

## **OREGON**

---

Department of  
Land Conservation  
& Development

**February 24 & 25, 2026**

# **Goal 5 Cultural Areas Rule Technical Implementation Webinar**

**Kirstin Greene, Deputy Director  
Amanda Punton, Natural Resource Specialist  
Brett Estes, North Coast Regional Representative  
Dawn Marie Hert, Eastern Oregon Regional Representative  
Laura Kelly, Portland Metro Regional Representative  
Celestina Teva, Housing Planner**



# Background and Purpose

## Goal 5 Cultural Areas Rule

- Improve awareness and reduce impacts
- Base inventories created during termination
- Implementation detail missing for 30 years
- Respect development processes
- Increase communication, coordination
- Allow for better inventories



# Presenters and Thanks 🎉

## Much Appreciation To:

- Amanda Punton, Natural Resource Specialist
- Dawn Marie Hert, Eastern Oregon Regional Representative
- Brett Estes, North Coast Regional Representative
- Laura Kelly, Portland Metro Regional Representative
- Celestina Teva, Housing Planner

# Information on Archaeological Laws

Local land use permit applications shall inform the applicant:

- That it is unlawful to disturb an archaeological site without authorization from a state archaeological permit
- What to do in the event of unintentional discovery of an archaeological site

Guidance includes model language to meet the requirement

# Noticing



## Legislative Commission on Indian Services (LCIS) Permits & Cultural Resources Page

For January 1, 2027:

LCIS will maintain a list of the tribes and contact information for those to receive notice

Also on DLCD's Tribal Relations website

Local governments satisfy notice requirements by sending notices to tribes on the list ✓

# Noticing



## Land Use Applications Involving Ground Disturbance

Urban Growth Boundary Amendments

Applications Outside Urban Growth Boundaries

Cultural Landscape Feature Designation Applications

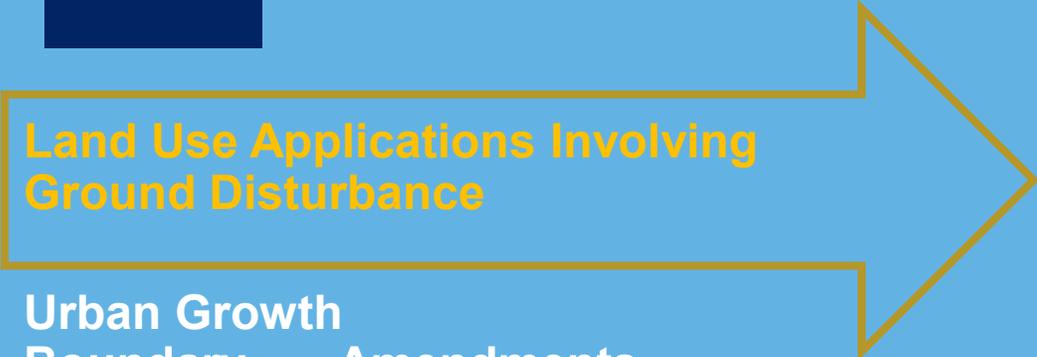
## Local governments must:

- Notify tribes of applications seeking local authorization for development that will result in ground disturbance.

## This requirement applies to:

- Land use permits as defined in ORS 215.402(4) / ORS 227.160(2);
- Limited land use decisions requiring public notice under ORS 197.195 / ORS 197.797
- Land use actions subject to the procedures established in Oregon Laws 2025, chapter 330, section (3)

# Noticing



**Land Use Applications Involving  
Ground Disturbance**

Urban Growth  
Boundary Amendments

Applications Outside Urban  
Growth Boundaries

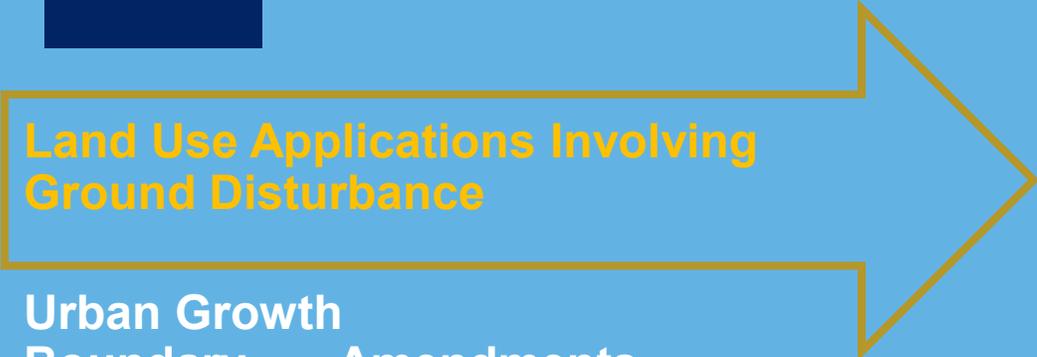
Cultural Landscape Feature  
Designation Applications

## Examples of ground disturbance:

- Grading,
- Foundation installation,
- Installation of underground utilities, and
- Mining of aggregate or minerals.

Applications where there is an opportunity for public comment local governments must send notice to those tribes no later than five days after the application is deemed complete.

# Noticing



## Land Use Applications Involving Ground Disturbance

Urban Growth  
Boundary Amendments

Applications Outside Urban  
Growth Boundaries

Cultural Landscape Feature  
Designation Applications

## This notice must include:

- A description of the proposed development
- A map showing the vicinity of the proposed development
- Tax lots and the street address or other easily understood geographical reference to the subject property
- Contact information for the jurisdiction's planning official

# Noticing



Land Use Applications Involving  
Ground Disturbance

**Urban Growth  
Boundary Amendments**

Applications Outside Urban  
Growth Boundaries

Cultural Landscape Feature  
Designation Applications



Local governments must send notice to tribes with an ancestral connection to the area of a proposed UGB amendment

Notice Requirements:

**Cities** must send notice at least 35 days prior to the first evidentiary hearing

**Metro** must send notice at least 45 days prior to the first evidentiary hearing

# Noticing



Land Use Applications Involving  
Ground Disturbance

Urban Growth  
Boundary Amendments

Applications Outside Urban  
Growth Boundaries

Cultural Landscape Feature  
Designation Applications



## Counties must:

- Identify applications requiring permits and a comment period under ORS 215.402(4) on lands outside an urban growth boundary and provide notice to tribes
- This requirement will overlap with OAR 660-023-0210(5) for protection of archaeological sites and may be satisfied with the same notice

# Noticing



Land Use Applications Involving  
Ground Disturbance

Urban Growth  
Boundary Amendments

Applications Outside Urban  
Growth Boundaries

Cultural Landscape Feature  
Designation Applications



## Counties must:

- Send notice to tribes no later than five days after an application is deemed complete
- Purpose is to request information about the potential for negative impacts to a cultural landscape feature

## As in urban areas, notice must include:

- A description of the proposed development
- A map showing the vicinity of the proposed development
- Tax lots and the street address or other easily understood geographical reference to the subject property
- Contact information for the jurisdiction's planning official

# Noticing



Land Use Applications Involving Ground Disturbance

Urban Growth Boundary Amendments

Applications Outside Urban Boundaries Growth

Cultural Landscape Feature Designation Applications

## Local governments must:

Provide notice to all nine Tribes for all applications received from an Oregon-based government to add a Cultural Landscape Feature to the local inventory of Goal 5 significant sites

## Local governments must:

- Notify owners of property that contains all or portion of the subject landscape feature or its impact area
- Within seven days of receiving an application, send notice to tribes who wish to receive notice

# Tribal Response



**Land Use Applications Involving  
Ground Disturbance**

**Urban Growth Boundary  
Amendments**

**Applications Outside Urban  
Growth Boundaries**

**Cultural Landscape Feature  
Designation Applications**

## The local governments must:

- Add the tribal contact to the list of interested parties
- All responses shall be included as part of the record
- Inform applicant and transmit recommendation for avoiding/mitigating impacts
- Consider tribe's response in local review standards
- Findings must address tribal feedback
- Known archaeological sites- must condition application for Oregon Archaeological Permit

# Tribal Response



## Land Use Applications Involving Ground Disturbance

Urban Growth Boundary Amendments

Applications Outside Urban Growth Boundaries

Cultural Landscape Feature Designation Applications

## Confidentiality:

- Preserve confidentiality on the location of a known/ suspected archaeological site
- Specific location is exempt from public records law

## Local governments may acquire data and publish information:

- To indicate likelihood of inadvertent discovery
- Known archaeological approximated site locations

# Tribal Response



**Land Use Applications Involving  
Ground Disturbance**

**Urban Growth Boundary  
Amendments**

**Applications Outside Urban  
Growth Boundaries**

**Cultural Landscape Feature  
Designation Applications**

## **Local governments may acquire data and keep confidential:**

- Information on a specific site that is used to inform permit conditions for avoiding impacts to a site
- Support compliance with state statutes and rules governing excavation of an archaeological site

# Tribal Response

Land Use Applications Involving  
Ground Disturbance

Urban Growth Boundary  
Amendments

Applications Outside Urban  
Growth Boundaries

Cultural Landscape Feature  
Designation Applications

## The local government must:

- Follow response requirements as detailed in Ground Disturbing Activities
- Follow findings and archaeological permit requirements as detailed in Ground Disturbing Activities

## In addition:

- Metro must convey responses to the responsible city/county
- Goal 5 must be applied if landscape feature or its impact area is present in the UGB expansion area

## Confidentiality:

- Follow requirements as detailed in Ground Disturbing Activities

# Tribal Response

Land Use Applications Involving  
Ground Disturbance

Urban Growth Boundary  
Amendments

Applications Outside Urban Growth  
Boundaries

Cultural Landscape Feature  
Designation Applications

## The local government must:

- Follow response requirements as detailed in Ground Disturbing Activities
- Offer to arrange a meeting with tribe and applicant if a potential negative impact is indicated

## Confidentiality:

- Follow requirements as detailed in Ground Disturbing Activities
- Local governments must include voluntary measures or required federal measures in the record unless the tribe requests confidentiality

# Tribal Response



Land Use Applications Involving  
Ground Disturbance

Urban Growth Boundary  
Amendments

Applications Outside Urban Growth  
Boundaries



Cultural Landscape Feature  
Designation Applications

**Detailed response guidance  
provided later in these slides;  
include the following:**

- Processing Cultural Landscape Feature designation applications
- Conducting Goal 5 significance and Economic, Social, Energy, and Environmental (ESEE) analyses
- Adopting protection measures



## Cultural Landscape Features

- Landscape with cultural significance
- Evaluated using rule-based factors
- Applications submitted by Oregon-based governments
- May be submitted at any time



## Receiving and Processing Applications

- Early tribal notice
- Significance evaluation
- ESEE analysis if significant
- Protections adopted when indicated by ESEE
- Apply protections to later permits



## Potential Code Gaps

- No existing process for CLF designation
- Protections must be land use regulations

Need:

- ✓ code "home" for protections
- ✓ mapping or overlay option
- ✓ way to apply protections



# Guidance

Optional model ordinance and resolution packages

## •Model Ordinance Package

- Staff report
- Ordinance
  - Exhibit A- Tribal Notice Procedures
  - Exhibit B- Cultural Landscape Features
  - Exhibit C- Comprehensive Plan Amendments

## •Model Fee Resolution Package

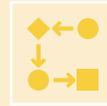
- Staff report
- Resolution
  - Exhibit A- Fee Schedule
- Fee calculation worksheet

# Model Ordinance Package

Cultural Landscape Feature (CLF) designation applications



Creates full CLF review process



Establishes review criteria and steps



Provides comprehensive plan policy



Provides code home for protections



Provides overlay or mapping option

# Model Ordinance Package

Tribal notice requirements



Lists all rule-required notice triggers



Cross-references rule timing and content



Includes confidentiality protections



Establishes enforceable local obligation

# Fee Schedule

Processing applications for cultural landscape features (CLF)



Establishes optional CLF fee



Supports application cost recovery



Uses workbook calculations



Adopted by separate resolution



Fully customizable locally



# Summary

- Tribal notice will be routine
- Application timing unknown
- Model tools fill key gaps
- Amendments optional
- Preparation advised

Government Notice & Invitation to Coordinate or Consult**To:** [Tribal Government]**From:** [Local/Regional Government]

[Name of seniormost leadership/elected official, i.e. mayor], [title], [email], [phone number]

CC: [Name of project manager], [title], [email], [phone number]

**Regarding:** [relevant jurisdiction, may be same as "from" or may be different]

Application/Case/File # (as applicable):

Active Projects <input type="checkbox"/>	Construction Proposal <input type="checkbox"/>	Ground disturbing activities <input type="checkbox"/>
Local/Regional Long-Term Planning <input type="checkbox"/>	Housing <input type="checkbox"/>	Contextualized Housing Need <input type="checkbox"/>
		Housing Production Strategy <input type="checkbox"/>
	Urban Growth Boundaries (UGBs) & Cultural Resources <input type="checkbox"/>	Preliminary UGB Study Area <input type="checkbox"/>
		Proposed UGB Amendment <input type="checkbox"/>
	Transportation <input type="checkbox"/>	Transportation System Plan Update <input type="checkbox"/>
	Cultural resources <input type="checkbox"/>	Culturally Significant Landscape Feature <input type="checkbox"/>
Other <input type="checkbox"/>	[brief description]	

**Timeline:**Initial response deadline<sup>1</sup>:Final coordination/consultation deadline<sup>2</sup>:

# Routing Supports

Forthcoming!

# Next Steps

Webinar tomorrow, February 25 at 1 pm

Updates! Please let us know what you think

Updated version, webinar in April (TBD)

May 1 publish final tools



**DLCD**  
Department of  
Land Conservation  
& Development

Kirstin Greene, Deputy Director  
Amanda Punton, Natural Resource Specialist  
Brett Estes, North Coast Regional Representative  
Dawn Marie Hert, Eastern Oregon Regional Representative  
Laura Kelly, Portland Metro Regional Representative  
Celestina Teva, Housing Planner

# Questions and Discussion