



OAR 141-126 Communication Site Facilities

**Information Session and
Public Rule Hearing
August 15, 2024**





Rule Hearing Agenda

Photo: Vernon Wolf, DSL

- 6:00 Welcome
- 6:05 Informational Presentation by DSL
- 6:20 Q&A
- 6:30 Public Hearing
- 7:00 Hearing Ends

Zoom Protocols



- Raise your hand to ask a question or provide a comment:
 - Click the Reactions icon near the bottom of your screen and click “raise hand”
 - Press *9 if you are on the phone.
- Participants will be called in the order in which hands are raised.
- Keep your mic muted unless it is your turn to speak.
- Be respectful of each other and DSL representatives.

Information Session



Communication Site Facilities



OAR 141-126-0120(11)

These facilities consist of the towers, antennas, dishes, buildings, generators, propane tanks, solar panels, fences, and other associated structures, equipment, or developments used by a lessee, or by a lessee and one or more co-locators, to transmit or receive radio, microwave, wireless communications, and other electronic signals.

Goals of Proposed Rulemaking



- Address limitations of current communication site rules, OAR 141-125
- Streamline application and leasing processes
- Update fee and rent structure to accurately reflect market values based on use types
 - Manage lands to generate returns for the Common School Fund
 - Ensure fees and rates are fair and equitable
- Efficiently manage co-location leasing
- Adapt to a continuously changing industry and technologies

Rulemaking Timeline



February 2021	Rulemaking initiated
Spring 2021	Conducted market study, drafted rules
Summer 2021	Rulemaking advisory committee (RAC) convened
Summer 2022	Public hearing and public comment period
Fall 2022 – Spring 2023	DSL research and revision based on public comment
Spring 2023 – Spring 2024	DSL and Dept. of Justice review and revision to streamline leasing process and lease application
Summer 2024*	Public hearing and public comment period
Winter 2024	State Land Board review and anticipated effective date of rules

OAR 141-125

Special Use Rules



Communication Sites are currently managed under OAR 141-125.

- With the adoption of the proposed Division 126 Rules, the Division 125 rules need to be changed to remove Communication Sites.
- No other changes are proposed to the Division 125 Special Use rules at this time.

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Communication Site Facility Rules



Primary Changes

- Updates to terminology
- Defined Use Type Categories:
 - **Personal/Research/Scientific**
 - **Non-Commercial:** Non-profit, Government, Quasi-Government, Emergency Services, Law Enforcement
 - **Commercial:** Small, Medium, Large
 - **Wireless Cellular Communications**
 - Small Wireless Facility, Macro Cellular Facility

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Communication

Site Facility

Rules



Primary Changes (cont.)

- Required pre-application meetings
- Specified timelines for application and lease processing
- Updated fees and lease rates
- Introduced Co-Location Leasing Process
 - Distinct Fee and Lease rate structure
- New Decommissioning requirements

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Communication Site Facility Rules



Changes Following First Comment Period

- Simplified co-location leasing process.
- Division of cellular communication facilities into Small Wireless Facilities and Macro Cellular Facilities.
- Adjusted fees and rates to reflect market rates as well state and federal policy
- Aligned timelines with state and federal policy

Anticipated Outcomes



- Compatibility with industry standards.
- Compatibility with state and federal policy.
- Greater certainty about application and leasing processes and timelines.
- Fees and Lease Rates may increase or decrease depending on Use Type.
- More long-term lease options.
- Streamlined administrative process
- Responsiveness to changing technologies and industry.



Photo: Vernon Wolf, DSL

Questions?

Additional Resources:

<https://www.oregon.gov/dsl/Laws/Pages/Rulemaking.aspx>

RAISE YOUR HAND TO ASK A QUESTION

- If joining by Zoom, use “raise hand” feature.
- If calling in by phone, dial *9.

Public Rule Hearing



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- Commenters have a 3-minute time limit.
- Please state your name and affiliation.

Provide Written Comment



- May be submitted through September 3 at 5:00 p.m.
- Written comments can be submitted by
 - Email
dsl.rules@dsl.oregon.gov
 - Online form
www.oregon.gov/dsl/Laws/Pages/RuleComment.aspx
 - Mail
Oregon Department of State Lands
775 Summer St. NE, Suite 100
Salem, OR 97301



Thank You!

DSL.rules@dsl.oregon.gov

oregon.gov/dsl



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