



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Tarik Rawlings, Associate Planner
Peter Gutowsky, AICP, CDD Director

DATE: November 2, 2021

SUBJECT: Preliminary Work Plan – Deschutes County Dark Skies Ordinance

The Community Development Department (CDD) FY 2020-2021 and 2021-2022 Work Plans identify updating the Deschutes County Outdoor and Greenhouse Lighting Control Ordinance (aka Dark Skies Ordinance). The objective is to ensure that the unincorporated areas of Deschutes County continue to mitigate the potential effects of light pollution by exterior lighting standards with Dark Skies best practices and technologies. The benefits and impacts of the proposed Dark Skies ordinance are outlined below.

CDD has prepared a preliminary work plan outlining a process to update its Dark Sky Ordinance and seeks Board of County Commissioners (Board) input prior to initiation.

I. Background

Deschutes County's Outdoor Lighting Ordinance was adopted in 1994.¹ The ordinance received broad-based support in testimony to the County Commissioners in 1994, and it continues to receive recognition today.² CDD produced a frequently asked questions factsheet, which is still distributed to customers.³ Ordinance 94-024 requires that:

- All private and commercial outdoor lighting fixtures installed after August 10, 1994 or replacing a fixture installed before that date 120 or brighter watt incandescent bulb (1,800 lumens) located in the unincorporated areas must 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.

There are exceptions:

- Motion-sensitive lights, which shine for not more than 20 minutes.

¹ Ordinance 94-024. https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/deschutescounty/ordinances/documents/1620317553_1994-34738-Ordinance%20No.%2094-024%20Recorded%209_1_1994.pdf

² <https://www.darkskydefenders.org/blog/sunriver-designated-first-international-dark-sky-place-in-oregon>

³ https://www.deschutes.org/sites/default/files/fileattachments/community_development/page/781/outdoor_lighting_faq.pdf

- Decorative holiday lighting, which shines for not more than 45 days.
- See the text of the ordinance for other exemptions, which apply in certain circumstances.

II. Dark Skies Purpose and Concept

The International Dark-Sky Association currently lists over 50 US jurisdictions that have been designated as Dark Sky communities, parks, or reserves as of 2020.⁴ Support for the adoption of dark sky legislation has been expressed by policymakers, designers, public safety professionals, wildlife biologists, and land use planning entities across the country. A dark sky is one of many qualities that characterize rural areas in Oregon and set them apart from the state's urban and suburban areas.

DCC Chapter 15.10, Outdoor Lighting Control, includes outdoor lighting criteria.⁵ These standards are subsequently incorporated by reference into eight (8) separate code sections within Title 18, County Zoning. Aside from the lighting criteria included in DCC Chapter 15.10, DCC contains standalone exterior lighting regulations within various zoning districts and combining zones (e.g. DCC Chapters 18.84, Landscape Management Combining Zone and 18.116, Supplementary Provisions, for example).

III. Work Plan and Timeline

Below is a phased approach to updating Deschutes County's Dark Skies Ordinance, including estimated timelines.

Phase 1:

- **Preliminary Research**
(Ongoing – January 2022)
 - Explore causes of light pollution
 - Assess the benefits and impacts of dark skies best practices
 - Audit Deschutes County Development Code for existing exterior lighting standards
 - Review other Oregon jurisdictions' exterior lighting codes and dark skies ordinances in an effort to gauge potential controversy or contentious elements that may arise in Deschutes County's process
 - Review jurisdictional dark skies codes and policies outside of Oregon to further identify best practices
- **Dark Skies Panel**
(February 2022)
 - Assemble *Dark Skies Panel* to gauge collective concerns, feedback, and recommendations for revising Deschutes County's Dark Skies Ordinance. Panelists could include representatives from partner agencies, CDD divisions, as well as dark skies experts from nonprofit or similar groups.
 - Hosted by the Planning Commission

⁴ <https://www.darksky.org/our-work/conservation/idsp/communities/>

⁵ https://deschutescounty.municipalcodeonline.com/book?type=ordinances#name=CHAPTER_15.10_OUTDOOR_LIGHTING_CONTROL

Phase 2:

- **Dark Skies Report**
(March 2022)
 - Draft an initial Dark Skies Report incorporating preliminary research, current Deschutes County exterior lighting standards, best practices from other jurisdictions, and recommendations from the Dark Skies Panel.
 - Present Dark Skies Report to the Planning Commission and Board
 - Receive Planning Commission input and Board direction to initiate legislative amendments

Phase 3:

- **Legislative Amendments**
(April – August 2022)
 - Initiate Text Amendments to DCC.
 - Planning Commission work session and public hearing
 - Board work session and public hearing
 - Consideration of an ordinance for adoption

IV. Next Steps

As noted above, staff seeks Board feedback and direction on the preliminary work plan outlined above including any recommendations for panel representatives, timeline goals, or individual phases or steps within the outlined process.