



MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Nicole Mardell, AICP, Senior Planner

DATE: January 19, 2023

SUBJECT: Deliberations: Amateur (HAM) Radio Facility Amendments

On January 26, 2023, the Deschutes County Planning Commission will conduct deliberations on proposed legislative amendments to streamline and clarify the review process for amateur (HAM) radio facilities (file no. 247-22-000912-TA).

Staff submitted a 35-day Post Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on November 28, 2022. Staff presented the proposed amendments to the Planning Commission at a work session on December 8, 2022¹. The initial public hearing was held on January 12, 2023², at which time the Planning Commission closed the oral and written record. Background information on the amendments was provided in the packet for the initial hearing.

The record, which contains all memoranda, notices, and project materials is available for inspection on the project website:

<https://www.deschutes.org/cd/page/247-22-000912-ta-amateur-ham-radio-text-amendments>

Attached to this memorandum are the proposed text amendments and findings. Within the proposed amendments, added language is shown underlines and deleted language is shown as ~~strikethrough~~.

¹ <https://www.deschutes.org/bc-pc/page/planning-commission-23>

² <https://www.deschutes.org/bc-pc/page/planning-commission-31>

I. WRITTEN TESTIMONY

Staff did not receive any written comments prior to or during the public hearing.

II. HEARING TESTIMONY

The Planning Commission conducted a public hearing on January 12, 2023. During the hearing, two members of the public provided testimony. The testimony is summarized as follows and includes staff responses provided during the hearing.

- **HAM Radio operators are appreciative of the process and find that proposed regulations for facilities under 70 feet are sufficient.**

Staff Response: Staff has been working with the HAM radio community on this amendment package and appreciates this comment.

- **What is the reason that height is limited to 30 feet in Landscape Management and Airport Zones?**

Staff Response: DCC 18.120.040(A)(1) provides guidance for building height exceptions that differ from that of the underlying zoning district. This section notes amateur radio facilities are not subject to underlying zoning district heights, but instead regulated by specific requirements in 18.116.290. This section does not apply to Airport Development, Airport Safety, and Landscape Management Combining Zones. Rather, heights in those zones are limited to 30 feet. The intent of the lesser height in the Landscape Management Combining Zone is to protect scenic corridors along certain roads and waterways in Deschutes County. The intent of the lesser height in the Airport Safety and Airport Development Zones is to reduce potential conflicts with aircrafts and transitional surfaces related to the airports.

- **Will building permits be required for facilities under 70 feet? How can the County verify this without land use review?**

Staff Response: The current code, as drafted, provides general standards for review. Staff has proposed to keep these general standards as written, including the requirement for a property owner to obtain a valid building permit if required from the Deschutes County Building Safety Division. Staff, in consultation with the County's Building Official, finds this section is sufficient to require applicants to coordinate with the County's building department outside of the land use process to determine if a building permit is required for an amateur radio facility.

- **Amateur radio facilities are already located in Landscape Management areas and have a negative impact on viewshed and view corridors. How are the regulations addressing this?**

Staff Response: As noted above, DCC 18.120.040(A)(1) currently applies to amateur radio facilities. Staff is adding a cross reference to this code section to provide greater clarity on height limits in the Landscape Management Zone. Heights of amateur radio facilities in the Landscape Management Zone will be limited to 30 feet which is consistent with the height of other uses in this zone. Staff notes that the Landscape Management Zone applies to view corridors (along scenic roads and rivers designated on the County's zoning map) but does not protect viewsheds. Staff believes the proposed amendments provide greater clarity on this requirement and provides aesthetic protection of scenic corridors.

III. NEXT STEPS

At the conclusion of the meeting, the Commission can:

- Continue deliberations to a date certain;
- Close deliberations and propose a recommendation during this meeting.

Ultimately, the Planning Commission will provide a recommendation to the Board of County Commissioners. Options include:

- Recommend approval of amendments as drafted;
- Recommend approval of amendments with suggested edits or recommendations;
- Recommended denial of amendments;
- Other.

Attachments:

1. Proposed Text Amendments – DCC Chapter 18.116.290
2. Proposed Findings