



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Tanya Saltzman, Senior Planner
Will Groves, Planning Manager

DATE: August 20, 2025

SUBJECT: Work Session: Dark Skies Text Amendments

The Deschutes Board of County Commissioners (Board) will conduct a work session on August 25, 2025 to consider text amendments to update Deschutes County Code (DCC) Chapter 15.10, Outdoor Lighting Control (File no. 247-25-000377-TA).

This work session is in preparation for a public hearing scheduled for August 27, 2025. Attached to this memorandum are the proposed text amendments and a staff report summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as ~~strikethrough~~. The public hearing will be conducted in-person, electronically, and by phone.¹

All record materials can be found on the project website:
<https://bit.ly/DeschutesDarkSkies>

I. 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

¹ See Deschutes County Planning Commission June 26, 2025 Agenda for more information:
<https://www.deschutes.org/meetings>

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.

II. 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 previous 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. The City of Sisters utilizes a similar technique in its recently revised lighting ordinance.
- **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.

III. TESTIMONY RECEIVED – PLANNING COMMISSION PROCESS

In total, thirteen individuals provided written testimony before the close of the written record period during the Planning Commission process. Three individuals provided verbal testimony during the hearing. The full written comments are available in the record for the Board's reference. Comments received after Planning Commission deliberations concluded on July 24 are in the record and will be considered by the Board of County Commissioners during its deliberations on a future date.

All individuals providing testimony were in support of adopting the amendments and of reducing light pollution; seven supported adopting the amendments as written. Other individuals provided questions or suggestions to refine the amendments, which are summarized below with staff responses as applicable.

1. *Kevin English, Deschutes County resident:* Questioned if amendments allow for lighting of the U.S. flag per the U.S. Flag Code.

Staff response: The regulations in the draft code pertaining to flags have not changed since the previous version and maintain an exemption from the standard shielding requirements for "U.S. flags displayed by top mounted lighting on a 24-hour basis." There is not a specific reference in the County code to the U.S. flag code, but it is consistent with the U.S. Flag Code, which states "It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flag staffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness."

2. *James Anthony, Deschutes County resident:*

- Suggestion to revise definition of “light trespass” to include a measurement of lumens: ““Light trespass” exists when the sum of artificial light illumination beyond the property lines on which the light sources are installed, exceeds *nnn* lumens.”
 - Suggestion to revise holiday lighting exemption to better reflect current practices, from 45 days cumulatively in a calendar year to “no more than 45 days in a single event and 90 days cumulatively in a calendar year.”
3. *Bill Kowalik/DarkSky Oregon:* On behalf of DarkSky Oregon, Mr. Kowalik provided two written comments and verbal testimony at the hearing. The organization supports County efforts and provided a presentation document and table outlining DarkSky Oregon’s assessment of the proposed code as it compares to the existing code and specific comments on numerous provisions. The table in its entirety is available for review in the record; the Planning Commission may choose to deliberate on any of the items provided therein. Remarks include, but are not limited to:
- Amendments should include color spectrum requirements: at minimum, require 3,000K or less, but ideally require range of 1,800-2,200K, which generally appear amber and minimize the negative impact of security lights. Amber lights are preferable in general.
 - Recommends all greenhouse lighting be subject to same regulations as marijuana facilities: Inside building lighting, including greenhouses, hoop houses, and similar structures, shall not be visible outside the building from 7:00 p.m. to 7:00 a.m.
 - Recommends 11 p.m. lights off for any lights (not just string lights) including internally lighted signs and digital billboard signs; exception for shielded amber lights. Lights off within 30 minutes of close of commercial business, within 1 hour of close of business for parking lots or close of play for sports fields.
 - Holiday lighting: Recommends specific dates for simplification: December 1-January 15
 - Requests evaluation of lighting plans before approval, and requests inspection during or after construction.
4. *Meg Voedisch, Deschutes County resident/Dark Skies Over Eagle Crest:* Question about the necessity of exemptions for string lights.

Staff response: Staff notes that string lights were previously unregulated by the code but are common throughout the County, so the proposed regulations seek to put some degree of regulation on them, recognizing that they are a unique type of light fixture. The proposed amendments follow the example of the City of Sisters, providing regulations for commercial and non-commercial uses of string lights.

5. *Toni Williams, Deschutes County resident and Planning Commissioner:*
- General support for amendments

- Understands lack of resources for enforcement and supports educational efforts, particularly concerning lighting that is downcast and shielded, and concerning light color.
- Concerning education, suggests a mailer to be bundled with property tax bills and/or a QR code that links to educational materials

Agency/Government Testimony

1. *Scott Woodford, City of Sisters Community Development Director*: In response to an inquiry about how Sisters manages its outdoor lighting code, Mr. Woodford noted that the City reviews lighting plans during the building permit process and inspects at the time of occupancy. Sisters is also pursuing education methods such as mailers, community events, and social media. Code enforcement is complaint-based, beginning with a letter sent to those in violation of the code.
2. *Randy Scheid, Deschutes County Building Official* noted that per state law, local building department fees are to be utilized solely for the building inspection program to facilitate safe, sanitary, and durable dwellings, during their construction, alterations, and repairs and in accordance with OAR 918 and the Oregon Residential Specialty Code (OSRC). He also noted that “It has been my observation that most of our non-compliant Dark Sky lighting fixtures were installed without permits or inspection well after any final inspection was made.” Scheid emphasized the importance of educational efforts and suggested potential land use sign off or property owner/contractor affidavit prior to issuance of a Certificate of Occupancy.

IV. PLANNING COMMISSION REVIEW AND DISCUSSION

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on June 5, 2025. Staff presented the proposed amendments to the Planning Commission on June 26, 2025.² An initial public hearing was held before the Commission on July 10, 2025.³ At that time, the oral portion of the public hearing was closed and the written record was held open until July 16, 2025 at 5:00 p.m. The Commission held deliberations on July 24, 2025⁴, issuing a recommendation for approval to the Board with several refinements, and requesting staff to relay the main topics of the Planning Commission discussion to the Board.

The Planning Commission discussed several issues pertaining to the proposed amendments. The two with the highest priority were included in the motion to recommend approval of the amendments:

1. **Nonconformance (DCC 15.10.060(A)(1)(b))**: The Planning Commission recommended that the window for compliance for existing fixtures be changed from

² <https://www.deschutes.org/bc-pc/page/planning-commission-68>

³ <https://www.deschutes.org/bc-pc/page/planning-commission-70>

⁴ <https://www.deschutes.org/bc-pc/page/planning-commission-71>

five years (in the original draft proposal, changed from six years in the 1994 code) to three years. This change is reflected in the amendments in Board's hearing package.

2. **Recommendation that the Board pursue Dark Sky Certification within five years.** The International DarkSky Places program certifies communities, parks, and protected areas that meet certain standards with respect to responsible lighting. This generally involves a combination of regulatory requirements, measurement of overall brightness, and community/education efforts. Staff notes that additional testimony concerning this potential goal was received after the close of Planning Commission deliberations and is available in the record, which can be discussed during Board deliberations (2025-08-08 DarkSky Oregon (Bill Kowalik) Comment 3).

Other changes based on Planning Commission and staff discussion and testimony received have been incorporated into the Board's hearing package:

- **Light trespass (DCC 15.10.040):** Per Planning Commission discussion, this definition was clarified to provide easier compliance and enforcement. The original proposed definition was the following:

"Light Trespass" means a condition in which light emitted by a light fixture illuminates any area beyond the property lines of the property on which the fixture is installed. "Light Trespass" exists when a person is able to see illumination from an off-site light fixture. Light trespass does not include indirect reflection or scattering of light from mounting hardware or any other surfaces.

The revised definition states "...Light trespass exists when a person is able to see **direct** illumination from an off-site fixture." [emphasis added for clarity]. This means that the bulb or part of the bulb—the part of the fixture the emits light—is visible from offsite.

- **Exemptions for holiday lighting (DCC 15.10.060(C)):** Based on testimony received and in consultation with Legal Counsel, the original proposed exemption for holidays light was for "Holiday decorations for no more than 45 days cumulatively in a calendar year..."

The revised exemption provides fixed dates for the traditional winter holiday season, per testimony from DarkSky Oregon, and adds a number of days throughout the year to accommodate other special events. This language provides a balance of clarity and flexibility.

Revised language: "Seasonal holiday lighting from December 1 to January 15 is exempt. Other event-specific lighting for no more than fourteen cumulative days in a single calendar year also is exempt. "Event-specific lighting" means lighting other than seasonal holiday lighting, illuminated for a period not to exceed fourteen cumulative days in a calendar year, associated with a holiday or other special occasion."

V. NEXT STEPS

A public hearing with the Board is scheduled for August 27, 2025.

Attachments:

- 1) Staff Findings & Proposed Text Amendments