



FINDINGS

DARK SKIES TEXT AMENDMENTS

I. **APPLICABLE CRITERIA:**

Deschutes County lacks specific criteria in DCC Titles 18, 19, 22, or 23 for reviewing a legislative text amendment. Nonetheless, since Deschutes County is initiating this amendment, the County bears the responsibility for demonstrating consistency with Statewide Planning Goals and the existing Comprehensive Plan.

II. **BACKGROUND:**

Since November 2021, both the Board and Planning Commission have expressed support for updating DCC Chapter 15.10, Outdoor Lighting Control. In February 2022, the Planning Commission convened an 8-person panel reflecting varying perspectives related to dark skies and outdoor lighting. The panel discussed the importance of dark sky best practices and the increase in light pollution in the region from approximately 2012-2020.

In April 2022, the Board directed staff to pursue dark skies best practices and potential goals and policies as part of the Deschutes County 2040 Comprehensive Plan Update process. In October, during a Community Development Department FY 2022-23 Planning Division Work Plan Update, the Board expressed support for revisiting DCC Chapter 15.10 as a standalone work item, emphasizing educational outreach efforts rather than code enforcement responses.

Staff convened a second panel discussion in April 2023 to further explore such issues. The panel included representatives from the Oregon Chapter of International Dark-Sky Association (subsequently renamed to DarkSky International), an astronomer, Visit Central Oregon, Central Oregon Builders Association (COBA), Deschutes County Code Enforcement, a farmer/rancher, and a science educator.

Notable points that were raised by individuals (but not necessarily group consensus) in this panel included:

- Code update should include a revised purpose statement
- Exception from shielding for lights on timers should be eliminated
- Dark skies initiative is a great example of a diverse economic driver that aligns with natural resource values, destination values, etc. associated with the types of visitors that come to Central Oregon

- Full cutoff fixtures and prevention of light trespass are already measures that the building community is supportive of, but they would likely not be supportive of additional inspection fees
- Timers are often the subject of complaints - while they are on a timed window, they can be triggered multiple times each night, which creates more or less continuous lighting.
- If all lighting is required to be shielded, it could aid with enforcement

Existing Regulations

DCC Chapter 15.10, Outdoor Lighting Control, was adopted in 1994. The 1994 amendments require all private and commercial outdoor lighting fixtures located in the unincorporated areas installed after August 10, 1994 utilizing a 110-watt or brighter incandescent bulb to be shielded by design or modification that directs light downward, and must limit direct line-of-sight of the fixture's lamp to the property on which the fixture is installed. Other types of bulbs have different shielding requirements depending on wattage. DCC Chapter 15.10 also provides several exemptions.

Legislative Approach and Challenges

Updating lighting regulations to improve dark skies has been a consistent theme of Board, Planning Commission, citizen, and panel discussion on this topic. Any new regulations must balance the effectiveness of the code against the public and private costs to operate and enforce the program. Notably, implementation and enforcement are significant challenges; as a result, the proposed amendments seek to simplify the code wherever possible; the proposed code also includes guiding principles for effective and responsible lighting that are not intended to be mandatory approval criteria. In addition to the proposed code amendments, staff will initiate public education efforts aimed at educating County residents and visitors about dark sky principles.

The Building Safety Division administers and implements state building codes. Plans examiners and building inspectors do not have the capacity to review or inspect outdoor lighting fixtures through a separate, unfunded application for lighting review. Currently, every building permit reviewed by the Building Safety Division Plan is stamped with a notation that exterior lighting must comply with Deschutes County's lighting regulations. At final inspection, however, not everything noted or stamped on a building plan is inspected.

Outdoor lighting-related code enforcement violations are currently identified as a relatively low priority for resolution. Currently, outdoor lighting-related complaints constitute approximately 2% of the total received annually. Code enforcement specialists typically send educational materials to violators to encourage them to achieve compliance through changing their lights and/or shielding their lighting fixtures. Generally, outdoor lighting regulations are difficult to enforce for reasons of property access, inaccuracy of photos as evidence, after-hours site visits/investigations, inaccuracies/calibration/training for measurement devices, and other issues. Notably, code enforcement staff observed during the 2023 panel that a simpler code would likely be easier to enforce.

III. AMENDMENT SUMMARY:

The proposed streamlined code takes the challenges of enforcement and implementation into consideration, while addressing concerns that have been raised by experts and the public over the last several years.

- **Definitions:** Definitions, which previously utilized a separate section for each term, have been consolidated into a single section, and superfluous or outdated definitions (for instance, those defining certain types of light fixtures that are no longer referred to in the chapter) have been removed. New definitions have been provided for several terms, most notably “downcast,” “light trespass,” and “string lights.”
- **Purpose statement:** This statement has been revised utilizing input from a DarkSky representative to reflect the need for lighting practices that are both safe and responsible, recognizing the County’s night sky as an economic and community natural resource.
- **Guiding principles:** These principles, based on those from DarkSky International, have been added and are not intended to be mandatory. However, recognizing the limitations of enforcement, guiding principles can provide applicants with best practices for responsible lighting concepts.
- **Primary requirements:** DCC 15.10.050 presents three requirements applicable to all non-exempt outdoor light fixtures: lights must be downcast, fully shielded, and light trespass is prohibited. The proposed amendments remove distinctions between—and tables referring to—different types of bulbs/fixtures and wattage in favor of a simplified approach that is easier to implement and enforce. During the panel discussions, this simplification was acknowledged as a potentially effective strategy that recognizes the limitations of implementation and enforcement and that is easy to understand.
- **Prohibitions (formerly DCC 15.10.150) and externally lighted advertising signs (formerly DCC 15.10.160):** Both of these sections were deleted, with some language moved to DCC 15.10.060, Exemptions. Both contained redundant references to lighting that must conform to the shielding requirements that apply to all non-exempt fixtures (for instance, top mounted fixtures for advertising signs). Provisions for searchlights, recreational facilities, and bottom mounted advertising lighting were moved to DCC 15.10.060 Exemptions, which more accurately captures the criteria for these types of light fixtures.
- **Exemptions:** The proposed amendments clarify some existing exemptions and add others (see above). The amendments remove several exemptions that would now be subject to the requirements of DCC 15.10.050, including correctional institutions, historical areas, and motion detector lights. The amendments add exemptions for string lights, publicly owned lighting including streetlights, and searchlights.

IV. BASIC FINDINGS

The Planning Division determined that amendments were necessary to incorporate changes to modernize Deschutes County’s outdoor lighting standards. Staff initiated the proposed

amendments and notified the Oregon Department of Land Conservation and Development on June 5, 2025 (File no. 247-25-000377-TA). As demonstrated in the findings below, the amendments remain consistent with Deschutes County Code and the Statewide Planning Goals.

V. FINDINGS:

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

No legislative change shall be adopted without review by the Planning Commission and a public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.

FINDING: This criterion is met because a public hearing was held before the Deschutes County Planning Commission (Commission) on 7/10/2025 and a public hearing was held before the Board of County Commissioners (Board) on X/X/2025.

Section 22.12.020, Notice

Notice

A. *Published Notice*

- 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.***
- 2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.***

FINDING: This criterion is met as notice was published in *The Bulletin* newspaper on X/X/2025 for the Commission public hearing and on X/X/2025 for the Board public hearing.

B. *Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.*

FINDING: Posted notice was determined by the Planning Director not to be necessary.

C. *Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.*

FINDING: The proposed amendments are legislative and do not apply to any specific property. Therefore, individual notice is not required.

- D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.**

FINDING: Notice was provided to the County public information official for wider media distribution. This criterion has been met.

Section 22.12.030 Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Deschutes County Planning Division at the direction of the Board and has received a fee waiver. This criterion has been met.

Section 22.12.040. Hearings Body

- A. The following shall serve as hearings or review body for legislative changes in this order:**
- 1. The Planning Commission.**
 - 2. The Board of County Commissioners.**
- B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.**

FINDING: This criterion is met as the Commission held a public hearing on 7/10/2025. The Board held a public hearing on X/X/2025.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes included in file no. 247-25-000377-TA will be implemented by ordinances upon approval and adoption by the Board. This criterion will be met.

Oregon Statewide Planning Goals:

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for the adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

FINDING: The County's citizen involvement program ensures that any amendments to the County's development code are reviewed through a duly noticed public process. This legislative process to

review the proposed amendments will require two public hearings, one before the Commission on 7/10/2025 and one before the Board on X/X/2025.

Information was distributed throughout the process via the project website and through social media and email. All Commission and Board work sessions were open to the public and noticed in accordance with the County's rules and regulations. All work session materials, including meeting recordings and summaries, were available on the County's website. All the aforementioned venues provided the opportunity for gathering feedback and comments.

As part of the legislative process, public notice requirements for the Commission and Board public hearings were met. The notice was sent to persons who requested notice, affected government agencies, and was published in the X/X/2025 and X/X/2025 issues of the Bend Bulletin. The notices invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the County's webpage where the draft of the proposal can be viewed.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework. The County's Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals.

FINDING: Deschutes County has an acknowledged Comprehensive Plan and enabling ordinances. The amendments to the DCC are being undertaken to bring residential development standards, criteria, and procedures into compliance with state statutes.

The amendments are being processed in accordance with the County's adopted procedures, which requires any applicable statewide planning goals, federal or state statutes or regulations, comprehensive plan policies, and the County's implementing ordinances be addressed as part of the decision-making process. The amendments are being processed as a post-acknowledgement plan amendment (PAPA) and noticing requirements have been met. All applicable review criteria have been addressed within this staff report; therefore, the requirements of Goal 2 have been met.

Statewide Planning Goals 3 and 4 – Agricultural Lands and Forest Lands:

FINDING: No changes related to agricultural or forest lands are proposed as part of the text amendments. The amendments seek to encourage the utilization of responsible lighting practices that recognize the County's night sky as an economic and community natural resource while still allowing customary farm and forest practices to occur. This goal does not apply.

Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

FINDING: This goal requires the inventory and protection of natural resources, open spaces, historic sites and areas. No changes related to Goal 5 resources are proposed as part of the text amendments. This goal does not apply.

Statewide Planning Goal 6 – Air, Water, and Land Resource Quality:

FINDING: The County is currently in compliance with the State’s Goal 6 program. The amendments do not alter the County’s acknowledged land use programs regarding air, water, and land resource quality. This goal does not apply.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards:

FINDING: No changes will occur to County programs related to flood management, wildfire mitigation, or other natural hazards. This goal does not apply.

Statewide Planning Goal 8 – Recreational Needs:

FINDING: The proposed amendments do not address or alter any County recreational programs or land use requirements related to parks and recreation. This goal does not apply.

Statewide Planning Goal 9 – Economic Development:

FINDING: The proposed amendments do not alter the County’s compliance with Goal 9, which is to provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens. The amendments seek to encourage the utilization of responsible lighting practices that recognize the County’s night sky as an economic and community natural resource. The proposed amendments are in compliance with Goal 9.

Statewide Planning Goal 10 – Housing:

FINDING: This goal is not applicable because unlike municipalities, unincorporated areas are not obligated to fulfill certain housing requirements.

Statewide Planning Goal 11 – Public Facilities and Services:

FINDING: The County is currently in compliance with Goal 11 through its acknowledged Comprehensive Plan. The amendments do not alter the County’s compliance with Goal 11 and are consistent with this goal.

Statewide Planning Goal 12 – Transportation:

FINDING: The County is currently in compliance with Goal 12 and Metro’s Regional Transportation Plan through its acknowledged Comprehensive Plan and TSP as required by Oregon Administrative Rule 660-012 (Transportation Planning Rule - TPR). The proposed amendments do not alter the County’s compliance with Goal 12.

Statewide Planning Goal 13 – Energy Conservation:

FINDING: The County is currently in compliance with Goal 13 through its acknowledged Comprehensive Plan. The amendments do not alter the County's compliance with Goal 13 and are consistent with this goal.

Statewide Planning Goal 14 – Urbanization:

FINDING: The County is currently in compliance with Goal 14 through its acknowledged Comprehensive Plan and land use regulations. The County also has signed Joint Management Agreements with the cities of Bend, Redmond, and Sisters as required by ORS 195.065. The amendments do not alter the County's compliance with Goal 14 and are consistent with this goal.

VI. CONCLUSION:

Based on the information provided herein, staff recommends the Board of County Commissioners approve the proposed text amendments that make changes necessary to modernize the outdoor lighting ordinance.