



MAY 1, 2026

IMPLEMENTING OAR 660-023-0210, THE CULTURAL AREAS RULE

GUIDANCE FOR OREGON LOCAL GOVERNMENTS

Tribal Notice • Cultural Landscape Features • Integration with Local Land Use Procedures

This document provides optional guidance to assist Oregon cities and counties in understanding and applying OAR 660-023-0210. The rule applies directly whether or not a local government amends its comprehensive plan or development code. The optional model procedures, ordinance language, fee tools, and worksheets included in the appendices are provided for jurisdictions that wish to incorporate Cultural Areas Rule processes into their local land use framework. Local governments may adapt these materials or rely on existing Goal 5 procedures as appropriate.

EXECUTIVE SUMMARY

On December 4, 2025, the Land Conservation and Development Commission adopted the cultural areas rule (OAR 660-023-0210) to ensure that Oregon's land use system meaningfully incorporates tribal knowledge and protects cultural resources. The rule establishes required procedures for providing notice to federally recognized tribes in Oregon, for processing applications from Oregon-based governments to determine that a cultural landscape feature is locally significant, and for integrating these requirements into local land use review.

The rule takes effect **January 1, 2027**, and applies directly whether or not a local government amends its comprehensive plan or development code. The cultural areas rule is intended to strengthen communication between tribes and local governments by requiring notice for development applications involving ground disturbance, urban growth boundary (UGB) amendments, and certain rural applications. The rule also provides direction for how a local government evaluates significance of a cultural landscape feature and determines appropriate protection measures for significant sites.

Once a cultural site or landscape is disturbed, its history and heritage can be lost forever. Many tribes in Oregon were left out of local comprehensive planning conversation due to being terminated by the 1953 and 1954 Western Oregon Indian and Klamath Tribal Termination Acts of Congress. The rule does not affect established treaty rights and is consistent with the government-to-government consultation responsibilities expected by state agencies. The rule defines required local government procedures for sending notice to tribes and sharing those comments with applicants and decision-makers. It also outlines how tribal responses must be incorporated into the local record while protecting confidential information about archaeological sites. The goal is to support communication between tribes and local governments so that communities can better identify options for preserving cultural resources while planning for growth.

This guidance document provides optional tools-including model notice procedures, model procedures, and optional enhancements, which jurisdictions may adopt, adapt, or use as reference when implementing the rule.

If you have comments on these tools or suggestions for improvement, please contact Kirstin Greene, AICP, Deputy Director and Tribal Liaison at DLCD. Kirstin may be reached at 971-701-1584 or via email at Kirstin.greene@dlcd.oregon.gov.

See DLCD's Tribal Relations web page for additional information: [Department of Land Conservation and Development : Tribal Relations : About DLCD : State of Oregon](#)

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Chapter 1. Introduction and Purpose

Introduction and Purpose

This guidance document provides optional tools and reference materials to help Oregon cities and counties implement OAR 660-023-0210, the cultural areas rule. The rule establishes required procedures for tribal notice, local significance evaluation for cultural landscape features under the set of rules that implement Goal 5, and the adoption of site-specific protection measures for landscape features that are found to be significant.

The rule applies directly to local land use decisions beginning January 1, 2027, whether or not a jurisdiction amends its comprehensive plan or development code. Local governments may use their current Goal 5 review processes, adopt new procedures tailored to the rule, or combine both approaches.

The purpose of this guidance is to support consistent, respectful, and effective implementation of the cultural areas rule by clarifying required procedures, offering optional local implementation tools, and identifying state resources available to assist jurisdictions.

Key Terms and Acronyms

The following acronyms and terms are used throughout this document:

- **UGB** — urban growth boundary
- **DLCD** — Oregon Department of Land Conservation and Development
- **LCIS** — Legislative Commission on Indian Services
- **OARRA** — Oregon Archaeological Records Remote Access system
- **CPA** — Comprehensive Plan Amendment
- **ESEE** — economic, social, environmental, and energy analysis
- **MOU** — Memorandum of Understanding
- **CLF** — Cultural Landscape Feature
- **SCLF** — Significant Cultural Landscape Feature (a CLF determined to be significant under Goal 5)

Note: The term *cultural landscape feature application* is spelled out in this guidance to avoid implying significance before evaluation. The acronym “SCLF” is used only when referring to features already determined to be significant.

What This Guidance Is — and Isn't

This guidance is:

- A set of optional tools
- Model procedures and templates
- Best practices for implementation

This guidance is not:

- A replacement for the rule
- A mandatory code package
- A comprehensive cultural resource program

Local governments may adopt, adapt, or simply reference the materials in this document based on local needs.

What This Guidance Contains

This document is organized into three main chapters, followed by appendices that include optional templates and model materials:

- **Chapter 1** introduces the purpose of the guidance and identifies state resources available to support implementation.
- **Chapter 2** explains new required procedures for sending tribal notice and handling tribal responses, specific to notice of review for development proposals that will result in ground-disturbance , UGB amendments, review of development proposals outside UGBs, and cultural landscape feature applications. It also describes confidentiality requirements and optional local cultural resource program components.
- **Chapter 3** provides detailed guidance for processing a cultural landscape feature application, including significance evaluation, integration into Goal 5 inventories, ESEE analysis, adoption of protection measures, and development review.
- **Chapter 4** explains the optional model ordinance package and the optional Model Fee Resolution Package. It describes the structure and purpose of each package, summarizes key provisions, and highlights options for local adoption.

Appendices provide optional tools and reference materials, including:

- A summary of how the model ordinance implements the rule
- Guidance for integrating rule requirements into existing local procedures
- A sample checklist for information cultural landscape feature application
- The full model ordinance package
- A model fee resolution package

How Local Governments Can Use This Guidance

Local governments may use this document to:

- Understand required notice procedures
- Prepare for receiving and processing cultural landscape feature applications
- Integrate required notice steps into existing land use procedures
- Adopt or adapt the optional model ordinance exhibits
- Initiate a local cultural resource program in partnership with tribes

Use of the model materials is not required. They are provided to support consistent, respectful, and effective implementation of the cultural areas rule.

Summary of Rule Requirements and Effective Dates

Beginning **January 1, 2027**, all Oregon local governments must comply with the following requirements:

- Tribal notice for land use applications involving ground disturbance
- Tribal notice for UGB amendments
- Tribal notice for certain applications outside UGBs
- Processing cultural landscape feature applications

Local governments may prepare or adopt optional procedures at any time.

State Resources and Assistance

Local governments implementing the cultural areas rule may rely on several state resources for support and technical assistance.

Department of Land Conservation and Development (DLCD)

DLCD Regional Representatives and the Natural Resource Specialist are available to help cities and counties understand and implement this rule. They can assist with required tribal notice procedures, preparation for receiving cultural landscape feature applications, and associated Goal 5 processes.

Legislative Commission on Indian Services (LCIS)

LCIS will maintain a list for each city, county, and Metro of contacts for tribes that wish to receive notice in particular areas based on their ancestral connection. Local governments satisfy the rule's notice requirements by sending notices to the tribes listed by LCIS for their jurisdiction. LCIS will provide information for local governments regarding tribes that wish to receive notice. *LCIS will post this information on its website so local governments can easily identify which tribes have asked to receive notice for particular areas. **This guidance will be updated with a direct link once the LCIS webpage is available.***

Oregon State Historic Preservation Office (SHPO)

SHPO implements state laws and permit requirements that pertain to archaeological sites. [ORS 97.740, ORS 358.905-358.961, ORS 390.235, OAR 736-051-0090] SHPO can assist local governments in understanding confidentiality practices, archaeological permitting, and compliance with state statutes as needed.

Chapter 2. Notice And Response Guidance

This chapter provides guidance on the required tribal notice established in OAR 660-023-0210 and procedures following a tribe’s response to a notice. These requirements apply to several categories of local land use actions, including treatment of applications involving ground disturbance, applications for development outside urban growth boundaries, urban growth boundary amendments, and review of cultural landscape feature applications. This chapter also describes optional local cultural resource program that jurisdictions may choose to develop.

Required Statement on Application Forms

OAR 660-023-0210(5)(b)

Applicability

All local application forms for land use authorizations that involve ground disturbance.

Requirement

Local governments must include a statement on their applicable application forms informing the applicant:

- That it is unlawful to disturb an archaeological site without first obtaining a permit required by OAR chapter 736, division 51; and
- Of the steps required by state law, which a landowner or developer must follow, in the event of unintentional discovery of an archaeological object or site.

Sample language is provided in **Supplement 1**.

Notice to Tribes and Tribal Response Procedures

The cultural areas rule requires local governments to notify tribes of certain land use applications and to incorporate tribal responses into the record while protecting confidential and sensitive information. Local governments meet the various notice requirements in the rule by sending the notice to the tribes on the list provided to them by LCIS. The following sections describe these requirements for each category of land use action.

Land Use Applications Involving Ground Disturbance

OAR 660-023-0210 (5)(b)-(h)

Applicability

The intention of this notice is to provide tribes with an opportunity to flag potential impacts to archaeology sites. Cities and counties must notify tribes of applications seeking local authorization for development that will

result in ground disturbance. Tribal notice is required only for applications that both (A) will result in ground disturbance and (B) are one of the following categories for which public notice is required by statute:

1. Land use permits as defined in ORS 215.402(4) or ORS 227.160(2);
2. Limited land use decisions for which public notice is required under ORS 197.195 or ORS 197.797;
3. Land use actions subject to Oregon Laws 2025, chapter 330, section 3.

Not required for:

- Ministerial permits;
- Limited land use decisions processed ministerially under ORS 197.195(6);
- Applications for which public notice is not required by statute.

Notice Requirements

For applications that meet the two-part applicability test local governments must send notice to tribes no later than five days after the application is deemed complete. The purpose of the notice is to request information about the potential for negative impacts to known or suspected archaeological site.

Table 1: Required Tribal Notice for Ground-Disturbing Applications

STEP	REQUIREMENT	NOTES
1	Confirm the application will result in ground disturbance and requires statutory public notice	ORS 215.402(4), ORS 227.160(2), ORS 197.195, ORS 197.797
2	Identify tribes and tribal contacts listed by LCIS for the city/county	Use most current LCIS list
3	Send tribal notice by email or other means within 5 days of deeming the application complete	Include description, map, tax lots/address, staff contact
4	Add responding tribes to the public notice list	Required for hearings or comment periods
5	Include tribal responses in the record using best practices for managing sensitive information and preserving confidentiality consistent with state law	ORS 192.345(11)
6	Inform applicant of tribal recommendations	Not considered public disclosure
7	If SHPO confirms a known site with established boundaries, condition approval on the applicant applying for an archaeological permit	ORS 390.235; OAR 736-051

Examples of Ground Disturbance

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

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
- Contact information for the jurisdiction’s planning official

This tribal notice is separate from the notice of public comment period or hearings provided under ORS 197.195, ORS 197.791 or Oregon Laws 2025, chapter 330, section 3. A sample tribal notification sheet is provided in **Supplement 2**.

Response and Treatment of Sensitive and Confidential Information

When a tribe responds to a notice, the local government must add the tribal contact to the list of interested parties receiving notice of public comment period or hearings provided under ORS 197.195, ORS 197.797 or Oregon Laws 2025, chapter 330, section 3.

Information from a tribe received prior to the first evidentiary hearing - or by the close of the comment period if no public hearing is held - shall be included as part of the record for the application in a manner that balances the interest of preserving confidentiality of information on the location of a known or suspected archaeological site with that of informing development practices that avoid impact to a sit. Information concerning the location of archaeological sites or objects is exempt from public records law under ORS 192.345(11).

Best practices for treating confidential and sensitive information include:

- Acquire and publish aggregated data in a spatial format to indicate relative likelihood of inadvertent discovery within all or a portion of a local jurisdiction.
- Acquire and publish data on a known archaeological site if the location of the site is approximated so that the precise location of the site is obscured.
- Acquire and keep confidential information on a specific site that is used to inform permit conditions or other strategies for avoiding impacts to a site or support compliance with state statutes and rules governing excavation of an archaeological site.

Local governments must inform the applicant when a tribe responds and transmit to the applicant a tribe’s recommendation for avoiding or mitigating impacts. Communication of such information to an applicant is not considered public disclosure.

While local governments must consider information in a tribe’s response pertinent to the local review, the local government is not required to alter its review standards. Findings must address tribal feedback and explain how the information was considered including any recommendations for avoiding or minimizing impacts.

Additional Requirement

If SHPO confirms that the proposed development is within the established boundaries of a known archaeological site, the city or county must condition the land use decision on the applicant applying to SHPO for an Oregon Archaeological Permit according to state archaeological laws.

Urban Growth Boundary (UGB) Amendments

OAR 660-023-0210(7)(a)-(c)

Applicability

Local governments must send notice to tribes when a UGB amendment is proposed for adoption. .

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.

Table 2: Required Tribal Notice for UGB Amendments

STEP	REQUIREMENT
1	Identify tribes and tribal contacts listed by LCIS for the city/Metro
2	Send notice 35 days before the first evidentiary hearing (cities) or 45 days before the hearing (Metro)
3	Include tribal responses in the record using best practices for managing sensitive information and preserving confidentiality consistent with state law
4	Metro must forward tribal responses to the affected city or county
5	If information on a cultural landscape feature is included in the record, apply Goal 5 per OAR 660-023-0250(3)(c) following adoption of the amendment

Response and Treatment of Sensitive and Confidential Information

Directives for handling confidential and sensitive information are the same as those described in Section 1 in this chapter in the *Response and Treatment of Sensitive and Confidential Information* section for Ground Disturbing Activities. Tribal responses received prior to the first evidentiary hearing shall be included in the record or referenced in a manner that avoids public disclosure of confidential and sensitive information.

Metro must convey tribal responses to the city or county responsible for comprehensive planning of the UGB expansion area.

Additional Requirement

If factual information in the record demonstrates that a cultural landscape feature or its impact area is present in the UGB expansion area, the city or county responsible for comprehensive planning of the UGB expansion area must apply Goal 5 consistent with OAR 660-023-0250(3)(c).

Applications Outside Urban Growth Boundaries

OAR 660-023-0210(8)(a)-(d)

Applicability

The intention of this notice is to provide tribes with an opportunity to flag potential impacts to important cultural landscape features. Counties must identify permit applications on lands outside an urban growth boundary that require a comment period under ORS 215.402(4) 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 tribal notice when both provisions apply.

Notice Requirements

Counties must send tribal notice no later than five days after an application is deemed complete to request information about the potential for negative impacts to a cultural landscape feature.

As for notices required under section (5), 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

A sample tribal notification sheet is included as **Supplement 2**.

For more information on laws and best practices that apply to archaeological sites on private land see **Supplement 1**.

Notification and consultation with tribes required and carried out as part of a federal action satisfy the requirements of this section.

Table 3: Required Tribal Notice for Rural Applications

STEP	REQUIREMENT
1	Identify applications requiring a comment period under ORS 215.402(4)
2	Identify tribes and tribal contacts listed by LCIS for the county
3	Send tribal notice within 5 days of deeming the application complete
4	Include description, map, tax lots/address, and staff contact
5	Include tribal responses in the record using best practices for managing sensitive information and preserving confidentiality consistent with state law
6	Include voluntary or required federal measures in the record unless confidentiality is requested

Response and Confidentiality

All responses received from a tribe must be treated as part of the official record. When a tribe responds, the local government must add the tribal contact to the list of interested parties receiving notice of public comment period or public hearing on the application provided under ORS 197.195, ORS 197.797 or Oregon Laws 2025, chapter 330, section 3.

If a tribe indicates the potential for a negative impact, the local government must offer to arrange a meeting with the tribe(s) and the applicant within the required review timeline to discuss potential impacts and voluntary measures to avoid or minimize them.

Directives for managing confidential and sensitive information are the same as those described under *Response and Treatment of Sensitive and Confidential Information* for applications involving ground disturbance.

Local governments must include voluntary measures or required federal measures in the record unless the tribe requests confidentiality.

Cultural Landscape Feature Applications

OAD 660-023-0210(4)(c)

Applicability

Local governments must provide notice for all applications received from an Oregon-based government to add a cultural landscape feature to the local inventory of Goal 5 significant sites.

Notice Requirements

Local governments must notify property owners whose land contains any portion of the feature or its impact area. They must also notify tribes listed by LCIS within seven days of receiving the application.

Detailed guidance on significance evaluation, ESEE analysis, and adoption of protection measures is provided in Chapter 3.

Optional Local Cultural Resource Program Components

OAD 660-023-0210(9)

Optional Local Archaeological Survey Overlay Zone

OAD 660-023-0210(9)(c)

A local government may adopt a local protection program as a plan amendment after January 1, 2026. Any local program that replaces or supplements the baseline protections in OAD 660-023-0210 must be enabled by an MOU with one or more tribes.

- A local program that replaces protections shall be consistent with the principles for establishing tribal relationships described in guidance from the Legislative Commission on Indian Services.
- A government-to-government consultation program adopted shall be enabled by a memorandum of understanding with one or more tribes.
- Notification to a local government by a tribe of withdrawal from a memorandum of understanding, upon which the government-to-government consultation program relies, will cause the local government to resume compliance with the baseline protections for archaeological sites and potentially significant cultural landscape features process steps.

- A local program adopted prior to January 1, 2026, to protect archaeological and cultural resources is consistent with these rules if the local government provides required noticing.
- As an alternative to OAR 660-023-0030, a local government may identify areas with a high likelihood of containing archaeological sites and require preconstruction surveys within such areas.
- Local governments must notify tribes when initiating a local program identifying areas with a high likelihood of containing archaeological sites and require preconstruction surveys within such areas.
- Local governments may limit development to protect an archaeological site identified through a preconstruction survey, provided the local government follows the Goal 5 analysis decision process and adopts a program to achieve protection.

Local governments must provide notice to tribes if they choose to pursue creation and adoption of a requirement for preconstruction archaeological surveys in select areas.

Alternate Notice Procedures (MOU-Based)

As provided for in Section 9 of the rule (Optional and additional local protection strategies), subsection (a), a local government may adopt alternative tribal notice procedures to substitute for the notice requirements in OAR 660-023-0210(5) and (8). Optional, alternative notice procedures must be adopted as a plan amendment and be enabled by a memorandum of understanding with one or more tribes as provided in OAR 660-023-0210(9)(a)(B).

Optional Preconstruction Archaeological Survey Requirement

As provided for in Section 9 of the rule (Optional and additional local protection strategies), subsection (c), a local government may work with interested tribes to identify areas with a high likelihood of containing archaeological sites and require preconstruction surveys within such areas. A local government may limit development to protect an archaeological site identified through a preconstruction survey. However, limits on development must be supported by findings from an ESEE analysis, as described in OAR 660-023-0040, and incorporated into a development code, consistent with OAR 660-023-0050.

Supplement 1 — Archaeological Law Statement

Model language for inclusion on local applications for land use permits

All archaeological sites contribute to the physical record of the history of Oregon from the earliest inhabitants to the recent past. Under Oregon law, it is illegal to excavate or alter an archaeological site without a permit, remove an archaeological object on public or private lands without a permit, or injure or destroy any Native American cairn, burial, human remains, funerary object, sacred object or object of cultural patrimony. People have lived in Oregon since time immemorial, at least 20,000 years. Evidence of past human occupation exists, in part, within archaeological sites.

If a suspected archaeological object or site is discovered during construction, stop all work and contact the State Historic Preservation Office (SHPO) by calling: (503) 986-0690. If the discovery includes potential human remains, also call Oregon State Police Dispatch at 503-731-3030. Do not resume work until the proper contacts have been made and you have permission from SHPO or OSP to continue.

For more information on laws and best practices that apply to archaeological sites on private land see: [Archaeology Bulletin 1 - Archaeological Sites on Private Lands](#) and [Oregon Archaeology Bulletin Number 3 - Archaeological Sites on Public Lands](#).

Supplement 2 — Tribal Notification Sheet Template

Included below is a sample template language for a tribal notification sheet that could be included with application materials and completed by applicants. DLCD is coordinating with Tribal representatives on a potential update. DLCD would aim to provide this later this year. The language could be placed on a singular sheet or form which would be easily separated from the remainder of a land use application and sent to tribes.

When transmitting the information below, contact information for the local planning official shall also be included with information being sent to tribes.

1. Provide the address or other easily understood geographical reference to the subject property:

2. Provide the map and tax lot number(s) (example 3S-2E-30DD Tax Lot 1200) for the proposed development:

3. Provide a description of the proposed development including information whether there will be ground disturbance including but not limited to:

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

4. Provide a map showing the vicinity of the proposed development:

Chapter 3. Cultural Landscape Feature Applications

Purpose of This Chapter

This chapter explains how local governments must process cultural landscape feature applications submitted by Oregon-based governments under OAR 660-023-0210(4). It describes the required steps for accepting applications, providing notice, evaluating significance, completing an economic, social, environmental, and energy (ESEE) analysis when a site is found to be significant, adopting site-specific protection measures as informed by the ESEE, and integrating those protections into local land use review.

Relationship to Other Chapters

Chapter 2 describes the tribal notice requirements that apply when a cultural landscape feature application is submitted. **Chapter 4** provides optional model ordinance language that jurisdictions may adopt or adapt to implement the procedures described in this chapter.

Cultural Landscape Feature Review Process

Table 4: Cultural Landscape Feature Application Review Steps

STEP	REQUIREMENT
1	Accept application from an Oregon-based government
2	Determine completeness based on local review needs
3	Identify tribes and tribal contacts listed by LCIS for the city/county
4	Notify tribes within 7 days of receiving the application
5	Notify property owners within the feature and its impact area
6	Conduct Goal 5 significance evaluation
7	If significant, complete an ESEE analysis
9	Add the feature and impact area to the Goal 5 inventory
9	Adopt protection measures concurrently
10	Apply protection measures in all subsequent land use reviews

Accepting Cultural Landscape Feature Applications

Local governments must accept cultural landscape feature applications submitted by an Oregon-based government, as defined in OAR 660-023-0210(1). These applications must be processed as Goal 5 actions. Local governments may not decline to process an application.

Upon receiving an application, the local government must determine whether it is complete based on criteria in OAR 660-023-0030 for evaluating significance of a Goal 5 resource. The local government must follow the notice and review procedures described in this chapter.

Required Tribal Notice

Within seven days of receiving a cultural landscape feature application, the local government must notify tribes with ancestral connections to land within the jurisdiction. The Legislative Commission on Indian Services (LCIS) maintains the list for each city and county of tribes that wish to receive notice. Local governments must also notify property owners whose land contains any portion of the cultural landscape feature or its impact area.

Evaluating Significance

Local governments must evaluate whether the cultural landscape feature is significant under Goal 5. The significance evaluation must follow OAR 660-023-0030, which requires local governments to determine whether the resource meets the applicable significance criteria.

Tribal governments are authoritative sources of knowledge regarding cultural landscape features. Local governments must consider tribal information submitted during the review and must incorporate that information into the record while protecting confidential and sensitive information.

Conducting the ESEE Analysis

If the cultural landscape feature is determined to be significant, the local government must conduct an economic, social, environmental, and energy (ESEE) analysis consistent with OAR 660-023-0040. The ESEE analysis must identify conflicting uses, evaluate the consequences of allowing, limiting or prohibiting those conflicts. An ESEE in consideration of a culturally significant landscape feature must include evaluation of protection strategies listed in OAR 660-023-0210(6)(b).

These strategies include clustering and open space preservation, time-window access restrictions, height limits, and the use of non-reflective surfaces. The ESEE analysis must be sufficient to enable reviewers to gain a clear understanding of the conflicts and the consequences to be expected and inform the chosen protection policy decision.

Table 5: Examples of Protection Strategies for Significant Cultural Landscape Features

STRATEGY TYPE	EXAMPLES
SITE DESIGN	Clustering, open space preservation, setbacks
ACCESS MANAGEMENT	Time-window access restrictions, controlled entry
VISUAL PROTECTIONS	Height limits, non-reflective materials, screening
USE RESTRICTIONS	Limits on certain uses or intensities
ADMINISTRATIVE TOOLS	Overlay zones, conditional use criteria, permit conditions

Adopting Protections Concurrently

Local governments must adopt site-specific protection measures concurrently with the of a plan amendment that recognizes significant cultural landscape feature. The protection measures must be consistent with OAR 660-023-0050.

Protection measures may include development standards, conditions of approval, overlay zones, or other regulatory tools. The adopted measures must be included in the local government’s comprehensive plan or development code and must be enforceable through subsequent land use review.

Updating the Goal 5 Inventory

Once a local government has determined a cultural landscape feature to be locally significant and protection measures are adopted, the local government must add the feature and its impact area to the Goal 5 inventory. The inventory entry must describe the feature, identify its location, and reference the adopted protection measures.

Integrating Protections Into Development Review

After adoption, the protection measures become approval criteria for all land use applications affecting the significant cultural landscape feature or its impact area. Local governments must ensure that development review procedures incorporate these criteria and that staff and decision-makers apply them consistently.

Table 6: Applying Protection Measures in Development Review

REQUIREMENT	DESCRIPTION
APPLY ADOPTED CRITERIA	Use protection measures as approval criteria for all affected applications
MAINTAIN CONFIDENTIALITY	Summarize sensitive information without disclosing site locations
COORDINATE WITH TRIBES	Notify tribes when required and consider their input in findings
DOCUMENT DECISIONS	Include findings showing how protection measures were applied

Implementation Guidance: The Application Review Process

Best Practices for Administering the Application Review Process

Local governments should maintain clear intake procedures, use standardized notice templates, and document all communications with tribes and applicants.

Local governments should also coordinate early with DLCD and SHPO when questions arise regarding consideration of potential archaeological impacts, confidentiality, or Goal 5 procedures.

Recordkeeping and Handling of Confidential and Sensitive Information

Local governments must protect the confidentiality of sensitive information throughout the review process. Records containing sensitive information must be stored securely and must not be disclosed to the public. Information that informs a decision, but is not disclosed to the public, may be summarize in a way that protects the specific location and nature of the site.

Coordination with State and Tribal Partners

Local governments are encouraged to coordinate with tribes, DLCD, SHPO, and LCIS when developing or implementing local cultural resource programs. Early coordination helps ensure that local procedures align with state requirements and reflect tribal knowledge and priorities.

Conclusion

The cultural landscape feature review process provides a structured pathway for recognizing and protecting culturally significant landscapes in partnership with tribes and Oregon-based governments. By following the procedures in this chapter and integrating the required protections into local land use review, jurisdictions can support meaningful stewardship of cultural resources while planning for growth.

Chapter 4. Overview of the Model Ordinance and Fee Resolution Packages

Purpose of This Chapter

This chapter explains how local governments can use the optional Model Ordinance Package and the optional Model Fee Resolution Package to implement the cultural areas rule. It describes the structure and purpose of each package and highlights key choices for local adoption. The chapter provides summaries and excerpts of the model language; full, copy-ready versions of all materials are included in **Appendix D. Model Ordinance Package** and **Appendix E. Model Fee Resolution Package**.

Both packages are optional and not required by OAR 660-023-0210. Local governments may adopt the model language as written, adapt it to fit local procedures, or use as a reference when updating existing code or fee schedules. The purpose of the packages is to help integrate the rule’s requirements into local land use systems in a clear, predictable, and consistent manner.

Implementation Note

The chapter includes summaries and excerpts of the model notice procedures, Cultural Landscape Feature application procedures, and comprehensive plan policies. Full, copy ready versions of all model language are provided in **Appendix E**.

How the Model Ordinance Package is Organized

The Model Ordinance Package consists of three exhibits:

- **Ordinance Exhibit A — Development Code Amendments- Tribal Notice Procedures**
- **Ordinance Exhibit B — Development Code Amendments: Cultural Landscape Features**
- **Ordinance Exhibit C — Comprehensive Plan Amendments**

Each exhibit addresses a specific component of the cultural areas rule and can be adopted individually or as a complete package. The exhibits are designed to work together but do not depend on one another; jurisdictions may choose the components that best fit their existing land use framework.

How the Fee Resolution Package is Organized

Appendix E - Model Fee Resolution Package includes:

- A resolution adopting the cultural landscape feature application fee schedule
- A fee schedule exhibit
- A fee calculation methodology exhibit
- A supporting staff report

Because fees are typically adopted by resolution, the package is separate from the ordinance package. This also allows local governments to update fees later without reopening the development code or comprehensive plan.

Ordinance Exhibit A - Notice Procedures (Summary and Key Options)

Purpose of Ordinance Exhibit A

Ordinance Exhibit A provides a clear and predictable local process for issuing tribal notice for land use applications involving ground disturbance, UGB amendments, certain rural applications, and cultural landscape feature (CLF) applications. It mirrors the requirements of OAR 660-023-0210(5), (7), and (8) and aligns local procedures and confidentiality requirements with state law.

Best Practices for Implementing Ordinance Exhibit A

Local governments should ensure that staff understand when tribal notice is required and how to apply the rule’s two-part test for ground-disturbing applications. Access the current version of the LCIS tribal contact list and use standardized notice templates to ensure consistency. Staff should document notice, track responses, and protect confidential information, coordinating with SHPO when archaeological questions arise.

Optional Model Code Enhancements for Exhibit A

Local governments may strengthen **Ordinance Exhibit A** by adopting optional provisions that improve clarity and transparency:

General Approval Criterion

This option provides a clear legal hook tying local decisions to state law.

All land use decisions shall comply with applicable state law, including OAR 660-023-0210 and ORS 358.905–358.961.

Voluntary Applicant Revisions

This option encourages collaboration between applicants and tribes.

An applicant may submit voluntary revisions in response to tribal comments at any time prior to the close of the record.

Staff Report Summary Requirement

This option improves transparency and ensures that tribal comments are consistently addressed.

Staff reports for applications requiring notice under this section shall summarize tribal comments received and describe how the comments were considered in the decision.

These enhancements may be adopted individually or together

Ordinance Exhibit B — Cultural Landscape Feature Application Procedures (Summary and Key Options)

Purpose of Ordinance Exhibit B

Ordinance Exhibit B provides a complete process for receiving, evaluating, and acting on CLF applications submitted by Oregon-based governments. It incorporates the rule’s requirements for significance evaluation, ESEE analysis, adoption of protection measures, and integration into development review. Staff should follow the steps in Exhibit B, document notice and responses, and coordinate early with legal counsel and decision-makers to ensure the process aligns with local legislative procedures.

Best Practices for Implementing Ordinance Exhibit B

Use of a Submittal Checklist

A checklist helps applicants understand expectations and reduces delays. It may include a map of the feature and impact area, a narrative describing the feature, documentation of significance, identification of conflicting uses, and available GIS data

Completeness Review

For legislative CLF applications, staff may use a minimal completeness standard. Additional information may be requested at any time before the close of the record. This flexibility allows staff to gather the information needed to evaluate significance and conflicting uses without delaying the start of the process.

Evaluating Significance

Tribal knowledge and documentation should be treated as authoritative sources. Evaluations should describe the feature and impact area and explain how the feature meets the significance criteria in OAR 660-023-0210. Consultants or state partners (DLCD, SHPO, and LCIS) may assist when needed.

Conducting the ESEE Analysis

The analysis should identify conflicting uses, evaluate protection strategies, and explain the selected approach. Protections should be map based, enforceable, and tied to specific areas. Including protections in a dedicated code section—such as a significant cultural landscape feature overlay—improves clarity.

Integrating Protections into Development Review

The development review chapter should cross-reference the significant cultural landscape feature protection so they function as approval criteria. This cross-reference supplements, but does not replace, mapped protections.

Optional Model Code Enhancements for Exhibit B

Local governments may adopt optional provisions to improve clarity and administrative efficiency.

Application Checklist Authority

This option allows staff to maintain and update a cultural landscape feature application checklist without requiring a code amendment. It is useful for local governments that expect to refine their process over time or want flexibility to request specific types of information.

The Planning Director may establish and update a cultural landscape feature application checklist to implement this section. The checklist may specify the form and content of application materials, consistent with this code.

Minimal Completeness Standard

This option clarifies that cultural landscape feature applications are complete with basic information and that staff may request additional information later in the process, helping avoid unnecessary delays at intake.

An application under this section is complete when it includes, at a minimum, a map and written description of the potentially significant cultural landscape feature. The Planning Director may request additional information at any time prior to the close of the record.

Significance Findings Requirement

This option reinforces the requirement to adopt findings describing the feature and explaining how it meets the significance criteria. It is helpful for local governments that want to ensure a clear and consistent record for future reference or potential appeals.

In adding a cultural landscape feature to the Goal 5 inventory, the [City/County] shall adopt findings identifying the cultural landscape feature, describing its significance, and explaining how it meets the criteria in OAR 660-023-0210.

Economic, Social, Environmental, and Energy Analysis Requirement

This option clarifies the relationship between the cultural landscape feature significance determination and the Goal 5 economic, social, environmental, and energy process. It is useful for local governments that want to ensure that the economic, social, environmental, and energy analysis is consistently documented and tied to the protections adopted.

When determining a cultural landscape feature is significant, the [City/County] shall conduct an economic, social, environmental, and energy analysis consistent with OAR 660-023-0040 and adopt a program to achieve protection consistent with OAR 660-023-0050.

Mapping Requirement

This option ensures that the significant cultural landscape feature and its impact area are clearly shown on the Goal 5 inventory map. It is useful for local governments that want to maintain a complete and accurate inventory, for property owners, and developers.

The [City/County] shall amend the Goal 5 inventory map to show the significant cultural landscape feature and its impact area.

Location of Protection Standards

This option ensures that protections adopted for each significant cultural landscape feature are placed in a consistent location within the development code and incorporated into the Goal 5 inventory. It helps staff and applicants easily locate the applicable standards.

Each significant cultural landscape feature shall be accompanied by a list of applicable protections, which shall be codified in Section [] and incorporated by reference into the Goal 5 inventory.

Cross-Reference Requirement

This option ensures that the development review chapter clearly references the significant cultural landscape feature protections so that they function as approval criteria during application review. It works in conjunction with mapped protections and helps avoid confusion during application processing.

The development review procedures in Chapter [] shall reference the significant cultural landscape feature protections in Section [] and require findings of compliance where applicable. This cross-reference supplements, and does not replace, mapped protections such as an overlay zone.

These enhancements provide local governments with additional tools to tailor the cultural landscape feature process to their administrative needs while maintaining consistency with state requirements. They also help ensure that the protections adopted for each significant cultural landscape feature are clear, enforceable, and easy to apply during development review.

Ordinance Exhibit C — Comprehensive Plan Amendments (Summary and Key Options)

Purpose of Ordinance Exhibit C

Ordinance Exhibit C provides optional comprehensive plan policies that acknowledge the cultural areas rule and describe the jurisdiction's approach to cultural resource stewardship, tribal engagement, and implementation of Goal 5 protections. These policies help ensure consistency between the comprehensive plan and the development code and provide a clear basis for future decisions.

Best Practices for Implementing Ordinance Exhibit C

Local governments can strengthen the usefulness of these policies by adopting internal practices that support consistency over time, such as:

- Keeping the Goal 5 inventory current when significant cultural landscape features are added
- Clearly showing newly added features and their mapped areas in plan maps or background documents
- Maintaining confidentiality protocols for archaeological and culturally sensitive information

- Integrating cultural resources awareness into broader planning efforts such as transportation plans, housing analyses, and other long-range initiatives.

Optional Model Plan Policies

In addition to adopting **Ordinance Exhibit C**, local governments may adopt additional policies to reinforce their cultural resource program. These policies are entirely optional and may be used individually or as a set.

Policy: Recognition of Cultural Landscape Features

This policy highlights the community's interest in acknowledging and caring for cultural landscape features.

The [City/County] recognizes significant cultural landscape features as important elements of the community's cultural heritage and will protect these resources through its land use planning program.

Policy: Coordination with Tribes

This policy expresses the community's interest in maintaining strong working relationships with tribes.

The [City/County] will coordinate with federally recognized tribes in Oregon when considering land use actions that may affect cultural landscape features or archaeological resources and will support respectful, ongoing government-to-government relationships.

Policy: Maintenance of the Goal 5 Inventory

This policy supports ongoing updates to the inventory, so it remains a useful planning tool.

The [City/County] will maintain its Goal 5 inventory by updating it when new significant cultural landscape features are added and when related information becomes available through established review processes.

Policy: Integration with Long-Range Planning

This policy encourages-but does not require- the integration of cultural resource considerations into broader planning efforts.

When preparing or updating long-range planning documents, the [City/County] will consider significant cultural landscape features and may also consider information voluntarily provided by tribes about areas of cultural value. This policy does not require new surveys or proactive identification of cultural resources.

Optional Implementation Measures

Local governments may adopt implementation measures to support long term administration, such as:

- Maintaining cultural landscape feature application procedures in a staff manual
- Maintaining confidentiality protocols for archaeological information
- Updating maps and inventories as new information becomes available

These measures are not required but can improve consistency over time. Fee Resolution Framework (Summary and Key Options)

Model Fee Resolution Package (Summary and Key Options)

Appendix E. Model Fee Resolution Package provides optional language for establishing fees for processing cultural landscape feature applications. It provides the financial structure that helps local governments cover the staff work involved in reviewing these applications.

How the Fee Schedule Works

The fee schedule is designed to be simple to use. It lists the fee for processing an application for cultural landscape feature application and, where relevant, the hourly rates or pass-through charges that may apply if additional staff time or consultant services are needed. The fee calculation exhibit provides transparency by showing how the fee was developed and how it relates to the work involved.

How the Fee Resolution Supports Implementation

The fee resolution works in tandem with the model ordinance to support local implementation of the cultural areas rule, including:

- Reviewing applications
- Preparing and sending tribal notice
- Coordinating with tribes and applicants
- Evaluating significance
- Reviewing or preparing the economic, social, environmental, and energy analysis
- Drafting findings and protections
- Updating the Goal 5 inventory
- Preparing hearing materials

The fee schedule helps local governments recover the costs of this work in a clear and predictable way.

Best Practices for Administering Fees

Local governments can support clear and consistent fee administration by:

- Documenting staff time
- Providing applicants with a written explanation of the fee structure
- Reviewing the fee schedule periodically to ensure it reflects actual processing costs

Because CLF applications may be infrequent and vary in complexity, regular review helps keep the fee aligned with experience. Staff should also understand how the fee schedule relates to the CLF application review so they can explain the purpose of changes to applicants.

Local governments may choose to reduce or waive cultural landscape feature application fees for federally recognized tribes. Because tribes are likely to submit applications to protect culturally important places, and because these applications serve a public purpose, a fee-reduction or fee-waiver policy can support strong government-to-government relationships and improve access to the application review. This policy can be adopted administratively or included in the fee resolution.

Optional Model Fee Schedule Language

In addition to adopting **Appendix E**, local governments may adopt additional fee schedule language to clarify how cultural landscape feature related fees are applied. The following options may be added to the resolution package if desired.

Base Cultural Landscape Feature Application Fee

This fee covers the standard staff work required to process a cultural landscape feature application.

Cultural Landscape Feature Application Fee: \$[amount], covering staff review, notice preparation, significance evaluation, economic, social, environmental, and energy analysis, preparation of findings, and Goal 5 inventory updates.

Hourly Staff Time Charge

This option allows the local government to recover additional costs when an application requires more staff time than anticipated.

Additional staff time beyond the scope of the base fee shall be billed at an hourly rate of \$[amount] per hour.

Consultant Pass Through Charges

This option allows the local government to recover the cost of hiring consultants when specialized expertise is needed.

If consultant services are required to evaluate a cultural landscape feature application, the applicant shall be responsible for the full cost of such services, billed at cost.

Fee Reduction or Waiver for Tribes

This optional policy supports government-to-government relationships and equitable access.

The [City/County] may reduce or waive cultural landscape feature application fees for federally recognized tribes submitting a cultural landscape feature application.

Appendices

The appendices offer optional supporting materials that local governments can use when implementing the cultural areas rule. They provide practical tools that can improve consistency, clarity, and efficiency in day-to-day administration. Communities may adapt these materials to fit their internal processes as needed.

The appendices include:

Appendix A. How the Model Ordinance Implements OAR 660-023-0210

Appendix B. Quick Reference: Requirements and Options

Appendix C. Sample Cultural Landscape Feature Application Checklist

Appendix D. Model Ordinance Package

Ordinance Exhibit A — Development Code Amendments- Tribal Notice Procedures

Ordinance Exhibit B — Development Code Amendments: Cultural Landscape Features

Ordinance Exhibit C — Comprehensive Plan Amendments

Appendix E. Model Fee Resolution Package

Resolution Exhibit A — Fee Schedule Amendment

Each appendix is designed to be flexible and easy to use. Local governments may incorporate these materials into staff manuals, application packets, or internal workflows to support smooth implementation.

Appendix A. How the Model Ordinance Implements OAR 660-023-0210

Purpose of Appendix A

This appendix explains how the optional model ordinance package corresponds to the requirements of the cultural areas rule (OAR 660-023-0210). It identifies which parts of the rule are implemented directly by state law and which parts may be incorporated into local procedures through adoption of the model ordinance exhibits.

Alignment of Model Ordinance Exhibits with Rule Requirements

ORDINANCE EXHIBIT	WHAT IT DOES (PLAIN LANGUAGE)	RULE REQUIREMENT	WHERE TO FIND GUIDANCE
EXHIBIT A: TRIBAL NOTICE PROCEDURES	Establishes local triggers, timelines, notice content, confidentiality protections, and how to handle tribal responses	OAR 660-023-0210(5), (7), (8), (9)	Chapter 2; Chapter 4
EXHIBIT B: CULTURAL LANDSCAPE FEATURE PROCEDURES	Provides intake steps, significance evaluation, ESEE analysis, adoption of protection measures, and integration into development review	OAR 660-023-0210(4), (6)	Chapter 3; Chapter 4
EXHIBIT C: COMPREHENSIVE PLAN AMENDMENTS	Adds plan-level authority and policy support for implementing the rule	Goal 5; OAR 660-023-0210	Chapter 3; Chapter 4

Key Clarification

*The model ordinance package is **optional**. Local governments may comply with the cultural areas rule without adopting any of the model exhibits.*

*However, the rule applies **directly** beginning **January 1, 2027**. Jurisdictions must complete all required notice, response, significance evaluation, ESEE analysis, and protection steps whether or not they update their plans or codes.*

The model ordinance package simply provides a structured, ready-to-use framework for jurisdictions that want to integrate the rule into their local procedures.

Appendix B. Quick Reference: Requirements and Options

This appendix provides a quick-reference guide to the major processes in the cultural areas rule. Each row identifies the overall requirement, the core steps, and any optional approaches a local government may choose to use. Detailed procedures appear in the chapters noted in the final column.

This appendix is intended as a navigation tool. It does not add new requirements.

TOPIC / PROCESS	REQUIREMENT	CORE STEPS	OPTIONAL	DETAILS
GROUND DISTURBING LAND USE APPLICATIONS	Notify tribes when an application will disturb the ground and requires statutory public notice	Determine applicability; send notice within 5 days; include tribal responses in the record; protect confidentiality	Local pre-application meetings; enhanced notice templates; local inadvertent discovery procedures	Chapter 2
UGB AMENDMENTS	Notify tribes before the first evidentiary hearing on a proposed UGB amendment	Send notice 35 days before hearing (cities) or 45 days (Metro); include responses in the record; forward responses when required	Early coordination with tribes; supplemental outreach materials	Chapter 2
RURAL APPLICATIONS OUTSIDE UGBS	Notify tribes of applications requiring a comment period under ORS 215.402(4)	Send notice within 5 days; include responses in the record; offer meeting if impacts identified	Combining notices when both rural and ground-disturbing requirements apply	Chapter 2
CULTURAL LANDSCAPE FEATURE APPLICATION REVIEW	Process CLF applications submitted by Oregon-based governments using Goal 5 procedures	Accept application; send tribal and property owner notice; evaluate significance; complete ESEE if significant; adopt protections; update inventory	Local intake checklists; pre-application meetings; mapping conventions for impact areas	Chapter 3
PROTECTION MEASURES FOR SIGNIFICANT CULTURAL	Adopt site-specific protections concurrently with addition to Goal 5 inventory	Identify conflicts; evaluate protection strategies; adopt enforceable measures;	Additional local protections through MOU-based programs; overlay	Chapter 3

TOPIC / PROCESS	REQUIREMENT	CORE STEPS	OPTIONAL	DETAILS
LANDSCAPE FEATURES		integrate into development review	zones; preconstruction survey requirements	
DEVELOPMENT REVIEW AFTER ADDITION TO GOAL 5 INVENTORY	Apply adopted protection measures to all affected land use applications	Use protection measures as approval criteria; maintain confidentiality; document findings	Local staff guidance; internal review checklists	Chapter 3
MODEL ORDINANCE PACKAGE	Optional tools to implement the rule	None required; jurisdictions may adopt, adapt, or reference the exhibits	Tailored code language; additional plan policies; local enhancements	Chapter 4
FEE SCHEDULE	Optional tool to recover costs of processing CLF applications	Add schedule to fee table; apply fees consistently; track staff time	Hourly charges or pass-through costs if authorized; local refund procedures	Chapter 4

Appendix C. Sample Cultural Landscape Feature Application Checklist

This appendix provides an optional sample checklist that local governments may use or adapt when they receive a cultural landscape feature application. The checklist is intended to help local governments organize information needed to evaluate significance and complete the Goal 5 process. It is not required by OAR 660-023-0210, and local governments may modify, expand, or omit any portion of it based on local procedures.

The checklist distinguishes between:

- **Information that is typically needed to evaluate significance and complete the Goal 5 process**, and
- **Optional or recommended items** that may improve clarity or efficiency if a local government chooses to request them.

Local governments may also adopt optional model code language (see **Chapter 4**) if they want to formalize any of the recommended practices.

Local governments may choose to reduce or waive CLF application fees for federally recognized tribes. Because CLF applications are typically legislative, infrequent, and often submitted by tribal governments acting in the public interest, a fee-reduction or fee-waiver policy can support government-to-government relationships and improve access to the Goal 5 process.

Information Typically Needed for Goal 5 Review

The following items are not required by rule, but they are generally necessary for a local government to evaluate significance, identify conflicting uses, and conduct the economic, social, environmental, and energy (ESEE) analysis under OAR 660-023-0210(4)–(6). Jurisdictions may request this information through local procedures.

LOCAL REVIEW NEED	DESCRIPTION
MAP OF THE CULTURAL LANDSCAPE FEATURE AND IMPACT AREA	A map showing the geographic extent of the feature and the proposed impact area. May be submitted as a PDF or in GIS-ready format.
WRITTEN DESCRIPTION OF THE CULTURAL LANDSCAPE FEATURE	A narrative describing the feature, its characteristics, and its cultural importance.
DOCUMENTATION SUPPORTING SIGNIFICANCE	Materials explaining how the feature meets the significance criteria in OAR 660-023-0030..
TRIBAL INFORMATION ABOUT SIGNIFICANCE (IF PROVIDED)	Any information shared by a tribe regarding the feature’s significance. Local governments must treat tribes as authoritative sources of knowledge about features significant to that tribe.
IDENTIFICATION OF CONFLICTING USES	A description of existing or potential uses that may conflict with protecting the feature, consistent with OAR 660-023-0210(6).

MATERIALS NECESSARY FOR THE ESEE ANALYSIS	Information needed to evaluate economic, social, environmental, and energy considerations related to potential protection strategies.
FILING FEE	The adopted cultural landscape feature application fee, as listed in the local government’s fee schedule resolution.

Additional Recommended Submittal Items

These items are not required by rule. Local governments may request the through administrative practice or optional model code if they believe the items will improve clarity, efficiency, or the overall quality of review.

RECOMMENDED PRACTICE	DESCRIPTION
GIS READY SPATIAL DATA	Shapefiles or georeferenced PDFs that allow staff to integrate the cultural landscape feature and impact area into local GIS systems.
AUTHORSHIP AND SOURCE DOCUMENTATION	Identification of the author(s) of technical materials, including qualifications and sources used in preparing significance documentation.
PARCEL SCALE MAPPING OF CONFLICTING USES	A spatial depiction of conflicting uses at the parcel level to support a more precise ESEE analysis.
NARRATIVE OF FEASIBLE PROTECTION STRATEGIES	A written description of potential protection strategies the applicant believes may be appropriate for the cultural landscape feature.
PRE-APPLICATION MEETING SUMMARY	A summary of any pre-application coordination with staff or tribes.
SUMMARY OF TRIBAL COORDINATION EFFORTS	A description of any tribal information shared during early coordination and how the applicant incorporated the information.
SUPPORTING TECHNICAL STUDIES	Additional studies—such as viewshed analyses, environmental reports, or cultural landscape assessments—that help staff evaluate significance or conflicting uses.

Appendix D. Model Ordinance Package

The materials in this appendix are optional tools that cities and counties may use or adapt when incorporating cultural areas rule procedures into their local land use framework. OAR 660-023-0210 applies directly, and local governments are not required to adopt development code or comprehensive plan amendments to carry out the rule.

This model ordinance package—including a sample staff report, adopting ordinance, development code amendments, and a comprehensive plan amendment—is provided for communities that want to place tribal notice procedures, cultural landscape feature process steps, and related Goal 5 processes into their own code and plan structure. Doing so can improve clarity, consistency, and ease of administration.

Local governments may modify, expand, or choose not to use these materials based on their existing procedures and local context.

MODEL STAFF REPORT

To: [Planning Commission / Governing Body]

From: [Planning Director / Community Development Department]

Date: [Hearing Date]

Subject: Comprehensive Plan and Development Code Amendments Related to Tribal Notice and Cultural Landscape Features

I. INTRODUCTION

This staff report presents proposed amendments to the [City/County] comprehensive plan and development code to incorporate local procedures related to OAR 660-023-0210, also known as the cultural areas rule. The rule applies directly and establishes required outcomes, and these local amendments provide a clear, predictable administrative structure for implementing those outcomes. The amendments include:

- **Exhibit A:** Development code amendments establishing Tribal Notice Procedures
- **Exhibit B:** Development code amendments establishing procedures for cultural landscape feature applications
- **Exhibit C:** Comprehensive plan amendments providing policy support for cultural landscape feature review and protection

These amendments are optional tools that the [City/County] has chosen to adopt to provide clarity, predictability, and a clear administrative structure for cultural areas rule procedures. The rule applies directly, but local amendments can help integrate its requirements into existing workflows.

II. BACKGROUND

A. Overview of OAR 660-023-0210

OAR 660-023-0210 requires Oregon cities and counties to notify federally recognized tribes for certain land use applications, to process CLF applications from Oregon-based governments to evaluate and, if warranted, add significant cultural landscape features to the Goal 5 inventory. The rule requires Goal 5 significance evaluations and ESEE analyses where needed, adoption of protections when the feature is added to the inventory, and application of those protections to future land-use decisions. Tribal notice is specifically required for ground-disturbing applications, rural applications outside urban growth boundaries, and urban growth boundary amendments. Certain provisions of the rule apply directly regardless of whether a jurisdiction adopts local amendments.

The rule also requires tribal notice for:

- Land use applications involving ground disturbing activity
- Rural land use applications outside the urban growth boundary
- Urban growth boundary amendments

Some provisions of the rule apply directly, regardless of whether a city or county adopts local amendments (OAR 660-023-0210(10)(b)).

B. Purpose of Local Amendments

Although the rule does not require local amendments, many local governments choose to adopt local code and plan language to:

- Provide staff with clear, repeatable procedures
- Integrate cultural areas rule requirements into existing workflows
- Support consistent handling of confidential information
- Establish a local application type for adding significant cultural landscape features to the Goal 5 inventory
- Provide a clear home for Goal 5 significance and economic, social, environmental, and energy analyses
- Ensure that adopted SCLF protections are enforceable through development review

The proposed amendments are intended to support these goals and provide a coherent local implementation framework.

III. SUMMARY OF PROPOSED AMENDMENTS

A. Exhibit A — Tribal Notice Procedures (Development Code)

Exhibit A establishes a local procedural framework for issuing tribal notice under OAR 660-023-0210. The exhibit:

- Identifies the types of applications that require tribal notice
- Establishes timing and content requirements
- Directs staff to use the LCIS tribal list
- Provides procedures for handling tribal feedback and confidential information
- Adds the required advisory statement to ground disturbing applications
- Clarifies when archaeological permit conditions apply

These procedures provide a clear workflow for staff and applicants.

B. Exhibit B — Cultural Landscape Feature Application Procedures (Development Code)

Exhibit B provides one clear local pathway for receiving, evaluating, and acting on cultural landscape feature applications submitted by Oregon-based governments. It:

- Creates a cultural landscape feature application type
- Establishes intake and notice procedures
- Outlines the significance evaluation process
- Recognizes tribal governments as authoritative sources of knowledge
- Requires an economic, social, environmental, and energy /conflicting use analysis when significance is found
- Provides a mechanism for adopting site specific protection measures
- Adds significant cultural landscape features to the Goal 5 inventory
- Makes adopted protections enforceable through development review

This exhibit provides a complete, ready to use process for cultural landscape feature applications.

C. Exhibit C — Comprehensive Plan Amendments

Exhibit C adds or updates comprehensive plan policies to reflect the [City/County]'s role in implementing the cultural areas rule. It:

- Establishes a Goal 5 policy acknowledging the cultural areas rule.
- States that the [City/County] will apply key rule provisions including tribal notice requirements, confidentiality protections for archaeological information, and the requirement to adopt protections at the time a feature is added to the Goal 5 inventory.
- Links cultural landscape feature, tribal notice, significance evaluation, and economic, social, environmental, and energy analysis to the comprehensive plan's resource protection and historic/cultural elements.
- Adds a policy on government-to-government communication with tribes to clarify expectations for early, respectful, and ongoing engagement.
- Provides a policy foundation for the development code procedures in Exhibits A and B

These comprehensive plan amendments are optional and are intended to help the plan and code operate as a coherent system.

IV. FINDINGS

The following findings demonstrate that the proposed amendments are consistent with applicable statewide planning goals, Oregon Administrative Rules, and the [City/County] Comprehensive Plan.

A. Statewide Planning Goals

Goal 1: Citizen Involvement

The amendments were reviewed through the [City/County]'s acknowledged procedures, including public notice and hearings before the Planning Commission and [Governing Body]. The public process provided opportunities for comment and participation consistent with Goal 1.

Finding: Consistent with Goal 1.

Goal 2: Land Use Planning

The amendments maintain a coordinated land use planning process by:

- Integrating cultural areas rule procedures into the local framework
- Providing clear administrative homes for required processes
- Ensuring consistency between the comprehensive plan and development code

Finding: Consistent with Goal 2.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

The amendments support Goal 5 by:

- Providing a complete process for evaluating cultural landscape features for local significance
- Ensuring significance evaluation, economic, social, environmental, and energy analysis, and adoption of protection measures occur concurrently
- Adding significant cultural landscape features to the Goal 5 inventory
- Ensuring protections are applied to future land use decisions

Finding: Consistent with Goal 5.

Goal 14: UGB and Urbanizable Land

The amendments establish procedural tools, notice requirements, and policy direction to implement OAR 660-023-0210. These amendments do not adopt site-specific protections, do not change land uses, and do not apply to land inside the urban growth boundary or to land reasonably likely to be included in a future UGB expansion. Therefore, the amendments do not affect the jurisdiction’s ability to meet its 20-year urban land needs and are consistent with Statewide Planning Goal 14.

Finding: Consistent with Goal 14.

B. Oregon Administrative Rules

OAR 660-023-0210 (Cultural Areas Rule)

The amendments support implementation of the cultural areas rule by:

- Establishing tribal notice procedures (Exhibit A)
- Establishing cultural landscape feature application and review procedures (Exhibit B)
- Providing comprehensive plan policy support (Exhibit C)

Finding: Consistent with OAR 660-023-0210.

OAR 660-023-0250 (Goal 5 and UGB Amendments)

Exhibit B provides the Goal 5 process necessary to evaluate and protect significant cultural landscape features when present in a proposed urban growth boundary expansion area, as required by OAR 660-023-0250. Where factual information demonstrates a landscape feature or its impact area is present in a UGB expansion area, the [City/County] will apply Goal 5 consistent with OAR 660-023-0250(3)(c).

Finding: Consistent with OAR 660-023-0250.

C. [City/County] Comprehensive Plan

The amendments:

- Provide a clear policy basis for cultural areas rule implementation.
- Maintain consistency between comprehensive plan policies and development code procedures.
- Support long term cultural resource protection while preserving the plan’s overall land use framework.

Finding: Consistent with the [City/County] Comprehensive Plan.

V. STAFF RECOMMENDATION

Staff recommends that the [Planning Commission / Governing Body] approve the proposed comprehensive plan and development code amendments and adopt Ordinance No. _____, including:

- **Exhibit A:** Development Code Amendments — Tribal Notice Procedures
- **Exhibit B:** Development Code Amendments — Cultural Landscape Feature Procedures
- **Exhibit C:** Comprehensive Plan Amendments

These amendments create a clear, consistent local framework for implementing OAR 660-023-0210 and support the [City/County’s] ability to administer tribal notice requirements, process cultural landscape feature applications, conduct Goal 5 significance and economic, social, environmental, and energy analyses, and adopt site specific protection measures when required.

Staff further recommends that the [Planning Commission / Governing Body] adopt the findings contained in this staff report as support for the decision.

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN AND DEVELOPMENT CODE TO IMPLEMENT OAR 660-023-0210 TRIBAL NOTICE PROCEDURES AND ADDITION OF SIGNIFICANT CULTURAL LANDSCAPE FEATURES TO THE GOAL 5 INVENTORY

WHEREAS, the State of Oregon has adopted OAR 660-023-0210, which sets out requirements for notifying federally recognized tribes and processing applications from Oregon-based governments to evaluate, and where appropriate, add significant cultural landscape features to the Goal 5 inventory; and

WHEREAS, OAR 660-023-0210 sets out requirements for issuing tribal notice, evaluating the significance of cultural landscape features, conducting an economic, social, environmental, and energy / conflicting use analysis, adopting site-specific protection measures at the time a feature is added to the Goal 5 inventory, and applying those protections to future land use decisions; and

WHEREAS, OAR 660-023-0210 requires tribal notice for certain land use applications involving ground-disturbing activity, rural applications outside the urban growth boundary, and urban growth boundary amendments; and

WHEREAS, OAR 660-023-0210(10)(b) provides that certain provisions of the rule—including subsections (4)(c), (5), (6), and (8)—apply directly to local land use decisions whether or not a city or county adopts local code amendments; and

WHEREAS, OAR 660-023-0250 requires the application of Goal 5 when a significant cultural landscape feature or its impact area is present within a proposed urban growth boundary expansion area; and

WHEREAS, the [City/County] of _____ chooses to amend its comprehensive plan and development code to incorporate these procedures into its local land use framework and to support consistent implementation of OAR 660-023-0210; and

WHEREAS, the Planning Commission held a duly noticed public hearing on _____, 2026, and recommended approval of the proposed amendments; and

WHEREAS, the [Governing Body] held a duly noticed public hearing on _____, 2026, and found that the proposed amendments are consistent with the comprehensive plan, applicable statewide planning goals, and OAR 660-023-0210;

NOW, THEREFORE, THE [CITY/COUNTY] OF _____ ORDAINS AS FOLLOWS:

Section 1. The development code is amended to add Tribal Notice Procedures as shown in Exhibit A, incorporated herein by reference.

Section 2. The development code is amended to add Cultural Landscape Feature Application Procedures as shown in Exhibit B, incorporated herein by reference.

Section 3. The comprehensive plan is amended as shown in Exhibit C, incorporated herein by reference.

Section 4. This ordinance takes effect on _____ [a date on or before January 1, 2027, to be consistent with OAR 660-023-0210(10)(g)].

PASSED AND ADOPTED by the [GOVERNING BODY] of the [CITY/COUNTY] of _____ this ___ day of _____, 2026.

Signature blocks and attestation lines for the [GOVERNING BODY] and the [RECORDER/CLERK].

EXHIBITS

Exhibit A — Development Code Amendments- Tribal Notice Procedures

Exhibit B — Development Code Amendments- Cultural Landscape Feature Procedures

Exhibit C — Comprehensive Plan Amendments

Ordinance Exhibit A — Development Code Amendments- Tribal Notice Procedures

What This Exhibit Is

Exhibit A provides a local procedural framework for issuing tribal notice under OAR 660-023-0210. Although the rule applies directly, placing these steps in the development code gives staff a clear, consistent workflow for identifying when notice is required, who receives it, and how confidential information is managed.

What This Exhibit Does

- Identifies the types of applications that trigger tribal notice
- Establishes timing and content requirements
- Directs staff to use the Legislative Commission on Indian Services tribal list
- Provides a consistent method for handling tribal feedback
- Ensures confidentiality protections are followed
- Adds the required advisory statement to ground disturbing applications
- Clarifies when archaeological permit conditions apply

Why a City or County Might Adopt It

Local governments often incorporate state required outcomes into their development code to ensure:

- Staff have a clear, repeatable process
- Applicants receive consistent information
- Tribal notice is issued on time
- Confidential information is managed correctly
- Local procedures align with existing land use workflows

This exhibit provides a single, accessible location for all tribal notice requirements and supports consistent implementation of directly applicable rule provisions.

Section Y. Tribal Notice Procedures

Section Y.010 Definitions

For purposes of this Section:

- A. Tribe: Has the meaning given in OAR 660-023-0210(1)(h).
- B. Ground Disturbing Activity: Includes activities described in OAR 660-023-0210(5)(e).
- C. LCIS Tribal List: The list of tribes with ancestral connection to the jurisdiction, as maintained by the Legislative Commission on Indian Services.

Section Y.020 Applicability

This section applies to actions for which OAR 660-023-0210 requires tribal notice, including:

- A. Cultural landscape feature applications under OAR 660-023-0210(4)(c)
- B. Land use applications requiring public notice that involve ground disturbance under OAR 660-023-0210(5)(c)
- C. Land use applications outside the UGB requiring public notice under OAR 660-023-0210(8)(a)

- D. UGB amendments requiring notice under OAR 660-023-0210(7)(a)

Section Y.030 Tribal Notice Recipients

The [City/County] shall send notice to all tribes listed on the LCIS Tribal List for the jurisdiction, consistent with OAR 660-023-0210(10)(c).

Section Y.040 Timing of Notice

The [City/County] shall provide notice within the timelines specified in OAR 660-023-0210, including:

- A. Within 7 days of receiving a cultural landscape feature application (0210(4)(c)).
- B. Within 5 days after completeness for ground disturbing applications (0210(5)(c)).
- C. [For counties] Within 5 days after completeness for rural applications outside the UGB (0210(8)(a)).
- D. [For cities outside Metro] At least 35 days before the first evidentiary hearing for UGB amendments (0210(7)(a)).

Section Y.050 Content of Notice

Notice shall include the information required by:

- A. OAR 660-023-0210(5)(e) for ground disturbing applications; and
- B. [For counties] OAR 660-023-0210(8)(a)(C) for rural applications outside the urban growth boundary.

Section Y.060 Handling of Tribal Feedback

- A. Tribal comments shall be included in the record in a manner that preserves confidentiality.
- B. For applications subject to OAR 660-023-0210(5), tribal comments shall be shared with the applicant.
- C. [For counties] For applications subject to OAR 660-023-0210(8), the [City/County] shall offer to arrange a meeting between the tribe and the applicant.
- D. Tribal comments may be considered as part of the record, but any conditions of approval or decisions must relate to applicable approval criteria.
- E. Tribal comments do not create new approval criteria or modify existing criteria.
- F. Confidential information shall be protected consistent with state and federal law and OAR 660-023-0210(3)(d).

Section Y.070 Required Advisory Statement

All application forms for actions involving ground disturbing activity shall include the advisory statement required by OAR 660-023-0210(5)(b).

Section Y.080 Known Archaeological Sites

Where the record indicates the presence of a known archaeological site, approval shall be conditioned on obtaining an Oregon Archaeological Permit under ORS 390.235 and OAR chapter 736, division 51.

Ordinance Exhibit B — Development Code Amendments: Cultural Landscape Features

What This Exhibit Is

Exhibit B provides one clear, predictable local pathway for receiving, evaluating, and acting on cultural landscape feature applications submitted by Oregon based governments. While the cultural areas rule allows local governments to rely on existing Goal 5 procedures, they have the option of adopting a dedicated section to ensure the process is clear, predictable, and aligned with the specific requirements of OAR 660-023-0210.

What This Exhibit Does

- Creates a cultural landscape feature application type
- Establishes intake and notice procedures
- Sets out the significance evaluation process
- Recognizes tribal governments as authoritative sources of knowledge
- Requires an economic, social, environmental, and energy / conflicting use analysis when significance is found
- Provides a mechanism for adopting site specific protection measures
- Adds significant cultural landscape features to the Goal 5 inventory
- Makes adopted protections enforceable through development review

Why a City or County Might Adopt It

A dedicated cultural landscape feature section helps local governments:

- Integrate cultural landscape feature review into their existing Goal 5 framework
- Ensure the record contains all elements required for
- Provide clarity to applicants, staff, and decision makers
- Avoid procedural gaps when a cultural landscape feature application is filed
- Ensure protections are adopted concurrently and applied consistently

This exhibit gives a complete, ready-to-use process for cultural landscape feature applications.

Section X. Cultural Landscape Features

X.010 Definitions

For purposes of this Section:

1. Oregon-based government: As defined in OAR 660-023-0210(1)(f).
2. Potentially significant cultural landscape feature: As defined in OAR 660-023-0210(1)(d).
3. Archaeological site: As defined in OAR 660-023-0210(1)(a).

X.020 Applicability

This section applies to cultural landscape feature applications submitted under OAR 660-023-0210(4)(c).

X.030 Application Intake

4. The [City/County] shall accept cultural landscape feature applications submitted under OAR 660-023-0210(4)(c).
5. Applications shall be processed as comprehensive plan amendments.
6. The [City/County] shall provide tribal notice consistent with Section Y. Property owner and public notice shall be provided as required for comprehensive plan amendments. Staff shall record proof of service and the LCIS list used in the administrative record.
7. A cultural landscape feature application must include: a map of the feature and proposed impact area; a written description of the feature and its cultural importance; documentation supporting significance (historical, ethnographic, or tribal information); tribal coordination summary; materials necessary for the ESEE/conflicting use analysis; GIS-ready spatial data; authorship and source documentation; and the applicable filing fee or fee waiver request.

X.040 Goal 5 Review Procedures

1. The [City/County] shall evaluate significance consistent with OAR 660-023-0210(4) and OAR 660-023-0030. Tribal governments are authoritative sources of knowledge regarding cultural landscape features.
2. If the feature is determined to be significant, the [City/County] shall conduct an economic, social, environmental, and energy analysis consistent with OAR 60-023-0210 (6) and OAR 660-023-0040. The economic, social, environmental, and energy shall consider the protection strategies listed in OAR 660-023-0210(6)(b), including:
 1. Clustering and open space preservation
 2. Time window access restrictions
 3. Height limits
 4. Non-reflective surfaces
3. The [City/County] shall adopt site specific protection measures concurrently with consistent with OAR 660-023-0050.

X.050 Development Review

1. Protection measures adopted when a feature is added to the Goal 5 inventory shall be incorporated into the development code - either as an overlay or by reference - and applied as approval criteria for all subsequent land use applications affecting the feature or its mapped impact area.
2. The [Director] may add triggers that require surveys, monitoring, or mitigation for any application affecting the mapped impact area.

Ordinance Exhibit C — Comprehensive Plan Amendments

What This Exhibit Is

Exhibit C adds or updates comprehensive plan policies to reflect the city or county’s role in implementing the cultural areas rule. While the rule does not require a plan amendment, many local governments choose to adopt a policy so that their plan, code, and procedures operate as a coherent system.

What This Exhibit Does

- Establishes Goal 5 policies acknowledging the cultural areas rule
- Acknowledges that the city or county will apply key rule provisions directly, consistent with ORS 197.646
- Links significant cultural landscape feature, tribal notice, local significance evaluation, and economic, social, environmental, and energy analysis to the comprehensive plan

Provides policy support for the development code procedures in Exhibits A and B, helping the plan and code operate as a coherent system

Why a City or County Might Adopt It

Comprehensive plan policies help:

- Clarify the local government’s approach to cultural resource protection
- Provide a clear basis for related development code provisions
- Ensure consistency between the plan and code
- Support findings for future cultural landscape features or UGB amendments

Goal 5 Policies: Cultural Areas

Policy 1 — Stewardship of Cultural and Historic Resources

The [City/County] values the protection and celebration of cultural and historic resources, including archaeological sites, traditional cultural places, and cultural landscapes. The [City/County] will use its land use program to recognize and protect such resources when they are brought forward for consideration through Goal 5 processes.

Policy 2 — Tribal Partnership and Engagement

The [City/County] affirms the sovereign status of tribal governments and commits to early, ongoing, and respectful government-to-government engagement in planning and land use matters that may affect cultural resources. The [City/County] will honor tribal knowledge, support meaningful participation, and seek collaborative stewardship opportunities, regardless of whether a formal request has been made.

Policy 3 — Implementation, Confidentiality, and Public Understanding

The [City/County] will implement protective measures for significant cultural landscape features through its plans and development regulations, safeguard confidential cultural and archaeological information, and promote public understanding of the community’s diverse cultural heritage. The [City/County] will work with tribes, state agencies, and local partners to support education, awareness, and responsible management of cultural resources.

Appendix E. Model Fee Resolution Package

This appendix provides an optional model fee resolution local governments may use when adopting plan or code amendments related to the cultural areas rule. The resolution is discretionary and intended as a convenient template to document fees, fee waivers, and administrative choices that support Exhibits A–C.

When to use a fee resolution

- To set or update application fees for cultural landscape feature (CLF) applications.
- To adopt tribal fee waivers or reductions for government-to-government applicants.
- To document administrative fees for staff time, consultant review, or ESEE analysis deposits.
- To record implementation choices (e.g., which department collects fees, refund rules, and fee effective dates) without amending the development code.
- To provide a clear public record of costs associated with the new procedures while keeping fee mechanics separate from the code.

MODEL STAFF REPORT

To: [Planning Commission / Governing Body]

From: [Planning Director / Community Development Department]

Date: [Hearing Date]

Subject: Adoption of Consolidated Fee for Cultural Landscape Feature Applications

I. SUMMARY

This item proposes adoption of a fee to recover a portion of the [City/County]'s costs for processing cultural landscape feature applications under OAR 660-023-0210. Although the rule does not require local governments to amend their fee schedules, it assigns several responsibilities to local governments when a cultural landscape feature application is submitted. The proposed fee reflects estimated staff time and reasonable cost recovery for those tasks and is intended to provide predictability for applicants while avoiding shifting administrative costs to the general fund.

II. BACKGROUND

In December 2025, the Land Conservation and Development Commission adopted OAR 660-023-0210, establishing a process for the and protection of cultural landscape features. When an application is submitted, the rule requires the [City/County] to:

- accept and review the application and determine completeness consistent with rule submittal requirements;
- issue tribal notice within the rule's timelines and document tribal coordination;
- evaluate significance under Goal 5 and, if significance is found, conduct an economic, social, environmental, and energy (ESEE) / conflicting-use analysis;
- prepare staff reports and findings, hold public hearings, and adopt site-specific protections concurrently with ; and
- incorporate adopted protections into development review and the Goal 5 inventory as required. These tasks require staff time from planning, administration, and legal review.

The [City/County]'s current fee schedule does not include a fee category for cultural landscape feature applications. The rule does not require local governments to adopt fees for cultural landscape feature applications; establishing a fee is a local choice to recover administrative costs.

III. PURPOSE OF THE FEE

The proposed fee is intended to:

- Recover a portion of administrative costs associated with processing CLF applications (intake, tribal notice, ESEE analysis coordination, hearings, and findings).
- Provide clarity and predictability for applicants about the expected cost of processing.

- Align CLF application fees with the [City/County]’s existing approach to cost recovery for other comprehensive plan amendment or special processes.
- Avoid shifting costs for specialized technical review and consultant expenses to the general fund.

The fee is administrative and cost-recovery in nature; it does not create new approval criteria or alter substantive land use standards.

IV. FEE CALCULATION

Staff prepared a time and materials estimate based on the procedural steps required by OAR 660-023-0210, including:

- application intake and completeness review;
- preparation and issuance of tribal notice;
- coordination with tribes;
- preparation of staff reports and findings;
- significance evaluation and economic, social, environmental, and energy analysis;
- public hearing preparation and attendance;
- adoption of site-specific protection measures.

The fee estimate was developed using the Cultural Landscape Feature Fee Calculation Worksheet included in the Resolution Package. The resulting estimate supports a fee of \$_____, which reflects the average staff time required for a typical cultural landscape feature application.

V. PUBLIC NOTICE AND COMMENTS

Public notice was provided consistent with the [City/County]’s requirements for fee schedule amendments. [Insert summary of comments, if any.]

VI. PROPOSED ACTION AND RECOMMENDATION

Proposed action: Adopt the attached resolution amending the [City/County] fee schedule to add a consolidated fee for cultural landscape feature applications and authorize the Director to implement deposit, billing, and waiver procedures consistent with the resolution.

Staff recommendation: Staff recommends that the [Planning Commission / Governing Body] adopt the resolution establishing the cultural landscape feature application fee of \$_____, adopt the findings in this report as support for the decision, and direct staff to publish the fee schedule, deposit procedures, and waiver application form on the [City/County] website.

Attachments

Attachment A: Proposed Resolution — Fee Schedule Amendment

Attachment B: Cultural Landscape Feature Fee Calculation Worksheet

Attachment C: Draft administrative procedures for deposits, invoicing, and fee waivers

RESOLUTION NO. _____

A RESOLUTION AMENDING THE [CITY/COUNTY] FEE SCHEDULE TO ESTABLISH A FEE FOR PROCESSING CULTURAL LANDSCAPE FEATURE APPLICATIONS

WHEREAS, the Land Conservation and Development Commission adopted OAR 660-023-0210 and related division 23 rules in December 2025, establishing a process for the and protection of cultural landscape features; and

WHEREAS, when a cultural landscape feature application is submitted, the rule assigns responsibilities to local governments including application intake, issuing tribal notice, evaluating significance, conducting economic, social, environmental, and energy analysis, and adopting site specific protection measures; and

WHEREAS, the [City/County]’s existing fee schedule does not include fees for cultural landscape feature applications; and

WHEREAS, establishing fees will allow the [City/County] to recover a portion of the staff and consultant time required to administer the cultural landscape feature review process; and

WHEREAS, the proposed fees are based on estimated staff time and pass-through costs associated with division 23 review;

NOW, THEREFORE, BE IT RESOLVED by the [City/County] Council/Board of _____ that the fee schedule is amended to include the cultural landscape feature application fee shown in Exhibit A.

BE IT FURTHER RESOLVED that this resolution is effective on _____.

[Signature blocks]

Resolution Exhibit A — Fee Schedule Amendment

Planning Division Fees

The following fees apply to applications for a cultural landscape feature under OAR 660-023-0210 and division 23.

A. Consolidated Filing Fee (Nonrefundable)

Amount: \$ _____ (insert the total baseline cost from Workbook Section 2.)

B. Review Deposit (Refundable)

Amount: \$ _____ (insert the total division 23 deposit from Workbook Section 5.)

The review deposit will be billed against actual staff and consultant time required to complete division 23 review, including:

- Inventory and significance determination
- economic, social, environmental, and energy / conflicting use analysis
- Development of protection measures
- Preparation of staff reports, findings, and ordinances
- Hearing preparation and attendance
- Tribal coordination
- Confidential records handling
- Consultant review, if applicable

C. Hourly Billing Rates

Staff hourly rate for billing: \$ _____ (insert the blended fully burdened rate calculated in Workbook Section 6.)

Consultant billing rate: Actual cost + _____% administrative charge (insert the admin % used in Workbook Section 5.)

Pass-through costs: Actual cost (e.g., mailing, publication, secure storage)

D. Deposit Replenishment

When the deposit balance falls below 25% of the original deposit, the applicant must replenish the deposit to the full amount within 14 days of invoice. Work may be suspended until replenishment occurs.

E. Refunds

Unused deposit balances will be refunded within 30 days of final billing.

F. Annual Adjustment

Fee amounts may be adjusted annually based on the CPI-U (Western Region).

CULTURAL LANDSCAPE FEATURE APPLICATION FEE CALCULATION WORKSHEET
Template for Oregon Cities and Counties

SECTION 1 — STAFF HOURLY RATES

Position / Classification	Rate (\$/hr.)

Notes:

1. List fully burdened hourly rates for staff who will work on cultural landscape feature applications.
2. Fully burdened rates should include salary, benefits, payroll taxes, paid leave allocation, and overhead.

SECTION 2 — BASELINE TASKS (FLAT FILING FEE)

Task	Staff Position	Hours	Rate	Cost
Intake & completeness review				\$ -
Tribal notice preparation				\$ -
Owner/public notice				\$ -
DLCD notice				\$ -
Initial staff review				\$ -
Administrative processing				\$ -
Subtotal (Baseline Cost)				\$ -

Recommended Flat Filing Fee: \$ - (Rounded to nearest \$50 or \$100)

Notes:

1. Estimate the time required for predictable, non-variable tasks, including intake and completeness review.

SECTION 3 — DIVISION 23 WORKLOAD (REVIEW DEPOSIT)

Step 1 — Inventory & Significance Determination (OAR 660-023-0030)

Task	Staff Position	Hours	Rate	Cost
Review archaeological materials				\$ -
Evaluate significance criteria				\$ -
Prepare findings				\$ -
GIS				\$ -
Tribal coordination follow up				\$ -
Subtotal Step 1:				\$ -

Step 2 — Conflicting Use / economic, social, environmental, and energy Analysis (OAR 660-023-0040)

Task	Staff Position	Hours	Rate	Cost
Identify conflicting uses				\$ -
Evaluate consequences				\$ -
Draft ESEE findings				\$ -
Legal review (if applicable)				\$ -
Subtotal Step 2				\$ -

Step 3 — Program Adoption (Protection Measures) (OAR 660-023-0050)

Task	Staff Position	Hours	Rate	Cost
Draft protection measures				\$ -
Draft code amendments / CAPP				\$ -
Prepare staff report & ordinance				\$ -
Hearing preparation & attendance				\$ -
Post hearing revisions				\$ -
Subtotal Step 3				\$ -

Notes:

1. Estimate the time required for each division 23 step.

SECTION 4 — CONSULTANT CONTINGENCY

Consultant Type	Estimated Cost	Admin %	Total
Archaeologist			
Goal 5 / ESEE consultant			
Other (specify):			
Consultant Contingency Total:			\$ -

Notes:

1. Local governments may need outside assistance for archaeological peer review, technical economic, social, environmental, and energy analysis, cultural landscape significance evaluation, etc.
2. Admin % represents the local government’s adopted administrative overhead rate applied to consultant invoices. Typical Oregon practice ranges from 5–15%.

SECTION 5 — TOTAL REVIEW DEPOSIT

Cost Category	Subtotal
Step 1 — Inventory & Significance Determination	\$ -
Step 2 — Conflicting Use / ESEE Analysis	\$ -
Step 3 — Program Adoption (Protection Measures)	\$ -
Consultant contingency	\$ -
Subtotal (Steps and Contingency)	\$ -

Recommended Review Deposit: \$ - (Rounded to nearest \$50 or \$100)

SECTION 6 — FINAL FEE SUMMARY (FOR RESOLUTION EXHIBIT A)

Fee Component	Amount
Flat Filing Fee (nonrefundable)	\$ -
Review Deposit (refundable)	\$ -
Staff hourly rate for billing	
Consultant billing rate (Actual cost + _____% admin)	\$ -

SECTION 7 — OPTIONAL NOTES FOR LOCAL USE

- 1. Deposit replenishment threshold: 25% of original deposit*
- 2. Refund timeline: 30 days after final billing*
- 3. Annual adjustment: CPI-U (Western Region)*
- 4. Confidential records handling: actual cost*