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**Date:** May 15, 2020

**To:** Mayor and Council

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**RE:** Dark Sky Compliance Enforcement

**Report No.:** PS 2019-032

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## **AIM**

To provide details to the Mayor and Council regarding review and enforcement activities related to greenhouse grow light usage and site plan agreement requirements for control of lighting impacts.

## **BACKGROUND**

The use of supplemental grow lighting in greenhouses is not new to the industry. However, with the increased scale of greenhouses and the more recent expansion of local hydro, infrastructure usage has become a much more viable option. This usage has led to concerns over the impact of that lighting on the night sky and the environment as a whole.

In the fall of 2019 Council approved the investigation of area greenhouses to determine to what extent grow lighting was in use and which greenhouse operations were in compliance with their site plan agreements in terms of lighting, if applicable. At the January 13, 2020 Regular Meeting of Council Motion 25-2020 was put forward as follows: "That Council be provided with a detailed update regarding the Greenhouse Industry dark sky compliance investigations that were approved last year."

## **DISCUSSION**

### **Dark Sky**

It is important to note that "dark sky" is a guideline accepted globally for addressing what is viewed as unnecessary light pollution from all sources. There are many jurisdictions that have implemented regulations that follow "dark sky" guidelines in lighting by-laws or review processes such as site plan approval. Far more municipalities simply use "dark sky" as a

guide. Kingsville has since approximately 2006 included reference in site plans to dark sky or night sky protection, required photometric plans and more recently specifically outlined required protections such as shielding on lights and the use of wall and ceiling black out curtains in greenhouses using grow lights. Any of the existing development in Kingsville that predates 2006 using growing lighting or unshielded exterior lights are not considered to be non-compliant from a regulations standpoint. In these situation the Town is looking at establishing other regulatory means such as a nuisance or lighting by-law. Until this is developed our best effort will be to communicate with property owners to consider voluntary observance of the dark sky guidelines.

### Enforcement Activities

Inspection of grow light usage in Kingsville started in November of 2019. Since that time there have been a total of five inspections. The initial inspection in November included a total of 85 properties with greenhouses, of those approximately 12 are utilizing grow lights.

A second inspection was also carried out in November. As a result it was determined that there were a total of four greenhouses using grow lighting that were not in compliance with the provisions related to light use in their respective site plan agreements.

Planning prepared an information letter that was circulated to all 85 property owners at the end of November outlining that if grow lighting was to be used that appropriate mitigation measures must be employed, particularly in the case of properties with site plan agreements dating from 2006/2007 forward. No feedback was received by staff from this initial circulation.

In December a further inspection was undertaken. A total of 8 were non-compliant, 3 of which are Part 2 cannabis producers in older greenhouses with no site plan approval and as such no current regulatory means to require wall or ceiling blackout curtains. The remaining five have site plan agreements in place with some form of lighting control provisions. Additional inspections were completed in January and at that time 7 greenhouses were not compliant, again 3 of those being Part 2 cannabis producers with the balance all having site plan agreements with some form of lighting control provisions.

A follow-up letter was drafted specifically to each of the inspected properties noting either the need for dark sky compliance even with the absence of site plan agreements, or specifically noting that the property had a site plan agreement in place and highlighting the requirement for lighting controls to be implemented. Approximately half of the contacted growers with site plan agreements in place contacted the Town directly to determine what was required to get into compliance. Staff indicated that proper wall and/or ceiling curtains needed to be installed as soon as possible; the general goal being by fall of 2020 but no later than the end of 2020.

The most current review was completed in March with a total of 6 properties not in compliance with dark sky. The mix was again between site plan approved sites and Part 2 cannabis growers.

## Summary

Overall, based on the above information, compliance with dark sky is moving in a positive direction. Growers, with the exception of the Part 2 cannabis producers have been taking steps to move toward compliance. It is also noteworthy that at least one producer was already in the process of implementing dark sky measures on all of their facilities regardless of the age of the applicable site plan approvals on their lands. All greenhouse facilities in the last two years whether they are expansions or new builds have all had amending agreements which added the requirement for full light abatement in the form of wall and ceiling curtains. The Ontario Greenhouse Vegetable Growers (OGVG) has also provided its members with guidance on the use of lighting (see Appendix A)

Locally Kingsville is the only municipality actively pursuing dark sky compliance on its greenhouse development. I believe that the enforcement activity, contact with growers, ongoing comment from the public, and revised site plan wording has reinforced that the Town will continue to act on this issue. Based on feedback from the growers I believe that we will see ongoing improvement.

## LINK TO STRATEGIC PLAN

There is no direct link to the strategic plan.

## FINANCIAL CONSIDERATIONS

Regular inspections of the greenhouses have required after regular business hour scheduling of staff resources along with vehicle use, however, overall the impact is marginal.

## CONSULTATIONS

Management staff

## RECOMMENDATION

That Council:

Receive the report on greenhouse dark sky compliance enforcement for information purposes.

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