



OREGON

Department of
Land Conservation
& Development

Goal 5 Cultural Areas Rule Technical Implementation

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Background and Purpose

Goal 5 Cultural Areas Rule

- Improve awareness and reduce impacts to important cultural areas
- Provide notice and comment opportunity to Tribal governments
- Respect development processes
- Increase communication and coordination

Key Rule Components

Effective January 1, 2027

Local governments must:

- Provide information on archaeological statutes with permit application forms
- Send tribes notices for:
 - Development permit applications reviewed through a public process **and** will result in Ground disturbance **or** New development outside a UGB
 - Proposed UGB amendments
 - Cultural landscape feature (CLF) applications
 - Optional programs proposed
- Consider tribal responses to notices



Information on Archaeological Laws

Information Required on Local Permit Application Forms

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 Tribes



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

- Send notice to federally recognized tribes in Oregon who wish to receive notice
- LCIS will maintain a list of tribes specific to each city, county, and Metro.
- **Local governments satisfy notice requirements by sending notices to tribes on their list.**

Local Governments May:

- Work with tribes to develop customized noticing procedures
- Identify areas where archaeological sites are likely to exist and adopt protection measures to reduce accidental disturbance



Optional Local Program Elements

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.

Applies to applications for which there is opportunity for public comment:

- 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)

Notice sent 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

Examples of ground disturbance resulting from a local authorization:

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

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

Intent of this notice - Provide an opportunity for tribes to flag the potential for inadvertent disturbance of an archaeological site

Noticing



Land Use Applications Involving
Ground Disturbance

Urban Growth Boundary Amendments

Applications Outside Urban
Growth Boundaries

Cultural Landscape Feature
Designation Applications

Notice Requirements:

When a UGB amendment is proposed for adoption

- **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

Intent of this notice - Provide an opportunity for tribes to flag the potential for impacts to important cultural areas

Note - Another DLCD rule requires that cities notice tribes at the UGB alternatives analysis stage

Noticing



Land Use Applications Involving
Ground Disturbance

Urban Growth Boundary Amendments

Applications Outside Urban
Growth Boundaries

Cultural Landscape Feature
Designation Applications

Counties must:

- Provide notice to tribes of applications requiring permits and a comment period, under ORS 215.402(4), on lands outside an urban growth boundary

This requirement will overlap with notice required under OAR 660-023-0210(5), 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

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

Intent of this notice - Request information about the potential for negative impacts to a cultural landscape feature

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 tribes of applications received from an Oregon-based government to add a Cultural Landscape Feature to the local inventory of Goal 5 significant sites
- Send notice within seven days of receiving an application
- Notify owners of property that contains all or portion of the subject landscape feature or its impact area

Intent of this notice – Keep tribes informed of local actions regarding Goal 5 cultural areas

Tribal Response



**Land Use Applications Involving
Ground Disturbance**

**Urban Growth Boundary
Amendments**

**Applications Outside Urban
Growth Boundaries**

**Cultural Landscape Feature
Designation Applications**

When a response is received, the local governments must:

- Add the tribal contact to the list of interested parties
- Included response as part of the record
- Inform applicant and transmit recommendation for avoiding/mitigating impacts
- Consider tribe's response in local review
- Findings must address tribal feedback
- For archaeological sites with established boundaries in state database - Condition approval on making 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

Local governments:

- May acquire and keep confidential information on a specific site to inform recommendations for avoiding impacts to a site
- Shall 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

In addition:

- Metro must convey responses to the responsible city/county
- Goal 5 cultural area rule must be applied if information on a landscape feature is included in the record of the amendment

Tribal Response



Land Use Applications Involving
Ground Disturbance

Urban Growth Boundary
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Designation Applications

In addition, local governments must:

- Offer to arrange a meeting with tribe and applicant if a potential negative impact is indicated
- Include voluntary protection 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:**

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

Tribal Response

Confidentiality



**Land Use Applications Involving
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When managing responses from tribes:

- 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
- Indicate approximated site locations while not revealing a precise location



Cultural Landscape Features

Making application

Applications to recognize a landscape feature as culturally significance

- Evaluated using rule-based factors
- May be submitted by Oregon-based governments
- May be submitted at any time



Cultural Landscape Features

Receiving and Processing Applications

- Provide early tribal notice
- Conduct significance evaluation
- Prepare ESEE analysis if significant
- Adopt protections when indicated by ESEE

ESEE – An analysis of the economic, social, environmental, and energy consequences of a local decision to prohibit, limit, or allow uses that conflict with a significant Goal 5 resource site.



Cultural Landscape Features (CLF) 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

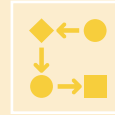
- Staff report
- Resolution
 - Exhibit A- Fee Schedule
- Fee calculation worksheet

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
- CLF application timing unknown
- Model tools fill key gaps
- Amendments to local code optional
- Preparation advised

Routing Supports

- DLCD is developing a cover sheet for notices
- A standardized cover sheet will help tribes rout and respond to notices
- Use of the cover sheet by local governments will be encouraged

Transmittal Date: [date]

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

Timeline:

Initial response deadline¹:

Final coordination/consultation deadline²:



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Questions?
Please contact the
**Goal 5 Cultural Areas
Rule Team**

[DLCD Staff Directory](#)