildings that were already within the setback boundary at the time the official plan came into force.

As a result of the volume of comments received from the public, two meetings of the Committee of the Whole ("COW") were set aside to receive delegations with respect to this issue. At COW meetings held on April 26 and May 10, 2016 approximately 20 delegations and approximately 45 written submissions, including a delegation and written submission from the Buck Lake Association, were received by the COW. Almost unanimously, the delegations and written submissions were opposed to the by-law changes.

Some changes were made to the original proposal however, in spite of significant opposition, at the June 7<sup>th</sup> meeting (by a 5 to 3 margin) Council approved significant changes to the by-law that could significantly impact waterfront properties.

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## **What is the issue?**

The Township's Zoning By-Laws have several clauses that, it would appear, infringe on the legally established rights of property owners to continue the use of existing structures within 30 metres of the shoreline.

## **What are the problem clauses?**

The Zoning By-Law defines two types of existing uses – Non-Conforming uses and Non-Complying uses. The changes that are being enacted relate to Non-Complying uses.

*Non-Complying Use: A permitted use that does not comply with the lot's zoning requirements (e.g. a structure that is within 30 metres of the shoreline).*

## **Amendment to section 5.10 – Legal Non-Complying Uses:**

### **Section 5.10.2 – Existing Buildings within 30 metres of water body**

Section 5.10.2 defines the rights of use of existing structures within 30 metres of a water body or a watercourse. The existing bylaw says that you can renovate, repair, or strengthen it to safe condition, but cannot add an addition (horizontal or vertical), nor renovate to create living space below grade (e.g. you cannot finish an unfinished basement or jack up a house that is on piers to create a finished basement).

The section purposefully leaves out the word “rebuild”. As a result, except as permitted in section 5.11 (discussed below), this section does not permit you to demolish and rebuild the structure. The amendment to this section adds specific wording - “Reconstruction of the building is prohibited”.

Unfortunately, a rebuild is often the only sensible renovation plan for an older home that does not meet today's codes, especially in relation to energy efficiency. The township's position (not in the bylaw) is that as soon as you intentionally demolish the home in order to rebuild it, your rights of continued use cease and the rebuild must occur beyond the 30 metre setback (unless the lot restrictions make that not possible in which case you have to apply to the Committee of Adjustment (“COA”) and obtain permission (which is discretionary) to maintain a location within the 30 metre setback).

The amendment enacted on June 7 further restricts your rights by defining “removal” of the structure as being if you remove more than 50% of the exterior load-bearing walls. This significantly limits your ability to renovate your structure.

By attempting to restrict your right of continued use of property established in the Ontario Planning Act, it would appear that this clause would likely be deemed non enforceable by the Ontario Municipal Board (“OMB”) or a court and stricken.

## **Amendments to section 5.11 – Replacement of Buildings or Structures:**

This section permits you to rebuild a structure partially or wholly damaged for reasons beyond your control, but limits that right by listing specific reasons. Unless your situation is one specifically listed, you don't have the right to rebuild. The existing clause also placed conditions on the right of rebuild (e.g. only if you obtain a septic and well permit). The amendment passed on June 7 removes the wording requiring approval of the septic and well, but the amendment also removes the right to rebuild where the municipality or other authority has issued a demolition permit for safety, health, or sanitation purposes. In other words, if you want to rebuild

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because the existing structure is badly deteriorated and rebuilding rather than renovating is the best solution, that right is now gone, unless you spend the time and money to apply for and receive (discretionary) approval from the COA. The remaining specific reasons that would allow you to rebuild are “fire, lightning, explosion, tempest, flood or act of God.”

Similar to section 5.10, by attempting to restrict your right of continued use established in the Ontario Planning Act, there is a good chance this entire clause would be deemed non enforceable by the OMB or a court and stricken.

The following are some of the examples where the ability to rebuild within the 30 metre setback are not guaranteed and would be left up to the discretion of the COA:

- A tree falls on your house or cottage resulting in full or partial destruction;
- Your elderly parents have done their best to adequately maintain the family cottage but their financial resources have resulted in a property in significant need of repair. When the property is acquired by or passed to the next generation it would make much more sense to rebuild using current technology, environmental improvements and to meet current building code standards. However, the existing property can only be renovated. Rebuilding is prohibited unless approval is received from the COA;
- What about a catastrophic accident not specifically included in the specific reasons stated in section 5.11 (What is an act of God?).

Council has indicated throughout this process that the COA is very reasonable in situations where there is no ability to rebuild beyond the 30 metre setback and that a property owner would generally be allowed a minor variance in these situations. I am not sure that councilors have the ability to make this statement. Consider the following:

- Will the COA of the future, with no ties to today’s events, allow a minor variance when the by-law states that “Reconstruction of the building is prohibited” and the reason for the change includes the statement “some day in the future, all buildings will be set back from water bodies”
- Under the Planning Act, a minor variance is considered to be a proposed change, which doesn't conform exactly to the zoning by-law, but follows its general intent. Will rebuilding within the 30 metre setback be found to follow the general intent of the by-law?

### **What can you do?**

Does this by-law change concern you? If it does you let us know. There is a group of residents that is considering appealing this change. At an initial meeting held on June 14<sup>th</sup> close to 75 residents attended to voice their concerns and provide their support to consider an appeal.

Let your local Councilor know about any concerns you have related to this change. If enough residents voice their concerns, perhaps council will change this decision.

Talk with your neighbours. Many residents may still be unaware of this change and the potential impact it may have on the use and market value of their property. We all need to help inform our neighbours of these changes.

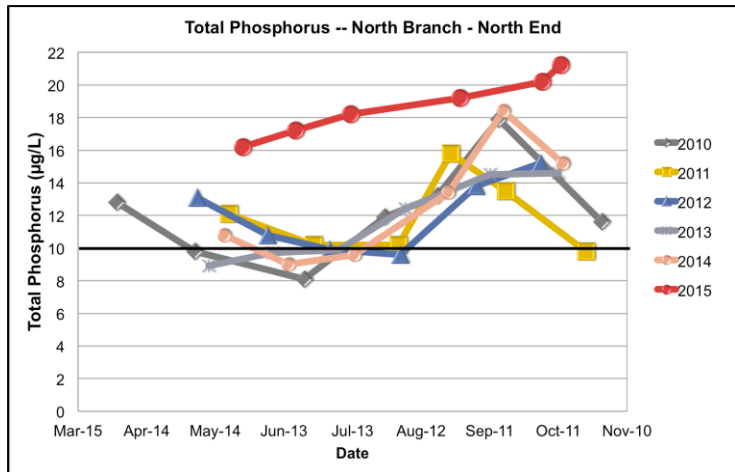
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## Water Quality Update

Submitted by Cheryl Savery

In April's newsletter, we reported that the phosphorus levels at the north end of the North Branch of Buck Lake had increased significantly when compared to the levels measured over the previous 5 years (see the graph below).

The Buck Lake Association was extremely concerned about the increase and has taken several steps to investigate it. The first step was to collect an additional sample at the same time and location as Duncan Sinclair normally collects the samples. Jo Anne Hopkins and I went out with Duncan on May 5<sup>th</sup> to collect both his regular water sample and an additional one that we had analyzed locally (and more quickly). The good news is that the additional sample came back at



9µg/L which is within the range for good water quality and much lower than the values seen last year. We are still waiting to hear back from the ministry on the value they measured for the same sample, but for now, things look very encouraging that this was just a one year anomaly. One theory is that the breaking of a dam on Labelle Lake caused a one time flow of increased nutrients into Buck Lake. Labelle Lake drains into Slide Lake that, in turns empties into Buck at the waterfall on the southwest side of the North Branch. The breach of the beaver dam on Labelle in the early spring of 2015 would explain the increase in phosphorus levels at the north end of the North Branch of Buck and the failure to see any increase in Heidi Linley's samples at the south end, given that the flow of water is all northward toward the culvert.

To enable us to better track water quality on the North Branch, we have requested the ministry to allow us to collect a third water sample from the north side of the lake. This new sample point will be approximately halfway between the other two sample points on the North Branch and allow us to see how the water quality changes along the length of the lake.

### BUCK LAKE SURVEY 2015

Submitted by Donna Neumann and Jo Anne Hopkins

Thank you to everyone who took the time to respond to our questionnaire. The answers were very enthusiastic and supportive. Here are the results in percentages:

#### 1. Tell us about yourself

The responses were divided evenly between seasonal and permanent residents.

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**2. How familiar are you with the mandate of the Buck Lake Association?**

90% responded that they were very familiar with mandate

**3. How did you become aware of BLA website?**

60% were informed by neighbours, relatives or community members

40% found the BLA on social media sites

**4. Do you gain benefits from the website and the newsletter?**

93% replied positively and enjoy learning about Buck Lake events, information about the quality of the Lake, Facebook, lake pictures, strong sense of community and learn about any security concerns on the Lake

**5. What do you want or feel is needed to enhance the information on the website?**

The responses were all positive. All respondents seem to be very pleased with information on the website

**6. Do you have a yearly \$25.00 Buck Lake Association membership?**

71% are current paid members

The other 29% expressed lack of awareness about renewal dates. The respondents asked for reminders of memberships.

**7. Are you aware we now have PayPal to make membership payment easier?**

54% did not know about PayPal before survey

**8. Are you aware of the Friends of the Lake Committee?**

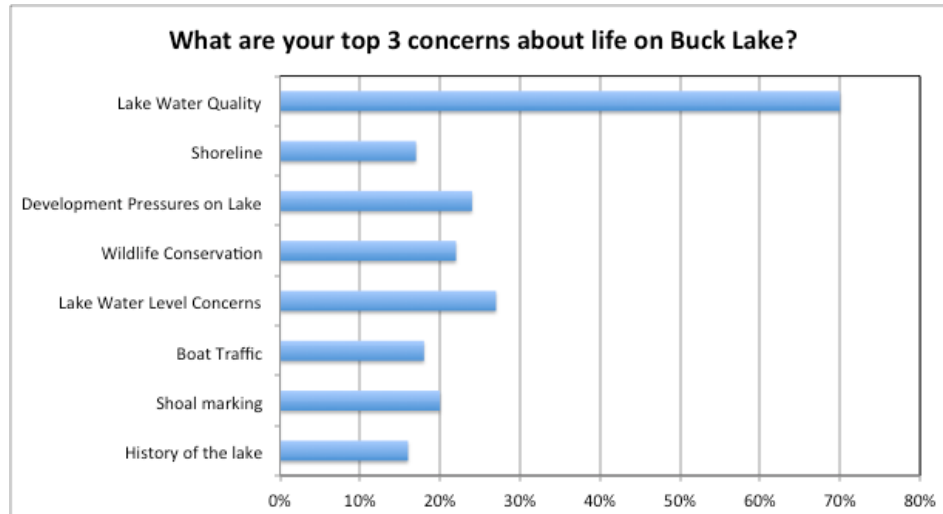
80% responded yes

**9. From the following list what are your top 3 concerns about life on Buck Lake?**

Lake Water Quality	70%
Shoreline	17%
Vegetation Removal	1%
Fisheries	1%
New Fish Population Survey	1%
Development Pressures on Lake	24%
Wildlife Conservation	22%
Lake Water Level Concerns	27%
New Shoreline Structures	1%
Boat Traffic	18%
Road Traffic, safety at boat launch	1%
Day or night time noise	0%
Shoal marking	20%
History of the lake	16%
Nesting Sites	1%
Snowmobiles/ATVs	0%

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Ice Fishing	1%
Shoreline Speed limits for boats	1%
Boat Launch	1%
Emergency Responses	1%



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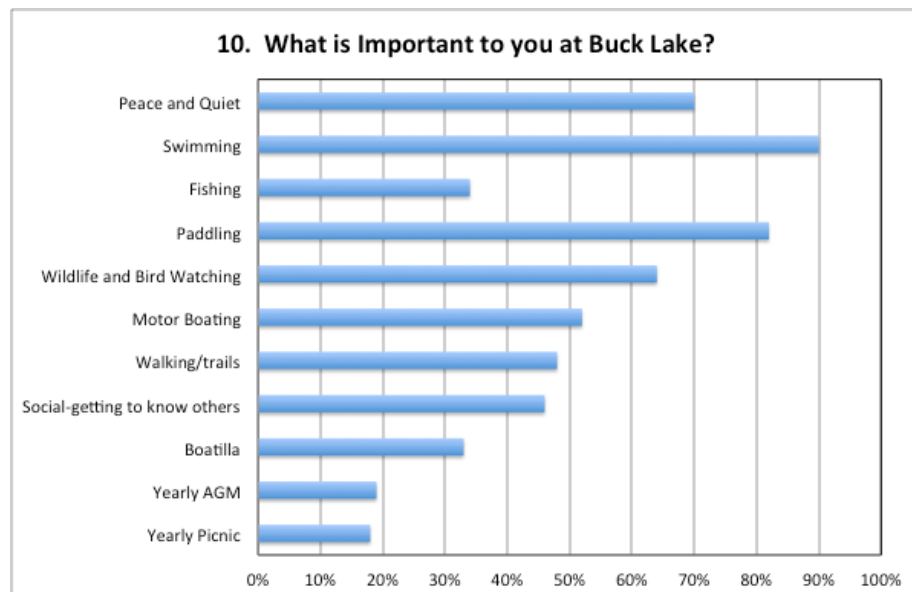
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**10. From the following list what is important to you on Buck Lake?**

Peace and Quiet	70%
Swimming	90%
Fishing	34%
Kayaking, Canoeing and Paddling	82%
Wildlife and Bird Watching	64%
Motor Boating	52%
Walking/trails	48%
Social-getting to know others	46%
Boatilla	33%
Yearly AGM	19%
Yearly Picnic	18%

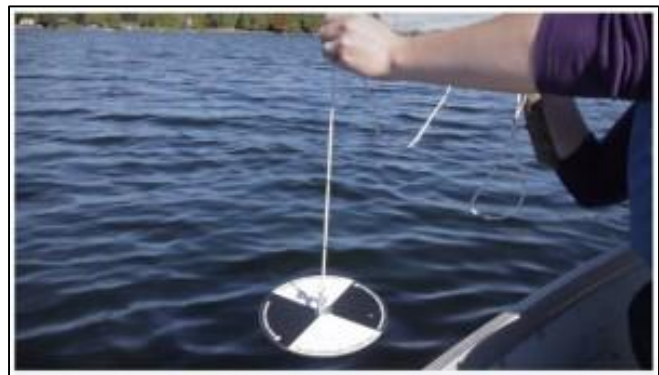
Of the comments following question 10---- 81% stated they love watersports including skiing, tubing and boarding on the lake.



## Water Clarity – Secchi Disk Measurements

In April's newsletter, we reported on the total phosphorus measurements in the lake. This month, we take a look at the water clarity as measured at various locations in the lake.

While total phosphorus concentrations are the best way to describe the nutrient status of the lake, regular Secchi depths can help to identify changes in water clarity that are not linked to nutrient status (zebra mussels,

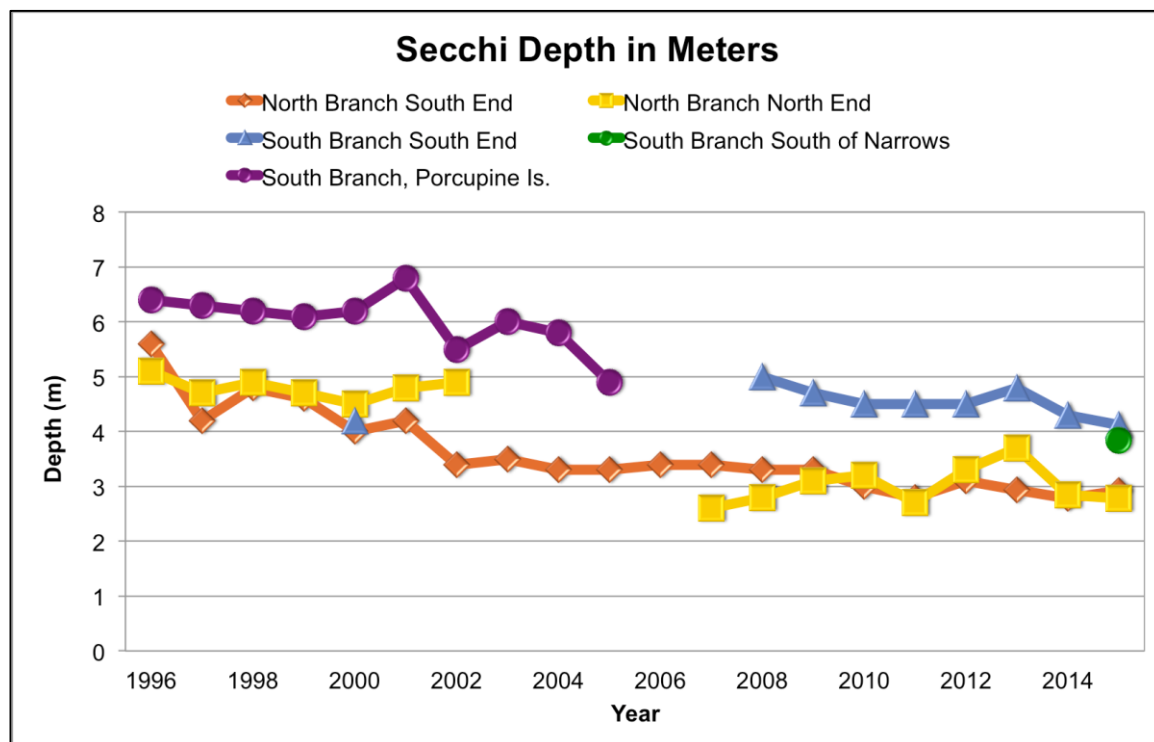


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climate change, etc.).

Secchi measurements are performed by lowering a Secchi disk into the water until it is no longer visible, and then recording the depth of the disk.

As shown in the following chart the average Secchi disk measurements have been gradually decreasing since 1996. This means that the water in the lake is becoming less clear.



All of the above data is available online. To access all the sampling results [click here...](#)

## The Buck Lake Minions

Submitted by Cheryl Savery

It may look like the minions are hanging out at Buck Lake, but they are in fact yellow buoys marking the many shoals in the lake that pose a hazard for boaters.

The markers are provided by the Buck Lake Association and each year many volunteers from around the lake put out the yellow markers in the spring and store them in the late fall. Without all these volunteers, it would be impossible to keep the program going.



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Although the shoal markers are there to help you avoid damaging your boat and prevent injuries from the sudden impact of colliding with a hidden rock, it is important to know the lake and be cautious when travelling in unfamiliar areas. The shoal markers are a great help, but many of the shoals in the lake are quite large and can extend well beyond the point of a single marker. Always stay well clear of any marker. Also, remember, the currents and winds can sometimes cause the markers to drift. So it is important to familiarize yourself with the shoal locations and approach unfamiliar areas with caution, even if there are not markers (or minions) present. If you happen to notice a marker that has drifted away from its normal location, please let us know by emailing [info@bucklake.ca](mailto:info@bucklake.ca)



Finally I would like to acknowledge all the volunteers who over the years have helped with the shoal markers: Duncan Sinclair, Heather and Mike Judge, Don and Shelley Durocher, Annie Moore, Andrew and Nancy Daugalis, Don and Jo Anne Hopkins, Peter Dawe, Ralph Wirsig, Fred Leavitt, Harold Townsend, Gord and Maureen MacLellan. In addition Dave Curran has continued to look after the one remaining yellow cone marker. (And my apologies for anyone I have missed)

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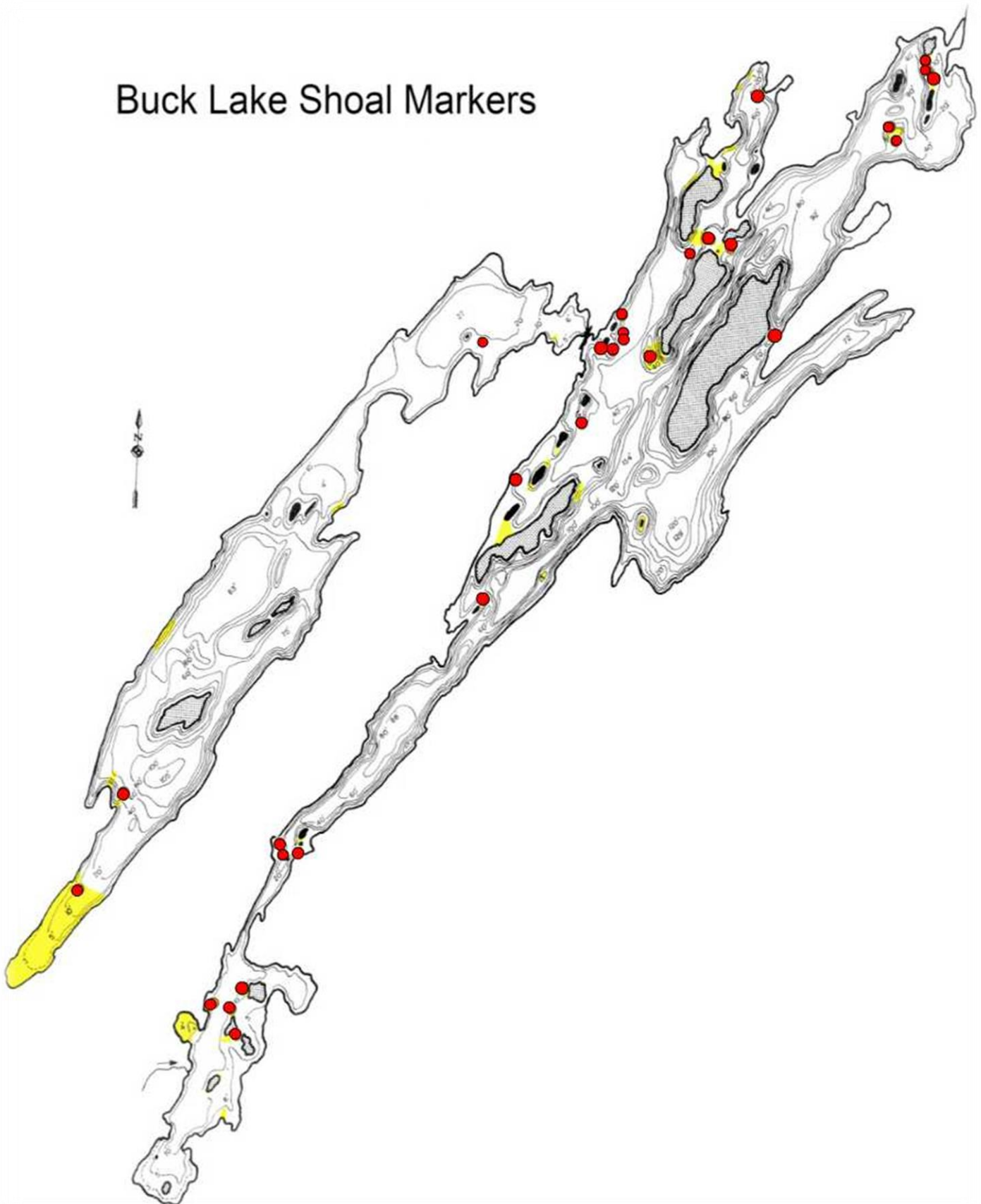
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## Buck Lake Shoal Markers



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## Visiting the North Frontenac Dark Sky Preserve Observation Pad

Submitted by Kathy Wirsig

The North Frontenac Dark Sky Preserve Observation Pad is 100 Km from Buck Lake. This is the first municipality in Canada to acquire the designation as a Dark Sky Preserve by the Royal Canadian Astronomical Society of Canada and the municipality has a bylaw that prohibits any outdoor lights to shine upwards so it is a natural resource to preserve, improve, and sustain a dark sky environment. The GPS address for this site is 6648 Road 506 Plevna ON K0H 2M0. I would recommend arriving in daylight as the winding roads are narrow with many intersections. On site you will find a cement pad, hydro, internet and cell access, picnic tables, parking, and washroom facilities. Don't forget to bring your binoculars although there were many telescopes setup for the Public to view the night sky. There is a restaurant in Plevna, but it closes at 7:30 otherwise if you want an ice cream cone or pop you may not find anything open as they close early!



We attended a Star Gazing Party on June 4, which was an excellent evening to view the sky since it was a moonless night. Many keen individuals set up their telescopes for the public to view the night sky. We saw the rings of Saturn, the moons of Jupiter, orangey Mars and other star constellations plus an added bonus the orbiting Space Station appeared momentarily overhead. As there were just a few public viewers we were delighted to have one on one conversations with Astronomer Guy Nason. If you are into Astrophotography this is a perfect place to take your phenomenal picture of the heavens above.

Another hidden gem in our neighborhood to visit and take in the night sky. Here is the agenda for this summer's events:

- July 1 and 2 - No Moon. Saturn and Deep Sky clusters, Nebulae, Galaxies visible
- July 30 and 31 - Deep Sky, Mercury, Venus, Saturn and Mars visible
- August 27 - Mars vs "the rival of Mars" (the star Antares) and Saturn visible
- September 3 and 4 - Thin crescent Moon in early evening. Milky Way all night long!
- October 1 - The Autumn Sky, Pleiades, Andromeda Galaxy, the Double Cluster, dwarf planet Ceres and more.

## New Interactive Calendar on the Buck Lake Website

If you have not visited the [Buck Lake website](#) lately it is worth going there and checking out the new interactive calendar. You'll find all the Buck Lake Association events as well as other nearby events and activities that may be of interest. If you click on an event, you can see a more detailed description and location.

If you have any events you would like added to the calendar, please email us at [bucklakeassoc@gmail.com](mailto:bucklakeassoc@gmail.com).

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## Enhancing the Lake with Native Plantings

Enhancing the Lake with Native Plantings: a Buck Lake Friends of the Lake educational event will take place on Thursday July 21 at 7 pm at the Perth Road Church Hall in Perth Road Village.

Lesley Rudy, local conservation biologist and owner of the gardening business "Nurturing Nature", will talk about the many benefits of planting native species, including shoreline protection and attracting birds, bees and butterflies. She'll recommend plants that suit this area, when to plant, how to care for and where to buy. As water quality remains the #1 concern of residents and cottagers alike, and as protection of the shoreline contributes to a healthy lake, Lesley's talk should encourage all who attend to try out native plantings and see what happens.

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In order to promote the spirit of Buck Lake People, we invite your comments and suggestions for newsletter articles or announcements. Mail to: [Buck Lake Information](#)  
Lake Plan link: [Lake Plan Web Version](#)

“New” Renew your Buck Lake Association membership on line. A receipt will be emailed to you to confirm your payment. A service provided by FOCA: <http://foca.on.ca/product/buck-lake-association/>

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