



City of Kingston
 Policies and Procedures
 Recreation and Leisure Services

Natural Lands and Parkland Acquisition Policy

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Effective Date July 20, 2010
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Page No. 1 of 14
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1.0 Purpose

The purpose of this policy is to accommodate the future needs of City residents for recreational parkland and to sustain the natural heritage system. In the future, the City of Kingston will be required to acquire land to be used as parkland or to provide or preserve as natural lands. The City of Kingston generally acquires parkland and natural land areas as a condition of development or redevelopment of residential, commercial or industrial lands under the provisions of the Planning Act. The framework of conveying land through parkland dedication is further set out in the Official Plan and the Parkland Dedication By-Laws. However, as a result of studies conducted as part of the Parks & Recreation Master Plan, the amount of parkland conveyed under this method will be insufficient in meeting the future needs of the community for both active and passive recreation. The City will need to actively pursue acquiring land in excess of the required parkland dedication to meet these demands.

This policy will provide a framework for a parkland and natural lands acquisition process above the requirement of the Planning Act in order to meet the targeted needs for parkland to provide a greater quality of life in Kingston. The policy will set priorities with respect to acquisition of parkland and natural lands. It will also provide the financial tools necessary to acquire these lands.

2.0 Revision History

Date	Revision Number	Change	Reference Section
March 11, 2009	1.0	New documents	Not applicable
2015	2.0	Added waterfront properties evaluation criteria and buffer land exchange ratios	5.13

3.0 Policy

3.1 It is the policy of the City of Kingston to:

- a) acquire, protect and manage natural land to preserve and enhance ecological processes, visual amenities and provide a benefit for the quality of life of existing and future residents of the City of Kingston
- b) promote programs which maintain natural land to be left undeveloped, to manage land for environmental purposes, and to encourage naturalization in cooperation with appropriate public agencies
- c) promote stewardship and public awareness of the importance of natural land and define the roles and responsibilities of citizens in using and protecting the natural environment
- d) prioritize and provide passive and active park space for residents in all areas of the City to use for various recreational and leisure purposes

4.0 Funding

- 4.1 Municipal funding will be allocated to the capital budget on an annual basis for the purpose of purchasing natural land and parkland. Funding allocated for land purchase shall represent at least 5% of the total Recreation Services regular capital budget.
- 4.2 Funding from the cash-in-lieu of parkland reserve fund may be used to contribute to the purchase of natural land and parkland.

5.0 Land Acquisition and Evaluation

- 5.1 Acquisition of natural land and parkland should be municipally purchased by means of an approved acquisition process set out in the City of Kingston Policy for the Sale and Acquisition of Property. Negotiations to purchase natural lands and parkland reside with the Recreation and Leisure Services Department.
- 5.2 Pre-consultation with applicable City departments and agencies including but not limited to: Environment, Heritage, Legal, Planning and Public Works shall be conducted prior to seeking council direction. For lands containing Environmental Protection Areas (EPA) to be potentially acquired as parkland, consultation with one of the applicable agencies shall be required **to ensure the property can be developed and used as park:** the Cataraqui **Region** Conservation Authority, the Ministry of Natural Resources **and Forestry**, or Parks Canada.
- 5.3 Council direction shall be obtained prior to staff initiating negotiations with private land owners.
- 5.4 Consideration of any change in the purchase value rate will be subject to a justification analysis and must be approved by Council.
- 5.5 Alternatives to acquire natural lands and parkland may be considered including land donations, bequest, expropriation, land trades, mechanisms as outlined in the Official Plan and the Parkland dedication By-Law, or a combination of these. For cases where

acquisition is required in conjunction with required parkland dedication, provision under the Official Plan and Parkland dedication By-Law shall be applied. EPA lands will not be taken as a parkland dedication requirement as part of any active parkland.

- 5.6 Conservation easements may be applied to natural land by agreement with the landowner. These lands will remain in private ownership and are utilized to place restrictions on the types of activities that can occur on the lands.
- 5.7 Natural land and parkland, including waterfront properties and water lots, shall continue to be acquired as they become available for purchase through municipal or private real estate. Parkland recommendations in the Draft Parks & Recreation Master Plan identify a number of specific areas within the City in need of parkland and shall be considered as priority areas for acquisition.
- 5.8 When it is determined that the integrity and/or the quality of a natural land property is threatened then the City, on advice from its Environment or Real Estate Department or other agency, shall proactively initiate land purchase negotiations.
- 5.9 Pre-acquisition inspections should be negotiated with the landowner and conducted by municipal staff prior to purchasing natural lands and parkland as a condition of the Purchase and Sale Agreement. The pre-acquisition inspections will be conducted by staff from Public Works, Environment, Heritage and Recreation and Leisure Services. Inspections may also be conducted by other parties contracted by City staff such as geologists, hydrologists, archaeologist, other government agencies, biologists etc.
- 5.10 The pre-acquisition inspections should be conducted through an on-site inspection and basic assessment of lands required, prior to finalizing each purchase and sale agreement to determine maintenance requirements and any costs associated with the land acquisition.
- 5.11 Council direction shall be obtained prior to the City entering into a partnership with recognized public agencies or non-profit organizations in acquiring land and may transfer ownership through mutually acceptable arrangements where it is deemed to be a prudent use of resources on behalf of the public to encourage environmental stewardship and to enhance ecological systems in Kingston.
- 5.12 Evaluation criteria are established to help guide the City in prioritizing natural land and parkland acquisition in excess of required parkland dedications. Criteria are different for both types of land acquisition as the public usage will also differ. Table 1 provides criteria for prioritizing natural lands and Table 2 criteria for prioritizing parkland. Evaluation and prioritization of potential land purchases will be conducted by staff from Recreation and Leisure Services in consultation with applicable departments such as Planning, Environment and Real Estate & Construction Services. The rating is determined by the sum of the scores. The higher the rating, the more valuable the lands are in terms of acquisition prioritization.
- 5.13 **Evaluation criteria are established to help guide the City in prioritizing acquisition of waterfront land along a major water body. Major water bodies are: Lake Ontario, the St.Lawrence River, the Great Cataraqui River, Rideau Canal, Loughborough Lake, Collins Lake and the Little Cataraqui Creek up to Bath Rd. Evaluation and prioritization of potential land will be conducted by staff from Recreation and Leisure Services in consultation with applicable departments and agencies such as Planning, Environment, Real Estate, and Cataraqui Region Conservation Authority. The rating is determined by the sum of the scores. The**

higher the rating, the more valuable the lands are in terms of acquisition prioritization. Table 3a provides criteria for prioritizing waterfront lands. Table 3b establishes a ratio of parkland conveyance reduction in exchange for buffer land conveyance, to the City, along major water bodies, as a condition of waterfront land development.

Table 1 Criteria for Prioritizing Natural Land

Natural lands **rating higher** under these criteria should be identified as priority areas for public acquisition in excess of the parkland dedication that is required through the development process. The purpose of natural land acquisition is to continue on the expansion of existing natural parks and trails systems, to develop corridors, to preserve and enhance ecological processes, visual amenities and/or provide for passive recreation to improve the health of residents.

Category	Rating	Criteria
Size	1	Small 0-10 acres
	2	Medium 11-50 acres
	3	Large 51+ acres
Location and Uniqueness	1	Low environmental significance: land is not designated EPA but has some natural features worth preserving or protecting.
	2	Medium environmental significance: may be designated EPA but has low to medium significance
	3	High environmental significance (such as sensitive areas ESA): provincially significant, has high archaeological significance or is located in or near UNESCO World Heritage designation or Rideau Canal
Natural Heritage Features and Biodiversity	1	Few natural heritage features: little variation of species, low habitat diversity, and plantations.
	2	Some natural features such as unique landforms, wetlands, woodlots of intermediate stage forest (mixed stands, low wet stands), valley lands, floodplains and average habitat diversity.
	3	High biodiversity: climax forests (hardwood), significant wetlands or natural feature (PSW, ANSI), significant wildlife habitat and presence of significant species.
Potential in Maintaining Ecological	1	Low potential to maintain environmental integrity (approximately 15m).
	2	Some potential to maintain the ecological functions of the area and has some buffer zones (approximately 30 m).

Functions	3	High ecological integrity and has high potential in maintaining ecosystem with large buffer zones (approximately 120 m).
Linkage Opportunities	1	Low opportunities for linkages: remnant surrounded by non-natural lands
	2	Indirect linkage to other natural lands or natural heritage system(s).
	3	Significant linkage to other natural lands or natural heritage system(s).
Development Pressures	1	Property surrounded by fully developed areas and has low potential impact on natural heritage features and area.
	2	Natural land located in undeveloped land areas not in the staging process
	3	Natural land located in or adjacent to staged development, areas designated for development in the Official Plan and/or zoning bylaw.
Funds	1	Funding is contingent on annual Capital Budget Allocation
	2	Funding is contingent on partnership with other public agency.
	3	Funding is contingent on funding from private sector or donations.
Ownership	-2	If land is currently owned by a public agency (i.e.: CRCA, University, or other governmental agency), it is given a negative value due to existing preservation and access potential
Social Importance	1	Low: little recreational and leisure, aesthetic, educational, climatic value, magnitude of impact low, not very controversial, will not affect a lot of people
	2	Medium: some recreational and leisure functions, aesthetic, educational, climatic value, medium magnitude of impact (if woodland not protected), somewhat controversial, will affect fair number of people.
	3	High: important for recreational leisure functions, aesthetic, educational and/or climatic value, high magnitude of impact (if woodland not protected), controversial, will affect numerous people – remnant surrounded by non-natural lands.
Availability	1	Not likely that property would be offered to the City
	2	Possible that property would be offered to the City
	3	Property have been offered to the City

Rating Evaluation (7-27)	7-17	Low rating for natural land acquisition
	18-22	Medium rating for natural land acquisition
	23-27	High rating for natural land acquisition

Table 2 Criteria for Prioritizing Parkland

Parkland rating higher under these criteria should be identified as priority parkland for public acquisition in the Parks & Recreation Master Plan. The purpose of the land acquisition is to provide for parkland in order to sufficiently provide for active and passive recreational needs of the community.

Category	Rating	Criteria
Size of Land	1	Small 0-4 acres
	2	Medium 5-19 acres
	3	Large 20 + acres
Recreational/Social Importance	1	Low: little recreational or leisure value. Limited space to accommodate neighbourhood features such as play structures and pathways. In a neighbourhood that has other parks and recreation options.
	2	Medium: some recreational or leisure value. Space can accommodate some recreational features such as play structures, basketball/tennis courts, pathways. Provides a recreation service in a neighbourhood/area that has limited recreational options.
	3	High: important recreational or leisure value. Space will allow the City to expand on recreational services that will serve the City or a significant portion of the City. The land may also provide connections to other City-wide service such as the trail system.
Constraint by Natural Features	1	Significant environmental features or is integral to designated EPA lands or has significant areas or features with little potential for development.
	2	Some environmental significance but has potential for development for its intended use.
	3	Limited environmental significance and has little or no constraint for development. The landform is suitable for a variety of activities.
Location (suitability relative to neighbouring uses)	1	Low: serving a neighbourhood need and has compatible surrounding land uses.
	2	Medium: serving a community need, has compatible surrounding land uses, and/or has some potential to link to existing parks or trails.

	3	High: serving a City-wide need, has compatible surrounding land uses, and/or has potential to enlarge existing parks or located with an area in need of parkland
Site accessibility/walkability	1	No potential sidewalk or trails to access the lands and/or requires crossing major arterial or major collector roads
	2	Located within a reasonable walking distance to a residential neighbourhood with sidewalks or trails and does not require crossing major arterial or major collector roads.
	3	Located within a reasonable walking distance to residential neighbourhoods with safe means of accessing site that does not require crossing major arterial or major collectors, and has potential for other alternate means of transportation in accessing the site
Funds	1	Funding is contingent on annual Capital Budget Allocation
	2	Funding is contingent on partnership with other public agency
	3	Funding is contingent on funding from private sector or donations.
Ownership	-2	If land is owned by a public agency it is given a negative value due to existing preservation and access potential (i.e.: Conservation boards , school boards, university, or other governmental agency).

Rating Evaluation (6-20)	6-13	Low rating for parkland acquisition
	14-17	Medium rating for parkland acquisition
	18-20	High rating for parkland acquisition

Table 3a: Criteria for Prioritizing Waterfront Land along Major Water Bodies

Waterfront land rating higher under these criteria should be identified as priority for public acquisition. The purpose of the waterfront land acquisition is to provide sufficient waterfront access and to ensure the long term protection of and recognition of the significant role that waterfront areas play in the City’s sense of place, recreational needs, natural heritage system, as well as a valuable source of water.

Category	Rating	Criteria
Location / Access		
Proximity to the urban boundary	1	Far > 5km
	2	2 – 5 km
	3	Near < 2km or within
Local access, connectivity, visibility, and proximity to public streets.	1	Low: limited opportunities for pedestrian access due to parcel configuration or grade and does not create connections to neighbouring communities, amenities or destinations. Site does not have good visibility to public streets with no or narrow street frontages, where lands are situated behind private properties or where less than 10% of the land can be seen from a public street.
	2	Medium: some opportunities for pedestrian access due to parcel configuration and grades that would allow for some pathway development at accessible grades. Site creates or improves connections to neighbouring communities, amenities or destinations. Site has good visibility to public streets with broad street frontages, where lands are not situated behind private properties or where up to than 25% of the land can be seen from a public street.
	3	High: demonstrated strong opportunities for pedestrian access due to parcel configuration and grades that would allow for multiple pathway development opportunities at accessible grades. Site provides strong connections to neighbouring communities, amenities or destinations. Site has high visibility to public streets with broad street frontages, where lands are not situated behind private properties or where more than 25% of the land can be seen from a public street.
Proximity to parkland and other public lands.	1	Low: site is not connected to another public land or park where its intended use or operation would be restricted by its separation

	2	Medium: site has some connection opportunities to an existing park or public land that would benefit its intended use and operation or where the site is separated from other public lands but the intended use is not constrained by its separation.
	3	High: land is directly adjacent to a park or public land where the relationship would benefit its intended use and operation
Broad connectivity to recreational systems (trails, on-road paths, routes or pedestrian systems)	1	Low: site offers no opportunities to connect to current or future trails or public roads as either a destination or a through way
	2	Medium: site offers some relationships to current or future trails and public roads as either a destination or a through way
	3	High: site is a key connection gap in, or destination of, an existing or future trail, pathway or public road system for cycling and pedestrians
Feasibility of Use		
Topography	1	Steep, poorly drained, standing water, low
	2	Some drainage issues, slopes >20%, some constraints to use
	3	Level, dry land, ease of use
Slope	1	Some steep or unstable slopes affecting pathway development, erosion, and public safety
	2	Stable land with some challenges for pathway, lookout and gathering area development at waterside
	3	Limited constraints to pathways, lookouts, gathering areas and waterside access
Vegetative Cover	1	Limited interest, low quality
	2	Meadow, cultural thickets, trees
	3	Trees of significant size, woodland
Natural Heritage Features and Biodiversity	1	Few natural heritage features: little variation of species, low habitat diversity, and plantations.
	2	Some natural features such as unique landforms, wetlands, woodlots of intermediate stage forest (mixed stands, low wet stands), valley lands, floodplains and average habitat diversity.

	3	High biodiversity: climax forests (hardwood), significant wetlands or natural feature (PSW, ANSI), significant wildlife habitat and presence of significant species.
Natural Environment Constraints to Use	1	Significant constraint and restriction to use due to natural heritage features and area. Has high supporting function to high quality natural heritage features including separation, wildlife corridor, vegetation buffer, successional forest growth opportunities, drainage, etc.
	2	Some constraint and restriction to use due to natural heritage features and area
	3	Limited constraint and restriction to use due to natural heritage features and area Has limited supporting function to moderate quality natural heritage features including separation, wildlife corridor, vegetation buffer, successional forest growth opportunities, drainage, etc.
Cultural / Archaeological	1	On-site or in proximity to constraints
	2	Limited consideration to use
	3	Opportunities to preserve and celebrate on-site or in proximity
Environmental Constraints – Unsuitable Fill/Contamination	1	Significant environmental constraint including contamination, low quality fill, poor load bearing capacity, erosion potential and other qualities that would restrict or limit its intended use as a public land
	2	Some environmental constraint
	3	Limited environmental constraint with low or no contamination, good quality fill, load bearing capacity, limited erosion potential and other qualities that would not restrict or limit its intended use as a public land
Functional Qualities		
Views	1	Completely or partially obstructed
	2	Primarily open views from up to 25% of the site, up to a 90 degree viewing angle for a distance of 500m or further.
	3	Highly desirable and open views from more than 25% of the site, over a 90 degree viewing angle for a distance of 1.5 km or further.
Adjacent Water	1	Low: shallow, stagnant, standing algae, algae blooms, wetland,

Aesthetic		known E-coli concerns
	2	Medium: shoreline has water depth > 1.2m, minimal standing algae, weed and aquatic plant growth, good flushing conditions (i.e. water flow or current)
	3	High: clean
Water access (Swimming)	1	No or limited opportunity on-site, significant obstructions or restrictions, bottom quality rough, uneven, silty, sediment, poor that would restrict swimming use
	2	Some possibility for wading and informal swimming
	3	High quality opportunities for swimming such as beach, flat rock, deep water, etc.
Water access (Canoeing, fishing, other recreational use)	1	Low: general access with recreational equipment is limited or restricted by shoreline, lake/riverbed condition, and vegetation grade and access
	2	Medium: general access with recreational equipment is possible when considering shoreline, lake/riverbed condition and vegetation but may present some challenges
	3	High: general access with recreational equipment is highly conducive and feasible when considering shoreline, lake/riverbed condition, vegetation, access and grades
Opportunities for boat launch and docking	1	Low feasibility or likelihood of permissions to develop a dock or boat launch when considering shoreline, lake/riverbed condition, vegetation, access and grades such as steep banks, and unsuitable soil
	2	Feasibility to create a small craft boat launch or floating dock when considering shoreline, lake/riverbed condition, vegetation, access and grades such as steep banks, and unsuitable soil
	3	High: Site feasibility can be demonstrated to create a vehicular boat launch and/or fixed docking area

Rating Evaluation (16-48)	16-23	Low rating for acquisition
	23-31	Medium rating for acquisition
	32-39	High rating for acquisition
	39-48	Very high rating for acquisition

Table 3b: Buffer Land Exchange Ratio in lieu of Parkland Conveyance

As a condition of waterfront land development, an area of separation or setback may be required from natural heritage features, their ecological functions or all land within the regulatory floodplain as protection from negative impacts of development or site alteration. The buffer land does not include environmental protection areas. This buffer land would be constrained by conditions restricting its use.

The reduction of parkland conveyance requirement in exchange for buffer land conveyance, to the City, along major water bodies may be considered under Parkland Dedication By-Law 2013-107. The rate of reduction of Parkland Conveyance is described below.

	Score	Ranking	Buffer Land Exchange Ratio in lieu of Parkland Conveyance
Rating of Waterfront Priorities as per Table 3a	16-23	Low	5 units buffer area to 1 unit parkland area
	23-31	Moderate	4 units buffer area to 1 unit parkland area
	32-39	High	3 units buffer area to 1 unit parkland area
	39-48	Very High	2 units buffer area to 1 unit parkland area

By-Law Number 2016-XX

A By-Law to Amend By-Law 2010-01, As Amended, 'Council Procedural By-Law'

Passed: XXX, 2016

Whereas Section 238(2) of the Municipal Act, 2001, as amended, requires that every municipality and local board shall pass a procedure by-law for governing the calling, place, and proceedings of meetings; and

Whereas Council at its meeting held June 5, 2010, enacted and passed By-Law 2010-1, ("The Council Procedural By-Law"); and

Whereas Council deems it necessary to further amend said by-law;

Now Therefore Be It Resolved That the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. **Section 14.37** which reads "Any member may challenge the ruling of the Chair. The challenger is permitted one minute to describe the reason, followed by a one minute response by the Chair, if required. No further debate is permitted. A two-thirds vote of the members present in favour of the challenge is required to overturn the decision of the Chair." is deleted and the following inserted therefore:

"Appeal of ruling of the Chair

14.37 Any member may challenge the ruling of the Chair. The challenger is permitted one minute to describe the reason followed by a one minute response by the Chair, if required. No further debate is permitted. A simple majority of the members present voting in favor of the challenge is required to overturn the decision of the chair."

2. This By-Law shall come into force and take effect on the date of its passing.

Given First and Second Readings XXX, 2016

Given Third Reading and Finally Passed XXX, 2016

John Bolognone
City Clerk

Bryan Paterson
Mayor