

**RESPONSE TO PUBLIC HEARING ON CHATHAM COUNTY LIGHTING
ORDINANCE (REV. 4 DRAFT)**

Thank you for considering this written response to your excellent proposal to update the Chatham County Lighting Ordinance.

The revised ordinance will clearly enhance the quality of life in Chatham County as it confronts the many challenges of change. The baggage that accompanies growth can be ugly, often destroying the many dreams that spawned the growth in the first place. Hence it is satisfying to see the leadership taken by the Chatham County Planning Board to provide an ordinance that will harmonize the County's environment with its developing outdoor lighting needs.

Perhaps, the biggest challenge facing the County is achievement of a relatively problem – free implementation of the new ordinance. Outdoor lighting designs for new subdivisions will face new problems because compliant fixture choices will be substantially reduced in the short run. And, those that are available could be in short supply. Likewise, the choices available to existing subdivisions may be limited and completely incompatible with hundreds of currently installed fixtures. These problems could significantly delay installation of fixtures prescribed by the revised ordinance and defer action by subdivisions wishing to upgrade to the “Dark Sky” configuration.

Achieving optimum results will require proactive engagement by the power companies. They must be encouraged to offer “Dark Sky” decorative fixtures that are comparable in appearance to their nonconforming counterparts offered today. While this variety should not be expected immediately, an aggressive effort to increase their availability should be taken immediately. Additionally, different power companies, serving the same subdivision, must be encouraged – formally, if possible – to cooperate with each other to offer fixtures that are similar, if not identical, in appearance. With more acceptable choices, it is likely that many subdivisions will be motivated to upgrade early, if not immediately.

There is one additional impediment to adoption of the ordinance by an existing customer. Contracts with the power companies for leased decorative outdoor lighting often run for 10 or 20 years and can't be broken without payment of unacceptably large penalties. Perhaps, it would be fruitful to get power companies to waive penalties when customers upgrade to “Dark Sky” fixtures. Such relief would be a real incentive for upgrade activity.

Finally, subdivisions with a large installed base of nonconforming fixtures must be afforded the ability to maintain that asset for the betterment of their communities. If, at any time a fixture needs replacement because of damage, appearance or performance, it should be allowed without upgrading to its “Dark Sky” counterpart. An upgrade of this type would require hundreds of additional upgrades to maintain the uniform appearance in these subdivisions. While an upgrade would be desirable, it is encumbered by yet unresolved issues of cost, contract and appearance. Additionally, moving and/or adding

fixtures for purposes of safety and security, or to complete the build-out of a subdivision should always be allowed without upgrading to the “Dark Sky” version. Without this exclusion, subdivisions will face the real threat of acquiring a higgledy-piggledy appearance.

Given current realities, the best hope for rapid, count-wide implementation of “Dark Sky” fixtures requires better solutions from the power companies and an adjustment of the ordinance to accommodate existing and developing subdivisions.

Resolving the implementation problems posed by the power companies probably requires intervention by the County and/or the State. How this should be accomplished is an open question. However, it seems reasonable to believe that the County will be best served if an informal arrangement can be achieved between the County and the power companies. Other outcomes may be as or more effective, but could take longer to achieve.

Adjustments to the ordinance might take the form presented below. Here, the table captures a list of nonconformances allowable for maintenance and additions of fixtures in subdivisions with large numbers of installed outdoor lighting fixtures. Smaller communities and some individuals may also qualify. However, the County will have to determine at what point outdoor lighting customers are disqualified. Following the table are modifications of the first two paragraphs of section (q) Nonconformities of the draft revisions of the Ordinance. This language supports the recommendations provided in the table.

<u>ALLOWABLE NONCONFORMITIES FOR EXISTING & PARTIALLY DEVELOPED SUBDIVISIONS</u>	
Category	Action
Maintenance	• Unrestricted replacement of Poles
	• Replacement of any defective components of a Fixture
	• Replacement of any defective Fixture with a like unit
	• Replacement of a Fixture with a like unit when it fails to meet appearance (e.g. dirt and age) and/or illuminance requirements
Additions	• Movement of Pole & Fixture to solve security or safety problem
	• Addition of matching Pole & Fixture to solve security or safety problem
	• Addition of matching Poles & Fixtures as needed to support build-out of the subdivision
	• Replacement of fixtures of one power company to match the fixtures of a second power company, when two power companies serve the same subdivision

Revise 1 & 2 under (q) Nonconformities to read:

- 1) Any lighting fixture lawfully in place or approved by the county prior to the adoption of this ordinance shall be exempt from these requirements. This exemption shall not be rescinded when fixtures are moved or replaced to maintain the fixture or solve security or safety issues. However, at the time that a nonconforming fixture is upgraded or changed to a new design, the fixture must be brought into compliance with the requirements of this ordinance. Expansion of, or addition to an existing lighting system will otherwise conform to the allowable nonconformities cited in the table above.
- 2) Routine maintenance, which includes changing the entire fixture or any of its parts, is permitted for all fixtures. Compliance is required only when a fixture is upgraded or changed to a new design.

Submitted by:

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