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To: Mayor and Council

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RE: Lighting Impact, Control & Regulation

Report No.: PDS 2018-040

AIM

To provide Council with information related to the current regulation and enforcement of lighting standards such as full cut-off and dark sky compliance and what additional actions may need to be taken to mitigate impacts on night sky.

BACKGROUND

The impact of artificial lighting is not a new issue particularly in urban areas and has often been an item of concern because of the wide array of different items that can be negatively affected. This can include sleep patterns, bird migration, breeding cycles in a wide variety of animals, growth patterns in plants and even the basic view of the night sky. Over time many of these impacts have been clearly identified and policies at all levels of government have been developed to encourage a reduction in the use of artificial light or a modification in artificial lights (technological changes) to direct lighting where it is needed.

The use of artificial or supplementary grow lighting in the greenhouse industry is something that is also not new however has generally not been in wide spread use in the more general day-to-day production of vegetable crops. It tends to be used more commonly in propagation of smaller plants and higher value specialty crops or more non-traditional greenhouse crops which require longer growing days. Despite this there have been provisions in most greenhouse site plan approvals in Kingsville since approximately the mid 2000s requiring the use of full cut-off and night sky compliance where lighting is utilized. This compliance can be achieved with wall and ceiling curtains, spray-on coatings and directional lighting. Based on public feedback and ongoing complaints full compliance has not been achieved to an acceptable level.

DISCUSSION

As with all enforcement issues in Kingsville it is directed on a complaint basis. When a concern is directed to staff it is investigated and if actions are necessary the owner of property with the light omission issue is advised of the concern and directed to take corrective actions. However, not all properties have current site plan approval agreements which contain lighting control provisions so enforcement, in part, is dependent on the age of the development. A further complicating factor is that often complaints are non-specific as to the offender (address) making enforcement less effective as we may only be able to advise or remind property owners in the general area of the complaint that there is a lighting issue.

There are a number of options that are under consideration to implement lighting controls and address existing enforcement challenges.

Step 1 Information Collection - Preparation of an up-to-date listing of all greenhouses including the determination of the existence of site plan approval and associated agreements and what level of detail the agreement contains related to lighting control, if any.

Step 2 Support - Once a comprehensive list has been prepared a letter will be drafted for general circulation and education purposes to advise all greenhouse growers of the importance of lighting controls regardless of site plan agreement provisions. The overall support of the industry is a key element to improving the current light pollution situation.

Step 3 Enforcement - If a particular greenhouse with lighting control provisions in their agreement remains in breach of the provision then enforcement actions will be started utilizing the penalty provision of the site plan control by-law.

Step 4 Future Implementation:

- i) All new site plan approvals will require the preparation and submission of a comprehensive lighting control plan that will clearly outline all lighting to be utilized on a given property which is subject to site plan control. This will be a requirement at the time of application submission and will require review and pre-approval as part of site plan application moving forward to Council.
- ii) Clear, detailed wording will be outlined in the site plan agreement as to the requirements and expectation for maintaining lighting control.

Step 5 Allocation of Resources - The key to the success of any requirement, by-law, agreement, rule, regulation or guideline is the necessary resources to implement enforcement. Ongoing monitoring both proactive and reactive. Present enforcement actions typically involve a review of the agreement, e-mail, phone call or letter to the owner that there is an issue and a measure of faith that corrective actions will be taken. In practice effective enforcement must be ongoing, clear, forceful and consistent. This is only achieved with the direct actions of resources that focus solely on enforcement and follow-up.

Step 6 – Improved Foundation - Although not an action solely related to the control of lighting it is also recommended that the site plan application and review process, specifically the requirements of site plan applications, be reviewed and an updated applicant's guide be prepared for inclusion with the existing site plan application. The goal being to provide a more comprehensive list of the basic requirements and expectations of the procedure followed by the Town.

LINK TO STRATEGIC PLAN

Promote the betterment, self-image and attitude of the community.

FINANCIAL CONSIDERATIONS

All enforcement actions related to by-laws and agreements require time and staff resources to complete. The site plan control by-law has the ability to levy fines in cases where there is ongoing or continued breaches with the hope to offset any associated enforcement costs directly related to a particularly issue.

CONSULTATIONS

Management Staff

RECOMMENDATION

It is recommended that Council receive the report on lighting impact, control and regulations for information purposes and direct staff to begin implementing the six step plan to implement better lighting control and regulation through the existing site plan approval and monitoring process.

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